

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY,

DURING THE SESSION

OF

1858-9.

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN TWO VOLUMES.

VOL. II.

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1858-9.

Legislative Assembly.
NEW SOUTH WALES.

DR. LEICHHARDT.

(PAPERS RELATIVE TO EXPEDITION IN SEARCH OF.)

Ordered by the Legislative Assembly to be Printed, 7 April, 1859.

A. C. GREGORY, Esq., to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

Sydney, 13 December, 1858.

SIR,

I have the honor to transmit maps of the route of the late expedition in search of traces of Dr. Leichhardt and party.

In the construction of these maps the latitudes of sixty-six stations at nearly equal intervals on the line of route have been carefully observed, and thus the latitudes may be confidently relied on. The longitudes have been deduced from compass bearings between the parallels of latitude observed,—the variation of the needle being corrected by frequent amplitudes.

The meteorological observations during the expedition are embodied in the accompanying register of the temperature, &c., omitting the barometric pressure, as the varying heights of the stations of observation render them of no value, besides the determination of elevations by comparison with the recorded readings of the barometer at stations, the elevations of which are known as at Adelaide, Melbourne, Parramatta, and Cape Morcton, and having prepared a diagram of these observations for this purpose, I append it to this register.

Not having yet received the necessary barometrical data from Adelaide for the months of May and June, the diagram section shewing the altitudes of the country on the route of the expedition cannot yet be completed, but will be transmitted at the earliest possible date.

The botanical specimens collected by the expedition having been arranged, and a list prepared by Dr. Mueller, the Government Botanist of Victoria, I transmit the same,—the specimens having been labelled and transferred to the Director of the Botanic Gardens.

The few geological specimens collected have been deposited in the Sydney Museum.

I have, &c.,

A. C. GREGORY.

THE HONORABLE
THE SECRETARY FOR LANDS
AND PUBLIC WORKS,
&c., &c., &c.

METEOROLOGICAL REGISTER

Kept during the journey of the Leichhardt Expedition, from Moreton Bay to South Australia, March to June, 1858.

1858.	THERMOMETER.			WIND.	CLOUD.	REMARKS.
	Sunrise.	Noon.	Sunset.			
March.	°	°	°			
1	62	92	88			At Juanda, on the Dawson River.
2	69					
3						
10						
11		91	90			
12	70	86				
13	60					
14						
15	76					
16	67	86				
17	62	88	80			
18	57	89	86			
19	58		92			
20	64	92	94			
21	73	92				
22		90	72	S.E.	1.0	Light rain.
23	72	90	78	N.E.	1.0	Camp II.
24					0.9	
25	72				1.0	Rain at Euroomba.
26	66	80	70	W.	1.0	
27	70		82		1.0	
28	53	85	79		0.1	
29	56	83			0.9	
30	65	82			0.1	
31	68	80			0.2	Camp VIII.
April.						
1	60		80			
2	57		71	S.	1.0	Camp X.
3	66		75			Showers.
4	56	86	74	E.		Clear—heavy dew.
5	54		79		0.5	
6	52		70	S.		
7	48	82	72	S.		
8	44	80	72			
9	44	76	76			
10	41	82	72			
11	51			N.	0.1	
12	53	86	73	E.	0.6	Light showers.
13	55			N.W.—N.	0.2	
14	45		72		0.8	
15	62		70		0.9	
16	55		73	E.		
17	58					Camp XX.
18	60	75	65	S.E.—E.	1.0	Light showers.
19	56			S.E.	0.2	Showers at night.
20	52		72		0.7	Thunder.
21	55					
22	54		72	E	0.8	Light showers.
23	55	82	70	S.	0.1	
24	55		71			
25	56	85	74		0.6	
26	59		76		0.3	
27	53		82	E.	0.2	
28	62					
29	59		77		1.0	
30	67		76		0.9	Camp XXX.
May.						
1	64		70	S.	1.0	Heavy rain.
2	62		66	S.E.—E.	1.0	Heavy rain.
3	64		72		0.2	
4	62		70		0.1	
5	60		76		0.3	Showers.
6	65		79		0.9	
7	61		77		0.1	

METEOROLOGICAL REGISTER—*continued.*

1858.	THERMOMETER.			WIND.	CLOUD.	REMARKS.
	Sunrise.	Noon.	Sunset.			
May.	°	°	°			
8	63		76		0·3	
9	70		70	N.	0·9	Showers.
10	62		69	E.	1·0	
11	54		76	S.	0·1	
12	60		76	W.	0·7	Camp XL.
13	54		67	S.S.S.		
14	49		66	S.S.S.		
15	42		72			
16	50		80			
17	60		78	N.	0·3	
18	67		70	S.S.S.	1·0	Light showers.
19	56		61	S.S.S.	0·4	
20	51		70	S.		
21	46		65	S.S.S.		
22	48		70	S.S.S.	0·1	
23	53	81	77	S.E.—E.	0·9	Rain at night. Thunder.
24	56		66	W.W.W.	0·8	Camp L.
25	43		56	S.W.—S.	0·1	
26	44		63	W.S. W.S.	0·1	
27	42					
28	47		66	S.W.—W.	0·1	
29	43		60	N.W.	0·1	
30	44		70	N.	0·1	
31	46		72	N.E. N.W.		
June.						
1	44		65	W.W.W.		
2	41		60	S.W.—S.		
3	40		62	S.S.S.		Camp LX.
4	41		59	S.E.		
5	42		60		0·1	
6	41	71	62	N.E. S.E.		
7	41		62	S.		
8	41		62	S.S.	0·1	
9	38		54	S.S.S.		
10	36		60	S.	0·1	
11	42		61	S.S.S.		
12	38		60	S.S.E.	0·6	
13	36	65	60	S.W. E.S.E.		
14	40		62	E.S.E. S.E.	0·8	Camp LXX.
15	54		63	S.E. S.E.	1·0	
16	44		63	S.S.S.	0·8	
17	47		65	S.E.	0·9	
18	50		64	N.N.N.	0·9	
19	50		63	N.N.W.	0·2	
20	38	65	55	N.W.—W.	0·6	
21	37		61	W.		
22	47		60	W.S.S.	0·6	
23	37		57	S.S.S.		
24	42		52	S.E.		
25	33		59	S.E.	1·0	Camp LXXX.
26	51		67	E.	1·0	
27	52		59	S.E.	1·0	
28	51		62		1·0	Rain.
29	55		60	S.E.	1·0	Rain.
30	53		62	S.E.	0·9	

The observed readings of the barometer are omitted, as the varying heights of the stations of observation render them only useful for the determination of differences of elevation, and the results are embodied in the diagram section accompanying the maps.

The attached diagram of the comparative variations of the barometer at Adelaide, Melbourne, Parramatta, and Cape Moreton, has been compiled from the official Meteorological Registers kept at the respective places.

The observed temperature at sunrise is invariably the minimum temperature for each day.

A. C. GREGORY.
13th December, 1858.

ENUMERATION OF PLANTS,

COLLECTED BY A. C. GREGORY, ESQ., ALONG AND NEAR COOPER'S RIVER AND ITS
TRIBUTARIES, IN SUB-CENTRAL AUSTRALIA,

BY FERDINAND MUELLER, M.D., PH.D.,
GOV. BOTANIST OF VICTORIA.

CRUCIFERÆ.

BLENNODIA CANESCENS. *R. Br.* in Sturt's Central Australia, vol. II. App. p. 67.

The specimens collected by Mr. Gregory constitute a variety with broad-toothed leaves.

Blennodia lasiocarpa. *Ferd. Mueller* in Transact. Phil. Soc. Vict., vol. I. p. 100.

Like the preceding species, an annual herb.

CAPPARIDEÆ.

CAPPARIS SP.

A climbing, thorny, velvety species, with small oblong leaves; in absence of flowers and fruit not specifically to be defined. Besides *Capparis Mitchellii* no other plant of this order is hitherto found within the boundaries of the Colony of South Australia, whilst in Australia Felix, Tasmania, New Zealand, and at least the southern portion of Western Australia, *Capparideæ* are entirely wanting. The species are extremely variable, and their characteristics, as hitherto given, must in many instances be remodelled.

VIOLARINÆ.

JONIDIUM SP.

The only Australian species with orange flowers; it occurs also throughout the greater part of tropical and eastern sub-tropical Australia.

SAPINDACEÆ.

APOPHYLLUM ANOMALUM. *Ferd. Mueller* in Hooker's Kew Miscell., 1857, p. 307.

Mr. Gregory's specimens are destitute both of flowers and fruits, but seem identical with those of the Brigalow Scrub of East Australia.

ZYGOPHYLLÆ.

ZYGOPHYLLUM BILLARDIERII. *D. C. Prodr.*, I. 705.

A variety with oblong, linear leaves, and remarkably minute flowers, without a full series of intermediate forms, which I accumulated in various parts of Southern Australia. It would be impossible to identify the desert plant with the broad-leaved, large-flowering typical state of this species which ornaments occasionally our sandy and rocky shores. No *Zygophylleæ* has hitherto been found in Australia within the tropic.

PHYTOLACCEÆ.

GYROSTEMON PUNGENS. *Lindl.* in Mitch. Three Exped., II. 121.

This rare plant has been found previously only, and very sparingly, towards the junction of the Murray and Darling Rivers, and on the western base of Flinders' Range. The male flowers are unknown.

MALVACEÆ.

SIDA TUBULOSA. *All. Cunn. ex Hook.* in Mitch. Trop. Australia, 390.

This *Sida* extends, like the following, from Flinders' Range to the eastern tropical interior, and assumes many different forms, which might easily be taken for distinct species.

SIDA DIPLOTRICHA. *Ferd. Mueller* in Linnaea, XXV. 380.

MALVA

MALVA BRACHYSTACHYA. *Ferd. Mueller* in *Linnaea*, XXV. 378.

Throughout the whole of tropical and sub-tropical Australia, as far as 31° S. Possibly to be combined with the American *Malva spicata*, L., since it forms many varieties in leaves indument and number of carpels.

HIBISCUS TRIONUM. *L. sp. pl.*, 981.

The locality from whence Mr. Gregory obtained his specimens,—“bed of dry lagoons on Cooper’s Creek”—seem to be inland the southernmost of this species in Australia. Three other *Hibisci*, including the West Australian *Hibiscus (Fugosia) hakeaefolia*, occur on Spencer’s Gulf and Lake Torrens; none however reaches apparently the latitudes of the Colony of Victoria.

GERANIACEÆ.

ERODIUM CYGNORUM. *Nees* in *Lehm Plant Preiss* I. p. 162.

Almost a universal plant of extra Tropical Australia, although scarcely crossing the circle of Capricorn.

FRANKENIACEÆ.

FRANKENIA PAUCIFLORA. *D. C. Prodr.* I. 350.

F. serpillifolia. *Lindl.* in *Mitch. Trop. Austr.* 305.

F. scabra. *Lindl.* l. c.

F. fruticulosa. *Nees.* in *Lehm pl. Preiss.* I. 249, sec. Alph. D. C., in *Linnaea* XXV. p. 575.

The specimens from Cooper’s River belong to the broad-leaved form of this widely diffused, and, therefore, variable plant.

CARYOPHYLLEÆ.

GLINUS LOTOIDES *Loeffl. iter Hisp.* 145.

Reaches on the Murray River its southern limit.

ONAGREÆ.

JUSSIAEA REPENS. *L. mant.* 381.

Throughout the whole of Tropical and Eastern Australia, as far south as the Murray tributaries and Gipps Land.

LYTHRACEÆ.

AMMANNIA MULTIFLORA. *Roxb. fl Indie* I. 447.

From the Murray River to North and North-west Australia.

LEGUMINOSÆ.

ACACIA SALICINA. *Lindl.* in *Mitch. Three Exp.* II. 20.

ACACIA ANEURA. *Ferd. Mueller*, sec. *Benth.* in *Linnaea* XXVI. p. 627

Spikes about 1’ long, 2½” thick; sepals free, narrow spatulate, fringed, half as long as the smooth 5-cleft corolla. A shrub Mr. Gregory found on stony places, an allied and perhaps undescribed species, forming a tall tree, with curly bark, dark wood, and leaves sometimes fully 10’; but of this, and of another arborescent Acacia, no pods were obtainable, without which the species of this large genus cannot be clearly distinguished.

CASSIA DESOLATA. *Ferd. Mueller* in *Linnaea* XXV. p. 389.

CASSIA EREMOPHILA. *All. Cunn. sec. R. Br.* in *Sturt’s Central Australia*, II App. p. 87.

A variety with long narrow leaflets.

CROTOLARIA EBEMAEA. *Ferd. Mueller.*

Erect; branches terete, without furrows, as well as the flowerstalks thinly grey, tomentose and slightly silky; leaves on long petioles, with one, rarely with three leaflets; lateral leaflets extremely small; terminal one oblong, slightly silky tomentose, whitish grey, without dots; stipules, very small, or obliterated; racemes terminal, with many somewhat remote yellow flowers, pedicels hardly as long as the calyx, but much longer than the linear-lanceolate bracts; bracteoles very small, lanceolate subulate; teeth of the 5-cleft, silky calyx deltoid, lanceolate, almost equal; vexillum, three times longer than

the calyx, but slightly surpassing the length of the keel and wings heartshaped, nearly glabrous, with callous base; keel below as well as the unguis of the vexillum densely ciliated; style, above the middle in front fringed, germen sessile, oblong, silky.

On Cooper's River.—*A. C. Gregory*.

Seemingly a shrubby species.

Leafstalks $\frac{3}{4}$ –1" long grey; terminal leaflets 1–1 $\frac{1}{2}$ " long; 2–4" broad, lateral ones only; 1–1 $\frac{1}{2}$ " long, often absent; calyx, hardly longer than 2"; corolla, $\frac{1}{2}$ " long; wings, ovate; carina, gradually pointed; pod, unknown. It differs from *C. Mitchellii*, in its indument, longer leafstalks, narrower leaflets, smaller stipules, longer flowers, &c., from *C. Sturtii*, in the form of the leaflets, three times smaller flowers, cordate vexillum; from *C. retusa*, in its tomentum, hardly angular branches, neither dotted leaflets nor sessile leaves, and from *C. dissitiflora*, to which it approaches nearest, in its imperfect silk, obliterated lateral leaflets, larger flowers, and perhaps also in its fruit. The occasional development of small lateral leaflets in this remarkable plant, together with the articulation of the petiole, prove sufficiently* that the simple leaves in *Crotolaria* are to be regarded as compound ones reduced to a solitary leaflet. In all the Australian species, amounting to 14, and in those from China, both Indies, and South Africa, which I examined, I observed dimorphous anthers, which seem to offer an essential characteristic of the genus.

PSORALEA PATENS. *Lindl.* in *Mitch. Three Exped.*

P. Australasica. *Schlecht.* *Linnaea*, XX p. 670

P. eriantha. *Benth.* in *Mitch. Trop. Austr.* p. 131.

INDIGOFERA LASIANTHA. *Ferd. Mueller.*

Shrubby grey silky, tomentose; branches, terete without furrows; leaves, with generally 4–5, rarer 2–3 pairs of cuneate, or cordate, obovate *sessile leaflets*; stipules, subulate recurved; racemes spicate, densely many flowered, somewhat longer than the leaves; bracts, linear-lanceolate; teeth of the 5-cleft calyx lanceolate subulate; *vexillum outward velvety*, nearly three times longer than the calyx; germen cylindrical, densely velutinous, with several ovules.

On Cooper's River.—*A. C. Gregory*.

Leaflets mostly 2 $\frac{1}{2}$ –4" long; their rachis thin, measuring about 1"; stipules 1–2" long; racemes on short peduncles; pedicels at least 1" long; calyx 1 $\frac{1}{2}$ " long, its superior teeth shortest, lowermost the longest; Corolla probably pink, standard cordate, nearly 3" long, wings oblong, spatulate, glabrous, of equal length with the standard and keel; carina outside silky, pod not seen.

As regards the leaves, this species approaches nearly to the Indian *Tenneaphylla* (found also in North Australia), but in other respects it differs widely; *Jacanthocarpa* found in Sir T. Mitchell's first Exped., is identical with *Clidanthera psoraloides*.

SWAINSONA CAMPYLANTHA. *Ferd. Mueller.*

Glabrous stems, long, flaccid; leaflets in 1–3 pairs; stipules small, lanceolate subulate; *leaflets long, lanceolate, linear, acute, sessile*; racemes, many flowered, on a long angular peduncle; bracts cymbiform considerably shorter than the pedicel, as well the calyxes ciliate; teeth of the calyx deltoid, long, acuminate; corolla purple; vexillum bicallous, *wings twisted* near the auriculate lease callous; style upwards, fringed pod, slightly silky, narrow, elliptical, its stork longer than the calix.

On the Plains along Cooper's River.—*A. C. Gregory*.

Leaflets distant, generally 1–1 $\frac{1}{2}$ " long, 1–2" broad; peduncles triangular, or rarer quadrangular; pedicels about 1 $\frac{1}{2}$ " long; calyx 2" long at the base, with 2 very small linear bracteoles; vexillum 8", broad round kidney shaped, longer than the wings, with a short unguis; wings blunt; carina semiorbicular, blunt, shorter than the wings, above the base on both sides inflated; its unguis 1 $\frac{1}{2}$ " long, pod acute at the bottom and top, 1" long.

SWAINSONA PHACOIDES. *Benth.* in *Mitch. Trop. Austr.*, p. 363.

A variety with fewer and obovate or obcordate cuneate leaflets, and purple flowers.

VIGNA LANCEOLATA. *Benth.* in *Mitch. Trop. Austr.* 350.

MYRTACEÆ.

EUCALYPTUS TERMINALIS. *Ferd. Mueller* in *Proceed. Linn. Soc., London*, 1858.

EUCALYPTUS

EUCALYPTUS MICROTHECA. *Ferd. Mueller.*

Loc. sit. both species are frequent in North Australia, but have not been noticed towards the south coast. The former is the bloodwood tree of Mr. Gregory's journal, the latter the box tree.

CUCUR BITACEÆ.

CUCUMIS JUCUNDA. *Ferd. Mueller* in *Transact. Vict. Inst.*, vol. II., inedit.

C. PUBESCENS. *Mitch Trop. Austr.*, p. non W.

The fruit is edible, being the size of a pigeon egg.

A species very similar in regard to flowers and leaves, but with fruit twice as large and of a bitter taste, accompanies the *C. jucunda* often in North Australia, and exhibits probably the true *C. pubescens* of Willdenow.

LORANTHACEÆ.

LORANTHUS NUTANS. *All. Cunn. sec. Hook.* in *Mitch. Trop. Austr.*, p. 158 non Spring.

L. canus. *Ferd. Mueller* in *Transact. Vict. Inst.* I., p. 128, *Mig. stirp. Nov. Holl.*, p. 11.

With the following, found in many parts of Tropical Australia, and south as far as the Grampians.

The *Loranthus quandang*, *Ldl.* in *Mich. Three Exped.*, seems to be identical with this plant.

LORANTHUS MIRACULOSUS. *Mig.* in *Lehm. pl. Priess. I.*, p. 281.

COMPOSITÆ.

BRACHYCOME. *Sp.*

Probably a new species, but destitute of fruit.

MONENCYANTHES GNAPHALOIDES. *Asa Gray* in *Hook. Kew. Misc. IV*, 229.

Observes as far south as Lake Alexandrina.

SPHAERANTHUS HIRTUS. *W.* sp. pl. III, 2395.

Common in Trop. Australia, but hitherto neither observed within the Territory of South Australia, nor of Australia Felix.

In this species, as well as in *S. glabes*, the male flowers are remarkably tumescent, whilst the female ones hardly become tumid.

SENECIO ODORATUS. *Horn. Hort. Hafn. II*, 809.

Probably the northernmost habitat.

SENECIO GREGORII. *Ferd. Mueller.*

Slightly aruncose, at last smooth; superior leaves linear, acute, entire, or remotely toothed; their base not broadly dilated; peduncles terminal, solitary or twine, considerably longer than the flower heads; provided with one or a few small leaves; involucre bracteas, bell shaped, with a truncate base, shorter than the discal flowers, consisting of about 13 fine nerved scales with unequal ciliate apex; ligules 6-10; achenes glabrous; bristles of the pappus slightly scabrous.

On Cooper's Creek — *A. C. Gregory.*

Only the upper branches of this plant have been collected, exhibiting leaves 1-2' long, and as many lines broad. The involucre measures in length about $\frac{1}{4}$ ". The receptacle is like in most species toothless. Ligules 3-5" long, 1" broad. Ripe fruit is wanting.

CAMPANULACEÆ.

WAHLENBERGIA GRACILIS. *Alph. D. C. Prodr.* VII. 433.

GOODENIACEÆ.

GOODENIA GLAUCA. *Ferd. Mueller* in *Transact. Vict. Inst.* I. 40.

Velleja umbellata. *Vries. Gooden.* 76 to 13.

Scaevola umbellata. *Vries.* in *Lemh. pl. Preiss I.* 411.

Throughout almost the whole interior of Australia. *Schlecht Linnæa XXI.* p. 450. Allied to *G. Pinnatifida*, *S. Cycloptera*, *R. Br.* in *Sturt's Central Austr. II.* App. p. 81, which has, however, leafless stems, toothed or pinnatifid radical leaves, an outside glabrous corolla, and black less distinctly reticulated seeds. This occurs from the Darling to Port Lincoln

Lincoln and Port Phillip. *S. Elongata*, *Lab. Nov. Holl. I.* 52 to 75, differs in broader leaves, imperfectly silky flowers, mucronulate anthers, pubescent indusium, a refracted fruit stalk, a higher septum, opaque, wingless, and not distinctly reticulated seeds.

MYOPORINEÆ.

EREMOPHILA LATROBII. *Ferd. Mueller* in Papers of the Royal Soc. of Tasm., 1858 (inedit).

Differs only from the plant collected in Central and Eastern Australia, in a thin velvet-like indument.

Found on the edges of the Desert near the Thomson River.

EREMOPHILA BIGNONIFLORA. *Ferd. Mueller*, l.c.

Stenochilus bignoniæ. *Florus Benth.* in Mitch. Trop. Austr. 386.

Sometimes the leaves are minutely denticulated.

EREMOPHILA MITCHELLII. *Benth.* in Mitch. Trop. Austr. p. 31.

Frequent on the Thomson River.

LABIATÆ.

TEUCRIUM RACEMOSUM. *R. Brown*, *Prodr.* 504.

The collection contains besides the normal form a smooth variety with larger calyces and leaves.

SOLANACEÆ.

DATURA LEICHHARDTII. *Ferd. Mueller*. msc.

On the Thomson River. This species is restricted to the Eastern portion of the Continent.

Nicotiana suaveolens. *Lehm. Nicot.* p. 43.

Solanum esuriale. *Lindl.* in Mitch. Three Exped.

Besides this occur in the collection two other species, but not in a developed state.

ACANTHACEÆ.

DIPTERACANTHUS AUSTRALASICUS. *Ferd. Mueller*.

Perennial, dwarf, erect, turtellous; leaves small, ovate, rarely almost heart-shaped, with a repand undulate margin, gradually tapering into the petiole; bracts petiolate, similar to the leaves, persistent; flowers axillary, solitary, on short peduncles, opposite, not spicate; bracteoles none; calyx deeply five-cleft, with lanceolate, linear, acute lobes; corolla pubescent, nearly three times longer than the bracts, and many times longer than the calyx, from a short, cylindrical tube, widened out into the long obconical faux; anthers blunt; lobes of the stigma unequal; capsule clavate, ellipsoid, as well as the seeds glabrous.—*Cooper's River*, *A. C. Gregory*. Also on the plains along the Dawson and Burdekin Rivers and their tributaries.—*Ferd. Mueller*. Branches slightly angular; leaves generally less than 1' long, the inferior ones often with rather a conspicuous petiole; calyx 2-4" long, hirtellous; bracts $\frac{1}{4}$ - $\frac{1}{2}$ ' long; corolla blue or purple, 8-15" long; stamens deeply enclosed, filaments slightly downy, anthers a little longer than 1" with emarginate base; style somewhat hairy, upwards glabrous; capsule $\frac{1}{2}$ " long, imperfectly two-celled. To be distinguished from *D. bracteatus* (*Ruellia bracteata*, *R. Br.* Endl. iconogr. to 104) by smaller leaves and flowers, a corolla neither glabrous nor forming a long slender tube above the calyx, persistent bracts, blunt deeper-enclosed anthers, and not equal lobes of the stigma.

Dipteracanthus Pumilio, *Nees* in D. C. Prodr., XI. p. 124, appears to me a mere variety of *Ruellia Australis*, *R. Br.*

Since Acanthaceous plants are principally developed in tropical countries, their absence from Australia Felix, New Zealand, Tasmania, and South-west Australia cannot be surprising. But it remains a singular fact in the geography of plants, that in the northern, and particularly in the north-eastern part of Australia, where a warm humid atmosphere prevails, so very few plants of this order should have been discovered compared with the richness of species which ornament the tropical countries of Asia and America.

All the Australian Acanthaceæ hitherto known amount to only 17 species, belonging to the following genera:—*Staurogyne*, *Adenosma*, *Ruellia*, *Dipteracanthus*, *Eranthemum*, *Rostellaria*, *Adhatoda*, *Hygrophila*, *Dicliptera*, *Brochosiphon*, *Hypoestes*, *Nelsonia*, and *Dilivaria*. Both of *Ruellia* and *Rostellaria* it seems Australia possesses but a single species. *Ruellia acaulis* is a remarkable variety with elongate peduncles bracteate at the base,

base, having quite the appearance of a Primrose. It springs luxuriantly up from a perennial root, after bush fires have devastated its territory, and under the same circumstances originate curious varieties of *Petalostigma quaduloculare*, *Hylococcus serirens*, *B. Br. D.*, *Grevillea mimosoides*, (*Morgania floribunda*, *Morgania glabra* and *pubescens*, *R. Br.*) and a host of other plants, which it would be difficult to refer to the original species without observation in the field.

ROSTELLARIA PROCUMBENS. *Nees*. in Wall. Plant. Asiat. var. III. 101.

R. juncea, *media*, and *obtusa*. *Nees*. in D. C. pr. XI. p. 374 and 376.

R. pogonanthera. *Ferd. Mueller* in Linnaea XXV. 431.

JUSTICIA, JUNCEA, MEDIA and ADSCENDENS. *R. Br.* pr. 332.

Occurs as far south as the Flinders' Ranges, and commonly in Australia within the tropics.

PROTEACEÆ.

HAKEA STRICTA. *Ferd. Mueller ex Meisner* in Linnaea XXVI. p. 360.

Leaves, often 2' long; seeds, on the convex side brownish-black, the surrounding wing pale brown-grey.

HAKEA PURPUREA. *Hook.* in Mitch. Trop. Austr. 348.

This beautiful species occurs towards the north-east as far as Newcastle Range, which divides the Rivers of the Carpentaria Gulf from those of the East Coast.

Flowers crimson.

SANTALACEÆ.

SANTALUM LANCEOLATUM. *R. Br. Prodr.* p. 356. *Alpts. D. C. Prodr.* XIV. 682.

Cooper's Creek and the outskirts of Lake Torrens are the southern terminus of this Sandal Tree, which is frequent in the arid parts of tropical Australia; but advances, according to Mr. Gregory, not to the explored parts of Western Australia.

Sir T. Mitchell's *Santalum*, gathered on the Narran, (*Conf. Trop. Austr.* p. 101) doubtfully referred to *S. oblongatum*, is more probably identical with this plant. In his collection I observed *Santalum Preissianum*, *Mign.* (*Fusanus acuminatus*, *R. Br.*)

POLYGONEÆ.

POLYGONUM ELATIUS. *R. Br. Pr.* 419.

POLYGONUM PLEBIUM. *R. Br. Pr.* 420.

P. hermiarioides. *Delile.* Flor. Ægypt. Illustr. p. 13.

P. Roxburghii. *Meisner* in D. C. Prodr. XIV. p. 93.

POLYGONUM CUNNINGHAMI. *Meisn.* in Linnaea XXV. p. 364.

SALSOLACEÆ.

CHEENOPODIUM AURICOMUM. *Lindl.* in Mitch. Trop. Austr. 94.

ATRIPLEX ROSEUM. *L.* sp. pl. 1493.

The *A. semibaccatum*. *R. Br.* is to this closely allied.

ATRIPLEX LEPTOCARPUM. *Ferd. Mueller* in *transact Phil. Inst.* I. p. 74.

Mr. Gregory's specimens constitute a singular variety, with jaggy leafy appendages to the apex of the fruit.

ATRIPLEX INFLATUM. *Ferd. Mueller* l. c.

Enchylaena tomentosa. *R. Br. Pr.* 408.

The collection contains the smooth variety, which is diffused over all Australia, varying like *Rhagodia nutans* with yellow and red flowers.

KOCHIA TOMENTOSA. *Ferd. Mueller, mise.*

Not rare in the desert interior, extending from the Murray tributaries to N. W. Australia.

SALSOLA AUSTRALIS. *R. Br. Prodr.* 411.

S. macrophylla. *R. Br. l. c.*

To be found in all parts of this Continent.

ARTHROENEMUM, *sp.*

From the saline muddy plains of the Thomson.

The specimens are devoid of fruit, but seem to belong to a species observed in North-west Australia, distinct from *A. Australasicum* in ovate spikes.

AMARYLLIDÆ.

CALOSTEMMA LUTEUM. *Sims* in *Bot. Mag.*, t. 2101.

Noticed as far south-west as Lake Torrens.

LILIACEÆ.

CAESIA GLOBANTHA. *Ferd. Mueller* fragm. phytograph Austr. III. 63.

Bulbine Fraseri. *Kunth.* enum IV. 565.

Var. *Comosa* bracteoles as long as the flower, bearing pedicels, tapering into a very long and thin acumen.

It differs from *B. bulbosa* in having the filaments bearded, not merely at the apex, but in the whole length. The root is wanting, and may characterize the species as a new one.

CYPERACEÆ.

ELEOCHARIS GRACILIS. *R. Br.*, pr. 224.

Common all over Australia.

GRAMINEÆ.

AGROSTIS INDICA. *L. Sp.*, 94.

Sporobolus Indicus. *R. Br.*, pr. 170.

Vilfa Indica. *Stend. Glum.*, I. 162.

ARISTIDA STIPOIDES. *R. Br.*, pr. 174.

A. hygrometrica. *R. Br.*, l. c.

A. Arenaria. *Gaud. Freycem.*, itm. 407.

A. contorta. *Ferd. Mueller* in *Transact. Vict. Inst.* I. p. 44.

This grass is generally distributed over the desert parts of Australia, extending from St. Vincent's Gulf and the Murray River to the Gulf of Carpentaria, and Arnheim's Land, and Western Australia. It is as variable as *Poa Brownii*, *P. Australis*, *Pappophorum commune*, *Danthonia penicillata*, and other common Australian grasses. The stipes of the *arista* varies in length between $\frac{1}{2}$ -3', the bristles 1-3 $\frac{1}{2}$; size and color form the only distinction between the species above quoted.

POA BROWNII. *Kunth.* *Gram.*, I. 112.

Panicum gracile. *R. Br.*, pr. 190.

A most variable and by no means rare species, both of tropical and extra-tropical Australia, noticed westward at least as far as St. Vincent's Gulf; leaves often flat.

PANICUM VILLOSUM. *R. Br.*, pr. 192.

Like the two following, diffused from Gipps Land and Spencer's Gulf to North Australia.

PANICUM DECOMPOSITUM. *R. Br.*, pr. 191.

P. laevinode. *Lindl.*, in *Mitch. Three Exp.*, I. 238.

P. laevicaule. *Stendel. Glum.*, I. 82.

PAPPOPHORUM COMMUNE.

P. Nigricans, purpurascens, pallidum, and gracile. *R. Br.*, pr. 185.

P. Virens and P. flavescens. *Lindl.* in *Mitch. Trop. Austr.*, 34 and 360.

I should have hesitated to combine all the above plants under one specific name, had I not for many seasons and in the most distant parts of the country, examined and watched what I consider the only Australian species of this genus, to which in all probability also the Indian *Pappophorum elegans* belongs. I failed entirely to discover any reliable specific distinction between the numerous forms, and feel fully convinced that characters derived from color and indument are of as little absolute value for the distinction of grasses, than of other orders of plants. No class of plants requires more a careful renewed disquisition than grasses, none of our best agrostographs having had the advantage of studying the extraordinary varieties which many of the species produce, by travels through tropical countries.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

TOWNSHIPS AT CURRAWONG OR NELLIGEN.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 7 April, 1859.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 4 February, 1859, 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 between the Government and the
“ Surveyor or Surveyors employed in laying out Towns at
“ Currawong or Nelligen on the Clyde River.”

(*Mr. Murray.*)

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TOWNSHIPS AT CURRAWONG OR NELLIGEN.

No. 1.

To His Excellency SIR GEO. GIPPS, Governor General of the Colony of New South Wales
and its Dependencies.

Sydney, 25 April, 1840.

SIR,

We, the undersigned, being landholders and residents of the Colony of New South Wales, respectfully request your Excellency will be pleased to direct that the village reserve at Currowan, on the Clyde River, at the head of the navigable part of that river, may be apportioned and put up for public sale.

The site possesses many advantages,—vessels drawing 10 or 12 feet water can discharge there, and a line of road from thence to Braidwood was discovered by Messieurs Kingborne and Green, the particulars of which are communicated to the Colonial Secretary some eight months since.

We, the undersigned, are therefore desirous of purchasing allotments when the same may be put up for sale.

We have, &c.,

H. McLEAN.
JOHN HAWDON.
HENRY CLAY BURNELL.
pp F. W. STOKES.
EDWD LORD.
HUGHES & HOSKING.
WM. HIRST & CO.
WARD STEPHENS.
W. DRAKE & CO.
W. ABERCROMBIE & CO.
JOHN CLARKE.
PAUL & CO.

Blank Cover, 14 May, 1840, from Colonial Secretary to Surveyor General,—
Intimating that His Excellency Sir G. Gipps requests the Surveyor General to report on the
Petition, &c.

No. 2.

THE SURVEYOR GENERAL to THE COLONIAL SECRETARY.

(40-4800. Blank Cover 40-175. 14 May, 1840.)

*REPORT on application of several individuals to open the Reserve on the Clyde for sale in
Town allotments*

(No. 40-53.)

I think that any arrangements for the laying out of the reserve in question at the present moment would be rather premature. I would recommend that the matter should stand over until the success of the Jervis Bay experiment be ascertained.

S. A. PERRY, D.S.G.

1 June, 1840.

No. 3.

THE COLONIAL SECRETARY to THE SURVEYOR GENERAL.

(No. 40-348.)

Colonial Secretary's Office,

Sydney, 9 June, 1840.

SIR,

Referring to your Blank Cover Report of the 1st instant, on an application from certain landholders for the laying out of the village reserve at Currowan, on the Clyde, in which you recommend that the matter should stand over until the success of the Jervis Bay experiment be ascertained, I have the honor to acquaint you that the Governor cannot

cannot agree with you in thinking that this should in any way depend on the Jervis Bay question; and His Excellency is therefore pleased to direct that you will cause the village to be laid out whenever a convenient opportunity of so doing may present itself.

I have, &c.,

(For the Colonial Secretary)

THE SURVEYOR GENERAL.

T. V. HARRINGTON.

No. 4.

THE SURVEYOR GENERAL to MR. SURVEYOR LARMER.

(No. 41-132)

*Surveyor General's Office,
Sydney, 15 April, 1841.*

SIR,

In attention to a letter from the Colonial Secretary, No. 40-348, respecting an application from certain landholders for the laying out of the village reserve of Currowan, on the Clyde, and stating it to be the pleasure of the Governor that it should take place without delay,—

I have to request that you will forward to me a survey of the ground, on the usual scale, and a report on its peculiarities, as early as practicable, in order that a design may be submitted to His Excellency the Governor for approval.

I am, &c.,

ASSISTANT SURVEYOR LARMER.

T. L. MITCHELL.

No. 5.

MR. SURVEYOR LARMER to THE SURVEYOR GENERAL.

Braidwood, 27 July, 1841.

SIR,

I do myself the honor to inform you that I have surveyed the reserve for a village at Currowan, on the Clyde River, near Bateman's Bay, in compliance with your instructions No. 41-132. On the map herewith transmitted,* it will be seen that the flats have been ploughed up and are under cultivation by Captain Oldry, but not yet fenced in or enclosed. The huts shewn on the map were erected by Captain Oldry, and are occupied by that gentleman's superintendent. The land north of the huts is pretty good forest, and contains some pasture; but on the south the ranges are barren and scrubby. The tides flow as high up Currowan Creek as the huts, where a constant and rapid stream of fresh water descends from near the Budawang Range. The track from Bukebowa to Maramarang passes through the Currowan reserve, which is extremely hilly, and passable for pack animals only.

*Not furnished.

In a former letter I stated that I supposed it possible to find a practicable road from the Braidwood country to Currowan; but on my last journey ascertained it to be impassable, even for my pack horses.

I have, &c.,

THE SURVEYOR GENERAL.

JAS. LARMER.

No. 6.

THE SURVEYOR GENERAL to THE COLONIAL SECRETARY.

(No. 44-258.)

*Surveyor General's Office,
Sydney, 10 September, 1844.*

SIR,

In attention to your letter, No. 40-348, of 9th June, by which, in reference to the application of certain landholders for the laying out of the village reserve at Currowan, on the Clyde River, you informed me, by direction of His Excellency the Governor, that I was to cause the village to be laid out whenever a convenient opportunity for so doing might present itself, I have the honor to state, for the information of His Excellency the Governor, that the necessary survey was made in the year 1841, but it did not then appear that there was a sufficient demand to warrant the preparation of a design; recently, however,

in

in consequence of the increase in the agricultural population of that neighbourhood the applications have been renewed, and I have therefore made a design* for a village, which I ^{*Not furnished.} beg to submit for the approval of His Excellency the Governor and Executive Council.

THE HONORABLE
THE COLONIAL SECRETARY.

I have, &c.,
T. L. MITCHELL.

No. 7.

THE COLONIAL SECRETARY to THE SURVEYOR GENERAL.

(No 44-343)

*Colonial Secretary's Office,
Sydney, 17 October, 1844.*

SIR,

His Excellency the Governor in Council having been pleased to approve of the plan submitted in your letter of the 10th ultimo, No. 44-258, for the establishment of a village on the River Clyde, to be called "Currowan," I do myself the honor to request that you will furnish two copies of the plan so approved, the one to be deposited in this office, and the other with the nearest Police Bench, which you will be good enough to state.

I am, &c.,
(For the Colonial Secretary,)

THE SURVEYOR GENERAL.

W. ELYARD, JUNR.

No. 8.

THE SURVEYOR GENERAL to THE COLONIAL SECRETARY.

(No. 44-324.)

*Surveyor General's Office,
Sydney, 26 November, 1844.*

SIR,

In attention to your letter, No. 44-343, of 17th October, conveying to me the approval of His Excellency the Governor in Council of the design for a village to be called "Currowan," on the River Clyde, in the County of St. Vincent, and requesting me to furnish two copies of the plan, the one for deposit in your office, and the other for the nearest Bench of Magistrates, which I am to point out,—I have the honor to forward the required copies, and to state that the nearest Police Bench is Broulee.

I have, &c.,
T. L. MITCHELL.

THE HONORABLE
THE COLONIAL SECRETARY.

No. 9.

MR. W. H. GREEN to THE SURVEYOR GENERAL.

(No. 54-15.)

*Nelligen Creek,
1 June, 1854.*

SIR,

In accordance with the instructions (verbal) of the Acting Surveyor General (March 29th) I have made a survey of the proposed site of the village of Nelligen, and I have the honor herewith to enclose a tracing* thereof, on which I have marked in red lines the ^{*Not furnished.} manner in which the streets and lots could be laid out to the best advantage. Only that part has been surveyed which is occupied by the red lines.

I have, &c.,
W. H. GREEN,
Superintendent B. & C. Road.

THE SURVEYOR GENERAL.

No. 10.

THE SURVEYOR GENERAL to THE COLONIAL SECRETARY.

(No. 54-541.)

*Surveyor General's Office,
Sydney, 11 August, 1854.*

SIR,

I do myself the honor to inform you that Mr. Green, the Superintendent of the Braidwood and Clyde River Road, having represented to me that an eligible site existed at the junction of Nelligen Creek with the Clyde River for the establishment of a village, I instructed him to make out a design for a village in the locality in question, and he has accordingly

G

TOWNSHIPS AT CURRAWONG OR NELLIGEN.

accordingly furnished me with a plan thereof, a copy of which I now take leave to submit for the approval of His Excellency the Governor General and the Executive Council.

THE HONORABLE
THE COLONIAL SECRETARY.

I have, &c.,
T. L. MITCHELL.

No. 11.

THE COLONIAL SECRETARY to THE SURVEYOR GENERAL.

(No. 54-774)

*Colonial Secretary's Office,
Sydney, 13 September, 1854.*

SIR,

The design for a village at Nelligen, submitted in your letter of the 11th ultimo, No. 541, having been laid by the Governor General before the Executive Council,—I have the honor to inform you that His Excellency has been pleased, under the advice of the Council to approve of the same, and to request that you will cause a copy of the plan so approved to be forwarded to the nearest Bench to the village in question, apprising me when this has been done, in order that it may be notified as usual in the *Government Gazette*.

I am, &c.,

THE SURVEYOR GENERAL.

W. ELYARD.
(For the Colonial Secretary.)

No. 12.

(No. 54-12213.)

Printed reminder respecting the above letter, dated 9th November, 1854.

No. 13.

THE SURVEYOR GENERAL to THE COLONIAL SECRETARY.

(No. 54-741.)

*Surveyor General's Office,
Sydney, 16 November, 1854.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 9th instant, No. 54-917, wherein you referred to your letter of the 13th of September last, No. 54-774, respecting the plan to be furnished to the nearest Bench of the proposed village in the County of St. Vincent, to be called "Nelligen," and requested my further report,—In reply to your letter I beg leave to state, for His Excellency the Governor General's information, that a question having been raised by the public as to the site, the announcement was purposely delayed, and that even now, until the road is more advanced, or a greater disposition to purchase manifested by the public, I consider that it would be desirable, with His Excellency's sanction, to delay the matter still further.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

T. L. MITCHELL, S. G.

No. 14.

THE COLONIAL SECRETARY to THE SURVEYOR GENERAL.

(No. 54-10001)

*Colonial Secretary's Office,
Sydney, 30 November, 1854.*

SIR,

With reference to your letter of the 16th instant, No. 54-741, respecting the plan to be furnished to the nearest Bench of the proposed village in the County of St. Vincent, to be called Nelligen,—I have the honor, by direction of the Governor General, to inform you that His Excellency has been pleased to approve of the delay in this matter for the present, as recommended by you, for the reasons stated in your communication.

I have, &c.,

THE SURVEYOR GENERAL.

W. ELYARD.
(For the Colonial Secretary.)

No. 15.

No. 15.

THE COLONIAL SECRETARY to THE SURVEYOR GENERAL.

(No. 54-1070)

*Colonial Secretary's Office,
Sydney, 30 December, 1854.*

SIR,

With reference to your letter of the 12th instant, No. 54-810,—I am directed by His Excellency the Governor General to draw your attention to the notice* in the *Government Gazette* of the 22nd of this month, respecting the village of Nelligen, in the County of St. Vincent.

I have, &c.,

THE SURVEYOR GENERAL.

W. ELYARD.

No. 16.

EXTRACT from the Journal of the late Sir Thomas Mitchell, when inspecting the Braidwood and Clyde River Road, 1855.

" 16 It was evident by Inan's survey that to cross Nelligen Creek was not desirable, and I was happy to discover that the best site for a township was evidently on the left bank of Nelligen Creek, and that the fresh water of this creek could be dammed up at a point where it was sweet, and could be conveyed by a pipe to the best place for a public wharf on the Clyde, at a distance of 120 chains, and to the most eligible sites for buildings.

" 17. At Currawong, the other township, (which we reached by riding five or six miles up the river), there is a fine situation for building, to any extent, with the abundant waters of the Currawong Creek, which is fresh to its junction with the Clyde. It did not appear that the allotments had been injudiciously planned, as at Nelligen township, but that the main street would form a very good termination to the road that must connect it with that from Braidwood."

" T. L. M."

No. 17.

THE SURVEYOR GENERAL to MR. SURVEYOR LARMER.

(No. 55-86.)

*Surveyor General's Office,
Sydney, 22 January, 1855.*

SIR,

William Chatfield having applied to purchase eleven allotments of section No. 1 of the village of Nelligen, I have to request that you will measure and mark out that section in allotments, together with sections 2 and 3 and 4, as shewn on the accompanying tracing* and that you will forward to me a plan and descriptions thereof.

*Not furnished.

I am, &c.,

T. L. MITCHELL, S.G.

MR. LICENSED SURVEYOR LARMER.

No. 18.

MR. SURVEYOR LARMER to THE SURVEYOR GENERAL.

(No. 55-21.)

Braidwood, 29 September, 1855.

SIR,

According to instructions issued in your letter of 22 January, 1855, No 55-86, I beg to transmit a plan* and descriptions of thirty-four (34) allotments in the village of Nelligen—app. to purchase, Wm. Chatfield, of eleven allotments of section No. 1.

*Not furnished.

I have, &c.,

THE SURVEYOR GENERAL.

W. E. LARMER.

No. 19.

EXTRACT from the late Surveyor General's (Sir Thomas L. Mitchell) second Report on the Braidwood and Clyde River Road, forwarded by Lord Audley's letter of February, 1856.

" 4. Whatever may be the defects of Mr. Green's road, the site chosen for the township of Nelligen was, at least, as objectionable as the road, being across a creek at one time subject to inundation, at another dry; and where the water adjacent is salt, it

" was

“ was particularly desirable that a range continuous from the Currawong to the Clyde should
 of furnished: “ be sought in the direction shewn in the accompanying sketches,* as it was likely to
 “ determine a better site for a township on the left bank of Nelligen Creek, where it would
 “ be nearer to fresh water, more clear of swamps, and quite secure from inundation.

“ 5. The course of the Currawong Creek towards the Clyde justified our search for a
 “ continuous spur, and we found one just below the junction of Cabbage-tree Creek,
 “ (Kango ranbar), thus avoiding the nest of deep ravines and high rocky hills so damaging
 “ to the road cleared by Green.

“ 6. Still more fortunate was our discovery of a corresponding ridge tending from
 “ the main feature to the mouth of Nelligen Creek, for by its means I was enabled to make
 “ a line for the road, which presents no steep declivity, and by following which the line
 “ crosses no gully between Currawong Creek and the Clyde.

“ 7. This spur terminates at the left bank of Nelligen Creek, and affords as good a
 “ site for the desired township as could be wished, and of which I annex a separate report,
 “ with a plan, by the officer who ably assisted me on this occasion.

“ 8. From where the line thus marked crosses the main ridge, between Currawong and
 “ Clyde, the distance is only three miles to the township already laid out at the junction of
 “ these rivers, along which main ridge the road would extend directly in prolongation of its
 “ ‘ High Street.’ ”

No. 20.

EXTRACT from Assistant Surveyor Millington's letter, dated January 1st, 1857.

“ The great advantage of this course would be the avoiding altogether the necessity
 “ for vessels entering the Clyde River, at the mouth of which there is an eternally
 “ shifting sand bar, preventing the entrance of vessels of more than twenty-five tons burthen;
 “ whereas, at the point where I propose for the termination of the road at Bateman's Bay,
 “ there is a good sheltered harbour, capable of containing any amount of shipping and of
 “ floating vessels of any size; nor do I conceive that the alteration would involve any very
 “ large extra amount of outlay, whilst the situation would be much better adapted for a
 “ township, and would probably become a place of much greater importance than Nelligen
 “ can ever by any possibility become.

“ In this report I am speaking more from the information derived from old bushmen
 “ and settlers than from personal observation, as I have never been at that portion of the
 “ bay, I have, however, been across the Macleay River, and I know that loaded drays do at
 “ present travel occasionally thence to the point I propose as the termination of the line, and
 “ it moreover appears to me to be a remarkably easy country to form a road through.

“ I have, &c.,

“ COL. GEORGE BARNEY, R.E.,
 “ Surveyor General.”

“ E. J. MILLINGTON.”

No. 21.

MR. SURVEYOR MILLINGTON to THE SURVEYOR GENERAL.

(No. 56-22.)

Sydney, 30 October, 1856.

SIR,

Not furnished.

I beg herewith to furnish you with the *plans of Nelligen and Monga, laid out
 by me on the Clyde River.

At Nelligen I could find no land fit for farming purposes, and had great difficulty in
 finding spots suitable even for town lots. The land there is not well suited for a town,
 though that chosen is as good as any, and, from being the nearest land to the Clyde, where
 fresh water can be obtained, becomes therefore the best.

I have endeavoured to give as many lots as possible a frontage to the Braidwood
 Road, and could connect the sections in no more regular manner than you see, owing to the
 nature of the ground, the ranges being too steep and rocky to be of service, and the valleys
 generally low and marshy.

I had originally intended to lay off at Monga a greater quantity of land, and to have marked also a village and a few farms about half way between the two, but the difficulties I had to contend with, in not being able to keep men without sufficient equipment or means of transport for their rations, obliged me to close my work as quickly as I could.

I have, &c.,
THE SURVEYOR GENERAL. EDWD. J. MILLINGTON.

No. 22.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE SURVEYOR GENERAL.
(No. 83) Department of Lands and Public Works,
Sydney, 6 February, 1857.

SIR,
I am directed to inform you that it has been represented that a great demand exists for the sale of allotments in Nelligen, and to request that you will be so good as to state when you will be in a position to offer any for sale.

2. I have at the same time to state that it has been further alleged that no survey has yet been made of this township, although the plan was approved more than two years ago, I have therefore to request the favor of your report on this point.

I have, &c.,
THE SURVEYOR GENERAL. MICHL. FITZPATRICK.

No. 23.

THE SURVEYOR GENERAL to MR. SURVEYOR MILLINGTON.
(No. 57-177.) Surveyor General's Office,
Sydney, 17 February, 1857.

SIR,
A doubt has arisen as to whether the design for the village of Nelligen is either a good or convenient one, and as, should the Clyde Road become the important channel of traffic for the south country, which it is expected it will, the design of the village may become a matter of far more consequence than that of a mere country village, I request that you will be good enough to furnish me with an opinion on the subject, which, from your acquaintance with the ground, it is presumed you will be enabled to afford.

I am, &c.,
E. J. MILLINGTON, ESQ., GEO. BARNEY.
Assistant Surveyor. S. G.

No. 24.

MR. SURVEYOR MILLINGTON to THE SURVEYOR GENERAL.
(No. 57-12.) Sydney, 23 February, 1859.

SIR,
In replying to your letter No. 57-177, I beg leave to say that I am at loss to know whether you refer therein to the portion of Nelligen laid out by myself, or that marked by Mr. Larmer at the point; with regard to the former, I beg to refer you to my letter accompanying the plan, and numbered 56-22, in which I have given my reasons at length for the irregularity of my design, nor do I think it can be improved, in consequence of the very untoward nature of the ground. As regards the allotments marked by Mr. Larmer, I conceive the features of the land to be certainly no better adapted for a township, if so well; in fact, I do not think there is a suitable piece of ground anywhere in the neighbourhood. Mr. Larmer's allotments are entirely removed from fresh water, and the ground is even more rough and broken than the other; they are, however, close to the wharf, and may, therefore, be perhaps more suitable for stores, &c., although, as all goods must needs be carted from the wharf to the stores, or *vice versa*, I do not see why the carts might not almost as well carry their burdens one mile as a shorter distance; however, of this you will yourself be the best judge. I may, however, add, that I believe my choice of the site is one which was most approved of by the late Surveyor General.

I have, &c.,
COL. GEO. BARNEY, R.E., EDWD. J. MILLINGTON.
Surveyor General.

No. 25.

MR. A. WEBER to THE SURVEYOR GENERAL.

(No. 57-4.)

Braidwood and Clyde Road,

27 March, 1857.

SIR,

I have the honor to inform you that, according to your instructions of 2nd March, I have examined the country from the Gap to Monga, and have convinced myself that no other line of road than that over the Sugar Loaf can be taken.

The range between the Cabbage-tree mountain and Sugar Loaf is so abrupt in its fall towards the coast, that the same can only be ascended by means of one of these mountains. I am fully convinced that no road along the ranges of the Cabbage-tree mountain can be found which would justify the abandonment of all the works and of all the labor expended on the Sugar Loaf, and pray, therefore, for the sake of the interest of the inhabitants of this district, that no ear might be given to new proposals, which only delay the progress of the only practical line of road. At the same time, I beg to impress upon you that the road over the Sugar Loaf when completed as begun, will be by far not so terrible as might be imagined after reading the returned report. The drays will take no less load because they go over the Sugar Loaf, and the road will cost very little to keep in repair, as the material of the same is of such a nature that traffic will make little or no impression upon it for a long time to come. All that is required is to keep the drains and culverts open, and this can be done with very little expense.

2. About the proposed road to Bateman's Bay, I have only to say that the idea of lengthening the 33 miles long road by 10 miles would find no admirers in this district; I neither can understand why, by such a proceeding, no very large extra amount of outlay should be required, especially as the country is not at all so easy to make a road through as imagined. The attempt besides to form a township at the bay would prove a failure, as the land there is of the poorest description.

3. I hope that this report will so far satisfy as to occasion the immediate orders for recommencing the works on the Sugar Loaf, which would be the greatest boon to this district.

I have, &c.,

A. WEBER,

Supt. Braidwood and Clyde Road.

THE SURVEYOR GENERAL.

No. 26.

THE SURVEYOR GENERAL to THE UNDER SECRETARY FOR LANDS AND WORKS.

(No. 57-327.)

*Surveyor General's Office,**Sydney, 4 July, 1857.*

SIR,

In attention to the enclosed minute of the 21st May, I have the honor to return the tracing* of the Braidwood and Clyde River Road, transmitted in my letter of the 30th April last, to which, as required, the deviations in the road proposed by Mr. Assistant Surveyor Millington have, with an explanation, been added, and I may perhaps be permitted to observe that this information should not before have been omitted had I been aware that the Honorable the Secretary for Lands and Public Works required its introduction.

2. I beg to forward, at the same time, a sketch* of the village of Nelligen, shewing the allotments at the Fresh Water Ponds measured by Mr. Millington, as also the allotments which have been measured within the village.

3. These last mentioned allotments were surveyed by Mr. Licensed Surveyor Larmer in September, 1855, the plan of the town having been laid before the Executive Council, and approved of, in August, 1854, on a survey and design made in the month of May previous by Mr. W. H. C. Green, who was at that time in charge of the formation of the road, but who has since resigned and left the Colony.

4. The survey by Mr. Green was not, as will be seen from the sketch, very extensive, but it embraced a section of the portion of the road which passes through Nelligen, shewing that the swamp, in section 3, is barely above high water mark, and that the road, about where it crosses the north side of Ryrie-street, is eighty-two feet above high-water mark. The road, as shewn by Mr. Green, followed the direction pencilled on the plan, while Mr. Larmer's

Larmer's more detailed survey shews that the road crosses Ryrie-street diagonally, as dotted on the sketch. Now, if Mr. Larmer be correct in his representation of the road, it is obvious that to sell allotments by the present design would be to shut up, or divert, the road, and that a more convenient and better design might be adopted by carrying the leading street along the course of the road, and making the remainder of the design subservient to that street. Mr. Millington, however, recommends a slight divergence from Mr. Green's road, by which he crosses the spur, which he makes nearly eighty-five feet on Mr. Green's line, at an elevation of twelve feet less, and as the whole expenditure on Mr. Green's road in this part has consisted merely in clearing, there would appear to be no reason why Mr. Millington's improved line should not be carried out in its place, and the principal street carried along it.

5. It would, therefore, seem that the best line (which apparently is that of Mr. Millington) to the waters of the Clyde River should be determined, which line should form a base for the design of a village, in lieu of that already approved, and further, that there will be no objection to selling some of the allotments near the fresh water, measured by Mr. Millington, should the question of what shall be the termination of the Braidwood and Clyde River Road be determined in favor of Nelligen, or to selling these allotments previously to that determination, with the understanding that the Government does not pledge itself to adhere to the Nelligen termination, should it be proved that a road can, with more advantage to the public, be carried to some other point on the river.

6. While writing on this subject, I may perhaps be allowed to urge attention to the very important question raised by Mr. Millington in his letter of the 1st January last,—“That the Clyde River is not navigable, in consequence of the shifting bar at its mouth, “for vessels of more than twenty-five tons burthen.”

7. The previous correspondence shews the grounds on which it was assumed, when the road was commenced, that the river was navigable for vessels of such a size as to warrant the very large expenditure which has been made on the road, but the fact that (according to Mr. Millington) it is now believed on the spot that twenty-five tons is the maximum size of vessels for which the river is navigable, is a sufficient reason for having this important question set at rest, by the taking of soundings by a competent person on the bar in question; and should the facts be as now stated, the further examination of country between Nelligen and Bateman's Bay, with the view of finding a practicable road from some point on the present line between the Sugar Loaf and Nelligen to deep water, and a secure anchorage in Bateman's Bay.

THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS.

I have, &c.,
GEO. BARNEY,
Surveyor General.

No. 27.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE SURVEYOR GENERAL.

*Department of Lands and Public Works,
Sydney, 17 July, 1857.*

SIR,

In reference to your letter of the 4th instant, No. 327, enclosing the tracing of the Braidwood and Clyde River Road, which was returned to you for the purpose of having the deviations in the road proposed by Mr. Surveyor Millington added, and also enclosing sketch of the village of Nelligen, shewing the allotments measured at the Fresh Water Ponds by Mr. Millington, as also the allotments which have been measured within the village, I am directed by the Secretary for Lands and Public Works to request that the allotments measured by Mr. Millington at the Fresh Water Ponds may be brought forward for sale, and the design of the village of Nelligen may be altered in accordance with your recommendation, viz., that the line of road proposed by Mr. Millington (which is apparently the best) should form its basis, in lieu of that already approved.

2. I am to inform you that in proclaiming these lands for sale no special reference to Nelligen as a port need be made, but that the allotments may simply be described as being so far from Nelligen, and on the road from that place to Braidwood.

3. In regard to the question raised by Mr. Assistant Surveyor Millington, alluded to in the 6th paragraph of your letter now under reply, as to the Clyde River not being navigable

navigable for vessels of more than twenty-five tons burthen, in consequence of the shifting bar at its mouth, I am directed to inquire whether there is an officer at Braidwood, or elsewhere, in such a position that he could undertake a survey of the bar, and whether a boat can be obtained on the river.

I have, &c.,

THE SURVEYOR GENERAL.

MICHL. FITZPATRICK.

No. 28.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE SURVEYOR GENERAL.

*Department of Lands and Public Works,
Sydney, 20 August, 1857.*

SIR,

With reference to my letter of the 17th ultimo, respecting the survey of land at Nelligen and the bar at the mouth of the Clyde River, I am directed to draw your attention thereto, and to request the favor of an early report as to how the matter now stands.

I have, &c.,

THE SURVEYOR GENERAL.

MICHL. FITZPATRICK.

No. 29.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE SURVEYOR GENERAL.

*Department of Lands and Public Works,
Sydney, 3 September, 1857.*

SIR,

In reference to your letter of the 20th ultimo, No. 57-157, respecting the alleged demand for the sale of allotments of land at Nelligen, I am instructed to request that you will have the goodness to furnish, for the information of the Secretary for Lands and Public Works, a tracing shewing the position of the town of Nelligen, as approved by the Governor in Council, with reference to the projected roads to the river and fresh water.

2. You will have the goodness at the same time to state whether the town in question has been surveyed and laid out in allotments.

I have, &c.,

THE SURVEYOR GENERAL.

MICHL. FITZPATRICK.

No. 30.

THE SURVEYOR GENERAL to MR. LICENSED SURVEYOR CUTHILL.

(No. 1044.)

*Surveyor General's Office,
Sydney, 10 September, 1857.*

SIR,

I request that you will be good enough to make a careful survey of the site of Nelligen, embracing about half a mile of the River Clyde below the confluence of the Nelligen Creek, and that creek upwards to the allotments measured by Mr. Assistant Surveyor Millington, (of which a tracing is enclosed), and shewing the features between the Nelligen Creek and a distance of 80 chains south of the road to Braidwood.

2. The banks of the river and creek should be shewn with accuracy, also the margin of the swamps adjacent to the river, and all features within the area specified of sufficient importance to form obstructions to the carrying out of streets in the projected village.

3. This survey will be represented on a plan, on which the relative heights of features should be carefully preserved, on a scale of eight chains to the inch.

4. It is intended to cancel the present design for a village, and on the survey now required to make a new design, to be based upon the line of road suggested by Mr. Millington, of which a tracing is also enclosed, and you will therefore suggest such a design, making the sections, so far as the features will permit, 10 chains in length by 5 chains 30 links in depth, which design you will draw on a separate tracing, and on which you will shew any reservations which you would propose, for wharfs, future public buildings, &c.

5. You will also take, with the theodolite, levels along one or two of the main and cross streets which you may propose, and shew them on your plan, and you will also take some soundings on the portion of the Clyde River fronting the proposed village, noting the rise and fall of the tide, and other information which may seem to you to be of value in considering the design.

I have, &c.,

GEO. BARNEY,

MR. LICENSED SURVEYOR CUTHILL.

S. G.

No. 31.

THE SECRETARY FOR LANDS AND PUBLIC WORKS to THE SURVEYOR GENERAL.

*Department of Lands and Public Works,
Sydney, 26 October, 1857.*

SIR,

Adverting to your blank cover report of the 14th instant, on the letter from Mr. Crown Land Commissioner King, urging sales of land at Monga and Nelligen, and in which you suggest that the lands near Monga, which were offered for sale in May last but not sold, may be withdrawn from selection, for the purpose of being subdivided into portions of smaller area,—I am directed to inform you that there will be no objection to this being done; but that in the measuring of large portions of land, it would be well, I am to add, if you were to give such instructions to the surveyor as would, in the event of their not being sold, and it becoming necessary to subdivide them, as in the present instance, prevent a double survey.

2. With reference to the adjustment of the boundaries of the grant alluded to in your report, upon which it is supposed the town of Nelligen may encroach, I am directed to request that you will instruct Mr. Licensed Surveyor Cuthill to expedite the matter.

I have, &c.,

THE SURVEYOR GENERAL.

MICHL. FITZPATRICK.

No. 32.

THE SURVEYOR GENERAL to E. MANNING, ESQ.

*Surveyor General's Office,
Sydney, 25 March 1858.*

SIR,

The question as to whether Nelligen or Currawan should, on account of the greater natural advantages which it may possess, form the terminus of the road from Braidwood to the Clyde River, and consequently the site for the establishment of a town, being at present under consideration, it is thought that the captains of the steamers which have recently visited the locality may be in a position to afford information which will aid materially in arriving at a decision in the matter.

I have, therefore, the honor to request that you will be so good as to invite those gentlemen to favor me with their opinions as to whether the river between Currawan and Nelligen is of such a depth as to admit of its navigation by vessels of the burden of the "Nora Creina" and "Mimosa," and with such other particulars in regard to either of the two places as they may think proper.

I am, &c.,

E. MANNING, Esq.,

GEO. BARNEY.

Phoenix Wharf.

S. G.

No. 33.

E. MANNING, ESQ., to THE SURVEYOR GENERAL.

Sydney, 1 April, 1858.

SIR,

I have, in consequence of the receipt of your inquiry of the 25th March, elicited from the master of the steamer employed in the Clyde River trade that the features are far more favorable for the formation of a township at Currawan than at Nelligen, the land being better at the former place, while Currawan has an abundance of good water, and

Nelligen has none. The navigation of the river is quite practicable for vessels of light draught of water, such as those that now ply there. The further distance of the (to Currawan from Nelligen) is, I believe, eight miles.

I have, &c.,

THE SURVEYOR GENERAL

E. MANNING.

No. 34.

THE SURVEYOR GENERAL to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Surveyor General's Office,
Sydney, 8 May, 1858.*

SIR,

Mr. Caswill having, on speaking of the comparative advantages possessed by Currawan and Nelligen, neglected what appeared to me to be the most important part of the case, namely, the navigation between the two places, and its practicability by such steamers as those now plying to the Clyde River, I addressed a letter on the subject to Mr. Ede Manning, who in reply has kindly favoured me with the enclosed communication, which shews that the only objection raised by Mr. Mann in his report, herewith, to the selection of Currawan as a termination of the line of road from Braidwood is not, under the altered circumstance of steam communication, a tenable objection. To the statement made in the 14th paragraph of that report, "that Nelligen is the nearest possible point to Bateman's Bay for a dray to get to," I would beg to refer, with regard to the suggestions which have been made, that the road should meet the Clyde River at a point still lower down than Nelligen.

Taking Mr. Caswill's letter in connection with Mr. Mann's report, it seems to me that Currawan is likely to become the principal termination of the road, and of the navigation of the Clyde River, and that it may therefore be desirable to make some alteration in the design of that village, for which it will be necessary to obtain some additional information in reference to suitable wharf sites, &c., from the surveyor of the district.

I have, &c.,

THE UNDER SECRETARY FOR
LANDS AND PUBLIC WORKS.

GEO. BARNEY.
S. G.

No. 35.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE SURVEYOR GENERAL.
(No. 159.)

*Department of Lands and Public Works,
Sydney, 14 May, 1858.*

SIR,

In returning to you the enclosures which accompanied your blank cover report of the 8th instant, respecting the best site for the termination of the Braidwood and Clyde River Road, whether at Nelligen or Currawan, in which it is stated that further information is necessary from the surveyor of the district with regard to suitable wharf sites, &c.—I am directed to inform you that you should impress upon the surveyor employed at the Clyde the necessity of this matter being brought to an early settlement, and to observe that towns, both at Nelligen and Currawan, appear to be required.

I have, &c.,

THE SURVEYOR GENERAL.

MICHL. FITZPATRICK.

No. 36.

MR. SURVEYOR CUTHILL to THE SURVEYOR GENERAL.

(No. 58-21.)

Nelligen, 10 June, 1858.

SIR,

As I shall shortly have to take the soundings of the River Clyde, ordered in your letter of the 10th September, 1857, No. 1044, may I beg to be informed whether I am expected to provide a boat for my own convenience in taking the soundings, or whether there is a Government boat unemployed of which I can have the use.

I have, &c.,

THE SURVEYOR GENERAL.

JAMES CUTHILL.

No. 37.

THE SURVEYOR GENERAL to MR. SURVEYOR CUTHILL.

(No. 58-875.)

*Surveyor General's Office,
Sydney, 16 June, 1858.*

SIR,

In reply to the inquiry contained in your letter of the 10th instant, No. 21, I have to inform you that you should, if practicable, hire a boat, as I am not aware of there being one at the Clyde the property of the Government.

2. It is, I apprehend, necessary that I should inform you that it is desirable that you should permit as little delay as practicable to occur in carrying out the instructions in your hands with regard to Nelligen and Currowan.

I am, &c.,

GEO. BARNEY,

Surveyor General.

MR. LICENSED SURVEYOR CUTHILL.

No. 38.

MR. SURVEYOR CUTHILL to THE SURVEYOR GENERAL.

(No. 58-27.)

Nelligen, 6 July, 1858.

SIR,

I am happy to inform you that, through the kindness of Mr. J. M'Canley, of Currowan, I have been accommodated with the use of a boat to enable me to take the soundings of the Clyde opposite to the township of Currowan; although the soundings are not all yet taken which I consider necessary, I am able to state that there is a sufficient depth of water in front of the township for the proposed wharf. At one part, viz, the south-east corner of the township, there are 7 feet of water at ebb tide within 6 feet of the bank of the river.

I beg to state that I am proceeding as fast as possible with the survey of Nelligen and Currowan, and that the progress made is as much as I could expect, considering the shortness of the days and the inclemency of the weather at this season of the year. The flats at Nelligen are now for the most part under water.

I find that about 100 acres of land have been sold at the South Currowan Township, and fronting the Clyde, and, as I have no tracing of this land, I should feel obliged by your ordering one to be forwarded to me.

I have, &c.,

JAMES CUTHILL.

THE SURVEYOR GENERAL.

No. 39.

THE SURVEYOR GENERAL to MR. SURVEYOR CUTHILL.

(No. 58-1208.)

*Surveyor General's Office,
Sydney, 16 August, 1858.*

SIR,

In reference to the last paragraph of your letter of the 6th ultimo, No. 27, I have to inform you that I have in this instance instructed Mr. Langley to supply you with the tracing you require, but I must request that you will in future avoid making application to me for tracings, with which you have more than once been told that licensed surveyors are expected to provide themselves.

I am, &c.,

GEO. BARNEY.

Surveyor General.

MR. LICENSED SURVEYOR CUTHILL.

No. 40.

THE SURVEYOR GENERAL to MR. SURVEYOR CUTHILL.

*Surveyor General's Office,
Sydney 9 October, 1858.*

SIR,

I have to draw your attention to my letter of the 10th day of September, 1857, No. 1044, whereby you were directed to make a re-survey of the village of Nelligen, and to request that you will carry out the instructions above referred to with as little further delay as possible.

I am, &c.,

GEO. BARNEY, S. G.

MR. LICENSED SURVEYOR CUTHILL.

No. 41.

MR. SURVEYOR CUTHILL to THE SURVEYOR GENERAL.

(No. 45-58.)

Nelligen, 29 October, 1858.

SIR,

In answer to your letter of the 9th instant, I beg to state that I am using every exertion to complete the survey of Nelligen as soon as possible.

Some time since my men all left me but one, allured by the accounts of the new diggings at Rockhampton, so that I could proceed but slowly for some time. I have now, however, succeeded in engaging other laborers, and my work is now progressing as fast as I can push it.

I have, &c.,

THE SURVEYOR GENERAL.

JAMES CUTHILL.

No. 42.

MR. JOHN RIXON to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

Nelligen, 16 September, 1858.

SIR,

Having observed some time ago the great inconvenience and discomfort experienced at Nelligen Point by travellers to and from Sydney, from the want of an accommodation house at that place, I ventured to build one on part of the space which I understood to be set apart for a Government Reserve, and as my establishment there is now universally acknowledged to be a public convenience, I beg respectfully that I may be permitted to occupy the ground on which it stands during the pleasure of the Government and no longer; I also request that I may, on giving up possession of the ground, be allowed sufficient time to remove my buildings from their present site.

I beg further to state, that, if considered necessary, I have no objection to pay a fair rent for the ground while in my occupation.

The ground in question may be thus described,—commencing at a point about south-west from the western corner of Mr. Richardson's wharf 1 chain 50 links, and bounded on the north by a line bearing easterly 2 chains; on the east by a line bearing southerly 1 chain; on the south by a line bearing westerly 2 chains; on the west by a line bearing northerly 1 chain to the point of commencement.

I have, &c.,

TO THE HONORABLE JOHN ROBERTSON,
Department of Lands and Public Works.

JOHN RIXON.

[Referred for Report of Surveyor General.]

No. 43.

(Blank Cover. 9 October 1858.)

Mr. Licensed Surveyor Cuthill has been directed to transmit, without delay, his survey of Nelligen, in the absence of which I am not in a position to report on the matter.

GEO. BARNBY,

THE UNDER SECRETARY FOR
LANDS AND PUBLIC WORKS.

Surveyor General.
9 Oct., 1857.

No. 44.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE SURVEYOR GENERAL.

(No 341.)

*Department of Lands and Public Works,
Sydney, 6 December, 1858.*

SIR,

Referring to your report of the 9th October, No. 508, on the subject of Mr. Rixon's application to be allowed to continue in occupation of certain land at Nelligen, on which he has erected improvements, I am directed to state that this matter is very urgent, and to request, therefore, that you will expedite the report thereon of Mr. Licensed Surveyor Cuthill.

I have, &c.,

THE SURVEYOR GENERAL.

MICHL. FITZPATRICK.

No. 45.

No. 45.

(Blank Cover. 16 Dec., 1858.)

The Under Secretary for Lands and Public Works to the Surveyor General, urging that Mr. Licensed Surveyor Cuthill's report be expedited.

No. 46.

Refer the Surveyor General to the urgent instructions given to him in May last, and request that he will now call upon the licensed surveyor to explain why this work has not been attended to.

The Secretary for Lands and Works has more than once urged this matter on the attention of the Surveyor General, and he retains a strong impression that he long since suggested the propriety of withdrawing the work from Mr. Cuthill, and entrusting it to other hands.

M. F.

B. C. 18 Jany., 1859.

No. 47.

MR. SURVEYOR CUTHILL to THE SURVEYOR GENERAL.

(No. 59-3.)

Nelligen, 25 January, 1859.

SIR,

I beg to forward herewith a plan* of a portion of the township of Nelligen, as ^{*Not furnished.} I found it impossible to finish the large plan now in progress of Nelligen and its environs in so short a time as you demand.

2. The descriptions and levellings of the streets shall be forwarded as fast as they can be written and plotted.

3. The streets shewn on the present map are good, with the exception of Hunter-street, and the sections are laid out as nearly in accordance with the established custom as the nature of the ground will permit.

4. I beg to suggest that several of the allotments on the northern portion of section 12 ought not to be offered for sale before the opening of the new street (Braidwood-street), so as not to impede the present traffic to Braidwood and the interior.

5. I have made Braidwood-street diverge a little to the north, so as to run into Mr. Millington's line (the present road), but I propose producing it in a straight line as far as the bend in the creek, marked broad-arrow B on the accompanying map, retaining the land in front as a reserve for road, &c.

6. I beg to state that I do not perceive any peculiar propriety in the laying out either of Mr. Millington's road, or allotments between the last mentioned point and Nelligen Creek westward. The road would be equally good, and, of course, shorter, if reduced more to a straight line, and the allotments would be improved by being laid out more regularly and parallel to one another.

I have, &c.,

THE SURVEYOR GENERAL,

Sydney.

JAMES CUTHILL,

L. S.

No. 48.

THE SURVEYOR GENERAL to MR. SURVEYOR CUTHILL.

Surveyor General's Office,

Sydney, 7 February, 1859.

SIR,

In reference to the survey of Nelligen, transmitted by your letter of the 28th ultimo, No. 3, I have to point out to you that by the second paragraph of my instructions of the 10th Sept., 1857, your design was to be based upon the line of road of which a tracing was sent to you; but in direct contradiction to that direction, you have repeated precisely the faults for which the survey by Mr. Larmer was cancelled, making your main street cross the road diagonally and meet the swamp where it is three chains wide. This

design is, therefore, practically as objectionable as that above referred to, and cannot, therefore, be entertained, neither can the survey be made use of.

2. Independently of this, you have not, as directed, shewn the design on a separate tracing, and while the design was by instruction not even to be placed on the plan, you have taken it upon yourself to mark it all out on the ground, and, of course, to shew it on the plan.

3. Further, although shewing on your plan a line indicating a depth of seven feet at low water, you have shewn no soundings, and have not stated how the position of the line in question was ascertained, neither have you afforded any information respecting the rise and fall of the tide, as directed by the last paragraph of my instructions before referred to.

4. Under these circumstances, and on account of the great inconvenience to which the public has been subjected by your delays, I have considered it desirable that your district should be placed in other hands, and I have, therefore, instructed Mr. Surveyor Rowland to receive from you all the papers relating to Nelligen and Currowan.

5. You will, therefore, hand over to Mr. Rowland the instructions alluded to, and you will transmit, without delay, such other work as you may have already completed.

I am, &c.,

GEO. BARNEY,

Surveyor General.

MR. LICENSED SURVEYOR CUTHILL.

No. 49.

THE SURVEYOR GENERAL to MR. SURVEYOR ROWLAND.

(No. 59-177.)

Surveyor General's Office,

Sydney, 7 February, 1859.

SIR,

I have to request that you will proceed by the steamer which leaves the Phoenix Wharf this day for the Clyde River, and place yourself in communication with Mr. Licensed Surveyor Cuthill, for the purpose of obtaining from him the instructions, plans, &c., the property of the Government, in his hands, having reference to the surveys required at Currowan and Nelligen.

2 On arrival, your first duty will be the re-survey of Nelligen, which you will commence by making a careful examination of the ground occupied by the design prepared by Mr. Cuthill, with a view to arriving at a conclusion whether that design is, as is supposed, so unsuitable as to be useless. It is desirable that you should survey the outline of the Clyde River and Nelligen Creek as far as shewn by Mr. Cuthill, determining the position of the opposite side of the Clyde River; that you should survey the boundaries of the swamps, the creeks or gullies, and the ranges or spurs, as far as Mr. Cuthill has done, and for some distance to the west of Cowper-street, and, of course, also the existing road and tracks; and that you should, if you can obtain means of doing so, take soundings, reduced to ordinary low water level of the river, in front of the town site. Having plotted your survey on a scale of 4 chains to 1 inch, and carefully represented the features—assuming that you think a design based upon the existing road would be an improvement on that of Mr. Cuthill—you will design on your plan, with a soft pencil, lines of street in the town site, taking as a guide the directions in the enclosed printed instructions, and, so far as you may consider it applicable to the features as represented by your survey, the design pencilled on Mr. Cuthill's plan.

This survey and design, with a report embracing any information that may appear valuable in determining the design, it is hoped that you will be able to furnish by the next trip of the steamer from Nelligen.

Having completed this survey, plan, and report, and taken steps to forward them by steamer, you will proceed to Currowan, on the Clyde River, some 5 miles north of Nelligen, where a village was laid out in 1844, but of which a few suburban allotments only have been sold.

It is not improbable that Currowan may become a shipping place as much used as Nelligen, as in the opinion of many persons the road thence to Braidwood, which joins the Nelligen line about 5 miles from the Clyde River, is better naturally than that to Nelligen.

What is required at Currowan is a survey of the features between the south boundary of the reserve and Currowan Creek, with soundings of the river as at Nelligen, and an

amended

amended design, which will provide for convenient shaped allotments bounded by practicable streets in the vicinity of the river, a reserve for a public wharf, and some allotments having river frontage; so far as allotments have been sold the existing design cannot, of course, be altered, but beyond the portion of the design near the river regularity may be sacrificed to securing the most convenient access from the track from Braidwood to the river.

A suggested amendment of this design has been pencilled on the plan of the village, which you may take with you, and this design may afford you some assistance in proposing and drawing a design on your plan, which should be on a scale of 4 chains to 1 inch.

I may add that Mr. Cuthill has been communicated with, and requested to hand over to you the instructions in his hands, with plans and other documents, the property of the Government.

I am, &c.,

GEO. BARNEY,

Surveyor General.

Mr. SURVEYOR ROWLAND.

[Enclosure in No. 49.]

(Circular.)

Surveyor General's Office,
Sydney, December, 1858.

Sir,

The Commissioner for Internal Communication having recommended in his Report on the Main North Road that within three miles of towns a width of ninety feet, and beyond that distance a width of eighty feet should be preserved, in accordance with the provisions of the Act 4, William 4th, No. 2, and measurements for this Department being made in links,—I have to inform you that it has been considered desirable to lay down as a rule, that in the measurement of Crown Lands adjacent to the main roads from Morpeth to Armidale, from Sydney to Wellington, and from the Parramatta Road to Albury, a width of 150 links within three miles of towns, and beyond that distance a width of 125 links, should be preserved.

2. In surveys which you have to make on any of these roads, you will therefore adhere to the above rule, which will not of course influence in any way the application of the principle laid down in my Circular of the 24th day of December, 1857, No. 1634.

I have, &c.,

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

**ENCROACHMENTS UPON HIGH-STREET,
WEST MAITLAND.**

(CORRESPONDENCE BETWEEN MESSRS. GORRICK & SEMPILL AND
THE GOVERNMENT.)

Ordered by the Legislative Assembly to be Printed, 30 March, 1859.

SCHEDULE.

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CASE OF H. C. SEMPILL.

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ENCROACHMENTS UPON HIGH STREET, WEST MAITLAND.

CASE OF I. GORRICK.

No. 1.

MR. W. BRIGGS to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

Maitland, 11 February, 1858.

SIR,

Mr. Isaac Gorrick, of Maitland, handed me a letter, received from Mr. Thomson, a copy of which I have the honor to enclose, relative to a strip of Government land in front of Blaxland's, Potter McQueen's, Sempill's, and other properties in High-street, West Maitland, near the "Northumberland Hotel," requesting me to ascertain from the Government if Mr. Thomson was authorised to proceed in the matter. George Boyle White, Esq., who, it appears, has been called upon by Mr. Nicholson, of this town, to settle a disputed boundary line between Mr. Nicholson and Mr. Gorrick's properties, which are bounded on the south by this strip of Government land, and on which all the buildings in that locality appear to have been erected, informs me that when he was Commissioner of Crown Lands in this district he was instructed by letter not to interfere with the parties who were encroaching on this land by building, as it was the original intention of the Government that Potter McQueen's, Blaxland's, Sempill's, and the other premises, should be bounded by the High-street.

Waiting your reply,

I have, &c.,

THE HONORABLE THE SECRETARY
FOR LANDS AND PUBLIC WORKS,
Sydney.

WM. BRIGGS,
Agent.

[Enclosure in No. 1.]

*Crown Lands Office,
East Maitland, 4 February, 1858.*

Sir,

It having been reported to me by the attorney of Mr. William Nicholson that you have been guilty of an encroachment upon the Crown lands at the junction of the Oakhampton Road with the High North Road passing through Maitland; thus causing a nuisance and an injury to a serious extent to the adjoining lands belonging to the said William Nicholson:

This is to give you notice that unless the said nuisance or trespass is immediately removed (when the same is reported to the Government, so that an accurate description and survey of the land is made), proceedings will be instituted against you.

I have, &c.,

Isaac Gorrick, Esq.,
West Maitland.

JAMES THOMSON,
Commissioner of Crown Lands.

No. 2.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MR. COMMISSIONER THOMSON.

*Department of Lands and Public Works,
Sydney, 18 February, 1858.*

SIR,

I am directed by the Secretary for Lands and Public Works to request the favor of your report on the enclosed letter, addressed to this Department by Mr. William Briggs, of Maitland, respecting the steps taken by you in connexion with an encroachment by Mr. James Gorrick on certain Government land in High-street, West Maitland.

I have, &c.,

THE COMMISSIONER OF CROWN LANDS,
Maitland.

MICHL. FITZPATRICK.

No. 3.

No. 3.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MR. W. BRIGGS.

*Department of Lands and Public Works,
Sydney, 18 February, 1858.*

SIR,

I am directed by the Secretary for Lands and Public Works to inform you that your letter dated the 11th instant, respecting the steps taken by the Commissioner of Crown Lands for the District of Maitland, in connexion with an encroachment by Mr. Isaac Gorrick on certain Government land in High-street, West Maitland, has been referred for the report of that officer, who does not appear to have received or asked for any instructions in the matter.

I have, &c.,

MICHL. FITZPATRICK.

WM. BRIGGS, ESQ.,
Maitland.

No. 4.

MR. COMMISSIONER THOMSON to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

*Crown Lands Office,
East Maitland, 25 February, 1858.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 18th instant, No. 3, with its enclosures, relative to an encroachment made by Mr. Isaac Gorrick—no doubt others are similarly implicated.

The matter of encroachment is of long standing, and will be better exemplified by the enclosed tracing, by which you will observe that the various grants to the Episcopal Church, Sempill, Blaxland, and McQueen, neither of which on the tracing come up to the road, yet all of which are in possession up to the road.

Mr. Briggs in his letter says, that when Mr. White was Commissioner of Crown Lands in this district he was instructed by letter not to interfere with the parties who were encroaching on this land. This is not correct; Mr. White informs me otherwise—that when as a surveyor he had communications with the Government regarding the portion of land in front of Sempill's land, and which was arranged that Mr. Sempill's grant was to come up to the road, it was not so with any of the others, but more particularly a trespass in front of Blaxland's land, as I am distinctly informed by Mr. White, as a Commissioner, in which capacity he seldom acted, although created one many years ago, that when Mr. George Yeomans was about (who was then in possession or charge of Blaxland's land) to erect a butcher's shop upon the small angular piece of land situated on the west side of the Oakhampton Road, that he cautioned Mr. Yeomans that he was trespassing on the Government land, and gave him notice to that effect, and, in order to shew a tracing of this land more accurately, Mr. White promised to leave with me his plan of this portion of Maitland; not having as yet received it, I deferred my communication with you in consequence; however, the encroachment complained of by Mr. Nicholson, who is the sole proprietor of Sempill's land, and who also lately purchased from Mr. Gorrick Blaxland's land, but he, Mr. Gorrick, retained only the small angular portion of Blaxland's land at the west side where it is intersected by the Oakhampton Road, and adjoining which the encroachment on the Crown lands exist, this encroachment he (Mr. Nicholson) considers it interferes with the value of his property, as it allows a shabby temporary building to remain at the extremity of and point of his land, and, as it is an encroachment upon the Crown land, prays it may be removed.

THE HONORABLE THE SECRETARY
FOR LANDS AND PUBLIC WORKS,
Sydney.

I have, &c.,

JAMES THOMSON.

No. 5.

The Surveyor General is requested to report.

Blank Cover.

26 Feb., 1858.

M. F.

No. 6.

SURVEYOR GENERAL'S REPORT:

The plan herewith, by Mr. Licensed Surveyor Maitland, fully illustrates the encroachment on Crown land complained of by Mr. Nicholson. It shews also, however, that Mr. Nicholson has himself several encroachments on Crown land, but which Mr. Maitland states that Mr. Nicholson is prepared to remove.

In reference to Mr. Gorrick's encroachment, it appears to me that, as a matter between that gentleman and Mr. Nicholson, there is no reason for interference by Government; the encroachment by Mr. Gorrick being entirely within the extension, either westerly or at right angles with High-street, of the frontage of his property, and it being in his power to erect just such a shabby temporary building, although of smaller dimensions, on his own property, were the encroachment on Crown land removed.

As a matter between Mr. Gorrick and the public, the encroachment does not appear to be of sufficient importance to render necessary any proceedings for its removal, until the building line of High-street shall have been finally determined by a general survey and alignment of streets in Maitland, which survey has been in contemplation, but has been deferred, pending the introduction of Municipal Institutions.

It may be mentioned that both Blaxland's and Sempill's grants are described as bounded on the south-west by a line bearing, &c., and not by a road or street, and that the Oakhampton Road was reserved passing through the grants.

These are however points which are more deserving of consideration in the alignment of the street than of any use at the present time, and in reference to the present question.

GEO. BARNEY,

S. G.

29 Sept., 1858.

No. 7.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MR. COMMISSIONER THOMSON.

(No. 58-594.)

*Department of Lands and Public Works,
Sydney, 11 October, 1858.*

SIR,

In reference to your letter of the 25th of February last, on the subject of Mr. Nicholson's complaint of Mr. Isaac Gorrick's encroachment on certain Crown land at West Maitland, I am directed to inform you that, under a report received from the Surveyor General, it does not appear necessary that the Government should interfere further in this matter.

I have, &c.,

MICHL. FITZPATRICK.

JAMES THOMSON, Esq.,
Commissioner of Crown Lands,
Maitland.

No. 8.

MR. W. BRIGGS to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

Maitland, 30 October, 1858.

SIR,

I have the honor to inform you, that some time about July last Mr. D. M. Maitland, Government Surveyor, placed the broad arrow upon ten or twelve properties on the north side of High-street, commencing near the "Northumberland Hotel," extending in an easterly direction. One of the properties so marked is a small house, the property of Mr. Isaac Gorrick of this town, occupied by Samuel Elson, in reference to the ownership of which Mr. Gorrick and Mr. Nicholson have had a serious dispute.

Nothing having transpired since the Government mark was placed there, I am instructed to inquire, on behalf of Mr. Gorrick, what the intention of Government may be with reference thereto.

I have, &c.,

WM. BRIGGS.

THE HONORABLE THE SECRETARY FOR
LANDS AND PUBLIC WORKS.

Sydney.

No. 9.

The Surveyor General is requested to report.

Blank Cover.

2 November, 1858.

M. F.

No. 10.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to MR. W. BRIGGS.

(No. 58-3065.)

Department of Lands and Public Works,
Sydney 2 November, 1858.

SIR,

Your letter under date the 30th ultimo, on the subject mentioned below, has been duly received and referred for the report of the Surveyor General.

2. As soon as the necessary information has been obtained, a further communication will be made to you.

I have, &c.,

MICHL. FITZPATRICK,

Under Secretary.

SUBJECT:—Inquiring as to the intention of the Government in marking with the broad arrow a certain house at Maitland, the property of your client, Mr. J. Gorrick.

W. BRIGGS, Esq.,
Maitland.

 CASE OF H. C. SEMPILL.

No. 1.

H. C. SEMPILL, ESQ., to THE COLONIAL SECRETARY.

Darlinghurst, 13 January, 1840.

SIR,

In reference to the annexed sketch of land at West Maitland, I beg leave to solicit the sanction of His Excellency the Governor to an exchange of the strip of land colored red for an equal quantity in value of mine colored blue.

My reason for soliciting this exchange is that the strip of red lies chiefly in a hollow, over which the wooden bridge is erected, and I am in consequence completely shut out from the bridge, and prevented from building, which I would otherwise carry into effect were I permitted to make the exchange requested, which would in no way interfere with the bridge or highway, but, on the contrary, form an excellent public improvement.

The land I offer in exchange I respectfully propose should be made a street or public road leading to the river from the main street, as the inhabitants have no right of access to the river whatever, and now that lands are getting enclosed and built upon such access is most necessary and desirable.

The point of the river where such street or road would terminate has never been known to be without as much water as would float a man-of-war, and the erection by the inhabitants of a simple engine, on the principle of a Spanish "noria," driven by one horse, would not only supply all domestic wants, but keep a whole district in a constant state of irrigation.

I have, &c.,

H. C. SEMPILL.

THE HONORABLE
THE COLONIAL SECRETARY.

Nos. 2 and 3.

H. C. SEMPILL.

Surveyor General (blank cover 26th January, 1840,) to report on his application to be allowed to exchange a portion of his allotment at Maitland, adjoining the bridge, for another adjoining portion 40-414. B. cover No. 40-29, 21 January, 1840.

40-8.

I apprehend there may be some difficulty in reconciling the proposed exchange with the provisions of the Road Act, according to which nothing is allowed to be erected within 30 feet of the centre of the road, but in every other respect the proposal seems advantageous; and as the strip of ground colored red is perfectly useless to the public, except as a part of the road, it may be advisable to ascertain whether there will be sufficient breadth left after alienating the strip, in which case I would recommend a compliance with Mr. Sempill's request.

S. A. PERRY,

D. S. G.

26 January, 1840.

No. 4.

THE COLONIAL SECRETARY to THE SURVEYOR GENERAL.

(No. 40-72.)

*Colonial Secretary's Office,**Sydney, 4 February, 1840.*

SIR,

With reference to your blank cover report of the 26th ultimo, on a letter from Mr. H. C. Sempill, proposing to surrender a portion of his steam engine ground at West Maitland on condition of receiving a like portion adjoining the wooden bridge and main road, I have the honor to inform you, that His Excellency the Governor will have pleasure in acceding to Mr. Sempill's proposal, provided the road be not thereby reduced below its proper width. You will, therefore, have the goodness to report, for His Excellency's information, whether there will be a sufficient breadth of road left after alienating the portion required by Mr. Sempill.

I have, &c.,

E. DEAS THOMSON.

THE SURVEYOR GENERAL.

No. 5.

THE DEPUTY SURVEYOR GENERAL to MR. SURVEYOR WHITE.

(No. 40-54.)

*Surveyor General's Office,**14 February, 1840.*

SIR,

The Governor having expressed his readiness to accede to a proposal made by Mr. Sempill to surrender a portion of his steam engine ground at Maitland, on condition of receiving a like portion adjoining the bridge over the sandy hollow and main road, provided the road be not thereby reduced below its proper width, I have to request that you will report whether there will be sufficient breadth of road left after alienating the portion required by Mr. Sempill.

I am, &c.,

S. A. PERRY,

D. S. G.

G. B. WHITE, Esq.,
Surveyor, Maitland.

No. 6.

MR. SURVEYOR WHITE to THE SURVEYOR GENERAL.

(No. 40-12.)

*Hunter's River,**25 February, 1840.*

SIR,

I do myself the honor to acknowledge the receipt of your letter, No. 40-54, informing me that His Excellency the Governor had expressed his readiness to accede to a proposal made by Mr. Sempill to surrender a portion of his steam engine ground at Maitland on condition of his receiving a like portion adjoining the bridge over the sandy hollow, provided that the high road be not reduced below the proper width thereby, and requesting me to report to you on that subject. In reply, I beg to forward to you a sketch shewing the allotments

allotments near the sandy hollow, also the ground still the property of the Crown; by that plan it will be perceived that there is not more than 99 feet across the road, the width pointed out by the Regulations on that head within 3 miles of a township.

I have, &c.,

G. B. WHITE,

THE SURVEYOR GENERAL.

Surveyor.

No. 7.

THE DEPUTY SURVEYOR GENERAL to THE COLONIAL SECRETARY.

(No. 40-92.)

Surveyor General's Office,

6 March, 1840.

SIR,

With reference to your letter, No. 40-72, signifying that the Governor was ready to accede to a proposal made by Mr. Sempill to surrender a portion of his ground at Maitland, on condition of his receiving a like portion adjoining the bridge over the sandy hollow, provided that the high road be not reduced below the proper breadth thereby,—I have the honor to acquaint you, for his Excellency's information, that the surveyor of the district reports that there is not more than 99 feet across the road, and which is the width prescribed by the Act of Council 2 Gul. IV., No. 12, for roads within three miles of a township.

I have, &c.,

THE HONORABLE

THE COLONIAL SECRETARY.

S. A. PERRY,

Deputy Surveyor General.

No. 8.

THE DEPUTY SURVEYOR GENERAL to THE COLONIAL SECRETARY.

16 March, 1840.

MY DEAR SIR,

In my letter of 6th instant reporting respecting Mr. Sempill's application for a strip of ground along the road at West Maitland, I mentioned 99 feet as the width prescribed by the Act; I find, however, on reference to the Act, that 90 feet is the breadth prescribed, and I would therefore suggest that the Governor's decision may be suspended until the exact distance from the centre of the road to the point at which Mr. Sempill is desirous of coming shall have been ascertained, or that he may be allowed to bring up his buildings to the distance of 45 feet from the centre of the road at the point in question.

THE HONORABLE

E. DEAS THOMSON.

Yours, &c.,

S. A. PERRY.

No. 9.

THE COLONIAL SECRETARY to THE DEPUTY SURVEYOR GENERAL.

(No. 40-171.)

Colonial Secretary's Office,

Sydney, 19 March, 1840.

SIR,

In reference to your letter of the 6th instant, No. 40-92, reporting on the application of Mr. H. C. Sempill to be allowed to exchange a portion of his land at West Maitland for an equal extent along the road near the Wooden Bridge,—

I have the honor to inform you that His Excellency the Governor approves of Mr. Sempill's being allowed to build up to within forty-five feet of the centre of the road, as suggested in your note of 16th instant, of which he has been informed.

I have, therefore, the honor to request that you will cause Mr. Sempill's building line to be properly defined, reporting, for His Excellency's information, what quantity of land will be thus conceded to him.

I have, &c.,

THE DEPUTY SURVEYOR GENERAL.

E. DEAS THOMSON.

No. 10.

No. 10.

THE DEPUTY SURVEYOR GENERAL to MR. SURVEYOR WHITE.

(No. 40-102.)

*Surveyor General's Office,
Sydney, 27 March, 1840.*

SIR,

With reference to your letter of the 25th ultimo, No. 40-12, transmitting a sketch of the ground near the bridged hollow at West Maitland, to shew that by leaving the road ninety-nine feet wide, the proposal made by Mr. Sempill, as mentioned in my letter of the 14th February, 1840, No. 40-54, could not be carried into effect,—I have to acquaint you that, although the road from Maitland to Cockfighter's Bridge was cleared to the width of ninety-nine feet, and proclaimed to be maintained to that width as far as regarded the clearing, yet the liberal construction of the law relating to the erection of buildings or fences upon roads already established admits of buildings being erected at, and not within forty-five feet from the centre of a road if within three miles of a town, and the particular case under notice having been submitted to the Governor, His Excellency has approved of Mr. Sempill's being allowed to build accordingly, and I have therefore to request that you will define Mr. Sempill's building line being forty-five feet from the centre of the present road, and that you will report to me, for His Excellency's information, what quantity of land will be thus conceded to him, for which a like quantity is to be received as a road to the river.

I have, &c.,

G. B. WHITE, Esq.,

S. A. PERRY.

Surveyor.

No. 11.

MR. SURVEYOR WHITE to THE SURVEYOR GENERAL.

(No. 40-27.)

*Hunter's River,
9 May, 1840.*

SIR,

I do myself the honor to acknowledge the receipt of your letter, No. 40-102, referring to mine, No. 40-12, in reply to your communication 40-54, dated 14th February last, on the subject of Mr. Sempill being allowed to exchange a piece of ground at West Maitland, forming a strip to the River Hunter, for a piece of vacant land situated between the west boundary line of his allotment and the high road, and informing me that the building line within three miles of a township is regulated by Act of Council at forty-five feet from the centre of the road.

As there is a difference of opinion between Mr. Sempill and myself in this matter as to the point constituting the centre of the road, I beg to enclose a sketch, on a large scale, exemplifying it, and to draw your attention to the descriptions of the allotments on the south-west side of that road, all described as bounded by it, and to state that small buildings have been erected up to the line defined by me as the south-west side of the road.

By taking Mr. Sempill's view of this matter, twelve feet must be taken from these allotments all along the road side to add to that piece of ground for which that gentleman is to give other land in exchange.

I have, however, pointed out the building line to Mr. Sempill according to his interpretation of the Act of Council on that subject, awaiting your decision whether it is correct or not, and I have to observe that the main street of West Maitland does not exceed seventy feet in width in any part of it

I have, &c.,

THE SURVEYOR GENERAL.

G. B. WHITE,
Surveyor.

No. 12.

THE DEPUTY SURVEYOR GENERAL to THE COLONIAL SECRETARY.

(No. 40-240.)

*Surveyor General's Office,
10 July, 1840.*

SIR,

In your letter of the 19th March last, No. 40-171, in reference to mine of the 6th of the same month, No. 40-92, reporting on the application of Mr. H. C. Sempill to be allowed to exchange a portion of his land at West Maitland for an equal extent along the road

road near the wooden bridge, you inform me that His Excellency the Governor approves of Mr. Sempill's being allowed to build up to within forty-five feet of the centre of the road, and request that I will cause the building line to be properly defined, reporting, for His Excellency's information, the quantity of land thus conceded to him. I have the honor to state that, on the receipt of the above letter, I instructed Mr. White to carry into effect the instructions therein contained, but that he has some difficulty in determining the centre of the road in question, and has, therefore, transmitted to me a sketch illustrative of the view which he takes of the case, in opposition to Mr. Sempill's opinion. Of this plan I transmit a copy, as well as of his report; and as it appears that the point at issue can only be determined by an interpretation of the Act of Council respecting the centre of the road, I await further instructions. The opposite side of the road having been fixed by the measurement of certain allotments, as pointed out by Mr. White, the Road Act fixing ninety feet as the width of roads within three miles of towns, and the road having been left ninety feet wide, I am induced to lean in a measure to Mr. White's view of the case, which will render a compliance with Mr. Sempill's application impracticable, although, as Mr. White observes, the main street in West Maitland does not in any part exceed seventy feet in width.

I have, &c.,
S. A. PERRY,
D. S. G.
THE HONORABLE
THE COLONIAL SECRETARY.

No. 13.

THE COLONIAL SECRETARY to THE SURVEYOR GENERAL.

(No. 40-434.) Colonial Secretary's Office,
Sydney, 25 July, 1840.

SIR,

In reference to your letter of the 10th instant, No 40-240, on the subject of the permission given to Mr. H. C. Sempill to build to within forty-five feet of the centre of the road near the bridge at West Maitland, but in which case a difference of opinion exists between Mr. Sempill and the District Surveyor as to what is to be deemed the centre line,—

I have the honor, by the direction of the Governor, to inform you that the centre of the bridge or platform must be taken to be the centre of the road, and if it be so considered, His Excellency thinks there will be no difficulty in carrying the arrangement with Mr. Sempill into effect, of which he has been apprised.

I am, &c.,
E. DEAS THOMSON.
THE SURVEYOR GENERAL.

No. 14.

THE SURVEYOR GENERAL to MR. SURVEYOR WHITE.

(No. 40-284.) Surveyor General's Office,
8 August, 1840.

SIR,

Having submitted, for the consideration of His Excellency the Governor, the point mooted in your letter of the 9th May last, on the subject of Mr. Sempill's proposal to build within forty-five feet of the centre of the road near the bridge at West Maitland,—

I have to acquaint you that the Colonial Secretary has intimated to me, in his letter No 40-434, that the Governor directs that the centre of the bridge is to be taken to be the centre of the road, and, being so considered, there will be no difficulty in carrying the arrangement with Mr. Sempill into effect.

I have, &c.,
S. A. PERRY,
D. S. G.
G. B. WHITE, Esq.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

MANAGEMENT OF THE SURVEY DEPARTMENT.

THE PROCEEDINGS,
MINUTES OF EVIDENCE, AND APPENDIX,

OF

THE SELECT COMMITTEE

ON

MANAGEMENT OF THE SURVEY DEPARTMENT;

APPOINTED DURING THE SESSION OF 1858.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

24 March, 1859.

SYDNEY:

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

1859.

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EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

1858.

VOTES No. 21. FRIDAY, 30 APRIL, 1858.

- 5. Management of the Survey Department :—Mr. White moved, pursuant to notice :—
 - (1.) That a Select Committee be appointed to inquire into, and report upon, the management, past and present, of the Survey Department of the Colony, with liberty to send for persons and papers.
 - (2.) That such Committee consist of Mr. Robertson, Mr. Hay, Mr. Scott, Mr. Aldcorn, Mr. George Macleay, Mr. Forster, Mr. Moriarty, Mr. Donaldson, Mr. Piddington, and the Mover.
 Question put and passed.

VOTES No. 23. THURSDAY, 6 MAY, 1858.

- 9. Management of the Survey Department :—Mr. White moved, pursuant to notice, That the following Papers be referred to the Select Committee on the " Management of the Survey Department," now sitting, viz. :—
 - Return relative to the Survey Department, ordered to be printed 6th December, 1853.
 - Report upon the strength and efficiency of the Survey Department, ordered to be printed 31st October, 1854.
 - Report from Commissioners appointed to inquire into the Surveyor General's Department, ordered to be printed 23rd November, 1855.
 - Report from the Surveyor General on Sale of Lands, ordered to be printed 3rd June, 1856
 - Correspondence relative to travelling expenses of Mr. Deputy Surveyor General Thompson, ordered to be printed 13th March, 1857.
 Question put and passed.

VOTES No. 74. WEDNESDAY, 11 AUGUST, 1858.

- 3. Mr. James Ralfe :—Mr Williamson moved, pursuant to notice, That the Petition of James Ralfe for claim for services, ordered by the Legislative Assembly to be printed, 5th November, 1856, be referred to the Select Committee on the Survey Department.

Question put and passed.

VOTES No. 85. TUESDAY, 31 AUGUST, 1858.

- 11. Mr. Assistant Surveyor Darke :—Mr. White, on behalf of Mr. Denichy, moved, pursuant to amended notice, That the Petition of William Wedge Darke, received by this House on the 20th instant, be printed, and referred to the Select Committee on the Management of the Survey Department.

And the Petition being read at length by the Clerk,—

Debate ensued.

Question put.

The House divided.

Ayes, 17.

Noes, 7.

* * * * *

Ordered to be printed, and referred accordingly.

VOTES No. 92. FRIDAY, 10 SEPTEMBER, 1858.

- 3. Mr. Licensed Surveyor Sanderson :—Mr. Forster moved, pursuant to notice, That the Petition from Mr. Licenced Surveyor Henry Sanderson, presented by him on the 27th, and ordered to be printed on the 31st ultimo, be referred to the Select Committee now sitting on the " Management of the Survey Department."

Question put and passed.

VOTES No. 94. THURSDAY, 16 SEPTEMBER, 1858.

4. Management of the Survey Department—Question of Privilege:—Mr. White, as Chairman, brought up a Progress Report from the Select Committee on the Management of the Survey Department, in reference to a Question of Privilege which had arisen out of the Inquiry carried on by the Committee.
Report read at length by the Clerk, and,—
Ordered to be printed.

VOTES No. 99. FRIDAY, 1 OCTOBER, 1858.

13. Management of the Survey Department—Question of Privilege:—Mr. White, as Chairman, brought up a Second Progress Report from, and laid upon the Table, Minutes of certain Evidence taken before the Select Committee on the Management of the Survey Department, in reference to the Question of Privilege which had arisen out of the Inquiry carried on by the Committee.
Ordered to be printed.

VOTES No. 104. TUESDAY, 19 OCTOBER, 1858.

11. Management of the Survey Department—Question of Privilege:—Mr. White moved, pursuant to notice,—
(1.) That the Progress Report from the Select Committee on the “Management of the Survey Department,” laid upon the Table of the House on the 16th ultimo, be now adopted.
(2.) That an Address be presented to His Excellency the Governor General, transmitting a copy of the same.
Question put and passed.
12. Runs occupied under the Orders in Council:—Mr. White moved, pursuant to notice, That there be laid upon the Table of this House, a Return of all the Runs occupied under the Orders in Council of the 9th of March, 1847, distinguishing in columns,—the name of each Run and the district in which situated; the name of the original occupant; the name of the present occupant; the estimated acreage of each Run; the grazing capabilities of each Run; the amount of annual rent payable for each Run; the name of each Run where no official estimate of grazing capabilities has been made; the name of the Commissioner upon whose report the Run has been granted; the date when any tender was received; the date of the Commissioner's Report thereon; and the date of acceptance,—with a view to its being then referred to the Select Committee now sitting on the Management of the Survey Department.
Debate ensued.
Question put and passed.

[Further Proceedings stopped by Prorogation.]

1858-9.

VOTES No. 55. THURSDAY, 24 MARCH, 1859.

8. Management of the Survey Department:—Mr. Jenkins moved, pursuant to amended notice, That the Proceedings of, and the Evidence taken before the Select Committee on “Management of the Survey Department,” during last Session, be laid upon the Table.
Question put and passed;—
Whereupon the Clerk of Select Committees presented the same accordingly.
Mr. Jenkins then moved, That the said Proceedings and Evidence be printed.
Question put passed.
Ordered to be printed.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 5 MAY, 1858.

MEMBERS PRESENT:—

Mr. White,	|	Mr. Hay,
Mr. Forster,	|	Mr. Robertson,
Mr. Donaldson,	|	Mr. Scott.

Mr. White was called to the Chair.

The Chairman stated the course of proceedings he was desirous of adopting with respect to the conduct of this inquiry.

Committee deliberated.

Motion made, and *Question*,—"That Col. Barney, R. E., Surveyor General, and A. G. M'Lean, Esquire, Chief Draftsman in the Survey Department, be summoned before the Committee, as witnesses, on Wednesday next"—*agreed to*.

Committee further deliberated.

Motion made (Mr. Hay) and *Question*,—"That the Chairman move in the House, that the following Papers be referred to the Committee, viz:—

- " Return relative to the Survey Department, ordered to be printed 6th December, 1853.
- " Report upon the strength and efficiency of the Survey Department, ordered to be printed 31st October, 1854.
- " Report from Commissioners appointed to inquire into the Surveyor General's Department, ordered to be printed 23rd November, 1855.
- " Report from the Surveyor General on Sale of Lands, ordered to be printed 3rd June, 1856.
- " Correspondence relative to travelling expenses of Mr. Deputy Surveyor General Thompson, ordered to be printed 13th March, 1857."

—*agreed to*.

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

WEDNESDAY, 12 MAY, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Hay,	|	Mr. Robertson,
Mr. Forster,	|	Mr. Donaldson,
	Mr. Aldcorn.	

By direction of the Chairman, Resolution of the House, referring to the Committee on the 6th instant certain papers (5), moved for by the Chairman under a Resolution agreed to by the Committee at their last meeting;—read by the Clerk.

Papers then laid before the Committee.

Col. Barney, R. E., Surveyor General, examined.

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

FRIDAY, 14 MAY, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Aldcorn,	|	Mr. Robertson,
Mr. George Macleay	|	Mr. Forster,
	Mr. Piddington.	

Mr. A. G. M'Lean, Chief Draftsman in the Survey Department, examined.
Committee deliberated.

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

TUESDAY, 18 MAY, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Piddington,	|	Mr. Donaldson,
Mr. Moriarty,	|	Mr. Forster,
	Mr. Hay.	

Mr. W. W. Darko, Surveyor, late in charge of the Surveys in the Clarence and M'Leay River Districts, examined.

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

FRIDAY, 21 MAY, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire, in the Chair.

Mr. Donaldson,	|	Mr. Moriarty,
Mr. Hay,	|	Mr. Forster,
Mr. Robertson,	|	Mr. Piddington,
		Mr. Alcorn.

Committee deliberated.

Mr. *W. W. Darke* further examined.

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

WEDNESDAY, 26 MAY, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire, in the Chair.

Mr. Moriarty,	|	Mr. Alcorn,
		Mr. Forster.

Mr. *John Thompson*, Deputy Surveyor General, examined.

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

FRIDAY, 28 MAY, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire, in the Chair.

Mr. Moriarty,	|	Mr. Forster,
		Mr. Alcorn.

Mr. *John Thompson* further examined.

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

TUESDAY, 1 JUNE, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire, in the Chair.

Mr. Scott,	|	Mr. Forster,
		Mr. Alcorn.

Mr. *William Shone*, Surveyor in the Illawarra District, examined.

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

FRIDAY, 4 JUNE, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire, in the Chair.

Mr. Forster,	|	Mr. Piddington,
		Mr. Moriarty.

Mr. *William Shone* further examined.

Mr. *Henry Halloran*, Chief Clerk in the Survey Department, examined.

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

THURSDAY, 10 JUNE, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire, in the Chair.

Mr. Moriarty,		Mr. Alcorn.
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Mr. *T. Cadell* examined.

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

WEDNESDAY,

WEDNESDAY, 16 JUNE, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Forster,	|	Mr. Moriarty,
Mr. Donaldson,	|	Mr. Aldcorn,

The Chairman, at the request of the Clerk, brought under the notice of the Committee certain portions of the evidence given by Mr. W. Shone on the 1st instant, which that gentleman was now desirous to have struck out therefrom.

Committee having perused the same, deliberated, and it was *Resolved*:—

“That in the opinion of this Committee, it would be expedient to permit these portions of Mr. Shone’s evidence to be expunged.”

Mr. *Henry Halloran*, further examined.

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

THURSDAY, 17 JUNE, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Forster,	|	Mr. Donaldson,
	|	Mr. Aldcorn.

Mr. *D. R. Gale*, Surveyor, examined.

[Adjourned till Thursday next, at *Eleven o’clock*.]

THURSDAY, 24 JUNE, 1858.

MEMBER PRESENT:—

Mr. Donaldson.

Mr. *F. J. Naylor* was in attendance as a witness, but a quorum of the Committee was not present.

[Adjourned.]

THURSDAY, 22 JULY, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Piddington,	|	Mr. Forster,
Mr. Aldcorn,	|	Mr. Robertson.

The Chairman brought under the notice of the Committee the manuscript of the evidence given by Mr. *D. R. Gale* on the 17th ultimo, from which *questions* and answers, Nos. 34, 35, 36, and 37, had been struck out by the witness, when the evidence was in his hands for revision, and desired the opinion of the Committee as to the course to be pursued relative to this matter.

Committee deliberated, and it was *Resolved*:—

“That this Committee, deeming the obliteration by Mr. Gale of these *four questions* and the answers thereto highly irregular, resolve that the same be re-inserted prior to the printing of his evidence.”

Whereupon Motion made (Mr. *Robertson*) and *Question proposed*,—

“That this Committee are nevertheless of opinion that it would be expedient to insert a memorandum at the end of Mr. Gale’s evidence, intimating that the witness had, when correcting the evidence, been desirous to omit these *questions* and answers therefrom.”

Deliberation ensued.

Question put and agreed to.

Mr. *W. R. Davidson*, Surveyor, examined.

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

FRIDAY, 30 JULY, 1858.

MEMBERS PRESENT:—

Mr. White,		Mr. Piddington.
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Mr. *F. J. Naylor* and Mr. *H. Sanderson* were in attendance as witnesses, but a quorum of the Committee was not present.

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

TUESDAY,

TUESDAY, 3 AUGUST, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Aldcorn. | Mr. Hay.

The Chairman laid before the Committee,—Letter from H. Halloran, Esq., dated 23rd ultimo, stating that in a Return forming Appendix B to his evidence of the 16th June last, an error appeared in the date of Mr. W. W. Darke's appointment to be an Assistant Surveyor—the date of such appointment, (owing to a clerical error in the Blue Book), having been set down therein 23 October, 1836, in lieu of the correct date, 23 September, 1836—and requesting that the said Return might be amended in this particular point.

Committee deliberated, and it was *Resolved*:—

“ That the Clerk of Select Committees do forthwith correct the said Return, as requested in Mr. Halloran's communication.”

Return corrected accordingly.

Mr. Henry Sanderson, C. E., examined.

The Chairman desired the opinion of the Committee as to the advisability of his drawing up and submitting certain questions in writing to Mr. E. L. Burrowes and Mr. L. Gordon, Surveyors at Brisbane and Wellington, respectively, whose evidence was requisite for the purposes of the inquiry, so as to obviate the necessity for incurring the expense of summoning these gentlemen to Sydney for examination.

Committee deliberated, and it was *Resolved*:—

“ That it is expedient, in the first instance, that the Chairman should draw up such questions as he may consider desirable to transmit to Mr. Burrowes and Mr. L. Gordon, to be submitted prior to transmission for the consideration and approval of the Committee.”

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

THURSDAY, 5 AUGUST, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Forster, | Mr. Aldcorn.

Mr. C. F. Gorton, Clerk in the Survey Department, examined.

The Chairman laid before the Committee,—Letter from W. M. Brownrigg, Esquire, excusing his attendance before the Committee, as a witness, for *this day*.

Committee *Resolved*:—

“ That W. M. Brownrigg, Esquire, and C. E. Langley, Esquire, be summoned before the Committee, as witnesses, for Wednesday next.”

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

WEDNESDAY, 11 AUGUST, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Moriarty, | Mr. Forster,
Mr. Aldcorn.

Mr. W. M. Brownrigg, Surveyor, and Mr. C. E. Langley, C. E., examined.

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

FRIDAY, 13 AUGUST, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Forster, | Mr. Moriarty.

Mr. F. J. Naylor, Clerk in the Crown Lands Branch of the Survey Department, examined.

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

WEDNESDAY, 18 AUGUST, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Forster, | Mr. Aldcorn,
Mr. Moriarty.

By direction of the Chairman, Resolution of the House referring to Committee on 11th instant, the “Petition of Mr. J. Ralfe, Licensed Surveyor, Port Macquarie, relating to his claim for services,”—read by the Clerk.

In

In accordance with the summons addressed to each member of the Committee convening a meeting for *this day*,—

The Chairman brought under their consideration a claim made by Mr. W. Shone, Surveyor, for certain expenses incurred by him in attending upon and giving evidence before this Committee, as shewn in the following account, viz. :—

Sydney, 11 June, 1853.

Expenses incurred by Mr. Surveyor Shone in attending and giving evidence before the Committee on the "Management of the Survey Department," from 1st to 11th June, 1858	£11 11 0
Travelling Expenses from and to Illawarra	2 0 0
	£13 11 0

WM. SHONE.

Committee deliberated, and it was *Resolved* :—

- " 1. That the sum of thirteen pounds eleven shillings be paid to Mr. Wm. Shone, " being eleven pounds eleven shillings for expenses incurred by him in " attending and giving evidence before the Committee, from 1st to 11th June, " 1858, and two pounds for travelling expenses from and to Illawarra.
- " 2. That the Chairman do certify to this Resolution of the Committee."

The Chairman then brought under the consideration of the Committee a claim made by Mr. W. R. Davidson, District Surveyor, who was summoned before the Committee, as a witness, on 24th June last, but who was, in consequence of the indisposition of the Chairman, not examined till the 22nd ultimo,—for certain expenses incurred by him in attending upon and giving evidence before the Committee, as shewn in the following account, viz. :—

Sydney, 22 July, 1853.

Expenses incurred by Mr. District Surveyor Davidson in attending and giving evidence before the Committee on the "Management of the Survey Department," from the 28th June to the 22nd July	£25 4 0
Travelling Expenses, and fare up and down from Bathurst	11 0 0
	£36 4 0

W. R. DAVIDSON:

Committee deliberated, and it was *Resolved* :—

- " 1. That the sum of thirty-six pounds four shillings be paid to Mr. W. R. Davidson, being twenty-five pounds four shillings for expenses incurred by " him in attending and giving evidence before the Committee from the 28th " June to 22nd July, 1858, and eleven pounds for travelling expenses from " and to Bathurst.
- " 2. That the Chairman do certify to this Resolution of the Committee."

Mr. F. W. Birmingham, Surveyor, examined.
Colonel Barney, R. E., further examined.

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

FRIDAY, 20 AUGUST, 1858.

MEMBERS PRESENT :—

Mr. White, | Mr. Moriarty.

Mr. J. Thompson and Mr. H. Halloran were in attendance as witnesses, but a quorum of the Committee was not present.

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

TUESDAY, 24 AUGUST, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire, in the Chair.

Mr. Moriarty, | Mr. Alcorn.

The Chairman having brought under the notice of the Committee entry 1 in the Votes and Proceedings of the 19th instant, (No. 79), read the same, viz. :—

" Payment of Witnesses before Select Committees :—The Speaker informed the " House, that he had considered it to be his duty to withhold his order for pay- " ment of expenses to two witnesses who had been summoned to give evidence " before, but not to render professional services to the Select Committee on " the Management of the Survey Department, as they must have been, to have " entitled them to the Chairman's Certificate, under the 44th section of the " Standing Orders, which in no way authorises payment of expenses to an " ordinary witness, summoned in the ordinary manner merely to give " evidence, and the bearing of which, in his opinion, it was evident this " Committee had misapprehended."

Committee deliberated.

By direction of the Chairman, section 44 of the Standing Orders read by the Clerk.

Committee considered the wording of the said section, and as to whether it did not convey the impression that it was applicable to the payment of *ordinary* witnesses; and being of opinion that after the ruling of the Speaker in the matter it would be necessary, under any circumstances, to rescind the Resolutions agreed to at their last meeting relative to the payment of Mr. Davidson and Mr. Shone,—

It was *Resolved* :—

“ That in consequence of the ruling of the Speaker as to the bearing of section 44 of the Standing Orders, it is advisable that the two Resolutions relative to the payment to Mr. W. Shone and Mr. W. R. Davidson of certain expenses incurred by them in attending upon the Committee to give evidence, agreed to at the last meeting of the Committee, should be rescinded.”

Committee further deliberated.

Motion made (Mr. *Moriarty*) and *Question*—“ That inasmuch as the Speaker, on the 19th instant, withheld his Order for the payment of the expenses incurred by Mr. William Shone and Mr. W. R. Davidson, in attending and giving evidence before this Committee, on the ground that the 44th section of the Standing Orders in no way authorises payment of expenses to an ordinary witness, summoned in the ordinary manner, merely to give evidence, it is expedient to report to the House, recommending the payment of the sum of £13 11s., by way of compensation to Mr. Shone,—being £11 11s. for expenses incurred by him in attending and giving evidence before the Committee, from 1st to 11th June, 1858, and £2 for travelling expenses from and to Illawarra; and of the sum of £36 4s. to Mr. Davidson,—being £25 4s. for expenses incurred by him in attending and giving evidence before the Committee, from 28th June to 22nd July, 1858, and £11 for travelling expenses from and to Bathurst”—*agreed to*.

Colonel *Barney*, R. E., further examined.

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

FRIDAY, 27 AUGUST, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire, in the Chair.

Mr. Donaldson,
Mr. Forster,

Mr. Moriarty,
Mr. Alcorn.

Mr. *John Thompson* further examined.

The Chairman then laid before the Committee,—Two letters received by him, dated 12th and 23rd August, 1858, from Mr. C. F. Gorton, who was examined before the Committee on the 5th instant, stating that, in consequence of the evidence given by him on that occasion, certain memoranda had passed between him and the Surveyor General, copies of which he enclosed, for the information of the Committee.

Letter of 23rd instant and *memoranda* read, viz. :—

Dear Sir,

My application to the Honorable the Secretary for Lands and Works, begging a re-consideration of my case, having been this day forwarded with a recommendation that I may either be dismissed, or be told to seek an exchange elsewhere, and the queries with their replies relative to my examination by your Committee having also been transmitted, in order to prove my *insubordination*; I beg to enclose a copy of the queries alluded to, as perhaps you will be able thereby to judge of the animosity evinced by Mr. Halloran on account of my having been summoned to give evidence before you.

I have, &c.,

C. F. GORTON.

Survey Department,
23 August, 1858.

Mr. Halloran,

Request Mr. Gorton to reply to the following question :—

Query.

Under what circumstances were you required to give your evidence before the Committee of the Legislative Assembly appointed to inquire into the working of the Survey Department—was it by personal application to the Chairman? and if so, did you obtain permission, either from Mr. Secretary Robertson, or the Head of your Department, to make such application?

G. B.

9 August, 1858.

Reply.

Mr. Halloran,

In a conversation with Mr. White on my own affairs, and amongst others that of my application for promotion to Mr. Secretary Robertson, I was asked whether I had any objection to be examined before the Select Committee.

C. F. GORTON.

9-8-58.

Mr. Darke is requested to reply to the following questions :—

1. Under what circumstances, and for what purpose, did you introduce Mr. Gorton to the Chairman of the Committee on the Survey Department?

At Mr. Gorton's own request—*certainly* for no purpose of mine, direct or indirect. I took no part in the conversation which ensued.

2. Was the introduction made during office hours?

About a quarter past 9, A. M.

3. Did you obtain the sanction of the Head of your Department?

I did not—not feeling conscious of impropriety in omitting to do so—no disrespect was ever thought of.

W. W. DARKE.

17 August, 1858.

Mr.

Mr. Darke is requested to state whether Mr. Gorton informed him for what purpose he requested an introduction to Mr. White.

G. B.

Mr. Gorton came to me, and said that his veracity had been officially impugned, and asked what he should do? I said, "As a gentleman you *must* vindicate yourself." "How can I do so?" "Lay the matter truly before Mr. Robertson." He replied, "That will be too late, as a decision will have been arrived at. Will you introduce me to Mr. White?"

W. W. DARKE.

P. S.—The above questions are in the original in the Surveyor General's handwriting, but no doubt were dictated by Mr. Halloran.

Committee deliberated.

Motion made, and *Question*—"That Colonel Barney and Mr. Halloran be summoned before this Committee, as witnesses, for Wednesday next, for the purpose of being examined relative to the matter complained of in Mr. Gorton's communication"—*agreed to*.

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

WEDNESDAY, 1 SEPTEMBER, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Piddington,	|	Mr. Forster,
Mr. Aldcorn,	|	Mr. Moriarty.

By direction of the Chairman, Resolution of the House referring to the Committee on 31st ultimo, "a Petition from William Wedge Darke, Assistant Surveyor in the Surveyor General's Department, representing that promotion has been withheld from him after the fulfilment, on his part, of the conditions upon which it had been promised to him, and "praying redress"—read by the Clerk.

Colonel Barney, R. E., then called in.

By direction of the Chairman, Minutes of Proceedings taken at the last meeting of the Committee read by the Clerk.

Colonel Barney, R. E., further examined.

At the close of his examination, Colonel Barney stated that Mr. H. Halloran, in consequence of recent domestic affliction, would be unable to attend before the Committee, as a witness, for *this day*.

Whereupon motion made and *Question*—"That Mr. H. Halloran be now summoned before this Committee, as a witness, for Friday next,"—*agreed to*.

The Chairman then desired the opinion of the Committee as to whether it would be the more expedient course to forthwith make a Progress Report to the House, in the terms of the Resolution agreed to relative to the payment of certain expenses to Mr. W. Shone and Mr. W. R. Davidson, or to insert a paragraph to this effect in their Report at the close of the inquiry.

Committee deliberated, and it was *Resolved*:—

"That inasmuch as it is now proposed to bring this inquiry to a speedy termination, it would be more advisable to insert a paragraph, relative to the payment of expenses to Mr. Shone and Mr. Davidson, in their Report at the close of the inquiry"

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

FRIDAY, 3 SEPTEMBER, 1858.

MEMBERS PRESENT:—

Mr. White,		Mr. Scott.
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A quorum of the Committee was not present.

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

WEDNESDAY, 8 SEPTEMBER, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Moriarty,		Mr. Aldcorn.
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Committee deliberated.

Mr. H. Halloran called in.

By direction of the Chairman, the two letters from Mr. C. F. Gorton, dated 12th and 23rd August, 1858, and the memoranda appended to that of the 12th August, (*vide* "Minutes of Proceedings, 27 August, 1858"), read by the Clerk.

Mr. H. Halloran further examined.

Committee

Committee deliberated, and it was *Resolved* :—

“ That a full meeting of this Committee be convened for Friday next, to consider the Question of Privilege involved in the notice taken of the Proceedings of the Committee prior to their Report to the House, as shewn in Mr. Gorton’s communication of the 12th ultimo, and the copies of memoranda thereto appended, and by the evidences of the Surveyor General and Chief Clerk thereupon.”

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

FRIDAY, 10 SEPTEMBER, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire, in the Chair.

Mr. Piddington,		Mr. Moriarty,
Mr. Forster,		Mr. Robertson.

Committee met, pursuant to a Resolution agreed to at their last meeting, to consider the Question of Privilege involved in the notice taken by the Surveyor General of certain of their proceedings, prior to their Report to the House.

By direction of the Chairman, Minutes of Proceedings of the Committee on the 27th ultimo, and a portion of the unrevised evidence, *in manuscript*, given by Mr. H. Halloran on the 3rd instant, read by the Clerk.

Committee deliberated.

Motion made (Mr. *Forster*) and *Question proposed* :—

“ That this Committee are of opinion that the following witnesses examined before them, namely, Mr. C. F. Gorton and Mr. W. W. Darke, have been since their examination subjected to an improper and irregular interference on the part of the Surveyor General.”

Deliberation continued.

Question put and agreed to.

Whereupon Motion made (Mr. *Piddington*) and *Question*,—

“(1.) That the Chairman do prepare a Progress Report for the consideration of the Committee, embodying the purport of this Resolution.

“(2.) That after laying such Report on the Table of the House, the Chairman do give notice that he will move for its adoption, and that an Address be presented to His Excellency the Governor General, transmitting a copy of the same.”—

agreed to.

The Chairman brought under the notice of the Committee the manuscript of the evidence given by Mr. John Thompson on the 27th ultimo from which certain portions of the answers to questions 87 and 93 had been struck out by the witness, whilst the evidence was in his hands for revision, and desired the opinion of the Committee as to the course to be adopted with respect to this matter.

By direction of the Chairman, questions and answers 87 and 93, inclusive of those portions struck out by Mr. Thompson, read by the Short-hand Writer.

Committee deliberated, and it was *Resolved* :—

“ That as the portions struck out by Mr. Thompson consist of certain unimportant statements relating to *his own private* affairs, it is expedient to permit their omission from his evidence.”

Committee further deliberated.

Mr. Henry Sanderson, who was in attendance as a witness, was then called in and informed by the Chairman, that as the House had not yet referred his Petition to the Committee for their consideration, his examination must necessarily be deferred until such reference had been made.

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

TUESDAY, 14 SEPTEMBER, 1858.

MEMBERS PRESENT :—

Mr. White,		Mr. Donaldson.
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Mr. Henry Sanderson was in attendance as a witness, but a quorum of the Committee was not present.

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

WEDNESDAY, 15 SEPTEMBER, 1858.

The meeting of the Committee convened for this day lapsed, in consequence of the adjournment of the House from Tuesday, the 14th, to Thursday, the 16th instant.

THURSDAY,

THURSDAY, 16 SEPTEMBER, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.
Mr. Donaldson, | Mr. Piddington,
Mr. Forster.

The Chairman laid before the Committee a Draft Progress Report, embodying the purport of the Resolution agreed to at their last meeting, on motion of Mr. Forster.

Motion made (Mr. Forster) and Question,—“That this Report be now read,”—*agreed to.*

Report read accordingly.

Committee deliberated, and *verbally* amended the same.

Whereupon Motion made, and Question,—“That this Progress Report, as *verbally* amended, be the Progress Report of the Committee”—*agreed to.*

Chairman requested to report progress to the House.

By direction of the Chairman, Resolution of the House referring to the Committee, on 10th instant, “a Petition from Licensed Surveyor Henry Sanderson, late Assistant Surveyor, Moreton Bay District, complaining of his dismissal from the Public Service, and “praying that his case may be referred to this Committee”—read by the Clerk.

Petition then read.

Mr. Henry Sanderson, C. E., Petitioner, further examined.

[Adjourned.]

FRIDAY, 1 OCTOBER, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.
Mr. Piddington, | Mr. Hay,
Mr. Forster.

The Chairman desired the opinion of the Committee as to the expediency of forthwith reporting to the House the evidence given by Colonel Barney on the 1st, and Mr. Henry Halloran on the 8th ultimo, in reference to the Question of Privilege with respect to which a Progress Report had been laid upon the Table of the House on the 16th ultimo.

Committee deliberated, and it was *Resolved*:—

“1. That it is expedient that the evidence given by Colonel Barney and Mr. Henry Halloran, in reference to the said Question of Privilege, be forthwith reported to the House.”

“2. That for this purpose the Chairman do at once prepare a Second Progress Report for the consideration of the Committee.”

The Chairman laid before the Committee the evidence given by Mr. Henry Sanderson in reference to his Petition, on the 16th ultimo, to which certain Appendices had been attached by the witness when his evidence was sent to him for revision, and requested the decision of the Committee as to the advisability of printing such Appendices therewith.

Committee deliberated, and it was *Resolved*:—

“That in the opinion of this Committee, it is expedient that these Appendices should be printed with Mr. Sanderson’s evidence.”

The Chairman then laid before the Committee the evidence given by Mr. Henry Halloran on the 8th ultimo, and having brought under their notice an *Addendum* attached thereto by the witness, when such evidence was in his hands for revision, desired the opinion of the Committee as to the expediency of printing the said *Addendum* in its entirety.

Addendum then read.

Committee deliberated, and it was *Resolved*:—

“That it is expedient to permit the printing of the first portion only of this *Addendum*,—as far as the words ‘mischievous intention,’ inclusive.”

The Chairman then desired the opinion of the Committee as to the course it would be expedient to pursue for the purpose of obtaining a “Return shewing the number of Runs assessed and remaining to be assessed in each district at the present time,”—which Mr. F. J. Naylor, late a Clerk in the Crown Lands Branch of the Survey Department, had promised to attach—as Appendix A—to the evidence given by him on the 13th August last, but which it now appears he is unable to furnish.

Committee deliberated, and it was *Resolved*:—

“1. That inasmuch as this Return cannot be prepared without considerable clerical labor, and it now appears that Mr. Naylor is unable to supply it, it is advisable to make the following motion in the House:—“That there be laid upon the Table of this House a Return of all the Runs occupied under the Orders in Council of the 9th of March, 1847, distinguishing in columns,—the name of each Run and the district in which situated; the name of the original occupant; the name of the present occupant; the estimated acreage of each Run; the grazing capabilities of each Run; the amount of annual rent payable for each Run; the name of each Run where no official estimate of grazing capabilities has been made; the name of the Commissioner upon whose report the Run has been granted; the date when any tender was received; the date of the Commissioner’s report thereon,

“ and the date of acceptance,—with a view to its being then referred to the Committee.

- “ 2. That it is further expedient that the Clerk of Select Committees should insert a memorandum in Mr. Naylor’s evidence, stating that gentleman’s neglect to supply the said Return.”

The Chairman then laid before the Committee,—Letter from Colonel Barney dated 17th ultimo, returning the evidence given by him on the 24th August last, and brought under their notice the said evidence, in which, when with him for revision, the witness had considerably altered answers to questions 25, 26, 35, 106, 135, and 158, and from which he had struck out questions and answers 44 to 49 inclusive, inserting in lieu thereof a note explanatory of such obliteration.

Letter, questions, and answers altered, and those struck out, together with the explanatory note in reference thereto,—read by the Clerk.

Committee deliberated, and it was *Resolved* :—

- “ 1. That with respect to the questions and answers *struck out* by Colonel Barney from his evidence of the 24th August last—the Committee deeming such obliteration highly irregular,—Resolve,—that the same be re-inserted prior to the printing of such evidence; that the explanatory note made by Colonel Barney in reference thereto be printed in the margin; and that the Clerk of Select Committees do insert a memorandum in the said evidence, to the effect that the witness, in revising the same, desired to omit these questions and answers therefrom.”
- “ 2. That with respect to the questions and answers in the said evidence considerably altered by Colonel Barney, the Committee deem it advisable to allow such alterations.”

The Chairman also laid before the Committee,—Further letter from Colonel Barney, dated 17th, in reply to a communication from the Clerk of the Legislative Assembly of the 15th ultimo, stating his inability to trace any correspondence in reference to the amalgamation of the offices of Surveyor General and Chief Commissioner of Crown Lands, intended to form Appendix B to evidence given by him on the 1st ultimo.

Committee thereupon *Resolved* :—

- “ That as it appears from his communication that Colonel Barney is unable to furnish the letter required to form Appendix B to his evidence of the 1st ultimo, it is expedient to print the said communication in lieu of such Appendix, in order to explain the cause of its omission from his evidence.”

Mr. W. W. Darke examined with reference to his Petition.

Committee deliberated.

Motion made (Mr. Hay) and *Question*,—“ That Colonel Barney be summoned before this Committee, as a witness, for Thursday next, for the purpose of then producing all papers having reference to Mr. W. W. Darke’s promotion in, and proposed retirement from, the Survey Department, together with any report made by the Medical Board in reference to that gentleman’s eyesight”—*agreed to*.

The Chairman then laid before the Committee a Draft Report.

Report read.

Motion made and *Question*—“ That this Report be the Second Progress Report of the Committee”—*agreed to*.

The Chairman requested to report further Progress to the House.

[Adjourned till Thursday next, at *Eleven o’clock*.]

THURSDAY, 7 OCTOBER, 1858.

MEMBERS PRESENT :—

G. B. White, Esquire in the Chair.

Mr. Forster,

Mr. Piddington.

Committee deliberated in reference to the allegations set forth in Mr. W. W. Darke’s Petition.

Colonel Barney, R.E., further examined, in reference to Mr. Darke’s Petition ;—

And during his examination the witness offering, as Appendices, various documents with reference to the said Petition,—Committee considered as to the expediency of printing the same, and it was *Resolved* :—

- “ That in the opinion of this Committee it is advisable that Colonel Barney should attach only such of these documents to his evidence, as Appendices, as he may consider absolutely requisite to enable the Committee to arrive at an accurate decision respecting the allegations contained in Mr. Darke’s Petition.”

Colonel Barney’s examination concluded.

The Chairman then informed the Committee that he was desirous of being himself examined, prior to the close of the inquiry.

Committee thereupon deliberated, and it was *Resolved* :—

- “ That the examination of the Chairman be entered upon at the next meeting of the Committee.”

[Adjourned till Friday next, 15th instant, at *Eleven o’clock*.]

FRIDAY,

15

FRIDAY, 15 OCTOBER, 1858.

MEMBERS PRESENT:—

Mr. Hay, | Mr. Forster.

A quorum of the Committee was not present.

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

WEDNESDAY, 20 OCTOBER, 1858.

MEMBER PRESENT:—

Mr. White.

A quorum of the Committee was not present.

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

FRIDAY, 22 OCTOBER, 1858.

MEMBERS PRESENT:—

G. B. White, Esquire, in the Chair.

Mr. Piddington, | Mr. Forster,
Mr. Robertson, | Mr. Hay.

The Chairman informed the Committee that he had caused Mr. Rae, the Secretary to the Railway Commissioners, to be summoned before them *this day*, for the purpose of producing certain papers relating to Mr. Licensed Surveyor Henry Sanderson, which Mr. Henry Halloran, in the evidence given by him on the 8th ultimo, (*vide question and answer 36*), had stated that he would supply for the information of the Committee, but which it now appeared, by a letter to the Clerk of the Assembly, dated 6th instant, that he was not in a position to furnish, in consequence, as stated in the said letter, of the papers being in the Railway Department, from whence he was unable to obtain them.

Paragraph in Mr. Halloran's letter of the 6th instant referred to, then read by the Chairman.

Mr. J. Rae, Secretary to the Railway Commissioners, examined;—

And it appearing from the evidence of Mr. Rae that, to the best of his belief, the papers in question have never been in the Railway Department,—

Committee deliberated, and it was *Resolved*:—

“That a communication be forthwith addressed to Mr. Halloran, apprising him of
“Mr. Rae's examination by the Committee this day, and its result, and
“requesting that he will at once cause further search to be made for the
“documents in question, as they are required for the purpose of enabling the
“Committee to come to a satisfactory decision in reference to the allegations
“set forth in Mr. Sanderson's Petition.”

The Chairman then laid before the Committee the evidence given by Mr. W. W. Darke on the 1st instant, in reference to his Petition, to which certain Appendices had been attached by the witness when his evidence was sent to him for revision, and desired the opinion of the Committee as to the expediency of printing the said Appendices therewith.

Committee deliberated, and it was *Resolved*:—

“That, in the opinion of this Committee it is advisable to permit these Appen-
“dices to be printed with Mr. Darke's evidence.”

The Chairman also laid before the Committee certain other documents transmitted by Mr. Darke for their information, bearing upon the allegations of his Petition.

Mr. C. J. Armytage, Clerk in the Survey Department, examined.

The Chairman then informed the Committee that he was desirous that *his own* examination should be postponed until Tuesday next.

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

TUESDAY, 26 OCTOBER, 1858.

MEMBER PRESENT:—

Mr. Forster.

A quorum of the Committee was not present.

[Adjourned.]

WEDNESDAY, 10 NOVEMBER, 1858.

MEMBER PRESENT:—

Mr. White.

A quorum of the Committee was not present.

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

FRIDAY,

FRIDAY, 12 NOVEMBER, 1858.

MEMBERS PRESENT:—

Mr. Piddington, | Mr. Aldcorn.

A quorum of the Committee was not present.

[Adjourned.]

[Further Proceedings stopped by Prorogation.]

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{ *Further Proceedings stopped by Prorogation.* }

1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

MANAGEMENT OF THE SURVEY DEPARTMENT.

WEDNESDAY, 12 MAY, 1858.

Present:—

DR. ALDCORN,
MR. DONALDSON,
MR. FORSTER,MR. HAY,
MR. ROBERTSON,
MR. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

Colonel George Barney, R.E., called in and examined:—

1. *By the Chairman:* You are Surveyor General of the Colony? I am.
2. You succeeded Sir Thomas Mitchell on his death? Yes.
3. You have, I dare say, read the Report of the Commissioners appointed in 1855 to inquire into the Surveyor General's Department? Yes; I have given it very particular attention.
4. You have, of course, gone through the different recommendations made by the Board? Yes.
5. I dare say in most instances you agree with the recommendations of this Report? Yes, generally, the recommendations are mostly correct.
6. I have read them over myself with considerable interest, and I think many of them are quite correct, and should have been adopted, but they have not, I think, been adopted generally? I think most of them have been adopted, as far as circumstances would permit.
7. As far as you have had material to do so? Yes.
8. There is one recommendation which has not been attended to; I refer to that of having a system of salaried surveyors? That has not been my fault. When I first took charge of the department, and these recommendations were entrusted to me for my guidance, I prepared an estimate, in accordance with the recommendation of the Board, in which I provided for a system of salaried surveyors, and the entire abolition of the system of licensed surveyors. That was disapproved, as being excessive, although I considered it was not more than would enable me to do what the Board seemed to consider desirable. This led to a modification of the estimate, and I have been instructed on both points, both as to the licensing and salaried system of surveying. At one time I was instructed to do away with the licensed surveyors; and it was communicated to them that their services would not be required after the expiration of the year 1856.
9. I suppose you are aware that although an individual may be thoroughly up to his business, and be considered a very competent surveyor at home, yet that afterwards, when he comes to this country, he requires one or two years field work before he is able to do the work required of him? Yes; I have experienced that.
10. You do not approve of employing men fresh from England, without giving them a training in the field? Certainly not; I think, however, there are men in this Colony as well qualified for surveying as those generally who come from England.
11. It requires considerable experience even in classing the lands of this country? Decidedly.
12. And on that depends entirely whether the lands laid out are those which are most for the public benefit? Yes.
13. So that the party surveying should be, not only a surveyor, but a judge of different soils? He should be so, decidedly; in fact it is part of the instructions to the surveyors that they shall report on the geological formation and quality of the land surveyed by them.
14. I see here, in paragraph 3 of the Report, the following:—"The system of licensed surveyors should be abolished. We have already stated what we consider to be its faults; and although some of these might perhaps be in some measure remedied, we do not think that the system is capable of being so modified as to render its continuance desirable."

Colonel G.
Barney, R.E.
12 May, 1858.

Colonel G. Barney, R.E. Do you agree with that? I am of opinion, that under a system of contracts licensed surveyors may be made extremely useful.

15. I find that many of the men who come out here have not the slightest idea of the features of a country? It is so. Some of those who have applied to me for licenses, and who have been employed on railway surveys in England, although they have brought the highest testimonials from men of first-rate position and talent, prove not competent for the work out here—it being of so different a character; in fact, before being employed here, they require to go through a series of training.

12 May, 1858.

16. Are you aware that some of the persons sent out here as surveyors were not professional men at all? Quite so.

17. You, I dare say, have experienced the disadvantage of the system adopted here of working by magnet? Yes.

18. It should be done away with? Yes, if possible.

19. You would advise that a meridian line should be established, and that that should be made a line of position to be worked from? Yes, that would be useful, but is a difficult operation.

20. Are you aware what the duties of the Deputy Surveyor General were originally intended to be? No doubt the duty of the Deputy Surveyor General is to be in the field, superintending the working of the different surveyors; he should be always on horseback.

21. When I was in the office—I am now going back many years—it was said that either Mr. Oxley or the Deputy Surveyor General must be in the field, to superintend the work; is it not the fact that, at present, many of the surveys are not made on the field but on paper? I am now bringing into operation the system of district surveyors. They have, some of them, been acting for some time past; one or two of them have been acting extremely well; the others I have not had sufficient reports from to enable me to judge. Mr. Adams, who has charge of the Southern District, is a very capable man, and extremely active.

22. Then there is a responsibility attached to the office now which there never was before—these district surveyors are responsible for the performance of these duties? Yes.

23. The want of responsibility formerly was the cause of the Survey Department being brought into its present state—the work was slurred over in many instances, and in very old surveys, although the marks may remain the lines are run wrongly; this is the case in the Hunter particularly?

24. How do you think the contract system, under the supervision of an active district surveyor, would answer? I think it would answer well. The district surveyors have instructions to get the work done by contract in every practicable case.

25. In the maps of the present day I suppose the features are obliged to be shewn—the lines of ranges, the junctions of rivers, and so on? Yes; but hitherto no progress has been made in the establishment of trigonometrical points or general surveys; the strength of the department has not admitted of it since I have had charge.

26. It never has since you have been in the department admitted of it—there has never been sufficient strength to admit of it? No.

27. You have not been able to admit of establishing trigonometrical points, except to allow your officers to take a round of angles from different points? That has hardly been done; they have been tying work whenever they had an opportunity, but no rounds of angles have been taken—no new points have been fixed.

28. You are aware, perhaps, that I was employed by Sir Thomas Mitchell for the purpose of carrying on the triangulation? Yes.

29. That was never completed? No.

30. Perhaps you are not aware that I hold in my possession from seventy to eighty rounds of angles, extending over the country from Wellington to Ben Lomond? I understood you had some work in your hands, but I did not know exactly what the character of it was.

31. Perhaps you are not aware why it was not completed? No.

32. You are aware that it was a very considerable work to carry on with only some half dozen men—a survey five or six hundred miles in length? Yes.

33. Are you aware that I was called back from the work when it was nearly two-thirds finished, to do the work of an officer who never did his work while he was in the service? I do not know why you were called in; I have not looked into this matter.

34. You are aware that there were instructions from the Secretary of State, so far back as 1828, as to the management of surveys? Yes.

35. Were those instructions ever carried out? Not altogether, I understand.

36. Then officers were induced to join the service under a faith which has been broken? I do not know that; I would say a faith that has been broken. There were difficulties in carrying out the original instructions in a new country. I presume it was a matter of accident rather than a breach of faith.

37. There were grades established in the service, and those grades were not maintained, that is what I mean? I do not know.

38. I think the Despatch is dated September, 1828—I have the Despatch? It is dated either 1822 or 1828.

39. In the Report of the Commissioners it says, "If the measurement of lands for sale were carried on entirely by means of salaried surveyors, under a regular system, and under proper supervision and control, we see no reason for supposing that the proportionate expense incurred would be greater, if so great, as under the contract system."—Is that your opinion? No, certainly not; I think it much more expensive by the salaried system.

40. By Mr. H. H. : You differ from the Commissioners in that respect? Yes.

41. By Mr. Robertson : You say you are of opinion that the salaried system would be more expensive than the contract system. You submitted to me a statement in which you set out the rates per acre under the two different systems—will you be kind enough to tell the

Committee

Committee what those rates were? I have not the papers with me, and I cannot tell without reference.

Colonel G.
Barney, R.E.

12 May, 1858.

42. You will remember that there was very little difference in the rates, but you will bear in mind also, that the staff surveyors had other duties to perform besides surveying lands, such as laying out roads and other public works, that ought not properly to be put to the charge of surveying lands for sale? Yes; in fact no one can know better than the Honorable Chairman that the permanent staff involve the expenditure of money in a variety of ways, where that expenditure would not be incurred under the system of licensed surveyors. For instance, last year, during nearly four months it was so excessively wet that surveyors could not go out to work at all, but at the same time they were all paid, their horses had to be fed, and their equipments to be kept in order. Under the license system that expense would have been avoided.
43. *By Mr. Forster*: Are they not supposed to be employed in draft work during wet weather? Yes; but there is nothing like sufficient employment for them when the weather remains wet for so long a period.
44. *By Mr. Hay*: Licensed surveyors would not be able to do their work at such times? They are paid by scale of fees.
45. Do you not think the scale must be in proportion—that it must be fixed so as not to enable them to remain idle during such periods as these? I have altered the scale lately, taking off the gold allowance.
46. Licensed surveyors, in working for Government, will necessarily take into consideration the times when they cannot work, and the scale must be sufficient to make it remunerative to them upon the whole from one year to another? It would depend upon the amount of work; if they are in a district where there is an abundance of work, and an open country, they can make a great deal of money, besides which, they obtain a good deal of private work.
47. You do not see the import of my question. You have stated that greater expense would arise from the employment of salaried than of licensed officers, as the former would be paid during wet weather, although they would be unable to work—would not licensed surveyors also be prevented in the same seasons, and therefore would not the scale be necessarily high in proportion to enable them to make a fair livelihood? That ought to be the case; I believe it is so.
48. Whichever mode you adopt, you must suffer from the inclemency of the seasons? Yes; but you would not have to pay for the same amount of work.
49. Still the licensed surveyor must be paid sufficient, upon the whole, to enable him to sit idle during those seasons? The scale has enabled him to do that; it has been high hitherto, but it has been reduced; twenty-five per cent. of the gold allowance was taken off last year, and this year the gold allowance will be abolished altogether.
50. *By Dr. Aldcorn*: Will it not be that licensed surveyors, or contract surveyors, will work a great deal more when their remuneration depends upon their work—will it not be the same as with all other men who take contract work? No doubt.
51. *By Mr. Robertson*: Do you not find that by employing all sorts of surveyors, you have substantially no one responsible, that they do not remain permanently in the country, and cannot be found when you require them, and that in fact the work performed by them is of a very inferior description—that although it may be comparatively cheaper, it is actually very much dearer? I think generally the work of licensed surveyors is sufficient for the purpose. There are not many complaints of the nature of their work, that is eventually. The work does, indeed, sometimes come into the office incorrect, but it is there checked, and returned when errors are discovered; but, on the whole, when the land comes to sale there are very few errors found, and, in numerous instances, when complaints have been made, they have originated with the purchasers themselves, who have been too careless to ascertain the position of their ground; in some instances they have, perhaps, intentionally taken up the wrong, being better allotments than those purchased.
52. *By the Chairman*: I see in this Report it is recommended that there shall be three classes of surveyors—may I ask who selects these officers? I select them, and submit their names for approval.
53. They are examined beforehand? They are selected from the most efficient officers of the department.
54. Then the arrangement of salaried surveyors has been thrown aside altogether? It has, under particular instructions; for instance, some licensed surveyors have been appointed over the heads of salaried surveyors.
55. You, of course, must be aware that the individual selecting the officers should be thoroughly acquainted with the duties of the office? Decidedly; he cannot make a proper selection unless he is so.
56. With reference to the grades of the service, of course you know that the surveyor stands higher than either the draftsmen or clerks; for instance, in your peculiar service draftsmen are never placed in the position of commissioned officers? No; certainly not.
57. They get higher salaries, and are considered on the staff, I imagine? Yes.
58. The regular promotion of the service goes on only among those officers who do their duty in the field? Yes. I agree with what is stated in this paragraph—"The promotion from class " to class should depend more upon individual industry and skill than on mere length of " service."
59. In the instructions to which I have before referred, it was stated that if an individual did his duty the Surveyor General signed every month an abstract for his salary, which was considered a certificate of character, and, therefore, according to his position in the department his promotion was regulated; that was during the period I was in the department, and when I saw that that was about to be thrown overboard I left the service, my health having suffered much from hard service? It is very hard in some cases, but you must be aware that where a number of gentlemen are employed in a department some may be more competent than others, and some more diligent than others.

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60. In fact, a good deal depends upon the Surveyor General himself in this matter, for if an officer do not perform his duty he should be struck off altogether; his efficiency should not be judged of by these extraordinary monthly returns, for I have known an officer who has returned the best monthly returns who for six months has never been out of his house? No doubt the system is open to that abuse.

61. The monthly returns are a great annoyance; in some instances an officer may work hard and do his mile, while in others he may do eight or ten with the greatest ease? I have a great objection to that system, and I have done away with a very objectionable part of it. They were formerly required to state how many hours they had been at work in a day; I have made that a general inquiry, when necessary.

62. Do you think these returns originated with a practical man? No. I do not see the use of them, for I know there is hardly a possibility of checking them.

63. You must be aware that when a surveyor goes out for eight, ten, or twelve months, when he has no family, house, or garden to go to, he is frequently in the field night and day. I have myself been out for nine or ten months, and never seen a white face excepting the faces of my own party? Sometimes a surveyor may be at work in the field twelve or fourteen hours out of the twenty-four, no doubt.

64. These things seem never to have been considered in the position of a surveyor? There is no doubt about its being understood, I think.

65. I see it is recommended here—"The District Surveyor should have an office in some township, conveniently situated, in the district. His duties would consist of the general superintendence of all surveys in his district, the performance of any operations connected with general or topographical surveys, the selection of lands to be surveyed for sale, the laying out of roads and reserves, and the selection of sites for townships, churches, schools, or other public purposes"—Do you believe that to be the proper system? Yes; the district surveyor has been so instructed.

66. If it had been adopted long ago you would have had the service in a very different state from its present one. I believe at this moment you will have to recommence the survey of the Colony entirely? I hope not; but there are undoubtedly errors, which must arise in the survey of a new and difficult country, with insufficient means at disposal, and which may lead to the necessity for a Bill of Indemnity.

67. Do you not consider it necessary that there should be landmarks over the country, and that there should be an Act of Council passed to the effect that every man who had possession given to him by the surveyor should be obliged to put down landmarks. I can find landmarks of my own after thirty years? There are many causes to be assigned for the obliteration of landmarks—fires, and so forth.

68. With regard to landmarks, I find during the last two or three years that surveyors have not been sufficiently careful. You will find many towns laid out in the interior of the country without any landmarks. I went to look at one, not long since, in which I could find the lines I made in 1828, but not the landmarks? If it has not been done, the surveyors have not carried out their instructions.

69. The Deputy Surveyor General might be of use in testing these matters? Yes. The district surveyor likewise will be of use in such cases.

70. When the Deputy Surveyor General was appointed, the population of the Colony consisted of 40,000; now, with an augmented population, it may be necessary to increase the number of supervising officers, as intended by the recommendation of the Board? Yes. There is a paragraph in the Report with reference to the district surveyors, as follows—"He should have the assistance of a draftsman, whose duties would be to plot the surveys made in the district, to perform all necessary clerical duties, and as far as possible to represent the district surveyor in his absence." That has not yet been done.

71. If this were done he could perform twice the field work, besides the plans? It is the intention to carry out this recommendation. In fact, in the Moreton Bay District it has been carried out; there is a draftsman there who acts as draftsman and clerk, but in other places the appointment of district surveyors has been of so late a date that I have not had time to make arrangements for the establishment of offices. In those districts, however, where Crown Land Commissioners have been superseded, of course their quarters and buildings are now available for such purpose, and there will be no difficulty in making necessary arrangements for offices.

72. It would be a great advantage to have draftsmen attached to the surveyors when carrying on a general survey of the country with the future purpose of laying out the lands? Since I have been in charge of the department the time of its officers has been completely occupied in meeting the wants of the public in the survey of land for general sale, as well as under pre-emptive right.

73. Have you attempted the classification of land into agricultural, grazing, and other districts? No, I have not had strength to do that yet.

74. Then the officer employed in the survey of lands for sale has a great deal left to his own judgment as to what lands he shall lay out? He has had, but under the new arrangement that is provided for, by the appointment of district surveyors, who will now be responsible as to that duty; still it would be some time before the district surveyor can be master of his district. His present instructions are first to visit every part of his district, to examine the work done by the licensed surveyors, to examine and test their instruments, and in every way to make himself duly acquainted with the requirements of his district.

75. In every district I should suppose he is instructed to make a meridian line, in order that he may be able to test his instrument, because you are aware that every instrument has its own variation? He has not been so instructed yet; for the first object is to make himself perfectly acquainted with what is going on in his district.

76. He will be instructed to carry on the triangulation if he possibly can? Decidedly.

77. On one point I agree with Sir Thomas Mitchell's evidence on this matter—that triangulation

gulation can be carried on in this country, but not for the purposes of ascertaining scientifically the figure of the earth? That is not contemplated at present.

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78. You have not instruments in the country to do it; and, besides, the nature of the country is in some places so woody that it is difficult to distinguish the various points, and the variation is so great, especially where the country is of a trap or volcanic formation. I therefore think it would be necessary to establish a meridian line, and carry on the triangulation from that meridian line; and I believe that is the only way by which it can be done for many years to come, and that it will be sufficiently accurate for the survey of farms and for local purposes? Yes.

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79. I told Sir Thomas Mitchell, years ago, that we should never have the survey of the country properly done without local surveyors? Of course it will depend upon the character of the men employed. The district surveyors are only on probation now, and are subject to removal.

80. There is a very good suggestion here, which I should recommend to be adopted—that the surveyor should plot his work daily; should not every surveyor do that? Yes, while it is fresh in his memory. I do not think the surveyors generally plot the work daily; but it should be done.

81. It is your opinion that there is no necessity for sending in these finished plans, which take up so much of their time? No; to send a rough plan is sufficient.

82. There is an efficient system of field books? Yes.

83. The field books of the staff belong to the department? Yes, as well as those of the licensed surveyors.

84. What is your opinion of the recommendation of the general use of the theodolite? I think the theodolite should be used wherever practicable; but in this country it is not always practicable.

85. It would take too much time, you think. It is the most perfect instrument? Yes.

86. Where large surveys are necessary by the needle through a wooded country such as this, the larger the needle the more accurately it is likely to be surveyed? Yes. The circumferenter is a good instrument if properly handled. A good instrument of large diameter should be used.

87. It is recommended by the Board that the personal supervision of the Surveyor General, or the Deputy Surveyor General, in the field should be constantly exercised? No doubt it ought to be so; but, from the instructions I have received, it is considered the duty of the Surveyor General to remain at head quarters, to control the department; he is not to go into the field. When I first joined the department, I immediately instructed the Deputy Surveyor General to proceed on a certain tour of inspection, which was done; but lately he has not been so employed. The fact is, he is physically incapable of long journeys.

88. You are not aware, perhaps, that, from being physically incompetent to do the duty of the office he was first appointed to—Assistant Surveyor—he was appointed to the office of Chief Draftsman? I was not aware of it. In the office I have found the Deputy Surveyor General very useful. In fact, than the three chief officers of the department at head quarters—Mr. Thompson, Mr. McLean, and Mr. Halloran—it would be impossible to have better men; they have been so long in the department that they are fully conversant with every detail.

89. Has not the general feeling among the field officers of the department been that they have been too much interfered with by parties whom they considered had no business to interfere with them? I have heard that spoken of, but, as far as I am concerned, I think that since I have been Surveyor General very few papers have gone out of the office without my signature, and although papers in the rough come to me, I never pass them away without full consideration, and I consider myself responsible in every way. I know Mr. Galloway wrote to me, under an erroneous impression, complaining of the language made use of, as he assumed, by the Chief Clerk.

90. That is, they have been worried about matters not at all connected with the survey—forage, and different things? Of course it is necessary that questions relating to allowances and such matters must be perfectly understood, in order to the passing of the accounts. At the Audit Office they require constant explanations, and, with the view to do away with the frequent communication upon these subjects, I have suggested for consideration in framing the estimate for this year that all allowances be done away with, and that a fixed scale of pay be adopted, which has, I believe, been approved by the Secretary for Lands and Public Works; it will save a large amount of work in the office, and unpleasant correspondence—correspondence carried on from month to month, and from quarter to quarter. I frequently do not get in the accounts in a state to pass the Audit Office for some months, and gentlemen are kept out of their money for that time; it makes the service very unpopular, and creates unnecessary trouble.

91. You are aware that in military matters an officer having charge of a certain party is not responsible to the Commissariat for what he draws, and the Commissariat Officer has no right to question him on the subject—supposing you, as General, give an order, he receives it and you are responsible? Yes.

92. A clerk in the office here cannot tell whether there is any grass in the district I am surveying, for instance, or how I am to transport my material? Of course not. There has always been great difficulty about forage; there is more correspondence about that than about any other part of the service.

93. I believe that system has worried more officers out of the service than any other? I hope it is now on the point of being done away.

94. Do you think that your officers should have the survey and laying out of all new roads, as they are established in districts, as district surveyors? Yes; I think as district surveyors they should mark out the roads.

95. Then they should have the power of seeing that these lines are kept to? Certainly.

96. For I have observed that many of the lines marked out many years ago are not carried out;

Colonel G. out; officers knowing very little of the features of the country alter them as they please, and these alterations make your maps wrong? If that is done it is wrong, but sometimes alterations become necessary in the line of route, and then the roads must be altered, of course.

Barney, R.E. 12 May, 1858. 97. You are aware that the officer who lays out a road should see that it is properly lined, and made exactly in the place laid down? They should be distinctly marked, or else the neglect may lead to considerable difficulty.

98. When a professional man marks out a road, he looks to the drainage and gradients? Yes.

99. *By Dr. Aldcorn*: Do you not think district surveyors, and surveyors of all kinds who are not trained to road engineering—their profession being quite distinct—often line a road very badly, and that it would be desirable that some of the people in the neighbourhood, say the Bench, or some other parties, should be associated with the surveyor, not to have power over them, but to give advice with regard to the line? I often refer our surveyors to the Bench for information.

100. *By the Chairman*: You would recommend that survey offices should be established in each district, where the district surveyor should give every facility to the public in obtaining full information respecting lands for sale in the district? Yes.

101. It would relieve your office in Sydney? Yes. This is under arrangement now.

102. Surveyors should also conduct railway surveys? That is now superseded. The department has been released from this duty.

103. Do you not think it would be better to have under one supervision all the surveys of the country? There is a good deal of difficulty in it. There is plenty to do in the Survey Department without laying any more upon it. There should be a distinct understanding between the gentlemen who have charge of the railway works and those connected with the Survey Department supplying each other with such information as may be required, and such, in fact, is the case at present.

104. Some considerable trouble has occurred to the Government lately with regard to the office of Commissioner of Crown Lands in the Settled Districts—do you not think that ought always to have been kept in your department? Do you mean with reference to the sale of land?

105. Yes? There has been a good deal of difficulty with the new appointments. It was only yesterday a gentleman brought me two receipts for the same allotments under two different names; it was a serious error, and might have led to great difficulty. No doubt some inconvenience will arise until the Commissioners gain more experience.

106. You are not aware that any trigonometrical base was ever measured on the Liverpool Plains? No. Part of my instructions, as Surveyor General, is that the surveyors should, in the course of their travels, bear this matter in mind, and report upon any positions they might think desirable for bases upon an extensive scale, and that their reports should be accompanied with sketches showing the trigonometrical points within range; and I have received some very good reports, more particularly from Mr. Flyde and Mr. Darke.

107. A base was fixed by Mr. Dixon on Liverpool Plains in 1833 or 1834 for three miles? I understand you can get a base almost to any extent on the plains.

108. Have you anything to suggest to the Committee that you think necessary to the improvement of the service as now conducted as regards field survey? I think it is undergoing a series of improvements. It will doubtless be some considerable time before the merits of the appointment of district surveyors, which is, perhaps, the most important measure lately introduced, can be decided upon. These officers are, however, appointed with the understanding that at the expiration of twelve months they will be subject to removal unless they have carried on their work in a manner satisfactory to the Government; but I must confess that it is probable they may not altogether carry out their duty in the satisfactory manner required. Two or three of them are not young men, and although perfectly competent theoretically, yet they may be found physically incapable of enduring the fatigue to which they will be liable. Now, some of our best men, Mr. Shone for instance, Mr. Gordon, and Mr. Darke, although they perfectly understand their work, and though they would, of course, had they been equal to the fatigue, have been appointed to districts, are not placed in these positions, and junior men are now in employ. Mr. Shone has been under the eyes of a medical board for some time. I wrote him privately to represent to me whether he considered himself physically capable of undertaking the duties of district surveyor, and he replied that he was not. He has now, under the advice of a medical board, obtained six months' leave of absence, with a view to ascertain whether he will then be able to resume his duty. I wrote to Mr. Gordon on the same subject, and he at once stated he was not capable. Mr. Darke has, I think, three or four times submitted medical certificates, to the effect that he was not capable of conducting his work, and applying for a retiring allowance; he however obtained leave to visit Sydney (a few months back), and it was thought necessary to bring his case before a medical board again, who reported that he would be incapable of working in the field subject to constant exposure to the sun. Now, it must be evident that a surveyor cannot work in the field without being exposed to the sun, and this decision therefore amounts to a prohibition from such occupation; while he has been awaiting the result of this medical board he has been employed in Sydney. There were formerly two or three surveyors employed in Sydney, but I have removed two, as unnecessary; but still one surveyor is always required, as questions constantly arise with reference to the measurement of allotments, and subjects connected with the city; and I have kept Mr. Darke, as a very competent man, for the performance of these duties, which do not altogether expose him to the glare of the sun. When not employed at out door work he has been carrying on the plotting of the surveys of the Richmond and Macleay, upon which he was engaged some years since; this duty will yet occupy him for some time.

109. *By Dr. Aldcorn*: Then he is fit for carrying on the duty here? Yes; because he is not always subject to exposure to the sun.

110. Is the district surveyor entirely employed in superintending the survey of lands, or is he also employed in ordinary surveying himself? Occasionally, under certain circumstances, he is employed in surveying. Colonel G. Barney, R.E.
111. *By the Chairman:* I believe you require for the performance of these duties not only persons possessed of skill and ability, but prepared to meet danger, at least I know it was so when I first joined the service. When I first surveyed the Hunter there were some half dozen of men with carbines with me, and we were surrounded by four or five hundred blacks. You require men who are not only competent to do the duties, but who have considerable nerve and power of endurance? Yes. We are at present in a very awkward position with respect to the Commissioner of Crown Lands in Leichhardt, Burnett, and Wide Bay District. Hardly three months elapse without our receiving reports of murders by the aborigines. 12 May, 1853.
112. Within the nineteen counties the service is quite different from what it used to be? It is entirely different.
113. The surveyor is among civilized men? Yes; he has nothing to disturb him, he is sure of provisions, and of everything he requires.
114. I have an opinion that there has been very little inducement to officers to join your service, from the way in which many of the old officers have been treated? It may have had that effect.
115. You have heard that in 1835, or 1836, the salaries were stopped for a year or two, to try experiments with some of the oldest men in the service—I was one of them? I know the result—that you would not work.
116. Was not the effect this, that at this time the Colony was in a state of depression, land was increased in price, men would not buy it, and there was therefore no employment for the officers, who were left to starve? I have no knowledge on the subject.
117. *By Dr. Aldcorn:* All their work is examined by competent parties? Yes.
118. *By the Chairman:* What is the largest salary now given to a district surveyor? A district surveyor at this moment has £500, first class surveyors have £400, and second class £300.
119. As senior surveyor I had £400 when I left the service, and I consider that the work was then twice as difficult and twice as dangerous as now, except in the outskirts? No doubt.
120. Do you not think it would have been better to have placed old surveyors in the Commissioners' Districts? That was one of my first suggestions. I proposed that all Commissioners of Crown Lands should be surveyors. Under the new arrangements six Crown Land Commissioners have been removed from their districts, and in these surveyors will be appointed to act in their stead. That at first sight would apparently create a saving, but in fact it will not, as they will not be able to do so much surveying work.
121. Still I believe every surveyor could make a survey of his district in eighteen months or two years, or even define the boundaries of stations? That would depend upon the district. I would make a remark with reference to this paragraph in the Report—"The importance of a trigonometrical survey of New South Wales is greatly enhanced by the prospect of its being eventually connected with similar operations in the provinces of Victoria, Tasmania, and South Australia." There is a despatch from the Home Government suggesting that this should not be carried on simultaneously, but that, as it would be attended with great expense for each country to have a set of instruments for a trigonometrical survey, they should be handed over from one to the other as they were required. That would have been a good arrangement, but we have all we want for carrying on a trigonometrical survey, though at present the rods are lent to the Victorian Government.
122. I do not think you will for many years carry out a perfect scientific triangulation, although you may carry it out to a certain extent? I brought the matter under the notice of Government, and asked for a sum of £5,000 to commence with. It would occupy a long time, if a base of fifteen or twenty miles long were taken, to do the work properly, but the expenditure of this £5,000 may be extended over two, three, or four years. Certainly the first great point is the measurement of a base on which reliance could be placed.
123. You are aware that the triangulation of England was commenced in 1782? Yes. It appears to me very desirable to make a beginning, and the work might be carried on, without reference to surveys for sale, as a distinct service.
124. The increased magnitude of your office since I first joined the service appears to me surprising? Yes; but we have an immense amount of new work. In the lithographic establishment, which has only lately come into operation, we have lithographed three counties, and a fourth is tolerably well advanced; we have also lithographed the "Herald's" survey of the port, which is a most elaborate work; likewise ninety portions of land for sale in townships, villages, and country lands.
125. You are aware that the section system is very erroneous—I refer to carrying on the measuring of the country in square miles by compass? Yes.
126. I said a little while ago that I thought you would have to make a re-survey of the country—I still think so. In many of the primitive surveys of the Hunter, the surveys were never tested or tied, and, when the backs of the land began to meet, it was found sometimes that they were correct and sometimes they were a quarter of a mile or half a mile apart? I believe that has been the case.
127. I think the parishes will have to be surveyed as they are on the ground, and these errors will have to be thrown into them? No doubt there will be a great many difficulties when the land comes to be closed in.
128. I suggested many years ago that parties should be compelled, under a fine, to put up their landmarks? The establishment of permanent landmarks is a matter of a most important nature; but, at this moment, I have under consideration an arrangement for permanently marking town and country allotments, &c. Mr. Secretary Robertson has the papers before him now.

Colonel G. Barney, R.E. 129. *By Dr. Aldcorn*: What is the plan you propose, and which appears to you the most efficient? The system I now propose is, by marking trees and distinctly marking allotments with pegs to be branded, shewing the Nos. of the sections and allotments, and by rock spitting.

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130. I thought you might suggest cast iron pegs? That would be very expensive.

131. They would last for ever? We propose hard-wood pegs, properly marked for each corner allotment, and these, if well driven into the ground, could not be pulled up; to mark the rocks with the broad arrow; and a system of marking upon trees which can be readily understood.

132. *By Mr. Forster*: If I rightly understand the tenor of your evidence, it goes to shew that you do not consider your department so efficient as it might or ought to be? It is not efficient in strength.

133. You consider that its inefficiency arises from want of strength? Chiefly.

134. And partly from defect of system? Yes.

135. Its principal fault, you think, is want of strength? Yes. It depends upon what the country requires; if it could be made known to me what area of land is required to be brought forward for annual sale, of course I should then be able to prepare an estimate that would meet that demand; but if I am to carry on a feature survey—in which I am doing nothing at present—I should require a much more extensive staff.

136. Then, in fact, the difficulty in your mind arises from the enormous extent of country of which you are required to superintend the survey with a staff not sufficient in strength? Yes.

137. Do you consider the defects of the system a minor matter? The system has lately been so much amended that I think it likely to work well.

138. Do you think any difficulty arises from the peculiar circumstances of the Colony rendering it necessary for you to employ incompetent persons? No, I do not.

139. Do you think the staff in general employed under you consists of competent men? Yes.

140. You admit that some defects of system still exist? Yes.

141. Do those defects relate more to the central management or are they connected rather with the management of the work in the field? I think they are connected rather with the superintendence in the field than with the central management. I think the three gentlemen who have the principal charge in Sydney are most efficient—that it would not be possible to have gentlemen more competent for their work.

142. Then the difficulty resolves itself into the difficulty of inspection? That is one difficulty, but that is being overcome. I refer to the system of district surveyors which has just come into operation. These gentlemen have the examination and control not only of the permanent staff but also of the licensed surveyors; their instructions are to see every one of them examine their work, test their instruments, &c.

143. You consider that the great difficulty arises from want of inspection, and this you propose to meet by this district arrangement? Yes; as far as the system has gone it seems to promise success.

144. What is your opinion as to the remuneration to officers in your department,—has it been adequate to the work or in excess? I think it is about a fair remuneration.

145. Do you know of any instances of persons having left the service either from inadequate pay, vexation, or annoyance? In my time Mr. Galloway, who was in charge of the Moreton Bay District, had, I believe, some idea that he had not been properly treated which may have led to his retirement, but he retired under the report of the medical Board.

146. In cases of vacancy, supposing you want surveyors, what is your mode of filling up vacancies—do you find enough surveyors in the Colony? Plenty; at this moment I have twenty-four applicants on my list; they are about to be brought forward for examination.

147. Are these supposed to be competent surveyors? Many of them; but they have yet to be examined.

148. The position for which they are applying is, to a certain extent, an evidence that they are qualified men? They must be surveyors, otherwise they would not submit to examination.

149. You have twenty-four applicants, who all allege themselves to be competent surveyors? Yes; some of them have certificates from highly qualified engineers and surveyors in England.

150. Do you not think that shews the remuneration in the Colony is sufficient? Yes. Most of them are applicants for the office of licensed surveyors, under the impression that they can make a larger amount of income than they could if attached to the salaried staff, and that may be the case in certain parts of the country with certain descriptions of work; but when they take the rough and the smooth together I do not think they will do so. There is also another consideration which induces parties to apply: they think that, having been once appointed licensed surveyors, they obtain a character, and ensure other employment.

151. In fact, they get a sort of certificate from Government as to their competency? Yes; they go through an examination. When these numerous applications came before me, I objected to the examination, as occupying a considerable portion of the time of the principal officers of the department, without the payment by the parties of a fee. It occurred to me that they wanted to pass the examination merely to obtain a Government certificate, that they might procure private work. That was overruled, and I was instructed to have them all examined.

152. Do you not think it would be a good plan to charge a fee for the examination? When I received the order I suggested that each person on examination should be charged a fee of ten guineas. That proposal has gone before the Law Officers, to ascertain whether it can legally be done.

153. Has it been the practice to employ young men who have not at first been competent, and to train them? That was one of the suggestions of the Governor General, in his proposal for the establishment of a Board of Works. I have spoken to many of the surveyors on the subject, and they have authority to take pupils if they please, and occasionally, but not

not frequently, they have done so. I have had offers from young gentlemen who have come to this country, and expended all their means, to take the appointment of chainmen. These parties have a certain knowledge of surveying, but are not competent to do the duty of surveyors, and they take the office of chainmen with the understanding that if they exhibit sufficient knowledge of their work, and obtain recommendations from the officers under whom they serve, they will have a fair chance of being brought forward.

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154. Considering the competition you have shewn to exist for the office, would it be unreasonable that persons taken in to the service to learn the profession should be charged a premium in the first instance? I do not think it at all objectionable; but that would rest with the surveyors. I think it desirable that every facility should be afforded to young men wishing to become possessed of a knowledge of surveying.

155. With reference to the promotion, to which the Chairman has alluded, you think you should not be favorable to a system of that kind? I do not think there should be regular promotion by seniority, but I think talent and industry should have the preference.

156. In particular with reference to this department, but as to all branches of the public service, may it not be the case that a man may be an excellent public servant up to a certain point, yet be incapable of filling a higher office? Quite so. In my office I have given the gentlemen to understand that promotion in cases of vacancy will depend, not upon seniority, but upon capability and diligence.

157. You would, I presume, allow the principle of seniority to apply to a certain extent; supposing there were an equality of industry and ability you would give the preference to the senior officer? Yes, to that extent I would.

158. You would not carry out this system of promotion from one grade to another beyond that point? No.

159. With regard to the Clarence River, are there any records in your office of contract surveys having been performed to a considerable extent in that district? Yes; I think to the extent of between three and four hundred thousand acres.

160. Can you state, in round numbers, the amount of expense to which the public has been put by those surveys? £2,393 for the Clarence.

161. Has any benefit been derived from these surveys? No, none whatever.

162. Are you aware whether the marks that were made upon the trees, or which were supposed to be made at the time, are to be seen at all? I understand most of them are not to be seen.

163. Is it your opinion that these surveys were actually useless in every way—that they were in fact a fraud? No, I should not say they were a fraud; they were done under the instructions of Government.

164. Was there not something wrong in the mode of doing them? They were done upon too large a scale for sale, and many of them, I believe, could not be disposed of, as they were not in reserves.

165. But if the surveys were properly carried out, would not some of the lines serve as bases for present operations? No doubt there are some marks which would be of use.

166. You think they may be of some use, but not correspondent with the expense? Yes. It was the opinion that the land would sell at the time.

167. You think the objection to the survey is that it was premature? Yes. There is now a great demand for land upon the Clarence, and I suggested last year that it was advisable to give the parties holding the land three months notice that their leases would be discontinued. I expect that will be done this year, so that by the beginning of next year, or before that time, much of this land may be divided into farms of fifty or one hundred acres, or into smaller portions, for sale.

168. Do you think these old surveys will be of any use? Yes; we shall be able to identify some of the marks.

169. Have you any information at all as to why these surveys were performed—were they well done at the time? I believe so.

170. You have heard of the principle of free selection? Yes.

171. Do you think if that had been acted upon in former days they might have been made of use? Yes, for it was good land.

172. In fact, I presume, the greater part of the country is occupied under squatting leases that were held in those days? Yes; there are 200,000 acres on the Macleay in the same position as that of the Clarence.

173. If selection had been allowed in early days, a great part of this country might have been located long ago? Yes, because it is good land.

174. The surveyors were directed to survey the best agricultural land they could select? Yes.

175. Has there been any surveying carried on in the Port Curtis District? Yes. Mr. McCabe was employed during 1854-5 & 6.

176. There has been a township surveyed, has there not? Yes; Mr. McCabe laid out the township.

177. Can you give any idea of the amount the survey of Gladstone and of the country around has cost? Yes—£3,573.

178. With regard to another local matter—you are aware that in the district of Queanbeyan the surveyor has been dismissed? He has not been dismissed, but I have not given him any work for some time, for the work he sent in was very incorrect, and the reports I received from gentlemen in the neighbourhood were very unsatisfactory.

179. I wish to know whether the district can safely be left without a surveyor? If work require to be done, and it is made known to me, a surveyor will be appointed.

180. *By Dr. Aldcorn*: With regard to the comparative expense of contract surveying and salaried surveying, your opinion is that contract surveying would be cheaper? Yes; in fact, we are just trying that experiment; there is a contract going on in the Southern District, under Mr. Adams, which I think will test that point; but all the district surveyors are instructed to get their work done in every case where they can under contract.

FRIDAY, 14 MAY, 1858.

Present:—

MR. WHITE,		MR. FORSTER,
MR. ALDCORN,		MR. PIDDINGTON,
	MR. ROBERTSON.	

G. B. WHITE, ESQ., IN THE CHAIR.

Alexander Grant McLean, Esq., Chief Draftsman of the Survey Department, called in and examined:—

- A. G. McLean, Esq.
14 May, 1858.
1. *By the Chairman*: Have you read the Report of the Commissioners appointed to inquire into the Survey Department? I have.
 2. You gave evidence in the matter? Yes.
 3. The questions numbered from 683 to 842 were answered by you? Yes.
 4. I shall not find it necessary perhaps to examine you upon any questions that may have been answered here, but merely ask you some questions to supplement your evidence. You have no further means, at the present time, of examining the work the officers send in than you had at that time? We have no further means, but we employ those means more fully. We refer, in every instance, to the original surveys of the adjacent lands, if there be original surveys.
 5. You remember when the system was first adopted of employing licensed surveyors? Yes.
 6. You were in the service then? Yes.
 7. By whom were these licensed surveyors first appointed? I cannot say from memory. I recollect who were among the first, but I do not recollect who appointed them.
 8. I believe the system originated during Sir Thomas Mitchell's absence from the department? I am under that impression.
 9. I think, when he returned to the country, after being absent for some time, he disapproved of the system? I think he did. I remember his preparing an estimate under which all surveyors were to be salaried officers.
 10. Who examined as to their competency before they were appointed? I do not think those originally appointed were examined. Mr. Nicholson —
 11. Mr. Nicholson had been in the department before, and was one of the officers sent out from England? Yes; and Mr. Mann, I think, was one of those originally appointed. I do not recollect hearing of their being examined.
 12. Do you not think the appointment of these gentlemen at that time was a great injustice to old officers who had been long in the service? As some of the appointments were more profitable than those of the salaried officers, I think the old officers ought to have had the refusal of them.
 13. Some of them, I think, made three times the amount of the salaries of the oldest officers—Mr. Mann, for instance? Mr. Mann is a solitary instance. I dare say he received three times the salary, or perhaps more; but out of that his expenses had to be paid, and I am aware that he employed assistants, who, of course, received remuneration from him.
 14. Do you not think the old surveyors, who were sent by the Government I may almost say to the vanishing line of civilization, doing the work they did, could have made considerably more than their salaries under the arrangement then made for the payment of the licensed surveyors? Far more, with the same amount of industry.
 15. These licensed surveyors never have had the difficulties to contend with that the officers carrying on the surveys in unknown country must have fallen in with? Yes; they had no dangers to encounter, and no inconvenience, except what they chose to subject themselves to for the sake of economy.
 16. The whole arrangement of the maps and plans is under your control, I see you state here? Yes; it was not distinctly so then.
 17. You were assisted by Mr. Adams, I think? At that time there was a draftsman senior to me in the department, and although I had not the control I had the management.
 18. Do you not think it would be a great advantage and saving if the officers of that branch of the service were attached one or two to each district surveyor, or in their respective districts, with a smaller establishment at head quarters? I do not think that that would be practically advantageous, and for this reason—that the districts are so extensive that a district surveyor can scarcely be said to have head quarters, if he really travels and inspects so much, as he ought to do.
 19. But I mean that he should have an office in his district occupied by the draftsman always, the work of the surveyor in the field being sent to him to compile and put together, and then from there sent to head quarters, to be put into the maps for the information of people in Sydney? Some districts—indeed most of them—are so extensive, that before the time the plan could arrive at the head quarters from a remote part of the district, it might be very near Sydney. The course of post from any portion of the Colony to Sydney involves so little delay, that I consider it advisable that all plans should be sent direct to the Sydney office, where the best means for checking their accuracy exist, in the previous surveys and in a competent staff of draftsmen, and where the proclamations for sale must be prepared and published, and the original surveys recorded and preserved.
 20. Do you not think the districts might be arranged in such a way as to obviate the delay? Not without a far larger number of district surveyors.
 21. Of course I contemplate the employment of an increased staff in the country districts. Do you not think that a great deal of the time of the surveyors has been lost, for many years, by their being obliged to make such plans as they send to the head office? I think some of the plans may have been unnecessarily highly finished, but still I attach great value to

to

- to the plan of the ground made by the surveyor himself. I think it likely to be a better representation of the country than anything plotted from his field-book by any one else.
22. Without being highly finished a map may be very correct. I have seen some very incorrect that were very beautiful to look at? Of course I should not desire that surveyors should devote more time to their maps than is necessary to make them correct and clear. Still, I have known many of the most industrious surveyors—such men as Townsend—who, in addition to large surveys, have made very highly finished maps, and who were second to none in the amount of field work performed.
23. Are you aware that in l'Ecole Polytechnique they do not require any maps to be sent in, except rough lineal maps—they will not receive any; there must be upon the map, not merely a line, but the measurement of the line, in figures, so that there can be no mistake—do you not think that would be a great improvement here? We have the length of lines in figures upon all plans sent in by surveyors, and not only of boundary lines, but tabular statements of the chain traverse along rivers, roads, &c.
24. In answer to question 714, in the evidence given by you before the Commissioners, you say—"Some of the more industrious of surveyors have sent in plans of their surveys in the "squattling districts on three different scales, being two inches to a mile, two miles to an inch, and eight miles to an inch"? Yes.
25. Do you not think he would have been much better employed in making surveys of the country, if a draftsman had been employed in doing the work that he appears to have done here—would it not have been a saving of time? Certainly. I think a map on the largest scale mentioned would have been sufficient; there would, however, have been an advantage in the surveyor compiling and sending in a map on the smallest scale also; but the medium scale I think unnecessary. In the small scale plan he might have reconciled differences or discrepancies in the reduction of his surveys in such a way as to produce a more accurate general map than could be done by a draftsman who would be comparatively ignorant of the probable positions of the errors, and might therefore distort in his compilation the most accurate portions of the survey to make them fit in with the least accurate.
26. Mr. Burnett, I believe, carried on triangulation to the northward; was it in connexion with Dixon's triangulation? Yes.
27. He calculated all his triangles? Yes.
28. Mr. Dixon did too? I am not aware.
29. You are aware that triangulation is a work that requires considerable time? Undoubtedly; and if done hurriedly, it is a waste of time.
30. Unless it can be properly done, it is not worth while attempting it at all? It had better not be done at all, because the errors accumulate.
31. They can be only checked by a base of verification? Only by a base of verification.
32. However, you are aware that if there be three points at any time well established and fixed, as long as they exist they will prove that the corner or angle of a farm is correct, by measuring the angles at the corner subtended by lines joining these three points? Yes.
33. You have never been in the field yourself? No; I have done a little amateur surveying, but I have never been in the field.
34. Are you of opinion that every officer coming into our service just now should serve a time in your branch of the department? I think it would be advantageous to any officer coming in to do so.
35. You have no record of Dixon's triangulation? We have plans, but I have never seen any calculation, or field-book, or record of his measurements. It is very possible there may be records, but I have not seen them.
36. You, of course, have the field-books of many officers, but there is no regular system of field-books? No uniform system of field-books.
37. There ought to be, ought there not? I should think there ought.
38. There ought to be a system of field-books arranged in such a way that you or any officer of your department might plot from it? I think I could plot from any field-book, but from some more quickly than others. I think there ought to be a uniform system for each species of work, one for feature surveys, and one for farm and allotment surveys.
39. The licensed surveyors have not been employed in carrying on feature surveys at all? Scarcely ever. They have been occasionally employed in surveying roads.
40. It requires a man understanding his profession well to carry on a feature survey? The work is so extensive that the total error becomes greater than in farm surveys.
41. That was the reason why the old staff of surveyors were sent away to extend the colonial boundaries? Undoubtedly. There were no men in the Colony then, at all events, so well qualified for the duty.
42. You are sufficiently acquainted with a surveyor's duty to know that these monthly returns are of but little use? The old monthly return I always considered highly objectionable; and I have frequently stated my opinion to the Surveyor General and Deputy Surveyor General.
43. Have you any idea with whom these returns originated? I am under the impression they originated with Sir George Gipps.
44. They were adopted before his time? Then my impression is inaccurate. I do not know much of what took place in the department so far back. I do not think you will see anything objectionable in the present form; it merely requires such information as it is necessary the head of the department should receive.
45. Then nothing has been done in the way of carrying on the triangulation, or taking rounds of angles, since Sir Thomas Mitchell's day? Nothing whatever. I have never seen a round of angles that have been taken since then.
46. Mr. Dixon, when he carried on the triangulation, did not send in a round of angles on a diagram at all? Not that I am aware of. That was before I joined the department.
47. Is the system of section lines continued over any portion of country yet? I think I may

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- A.G. McLean, may say it is wholly discontinued, both section lines on the ground and imaginary section lines on paper.
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48. Do you not think it would be an advantage to your department to have an enlarged system of parish surveys, shewing the errors of the old surveys? I think it would involve an amount of labor scarcely called for by the necessity of the case.
49. You have heard frequent disputes about old marks and section lines which were supposed to be continuous, but were really not so? Yes.
50. Do you not think a system of landmarks should be adopted? Do you mean large landmarks?
51. That individuals buying land from the Crown should be bound to establish landmarks within a certain time? I think that system would interfere very much with the sale of land, seeing how much is bought in proportion to what is occupied, and seeing that the old marks made by the surveyors twenty or thirty years ago are recognizable. I do not think if the system of marking were perfect such a rule or regulation would be necessary.
52. The old landmarks made twenty or thirty years ago are still there, while the landmarks under the licensed system are not to be found at all? I can fully believe that to be the case in many instances.
53. It is quite possible for an officer getting a tracing to mark a town upon the map without having seen the ground at all? Quite possible; I could do it myself.
54. Then the value of these surveys, in a great measure, depends upon the character and honesty of the individual employed? Hitherto the Government have been almost wholly dependent upon the character of the individual; the only check has been what I mentioned in my former evidence.
55. There is no supervision to see whether the work is done correctly or not? Nor whether it is done at all.
56. Are you aware that this was originally intended to be the duty of the Deputy Surveyor General, and that that office was created for the purpose? I am not aware; it was established so long before my time; but I was under the impression the intention was that one of the superior officers should be at head quarters, and to have either the Surveyor General or the Deputy Surveyor General always in the field.
57. Did you ever see the system of grades of the service, as arranged in a despatch of the Secretary of State in, I think, September, 1828? I am not aware that I ever saw it, but I believe it to have been the same as that in existence when I entered the department in 1843.
58. It has lately been altered, I believe? It has.
59. Have you ever heard any complaints from the officers in the service, that no faith was kept with regard to that arrangement? I have heard of the existence of these complaints, but I have not heard the complaints themselves.
60. If officers have been induced to accept employment under the Government by certain promises, and with certain arrangements as to the future, do you think they are likely to do their duty honestly and straightforwardly if faith is broken with them? It would to a certain extent be a moral release from the obligation to perform their duty faithfully.
61. You are getting up separate maps—county maps—I believe? We are publishing them.
62. How many have you already prepared? We have published three; they are maps of the Hunter River Districts principally. They were published first partly because they are important, and partly because the maps have been recently compiled, and are more accurate than the old ones. We are now publishing the County of Bathurst, which is a very important county.
63. What counties are published? Durham, Northumberland, and Brisbane.
64. It was no advantage to the department here that its head should have been so often away from the Colony? I should think not; a department so extensive as ours requires to have the head always present, to keep it in good working order.
65. Do you attribute much of its present disarrangement to its direction changing hands so frequently? I attribute it rather to the uncertainty as to the system to be pursued, whether the salaried or the licensed system.
66. Then there is no definite system? There is no definite system; the present Surveyor General has attempted to keep licensed surveyors in the settled districts, and salaried surveyors in squattling districts, because a number of the duties which have to be performed in the latter are of a character which the licensed surveyor's scale will scarcely meet, and in passing special charges by time occupied, Government is liable to be imposed upon.
67. Do you think if, in the first instance, surveyors had been sent as Commissioners of Crown Lands, there would have been the confusion in the boundaries of squattages which exists in the present day? Certainly not; I only wonder that, under existing circumstances, so little confusion has been apparent or has been discovered.
68. Had that plan been adopted, one officer instead of two could have done the duty? Yes, to a great extent; in fact, in one case—where Mr. Roderick Mitchell, who was a surveyor, was appointed Commissioner—we obtained a map of what was then an unknown country, with a reasonably accurate delineation of the features.
69. You have no classification of lands made by surveyors as to their fitness for agricultural or grazing purposes? No, but agricultural lands are almost the only lands intended to be measured; I do not mean to say that in fact they are the only lands measured.
70. Then the licensed surveyor is left to survey what land he pleases? The licensed surveyor has a discretion, though not an unlimited discretion.
71. Are you aware whether there is a large quantity subdivided but not applied for? There is a large quantity measured and not sold, and we know that a large quantity which is measured is not applied for, but it is measured to meet future demand.
72. *By Mr. Aldcorn*: What is the amount? I cannot say from memory, but it has been stated in a Return laid before the Assembly.

73. *By the Chairman*: Are there many deeds remaining in your department yet untaken by the parties? I scarcely know that officially, but I believe somewhere about ten thousand.
74. Do you not think it would be a good system, that when the parties paid their money they should be obliged to take their deeds? The deeds could not be prepared at once; there is some inevitable delay in recording and checking the returns of sales on which the deeds are prepared.
75. Then the time for payment might be lengthened? The result of such an arrangement would be, that as some parties after having paid their deposits decline to complete their purchases, and as the deeds would be filled up with these parties names, the land would have to be legally surrendered to the Government.
76. Might not the deeds be delivered within three months of the payment of the whole of the purchase money? I believe the deeds could often be delivered within three months, but purchasers frequently will not take them.
77. Do you not think the present system of preparing the deeds could be greatly simplified—that instead of having to pass through three offices, all that is necessary might be done in one? The preparation of deeds has been much simplified lately, and is not now, in my opinion, susceptible of much improvement.
78. Do you approve of the system of Local Land Offices, as at first conducted? I thought when Land Offices were first established they were too much distributed—that it would have been better to have had larger offices and a smaller number; for instance, that there might have been offices at Maitland, Brisbane, Ipswich, Bathurst, Goulburn, Yass, Albury—say some twenty places. It is obvious that the expenditure incurred in the remuneration of sixty or seventy Commissioners, or land agents, for the devotion of a portion of their time to the public service, would, if divided among twenty, have remunerated that number for the devotion of the whole of their time to the duty, and would have commanded the services of old surveyors and others specially qualified for the duty; and the offices would thus have been better conducted, the plans and records kept in a more complete state, and the public better served. The agent might have held sales at different places within one or two days' journey of his head quarters.
79. Do you not think they might be left to the district surveyors? We have now some seventy offices, and a staff of seventy surveyors would be necessary.
80. There need not be so many as that? I think there would be a considerable outcry if the number of these officers was now reduced, because people have been in the habit of going to the nearest Police Office to obtain the information they have required with reference to land, and they would be very dissatisfied if they had now to go to an office at a much greater distance, even if the more distant offices were better conducted, and information more easily obtained.
81. There has been some inconvenience and loss to the Government from the appointment of some of these officers? I believe there have been some defalcations in the accounts of some of the land agents.
82. Parties have sometimes been employed who knew nothing of the duties required of them? I do not think their qualifications were looked to at all in the first appointments. They were generally persons who had previously been employed in almost nominal positions as Commissioners of Crown Lands, and who received, I think, a guinea a day, when employed in the removal of trespassers from Crown Lands, and duties of that character. Many of these gentlemen had no knowledge of official routine, and their appointment resulted, in some cases, in great delays and difficulty, and in some losses to the Government.
83. When surveyors were appointed Commissioners of Crown Lands, that was expected to form part of their duty, and they were paid nothing extra for it? I do not think surveyors were generally Commissioners of Crown Lands. The surveyor in Sydney was a Commissioner of Crown Lands, for he had occasionally to remove trespassers, and perform other trifling duties. The appointment was at all events confined to a few of the senior surveyors.
84. *By Mr. Forster*: If I understand the tenor of your remarks, they go to the effect that you do not consider your department quite so efficient as it might be? No; I do not think it so efficient as it might be generally; it is unsettled, and nothing unsettled can be thoroughly efficient.
85. You, of course, suggested some improvements in your evidence before the Board; is there anything that has occurred since that evidence was given which would lead you to suggest any additional improvement—any improvement which would render the department more efficient? I am strongly of opinion that if the system of licensed surveyors should be carried on at all, it should be confined to the Settled Districts, and perhaps some peculiar portions of the Unsettled Districts where there is a large extent of land required to be measured; and I think that when employed beyond the Settled Districts they should be so, not on the licensed surveyor's scale, but wholly under special contracts.
86. Then you think the defect arises from the mode in which the licensed surveyors are employed, or from their being too generally employed? I think from the department being in an unsettled state—from its not being known whether the licensed surveyors are to be employed, or whether the system is to be done away with. They have received two or three notices that they would not be employed, and it is not likely men of ability will remain in a service where they feel they are liable at any moment to be dismissed.
87. Then you think the way in which licensed surveyors have been treated is one reason of the deficiency of the department? The uncertainty.
88. You would suggest that they should be employed in a more limited, but more certain manner? In a more certain manner. I think their employment is a convenience in some portions of the Settled Districts—where private practice in surveying occupies a portion of the surveyor's time, and he is on the spot to make any surveys which the Government may require, at a rate which is less costly to the public than were a salaried officer to be sent to the locality.

A. G. McLean,
Esq.

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- A. G. McLean, Esq.
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89. Do you think the defects of the department, which you acknowledge, are rather defects of system, or defects in detail; do you think the general system is pretty good? I think the general system, if effectively carried out, of measuring and marking is sufficient for the requirements of the public.
90. You consider that the defects generally are of management more than of system? Of detail more than of the general system.
91. You think no grand system of improvement could be adopted as regards the central arrangement of the department—the general supervision? I do not think any great improvement can be made over what is now in progress—that is, the appointment of district surveyors.
92. You consider that a decided improvement? Yes. I think they should hardly be called district surveyors, they are rather inspecting surveyors.
93. In fact they will be employed to test the work that will be performed by the licensed surveyors? Yes.
94. Then, in fact, the evils of which complaints have been made have arisen from want of local supervision or inspection? Of local inspection, to test the work.
95. This evil will be remedied by the new system it is intended to carry out? To a very great extent; but I think the district surveyors are too few; there are only four in the whole Colony.
96. You would suggest a larger number? Yes.
97. *By the Chairman*: They, in fact, do the duty the Deputy Surveyor General was intended to do? Yes; but the Colony is now five times as large as when the Deputy Surveyor General was appointed.
98. *By Mr. Forster*: Have you any reason to suppose any great amount of inefficiency has arisen from the incapacity of the officers employed—of course one cannot expect any system to be perfect—but I mean has there been any large amount of incapacity? I do not think it requires for the mere measurement of a farm any great capacity, and I think the persons who have been employed have had sufficient capacity for the particular duty performed, if they had been under proper inspection.
99. When I speak of qualification, I mean more than you; I mean a person who is not only competent as a surveyor but who is morally competent—determined to do his work—who is a good officer as well as a good surveyor? I am afraid a large number are more determined to get money than to do their work.
100. Then, from the want of inspection, you infer that the work has not been done as it ought to have been done, by a very large number? By a large number.
101. You think that arises rather from their neglect of duty than from their incompetence? Yes; from a desire to get over their work.
102. Do you consider that the remuneration given to the officers of the department, both in its clerical and field branches, has been generally adequate? I think, in the first place, that the remuneration given to licensed surveyors has been adequate, as an industrious man, in almost any instance, has been able to make a fair or good living.
103. Has there been any difficulty in getting licensed surveyors when they have been required? Not lately; there was for some time a standing advertisement for them in the *Government Gazette*.
104. Of late applications have been numerous? I believe the Surveyor General has at present twenty-four applicants on his list.
105. Do you not infer from that that the remuneration is adequate? Yes; but whether the applicants suppose that there is no probability of their obtaining salaried appointments I am not aware; they do, however, apply for licensed surveyorships.
106. Do you think it possible to enhance the efficiency of the department, without a greater expenditure, as a general rule? I do not think, if the work which the department performs is properly performed, the expense is greater than it ought to be.
107. You do not imagine there will be any probability of the cost of the department being reduced, if its efficiency should be increased? Not without impairing its efficiency. In fact, in my own branch of the department, (the drawing branch,) I believe the expenditure might be increased, with advantage to the public; for the information we possess, and which has been collected at great expense—the work of the survey staff of the department—is not, I am aware, so immediately and conveniently available to the public as it ought to be, and might be, I think, if the drawing branch were increased in number; and if we had more room the public might derive great advantage from it. Now these county maps I believe give satisfaction to the public, and it would be desirable to publish the whole of the counties within the Settled Districts (twenty in number) in a short space of time; but I do not see any probability, under existing circumstances, of their being published at the rate of more than three or four in a year.
108. I think you stated that, in your opinion, monthly returns were highly objectionable—what is your reason for that opinion? I think those under the old form went too much into detail. An officer was required to afford information to the head of his department which, if I had been in the field, I should not have liked to have given; as, for instance, how many hours he was employed daily in the field, and how many hours in his office or tent.
109. You mean that they were too inquisitorial? Yes; and this petty information so crowded the journal that it was difficult to derive the general information as to the progress of survey, which the head of the department really required.
110. What is your opinion of the contract system, as distinguished from the licensed survey system; there is some difference between the two; the contract system was, I believe, in operation on the Clarence? I believe the contract system on the Clarence proved a mistake.
111. Does your objection go to the contract system, or to the bad selection of land? To the premature selection. I think the system should be employed at the discretion of the head of the department and district surveyors.

112. You think it might be available in certain cases? In certain cases; I am aware it is made available now by the district surveyors. He says, "Here is a block I want to have surveyed, and is a design for your guidance, making the average area so many acres—for what per centage of the licensed surveyor's scale will you survey this?" The surveyor being a licensed and qualified person makes an offer, and the work is given to him, at the discretion of the district surveyor. A. G. M'Lean,
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113. In saying that the survey of the Clarence was premature, or was a mistake, do you mean to say that it was utterly useless altogether? No; it was useful so far as it gave us a general or feature survey of the country subdivided. The surveyors, in their plans and reports, gave us the rivers, creeks, ranges, and so forth. This has done away with the necessity for a preliminary survey.
114. It has given you a basis for future operations? It is not all reliable as a basis.
115. Can you use these surveys as a verification? If they are not to be relied upon, they are of no use for that purpose.
116. Then of what use are they? They give us information as to the course and breadth of creeks and rivers, crossing-places of rivers, tributaries, and so forth; but as surveys of land for sale they are useless—not entirely from inaccuracy, for some of them are known to be accurate, but because the areas measured, particularly of portions on the river bank, which are the most valuable, are of too large areas to be sold under existing laws even if such large areas were in demand, or if it were desirable to sell them.
117. They have given you a little information, and have cost more than that information is worth? Yes.
118. That you consider has been a dead loss to the country? I think the expenditure of one-fourth of what the contract surveyors were paid might have produced all that is of any use in these surveys. The survey on the south side of the Clarence was done by the Messrs. Wilson, and has been proved to be in places very inaccurate. This, on the north side, done by Mr. Burrows, has been found to be accurate. We tried to subdivide his measurements, but found that we could not in this way make a design so suitable to the land, or to the views of intending purchasers, as by throwing them overboard altogether.
119. You consider Mr. Burrows did his work well? Yes.
120. There were two gentlemen employed on the south side—were the surveys of both inaccurate? Recent surveys have not extended far enough to enable me to say. At the Macleay River, where a large quantity of land was surveyed by contract, the survey is I believe accurate, but on that point Mr. Darke will be able to speak.
121. You stated that you had a great objection to the large number of Local Land Offices—what is your objection? I did not say a great objection. I said that when the Land Offices were first established, I thought we were going too far; we jumped at once from selling the land in Sydney alone to selling it in some sixty different places. I think if there had been some twenty Land Offices these would have been sufficient; and twenty really efficient men could have been obtained for this office, at the cost of these sixty who are not efficient.
122. In fact, the large number leads to increased expense, which is not quite compensated by any advantage derived? I thought not at the time, but I doubt whether the public now would like to have a reduction of a supposed convenience, even if the more distant offices were better managed.
123. You would not propose any alteration now the thing is done? No; I think not without further trial. The district surveyors have now authority and instruction to inspect them; and this may result in their being better conducted.
124. You state that complaints are constantly made against these offices—? I do not think I said complaints were made. I was asked whether the appointment of these men had not led to losses, and I said there were some defalcations. When they were first appointed they were not particularly qualified, but from having held this nominal position of Crown Land Commissioners they were appointed.
125. Do you think, from the general demand for land in this country, it is possible for any survey department, however constituted, to satisfy the public altogether? I think it is possible to satisfy the general public. I think they are now satisfied. There are very few places where there is a real demand.
126. *By Mr. Piddington*: Is there any system adopted in the Surveyor General's Office for examining or checking the work performed by licensed surveyors? I stated in my evidence before the Board the checks on the accuracy—
127. I am now speaking with reference to the fact, as to whether the work has really been performed? There has been no inspection of the ground too see whether the work has actually been performed; but new work is generally in connection with some old survey, and, although a surveyor by obtaining an old survey might imagine a plan without going on the ground at all, still I believe they have gone upon the ground, except perhaps in a few cases of measurement of town allotments; and then by examining and comparing the old with the new surveys, we can in some degree ascertain their accuracy.
128. From what you have now said, it appears that no actual system of inspection has been adopted? There has not been any.
129. Is there now? There is now; the district surveyors now inspect.
130. Is it the practice of the licensed surveyors to send in an account to the Surveyor General's Office for the work performed? Immediately on transmitting the survey, the licensed surveyor sends an account, and the system is immediately on receipt to allow a per centage—seventy-five per cent.—and to withhold the remainder till the survey base has been checked,—so far as it can be in the office.
131. Are the licensed surveyors paid seventy-five per cent. immediately on the receipt of the accounts? Yes, on their making application.
132. You know of no instance of delay? I have known some formerly; the establishment of this practice of paying seventy-five per cent. is recent.

A. G. M'Lean, Esq. 133. How long has the practice of paying seventy-five per cent. been established? I should think not more than five months. Previously, if a surveyor applied for fifty per cent. or so upon the amount, it was given to him; but there was no rule with reference to the matter, and the surveyors were not informed that it would be done.

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134. They were not entitled to demand it by virtue of any rules existing in the office that a particular amount would be payable on the account, or that the account in full would be paid? We never paid the account in full till after the survey had been made use of.

135. How long do you think generally elapsed between the time when the licensed surveyor sent in his bill and when the account for work done by him, or said to have been done by him, was paid? It would be very difficult to make an average; but there have been great delays in consequence of the carelessness or inaccuracy on the part of the surveyor himself, in order that he might explain discrepancies or correct inaccuracies we have discovered, and the delay occasioned by the return of plans operated not only against himself, but against the surveyor whose plans were accurate, but the examination and checking of which was deferred while the inaccurate survey was in hand.

136. Then you are not aware of any unreasonable delay in the payment of any licensed surveyor? I think there have been what has appeared to them unreasonable delays.

137. I am speaking of your knowledge whether there has been unreasonable delay in the payment of licensed surveyors? I think there has been sometimes, occasioned by the pressure of other work.

138. That appears to be a contradictory answer. I am speaking of unreasonable delay in the payment of a person employed by the Government. The causes may be one thing—they may be inevitable—I do not wish to inquire into them. I merely wish to know whether you are aware of any unreasonable delay having occurred in the payment of licensed surveyors? It can scarcely be called unreasonable, for there was a reason for it. The department was pressed for some work more immediately required, which delayed the checking of these surveyors' plans.

139. How long a delay, speaking from your recollection, do you think has ever occurred between the presentment of a bill and the payment of it? Of a bill, the survey for which the surveyor has not at all had to blame himself, I dare say bills have been unpaid for four to six months.

140. Are licensed surveyors a class of men generally well off? Certainly not.

141. Then do you not think the delay of four or five months would be likely to be very inconvenient to a person not well off? Undoubtedly it would, and that is the reason I have urged, and latterly what I have proposed has been adopted—the payment of a certain per centage, as large a per centage as it would be safe to pay an officer before his work had been examined.

142. Do you not think the establishment of that rule will tend to introduce a better class of surveyors into the department? I am not aware of any surveyor leaving in consequence of delays in the payment of their accounts.

143. What led then to the establishment of the rule that seventy-five per cent. should be paid? The frequent applications made to me, that Mr. So-and-so's surveys might be posted, as he wanted his money very much. When these applications were made, I used to recommend the payment of a certain amount, and it occurred to me that it would be much better to make a practice of it than to wait for these applications.

144. As a general rule, do you not think this great irregularity on the part of the Government in the payment of licensed surveyors, who you say are generally needy persons, is likely to drive out of the service qualified and competent men? I am aware it might have that tendency, but I am not aware of any case where such a result has happened.

145. What is the acreage price paid for the survey of land? It entirely depends upon the area. The average expense throughout the Colony could be calculated.

146. You have no idea of the average expense of all the lands surveyed in the year 1857 by licensed surveyors? I have an idea; I think it must have been somewhere between two shillings and sixpence and three shillings an acre; but that could be given accurately.

147. *By the Chairman:* With whom did the table of fees originate—with any practical man? This is an amended table. I do not know with whom the first originated.

148. I see it is signed by Mr. Thompson? It is amended by Mr. Thompson.

149. *By Mr. Robertson:* In replying to Mr. Piddington a little while ago, you seemed to be unacquainted with the cost per acre under the license system of surveys? Yes.

150. Are you aware that there was prepared for myself, in the Survey Office, a statement of the cost under each system per acre? Yes; I am aware that Colonel Barney had one prepared recently.

151. Colonel Barney, when here the other day, promised that a copy of that should be sent by you—did he not give you one? No; I think he mentioned, when here, that the information was in existence and would be furnished.

152. My object in asking the question was, that I desire to know whether that statement will give a fair indication of the cost. It appears to me that it does not give a fair indication of the relative cost of the two systems, because the staff surveyors are employed for other duties, such as marking roads, and many other things connected with the department that the licensed surveyors are not employed upon; and, therefore, the acreage charge calculated as if the whole of their time were employed in farm surveying, scarcely indicates the precise cost? Certainly, I think you can hardly take the cost as it appears there to be a fair estimate of the relative cost of the two systems.

153. Then you think that paper, which may be considered an appendix to Colonel Barney's evidence, will be unfair to the staff system? Yes, it will be so, undoubtedly; besides the peculiar employment on which the staff surveyors are employed, it should be taken into consideration that they are almost wholly employed in remote districts, where time is very much taken up by travelling, while the licensed surveyors are in the Settled Districts, where there is much less time occupied in moving about.

154. Have you had reason to suppose, in your experience, that the work is not nearly so efficiently performed by the licensed or contract surveyors as by the staff surveyors? I think there is a considerable balance of advantage in favor of the staff surveyors; but I know the work of many surveyors that have been upon the staff is not to be relied upon, while the work of many licensed surveyors is to be relied upon—still, on the whole, I believe that the work of the staff surveyors is more to be relied upon.
155. In reorganising a system of large surveys, is there not more probability of securing efficient men by a system which would give us some control over the officers, and keep them within reach, than under the licensing system, whereby persons merely take the position of surveyor, it may be for a year or two, and then leave the Colony? I am an advocate of the staff system myself; I think the whole of the department should be on the staff; still I think it would require good management to prevent it from being more expensive.
156. I believe you have had in the office a great number of complaints of insufficient marking—in fact persons have sometimes taken up wrong lots of land in consequence? In very few cases the wrong land has been taken up. I have heard complaints of insufficient marking out of doors, not officially.
157. Are you aware that in the Executive Council, lately, we have been obliged to make provision for the exchange of lands? Those cases that have been before the Executive Council lately are very old cases—one of them was near Berrima, at Mandemar—another on the Wollombi Brook, and both old surveys by salaried officers.
158. Are you not aware that the towns of Wingen and Murulla are absolutely not to be found? I have been told so.
159. Was that ever the case under the staff system? Not under the staff system with which I am acquainted.
160. I believe you are aware that within the last few months the attention of the Surveyor General has been called to the system of marking, and that a new system has been devised and approved? Yes.
161. Will that be an improvement do you think? It will be not only an improvement upon the system that is ordered now, but an immense improvement upon the system I believe to be in existence now. I believe the system actually in existence very insufficient—that even surveyors have difficulty in finding boundary lines in some places, and of course non-professional men must have greater difficulty.
162. Has there not been some correspondence in which the surveyor of the northern road complains of his inability to find his way through these towns, in consequence of insufficient marking? Yes.
163. Then, if a gentleman sufficiently educated to be a road surveyor shall not be able to find his way through the towns on the roads, of course you consider there is very little hope of the general public finding their allotments? That is very clear.
164. I suppose you are aware that the license system has been the means of facilitating the survey of the country, and that a great number of new surveyors have been licensed lately? Yes.
165. Do you not think it desirable—even supposing a large number of surveyors may be employed on the staff system—to continue the issue of these licenses, as certificates of ability to the surveyor, in order that, in the country districts, or where there is not a staff surveyor, they may be called upon at any time by the Government or the Surveyor General with some degree of safety;—I mean, that even supposing we abolish the employment generally of the licensed surveyors, and increase largely our staff system, it would still be desirable to continue the system of giving licenses, as certificates of ability to make surveys? I think it would certainly be advantageous to the public; but I am afraid that if we only employ the licensed surveyors occasionally we shall have some difficulty in finding them when we want them.
166. Still, assuming that we have a sufficient number of staff surveyors, it would at least be no harm to license these persons, and from these licensed surveyors the staff surveyors might be appointed as required? I think it would be an advantage to have them; but if the present licensed surveying system were done away with, I think the licensed surveyors should be employed under contracts made with the staff surveyors.
167. Do you not think it would be desirable to the public still to examine gentlemen who might desire it, and to issue licenses, without charge or fee, as certificates that these gentlemen understand their business? I think that if the Government does not require these gentlemen for its own or the public convenience, and if they still desire to pass an examination, not for the public employment but for their own advantage, they should be subjected to a very rigid examination by a larger Board than now examines them.
168. Do you think it of less consequence to examine them for the public service than if they were going into private business? I think when they are examined for the public service the Surveyor General ascertains what their capabilities are, and does not give them employment beyond their capabilities, while in giving a surveyor a Government certificate of capability, by which the public may be induced to employ him, he should be known to be qualified for the performance of any description of surveyor's duty.
169. Have you seen the new estimate for the Survey Department, prepared by myself—I mean with reference to the allowances? No, I cannot say I have; I have seen the paper, but I have not read it.
170. May I ask have you been in the field? Never.
171. Is there not a very considerable amount of correspondence between the staff surveyors and your office, having reference to their forage, horses, instruments—all their allowances, in fact; and between the Surveyor General and the Commissioners of Crown Lands also? I am quite aware there is a large amount of correspondence, and a great deal of delay, owing to that correspondence, which arises in consequence of the necessity for obtaining vouchers and authorities for their expenditure in these matters.

A. G. M'Lean, Esq. 172. Then, I presume, it must be the case that a very considerable portion of the surveyors' time must be taken up in conducting this correspondence, irrespective of the delay you speak of arising from the want of the authorities? Yes, and not only that, but their minds are occupied by these matters, to the detriment of their usefulness in the field; and I know they are irritated very much by the trouble these matters occasion them.

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173. Your office, I believe, is found to be burdened with communications of this kind, and a large number of clerks are kept up for the purpose of answering them? I cannot say from my own knowledge whether that is so; it does not come within my branch of the department.

174. I want to know your opinion with reference to the plan I have endeavored to carry out—whether you see any objection to making them reasonable money allowances, leaving the surveyors to provide their own staff, horses, forage, and every thing of that sort, and insisting upon their being properly supplied with whatever they may require for service, thus getting rid of this correspondence? I think the result would be a very great advantage to the service. The only difficulty I see is, that in various parts of the country an uniform money allowance would represent such different amounts of facility for carrying on the work.

175. Of course no system can be perfect; but I presume you allude more to farming produce than anything else? Yes.

176. May we not establish a general system for the whole country, and make special allowances for special cases; or fix the rates according to the circumstances of the respective districts, so as to avoid correspondence on these matters? Yes, I think it desirable there should be differences, which might well be based upon the rates of contracts in the different districts.

177. For instance, there was a case in which it was represented by a Commissioner of Crown Lands that two saddles were wanted in a country district, and I think there were no less than forty-eight or fifty separate acts of different officers at different times before these two saddles were sent away from Sydney. It would surely be a better plan to allow the Commissioners of Crown Lands to find their own saddles? Undoubtedly.

178. By making them a sufficient money allowance? Yes.

179. You have spoken in doubt whether the licensed surveyors go upon the ground at all when they measure the lands; now, are you not aware, that however faulty the system may be, there can be no doubt that is the case? I think in every case they go upon the land, except perhaps in a few cases of town allotments.

180. Are you not aware that in all these cases there are people in the neighbourhood, and that it would scarcely be possible for the fault to be any greater, on the part of the surveyor, than the insufficiency or want of durability in the marking;—are you not aware that some part of the public generally visit the surveyor's camp and observe what allotments have been marked out? In many cases no doubt they do.

181. I think you have said you are somewhat acquainted with the system of correspondence between the Office of Lands and Works and the Survey Office? Yes.

182. Are you of opinion that any inconvenience has arisen from the change in that respect of sending blank covers, as authorized by myself, instead of those long letters we used to receive? I think the work has been shortened and facilitated by it.

183. You can now as readily ascertain the state of any matter as when there was so much correspondence? Quite as readily, or even more readily, because there are fewer papers to wade through.

184. I should like to have your opinion upon one more point with reference to this blank cover system. I would like you to say whether, in your opinion, we might not improve even what we are doing now—which is, I conceive, only an approach to the right direction—by having, what I would call, minute covers, that is to say, a sheet of paper into which the other papers should be placed, ruled so as to suit the matter in hand, and on the receipt of the first letter writing upon this minute paper the date of receipt, the number of the letter, the subject, and briefly the contents of the letter; and then the nature of the reply, in a few words, and from time to time the action taken upon the matter, if pursued any further; putting down also in what office or offices any papers with respect to it might be found; and stating when the papers were forwarded from one office to another. Thus, if a letter came to you, you would put on this minute cover whatever you had to state, and forward it to the Office of Lands and Works; and that would always be an indication of where it was and where the matter stopped. You are aware that in many cases of considerable importance there is some little difficulty in saying where the papers are; but by the adoption of this system you could see where the delay originated, and you would have all the letters within the cover, which would contain a synopsis of the matter, and would direct you to each letter by its number, and enable you to refer to any one directly, so as to grapple with the matter. Would not that plan immensely facilitate the work of the Under Secretary and the Minister? Yes; I think some such system must be adopted.

185. Do you not think we could get rid of many clerks if we were to adopt some system of that kind, whereby we could cut down the enormous amount of correspondence? Certainly the clerical labors would be reduced, there can be no doubt of that.

186. I suppose you are aware that the clerical labors in the Survey Department have been so reduced that it can dispense with four or five clerks? I hear that is the case.

187. You think that could be done? I can scarcely say; but I do not see any objection if the clerical duties can be sufficiently reduced by the plan proposed.

188. You see, that while we would cut down the amount of labor we would provide for the proper performance of the work as well as it is done now—I mean, that we would keep the whole thing clear for action, without such an amount of elaborate communication from one office to another? You would not keep a record of what appeared upon the sheet?

189. That sheet should be the record? That would save the record of the blank cover, because, although the blank cover makes the papers less voluminous, the record of the blank cover itself is kept as a separate record.

190. It would be desirable, no doubt, to keep a record in the office where such and such papers were? That is kept now in the Record Department, in the indices to letters received.
191. You are disposed to think, then, that there may be great improvement in that way, and that the business may be as efficiently conducted as it is now with much less clerical labor? A. G. McLean,
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192. I suppose you are aware, from experience in the office, that the mere appearance of a heap of papers three or four inches thick rather checks the inclination to take up a case, unless one is very hungry for work? I have had plenty of experience of that.
193. And if it was in smaller bulk, though the work might be as much, there would be more inducement to grapple with it? Yes, and the minute paper would be a great assistance to the memory.
194. *By Mr. Aldcorn:* Have you formed any idea as to the relative merits of the two systems of license and contract in regard to expense and the quality of the work done? I think the license system is cheaper, but not so much cheaper as the tabular statement would lead you to suppose.
195. I take it that the salaried surveyor has other work to do? Yes.
196. Do you not think that it would be better to keep the salaried surveyors at their own proper work, and to have men whose sole duty it should be to line roads—proper road engineers. I have seen in the country things of this kind so outrageously wrong, so totally unlike an engineering work, as to prove that it is an error to employ the salaried surveyors to do such work at all? There are many cases in which we have a salaried surveyor on the ground as competent as an engineer to lay out a road; and when this happens at a long distance from Sydney, it is more economical to employ him than to send an engineer perhaps two hundred miles to do the work.
197. *By the Chairman:* Men well accustomed to feature surveying ought to be employed to lay out roads? Yes; a man well acquainted with the country would be better able to select a good line than an engineer sent from Sydney, and ignorant of it.
198. *By Mr. Aldcorn:* Are you aware that in America, after a long trial, they have gone back to the contract system, and found it so much cheaper that they have no staff at all except the supervising staff? Yes. When we have a sufficient amount of consecutive work, then I would bring in the contract system.
199. Do you not think, as a general principle, that when men are working to make a livelihood they work more? Yes.
200. Are you aware that in New Zealand they are carrying on the surveys by contract? Yes; I am aware of that. The circumstances of this Colony are peculiar. The measurements are generally so scattered and desultory that a contract could not well be made, and hence the existing licensed surveyors' scale or perpetual contract. It is admitted that in contract surveying supervision and inspection are necessary, and it is obvious that there is a limit to the extent of country within which one officer can supervise and inspect the work of others. Now, if within that limit the extent of survey which may be required is only sufficient to afford employment to one or two surveyors, (as is the case in portions of this Colony,) it follows that it is, beyond a doubt, more economical to employ in the duty one or two salaried officers who may be relied upon, and whose work will not require inspection, than to employ licensed or contract surveyors, and a salaried officer to inspect them.
201. Do you think that by giving the district surveyors large districts, and having one land office, as you suggest would be necessary to get quit of this expense, they would have nearly enough work to supervise the measurement of the contract surveyors? No doubt the districts are so large now that the district surveyor cannot effectually supervise.
202. With regard to land offices, do you think that one land office for each large district might be made to answer, by sending the plans, or copies of plans, of the land surveyed to each district to the present land offices, where it would not increase the expense, because the Clerks of Petty Sessions would do the work? The present course is to supply the information from the Survey Office.
203. Then your opinion is, that there would not be much gained by having the plans made at the land offices? They would have to come here for proclamation in the *Gazette*.
204. *By the Chairman:* Have you any further suggestion to make to the Committee with reference to this matter? In reference to the recommendation of the Commissioners, that the theodolite should be used instead of the circumferenter, I may say that the circumferenter has not been superseded by the use of the theodolite, and I do not think it is likely to be so; but I think it desirable that some decision should be come to upon that point.
205. *By Mr. Aldcorn:* You said you thought compelling parties who have purchased lands to keep up the landmarks would seriously interfere with the sale of land—in what way do you think it would do so? It would be an obligation on every man who purchased to go to a certain expense.
206. Do you not think it is absolutely necessary, for you find everywhere in the country districts disputes about the marks? I think these disputes might be done away by a more thorough system of marking, but it would be rather more expensive. We have marks thirty or forty years old which are still discoverable.
207. That is to say, that in the earlier stage of the Colony the marks were more effective, but they do not serve the purpose now? There is no question of that; but it is a mere matter of pounds, shillings, and pence to revert to the old system of marking, or a still more perfect and intelligible one, and I think that could be done with far less expense or loss to the revenue than would be occasioned by hampering the sale of land by requiring purchasers to go to the cost of keeping up the marks; besides that, individuals would frequently, either from ignorance or self interest, put the marks out of their proper places.
208. You think the Government should adopt some permanent system of landmarks, by placing stones, or something of the kind, wherever land is surveyed? Yes; such a system has recently been approved of.

A. G. McLean, 209. *By the Chairman*: Do you insist upon every officer sending in the variation upon every plan? No; it ought to be done; but it is not so very important in plans of small farms as in extensive feature surveys, where I consider it to be essential. When I say that I do not consider it to be so essential in plans of small farms, I mean that so far as the variation affects such measurements, a periodical record, the result of observation by the district surveyor in different portions of his district, would be a more useful and more reliable record than the insertion of the result attained by each surveyor in each measurement of small farms.

Esq.
14 May, 1858.

TUESDAY, 18 MAY, 1858.

Present:—

MR. DONALDSON,
MR. FORSTER,
MR. HAY,

MR. MORIARTY,
MR. PIDDINGTON,
MR. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

William Wedge Darke, Esq., called in and examined:—

- W. W. Darke, Esq.
18 May, 1858.
1. *By the Chairman*: You are an officer of the Survey Department? Yes.
 2. How many years have you been in the service? I have been a surveyor altogether nearly thirty years—twenty-four in this department; I have been the senior since you left the department.
 3. Yet you are termed an Assistant Surveyor? Yes.
 4. Did you ever hear of any instructions from the Secretary of State as to the grades of officers of the service? Yes; it was understood by us all that there was such a document.
 5. You have never seen these instructions yourself? No; but I remember to have seen a record or reference to them.
 6. You know that the department was to consist of the Surveyor General, the Deputy Surveyor General, Surveyors, Assistant Surveyors, Draftsmen, and Clerks; and that those were the positions in which they were to take rank, according to the instructions I allude to? Yes, at rates of pay fixed, I believe, by the Secretary of State.
 7. You have been twenty-four years in this branch of the service? In the Survey Department of New South Wales.
 8. And you were some years in the Survey Department at Van Diemen's Land? It was at Van Diemen's Land that I acquired a knowledge of my profession. I was not a paid officer there, but I assisted my instructor in his public duties.
 9. How is it that you are, in your present position, only styled Assistant Surveyor? Because, I believe I may say, I have been out of sight. I have been in the remote districts, and therefore, I think, overlooked. If Sir Thomas Mitchell had lived, or while living had always been at the head of his department, I think I should have been promoted above my present grade.
 10. Will you state, for the information of the Committee, the different districts in which you have been employed, and, as nearly as possible, the times you have been employed in those districts—a sort of historical statement? Although I was recognized by Major Mitchell as a surveyor, I entered as a clerk, with a view of working my way up. I did office duty for two years as draftsman in the Survey Department; I was then promoted, and volunteered to go to Port Phillip, to assist in making the necessary surveys there. I was at Port Phillip six or seven years; I was then brought up to Sydney, and had charge of the Sydney and Illawarra districts, I think three years; then I was sent from here, rather unexpectedly, and ordered to take charge of the Macleay, Clarence, and Richmond districts; the district thus assigned to me contains about thirty thousand square miles; from there I have just returned, and have been reinstated in my old Sydney and suburban duties.
 11. You have not been constantly in one district, but have been removed to almost every district in the Colony? I have performed duty in several districts, I cannot say to almost every district.
 12. By the despatch I have referred to from the Secretary of State, you ought to be Senior Surveyor? I ought, as far as I believe in the *intention* of any such document.
 13. During the time you have been in the service the department has been variously controlled by different heads, during Sir Thomas Mitchell's frequent absences from the Colony? Yes.
 14. The duties then fell into the hands of first one party and then another? Yes.
 15. Did you ever see any change occur towards the field officers of the service during the time that these changes took place, in the conduct of the correspondence and field details, and other circumstances connected with the service? I can only speak of my own experience; I observed during Sir Thomas Mitchell's absences, while the duties were performed by any other officer, that the general tone of the letters was not what I considered it ought to be.
 16. What was the general supposition of the officers of the service—for I dare say you have had considerable conversation with them upon the subject—as to where these different orders originated. Had you not an idea that these orders originated from an inferior branch of the service? I might have had such an idea, but I should be sorry to say I was perfectly justified in thinking so. I fancied I could tell, from the diction or tone of a letter, who had drafted it, but I could hardly offer a distinct opinion. With regard to conversing with other officers, we were so detached that we had not much opportunity of meeting together; and there was a great anxiety to rise in the service, which to some extent prevented our exchanging opinions.

17. Is it not your opinion that a man, to be able to report upon the works and duties of a W. W. Darke, surveyor, should be a surveyor himself? Undoubtedly.
18. He should understand his work? Yes.
19. Have you not heard that draftsmen and others were censors and valuers of the works of surveyors? I know that the work of surveyors must be submitted to draftsmen, and they are in a position to detect any obvious error, and, when they do so, to bring it under notice.
20. Have you heard of them making remarks upon the works of different officers in the field? In private conversation I have heard comparisons as to the relative qualifications of different gentlemen.
21. You have never been employed on the license system, have you? It was offered to me while I was at Port Phillip, to take a contract as an experiment, and I did so, keeping my rank and position in the department. I took a contract for three years.
22. You had no salary during that time? No.
23. Was that the time the experiment was tried in the department generally? From 1839 to 1842, to the best of my recollection.
24. From 1844 to 1846, I think? I may be wrong, but I think my dates are more nearly correct.
25. That was before the circumstance to which I refer? I think the system was commenced in the Port Phillip District.
26. You have been a good deal employed in feature surveys? Yes, very considerably.
27. A very great portion of the dividing range between the eastern and western waters has been surveyed by you? Yes.
28. You found it a very rough country? Yes.
29. Having tested the duties both of a licensed surveyor and of a surveyor on the staff, which duty do you consider to be the heaviest or hardest? To get a living at the rate of payment a contract surveyor then received, he must expose himself very much. I would sooner be a paid officer than accept duty at the prices paid then.
30. At the rate in the present table? I would rather now be a licensed surveyor as a permanency, in a good district, if paid under that table, than retain my present appointment.
31. With good increase? Yes.
32. Do you think there has been sufficient supervision over the survey service by men competent to supervise works of that description? No; but I ascribe that to the circumstance of many districts having but one surveyor; therefore, he would have to supervise his own work.
33. Have you ever been visited by the Deputy Surveyor General during the whole time of your employment? No; but I am aware of other officers having been visited by the Deputy Surveyor General.
34. Are you aware that the office of Deputy Surveyor General was instituted for the purpose of supervising, controlling, and arranging the duties of all the officers in the field? I should consider that to be the proper definition of the duties of that officer—subject, of course, to the general direction of the head of the department.
35. You must have heard, having been so long in the service, that that was the intention at first? I never was pointedly told so; but I always conceived that was his line of duty.
36. What has the office of Deputy Surveyor General ever been since you have been in the service? Confined to indoor duty, as far as I believe or know, excepting on some occasions of special duty.
37. We have had two principal draftsmen instead of one? Only one at a time.
38. The Deputy Surveyor General, instead of being in the field, was in the office? I can hardly say that, because I do not know for what line of duty he was appointed; the duty he has performed he may have been appointed to perform.
39. You have been a great deal employed in feature surveys,—will you tell me what proportion of your time was occupied in making or plotting the plans. Suppose you were in the field a month, how much of that time was occupied in tent work and office correspondence? More than half; and then if it came on to rain or to blow we could do nothing, and were obliged to roll up our papers. On the average it took up more than half the time. In measuring town allotments particularly, the week's work involves writing two hundred and fifty pages of foolscap.
40. Were there not many experiments as to the means of transport, equipment, and forage allowance, to try in which way it could be done cheapest? There have been several means tried, but I never was consulted.
41. You mean to say the officers most concerned in these matters were never consulted? I never was.
42. But you were obliged to find the means of survey, as you were instructed to find them by the Surveyor General, out of your own pocket? At one time when on contract duty we found everything; previously our field equipment was supplied, on requisition, by the Government, but some time after that, when on *fixed pay*, a money allowance has been given.
43. It did not matter what district you went into, you were obliged to find the equipment at your own expense? Yes, when on contract duty, but since that they have given a money allowance in lieu.
44. You did not find instruments, rations, and forage, but you found everything necessary for the transport of the equipment from one point to another? Yes, everything, under the latter regulation; under the former system we found rations, forage, and instruments.
45. Did not the correspondence upon that subject take up a considerable portion of your time? No, I cannot say it did.
46. Were you never impeded in the performance of your duties by any circumstances of this description? Often.
47. Were you ever, during long periods, left without equipment, or without rations? I have often been without them, simply from the fact of the country being too rugged to take them with me.

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- W. W. Darko, Esq. 48. That depended upon your own arrangements? Yes.
49. Were you ever in a position where rations were to be sent out to you and they were not? I scarcely ever had them sent to me.
- 18 May, 1855. 50. That occupied a considerable portion of time? No. I made an arrangement with the contractor; I gave him my vouchers, and he gave me cash; and I bought whatever I wanted wherever I have gone.
51. You might have found a contractor that would not do it? I never have; they get a certain profit, without risk or trouble. When I have been stationed in town, or near town, I have sometimes drawn rations in kind from the contractors, but not often.
52. What is your opinion as to the license system generally, as compared with the staff system—which do you consider the most advantageous to the country? I think, now that the Colony has become so extended, that a combination of both is necessary. I think there should be paid officers to have the surveillance of the subordinates in the districts; that is the system now about to be carried out I believe.
53. Do you consider you are entitled to be a district surveyor? Yes.
54. You are not one? I am not.
55. Do you think many of these men have been appointed district surveyors without having had sufficient experience in the Colony? I should be very sorry to offer an opinion; I can speak of my own position, but not of others.
56. Has there, since you have been in the service, been anything like a system of survey carried on? There has only been one system; the same that was in use when I joined the service is in use now.
57. There has been no change since the recommendation of the Board, which sat in 1855? Not that I am aware of.
58. You are still going on with the old system? I have had some instructions with reference to corner tree marks, but I do not remember any fundamental change having been made.
59. Do you not think the system would be much better if officers were appointed to certain districts, with a staff of officers under them to carry on the duties, which would necessarily reduce the establishment in Sydney? I do. I consider the Surveyor General ought to have a deputy in each district, who should select lands for sale, and see that the junior assistant officers do their duty properly.
60. You think the surveying of lands, lines of railway, and roads generally, should be under the control of an officer of that description? I cannot speak as to railroads; but lines of ordinary roads, and the other duties of the department in his district, should be under his management, subject of course to the approval of the Surveyor General.
61. If an officer of that description were placed in every district, he would require to be a man who thoroughly understood his profession? Yes.
62. You have met many men that have come from England as professional surveyors—men understanding the theory of their duty—who, when placed in the field, have required some field experience before they were able to do their duties in this Colony? Yes; I have had a gentleman, brought out under engagement with a salary, placed in my tent to learn his business, and I have been expected to meet suggestions to take others.
63. Some years ago, I believe, the Surveyor General insisted upon every officer taking some of these men out? I was requested to do so, and at first I construed it as a sort of command; I had then no objection, but afterwards I shewed no wish to meet such an arrangement, finding it both expensive and disagreeable.
64. The expense fell upon yourself? Yes. I know of other surveyors having had gentlemen with them to teach.
65. Have you never heard of officers having been sent out to survey that were never surveyors at all—who had been appointed from home, but had never seen an instrument? One such instance came under my immediate knowledge.
66. In what year did you join the service? In 1834.
67. You consider that an individual, to have the control and management of a survey department, should be a surveyor, and should understand his duty? Yes.
68. A draftsman is not always a surveyor? Not always; but I think he ought to be, in theory at least.
69. A surveyor should be a draftsman? A surveyor *must* be a draftsman.
70. In commencing the duties of a surveyor, the first thing you are taught, as a portion of the profession, is to learn to copy plans? Yes.
71. A draftsman is not considered in the light of a surveyor at all until he has served a certain time under a professional man? I should not consider a draftsman thoroughly qualified unless he knew the theory of the profession, and has had field experience.
72. Do you know in what position the draftsmen of the Royal Engineers stand in relation to officers of that service? Not in the least.
73. You are aware, I dare say, that there is a considerable difference in the profession of a war engineer, or royal engineer, and that of a civil engineer? Yes.
74. Do you know by whom the greatest works in England have been carried out? Chiefly by civil engineers, I believe.
75. Even the Government works, such as the breakwater at Plymouth? Yes.
76. The professions then are entirely different—one is for war purposes, and the other for the development of a country and opening its resources? I think a royal engineer should be able to act as a civil engineer, but a civil engineer is not necessarily qualified to carry on warlike operations.
77. A man may be able to understand the theory of the profession very well, but not be able to carry it out? Yes, undoubtedly. I may understand navigation, but I could not command a ship.
78. You have read the names of the Commissioners appointed to inquire into the Surveyor General's Department? Yes.
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79. Two Royal Engineers and a Professor of Mathematics? Yes.
80. Do you not think it would have been an advantage to have had a practical man among them? I think so, really.
81. Have you used the theodolite much in making a general survey of the features of ranges? 18 May, 1858. Yes.
82. What instrument would you prefer using? The circumferenter, when local circumstances permitted.
83. You think it is the only practical one? It is possible to do so with the theodolite, but it is too costly, too tedious, for the general survey, and liable to accumulative error.
84. All instruments are liable to error? The errors arising from the incautious or inaccurate use of a theodolite are more accumulative.
85. Have you found much difficulty, on volcanic summits, with the circumferenter? Yes; but I always prepared for it.
86. When upon the higher summits you found it necessary to take angles occasionally? Yes.
87. And by taking these angles and carrying on a traverse chaining, you could detect whether any error had occurred with regard to the needle? When I suspected local attraction, I took the proper precaution to detect it immediately, and to correct it.
88. Have you found any magnetic effect in the rocks of the Colony? Yes.
89. You found they had a polarity—that if you swung a cambric needle they would attract and repel as a magnet? I could not say that, but I found a great variation of the needle in passing trap dykes or over volcanic ground. I have found small particles of magnetic iron ore, of the size of a pea, to affect the needle on being brought into proximity.
90. Have you ever tried the theodolite in taking angles—say a point is ten, fifteen, or twenty miles off, in taking your angle from the magnetic meridian have you ever found a difference of perhaps fifteen or twenty-five degrees in taking the back angle? I have seen, in New South Wales, five or six degrees of local variation, and in Van Diemen's Land thirty or forty. The needle was absolutely useless in such cases.
91. Without going into any thing like the expensive system pursued at home, do you think a system of triangulation could be carried on here, such as Sir Thomas Mitchell spoke of, with advantage to the country? I do not see what would be the advantage of it, unless it were done on so expensive a scale as to be almost impracticable.
92. You know that the triangulation of Great Britain commenced in 1784, and is not yet completed? I have heard so.
93. You are aware that if I wish to fix any point so as to verify it hereafter, if there are three fixed points, say hills, and I take the angles of those three points, I fix the point? Yes. If it ever comes to pass that I am in such a place I take the angles; but it seldom occurs—the trees are too thick.
94. Then very great advantage might accrue to the Government by having efficient surveyors to lay out the different counties and lands for sale? Yes. To point out to their subordinates which lands are marketable, and desirable to be surveyed and mapped for sale, and to see that they do it properly and faithfully, not leaving it to the judgment of the licensed surveyors to select the land themselves, excepting under their express approval.
95. Has there been any supervision of the licensed surveyors? I do not know; there has been no licensed surveyor in my districts during my service in them.
96. Do you know of an officer in the service having come out as religious instructor on board a prison-ship, and having received an appointment as surveyor as soon as he came out? No; a naval schoolmaster, I believe, came out.
97. You are aware that the Board recommended that the system of license survey should be done away altogether? Yes.
98. It is not done away with yet? It is not.
99. Promotion from class to class was also recommended by them—in fact, it was the recommendation of the Secretary of State thirty years ago—but it has never been carried out fairly, or no faith has been kept? In my case it has not been carried out; faith has not been kept.
100. Officers joined the service expecting promotion? I never would have joined it except for that distinct promise, clearly expressed. I should mention, perhaps, in explanation, that after having been two years in office (twenty-two years ago) I was appointed to the Bank of Australasia by Mr. Kinneer, and I, consequently, sent in my resignation to the Survey Department. I was sent for, pressed to remain, and was offered promotion, both immediate and prospective, and that was too dazzling an offer to refuse. I was foolish enough to stay, and promoted to my present grade, but have not been promoted since, according to seniority and special promise.
101. Then no system of promotion appears to have been carried on? Not in my case.
102. There are district surveyors, surveyors, and assistant surveyors—who had the appointment of them? I cannot tell.
103. Were you not aware that when Sir Thomas Mitchell was in the country the weight of the department, or, at least, the control of the department, fell chiefly upon the Chief Draftsman, and when the Deputy Surveyor General was nominally at the head of the service it fell into the hands of the Principal Clerk? I am not in a position to answer that question; my letters were always signed by the Deputy Surveyor General, or, in his absence, by the Chief Draftsman for him.
104. Official letters are sometimes signed without reading? I have been so little at head quarters that I cannot say.
105. You are of opinion then that each district surveyor should have his draftsmen and clerks? Yes.
106. Is it your opinion that the expensive establishment of draftsmen and clerks now in Sydney should not be kept up? I am not in a position to judge of that; I do not know the amount of necessity there may be for them.

W. W. Darke,
Esq.

W. W. Darke, Esq. 107. Is it not within your knowledge that the office branch has been much increased? That is obvious.

108. Much more increased than necessity would dictate? I am not in a position to speak of the necessity; I can only speak of the numerical increase.

109. If there were district surveyors of the description this Board has recommended, do you imagine it would be necessary to have a Deputy Surveyor General to move about the country? I consider such officers ought to exercise the functions of deputies to the Surveyor General.

110. Have you ever been employed in laying out roads? Yes.

111. Are you aware whether those roads have been adhered to or not? The road that I know most about, I think, is not in use now to the extent originally contemplated.

112. Have you known roads upon which considerable amounts have been expended—£5,000 or £6,000—such as the Peat's Ferry Road—to be left unfinished? I know of one such road between Illawarra and Sydney, but I cannot speak without reference to records as to the approximate amount of expenditure.

113. You believe that the system that was adopted by Sir Thomas Mitchell was as available as any system could be with the instruments in his possession at the time it was carried out? He could not have done what was necessary for the Colony by any other means, both as regards territorial arrangements and individual requirements.

114. You are aware that the expenses of this department were very considerable,—that there have been within the last twenty-five years nearly three-quarters of a million? No; I have not had the means of judging. I have not looked to the statistics of the matter at all.

115. You have never attempted any astronomical observations, have you? I have not had the proper instruments, but I have, since I have been in Sydney, been assisting in a few. I think, however, surveyors should be expected to make them, and be provided with necessary instruments.

116. Do you not think it will be necessary, in order to make an accurate survey of the country, to commence afresh? I think each surveyor ought to fix points astronomically in his district; that would enable present surveys to be connected with a very great degree of accuracy.

117. Have you ever been in any district where the section line system has been attempted to be carried out? Yes.

118. Have you ever attempted to tie any old sections together, brought from another district? Yes.

119. Have you frequently seen on a navigable river, like the Hunter for instance, sections that ought to be together from ten chains and upwards out? Yes.

120. That has originated in the surveyors, in the first instance, never tying their surveys? I can trace the existence of discrepancies to two or three causes. On the river I have just left there was one surveyor on the south side, and another on the north. The surveyor on the south side marked all on his side with eighty-one chains, on the supposition of a road, while the gentleman on the other side made all his sections of eighty chains, so that, of course, the section lines do not tally; but so long as that discrepancy is recorded it will not form any difficulty of constructing general maps approximately correct.

121. Do you not find that the chain stretches to the extent sometimes of two or three links if not measured to correct it? I frequently correct mine; when it is not properly seasoned, once a week is sufficient. It stretches for the first week or two and then it comes to its bearings. Ordinary care will prevent any error from that cause.

122. Errors originating in these ways have caused considerable dispute, have they not, with regard to the boundaries of land? None have come under my knowledge. I have been so much employed in remote districts that I have not had much experience in the more densely populated parts of the Colony.

123. You have not had much employment in laying out farms? Only in remote districts.

124. Do you not consider that the office correspondence of the surveyors might be very much diminished? The clerical duties of the surveyor might be very much diminished, but I do not know that the correspondence could be materially reduced.

125. If you have letters you must answer them? Yes.

126. How many official letters do you number in a year? On general survey and routine duty, I think about fifty; at head-quarters correspondence has lately been found unnecessary, from the more extended adoption of blank cover reports.

127. Some of these have considerable enclosures? They are in general transmitting work or enclosing some report.

128. You send in a description of all the land you measure? Yes.

129. Then, if you have three hundred allotments to lay out in a town, you have to send in three hundred descriptions? Yes.

130. Could not these duties be performed by a draftsman? Yes. I think the descriptions should be prepared in the office.

131. You have already said you would recommend that the license system and the other system should be continued—do you not think it would be better that large blocks of land should be surveyed by contract, under the supervision of district surveyors? The contractors should be licensed surveyors. When I say licensed surveyors, I mean surveyors holding diplomas certifying to their competency; and I think the district surveyors might see that they got their work done as reasonably as they possibly could on the spot. I do not think the Government ought to be bound by a fixed scale, though it might be used as a guide to the district surveyors.

132. In some districts the rates are too large, in others it is much too small? Yes.

133. In some instances a man may do his fourteen miles a day with the greatest ease, while in other cases he cannot do one? Yes.

134. Therefore you think it quite impossible, unless the country is known to the party, for any one to value a surveyor's work? Yes.

135. Have you ever felt the monthly returns to be an annoyance? Yes, very great.
136. Do you think they are of any advantage to the office at all in the way of giving information to the head of the department, or to the public? It might have been thought they were, but I consider that they conveyed no representation of the duty really performed.
137. Do you think they ever originated with a practical man at all? All I know is that Sir Thomas Mitchell told me he disapproved of them, and that, perhaps, encouraged me to be rather rebellious; in fact I would not send them in at all.
138. *By Mr. Moriarty:* Do they not occupy a great deal of time? Not if they are done day by day; but sometimes a surveyor is tired at the close of the day—cold, wet, hungry, and miserable—and cannot attend to them, and at length, from procrastination, the task becomes difficult. Another objection to them was this—that they used to go before the Governor General, who would draw comparisons between different surveyors without knowing the reasons for the disparity in the quantity of the work performed; for instance, he might see that one officer had done fourteen miles a day, while another had, perhaps, done only forty or fifty chains.
139. Was the Surveyor General not obliged to correct them and append them to the *Gazettes*? I do not think the Surveyor General possessed sufficient local knowledge. I feel sure Sir Thomas Mitchell did so; but in his absence the officer whose duty it would be to report upon these journals I do not think had sufficient knowledge.
140. On the subject of the remuneration to licensed surveyors, do you think it would be well if the remuneration were dependent upon the prices realised for the lands sold? I cannot see how that would be practicable, because the land must be surveyed, and the surveyor paid, before the land can be offered for sale.
141. But the payments might be made periodically? I think the licensed surveyors would look for a fixed price and certain periods of payment.
142. Still there might be a minimum price? It is a point to which I have not given consideration, and I am, therefore, not prepared to offer an opinion upon it.
143. Would it not be an inducement to a surveyor to select first the land most likely to be sold? I think the selection of the lands ought to be vested in the superior officer, otherwise some of the surveyors might select that which was most easily measured.
144. Would not such a system as I suggest check the measuring of land which might be easily measured, but not likely to be sold? I doubt it, because, the land which could be easily measured could be run over so rapidly that the increased quantity measured would more than compensate for the higher price of the other; the land which is the best to sell is generally the most difficult to survey.
145. *By the Chairman:* Do you not think it would be a very desirable change in the license system only to pay the surveyor where the land was sold? I would obviate the measuring of unsaleable lands by having the selection made by the district surveyor.
146. *By Mr. Moriarty:* The supervision of the district surveyor would be so detailed as to amount almost to a double survey? No; the district surveyor in riding over his district would merely point out tracts to be surveyed, and after one or two verifications he would ascertain the value of his officers' work. The accuracy of some surveyors' work is so apparent and obvious that an examination is almost unnecessary. If a district surveyor were in the habit of riding over his district there would be no such abuses as measuring land unfit for sale.
147. *By the Chairman:* How would such a regulation apply to old districts, such as the Hunter, because in many places there is no available land? Then there would be no necessity for such an officer.
148. Still, constant surveys are required? They should be performed by trustworthy persons detached on such special service from head quarters, or by surveyors licensed by the Government, who may be desirous of undertaking the duty.
149. *By Mr. Hay:* Would not the district surveyor be determined a good deal by the applications which would be received in such cases? Yes.
150. Upon receiving a certain number of applications he would give instructions to a contract or assistant surveyor to measure? Yes, or do it himself, and he would judge from his knowledge of the parties and of the country where such applications were *bona fide*? I have known applications to be sent in for thousands of acres by persons who have not had as many shillings or pence. In such cases I reported that they were not *bona fide* applications, and my official objections in such cases have always been approved.
151. *By the Chairman:* If applicants were bound to pay for every such survey you would not be troubled with such applications? I think it would be a very good plan that they should not be compelled with unless some money, as earnest, were paid to Government.
152. Did you ever attempt to classify the lands on the country you subdivided—have you made a geological survey as to the features of the country? Yes, I have made such reports; but very little notice was taken of them, beyond approval in acknowledging their receipt.
153. Do you mean to say that these reports are not forthcoming? I think they can be found in the records of the Surveyor General's Office.
154. You have always carried on your lines magnetically—always by needle? Yes, excepting in suburban or town duty.
155. Do you, in sending in your plans, notice the variation? In the districts where I have lately been surveying there is little or no local attraction; they chiefly belong to the coal measures, therefore I take the magnetic meridian.
156. Have you found that there is an annual variation going on? I have not been in a position to make observations upon that point.
157. It would very much facilitate the making of larger maps from the detailed surveys of the surveyors if every man were obliged to put down on every plan sent in the variation of the day? If he had good instruments it would; but hardly two circumferencers in the department will agree. I had two on the Clarence which varied, one, 1° westerly, the other 1° easterly, thus differing 2 degrees from each other.

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- W. W. Darke, Esq. 158. Therefore there should be a meridian line in Sydney by which the needle should be tested? Yes. The instruments sent out have been different from each other.
159. You have never made observations for the variation? I have assisted in doing so since 18 May, 1858. I have been in Sydney. I have made approximate observations in the country, but my means were imperfect.
160. What do you take it to be now? Ten degrees four minutes.
161. It shews then that it is eastering, for when I first knew it, it was eight degrees twenty minutes? I am assisting now in a series of observations.
162. Have you no large magnets for testing the variations of the needle—for observing the dip or variation? No; we have a long needle belonging to a large Everest theodolite; the needle is eight inches in length.
163. Have you Everest's theodolites? Yes.
164. Do you use them? No; they are too large. I should prefer a smaller one—they are too large for ordinary purposes.
165. They would do for large angles? They would do for a trigonometrical survey of the country.
166. When you were in those districts did you always carry on a consecutive survey, or were they isolated surveys? They were always connected; my duty required that for country boundaries and roads. My duty has been to make a survey of the features of the country, the roads, and in subsequent measures of the Clarence and other districts I have marks, so that I could connect my work.
167. You made landmarks every mile or two? Yes; I could always connect my work. This little table will give some idea of the different results of the labors of the gentlemen of this department (*the witness having referred to Appendix G to the Commissioners' Report*;) but it will afford no information as to the nature of the labor; one man may do ten times the work of another, and yet the apparent result will not be so large.
168. *By Mr. Moriarty*: In squatting districts the scenes of his operations will be more detached, and a large portion of time must therefore be occupied in travelling? Certainly, in the case of isolated purchases; but in measuring a large block of land—for instance, at Bathurst—the labor will not be so great as in measuring a much smaller quantity on the banks of a river of the coast country.
169. *By the Chairman*: Do you give the length of lines upon your plans? Yes.
170. The connecting line between any two points, and the bearing? Yes.
171. The only way of seeing whether you were correct or not, would be by sending another surveyor to go over the same ground again to test it? In the absence of my field-book decidedly my word must be taken for it, or it must be re-surveyed.
172. Then the surveys of the Colony depend, in a great measure, upon the reputation of the individual employed in laying it out? Undoubtedly, with the means of approximate verification in the hands of the Surveyor General.
173. Private individuals wishing to have surveys made of their properties would look out for those who were reputed to have professional skill? Of course.
174. In fact, they would employ professional men? They would.
175. Has that always been the case in the Government service? Not always.
176. You do not think that giving a man an appointment makes him a professional man? No. I knew a gentleman who was sent out from England to fill the office, who himself said he was not a surveyor, and never knew anything at all about it.
177. *By Mr. Hay*: At what time was that? About fourteen years ago, to the best of my recollection.
178. Under what authority was he sent out? He was sent out by the Government; he was one of twelve, I believe, who were sent out. I do not know whether they were sent for.
179. He was sent out with an appointment from Home? Yes.
180. *By the Chairman*: Are you obliged to send in your field notes? No; I could not spare them while I am in the district.
181. When leaving a district do you send them in? No; for I am referred to from time to time with respect to matters connected with the districts I have left.
182. *By Mr. Moriarty*: Would not the forwarding of your field notes to the central office obviate the necessity for such reference? No; I am supposed to have them always with me, and I must have access to them when I am referred to.
183. *By Mr. Hay*: Is there not great danger of their being lost? I cannot say; I always carry them about the country with me; but I must have access to them.
184. Is it not desirable that these field-books, or some authenticated copy of them, should be in the central office, in order to obviate the risk of their loss? I think the copying of them would be too laborious a matter—it would occupy too much time; if any deposit were made it ought to be of the originals themselves.
185. Do you not think the means of such reference ought to be in the office of the department, and not in the hands of a particular surveyor, who might meet with an accident at any time, and to whom the public might not be able to apply? I will give an instance; if I had sent in my field-books when I left the Clarence, I should have been unable to have answered the questions which were sometimes referred to me from that district while I was on the Macleay.
186. *By Mr. Donaldson*: As a matter of fact, do not the licensed surveyors hand in their field-books? I do not know.
187. *By the Chairman*: Is there any system of field-book at all in the office? No.
188. Ought there not to be a system of field-book—ought not the principal draftsman of the department be able to read every field-book? Yes.
189. Then of course there would be no necessity to refer to you if the field-books were sent in? No, excepting for special information—not as regards mapping.
190. There has never been any system of field-book? No.

191. *By Mr. Moriarty*: In the event of an officer dying—? The field-books ought to be sent in. W. W. Darke,
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192. Are the field-books of your predecessor in your possession or in his? Not in mine.
193. *By Mr. Hay*: Have any fresh instructions been issued of late years with regard to field-books? I cannot call any to mind. I form my own system of field-books. 18 May, 1858.
194. Are you certain that no general instructions have been issued to surveyors with regard to keeping field-books and sending them in to the central office? Many years ago, when I went to the northward, I received instructions to send in a copy of my field-book, and I sent in a copy of one or two pages, to convince the Surveyor General of the impossibility of carrying out the instructions. It was as easy to make a copy of my plans as of the field-book.
195. Do you think there is any impracticability in sending in the field-books? Not if all the officers knew how to keep field-books in a proper form; but hardly two keep them alike.
196. The objection you mentioned just now applied to the sending in of copies of your field-books? Yes.
197. That was what you were originally instructed to do? Yes.
198. Have there been any recent instructions, since 1855, with regard to sending in field-books? I can call none to mind.
199. *By the Chairman*: Do you not think the sending in the field-books, as I suggest, and the drafting department being able to plot from them, would be a check upon the work of the surveyor, and test its accuracy? Yes, it would be; but I could not spare my field-book while in the district, because it is my original map.
200. *By Mr. Moriarty*: I ask you, would not the field-books obviate the necessity for such references? Yes, if they were properly kept; that is, as far as mapping goes; but information is often required which local knowledge, aided by reference to the field-book, can alone supply.
201. Are you not aware that it is the system on the railways at home to require the surveyors to send in their field-books to the central offices, and to have the work plotted there? No; I have had no experience at home in these matters.
202. *By the Chairman*: In case of disputes the original field-books are produced—are you not called upon sometimes to produce your field-books? I never have been. When matters are referred to me for report and examination I refer to my field-book.
203. You were employed in selecting lands for reserves? Yes.
204. Did you ever afterwards find them interfered with in the office? Not materially. My suggestions have generally been adopted.
205. You are aware that land offices have been established in different districts? Yes.
206. Have you known of any irregularities having occurred at any of these land offices? No.
207. Have you known parties to get receipts for payment for their land when the money has not found its way to the Treasury? No.
208. In the Report of the Commissioners I find the following question, No. 275, addressed to Mr. Thompson—"Is it the object of the Government here to increase, to a great extent, the amount of land open for selection?" and he answers, "Yes, that is the object we have always had in view; but we have never been able to accomplish our object for want of surveyors."—Has that been the case do you know? I am not in a position to say.
209. You have not been very much employed in the nineteen counties—you have generally been beyond? I have generally been beyond.
210. You are frequently instructed by the Surveyor General how to carry on the survey? Several years ago I was instructed, but since then it has been left to my own judgment.
211. Have you never had any instructions as to the general system upon which the survey should be carried out? Yes, I have, but I was always instructed to modify it by my own judgment, as occasion might require.
212. Did you generally keep north, south, east, and west lines, or did you vary them according to the lay of the stream or country? I traversed the stream as I found it.
213. In the survey of farms what plan did you adopt? Where practicable, I gave the cardinal points; in fact that was a standing order in the measurement of pre-emptive rights.
214. You do not know what is the strength of the department now? I do not.
215. In Mr. Thompson's evidence 2, 312, is as follows—"Do your returns shew the number of days a man is employed on different surveys? Yes; from the returns we see the quantity of work performed, and can judge as to the character of the surveyors"—Do you think any man, not a surveyor, can judge of that? He cannot; he ought to be not only a surveyor, but acquainted with all the local difficulties or facilities. He ought to have local as well as professional knowledge

FRIDAY, 21 MAY, 1858.

Present:—

Dr. ALDCORN, MR. DONALDSON, MR. FORSTER,	|	MR. HAY, MR. MORIARTY, MR. ROBERTSON,
MR. WHITE.		

G. B. WHITE, ESQ., IN THE CHAIR.

William Wedge Darke, Esq., again called in and further examined:—

1. *By Mr. Hay*: You have carefully read the Report of the Commissioners appointed to inquire into the Surveyor General's Department? I have. W. W. Darke,
Esq.
2. And considered the recommendations they made? I have considered them.
3. Do you think there is much that is desirable in those recommendations, generally speaking? In one or two points matters there recommended are already carried out. 21 May, 1858.

- W. W. Darke, Esq.
21 May, 1858.
4. Will you say what those are? The first recommendation (p. 10):—"We do not, however, recommend that no applications for the purchase of particular lands should be entertained; but it should be distinctly understood that the Surveyor General is competent to reject such applications altogether, or to postpone the survey of the lands applied for until such time as it might be performed without detriment to the public service."
5. Was it not the practice at one time that every application should be attended to, sooner or later? I think it was. Latterly it has been greatly left to the discretion of the surveyor to judge whether the applications are *bona fide* or not, and to report to the head of the department whether it is expedient or not to measure the land.
6. Do you think that is a wise plan, when licensed surveyors are employed, who are supposed not to be, properly speaking, responsible officers of the department? I must beg to amend my remarks on that subject made by me on Tuesday last. I had not then given the subject sufficient consideration, as I was not aware my opinion would have been asked; but now that my opinion is demanded, I may say that I think the system of licensed surveyors ought to be received with the greatest degree of caution, for this reason:—I have never known a salaried officer intentionally transmit an erroneous survey; in fact, on many occasions surveyors have consulted me as to where errors have arisen. I have known them patiently to go over their work three or four times, until they have found them out. In fact, salaried surveyors, looking to future promotion, are jealous of their reputation. I have, however, known an instance of a contract surveyor plotting on the wrong side of the meridian line, to make his work close; and I have known that same person swear to the accuracy of his work, before he got the money for it. Mr. Townsend re-plotted his work, and detected the error. I think, therefore, if licensed surveyors be generally employed, you must necessarily increase the strength of the department, for the purpose of re-plotting their work; but I do not think that would be necessary if salaried officers were employed.
7. Therefore you think we ought chiefly to depend upon salaried officers for performing the work? Contracts might be given to men having diplomas, where expediency required their employment—where it would not pay to station an expensive salaried staff.
8. But you think that must be done with the greatest caution? Yes.
9. Do you think, when much land has to be laid out for sale in any particular locality, that the detail of the work may not sometimes, with advantage and economy, be carried out by a contract surveyor under the immediate eye of a salaried surveyor? Only under his immediate control.
10. You will observe that I mean where a considerable quantity of land in one locality has to be laid out for sale, the general survey being executed by the salaried surveyor—I ask you whether the detail of the work might not be advantageously performed by a contract surveyor under the immediate superintendence of a salaried surveyor? Any detail that could be entrusted to another could be done by an intelligent chainman or draftsman attached to the surveyor.
11. Do you think, in an open country, where there is a deal of work to be done, a district surveyor might not safely have a considerable amount of detail executed under contract? If there were one to supervise; but it would involve re-plotting.
12. Then, in effect, your opinion I take to be, that the contract or license system is, in the main, a bad one? Yes. It is rather contrary to the tenor of my remarks the other day, but I had not then considered the matter as I have done since. I would not reject the license system altogether; but it ought to be received with strict caution. I look at it as a matter of field, rather than of office business, because I think the license system will involve the necessity not only of re-plotting, but of verifying on the ground. The work of a salaried officer, I think, need not be re-plotted; it may safely be depended upon.
13. Then, as to the expediency of employing a licensed surveyor—you would depend upon the discretion of a properly qualified district surveyor? I would.
14. Do you consider the system of district surveyors, as recommended by the Commissioners, a good one? It is, I think, perfectly impossible the Surveyor General can conduct the detail of the business of the whole Colony.
15. You think it necessary, then, to have district surveyors who shall be responsible for carrying on the surveys in their respective districts? I do.
16. Districts of what size do you think might advantageously be allotted to each district surveyor? That is rather a difficult question. I would rather that information on this point were derived from another source, as I do not feel competent to say what extent of country should be given to each district surveyor; much must depend on the character of the ground.
17. You know the extent of the country included within what are commonly called the boundaries of location—how many district surveyors do you think necessary to do the work of those counties? There are four at present, and I believe their districts are vastly too large.
18. Have you considered the plan which is laid down by the Commissioners, of having district surveyors, and under them surveyors and assistant surveyors? Yes.
19. The district surveyor being responsible for the effective working of the department within these districts? Yes.
20. You think the system proposed, of having district surveyors responsible for the management of the survey in their respective districts, and under them surveyors and assistant surveyors, a sound one? I think not only a sound, but a necessary system, in order to carry on the survey of the country properly.
21. Have you had any experience whatever, or opportunities of observing the working of the system of management of the waste lands of the Crown? Judging from what I have seen, I have formed my own opinion; but I have never been in an official position to report upon the matter.
22. I want to ask you whether in the longer settled portions of squatting districts the proper duties of the Crown Land Commissioner might not be performed by a properly qualified district surveyor? Yes, I am clearly of opinion that they might be, with advantage and economy.

23. Do you think a Crown Land Commissioner, to do his duty properly, should be a qualified surveyor? Yes, distinctly. W. W. Darke,
Esq.
24. Do you think, having established district surveyors—to go back to the first recommendation in the Report—that they ought to have a considerable amount of discretion with regard to the lands to be measured for sale? I think they ought to point out the lands to their subordinates that were to be measured. 21 May, 1869.
25. The applications ought either to be made to them, or referred to them for report and determination? Yes; they can judge from their knowledge of the country, and of the parties making the application, whether the applications are *bona fide*.
26. They would be responsible for the land being measured in proper quantity? Yes.
27. The district surveyor should be a responsible officer of the department, acquainted with the character of the locality and the necessities of the population? Yes, and have a general knowledge of the parties occupying the country, in order to judge when applications were worthy attention.
28. Have you known after they have applied, and the land has been put up, that it has not been sold? I have.
29. Do you think by giving the district surveyor this discretion, and referring these applications to him, that all the necessities of the public with regard to the sale would be better met than by any other system? I can see no other method at present; it is in the right direction, although it may not fully meet what is required, but it is certainly a necessary step.
30. Do you think it would be practicable, with due regard to correct measurement, to entrust persons holding licenses from Government to survey with the measurement of any portion of land applied for by any individual whatever, at the expense of that individual, or at the expense of the Government? To depend upon his discretion do you mean?
31. Yes? No, I do not.
32. *By Dr. Aldcorn*: Do you mean in neither case? I would not depend upon the licensed surveyor, unless under the orders of a superior officer.
33. *By Mr. Hay*: Regarding the second recommendation of the Commissioners—as to the character of boundaries—what is your opinion with regard to that; do you think the rectangular boundary should be generally adhered to? I think it should be in those districts where the system of section lines has been established, because detached portions can there be measured in connection with section lines already marked and recorded.
34. Do you not think the great lines of communication should be laid out first in a new country, before the land is measured for sale? I think they ought to be provided for. A general survey ought to precede the measurement of lands for sale.
35. And that ought to be under the immediate eye of a district surveyor? Yes.
36. Then that might involve a deviation from the rectangular system? I think a deviation might sometimes be made with advantage to the public.
37. Do you not think it will be necessary to adopt a certain variation, in order to adapt the allotments to the great lines of communication? I would first make the line of communication, and then lay out the allotments as nearly as desirable at right angles with the line of communication; the direction of streams giving frontage being also considered.
38. You would make the allotments to suit the line of communication, rather than the line of communication to suit the allotments? Yes, certainly.
39. In regard to the roads already existing—the lands laid out on either side of those roads, should they not be laid out more with reference to the line of the roads than to the cardinal points? Yes; that system is adopted already by the standing orders in townships. We give the boundary of the allotment with reference to the angle it forms with the street.
40. *By the Chairman*: Do you not think the system should be according to the features of the country—that the roads should be considered in laying out the lands? Yes.
41. *By Mr. Hay*: The great features of the country,—you would take them into consideration? Yes.
42. And in laying out townships would you not especially attend to the lay of the ground in which the town was to be situated? That would be the first consideration.
43. Disregarding the cardinal points? Yes; they are now disregarded in towns.
44. *By Dr. Aldcorn*: In a valley running north and south, or east and west, would you regard rather the road than the cardinal points? Yes; we already do so.
45. *By Mr. Hay*: With regard to the third recommendation, I believe you have already given your opinion? That it should be received with caution.
46. If the contract system be not abolished, at all events it ought to be admitted with great caution? Yes; I think only where expediency dictates.
47. What are the peculiar circumstances in which you would advise that contract surveyors should be employed at all? I think I have said that anything that could be entrusted to any but the surveyor himself, ought rather to be given to the draftsman or chainman under his own control.
48. These draftsmen and chainmen would be regularly paid—they would not be working under contract? Not under contract, but as paid officers probably looking for promotion.
49. So that in any case you think the contract system might be dispensed with? Yes, in such instances; but there may be cases where it would be cheaper and better to employ contract surveyors than to detach a salaried surveyor and his staff.
50. Will you be good enough to state a case where the contract system may be employed with advantage? In settled districts, where there is a limited quantity of land in demand, it would not, I think, be worth while to station a permanent officer. The work might be done by contract by a man of established name, who had the confidence of the Government and the public.
51. As a matter of economy? Yes. The work of such men whose names are well known would not require to be re-plotted, which is a thing ought never to be contemplated.

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52. You think it might still be advisable for Government to grant licenses to surveyors in whose capacity they had confidence, which surveyors should be entrusted by district surveyors with the measurement of isolated portions of country? Yes.
53. To that extent you approve of the licensed surveyor system? Yes. Licensed surveyors might be sent from head-quarters to the surrounding counties where it would not be worth while to detach a paid officer, or might be employed occasionally under the district surveyors.
54. *By Dr. Aldcorn*: Then the licensed surveyors, even in these cases, are to be under the direction and surveillance of the district surveyors? Yes, or the Surveyor General or Deputy Surveyor General, at head-quarters.
55. *By Mr. Hay*: In your former evidence I think you gave some opinion with regard to the employment of Royal Engineers—are you aware whether the trigonometrical survey of Great Britain and Ireland has been executed under the direction and by officers of the Royal Engineers? I have heard so; but I must say I am not aware what the results have been. It is a subject I would have rather not been questioned upon; for I would prefer to deal with facts rather than matters of opinion. I would have wished to have declined giving an answer to the question.
56. You did not feel competent to give an opinion with regard to the comparative merits of Royal Engineers and civil surveyors? No, I do not feel competent.
57. With respect especially to a scientific survey, a trigonometrical survey? I would rather not give an opinion upon that point. I have not yet perused my former evidence, but in doing so I must beg permission to reconsider the matter, for I find there is a vast difference between speaking from the impulse of the moment and from mature deliberation.
58. As to the Surveyor General, I may be allowed to ask whether you do not think it necessary that he, as head of the department, notwithstanding the appointment of district surveyors, should occasionally visit the scene of operations in the interior of the country? Yes, I think so.
59. You think it necessary that he should be not altogether resident in Sydney—that he should be able to know what the country consists of—what is to be done, and the circumstances under which it is to be done? Either himself or the Deputy Surveyor General.
60. Do you not think the Surveyor General, as the last referee, should be aware of the circumstances under which the work of his department has to be performed? Yes.
61. He should have a knowledge of the country from occasional tours of inspection? Yes, I think so.
62. So that he may know whether the district surveyors are performing their work in a satisfactory manner, in the same way that the district surveyors by their more minute supervision become aware whether the surveyors under them are performing their work properly? Yes, I do.
63. You suppose the appointment of a Deputy Surveyor General can be necessary only to give the Surveyor General the opportunity of making these tours of inspection—would there be any necessity for a Deputy Surveyor General except for this purpose? Either the Surveyor General or the Deputy Surveyor General should very frequently be in the field, but either one or other should almost always, I think, be at head quarters.
64. Do you not think the Deputy Surveyor General might be district surveyor for the metropolitan district for those counties more immediately adjoining head quarters? I think so.
65. With regard then to the other question, which is this,—whether the Surveyor General, as ultimate referee, ought not to have that knowledge of the country which can only be obtained by tours of inspection? Yes.
66. Otherwise, do you not think if this duty were entrusted to the Deputy Surveyor General, that the Deputy Surveyor General would be the *bona fide* referee where the conduct of district surveyors was called in question, for he alone could have the knowledge of the country to enable him to come to a decision—would not the Surveyor General if he had not this knowledge be too much at the mercy of the Deputy Surveyor General? The Surveyor General might, I think, with advantage to the service make occasional tours of inspection, and when at head quarters the Deputy Surveyor General, might be the metropolitan district surveyor, to direct the operations in the counties about.
67. *By the Chairman*: Are you not aware that the office was first instituted in order that the Assistant Surveyor General, or Deputy, might always be in the field among the officers? I have heard so.
68. *By Mr. Hay*: You think it absolutely necessary that they should make almost constant tours of inspection, either one or other of them? Yes, especially when there are new officers in the field, or many contractors. I ought to have added the other day, when I was asked whether I was ever visited by the Deputy Surveyor General, and I said no, that I was frequently visited by Sir Thomas Mitchell.
69. There is one question I would ask of you which your position may make it a delicate point to answer—do you consider, upon principle, that advancement in the Survey Department should depend exclusively upon seniority? I think so. Not exclusively, but great weight should be given to seniority, for if it be otherwise there will be either the existence or the supposition of favoritism.
70. But do you not think the public advantage is the great thing to be considered? I do not see how the public advantage can be advanced by favoritism.
71. That is not an answer to my question. You have spoken of the suspicion of favoritism which, you think, would arise if seniority were not considered the principal ground of advancement. I ask you whether the suspicion of favoritism is a sufficient ground for any system—whether the public advantage alone ought not to be considered? The public advantage ought to be the first consideration; but I am at a loss to know how the public advantage is to be advanced if officers are to be disgusted with the service by obvious abuse.
72. You said you thought seniority ought to be greatly considered, but my question was whether preferment ought to proceed upon seniority alone? Not upon seniority alone.

73. What other element would you take into consideration? Seniority combined with W. W. Darke, Esq. recognised talent and assiduity.
74. Who would be the judge of that? The Surveyor General.
75. Upon his own responsibility? Upon his own responsibility; and I do not think any officer under the Surveyor General ought to be allowed to influence him in decisions upon that point. 21 May, 1868.
76. Do you not think that ability to perform the duties of an advanced grade, whatever those duties may be, should also be considered in promotion to that grade, whether that ability arise from age, state of health, or whatever cause? Yes; if such advancement does not interfere with the claims of senior officers equally qualified. I think, if an officer be obviously unfit for his duties, he ought to be pensioned off.
77. Do you consider a man whose state of health will enable him to do one duty, perhaps as a resident surveyor in a particular district, may not be incapable of doing the more severe and arduous duty of a district surveyor? Yes, I think so; but I cannot identify my idea of such an officer with a district surveyor, as already spoken of.
78. Some men are, from the state of their health, unable to ride very much, such men could not be employed with advantage to the public as district surveyors? No. I think a district surveyor should seldom be out of his saddle.
79. When a man became entitled to promotion, according to seniority, if, from the state of his health, or any other cause, he were not fitted for the post to which he would otherwise be promoted, would you recommend that he should be pensioned off—do you look upon it in that light? No; because the superior appointment involves less personal exposure.
80. That is, the appointment of district surveyor? Yes.
81. We have just supposed the case where a man, although unfitted for the duties of district surveyor, might be fitted for those of a resident surveyor? If I may be permitted to explain: The duties of a working surveyor—an ordinary surveyor—oblige him frequently to lie out at nights without proper food, a blanket, or anything else; sometimes in marshes and swamps, and in the day-time his eyes are exposed to the glare of the sun; he must, moreover, walk all day, frequently twelve or fourteen hours, (working surveyors can never ride at, to, or from their work.) The district surveyor can always manage to have his tent and his horse, which render a bushman's duty comparatively nothing, and his eyes are not so severely tried; he need not gaze upon his field-book under a vertical sun.
82. *By Dr. Aldcorn:* But you say the district surveyor should never be out of his saddle—that would be very severe work? I meant to say seldom, and many surveyors would not think that severe.
83. *By Mr. Hay:* Do you not think in this country, supposing we had only some half-dozen district surveyors to take in the whole range of territory, that the duties of district surveyors would be very arduous? It would require both strength and energy, together with professional ability, but certainly it will not be so trying to the sight for one thing.
84. Do you not think to be constantly in the saddle to see what is to be done, and how it is to be done, over an extensive range of country, must be more difficult than to have duties confined to a small space, and to have comforts within reach? The subordinate cannot have his comforts about him; he has to survey rivers or ranges in some cases without having the means of taking his tent or proper provisions with him. Many times have I been out without a tent, and slept under a blanket pitched upon a delta—this I have done for years successively. The district surveyor need never be in such a position, as he may always make his arrangement to sleep under a tent at night.
85. You must have been engaged in a very difficult part of the country? I have been.
86. Your experience must be somewhat peculiar from that cause. Are you aware of the circumstances of a great portion of the country now being opened up beyond the boundaries—at Liverpool Plains, New England, and Murrumbidgee? I am acquainted generally with those circumstances, especially as regards New England.
87. Your remarks as to the hardships to be encountered would hardly apply to those districts? No, for you might even drive a tandem over a great part of the country you now refer to.
88. Your remarks apply particularly to the coast? Yes.
89. *By Mr. Moriarty:* You have spoken of the New England District—have you noticed anything with respect to the edge of the table land? Yes.
90. Would not that involve as serious an amount of labor and hardship as any other part? Near the edge of the table land it is very bad, but the surveyor on the coast has the hard work to the east of the range, but I do not think to the westward break of the table land there is so much difficulty.
91. Is not the country very broken—take the Severn for instance? I have surveyed along there for, I may say, hundreds of miles on the western side of the break of the table land, but it is nothing to be compared to the jumble of precipices and ravines between there and the coast.
92. *By Dr. Aldcorn:* Have you seen much of the license and contract system in practice—has it come under your own eye? Yes.
93. Were there any cases in which the work was badly done, where the measurement required to re-plotted—was there a proper supervision of these contract or licensed surveyors? Yes, there was.
94. And it was by supervision these errors were discovered? Yes.
95. You stated just now that you think district surveyors would serve all the purposes of Crown Land Commissioners? Yes.
96. Do you think then that it would be proper that the putting up of lands, or the recommending lauds to be put up, should be entirely in the hands of district surveyors? Subject to the approval of the Surveyor General or of the Deputy Surveyor General.
97. Do you think, then, that the district surveyor should see all lands that are applied for by private parties? Yes, he ought to have a general knowledge of it.

W. W. Darke, 98. You are well acquainted, I presume, with the present system of marking in measuring out farms: Do you think the present system a good one, or is it effective for the purpose for which it is intended—supposing a large block of land to be measured out under the present system, do you think the mode in which it is marked by the surveyor, whether licensed surveyor or otherwise, is sufficient to enable parties purchasing to find their land? The marks of most of the surveyors are distinctly legible, but the difficulty that has arisen in people finding their own ground appears to have originated at the land offices. Upon the slips or receipts given for the deposit money paid, the numbers of the lots have not agreed with the numbers on the land; a little improvement, which could easily be suggested, would obviate all that.

Esq.
21 May, 1858.

99. But the number is not on the ground at all? In my own case it always is, and I think the surveyor ought to attach a number to each allotment.

100. You think that could be remedied if a system of marking could be adopted so as clearly to indicate to the party purchasing the land purchased? There would be no difficulty whatever about it, provided the receipts given at the land office referred to marks on the ground.

101. *By Mr. Forster*: I suppose we may take it for granted you admit there was justice in the general complaints which have existed against the efficiency of the Survey Department in general—I think it is admitted in this report—I merely put it as a preliminary question? I really hardly know how to answer that question. I am aware complaints have been made, but not always with justice.

102. You are aware complaints have existed, but you are not prepared to say they are just? Yes; in some respects just, in others unjust.

103. If I understand you rightly, you seem to think the Survey Department susceptible of great improvement in its working? Yes.

104. If I understand you rightly, you consider this system of district surveyors to be an improvement? When the Colony was divided into nineteen counties the Surveyor General and the Deputy-Surveyor General were sufficient; now that the country has extended, I think the number of deputies ought to be increased in like proportion.

105. You say a great deal of the evil complained of has arisen from the large extent of country over which the Surveyor General has in later days been called upon to exercise supervision? Yes, I do think so, in a great measure.

106. Then this improvement, which you acquiesce in the propriety of, is called for by the increasing extent of the country and the larger amount of work? Yes.

107. Do you think, under the system as it exists at present, local inspection of what was being done by officers of the Survey Department was carried out to the extent it ought to have been? As far as I was concerned it was never carried out at all, though I was frequently visited by Sir Thomas Mitchell; my duties were left to my own judgment.

108. But I imagine an officer who was conscientious and determined to do his duty would prefer to be inspected, that he might have the testimony of his superior officer to his efficiency and industry? A surveyor's work will speak for itself; he can always detect his own errors.

109. Is that quite in keeping with the tenor of some of your observations in the early part of your evidence, to the effect that reports would never give the work performed, because they could not tell the sort of country where it was done? That referred to the form of the journal, but I am now speaking of the form of field-book, and his maps. When a surveyor lays down his work he can at once tell whether there is a discrepancy; and if he did not discover it, it could, and probably would, be found out in the Survey Office.

110. I have not myself understood that there have been any great complaints made of the correctness of the work; if I have understood aright, the public have complained more of the amount of work—that there was not the work done that apparently there might have been for the expense and with the staff employed? I believe such complaints exist, and that this Committee have now met for the purpose of obviating them; but I believe many such complaints have arisen from want of knowledge of the duties, both general and in detail, that the department and the surveyors have to perform.

111. Do you think there has been any justice in the complaint that the work has not been in proportion to the amount of cost and labor expended? I do, but for this reason, that the system has not been such as would enable a surveyor to do the work he otherwise might.

112. I understand you then that the inefficiency, which you admit in some degree to have existed, arose rather from defect of system than from the incompetency of the persons employed? It is rather a difficult question.

113. I thought I understood you to say so—I thought I was putting your answer in the form of an interrogatory—that the complaints of the public arose principally from the defects of the system? Chiefly from the defects of the system. With reference to this and the preceding question, I would beg, in explanation, to observe, that I have already mentioned an instance of incompetency that came under my knowledge, and I have heard of others, as well as of neglect—in cases of some licensed surveyors, of abuse—these, with a system defective as applicable to a territory now so greatly extended with the absence of knowledge to which I have alluded, may account for many complaints. But I have known of such, both against the department as well as individual members, that have been groundless. One great defect in system has been that land matters have been in the hands of two departments instead of one.

114. In general—I do not ask you to give information as to individuals—have you known complaints to have arisen from the incompetency of persons employed or from neglect of their duty? I cannot call to mind an instance. I do not know that the instances of such that I have mentioned led to any special complaints. I have been so isolated, that years have occurred without any communication with other surveyors.

115. Do you not consider that the evils complained of will to a great extent be remedied by this system of district surveyors? Yes, if proper officers be selected.

116. Do you not consider that the chief good which will arise will be that they will carry out a system of local inspection which did not exist in former times? Yes.
117. I think I understood you to say that the promotion of officers of the department ought to depend entirely upon the Surveyor General? Yes.
118. Then you would propose, I imagine, that the Surveyor General should found his knowledge of the competence, industry, and assiduity of the persons under him upon the reports of the district surveyors? It must come through that channel.
119. You could hardly expect, looking to the immense tract of country under the Surveyor General, he could have personal knowledge of the competency of all the officers under him? Quite impossible; but he may judge from the nature of the work performed, together with report of the district surveyor.
120. But, if I understood you rightly, whatever the amount of work done, and whatever the reports they may furnish, it is impossible to convey the idea of the relative labor of the surveyors employed without a knowledge of the country? Yes; what I said was to that effect.
121. Then local surveyors would remedy the great injustice which I understand has been inflicted upon surveyors in difficult parts of the country,—that their labors have been rated rather by the amount of work done, than by the difficulties they have had to go through in doing it? Yes.
122. In that case, I can scarcely have understood you properly; I thought you said the Surveyor General ought not to be influenced by his subordinates, but that would be impossible by the plan you now propose, as he must take the opinion of the district surveyor? That need not influence him in the direction of injustice; I meant it in a general sense, apart from his own judgment. I would not base promotion simply upon the report of any subordinate.
123. I think I understood you to say, that some of the evil existing arises from the mismanagement of the central authorities—that dissatisfaction existed among a great many surveyors from the treatment they had received? I think such a question was put to me; but my reply was, that I could only speak to my individual instance.
124. You are not aware of complaints existing against the central management? I am not in a position to know of them. I see sometimes in the papers great complaints against the department generally.
125. Speaking of the difficulties of the country, will you be kind enough to state whether you do, or do not, consider that the country in the northern districts, particularly at the head of the Macleay and Clarence Rivers, is most difficult? It is.
126. You have been over a great deal of country, I believe? I have.
127. Surveying in Port Phillip would be a great deal easier than in New South Wales? Very much; in Port Phillip I have for days and weeks averaged fourteen miles a day.
128. Surveying in the interior is more easy than on the coast? Yes. On the Macleay I have found it difficult sometimes to do forty chains; in Port Philip I have done as much as twenty-three miles a day.
129. In the country to which I have referred, the obstructions consist partly of precipices, partly of vines, and bushes? Tangled vines and thick bushes.
130. Torrents and rivers? Yes. I have had in winter time to wade through the deep and rapid Clarence fourteen times in one day's work, lie down at night without a tent, and recross it, waist high, the same number of times the following day.
131. You are acquainted with the marks left by the former surveyors on the Clarence? I am.
132. Can you give an opinion as to how the work on both sides the river has been performed? Yes; I can speak positively as to the work performed by Mr. Burrowes, because I could find his marks on the ground; with regard to Mr. Wilson's work——
133. Which Mr. Wilson? There were two brothers of that name in partnership—I am speaking of Mr. Charles Wilson: I have seen his field-book, and he went over the ground section line by section line, but he did not mark his lines sufficiently on the ground; he went over the ground, but he did not use the axe sufficiently; he did not mark distinctly.
134. His principal fault was, that he did not mark the lines on the spot? Yes. I know of no other fault.
135. I suppose the marks are nearly obliterated? I could not find them.
136. You have reason to believe that otherwise the work was well performed? Yes, faithfully.
137. *By the Chairman*: Do you think the section lines were marked at all? Yes, I think so.
138. Could you find that the bends of the river were accurate? Yes. I found Mr. Wilson's work to be correct in that respect; there was a discrepancy between it and work done subsequently by another surveyor, which I think arose from the latter not having connected properly.
139. *By Mr. Forster*: Mr. Wilson was a contract surveyor, purely? Yes.
140. Can you state the difference—for I do not quite understand it—between a contract surveyor and a licensed surveyor? I look upon a licensed surveyor merely as a surveyor holding a certificate of competency.
141. He is paid by the Government, by what we should call in other employment piece or job work? Yes.
142. A contract surveyor enters into an agreement with the Government by tender? I will give an instance that will elucidate the matter. There are two gentlemen in Sydney who are what are termed licensed surveyors; they take a job at Long Bay, towards Botany, and do that by contract; they are both licensed surveyors, and I think any person before taking a contract ought to have a license.
143. Can you say anything of the work done by Mr. Burrowes? His work appeared to be faithfully done; it is on the north bank of the Clarence.
144. Do you mean us to infer that the work on the south bank of the Clarence is useless to the country? No; it fills up a very important part of the map.
145. It is not altogether lost? No.

W. W. Darke,
Esq.
21 May, 1858.

- W. W. Darko, Esq.
21 May, 1858.
146. Would you say the survey is worth more than it has cost? • The land was never worth £1 an acre.
147. *By the Chairman*: The survey is useful as connecting it with other surveys? No; it was isolated at the time I had to connect between there and Darling Downs, which I did by running up the Clarence River. I also connected it with the Richmond and the New England surveys, at Ben Lomond.
148. *By Mr. Forster*: Are not large quantities of agricultural land being sold on the Clarence? Yes, I believe so, since I left.
149. You do not think the land selected at that time was the land which should have been selected for agricultural purposes? No.
150. There is a large quantity of fine agricultural land on the Clarence? Yes.
151. Principally brush land? Yes.
152. The flats outside the brush are generally good? I cannot speak as to that.
153. Do you not recollect a flat called Phillips' Flat, at the back of Grafton—is not that tolerable land? There are flats there, not very extensive, but subject to inundation.
154. *By Mr. Moriarty*: Very unhealthy, are they not? Yes.
155. *By Mr. Forster*: Did you ever hear of fever and ague there? It is an unhealthy place.
156. Have you any reason to believe that the officers employed by the Survey Department in general, so far as you are acquainted with them, are adequately remunerated for the services performed by them—do you think the salaries given are equal to the duties performed? No; nor in proportion to the salaries of officers in other departments—speaking, of course, of our officers in the field.
157. Is there any difficulty in obtaining competent officers when they are required? I think there is.
158. In allusion to the system of re-plotting, I wish you to explain whether the re-plotting involves the same expense as the survey in the first instance? Not the same, but a very great expense.
159. From experience, have you any knowledge of the system adopted of employing very young men and instructing them in the work of a surveyor? I have.
160. Have you, as a general measure, found the results beneficial? The only way in which it has resulted in any good to me has been that I have been enabled to depend upon them as chainmen.
161. They are better chainmen than common laborers? Yes.
162. I presume if it were possible to instruct them in the knowledge of surveying, they would not remain in Government service unless they were employed at a rate equal to their value? Such gentlemen would be very glad to come to be taught the practice of surveying, I should think; but I do not see why any surveyor should take pupils unless he were paid for it. The young men whom I have had with me I have taken from personal motives, as parties I wished to put in the way of doing something.
163. Should you always find it easy to get men to enter your service in that way, or did you ever find it easy? It is very easy, but it is objectionable, because they are a great incumbrance.
164. With regard to the discretion left to the surveyors generally, both licensed and staff, as to the expediency of selling land in a particular place when an application is made, and to determine whether the applications are *bona fide*,—do you not think to leave large matters of this kind in their hands would be to entrust them with a dangerous power? I think in any matter of magnitude it should be the duty of the surveyor to refer to the officer at head quarters, and act under advice.
165. You would not leave such a discretion with the district surveyors? Not without reference to head quarters.
166. If the decision of a question of such a kind were left to head quarters upon the report of the district surveyor, would not the person at head quarters be almost guided by the report—would not the report be taken as conclusive in most cases? I think not. Upon matters of extreme importance I think the sense of the Bench of Magistrates ought to be consulted.
167. You would suggest a local reference to the Bench of Magistrates? In cases where parties felt themselves aggrieved, I think they ought to have some other means than those at present open to them; and in general matters of magnitude, and great responsibility, the surveyor in charge might with advantage confer with the gentlemen of the Bench.
168. Have you heard complaints of favoritism in cutting off portions of country occupied under pre-emptive rights, or proclaiming reserves upon a man's run by particular surveyors? I have.
169. Have you any reason to believe, as a general thing, that there was any justice in these complaints? Not in those I am aware of—no justice whatever.
170. Are you disposed to admit that under the circumstances I have described, that is, supposing a surveyor to make a report to head quarters, and the person at head quarters to be generally guided by that report, the surveyor on the spot would have an immense power of exercising favoritism if he chose? Yes, under the best system; but they would also be subject to public observation, and the comments of their own subordinates.
171. You think the Bench of Magistrates would act as a local check on the district surveyor? Yes.
172. The officer at head quarters would not act upon caprice, but upon some public principle? Yes.
173. You would permit any person to select land where he liked? Yes.
174. *By Mr. Piddington*: You stated that you had been twenty-four years in the Survey Department of this Colony? Nearly twenty-four years.
175. I think you said also that you are now classed as an assistant surveyor? Yes.
176. Are you aware whether there are any surveyors in a superior rank who have served a shorter term than yourself? Yes.

177. What difference is there in the pay of a staff and of a district surveyor? My pay is now £423, and a district surveyor receives £500 a year, with travelling expenses. W. W. Darke,
Esq.
178. If, in the promotion of a surveyor from one grade to a superior rank, little or no regard be paid to seniority, are you not of opinion that such disregard of the claim of such old and valuable officers to promotion is likely to create discontent among the best class of surveyors? Yes. 21 May, 1858.
179. Are you not also of opinion that an habitual disregard of the claims of seniority to promotion would beget discontent among any class of public servants? Yes.
180. You have stated that in your opinion, as I understand you, the office of Deputy Surveyor General should be filled by some person who would undertake to supervise the work of surveyors in the field? Occasionally.
181. Are you of opinion that such an officer could accomplish the duty occasionally? Yes, occasionally.
182. Is there anything in the training of an officer of the Royal Engineers that will specially qualify him to perform the duty of a surveyor in a new country? I cannot tell. I do not know the course of studies they pursue; but surveyors who have been sent out from home have been sent to me for instruction. I have had them in my tent.
183. Were any of these connected with the Royal Engineers? One gentleman was brought up at Sandhurst; whether he were a cadet or not I do not know.
184. Were these gentlemen connected with the corps of Royal Engineers? No; they were not.
185. Can you say whether an officer of the Royal Engineers is practically qualified to superintend the construction of common roads in a new country? My belief is, that he is, or ought to be, perfectly qualified to make a road; whether qualified to survey and determine a line for a road in a very difficult country I cannot say. The line must be first surveyed and marked.
186. Have you any opinion whether a well qualified surveyor is as well qualified to superintend the making of a road in a new country as, or whether his is better qualified than an officer of the Royal Engineers? I think the ground must first be surveyed by colonial surveyors, and then the engineer may go upon it and make it. The line must first be determined and marked.
187. My question was not as to the making of a road, but I wished to have your opinion upon the question whether a qualified surveyor is better or less qualified than an officer of the Royal Engineers to superintend the roads of a new country? I should say the road surveyor would be the better.
188. What individual officer of the Survey Department selects lands for sale? Each surveyor in his own district. I was instructed to select such land as appeared to the best of my judgment to be in demand, and I was guided by the applications on the spot, or by the obvious quality of the land.
189. Are you of opinion that surveyors of any description, whether licensed or staff, as a matter of policy should, without discrimination, be entrusted with such authority? Not without discrimination. I believe I have already suggested the circumstances under which such may be done, both as to the grade of the officer, the limitation of his sole judgment in cases of magnitude, as well as to the nature of the check upon him in the event of abuse.
190. *By Mr. Mortley:* You have had opportunities of observing the recent arrangements for the division of the territory—defining the spheres of operations of the different district surveyors? Yes.
191. Do you remember what are the limits of the district to the north of the Hunter? I do not know the precise limits.
192. I think I understood you to say that a great advantage would be gained by the appointment of district surveyors, as they would supervise the work of their subordinate officers? I think, with a view to future arrangements, the districts are too large.
193. Do you think an officer can supervise the country from Warwick to the Hunter, including the coast country, with any advantage to the service? I do not.
194. In your general remarks, then, you assume that the district surveyors shall have districts of a sufficiently limited extent to enable them to act with energy and promptitude? The districts should be limited to an extent within which a person could exercise surveillance.
195. Supposing the district surveyor to have charge and general direction of the lands for sale—the charge of Crown lands generally—do you not imagine that some central residence should be necessary where he would be accessible to the public? There should be a central office, but the district surveyor need not be always there. During his absence he may be represented by a clerk or draftsman, who may receive reports, give information, and show maps of the land for sale.
196. The district surveyor should be there so constantly as to enable the public to have communication with him? When not engaged in supervising his subordinates in the field, he should be there.
197. He should be accessible to the public? Yes.
198. As to the complaints made with respect to the selection of lands for sale and making reserves on squatting stations, is not the duty such as to lay the officer open to complaint? It is an invidious and disagreeable duty.
199. In speaking of the promotion of officers resting entirely in the central authority, you assume, I suppose, that the central authority should be thoroughly competent to judge of the merits of the officer—he should be the moving authority of the whole system? Undoubtedly.
200. Do you happen to know the nature of the control exercised by the district surveyor over the subordinates under the present system? No, I have no knowledge on the subject.
201. I think I understood you, in answer to a question by Mr. Forster, to say that the subordinate officers have, if they have the disposition to use, or rather to abuse it, the power of injuring individuals seriously by making improper reserves, or improperly controlling purchases? I think there is that power; if, as you say, an officer could so abuse his power, the

W. W. Darko, Esq., the discretion is sufficiently left open. I allude of course to *present*, not prospective arrangements.

21 May, 1858. 202. If the discretion were transferred from the subordinate to the district surveyor, would not he have the same power of committing abuses? I think not, for there would be a sort of mutual supervision. The district surveyor would not act singly in the matter; his proceedings would be open to his subordinates.

203. As to checking—if I may use the expression—the views of the district surveyor upon a general question of local interest, you suggest the reference to the Bench of Magistrates? I threw it out as a general idea, not by any means intending that he should be put under the control of the Bench.

204. Do you think Benches generally would be willing to undertake such a responsibility in reference to executive matters? I have known interference to have been exercised without authority. But I have found nothing but courtesy, when I have sought opinions or suggestions from Benches.

205. Do you think such interference would be conducive to the public interest? The interference should be confined to particular subjects specially referred to them—in fact, it ought not to be *interference*; the views, wishes, and opinions of the Bench ought to be consulted in many cases—among others in those of difficulty or unusual responsibility.

206. As a general rule, you think their interference would be rather objectionable? Yes, *interference* would. The Surveyor General is a sufficient master. You cannot have two heads to a department.

207. Speaking of home appointments, you have mentioned one or two instances that have come within your knowledge of home appointments being unwise—how many such cases have come under your own observation? I can speak only of one pointedly; in that case the gentleman told me himself,—he made a laughing matter of it—he treated it as a good joke.

208. As to the skill, education, and proficiency of officers instructed at home, you will not give an opinion? I spoke of one person only.

209. Your particular observation is confined to one case? Yes, as being utterly incompetent. Some who have come out have been competent, educated gentlemen, others have had to be taught.

210. Will you mention some of the peculiar difficulties which have suggested themselves to you, under which surveyors educated at home would labor in setting to work? They are decidedly at a loss, those I have seen.

211. What are the difficulties peculiar to this country? I cannot tell how it is, but I can only speak as to the fact that gentlemen sent from home have been sent to me and have been inmates of my tent to be taught their duty.

212. That is to say, one gentleman was sent to you? Two, I have had, and I have declined others.

213. Is it not the fact that some considerable discrepancy was discovered in the neighbourhood of Grafton? Yes.

214. Did not the rights of individuals suffer? It was discovered in time to prevent that; at the time the discrepancy was discovered the lands were unsold.

215. Would not that have been the consequence if the lands had been sold before the discovery of the error? Then the measurement in detail of the lands would have set the error right.

216. *By the Chairman*: I see the late Surveyor General, in his evidence before the Commissioners, stated that a hundred thousand acres of land were available but not purchased—what do you think was the reason that land has not been purchased? In what part of the country is the land situated?

217. He does not say, but he states generally that a hundred thousand acres are open for selection? I can speak only of the districts in which I have been. A great portion of the land has not been sold because it is not marketable; it is not worth £1 an acre.

218. Do you not think it a dangerous authority to give licensed surveyors to measure what lands they like, and to allow them to be paid on the present scale? I have already said I would upon no account trust such power in the hands of such officers.

219. You are in favor of an organized system—you think it much better to carry out the public service in that way than on any other system, however specious it may appear? I think there should be regularly paid officers, though, as a matter of expediency, licensed surveyors might sometimes be employed.

220. You are aware that the Deputy Surveyor General, some time in 1840, reported to the Government that the whole squatting country could be surveyed, and leases be supplied for them, in one year? I am not aware of that. I was at Port Phillip at that time.

221. Did you never get any official letter to that effect, stating such a promise had been made? There was a promise in 1847; but to the best of my judgment it had not that tendency. There were fifteen or sixteen new counties to be proclaimed, and the Deputy Surveyor General placed the Department under a pledge that they should be surveyed and proclaimed by the end of 1848. This promise did not refer to the issue of leases, nor the determination of reserves.

222. If such a promise had been made by the Deputy Surveyor General, do you think it could possibly have been carried out with the force under his control? I carried out my share.

223. Within the year? In the year 1848.

224. In such a way that the leases of all the squatting runs could be supplied? No; the survey for leases was an after affair: it was the proclamation of the counties that was the pledge to the Government.

225. I see by the Surveyor General's evidence that there were twenty-nine surveyors in the service at the date of the Report of the Commissioners; how many of these surveyors do you think were generally employed in the out-works of the country? I cannot tell—I was so secluded in the country; but I was one of them.

226. You have been long enough in the service to know that there were great differences in the positions assigned to the officers? Yes.
227. I have asked this question before, but I would wish to have the answer distinct—are you aware that promises have been made by superior officers to the surveyors, which Government have never carried out? A distinct promise was made to me, with others, direct from Government. The Surveyor General recommended that six of us, on undertaking a certain duty, should be promoted, and the reply was to this effect—"No; let the gentlemen perform what the department is pressed to do by the end of the year, and then they shall have promotion." That promise was never carried out in my case.
228. Did you find during your long service as a field surveyor, that you had no one to apply to in any case of difficulty—no one that seemed to understand your position? I always found that I could apply to the Surveyor General.
229. But he was not always here? He was not always here.
230. I think he was away for four or five years, at different periods? He was a long time away.
231. You have been employed as an examiner of candidates for office? I am one of the Board of Examiners. I have been appointed since I have been in Sydney.
232. Can you name any other officers who have been examiners? My predecessor, Mr. Burrowes, was one; the other members of the Board are Mr. Thompson, Deputy Surveyor General, and Mr. Maclean.
233. Are you aware that the two latter gentlemen have never been in the field at all? I am aware of that in reference to Mr. Maclean; Mr. Thompson, I believe, has been out.
234. Have you not sometimes known Boards of examiners for examining officers to be appointed that knew nothing of the service whatever? Such a case never came under my knowledge.
235. Three military men, for instance, have occasionally been employed to examine officers for the service—are you aware of that? No.
236. Are you aware that some of the officers of the department have been wholly instructed in the profession in the department, and that they have been paid while they have been learning their profession? I think some of them have acquired their knowledge of the profession chiefly in the service.
237. Have you an idea that there have been general complaints among the field officers against the system of management of the service? Yes.
238. You say you have been some twenty-four years in the service? Yes.
239. Do you know that some of those who have been appointed district surveyors have not been three years in the service? I cannot speak to their length of service.
240. They have never been employed on any general survey of the country? I believe such instances exist, or rather such an instance exists.
241. You spoke just now of lining the roads—do you not think the man who marks a line should superintend the making of a road? Highly desirable, if such an arrangement could be carried out.
242. You have handed me letter, dated 10th February, 1856, in which you make some suggestions as to the necessary qualifications of an officer of the service—would you wish that to be placed on record? Yes. It was asked of me, in a sort of half official manner, by the Chief Clerk at the Survey Office. He said he had applied to others, but could not get the information he required. (*The letter was read. Vide Appendix A*)
243. Will you be good enough to state what you consider the maximum and minimum price of making a survey, per acre, in the most difficult country? I find it impossible to answer this. Statistics must be gone deeply into;—an endless variety of circumstances considered—the nature and extent of the survey—difficulties and facilities of all kinds,—together with the expertness or otherwise of the surveyor.
244. Will you supply with your evidence your form of field-book which you suggest for general use? Yes.
245. Have you any further suggestions to offer to the Committee that may be useful in this inquiry? I have but little to add; but would suggest, with a view to economy and speedy performance, the expediency of having two officers at each camp,—a senior, with an assistant or draftsman, capable of assisting, or an articled pupil. Thus, with one party of men, either one or the other can be each day in the field. The senior can first survey the features, rivers, &c., and determine roads; then the form of field-book I propose will enable him at once to determine a design for portions or allotments, which the junior can mark off while the surveyor is plotting and completing his plans for transmission. Thus the expense of a party of men, being more than half their time idle, may be avoided. The surveyor must, in justice to himself, and in proper performance of duty, plot his own work, as I have found that the same precise result cannot arise, or at least very seldom arises, from two plottings. Therefore the surveyor may accuse the draftsman of office errors, and *vice versa*. This bears upon the question of employing licensed surveyors extensively. Their work must be re-plotted, and sometimes verified on the ground—the former process being objectionable, for the reasons I offer above,—in addition to which, with the latter, it would involve a vast unnecessary expense.

APPENDIX A.

COPY of a Letter addressed to Mr. Halloran, Survey Department.

Sydney, 10 February, 1856.

Sir,

I have been, as you may be aware, referred to for certificates of competency respecting parties desirous of being appointed Licensed Surveyors; and as it is supposed to have been officially suggested to the Government that pupils may, with advantage to the public service, be instructed by the officers of the Survey Department, I would observe, in explanation of

W. W. Darke, Esq., my remarks to you yesterday on the subject, that the qualification of such persons as field surveyors appears to me to be necessary, are:—

21 May, 1858. 1st. As Draftsman—which, in addition to sufficient proficiency in mathematics, penmanship, and well practised skill in the delineation of ground, with the ready use of instruments necessary in doing so, must include the difficult process of mounting paper both in single and many conjoined sheets, which, in order to ensure any accuracy in the work to be laid down on such, can only be done in a manner attainable by considerable practice.

2nd. As Surveyor—in which a very material point is the form and manner of keeping a field-book. The old methods may do for the old countries, and even for the open districts of the Colonies, but cannot be applied in the brushy and forest or mountain tracts, without constant embarrassment and error. The form I have found necessary, and which was adopted from me by Mr. Townsend and others, is shewn by the copy of two pages of my field-book transmitted to the Deputy Surveyor General, by my letter of the 17th May, 1848, by which it will be seen that this work is protracted (in an approximate manner), and the features sketched in the field. This occupies one page; the traverse in bearing distances, notes, &c., the other. This method not only very much assists in the final plotting of the work, but in most cases enables any error to be at once detected,—the traverse on the one page laid down checking the figures shewn on the other; and the work can be rapidly included on a reduced general field sketch, necessary for conveying at one immediate view what has already been done, and determining, from time to time, the direction and extent of features to be next surveyed.

The adjustment of instruments is a point to which too much attention cannot be directed; the magnitude of errors that may arise from the neglect of this in regard to sextants, theodolite, and levels, can only be equalled in importance by those that arise from the incautious use of the circumferenter,—not always in consequence of unobserved local variation, but from these instruments frequently differing from each other as much as 2°. Of two of mine lately in use, one was + 1°, the other — 1°; total difference, 2°. The surveyor must, therefore, be able to ascertain, from the mean of careful observations, the geographical variation of his needle, which, with its instrumental error, may be considered for the time as constant throughout his district; but the variation arising from volcanic and other local causes, must be also ascertained and corrected; and thus a considerable knowledge of geology is necessary to recognize localities in which such is invariably encountered.

As a system, the pupil should be taught in laying down his surveys that angles ought not to be projected by any means from lines in various parts of the sheet, excepting, if necessary, in unimportant detail, as it is better to project a whole circle of angles from one meridional line, each tenth angle being marked around from broad arrow 10°, 20°, to 350°, from which all angles are to be protracted.

In the field it will generally be necessary in thick forests, mountain ranges and brush, to produce each traverse line to as great a length as it may be found serviceable, which should, if possible, not be less than 5 chains, and the bearings should be determined also in degrees only, except in intersecting a remote point.

3rd. Besides a mature judgment in selecting, and skill in determining his trigonometrical stations, the officer must be thoroughly competent and expert in observations for the latitude and longitude; the former readily by means of the theodolite, the latter by observation of Jupiter's satellites, or other astronomical process; also in taking elevations by Colonel Sykes' method, or otherwise. He must acquire practically tact and energy in managing and providing for his men, and for the transport of his supplies and appliances under troublesome or difficult circumstances.

I think these, with the perspicuity of style indispensable in making official communications, are necessary points of qualification for an officer of the Survey Department.

I remain, &c.,

H. Halloran, Esq.,
&c., &c., &c.

WM. WEDGE DARKE.

WEDNESDAY, 26 MAY, 1858.

Present:—

MR. ALDCORN,
MR. FORSTER,

MR. MORIARTY,
MR. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

John Thompson, Esq., called in and examined:—

- J. Thompson, Esq.,
26 May, 1858.
1. *By the Chairman:* You are Deputy Surveyor General of the Colony? Yes.
 2. How long have you held that position? Upwards of four years; but, previously, I had been appointed Acting Deputy Surveyor General, viz., on the 8th February, 1853.
 3. When did you join the service? I was appointed in this month, thirty-one years ago.
 4. In 1827? Yes, in May 1827.
 5. That was when you received your appointment in England? That is the date of my appointment.
 6. What was your original appointment—that of Assistant Surveyor? Yes; with the recommendation that I should be employed in the office.
 7. Have you that recommendation? Yes; there was that recommendation. I was made assistant surveyor in order that I might get a better salary.
 8. The salaries of assistant surveyors when you arrived here were all the same—every officer had the same salary? Yes; £200 a year, with an allowance of £100 for forage and lodging.
 - 9.

- 9. There were no grades in the service then—every officer held the same position? I think J. Thompson, Esq. there was a scale determined by the Secretary of State about that time.
- 10. That was after your appointment—in 1828 I think? Perhaps so.
- 11. Have you a copy of the Secretary of State's despatch arranging the service? I can procure a copy. (*Vide Appendix A*) 26 May, 1858.
- 12. Do you recollect Mr. Oxley's death? Yes.
- 13. It occurred some time in May, 1828, I think? That I cannot remember.
- 14. Do you recollect that in the *Government Gazette* about that time—the same Gazette, or two or three Gazettes dated immediately after that—there was a Government Notice appointing Mr. Hoddle Deputy Surveyor General? I do not remember any particulars, further than that Mr. Hoddle was made Deputy Surveyor General.
- 15. Have you any knowledge of the reason why Mr. Hoddle's appointment was set aside? I have not. I apprehend it was in consequence of the appointment of Captain Perry in England; but I cannot trust my memory.
- 16. Do you recollect that at the time Major Mitchell wished to appoint some other officer to that position? No, I do not.
- 17. And that in consequence of that wish the Government took upon themselves to make that an office of patronage rather than place the officers according to the Secretary of State's promise to them? I do not remember how it was Mr. Hoddle was removed; I cannot call it to mind at all.
- 18. I believe you never served in the field, did you. When you first arrived I think you went into the bush? Yes; I was preparing to go into the bush, but Sir Thomas, then Major Mitchell, requested me to remain in the office.
- 19. And from that time you kept the position of Principal Draftsman, and had charge of all the young officers in the service? Only of the draftsmen.
- 20. Just after that period I believe many draftsmen were sent for from home, or some arrived from home? I do not remember any draftsmen specially arriving. Surveyors frequently arrived.
- 21. Mr. Ed. Hallen, I believe, came out as a draftsman? I do not think he came out to any Government appointment at all.
- 22. And Mr. Larmer? I remember now Mr. Larmer was in the office as a draftsman.
- 23. Many of these young men who arrived at that time knew very little of their duties, and had to be taught for a period? Yes, a good many of them. Mr. Larmer, however, was a regularly educated surveyor.
- 24. Many of the men who came out at that time as assistant surveyors had not been regularly educated surveyors—do you know that? I cannot trust my memory to that. I know they all wanted a good deal of training.
- 25. Is it not your opinion that, however able a man may be as a surveyor at home, he requires to obtain considerable experience in the survey of this country before you can trust him to carry on the duties of a general or large survey? No doubt of that.
- 26. For many years you held the position of Principal Draftsman, and the drawing and geographical portion of the duties of the Survey Department were under your control? Yes.
- 27. During the time you held the office of Principal Draftsman I think you also held another, that of Secretary to the Court of Claims? Yes.
- 28. The principal part of the department was controlled by you most of the time? Only as far as the draftsmen were concerned; I seldom interfered with the clerical business.
- 29. Were you not often called upon to give an opinion upon the work of different officers of the service? Sir Thomas Mitchell sometimes consulted with me on these points, and used to give me instructions as to what he required to be done.
- 30. You are aware Sir Thomas Mitchell was frequently away? Then Captain Perry had the management of the business. I acted only for a short time, while Captain Perry was away at the Clarence River.
- 31. You remarked just now that it requires some time even for a practised surveyor to understand the duties of the service as it is carried on in this Colony—do you think Captain Perry, when he came out here as Military Surveyor, had any knowledge of the duties he was to supervise? Yes; I should say that his having belonged to the Staff Corps fitted him for his position of Deputy Surveyor General.
- 32. You know how the Staff Corps was formed, do you not? No, I do not.
- 33. It was formed generally from officers of the line, who were employed in sketching, and sketching is not surveying? No.
- 34. Do you not believe there is a great difference between civil and military engineering? Of course there is.
- 35. And the principal works that have been carried on in England, with regard to the development and opening of the resources of that country, are, or have been, originated and carried out by civil engineers? Yes.
- 36. And they are carried out by them at the present moment—such as public works, light-houses, railways, breakwaters, and harbours—in fact the detailed survey of the country altogether. I am not alluding to triangulation at all, but to the general survey, such as the division of the counties and parishes of England for the Tithe Commutation? Yes; all that has been done by civilians—all the railway surveys too, I believe.
- 37. Are you at all aware, that even so late as the Crimean war it was necessary to send out a civil engineer and contractor to make the road from Balaclava to the camp, a distance of six miles? Yes.
- 38. You may not exactly remember the arrangements made by the Secretary of State in November, 1828, as to the different grades of the service? I think there were to be the Surveyor General, Deputy Surveyor General, surveyors, assistant surveyors, draftsmen—
- 39. And clerks: the despatch even makes arrangements for the junior branch of the service—do you not consider the arrangement of the Secretary of State a proper one for the officers of the surveying staff? Yes; it was a good arrangement for that time.

- J. Thompson, Esq. 40. Was faith kept with the officers with regard to that arrangement? I am not prepared to say. I remember four surveyors were appointed in pursuance of it.
- 26 May, 1858. 41. *By Mr. Moriarty*: I take it, the main function of the Survey Department is professional? Yes.
42. It is a professional department? Yes.
43. Then none but professional men can understand its theory and working, I presume? Certainly not.
44. A non-professional man cannot be competent to direct its proceedings? When you come to that point, perhaps I may differ with you a little; I consider a good administrative officer is required to act as Surveyor General.
45. Does it not often require a professional officer? He should be professional, certainly; a man who knew nothing about surveying could not carry it on.
46. *By the Chairman*: Do you not think there has been a very unnecessary interference with some of the officers of the service by the grades subordinate to them? I do not exactly take your meaning.
47. They have been occasionally unnecessarily annoyed, and people have written to them upon the duties they were entrusted to perform, and found fault with them upon points they knew nothing about, such as forage, and those matters on which a surveyor's efficiency depends? The Surveyor General signs all letters.
48. Does not the Surveyor General often sign letters that he does not read? A Surveyor General ought not to do so; I know I never did.
49. Do you recollect what was the strength of the clerical branch when you first joined the service? No; I should think there were some dozen clerks.
50. I suppose returns of all the officers that have been in the office since you have been there can be furnished by your office? Yes, undoubtedly; the names of the officers are on record.
51. I shall be glad to have a return of that kind appended to your evidence, shewing the names of all officers employed in the professional branch of the service, from the time of Mr. Oxley's death, the dates of their appointment, their promotion, grades, and so on? I will see that such a return is prepared. (*Vide Appendix B*)
52. In answer to question 214, in your evidence before the Commissioners, appointed to inquire into the Survey Department, which is as follows:—"Whom do you consider responsible that these plans shall be properly examined, as far as the case admits"? You say—"Mr. Maclean examines the plans, and gives them out to other gentlemen to calculate the areas, &c." Do you not consider that the person who examines the plans of a surveyor should be a surveyor himself? I consider Mr. Maclean a surveyor; it is true he has had no practice in the field, but he is clever, and thoroughly acquainted with the whole business.
53. I am aware he is clever, but I do not think a theorist competent to report upon the plan of a practical man. I may understand working in iron, and know how to make a horse's shoe, and how to put it on his foot, but unless I have had practical acquaintance with the business, I may prick my fingers and burn them into the bargain? It has always been the practice of the office to employ draftsmen in the duty of examination. Of course the examination now devolves upon other officers, Mr. Maclean having been made Principal Draftsman. I think you will find, if you look to Mr. Maclean's evidence, that he stated at the time that he handed over some of the plans to the subordinate draftsmen.
54. And he has the arrangement then of all the plans of the different officers of the service; he maps them—charting is the word used here, which is an improper term? The word *charting* has been always used; and the application of that term to our maps arose from the fact of our early Governors being nautical men; it is however, erroneously applied. Mr. Maclean does not himself chart, or rather map; there are four draftsmen employed on that branch of the business.
55. When you get these maps you receive no copies of the field notes? We do not.
56. And there is no arrangement whatever in the department of the present day as to the system of keeping field-books? There is not.
57. In answer to question 223, which is as follows:—"You depend in a great measure upon the honesty and skill of the surveyor?" You say—"Yes; there is no means, unless you send another surveyor to go over the work in the field, which is never done, at least private individuals never do it. They trust to the professional skill and reputation of the person employed; and we do the same." May I ask on whom does that judgment devolve? I do not exactly see the gist of your question.
58. The question is this: if a man is to question a professional man as to his duty, he should understand it himself—that is the tendency of the question I am putting now? I think, further on, you will find I state that in the office we soon become acquainted with the nature of the work of a surveyor—whether we can trust to it or not.
59. You cannot, from office knowledge, tell what sort of country he is surveying, for I have been much harder worked in doing one mile a day sometimes than I have been in doing ten miles at other times? That evidence of mine has reference more to marking out lands for sale than to the general surveys.
60. The staff surveyors send in their field-books? Yes.
61. The licensed surveyors do not? No arrangement has been made yet.
62. Do you not think they ought to do so? Yes; and it is intended to make some arrangement for their deposit in the office.
63. I believe those that have been sent in have been of very little use, for they have all been kept in a different style—every surveyor having been allowed to keep his own in his own way? There is no rule laid down as to the manner of keeping field-books. All surveyors in England keep their field-books in the same manner.
64. Do you think it would be an advantage in a public department if every surveyor were obliged to keep his field-book in a certain form, so that any officer in the department might plot

plot his work if it was thought proper? Yes, it might be; but we never find much difficulty in plotting from any field-book, however obscure. J. Thompson, Esq.

65. It would be a check upon the field work? Most surveyors keep their field-books in the same way. 26 May, 1858.

66. The field-books are never examined? No, for to examine them properly would be to plot the whole work over again; they are, however, referred to, whenever the necessity for so doing arises.

67. The private surveyors of the Colony, I believe, have access to these field-books whenever they choose to examine them? Yes, with the permission of the Surveyor General or other responsible officer of the department.

68. The surveyors are required to send in a monthly report as to the nature of the work performed by them? Yes.

69. Do you consider that the monthly return, in its present form—if it has not been altered since my time—is of any use whatever? It is altered now.

70. I am speaking of the monthly return up to the period of Sir Thomas Mitchell's last return to the Colony—that has been altered you say? It has.

71. That, as a criterion of the work done, was useless? No, I cannot say that.

72. Was it not the cause of great dissatisfaction to the officers of the service? I believe it was, to many of them.

73. Some officers were placed in districts where they could do ten or fifteen miles a day, and others where they could do only one, and yet their work was judged according to this form of return? I cannot say that. I do not think the Surveyor General could be so ignorant of the country as to form an opinion in that way.

74. The Surveyor General had very little knowledge of the country, except triangulating points—he knew very little of the brushes of our rivers, for he had very little to do with them in my time? The surveyors were required, in the column for remarks, to afford explanation of any apparent deficiency in the amount of work.

75. You state in your evidence before referred to—"We have maps here to show the licensed surveyors their districts"—Their maps are generally made, I believe, by the salaried surveyors? The salaried surveyors provided the data from which the general maps were compiled.

76. You say—"We have maps to show the licensed surveyors' districts, and these are modified occasionally"? Yes. The ground-work of these maps was, of course, the work of the staff surveyors, but the maps you allude to are merely mounted tracings.

77. You are in favour of the license system being continued? Yes.

78. Will you be kind enough to give a reason for being favorable to that system? It is stated in my evidence:—"On what ground do you prefer the licensed surveyors? There are so many difficulties at present in the way of a surveyor's progress, that his proceedings under salary can scarcely be satisfactory; he may be without labor, without provisions; his horses may be astray; he may be stopped by floods, still his pay must go on; he may be disabled by sickness, still the wages of his laborers must be paid and his horses fed; whereas the licensed surveyor is only paid for the work he actually performs, and the expense is much less. When convicts were the laborers, and bullocks were fed on the natural grasses, the surveyor's salary was not of so much moment." I may add, that however large the number of licensed surveyors might be, it would not involve increase of expenditure without corresponding benefit. The expense would be regulated entirely by the quantity of land required to be brought into the market; in fact it would be a self-regulating arrangement, whereas, under the salaried system, the expense is the same, be the demand for the purchase of land what it may. There is no *elasticity* in the salaried system; when there is a great demand for land you cannot add to your staff, because, if the demand were to cease, you would have a difficulty in reducing the staff, whereas by having a contract surveyor resident in every local land office district, always ready to do what you want, you avoid all salaries, equipment expenses, and embarrassments, and if there is *no work to do* there is *nothing to pay*; whereas the salaries, wages, equipments, &c., &c., must always be provided and kept up, whether land is wanted for sale or not. The only salaried officers should be inspectors; you would then have licensed or contract surveyors under them, paid only for *what they survey*, and sellers of land at the local offices paid only for *what they sell*.

79. Are you not aware that many of these works said to have been performed by licensed surveyors have never been done at all? No; I am not aware of that. Something of the kind has been talked of lately, but I am not cognizant of the particulars.

80. It is quite possible? It would require a great deal of skill to deceive the office.

81. Supposing a man gets a section of ground properly surveyed by some officer before him, and he is ordered to lay it out as a township, is it not possible that he could enlarge that, prepare a plan upon it, and send it in as if he had done it himself? It is possible, but it would be very soon detected. Even the public would immediately find it out.

82. Then it is too late. You have read the Report of the Commissioners, have you not? Yes.

83. With care? Yes.

84. Have you any idea of the difference in the cost of the licensed surveyors' work and the staff surveyors' work? The licensed surveyors' would be considerably cheaper.

85. If the work were done? Yes, of course.

86. You do not take into consideration, when you give the acreage done by the staff surveyor, the features he has surveyed at the same time? Yes, I do. I consider that to estimate the labor of the staff or salaried officers by the acreage is very erroneous.

87. The laying out the lands of the Colony to advantage depends very much upon the professional knowledge of the surveyor? Yes.

88. Do you arrange it in your office beforehand sometimes? Sometimes.

89. You see that the Commissioners who drew up this Report, dated 11th August, 1855, recommend that a new system shall be adopted with regard to surveys? Yes.

- J. Thompson, 90. What do you think of that system? That it is very objectionable.
- Esq. 91. I see that they recommend there shall be three classes of surveyors—district surveyors, surveyors, and assistant surveyors? Yes.
- 26 May, 1858. 92. Is it not generally supposed, that when the Secretary of State made the arrangement as to surveyors, assistant surveyors, draftsmen, and clerks, that there would be a necessity for placing officers in the various districts, having different ranks, but still employed in the same way? Yes, that, I think, was contemplated by the Secretary of State.
93. That was never carried out? It was tried occasionally in a partial manner, but it did not answer. A despatch, of 7th April, 1849, which followed the Waste Lands' Act, directed the Governor to divide the Colony into survey districts.
94. I see the recommendation of the Board is, that the country should be divided into districts, and that there should be in each a district surveyor, surveyors, and assistant surveyors—draftsman not named—but do you not think it desirable, if a surveyor with three or four assistants were sent into a district, that there should be a draftsman attached to him? Yes, certainly.
95. Do you not think it would simplify the work at head quarters? Yes. I must say, however, that I altogether object to branch offices, unless there were a Surveyor General with distinct responsibility for each district.
96. But there should be a control at head quarters? Yes, a general control; an office somewhat similar to that in the United States of America—that office is at Washington, and the head of it is called the Commissioner of the General Lands Office—to this office reports and plans are forwarded from all the Surveyors General, and maps are compiled, deeds of grant prepared and recorded, expenditure of moneys provided for, &c, &c.
97. You would take the American system as nearly as possible? I am not prepared to recommend that, at the present moment, such a system should be introduced here; but, if branch offices are to be established, the chief officer of each should, I think, have a distinct responsibility.
98. You think it would be better that the district or deputy surveyor should have a distinct responsibility, and that he should carry on the general system of survey by contract surveyors rather than by the present system. I understand you to object to calling this officer the district surveyor—you would make him Surveyor General of the district he is in? Yes, if the establishment of branch offices were determined on.
99. *By Dr. Aldcorn*: You would make the district surveyor responsible for all the work done in the district, and those employed under him responsible to him? Just so.
100. And you would have the head department something like that in America—to receive reports and accounts of work done? Yes; the head department exercises general, or rather political control.
101. *By Mr. Moriarty*: To whom would you have these district surveyors responsible? Surveyors General would be responsible to the Commissioner of the General Land Office.
102. To the head of the central department? Yes, politically responsible to him, or more properly, perhaps, to the Minister to whose branch he might belong.
103. *By the Chairman*: The surveying officers under the present system have no responsibility whatever upon their shoulders? Yes, they have, to a certain extent;—they have the laying out of reserves, the recommending of sites for towns, the subdividing of land for sale, and other business, and this I consider a serious responsibility.
104. Still, if he chooses to do as he pleases—if, instead of carrying out the intention of Government, he shews favoritism, what check is there upon him? The check of public opinion.
105. Have you found that a sufficient check? Yes. We have no complaints of the nature you allude to.
106. *By Mr. Moriarty*: With regard to public opinion, take the duty of making reserves—does not the fact of employing an officer in making reserves shew that the person so employed is beyond the reach of public opinion—does it not throw him into contact with one person alone? Yes, if a reserve is alleged to have been made adverse to individual interests rather than public interests.
107. Then public opinion is represented by the individual whose interests are affected? Yes, that is what I meant. Individuals conceiving themselves aggrieved could complain through the medium of the press, which is the organ of public opinion.
108. *By the Chairman*: The instructions to different officers—I do not know what they may be now—have been very much interfered with? Do you mean as to the extent of the reserves?
109. Yes. They were ordered to make reserves of three, nine, twelve, and twenty-five square miles? Yes.
110. That instruction was not carried out? The making of very large reserves was not carried out. We objected to make such very large reserves too general, and were called upon to give a reason for the objection.
111. Do you not think, in some districts through which the high roads of the country run, that it is almost necessary to keep large reserves? Certainly.
112. You are aware that at one time—in Mr. Oxley's time—about Maitland there was a very considerable reserve for a town made? Yes.
113. That reserve was cut up so that Maitland has really now no land for endowment if the Government felt inclined to establish such a system? No; I think the reserve made by Mr. Oxley is still available.
114. I have Mr. Oxley's letter? I know it was the intention of the Government to resume that land, but it became impossible in consequence of occupation.
115. To what do you attribute such a spot as West Maitland coming into existence at all. With lots of available high land around it, why have people selected a bog or a swamp in which to build a town? I attribute the growth of towns on such objectionable sites to the facilities afforded for obtaining small portions of land at a cheap rate.

116. The same facility might have been given by the Government, might it not, under J. Thompson, Esq. different arrangements? You are speaking now of what took place before the Waste Lands Act? 26 May, 1858.
117. Yes? The Government was generally very liberal in giving away allotments. I do not know how it was that East Maitland did not progress.
118. Do you not think the difficulty of getting land by the system then adopted prevented people from building there? As far as my memory goes, anybody who applied for allotments could have obtained them.
119. Within how long a time—twelve months perhaps. An artizan or mechanic coming into a town with a little money in his possession wants to commence to build at once, and if there be difficulty in obtaining land from Government he goes to a private individual and purchases. Such persons make their arrangements to-night and begin to build to-morrow? Yes; that is quite correct. You will observe that towns have sprung up wherever there has been facility in obtaining land.
120. I see the Commissioners are of opinion that if you had a properly organised department it would be much better to have the service under the control of the Government than to have any licensed system? That is their opinion.
121. In carrying out that system of district surveyors, surveyors, and assistant surveyors, it seems to me that length of service has not at all guided the appointments; but men have been selected without any reference to that? You are speaking now of the present arrangements for carrying out that system.
122. With whom does the patronage of the Survey Department rest—with the Surveyor General? Yes, with the Surveyor General and the Minister. The Surveyor General does not make these appointments without the sanction of the Minister.
123. *By Mr. Moriarty:* The Surveyor General nominates, I presume? Just so.
124. *By the Chairman:* Do you consider that every officer who has moved about in a district already surveyed for him, and has done very little other work, should be appointed a supervising surveyor of a considerable district of country unsurveyed? Yes, I think so; if he has sufficient talent and integrity, I see no objection.
125. Ought he not to have some experience? He ought to have experience, certainly.
126. Do you not think that the department loses a great deal of the labor of its officers by constantly removing them from spot to spot? Yes.
127. Half of it perhaps? I am not prepared to say how much; but I always considered it objectionable.
128. A very great deal of a surveyor's time used to be taken up in making maps and plans for the office? Yes.
129. And in writing descriptions of lands? Yes.
130. When in his district, was he imagined to have the information necessary for a general referee in the case of land matters—was he not supposed to give information to the public whenever he was applied to for it? Yes, of course.
131. How was it possible these things could appear in any of these monthly returns that were asked for? They ought to have appeared; the forms for the journals were so framed as to shew how the surveyor was employed during the month.
132. The return was no criterion of the general duties performed by an officer, particularly in some districts of the country? I think the Surveyor General would have been able to judge, even if particulars were omitted in the journals.
133. Do you not think a system of diary or journal would be a better way of describing the labor of a surveyor? That is the course pursued at the present moment.
134. I see there is a considerable difference of opinion with regard to the circumferenter and theodolite; what is your opinion with regard to these two instruments—which do you think the best to carry on the survey with? Both instruments are necessary; but, as I have not been in the field in this country, I am not so competent to give an opinion upon that matter as yourself.
135. Do you not think that either the Surveyor General or the Deputy Surveyor General should be constantly in the field with the officers, supervising the work, in order to see that the work is really done? Yes; if I was Surveyor General to-morrow, I should consider it to be my duty to be occasionally travelling and inspecting.
136. A man might be called upon to make a re-survey, under your inspection, of any work he had sent in? Yes.
137. There is no arranged system of marking land by the licensed surveyors—they are not bound to work the line so that individuals going over the line could find the marks, as they did formerly? The licensed surveyors are bound to mark out their lines properly, and they are furnished for their guidance with a copy of a circular which points out the different modes of marking required, according to the ground and the purpose, as at present practised by the department.
138. Are you not aware that the lines marked on the Hunter, thirty years ago, still remain? Yes; I have seen the marks.
139. While lines made three or four years ago are not to be found? We have had some careless licensed surveyors who have not marked properly; that I have had evidence of—I have seen their marks.
140. Do you not think an officer appointed to the position of a district surveyor, or the Surveyor General of a district—? I would rather say inspector.
141. Well, an inspector—ought to superintend all the duties of a survey, everything connected with the survey of the country, such as marking lines of roads, tracing the natural features, taking levels for any engineering purposes—do you not think there should be one head to control all these matters? Certainly; the inspector of a district should have the supervision of all the work in his district.

- J. Thompson, Esq.
26 May, 1858.
142. You have found that, where there is the interference of two or three departments, one works against the other? It was so in former times.
143. Do you not think a man who lines a road has a better idea of what should be done, and the reason for making a particular curve, than one who takes up the work after the survey has been made? If he is an engineer as well as a surveyor, no doubt it would be desirable that he who laid out the road should superintend its construction, but not otherwise.
144. I believe Mr. Telford, one of the most able engineers, when he made a line merely walked over the ground in the first instance; he did not adopt the system now pursued of taking sections, excepting of that portion he had himself selected in the first instance? I do not see exactly to what you allude; are you alluding to the arrangements for railways?
145. Everything connected with the service. I believe there should be one head for the whole Survey Department of the country, and if different sets of officers, as engineers and surveyors, were required, he should have them under him? That is the way in which railway surveys are conducted in England, and they should perhaps be so conducted here.
146. I think you have had twelve surveyors sent out from England lately? Yes.
147. They have been employed in very little else but railways? Yes.
148. They have not been found as efficient as you expected? Some of them were very deficient.
149. During your acquaintance with the service, there has been no general system of survey carried on in the country? That is a very large question—to what period do you allude?
150. From the time you joined the service? I consider that the survey of the Colony, almost accomplished by Sir Thos. Mitchell, was the result of system, and then, when the squatting districts were to be surveyed, in 1847, there was a system proposed which has been carried out.
151. Do you remember that the Deputy Surveyor General of that day pledged himself to Government that he would survey all those districts within a certain time? There was something of the sort, but I cannot charge my memory with it.
152. *By Mr. Moriarty*: Do you remember any such pledge being given by the Surveyor General subsequent to the period spoken of? No, I do not.
153. *By the Chairman*: You, of course, recollect the time when most of the field officers of the service were struck off the list of salaries? Yes; that was in Sir George Gipps' time—in 1845 or 1846.
154. Do you recollect how long they remained without salaries? No.
155. Do you not consider that that was a breach of faith? Yes.
156. A great deal has been said with regard to the triangulation attempted by Sir Thomas Mitchell,—you are aware that we had no instruments in the Colony to perform a scientific survey at the time such as that spoken of by the Royal Engineers? We had not at that time the instruments necessary for carrying on such a survey.
157. Is it your opinion that the survey, as it was attempted by Sir Thomas, was just the only one he could have carried out? Yes, that is my opinion.
158. And that it is useful, wherever those points can be seen, in fixing the position; for instance the angle of a farm, if you can get three angles that are established, the point is fixed for ever? My answer had reference to a more general view than Sir Thomas Mitchell's points; I was speaking as to the whole survey.
159. Have you read Colonel Mudge's "Triangulation of England"? I have the work.
160. Do you remember when that survey was commenced? Somewhere in the last century, I believe.
161. In 1784? Yes.
162. It is not yet completed, I believe? I think not.
163. Have you an idea of the expense that has attended it? I know the expense has been enormous. I have data as to the expense, but I cannot charge my memory with it.
164. Do you think this young country is fit to undertake such a survey—a survey extending over such an extent of country as we should have to carry it? Certainly not.
165. Do you not think all surveyors should be obliged to send in with their plans the variation of the day, even if they adopted the magnetic lines? If surveys of features were being carried on, but I do not think it would be necessary in laying out lands for sale.
166. Are you aware that as you get into the interior the variation increases very much? Yes.
167. Have you an idea what is the annual variation just now going on? I have known it over and over again, but I do not remember it now.
168. Supposing that in thirty years it makes a difference of a degree, any new surveyor taking up the line from a starting point without making that allowance, would have a material difference at the end of half a dozen miles? He would, if he went on thoughtlessly; he ought to find the old marked line, and proceed accordingly.
169. The trees upon which the marks were might be burned down? Then he must go on till he finds others.
170. Perhaps they might not exist,—in plains to the northward you may go twenty miles without a tree? But there are no old surveys to follow up there.
171. Do you not think it would have been a better system to have made all lines meridian lines from the first? I am very doubtful about that. I think it would only have complicated the operations of surveyors in the field.
172. Only in this way; perhaps there are only a few who know how to do it correctly? You are aware perhaps that the meridional system in America, has been subject to great mistakes.

APPENDIX A.

J. Thompson,
Esq.

M. 28-610.

Colonial Secretary's Office,
31 October, 1828.

26 May, 1858.

SIR,

I am directed by His Excellency the Governor to inform you, that the Right Honorable the Secretary of State has been pleased to authorise (Despatch, dated 31st March, 1828, No. 19,) the following arrangements with respect to the *Salaries* and *Allowances* of the officers and other persons employed in the Department for the Survey of this Territory, viz. :—

Surveyor General to receive £1,000 per annum, which is to include house rent, travelling expenses, or forage for the number of horses necessary for the performance of his duties, and all other allowances.

Deputy Surveyor General to receive on his appointment £500 per annum, which is to include the several allowances specified under the head of Surveyor General, with an increase of £50 per annum after the first year's service, until it reach £650.

Surveyors to receive as follows, viz. :—

(Four)	First	£400 per annum.
	Second	375 "
	Third.....	350 "
	Fourth	325 "

The above is the maximum salary of the respective gradations.

An Assistant Surveyor promoted to the situation of Surveyor is not immediately to receive the salary of the latter office, unless he shall have attained by his standing in the department the maximum salary (£300 per annum) of his appointment as Assistant; his salary if under this sum is to increase progressively at the rate of £20 per annum, and when he shall have enjoyed the maximum salary of Assistant for one year, he is to be placed on the scale as Fourth or Junior Surveyor, on which salary he will remain until removed to a higher step.

Assistant Surveyors to receive on appointment £200 per annum, with an increase after one year's service of £20 per annum, until it reach £300.

The Surveyors and Assistant Surveyors will receive an allowance of 2s 6d. per diem for a horse, when actually kept by them for the performance of their duties, to be certified upon honor; and one ration each when employed in the field, but no other allowance whatever.

Draftsman to receive on appointment £150 per annum, with an increase after one year's service of £10 per annum, until it reach £200.

The above arrangement in those cases to which it applies is to take effect from the 1st of January, 1828, which will entitle the persons then employed on the establishment to the augmentation of salary above specified on the 1st of January, 1829. The allowance for lodging money which the Assistant Surveyors have hitherto received, will be continued until the end of the present year, from which time the augmentation of salary will take place.

I have, &c.,

ALEX. MCLEAY.

APPENDIX B., continued.

NAME.	DRAFTSMEN, AND DATES OF APPOINTMENT.			SURVEYORS, AND DATES OF APPOINTMENT.					DEPUTY SURVEYOR GENERAL.	SURVEYOR GENERAL.	REMARKS.	
	Temporary.	Supernumerary.	Fixed.	Supernumerary Assistant Surveyor.	Assistant Surveyor.	Surveyor.	2nd Class Surveyor.	1st Class Surveyor.				District Surveyor.
F. Matthew					3 Aug., '29							
J. Edwards					10 Aug., '29							
N. L. Kentish					11 Sep., '29							
M. W. Lewis					11 Sep., '29							
H. C. D. Buller					19 Nov., '29							
W. Jacques					6 Feb., '30							
W. R. Davidson			8 May, '30		1 Oct., '36	1 July, '51						
F. T. Rusden					1 Nov., '47					1 June, '57		
P. Simpson					25 July, '30							
Jno. Lambie					1 Dec., '30							
L. P. Dulhunty					1 Dec., '30							
T. Balcombe		{ 1 Apr., '31 1 July, '55 }	1 Jan., '57		1 Feb., '31							
T. S. Townsend			1 Apr., '31		{ 1 Oct., '36 1 Aug., '42 }	1 Aug., '45						
R. Russell					22 Oct., '33							
W. W. Darke			4 Sept., '35		23 Oct., '36							
J. C. Burnett	1 Oct., '36				14 Sep., '37	1 Sep., '53						
Lewis Gordon			1 Oct., '36		1 Jan., '48							
R. Cook			1 Oct., '36									
M. W. Lewis, jun.			1 Oct., '36									
T. A. Simpson			1 Jan., '37									
J. J. Galloway			1 July, '37		{ 6 Feb., '38 1 Feb., '47 }	1 Sep., '53						
H. Smythe					23 Nov., '37					1 Jan., '56		
J. Warner			12 Dec., '37		29 Apr., '39							
T. H. Nutt			{ 6 Feb., '38 1 Mar., '43 }									
S. G. Dalgety	1 Jan., '49				6 Feb., '38							
S. D. Kemp			9 July, '38									
W. H. Fernyhough			28 July, '38									
H. W. Wright					1 Sep., '38							

APPENDIX B., continued.

APPENDIX TO THE FOREGOING EVIDENCE.

NAME.	DRAFTSMEN, AND DATES OF APPOINTMENT.			SURVEYORS, AND DATES OF APPOINTMENT.						DEPUTY SURVEYOR GENERAL.	SURVEYOR GENERAL.	REMARKS.
	Temporary.	Supernumerary.	Fixed.	Supernumerary Assistant Surveyor.	Assistant Surveyor.	Surveyor.	2nd Class Surveyor.	1st Class Surveyor.	District Surveyor.			
W. H. Wells			18 Oct., '38									Discontinued from 30 Nov., '39. Died 20 May, '53.
Thos. Ryan			1 Dec., '38									{ Employed as Lic. Sur., 1 Feb., '44 to 15 Dec., '45.—Resigned 30 June, '54. Resigned 31 Dec., '40. Do. 31 Jan., '40.
R. Brindley			25 Mar., '39									
J. P. Gorman												{ 26 May, '39 } 16 Dec., '45 } 8 Aug., '39
Chas. Tyers												
F. Perry			1 Dec., '39									Transferred to Port Phillip 15 Jan., '48. Appointed Asst. Sur. at New Zealand, 1 Sept., '40. Resigned 30 Sept., '42. Do 31 Aug., '40.
C. A. Bayley			14 Jan., '40									
J. B. Symonds			25 Jan., '40									Mr. Kennedy's name does not appear in the Returns from 1 Jan., '41 to 31 May, '43.—Murdered by Aborigines in '49. Resigned 31 Mar., '41. Transferred to New Zealand, 1 Feb., '41. Resigned 31 Oct., '48. Died 6 Feb., '49. Appointed Com. Crown Lands 31 Aug., '43. Resigned 31 Jan., '44.—Now Licensed. Transferred to Port Phillip, 1 Jan., '47.
J. Bailey			13 Apr., '40									
J. E. Sedley			18 May, '40									Do 31 Aug., '40.
E. Kennedy												
F. Davis			19 Sept., '40									Mr. Kennedy's name does not appear in the Returns from 1 Jan., '41 to 31 May, '43.—Murdered by Aborigines in '49. Resigned 31 Mar., '41. Transferred to New Zealand, 1 Feb., '41. Resigned 31 Oct., '48. Died 6 Feb., '49. Appointed Com. Crown Lands 31 Aug., '43. Resigned 31 Jan., '44.—Now Licensed. Transferred to Port Phillip, 1 Jan., '47.
D. M. Kemp												
H. W. Marriott			26 May, '41									Employed as Lic. Sur., 1 Feb., '44 to 30 Nov., '46.—Resigned 23 June, '47.
E. H. Lane			9 July, '41									
R. Mitchell												Employed as Lic. Sur., 1 Feb., '44 to 30 Nov., '46.—Resigned 23 June, '47.
H. C. Rawnsley												
H. Wade												Employed as Lic. Sur., 1 Feb., '44 to 30 Nov., '46.—Resigned 23 June, '47.
J. S. Burke												
Wm. Shone												Employed as Lic. Sur., 1 Feb., '44 to 11 Sept., '46. Do. Do. Do 31 Oct., '45. —Resigned 31 July, '56.
P. F. McCabe												
H. R. Labatt			26 Oct., '41									Employed as Lic. Sur., 1 Mar., '44 to 20 Apr., '45.—Resigned 15 Jan., '54 Appointed Chief Draftsman 4 Nov., '56.
A. G. McLean			11 May, '42									
M. E. L. Burrowes	1 Jan., '49											Discontinued 31 Mar., '49. Do. Do. Resigned in '53.—At present a Lic. Sur. Do. 11 Mar., '53.
J. M. Simpson		1 Jan., '49	2 Mar., '49									
J. S. Adam	1 Jan., '49	1 July, '49	1 Oct., '51									Discontinued 31 Mar., '49. Do. Do. Resigned in '53.—At present a Lic. Sur. Do. 11 Mar., '53.
C. H. McIntosh	1 Jan., '49											
W. Sharpe	1 Jan., '49											Discontinued 31 Mar., '49. Do. Do. Resigned in '53.—At present a Lic. Sur. Do. 11 Mar., '53.
S. Parkinson				27 Apr., '49								
E. O. Moriarty				1 May, '49								Discontinued 31 Mar., '49. Do. Do. Resigned in '53.—At present a Lic. Sur. Do. 11 Mar., '53.
P. H. Henderson				1 Aug., '49	1 Sept., '53							

FRIDAY, 28 MAY, 1858.

Present :—

MR. ALDCORN,
MR. FORSTER,MR. MORIARTY,
MR. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

John Thompson, Esq., again called in, and further examined :—

- J. Thompson, Esq.
28 May, 1858.
1. *By the Chairman*: Will you be kind enough to state who have been the administrative officers of the Surveying Department since you have joined the service? Mr. Oxley, Sir Thomas Mitchell, Captain Perry, myself, and Colonel Barney.
 2. Is not the department divided into three branches? I should rather say two. It may however be considered that at present—since the Crown Lands Office has been added—that there are three.
 3. You do not consider Mr. Halloran the administrative officer of his particular branch? No; I do not. He may be considered an executive, but not administrative officer.
 4. Do you remember when the names of the officers of the surveying branch of the service were excluded from the general list of the department usually published in the Colony at one time? No; I do not remember the names of the surveyors being excluded.
 5. You remember the names of the officers of the department used to be published—the whole of them? Do you mean in the almanacs?
 6. Yes. You never remember the names of the surveyors being left out altogether? I do not.
 7. Then it was not by any authority of yours that these officers' names were left out? Certainly not, nor do I think that the circumstance ever came to my knowledge; I must have remembered it if it had.
 8. Have the surveyors ever had a practical representative at head-quarters who, from a knowledge of the nature of their employment, could feel for the difficulties they had to contend with? Sir Thomas Mitchell took the direction of their movements, and prepared their instructions himself; and he was, I consider, from his own experience in the bush, fully capable of appreciating their difficulties.
 9. Do you believe that Sir Thomas had much knowledge of the difficulties the officers had to contend with connected with measuring farms—that he himself was practically acquainted with any of these difficulties? Yes.
 10. Do you think he ever, during the time he was in the Colony, measured a farm? No; I do not think he did, unless it were his own.
 11. Who regulated the field equipments of the field officers? The Chief Clerk, Mr. Halloran, had the management of that; and, of course, made suggestions to the Surveyor General.
 12. Was Mr. Halloran ever in the field in his life? I think not.
 13. In the public service—civil, military, and naval—is it not usual to consult, in the same service, men who have passed through the various grades of the service as to the duties they are about to provide for, before such provision is made? I suppose so; but I have not much acquaintance with military or naval regulations. The equipment arrangement came into the hands of Mr. Halloran because it was a financial matter.
 14. Have the men whose pockets were touched by this arrangement ever been consulted in the various changes that have taken place in regard to the equipment and other requirements of field duty? That I cannot say.
 15. Did you ever hear that the field officers of the service were termed at head quarters the "Experimental Squadron"? I never heard that.
 16. Are you not aware that while reductions of every description have been made in the pay and allowances of the field surveyors, there has been an augmentation in the salaries of officers in the other branches of the service? No; I cannot reply to that. I never at any time had much (indeed scarcely anything) to do with the financial arrangements of the department.
 17. Do you think the financial arrangements of such a service should be left in the hands of a man not at all practically acquainted with the nature of the service performed? I explained before, in answer to a similar question, that the Surveyor General always gave his own decision upon all such matters.
 18. These decisions were sometimes influenced by suggestions, do you not think so? That is unavoidable; in all departments it must necessarily arise that suggestions emanate from subordinates.
 19. There was considerable correspondence with different officers of the service upon this subject? Of their equipments—yes, I think a very large correspondence; but I have no knowledge of it.
 20. Did that correspondence increase very materially of late years? I cannot say.
 21. You said when you were previously before the Committee that the selection of the reserves of the country was left principally to old surveyors of the service—were they not sometimes interfered with? By whom?
 22. By head quarters—I do not know by whom? By the Surveyor General?
 23. Yes; or whoever was at head quarters at the time in his position? I really cannot remember. Do you mean by the Government?
 24. Or, by the Government? Yes; I think I said there was a long correspondence with the Government upon the subject of reserves.
 25. Then the system of laying out reserves in one, three, nine, or twenty-five square miles is done away with? No, it is not.
 26. How is it that the reserves in New England are principally so small? In the table lands of New England there are some very large reserves.

27. About Armidale? Yes; at Byron Plains, and many other spots, there are very large reserves. I know the reserves are small down the Namoi and Gwydir, and in the western interior, because it is not necessary to make reserves there for agricultural purposes, but merely as crossing and resting places for the convenience of the public.
28. You have before said that wherever a large road crosses a considerable river, or is at a convenient distance from the last town, a large reserve should be made? Yes, and has been made I should hope.
29. Are you at all aware of the size of the reserve called Bendemeer? No; I do not remember the size of it just now. I think it is nine square miles.
30. Are you at all aware how much frontage it commands to the river? The river runs through the reserve for two miles and a-half, the frontage may, therefore, be said to be five miles.
31. You are aware that when an officer is on duty he is away altogether—he is not in the position of an officer in Sydney who goes to his office at ten o'clock in the morning, or nine, as it is now, and leaves at four in the afternoon? Yes; he is altogether on duty.
32. When these monthly returns speak of an officer having done eight hours duty, he has, in point of fact, been twenty-four hours in the field? Yes, just so.
33. Some have been twelve and eighteen months, or two years, away from their homes on different duties? Yes, probably; but I cannot speak positively as to any stated period.
34. During that time constantly under canvas in the field? Yes, in many cases.
35. You are aware that upon some occasions postal communication was not to be had? Yes, I am aware of that.
36. Are you aware that sometimes, because officers could not communicate with the Government, and send in these monthly returns, they had their salaries stopped? They have had their salaries stopped for not sending in their returns, but postal difficulties were always taken into consideration.
37. Are you aware that although Government nominally supplied the rations to officers, they have sometimes left them six months without? I do not know about that.
38. You have heard of such things, have you not? No, I have not.
39. You say, in answer to question 312,—“From the returns we see the quantity of work performed, and can judge of the character of the surveyor”: May I ask by what means you can judge of the character of the surveyor? It is quite possible to do what I say in that answer, from a continued inspection of the surveyors' journals.
40. I understand, from one of your previous answers, that there is no inspection of surveyors in the field? I refer to an inspection of the journals.
41. Do you not think such journals may be made without any work being done upon the ground at all? Yes, of course they can.
42. You say, in answer to question 314, you have had difficulty in obtaining competent persons—has there been any reason for that difficulty, or do you think they are not in the Colony? I referred to the time of the gold discovery, when it was extremely difficult to get surveyors; I could not get them. I was acting Deputy Surveyor General at the time, the Surveyor General being in England.
43. Do you not think many competent officers of the service have been driven out of it by the treatment they have received in the service? I do not think that.
44. I would rather say worried out of it? I would not say that.
45. The arranging of districts for the officers in the service was left entirely to the Surveyor General? Yes.
46. Do you know how it was that districts were sometimes arranged for officers and they never could get to them? I do not exactly know to what you allude.
47. I mean, that an officer has been promised a certain district, and instructed to proceed thither, but has never been allowed to get there? I think that may have arisen from Sir Thomas finding it necessary to change his plans.
48. Supposing Sir Thomas has not been in the Colony at the time? Then it would have been Captain Perry.
49. Did you never perceive anything like an obstructive feeling between those two officers? Between Sir Thomas and Captain Perry—they did not agree.
50. So that what one officer ordered to be done, when the other had an opportunity he ordered should not be done? To what extent that was carried out I am not prepared to say. I dare say, however, there may have been such a feeling on the one side or the other.
51. It acted very much against the public interest and the advancement of the department, did it not? It would have done so, no doubt, if it had been carried to any extent.
52. Your answer with reference to the difficulty of obtaining surveyors had reference to the time when gold was discovered? Yes, that is stated in my answer to question 317, which gives a very good history of the matter. I would like to add to my evidence about the old surveyors leaving the department, that many of them left the department because they had made their fortunes.
53. Can you name one? Yes; I can name Mr. Galloway, Mr. McCabe, Mr. Townsend.
54. *By Mr. Aldcorn*: In what way did they make their fortunes? They were at no expense in the bush.
55. They did it by saving? Yes; and they might have perhaps had some little cattle or other speculations.
56. *By Mr. Moriarty*: With reference to Mr. Galloway, do you remember that at the time of his leaving he was supposed to be in very bad health—that he left on account of broken health? Yes.
57. Had not the state of his health some connection with his retirement? Yes; but no doubt he would have tried to continue in the service if he had not had the means of retiring.
58. *By the Chairman*: Sir Thomas Mitchell complained of considerable interference in the Colonial Secretary's Department with the Survey Department—have you found that such interference

J. Thompson,
Esq.
28 May, 1858.

- J. Thompson, interference had an influence in preventing the carrying out of the survey efficiently? I could not at once reply to that question. It was the opinion of Sir Thomas.
- Esq.
59. Sir Thomas states,—“The fate of the surveyors employed has in general been unfortunate. Some have died miserably, amongst them two of my own sons. Madness has deprived the service of others. The premature old age brought on by constant exposure in the field has been but too apparent, even in cases where old surveyors have left the service without any retiring provision”? That is quite true.
- 28 May, 1858.
60. *By Mr. Aldcorn*: What remedy could you propose to secure surveyors from exposure in the field—it seems to me to be a necessary condition of their profession? Yes.
61. *By the Chairman*: You know something of Sir Thomas Mitchell's triangulation? Yes.
62. It is stated here in his evidence that he measured a base, or rather two bases? Yes.
63. I do not see upon the evidence given here that Mr. Dixon ever measured a base upon Liverpool Plains,—did you ever know of it in your office? Yes; he measured a base of 5,280 yards. I remember, too, he measured a base on Normandy Plains, on the coast side of Moreton Bay.
64. You know enough of the nature of triangulation to be aware that no man at all employed in that duty can send in a survey as accurate without having first measured a base—that he could carry on a triangulation to a certain extent over four or five hundred miles of country until he had measured a base of verification—such work if sent in could not be complete, and he could not be held responsible for it until he had measured a base of verification? Just so.
65. Are you aware that I was employed in that way for some length of time? Yes.
66. Are you at all aware of the number of points that rounds of angles were taken from by me? No.
67. You say here in your evidence that they were never returned? Yes.
68. They are returned in the field-book in the office? I do not remember the field-book being delivered in the office; perhaps it was delivered to Sir Thomas.
69. No; he was in England at the time? Both Captain Perry and Sir Thomas were jealous of retaining such things in their own hands. I saw very little of them.
70. You are aware that I was called back to do the work of an officer who did not do his duty—Mr. Gorman—and that there was some angry correspondence about it? There was. I had nothing to do with it. It was in Captain Perry's time.
71. Are you aware that I demanded an investigation? Yes; that has come to my knowledge, though not officially. You mean of the Government?
72. Yes—it was proposed, but never carried out? That I do not know about.
73. *By Mr. Aldcorn*: You admit the general, I may say universal maxim, that men will work more for themselves than they will for others, and, founded on that maxim, you admit that contract work will be cheaper than salaried or days' wages work? Yes, certainly.
74. Do you think, from your own knowledge and experience, that the ordinary survey of this Colony, for farm and other purposes, can be efficiently carried out by licensed and contract surveyors, as is done by most other colonies, and by the United States of America, where it is best understood, and that a proper system of supervision should be maintained over these surveyors? Yes.
75. Do you think a proper and efficient system of supervision could be devised for this purpose? Yes.
76. Do you think the appointment of district surveyors, or surveyors-in-chief as they might be called, with enlarged powers, and who should do nothing but direct and superintend these contract surveyors, and give information to the public and intending purchasers of land, would be a proper and efficient mode of supervision? My view of the appointment of inspectors, or district surveyors, is, that they should be always on the move, and therefore that they would not be prepared to give information to the public at any stated place.
77. Do you not think a land office should be instituted and appointed for each district? No; there are already seventy local land offices.
78. I mean in connexion with these district surveyors' departments? If you mean to allow the district surveyor a residence and office, with draftsmen, clerks, servants, coals and candles, and so forth, that I should consider objectionable.
79. You do not think, then, that a land office should be appointed for each of these districts? Decidedly not. According to Sir Thomas Mitchell's arrangement, as stated in the additional Appendix to the Report of the Commission of 1855, forty-five of these would be required.
80. Do you think the present districts could be so enlarged that fifteen of these offices would serve for the whole Colony—you say there are seventy at present? Yes; but that does not mean seventy survey districts.
81. Suppose you put four or five of these local land office districts together, and formed them into one, do you think such a district could be managed by one surveyor? I think more than that might be united; eight or ten districts would, I think, be ample for the whole Colony; at present we have only four, and the districts are rather too large.
82. You think double the present number would do? Yes.
83. Do you think a land office in each of these districts would be attended with a greatly increased expense? I do not see how the land office is to be conducted if the officer is to be always on the move; besides, the expense would be enormous.
84. But he would not, I imagine, be constantly on the move? He should be constantly on the move. There should be no excuse for his not being in the field. If you once admit the excuse of his being engaged in office duty, of course he will avail himself of it whenever it suits his convenience.
85. Supposing a land office were established in each of these districts, do you not think a clerk could give all the necessary information to the public, as the surveyor would occasionally be present at the office? Yes; but already we supply all the information necessary to the Clerks of Petty Sessions at the seventy offices. The whole of these seventy offices are supplied with maps and documents relating to every thing concerning their districts.

86. *By Mr. Moriarty*: Under what control are these offices? Under our control at present. J. Thompson, Esq.
- As far as regards their position as agents for the sale of Crown Lands, the duties they perform have just been transferred to the Survey Department from the Treasury.
87. *By Mr. Aldcorn*: You mean the Crown Lands Commissioners' Offices? It is now the 28 May, 1856.
88. Lately it was the Crown Lands Commissioners? Yes.
89. Then your opinion is, that land offices would not be necessary as part of the system of inspection of these district surveyors? I think not; they would only create delays and embarrassments, and fritter away responsibility.
90. And that the present land offices, if kept up by the Clerks of Petty Sessions, would answer all the purpose? Yes, decidedly.
91. It has been proposed to make these surveyors-in-chief, or district surveyors, Crown Land Commissioners? Yes; but I object to that.
92. Then you would confine his work entirely to the supervision of contract surveyors, and the pointing out of land for them to survey? There is another matter which requires to be considered,—whether these district surveyors should also be topographical surveyors, or whether we should have a separate topographical staff. The topographical staff should be salaried, because you cannot very well contract for that kind of work.
93. *By the Chairman*: You would require a higher grade of officers for that? Yes.
94. *By Mr. Aldcorn*: You would have then, under his inspection, topographical and all other officers? It is a matter for consideration whether the topographical officers should be attached to our department, or whether there should not be surveyors for roads and other works attached to the road and engineering department.
95. You think there should be a Commissioner, or Inspector General of Roads? I think that is a matter requiring the consideration of the Government; but if any change is contemplated in the conduct of the topographical and geographical business, it becomes a question whether the Colony is disposed to incur the expense.
96. *By the Chairman*: You would make this topographical surveyor a geological surveyor also, who should give sections of the country? Yes, to a certain extent; but we have a geological surveyor at present, who is preparing a geological survey of the County of Durham, and will go gradually on with other counties—Mr. Keene, who is called Inspector of Coal Fields.
97. *By Mr. Aldcorn*: Have complaints reached your office of insufficient marking, both by licensed and salaried surveyors? We have scarcely had a complaint.
98. Are you aware, from your own knowledge, or from the reports of surveyors who have been in the field, that such improper marking has taken place? Yes, I am aware of it; I have seen it myself. It was in consequence of our employing hastily men who were not strictly conscientious.
99. Would you, in surveying large blocks of land for agricultural purposes, advertise in the *Government Gazette* for contracts, or would you leave it entirely in the hands of the district surveyor? We have very rarely such large blocks of land to deal with; but I think any arrangement of consequence emanating from the district surveyor, should be submitted for the approval of the Surveyor General.
100. Do you think that the expense of the survey is greatly increased by the great minuteness and nicety of the survey, and that such extreme nicety is absolutely necessary in the ordinary measurement of farms? We have but one way of doing it, and that is to do it properly.
101. *By the Chairman*: Do you not think, to get a correct survey of the country, it would be necessary to re-survey many of the old districts, to shew the errors that have existed in olden times? There are not many errors.
102. You are aware that the country at the Hunter was surveyed in sections, and that upon the old maps they appeared in regular squares; but some of these sections, when they came down to the river, did not meet in some instances by eight or ten chains? I do not see how the public is interested in that. The whole valley of the Hunter is alienated, and parties are in possession.
103. The maps do not show the land, and there are, consequently, constant disputes taking place? No doubt; but the general maps do exhibit such discrepencies as have been discovered.
104. *By Mr. Aldcorn*: You think the plan of contract or licensed surveyors might be adopted with advantage and saving to the public in the survey of lands for agricultural purposes? Yes. I think to return to the salaried system would be to go backwards.
105. You would recommend the contract system to be adopted in the great majority of cases in the survey of agricultural lands? Yes; in all cases the measurement of land for sale should be done by contract.
106. *By the Chairman*: You think it much the cheapest and most efficient? Much the cheapest and most satisfactory.
107. *By Mr. Aldcorn*: Do you think it would be desirable that there should be one system of field-books used, in order to preserve uniformity in the out-door work of the department? They are generally kept on an uniform plan—the plan practised in England.
108. It has been stated that there has been careless surveying by contract, or licensed surveyors—do you not think that has also been the case by salaried surveyors? Yes; I know it has been the case. While I am upon the subject of the arrangements for the survey, I may mention that it would be desirable to have licensed surveyors permanently located in every local land office district; not that they need be regularly employed, but that they might be on the spot to do anything that might be required without the delay which results from travelling about; such officers might also be employed by the Government in other matters, so as to offer greater inducement for their permanent settlement.
109. What is the average expense of the survey of agricultural lands in the Colony? The average

- J. Thompson, Esq.
23 May, 1858.
- average expense of measuring agricultural portions by licensed surveyors on the present scale of charges would, I apprehend, be about from 1s. 6d. to 1s. 9d. per acre (but see Report of the Commission of 1855, and Appendix F.)
110. You have a scale for the payment of licensed surveyors? Yes.
111. Is it the same for all kinds of land? Yes; but in New Zealand they have different scales for different classes of land. I obtained information on that subject from a gentleman who had been employed in New Zealand.
112. I know that in brush land a man would not survey one-fifth part of what he would in other land? We have no means of knowing where the brush land is; it is so small in quantity.
113. Would it not be the business of the district surveyor to ascertain that? Yes, when necessary; but if a surveyor takes a contract he will see to that himself—his tender will be governed by the nature of the land.
114. *By Mr. Forster*: I suppose you admit the justice of the remarks made in this Report,—that the department has not been altogether so efficient as it might have been up to a certain time, or up to the present time? Yes; I shew that in my evidence,—it has never been strong enough.
115. Do you consider that the suggestions embodied in this Report will meet the evils that are complained of? I think not.
116. I think I understood you to say you do not approve of the suggestions, in particular with regard to district surveyors? I do not.
117. Have you any suggestions to make yourself, which would shew that these are incorrect. You admit that certain evils do exist, or have existed—you do not consider the department so efficient as it might be, as regards the objects for which it is intended? That is because it is not strong enough.
118. You consider that the deficiency arises from want of strength? Yes.
119. Not from other causes? As I said before, the salaried system is, in my opinion, a mistake.
120. You are more favorable to the license system? Yes.
121. You would retain that with the other? There must be a small salaried staff for geographical and topographical work.
122. Do you consider that the want of local inspection over the work of the surveyors has in any way tended to render the system of survey deficient? Yes, no doubt.
123. Do you not think the suggestion of having district surveyors, or of inspectors, which I understand them to be, properly speaking, will in some degree remedy that want of local inspection? Yes, of course that would be the result.
124. So far you would agree with the suggestion that these district surveyors should be appointed? Yes, inspectors.
125. *By Mr. Aldcorn*: They must be professional surveyors? Yes, of course; men of professional experience, general information, and character.
126. *By Mr. Forster*: I think I understood you to say—although the question was not put formally—that you consider the inefficiency of the system in some degree arises from insufficient remuneration having been given to the surveyors employed? I cannot say that the surveyors employed were inefficient because their pay was inadequate; but certainly that circumstance may have prevented men of talent from entering the service.
127. When vacancies have occurred, have you found any difficulty in filling them again? No; there have always been parties willing to accept the appointments.
128. Competent men—I ask you whether, when vacancies have occurred you have had any difficulty to fill them with competent men? Yes, we have found a difficulty.
129. You have had applications enough from men whom you did not consider competent? Just so.
130. *By the Chairman*: Have all the officers who have been admitted into the service within the last fifteen or twenty years been examined? No.
131. Some have never been examined at all? They have not.
132. *By Mr. Forster*: Have you been aware of any complaints having been made on the part of the surveyors, that they have not been sufficiently remunerated—have they complained generally of that, or have they complained of having been neglected? There has been such a feeling among the surveyors.
133. That they have not had remuneration enough? Yes.
134. Have any complaints come under your knowledge, on the part of the outlying surveyors, that they have been neglected in regard to promotion, and of persons having been placed over them? Yes, numerous complaints.
135. Have those complaints, in your opinion, been at all just? Some injustice may have been done, but I cannot charge my memory with particular instances.
136. You think there has been no general cause of complaint on that score? I do not think there has been any general cause of complaint.
137. Do you think the admitted inefficiency of the Survey Department, up to a certain point—which you say has arisen from want of strength—has never arisen from the defects of the system, or from attempting to do more than was necessary to be done—in surveying in advance of the demand for land, for instance? I have said that the salaried system is objectionable—in my opinion, a defect; and in my evidence before the Commission of 1855, I pointed out the evil of the system of entertaining, indiscriminately, all desultory applications for the purchase of land; but the principal cause of the alleged inefficiency of the department certainly is, that it has never been strong enough. I cannot consider, however, that the measurement of land for sale in advance of the demand is a defect, for it is absolutely necessary.
138. Have you never found that large tracts of country have been surveyed which have not been applied for afterwards, so that the lands thus surveyed have remained on your hands—
have

- have not large tracts been surveyed that have not been wanted? You mean cut up in farms, for sale. We have been anxious to do that; we have been aiming at that for years, to get a large quantity surveyed ready for sale. J. Thompson, Esq.
139. You have never been able to comply with the demand? I think we do so at the present moment. 28 May, 1853.
140. There is a sufficient quantity now in advance of the demand? Whether it is sufficient I am not able to say, but we have a great quantity measured in advance.
141. You do not find so many complaints of land being unsurveyed as formerly? We do not.
142. You think the public are tolerably well supplied? At the present moment I think the reproach of inefficiency as regards the public demand for land has passed away.
143. You think the public are generally satisfied with the work done by the department? Yes. There may be a few isolated places where land is still called for, but, generally, we have satisfied the public. Not less than from 260,000 to 270,000 acres, consisting of some 3,300 portions of land, are surveyed and ready for sale by private contract, and can be obtained, for cash, at any moment at any of the seventy local land offices where there may be lands so open to selection; besides, there are sales by auction going on every month or two all over the Colony.
144. Is it your opinion, then, that with a few further small improvements the department may be made to answer every purpose intended? Yes. If the measurement of the land for sale were done by contractors, and a sufficient number of inspectors, with a few good salaried surveyors under them, were appointed, if needful, for in some of the remote districts the inspector might act as topographical and geographical surveyor, without assistance.
145. Has it been the principle of the Survey Department to permit the right of selection on the part of any settler in the interior, except in cases where land was required for immediate public purposes? Yes; that principle has been insisted upon to a most injurious extent.
146. Then you do not think it is a correct principle? No; it leads to great expense; and when you speak of the inefficiency of the department, I may state that that has been one of the principal causes of the complaints which have been made against it.
147. The admission of too general a right of selection? It was universal.
148. In what way do you think, supposing that principle is wrong, the choice of selection should be regulated? By the discretion of the Surveyor General.
149. How is the Surveyor General to know the propriety of putting up particular land? He can tell by his maps, and also whether he has a surveyor in the neighbourhood.
150. Then does not that give an enormous discretion to the surveyor on the spot? I said the Surveyor General.
151. But how is the Surveyor General to know, except through the district surveyor? By the aid of his maps; he would, however, obtain the report of an inspector when needed.
152. You decide, then, by the maps and the report of the local surveyor, whether the land shall be put up or not? Yes.
153. Then you would refuse applications upon other grounds than the land being wanted for public purposes? We should scarcely ever refuse upon any other grounds than not having a surveyor in the neighbourhood, and then it would be only deferred.
154. You would not refuse absolutely the right of any applicant, but you would not put the country to the expense of surveying a single selection unless a certain quantity were wanted? Just so.
155. You do not deny the right of the applicant to land anywhere he requires it? That is explained in the 7th paragraph of the Land Regulations, viz. :—"Applications may be made for land in particular localities. 7. Persons desirous of obtaining lands in particular localities may make application to have such lands surveyed and brought forward for sale, and their wishes will be complied with as far as circumstances may permit; but much inconvenience to the Government, expense to the Surveyor General's Department and disappointment to individuals, having been found to result from the Regulations under which parties were led to expect that lands in any part of the Colony, within the established counties, could be surveyed and brought to sale immediately on their applying for them, or within an interval of only a few months, it is to be understood in future, that the Government does not bind itself to bring forward such lands for sale within any specified period."
156. Practically, the carrying out of these regulations must be left to the almost arbitrary discretion of the Surveyor General? Yes. The Surveyor General has great responsibilities.
157. *By the Chairman*: Do you not think the classification of lands would obviate that? I do not see that it would.
158. *By Mr. Forster*: It must be left to the local surveyor? Yes.
159. Would not that be arming the local surveyor with too much power? Yes.
160. Do you not think the leaving of such power in the hands of surveyors has been attended with injury to applicants? In a few cases, perhaps, some of the surveyors may have taken advantage of the trust reposed in them.
161. You have heard, I presume, of complaints against surveyors for proclaiming reserves upon pastoral runs where there has been no necessity for them? We have not had many complaints of that.
162. Have you heard of any cases of the kind? I have heard of some.
163. Do you think the complaints have been at all justified by the facts? I cannot call to mind any case in which there was an improper exercise of power.
164. *By Mr. Moriarty*: Have you ever noticed, immediately succeeding a complaint of undue interference with the rights of the squatter by such reserve, an extension of the reserve? No, I never have.
165. Have you ever noticed the position of reserves Nos. 2 and 3 on the maps, in New England? I do not remember.
166. *By Mr. Forster*: Touching these reserves, I particularly wish to know what is supposed to be the general object of reserves made in pastoral districts—say a reserve made on a pastoral

J. Thompson, Esq., pastoral run, or several pastoral runs, previously occupied by lease under the Orders in Council? Such reserves are required for agricultural purposes, and for forming towns, for fords, and for resting places for cattle travelling.

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167. What is the object of these reserves remaining for years as they do at times—what good is done by them? They are not required in those cases.

168. You think they are useless in many cases? No, I did not mean that; although not wanted at present, they will be required hereafter, for the purposes I have stated.

169. You are aware that these lands are not allowed to be occupied for pastoral purposes? Pastoral occupants are excluded from town reserves.

170. What good is done by the exclusion of the pastoral occupant till the land is actually sold? In certain cases it is necessary to give commonage to the inhabitants of towns.

171. That is to say, in cases where reserves are near a town, a sort of commonage is granted to the inhabitants? Yes.

172. It is clear that in such cases some advantage is gained by the inhabitants of the town, but I am speaking of reserves generally, where there is no such peculiar right—what is the object in the first place aimed at by the exclusion of pastoral occupants? They are not excluded until the reserves are required for sale.

173. They have the use, but not under the same terms? Just so. There is a regulation by which they get a section at £1 per annum.

174. *By Mr. Moriarty*: Has that ever been acted upon? Yes, to a small extent.

175. *By Mr. Forster*: I will refer in particular to the reserves at Port Curtis. There were some five or six counties marked off in Port Curtis? Only three as settled lands, viz.:—Clinton, Deas Thomson, and Livingstone.

176. What good object was gained by the proclamation of those counties? None at present, as settled lands, but it is necessary for the future.

177. How is it necessary for the future, if no advantage is gained at present? But there will be some present advantage, seeing that the lands are open to lease.

178. How long ago were these counties proclaimed? The arrangement was first announced about four years ago, by a notice, dated 24th January, 1854.

179. You say no good has been done during these four years? Not as regards the purposes for which the reserve was made, and perhaps there may not be for fifty years to come.

180. What was the object then, if now, at the end of four years, no good is gained? It was done in accordance with the arrangements of the Orders in Council.

181. Can you point out any Orders in Council ordering that this district shall be selected from the rest of the Colony as that in which pastoral occupancy shall be restricted? The Orders in Council divide the country into three classes of land.

182. I think you do not correctly state the matter,—they authorise the division of the Colony, but do not make it necessary that one particular spot shall be settled district? I suppose it was imperative under the circumstances.

183. Imperative that there should be this division into five or six counties? Not exactly that, but as the division of the old Colony into classes of lands was imperative, I suppose it was considered necessary by the Government in opening a new district around a large harbour, and where a large city was likely to spring up, to follow the same course.

184. How was it necessary that this large tract of country should be taken out of the pastoral districts and put into the settled, since you yourself admit that after four years no good has been attained by it? No good as settled district. I did not make the arrangement, but the Governor and Executive Council, and my view of it is, that in forming the new district they found it expedient to follow the principle of the first Orders in Council.

185. You admit that it has hitherto been without any advantage to the public? Yes, I admit that, as far as the purpose for which it was intended is concerned, but as the settled districts can now be leased for pastoral purposes, there will be some present advantage.

186. *By Mr. Moriarty*: You say that in opening the new district the Government followed out the course indicated by the Orders in Council? Yes.

187. Can you name any other district in which this has been done? No.

188. Do you remember Leichhardt, Wide Bay, Burnett, and Maranoa,—these are in the same way I believe? No; with the exception of Leichhardt, which belongs to Port Curtis, they form part of the original arrangement for squatting districts, but those districts, from time to time, have been altered and enlarged by proclamation.

189. I think Albert, Lower Darling, Leichhardt, &c., have been proclaimed since the Orders in Council—do you remember in any of those districts, with the exception of Port Curtis, whether large reserves in the counties have been made? The Albert is the only district which has been specially dealt with, by a proclamation dated 12th April 1851, (it being then unnamed,) it was embraced in the Lower Darling District, and by a further proclamation, dated 1st November, 1851, the Lower Darling was divided into two districts, the Albert and the Lower Darling. No such arrangements for settled districts as those for Port Curtis have been made in any of the old districts; but, from time to time, large reserves have been announced—for instance, that along the whole of the north bank of the Murray.

190. Port Curtis lies to the north of Wide Bay? Yes. I cannot charge my memory that any particular reasons were given by the Government for this Port Curtis arrangement; it was a matter upon which we were not consulted.

191. Have you ever heard an explanation? Not from the Government, that I remember.

192. *By Mr. Forster*: You admit, I think, that no good has hitherto arisen from it, and therefore that the pastoral occupancy of this country has been restricted and placed under difficulty, without any corresponding advantage? No. There are arrangements for its occupation under annual lease.

193. Why should the squatters in this district have been placed under particular difficulties, under which squatters still nearer Sydney have not been placed? But the settled lands near Sydney and elsewhere are leased under similar regulations.

194. Do you not think that on the face of it there is some injustice? I do not see any J. Thompson, Esq.
injustice. The reservation of settled districts is absolutely necessary for the future, so that the land near the coast shall not in after times be locked up from sale.
195. Would not that apply to land in all parts of the country? Certainly not. The coast 28 May, 1858.
country will be the first to be occupied, whilst parts of the interior will never be sold at all, unless at a very, very low upset price.
196. Has there been so much land sold at Port Curtis as at Wide Bay, for instance—in which district has there been the most sold? At Wide Bay, I believe.
197. Have all the applications for the sale of land at Wide Bay been attended to, or have not a great number been refused? I think some have been refused, and some have been delayed, in consequence of the want of a general survey.
198. Then, if your reasoning applies to Port Curtis, does it not more strongly apply to Wide Bay, where, on your own shewing, it is evident there was a greater demand for land? I am not reasoning upon the matter. Wide Bay was occupied long before Port Curtis, and consequently there would be a larger population and a greater demand for land.
199. I want to know whether you think the arrangement a reasonable or good one? I think the Port Curtis arrangement a proper one.
200. If a proper one, would it not be still more proper in the case of Wide Bay or the Clarence? No; but large reserves have been made at Wide Bay and the Clarence, besides the three miles along the coast ———.
201. There are three miles along the coast everywhere. If this arrangement were necessary or proper at Port Curtis, was it not *a fortiori* more proper and necessary nearer Sydney, at Wide Bay, the Clarence, and other similar places? I answer that in the affirmative if we look only to the present; but the harbour of Port Curtis is so commodious as to lead to the conclusion that the town of Gladstone may become the capital of the North, and consequently it was necessary to make arrangements for the future.
202. *By Mr. Moriarty*: You have given an opinion that the arrangement at Port Curtis has been a proper one; have you noticed the effect it has had upon the occupation of the country—have you noticed whether it has brought the land into more productive use than the country nearer? Of course the settled district at Port Curtis may not be entirely occupied for pastoral purposes.
203. *By Mr. Forster*: Do you think it has advanced the settlement of the country in any way? I do not think it has; although the prospective advantages may have induced more people to settle than under other circumstances.
204. Or benefited agriculture in the least? Of course not at the present moment.
205. What was the object of this reserve of all the sea-coast? I really cannot at once explain; but I think the necessity for it is obvious.
206. Do you think it has been productive of any benefit? It has.
207. Can you mention any instance of advantage? We have been able to see it.
208. There is no squatting occupation allowed on it? Yes; the squatters who have possession hold possession under lease.
209. Of this three miles along the coast? Yes; they can lease it.
210. Are they allowed leases? Yes.
211. Have you never known instances of leases having been refused at Wide Bay? Yes, they have been refused, I believe.
212. *By Mr. Moriarty*: Have you ever known an instance of a lease having been given to a squatter? When Mr. Forster mentioned leases, I understood him to refer to annual leases.
213. Any squatting leases within these three miles? Yes; annual leases for pastoral purposes.
214. *By Mr. Forster*: You said this had been attended with benefit? The exclusion of this land from the eight and fourteen years' leases has been beneficial.
215. Has it increased the revenue? Yes, it has increased the revenue, because we have sold some of it, and got a large price for the land.
216. Did the granting it in annual instead of in fourteen years' leases tend to its being sold more quickly? Yes, certainly; we had comparatively little difficulty in cancelling the annual leases and selling it—no such difficulty as we should have had if it had been under a fourteen years' lease.
217. Then, if I understand you rightly, you say that the system of annual leases is more beneficial, because it gives a greater facility to the sale of lands? Yes, that is the object of it.
218. Does not that argument apply to all the squatting districts from beginning to end? No; because some parts of the squatting districts can never be appropriated to anything but grazing.
219. With regard to the whole system of annual leases—do you not consider it better than the system of eight and fourteen years' leases? No, I do not think it is.
220. You approve of eight and fourteen years' leases? Yes, for some parts of the Colony.
221. Not for three miles along the coast? Just so.
222. What peculiarity is there in this three miles along the coast which renders it more easy to sell lands there than in other parts of the Colony? The peculiarity is, that they have the advantage of sea carriage; and the brush land on the numerous rivers is very fertile.
223. Are there not large tracts included in these three miles reserves that will not be saleable for the next fifty years? Yes, there may be.
224. Why should not these have been included in fourteen years' leases as well as the other? It would be impossible to pick them out.
225. *By Mr. Moriarty*: You say you have not been able to sell lands under eight and fourteen years' leases, except out of reserves? Yes, of course.
226. Has that practice been followed? Yes, whenever the reserves were wanted for sale.
227. Have you ever experienced any practical difficulty in the sale of such lands consequently upon

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- upon their not being reserves? Yes; we have found it necessary to increase the reserves and that has sometimes been attended with difficulty.
228. Have you ever heard of any cases, in which land to a very great extent has been sold prior to the reservation having been made at all? I cannot call to mind any such case.
229. Are you not acquainted with the town of Armidale? Yes.
230. Do you know the date of the reservation of the town of Armidale? No.
231. You are not aware of the fact, that the greater part of the town was sold before the land was reserved at all from squatting lease? Before the reserve was announced?
232. Announced to the person in possession? Announced in the *Gazette*?
233. Or in any other shape? That might be; but we did not communicate with individuals about the making of reserves.
234. The same thing may have existed at Gundagai, Albury, and various other towns in the Colony? Yes; the lands were sold before the reserves were announced. In early days, the Surveyor General had a sort of commission, and made reserves wherever he thought proper, without asking anybody about it.
235. Without informing the public? Without informing the public, until that recent system of announcing was resorted to.
236. As to the reservation of lands, have you ever heard of any marked instances of the settlement of the country having been impeded by premature reservation? No, I have not; I cannot call to mind any.
237. Have you any objection to tell us the nature of your official duties? I am engaged in reporting upon various subjects—difficult subjects, I may say.
238. The routine business of the office? Yes; but I am not engaged in the general business.
239. By whom are the subjects referred to you determined? By the Surveyor General himself; I refuse to receive any instructions, unless endorsed by the Surveyor General.
240. I think, for some short time, you had control of the land arrangements beyond the boundaries? Yes, for about two months.
241. State the circumstances under which you resigned the control? I did not resign the control. The Chief Clerk considered—and with reason—that there was a great deal of routine and financial business which ought to be in his hands; and I only undertook the duties for a short time, until the offices could be amalgamated.
242. Were you consulted as to the arrangement—did you abandon that charge in consequence of your own opinion being that the duty of administering the lands should be in the Chief Clerk's hands? It was my opinion, to a certain extent, and, consequently, I did not object. I was consulted. A Board, consisting of myself, the Chief Draftsman, and the Chief Clerk, was formed for the purpose of determining in what manner the amalgamation of the two departments should be effected.
243. I think I understood you to say, at your last examination, that the Surveyor General or the Deputy Surveyor General should be in the field? Yes.
244. You, yourself, were employed in the field for some period? Yes.
245. Will you state when that was? Two years ago.
246. Since the date of your last inspection, has the Surveyor General or Deputy Surveyor General ever been in the field? No.
247. I think I understood you to say, with regard to the position of the Chief Clerk, that he is an executive and not an administrative officer? Yes.
248. As to the waste lands, does not the transfer of the duties you spoke of just now involve an alteration in his position? I did not consider when I had those duties to perform that I was administering that office; it was Colonel Barney who continued to control it entirely.
249. Will you have the goodness to tell us the difference between the administrative and executive function, as practically understood in the Survey Department at the present time? I should say that the administrative officer determines what should be done, and the executive officer suggests what should be done, and carries out certain matters of routine.
250. Is that the actual practice? Yes, I think that is the actual practice; it is as regards myself.
251. There is some arrangement in existence for supervision by means of inspecting surveyors? Yes; there are four of them.
252. Is the whole territory divided into four sections? Yes, into four districts.
253. Do you think it possible any officer in such a position can supervise, with any degree of efficiency, surveyors spread over a country such an enormous distance apart? No, I do not think it possible.
254. Do you think any good has resulted from the arrangement, or do you not think the effect of it has been to withdraw the services of these four officers from the duty in which they had previously been engaged? I expressed my opinion, in answer to Dr. Aldcorn's question, that there should be inspectors or district surveyors.
255. What control do these district surveyors exercise over their subordinates or brother officers in the field? They are supposed to see that they do their work properly, and that they are not idle. These district surveyors are also charged with topographical work.
256. Do the subordinate officers receive their instructions through the district surveyors? I do not think that the arrangement is quite complete; it has only just begun to come into operation.
257. How long? About a year; it is not a year, I believe, since the officers were appointed.
258. And it is still undetermined whether these officers shall control their subordinates or not? Certainly they should control them, but I think it is not yet determined whether the correspondence should pass through their hands or not; that will in a great measure depend upon the establishment or not of district officers. I think all the correspondence should come direct to the Surveyor General.
259. Do you not think it would materially interfere with the proper supervision of these officers, if they were not made acquainted with the duties required by the Surveyor General?
Yes;

- Yes; they ought to be made acquainted with the duties; that was provided for in their J. Thompson, Esq. instructions.
260. Practically is it so? I cannot say, for these things do not come under my review.
261. Do you know what the present policy of the Government is with reference to the survey of the squatting boundaries—whether anything has been done about it? Nothing has been done, or rather nothing is doing. 28 May, 1858.
262. Do you know what is the present declared intention of the Government? I do not; but it must be done—I mean the runs must be surveyed.
263. Do you know whether anything has been done for the last five or six years, in attempting to accomplish that object? Not so long as that, but I think it is four or five years since Mr. Townsend sent in his survey of the runs
264. Do you know whether Mr. Townsend's surveys were—the majority of them—mere sketches? They were absolutely surveys, or the result of absolute inspection.
265. Was not the country in which Mr. Townsend surveyed peculiarly favorable to the making of sketches? It was a very hilly country.
266. The country up the Murrumbidgee and Murray? Yes. He did not go into the lower country; he has not surveyed any runs below the mountains. There were descriptions made out for the back blocks in the low country, but that was not the result of survey.
267. That was a mere sketch? Not exactly; the features which enabled Mr. Townsend to prepare a diagram from which to draw out descriptions had been carefully surveyed.
268. The last surveys attempted by Mr. Townsend were five or six years ago? As I said before, not so long ago, I think.
269. You cannot tell us whether it is the declared intention of the Government to have the boundaries surveyed or not according to the existing instructions of the Survey Office? Those instructions have been allowed to stand over, and nothing has been done under them lately; they have never been revoked.
270. They are in existence at the present time? Yes, I believe so.

TUESDAY, 1 JUNE, 1858.

Present:—

MR. ALDCORN,
MR. FORSTER,

MR. SCOTT,
MR. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

William Shone, Esq., called in and examined:—

1. *By the Chairman:* You are a surveyor, in the Surveyor General's Department? Yes. Wm. Shone, Esq.
2. You were appointed from England, I believe? Yes, in 1841, by Lord John Russell, then Secretary of State for the Colonies.
3. You were examined before the Commissioners on the Survey Department in July, 1855? 1 June, 1858.
Yes.
4. You were then stationed in the Illawarra district? Yes.
5. You have had experience in railways, I believe? Yes.
6. Both in England and in this country? Yes. I may remark, with reference to the evidence given before the Board, that I was hurried back to the country directly after I had given my evidence, and had not an opportunity of revising it before it was printed, and, therefore, there may be many things that required correction.
7. At the time of your appointment in England, did you understand that there were any arrangements existing as to the grades of officers of the service? When I received my appointment as assistant surveyor, I gave up a good appointment upon a railway in England. Sir George Gipps had written home to say there was a great demand for surveyors in the Colony. Land was then selling at 12s. an acre, but upon my arrival the price was raised to 20s., and sales had fallen off proportionally. Seven or eight surveyors were appointed at home, and when we arrived the Government had a difficulty to know what to do with us. Everything was disarranged in consequence of the falling off in the demand for land. In the first instance I was sent up to the Clarence, and was given to understand that when I went up there the Messrs. Wilson, who had a contract for surveying that river, would give up their equipment to me. I found, however, that there was no regulation to that effect, and the Messrs. Wilson refused to give up the equipment. Ultimately the equipment was valued by Major Oakes, the Commissioner of the river, but at so high a rate that the Government refused to accept the valuation; consequently I was unable to fulfil my instructions, and the difficulty of communication was so great that it was some time before anything could be done; but I was not to be blamed for that.
8. There seems then to have been no system of arrangement to put the officers into their districts? No system at all. I believe the late Surveyor General, Sir Thomas Mitchell, knew how I should be situated; but Sir George Gipps sent one surveyor here and another there, to dispose of them at the time. Of course, as I had just arrived from England, I expected everything would be all right, but I found it very different.
9. A short time after you had been in the service, did you not hear that there were rules and regulations for governing and controlling the service, which had been made by the Secretary of State? My appointment stated that I was appointed an assistant surveyor for the Colony of New South Wales, at a salary commencing at £200 a year, to rise at the usual rate to the maximum salary of an assistant surveyor, which was then £300 a year. In the month of February, 1844, after my return from the Clarence, Sir George Gipps thought

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- thought proper to make certain alterations in the department, which materially affected my salary, that is, he allowed some of the surveyors one-third of their pay, and instead of getting £220 a year, I got £73 6s. 8d a year for better than two years and a half.
10. Did you never hear that, in 1828, rules and regulations for the conduct of the service had been received in the Colony, by which it was laid down that the department was to consist of grades? I was not aware of that. I did not, in fact, make it my business to look into the matter; but I understood that surveyors were to rise in the service by seniority.
 11. You were given to understand that? I never got anything official in the matter, but I always understood it was the case before I left home.
 12. Which do you consider to be the chief appointment, that of a surveyor, or that of a draftsman? The duties of a surveyor in the field are much more onerous and responsible than those of any draftsman in an office.
 13. In the profession in England, which of the two is considered the superior officer? The man in the field, decidedly.
 14. Have you ever found during your experience in this Colony, that when you had to account for any survey you have made in the bush, you have had at head quarters an individual or individuals who have understood the work you have had to perform? I think parties in the office interfered too much with parties in the bush in the way of their duties.
 15. Do you think the field surveyors ever had a representative at head quarters? I think not.
 16. In your experience, did the Deputy Surveyor General ever visit you in the field? In one instance he came up the Clarence. Sir Thomas Mitchell sent him up; and his report is now extant in the office, with respect to the state of the survey equipment,—there were lockless pistols, carts without wheels or tires. He saw this equipment, and wrote to say it was utterly impossible for us to do anything. That was the only occasion on which I saw him in the field. On one occasion I saw him on the road to Brisbane Water; but he never came to me, or inspected the work in any way.
 17. Do you not consider it necessary for the efficiency of the service that the Surveyor General or Deputy Surveyor General should always be in the field? I think so; to visit the officers now and again.
 18. Did you never hear in the department that the office of Deputy Surveyor General was instituted for that special purpose? I always thought it was, at least, except during the absence of the Surveyor General, when the Deputy Surveyor General was supposed to take his place in the office.
 19. Did you ever feel any dissatisfaction yourself from having your reports to head quarters noted or remarked upon by men who had never been in the field? Yes.
 20. You have yourself nothing whatever to do with the sale of lands in the district where you are employed? No, nothing whatever. There were Commissioners appointed by the Government for the sale of land. I may remark that in the Illawarra District I have always kept the supply of land in excess of the demand. The system I have adopted has been to lay out two or three thousand acres in any available locality, independently of any application, for I know a great deal of time is lost in going from one locality to another to lay out small farms.
 21. The office of Commissioner is very profitable, is it not? It was very profitable some time ago, but now the land in that district is in a great measure disposed of, and consequently it is not so profitable as it was.
 22. The Commissioners get a per centage? Yes, a very large per centage.
 23. Do you know what the per centage is? I think five per cent. upon sales under £2,500, and two-and-a-half per cent. for anything above that.
 24. Were the parties who hold this particular appointment appointed because of their fitness for the duties they had to perform? I really cannot say as to that. I should have thought the surveyors would perhaps have been the proper persons; but still I could not speak as to any unfitness on the part of those appointed.
 25. Was it made more an office of patronage than an office of utility? I think it is an office of patronage altogether. In fact the Commissioners realise a great deal more than the surveyors who have surveyed the land, three times over. I may remark, with reference to this question, that Clerks of Benches have latterly been appointed to act as agents for the sale of land.
 26. If any person went to the office of the Commissioner for the purpose of getting information, do you think he would be able to give the information that might be required? Decidedly not, for I have had frequent instances under my own notice of the Commissioner sending for information to the surveyor.
 27. These Commissioners could not point out the boundaries of the land? They are not at all acquainted with the matter.
 28. Have you had anything to do with licensed surveyors in your neighbourhood? No.
 29. You have never been employed under the license system? No, excepting for two or three years, when, as I have stated, I was employed on one-third of my pay, which I considered a breach of faith on the part of the Colonial Government, with reference to my appointment at home by Lord John Russell.
 30. Do you think any faith has been kept with any officers of the service who received appointments at home? I think not. I gave up a good appointment, with a prospect of advancement, to come out here. But I was told we must succumb to the circumstances of the times.
 31. In making the officers succumb to the circumstances of the times, did not the weight fall upon the senior men in the department, and not upon the juniors, who were retained on full salaries, while the older officers were selected to try experiments upon? In fact there was no system. Some three or four officers were maintained on full salaries.
 32. Were not these three or four officers employed about Sydney? In one or two instances I think they were.

33. What is your general opinion of the license system as it now exists? I do not think it is a very desirable system. I do not think the same control or surveillance can be exercised over the department that might be if it were properly constituted with salaried officers. Wm. Shone, Esq.
34. Have you examined the scale of charges given to licensed officers? I know what the scale of charges was when I was a licensed surveyor, but I believe they have been raised since. I do not know what they now are. 1 June, 1858.
35. In looking over the return of the amounts received by licensed surveyors, I find that one—Mr. Mann—received about £1,700 in one year, while others did not receive above £400? I have heard of Mr. Mann making £1,600 or £1,700 in a year. It depends a great deal upon the country. In Illawarra a man would not earn his salt, while in other parts of the Colony, if it were a good level open part of the country, he would make a good living; so that a scale could not be carried into effect generally.
36. You think the scale should be fixed in each district, according to the character of the country? In a country like this it is necessary, that is provided the system of license surveying were adopted.
37. I see from the return here, that the amount paid to Mr. Mann, from the 1st July to the 31st December, was £1,327 18s. 3d., and from the 1st of January to the 30th June, 1855, it was £889, amounting together to about £2,200 paid to that officer? I have understood Mr. Mann had earned about that sum, but he would not have realized that amount if he had been in a brush country.
38. Would he have realized one-third of it? Not one-fourth. I think a quarter of a mile in a brush country like Illawarra is as difficult to survey as three miles in an open country.
39. The highest salary which a senior surveyor could receive, according to the rules of the service, was £400 a year? Yes, according to the old system.
40. And when they had arrived at that position, or belonged to the staff of the office, these men were generally sent upon the most difficult feature surveys—in extending the lines of civilization? Yes.
41. Having first surveyed all the features—the roads, rivers, and ranges of the country, that the licensed surveyor had afterwards to survey? Yes.
42. You say you have had nothing to do with the license system yourself; have you not heard that there have been many complaints of the work professed to have been done by licensed surveyors never having been done at all? Yes, frequently.
43. There is no supervising officer to see that these things are done? I believe district surveyors have been recently appointed for the purpose of supervising the licensed surveyors.
44. You refer to the system which is just being commenced? They are initiating the system I believe.
45. You mean the system that was recommended by the Commissioners' Report? Yes.
46. You have read the Report I suppose? Yes; but I believe the Commissioners did not recommend the adoption of the license system.
47. Their recommendation is contained in page 10, paragraph 3? My opinion with reference to that is given in answer to question 1018. I think the proper system to adopt would be, to have the country divided into districts, in each of which there should be an inspecting surveyor, who should supervise the work of the surveyors employed under him, and that everything respecting the business in the district should be submitted to the senior officer. This I think would prevent the exercise of too much control at head quarters. At present, I think, there is too much correspondence with the head office, which tends to obstruct the business. If proper officers were appointed to supervise, and look after the works of the district, of course, it stands to reason that he would be better acquainted with the various local wants of the district entrusted to him than parties at head quarters. If these district surveyors had proper officers under them, I think this system would work remarkably well, especially if there were a Board appointed in Sydney to which they could refer; and the present office might be kept as a record office. A system of that kind, or some modification of it, would, I think, be very desirable, and would work well. I think, certainly, the senior surveyors, or district surveyors, if their districts were not too large, shou'd know the local wants of that district, and that they are the parties who should be applied to for any information upon the subject of land.
48. A very great portion of your time has been taken up with duties that do not properly belong to a surveyor—such as drafting and writing letters? I think an immense deal of duty falls upon a surveyor which is not properly his, which indeed more properly belongs to an engineer than to a surveyor. Every engineer is supposed to be a surveyor; but every surveyor is not supposed to be an engineer, and it is preposterous to suppose that any man who can lay out a square block of land and survey features, will be able to form roads, and make improvements in rivers, and other engineering matters which require a life of study and practice.
49. There are even branches in engineering; one may be an excellent engineer in one branch of the profession but not in another? Yes. With reference to to this matter, I may state, that when I came out Sir Thomas Mitchell appointed me to survey certain lines of road for a railway, as having been employed, under Stephenson, on the Manchester and Leeds and other railways. I did not profess to be an experienced civil engineer, although I knew something of the duties. I think one great mistake that has been made in the office has arisen from the supposition that a man who can lay out a square block of land can do anything.
50. Very many of the men who have been employed about that department have been educated in it, have they not? Yes.
51. And have received salaries during the time they have been learning their profession? Yes. I was bound in the first instance to a civil engineer, and previous to being engaged on railways in England, was engaged on the survey of the Shannon, under Sir John Burgoyne, R.E., and Colonel Harry Jones, R.E., during the years 1836, 37, and 38. I gave satisfac-

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tion then, and have always given satisfaction—of course I was a very junior officer at that time—and of late years, when I found my health failing, and that I was unable to bear the physical hardships I had previously undergone—feeling debilitated and suffering a great deal from the knocking about to which I had been subjected, I wished to retire from the service. I wrote to Colonel Barney on the subject, and the consequence was that I was placed in a lower appointment. I had received £456 a year for three or four years previously, but lately I have been appointed a first class surveyor, at a reduced salary of £400. The other surveyors, Messrs. Darke and Burrowes, although only assistant surveyors, retaining, I believe, their old salaries of £456.

52. You are a surveyor? Yes; but they, as assistant surveyors, have higher salaries than myself.

53. The Secretary of State's despatch on this matter has been entirely set aside? I have had no official correspondence whatever with Colonel Barney on the subject. I received a private note, stating that there were certain alterations to be made in the department,—that there were four district surveyors to be appointed for the whole Colony of New South Wales, who should superintend the work of all the licensed surveyors in the field, and I was offered one of these appointments. I thought, in the first place, independently of the state of my health, that it would be utterly impossible for one district surveyor to supervise one-fourth part of New South Wales; so I wrote a private note in answer to this private communication, that, as Colonel Barney was previously aware, it was my wish to leave the service on account of my health, as I had not felt able to undergo the amount of physical hardship to be incurred in laying out lands for sale, and other surveys, engineering, &c., connected with the duties of my office. It does not require very great knowledge to lay out blocks of land for sale, but it requires physical hard work, and when I found I could not work as hard as I could wish, I desired to retire. My salary was reduced, and I consider I was degraded from the appointment I ought to have held. If I was returned as fit for work, why was I not returned in my proper position? I was picked out from other surveyors and put on this lower salary, although, apparently it was a higher grade, and if the question of my retirement were ultimately determined upon, this reduction in my salary would affect the amount of my retiring allowance.

54. Do you not think the frequent absence of Sir Thomas Mitchell from his department had a material effect upon its efficiency? I think it must have had, for I think during his absence it came more under the control of the office.

55. It then fell under the control of the Deputy Surveyor General? Yes.

56. The Surveyor General and this officer I think did not work very well together? No; in fact it was the office against the field, and yet not exactly that, for if a party had friends at the office his interests would be advanced most materially, but if enemies were made of parties in office, of course his interests would suffer.

57. Did you never hear it remarked by old officers, that when the Surveyor General was in the office, John Thompson was Surveyor General, but when the Deputy Surveyor General was, Mr. Halloran was Surveyor General? Yes, I have frequently heard that remark.

58. Did you ever see anything to lead you to think that yourself? I have always thought the gentlemen in the office have had too much control over the old surveyors in the field.

59. You have never had any draftsman or other person to assist you in your duties? No.

60. Do you not think if you had had a draftsman you could have done twice as much work as a surveyor? Yes; I think so; a great deal of time is lost in drafting. If there were any large plans to be plotted, perhaps it would be better for the surveyor to plot them himself; but I think, generally speaking, a good deal of time is lost in writing descriptions, and in plotting and drawing these small plans.

61. Do you think the class of men who are now acting as licensed surveyors are equal in education to the class appointed from home, or generally appointed on the staff of the service? I cannot speak positively as to that. I should not like to say, but I should think not. I do not know much of them; in fact, I have met very few besides Mr. Mann.

62. Two of the examining officers of the service are draftsmen? Yes, I believe so. I have heard lately that Mr. M'Lean is one of the examining officers. I obtained leave to go to England in 1852, on account of my health, and on my return I was appointed one of the examiners, with Mr. Burrowes.

63. Mr. M'Lean and Mr. Thompson are the examining officers? Yes.

64. And neither of these officers have been in the field in New South Wales? Never, that I am aware of.

65. Has it been customary to examine every officer who has joined the service of late, whether licensed or staff surveyor? A certain number of officers have of late years been appointed on the permanent staff of the department. I am not aware whether they were examined, but I believe licensed surveyors are examined; still, I think their examination is not sufficient.

66. Did you ever know a staff surveyor to be appointed without examination at all? There may have been parties appointed, but I cannot call them to remembrance.

67. Have you ever during the time you have been in the service had parties sent to you to learn the business of their profession? On one occasion a gentleman was sent to me, in order that I might show him the way of laying out these allotments for sale—Mr. Bennett, who is now engaged in Captain Martindale's department. He was with me for a short time, just to see the system of laying out these portions of land.

68. Do you not think it is necessary before parties are employed in the field that they shall have some colonial experience? Yes, some slight colonial experience, as in the case of the gentleman I referred to; but he is an experienced engineer and surveyor.

69. What instrument have you worked with? I have done the principal portion of my field duties with the circumferenter, because the country is so thickly wooded that it is almost impossible use the theodolite.

70. Have you found much local attraction there? Not a great deal.
71. You could always close the work by right angle lines? Yes; I check the work frequently.
72. The whole of the country is a dense brush, I believe:—do you not think the circumferenter is the best instrument you could have in that case? I really do think so; it is impossible to use the theodolite extensively in this country, except in fixing points, and for trigonometrical purposes.
73. Do you not think it possible that a licensed surveyor getting a map of a district on the two-inch scale could do his work, or a great deal of it, without doing anything except on paper? A man may send in a plan without having ever marked the lines at all. I do not think there is any check upon that, and it would be difficult to establish a sufficient check even with the district surveyors, unless the districts are very much circumscribed; it would be preposterous to attempt it if the whole of New South Wales were divided into but four districts.
74. The district surveyor could say to the licensed surveyor—"You have measured such and such blocks, and I should like to go round them with you, sir"? Yes. The district surveyor should have an office established in the district, and he should be a sort of referee in all matters having reference to lands in the district; he should also occasionally visit the licensed surveyors, and see that they were doing their duty in a proper and efficient manner.
75. Have you found the forms of the office very much multiplied during the last few years? Yes. I think there might be a great simplification of the whole business, as I previously stated, by the appointment of district surveyors, and by leaving a great deal to their control,—perhaps having a Board in Sydney to apply to in the event of any difficult case arising.
76. Do you not think it has been the object of one individual to advance the clerical branch of the establishment, and to make every other portion of the department subordinate to that? Such, I believe, is the general impression. I think these district surveyors should be a sort of Surveyor General for the districts they reside in, and if they are men of probity and honesty, I think the work will be much more efficiently and quickly performed than at present, as such frequent communication with head-quarters is necessary. I would add, that in many instances surveyors are called upon to do duties at present that are quite foreign to the business of a survey office; matters that would more properly come under the control of a civil engineer's department are thrown upon the Survey Department, and consequently there is a great deal of time and labor lost. There is not a proper division of labor, and duties are imposed upon surveyors which would require an infinite deal of attention and study to cope with in a proper way.
77. The Surveyor General, in his examination by the Commissioners, maintains that the system in operation is not of his formation, or such as meets his approval—do you not think a gentleman holding the high position of Surveyor General should have the whole control of the service? Certainly.
78. You were called upon by the Commissioners to give the evidence which was given by you before them? Yes. I was in Sydney, under the circumstances referred to by Sir Thomas Mitchell in his answer to question 1106, and he, I believe, wished that I should be examined by them.
79. Are you aware that any officers of the service, who knew something about the matters under the consideration of the Board, presented themselves, and were refused to be examined? I did hear so.
80. Have you ever found, in your connection with the office, that you had considerable difficulty and trouble with your equipment? Yes, frequently.
81. Your duties have often been delayed? Yes, by the difficulty of getting tents and equipment in some instances.
82. Are you aware that some of the officers of the service, when Mr. Thompson, the Chief Draftsman of the office, was left in charge of the office, refused to take instructions from him? I was not aware of that. It might have occurred when Sir Thomas Mitchell was in England. It may have been Mr. Townsend.
83. You are aware that the clerical and drafting branches of the service were always considered by the surveyors as subordinate to the surveying branch? They were always considered junior to the field branch when I came out from home, but the Chief Clerk considered himself senior, I believe. I do not know what has been done about seniority.
84. Are you aware that in the service of the Royal Engineers the draftsmen are only regarded as staff officers, and never look forward to anything like promotion, although they get better salaries? I am perfectly aware of it. It must be patent to any gentlemen that have experience, that no work is more severe than that of a surveyor in the bush, if he does his duty in a proper and efficient manner.
85. *By Mr. Scott:* Can you state how many acres you have surveyed annually, on the average, in round numbers? I think it is stated in the Appendix to the Report. I find it is 3,019 in six months; but I may state that the survey of 1,000 acres in the Illawarra District is more difficult and arduous than the survey of 5,000 or 10,000 in an open country.
86. Is the number you have stated the result of one year, or of the average? That in the return is for six months,—say about six or seven thousand a year.
87. On the average? Yes. I may mention that, independently of surveying lands for sale, the surveyor performs many other duties, which do not properly belong to him, as the engineering survey of rivers, the laying out of roads and railways, the survey of disputed boundaries, and a number of other matters that are not mentioned in these returns. I have always endeavoured during the time I have been in Illawarra to keep the supply of land in excess of the demand, and at the present time there are some seven or eight thousand acres of land which have not been as yet submitted for sale. These lands sell by degrees.
88. Taking into consideration your own salary, the pay of the men employed by you, and the various contingent expenses of the survey, have you made any calculation of the cost per acre of the survey of the brush land upon which you have generally been engaged? No, I have

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have not. I have never looked into that particularly. The work of the licensed surveyor is almost exclusively confined to the laying out of lands for sale; but the surveyors on the permanent staff of the establishment have hitherto been employed in various kinds of duties connected with matters that a survey department should not have to do with, but which belong properly to engineering. With respect to the laying out lands for sale in the City of Sydney, a surveyor could send in no return, no average whatever, as there are no lands to sell. In other places where certain improvements are required, such as improvements of rivers, surveys of railways, and so on, a return would give no idea of the duty performed. I was engaged a year and a half on railway duty, and, of course, I could make no return during that time of acreage surveyed.

89. Which system do you consider the best—the salary, the contract, or the license system—provided, of course, the surveyors in each case to be equally good and zealous? I think the licensed surveyor, in a good open country, could realize more than any salaried surveyor under Government. At present the highest pay, that of a district surveyor, is £500 a year, and, from what the Chairman has stated, Mr. Mann has made £2,000 a year. I think, in a good district, a licensed surveyor could realize a great deal more than the highest salary.

90. That is not my question—I wish to know which is the best for the public to adopt. Have you considered any plan or system for the survey of lands for sale, which you would recommend for the public adoption? Yes; I have already stated, that if the country were divided into districts, in each of which there were a surveyor, with a properly constituted staff, and that if these districts were not too large to prevent the efficient surveillance of the district surveyor, the plan would be much more effective, and would work better than the present.

91. You think that system would be found to be cheaper and more efficient than the present? Yes, particularly if the surveyors are confined to the surveying and laying out of lands for sale. They should not be taken away to perform other duties foreign to their office, or be required to do work connected with civil engineering.

92. Your system is for the better and cheaper management of the departmental, as well as the field work? Yes. I would place the district surveyors in the centre of their districts, so that they could see the work of the different surveyors. They should have the land cut up into desirable portions of fifty, sixty, or a hundred acres, and then any party wishing to have land, could go to the surveyor's office, and immediately upon paying his money could get his land.

93. Can you state why that would be cheaper than the present system? I think, under the present system, the licensed surveyors are allowed to take private work, and there is not a proper control over their movements in any way.

94. Supposing the officers were alike efficient, did their duty, and kept to their work, how would your system be cheaper and better than the license system? Because I think a greater amount of control could be exercised over a staff than a licensed surveyor, because the licensed surveyor can do his work when he thinks fit; and if he has private work he is likely to neglect his public work, which he can do at any time.

95. He is only paid for the work he does? Yes.

96. That, according to this return, is from 6s. 6d. to 9s. 3d. an acre,—would the cost be much less under your system? I think it would, decidedly, if what I state was carried out properly, and their duty was confined to the survey of land for sale merely. I think the land might be surveyed for a few shillings an acre.

97. Will you mention how many shillings an acre you think it would cost if your plan were adopted? I should not like to say positively, but, taking the country as a whole, I think half-a-crown an acre would be quite sufficient.

98. For small and large lots? Taking the average. I have not studied the subject so closely as to give a positive opinion.

99. Are you aware what the survey of land in America costs? I believe it is very low in America; I do not believe it is more than nine-pence an acre.

100. Can you state why it should cost us half-a-crown, if in America it can be done for nine-pence? The only reason I can suppose is, that perhaps the physical features of the country are different—the country may not be so thickly wooded; there are more open savannahs and prairies there than here.

101. You think there is no other reason than the difference in the character of the country? I think that may be the principal reason. I do not think any comparison can be drawn between the cost of the surveys performed by the old salaried surveyors and those by the licensed surveyors, because the old officers were so much engaged in feature surveys. Any comparison between their work and that of the licensed surveyors would be preposterous. Perhaps, too, in America, in the first instance, the survey of the geographical features might have cost a great deal of money.

102. You are aware that we wish to lower the price of land in this Colony, but we cannot do so, so long as the cost of survey is from 6s. 6d. to 9s. an acre? The only system by which the survey of the country can be cheaply performed, is to survey it in rectangular lines, and wherever there are natural features, as a river or a stream of water, make those the boundaries; to survey the good and bad lands together, the bad in larger portions than the good, for the good will give the indifferent land a relative value when the other is taken up. By this means there will not be so much of the time of the surveyor occupied as at present in running about, and I think it could be done very cheaply.

103. Would the appointment of these district surveyors, as you suggest, cause any decrease in the expenditure for the Sydney departmental head quarters, in the shape of clerks? I think so, decidedly. I think if a proper system be adopted, it will do away with the necessity of having so many clerks and draftsmen at the office in Sydney, which should be merely a record office.

104. I suppose you have entered into no calculation as to the number of clerks that might be dispensed

dispensed with, and the consequential saving to the country? No; I merely throw it out as a suggestion; whether the plan would be attended with beneficial results I do not know, but I think if the system I have proposed were carried out it would be beneficial and economical to the public.

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105. *By Mr. Aldcorn:* Do you not think, if there were a system of district or, rather, of inspecting surveyors established, the inspector should not only supervise the work of the subordinate surveyors, but also consider the rate that should be given for surveying certain lands in the district, seeing that at the present time one uniform rate is paid, which is altogether absurd? I should say so. In point of fact, the district surveyor should be a kind of Deputy Surveyor General of the district; knowing the local wants he could manage all the surveys of the district, and attend to all the details.

106. Do you not admit the general principle, that a man will work more for himself than he will for others. If you have conscientious men to deal with, no doubt they will do their duty; but will not men, in general, do more for themselves than they will for others, and in such cases, where there was proper supervision of the contract work, might it not be adopted with advantage? It might, to a certain extent; if licensed surveyors were employed, they should be kept more under the control of the Government than they are now.

107. Do you not think the objection made to the contract system—that the licensed surveyors do not perform their work—would be removed by having inspecting surveyors to see that they do their work? It is possible it would be if the districts were within reasonable limits, but not while a district comprises one-fourth of New South Wales, certainly.

108. Do you think, in that case, it would be necessary that there should be licensed surveyors in each district, in order that the Government might be able to command their services? I think so; if not, the Government would never be sure of having their work done within the stipulated time.

109. Then, in justice to the licensed surveyors, it would be necessary the Government should always be able to find them employment? Yes; it would not pay a licensed surveyor in a poor district if he only got employment now and again. If there were only isolated applications for small farms, even the scale of fees would not pay them; but in some instances they have a carte blanche to survey wherever they please.

110. Do you think that to give surveyors a carte blanche to survey where and how they please is desirable? I have understood that some licensed surveyors have that privilege of surveying. Of course I should think the Government would not give them authority to do the work unless they considered them well qualified, and men in whom they could put some confidence.

111. Do you not think over such men there should be a proper supervision by a higher officer as an inspector? Yes. I should think so. No doubt among the licensed surveyors there are men of standing and character, over whom such supervision would be unnecessary.

112. Do you not think it would be part of the duty of such an officer to select proper land for surveying? Yes; that I conceive would be one of the duties of the district surveyor, to select lands to be measured for sale.

113. Do you think such an officer should have a district sufficiently large to give him employment without surveying at all? Yes; and he should have an office where all the plans relative to the lands of the district should be deposited, and at which parties might apply for information regarding the lands for sale, or the roads in the district. He should communicate officially with the licensed or field surveyors in his district, and, in case of any difficulty arising, he should, of course, communicate with head quarters.

114. In short, you think these district or inspecting surveyors should be able to give the information and do a great deal of the duty now discharged by the head office here? Yes; and I think the duty which has hitherto devolved on the Commissioners—the sale of land—might be discharged by the district surveyor, as he could give information to the public respecting the land which could not be furnished by the Commissioner.

115. Do you not think this system, under proper supervision, would be cheaper than the old system of salaried surveyors? I could not speak positively upon the subject. I think, however, if the surveyors were conscientious men, it would be just as cheap as any other system.

116. You would have a system of supervision over salaried as well as over licensed surveyors? Yes. No doubt there have been many instances of persons receiving salaries who have not done work in proportion; but I look to a man doing his duty in a conscientious and proper manner.

117. You state, in your evidence given before the Commissioners, that you had great difficulty in finding old lines and old marked trees—was that from want of care in marking, or from the length of time that had elapsed? From the length of time that had elapsed, in some measure, and, in the former days of the Colony, the surveyor, particularly in some of the brush lands, did not take the trouble of marking the back lines. In some instances I have had to run lines four or five miles—the back boundary lines—and have had a good deal of trouble in picking up the marks. If, therefore, a surveyor has to commence in a new country, he has a great deal of labor saved.

118. There have been a great many complaints made, both of old and recent surveys, of the difficulty of finding marks—have you thought of any better plan of marking than that at present adopted? The present system adopted, with regard to the corners, is to have a note on the plan numbered or lettered corresponding with the corner pin (if there is not a corner tree), bearing so many links.

119. Do you think a strong peg of some very hard wood, firmly driven in at each corner, with a number burned on it, would be sufficient? There are many instances where it is very difficult in a broken country to adopt any particular system; for instance, the country may be rocky.

120. Do you think any improvement might be made in the system of marking generally adopted? Not to any very great extent, I think.

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1 June, 1858.
121. *By the Chairman*: Sir Thomas Mitchell says, in his evidence—"We have several hundred thousand acres open for sale," and Mr. Thompson, when he was examined by the Committee, confirmed that statement,—may not a very great quantity of that land be unavailable, although it may have been measured for sale? Yes.
122. There is a general complaint through the length and breadth of the country that people cannot get land, and yet the head of the service says there are several hundred thousand acres open for sale? There is no population to absorb the land—that is the great point.
123. Why should the surveyors measure land in portions of the country where people will not select it? At the Clarence there are hundreds of thousands of acres of agricultural land; but, suppose three or four surveyors were sent up there to survey lots of from fifty to a hundred acres, where is the population to absorb the land? There was a contract surveyor employed there, who surveyed the whole in parishes, and cut up the land into blocks, and I suppose those are some of the lands referred to by the Surveyor General.
124. *By Dr. Aldcorn*: The land was not cut up into small farms? Not into small farms of fifty or sixty acres.
125. *By the Chairman*: It was stated the other day by Mr. Thompson, in answer to a question of mine, that he could not get competent men, and when asked why, he said, because so many had made their fortunes and retired from the service—are you aware of any who have made their fortunes? I can speak for myself, and I know I have not.
126. Have they opportunities of land jobbing? No. Since I have been in the service I have been offered private jobs, but I have never done any private work at all.
127. Are you not aware that while reductions were being made in the means of field officers, there were augmentations of the salaries of officers in other branches of the service? Yes.
128. You were never instructed to keep field-notes after any particular form? No; I generally kept my field-notes in a sketch form, which was generally adopted on the Shannon survey.
129. There is no system of field-notes established in the department? No. I never had any instructions to keep my notes according to any form.
130. Do you think the journals give the Government any information whatever? I do not think so—that is, information of any value.
131. Do you not think these journals have caused great discontent in the service? I think it is lowering to an old surveyor, or to an experienced and conscientious man in any department of the public service, to be obliged to send in a journal of everything he does.
132. Do you think they originated with a practical man at all? No; but I have invariably sent in my monthly journals, except when hindered from doing so by illness. The surveyors received a circular, stating that if journals were not sent in their pay would be stopped.
133. Do you remember a certain year when the officers' names were left off the list altogether—were not published in the almanac, as they had been previously? No, I do not; but I remember that formerly the surveyors were always senior to the clerical branch of the department.

FRIDAY, 4 JUNE, 1858.

Present:—

MR. FORSTER,
MR. MORIARTY,

MR. PIDDINGTON,
MR. WHITE.

G. B. WHITE, ESQ., IN THE CHAIR.

William Shone, Esq., again called in, and further examined:—

- Wm. Shone, Esq.
4 June, 1858.
1. *By the Chairman*: You have been employed, I believe, in marking lines of road on some occasions? Yes.
2. Did you mark a line of road to Illawarra on any occasion? Yes; from Illawarra to George's River.
3. Has that road been made or cleared, or in any other way been marked, than by marking the trees? Yes.
4. How many miles of that road did you mark,—what is the distance from Sydney of the road you made? I do not know precisely the distance; I did not chain it. To George's River from Bulli Mountains I think it must be about thirty miles. I merely re-marked the trees that had been formerly marked by Mr. Darke, heading the Woronora River.
5. Is that line of road now in use? No; it has not been used much. It is of very little practical use; the distance from Illawarra to Sydney is too great for one day's journey.
6. By whose instructions was that line marked? The late Surveyor General's.
7. Have you any idea of the expense of marking and clearing that road? I do not exactly know what was the expense, but I have heard £7,000 or £8,000, that is the road to Bottle Forest. The road lately cleared heading the Woronora River, is a deviation from the Bottle Forest Road—the direction that Mr. Darke was engaged upon formerly.
8. Did you mark the Peat's Ferry Road? Yes.
9. Has that been cleared? Yes; it was formed by gangs, under the direction of Captain Perry, the late Deputy Surveyor General.
10. At the time you marked it, was there any other northern road in existence? Yes; the road by Wiseman's.
11. Have you ever been to Wiseman's Road? Yes.
12. Could you give the Committee an idea of what that road may have cost the public in making? I cannot say.

13. Are either of those lines much used now? No; I think not. I do not think they are of much practical utility, at least the Illawarra Road is not, because it is all grown up again; it is difficult to find the road from the top of Bulli Mountains to George's River—it is an unfrequented road.
14. What is the nature of the country the Peat's Ferry Road passes through? Generally speaking it is a very poor country.
15. That was never completed? I do not think it was completed, but it was cleared all the way.
16. You connected it, did you not, with the other northern road? Yes; it is connected with the other northern road—for a very short distance, till you get towards Brisbane Water.
17. What is the distance of that road altogether from Sydney, till it connects itself with the other road at Dennis' Dog Kennel? I did not chain the road, but merely marked it. I think it is somewhere about fifty miles from Gosford to Sydney by Peat's Ferry Road, but I cannot speak positively.
18. Have you any idea of the cost per mile of making that road? No; I was not engaged personally in superintending either of those roads.
19. Have you ever been instructed to mark any lines of road through the country, which lines have never been cleared? One or two occupation roads, but no public road.
20. No main road? No main road.
21. What is the distinction between an occupation or parish road and a main road? By an occupation road, I understand a road made for the convenience of settlers in back lots to get to the main roads.
22. The same as a parish road? Not exactly the same as a parish road; a Quarter Sessions road. I have surveyed many parish roads in the district I am now in.
23. Is there any difference in the breadth of these roads? Yes. The Quarter Sessions road is twenty feet wide, which is much too narrow, but in marking out or leaving reserve roads, I generally leave fifty links.
24. Is there any breadth fixed by Act of Parliament, or Act of Council? The Quarter Sessions road is the only road which has the width specified by Act of Council, and twenty feet or thirty links is the width, as well as I can recollect.
25. When you first commenced your duties as surveyor did the Government equip you? In the first instance when I commenced my duties, the Government supplied the surveyors with their equipments, then an alteration was made and there was an allowance of £100 a year made for keeping up the equipment.
26. Do you think £100 a year in your district paid for the wear and tear of that equipment? Yes. Latterly, I think the system adopted was, that if we did not spend the £100 a year, the surplus had to be returned to Government.
27. If you spent more than that amount were you repaid? I cannot say, never having been under this system as regards equipment.
28. Then there was, in fact, no allowance at all—if the account was sent in it was paid, whether more or less? At first, £100 a year was supposed to be sufficient to allow for keeping up the equipment, but afterwards alterations were made.
29. Were there many alterations made as to the equipment of surveyors, and the conveyance of the Commissariat department of the service? A good many alterations.
30. Were you ever consulted on those matters at all? No, I do not remember that I was officially.
31. Have you found any inconvenience during the time you have been in the service from attending upon contractors to get the supplies you required to enable you to carry on your duties? Yes; in some instances there have been delay. I think the best plan to adopt is to give the surveyors a certain sum, and to let them find everything themselves.
32. Has that system been adopted? No, I think not. I mean that a certain money allowance should be made for equipment, forage, rations and so forth—would simplify the matter a good deal.
33. The expenses of a surveyor do not depend entirely upon himself, because the contract in one district for the supply of forage for a horse might be ten shillings while in another it would be only half-a-crown? Yes, therefore the allowance should vary according to the district and the price of forage and provisions there. In the settled districts the expenses would be less than in the unsettled.
34. *By Mr. Forster:* Have you been surveying on the Clarence over the land formerly surveyed under the contract system? Over a small portion of it.
35. Can you give any opinion upon the manner in which it was surveyed? I think the survey is now of very little service for the sale of lands there. The land was divided into parishes and cut up into square blocks, but is of very little practical utility.
36. You think it is of no use to the Colony? It of some little use, as shewing the geographical features, but of no practical value for the sale of land.
37. Do you think the money expended upon it will be compensated by the advantage derived to the country? I doubt it. I do not think there is any advantage to be derived from the cutting up of this land into square blocks. I think it would have been quite as useful, and much less expensive, if the features of the rivers, creeks, and ranges, had been surveyed without cutting up the land into these blocks.
38. Do you approve of the contract system to that limited extent? I think, if there were a large block of five or ten thousand acres to be surveyed, tenders might be called for.
39. You are speaking of the contract as distinguished from the license system? The license system is a system of contract, but I think the other system is more desirable for the public good.
40. Are you of opinion that these three different modes—the salary, the contract, and the license systems—all might be applied in certain localities and under certain circumstances? I do not think the license system is a desirable or fair one. In Illawarra, for instance, it would

Wm. Shone,
Esq.

4 June, 1858.

Wm. Shone,
Esq.

4 June, 1858.

would be more difficult to survey 50 acres of land than to survey 300 in an open country. The system of having one scale of fees for all districts is not equitable; there should be a scale made according to the features of the country, and the difficulty of the survey.

41. You are aware that very general complaints have been made against the Survey Department, from time immemorial, I may almost say? Yes.

42. Do you think they were to any extent justified? Perhaps so. I think the surveyors were frequently called away to do duties which did not properly belong to the Survey Department, as I have already stated, and that to this circumstance may be attributed many of the complaints.

43. You think the deficiencies of the department arose from want of system? From not having their duties more properly defined.

44. Do you think the want of local inspection was a cause of the deficiencies complained of? Yes.

45. Do you think this will be remedied by the appointment of the district surveyors now proposed? Yes; but their appointment will be of no practical utility if the districts are too large.

46. The success of this system will depend altogether upon the proper appointment of district surveyors, and the extent of country they will have to overlook? Yes.

47. If these officers are properly nominated, you think there would then be the local inspection which was wanted in former times? Yes.

48. What is your opinion of the discretion given to surveyors, as to whether applications should be complied with—do you think that power has ever been exercised injudiciously? I think so. I think a great deal of time has been wasted in attending to applications for isolated surveys. I think the proper way would be to put up a block of land, and divide it ready for sale.

49. Would there not be a danger of large tracts being put up, which would not be demanded for sale afterwards? I think it would be the duty of the district surveyor to select blocks of land, and cut them up into proper portions.

50. Do you not think the survey of large tracts should arise out of a demand, or be made subject to existing demands? I think so; but still I think the supply ought always to be kept in excess of the demand.

51. Have you any other suggestions to make as to the improvement of the system? I think it would be an improvement upon the present system, if the Government think of adopting the contract system, to call for tenders for the survey of large blocks; but still, I think a properly constituted staff of officers, if conscientious men, would do their duty as well, if not better.

52. In all cases you think there must be a staff? Yes; if you have the contract system, you must have inspectors to see that the contracts are carried out.

53. In that case you would do a great deal of the work of the Colony by contract, checked by inspectors? Yes.

54. You think it would be a more effective and economical system? Yes.

55. Do you think any evils have arisen from insufficient remuneration having been given to surveyors? I think so. The duties of officers in the field are very laborious, and I think the remuneration has not been sufficient hitherto.

56. Are you aware whether any difficulty has been experienced in obtaining surveyors? I believe there has been difficulty in getting desirable hands.

57. Have you any reason to believe that the Survey Department has been deprived of any competent or good officers in consequence of supposed ill-treatment from the central authority? I think so—in fact there are very few old officers in the department.

58. You think the officers felt themselves to have been unjustly treated? Yes.

59. Are you aware of complaints having been made by parties who felt themselves injured or aggrieved? Yes.

60. Were these complaints not properly investigated or attended to by Government? I do not know. With regard to myself, of late years I received, on the recommendation of Sir Thomas Mitchell, late Surveyor General, as senior assistant surveyor, a salary of £500 a year—the salary was reduced £45 for tent allowance. From the middle of 1854 to 1857 it was £456, and then I was made a surveyor, with a reduced salary of £400.

61. I am speaking generally—have the Government refused to listen to the complaints that have been made, or have they never entered into them? In my own case I represented the matter to the Surveyor General. I am not acquainted with other cases.

62. *By Mr. Moriarty*: Do you think there would be sufficient competition for the contracts supposing the system were carried out? I think so.

63. In Sydney, no doubt, there would be, but in the country districts? In Sydney I think there are plenty of surveyors who would glad to tender for surveys of land in different localities. In some places there might be difficulty in getting parties; but I think if it were tried it might work well.

64. You think, as a general rule, there would be sufficient competition? I think there are surveyors throughout the country who would be glad to take up these contracts.

APPENDIX A.

For the information of the Committee, I beg leave to append to my evidence the accompanying letters, having reference to certain railway duties performed by me in former years. Mr. Garland, formerly a Member of the Legislative Assembly, called for the production of all these papers, and the Reports to which they refer, now extant in the Surveyor General's Office. They were not produced, with the exception of document marked No. 3, which did not give the information required by Mr. Garland. I contend that this is one of the

the most important engineering surveys which any member of the Survey Department has ever been engaged on; and the production of all the papers, on such a question of importance, should have been printed for public information.

Wm. Shone,
Esq.

4 June, 1858.

No. 1.

No. 50-321.

*Surveyor General's Office,
Sydney, 10 June, 1850.*

SIR,

Having submitted your Report and Plans to His Excellency the Governor, I have received a letter from the Colonial Secretary, of which I enclose a copy; and I have to express my satisfaction that the Governor submitted them to the Executive Council, and that your work has been highly approved of, both by His Excellency and the Council.

I am also authorized to instruct you to continue the survey to Campbelltown and Liverpool; and I have therefore only to request a continuance of the work, on the same principles by which you have hitherto been guided, selecting what may appear to you, after thorough examination, the most eligible direction for your line of gradients, sacrificing as little distance as natural obstacles, judiciously considered, may admit of.

ASSISTANT SURVEYOR SHONE,
Appin.

I have, &c.,
T. L. MITCHELL.

[Enclosure to foregoing.]

*Colonial Secretary's Office,
Sydney, 8 June, 1850.*

SIR,

In acknowledging the receipt of your letter of the 8th ultimo, No. 50-257, transmitting the Report and Plans of Mr. Assistant Surveyor Shone, for what he terms the central line of Railway to Goulburn, I do myself the honor, by the direction of the Governor, to inform you, that His Excellency has submitted them to the Executive Council.

2. The Members of the Council having considered Mr. Shone's Report, and inspected the Maps, expressed their satisfaction with the able and expeditious manner in which Mr. Shone has executed this work; and, by their advice, His Excellency has been pleased to authorise your instructing him to continue the survey to Campbelltown and Liverpool, as recommended by you.

3. By the advice of the Council, the Report and Maps are to be forwarded to the Directors of the Railway Company; and I am to request, therefore, that you will have the goodness to return the Maps to me for this purpose.

THE SURVEYOR GENERAL,
&c., &c., &c.

I have, &c.,
E. DEAS THOMSON.

No. 2.

No. 50-524.

*Surveyor General's Office,
Sydney, 27 September, 1850.*

SIR,

I had great satisfaction in receiving your letter dated 24th September, 1850, transmitting a Plan and Section of the proposed central line of Railway, extending from the Town of Liverpool to the Cataract River, and a rough section of the line from Liverpool to the Wingecarribbee.

I feel the greatest confidence in the accuracy of your plans and sections, and in the soundness of the views set forth in your Report; these must ever remain as evidence of the exercise of talent and industry, alike creditable to yourself as to the department.

As in your letter of September 3rd, 1849, you expressed a wish to return to your customary duties so soon as the Railway surveys should be completed, you will accordingly receive from the Chief Clerk the letters of instructions for surveys about Illawarra and Cumberland, now in the hands of Mr. Burrowes, but which he has been requested to return. Mr. Burrowes will, for the present at least, be retained to complete some surveys about Sydney, but you can obtain from him such of your plans and sketches as you may require.

ASSISTANT SURVEYOR SHONE.

I have, &c.,
T. L. MITCHELL,
Surveyor General.

No. 3.

*Surveyor General's Office,
Sydney, 13 March, 1847.*

SIR,

I have to acknowledge the receipt of your letter of the 11th instant, with the Plan and Sections of that portion of the proposed line of Railway between the Cataract and Nepean Rivers, and to express my satisfaction with the work. I must add, that I consider the survey highly creditable to the department, as well as to yourself individually, especially as it has been completed in a very short time, although carried over a most difficult country. As I cannot continue the survey throughout the whole line until the necessity for it becomes more urgent, I must request you will withdraw your party to the vicinity of Sydney; and on your arrival here, I shall reply to the various points adverted to in your letter.

ASSISTANT SURVEYOR SHONE.

I have, &c.,
T. L. MITCHELL,
Surveyor General.

Henry Halloran, Esq., called in and examined :—

- H. Halloran, Esq.
4 June, 1858.
1. *By the Chairman* : You are Chief Clerk of the Survey Department? I am.
 2. Will you be kind enough to state how long you have been in that department? Since the 1st May, 1827.
 3. You were in it in Mr. Oxley's time? For a short time.
 4. At his death? At his death.
 5. You were examined before the Board of Commissioners, on the 13th July, 1855? In 1855.
 6. That Commission consisted of whom? Professor Pell, Captain Hawkins, R.M., and Captain Clarke of the Engineers, also, I think.
 7. There was no professional officer belonging the service in that Commission? None.
 8. You have stated in answer to question 521, that all matters of accounts and all matters of finance pass through your hands? Yes, I believe I have.
 9. Has there been a general system of accounts applying to the department? Well, I cannot say that it was a very perfect system; not so perfect as it is now.
 10. It is perfect now? All payments are made by the department, and therefore a more perfect audit goes on than in former days.
 11. You stated that every letter that comes in you read, and every letter that goes out you read, and supply any deficiency—you do that, of course, on the authority of the Surveyor General? I presume so.
 12. Have you read this Report from the Commissioners? I have.
 13. What do you think of it generally as a Report upon the three services—the survey, the drafting, and the account or clerical branches of the department? I think it is a very able Report, considering it was made by persons who had little colonial experience—little experience in the matters on which they were reporting.
 14. In their Report they say—“It appears to us that the clerical duties are of a very cumbrous and voluminous nature, involving an amount of correspondence and registry which cannot but lead to considerable unnecessary expense.” Can you explain to the Committee how that branch has arrived at that position? From the Surveyor General insisting that everything should be prepared in draft and submitted to him; the most ordinary paper, the most ordinary reply to a letter, had to be prepared in draft, and submitted to him before being fairly copied, which would amount to perhaps from 3,000 to 4,000 unnecessary drafts in the course of a year.
 15. This could be very materially simplified? It is now almost entirely done away with.
 16. Do you remember the Secretary of State's despatch, so far back as 1828, arranging the department? I remember a letter from the Colonial Secretary, giving an extract from the Secretary of State's despatch. I had it in my hand the other day.
 17. Each officer then in the service had a copy of it sent to him, I believe? Yes, I think every one then in the service had its contents communicated.
 18. Did not many officers at that time remain in the service thinking these instructions would be carried out? I have no doubt the prospect of promotion induced many to remain.
 19. That was not carried out? I cannot say. Any particular instance, if you mention it, I may be able to explain.
 20. Do you remember Mr. Hoddle being promoted, and gazetted as Deputy Surveyor General? Yes.
 21. Have you any idea why that was not carried out? I have not. That would be about 1828; I was then a lad of fifteen years of age, and was not aware of the policy of my superiors.
 22. The department at that time was a very small one? Very small.
 23. Do you think the department, from that time up to the present, has not increased in greater proportion than the population of the Colony, and the extent of the country to be surveyed? That is a question I have not considered. It has increased, and I suppose according to the necessities of the times.
 24. At that time the population was 40,000, about one-seventh the present population, which is now, or was at the last census, 270,000. You may perhaps recollect for what purpose the office of Deputy Surveyor General was recommended, by Mr. Oxley, to be established? I do not recollect, but what I understood was, that the Deputy Surveyor General came out with that appointment to supply the place of Mr. Oxley; that he had the promise of the office of Surveyor General when he took the situation of Deputy Surveyor General.
 25. You do not know that Mr. Oxley recommended that a Deputy Surveyor General should be appointed for the purpose of aiding him in the field, in order that either he or the Deputy Surveyor General might be always in the field? I am not aware of that.
 26. Was it not intended, or was it not recommended, after Mr. Hoddle's appointment was cancelled, that Mr. Finch should be the Deputy Surveyor General? I never heard of it.
 27. Have you never seen any letter on that subject? I do not remember to have seen any such letter.
 28. You are not aware that in consequence of that recommendation, if such a recommendation did exist, a Deputy Surveyor General was sent from home? I am not.
 29. Do you recollect the arrival of the present Deputy Surveyor General in the Colony? Yes.
 30. Do you remember what his appointment was? Assistant Surveyor.
 31. At that time there was no Principal Draftsman in the service, I believe? I think Mr. Thompson came out after Mr. Jackson left the service; Mr. Jackson was the *senior* draftsman.
 32. Mr. Jackson held that position—he was responsible both for your branch and the drafting branch? I think so. There was no Principal Draftsman.
 33. Do you know whether Mr. Thompson was ever in the field at all? I think never in this Colony.

34. When he got the appointment, do you recollect whether it was not upon an increased salary? I am not certain that he immediately received an increase, but he did some time afterwards—£100 a-year additional. H. Halloran,
Esq.
35. Was it then generally supposed by the officers mentioned in the Secretary of State's despatch that he had taken a staff position in the service, and had no claim whatever to the promotion alluded to in the despatch. I cannot say. I am aware that there was an understanding in the office that he did not go into the field because he was physically incapable. 4 June, 1858.
36. That, in fact, he received an appointment at home, the duties of which he could not fulfil, and in consequence of that was placed in a situation much easier and much more remunerative? He received a higher salary some time after. If I recollect, Sir Thomas recommended him, from his peculiar fitness, for the office of Chief Draftsman. I think he had something to do with the preparation of maps in Downing-street before he came to this Colony.
37. Do you remember that another appointment was attached to the office at the time? What was that?
38. Secretary to the Court of Claims? Yes; after Mr. Dillon had been Secretary.
39. There were some emoluments attached to that office? In good times I think they must have been upwards of £100 a-year.
40. I think he received a guinea for each case? I do not know; I think so.
41. In the *Government Gazette* they are enumerated, and you will find, I think, they amount to upwards of 5,000? I do not know; but I could easily tell the amount received by him in any particular or any number of years.
42. Will you append a return to your evidence of the amounts received by him? Yes. (*Vide Appendix A*)
43. In the course of your experience, have you not heard it as a complaint of the officers in the field, that they have had no representative at head-quarters, no one that understood the duties and difficulties of a surveyor in this Colony? I cannot say I have; there was the Surveyor General.
44. The Surveyor General was frequently away from the Colony? I think altogether he was away on three occasions.
45. The management of the department then fell into other hands? Into the hands of his Deputy.
46. Did these officers—the Surveyor General and Deputy Surveyor General—seem to work well together? I think not so. Captain Perry was all obedience; but the other cared to make very little use of him, apparently.
47. Did it ever appear to you, during those periods of control by the Deputy Surveyor General, that a different system was adopted with regard to surveys, or was the system of the Surveyor General carried out as if he were present? I think, as I have said, that Captain Perry was all obedience, and that his disposition was to carry everything out as desired by the Surveyor General.
48. The license system, I think, originated during the Surveyor General's absence? I think not. It originated in 1843, with Sir George Gipps—in 1843 or 1844.
49. Has it come under your observation that many who have been sent out from home as surveyors have not been surveyors? I recollect one, who I believe was not a practical surveyor—Mr. Thomas White. In the recommendation that came out with him he was spoken of as having a knowledge of soils.
50. Are you not aware that out of the first six or seven who came out here, five were not surveyors at all? Do you mean the Thompson batch?
51. Yes. I cannot say I do; some of them held other offices afterwards.
52. You had a very good surveying officer—a namesake of mine—do you recollect him—Mr. Henry White? Perfectly well.
53. Do you not think he was worried out of the service? Driven out of the service. I do not know what you mean by worried; but he left the service because of certain charges brought against him by Mr. Gray, of Port Macquarie, of having used the men of his party as gardeners.
54. Do you think that was satisfactorily proved against him? I think not.
55. What was Mr. Gray at that time? Police Magistrate at Port Macquarie.
56. Mr. White was generally considered a very good officer? Sir Thomas Mitchell entertained a very high opinion of him.
57. He was not a surveyor from England? No.
58. He had learned the profession in the Colony? Yes, I know that he did.
59. You had a Mr. Dixon in the service? I recollect him well.
60. What was his character as a surveyor? I always heard him spoken highly of.
61. Can you give any reason why he left the service? On complaints of the Commandant of Moreton Bay. I do not believe there was any kindly feeling towards him on the part of Sir Thomas after the publication of his map. (*Vide Appendix B.*)
62. That map, I believe, was compiled principally from Mr. Dixon's own survey? I cannot say; but I understood that Sir Thomas Mitchell considered at the time that it was a pirated copy of his own—Dixon told me so. With reference to Mr. White, I may make a remark: I recollect being particularly struck at the time of his dismissal with, what I considered, the injustice of the decision. Mr. Gray brought charges against him. He then brought certain charges against Mr. Gray, and the Acting Governor said, "If you will withdraw your charges against Gray you shall remain in your position." White said, "I will not withdraw them, but prove them." "Then," said the Acting Governor, "I will order your dismissal for employing, in private service, men provided for your public use." I thought it a most unjust decision at the time.
63. Do you think, with regard to that letter from the Secretary of State, faith was kept with the surveying officers? I am not aware of any breach of faith. I cannot tax my memory with any.

- H. Halloran, Esq.
4 June, 1858.
64. There were certain amounts of salary fixed to each grade? Yes.
65. Were the salaries of the surveyors ever increased at all after that period? The surveyors had not increasing salaries, except by change of position; £400 was the highest—that was for the first surveyors; £375 for the second; £350 for the third; and £325 for the fourth. The assistant surveyors commenced at £200, with an increase of salary of £20 a year till it reached to £300; draftsmen had £150, increasing £10 a year till it reached £200.
66. No increase upon those amounts as fixed by the Secretary of State's despatch ever took place? None, until recently. There was the general increase of the gold allowance, but no particular increase until the cases of Messrs. Darke, Gordon, and Burrowes, whose salaries were raised to £325, although they were only assistant surveyors.
67. The salaries of officers in other branches of the service were also fixed by the Secretary of State? The drafting branch, not the clerical; there was no reference whatever made to the latter.
68. Have their salaries been increased? Yes.
69. Then they get much larger salaries than the surveyors? The Chief Draftsman may, but not the draftsmen generally.
70. What amount do they receive now, the maximum salary having been fixed by the Secretary of State at £200? I think Mr. Adams receives £400.
71. Besides the gold allowance? No; the gold allowance is done away with now, or rather reduced, and made part of the permanent salary.
72. Was Sir Thomas ever interfered with in his general duties by any other head of a department? According to the instructions under which he acted, he had to obey all instructions coming from the Governor through the Colonial Secretary.
73. I refer to the detail, the management of his department? I presume only by instruction of the Government.
74. Do you not think, if an officer holds a position as the head of a department, and gets a salary for the performance of the duties belonging to his position, he should be considered competent to perform those duties? No doubt that he should.
75. In Sir Thomas Mitchell's evidence I see that he alludes to having been very much interfered with; he states that the department is not under his control, and the system is not of his devising? Yes, I recollect a statement of that kind; and the Commissioners, commenting upon it in their Report, observe, that they could not get him to shew how he had been interfered with.
76. When that arrangement was made by the Secretary of State with regard to the officers of the service, was it not contemplated that the assistant surveyors would be promoted to the superior position of surveyors, and was there ever any difference made in the duties of surveyors and assistant surveyors? I think, in some one or more instances, possibly others were placed under the directions of surveyors. Mr. Townsend, for instance, had a staff in the Monera district.
77. If others were placed under their directions, were they supported in a style to carry out their duties, if the surveyors found it necessary to complain of those under them? I cannot tax my memory with anything to the contrary.
78. The Report says—"The Surveyor General disclaims all responsibility for the acknowledged disorganization of his department; maintaining that the system in operation is not of his own formation, or such as meets his approval; that he has been improperly interfered with in the performance of his duties; and that he has not received the support of the Government in endeavouring to maintain discipline and efficiency"—Do you think the Surveyor General had reason to make that complaint? I do not think he was warranted in the complaint.
79. Do you not think he was interfered with in the promotion of his officers, and in the appointment of them to different districts? I do not think so. I believe that whatever he recommended, and shewed any reason for, was acceded to.
80. Do you not think sometimes, when he was absent, the arrangements he had previously made were not carried out as he intended? I have no doubt, that as far as he expressed himself they were; for, as I have before said, Captain Perry was always obedient, and desirous to carry out his directions.
81. You are aware that immediately Sir Thomas left the Colony, the promises made of different districts to officers were not carried out? I do not remember any particular instance of his promise not having been fulfilled.
82. In appointing the different districts to officers, you believe Sir Thomas generally directed what officers were to be sent? I think so.
83. Did he at all interfere in the supplies and equipments of officers? Almost every thing was under his direction, even to the most minute matters; even whether the officer should have forage or not.
84. In arranging for the equipments of officers, you remember the Government at one time supplied the officers with every thing? Yes.
85. When an officer made a requisition for supplies, necessary to enable him to carry out the work he was ordered to perform, did it rest with Sir Thomas whether or not he received those supplies? Yes.
86. That system caused a great deal of trouble? Yes, I think so; because of the difficulty of forwarding supplies to distant districts.
87. It was unsatisfactory both to the officers and to head quarters? I think it was.
88. Were the officers in the field ever consulted in these matters at all? Not with my knowledge; I believe Sir Thomas had private correspondence with his officers, but whether he touched upon such matters I cannot say.
89. Do you think from his own knowledge he had any idea of these things? As to what a surveyor should have?
90. Yes? He had had some little experience in the field; he was an officer for retrenching every expense that could be cut off.
- 91.

91. If he had experience in the field, it was generally with an officer under him; and the officer under him had to look after the supplies? Yes; and on his *expeditions* he would take abundance of every thing.
92. The equipment of the Surveyor General was very different from that of a surveyor sent out to do similar duty? Not similar duty.
93. Some had very similar duties? I dare say he took more particular care of himself than he would of others.
94. That system of supplying the equipment was done away, and an allowance was given? Yes.
95. Do you remember the time when, as an experiment, all the officers of the service were struck off the staff? When the alteration was made by Sir George Gipps. I think it was rather for economy than as an experiment.
96. Do you think that was keeping faith with the officers? Most unquestionably I do not. I do not attribute that to Sir Thomas Mitchell.
97. Some of the oldest officers were struck off at that time? Some of the oldest officers were made licensed surveyors, and some junior to them were retained as salaried surveyors.
98. That was just at the time that land was raised from 12s. to £1 an acre; the country was in great difficulty, and there was no land to survey? That was in 1843, or early in 1844. I do not recollect immediately the circumstances of the times.
99. When it was found necessary to remove the officers from their districts, and send them to advance the surveys of the Colony beyond the boundaries, the allowance was given to them? Both within and beyond the boundaries; £70 within, and £100 beyond.
100. Are you aware that £100 never paid them? I thought otherwise—taking one year with another.
101. It depended upon the district—some had twelve or fourteen horses, while others could do the duty with three? I have heard that some kept fourteen horses. I think Mr. Bagot did so; but I looked upon that, in his case, as rather a matter of private inclination or speculation than of necessity.
102. We were allowed forage for how many horses? I think for one saddle and two draught horses. The great object was as much as possible to keep down the expense of forage, which the Surveyor General considered “adverse to the best interests of the service,” as he has stated so in his own handwriting.
103. Still he expected the work to be done? No doubt he did.
104. Do you know whether when he went out to travel in the western country he carried forage? I think he took a small supply of corn, but I am not certain.
105. When he went out upon any expedition, he had sufficient strength to carry all he required for the expedition? Yes; for those distant expeditions he took a great number of bullocks, drays, boats, &c.
106. He was not limited as a man would be who had to find his own equipment? I think that he took ample equipment with him when he went out.
107. So that the statement you have made would amount to this—that a surveyor with a salary of £400 a year and £100 a year allowance would have to keep something like twelve horses? I could not say he *would have* to keep them; of course, I know but little of such matters except from hearsay.
108. I have had to keep a couple of drays on the road constantly and a certain number of carts, and yet sometimes I have been for three or four months almost starving. Do you remember at one time when I was in the service I had no provisions from the month of October to the end of February, when I was on the lower Barwon, in 1847? I have no doubt it was so, but I cannot say I remember it.
109. My tents were burned down, and I was there nearly five months without food, with six free men? I believe you had a very hard time of it on that occasion.
110. Do you remember that my salary was stopped in consequence of the monthly returns not having been received from me? Yes.
111. That was not in Sir Thomas Mitchell’s time? That was in Captain Perry’s time. He had very peremptory instructions on the subject; and Sir Charles Fitz Roy, in 1848 or 1849, said, that if the returns did not come in the salary was to be stopped, and the Surveyor General was to be held personally responsible for the due observance of that order.
112. Are you aware that I applied for an investigation into that matter? I do not remember such application.
113. Are you aware that I ever applied for leave of absence to go home? No, that I cannot tax my memory with.
114. Do you recollect anything of the Deputy Surveyor General charging me with contumacy at that time? I do.
115. Do you recollect what that charge originated in? I looked at the letters the other day; I think it was in your not sending in your work—your journals.
116. Forage returns, I think? I recollect the circumstance. There were three or four distinct charges, a copy of which was sent to you.
117. I requested an investigation, which was never granted? I can produce any official papers.
118. Did you ever see a letter from me during the time I was in the service, complaining of the treatment of officers of the service, and the position they have been placed in, through a series of years, in consequence of not adhering to the Secretary of State’s despatch? I have no doubt I have seen it, but I do not remember it particularly.
119. Do you know that I requested to be examined by the Board when it was sitting? I am not aware.
120. Do you remember seeing me in Sydney at that time—I saw you? I do not recollect that I did. I know that you were not examined.

H. Halloran,
Esq.
4 June, 1853.

- H. Halloran, Esq.
4 June, 1868.
121. I see by your evidence that you are in favor of continuing the system of licensing surveyors under the supervision of district surveyors? Yes.
122. Would not that be very expensive? That depends upon the number of licensed surveyors employed; if you had few the cost of supervision rateably would be increased; if you had a large number to carry the work through rapidly, the cost of supervision will be decreased.
123. Do you think under the license system, as at present conducted, the land is marked? I have heard of instances where marks have not been made, and I questioned the surveyor alluded to upon the subject: he said he did mark the allotments, but that, being on a place called the camping ground, the marks had been kicked out by cattle. I am inclined to the license system, from the circumstance of its having been adopted and continued in America, and I think it wise to follow the example of a careful, an enlightened, and an economical people.
124. Still supervision would be necessary? Indispensably necessary.
125. Do you not think the Surveyor or Deputy Surveyor General ought always to be in the field? Yes, I do.
126. Who should be able to say—"You surveyed such or such a piece of ground; I wish to see it"? You must then have a number of Deputy Surveyors General.
127. Do you not think some years ago, when there were only 40,000 persons in the Colony, one Deputy Surveyor General could have done it all? I doubt it. I have given the matter some consideration. I remember, some years ago, I prepared a sort of scheme for such arrangements. I went through the whole process, from the application to purchase to the issue of the deed. I saw Mr. Deas Thomson about it: he said, if I submitted it through the head of my department, that it should be received for what it was worth; but the officer in charge said he did not think my scheme could be carried out.
128. The position of a surveyor when you first joined the department was very different from what it is now—was it not more difficult, and attended with greater privation and risk? Yes; no question it was a very hard life, and is so even now in the outer districts.
129. Do you not think it was the intention of Government when these grades were formed, to have divided the country into districts, and to place the older officers over them? I have no doubt that that was the object.
130. Do you not think it would be much more advantageous to the service to have men placed in these districts acquainted with every inch of the country, who could give reports when required? Just so; but four are not sufficient for that purpose.
131. But the arrangement was made in 1828—thirty years ago—and, of course, as the wants of the country increase, the staff must increase? Yes. I thought you alluded to the present.
132. For about seven years I managed the four counties of the Hunter, and I believe I got through the work, besides a very great deal of work that an officer could not account for? The Surveyor General has directed that all this work should be included in the monthly return.
133. There is in the Appendix to the Report a letter of Sir Thomas Mitchell's to the Government, dated 3rd February, 1855? I did not see that till long after it had been sent in.
134. In it he recommends the appointment of county surveyors? Yes; I believe he had been advised to do so.
135. Formerly he was opposed to it? I think he was opposed to an officer becoming comfortable in his district.
136. Therefore, when an officer was well acquainted with the country he was removed, and another was appointed, who had to go over the work again? Yes, that has occurred.
137. Do you think, in consequence of that, some of the natural features of the country have been surveyed five, or six, or seven times? I have heard that they have been twice surveyed. Of course that has been a very bad arrangement; for an officer going to a district should know everything previously done in it; he should have tracings.
138. Tracings are now supplied to the licensed surveyors? They make them for themselves, or pay others to supply them.
139. They make them from the originals? From the maps in use, or from the originals, where they need them.
140. Is it not quite possible for a surveyor having the original survey of a stream, without going on the ground at all to fill it up, if he pleases, if he has no one to supervise him? I think, if dishonest, he might do so. Local supervision is, of course, as I have before said, unquestionably necessary.
141. With regard to the surveys of the country as they are now carried on—do you not think the Surveyor General's Department should be responsible? Do you mean for their accuracy of measurements?
142. That every department requiring a survey should get it through the Survey Department? I think so, as regards all surveys.
143. Are you aware that Sir Thomas Mitchell considered himself Chief Commissioner of Crown Lands, by the King's Instructions? That is, not as Commissioner of Crown Lands as at present existing, but a commissioner for apportioning and valuing the lands of the Colony. Colonel Barney was appointed to the former office.
144. Still he considered that having that office he had a right to the other, and should be consulted in all matters connected with the divisions of the country? I think he had some idea that he should have been Chief Commissioner of Crown Lands, as the present Surveyor General is.
145. At page 8 in the additional Appendix is the following question, by the Governor General—"Might not the Survey Department, under proper regulations, be made to render most valuable assistance in all the preliminary work of laying out rail and other roads, and developing the lines of communication throughout the Colony?" The answer is this, "Yes; but I consider that it offers these advantages to a very great extent now. The main lines

"lines of communication have already, by means of my surveys, been opened, or at least, marked out; and that, through supineness in some quarter, they are not maintained as they should be, or not opened, is a standing cause of regret."—To what quarter did he refer? It is likely that he referred to the Northern, or Wollombi Road, by Wiseman's. I have heard it spoken of as a work of almost imperial design; it was partially completed, but it has fallen entirely into decay.

II. Halloran,
Esq.
4 June, 1838.

146. Are you aware that it was completed? I am not aware; but I think an immense amount of money has been expended upon it.

147. A hundred thousand pounds? I should say much less, because it was done by convict labor.

148. Are you able to get men as licensed surveyors who seem to understand their duties? There are many applications, but many of these who come up go back again, and many others who come up do so to get a sort of diploma, as a guarantee to the public that they are qualified, and that they may obtain work from the public.

149. The duties the licensed surveyors have to perform are not so onerous as those which were placed upon the officers who had to extend the survey of the country? No. The measurement of lands within reach of towns, of markets, and of comforts, is certainly not so onerous as where the surveyor is in the remote interior, away from these advantages.

150. Does the system still exist of allowing individuals to select land wherever they please? Yes; either by personal application or by letter to the surveyor in the district—both ways are open.

151. Do you not recollect that it was a general complaint of the officers before they were removed to the western country, that two-thirds of their time was spent in travelling? No doubt they may have complained. The practice, however, originated in the small quantity of good land in proportion to the bad; and of course any person who wishes for land applies for good spots only: hence dispersion, delay, increased cost of measurement.

152. Would it be better to carry on the survey consecutively, without regard to applications? It would be more economical, more politic, better—to precede demand.

153. Leaving it to the officer to mark out such portions of land as he considered would be saleable? Yes; to divide all that is vacant into smaller portions where it is suited to agricultural, and into larger portions where it could be applied to pastoral purposes.

154. That would depend upon his topographical knowledge—his acquaintance with the quality of the land? Yes; the supervisor should thoroughly know his district.

155. Have you a copy of the King's Instructions to the late Surveyor General, brought out with him in 1826 or 1827? Yes. I have, in Sir Thomas Mitchell's handwriting, an extract from Instructions addressed to Governor Darling, which he always referred to as the Royal Instructions.

156. Can you give a copy of those Instructions? Yes. (*Vide Appendix C.*)

APPENDIX A.

STATEMENT shewing the amount annually received by John Thompson, Esq., as Secretary to the Commissioners of the Court of Claims, from 1836 to 1854, inclusively.

YEAR.	AMOUNT.
	£ s. d.
1836	14 0 0
1837	158 0 0
1838	169 0 0
1839	194 0 0
1840	224 0 0
1841	233 0 0
1842	127 0 0
1843	64 0 0
1844	18 0 0
1845	16 0 0
1846	21 0 0
1847*	6 0 0
1848	15 0 0
1849	4 0 0
1850	14 0 0
1851	23 0 0
1852	16 0 0
1853	11 0 0
1854	16 0 0
	1,343 0 0
	168 0 0
TOTAL.....£	1,511 0 0

* Arrears of previous years, received in 1847.

H. Halloran,
Esq.

(No. 41-224.)

4 June, 1858.

APPENDIX B.

Colonial Secretary's Office,
Sydney, 6th May, 1841.

SIR,

I have had the honor to receive, and to submit to the Governor your letter of the 3rd instant, No. 41-161, offering such observations as you have thought proper to make on a communication and other documents from the Commandant of Moreton Bay, relative to the conduct of Mr. Surveyor Dixon; and in reply I am directed by His Excellency to remark, that, from the evidence of the two men of the 80th regiment—Whiteemore and Turnbull—it seems beyond doubt that Mr. Dixon encouraged his men to force a sentry, and that he also addressed words to the same soldiers calculated to excite them to mutiny, or at least to create in them disrespect to their Commanding Officer, who is also the Commandant of the place.

In any situation this would be, on the part of a person employed on Her Majesty's Service, a very serious offence, but, at a penal settlement like Moreton Bay, it is one which it is impossible for His Excellency to overlook; and Mr. Dixon's conduct has so frequently called for His Excellency's marked disapprobation, that he can have no reason to expect that anything short of removal from the service will have any effect upon him. The Governor, therefore, instructs me to request that you will inform Mr. Dixon that he will cease to receive pay in the department from the day on which His Excellency's decision is made known to him by you.

When Mr. Dixon was lately in Sydney, he insinuated, in a conversation with His Excellency, charges against Lieutenant Gorman of improper intimacy with some of the convict women at the settlement, and the Governor subsequently understood that Mr. Dixon stated these charges more openly to the Private Secretary. Proceedings which His Excellency has had before him on the trial of a prisoner at the settlement, named Ford, render it necessary that these charges should be inquired into. I am, therefore, directed to request that you will communicate this to Mr. Dixon, and call upon him to bring forward any evidence he may have in substantiation of them.

I have the honor to add, that a copy of this letter has been sent to Lieutenant Gorman.

THE SURVEYOR GENERAL.

I have, &c.,

E. DEAS THOMSON.

APPENDIX C.

EXTRACT from the Instructions to the Governor under the King's Sign Manual, dated the 17th July, 1825, relative to the Division of the Territory of New South Wales into Counties, Parishes, &c., &c., and the disposal of lands.

18. And whereas we have, in and by the said Commission, authorised and empowered you, with the advice and consent of our Executive Council, to issue a Proclamation dividing our said Territory of New South Wales and its Dependencies, into districts, counties, hundreds, towns, townships, and parishes, and appointing the limits thereof respectively, and to agree for such lands, tenements, and hereditaments as shall be in our power to dispose of, and them to grant to any person or persons upon such terms, and under such moderate quit-rents, recoveries, and acknowledgments, to be thereupon reserved to us, according to such instructions as shall be given to you under our Sign Manual: Now, we do hereby authorise and require you, as soon as conveniently may be, after your arrival within our said Territory of New South Wales, to issue, in our name, to three discreet and skilful persons therein resident, a Commission, under the Seal of our said Territory, authorizing and commanding them to make a survey, in manner hereinafter mentioned, of all the lands, and a valuation of all the waste and ungranted lands within our said Territory: And it is our pleasure that the Surveyor General for the time being of our said Territory shall be the first and Chief Commissioner to be named and appointed in and by the said Commission.

19. And it is our pleasure that, together with such Commission, you do issue to the Commissioners thereby appointed, instructions requiring them to divide and apportion the whole of the said Territory into counties, each of which shall contain, as nearly as may be, forty miles square; and to apportion each county into hundreds, of which each hundred shall, as nearly as may be, comprise an area of one hundred square miles; and again to subdivide each hundred into parishes, of which each parish shall contain, as nearly as may be, an area of twenty-five square miles; and you are to instruct the said Commissioners that, in making the division aforesaid of our said Territory into counties, hundreds, and parishes, they do have regard to all such natural divisions thereof as may be formed by rivers, streams, and highlands, or otherwise; and that whenever in order to obtain a clear and well defined natural boundary of any county, hundred, or parish, it shall be necessary to include therein a greater or smaller quantity of land than is hereinbefore mentioned, they, the said Commissioners, shall make such deviations from the prescribed dimensions of such county, hundred, or parish, as may be necessary for obtaining such natural boundary: Provided that no such county, hundred, or parish shall, in any case, exceed or fall short of the dimensions before prescribed, to the extent of more than one-third part of such dimensions.

20. And it is our pleasure that that part of our said Territory of New South Wales which hath hitherto been divided into counties shall be comprised in such new survey as aforesaid: Provided, nevertheless, that in case it shall appear to you, with the advice of our said Executive Council, that such new division as aforesaid of such last mentioned part of our said Territory into counties, hundreds, and parishes is, for any cause, impracticable or inexpedient

To issue a Proclamation dividing the Territory into districts, counties, hundreds, towns, townships, and parishes.

Appointment of Commissioners.

Division of the Territory.

That part already divided, if the new division is impracticable.

inexpedient, you shall suspend the execution of these our instructions in reference to that portion of our said Territory until you shall have communicated unto us, through one of our Principal Secretaries of State, the nature of such obstacle, and shall have received our further directions in relation thereto.

21. You are further to require the said Commissioners, from time to time, to make to you reports setting forth the progress which they have made in the before-mentioned survey of our said Territory, specifying therein the limits of each county, hundred, and parish which they have surveyed and apportioned; and you are to require such Commissioners to annex to such their written reports, charts, or maps of every such county, hundred, and parish.

Commissioners to report progress.

Annexing charts or maps.

22. And in case the said Commissioners should not unanimously concur in making to you their report respecting the division of the said Territory, you are to require the said Commissioners respectively to communicate to you the grounds and reasons of the different opinions which they may so entertain respecting any such question as aforesaid; and if upon a consideration of such reasons it should appear to you, with the advice of your said Executive Council, that the opinion of the majority of the said Commissioners is erroneous, you shall, by an order to be made in Council, require the said Commissioners to review such their report; and if the majority of such Commissioners should, after such review of such their report, adhere to their original judgment, so that your acting with the advice of the said Executive Council should ultimately differ in opinion from the said Commissioners, you shall suspend the ultimate decision upon any such question until you shall have transmitted to us, through one of our Principal Secretaries of State, a full statement and explanation of the question in discussion, and until you shall have received our further instructions for your guidance therein.

In case Commissioners do not concur in making their report.

23. And it is our pleasure, that when any such report of the said Commissioners as aforesaid shall be finally approved by you, with the advice of your said Council, or by us, as the case may be, the same shall be deposited among the Records of the Supreme Court of New South Wales, and that an exact transcript thereof shall be deposited in the office of the Surveyor General of our said Territory, and that another transcript thereof shall be transmitted to us, through one of our Principal Secretaries of State.

Reports, when approved by the Governor, to be deposited in the Supreme Court and Surveyor General's Office.

24. And for the better guidance of the said Commissioners in the execution of the duty so to be committed to them, you will, with the advice of the said Executive Council, issue to them such instructions as may from time to time become necessary; and you shall, by a new Commission or Commissions to be for that purpose issued in manner aforesaid, supply all such vacancies in the said Commission as may from time to time arise, by the death, resignation, absence, or removal of any such Commissioner.

Governor to issue instructions to the Commissioners, with the advice of the Executive Council.

To supply all vacancies by a new Commission.

25. And it is our will and pleasure, and we do hereby specially authorize and empower you, in our name, from time to time, to issue under the public seal of our said Territory, Letters Patent for erecting into counties, hundreds, and parishes, such districts as may in manner aforesaid be selected for that purpose by the said Commissioners, in and by any reports so to be made by them, and approved by you or by us as aforesaid, as the case may be; and all such Letters Patent so to be issued by you in our name shall be enrolled among the Records of the Supreme Court of New South Wales, and shall be on record; and the issuing of any such Letters Patent shall by you be made known to all our loving subjects within our said Territory, by Proclamation, to be by you from time to time published for that purpose in the most usual and public manner.

Letters Patent to be issued, erecting into counties, hundreds, and parishes, such districts as may be selected by the Commissioners, by any reports made by them and approved by the Governor.

26. And we do further authorize and require you, in and by any such Letters Patent as aforesaid, in our name and in our behalf to grant to our loving subjects resident within any such county, hundred, or parish, all such franchises, immunities, rights and privileges whatevers, as consistently with the circumstances, situation, laws, and usages of our Colony of New South Wales may be properly granted to such our loving subjects in that behalf: Provided that such franchises, immunities, rights and privileges shall, as far as the circumstances of the said Colony may admit, be such as are and of right may be claimed, held, enjoyed, and exercised, by our subjects inhabiting and residing in any county, hundred, or parish in that part of our United Kingdom of Great Britain and Ireland called England, and not otherwise.

By such Letters Patent to grant all such franchises, rights and privileges, as may be consistent with the circumstances of the Colony.

Provided that such rights, &c. be such as may be claimed in England, and not otherwise.

27. And it is our will, and we do further require, that such division as aforesaid of our said Territory into counties, hundreds, and parishes shall not for the present be extended into such districts of our said Territory as lie beyond the range of any actual settlements, but that such division as aforesaid shall from time to time be extended into the parts thereof which are at present unsettled, as the cultivation of our said Territory may progressively advance, so that in all future times all persons intending to settle in our said Territory may know in what county, hundred, and parish any particular lands are included.

Such division not to be extended into districts beyond the range of any actual settlements.

28. And it is our pleasure and we do hereby direct, that the Commissioners so to be appointed as aforesaid for the division of our said Territory into counties, hundreds, and parishes, shall also be required and authorized to make a valuation of all the waste and unoccupied lands comprised in every such county, hundred, and parish; and for that purpose it is our pleasure that the said Commissioners shall ascertain the average value of the lands in each parish separately, taking into their consideration the fertility and all other natural, accidental, or local advantages or disadvantages of the land in each parish, as a basis for calculating the value thereof; and in making such their valuation, it is our pleasure that the said Commissioners shall inquire what sum of money might reasonably be expected to be paid for any such lands, if sold for a price to be paid in ready money at the time of the conveyance, in tracts containing three square miles, or one thousand nine hundred and twenty acres each, to be held in free and common socage in fee simple, without the payment of any quit-rent or duty for or in respect of the same.

Commissioners also to make a valuation of all the waste lands in every county, &c., ascertaining for this purpose the average value of the lands in each parish separately;

In making which valuation, the Commissioners to inquire what sum might be expected to be paid, if sold for ready money at the time of the conveyance, in tracts of three square miles, to be held in fee simple.

29. And it is our pleasure that the said Commissioners shall make to you reports of the progress of such their valuation, in the same manner and subject to the same rules and conditions

Commissioners to report the progress of their valuation.

conditions as is hereinbefore provided in respect to the reports so directed as aforesaid to be made of the survey and division of the said Territory into counties, hundreds, and parishes; and such and the same proceedings shall be had and taken upon and in respect to the reports so to be made as aforesaid, or the value of the said lands as are before directed to be had and taken in respect to the reports to be made of the survey and division of the said Territory.

Commissioners to report what lands it may be proper to reserve so as to be surveyed and valued by them;

30. And it is our pleasure, and we do further direct you to require and authorize the before-mentioned Commissioners further to report to you what particular lands it may be proper to reserve in each county, hundred, and parish, so as to be surveyed and valued by them as aforesaid, for public roads and other internal communications, whether by land or water, or as the sites of towns, villages, churches, school houses, or parsonage houses, or as places for the interment of the dead, or as places for the future extension of any existing towns or villages, or as places fit to be set apart for the recreation and amusement of the inhabitants of any town or village, or for promoting the health of such inhabitants, or as the sites of quay or landing places which it may at any future time be expedient to erect, form, or establish on the sea coast, or in the neighbourhood of navigable streams, or which it may be desirable to reserve for any other purposes of public convenience, utility, health, or enjoyment; and you are specially to require the said Commissioners to specify in their reports, and to distinguish in the charts or maps to be subjoined to these reports such reserved tracts.

Such reserves not on any pretence to be granted to any person, nor suffered to be occupied by any private person for any private purpose.

to specify in their reports, and distinguish in the charts or maps to be subjoined to these reports such reserved tracts.

Such reserves not on any pretence to be granted to any person, nor suffered to be occupied by any private person for any private purpose.

Provision to be made for the establishment and support of the Protestant Religion, and for the education of youth by the appropriation of a part of the waste lands;

31. And whereas it is necessary that sufficient provision should be made for the establishment and support within our said Territory of the Protestant Reformed Religion as by law established in England and Ireland, and for the education of youth in the discipline and according to the principles of the United Church of England and Ireland. And we have for that purpose thought fit that such part as hereinafter mentioned of the waste and unoccupied lands within our said Territory, with its dependencies, should be appropriated and set apart and should be placed under the control and superintendence of one body politic and corporate to be established within the said territory, by Letters Patent to be for that purpose issued under the Public Seal of New South Wales: Now we do hereby require and enjoin you, when and so soon as such body politic and corporate shall have been vested and established, in pursuance of certain additional instructions herewith given, or hereafter to be given to you in that behalf, to make to the said corporation such grants of lands within our said Territory of New South Wales as hereinafter mentioned.

to be placed under the control and superintendence of one body politic and corporate.

32. And for the purpose last aforesaid, it is our pleasure, and we do hereby direct that you do require and authorise the before-mentioned Commissioners to mark out and set apart in each and every county, hundred, &c., into which they may from time to time divide the said Territory, a tract of land comprising one-seventh part in extent and value of all the lands in each and every such county, to be thenceforward called and known by the name of the Clergy and School Estate of such county. And it is our pleasure that every such Clergy and School Estate shall as nearly as may be lie in one contiguous and unbroken part, and that when it shall be impossible to select such a tract of land for that purpose without serious injury or inconvenience to private settlers, then the said Commissioners shall be at liberty to allot such Clergy and School Estates in two or more continuous tracts in the same county. It being nevertheless our will and pleasure, that the Clergy and School Estates in each county shall not be interspersed with or divided by other lands excepting only in such special cases as aforesaid. And it is our pleasure that the lands to be set apart in each county for the Clergy and School Estate thereof, shall be an average quality and value in reference to the general quality and value of the lands comprised in the said county, and that such alterations shall be selected for this purpose as may afford to the said Clergy and School Estates a reasonable and equal share of every natural advantage of water carriage or internal communication which may be possessed by the lands in general throughout any such county; and you are to direct and require the before-mentioned Commissioners to make a special and distinct report to you in reference to such county to be erected in our said Territory, pointing out with all possible precision the particular tracts of land appropriated for the Clergy and School Estates of such county. And in case it shall not be possible to find in any of the counties which may be so erected as aforesaid, a sufficient quantity of vacant and unoccupied land to make up the Clergy and School Estate of that county, then it is our will that the deficiency be made up by an allotment of land to be taken out of the nearest adjacent county in which a sufficient quantity of ungranted land may be found for that purpose.

One-seventh of the lands in each county to be so appropriated, and called the Clergy and School Estate.

To be in one continuous and unbroken tract.

When impossible to select in one tract, at liberty to allot such estates in two or more tracts in the same county.

Such lands to be an average quality and value of the lands in each county.

To make a special and distinct report in reference to such county, pointing out with all possible precision the tracts of land appropriated for the Clergy and School Estates.

When a sufficient quantity of vacant land cannot be found in one county, the deficiency to be made up by an allotment of land out of the nearest adjacent county.

Grants to the said Corporation and their successors to be passed under the Great Seal as soon as the estates are ascertained by the reports of the Commissioners.

And it is our pleasure that, when and so soon as the said Corporation shall have been erected and established, you do, in our name, pass under the Public Seal of New South Wales, grants to the said Corporation and their successors, of the Clergy and School Estates aforesaid, when and as they may be successively allotted and ascertained in the several counties of our said Territory, by any reports from the said Commissioners which shall have been finally approved by you or by us, as the case may be, to hold such lands to the said Corporation and their successors, in fee simple, and in fee and common socage tenure.

All the remaining waste lands, after making these reservations, to be granted to private persons, subject to the following conditions:

33. And it is our pleasure, that all the waste and uncleared lands within our said Territory which shall remain after making such several reservations as before-mentioned for the public service, for the support of the Clergy of the established Church of England and Ireland, and for the education of youth, shall be granted in our name, and in our behalf, to private persons willing to effect settlements thereupon, and subject, nevertheless, to the several rules and conditions hereinafter particularly mentioned.

34. And we do require that, from time to time, and when and so soon as the said Commissioners shall have made any report, which being so approved as aforesaid, shall take the limits and the average value of the lands in any parish to be erected in our said Territory, you do by Proclamation in the public *Gazette* of our said Territory, or otherwise, as may be most convenient, make known to all our subjects what is the average price of lands in any such parish, to the intent that all persons may know the prices for which the same will be sold.

35. And you are to cause lists of all the parishes in which lands may remain for sale, with the average prices of such lands, to be publicly exhibited in the office of the Surveyor General of New South Wales; and no such lands shall be sold or disposed of until the average price thereof hath been so published and exhibited in the office of the said Surveyor General during one calendar month, and the highest offer which shall, during such month, be made for any such lands shall be accepted, provided that such offer shall at least amount to the before-mentioned average price; and to secure uniformity in all applications to be made for the purchase of such lands, you are to cause printed forms of such applications to be prepared and delivered at the office of the said Surveyor General, to any person making application for the same, on payment of the fee of two shillings and six-pence, and no more; and such applications shall be received in such written form as aforesaid, and in none other.

36. And in case any such lands as aforesaid shall continue unsold during a period of three years next after the average value thereof shall in manner aforesaid have been made publicly known, you shall be, and are hereby authorized to accept the highest offer which shall be made for the same, although such offer may not amount to the average price fixed for such valuation as aforesaid: Provided, nevertheless, that in case you should be of opinion that such lands do not remain unsold by reason of the price being excessive, then, and in every such case, you shall and may suspend beyond the said period of three years the sale of such lands at any prices below the said average price.

Provided always, and it is our will, that in case you should see sufficient cause of a public nature for refusing any offer made by any particular individual for the purchase of any particular lands, you shall be at liberty to decline accepting such offer, although the price offered may be the best and highest offer received for the same, it being, nevertheless, our pleasure that the best and highest offer is in all cases to be accepted unless the objection to the person making such offer should be of the clearest and most decisive nature.

37. And it is our pleasure that all grants of land to be made by you in our name to any person or persons in consideration of the payment of money for the same, shall be made to such person or persons, and his, her, or their heirs and assigns, to be by him, her, and them held in fee and common socage, yielding and paying to us, our heirs and successors, a quit-rent of one peppercorn by the year for the same; and every such grant shall pass in our name, under the Public Seal of New South Wales, and shall be executed and delivered to the purchaser or purchasers at the office of the Colonial Secretary of our said Colony, on the payment of the purchase money for the same, or on the payment of the last instalment of such purchase money, as the case may be, and not before, and for the delivery of every such grant, and the preparing the same, the said Colonial Secretary shall be entitled to charge a fee amounting to forty shillings sterling money, and no more, or of such smaller amount as you, from time to time, with the advice of the Executive Council of New South Wales, shall appoint, and every such grant shall, previously to its being so delivered, be enrolled in the Supreme Court of New South Wales; and for making every such enrolment the Registrar of such Court shall be entitled to receive from such grantee or grantees a fee of five shillings sterling money, and no more.

And we do further authorize you to allow a discount of ten pounds per cent. on the immediate payment of the price of any such lands, that is to say—on payment of such price into our Treasury of our said Colony, in gold and silver money, within one calendar month next after the offer of the purchase or purchasers shall have been accepted; and in all other cases such price shall be paid and made payable by four equal instalments, on the four most usual days of payment in the year.

38. And it is our will that such lands as aforesaid shall be put up to sale in lots comprising one thousand nine hundred and twenty acres, as nearly as may be; and to prevent uncertainty and confusion respecting the lots of land thus offered for sale, you are to require the before-mentioned Commissioners of Survey and Valuation to prepare charts of each parish, with division lines, by which the whole of every such parish will be divided into lots of six hundred and forty acres each; and you are further to cause such Commissioners to annex schedules to such charts, in which they shall point out and describe the natural and artificial landmarks corresponding with the division lines on every such chart, and every such lot of six hundred and forty acres shall also be described in the chart of the parish by a numerical mark; and all offers for such lands shall be made, and all such grants of land as aforesaid effected, in reference to the public chart of the parish in which such lands are situate.

39. And it is our will that no person shall be permitted by any contract or successive contracts to become the purchaser of more than nine thousand six hundred acres of land in the whole, within the said Territory, except in pursuance of a special letter to be by us for that purpose issued through one of our Principal Secretaries of State.

40. And in case any person purchasing any such lands as aforesaid shall, within ten years next after the payment of the whole of such purchase-money, make it appear to you, with the advice of the said Executive Council, by sufficient proof, to be transmitted to, and laid before such Council, that he hath, within such period of ten years, relieved our Treasury from an expense equal to ten times the amount of such purchase-money by the employment of convict laborers upon such lands, then and in every such case you are hereby authorized and required, by a warrant under your hand, to direct the Treasurer of the said Colony to refund and pay back to any such person or persons the whole price or purchase-money by

As soon as the Commissioners have made any report on the limits and average value of lands, the average price to be published by Proclamation in the *Gazette*.

Lists of the parishes in which lands remain for sale, with the average prices, to be exhibited in Surveyor General's office. No such lands to be sold or disposed of until the average price has been published and exhibited there during one calendar month.

The highest offer to be accepted, provided it at least amounts to the average price. Printed forms of such applications to be prepared and delivered at the Surveyor General's office, on payment of the fee of 2s. 6d.

In case such lands continue unsold for three years, the Governor authorized to accept the highest offer, although under the average price. Provided, nevertheless, that if the Governor is of opinion that the reason why they remain unsold is not because the price is excessive, that then he may suspend beyond the three years the sale at any prices below the average price.

The Governor may decline accepting the best and highest offer, provided he should see sufficient cause of a public nature for doing so.

The objection must be of the clearest and most decisive nature.

All grants to be made in consideration of the payment of money to be held in fee and common socage, paying an annual quit-rent of one peppercorn.

To be delivered to the purchaser at the office of the Colonial Secretary—

having been previously enrolled in the Supreme Court of New South Wales. A discount of £10 per cent. on the immediate payment of the price of such lands, that is to say—a payment in gold and silver money within one calendar month after the offer of the purchaser shall have been accepted. In all other cases such price to be paid by four equal instalments, on the four most usual days of payment in the year.

Lands to be put up for sale in lots of 1,220 acres. Charts of each parish to be prepared with division lines, by which the whole parish will be divided into lots of 640 acres each.

The Commissioners to annex schedules to such charts, describing the natural and artificial landmarks corresponding with the division lines on the chart.

Every lot of 640 acres to be described by a numerical mark, and all offers made, and all such grants effected, in reference to the public chart of the parish in which such lands are situate.

No person to become the purchaser of more than 9,600 acres, in the whole, except by a special letter issued from the Secretary of State.

The whole of the purchase-money (but without interest) to be refunded in ten years to the purchaser who can prove that he has relieved the Treasury of an expense equal to ten times the purchase-money, by the employment of convicts; without refunding any money allowed as a discount on prompt payment.

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him, her, or them paid for such land, but without interest, and without refunding any money which may have been retained by or allowed to any such person or persons as a discount on prompt payment; and in computing the amount of the sum saved to our Treasury by the employment of convicts, the purchaser or purchasers shall have credit to the amount of one pound twelve shillings for each and every convict he shall have employed and wholly sustained at his own expense upon such lands as aforesaid, for the term of twelve calendar months.

In computing the amount of the sum saved, the purchaser to have credit for £1 12s. for each convict employed and wholly sustained by him for a year.

At the end of six months after the lands have been so offered for sale, and not sold, grants without purchase may be made of them to any person applying for them, according to a printed form, to be delivered at the Surveyor General's office, on payment of 2s. 6d.

An answer through the Colonial Secretary to be returned in the order of time in which the application may have been received.

The Governor not to assent to such application until he is satisfied that the person applying is able, and intends, to lay out in the cultivation a sum equal to half the price at which the lands may have been valued by the Commissioners.

Such land so granted to be holden in free and common socage, paying a quit-rent of 5 per cent. per annum on the value fixed by the Commissioners.

Every such grant to be delivered at the office of the Colonial Secretary—having been previously enrolled in the Supreme Court of New South Wales.

Such quit-rent not to commence until after seven years next succeeding the date and execution of such grant.

Every such grant to contain a proviso that the same shall become void, unless within seven years from the date thereof the grantee or grantees shall make out, to the satisfaction of the Governor, that he or they hath or have, during such period, actually expended in the improvement of such lands a sum equal to one-fourth the value at which the same may have been estimated by the Commissioners.

The quit-rent to be redeemable at the option of the grantee, his or her heirs and assigns, on the payment of a capital sum equal to twenty times the amount of such quit-rent, to be paid within twenty years next succeeding the date of such grant.

In calculation of the amount of such quit-rent, the value of the land shall be estimated at 32 shillings per acre, and the value of the improvements shall be estimated at 10 shillings per acre.

No person shall be without such quit-rent except he or she, his or her heirs and assigns, shall have been in the possession of the land for a year or more.

Persons not being a second grant of land shall pay the quit-rent immediately after the execution thereof.

41. And it is our further pleasure, that at the expiration of six months next after the time when any lands shall have been so offered for sale as aforesaid, at such average price as aforesaid, and shall not have been actually sold and disposed of, it shall be lawful for you to make grants of such lands without purchase to any person applying for such grants, &c., to the end that uniformity may be observed in the manner of making such applications to be prepared and printed with necessary blanks; and a copy of every such printed form shall be delivered at the office of the said Surveyor General to any person or persons making such applications for the same, on payment of a fee of 2s. 6d. sterling money, and no more.

42. And it is our pleasure that, upon receiving any such application as aforesaid for the purchase of lands, you shall return through the Colonial Secretary an answer to every such person or persons as nearly as may be in the order of time in which his, her, or their application may have been received by you, and that you shall not assent to any such application unless and until you shall see good cause to be satisfied that the person or persons so applying is or are able, and doth or do intend to expend and lay out in the cultivation and improvement of such lands a sum of money equal to one-half of the price at which such lands may have been valued by the said Commissioners.

43. And it is our will that all such lands as aforesaid which may be so granted without purchase shall be so granted to the person or persons applying for the same, and his, her, or their heirs and assigns, to be by him, her, or them holden in free and common socage, yielding and paying to us, our heirs and successors a quit-rent for the same of £5 per cent. per annum upon the value of the lands so fixed as aforesaid by the said Commissioners; and every such grant shall pass in our name under the Great Seal of New South Wales, and shall be delivered to such grantees at the Office of the Colonial Secretary of our said Colony on the payment of a fee of 4s. sterling money, and no more, to such Secretary, for the delivery of every such grant, and the preparing thereof, or on the payment of such smaller fee as you, from time to time, with the advice of the Executive Council of New South Wales shall appoint; and every such grant shall, previously to its being delivered, be enrolled in the Supreme Court of New South Wales, and for making every such enrolment the Registrar of every such Court shall be entitled to receive from such grantee or grantees a fee of five shillings sterling, and no more.

44. And it is our pleasure that such quit-rent as aforesaid, shall not commence to be payable until the expiration of seven years next succeeding the date and execution of every such grant; and every such grant shall contain a proviso or condition to the following effect, that is to say,—that the same shall be and become absolutely forfeited and void unless within such term of seven years from the date thereof such grantee or grantees, or his, her, or their heirs or assigns shall establish, and make out to the satisfaction of the Governor, Lieutenant-Governor, or person Administering the Government of New South Wales, that he, she, or they hath or have, during such period of seven years, actually expended in the cultivation or improvement of such lands a capital sum equal to one-fourth part of the value at which the same may have been estimated by the said Commissioners previously to the issuing of any such grant.

45. And it is our pleasure that such quit-rent as aforesaid shall, in and by every such grant, be made redeemable at the option of the grantee, his or her heirs and assigns, on the payment by him, her, or them into the hands of the Colonial Treasurer, of the capital sum of money equal to twenty times the annual amount of such quit-rent: Provided that such payment be made within twenty years next after the date and execution thereof; and in calculating the amount of the payment so to be made into our said Treasury for the redemption of any such quit-rent, the person or persons making such payment shall be entitled to credit for the sum of thirty-two shillings for each and every convict who, he, she, or they, may appear to have employed and maintained at his, her, or their own expense, for one whole year in the cultivation of such lands as aforesaid.

46. And it is our will, that no person shall receive, without purchase, a grant of land exceeding 2,500 acres, or less than 320 acres: Provided, nevertheless, that you shall be at liberty to make grants of land of less than three hundred and twenty acres in the immediate vicinity of any town or village, in all other cases in which such grants are not applied for, for the purpose of establishing farms or making settlements, it being our intention, by the before mentioned restriction, to prevent the increase and extension of farms and settlements too innumerable to replace with profit the capital to be expended in the cultivation thereof.

47. And it is our will, that in case any person shall receive a second grant of land without purchase, who hath at any former time received a grant of land from us, either with or without purchase in our said Territory, that the quit-rent made payable on such second grant of land shall become payable immediately from and after the execution thereof, and shall not be suspended for such term of seven years as aforesaid, it being our intention that such suspension of payment as aforesaid shall take place in favour only of persons who have not theretofore made any settlement in our said Colony, and as an encouragement to and assistance to such new settlers.

THURSDAY, 10 JUNE, 1858.

Present:—

MR. ALDCORN,

MR. MORIARTY,

MR. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

Thomas Cadell, Esq., called in and examined:—

1. *By the Chairman*: What part of the Colony are you from? Benbullen, in the County of Roxburgh—the Bathurst Police District.
2. I believe you applied to the Government to have some lands measured for you for sale? Not directly to the Government, but to the surveyor on the spot.
3. For what quantity of land? From six to eight hundred acres.
4. Had you any obstacle in obtaining the measurement of the land? I had. The surveyor at first told me he could not measure 800 acres without a special application. There was a small spring of standing water that I pointed out to him when I went over the land with him.
5. Not a watercourse? Not a watercourse.
6. Was it in the section? I wished it included in the measurement of a section of the ground.
7. Will you detail to the Committee what occurred with respect to that circumstance? Mr. Burnside, the licensed surveyor, said he must reserve the spring of water, and that he could not measure 800 acres without a special application. I asked him then to measure two 400 acre lots, or to make a section of it—640 acres.
8. Did it in any way connect your property? It was to connect two properties, one 1,540 acres, and another 785 acres.
9. And the land you required was the intermediate portion? Lying between these two lots. I was not aware what would be the quantity required to connect them, but I thought from five to eight hundred acres.
10. Will you state what occurred between this officer and yourself with regard to the survey in question? He said he would shew me his authority to reserve all springs, which was by circular, but he had it not that day to produce. He appointed a day that I should meet him on the land, when he was to shew me the circular; but on going there I did not find him or any trace of his tent. He then went to Hartley, and was absent some ten or twelve days. On his return he said Mr. Davidson had decided the matter against me.
11. Mr. Davidson is the district surveyor? Yes; and Mr. Burnside had seen him at Hartley.
12. The licensed surveyor was under the surveillance of Mr. Davidson? I suppose so. I asked him if the decision referred both to the quantity and to the water, and he said both.
13. He had orders to reserve both? The water in particular, but also the land around it.
14. Did he say what quantity of land around it? I think he mentioned ten acres. The spring is only fit to supply a sheep station. I said I was astonished that Mr. Davidson should have prejudged the case.
15. Was the land in question agricultural or pastoral land? Pastoral land.
16. What was the result of your application to him? He mentioned on the evening he returned from Hartley having seen Mr. Davidson, and that he knew Mr. Davidson would be in the neighbourhood in ten days, and that as he, Mr. Burnside, had three or four days work farther on, he would go and do that work, and return to the land respecting which the dispute was, and by that time Mr. Davidson would be there, and we agreed to refer the matter to him for his report. Mr. Burnside also assured me that he would not measure any land there till the matter was decided, and I went with him and pointed out how I wanted my land connected.
17. Did he measure any land without any reference to your claim? About nine days from that evening I saw Mr. Burnside, and he asked me if I could ride over with him next morning, when he would point out my boundaries and show me what he had been doing. On getting to the outer boundary of my 1,540 acres he showed me that he had reserved a line two chains wide along the side line of one section of my land, where a road can never possibly be carried, and he also pointed out that he had measured twelve 30-acre farms, with roads through them, on the very land I had applied to have measured.
18. Are you at all aware of the scale of fees that licensed surveyors get paid for the survey of land? I am not aware; but I have heard they get £3 for every 30 acre allotment, or 2s. an acre.
19. You wanted yours divided into two portions only? I said if he could not measure it in one to divide it in two; but I preferred its being kept together.
20. I see by the scale of fees he would have been allowed about £14 for surveying the 800 acres together, whereas by measuring it into these smaller portions he would have been allowed about £55? After he had shewn me what he had done, he asked me what would I do. I said I thought it was my duty to write to the Government about what had occurred. He asked to whom I would write, and I said I thought to the Colonial Secretary. He said, I had better write to the Surveyor General. I said, no. I thought it was such a serious case I would write to the Colonial Secretary, and I had no doubt it would be sent to the Surveyor General to be reported upon. He said it would be a serious loss to his family, that he would lose £75 by it. I asked him why did he go on measuring it without my being on the ground, and I may state that I know two of his men had been measuring while he was absent at Hartley. At last he said could not we arrange it; if the matter were sent to Sydney it would be twelve months before there could be any final report from the Survey Office, and that we both should have to go to Sydney on the matter. He had offered if I would nullify his measurements, by ringing or falling the timber, he would measure the sections as I wished, but he wanted a fixed time, I think six months, which I would not agree to. I said I would aid all I could in getting that done. After we had decided upon this, he took out his chart, laid down his pencil upon it and said, "recollect if this 640 acres"—which I said I would fix upon—"if this 640 acres crosses the road I will not measure it for you."

T. Cadell,
Esq.

10 June, 1858.

- T. Cadell,
Esq.
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21. Was it a cleared high road? The main road. I was perfectly aware that the section line would not come to the road by some little distance, and I thought it a little singular he should wish to reserve this road for frontage to 30-acre farms, and not measure for 640 acres.
22. You are quite satisfied that this land which he wished to measure for 30-acre farms was not fit for agricultural purposes? The land on the road is not so, though small portions of the section are; but he wanted frontages for the farms he has since measured on the same road.
23. *By Mr. Aldcorn*: Was it a road that had been for some time in use? The road to Mudgee—the high road. Mr. Davidson was understood to be camped at Wallerawang, fifteen miles distant, and we agreed to leave the matter to him, and to ride over to see him the next morning. On getting to Mr. Davidson's camp, or the place where he had been camped, we found he had gone home to Kirkconnell the day before. I still said I should write to the Government if I did not see Mr. Davidson, and that I should insist upon having the land measured as I wanted. He said, "Can we not settle it?" and sat down upon a log; I sat beside him. He then took out his chart, and made this offer, that if I would reserve him a particular portion on one side of the 640 acres for 30-acre farms, he would go on the ground as if a chain had not been stretched upon it.
24. *By the Chairman*: Did he tell you that all these matters were left to his discretionary power? Yes; a discretionary power to survey what he liked. I agreed that we should go on the ground as if a chain had not been stretched upon it. On his return the day following we went out, and his camp was then at this very spring. Before he began to measure, he said, "Here is a reserve"—pointing out the corner tree, next the spring—"I must still leave that reserve in the land." I said, "I thought we were to come upon the ground as if a chain had not been stretched upon it; if the water is to be reserved I will not have the whole land in one section."
25. Was there no other water on that section? No other water on that section, but there is a creek within a quarter of a mile, which this land would not have come upon. We then agreed that he was to write to Mr. Davidson, enclosing a chart of the ground, shewing the water, and that if Mr. Davidson answered that the water was not to be included as a reserve, he should measure the section. He at the same time said he would ask Mr. Davidson to come over. We wrote by the next day's post, and expected Mr. Davidson daily, but up to the time I left home he had not come.
26. What date was this? On this day week I left home.
27. How long had you been in treaty about this land? Upwards of four months—from the end of February, when I first took him over the land, and shewed him what I wanted measured. Being out with him on the ground that day, he said it would not matter if we chained the outer side line, and he would just continue that line, to see where it would strike the road, but it did not come near the road, it was six chains from coming on to the high road. We came home with the understanding that we were to write by the next day's post, but Mr. Burnside went on surveying the next opposite section to my 1,540 acres, and I believe, has measured that into 30-acre farms. It is a very poor, barren country.
28. Are any of these 30-acre farms applied for? Not one; that was one reason why he said he would nullify the former measurement. He said, "Not one of these are applied for, and if you will agree to nullify them, I will measure the land as you wish."
29. *By Mr. Moriarty*: By "nullifying them," do I understand that Mr. Burnside requested you to destroy the marks? Yes, by barking or felling the timber—by destroying the corner pins, or marked trees.
30. Are you aware that that would have been a misdemeanour? Perfectly. On noticing in the paper that Mr. Murray, Mr. Davidson's father-in-law, had died, as we had expected either Mr. Davidson over, or an answer from him, I went to Mr. Burnside, and said, I supposed that was the cause of Mr. Davidson's neither replying nor coming. I asked what course we should now adopt. He said he would send down the survey as it was. I wrote to the Surveyor General the next morning, not entering into my grounds of complaint, but stating that I had written to Mr. Davidson respecting the matter, and begging that the survey sent down by Mr. Burnside might not be passed till further inquiry was made.
31. Have you ever heard any complaint in your district of officers of that class measuring adjoining lands to a large proprietor in small portions, for the purpose of forcing them to purchase? No, I cannot say I have.
32. Such a thing is quite possible? Yes.
33. Has much land surveyed in the neighbourhood of Wallerawang not been applied for, and not been sold? A great deal about Wallerawang has been surveyed by Mr. Burnside. I think he surveyed seventy lots there, and forty are all that are in the least likely to be sold.
34. You know the nature of the country about Wallerawang? Yes.
35. Is it much fitted for small agricultural farms? The small quantity that was fitted was taken up long since. A large quantity has been measured that has not been sold, and never will be. A great number of farms have been measured by Mr. Burnside which have never been applied for. When he first came to our neighbourhood he had applications, which he shewed me, for four portions to the south-east of my boundary, by two individuals; two, I think, were for 30-acre farms, and two for fifty acres, at the Dead Horse Flat. He asked me to point out my boundary, and I shewed it to him, or rather the starting point, which Mr. Charlton made some six years ago on a 30-acre farm. After Mr. Charlton had measured that, he went about half a mile to a little flat, and measured other thirty, then again about half a mile from that and measured other thirty. Altogether Mr. Charlton measured about six lots at intervals. That was, I think, in 1852. Mr. Burnside began and filled up all these intervening spaces in thirty and forty acre lots as they would come in. Although he had only four applications. I believe, in this way, to the south of my property, he measured thirty-seven farms.
36. *By Mr. Moriarty*: The farms measured by Mr. Charlton I believe are all sold? Yes, and some measured since by Mr. Armstrong have been sold. Of these thirty-seven farms
round

round Mr. Charlton's measurement, I am certain twenty-eight of them will never be purchased. On some of them you could not sweep off the rock as much soil as would form an acre of cultivable ground.

37. *By the Chairman*: These are conterminous lots? I believe so.

38. An individual having a discretionary power of measuring land in such cases may do a very great deal of mischief in a district? A vast deal.

39. *By Mr. Moriarty*: These intervening blocks—will the possession of them be of importance to the proprietors of neighbouring farms? I purchased two, but they can never be available as a general purchase. I thought it very strange that Mr. Burnside should be away three weeks at a time, and his men going on with the work of surveying this adjoining land all the time he was absent.

40. *By Mr. Aldcorn*: Did Mr. Davidson, the district surveyor, at any time visit Mr. Burnside, while he was measuring these farms? Never.

41. He never was there? No.

42. Did you ever see Mr. Davidson in that district, or in communication on the spot with Mr. Burnside? Never. I ought, however, to mention, that Mr. Davidson had, I believe, started on his tour, had got as far as Wallerawang, and was inspecting the surveys of Mr. Burnside there, and that he was then coming on to Benbullen, but was suddenly called away from his camp—I suppose by Mr. Murray's illness. He had told Mr. Burnside he should be up in the neighbourhood of Benbullen in ten days; he had been overlooking some surveying of Mr. Burnside near Bowenfels, and had proceeded thence to Wallerawang to overlook some survey, thence he proposed to come to Benbullen, and then to go on to Ryalstone.

43. How long had Mr. Burnside been working there in surveying the whole of these farms, or all that he did in your neighbourhood? He came there in February last; I think the last week of February.

44. And has been continually employed since? Yes, excepting during his absence. He has been frequently at Hartley, where he has his home and family. I think he was away at one time for three weeks.

45. Did his men go on surveying on all occasions in his absence? I cannot say on all occasions. As long as they were measuring to the south-east of me, I know his men went out during his absence, because they were boarding at an inn a few hundred yards from my house, and I saw them going out and coming home with the instruments.

46. Do you know whether they were common chainmen, as they are called? One of them was an old resident, and an applicant for many portions of land, perfectly familiar with the boundaries.

47. They were not men acquainted with the profession? Not at all. I said to Mr. Burnside, when he was speaking of the loss his family would sustain, that I was astonished he should have allowed his men to go on with the work and he away. He said he had been over the work. I said I had heard than one of them had been marking, and he replied that Burns—that was one of them—was very wishful to learn surveying, and that he went out practising.

48. *By the Chairman*: Without the instruction of the licensed surveyor? That was his answer. He said he was an Oxford or Cambridge scholar, and was anxious to learn surveying. I believe these two men measured eight or nine farms; I mean those to the north-west.

49. *By Mr. Moriarty*: These farms, measured by Mr. Charlton, have they been purchased by one individual? No; by various parties.

50. They are occupied, I presume, by those parties? I think only three of them are occupied; two are unoccupied, and I purchased one myself adjoining my land. It never had a tenant.

51. *By the Chairman*: Are you aware of licensed surveyors in your district having entered into anything like private traffic in Government land, and becoming land jobbers? I am not aware. On calling at the Surveyor General's Office, on Tuesday after coming to town, and seeing Colonel Barney, to whom I mentioned that I had addressed a letter, he said Mr. Burnside was suspended.

52. In consequence of your report? I could not say. I have not entered into the matter with the Surveyor General.

53. *By Mr. Aldcorn*: Is it your opinion that the spring would have been of any service to these farms supposing they had been sold? The existence of the spring upon the land might have led people to purchase who had never been to see the land; but any one who did go to see it would know that there was no practicable way of getting to the water. It is in a hollow between two most precipitous sides of hills, except in one direction, where it opens to a creek, about a quarter of a mile off.

54. Is it grazing land? Yes.

55. You mentioned that there was a creek near it—only a quarter of a mile off? Yes.

56. Might not that have been a source of supply for these farms? It might have done, but the spring was nearer.

57. *By the Chairman*: You have no more chance of getting that land now than when you applied for it, and perhaps less, because it is subdivided? Yes, it is subdivided; but he himself undertook to nullify the marks.

58. *By Mr. Aldcorn*: How long is it since you wrote to Mr. Davidson? The 19th of May.

59. *By the Chairman*: Are the licensed surveyors very particular in marking the boundaries of lands? No; in my neighbourhood, in the surveys of Mr. Davidson, the marks made eighteen or twenty years ago are perfectly good—they are well marked trees. Mr. Charlton's surveys also are excellently marked; but I must say I have never seen such marks as Mr. Burnside's.

60. There seems to be no system of marking adopted similar to that of former years? No, only a few saplings marked,—one or two on the side line of a 30-acre allotment.

61. And a stranger would probably have to employ a surveyor to point out the lots? And he would be at a great loss to find it unless acquainted with the locality; familiar as I am I could not run down thirty acres.

62. And you have been living seven years in the neighbourhood? Yes.

T. Cad. II,
Esq.

10 June, 1858.

WEDNESDAY, 16 JUNE, 1858

Present:—

Mr. ALDCORN,		Mr. FORSTER,
Mr. DONALDSON,	|	Mr. MORIARTY,
		Mr. WHITE.

G. B. WHITE, ESQ., IN THE CHAIR.

Henry Halloran, Esq., again called in and further examined:—

H. Halloran,
Esq.

16 June, 1858.

1. *By the Chairman*: When the system of appointing officers from home was the only one adopted in the service, was the duty generally satisfactorily carried on? Yes, I think so, generally speaking.
2. The surveys as performed by these officers were afterwards placed in the hands of draftsmen, who mapped them? Yes; they charted them, as they used to call it.
3. That is not the proper term, "charting" is applied to naval, and "mapping" to land surveys? The former was the term used, and though technically inaccurate, not derivatively so. There are *selenographic charts*, which are maps of portions of the earth's surface. The use of the word originated with the early Governors of the Colony, who were naval men, as did also the word "creek," instead of *stream*, or *rivulet*, or *river*.
4. Are you at all aware of the scale upon which these maps were compiled generally? That is not my branch; I cannot say I am acquainted with it.
5. I suppose you know nothing about the field-books, whether there was any general plan or formula by which the surveyors were obliged to return the field-books to the office? No. I recollect strongly urging that they should do so; but they did not, except on leaving the service, or on going to another district.
6. They were not made upon one general plan or formula? I think not—every one had his own system.
7. You have always had a considerable establishment at head-quarters of surveyors, independently of the gentlemen belonging to your branch of the service, and the draftsmen? One or two generally.
8. I see by this Report that there are three put down as belonging to head-quarters? There were Mr. Gordon, Mr. Burrowes, and My Lord Audley, I think, at the time.
9. Was there supposed to be duty for these officers? I should think not for all, for I know that one of them was not employed upon the duties of a surveyor.
10. I see here also that there are 17 draftsmen and 16 clerks—has the establishment increased, or has it decreased since? In 1856 it increased very much; it went up to 29, with the two branches of the department—the Crown Lands and the Survey. It is now 22 or 23 altogether, so that it has gone down again; but we are much pressed.
11. I think I asked you before, but I may repeat the question, do you not think that establishment could be reduced? I think they work fully generally during hours.
12. Could not the work be so simplified as to decrease the number? In every possible way that it can be decreased it has been. Letters of no importance have not been recorded, such as applications for deeds. We have attempted the practice pursued in merchants' offices, for the *impression* of copies; but I do not think it is a safe course to continue, as I have looked to the Railway Office, the Treasury, and Post Office, and find that imperfect impressions were not uncommon; I understand also that in the ministerial departments in England it is not pursued; and that in the Great Western Railway Office, where it was introduced, it was discontinued.
13. In your evidence given before the Commissioners you state that some 12,000 letters pass through your office annually? Last year the number received was upwards of 14,000. I think I said drafts, entries, and fair copies, in my evidence.
14. Do you recollect what number of letters were written to the public out of that 12,000? That I cannot say from memory. The 12,000 is composed of drafts, fair copies, and entries, which reduces the real number to 4,000. At one time the most ordinary letters had to be *drafted*—in fact, written in triplicate. I endeavoured constantly to get rid of that system of drafts, but was always called to account when I did so.
15. *By Mr. Moriarty*: When was this practice discontinued? Immediately Colonel Barney took charge. Immediately I had the power of discontinuing it I did; I had previously attempted it, but was met with rebuke.
16. *By the Chairman*: In answer to question 589—"Do you know what is the number of "letters which have been written this year?—you say 528 to the Colonial Secretary, 826 " to Surveyors, 393 to private individuals, 171 to minor departments, and 49 to the Chief " Commissioner of Crown Lands; printed acknowledgments about 1,219, printed intimations " of land proclaimed for sale, 360. Average of letters and printed letters about 12,000 a " year, exclusive of blank cover reports, allowing for the three copies—draft, fair, and entry"? Yes: that would bring it down to about 4,000.
17. Of these 393 were to private individuals? Yes.
18. *By Mr. Moriarty*: Does that 393 include draft and fair copy? I should say certainly not; there is also a great number of printed letters.
19. But in those letters there are only a few words filled in? There is the dating, numbering, the subject, recording, and noting these letters, and the putting up, addressing, and stamping—all requires time, though trivial in themselves.
20. *By the Chairman*: Can you furnish the Committee with a list of all the clerks who have joined the service since Mr. Oxley's death? It would be a very long list.
21. You can give the number yearly, and the amount of salary paid to them, to show the cost of the clerical department, year by year? Yes, with some trouble. (*Vide Appendix A.*)

22. Can you furnish also a list of the surveyors employed since Mr. Oxley's death, with the salaries of those officers and their contingent accounts, year by year? Yes; it will, however, be an immense labor. (*Vide Appendix B.*) It may be got from the books of the Audit Office and the Treasury, and from our own in later years.
23. Do you remember the names of the officers of the surveying branch being excluded from the lists of the department? What list do you refer to—any general list of the department?
24. There used to be a list supplied by the different departments to the Almanacs of the Colony; and under the head of the Survey Office, the names of the Surveyor General, the Deputy Surveyor General, and then of the surveyors, the assistant surveyors, the draftsmen and clerks were published,—for one or two years this list was excluded altogether? That has been done by the will of the printer, never by the office. Other departments were similarly treated—principals of divisions only shown.
25. Do you remember any of the officers making a complaint respecting this? I think Mr. Galloway in some correspondence made an allusion to it.
26. You do not recollect it? I fully recollect some allusions to myself.
27. I think Mr. Galloway was not the only officer who remonstrated on the subject? He is the only person who did so officially, or whose remonstrance reached me; and I think it was rather with reference to the position in which the names were placed that he objected.
28. Are you not aware it was supposed by several officers that it was omitted for the purpose of abolishing the grades established by the Secretary of State's Despatch? I cannot say I ever heard any thing of the sort; it was altogether an arrangement of the printer. I believe Mr. Galloway mentioned in his letter that Mr. Townsend had felt annoyed about it.
29. You are not aware that I wrote to the Colonial Secretary upon the subject? I am not aware.
30. *By Mr. Moriarty*: Are these publications to which the Chairman has referred official documents? The publishers send, or come to the office and ask for the lists, as a matter of information; sometimes they are given, if we are in a position to furnish; sometimes, where arrangements are incomplete, they are not given. I have lately sent them to the gentleman who prepares the salary abstract, Mr. Williams, the accountant, and he gives them.
31. They are not furnished officially by the head of the department? The head of the department does not furnish them officially.
32. *By the Chairman*: I see that in this Report the Commissioners recommended that the license system should be abolished, with as little delay as the immediate wants of the department would admit, and I think you do not agree with that recommendation? I do not, if I may maintain my opinion. For surveys *beyond* the Settled Districts—feature surveys, trigonometrical surveys or explorations—highly salaried, scientific, and devoted men, with liberal allowances, should be employed. When I bethink me of the gallant Burnett, the chivalrous Kennedy, the unfortunate Stapylton, the devoted Townsend, the martyrs of the Survey Department—and White, and Galloway, and MacCabe—I doubt whether any such could ever be drawn from the ranks of the licensed surveyors.
33. Do you agree with their general recommendation that there should be three classes of surveyors—district surveyors, surveyors, and assistant surveyors? I am of opinion that within the Settled Districts of the Colony a district surveyor, controlling a considerable staff of licensed surveyors, and working right a-head, would operate more quickly, and more cheaply, than under the other arrangement.
34. *By Mr. Aldcorn*: A proper inspecting surveyor? Yes; who should be able to control, direct, and organize.
35. *By the Chairman*: What was the greatest difficulty you had to contend with when you had a staff of officers belonging to the service—I refer to the transport of the commissariat, the supplies of the service? The form of supply requisition from head-quarters. Of course where a person received a money allowance, and could purchase upon the spot anything he required, he moved more quickly than if he had to send to head-quarters for everything he required.
36. The men employed in Sydney got the same allowance as those who were employed five hundred miles away in the bush? No. I stated the other day that it was not so: within the Settled Districts they had £70 a-year, and beyond £100.
37. *By Mr. Aldcorn*: Was that on account of the greater expense the surveyors would be at in the distant districts? The greater difficulty and cost of getting supplies. In Sydney he could purchase a dray second-hand, or at a reasonable price; in a remote district the expense would be much greater, the market being limited.
38. *By Mr. Moriarty*: Is there any other difference in the allowance, besides the difference in the allowance made to surveyors in the Settled and to those in the Unsettled Districts? Only in the case of Mr. Burrowes, who received £100 a-year in Sydney; but he was not allowed to draw rations or forage. That was a special matter of arrangement. Mr. Darke is now receiving the same.
39. *By the Chairman*: How many local land offices have you now? Nearly seventy.
40. You have increased the number very much since this Report was framed—there were then fifty? Clerks of Benches being agents now, we have the arrangement extended to the Unsettled Districts.
41. The commission on the sale of lands at this time, I see, amounted to something like 2s. 4d. per acre? It was very large. I have heard surveyors complain bitterly that they received only so much for surveying such a portion of land, and that the Commissioner, who had merely to go into the auction room and dispose of it, received so much more.
42. Has that commission been reduced at all? Yes. The Clerk of the Bench, as agent, now receives £50 a year in addition to his salary, whether he effects any sale or not; but if the amount realized from sales by him reach £5,000, he then has two per cent. on the whole,

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- so that his agency or additional salary will reach £100; but he cannot go beyond that, whatever quantity of land he may sell, even though it amount in value to a million.
43. I see that Sir Thomas Mitchell laid the Royal Instructions upon the Table when he was before the Commissioners? I think this is likely to be the document itself: if so, it is an extract copied in his own handwriting. (*Vide Appendix C to first Evidence.*) I understand that the General Instructions of Sir R. Darling and Governor Brisbane are in print, and therefore this cannot be looked upon as a private paper.
44. Have you any large quantity of land for sale at the present moment? I think a quarter of a million of acres measured, but not all open to sale. This contains the Clarence River lands.
45. Sir Thomas Mitchell says here,—“there are several hundred thousand acres of land for “sale in various localities”?” I think the land at the Clarence is included in that.
46. Can you give the Committee a return of the land that has been surveyed by licensed surveyors and not sold or applied for? I doubt if this can be furnished, as it will take a very long time compiling. I may remark, however, that if the land be of town or suburban class we continue to bring it forward again and again; and that if it be of the *country* or *special country* class it is open for selection. If the land measured by a licensed surveyor were obviously of so worthless a character as not to be likely to sell, the surveyor who, from avidity or faithlessness, had surveyed it, would be surcharged or disallowed the cost of measurement.
47. The selection of the land depends upon the surveyor who may survey unsuitable land? Individuals select generally. You may have an unprincipled person either in the position of a salaried or of a licensed surveyor. I mentioned when I was last examined the outlines of a scheme which I had prepared, which urged the necessity for *supervision*; the sending in of field-books; the making use of them when they were sent in; the necessity of uniformity in their arrangement; and of a code of directions being printed in every copy of field-book, so that every surveyor, new or not, might see exactly how he was to operate. If the Committee wish it I can append a copy of that scheme. (*Vide Appendix C.*)
48. The field-books are original maps? Yes, and of much more value generally, I consider.
49. A map may be made erroneously—the field-book shews the notes taken on the ground? Yes.
50. Can you clear up a portion of this answer of Sir Thomas Mitchell to Q. 197,—“The present mixed system of survey you wholly condemn? I wholly condemn it, as “unsuited to the means of working and superintending it. It is not at all my system, and “I would not continue it a day. The correspondence of the department alone engrosses all “my attention, while I am wholly responsible. I see too plainly that much is taking place “which ought not to be left to irresponsible subordinates”?” I would speak gently of the dead; but my interpretation of that would be, that it was a reason for his retaining in his office at head-quarters a surveyor—My Lord Audley. I consider that was a plea for retaining him in his office under his immediate eye, in his very room, preparing drafts of letters, &c. I was questioned respecting My Lord Audley’s presence in office by the Commissioners.
51. When Lord Audley came into the office do you think he was a surveyor at all, or had ever had anything to do with surveying? When he came in he was not a practical surveyor, I believe.
52. Had he made any survey? Yes; he surveyed a run, a certain pre-emptive purchase, and some allotments.
53. How many years was he in the office? I think nearly three in the department. The return is given in the report of the work which he did, and a certain note is appended as regarded that work. I pointed out, when that return was preparing, that the whole of the work had not then come into the office.
54. Lord Audley was not appointed, I believe, during the time Sir Thomas Mitchell was at his post in the Colony? Yes; just shortly before Sir Thomas was leaving for England. I think he went to his district before Sir Thomas Mitchell left: he succeeded Mr. Larmour in the Lachlan District.
55. After he was appointed, was he not kept a considerable time in the office, drafting? As I understood, learning feature mapping; but previously to his appointment.
56. In fact, learning to draw? Yes. He was recommended subsequently as Chief Surveyor, and that he was to have been Surveyor General was a rumour of the day.
57. *By Mr. Moriarty*: Are you aware that Lord Audley was a man of considerable scientific attainments? I cannot say that I have any knowledge of that; I know that he was a highly intelligent man, and I should suppose, from his birth and position, that he had received a good, and probably a scientific education.
58. *By the Chairman*: Who has decided upon the practicability or advisability, or otherwise, of surveying the different lands of the Colony? I suppose the Surveyor General—do you refer to any particular time—the time of Sir Thomas Mitchell, or of Colonel Barney?
59. At any time? I think the head of the department; he may be advised by his deputy; and I know at one time Sir Thomas Mitchell used to consult upon almost every matter with the Chief Draftsman, who was virtually his deputy.
60. That deputy was never a surveyor? That I cannot say; he was appointed by the Home Government as assistant surveyor, and I presume therefore he was qualified as an assistant surveyor; but he was never employed as a surveyor in New South Wales—he was otherwise employed, and the reason is given by Sir Thomas Mitchell, in a letter printed in the Crown Lands Report. He said he recommended Mr. Thompson for the office of Chief Draftsman because of his peculiar fitness for the performance of the duties of such office.
61. Is he fit for anything else? I think him an excellent officer—a man of wonderful energy for one with so debilitated a frame—a man of great intelligence, and of high principle. He is, however, physically weak—a delicate man.
62. And not being fit for the office, was placed over the heads of those who were his seniors
in

- in the service, and who were fit for it. You have no general printed instructions to all the officers of the service? To the licensed surveyors we have.
63. Was any arrangement made, or were any orders given in these instructions, relative to the manner in which land should be marked? I think so, and two circulars have been addressed to them with reference to the marking of land; these I can furnish, if required. (Vide Appendix D)
64. Do you generally keep a list of land open for selection? We have a perfect list, which we obtained from the Treasury, on the transfer of their business to us; and immediately a selection is made the land is erased from the book; and all country and special country lands offered for sale and not sold in the country districts being added to the list, a perfect list is maintained.
65. Are the licensed surveyors prohibited from purchasing land? No, they are not; the agents for the sale of lands have lately been prohibited.
66. The licensed surveyors can become land speculators if they please? Yes.
67. Such things have been done in the office among the staff? One gentleman was said to be a great purchaser of land.
68. Did the Deputy Surveyor General ever purchase any land? I believe he has purchased some few portions and allotments which have turned him in some money. He did not appear personally, I believe, at the sales.
69. I suppose the deed was made out in his name, and his name appeared on the map? I think some other surveyors made purchases. I have heard that one bought some land at Goulburn that turned out very well. I do not think Mr. Thompson, or any other officer, made any purchases that were considered blameworthy. The auction was an open auction, in which he was open to competition.
70. What number of licensed surveyors have you now in the service? Thirty-seven.
71. Thirty-three are mentioned in the Report—have you had no increase since? I will not be certain.
72. Here is a question answered by Mr. Thompson, No. 312—"Do your Returns shew the number of days a man is employed on different surveys? Yes; from the Returns we see the quantity of work performed, and can judge as to the character of the surveyors. We can see whether a surveyor puts down too many rainy days, or days spent in looking for bullocks or horses."—Do you not think it rather presumptuous for a man who never did a day's work in his life to make such an answer as that? That is for him to judge: I should not have made such an answer, because it implies—I would have spoken more directly.
73. Was there any great attempt to get competent surveyors to carry on the duties of the service—was there any effort made about the time of this Report? I think not for other than for licensed surveyors. Advertisements have appeared for persons to offer themselves as licensed surveyors only.
74. You have had no difficulty in getting, as salaried surveyors, competent persons? I cannot say the attempt has been made. The salary has been so inconsiderable as not to be very tempting to persons who could turn their talents in any other profitable direction. Nevertheless some of the salaried surveyors have become very well off; whereas persons in office have rarely become so.
75. The want of strength in the department is owing to the difficulty of finding competent persons? Even as licensed surveyors, many of those who come up, come up, as I said the other day, to obtain a diploma or guarantee of their ability, that they may take private employment, which, I believe, pays them generally better; and many have to go back, either because they are not proficient, or for some other cause.
76. Do you know who got up this scale of fees that appears in the Appendix to this Report? I think it was prepared in the office. I made some suggestion as to an additional amount of fee where the work was done in three months, and a reduction where the work was left over six months, and it was adopted.
77. In addition to these fees, if I remember rightly, there was twenty-five per cent. gold allowance? There was; that allowance has been reduced twenty-five per cent., and on the 1st July next it ceases altogether.
78. You have sometimes had Boards of Examination for candidates for employment? It is the practice now.
79. Of whom do these Boards consist usually, officers in the service? At the present time Mr. Darke, who is in Sydney, is on the Board.
80. Is the Board formed of officers of the service, or of other officers? Officers of the department. Years ago—it may be twenty years ago—Captain Perry, Colonel Barney, and Mr. Dunlop, the astronomer, formed the Board of Examination.
81. Was Mr. Mann ever introduced into this Board—Captain Mann? I do not recollect his having been present. I am not, however, present myself now, though I was in former days.
82. Some officers, I think, come into the department without any examination at all? I think some, merely on testimonials that are satisfactory to the head of the department, as to their competency.
83. Has that always been left to the head of the department? I think so—always.
84. Did not orders sometimes come from the Colonial Secretary to the head of the department that such examination should take place? I do not remember any case. If you refer to any particular case you have in your mind, and will mention it, I shall be able to answer more particularly. I believe some have come in without being examined at all. I have heard of one or two who came in on the recommendation of private individuals.
85. Did one of Capt. Perry's sons come in without any examination at all as assistant surveyor of roads? Yes; but assistant surveyor of roads was only another name for overseer. He was overseer, that was all; he was brought in at six shillings a day originally, as a sort of overseer over a few men employed on the Northern or Hawkesbury Road.

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86. Is there any difference in the position of a Commissioner of Crown Lands beyond the boundaries and of Commissioners of Crown Lands within the boundaries? Commissioners within the boundaries where merely what the agents are now for the sale of lands; the Commissioners beyond the boundaries were of a very different class.

87. What are the duties of Commissioners beyond the settled districts? They are various and responsible. They report on tenders for runs—that I think is one of their most important duties; they assess the grazing capabilities of runs; they report or express opinions on reserves recommended by surveyors to be made. These are, I think, three of the most important of their duties. They express sanction to transfers of runs from one holder to another, which, it appears to me, is a very unimportant duty, and which I hope soon will reside in the hands of the head of the department only; they grant timber licences, and perform a variety of other minor matters, furnishing various returns, assessment, and the statistics.

88. Have they anything to do with arranging boundaries of different runs? I have noticed instances occasionally of runs being granted with amended descriptions, I suppose to prevent clashing with other runs, or to bring the area within such scope as is necessary to the maintenance of a certain number of cattle or sheep.

89. They have nothing to do with the surveys? They have not. The survey of runs is not going on now.

90. You are entirely dependent upon the surveyor for the maps you have of these squatting districts? Yes, for maps that are looked upon as geographical maps. No doubt some of the Commissioners may be acquainted with surveying, and where a district has not been surveyed they may be able to give valuable information and sketches.

91. What is the expense of that peculiar branch of the service at the present moment? At present there are eight—£5,000 I should say on the reduced establishment.

92. Do you know what it was at the time of this Report? There were sixteen at that time: there are now eight. It is now intended that the surveyors shall perform the double duty of surveyor and Commissioner—that is in districts where the work of the Commissioner is supposed to be nearly exhausted.

93. Do you not think the duties of both officers can be performed by a surveyor? I do not think the two offices would be found to work well together if there were much Commissioner's work,—the operation of one is tardy, and of the other rapid; but no doubt if every Commissioner were a surveyor it would be a great advantage.

94. Do you not think with the strength the department had at one time, if the Commissioners had been surveyors the whole of the country could have been surveyed? I very much doubt it: consider its extent.

95. You have had two offices instead of one. If the Commissioners had been surveyors, I believe each could, in a couple of years, have surveyed his district? I look upon surveying as necessarily a very tardy and arduous operation.

96. If a man is obliged to spend half his time travelling, but if he were to proceed regularly with his survey it would not be so? That is if he were to measure bad and good land as it came, but if he is merely to measure what he is asked for, his measurements must be desultory and tardy.

97. *By Mr. Moriarty*: You have had charge of this branch of the service for some time? I cannot say "charge"—I supervise it as far as I can. I am responsible for the due performance of the routine office duties.

98. You said Commissioners had nothing to do with the definition of runs? Nothing to do with the measurement of them.

99. You omitted any allusion to the definition or the determination of boundaries of runs? I do not think the detail I gave of their duties to be at all perfect. I do not consider myself to be so thoroughly acquainted with the matter as to give a perfect account of every duty performed by them. One I have omitted,—the reporting upon applications to purchase under the pre-emptive right. The Commissioner is also one of the parties to assess the value of the land if it is supposed to possess any peculiar advantage.

100. *By the Chairman*: You sell lands sometimes by assessment, do you not? How is that?

101. Any portion of the run I am living upon I may purchase if I like? Yes, if it does not form portion of a reserve, which is, after twelve months, if not originally indefeasible.

102. *By Mr. Aldcorn*: Is there no limit to the extent of the purchase? You may purchase, I consider, every inch of the run during the currency of the lease, under ordinary circumstances.

103. *By the Chairman*: At a valuation? At a valuation, if the land possesses a peculiar value, or at £1 an acre if the surveyor expresses an opinion that it has no peculiar value.

104. *By Mr. Moriarty*: With reference to the opinion you have expressed, do you bear in mind the provision which empowers the Crown to refuse to sell lands? Yes.

105. Has that power been acted upon, within your knowledge, to any extent? Yes, occasionally—not very extensively.

106. Will you tell the Committee whether there is not a main function of the Commissioner of Crown Lands and the Surveyor General, as to supervising these functionaries, to which you have not alluded? I do not recollect any; I dare say there may be.

107. Is not it the duty of these officers—the prime function—to protect the public lands from the intrusion of trespassers? I cannot say that I take your meaning.

108. To protect the public lands from the trespass of intruders? Yes, it is; but the law is at present inoperative, or, to an extent, defective.

109. As to the definition of runs, is it not partly the duty of these functionaries to compare the claims of the squatters for leases with the boundaries claimed on the spot, to remedy imperfections, to arrange disputes, and to give such an estimate of the area included within the boundaries of every squatting run as will enable them afterwards to assess the capability of the run? Yes, it is, I believe, under general instructions. I said, however, just now, I did not

not profess to be fully acquainted with their duties. What you say is, I dare say, fully the case. H. Halloran, Esq.

110. Could you tell the Committee what are the present instructions of the Government— I presume that, having access to the instructions of both branches of the department, you will know—as to the definition of boundaries of squatting runs, whether anything is done to further the issue of squatting leases? I think the thing is still in abeyance; existing instructions render previous measurement necessary. The last communication was something to this effect:—The Chief Commissioner has long been of opinion that the leases might issue on descriptions approved of or furnished by the Commissioner, and mutually approved of by the parties holding the adjoining runs. The late Surveyor General, and other professional men, have contended that every run must be measured before the lease could properly issue. The present Chief Commissioner, having been pressed about a particular run by the Minister of Lands and Works, solicited that functionary to decide finally the question. I believe that no lease is valid in law that presumes the element of uncertainty; and, though a Commissioner may be highly intelligent he may not be professional, and may thus pass over in a description an imperfection that in a lease would vitiate its legal integrity. I do not remember any communication between the ministerial and the subordinate department since the appeal to his decision upon the subject to which I have alluded.

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111. Can you state what the instructions to the Commissioners are; is it, or is it not, part of the duty of these officers to occupy their time in the examination of boundaries? I think they have done so, and under instructions. It is part of their duty to see also that certain boundaries are assigned to each run; that adjoining runs do not clash.

112. Is there not some system in operation by which disputed boundaries are adjusted on the ground? Do you mean legally or by consent of the parties?

113. Legally? Yes; and they are directed by a circular from this office.

114. Is there nothing besides that? Do you mean by correspondence with the department? I cannot say, as the earlier books are not indexed, that I have read up many matters that I could have wished to have done.

115. But the records of the instructions of Commissioners of Crown Lands, I presume, are indexed? No. Letters received by the Chief Commissioner would be in the general register; but I find, without going back to read up matters, quite enough to do to keep me employed sometimes till two in the morning.

116. I presume on application being made to the office you would have some hand in giving these instructions, or in expressing opinions with reference to them? If I were at all informed upon a subject, and requested to express an opinion upon a subject, I should do it.

117. Is it not the practice—are you not invariably required to express an opinion; is it not your duty? I am not taking what you refer to.

118. Is it not part of your routine duty to express an opinion upon applications made to the office? Yes, it is a duty, and performed by me as far as I have time, information, and means of performing it.

119. You have not made yourself acquainted as to whether there is not an arrangement in existence for the settlement of disputed boundaries? I have not, indeed.

120. I think you stated just now, that in some districts in which the assessment of runs has progressed to some extent the Commissioners have been superseded by officers of the Survey Department? It is contemplated, I believe, to replace them by surveyors.

121. Can you say what rule is followed in the selection of those districts? It was not determined in the office, otherwise than that the work was found to be nearly up in those districts.

122. Were any steps taken to ascertain whether it was—were any inquiries made? Yes; a return was made shewing how many runs in these districts tenders were to be reported upon, and how many runs were to be assessed.

123. Do you remember whether that is a recent inquiry? That would be as far as six or eight months ago.

124. Or twelve months ago? It might be.

125. Can you append to your evidence a statement of the number of runs remaining to be assessed in the New England District, from which the Commissioner has been removed? Yes, I believe I can furnish it. (*Vide Appendix E.*)

126. The last inquiry addressed to the Commissioner of that district is that he will state the progress and probable termination of the assessment of runs? Yes.

127. Is it within your knowledge that any of these officers employed in the assessment of runs have required to be distinctly informed by Government whether they were, or were not, to give attention to the examination of boundaries, or were to confine themselves to the assessment of the capability of runs? I do not remember.

128. You do not remember a communication from the Commissioner of the New England District in July last? Yes, in August last. I recollect that case; that was one intended to have been referred to in a ministerial inquiry awhile ago.

129. Was that letter answered or acknowledged? No, it was not.

130. Do you remember a correspondence about the country on the Barnard? Yes; that is now brought to a conclusion, after passing through many hands.

131. Do you remember the date of the communication to the Survey Department? September or October; towards the close of 1857.

132. Was it not in August? It might be; I am not certain as to the date.

133. Can you give the Committee the date on which any action was taken upon that in the Surveyor General's, or any communication made to the Government? No; it is only recently decided. I know it has been in the hands of the Surveyor General, the Chief Draftsman, my own hands for some time, and then for a time with the Tender Board; and

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it has been recently decided that this country between the Barnard and the Manning, or the Little Manning, for so this river is called, is *intermediate*. Mr. Thompson and Mr. McLean were both of opinion that it is of the *settled* class, and lands in that district have been let under lease, the 29th March, 1848.

134. Do you remember whether any opinion was expressed by the Surveyor General on submitting the question to the Government? I think I wrote the letter; and also that I, almost against my own judgment, did express the opinion that it was of the *settled* class; but I deferred to the opinion of two persons geographically informed—Messrs. Thompson and McLean—whose opinion I thought, and think, ought to overweigh my own. Still I was strongly impressed with the correctness of the reasoning of the Commissioner, and it was almost in spite of my better judgment that I gave way.

135. You say the matter has been decided; can you inform the Committee how the tenure of the lands of that part of the country stands affected by that decision? There is one run—the Giro run—occupied under 11th February lease; much of the remainder—a large extent—is occupied under the Regulation of the 29th March, 1848. These leases cannot be renewed, or they may be revoked; and then I suppose the tenders, of which there are several, will be accepted, or again referred for arrangement to the Commissioner of the district.

136. Can you inform the Committee whether there is any summary mode of removing intruders from Crown Lands at the present time: is not that a question for the lawyers? I think they have decided that it may be done by process of *scire facias*.

137. I asked you whether there is any summary mode? I am not aware of any.

138. How do you deal with improvements upon town reserves—in the case of improvements where the pre-emptive right is admitted—how do you deal with the improver? He would be allowed an 11th February lease, for which he would pay the [large] sum of £10 for land for which he had already paid. A letter has been written on a certain case in the village of Falconer. The Chief Commissioner recommended that the £10 license fee should be remitted, but that letter has not been replied to. I think the general question was taken up; it was not treated as a specific case.

139. I presume you can furnish the Committee with that correspondence? Yes, I can. (*Vide Appendix F.*)

140. *By Mr. Aldcorn:* It being assumed that a proper and effective method of supervision were established, do you think the system of surveying by contract, or licensed surveyors, could be carried out with advantage to the Colony generally? That has been my opinion for a very long time. I believe that, with a sufficient number of efficient and well paid supervising officers, plenary discretion, sufficient means of locomotion, and a large staff of licensed surveyors working under them right onward, the settled districts might be worked up in a short period—within two years.

141. You think, then, that by such a system great expense would be saved in the working of the department? I am disposed to think so, because all lost time—all time lost in consequence of bad weather, travelling, sickness, accidents or other causes—would be out of the pocket of the surveyors, while in the case of the salaried surveyor it is at the cost of the Crown.

142. Is it your opinion, from your own knowledge, that by the system of license or contract survey the survey of the Colony could be as well done as it has been hitherto by salaried officers? I think so, if you would fully and thoroughly examine your officers in the first instance, and fully and thoroughly examine the instruments with which they would operate, and pay them such a sum as any honest man would be satisfied with earning, and place them under proper supervision.

143. What number of district or inspecting surveyors do you think would be requisite for the whole Colony, to do the work effectually? I should confine the operations of licensed surveyors to the *settled* districts; and I think for these eight or ten, at the most, would be sufficient. Then they would work, not as they do now in a desultory way, but would go right onwards with a consecutive survey, measuring all Crown Lands, leased or not, and this would be more likely to be correct than a survey of a partially connected and desultory character. I may remark, however, that this is the expression of the opinion of an *unprofessional* man, and therefore that I do not care to have more weight attached to it than it deserves.

144. Do you think the district surveyor should do surveying work himself, or that he should be confined to the duty of inspecting the work of the surveyors under him? The inspecting surveyor should check the work of the others by cross lines, as Townsend did with the contract surveyors at Port Phillip.

145. Do you think he might advantageously act as Crown Lands Commissioner too? I should think not Crown Lands Commissioner or Agent for the sale of lands, for their offices have to be open every day; and if any one were to call at the office to purchase land when the agent was away the Crown would probably lose the money. I think, besides, that the heaping offices together is a bad principle.

146. You think the offices for the sale of lands should be maintained as at present, the Clerks of Petty Sessions acting as agents for the sale of land? I think they are convenient and useful; but I myself argued long ago that a *local* sale is not a fair public auction. Eight or ten persons only may meet in the room where the sale is taking place, and arrange, "You take that, and I will take this,"—and thus defeat the object of the Act. The Crown Land Sales Act intended a more extended competition, and I believe if the places of sale were less numerous that advantage would arise.

147. *By Mr. Moriarty:* If you had the places of sale less numerous would you not in many cases shut out from the market the persons most anxious to bid in a particular locality? How many miles does a man travel for a doctor or a coroner—thirty or forty miles is thought very little of in the country.

148. Do you not know that already men have to travel ninety or a hundred miles to a land sale? I think that must be a mal-arrangement of a district where that is the case.

149. *By Mr. Aldcorn:* Of course you would be determined by circumstances in these arrangements—where the police districts were very large you would not throw two together, but where they were small you might do so? I think the public convenience should be studied as far as practicable; but where a man in the country has an object to accomplish he does not mind a ride of forty or fifty miles.

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150. In your opinion the license or contract system would be cheaper and as good, with proper supervision, as the salary or staff system? I would not say cheaper,—if we could have men like Townsend, who delighted to be at work—to whom a month's work seemed to give an increased appetite for further exertions;—the salary system might be cheaper with such men as officers; but I do not think salaried surveyors generally are likely to kill themselves with work, or to drive themselves almost mad, as he did, for the sake of such an income as they receive. If a man can by industry and hard work obtain such a return for his labor as Mr. Maun is said to have done, and who during one year made some £4,000, he has some inducement to encounter hardship, for he soon obtains an independence.

151. Your opinion then is, as I gather, that salaried surveyors have hardly been adequately paid? I cannot say they have been overpaid. I think rather that they have been underpaid; still they have some advantages, poor though they be: they avoid town expenses; they have a tent—which is, however, at times a comfortless residence—and are furnished with a ration, which is a poor thing, and they are saved the cost of servants. Nevertheless, some have acquired a little independence. Mr. Townsend is independent; Mr. Galloway is independent; and Mr. McCabe is, I am happy to say, also independent.

152. They have obtained it by saving? Yes, principally, and by investing their money in shares and in other matters.

153. *By Mr. Moriarty:* You are acquainted with the routine of the office,—can you state what duties are performed by the Deputy Surveyor General at present? I think he could describe them better himself. He has referred to him matters which one supposes to require particular investigation, such as this tender at Palm-tree Creek, in which a certain amount of geographical knowledge should be possessed.

154. You give the case of Palm-tree Creek as an instance where particular geographical knowledge is required? That is the reason it was given to him.

155. Do you not know that all the geographical information necessary for a person to have appears on the face of the paper? A map may be consulted which shows certain creeks; but the party referring would have to decide which was Palm-tree Creek.

156. Does it not appear on the face of the correspondence itself? I should think not; it is still undetermined, and the Board have again sent it back to Mr. Wiseman. Mr. Thompson is perfectly ready to take up anything that is given to him. He got up the appendix to the Land Regulations the other day, and he now has, I believe, to collect, arrange, and prepare for publication the descriptions of all the squattages. But I believe, as I said before, that either the the Surveyor General or the Deputy Surveyor General should be always in the field, as, if the Chief Draftsman and the Chief Clerk be fit for their places, they can, under their chief, carry on the work of the office, if they have proper and sufficient assistance.

157. Is it laid down in any official rule, or is it any understood part of the official system, what matters are to be referred to the Deputy Surveyor General, or does it rest entirely with the head of the department to decide? With the head of the department.

158. So that his duty might be designated under the head of jobs placed in his hands by the head of the department? He has no stated and regular participation in the routine work, but he is always ready, and I have often suggested “That is a matter I would rather not deal with.”

159. Can you state what is the usual routine of the correspondence of the office? I think we have endeavoured to follow out to a certain extent the suggestions of the Board,—that letters should be attended to without the circumlocution that was customary in former days. When I open letters, I have present, for own safety, because they may contain money, the accountant. Matters of survey that are merely matters of routine I have registered and sent to Mr. McLean as soon as they are recorded. Deed-letters I have sent to Mr. Davidson without recording; matters of account I send to Mr. Williams' branch to be recorded in certain books, examined, and prepared for payment. Letters from the Ministerial Office—that is, from Mr. Robertson—I should also send to the proper officer, if they are mere matter of routine; but, if anything more than an ordinary matter, I should submit it to the head of the department.

160. *By the Chairman:* You have not the multifarious correspondence with the Colonial Secretary's Office you had formerly? No; that business is transferred to the Office of Lands and Works.

161. *By Mr. Moriarty:* There is a memorandum of the official routine? Do you mean one written on Colonel Barney's taking charge?

162. I do not know when it was written: I have merely heard you refer to it once or twice—is there such a memorandum in force now? Yes; I think so.

163. Would you have any objection to append a copy of that memorandum? Yes; I think I should, because it is merely between the head of the department and a subordinate. I should not object with his consent—without his consent I should hesitate.

164. It is an official document I presume? I believe not. It has not been seen by above two or three. Mr. McLean has seen it. (*Vide Appendix G.*)

165. *By the Chairman:* Have you read the evidence given before the Commissioners by Mr. Brownrigg? I think I skimmed it over at the time —

166. Generally, I think, all the practical men who were examined condemned the license system as it has been carried on for some years past? As carried on for some years past I think it is defective, wanting supervision.

167. Mr. Brownrigg states, in answer to question 1072—“What is your opinion of the “licensing system? I object to it altogether. I think it is a wrong one. It is open to this “objection,

H. Halloran, Esq. "objection, amongst others, that Government work is often neglected by the parties who have a license for a certain district. The Government work rests as a sort of nest-egg, and as long as the surveyors can obtain private work, they perform that and leave the other undone"?
 16 June, 1858. No doubt they prefer private work when it pays them better. I disbelieve in the licensed surveyors devoting themselves much to private work; but, if the Government claims their exclusive services, it should find them in continuous and sufficient employment, otherwise the compact would be one-sided and unjust. Mr. Armstrong, a private surveyor of high repute, good practice, and fair ability, took, and has, I believe, faithfully performed, the duties of licensed surveyor, without turning aside for private employment. I believe good and faithful licensed surveyors may be found and retained.

APPENDIX A.

RETURN, shewing the ANNUAL COST of the DRAFTING and CLERICAL BRANCHES of the SURVEYOR GENERAL'S DEPARTMENT, with the number of persons employed in each Branch, from 1 January, 1827, to 31 May, 1858.

DRAFTSMEN.			CLERKS.		
YEAR.	No.	TOTAL AMOUNT PAID.	YEAR.	No.	TOTAL AMOUNT PAID.
		£ s. d.			£ s. d.
1827	4	550 0 0	1827	2	120 0 0
1828	5	650 0 0	1828	3	380 0 0
1829	6	760 0 0	1829	3	400 0 0
1830	6	705 0 0	1830	4	228 6 8
1831	6	937 4 0	1831	4	565 0 0
1832	6	975 0 0	1832	4	565 0 0
1833	6	1,035 0 0	1833	4	615 0 0
1834	6	1,075 0 0	1834	7	895 0 0
1835	6	1,110 0 0	1835	7	915 0 0
1836	8	1,470 0 0	1836	8	1,175 0 0
1837	7	1,387 10 0	1837	15	1,609 0 0
1838	11	929 0 0	1838	14	1,118 6 4
1839	9	1,088 0 0	1839	13	1,176 2 3
1840	11	985 9 2	1840	9	1,208 2 8
1841	7	940 0 0	1841	8	1,445 0 0
1842	9	1,373 10 0	1842	7	1,370 0 0
1843	9	1,475 16 8	1843	7	1,477 10 0
1844	7	1,250 0 0	1844	7	1,495 0 0
1845	7	995 0 0	1845	4	970 0 0
1846	7	995 0 0	1846	4	970 0 0
1847	7	1,002 10 0	1847	6	960 13 4
1848	7	1,385 0 0	1848	6	1,064 0 0
1849	14	1,920 4 0	1849	11	1,419 15 0
1850	10	1,953 2 6	1850	10	1,440 0 0
1851	12	1,467 5 0	1851	10	1,995 12 6
1852	12	2,130 5 5	1852	12	1,465 10 4
1853	17	3,241 15 6	1853	18	3,561 2 8
1854	15	3,532 0 10	1854	23	4,821 5 6
1855	19	4,617 17 3	1855	20	4,770 8 3
1856	19	4,675 0 6	1856	37*	5,665 15 8
1857	23	4,614 12 9	1857	20	5,145 0 9
1858	21	1,684 16 5 †	1858	19	1,775 9 9†

* Ten out of this number were Lawyers' Clerks, employed for about six weeks in engrossing Deeds of Grant.
 † Total cost to 31st May, 1858.

APPENDIX B.

RETURN OF SALARIED FIELD OFFICERS EMPLOYED IN THE DEPARTMENT OF THE SURVEYOR GENERAL, DURING THE PERIOD FROM 1ST JANUARY, 1827, TO 31ST MAY, 1858.

NAME.	DATE AND NATURE OF APPOINTMENT.	1827.	1828.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	REMARKS.
		SALARIES. Amount £ Ann.											
R. Hoddle	Asst. Sur. 18 Sept., '23	200a	*400	400c	200d	360c	350c	400c	400c	400c	400c	400c	Transf. to Pt. Phillip, 1 Jan., '38. Resigd. 30 Sept., '37.
J. B. Richards	" 21 July, '21	200a	*375	375c	200d	360c	375c	375c	375c	375c	375c	375c	
H. Finch	" 2 Feb., '25	250a	*350	350c	250d	350c	350c	350c	350c	350c	350c	350c	Resigd. 31 Dec., '32. Re-apptd. 1 Mch., '37.
J. Ralfe	" 18 May, '25	250a	*325	325c	250d	325c							
G. B. White	" 17 Feb., '26	200	+200	220c	240d	260c	280c	300c	300c	300c	300c	300c	Resigd. 31 Dec., '28.
T. Florence	" 18 Aug., '26	160a	+200	230c	240d	260c	280c	300c	300c	300c	300c	300c	
R. Dixon	" 1 Nov., '26	200	+200	230c	240d	260c	280c	300c	300c	300c	300c	300c	Apptd. Ch. Dfsmn. 1 Jan., '36. Resigd.
Jno. Thompson	" 15 May, '27	200a	+200	230c	240d	260c	280c	300c	300c	300c	300c	300c	
Jno. Abbott	" " " "		+200	220c	240d	260c	280c	300c	300c	300c	300c	300c	On leave on ½ pay from 19 Mch. Resigd.
T. L. Mitchell	Dep. Sur. Genl. 17 " "	500b	+500 to 26 May	1,000c	1,000	1,000	1,000	1,000g	1,000g	1,000g	1,000g	1,000g	
P. Elliott	Asst. Sur. " " "	200a	+200	220c	240d	260c	280c	300c	300c	300c	300c	300c	Discontd. 31 Dec., '33. Re-d. Gratuity £300. Resigd. Now Licensed.
P. G. Ogilvie	" 16 June, " "	200a	+200	220c	240d	260c	280c	300c	300c	300c	300c	300c	
W. R. Govett	" 10 July, " "	200a	+200	220c	240d	260c	280c	300c	300c	300c	300c	300c	Discontd. 30 Sept., '32, being unfit for duty.
G. M. C. Bowen	" 1 Aug., " "	200a		220c	240d	260c	280c	300c	300c	300c	300c	300c	
E. J. H. Knapp	" 7 " " "		+200	220c	240d	260c	280c	300c	300c	300c	300c	300c	Discontd. 30 Sept., '32, being unfit for duty.
G. W. C. Stapylton	" 10 Nov., '28			200c	200d	220	220	240c	240c	280c	300c	300c	
Jno. Rogers	" 1 Apl., '29			200c	200d	220	220	240c	240c	280c	300c	300c	Discontd. 30 Sept., '32, being unfit for duty.
S. A. Perry	Dep. Sur. Genl. 18 " "			500c	500 to 30 Sept.	550 to 30 Sept.	600 to 30 Sept.	650	650	650c	650c	650c	
J. Nicholson	Asst. Sur. 2 June, " "			200	200d	220g	240g	260g	280g	300g	300g	300g	Resigd. 21 Apl., '37. Apptd. Town Sur. Discontd. 31 Dec., '33. Gratuity of £240.
F. Matthew	" 3 Aug., " "			200	200d	220c	240c	260c	280c	300c	300c	300c	
J. Edwards	" 10 " " "			200	200d	200c	200c	220c	240c	260c	280c	300c	Discontd. 30 Apl., '33. Gratuity of £200. Town Sur. 24 Sept., '33.
N. L. Kentish	" 11 Sept., " "			100 to 29 Mar.	200d	200c							
M. W. Lewis	" " " "			100 to 29 Mar.	200d	220c	240c	260c	280c	300c	300c	300c	Discontd. 31 Dec., '33. Gratuity of £240. Resigd. 10 August, '36. Re-appointed.
H. C. D. Butler	" 19 Nov., " "			200	200d	200c	200c	220c	240c	260c	280c	300c	
W. Jacques	" 6 Feb., '30			100 to 28 June	200d	200c	200c	220c	240c	260c	280c	300c	Discontd. 31 Dec., '33. Gratuity of £240. Resigd. 10 August, '36. Re-appointed.
F. T. Rusden	" 25 July, " "			200d	200d	200c	200c	220c	240c	260c	280c	300c	
P. Simpson	" 1 Dec., " "			200d	200d	200c	200c	220c	240c	260c	280c	300c	Apptd. C.C.L. 1 Feb., '37.
Jno. Lambie	" " " "			200d	200d	200c	200c	220c	240c	260c	280c	300c	
L. P. Duhanaty	" 1 Feb., '31			200c	200c	200c	200c	220c	240c	260c	280c	300c	Resigd. 15 Aug., '37.
R. Russell	Asst. Town Sur. 22 Oct., '33			200c	200c	200c	200c	220c	240c	260c	280c	300c	
H. F. White	Asst. Sur. 1 Jan., '35			200c	200c	200c	200c	220c	240c	260c	280c	300c	Resigd. 30 Sept., '37. Now Licd.
J. Larnier	" 23 Sept., '36			200c	200c	200c	200c	220c	240c	260c	280c	300c	
F. R. D'Arcy	" 23 Sept., '36			200c	200c	200c	200c	220c	240c	260c	280c	300c	Resigd. 30 Sept., '37. Now Licd.
W. R. Davidson	" 1 Oct., " "			200c	200c	200c	200c	220c	240c	260c	280c	300c	
T. S. Townsend	" " " "			200c	200c	200c	200c	220c	240c	260c	280c	300c	Detached to Port Phillip, 1 Jan., '38.
W. W. Darke	" 23 Sept., " "			200c	200c	200c	200c	220c	240c	260c	280c	300c	
J. C. Burnett	" 14 " '37			200c	200c	200c	200c	220c	240c	260c	280c	300c	Detached to P. Phillip, 1 Jan., '38.
H. Smytho	" 23 Nov., " "			200c	200c	200c	200c	220c	240c	260c	280c	300c	

Note.—Each series of References apply only to each page.

* Surveyor.

† Assistant Surveyor.

‡ Deputy Surveyor General.

§ Surveyor General.

a £50 per annum house rent and 2s. 6d. per diem for forage.

b £100 per annum house rent and 2s. 6d. per diem for forage.

c 2s. 6d. per diem for forage.

d 2s. 6d. per diem for forage and rations when in the field.

e 5s. per diem for forage.

APPENDIX TO THE FOREGOING EVIDENCE.

APPENDIX B.—Continued.

NAME.	DATE AND NATURE OF APPOINTMENT.	1838.		1839.		1840.		1841.		1842.		1843.		1844.		1845.		1846.		1847.		1848.		REMARKS
		SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	SALARIES.	
		Amount	Ann.	Amount	Ann.	Amount	Ann.	Amount	Ann.	Amount	Ann.	Amount	Ann.	Amount	Ann.	Amount	Ann.	Amount	Ann.	Amount	Ann.	Amount	Ann.	
H. Finch	See preceding page	*325 ^a		350 ^a																			Resigned 11 May, 1839.	
J. Ralfe	"	*350 ^a		350 ^a		350 ^a																	{ Commenced surveying by contract, 1 Aug., '40.	
G. B. White	"	{ 320 to 5 Feb. *325 ^a		335		325		325 ^a		325 ^{ab}		375 ^{ab}	{ 375 to 31 Jan. 125 ^c	125 ^c			125 ^c to 23 Oct.				375 ^{ap}	375 ^{ap}		
R. R. Dixon	"	{ 150 p.p. to 12 July 300 ^a		300 ^a		*325 ^a		325 ^a															Discontinued 30 Apl., '41.	
T. L. Mitchell	"	2500	{ 1/2 pay on leave	600 half pay		500 half pay		{ 600 to 3 Feb. 1,000 ^d		1,000 ^d		1,000 ^d		1,000 ^d		1,000 ^d	1,000 ^d Exploring.	1,000 ^d Exploring.		1,000 to 27 Mch.	500 on leave	500 to 28 July	1,000 ^d	
P. G. Oglvie	"	+300 ^a		300 ^a		300 ^a		300 ^a															Died, '41.	
G. W. C. Stapylton	"	+300 ^a		200 ^a		{ 200 to 29 Feb. 220 ^a to 31 July																	{ Detached to P. Phillip in May, '38. Rejoined in Mch., '39. Murdered by Aborigines in '40.	
S. A. Perry	"	{ 650 ^a 250 ^g +300 ^a		850 ^a		650 ^a		650 ^a		650 ^a		650 ^a		650 ^a		650 ^a		650 ^a						
H. C. D. Butler	"			250 ^g		250 ^g		250 ^g		250 ^g to 3 Feb.		650 ^a		650 ^a		650 ^a		650 ^a						Resigned 30 June, '38.
F. T. Rusden	"	+200 ^a		{ 220 to 30 Apl. 240 ^a		240 to 30 Apl.		260 to 30 Apl.		280 to 30 Sep.		280 ^a		280 ^a										Do. 31 Oct., '42.
P. Simpson	"	+300 ^a		300 ^a		280 ^a		280 ^a		240 ^a														Do. 28 Feb., '39.
H. F. White	"	+240 ^a																						Suspended 1 Feb., '38.
J. Larmer	"	+240 ^a		260 ^a		280 ^a		300 ^a		300 ^{ab}		300 ^{ab}		300 to 31 Jan. 100 ^c	100 ^c		*100 ^c				100 ^c to 31 Oct. 500 ^{ap}	300 ^{abp}	300 ^{abp}	
W. R. Davidson	"	+220 ^a		{ 240 to 30 Sep. 260 ^a		260 to 30 Sep.		280 to 30 Sep.		300 ^{ab}		300 ^{ab}		300 to 31 Jan. 100 ^c	100 ^c		100 ^c				100 ^c to 31 Oct. 300 ^{ap}	300 ^{abp}	300 ^{abp}	
T. S. Townsend	"	+220 ^a		{ 240 to 30 Sep. 260 ^a						300 ^{ak} fr. 1 Aug.		300 ^{ak}		300 ^a		*325 ^{ab}		325 ^{ab}			325 ^{ap}	325 ^{ap}	325 ^{ap}	{ Transfd. to Pt. Phillip, 1 Oct., '39 to 31 July, '42
W. W. Darke	"									{ 240 to 31 July 260 ^{ak}		260 ^a to 31 Jan.	240 ^a	260 ^{ak}		300 ^a		300 ^{ap}		300 ^{ap}	300 ^{ap}	300 ^{ap}	{ Do do do. Jan., '38 to 31 Dec., '42.	
J. C. Burnett	"	+200 ^a		220 to 13 Sep. 240 ^a		240 to 13 Sep.		260 ^a to 30 Sep.		280 ^{ak} to 30 Sep.		300 ^{ab}		300 ^{ab}		300 ^{ab}		300 ^{ab}		300 ^{ab}	300 ^{abp}	300 ^{abp}		
J. J. Galloway	Asst. Sur. 6 Feb., '38	200 ^a		200 to 5 Feb. 230 ^a		220 to 31 Jan.		240 to 5 Feb.		260 ^a to 5 Feb.		280 to 28 Feb.	300 ^{ab}	300 to 31 Jan.	100 ^c	100 ^c		100 ^c		100 ^c to 31 Jan.	300 ^{ap}	300 ^{abp}	{ Transfd. to New Zealand, 1 Feb., '40 Resigned 1 July, '40	
S. G. Dalgety	"	200 ^a		200 to 5 Feb. 230 ^a		220 to 5 Feb.		240 to 5 Feb.		260 ^a to 5 Feb.		280 ^a		280 ^{ab}										Resig'd. 31 Jan., '43.
H. W. Wright	" 1 Sept., '38	200 ^a		200 to 31 Aug. 220 ^a		220 to 30 Sep.		240 ^a to 30 Sep.		260 ^{ak} to 30 Sep.		260 ^{ak}												Apptd. C.C.L. 1 May, '43.
J. V. Gorman	" 28 Mch., '39			200 ^a		200 to 31 Aug.		220 to 31 Aug.		240 ^{ab}		240 ^{ab}		240 to 31 Jan. 80 ^c	80 ^c		240 ^a			80 to 28 Feb.	240 ^{ap}	240 ^{abp}	240 ^{abp}	
J. Warner	" 29 Apl., '39			200 ^a		200 to 28 Apl.		220 to 28 Apl.		240 ^{ab}		240 ^{ab}		240		120 half pay	120 to 10 July	210 ^{ab}		210 ^{ap}	210 ^{ap}	240 ^{abp}	240 ^{abp}	
C. Tyers	Surveyor 8 Aug., '39			325 ^a		325 ^a																		Resigned.
E. Kennedy	Asst. Sur. " " '40					260 ^a						240 ^{ab} fr. 1 June	240		120 to 7 Nov. 240 ^{ak}	240			240 ^p	240 ^p	240 ^{ap}	240 ^{ap}	240 ^{ap}	
D. M. Kemp	" 28 Nov., '40					200 ^a																		{ Transfd. to New Zealand 1 Feb., '41.
B. Mitchell	" 3 Aug., '41							200 ^a		200 ^{ak}		220 ^{ab}												{ Apptd. C.C.L. 31 Aug., '43.
H. C. Rawnsley	Surveyor 26 Oct., '41							325 ^{ak}		325 ^{ak}		325 ^{ak}		325										{ Resig'd. 31 Jan., '44. Now Licensed.
H. Wade	"							325 ^{ab}		325 ^{ab}		325 ^{ak}		325		162:10 half pay	162:10 to 11 Dec. 325							{ Transfd. to Port Phillip.
J. S. Burke	Asst. Sur. " " " "							200 ^{ab}		{ 200 to 25 Oct. 230 ^{ab}		220 ^{ab}		220 to 31 Jan. 73:6:8c	73:6:8c		170 1/2 py on ivre replaced	110						Resig'd. 23 June, '47.
W. Shone	"							200 ^{ak}		{ 200 to 25 Oct. 220 ^{ak}		220 ^{ak}		220 to 31 Jan. 73:6:8c	73:6:8c		73:6:8c to 11 Sep.	220 ^{ap}			220 ^{ap}	220 ^{abp}	220 ^{abp}	
P. F. McCabe	"							200 ^{ak}		{ 200 to 25 Oct. 220 ^{ak}		220 ^{ak}		220 to 31 Jan. 73:6:8c	73:6:8c		220 ^{ab} replaced to 30 Oct.	230 ^{ab}			220 ^{ap}	220 ^{abp}	220 ^{abp}	
W. R. Labatt	Supy. Asst. Sur. 1 Oct., '43											160		160 to 31 Jan. 66:13:4c	66:13:4c		220 ^m			200 ^{mp}	200 ^{mp}	200 ^{mp}	200 ^{mp}	
L. Gordon	Asst. Sur. 1 Jan., '48																							

APPENDIX TO THE FOREGOING EVIDENCE.

Note.—Surveyors, &c., were allowed tents and provisions whilst in the field.

* Surveyor. † Assistant Surveyor. ‡ Deputy Surveyor General. § Surveyor General.

^a Forage for one horse. ^b £100 per annum in lieu of equipment. ^c Licensed Surveyor receiving one-third of his original salary as a retaining salary, and paid according to a scale of fees for all work performed for the Government, with a right of private practice, and an allowance of 4 to 7 prisoners of the Crown, fed, &c., by the Surveyor.

^d Forage for two horses. ^e Being one-fourth of Surveyor General's salary. ^f Equipment found by the Government. ^g Forage for one horse and an allowance of £50 per annum for another.

^h (1847.) Found in equipment and men, or an allowance in lieu of equipment and with assigned men. Lic. Sur. found with assigned men, or £75 per ann. in lieu thereof. (1848.) Men's wages paid by Government, or an allowance of £120 per annum in lieu thereof, with the exception of Messrs. Shone and Warner, who received £70 each per annum on this account.

APPENDIX B.—Continued.

NAMES.	DATE AND NATURE OF APPOINTMENT.	1849.	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	REMARKS.
		SALARIES. Amount £ Ann.	SALARIES. Amount £ Ann.	SALARIES. Amount £ Ann.	SALARIES. Amount £ Ann.	SALARIES. Amount £ Ann.	SALARIES. Amount £ Ann.	SALARIES. Amount £ Ann.	SALARIES. Amount £ Ann.	SALARIES. Amount £ Ann.	SALARIES. Amount £ Ann.	
G. B. White	See preceding pages	375 ^{ab}	375 ^{ab}	{ 375 ^{ad} to 30 Jun. 400 ^{ad}	490	531 5s. to 31 Aug.						Pensioned.
T. L. Mitchell	" "	1,000 ^c	1,000 ^c	1,000 ^{ay}	1,000 ^c { on lv. fr. 27 Aug.	500	500 to 18 Apl.	1,200 ^c to 5 Oct.				Died 5 Oct., '55
S. A. Perry	" "	650 ^a	650 ^a	670 ^a	{ 650 to 22 Sept. 900	1,100 to 6 Feb. 850 to 30 Sep.						Pensioned.
J. Larmer	" "	300 ^{ab}	300 ^{ab}	{ 300 ^{ad} to 30 Jun. *350 ^{ad}	350	481 5s. to 31 Mar.						Pensioned.
W. R. Davidson	" "	300 ^{ab}	300 ^{ab}	{ 300 ^{ad} to 30 Jun. *325 ^{ad}	325	{ 456 5s. to 31 Mar. 481 5s. to 31 Aug. 568 5s.	506 5s.	506 5s.	{ 506 5s. to 31 Mar. 187 10s. half pay	{ 187.10 to 31 Mar. 473.8.9 to 31 May 4500	500	
T. S. Townsend	" "	325 ^{ab}	325 ^{ab}	{ 325 ^{ad} to 30 Jun. 375	375	{ 506 5s. to 31 Mar. 550 to 31 Aug. 575	{ 575 to 18 Apl. *575 to 9 June 200 half pay	200 half pay	200 to 18 Feb.			Resigd. Pensioned.
W. W. Darke	" "	300 ^{ab}	300 ^{ab}	300 ^{ad}	300	375	{ 375 to 31 Mar. 456 5s.	456 5s.	456 5s.	423:8:9	423:8:9	
J. C. Burnett	" "	300 ^{ab}	300 ^{ab}	300 ^{ad}	300	{ 375 to 31 Mar. *456 5s. to 31 Aug. 481 5s.	481 5s. to 19 July					Died 19 July, 1854.
J. J. Galloway	" "	300 ^{ab}	300 ^{ab}	300 ^{ad}	300	{ 375 to 31 Aug. *456 5s.	500 to 24 Jan. 162 10s. half pay	162 10s. to 24 July	425	500 to 6 Oct.		Resigd. 6 Oct., '57.
J. V. Gorman	" "	260 ^{ab}	260 ^{ab}	300 ^{ad}	300	375	375 to 30 June					Resig. 30 June, '54.
J. Warner	" "	240 ^{ah}	260 ^{ah}	260 ^{ad}	300	375	375 to 31 May					Pensioned.
E. Kennedy	" "	240										Murdered by Aborigines in '49.
W. Shone	" "	240 ^{ah}	260 ^{ah}	260 ^{ad}	{ 300 to 15 Feb. 150 } pay on leave	150	{ 150 to 15 Feb. 400 to 30 June 456 5s.	456 5s.	456 5s.	{ 423:8:9 to 31 May 2400	400	
P. F. McCabe	" "	240 ^{ab}	260 ^{ab}	260 ^{ad}	300	{ 375 to 21 Apl. *456 5s.	456 5s.	500	500 to 31 July			Resigd. 31 July, '56.
W. K. Labatt	" "	200 ^{ai}	200 ^{ab}	{ 200 ^{ad} to 31 Jan. 230	220 to 31 Jan. 240	315 335	360 to 15 Jan. 400 to 30 June	500	500	423:8:9	423:8:9	Suspended from 31 Jan., '56.
L. Gordon	" "	220 ^{ai}	240 ^{ai}	260 ^{ad}	280	400	475 to 30 June	500	500	423:8:9	423:8:9	
M. E. L. Burrowes	Assist. Sur., 1 Jan., 1849	200 ^{ah}	200 ^{ah} to 31 My.	220 to 31 May	240	400	475 to 30 June	500	500	{ 456 5s. to 21 Aug. 4500	500	
S. Parkinson	Supy. Assist. Sur., 27 April, '49	200 ^{ai}	200 ^{ai}	200 ^{ai}	200 to 30 June	275 to 28 Feb.						Apptd. Lic. Sur.
E. O. Moriarty	" " 1 May, "	200 ^{ai}	200 ^{ai}	200 ^{ai}	200 to 20 June	275 to 11 Mar.						Resigd. 11 Mch., '53.
P. H. Henderson	" " 1 Aug., "	200 ^{ai}	200 ^{ai}	200 ^{ai}	200 to 30 June	275 { Permant. Stff., 1 Sep.	275 to 31 Aug. 295	295 to 31 Aug. 315	315 to 31 Aug.	316 5s. to 31 May 4500	500	
R. Bagot	" " 10 " "	200 ^{ai}	200 ^{ai}	200 ^{ai}	200 to 30 June	275	275 to 31 Mar.					Resigd. 31 Mch. '54.
P. Bronfield	" " 15 Oct., "	200 ^{ai}	200 ^{ai}	200 ^{ai}	200 to 29 Feb. 50 to 31 Jan. 200 to 30 June	275						Discontinued.
R. C. Flide	Vol. Sup. " 1 April, '50		25 ^{ai}	50 ^{ai}	200 to 29 Feb. 50 to 31 Jan. 200 to 30 June	275	275	275	275	{ 256 5s. to 31 May 2400	400	
Lord Audley	Asst. " 1 May, '52				200	275 to 30 Apl.	{ 295 to 30 Sep. 315	320	320 to 31 Jan.			Resigd. 31 Jan. '56.
Jno. Thompson	Acting Dep. Sur. Gl., 8 Feb., '53					1,050	{ 1,050 to 18 Apl. 850	850	850	775	775	
A. F. Wood	Supy. Assist. Sur., 9 Mch., "					275	275	275	275	{ 256 5s. to 31 May 2400	400	
F. E. Roberts	" " 13 May, "					275	275	275	275			Apptd. Sur. of Roads.
J. C. Drake	" " 1 June, "					275	275	275	275 to 31 May			Apptd. Lic. Sur.
J. Buchanan	" " 1 Dec., "					275	275 to 31 May	275	275 to 31 July			Resigd. At present Lic.
G. Legg	" " 1 Jan., '54					275	275	275	275 to 31 Mar.			Resigd. Apptd. Lic. Sur. Dead.
W. C. Bennett	" " 14 May, '55							275	275 to 30 Sep.			Resigd.
F. B. W. Woolrych	" " 1 June, "							275	275	{ 256 5s. to 31 May 2100	400	
E. J. Mitlington	" " 1 Aug., "							275	275	{ 256 5s. to 31 May 2300	300	

* Surveyor. † District Surveyor. ‡ Acting Deputy Surveyor General, and Deputy Surveyor General in the case of Mr. Thompson. § First Class Surveyor. || Second Class Surveyor. ¶ Acting Surveyor General.

a Forage for one horse, or allowance in lieu thereof. d Notes b and h apply to 31 Oct., 1851, and from that date Surveyors received an equipment, or money allowance in lieu thereof. Laborers were found them, and paid and fed at the public cost: they received forage for their draught and saddle horses, or a money allowance in lieu of the latter, and provisions for themselves.

b Allowance, in lieu of equipment and wages, at the rate of £220 per annum. e Forage for two horses for 1849, after that period £60 per annum, in lieu thereof.

f £250 for expense of surveying Gold Fields. h Allowance, in lieu of equipment and men's wages, of £170. i Equipment and men found by Government.

APPENDIX TO THE FOREGOING EVIDENCE.

APPENDIX B.—Continued.

NAME.	DATE AND NATURE OF APPOINTMENT.	1855.		1856.		1857.		1858.		REMARKS.
		SALARIES.	—	SALARIES.	—	SALARIES.	—	SALARIES.	—	
		Amt. £ Ann.	Amount £ Ann.	Amount £ Ann.	Amount £ Ann.	Amount £ Ann.	Amount £ Ann.	Amt. £ Ann.	Amount £ Ann.	
Lt. Col. Geo. Barney	Sur. Genl., 11 Oct., '55	1,200 ^r		1,200 ^a		1,200 ^a to 31 Jan.		1,050		
F. S. Peppersorne	Supp. Asst. Sur., 15 Aug., '55			300 to 30 Nov.		1,050 ^a				
				275		256:5 to 31 May		300		
Henry Haego	Second Class Sur., 1 June, '57					300		300		
P. F. Adams	District Sur., 19 Sept. '57					500		500		
E. Fisher	Second Class Sur., 1 Feb., '58							300		
T. J. Oliver	Do. do. 1 Feb., "							300		

* Second Class Surveyor.

^a Allowance in lieu of forage for one horse.

NOTE.—Surveyors received an equipment or money allowance in lieu thereof. Laborers were found them, and paid and fed at the public cost; they received forage for their draught and saddle horses, or a money allowance in lieu of the latter, and provisions for themselves.

APPENDIX C.

EXTRACT from a letter to have accompanied and explained the Scheme.

1. The ready disposal of the lands of the Colony to those who can purchase, and will convert to wheat bearing acres, the now comparatively unproductive tracts of land within the settled division of the Colony is, I submit, a question of more than ordinary importance. Two things have to be accomplished: the creating a supply equivalent to or greater than any supposable demand, and the economy and rapidity with which that supply may be rendered accessible.

2. New-comers have, for many years past, complained that, while they awaited the contingencies of the sale of land which they had chosen, the means which would have enabled them to purchase and improve dwindled away in the expenses of living; and the public might well complain of the costliness of measurement. No system has yet been devised to lessen the delay and reduce the expense of measurement. Surveyors paid, "work or no work," with large and cumbrous equipments, have been engaged in the expensive measurement of isolated portions; and these brought into the market in insufficient quantities have quickened competition to an injurious extent, and have left many an impoverished land seeker to lament the day when he set foot on our shores. No doubt a man of sagacity and experience might easily obtain from the holders of the thousands of acres of the Crown a homestead suitable to all his purposes, at a lower price and on easier terms than the law permits with regard to Crown Lands; but the dread of inferior or of damaged titles, and the great reliance placed on Crown Deeds, have always induced land seekers to prefer purchases from the Crown to any others. Now, if the twenty settled counties contain a total of say twenty-six millions of acres nearly, and five or six millions only have been disposed of by the Crown up to the present time; surely there must remain at least some *eight to ten millions* of available, or moderately good land within these counties in the hands of the Crown. To pursue the old expensive and dilatory system of having these measured in disconnected portions, by salaried "work or no work" surveyors, without any comprehensive arrangement of general subdivision and sale, is to follow our own bad example, and to leave the public still unsatisfied and complaining. The purport of the suggestions contained in the accompanying scheme, neither unconsidered nor lightly advanced, is briefly this: that the twenty counties should be divided into *seven* large compartments; that the system of measuring for sale on desultory applications should be abolished; that a surveyor should be placed in charge of each of these districts or compartments, with a salary averaging, with commission, say £800 per annum; that under each of these should be placed a strong staff of licensed surveyors, and that they should proceed throughout their districts, measuring directly on—without impediment from preemptive or auction leases, or commonage reserves—whatever land may be found available for agriculture or pasture; lines of road for access being only considered by the district surveyor.

That the whole work, correspondence, and accounts should pass through the district surveyor, by whom the movements of the licensed surveyors would be arranged and directed.

By this means, instead of some fifty or one hundred portions being brought to auction at one time, a thousand portions would be at once exposed to the public choice, and if one hundred only were purchased by auction, the remaining nine hundred would be for selection and immediate purchase.

I propose that the plans should shew more minutely the topographical and geodesical character of the land measured; its facilities of access; its supply of water; and also (and for this the surveyor should be a sworn and paid valuator) the value of the land, in his opinion, as compared with other lands—the £1 minimum still remaining as the upset price. I do not mean that his opinion of the value of the land (he could have no object in deceiving unknown purchasers) should, in any way, govern the minimum price, or keep the land from the auctioneer's table; but that his faithful description and unbiassed professional opinion should be made accessible to buyers, for their information and assistance, as their avocations may prevent their examining, or their want of judgment prevent their justly estimating the value of land open to their purchase. Let the buyer beware (*caveat emptor*) applies well to the *hat* which the purchaser must personally inspect to *fit*, or to the *horse* of which he may easily obtain a friend's opinion and judgment; but as to the land which he could not personally inspect, without possibly an expensive and inconvenient journey, he could have no better guide than the opinion of the

the unbiassed, intelligent, and practised valuator by whom the land had been examined and measured.

The superabundant supply would virtually remove the chief objection to the *auction* system—the delay and contingencies of competition—and the opinion of the valuator would assist and assure him in his purchase. The system of measurement by supervised licensed surveyors has the advantage of *economy* and *speed*, with an assurance of correctness.

Connected with this arrangement would be the adoption of the system of thorough official examination.

(The other features are set forth in the Scheme, so that I desist from copying further.)

I have, &c.,

HENRY HALLORAN.

BRIEF outlines of a SCHEME proposed for the measurement of lands for sale in the Settled Districts, their sale, and the issue of Deeds. (June, 1853.)

It is proposed,—

1st. That the Settled Districts should be divided according to the most convenient geographical arrangement into (say) seven surveyors' districts.

2nd. That a surveyor with a salary of £500 per annum, and forage for a horse for personal use, and a light travelling equipment, should be placed in charge thereof with a staff of licensed surveyors, a qualified draftsman and clerk, and an office placed in the most central position, as a head-quarters.

3rd. That the district surveyor should allot to each of the licensed surveyors a suitable proportion of the undivided vacant Crown Lands within his district,—so arranging their operations that the measurements should be carried forward simultaneously, and as far as possible connectedly and continuously—pre-emptive and auction leased lands being subdivided for sale in the same manner as any other vacant Crown Lands.

4th. That the licensed surveyors should be sworn valuers, and paid a moderate fee for their valuation of every portion of land which they may measure, its peculiar advantages, topographical and natural, being clearly stated in their field-books, as also its convenience to road or water carriage.

5th. That field-books, ruled in the most approved form, of small size, *i.e.* of few pages, with a printed code of directions for the mode in which it is to be kept prefixed to every volume, so as to ensure uniformity therein, should be provided to every licensed surveyor to be returned by him as they are filled up to the district surveyor.

6th. That the plotting of the work, and preparation of plans and of descriptions in printed forms, from such data, should be proceeded with by the district draftsman, to be signed and forwarded by the district surveyor after he has sufficiently examined them, tested the surveys where he may consider them doubtful, rectified them where he may have found them incorrect, or completed them wherein they were imperfect, he retaining the field-books, unless specially called for, until the end of the quarter, when he would forward them to head-quarters.

7th. That the accounts prepared by the district clerk should be examined, passed, and signed by the district surveyor, and forwarded to head quarters for payment, *monthly*.

8th. That the licensed surveyors should be occasionally suddenly visited by the district surveyor, and their *modus operandi* and instruments examined; it being, however, of course, intended that every licensed surveyor and district draftsman should be carefully and sufficiently examined in writing and reported on, by a well-qualified board of examiners, to be paid for such examinations.

9th. That the district surveyor, in addition to the salary named, should receive a commission of, say _____ per acre, on every acre measured in his district.

10th. That all district correspondence should be conducted through him.

11th. That he should, by astronomic, trigonometric, or other operations, test and correct, as far as possible, the surveys in his district, completing, from all data whatever, a reliable map of his district.

12th. That all surveys, with returns, or other required information, should be furnished by him monthly.

13th. That all descriptions of lands, the sale of which is considered expedient, (the plans and descriptions having been examined in the office at head-quarters), should be placed *in original*, with a prepared proclamation, and submitted by the *Surveyor General* to the Governor General for approval and signature.

14th. That the proclamation having been printed, the *original* descriptions re-obtained from the Government Printer—the two departments working in concert,—sale-books should be prepared in the Surveyor General's Office, with abundant *lithographic plans*, and forwarded to the Commissioners managing the land sales.

15th. That the Surveyor General, on the report of sales from the Commissioners—the receipt of the proceeds at the Treasury being ascertained—should forthwith prepare the deeds of grant of the lands sold, from the district surveyors' original descriptions, *a diagram from his plan being endorsed on the deed shewing the land conveyed*; and the deed having been signed by the Governor General, and enrolled in the Supreme Court Registry of Deeds, should be returned to the Surveyor General for registration, and notation on the maps, to be delivered, as was formerly the case, by the Surveyor General to the grantee, or his authorised agent.

16th. Though out of place, perhaps, it may be observed that the marking of allotments in Towns should be more perfect; that larger corner marks, with printed numbers of the sections and allotments, should be used; and that such landmarks, protected by an Act of Council, should be placed under the especial care of the local police.

17th. That the instruments to be used by the licensed surveyors should be examined, and passed by the district surveyors—theodolites being used, where practicable, and the best bar chains being also provided.

Supposed advantages of the Scheme

1. Rapidity of surveys of a connected, continuous, and tested character; with the supervision of a responsible director, and a reliance on their truth and accuracy.
2. The continued application of the licensed surveyor to the performance of his proper duties in the field, and a consequent saving in the cost of measurement.
3. The discontinuance of desultory surveys on application.
4. The satisfaction which every buyer, either by auction or selection, must feel in the more perfect description and knowledge of the land he is about to buy, and the reliance he must place on the honest, informed, and uninfluenced opinion of the surveyor-valuator, guiding him to his choice, though not controlling the upset price.
5. The greater expedition in bringing lands to sale, and in the preparation and delivery of deeds, the saving of registration in unnecessary offices, and of much superfluous correspondence.
6. The greater amount of lands remaining (so soon as the demand is met by the abundant measurements) on the Commissioners' tables for *selection*, and the great convenience and saving of time to purchasers, in the easy avoidance of the *auction* table, and the selection from innumerable portions of which perfect descriptions and valuations are open to their inspection.

HENRY HALLORAN.

APPENDIX D.

(1.)

Instructions for marking Crown Land by Government Surveyors.

In the survey of farms in forest country the trees should be marked within view of each other as near the boundary line as possible; the mark or blaze should be in the shape of a horse-shoe, about breast high; where the tree is big enough to admit of it, the mark should be at least six inches wide, and cut into the wood from one and a half to two inches deep; along the boundary line the trees should be marked on two sides facing in the direction that the line runs; at each corner of the farm or allotment the nearest suitable tree should be marked on four sides, with the horse-shoe mark, and a large piece of bark taken off the tree, on which a broad arrow, at least six inches long, should be marked deeply in the wood, and if the allotments of which the tree forms the corner are numbered, such numbers should be cut deeply in the wood in the horse-shoe mark, on the side of the tree facing the allotment to which such number applies. A large stake (of split stuff, cleared if possible,) should be driven into the ground one foot at least, and left about six inches above the surface at the exact corner, and the bearing and distance of the numbered tree taken from the stake, and noted on the plan. If farms are marked in a plain country where there is no timber, a trench should be cut at every five chains along the line, and a cross cut in the earth, at the corner of each farm; a post-hole hoe will be found to be the most convenient tool for making such marks.

In marking out towns the sides of each of the sections or blocks should be lockspitted all round about six inches deep, and at the corner of each allotment a tangent line about half a yard long should be lockspitted; when it is a double section, the dividing line of the allotments should be lockspitted, or crosses made at the corners of the allotments.

In the general survey of the country, or in a survey made to connect any measured portions, where it extends over more than one mile, Roman numbers should be marked at the end of every mile, giving the distance from the starting point, as these numbers are of great service in taking up the survey at any future period, and are particularly useful on public roads or along the course of streams or ranges.

JOHN THOMPSON,
Acting D. S. General.

Surveyor General's Office,
9 July, 1853.

(2.)

Surveyor General's Office,
Sydney, 10 April, 1848.

(Circular.)

Sir,

The work to be performed by the licensed surveyors is to be in strict accordance with the existing practice of the Surveyor General's Department, which is as follows, viz. :—

2. On directions being received by the licensed surveyor (and which shall have been sent through the regular post), to measure any portion or portions of land applied for to purchase, or as a grant to any public body, or to be appropriated for any public purpose, he is to proceed without loss of time to the survey and measurement, which are to be performed in the usual manner by taking angles with a theodolite, bearings with a circumferentor, and measurement of the lengths of the several boundary lines with a Gunter's chain, verified by comparison with the standard measure. In general the boundaries are to be upon the cardinal points of the compass, with magnetic bearings. Whenever a departure from this rule becomes necessary, either from the windings of a watercourse or road, or from peculiar features in the ground, the reasons for deviations must be made apparent in the plan of the work, and stated in the report which accompanies it. The margins of all lakes, lagoons, and swamps, and also the tracks and courses of continuous mountain ranges, must be measured with

with the chain, and the bearings from each change of station must be noted in the field-book, and furnished in the description. The features of the ground, shewing what part is hilly, and the forms of the hills, and what part is level, must be carefully delineated.

3. Every measured portion must be firmly marked at each corner, by driving in stakes where the soil will admit of it, or by cutting into rocks, whenever they may occur, at the corners. The marks in the rocks are to be broad arrows, crosses, triangles or squares, and each licensed surveyor is requested to preserve uniformity in his own marks, so that they may be easily described and recognized. Marks made by former surveyors are to be noted, but not to be interfered with. Surveys made under these instructions are to be connected with former surveys by means of the marks above referred to, from which measurements with the chain, and bearings of the compass needle, or angles taken with the theodolite, are to be made.

4. The documents in the office, to which access will always be afforded, are to be consulted with reference to previous surveys, in the neighbourhood of which any fresh measurements are made.

5. In extensive and continuous chaining, conspicuous marks on the trees are to be made, of a sufficient height to render them distinguishable from a distance.

6. In laying out a series of country or suburban lots, a way of access must be preserved to each, by marking roads of a chain wide at the back of any range of allotments fronting a river, and leaving a road of half a chain wide between every fourth or fifth allotment, so that the lands at the back may have access to the river or creek for water. It is not essential that each allotment should contain the same area, indeed the windings of a stream will cause the areas to vary, and which is rather desirable than otherwise.

7. The scale on which plans are to be drawn is for country lots 4 inches, and for general survey of features 2 inches to the mile. Town and suburban lots $\frac{1}{4}$ inch to the chain. Plans for towns and villages $\frac{1}{2}$ inch to the chain; on the corner of each plan there must be a reference to the marks or marked trees upon the ground, which shew the corners of the surveyed lands.

8. The surveyed lines and stations, with their lengths and compass bearings, must be shewn on the plans in red color, and a proof line, run diagonally, must also be shewn in the same color.

9. Boundary lines must be black, as well as the outlines of existing tracks of features, if surveyed. If merely sketched they must be shewn in black dots, as indicative of uncertainty. The field-books of licensed surveyors are the property of the Government, and are to be handed over on the discontinuance of the license. Copies of them to be furnished whenever called for.

10. Every plan and description, or set of plans and descriptions, transmitted to headquarters, is to be accompanied by a letter of transmission and concise report, each description being on a separate half-sheet of foolscap paper, and to be complete in every particular, dated, signed, and prepared in the manner in use in the office.

11. Payments will be made upon the certificate of the Surveyor General, (or officer conducting in his absence the business of the department), that the work has been examined and found to be correct. If otherwise, the work will be returned for re-survey, if necessary, or for explanation.

12. Payments for surveys of lands promised to be granted to public bodies or institutions—such as for churches, schools, and ministers' dwellings, of whatsoever denomination—is to be obtained from the parties for whose benefit the grant is proposed, but for general cemeteries, payment will be made in the same way as for other public work.

13. The schedule of fees, of which a copy was forwarded in my circular No. 48-92, of 29th March last, will constitute the whole remuneration of licensed surveyors. No account for travelling or other contingent expenses will be entertained.

14. Licensed surveyors are requested to reside in their respective districts.

I have, &c.,

S. A. PERRY.

To the Licensed Surveyors.

APPENDIX E.

(1.)

THE Crown Commissioner, New England District, to the Chief Commissioner of Crown Lands, forwarding Return of Unassessed Runs in New England District.

(57-156.)

*Crown Lands' Office,
Armidale, 23 March, 1857.*

Sir,

In acknowledging the receipt of your letter of No. and date as in the margin, I have the honor to transmit to you, enclosed, the 1st Return, as per margin, therein called for.

2. In reference to the second Return, I beg to state, that the information is much more readily accessible in the records of the Crown Lands Office, Sydney, than in this. The system in reference to tenders pursued by my predecessors has been such that I cannot afford it without a very great waste of labor, and uncertain results.

3. If furnished with a list shewing the tenders in this district not reported on, or reported upon insufficiently and still undisposed of—as given in the Return recently prepared for the Legislative Assembly—I will give my earliest attention to their disposal.

I have, &c.,

A. ORPEN MORIARTY,

The Chief Commissioner of Crown Lands.

Commissioner Crown Lands.

RETURN

RETURN shewing the number of Runs remaining unassessed in the District of New England, on the 1st of January, 1857.

NAME OF RUN.	NAME OF LESSEE.	AREA.
		Acres.
Fraser's Creek	Wm. Vivers	46,000
King's Plains	Do.	80,640
Moona Plains	A. F. Crawford	16,000
Branza Plains	Jno. Fletcher... ..	40,000
Beverly	Alexr. Barlow	60,000
Rockvale	Rodk. M'Lennan	19,200
Aberfoil	Wm. Walker	70,000
Longford	G. L. Gibson	38,400
Hanin	Robt. Murray	13,000
Lovanga	J. M. Plummer	19,200
Rimbanda	Wm. Stitt	52,760
Kentucky... ..	Jas. Williamson	32,000
Falconer	Jas. Hutton	30,000
Coomdong	Chas. Codrington	1,000
Oban	Rundle, Dangar & Chapman... ..	44,800
Kingsgate	Wm. Rawson... ..	26,680
Kangaroo Hills	Wm. Dangar	35,840
Serpentine River	Do.	32,000
Guy Fawkes	Edwd. Parke	25,600
Guy Fawkes	Jas. Rigney	16,000
Hernani	Edwd. Hargrave	37,000
Glen Fearnough	Freeman & M'Lennan	15,360
Tyringham	Richd. Hargrave	17,280
Invelba	Kirchner, Sharp & Waterston	16,000
Waterloo	Jno. Alexander	32,000
Nowindock	Australian Agricultural Company	30,000
Balblair	Edwd. Atherton	30,000
Giro Flat	Australian Agricultural Company	9,600
Frazer Creek	T. S. Mort	60,000
Maidenhead	Geo. Bowman	115,200
Auburn Vale	Jno. Borthwick	76,800
Jeogola	T. S. Mort	32,000
Elmsmore... ..	Alexr. Campbell	51,200
Hanging Rock... ..	Walter Gray	9,600
Aitkin's Flat	Geo. Bowman	67,200
Inverelle	Alexr. Campbell	38,400
Paradise Creek	Hy. Dangar	26,000
Cooplacumpla	W. & R. Denne	12,800
Clarevaux	P. Ditmas	28,000
Orraba	John Jurd	61,400
Wollomombi	T. S. Hale	115,000
Mount Mitchell	Do.	102,000
Stoney Batter	Hall (Estate of)	204,800
Callaghan Swamp	Do.	81,600
Bannockburn	J. Hale	16,000
Copes Creek	Hester Hughes	26,400
Glen Elgin	O. Bloxsome	30,720
Bastobrick	R. Hargrave	15,160
Byron Plains	Mary M'Intyre	115,000
Waterloo	Do.	92,160
Gwyrá	Do.	92,160
Unandle	Blaxland & Cooper	70,000
Ohio	A. Nivison	8,960
Congi	Do.	16,000
Ward's Mistake	Wm. Nowland	81,920
Blair Hill	D. M'Pherson	24,960
Retreat	Robt. Pringle	64,000
Wellington Vale	R. R. C. Robertson	60,000
Shannon Vale	T. G. Rusden... ..	60,000
Europambela	Fredk. Huth	50,000
Llangollen	Chas. Codrington	51,840
Toryburn	Chas. Blaxland	23,600
Maronan	Wm. Rawson... ..	17,000
Bukulla	Geo. Wyndham	100,000
Millamana	Do.	32,000
Mount Mitchell	Jno. Barker	16,000
Tara... ..	Wm. Buchanan	24,000
Marengo	Jos. Brown	19,200
Glen Lyon	Bank of New South Wales	38,400
Yarrow Creek	Jas. Rogerson	64,000

NAME OF RUN.	NAME OF LESSEE.	AREA.
		Aeres.
Oakwood	Wm. Penson	30,000
Togolo	J. D. Brown	16,000
Morven	Wm. Rogers	15,360
New Valley	G. J. & E. Everett	16,000
Paddy's Land	Rundle, Dangar & Chapman	16,000
Kangaroo Flat	W. H. Richards	16,000
Elsnear	G. W. Sutton	12,000
Greenwich	Wm. Freeman	15,000
Bourah Bourah Creek	S. A. Donaldson	
Cunderang	Hugh Rowley & Richard Hill	40,000

Making in all a total of 80 Runs in the District of New England remaining unassessed on 1st January, 1857.

(2.)

57-3249.

*Crown Lands Office,
Sydney, 21 April, 1857.*

Sir,

In compliance with the request contained in the third paragraph of your letter of the 23rd ultimo, forwarding Return of Unassessed Runs in your District; I have now the honor to transmit a list of Tenders for new Runs in the District of New England, and request that you will furnish your several Reports thereon as early as possible.

I have, &c.,

The Commissioner
of Crown Lands,
New England.

GEO. BARNEY,
Chief Commissioner of Crown Lands.

LIST referred to.

NO. OF TENDER.	APPLICANT.	NAME OF RUN.	WHEN REFERRED.
3 August, 1849 ...	John Mackay.....	Myra	10 Aug., 1849.
7 Sept., „	John Hooke	Pigowanbarly.....	13 Sept., „
8 „ „	do.	do.	„ „
10 „ „	Iver M'Iver	Woollambland	„ „
12 „ „	John Mackay.....	Coniack	„ „
7 Nov., „	R L. Alison	Oran Creek	14 Nov., „
8 „ „	H. G. Hooke	Dewitt	„ „
12 June, 1851 ...	W. H. Freeman.....	Marobac.....	11 June, 1851.
12 Oct., „	S. Caldwell	Woolston	28 Oct., „
21 Sept., 1855 ...	J Barry.	Ben Hall	24 Sept., 1855.

APPENDIX F.

*Crown Lands Office,
Sydney, 15 February, 1858.*

Sir,

By the letter of the Colonial Secretary noted in the margin, it is decided that ^{30th Nov., 185} the rent of a lease to enable persons under the Regulations of 11th February, 1851, to purchase, without competition, improved allotments in reserves for towns which had been taken from their runs should be *ten pounds*; the purchase to be made during the currency of the lease, being subject to the condition that the improvement is equal in value to the unimproved value of the land to be purchased.

2. It has occurred to me to submit, for the consideration of the Honorable the Secretary for Lands and Public Works, that, as the value of the unimproved allotment is in

many instances less than half the rent charged, whether the rent under the lease issued for the specific purpose of enabling parties who have made the improvements to purchase the land improved should not be rather nominal—the improvements having been made on the faith of the law of the country—on land on which a rent was already paid. Indeed, it may be argued that a squatter whose improvements fall within a reserve is entitled rather to receive from the public compensation for the loss of the use of the land immediately contiguous to his improvements, and to that which he is allowed to retain by purchase, and that, save as an arrangement rendered necessary by the date of the law at the time it was made, it is not apparent why land should be taken out of the operation of one lease, giving a pre-emptive right, with the view of being included in another lease.

The Under Secretary
for Lands and Public Works.

I have, &c,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

APPENDIX G.

MEMORANDUM for the Surveyor General as to better amalgamation and operation of Survey, and Crown Lands Offices.

As I believe it to be the wish of the Minister presiding over this division of the public business of the Colony that the Department of Survey and Management of Crown Lands should be made effective, from a progressive and vitalizing spirit of operation, and economic, from a due application of means to the performance of duties which are indispensable to the due carrying out of certain business about which the department should concern itself; and as I believe that both the Honorable the Secretary and the Surveyor General are of opinion that a proper amalgamation and supervision of the duties are essential to such operation, I take the liberty to propose, for consideration and adoption, the following arrangements:—

- 1st. That the direction of the clerical and account business of the Crown Lands Branch should fall, in the same manner that the same business pertaining to survey falls, under my immediate supervision and arrangement, not less because I am convinced that the proper supervision of the business requires it, but because I think on the promotion of Mr. Mcriarty such an arrangement was intended, and was indeed due both to the service and to myself.

This would, of course, bring the supervision and care of all records more particularly under the eye of the Record Branch clerk, from which good would unquestionably result; it would bring the supervision of the large accounts of management under the supervision of the experienced account clerk now supervising this business; it would bring the correspondence more particularly under my own observation, and would give much time for the consideration of matters supposed to involve peculiar difficulties, both in the survey and management, to the Deputy Surveyor General, which was, as I understood in the personal interview held with the Honorable Secretary prior to the passing the departmental estimates, his intention and desire.

The question as to whether the measurement of runs for the purposes of lease is indispensable is at present under submission. Should that, under present circumstances, be determined to be impracticable, and the suggestion of the Surveyor General, that general descriptions, in which holders of adjacent runs should concur mutually, be adopted, then I would submit is opened a field for the professional knowledge and experience of the second officer of the department in the revision and arrangement of such descriptions, and in all the matters necessary to the mutual satisfaction of the parties, prior to the preparation of leases.

Reverting to the survey branch, I think that the assistance of the same officer may be found valuable in the preparation of instructions to the district surveyors, and in the consideration of how far the means supplied may at one time take up both the measurements required for sale and the progress of general survey, the introduction of the theodolite in surveys, and the prosecution on more correct principles of the surveys of the Colony, however partially, to which the correspondence of His Excellency Sir William Denison with the late Surveyor General, and the recommendation of the Board of Commissioners, so clearly and forcibly point.

To pursue, as we are now pursuing, the same course of operation which prevailed when the investigation alluded to occurred, and to the improvement of which course that investigation and those recommendations were directed, cannot, I think, be either contemplated or desired; and although an unprofessional functionary like myself may invite attention to these considerations, it is for the professional and experienced individual to whom I have before referred to take up, under the authority of his superior, and to vitalize and bring into operation the recommendations of the Commissioners in reference to such a subject.

What I contemplate in the "management" branch is the immediate and perfect arrangement of all documents, the supplying, for the future, indices to the books of correspondence, the supervision of accounts, the excision of all superfluous and indirect action and letters, the preparation of lists shewing exactly what work as regards tenders or assessments remains in the hands of each Commissioner, and how long it has been there, and the due bringing forward for pressing up all matters of unusual delay.

In taking the responsibility which such additional supervision and duty would involve, I require to be considered as the Chief Clerk and Cashier of the Department of Survey and Management of Crown Lands.

H. H.
7 April, 1857.

The

The Deputy Surveyor General, the Chief Clerk and Chief Draftsman, are requested to take into immediate consideration the various matters alluded to in the accompanying mem., with a view to some permanent scheme for conducting the department. The estimate for 1858 (which is now required) cannot be prepared until the proposed scheme has been approved by the Honorable the Secretary for Lands and Public Works.

G. B.
14.

Addressing ourselves merely to the question of the amalgamation of the Crown Land Office with the Surveyor General's Office, we are of opinion that it may at once be placed with all other business under the control of the Chief Clerk. It appears to us that the finance of the Crown Land Office may merge into that of the Survey Office, Mr. Herbert becoming Mr. Williams' assistant, but that the clerical business should as far as possible be kept as a distinct branch of the department, like the record branch, the finance branch, or the sale of land branch. The Deputy Surveyor General would then have no further responsibility as regards the Crown Land Office now under his direction, than to attend to such matters as the Surveyor General may think proper to refer to him.

Approved.
G. B.
May 1.

Surveyor General's Office,
24 April, 1857.

COPY of Memo.

Colonel Barney,

It appears to me that the old system of *pencil memoranda* on letters, and their passing through various hands, should cease, if the arrangements are to be simplified, writing decreased, and business expedited.

At present I will confine myself to surveyors' letters. Were the letters, after having been submitted to the Surveyor General, passed through my hands to Mr. McLean for his report, and he were to write it briefly *in ink* on the letter, I could, on its return to me from him, perform what was necessary, either by a letter or a blank cover, and submit complete for signature, without its passing through any other hands. The responsibility of a correct report would rest with Mr. McLean, and the responsibility of pursuing a correct and judicious course, under such report, with myself. I cannot see the need of anything further.

H. H.
19 Oct., 1855.

Issue an instruction to the effect of the above memorandum.

Ordinary correspondence, and such as relates to matters of detail or routine, to be dealt with at once by the first officer to whom it is submitted: indeed every possible method must be adopted for saving labor.

G. B.
27 Oct., 1855.

THURSDAY, 17 JUNE, 1858.

Present:—

MR. ALDCORN,	|	MR. FORSTER,
MR. DONALDSON,	|	MR. WHITE.

David Robertson Gale, Esq., called in and examined:—

1. *By the Chairman*: You reside, I think, on the Clarence? I do.
2. And are in charge of some property there? I am acting as agent for Mr. Joseph Sharpe.
3. This gentleman has purchased some of the lands in that neighbourhood? He has exercised the pre-emptive right in two or three cases.
4. Other lands around these pre-emptive right lands have been subdivided, have they not? Yes; other lands have been subdivided into allotments, and sold as farms.
5. Not on the application of Mr. Sharpe? No.
6. Were they surveyed on the application of any one, or merely at the will of the surveyor in the district? I believe, generally, at the will of the surveyor merely.
7. Was it your intention, or the intention of Mr. Sharpe, to purchase some of that land? Yes; we applied for section 15 of Retreat Station, 17 having been previously disallowed.
8. You had applied for 17 and 18? For 17 at least, and then we applied for 15, the section upon which Mr. Miller's head station stood at one time.
9. Did you live at that head station? No; it was before I had gone down there. Mr. Sharpe had bought the run with the cattle, and some time before Mr. Miller's selling the station he had removed the head station to section 7, but there still remained the cleared ground on section 15, which had been cultivated, and he supposed he was still entitled to exercise the pre-emptive right in consequence of the improvement; for, though the fencing was all removed, the ground had been cultivated, and the clearing was still there. The application was allowed, then Mr. Fry, acting for the Government, and Mr. John Shannon, acting for Mr. Sharpe, assessed it in 1854, I believe, about March or April.
10. What value was placed on it? I do not know the valuation; I was not there then; I am merely speaking of facts I know from papers in my possession. For some cause or other

D. R. Gale,
Esq.
17 June, 1858.

Mr.

D. R. Gale,
Esq.
17 June, 1858.

Mr. Fry did not send in his report, although, I believe, it was signed and ready. In consequence of this neglect Mr. Sharpe renewed his application on the subject, and it was referred again for assessment on or about March, 1855, and it was assessed a second time by Mr. John Shannon, on the part of Mr. Sharpe, and Mr. Fry, on the part of Government, at, I think, £1 an acre. That report was sent in, and after all this had been gone through, Mr. Wilson, the then contract surveyor of the district, volunteered a statement that it ought to be cut up in small farms and sold; in consequence of this the Government would not receive the money from Mr. Sharpe, and the result was, that it was cut up into farms, a large portion not being bought at the time it was put up, but some of it was purchased by Mr. Greaves, the then licensed surveyor, about the upset price of £1 per acre.

11. *By Mr. Aldcorn*: Was he the person who volunteered the statement? No; that was Mr. Wilson; but he was dismissed upon another ground—on the ground of some alleged peculation as Clerk of the Bench at Grafton.

12. *By the Chairman*: Are you aware that by subdividing the land into small portions the surveyor would receive a much larger sum than if it were sold in one block? It has always been my opinion that the sole reason for the subdivision of this land was that by subdividing it he would receive much larger fees. Indeed he would have received no fees if it had been sold to Mr. Sharpe; as the land had been surveyed before by Mr. Burrowes. This is a copy from Mr. Burrowes' map. (*The witness produced the same.*)

13. Did not the proximity of this land to Grafton make it desirable that it should be subdivided into suburban allotments? It is about two miles from Grafton, from the extreme boundary of the township, and beyond the suburban lands.

14. You put up some land, I think, upon which a stockyard was erected? The lands were put up by the Government, and we wished to buy the allotment on which the stockyard stood. That was on the Woolport Run, the run near Alamy Creek.

15. Did you get that land? I erected the yard in the beginning of 1856, or the end of 1855, as there are certain belts of scrub on this run, out of which it is difficult to get the cattle, and this was erected at the lower end of the run, to enable me to brand the calves, and manage the cattle generally, as we found it difficult to get them through these belts of scrub to the yard which stood at the upper end of the run, close to the boiling down house. During that season—the boiling down season of 1855-56—I shot, I think, 180 or 190 head of cattle, and had them carted up, rather than risk the chance of driving them through these scrubs. Mr. Sharpe applied to exercise his pre-emptive right on sections 10, 11, and 12. I think it was section 11, either that or 10, on which the stockyard stood. The application was disallowed.

16. Do you know why? I do not. Some time after Mr. Greaves subdivided sections 10, 11, 12, 5, and 6, into small farms for sale.

17. These are low alluvial lands, are they not? Yes, they are all good lands, partly subject to floods; during the last eighteen months the water stood on the greater portion, and now stands—it does not run off, as there is no fall to the river. As Mr. Sharpe intended to remove the cattle in consequence of the leases being disallowed, some time before the sale of these allotments he instructed me to buy the allotment upon which the stockyard stood, to have the use of it in removing the cattle. This allotment was advertised for sale, as it now turns out, on the 12th January, 1857, in the *Government Gazette*. I saw Mr. Greaves on the day after Christmas, having previously, I may say, bought a lithograph plan of Mr. Greaves' survey, sent down from the Surveyor General's Office for sale to intending purchasers, and supposed to be a copy struck from the plan forwarded to that office by Mr. Greaves, and this shewed no stockyard whatever.

18. Did it shew any other buildings? Yes, two huts which we have down there, which were correctly enough shewn. In consequence of not being able to find from the lithographed copy the allotment upon which the stockyard stood, I asked Mr. Greaves whether the allotment upon which the stockyard was situated was for sale on the 12th January following, as advertised in the *Gazette*. He assured me it was not, and promised to write me, letting me know when it would be for sale. A few days before the sale I went down, not being altogether satisfied with his statement, to examine the map at the Police Office—the map placed there by Mr. Greaves I believe—and on that map I found the words "stockyard," with a little square written in ink, upon the portion of land not then advertised for sale. That map was coloured, the red portion showing the allotments for sale on the 12th January, and the white portion, being the centre of the survey, was not advertised for sale, and upon this white portion the word "stockyard" was written.

19. It appeared to have been put in subsequently? Yes. It was not lithographed, but put on by pen and ink. In consequence of Mr. Greaves' statement I did not attend the sale, believing his statement that the land was not for sale on the 12th January. Some time after the sale reports reached me that the stockyard was put upon the wrong allotment on the map at the Police Office, and that Mr. Greaves himself had purchased the allotment upon which it actually stood, although not shewn on the map. These reports I did not believe at first, but, being reiterated, I began to believe there was something wrong, and went to Mr. Greaves for an explanation. This was in May 1857, at the sale of the next block of ground, marked white on the plan of the January sale.

20. The Government have lithographs of that portion of the country? When the district surveyor subdivides a portion of land he sends the survey here. Several hundred lithographed copies of the survey are made, and are sent back for sale to intending purchasers at 1s. each. I have lodged with the Minister of Lands and Works a copy of the map shewn at the Police Office before the sale of the 12th of January.

21. At the May sale you found that Mr. Greaves had purchased the land with the stockyard in January? Yes; between the January and the May sale I had often heard that the stockyard was falsely placed upon the map of the land sold in January, and that Greaves had actually purchased the allotment on which it stood, but I did not believe it at the time; however,

however, seeing him at the sale, I asked him for an explanation upon the subject. He then admitted to me that it was wrongly placed, and that he had himself bought the allotment on which it actually stood, at the upset price. He took his pen and struck the square, and the word "stockyard" out of the map. This was not the same map as that shewn at the January sale, but appeared to me to be the office copy; and the stockyard was also falsely placed on the map shewn in May. He took the map off the table, and struck the word "stockyard" off the white portion of the map. It stood originally upon allotment 127, and he put it upon allotment 124.

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22. *By Mr. Aldcorn*: Where it should have stood? Yes.

23. That was on his own property? Yes.

24. *By the Chairman*: Has he the land at present? He has. Mr. Sharpe, naturally feeling aggrieved at this proceeding, thought upon principle he ought to expose it. I did not think it advisable to come to had terms with Greaves, seeing the power he had there, and avoided mentioning the matter to Mr. Sharpe for several months; but as he came down in July or August following, having instructed me to buy the stockyard allotment, and finding it sold to another party, he demanded an explanation, and asked me to put the facts in writing, as to why I had not done as he had directed. It was then my duty to state the facts, and I did so in two letters, dated 7th July and the 17th July, 1857. These, with a letter from himself, and a *fac simile* of the map exhibited at the Police Office, at the January sale, were laid before the Minister of Lands and Works at the time, but the matter has been put off, from one cause or another, until yesterday. At first the Minister for Lands and Works referred the matter to the Surveyor General, who again referred it to Mr. Greaves for an explanation; Mr. Greaves' explanation was received by the Surveyor General, and an answer was sent from the Surveyor General's Office to Mr. Sharpe, stating that the explanation was satisfactory. Mr. Sharpe was not disposed to let the matter rest thus, as he was even denied a copy of the explanation, in which he and I were charged, as he was informed, with having made various statements contrary to fact; and in consequence of these charges of Mr. Greaves he insisted upon further investigation; that at last was assented to, and the matter was gone into yesterday morning before Mr. Robertson. The ultimate decision of Mr. Robertson was, that Mr. Greaves had committed a gross blunder in misplacing the stockyard, and stated that it would have been best for the parties themselves to have settled the matter out of his office; and then Mr. Greaves made a proposition that he should convey over the stockyard allotment to Mr. Sharpe, at £1 an acre, which he himself had paid for it. Mr. Sharpe declined this offer; and then Mr. Robertson said, that the better, and indeed proper way, would be to put up the land again for sale by auction, and that he would lay the matter before the Executive Council, recommending that the sale to Mr. Greaves be annulled, and the land again put up to auction. That Mr. Sharpe agreed to, and there the matter stands.

25. *By Mr. Aldcorn*: Only the allotment on which the stockyard stands? That is the only allotment which Mr. Sharpe wanted, in order to have the use of the stockyard in removing his cattle.

26. *By the Chairman*: Do you believe that the licensed surveyor, Mr. Greaves, had any instructions from the Surveyor General, or the Deputy Surveyor General, to cut up these lands, or that he did it upon his own responsibility? I cannot say, but I believe he did it upon his own responsibility. He has bought a considerable number of these allotments himself, or for other parties for whom he acted as agent.

27. At the minimum price? Generally; not always—town allotments in some cases have been run up. I am now speaking of some time since, and he has been re-selling these country lands at an advance upon the upset price which he paid. Sometimes the lots have been passed, and he has then handed in a slip, and taken them up at the upset price.

28. Do you believe then that he has been paid by the Government for making these surveys, and afterwards has been paid a commission by private individuals for buying? I do not know whether he received a commission or not, but I have heard on one occasion that he promised to act as agent for Capt. Wiseman in the purchase of some allotments, but I do not know this of my own knowledge.

29. In re-selling these lands at Grafton are they again subdivided into smaller allotments? No. I believe they have been re-sold in the same allotments. I am told that some for which he paid £1 an acre he sold to Messrs. Porter and Elliott at £4 10s.

30. Have you heard any other complaints of this officer? I may mention another. These sections (*referring to a plan*) are not marked as leased to any one; they are at the head of Retreat Run, and are mere scrub and hill of no value, and, I believe, beyond the Settled District, from the best information I can obtain, being beyond a radius of eight miles to the nearest point of the township. These were put up for lease some time ago at Grafton, and, as I did not wish a party to go there who might interfere with our cattle, I attended the sale, and to my surprise Mr. Greaves' brother, an assistant surveyor, was present, and the principal bidder against me for these sections; the only other bidder was a person of the name of Gregory, for one or two sections, but I believe neither were *bona fide* bidders. Greaves' brother bid for every section.

31. Did he get them? No; but I had to give upwards of £5 for each section of the last two. This opposition, I believe, arose simply because we had insisted upon the investigation of the matter respecting the sale of the stockyard allotment, a sort of animus having arisen, as is frequently the case in such disputes in small communities. Mr. Greaves' brother, or the other person, is not at all connected with squatting, and I do not see of what use the land could be to either of them.

32. *By the Chairman*: He has no establishment? Greaves' brother has no establishment, but is merely acting as his brother's assistant.

33. *By Mr. Aldcorn*: Did he state this in public? Yes; he was standing by the auctioneer

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when the allotment was put up, and used words to this effect—"This allotment is swampy, gentlemen."

34. *By the Chairman*: Did Mr. Greaves attend the sales? Yes, generally. I also heard him state that an allotment which has a frontage to Carr's Creek had no water frontage. There was a map lying at the time on the table shewing the water frontage.

35. Did he purchase that? No. A person in the room checked him, and said, "That will do, Mr. Greaves; we have only to look at the map to see that it has a water frontage." I think Mr. Avery bought it; he had been looking at the ground previous to the sale, and had satisfied himself as to what the allotments were.

36. You think, then, that this individual rather obstructed than advanced the sale of land by the Government? I have no hesitation in saying he has been acting solely for his own benefit throughout, and for the benefit of one or two other parties who have been engaged in land jobbing; every move has been for some personal benefit, or nearly so.

37. Many of these are improper subdivisions, and not necessary for small farms? It is not necessary to cut them into such small farms; I think some might have been very well cut into large, and some into small farms, but these are all small—thirty to fifty acres; very few as much as fifty, and those near the town are cut into still smaller farms—ten, fifteen, or twenty acres.

38. *By Mr. Aldcorn*: Do you know whether there have been any applications made by *bona fide* agriculturists for the farms into which the section to which you first referred, namely, section 15, was subdivided? I am satisfied there were none, for Mr. Wilson told me—it was a voluntary statement of his own—and shewed me the letter to the Surveyor General, in which the original application was made by him to be allowed to cut up this land instead of letting Mr. Sharpe have it; and this was after the farce of valuing it had been gone through.

39. In reality these small farms were not bought by parties who would occupy them, but by Mr. Greaves? By speculators; none but three or four were bought by *bona fide* bidders who wished to occupy the ground. Five or six were sold on the first occasion; but most of them have been taken up since by parties exercising what they call the right of selection for speculation; and the whole of the section at this very moment is still uncultivated, although some parts have been fenced in as grass paddocks.

40. And who would occupy them as agricultural farms? No. Mr. Greaves has never occupied the land he has been buying in this way. I may mention that the improvements of Retreat Station have been removed to section 7. We applied, after we found we could not get section 15, to which I have referred, for section 7, where there is the Retreat Station stockyard, several houses, and cultivation ground, formerly occupied by Mr. Miller. At the time we applied for it Mr. Bligh said he had not arranged for a residence for himself. He had recently come to the district to supersede Mr. Fry; and he reported that a certain portion of the southern side should be reserved as a residence for the Commissioner, he having taken a fancy to a portion of it.

41. Did he get it? I do not know what was the result of his application for a residence; but I believe it was reported that it would be too far from Grafton, and that, as Police Magistrate, he must be nearer the town. This is about six miles away, by the winding of the road. In consequence of that he bought a residence in the township. Finding that Mr. Bligh had arranged for a residence in town, we renewed the application to be allowed the whole section; it was referred to him and he reported, as he told me, that we should have the whole section, excepting a portion of it for the Richmond Road to pass through on the lower side, and about nine acres along the river side, where there is freestone cropping out, for a quarry; but, for some cause or other, the matter was again referred by the Surveyor General to Mr. Bligh for a second report. I saw him on this occasion, and he said it would be necessary for Mr. Greaves to go up and survey it. Mr. Greaves did come up, and placed his theodolite immediately behind the huts, put in no pickets, and made no lines. Some time after this the Surveyor General's letter was sent to me by Mr. Sharpe, to whom it was addressed, stating that half the section had been disallowed in consequence of its being intended to form a village reserve.

42. This is about six miles from Grafton? Yes; and includes our stockyard, a great portion of the weaning paddock, and another paddock—in fact, the proposed line would come close to the huts.

43. *By Mr. Aldcorn*: You have only a lease of it? Yes; but this was the head station, and we wanted to purchase it. There the matter stands. Mr. Sharpe believes that this is entirely in consequence of the investigation upon which he has insisted before the Minister of Lands and Works.

44. Is it a likely place for a village? No; it has no water on it, and when the river is salt, which it sometimes is for five or six months at a time, the villagers would have the water to cart some two miles, as we have not been able to get water by sinking at Retreat; besides, the whole of the land opposite is reserved, where a village might have been formed.

45. *By the Chairman*: Is this high land? Yes; it is all high land here, not subject to floods.

46. And is only a mile and a half from where there is a village reserve? Yes. It is very poor land. I would not give five shillings an acre for it as a speculation.

47. *By Mr. Forster*: With reference to a piece of land which was in the occupation of Mr. Burrowes, and in which he was understood to have some right—are you able to inform the Committee who is the owner or possessor of that? Mr. Sharpe leased it from Mr. Owen. I prepared a paper whereby Mr. Owen agreed to cancel the lease; that paper was signed by Mr. Owen, and our lease terminated. That was in 1855.

48. Who is the owner of it? Mr. Owen, as far as I know.

49. Are you able to state whether it is public or private property? I can simply state that Mr. Burrowes, as I understand, held some letter from the Government, agreeing to give a grant; and that that grant has never been received; it is all that Mr. Owen holds, I believe, as his title to it.

50. Can you give any information with regard to the land that was in the possession of Mr. Charles Wilson formerly? No further than this, that Mr. Wilson said he would not be allowed to purchase it unless he gave at the rate of £25 an acre. But I believe he has completed the purchase to some portion of it at least now, as he has effected improvements upon it.

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MEMO.—Questions and Answers 34, 35, 36, and 37, were struck out by the witness when his evidence was sent to him for revision, but were subsequently re-inserted by order of the Committee. (*Vide Proceedings of the Committee, Thursday, 22 July, 1858.*)

JOHN J. CALVERT,
Clerk of Select Committees.

THURSDAY, 22 JULY, 1858.

Present:—

Mr. WHITE,	Mr. FORSTER,
Mr. ROBERTSON,	Mr. PIDDINGTON,
Dr. ALDCORN.	

G. B. WHITE, ESQ., IN THE CHAIR.

W. R. Davidson, Esq., surveyor, called in and examined:—

1. *By the Chairman*: You are an officer in the Survey Department? Yes.
2. How many years have you been employed in that service? Twenty-eight years.
3. You received your appointment from Sir George Murray? Yes.
4. *By Dr. Aldcorn*: Of the Ordnance? He was then Colonial Secretary.
5. *By the Chairman*: At the time you received that appointment were you aware of there being any instructions from the Secretary of State as to the grades of officers of the service? Yes, I was aware there were instructions of the kind.
6. You are aware that these grades were to consist of Surveyor General, the Deputy Surveyor General, Surveyors, Assistant Surveyors, Draftsmen, and Clerks? Four surveyors were named.
7. You supposed at that time, when you took the office, that these arrangements would be carried out in their integrity? I thought so.
8. From your experience, do you think they have been carried out? No, I don't think they have; they have been departed from in some cases.
9. Have you found, in the course of your experience as surveyor, that the lower grades of service, according to the arrangement of Sir George Murray, have had control over the upper grades? Yes, in a great measure, I think.
10. You are now employed in the district of Bathurst? Yes, the Western District.
11. You have charge of it as district surveyor? Yes.
12. And with a grade not arranged? I believe it is a new arrangement.
13. You have been employed in other districts besides Bathurst? Yes; in the neighbourhood of Sydney.
14. You have travelled over the Colony, and done considerable duties in squatting districts? Yes; I have surveyed a large portion of the squatting district of Wellington.
15. I believe your standing in the service is senior surveyor? I consider I am second to Mr. Thompson.
16. *By Dr. Aldcorn*: The Surveyor General? To the Deputy Surveyor General.
17. *By the Chairman*: Do you think that Mr. Thompson ought to be in that position? I am not aware of the rules of the service; I think it ought to have fallen to the senior surveyor.
18. During the time you have known Mr. Thompson, were you aware of his having done duty in the field? No.
19. Are you aware that it is necessary to do so to take the appointment of Deputy Surveyor General? Yes.
20. Are you aware that he is physically incompetent to carry out the duty he was appointed for? I am not aware; I heard that he was in delicate health.
21. Did you never learn, or hear it spoken of, that the appointment of Chief Draftsman was made purposely for him, and that it originated with him? No, I was not aware of that.
22. Was there a Chief Draftsman when he joined the service? There was Mr. Finch; he occupied a position of that kind.
23. He was one of the surveyors? Yes.
24. He stood next to the Deputy Surveyor General? Except Mr. Hoddle, he was senior.
25. Were you here when Mr. Oxley died? I was not.
26. Did you ever learn, on Mr. Oxley's death, when Sir Thomas Mitchell was Deputy Surveyor General, Mr. Hoddle was appointed Deputy Surveyor General? No; I did not know that. It was before I came to the Colony. Captain Perry was in that position when I came.
27. You are not then aware, in consequence of Sir Thomas Mitchell wishing to make Mr. Finch Deputy Surveyor General, instead of Mr. Hoddle, that the Government sent home for one, and one of the offices were lost to the department? I was not aware of that. That was before I arrived.
28. Are you aware, with respect to the department and the Colony generally, that the Surveyor General's Department has been provided with officers from home by patronage? I am aware

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aware that the appointments of the officers of the Survey Department were formerly made by the Secretary of State; of late years I have had no opportunity of knowing how they are made.

29. If Mr. Thompson had not been appointed Deputy Surveyor General, you have a right, according to the Secretary of State's Despatch referred to, and ought to be Deputy Surveyor General at the present time? I ought to succeed Mr. Thompson, the present Deputy Surveyor General, according to seniority.

30. There never has been any reason to doubt your efficiency as an officer since you have been in the service? I have Sir Thomas Mitchell's letters giving me all credit when I have been out with him and alone.

31. During the time you have been in the service Sir Thomas Mitchell has often been away from the Colony? Yes, more than once.

32. The duties of the service has been controlled by different heads in his absence? Yes, by different heads.

33. Did you never hear it as a sort of proverb amongst the officers of the service that when Sir Thomas Mitchell was in the Colony Mr. Thompson was controller, and when he was not in the Colony Mr. Halloran was controller of the service? I understood that Mr. Thompson had a great deal to do with the management of the department in Sir Thomas Mitchell's time.

34. And this management varied at different times? Yes, I think so.

35. The duties fell first into one hands and then into another? Yes.

36. It was almost obvious to the officers working in the field from the style of communications received by them? I used often to be certain of it myself.

37. You have seen a change occur in the communications to the field officers during the time these changes took place? Yes, I have.

38. How were you able to distinguish the difference? When Sir Thomas Mitchell left I had various and frivolous complaints about monthly progress journals.

39. You think you could tell, from the tone of the letters, the party who had control of the service then? Yes, I suppose so, particularly those threatening a stoppage of my pay when all the journals were in.

40. *By Dr. Aldcorn*: The field journals? Yes.

41. *By the Chairman*: Do you recollect when the journals commenced? No, I do not recollect.

42. Had they commenced when you joined the service? I was a long time at head-quarters; probably they originated before I took the field.

43. What was the impression of the working men—of the surveyors? That these journals might be filled up and made to shew well by surveyors who were not very hard workers.

44. That the journals were no test of the work performed? I think not. They certainly were a test if the parties did the work and filled them up correctly.

45. Do you think it possible to judge of the duties of the surveyors, and if by these books they performed their work? Not correctly.

46. Do you think that a man required to report upon the works and duties of a surveyor should be a surveyor himself? Most decidedly.

47. Did the officers controlling the head of that service for years—have they ever been in the field? Some have never been in the field, I believe.

48. Have you not heard that draftsmen and others were censors and valuers of the works of the surveyors? I know that in the office that is the practice.

49. You know they have made remarks upon the work of different officers in the field? Yes.

50. You have never been employed on the license system? Not when it was properly reduced to a system. The late Sir George Gipps established something of this kind in 1845, when the department of the Surveyor General was reduced. I was employed under that system.

51. What is your opinion of the working of that system? I have had to report on some of the licensed surveyors, and found the work was not satisfactory, particularly as to marking boundaries.

52. You have seen the scale which was paid for their services—what do think of it? I don't know the present scale; I think some alteration has been made since it was sent to me.

53. Did you see the former scale issued from Mr. Thompson or Mr. Perry? Yes, I recollect the former scale; I think I worked under that scale.

54. It was a paying scale? Yes.

55. It was one that paid a man much better than if he were a salaried officer? Yes; if he had plenty of work to do it would pay. At the time I worked, it was limited to instructions received from the head of the department as to what was to be done. I had no option of doing what I thought proper.

56. You are aware that a licensed surveyor can select any spot he pleases and cut it up? Yes.

57. Don't you think by that system a great deal of land is cut up that is valueless? Yes, I am sure of it.

58. These lands are amongst the large quantity of land unsaleable and yet surveyed for the public service? No doubt.

59. And the public will not buy it? No.

60. Do you recollect any experiment being tried with regard to the old officers of the service: were you not struck off the salaried system for the purpose of trying the licensed scheme? Yes, I was, in 1845 I think.

61. You received your appointment from home, and expected the arrangement made by the Home Government with you would be carried out? Yes, I did.

62. It was not carried out? Not in that instance.

63. Do you recollect the time? I think it was 1844 or 1845, when land was increased from five shillings to twelve shillings per acre.

64. It was a time when there was little demand for land? The circumstances of the Colony were difficult. There was a monetary crisis about that time, and great depression.
65. So, taking away your salary when there was little demand for land, and putting you on the license system, and giving you £100 a-year with it, was a great inconvenience? It was a serious inconvenience, and great loss.
66. It was a breach of faith? Yes; it was a breach of faith.
67. Are you aware that some of the licensed surveyors made large incomes? Yes; I have heard very large amounts.
68. As much as £3,000 a-year? I don't know the amount—I am told a very large sum.
69. Then, according to the rate of pay given for the work, contract work, to these licensed surveyors in good districts, you would prefer that system to the one you are employed under? Certainly; I would particularly in former times, and when a younger man.
70. What is your opinion the general duties of the Deputy Surveyor General should be? I should think the supervision of the officers employed in the field.
71. You are not aware that was the cause of the office being first instituted? I was not aware of it.
72. And that the Deputy Surveyor General of the Colony has never performed that duty? I don't think it has ever been performed by the Deputy Surveyor General.
73. Have you ever been visited by the Deputy Surveyor General during the whole time of your employment? Never.
74. Or any supervising officer? Never.
75. Are you aware that the office of Principal Draftsman was instituted for the purpose of doing that duty which the Deputy Surveyor General has been doing for years, and that consequently we have had two Principal Draftsmen rather than a Deputy Surveyor General and a draftsman? There have been two officers, the Deputy Surveyor General and Chief Draftsman, ever since I joined the department.
76. Have you any knowledge of what the Deputy Surveyor General does now? No; I have no means of knowing.
77. There is a great deal about measurement by acreage—you have been considerably employed in feature surveys? Yes; I was occupied in feature surveys in the Wellington squatting district and elsewhere.
78. How long were you without measuring an acre of ground? I think for five years.
79. Don't you think that unfair, to average the work of staff surveyors at 9s. and licensed surveyors at 6s.—one only does acreage and the other is employed two-thirds of his time in feature surveys? I was employed for five or six years in surveying features in the squatting district of Wellington, and during that time did not perform any acreage surveying.
80. Were you extending the limits of the country? Yes; in the interior.
81. During the time you were making feature surveys had you any assistance in the shape of draftsmen? No, in no way.
82. You had to make all your maps? Yes.
83. A very great portion of your time was taken up in making maps? Yes; a great deal of time was consumed in that way.
84. If you had had a draftsman would you not have had a greater portion of time for survey? Yes.
85. Would it not have been a saving to the country? Yes.
86. Have you had much correspondence with the office—a great deal of descriptions to write? Yes; a large number of descriptions to write.
87. It occupied you a long time? Yes; describing town allotments.
88. This ought to be the work of a draftsman or assistant under you? Any one could do that duty—a clerk.
89. Did you ever find that they were experimentalising about equipment with respect to yourself and party? I have never been consulted about my equipment, or the proper way of having them supplied; changes were always made without reference to me.
90. I believe in the Army and Navy, when it is necessary to take the field in any way, officers of old standing are consulted as to the allowances to be given to the juniors in the service in carrying out particular duties—have you ever been consulted in that way? I am not aware of the arrangements of the Army and Navy; but I have never been consulted, except privately by Sir Thomas Mitchell.
91. Do you not think the old officers, long in the service and high in the grades, should be consulted? Yes. I think so.
92. Who is generally supposed to originate the arrangements? I think generally it was the Chief Clerk of the department.
93. Has he travelled much in the interior? Not that I am aware of.
94. Has he been out of Sydney? Not that I know of.
95. Do you think a man continually living in Sydney would constitute him fit to keep up the equipments? I am sure unless an officer has served in the field in this Colony he cannot give a correct opinion as to what equipment or number of men a surveyor should have.
96. You remember at one time the Government found your equipment? Yes, they did.
97. And then after that, for a certain sum, you were ordered to find your own equipment? We purchased the equipment from Government at a valuation, and were allowed £100 a year to find our equipment.
98. Did that cover it? I think it was sufficient in some districts.
99. Do you think it sufficient in the interior where a double equipment is kept up? The expense of keep for horses in the Western District is very high, and all articles of equipment, from the high price of carriage, very expensive. I generally had six or seven horses in the interior. The original cost of the equipment was something considerable.
100. Did the correspondence regarding forage and rations occupy much of your time? Not

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of late years. I have had a particular allowance. I have had no trouble since I spoke to the late Sir Thomas Mitchell about it. When out on the gold survey with him he then saw the necessity for it;—the country was destitute of feed, being the winter season, and the horses could not work without forage. Since then allowance has been granted for a saddle horse and two dray horses.

101. When you first joined the service do you recollect the strength of the office—the different branches of the department? I think there were four surveyors, fourteen or fifteen assistant surveyors, and four draftsmen, when I joined it.

102. I mean the clerks' branch? I think there were four.

103. It has increased very much of late? I don't know how many there are now; I think that was the number then, four.

104. Do you not think it has increased and become a more important branch seemingly than any of the other branches of the department? Yes; seemingly it is the most important branch of the service.

105. Do you not think it most unnecessarily so? I cannot say—the survey branch appears to be made subordinate to it.

106. Have you read over the Report of the Commissioners? Yes, I have.

107. Made in 1855? I have read over the Report.

108. Does your opinion accord with theirs with regard to the license system being an improper one? Yes.

109. You think the service would be much more ably performed if performed by a set of men belonging to the service? I think so.

110. Do you not think the licensing system is more one of patronage than service? I don't know if I can answer that question; I know so little of the means by which these gentlemen obtain the appointments. I suppose patronage must lay somewhere—I don't know where.

111. You are one of the district surveyors? Yes.

112. You are the senior officer of the service? I consider myself so.

113. You do not stand on the list as senior officer of the Survey Department? I think I do; but I saw my name in the *Gazette* with a gentleman's name before me; I don't know whether that is a new arrangement, but I think it wrong.

114. Do you remember the time when the names of the officers of the service used to appear in the almanac yearly? Yes.

115. Do you recollect it being struck out? No.

116. Lately it has been printed thus:—Surveyor General, Deputy Surveyor General, Principal Draftsman, and Principal Clerk? It may have been so. I have observed in some of the almanacs the names of the senior officers of the department are placed amongst the last; this I do not think occurs in other departments in the Colony.

117. Was the system of survey by sections adopted? I have not been employed in cutting the country into sections.

118. Carrying on sections of land through the country? I never had any duty of that nature to perform.

119. The Bathurst map appears to be divided into sections? I think it was before I had charge of the district.

120. Did you ever attempt to tie these sections with those of other districts bordering thereon? No, not by sections.

121. You have connected them by traverse points? Yes.

122. What instrument do you usually use? The circumferentor.

123. What is your opinion of the circumferentor with regard to its correctness and with regard to the quickly performing the duty? I think the circumferentor is a good instrument, and the duty is performed quickly. It would be difficult, I should say impossible, without clearing the line, to use the theodolite correctly.

124. On account of the country being wooded? Yes.

125. You have surveyed large portions of the country, 300 or 400 miles in extent? Yes.

126. You have started at a point and closed at a point? Yes; with a good instrument and care the work will close very accurately.

127. You are acquainted with the Bogan; in that part of the country, supposing you had to triangulate, could it not be carried out? No; there are no points; it is as level as the sea.

128. You might as well attempt to triangulate a coal pit? It is quite level in that part of the country.

129. How many official letters do you generally number in a year? The years differ very much: during the time of service in the squatting districts there was very little correspondence; now I have a considerable correspondence as district surveyor.

130. In the general correspondence of the measuring of farms there is a great deal to do? Yes.

131. Many of these letters have considerable enclosures, with 200 or 150 descriptions in them? Yes, necessarily, when employed in surveying town or suburban allotments.

132. If you lay out 300 or 500 allotments, you have to return separate descriptions for every one? Every allotment.

133. That duty could be performed by draftsmen? Yes; a clerk could perform it.

134. Do you not think that the contract system would be a much superior system than the license system under the supervision of district surveyors? I think probably it would be a great saving to the Government, and also a better system.

135. Are you aware that the licensed surveyors never mark the land at all, and, if they do mark it, the marks are not visible? Yes; I am aware that the trees are in some cases insufficiently marked.

136. The marked lines of the old surveyors in some districts are very easily found? Yes; I have found mine that I marked seventeen years ago, and have had a difficulty in finding the marks of a licensed surveyor although marked only a few days before.

137. It is quite possible, with the records obtained by parties from this office, such as traces of rivers, and traces of the ranges of hills, that they might make plans without going on the road at all? You may adopt a survey, and make a plan from it.

138. The work of a surveyor depends a great deal on the district he is employed in? Much depends on that.

139. You have been in the far west and coast districts? Yes.

140. There is a great difference in the work? Very great indeed.

141. A man might work a mile while another did ten miles? Yes.

142. And the man that worked one mile might work the hardest? Yes.

143. Have you ever felt the monthly returns to be an annoyance? I think they were often used as an annoyance. I have had letters threatening to stop my pay when my journals were all sent, and also when I have been beyond post communication, and could not forward them. I speak of former times, not since Colonel Barney took charge of the department.

144. Have you ever heard of a person having his pay stopped for six months during the time he was away from all postal communication? I recollect your informing me that you had your pay stopped.

145. That I never had pay or provisions for five months? Yes.

146. Do you consider that these monthly returns, such as they are, ever originated with a practical man at all? I don't think a practical man would approve of their being adopted.

147. Do you think Sir Thomas Mitchell approved of them? I don't think he did. From a circumstance that occurred when on the gold survey with him, I have reason to think he did not.

148. If the license system is to continue, do not you think it would be very desirable to change the system, so far as to pay the surveyor only when the land was sold? That would be a certain arrangement, and I think a deposit to cover the expenses of the survey should be made by the applicant for land of doubtful value, because it is easy to get parties to apply for land who may not intend to purchase.

149. *By Dr. Aldcorn*: They would get them to survey? Yes.

150. *By the Chairman*: And not purchase them? Yes.

151. Perhaps the land would not be applied for at all? Yes. I think licensed surveyors have a *carte blanche* about that.

152. Don't you think that system does possibly a great deal of mischief? I think it may.

153. And it puts the landed proprietors at the mercy of the surveyor, if he felt inclined to annoy them? It is no doubt the case, but in the located parts of the Colony you cannot measure land without interfering with some one.

154. There never has been a system of field-books since you have been in the service that required it to be kept on a particular system? No; I think the surveyors keep their field-books as they please.

155. Your field-book is supposed to be the property of the Government? Yes.

156. The licensed surveyor does not return any field-book? I do not know. Their maps may be considered a field-book; they give the length of lines in chains, the bearings, the various points and features of the ground.

157. I suppose that answers the purpose of a field-book? Yes.

158. It is the original map of the surveyor? Yes, it may be considered so.

159. Have you ever been instructed during your time in the service to note the variation of the compass? No, I have not.

160. You have found frequently some local attraction? Yes, on many occasions.

161. Do you find a difference in the western districts, the Lower Lachlan, and the variations at Bathurst? I never tried it.

162. Are you called on now to send in finished plans as formerly? I am not at all employed in making plans now; I am supervising the work of the licensed surveyors.

163. Do you not consider it is a tax on the field surveyor to be obliged to send in these finished plans? It occupies a great deal of time.

164. A pretty plan may be an incorrect one? Yes.

165. Would you not advise that every surveyor should put the bearings and length of line on the plan? It was not the practice. If they sent in a field-book that was all that was required; I did so when I left the Western District.

166. You are not called on to send in your field notes until you leave the service? I sent in my field-books when I was transferred from the Bathurst District to the squatting district of Wellington.

167. Were you at all employed in arranging squatting runs? Yes, I was.

168. And did that occupy much of your time? Yes, a great deal of my time.

169. In that district were the runs defined at all? Very indefinitely.

170. No survey made of them? No survey made of them; there was much disputing about dividing lines; and I had much difficulty in the surveys I made in settling them.

171. Don't you think it necessary such an important public department as that of the Surveyor General of New South Wales should have a form for keeping these books? If the work was plotted by draftsmen it would be desirable.

172. Don't you think it would be desirable, instead of occupying so many of them at the head department, to detach some of them to the survey parties? Yes.

173. That is if the system of a surveying staff were to be retained? Yes.

174. You believe the circumferentor to be the best instrument for carrying a survey through wooded countries? Yes; I think it was invented for the purpose to supersede the use of the theodolite; and no instrument has yet been invented equal to it for taking surveys through woods and uncleared ground.

175. The needle becomes useless? Yes.

176. Don't you think it would be of advantage to the service to establish a meridian line in each district, and mark from it? Yes. I have just received instructions, I may mention, of marking the meridian line in different parts of my district.

W. R.
Davidson,
Esq.
23 July, 1858.

W. R.
Davidson,
Esq.

22 July, 1858.

177. Do you not think the day is fast approaching when a re-survey of the whole country will have to be made? I am not under that impression.

178. Are there not many errors in the old surveys, and are there not parish boundaries established—do not you think it would be well to make the parish maps and throw all the errors on the parish? I think the boundaries of the parishes will ultimately have to be correctly defined; the present boundaries of parishes in the Western District are section lines marked on the map, but not on the ground.

179. These are sectional lines? These lines are not marked on the ground.

180. *By Dr. Aldcorn*: Have you formed an opinion as to the best and cheapest mode (cheapness I think the great object of the present inquiry) of conducting the surveying of agricultural lands—these lands I refer to, chiefly? I think the contract system would be the cheapest.

181. Do you think that system, with proper supervision, is as good as the work generally done by salaried surveyors—I mean with the proper supervision of inspecting district surveyors? I think so by contract, when they know the work is to be checked.

182. There is nothing on this side of the Colony—the lands of the Colony—which would render that system ineligible or unsuitable? There is not much available land now in large tracts, and that in the settled districts would be against the contract system.

183. Are you aware this is the only mode of surveying practised in the United States of America? I am not aware of it.

184. Are you aware that it has been adopted within the last five years in New Zealand without loss to the Government? I am not aware of it.

185. And found to be the cheapest, with proper supervision exercised by the district surveyor? I think it would be the cheapest.

186. How many district surveyors do you think it necessary to establish in the Colony—four could not do the work? I don't think so; I have got so much ground to travel over that it is difficult to carry out the duty satisfactorily. The licensed surveyors in the Western District are scattered over a large tract of country, comprehending the County of Bathurst, part of Georgiana, a large portion of Westmoreland, part of Cook, County of Roxburgh, part of the Hunter, County of Brisbane, and the Counties of Bligh and Wellington, besides visiting at times distant places in the squatting districts; but I understand it is in contemplation to increase the number of district surveyors—they are not now sufficient. There is a greater amount of duty proposed to the district surveyor, with less means of carrying it out—fewer men in the field—and unless four men are allowed to the district surveyor he cannot perform his duty.

187. Licensed surveyors go about with four men and a large stud of horses? I have got four men lately allowed; I should be unable to perform the duty without that number.

188. You always require three or four men? Three is not sufficient; one has charge of the tent, one has charge of the horses—you cannot do without three in the field. When we first went into the field we had seven men; it has gradually been diminished since.

189. And the work done in those days, persons can see the marks in the present days. I think it is thirty years ago since you were with me—it was in 1828? No, in 1830, I think.

190. Have you had much to do with the Commissioners of the service? Yes, I have had a good deal of intercourse with them.

191. Do you not think if they had been surveyors it would have been much better for the country? Yes.

192. Have the gentlemen appointed been acquainted with (not mentioning names) valuing land and defining boundaries? Some have been very well acquainted with it.

193. Were you ever in the Castlereagh District? Yes.

194. You have now a Commissioner, although he lived there thirteen years has never seen it? The last Commissioner of the District of Bligh is a very active man, and I believe did his duty well.

195. When you get your evidence will you be kind enough to put any suggestions with regard to the survey service of the country, which you think advantageous to the country, and give us your ideas? I think the survey of the lands of the Colony would be cheaper if carried on by contract, and, if under proper supervision, as correct as the present system; but in the nineteen counties there are not many large tracts of country available, and this might operate somewhat against this system. The district surveyor has at present no control over the licensed surveyor in one very important respect—without reference to him, the licensed surveyor may measure any land even of doubtful value, and which might not meet a market if brought to sale. They are also authorized to receive applications from any parties for the purchase of land, and applications are often made without any intention of purchasing; but the circumstance of the land having been applied for will in a measure form some excuse for its measurement. To insure the genuineness of these applications, a deposit, to cover the amount of the expense of survey, should be required from the applicants. In order to enable the district surveyor to carry on his duties properly, he should be furnished with an office in the chief town of the district, to which should be attached a draftsman. Correct maps should be furnished by the department, shewing the lands alienated and those held under pre-emptive right. He should at least have four men permanently attached to his party, and with a less number it is impossible to travel the country and check the licensed surveyors' work. The licensed surveyors ought to inform the district surveyor of their intention to cut up a particular portion of country, as he only from a visit to the land would be able to judge of the propriety of doing so. It is not the licensed surveyors' interest to be particular in this respect, at present they have too much power delegated to cut up portions of land in unavailable country; a power formerly only allowed to particular officers of the department, who had no interest in the result of the survey.

TUESDAY, 3 AUGUST, 1858.

Present:—

MR. ALDCORN,

MR. WHITE.

MR. HAY,

G. B. WHITE, Esq., IN THE CHAIR.

H. Sanderson, Esq., C.E., called in and examined:—

1. *By the Chairman:* You are a civil engineer, and were for some time connected with the Survey Department here? Yes.
2. Had you any professional experience at home? I have had a great deal of professional experience for the last ten years.
3. Were you engaged by the Home Government to come to this Colony as a surveyor? I was; for the purpose of making surveys in this Colony.
4. What description of surveys? It was not particularly defined to me by Colonel Dawson; but I was engaged as a surveyor. I was appointed a Government surveyor 7th July, 1855, with a number of other gentlemen.
5. What was your first employment in the Colony? My first employment was in the exploration of the country, taking trial levels, &c., necessary for the execution, or making of surveys for railway purposes.
6. What was the nature of your engagement with the Government—what salary were you to receive, and what means were to be provided to enable you to carry on these works? On my arrival in New South Wales the Government, through the Surveyor General, proposed that the surveyors should have £400 a-year each salary, and £400 a-year allowances.
7. Were you not sent to Moreton Bay to carry out a survey for road purposes? Yes; I was sent to the Northern District—to Moreton Bay and Darling Downs—for that purpose.
8. Had you any parties to aid you, or did you find your own men? I had two surveyors appointed under my charge who accompanied me—Messrs. John Malley and John Hunt Grogan.
9. You were not at all employed in the survey of Crown Lands for sale? No, I was not.
10. *By Mr. Hay:* You were employed in a preliminary survey for railway purposes? Yes.
11. *By the Chairman:* What instructions had you with regard to making preliminary surveys for railroads—were you ordered to go from point to point—? My instructions from the Surveyor General were rather intricate; they were only to go from point to point—to keep one general direction, whether practicable or not.
12. Is that the system adopted in England in making a survey for such a purpose? No; it is very different at home, and anywhere else where railways have been made. The engineer sends out his assistant, and gives him general instructions to find the best line between two points, irrespective of the towns.
13. And then a section of the country is taken? Yes, and trial sections are sent in.
14. *By Mr. Aldcorn:* The surveys you made had reference rather to common roads than to railroads, had they not? I was particularly instructed to make surveys for railroads.
15. *By Mr. Hay:* I think you say you have not been employed at all in the survey of the country, except for railway purposes? No.
16. Since you left the Government service have you been employed in private surveys of the country? I have made small private surveys in the neighbourhood of Sydney.
17. You came out, in the first instance, to be employed as a licensed surveyor, upon certain terms? To be employed as a surveyor, on certain terms, for a certain period, but my salary was not named. Colonel Dawson informed me that the scale by which I should be paid would enable me to realize some thousand or fifteen hundred a-year, clear of my expenses in the field.
18. You were to be paid by a scale? Yes, a scale was submitted to me.
19. Is that the scale by which licensed surveyors have since been paid? Yes, I believe it is. It is the scale substituted for that in use up to April 1854.
20. When you came out the Government did not wish to employ you and the other gentlemen who came out with you as licensed surveyors? The Governor General proposed that we should be employed on the railway survey.
21. You are aware that you were employed under a particular vote for the purpose of extending railway surveys? Yes.
22. In the course of your experience in the country, have you formed some decided opinion as to the way in which the survey of the country ought to be conducted? I have formed an opinion.
23. *By the Chairman:* Will you be kind enough to give your opinion upon that matter? I think a trigonometrical survey ought to be resorted to; but, in the first place, the course of existing roads, creeks, and rivers, ought to be surveyed in the ordinary manner by traverse.
24. What instrument would you use? The circumferentor for traversing. I am opposed to the present system of laying out the lands. I think all frontages to rivers and creeks should be reserved for the general benefit of all purchasers of Crown Lands and of the public.
25. Do you not think public roads down to certain points or bends in the river would answer all the purposes? Yes, it is in that way I preserve the frontage to the river—the allotments would come down to near the river—but I would reserve a right of road along the side of the river.
26. *By Mr. Hay:* That is to say, you would not alienate any portion of the frontage of a river? I would not give an absolute right to the purchase of the land—
27. Would you give a common right? Yes, to all purchasers of property in the neighbourhood.

H. Sanderson,
Esq., C.E.

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- H. Sanderson, Esq., C.F.
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28. *By Mr. Aldcorn*: You would give the breadth of a road merely? It would be about the breadth of a road. It is a principle which is adopted in the Canadas to retain the land on the banks of rivers. A road is almost always left. (*For particulars see a diagram with notes, which I purpose appending to my evidence.*)
29. You do not contemplate anything more than a road; you do not contemplate anything that would amount to a common? No; simply sufficient width to allow of a road being formed.
30. *By the Chairman*: Our rivers are sometimes very tortuous, in a distance of two or three miles there may be seven or eight miles of water frontage—would you leave a road in such cases? It might not be practicable in such cases; for instance, on some portions of the Hunter there would be some difficulty in reserving the bank.
31. *By Mr. Hay*: Generally speaking, the rivers are tortuous here? Yes.
32. *By Mr. Aldcorn*: Do you not think nearly the same object would be obtained by having straight roads running at right angles, and with pretty frequent outlets from the back allotments to the water? Yes; if the back allotments have the right of access to the water that is all I contemplate. I do not wish every allotment to have a right of frontage, but the right of a road to the river without trespassing on his neighbour's land, and this would be effected if my system was carried out.
33. *By the Chairman*: Do you not think every surveyor, knowing his duty, would in laying out a large portion of country, arrange for that in his plan? I should naturally think so; it would be simple enough to do so.
34. You are aware that it depends very much upon the mode of laying out the land by the surveyor whether the land brings £1 or £5 an acre? I think a great deal depends upon the surveyor's subdivision of the lands, if he does not use sufficient care or discretion he may reduce the value of some lands very much—far below their value—by a bad subdivision of them. I am rather opposed to the system of licensed surveyors. I think every qualified surveyor in the Colony ought to be employed in surveying Crown Lands; and I am of opinion that if surveys were made by contract, and tested and examined, as at home, by an Examiner, or by a Board of Examiners, the cost of survey to the Government would not be more than eighteen-pence an acre.
35. *By Mr. Hay*: Do you mean that the surveyors should be examined, or that their work should be examined? Their work.
36. *By the Chairman*: You would have an officer appointed for that purpose? Either an officer or a Board similar to that at home. Colonel Dawson in the Tithe Survey Office has three assistants; and the establishment altogether, I think, costs the Government somewhere about £2,000 a year.
37. *By Mr. Aldcorn*: Do the Examiners travel to different parts which have been surveyed, or do they merely examine the returns sent in by the surveyors? They examine the surveys and field-books. They compare the field-books with the surveys, and in some cases, where there are any suspicious circumstances which lead to a belief that there is something inaccurate, an Examiner is sent on to the survey.
38. Do you not think it desirable to appoint officers having districts allotted to them, whose duty it should be to visit the surveyors at their work, and exercise a general supervision over them—do you not think that would be better than to have a Board sitting at a central place like Sydney? I think so, but the Examiners might be away from the central Board, in various parts of the country.
39. *By the Chairman*: In a country like this, half as large as Europe, it would not be possible for any three men to travel over it and supervise the work of the surveyors; do you not, therefore, think it would be better that the Government should appoint officers as district surveyors who should have the supervision of these contract surveyors, and go over their work with their field-books? Yes. Large surveys are easily tested, by simply taking the alignment of natural points and running diagonals. I think two days occupied in this way would discover any inaccuracies upon a large survey of 2,000 or 3,000 acres.
40. *By Mr. Aldcorn*: There is a point of very great importance—the proper marking out of lines, and this has been very imperfectly attended to by licensed surveyors—do you not think it would be necessary for the inspecting surveyor to see the land himself, and to see that the marks were such as would remain in the ground? I think it is very necessary that land should be marked out in a permanent manner, and that the instructions to the surveyors should be to that effect.
41. *By Mr. Hay*: What do you mean by a permanent manner? For instance, if any trees formed a portion of the boundary, I think they might be partly cut down, and their stumps might be marked in such a manner as would prevent mistake. I think the driving of sticks in rocky ground cannot be considered permanent. The nature of the climate, and of the ground, causes sticks, however fast they may be driven into the ground, to be removed within twelve months. I have seen it in my own case, where the base lines have been staked out, and within seven or eight months the stakes have all disappeared, though they had been driven into the ground three or four feet.
42. *By the Chairman*: It would not be difficult to find stakes driven into the ground in that way? In some cases they are covered by the debris of vegetable matter, and in cases of flood in low lands they are washed away. I would observe that, according to the Estimates for the present year, the fees to licensed surveyors amount to somewhere about £10,000, which, taking thirty as the number of licensed surveyors, would give an average of about £330 a-year to each. Now, I think a licensed surveyor could do four times as much work as that amount would pay for, and therefore I look upon this sum as representing employment for licensed surveyors for only three months in the year, and this is one reason why I object to the license system.
43. *By Mr. Aldcorn*: What system would you substitute? I think every qualified surveyor ought to be allowed to tender for surveys of Crown lands.

44. *By the Chairman*: Do you not think candidates for this privilege ought to be examined? *H. Sanderson, Esq., C.E.*
No, I do not think it is necessary. I think, for their own sakes, they would make accurate surveys, especially if they had to undergo the test I before suggested. The Tithe Commutation Surveys of England and Wales were made very accurately, and surveyors were invited to tender for that. 3 Aug., 1858.
45. Might not many men be employed who were not surveyors? Possibly men might obtain the contracts from Government, and employ surveyors; for this reason, because some surveyors might not have the means of themselves to make the surveys, and as a matter of convenience they would induce the party (who would make the pecuniary advances) to contract with the Government.
46. *By Mr. Hay*: The Chairman wishes to know whether the Government should not, in the first instance, test the ability of surveyors before they were employed—in what way could they be tested but by an examination? I think, possibly, it might be necessary that some surveyors should be examined.
47. *By the Chairman*: Have you read the scale of payment for licensed surveyors? Yes.
48. What do you think a surveyor could earn by that scale, if he had constant work in such a country as the Hunter or Moreton Bay? I am almost certain I could make from £1,000 to £1,800 a-year.
49. Do you not think you could make between £3,000 and £4,000? Possibly so; but I speak at a very moderate calculation. In some portions of the country, like Darling Downs, it would be no difficult matter to measure five, ten, or fifteen miles a-day.
50. You have never been in a brush country such as Illawarra, or about Port Stephens? I have been on the dividing range engaged in making surveys.
51. Have you ever traced down one of these brush rivers? Yes, the Bremer on the eastern side, and other rivers on the western side of the Great Range.
52. How much of such a country do you think could be done in a day, where you were obliged to take all the bends? I think it would be a difficult matter to survey half a mile a-day in some cases.
53. You see the scale does not provide for any difference in the country,—one individual may be put in a brush country where he may not earn £150 a-year, and another may be put in an open country where he may make £2,000 a-year, and not do half the work of the other? Yes.
54. Do you think that scale was ever drawn out by a man who understood surveying? No; and I beg to state that the scale is so very ill proportioned that the cleverest and most skilful surveyor might be put upon some description of work which would have the effect of barely paying his expenses, whilst an ordinary surveyor would in other cases realize his £2,000 a-year.
55. *By Mr. Aldcorn*: You have stated that you think Government lands for small farms might be surveyed at an average expense of eighteen-pence an acre; is that opinion founded upon your own experience; do you think the general run of the land of the Colony—I do not refer to the brush lands mentioned by the Chairman—but the general run of the Colony, could be surveyed for eighteen-pence an acre? I think so.
56. *By the Chairman*: Do you not think—taking the brush land and all into consideration—it might be done at an average of eighteen-pence an acre? If I could take a very large tract of country I should have no objection to take it for that; I have traversed the country for professional purposes from Brisbane to Warwick, to Drayton and Tenterfield, a distance of two hundred miles from the coast, and from what I have observed, I am certain that 1s. 6d. an acre would pay the surveyor well for his services.
57. You know something of the range dividing the eastern and western waters? Yes; I have taken levels over that range for three different routes for railway purposes.
58. *By Mr. Hay*: That is the range between Darling Downs and the waters of the Brisbane? Yes.
59. *By the Chairman*: Did you find that a very difficult survey? The survey over the range was rather difficult, in consequence of the ravines and deep gorges in the mountains.
60. Before you went there you had a tracing of the range? I had a plan of the country shewing the divisions of the water with a red line upon it, shewing the general direction I was to take, and my work was useless with respect to the lines between Ipswich and Warwick, in consequence of the impracticability of the routes laid down.
61. In consequence of that impracticability, did you propose any other line? Yes. I transmitted a report, together with sections over the dividing range, to the Surveyor General; the range could not be crossed without several miles of tunnelling, notwithstanding the steepest gradients were made use of.
62. Did you leave the surveying service? I was dismissed the service after being suspended three months.
63. Will you state the reason of that? I found that my instructions were rather of a novel nature; in fact, I was held responsible for the amount of work done by the two surveyors under my charge, and was placed in authority over them, yet my authority was disputed, and I was compelled to report that fact to the Surveyor General.
64. Was any result obtained by the Government from your surveys of this country? Not that I am aware of; I believe the Government have not made any report upon them; in fact, I question whether they have come under the notice of the Railway Commissioners yet.
65. You have never had anything to do with the Railway Commissioners? I believe it was owing to the Railway Commissioners asking for certain reports that I was suspended.
66. Was there any inquiry into your conduct, or were you called upon to explain it prior to your dismissal? The Executive Government held an inquiry into my matter.
67. Were you allowed to be personally present? No, I was not. I made an application to the Honorable the Minister for Lands and Works, stating that I wished to be present.
68. You are not aware what occurred at the inquiry? Not at all.

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69. *By Mr. Hay*: Before the question was decided you had an opportunity of making an explanation or defence, had you not? I had; but I was not aware at the time my case was under consideration that the Surveyor General had preferred a charge against me of having acted dishonestly towards my laborers.

70. What has become of your assistants, Messrs. Grogan and Malley? I am not aware.

71. Are they in the Government service? I believe Mr. Grogan was *Gazetted* as a licensed surveyor a few months ago, but I think he has not been employed upon any works at all. I think he was *Gazetted* on the 12th March last.

72. *By the Chairman*: During the time you were engaged in surveying did any party from head-quarters ever visit you? The district surveyor was authorised to visit my camp and to inspect the work.

73. That was Mr. Galloway? Yes. In fact Mr. Galloway told the surveyors under me that they must obey my instructions, in consequence of some communication he had received from the Surveyor General, who stated that he should consider it his duty to dispense with the further services of the party unless they sent a return of their work. I went to Brisbane and saw Mr. Galloway. This was on the 21st April, 1857. After explaining to him my position, and stating that I had written three times to ask permission to visit head quarters to get amended instructions, and further instructions as to any further survey, Mr. Galloway said, "He did not know how to advise me, that the Survey Department—making use of an expression of his own, which I did not understand—" was all sixes and sevens, that the mode "of carrying out the survey as applied to railways was not proper, and that a great deal of "time was occupied in doing unnecessary work." He then said I must take my own measures, and if I thought proper to proceed to Sydney he should not object to it. I believe Mr. Galloway has subsequently stated in his report something contrary to what he stated to me.

74. Did you ever ask for a proper official investigation of your case? Yes; I wrote to the Honorable Mr. Murray, the successor of Mr. Hay, asking for a thorough investigation of my case. I did so more especially because I consider that the Government, not wilfully or unjustly, but possibly from misrepresentation, conceived that I had acted dishonestly to my laboring men; and as the decision of the Executive Council was very offensive to my feelings, and damaging to my reputation, I prayed a further inquiry, which was never granted to me.

75. *By Mr. Aldcorn*: Were you, before your dismissal, aware of this charge of dishonesty to your laborers? No, I was not—at least I was aware of the charge being referred to the Minister of Lands and Works.

76. Were you officially informed of it? I was officially informed of it by the Surveyor General in a communication to me dated 7th May, 1857.

77. *By Mr. Hay*: Did you not propose to make arrangements for the payment of some of these outstanding debts? Quite so. At the time the Surveyor General communicated to me the subject matter of this charge, there was then standing to my credit a sum more than sufficient to discharge the claims of these men, and I gave full power to the Surveyor General to pay these men; and, notwithstanding that I gave this power, and that the Surveyor General said he would pay the men and withdraw the charge, the charge was still preferred, and brought before the Executive, who could not have been aware of the fact that I had arranged the payment of the moneys due to these men with the Surveyor General.

78. *By the Chairman*: You mean that at that time a sum was due to you from the Government? My allowances for April.

79. *By Mr. Hay*: Were you not insolvent at the time? I believe a creditor had endeavoured to compel me to sequester my estate, but that was afterwards withdrawn. The reason the money was not paid to the men at the time when they presented my order to my agents was because I did not receive my salary regularly; and it is a well-known fact that surveyors employed hitherto have had to wait three or four months for their pay. I have had to wait four months, and several times three months. My agents sometimes would meet my cheques or orders, and sometimes they would not.

80. *By the Chairman*: In consequence of these delays? In consequence of these delays. My laboring men who have left me never intended to do me an injury when they applied to the Surveyor General for payment.

81. Have their claims been paid? Yes, by Mr. Williams, the accountant in the Surveyor General's Office, some time ago.

82. *By Mr. Hay*: How long did their claims remain unpaid? Their claims remained unpaid, so far as I was concerned, three months.

83. When did the men leave you? The men left me in December, 1856; that was at Warwick.

84. When were their claims finally paid? The 3rd of September, 1857. The Committee will allow me to state that they could have been paid in the previous May, when that charge was preferred against me by the Surveyor General, for at that time my April allowance was due, and was not drawn by me. I requested the Surveyor General to pay that amount.

85. *By Mr. Aldcorn*: You say he agreed to do so, and to withdraw the charge? So I understood.

86. *By Mr. Hay*: Was there anything to that effect in writing? I had a personal interview upon receiving his letter of the 7th of May, and requested that the two men, James Kennedy and Hugh Hossack, might be pre-ent.

87. You have been an applicant for employment since your dismissal? Yes.

88. In the railway department? Yes, I have.

89. Were your applications ever entertained? Yes; I had several interviews with Captain Martindale, but not latterly.

90. Did he examine you at all as to your qualifications? No, he did not.

91. Was your work examined by the railway authorities? I think it has not been. I think, in consequence of Moreton Bay being about to be separated from this Colony the Government

Government did not think it worth while to go into the examination of any work done there. H. Sanderson, Esq., C.E.

92. Do you know that it was not submitted to the railway authorities? I think not; I think Mr. Whitton told me that he had never seen my work.

3 Aug., 1858.

93. At the time your work came in Captain Mann and Captain Hawkins were the officers of the railway department? Yes; that was only with reference to the Brisbane and Ipswich line. I have a communication, dated 20th March, 1857, from the Commissioners of Railways, addressed to the Surveyor-General, stating that the information supplied by the assistant surveyor "is so very meagre that the Commissioners find it quite impossible to form an opinion as to the situation of the terminus for Ipswich." The reason why the information was so meagre was the imperfect state of the instructions given to me. If I had been allowed to take what surveys I thought necessary, the sections and plans of the Brisbane and Ipswich Railway would have been a great deal more elaborate, and have contained a great deal more information.

94. You had not obtained leave of absence when you came to Sydney? No. I reported myself to the Surveyor General upon my arrival in Sydney, stating my reasons for coming.

95. Had you applied for leave of absence before? Three several times.

96. And had been refused? In each case.

97. After that, you came to Sydney without leave of absence? I consider that the observation which the district surveyor (who was my immediate superior officer) made to me was tantamount to a permission to leave the district.

98. But you say you believe he has given a contrary account of the conversation? Yes, I was informed that he had done so in a report.

99. Then it was simply a *vivâ voce* conversation between you and him? Yes.

100. No other persons being present? No; but I should be very sorry to say anything that was untrue.

101. *By Mr. Aldcorn:* In your opinion, the contract system is greatly superior in all respects to the license system? Yes; I think a greater amount of work would be done, that it would be more accurate and much cheaper, and many qualified surveyors who are in the Colony would be employed.

THURSDAY, 5 AUGUST, 1858.

Present:—

MR. ALDCORN, | MR. FORSTER,

MR. WHITE.

G. B. WHITE, ESQ., IN THE CHAIR.

Mr. Charles Frederick Gorton called in and examined:—

1. *By the Chairman:* You are employed in the Surveyor General's Department? Yes. Mr. C. F. Gorton.

3 Aug., 1858.

2. What is your employment there? I am entry and dispatch clerk; I have charge of the entry and dispatch room.

3. Have you been many years in the service? I am in my seventh year.

4. How many years have you been in the Colony? I arrived in the Colony in 1840

5. What was your previous employment? I was in the navy.

6. You belong to the clerical branch of the department? Yes.

7. Mr. Halloran, I think, is the Chief Clerk of that department? Yes.

8. Have you of late years had anything to complain of with regard to your position in the service? Yes, I have, several times; Mr. Halloran has endeavoured to keep me at a low salary for many years.

9. How do you mean he has endeavoured to do so? He has never forwarded any recommendation to the Surveyor General when I have asked him for promotion.

10. Have younger men been passed over your head, or received larger salaries than yourself? Three who were my juniors were promised promotion over my head, but Mr. Hay, the late Secretary for Lands and Works prevented it. They were put on the fixed establishment in 1857, and I have been on it since 1st October, 1853.

11. Are there grades of clerks in the office, first, second, and third class clerks? Yes

12. To what class do you belong? The third.

13. Since you have been on the establishment have any of the third class clerks been passed over your head into the second class? No; but clerks have been brought in from other offices over my head to fill second class clerkships.

14. Has the department increased in that particular branch very much since you have been in it? Yes, very much.

15. Do you recollect the number of clerks in that branch when you joined it? I think there were seven.

16. *By Mr. Aldcorn:* Including the Chief Clerk? Including the Chief Clerk.

17. *By the Chairman:* How many are there now? Twenty in all, including the Chief Clerk, two having been reduced on 31st ultimo.

18. Without counting supernumeraries? There is only one supernumerary, Mr. Budge, who has the preparation of the deeds; the others have been put on the establishment since 1857.

19. When you joined the office the business of the Commissioners of Crown Lands was not connected with your office? No

20. How many clerks are there belonging to the peculiar branch of the service? Five.

21. They do all the work of that branch of the service? No; they do not do quite the whole

Mr. C. F.
Gorton.
5 Aug., 1858.

whole of it. The letters are mixed in the two books; some of the Commissioners are addressed from the survey branch and some from the Crown Lands.

22. That would give an increase of eleven clerks, since you joined the service, in the survey branch alone? It will give an increase of eight clerks in the survey branch alone. When I first joined I was a supernumerary for sixteen months; and then I was put on the establishment by Sir Thomas Mitchell. There were two others besides myself who were supernumeraries; so that there were only five on the establishment.

23. Is there very much more business now than there was when you joined? Yes; the number of letters has more than doubled—nearly trebled.

24. Are not many of these letters merely printed forms? Not from the dispatch room. From the 1st of January to the 1st of July there were 6,270 letters sent from our room, and there were no printed forms included among those. That number was exclusive of printed forms, circulars, and deeds.

25. You cannot classify those letters so as to state what number were letters to the public, and what to officials? No. The total number for 1857 was 12,369, exclusive of deeds, printed forms, and circulars. The deeds average about 500 a month; last month we sent away 740, and the month before 550.

26. *By Mr. Aldcorn:* Do you mean that all these were manuscript letters, not forms merely? The instructions to surveyors are partly printed forms, and partly filled in with writing—they are included. The individuals' letter-book alone, up to this time, contains 800 this year.

27. *By the Chairman:* How is it that the clerical branch of the department has so much increased of late years—is it from the additional sale of lands, or from the extension of the country? The applications for land are much more numerous of late years than when I first joined. The number of applications for land, and also the number of licensed surveyors, have much increased. Letters are more numerous to the licensed surveyors, and also to the land agents, who have lately been transferred to us from the Treasury.

28. You belong to the record branch? To the entry and dispatch room.

29. What branch does that belong to, for Mr. Halloran says he has three branches under his direction—the record branch, the sale of lands branch, and the issuing of letters and accounts—entry and dispatch he does not seem to count as a branch at all? I was originally under Mr. Armitage in the correspondence branch, as it was called, but there have been so many alterations made that we now scarcely know what branches we are in. The last return to the Departmental Retrenchment Committee stated that I was in charge of the entry and dispatch room. (*Vide Appendix C.*)

30. Does the Surveyor General appear to have anything to do with the arrangements of the office? Yes.

31. Then Mr. Halloran's recommendations or reports upon the efficiency of officers go to the Surveyor General before they go any further? They go to the Surveyor General.

32. Are they ever altered by the Surveyor General? I have known them in only one instance changed.

33. Will you state what that instance was? It was a recommendation that Mr. Pretious should take Mr. Simpson's place when he left, at £245, and I believe Mr. Halloran recommended that he should not have it; the Surveyor General recommended him for it.

34. In giving the number of clerks belonging to the office, do you include those who are detached from—I believe there is one, if not two, at Moreton Bay? There is one. I do not reckon Mr. Perry at Moreton Bay.

35. How long is it since Mr. Perry joined the department? About twelve months after I joined.

36. Do you know how many times he has been in and out of the service? He was sent from our office to Moreton Bay.

37. Was he not in the office before? I am not aware.

38. Was there any examination as to the qualification of applicants when you joined the office? We used to be examined at the Colonial Secretary's Office by a Board. I was examined when I was put on the fixed establishment.

39. Of whom did the Board consist? Of Mr. Macpherson, the Auditor General, and the head of our department.

40. Do you think that in consequence of having undergone that examination, and of having been a certain time in the office, and taken a certain position in your branch, you ought to be removed to the next higher position if you were senior? If there were no charges of inefficiency, it was formerly usual to promote the seniors.

41. Have any charges been brought against you? No.

42. Not any? Not any.

43. Have you had any correspondence with the Surveyor General upon any subject connected with your position in the service? Yes; I applied for the salary of £300, as I was the senior of my grade, and was in charge and had been in charge for nearly twelve months. Mr. Thomas, who was placed on the establishment only in 1857, as assistant correspondent, has been recommended, and, I believe, been approved of by Mr. Robertson, to have £300 a-year.

44. Who recommended him? Mr. Halloran.

45. Mr. Halloran's recommendation you think has some weight? Yes; we are generally led to suppose it has the whole weight.

46. Have you the correspondence or copies of it here? Yes, I have a rough draft of it. (*The witness handed in a letter addressed to the Surveyor General, dated 2nd July, 1856. Vide Appendix A.*) To that I received no reply. (*The witness handed in a letter addressed to the Under Secretary for Lands and Works, dated 17 July, 1858—vide Appendix B; and a memo. addressed to him by Mr. Halloran, on 9 August, 1857, with reference to the transaction of the duties in his branch of the department—vide Appendix C.*)

47. Did you receive any answer to that? No.

48. Will you be good enough to state what your grievances are? I have merely the same to state as I have written.

49. Your grievances are embodied in the letters you have laid before us? Yes.
50. Do you conceive that there is any favoritism shewn with regard to appointments? Yes; I conceive that Mr. Halloran has the sole appointment, for several juniors have been recommended to be passed over my head.
51. *By Mr. Aldcorn*: You ought not to be withheld from stating your opinion by fear of any consequences? In several instances juniors have been placed over those in the office. I may mention Mr. Jackson, who was brought in to copy deeds merely, and he was placed over several gentlemen, his seniors, in charge of the deed room. Mr. Davidson was also placed over the head of Mr. Heywood. Mr. Heywood was kept at a salary of £185 a-year, and Mr. Davidson has a salary of £200, although, on Mr. Heywood's leaving the office shortly afterwards he received a very flattering letter, and was highly spoken of to the Honorable Secretary for Lands and Works.
52. Then there have been other complaints of injustice in the branch of the service to which you belong? Yes, several times.
53. *By Mr. Aldcorn*: Have you been promoted at all since you entered the service? I have been promoted once, to the third class.
54. From being a supernumerary? Yes.
55. When did that take place? After Sir Thomas Mitchell's last voyage to England, in October, 1853, I was placed on the establishment.
56. Have you not been promoted since then, during these five years? No; I received my annual increase of £15 per annum, till I arrived at £270 a-year, but when the gold increase was deducted I was put back to 245 a-year, at which I have been ever since.
57. Have you ever applied to the Minister for Lands and Works during the last two years, stating your case? I applied last year, when Mr. Hay was Secretary for Lands and Works, to beg that I might retain my position in the department, next to Mr. Underwood, because Mr. Halloran then recommended Messrs. Chambers, Simpson, and Thomas to be put over my head, and Mr. Hay allowed me to retain my position, and he complied with my request; but they have been raised up to me in salary, and now Mr. Thomas is recommended to go above me altogether, and I believe that has been approved by Mr. Robertson, though I have not been officially informed of it.
58. Have you made any application to Mr. Robertson on that subject? The letter I have handed in is a letter addressed to Mr. Robertson.
59. You consider, from not having been promoted, that you have been unfairly dealt with? I attribute it entirely to Mr. Halloran; to no one else.
60. But you do consider yourself unfairly dealt with from that want of promotion? Yes, very. When I first entered the service, and Sir Thomas Mitchell wrote for me to join the office, Mr. Halloran objected to me, before he knew me, for I had seen him but once or twice before. He objected, I believe, simply because my wife's father, Mr. Duncomb, had been Chief Clerk in the office some seven years, when Mr. Halloran was quite a boy with him, but he took a dislike to Mr. Duncomb, and I can only attribute his dislike to me to that cause. He told Sir Thomas Mitchell, before I went to the office at all, that I should be of no use in the department.
61. You say, that although no clerk in your own department was put over your head, yet that clerks from other departments were promoted over you? Yes; Mr. Williams was brought in from this office, and put in as corresponding clerk above me and Mr. Underwood.
62. Is he a connection of Mr. Macpherson's? Yes. Mr. Smith has been put over me in the land sales' department since that.
63. Where was he before? In the Treasury. On that occasion, nearly the whole of the clerks in the department wrote to the Principal Secretary, to beg that we might be allowed to receive any promotion that might arise from vacancies, stating there were plenty in the office capable of taking the duties, and praying that strangers might not be brought in.
64. Was that a joint letter? Yes.
65. Did you receive any answer from the Principal Secretary? Mr. Smith was appointed, and I believe we received no answer.
66. *By Mr. Förster*: Do you consider that this favoritism, of which you complain, is part of a system, or that it merely belongs to your individual case? I believe it is part of a system, because the cases of Messrs. Davidson, Jackson, and Hindmarsh will show that, although juniors, they were placed over the heads of seniors.
67. In all these cases of promotion over the heads of others are you able to state positively that the persons promoted, were unfit for the offices to which they were promoted? No, they were not unfit; but the persons who were senior to them were quite as fit.
68. Then you do not claim promotion for yourself and others on the mere ground of seniority, but of seniority accompanied with equal fitness? No; I should never have claimed £300 a year, if I had not been capable of doing the duties.
69. Were you, on entering the service, led to believe that the system of promotion would be carried out in the way you suggest? When I entered the service it was invariably the practice for seniors to be promoted.
70. When you entered the service was there any contract on the part of the Government, and into which you also entered—did the Government make any contract with you which you consider they have broken? There was no contract at all.
71. Then, do you say that the agreement that was made with you by the Government upon entering the service has not been fairly carried out? There was no agreement at all, there were certain regulations at that time which guided the service, that if no fault were found with an officer, in any branch, he was promoted by seniority.
72. Where do you find those regulations—are they in writing? It is the custom of the service—the usage.
73. From what source do you derive this custom—who is to be the interpreter of it?

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Seniority

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Seniority, in every case where no blame was attached to an officer, was the ground of promotion.

74. *By the Chairman:* Did you ever hear of the Secretary of State's Despatch to the Government here, arranging all the departments in the Colony? Yes.

75. Did you not hear that that Despatch was the document by which officers at the head of departments were to be guided in the distribution of promotion? Yes.

76. *By Mr. Forster:* When you entered the service you considered that if you conducted yourself properly this principle of promotion by seniority would be applied in your case? Yes.

77. You thought it part of the remuneration attached to your office? Yes; if I carried on my work efficiently I expected promotion.

78. Such promotion as you expected depended upon the contingency of a vacancy occurring? Yes.

79. Then, if vacancies had not occurred you would not have felt injured? No.

80. Then, if vacancies had not occurred you would have considered yourself fairly remunerated? Vacancies have occurred, and I have been passed over.

81. This mode of remuneration could not possibly have been applied unless vacancies had occurred? No; but application might have been made for promotion to a higher class.

82. Do you think length of service should entitle to promotion in rank? Yes.

83. Supposing the public did not require additional service in a particular grade, do you think those below that grade should be promoted to it, simply on the ground of the length of their services? In another office the gentleman who has been in charge, who holds the same position as myself, is I believe in receipt of £400 a-year; and I know for certain that he has £375, although he has a great deal less work than there is in my branch.

84. What I want to know is, whether you consider the service you have rendered to the country has been fairly remunerated or not? No, I do not think it has.

85. You think you have not had pay enough? I think not, for the time.

86. Then why did you remain in the service if you thought you were not sufficiently paid? I remained in the hope of promotion, because I had endeavoured to do my best, and it is the custom in the service, if an officer does his best and there is no complaint against him, to promote him when vacancies occur.

87. Do you think if you left the public service and applied yourself to your profession in a private way you would make more? I think I might have done so; but I was a family man when I first joined the service, and have been afraid to run the risk of leaving.

88. You, in fact, preferred the certainty of the Government service to the chance of greater remuneration from private employment? Yes, with the hope of promotion.

89. You state that the hope of promotion induced you to remain in the public service? Yes.

90. Do you think that is a general feeling among officers of your grade and standing? Yes.

91. You think the general feeling is that promotion has not been fairly distributed? Yes; and if persons from other offices are to be brought in, to be placed over the heads of others who have been waiting for years in the hope of promotion in the event of a vacancy, it is not of the slightest use for them to exert themselves at all. There is no inducement held out to them if every time a vacancy occurs a junior or stranger is to be put over the heads of older officers.

92. You seem to think there has been some personal feeling against you? Yes.

93. May there not have been, to regard the matter in a more charitable point of view, not a personal feeling against you, but a stronger liking for other people? I have always imagined so.

94. *By Mr. Aldcorn:* Others have suffered as well as you,—clerks below you, or in the same grade, were deprived of their chance of promotion? Yes.

95. *By Mr. Forster:* How comes it that Mr. Halloran has the sole disposal of the promotion? I cannot say.

96. How can you state so positively that he has the disposal of it? That is my belief; if he says he will recommend any gentleman for a particular appointment, that gentleman is sure to get it.

97. Are you quite certain that Mr. Halloran may not a little exaggerate his influence in that way?

98. *By the Chairman:* Can you directly state that Mr. Halloran has never made any complaint of you? Not that I am aware of. On one occasion, in 1856, my pay was stopped for one day's absence without leave, although others who have been absent at times have not been served in the same manner.

99. He has never complained to you that you were slow at your work? He never said anything of the sort.

100. You always considered that Mr. Halloran was perfectly satisfied with you in your position in that department? Yes; and I have been placed in nearly every branch in the office.

101. *By Mr. Aldcorn:* You state that these men who were brought in from other offices and put over you were qualified persons, but that there were in the office those who were equally qualified—do you think, although their general qualifications might be good enough, strangers could be so well qualified to perform the duties as those who had been trained in the office? I should say not, decidedly.

102. Did the other clerks who were in the same class with you—third-class clerks—also consider themselves unfairly dealt with because their promotion was stopped as well as yours? Yes; we all wrote against it.

103. Have you ever heard that there is a species of influence exerted over every branch of that department? Yes.

104. And that has brought the service into its present inefficient state? Yes.

105. It is over every branch? Over every branch there is the same influence.

106. *By Mr. Aldcorn:* By what individual, or what party do you understand that influence is exerted? By the Chief Clerk—the Secretary, as he is now called.

107. *By Mr. Forster*: Do you consider that the department is in an efficient state? I do not consider it is.
108. You know what it is intended to do—does it do that work so well as it might do it? No.
109. Do you think in that department the work could be done with a smaller allowance of heads, or sub-heads, as they are called? Yes.
110. And an increase of working men? If the work were more evenly divided I am positively sure a less number might do the work.
111. Do you not think the expense of the department is a great deal caused by having so many heads? Yes.
112. Can you give the Committee any idea how many of these supervising gentlemen could be dispensed with—do you think one would be enough? Yes; I think one would do the whole of it, aided by an active officer for out-of-doors work.
113. *By the Chairman*: Have you not known that there has been a great jealousy between the minor heads of that service? Yes.
114. Each fighting for supremacy? Yes.
115. Consequently much of the public business has been thwarted? Yes.
116. Have you anything further to suggest to the Committee with respect to the conduct of the service? I have only to add, that if some regulations with regard to the promotion of officers in the public service were adopted, whereby individual power would not be allowed to interfere with their just claims to such reward, that they would prove to be the greatest inducement for the application of exertion, zeal, and diligence.

Mr. C. F.
Gorton.

5 Aug., 1858.

APPENDIX A.

*Surveyor General's Office,
Sydney, 2 July, 1858.*

Sir,

Being the senior of the 3rd class of clerks, next to Mr. Underwood, and the senior of my grade of clerks receiving £245 per annum, as well as *in charge* of a branch of the duties of this department, I beg to present my claim for one of the £300 voted for the present year, and which in your blank cover memo., 57-64, (57-612) of 20th March, to the Honorable the Secretary for Lands and Public Works, you stated you should be happy to consider favorably.

My seventh year's service in your department commenced on the 1st April last, during which period I have belonged to the fixed establishment as 3rd class clerk 4½ years. I have had charge of the Entry and Dispatch Room since the 18th of August last, assisted by two clerks only, during which period more than 12,000 letters and documents, besides numerous deeds, money letters, &c., have passed through my hands, in a manner which I trust has given satisfaction, notwithstanding that when the same duty was less onerous (having now been much increased by the correspondence with the land agents) four clerks were employed in its performance.

In most of the departments the work I am engaged in is considered to be of the highest importance, and in the Colonial Secretary's Office, in which the correspondents were less numerous, the gentleman in charge of the same branch was in the receipt, I have been informed, of £400 per annum.

By the reduction of the gold allowance, and the cessation of the annual increase, I lost last year £40, which, had the same been continued, would have made my salary £300 on the 1st of October next; whereas the two gentlemen receiving the same pay as myself, viz., £245 per annum, had an addition of £35 to their former salaries last year; and the promotion of either of them at this moment to £300 would give an increase to their salaries of £90 in two years, and cause a loss to myself of £60, for no assigned reason, having been most diligent in the performance of the duties entrusted to my care, which the Chief Clerk was kind enough to acknowledge to me yesterday to be the case.

I humbly hope, therefore, that you will be pleased to consider me deserving of the promotion I have so long sought, both on account of my seniority and my having to be responsible for the due performance of duties requiring so much alacrity, care, and attention.

Should it be your intention to recommend a junior clerk for the promotion which I consider to be only my just right, I have the honor to request that this application may be forwarded for the consideration of the Honorable the Secretary for Lands and Public Works.

I have, &c.,
C. F. GORTON.

The Surveyor General.

APPENDIX B.

*Surveyor General's Office,
Sydney, 17 July, 1858.*

Sir,

On the 2nd instant I addressed the Surveyor General on the subject of my promotion to the 2nd class of clerks in this department, and respectfully requested that, should it be his intention to recommend any of my juniors in office, he would favor me by submitting my application for the consideration of the Honorable the Secretary for Lands, &c., prior to any final decision being arrived at.

The application alluded to contains a true statement of my services, duties, &c., and it is therefore with much regret that I am compelled to trouble Mr. Secretary Robertson on the subject; but the great difficulty of obtaining the slightest promotion in this office, either by using the utmost exertions in the performance of the duties entrusted to one's care, or otherwise, will be seen from the following facts.

Mr. C. F.
Gorton.
5 Aug., 1858.

On the day after the passing of the Estimates I had a conversation with the Chief Clerk on the subject of the different salaries as voted for the present year, and mentioned that I trusted the Surveyor General would nominate me to one of the salaries of £300, to which my seniority, and the satisfactory manner in which I had conducted the duties of my branch (to the latter of which Mr. Halloran assented), I considered, with due deference, would entitle me; but, much to my surprise, he informed me that I was to remain at my present salary, viz., £245, and that Mr. Thomas, an *assistant correspondent and considerably my junior* in office, was to be appointed to the second class; but that he had Colonel Barney's authority to assure me that if I quietly submitted to this arrangement I should not be forgotten in the framing of the Estimates for 1859.

On the following morning I waited on the head of my department, and humbly requested that he would not permit me to lose my standing this year, as I had received no promotion during 1857, but had on the contrary suffered loss: the Surveyor General then said that he had not given the appointment of the officers to the different salaries the least consideration, but that when the matter was properly laid before him he would immediately do so, and thought he should make it all right. In mentioning this circumstance I beg to be permitted to state, that it is not my intention to cast the slightest imputation on my superiors in office, but merely to shew that promotions would seem apparently to rest solely with the Chief Clerk, and that, therefore, it is evident that his protégés or favorites are sure to pass over the heads of seniors, who, from their not being entrusted to perform the duties considered to be of any importance, are prevented from shewing their capabilities to conduct them.

In conclusion I have the honor to express a hope, that if *inefficiency*—a term so frequently made use of for the purpose of lowering an individual, and of preventing all further inquiry into his case—has been urged in this instance, that I may be allowed to express my willingness to pass an examination in English composition, the dead and living languages, &c., with any gentleman in the clerical branch of this department, notwithstanding that I have done so on two occasions already, once at the Royal Naval College, where I passed the *first* examination out of thirteen candidates, and received highly flattering commendations from Admirals Sir Frederick Maitland, Sir Phillip Durham, Dr. Inman, Professor of Astronomy, and Lieutenant Loring, the Governor of the said College; and again for the Civil Service, in the Colonial Secretary's Office, Sydney, in 1853.

Trusting, therefore, that I may be allowed to retain my rank in this department next to Mr. Underwood, and that my thus troubling the Honorable the Minister for Lands and Public Works may only be considered in its true light, viz., an endeavour to obtain the salary for which I have so zealously labored, and which, as a family man, is of every importance to me.

The Under Secretary for
Lands and Public Works.

I have, &c.,
C. F. GORTON.

APPENDIX C.

It will be the duty of Mr. Gorton, as letter record clerk, to see that *all* letters, &c., are duly entered, indexed, and despatched, day by day; and that if by staying the ordinary hours, with occasional over-hours under pressure, the work cannot be kept up, to report that to me officially. He will see, however, that effort is made to accomplish this with the present means—by the exercise of diligence and energy. He is to understand that I hold him personally responsible.

H. HALLORAN.
19 Aug., 1857.

WEDNESDAY, 11 AUGUST, 1858.

Present:—

Mr. ALDCORN,	|	Mr. MORIARTY,
Mr. FORSTER,	|	Mr. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

William Meadows Brownrigg, Esq., called in and examined:—

- W. M.
Brownrigg,
Esq.
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1. *By the Chairman*: I believe you are a surveyor? I am.
 2. And have been so for many years? About nineteen.
 3. In Sydney? Yes.
 4. You were examined, I think, before the Commissioners appointed to inquire into the Survey Department, on the 18th of July, 1855, relative to the management of that department? I was examined.
 5. Have you seen the Report drawn up by the Commissioners since that date? I have.
 6. Have you read it very attentively? I will not say very attentively, but I have read it.
 7. I think you were questioned particularly with reference to the license system? I was.
 8. They wished to obtain your opinion whether a license or contract system would answer better than the salaried system then in operation? They did.
 9. You have been in the habit of attending the Surveyor General's office on business frequently? I have.

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10. You have had access to all the different records of that department whenever you required? I have, most liberally.
11. Have you ever noticed whether any system with regard to plans was adopted there? I think, from examining the field-books and plans, it would be better if there were an organized system, both as regards the scale and the mode and manner of keeping field-books generally.
12. You mean to say that there has been no system of keeping field-books? Every surveyor appears to have kept his field-book after his own fashion. I think, also, that the field-book should be kept systematically, and in such a manner so that any surveyor could read the work, and plot it as readily as the party by whom the book has been kept.
13. So that any draftsman should be able to plot the work as it was sent in? For the purpose of the draftsman it is required more particularly than for any one else, for many draftsmen are mere machines or copyists, who have no idea of surveying.
14. In these plans have you noticed any note made as to the variation of the day of the survey? No, I do not think I ever noticed anything of the kind.
15. You are aware that a change in the variation is going on, that it is eastering? I do not think there has been any great variation for many years. In fact, in looking over *R. binson's Mechanical Philosophy*, published in 1843, I find the following statement:—"In 1576 the variation in London was $11^{\circ} 15'$ E.; in 1622 it was $6^{\circ} 12'$ E.; in 1662 it coincided with the true meridian; in 1792 it was $9^{\circ} 40'$ W.; in 1740 it was $6^{\circ} 10'$; in 1804 it was $24^{\circ} 8'$; in 1815 it was $24^{\circ} 18'$ W. Hence it appears in less than forty years, in one instance from 1662 to 1700, the variation varied from itself $9^{\circ} 40'$; and this may very reasonably be expected to occur again. For, although within the last forty years (that is, up to 1835), little alteration has taken place, yet the laws by which it is governed are as yet unknown to us."
16. There is a diurnal variation? Almost an hourly one.
17. It ebbs and flows with the tide? It depends upon the weather or season of the year, whether very hot or very cold; for instance, you will find the greatest difference possible in the variation according to the hour at which the observation is made; if taken early in the morning, again at one or two, and a third time in the evening, there will be several minutes difference—about fifteen minutes a day on the average; that is to say, the maximum on any day is attained to the eastward about 7 a.m., from which time it continues moving westward until between 2 and 3 o'clock p.m., when it returns again towards the east. It is a very difficult matter to manage.
18. *By Mr. Aldcorn*: Is not a meridian line absolutely necessary? You never can have accurate surveying without it. A true meridian line ought to be laid down carefully on every plan intended for a future or permanent reference; because, not only does the magnetic meridian vary from the true meridian, but its variation is materially different in different places, and this difference is constantly undergoing changes—nay, almost every magnetic needle has a variation due to itself; this last arises from the difficulty, if not impossibility, of the maker being able at all times so to centre a needle that the magnetic poles shall coincide exactly with the extremities of the needle. Therefore, where rigid accuracy is required, a true meridian should be marked on the ground, and referred to fixed points on the plan.
19. *By the Chairman*: In consequence of not having a meridian line to work by, there is great difficulty, even in the neighbourhood of Sydney, in ascertaining property, saving by the descriptions of the deeds, and these, in nine cases out of ten, are inaccurate? They are inaccurate; they are no descriptions at all. If you take any of the early grants, I defy any man in existence to ascertain the property. It states thirty acres for a farm in such a locality, without giving a starting point, or the length of the line, or one single thing by which you could identify the land.
20. *By Mr. Aldcorn*: Is not that likely to cause innumerable suits in Equity? It does so; and I could go to a certain locality, not far from Sydney, and involve them all in law proceedings in consequence of this absence and vagueness of descriptions.
21. *By the Chairman*: In fact you have no starting point; in making these surveys you have to find out, by the evidence of old inhabitants, where the original boundaries were marked? Yes; not only that, but lose perhaps days, not only in obtaining the evidence you require, but in going over ground that you would not require to survey, to obtain a correct starting point.
22. And in most instances you find these incorrect, as far as the deeds are concerned? Many of the deeds give no bounds at all, as I have already explained.
23. Even where that is done? Even where that is done there is a considerable variation sometimes in both bearings and length of lines.
24. Do you not think it will be necessary, in order to prevent confusion, that where the Government have laid out parish boundaries, to have all the errors corrected with those boundaries, and to have maps made out as the lands really are, rather than as they are described by deed—something similar to the tithe survey at home? You cannot disturb old boundaries, however incorrect they may prove to be; subsequent surveys must be based on them, and thus "confusion becomes more confounded." The fact of the matter is, that I would put more faith in recent surveys than I would upon any old survey.
25. Do you think these errors have originated from the carelessness of surveyors in the first instance, or from confusion of boundaries? There was a great deal of carelessness in the olden times—I speak of thirty or forty years ago; there is a great deal more accuracy now than existed then.
26. Do you not consider that an individual to have charge of the surveying service should himself have been a practical man? I would prefer a practical to a theoretical man any day in any science. Theory is very good, but practice is far better. I might describe very theoretically how to amputate a man's leg, but if I was ordered to operate, I fear the patient would lose both limb and life.
27. You have been some nineteen years in the Colony; during that time how many practical men

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men have you had at the head of the surveying department of New South Wales? I can hardly speak of the qualifications of those who have been at the head of the department. The reputation of Sir Thomas Mitchell was very great, and I think deservedly so. That of the present Surveyor General, Colonel Barney, I should consider to be of a high standard, not only from his scientific attainments but also from his length of service in the Royal Engineers.

28. But Sir Thomas Mitchell was frequently away from the Colony? He was.

29. Who then appeared to manage the business of the service? Captain Perry during some period.

30. He was ostensibly the head? He was the recognised and official head of the department.

31. Did you never understand from the officers of that service that they were too much interfered with by subordinate branches of the service? I cannot say. I think that is a difficult question to answer. I cannot vouch from what I have heard; but such may be the case.

32. Do you consider the drafting branch a subordinate branch of the service? I consider it a very important branch.

33. But it is subordinate to the other? No question about it. One is a mechanical thing, the other is scientific. A man may be a good draftsman but know nothing of surveying. I have had men who have been very clever in drafting who could not plot an angle.

34. Do you think a draftsman is a proper man—a man who has been only a draftsman all his life—is a proper person to hold the position of Deputy Surveyor General? If he has been *only* a draftsman—if he has had no previous training or practice as a surveyor—he cannot be.

35. He is not a fit person to be there? He may have a good deal of theoretical knowledge, and, from length of service, an extensive knowledge of the details of the department, which may render him a very efficient officer at head-quarters.

36. Do you think draftsmen who have been paid by the department—who have been educated by the department—fit men to send in the country as surveyors, they never having been in the field as surveyors? If they had never been in the field, I think they would be *very inefficient* as surveyors, and I should not feel disposed to place much confidence in their work. No doubt their theory would assist them.

37. But I understood you to say just now that a man may be six or seven years in an office as a draftsman and be unable to plot an angle? I did not mention any such period. I have unfortunately had one or two in that position, but I cannot speak with reference to the officers in the department. I believe them to be most efficient draftsmen; and I must say the drafting in that department is equal to any I have seen, and I have seen a great deal. It reflects great credit on the Survey Department.

38. You object to the license system here? I do.

39. Will you state, for the information of the Committee, your reasons for that objection? There are several. I do not think licensed surveyors are under proper control or supervision in any way, and many of them I believe to be quite inefficient.

40. You do not think a man ought to have power who has no responsibility? Certainly not; and the licensed surveyor has no responsibility. He is not under the control of the department in any way. He is open to take private work, which he does largely. Many instances have come under my knowledge. The work under the system may be very faithfully done, but the system is open to great license in carrying out the details of a survey. There is no check to know whether a man's survey is correct or not; that can only be tested hereafter, when surveys have to be connected and some of the lines and angles re-measured.

41. A man in that position may subdivide lauds in small plots which are quite unfit for sale? Yes, perfectly useless.

42. The greater the number of subdivisions the more the surveyor is paid? Yes; and the quicker he gets through his work the quicker he gets his money. Still I do not mean to say that the license system, or the contract system, under the proper surveillance and control of the department, would not prove efficient. I think the boundaries or marks are not sufficiently and permanently defined. They may do very well for a time, but I doubt whether in the course of a few years any of these marks would be found. The surveyors are under no particular control as to landmarks, and this I think is a great defect in this system of surveying, not only with reference to future surveys, but for the security and satisfaction of purchasers.

43. You are of opinion that there should be some law with respect to landmarks? No doubt, and a *very stringent law*. I would not only go so far as regards landmarks, but farther; I would make a proposition as regards a place of record and registration for all lands subdivided and sold by public auction or private contract. There is nothing of the kind in the Colony; there is a place for the registration of deeds, but I maintain that with every deed there ought to be a plan shewing the subdivisions of the original land. Now, there is no means of ascertaining the subdivisions of the land, and when plans fall into the possession of auctioneers or solicitors there is the greatest difficulty in procuring information.

44. You think there should be a registration of plans in the Surveyor General's Office? There is always that; but I think no plan should be issued from the Surveyor General's Office without a diagram of the land sold; when that land is subsequently divided, I think a diagram of all such subdivisions ought to be registered with the deed of every portion sold.

45. Did you ever endeavour to induce lawyers when drawing out deeds to have a diagram attached to the deed? I have, and very many of them adopt the system, while others say their clients will not incur the expense; but I say there should be a law to compel it. Sometimes there is a diagram put into the deed in the office of the solicitor by one of the clerks, but I will not say whether that is correct or not; I have seen these diagrams put in without the aid of any professional surveyor. Many solicitors, however, will not prepare a deed without the certificate of a surveyor as to the identity of the land.

46. Do you think proper care is taken in the examination of licensed surveyors before their appointment? I cannot say what the ordeal they are put through may be, but, from circumstances within my own personal knowledge, I should say there are some I should term not qualified.

47. You do not think that power at any time breathing upon a man can make him a surveyor? I should think not; there must be some training, some scientific attainments to make him that.

48. You see that under the license system one scale applies to all kinds of country—ought there or ought there not to be a difference in this respect? No doubt there ought, because one surveyor may be put to work in an open country where he may earn a great deal of money, while another may be put in such a country—Illawarra, for instance—where he could not earn his salt.

49. *By Mr. Aldcorn:* Such as brush land? Yes, and not only brush but broken land, and coast line.

50. *By the Chairman:* In an open country a man may earn £20 a-day? In the squatting districts a man may earn £10 a-day, if he is very industrious; I have myself made £10 a-day in squatting districts, and I have been in other places where I could not earn £1.

51. In the subdivision of division of towns do you think the scale of fees for this work was ever drawn out by a man who knew what field work was? I cannot say that I have noticed the Government scale of fees. (*The scale of fees was handed to the witness.*) I think the scale is excessive with reference to field surveys—that is a very liberal allowance, £2 a mile for lineal measure.

52. Would you not prefer, ten to one, being a licensed surveyor upon that scale, in an ordinary district, to being upon the staff at a higher salary? According to this I should, for I should make a great deal more money.

53. And the work, generally speaking, is not so well done under the license system? I think, where a man has a fixed salary, and an establishment, you will find the work more correct, because he has no object or interest to slobber over his work.

54. You think it would have been better years ago to have made district surveyors, who should have been responsible for the proper performance of these duties? I would suggest that there should be a Deputy Surveyor General over a certain district only. I would divide the Colony into three divisions; I would call them the Southern, the Northern, and the Western Districts; over each of these I would have a *Deputy Surveyor General*.

55. *By Mr. Aldcorn:* Who should be in the field pretty often? Always; and under him I would have *district surveyors*, each being responsible for a certain portion of these large subdivisions.

56. *By the Chairman:* When the office of Deputy Surveyor General was first instituted the Colony consisted of only 40,000—we have now a population of nearly 300,000? That is the reason I would have an extension of an efficient staff to meet the spread of population, and to answer all requirements for colonization.

57. What was the office of Deputy Surveyor General instituted for? I am not aware; but I suppose if the Deputy Surveyor General is at head-quarters, he is to take the place of the Surveyor General when he is absent; and if the Surveyor General is present in the office, the deputy should take his place in the field.

58. You are aware that there has been no supervision of that sort over any of the officers for years? I do not think there has been within my knowledge; I think the Deputy Surveyor General has been out very little. The officers of the department will be able to answer that question better than I can.

59. It has appeared to the public generally that there have been half-a-dozen heads to that department: there have been the Surveyor General, the Deputy Surveyor General, the Principal Draftsman, and the Chief Clerk, all of whom have considered themselves heads of the department? I cannot answer that question; each would consider himself the head of his own particular branch. If I have wanted anything particular, I have gone at once to the head of the particular department in which I knew the information was to be obtained, and he has given instructions to those under him to give me the information I required.

60. May I ask you whether in your private practice you adopt this scale in making your charges? No, certainly not; I am entirely regulated by circumstances. If I have employment in the vicinity of Sydney, or in Sydney itself, which will admit of some little attention to the office, my charges are in proportion. If I am taken away altogether from my office and my home, I have a fixed charge of £3 3s. a day. But I very frequently perform the work by contract, and I generally find that the most satisfactory to both parties.

61. You would not object to the adoption of such a scale as this? Certainly not; I would willingly adopt it.

62. Did you observe at the bottom of the scale that not only are these few allowed, but that there is a good increase of twenty-five per cent? There is, but that is only a temporary thing. I have had great difficulty in the squatting districts to get as much as fifteen shillings per lineal mile for surveys. I see £2 is allowed here.

63. I think you say you would prefer the contract system, with supervision? I have very often worked by contract myself.

64. *By Mr. Aldcorn:* You say that in your own practice you generally find that the most satisfactory to both parties? I do; it prevents misunderstanding after the work is done. If we both know our locality—and the proprietor of the property generally does—and if I have the same information, it is generally mutually beneficial.

65. *By the Chairman:* A similar system of contract might be entered into with the Government by any competent officer, supposing there were proper supervision? Most certainly, if there were proper supervision.

66. Do you not think if the contract system were adopted it would be much cheaper to the country than payment for the work upon such a scale as this? No doubt. I mean contract

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by tender. I would take it cheaper than that as a contract, but I would prefer the scale if it were left to me.

67. Did you observe by whom the scale is signed? No.

68. "John Thompson"—Supposing the contract system were adopted, and a whole district were taken, at what price per acre do you think it ought to be surveyed? That would depend entirely upon the physical character of the country—upon whether it were an open district or a coast district. Coast districts are very, very difficult, and very tedious.

69. *By Mr. Aldcorn*: Could you give any idea of the cost of surveying open country, and then the average cost of coast land? As I said before, it would entirely depend upon the physical character of the country, which varies in every locality. I think the scale ought to vary in different districts. At present there are many districts where a man does not get paid, and yet the scale of remuneration is alike for all; this should not be.

70. Are you aware that in Victoria the whole of the lands of the Colony are being surveyed at an average of some nineteen-pence an acre? No, I am not. There ought to be a very proper supervision over it.

71. I believe there are district surveyors established? Besides district surveyors, I would, as I have already stated, have a Deputy Inspector General at the head office of each of the three great divisions of the territory which I have already proposed.

72. He would overlook even the district surveyors? Yes. There should be a regular chain of responsibility, similar to that which exists in the army, each officer forming a link in the chain of authority, and all subject to supervision.

73. *By the Chairman*: You do not think a man who has been nothing but a draftsman is a competent censor of the work of a surveyor? He must possess scientific attainments for that, and have a general knowledge of the Colony and the character of the locality in which the work is done.

74. *By Mr. Aldcorn*: You mean that he must have a practical knowledge of surveying? Not only practical knowledge, but local knowledge also, as I have stated. If a man has never been in the field he is not likely to possess that knowledge, unless he has been for a number of years in the position of judging the work others have done, and thus has a standard to go by.

75. Do you not think that supervision by a superior officer is also necessary, for the purpose of pointing out to either the licensed or the contract surveyor the proper land to be surveyed, in order that it may not be left to the judgment or inclination of the immediate surveyor? It ought not to be left to the surveyor himself, for he might be under local influence, and wanting in proper judgment.

76. *By the Chairman*: Are you aware that it has sometimes been left to these parties to measure as they have pleased? I think it has in a great measure been left to them to survey land.

77. *By Mr. Aldcorn*: In some cases it has been left entirely to the surveyor? I believe it has, in a great measure. I object to the system myself, and I think any man who put up an isolated spot should be called upon to pay for it; for it is impossible for a surveyor who is liable to be drafted from one end of a district to another to satisfy the demands of the public or make it profitable to himself.

78. *By the Chairman*: Do you not think consecutive surveys should be made under the supervision of the district officer? Yes; you would then have a sort of connected survey. If a surveyor has a license to survey what he likes, he will leave the rough and take the smooth.

79. *By Mr. Aldcorn*: Are you aware whether a great part of the land said to be surveyed and not sold at present consists of land not worth buying? I believe a great deal of it is.

80. *By the Chairman*: Have you been over much of the land surveyed by licensed surveyors? I have been over some.

81. Have you observed much difference between the old and the new systems of marking? I think there is a great defect in the system. I would have all corners properly lockspitted, where practicable, or otherwise permanently marked.

82. That is with regard to country allotments? Even on country allotments all corners ought to be well defined. I have, when I have been surveying in a practicable country, carried a plough with me on a cart, and marked the line with the plough; this mark will remain visible for years.

83. Have you any further suggestions to offer to the Committee? Having carefully perused the suggestions offered in the able Report of the Commissioners appointed to inquire into the Surveyor General's Department in July, 1855, for the government of that important branch of the public service, I can only refer to that Report, as offering suggestions of a most important character, and rendering further comment on my part unnecessary.

Charles Edward Langley, Esq., C. E., called in and examined:—

C. E. Langley, 1. *By the Chairman*: You are a Civil Engineer I believe? I am, and a Surveyor.

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2. You have been long in the Colony? Twenty years, very nearly.

3. And have been in private practice most of the time? Yes.

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4. You have had a considerable experience of boundaries? Yes.

5. All over the Colony? Very nearly.

6. Have you found much difficulty in tracing them occasionally? Yes, but there are others as well marked now as they were thirty years ago when they were first marked; some of the old boundaries are plainer now than those which have been more recently marked.

7. You mean that the boundaries are plainer upon the ground marked many years ago than those which have been marked under the new system of licensed survey? Yes.

8. Have you had considerable difficulty in tracing the marks of licensed surveyors? Yes I have; they are not sufficiently cautious in making the lines continuously so as to enable one to follow it out.

9. You are frequently obliged to refer to old boundaries? Yes, sometimes we are obliged to pick up old boundaries to find new ones. There is one place in particular I could name, where a township was laid out, I could find none of the lines, and only two pegs, and that had not been laid out two years. A man asked me to shew him his land, and I could not do so without the plan from Sydney, and then I could hardly do it, but I found the original marks.
10. *By Mr. Aldcorn*: In short, the township had disappeared? The sticks had been pulled up and the marks were not to be traced.
11. *By the Chairman*: Some hundreds of allotments had been laid out, and there were only two pegs? I could only find two pegs, and those were near the line. I walked miles and could not trace the lines, although it was a fine clear country.
12. There does not seem to have been any system of marking lines or placing landmarks? Not by that surveyor in that instance.
13. Generally there is no system laid down by the Surveyor General in his instructions to his officers? I believe recent instructions have been given to the surveyors to brand the pegs, and to leave them six inches out of the ground, which will hardly answer the purpose, as a cart or dray passing over would be likely to break them off? I think it would be better to leave them out only two or three inches.
14. Have you seen the scale of fees paid to licensed surveyors? I have.
15. Do you not think it sufficiently liberal to justify the requirement that the land shall be properly marked, even lockspitted? Yes, every town ought to be lockspitted at the corners of all the streets. I am told that in Adelaide, where the land is well grassed, they cut out the lines of the streets and the numbers of the sections on the ground itself by removing the turf, so that there is a map on the ground. I think that might be adopted here on suitable ground.
16. Have you had access to the records of the Surveyor General's Office whenever you have desired it? Yes.
17. Then you have had an opportunity of seeing the field notes of the different officers in the service? Yes.
18. Both of officers on the staff and of licensed surveyors? Yes.
19. There does not appear to have been any system of field-books? There is not; every one keeps his field-book as he has been accustomed to keep it: there is no general system laid down.
20. Many of these books are useless to a stranger? To a stranger they are perfectly useless, unless he had the key to the cipher he could not make it out.
21. As public records they are perfectly useless? Yes, to a certain extent.
22. It is your opinion that the field-books of a public establishment should be kept systematically? They ought to be kept on a system laid down for that purpose and properly filed.
23. In the examination of different maps have you ever remarked any note of the variation of the day upon them? Never.
24. Having been in the Colony twenty years you must be aware there is a variation? I do; I have checked it frequently.
25. What do you consider to be the annual variation? It varies; it goes backwards and forwards a few minutes. The last time I took it by altitude at South Head, it wanted 17 seconds, being 9 degrees 57 minutes.
26. It is now estimated at 10 degrees easterly? Yes.
27. The average increase is about two minutes a year easterly? About that. Some of the lines marked twenty years ago differ from those now marked by a variation of about 40 minutes to a degree, in very old surveys about a degree and a-half.
28. Do you not think every person should notice the variation of his instrument? Every instrument ought to be put in a certain position, and the variation should be registered in the field-book, north, south, east and west, for there are many instruments not exactly at right angles if you read them across.
29. The difficulty of centring is such that few instruments if reversed will read the same? They will not unless they are very carefully done.
30. You have no meridian line in Sydney to refer to? I have one myself; there is none in the Government department.
31. There is one at Parramatta? There is; I assisted Mr. Dunlop to lay that—at least to correct it, when it had got out of order.
32. In going over the surveys in the neighbourhood of Sydney and in the County of Cumberland generally, have you found much difference between the descriptions in the grants and the appearance on the map? Yes; you will find lines marked at different times running away from each other, having been made without any reference to the variation.
33. Individuals who had just arrived in this Colony without any knowledge of the circumstances, or of the variation, are very likely, if carrying on a survey according to a deed, to make errors? Very likely, and private surveyors reap a benefit by their mistakes. I have surveyed some property, and I found one line eleven chains out. I found one, but I could not find the other surveyor's line. I had to go back miles across the river to pick up the old lines, in order to pick up this line, and I found the latter eleven chains out.
34. Is it not your opinion that it is almost necessary to have a proper survey made here similar to the tithe survey at home? Yes.
35. And to have the whole work start from a meridian line in each district properly laid down? Yes, a base line.
36. You have had experience on the Hunter? Yes.
37. Have you not found that these sections instead of eighty chains run eighty-one and a half and eighty-two? Yes.
38. Starting from Newcastle and going up to Murrurundi, what would be the difference in consequence

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C. E. Langley, consequence of this—would it not be two miles? You would not be on the ground that was granted at all. In the County of Cumberland it is nearly as bad.
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11 Aug., 1858. 39. As soon as these lines that have been marked these thirty years and upwards die out, and the trees that have been marked are burned down and disappear, will not constant disputes be likely to arise, unless some landmarks are established before these disappear? Yes; but almost all the grants are void from uncertainty—they have no starting point. A grant is put into your hand which says "a farm of 140 acres," and you can go and mark that out in any place you like.

40. Except there is the fork of a river or something to start from—do you not think these forks of rivers should have been starting points? There should have been some such starting points, although even they change. There are hundreds of grants not worth this piece of paper if the matter were litigated. If these grants were made to fit as they ought to do, you would displace grants altogether, in consequence of the superabundance of the measurement.

41. You know that almost all the sections on the Hunter are a chain or a chain and a half too wide? I never measured one that was correct, and I always kept my chain as correct as I could. I never measured one that measured eighty chains, but I have come, I think, as near as eighty chains fifty links.

42. Yet the lines are there to speak for themselves? The lines are cut out as correctly as possible, but in many of the surveys I have measured I have found only three lines cut—one line for the whole string of sections, and the two cross lines, but no back line.

43. You are aware that the section system is altogether incorrect—that lines which ought to cross rivers when they come to the back land crowd some of the sections out? Yes, and I have seen at ——— a line which did not come within seven chains of where it was shewn on the plan.

44. The general maps submitted to the office are incorrect? The greatest inaccuracy is this, that the new surveyors who have been appointed have put their work on to the old work, and have not taken the precaution to know where the old work stopped before they plotted it on the plan, and the consequence is that the new work joined on is not in the position it ought to be in.

45. Are you aware that the Surveyor General knew all these things? I believe Sir Thomas Mirchell did.

46. Even before his time the surveyors were instructed not to interfere with the old boundaries—where the old boundaries could be found? I measured a property at Wingacarabee, which was described as 2,500 acres, and found it to be nearly 3,000. When you give two chains of land more to a section than there should be, when you come to the last section you are not upon the land granted. The plan of surveying adopted in Michigan, in America, is, the principal rivers, creeks, &c., are surveyed and the feature of the country correctly laid down; the principal roads are traced out, then the land is marked out to suit the natural boundaries, as near as possible.

47. What instrument do you consider the best to work with in this Colony? The theodolite.

48. Would you use it here? You cannot use it now, for you have to use the needle to check it in finding out old boundaries.

49. If you are obliged to use the needle, which is the best instrument? I have one, I think the best I have seen, it has a circumferentor with a needle seven inches long.

50. The larger the needle the better? Yes; it is divided into half degrees, has a vertical revolving telescope, and three levels.

51. It has all the advantages of the theodolite as well as a large needle to work from? It is cumbersome, but it is a beautiful instrument for laying out allotments, for you can lay them out to an inch.

52. Have you had much experience of the license system? No, I have not. I have seen a good deal of it.

53. What is your general opinion of the license system as now carried on? My opinion is that it can never work well. One man is placed in a very difficult district, a mountainous scrubby place, where he cannot earn enough to keep his men and himself, and another is in a fine country that he can get over his work very rapidly.

54. Do you know of one officer having made something like £3,000 in a year? Yes; I knew that gentleman when I was up the country; I was there at the time, and heard he had made that sum of money. The fees ought to be regulated according to the kind of country a man had to travel over, because one man may get a fine open country, while another may have a difficult country, where he can earn nothing. I have taken contracts myself for surveying, sometimes I have made a very good thing of it, at others I have lost money. The surveyor to whom I have just referred was a licensed surveyor, and he had three surveyors to work for him.

55. You would, I presume, recommend that if the license system be continued it should be under proper supervision? Decidedly; there is now no supervision at all; every one does what he likes. If a man is dishonest, he can say the work is done, and furnish a description of land he has never seen.

56. Are you aware that all practical men who have been examined on this subject, not only by this Committee but before the Board, object to the license system, and that all the office men recommend it? I am not aware of the fact, but office men may know a great deal about it; they can talk the thing over, though they have never had any practical experience of surveying. Surveying is a very easy thing to do, and that is the reason there are so many mistakes; a man who has been working all his life is more cautious than a young man who has not been three times in the field. A young fellow says, "I am surveyor; I can do this or that," which an old surveyor accustomed to the business would not venture to do.

57. What, from your experience, do you think would be the best system for the general survey of the country? My decided opinion is, that the present system of appointing district

- trict surveyors is a very good one, because he need not go over the work, but may check it by means of two or three diagonals; he can plot his lines, and see whether they fit on it or not; that is the only system which ever will be carried out in this country with success. C. E. Langley,
Esq., C.E.
11 Aug., 1858.
58. Suppose the contract system were adopted, with a supervision of that kind, do you think it would be done cheaper and better? It would be done better, for nobody would undertake to do the work but a surveyor, when he knew there would be a check, and that he would have to do the work over again if it were incorrect.
59. Do you not consider, that in order to be able to supervise work in that way the officer should have had considerable experience in the Colony? No doubt he should be a practical field surveyor.
60. Have you seen the list of those who have been made licensed surveyors lately? Yes.
61. Do you think sufficient care has been taken in making these appointments? It is a very difficult thing for me to say; but I think there are plenty of persons to be found who have the requisite experience, and I think it very wrong to send an inexperienced boy into the bush who has never been in the bush before; he may be very clever, but I think it is running a great risk.
62. You do not think young men who have been employed six or seven years in drafting, who have been in fact educated in the Survey Office without having been in the field, are capable of carrying out the duties of surveyors? I would not say that, but I would not trust them myself. Government may do so, but I would not, as I should be responsible for them if I did.
63. Are you aware that there never has been any responsibility? Yes, and that is the reason so many blunders have been made; it will take at least five and twenty or thirty years to set this Colony straight as respects the survey; it will have to be done over again, every bit of it, and before long Government will have to issue new grants for many that have been issued. There is one place I would not go to for ten guineas a-day, near Pennant Hills. There are few starting points there, and there are slips of land three chains wide between some of the grants. In the Illawarra district there is a most extraordinary variation of the compass from local attraction; I found in following one line that it was 5° 11' out. I did not know that there was any attraction until, when I was about two or three miles away, I found that I was leaving the property altogether. I took back sights, and found there was a variation both ways.
64. *By Mr. Aldcorn:* What was the nature of the country there? A red kind of whinstone—volcanic.
65. Do you think the contract system, with proper supervision, the best and cheapest for the Government to employ where a great deal of land is to be surveyed? Yes, I do, decidedly; because I have tried it myself in America. We were obliged to furnish our field-books every Saturday night, and leave them until Tuesday.
66. What is the system generally adopted in America? The contract system. I served my time to the States Government as engineer and surveyor.
67. Are meridian lines generally laid down in the American States? The lines are run between the States, which are considered as stationary lines, and everything is worked from them.
68. *By the Chairman:* They take the trouble of putting down landmarks in large surveys, and these are all considered as starting points? Yes, and no one would dream of disturbing them. If it is a square allotment, the pillar is square; if not square, the stone is cut to point in the right direction.
69. Have you ever seen work reduced and put into a general map by the camera lucida? No. If it could be done to a scale I have no doubt it would be a beautiful process; but I think the difficulty would be in the perspective, for one part would be on a different scale to another.
70. Have you any further suggestions to make to the Committee? There is one thing I would mention with respect to the roads. There have been roads laid out in this Colony which all its wealth would not make. The plan adopted in Canada is to lay out the roads first, and then to lay out the land at the side of the roads.
71. Do you not think the district surveyor, who should be well acquainted with the topography of the country, should have something to do with the roads? Yes; he ought to direct the laying out of roads, and everything connected with them.

FRIDAY, 13 AUGUST, 1858.

Present:—

MR. WHITE, | MR. MORIARTY,
MR. FORSTER.

G. B. WHITE, ESQ., IN THE CHAIR.

Fredk. James Naylor, Esq., called in and examined:—

1. *By the Chairman:* You are senior clerk in the Crown Lands Management Branch of the Survey Department, are you not? Yes. F. J. Naylor,
Esq.
13 Aug., 1858.
2. You were formerly—for some years before the amalgamation of the departments—in the Crown Lands Department? Yes, since the year 1850—the first of January 1850.
3. Can you give us a general outline of the duties at the present time? Do you mean as to my own work, or as to the business of the department?
4. The business of the department? It is to control the work of the Crown Lands Commissioners in the various districts of the Colony.
5. Does the department itself not invest you with responsibility? Yes. We act upon the information of the Commissioners generally; they are the officers in the field who give the information.

- F. J. Naylor, Esq.
13 Aug., 1858.
6. Does the responsibility rest with the department, or with the officers in the field? With the head of the department in Sydney.
 7. How many clerks are there under your direction? I cannot say that there are any actually under my direction; they are now under the direction of the Chief Clerk of the Survey Office, Mr. Halloran; five is the number.
 8. There are five clerks connected with the Crown Lands Department? Yes.
 9. The two departments are entirely amalgamated now, are they not? Yes, I believe they are.
 10. Do you know whether the official correspondence generally has increased or diminished since the amalgamation of the departments? Increased, certainly.
 11. Has it increased during the last eighteen months or two years? Yes, I think so.
 12. Will you give us a sketch of the routine which the correspondence ordinarily follows on the subjects connected with the ordinary business of the Unsettled Districts? Taking one letter?
 13. Taking one letter as a specimen? Taking one letter which reaches the office from a Commissioner on the subject of a run, it comes first to the Chief Clerk, Mr. Halloran; it is opened by him and sent to the Record Clerk, Mr. Armitage, to be recorded; it then goes back to Mr. Halloran, if he wants to see it, and he sends it to the Chief Commissioner of Crown Lands; then it comes back to me most likely through Mr. Halloran again for a history of the case, which of course I have to give; then it goes back to the Chief Clerk again; if he agrees with my minute upon it he initials it and sends it back to me to get a letter written upon it, or to write it myself.
 14. Is that an illustration of the general system? It is an illustration of the general system in reference to letters.
 15. Are your minutes confined to histories of cases, or do you enter upon the subjects? I enter upon them too, of course, if I am asked; but sometimes I am only asked to send up the former papers in the matter. Sometimes I am asked to write a *precis* of the case.
 16. You do not as a general rule give opinions upon questions of law? No; only when applied to. That happens, though, very frequently.
 17. You very frequently are applied to? Very frequently, indeed.
 18. As to the bearing of the law? As to the bearing of the Crown Lands Regulations.
 19. And in those cases are sometimes involved the rights of individuals? To a very great extent.
 20. As a general rule, whose minutes are embodied in the letters which are sent from the office to the Government or to private individuals? Well, I should think the larger quantity of them now are minutes of Mr. Halloran. A very great number of the cases are very simple, and do not require very elaborate minutes.
 21. Do differences of opinion frequently occur between yourself and Mr. Halloran? Sometimes we differ in opinion; but I generally see him and talk to him about it, and say where I think he is wrong.
 22. Of course in such cases your view will be overruled? Not always.
 23. Can you tell us what description of cases are usually forwarded to the Government for decision—what kind of cases are usually disposed of in the office—is there any rule? There is no rule. It depends entirely upon the head of the department. Cases he thinks ought to be brought before the Minister for Lands and Public Works are those that touch upon the regulations and laws regarding Crown Lands; anything of that sort would go before him. Simple cases he always deals with himself. "Simple cases" I ought not to say perhaps, but cases which do not exactly go far into the Laws and Crown Lands Regulations. The question as to refunding rent, reversals of forfeitures of runs—questions of that sort are always brought before the Minister for Lands and Public Works from the office.
 24. And all questions involving points of law and regulation? All questions of that nature.
 25. In point of fact none but cases of minor importance are dealt with at once in the office? I would not say of minor importance only.
 26. Well, questions which do not go very far into the law? Yes, questions which do not require you to go far into the bearing of the regulations and the law.
 27. Can you say whether in these latter cases many find their way to the head office in the shape of appeals from the view of the department? I do not think there are many.
 28. Do a great number of cases which comprise the office's correspondence go to the head office, or are they dealt with at once? They are dealt with at once—the greater number.
 29. What is the routine followed in cases which have to be submitted to the Government for decision? A minute is written by the Chief Clerk, Mr. Halloran; he submits it for the approval, or otherwise, of the Chief Commissioner, and it comes to me to be embodied in a letter. That letter is sent to the Secretary for Lands and Public Works.
 30. And then a letter is written back? Then a letter, of course, is written back to the office, and upon that further action is taken.
 31. And in the event of the case not seeming to the Minister complete for decision it is referred back? Yes.
 32. And there is a letter answering that again? There is a letter answering that again. It might be that in the meantime reference is made to the Crown Lands Commissioner, or some officer of the department.
 33. Does it often happen that cases are referred back for explanations and reported on, and referred back again for explanations and then reported on? It sometimes happens.
 34. Are there not marked cases, in your knowledge, in which correspondence of that nature has been going on for a considerable time between the Minister for Lands and Works and the Surveyor General? The most marked case I remember is that case of Hardy's, in the Lachlan District, about runs on the Merool Creek. There was a very considerable correspondence between the Minister for Lands and Public Works and the Chief Commissioner of Crown

Crown Lands. I remember a case by-the-by a long time ago in the Moreton District, in F. J. Naylor, Esq. which there was a correspondence between Pearce and Reeves and the Colonial Secretary and the Chief Commissioner of Crown Lands about the "Crow's Nest" run.

35. You do not remember anything of recent occurrence? I do not remember anything that there has been any great correspondence about lately. 13 Aug., 1858.

36. Are cases of intrusion on squatting runs of common occurrence? Yes.

37. How are they dealt with? The persons who complain are now usually told that it is a matter between themselves and their neighbours, and that the Crown has no power to interfere.

38. I speak of intrusions by unauthorised persons? They have not been lately numerous.

39. Such cases for instance as were formerly dealt with by the licensee being authorised to file informations? I do not remember a case of that kind lately; the only case I remember (and it is one I have mentioned) was that in which Messrs. Wise and Marsh obtained a run on the Merool Creek, which Hardy had occupied. The only way the Crown was able to act then was by an action in the Supreme Court. The action was tried at Goulburn.

40. You know it was the practice formerly when a person took an authorised possession the Crown authorised him to check intruders—that has not been the practice during the last two years? The Crown now say that they have no power to do it since the inauguration of the New Constitution Act, or rather since the repeal of the Waste Lands Act.

41. That has been a matter determined by law since that very time? I believe so. There was a question raised whether there was not some old Act which would authorise the Crown still to exercise the same power, which you will perhaps remember—some Act of King William IV.

42. I remember it was decided that the Crown had no authority to deal with intrusions. Now, can you state of your own knowledge whether any case has been submitted to the Government? There have been cases, but I cannot now remember the names of the parties; I have no doubt I should be able to hunt them up.

43. Can you state whether this is the fact:—whether, after the Surveyor General having applied to the Government for an authority for the summary removal of an intruder, and that authority being refused on the ground of there being no law to authorise it—within a short time subsequently a similar course was taken with regard to another case? No, I do not remember it.

44. Are there any instances of disputed boundary of any importance? Yes.

45. Are there many? Several. As an illustration, I can mention one. In the district of Wellington, at a place called Cumbooglecumbang, Mr. Brewster is the licensee of the run now; his neighbour claims a great deal of land which he considers to be a portion of his run.

46. Is there any rule or arbitration for the settlement of such disputes? The Commissioners have instructions how to act in such cases.

47. Are those instructions ever acted upon? Yes; where we have Commissioners and where they can make the persons who dispute meet. The difficulty is to make them meet.

48. They have instructions, but the difficulty is to enforce these instructions? Yes, the difficulty is in enforcing them.

49. Is any attempt being made in the case you speak of to enforce these instructions? Yes. The Commissioner was instructed some months ago to act under orders, or at least under a circular as to the settlement of these cases, and he appointed a time to meet the parties who disputed. At the appointed time they did not meet. Then in the ordinary way he would have had an arbitrary power to have the boundaries fixed within three months; but nothing was done.

50. But if a party does not choose to abide by his boundary? He has power to fix the boundary if after giving notice the parties do not meet.

51. But suppose the parties do not abide by it? I presume the Crown would abide by the Commissioner's decision. However, in the case I mentioned the Commissioner was removed from the district.

52. Can you supply the Committee with a memorandum, appended to your evidence, of the number of runs assessed and remaining to be assessed in each district at the present time? Yes. (Vide Appendix A.)*

53. In those districts from which the Commissioners have been removed have any instructions been issued for the assessment of runs remaining unassessed? Full instructions have been sent to deal with those cases and all other cases, to three, out of, I think, five of the surveyors who have been appointed to act as Commissioners, but I do not quite see how they are to attend to it.

54. From your knowledge of the labor connected with the determination of boundaries and the assessment of the capability of runs, as you have gathered it from the office correspondence, do you not think where such a duty exists it will be necessary to employ the whole time of the officer? Decidedly, for a time.

55. Supposing it to be conscientiously performed? Yes; I always suppose them to perform their duties conscientiously.

56. And you think that those duties in districts from which Commissioners have been removed will employ the whole time of the officers? Yes, for some time to come. They have so far to go, so much ground to get over, and they have to waste so much time in appointing meetings—in getting people to meet who are interested in the matter.

57. Connected with the gold fields beyond the boundaries, and the control of the Native Police being removed?

58. Is that business transacted by the Lands and Works Department? The Native Police by the Inspector General of Police: the Gold Department by the Minister for Lands and Public Works.

* Witness failed to supply this Appendix. (Vide Minutes of Proceedings on 1st October, 1858.)

- F. J. Naylor, Esq.
13 Aug., 1858.
59. What course is followed in the tenders for new runs now? The tenders are opened on the first Monday in every month by the Land Board. The Board meets to open them. The tenders which they think are objectionable they reject. Those which they consider to be in the right form are entered in the Record Book, and abstracts of them sent to the Commissioners of Crown Lands for reports. The Commissioners make these reports for the information of the Land Board. The Land Board, acting upon these reports, usually either recommend them for acceptance or rejection. The final disposition of them is with the Secretary for Lands and Public Works and the Governor General.
60. The report in every case is made by the Land Board? In every case. Reports on the tenders are written by me for the information of the Land Board.
61. How do you mean for the information of the Land Board—do you mean reports which the Land Board sign afterwards? Which they sign or alter. I endorse upon a tender, according to the report of the Commissioner, what is thought to be the reason either for rejection or acceptance. This is brought at the monthly meeting before the Land Board, and upon this they act.
62. Then you draw up the reports of the Board before the meeting? I draw up the report for the Board to look into before the meeting of the Board.
63. In what form are these reports drawn? In the shape of a minute for the Land Board to decide—in the way it has always been done.
64. And these minutes are prepared by yourself, not under direction? By myself. That business has usually been under my charge.
65. And as a general rule are your reports questioned? No, I think not.
66. In point of fact, that business is conducted by you; the reports are drawn up by you before the Board meets, and your reports are rarely questioned? No, not in one case out of twenty.
67. Are tenders numerous now? Very numerous.
68. They are increasing? Increasing, decidedly. There were 124 on the first Monday of this month.
69. There has been, I think, no new country opened lately, has there? No; but there has been a large number of applications for land in new countries. However, those of course have been rejected at once.
70. Applications for land in new countries beyond any Commissioner's district? Yes; a great many tenders are sent in for land on the Burdekin River.
71. Can you give us an estimate of the number of tenders for land in these new districts? Of those that are under reference and undisposed of—in every one of the districts they are very numerous. In one district alone—the Leichhardt—there are four hundred.
72. Only four hundred? The last return showed three hundred and ninety-six. That is only in the Leichhardt District.
73. Have any instructions been recently given to get rid of the tenders called speculative tenders? There was a letter written about July, 1855, giving full and clear instructions to the Commissioners upon the subject.
74. And has the subject been taken up since? Oh! yes; the Commissioners have been told more than once to expedite these matters—to report upon the tenders as fast as they can.
75. The instructions you speak of I suppose were written upon the memorandum you showed me the other day? Yes.
76. Have these instructions been acted upon to a very great extent as regards speculative tenders? No, because it has been found out of the question—impossible—to do it.
77. Why? As the Land Board and the Government have insisted upon every tender being dealt with upon its own merits.
78. In what respect does that involve the impossibility of carrying out the instructions? If a person has applied for land—very often though he may not have ever been out and seen the land, although he may have no intention in the world of occupying it—if he shews clearly what land he means, and somebody else applies for the same land at the same moment, who has been there and seen it, and the man who has not been offers one halfpenny over the other, he must get it, although it is an entirely speculative tender.
79. Do you think it possible for a person who has never seen the country, and never been on it, but who has had it described to him only by some person who has been there, or who may tender from a map, we will say, can so describe the country as to leave no doubt whatever of its identity? Sometimes they get information from persons who have been there. Sometimes they can go by the maps. They may be wrong or they may be right, of course, but where it happens to be right it makes it then so hard to deal with the case.
80. But do you not think that their happening to be right is an infrequent occurrence? Yes; I think they would be much more wrong than right.
81. Can you supply a copy of the minute in question? Yes. (*Vide Appendix A.*)
82. It was mentioned to me the other day that there were two or three cases of very large moment in the Northern Districts undisposed of now, one case in particular? Do you allude to Palm Tree Creek?
83. No, a matter upon which there has been frequent reference by Captain O'Connell to Mr. Halloran? I do not remember it at this minute.
84. The case of Palm Tree Creek is still undisposed of? It is still undisposed of. The Commissioners and the Land Board are not able to agree as to the true Palm Tree Creek, or rather, the real Palm Tree Creek.
85. Do you remember how long that case has been pending? I think since 1855.
86. Do you remember looking into that case at all in 1856? Yes.
87. Do you remember a memorandum of mine in 1856 or the beginning of 1857? Distinctly.
88. Do you not think that if that had been acted upon the case would have been disposed of? I think if the instructions issued then to the Commissioner (which were advised in the minute) had been made definite, the case must have been disposed of.

89. It would have been brought to issue, at any rate? It would have been brought to issue, F. J. Naylor, Esq., certainly.
90. There was a practice in existence some years ago—I do not know whether it still exists—by which parties mortgaging or wishing to mortgage their ruus to Sydney merchants could, by leaving an incomplete transfer in the Crown Lands Office, and having it recorded, have it mortgaged in point of fact—is that still in existence? I do not know of any such practice myself officially. Transfers have been left in an incomplete state for a year or two years. 13 Aug., 1858.
91. To a large extent? Yes; privately, I do know such a thing has existed.
92. When you say “privately” you mean that the thing has come to your knowledge in the office, although not in an official shape? Yes. Persons who have brought in their applications for transfers have asked us not to have them made out, because it was done by way of mortgage, and they have failed to go through some form which was necessary to make the document complete.
93. Which form could be supplied at any moment? Yes, by either party.
94. Do you not know that that practice is a great convenience? It must have been a great convenience.
95. Have you heard any complaints of a number of cases of that kind having been taken up by the office, and dealt with, without the parties being consulted? It was determined, after consideration, to push to completion all incomplete transfers; but I have heard of no official complaint.
96. Then the practice of allowing transfers to remain incomplete is not sanctioned by any office rule? No; it is rather discouraged.
97. Are there many outstanding leases under the Orders in Council brought into the Settled Districts? Yes.
98. Is the pre-emptive right still attached to these leases? Yes; the pre-emptive right of purchase over improvements and sections contiguous to the improved sections.
99. Is it not a regulation that the pre-emptive right should cease at a certain time? Those were for lands held for other than pastoral purposes. I am alluding now chiefly to lands brought within the Settled Districts, such as the County of Stanley.
100. Do you know whether the claims of Sharpe, of Grafton, are outstanding still—they have led to great discussion? Yes, the claim of Sharpe, for lands at Grafton improved by him, is still outstanding.
101. Do you know the date of his application for those lands? It is far back. The first application was made some four or five years back. The greater portion of his applications have been settled, and he is in possession of the land applied for. However, Sharpe’s was a case entirely peculiar: a case of that sort might not happen again.
102. Do you not think, from your knowledge of the office business, that it would be very much simplified if that branch with which you are connected were placed under the immediate direction of the Under-Secretary—if it were attached to the Ministerial office, in fact? I have always thought, and do still think, that the Crown Lands Office should be an office by itself.
103. Do you not think it would be an immense saving of time and labor if your branch were detached from the Survey, and attached to the Ministerial department? I think it would be a great saving, and a better arrangement.
104. The nature of the business is such that no inconvenience would arise from its being removed from the Survey branch? I think so, decidedly; holding still to my own idea, which I have expressed very frequently, as to the Crown Lands Office being an office by itself.
105. Have you seen any marked cases of reports upon important general subjects addressed to the Surveyor General, accepted and adopted by the Surveyor General, and addressed by him to the Government, without any acknowledgment of their source, or without the original document being forwarded? I do not quite understand your question. If you allude to any one case I shall be glad to —
106. Can you name a case in which such a thing has occurred as a report from a subordinate officer upon a general subject—making suggestions upon a general subject—being transferred *literatim*? Not *literatim*.
107. *Verbatim* or abridged? I remember one case where a report was made by an officer, and had been used, and where the letter itself had not been sent off, and the name of the subordinate officer was not used.
108. And the suggestions were adopted? The suggestions were adopted.
109. Can you describe the correspondence in that case. It has been asked for, but not furnished yet. Can you say the subject of it? Can you mention any case?
110. Take the case of dealing with improvements? There was a letter written, or a minute written, by a Commissioner of Crown Lands in the New England District, saying that certain things ought, in his opinion, to be done, and a letter recommending these same opinions to be adopted was written to the Secretary for Lands and Public Works.
111. And the original letter was not forwarded? The original letter was not forwarded, as far as I can remember; in fact, I have no doubt it was not forwarded.
112. Nor the author of the suggestions alluded to in any shape? As far as I remember he was not.
113. Do you know any other occasion in which that has occurred? I do not remember any other at this moment; perhaps my memory might be refreshed.
114. *By Mr. Forster*: The survey and management and sale of Crown Lands are all under one department, are they not? The survey and the management. The sale, I would not answer about that—it is a thing I hardly know anything of.
115. But it is not conducted by any other department? I am not quite sure of that.
116. Well, at all events, the administration of the Crown Lands is all in one department? Yes, the general administration.

- F. J. Naylor, Esq., 117. Can you tell the Committee how many supervisors of the department there are—meaning by this, officers employed not to do work, but to superintend the work of others? In what branch?
- 13 Aug., 1858. 118. In the whole, how many heads of the department have you got that are not actually working? They all work; but as to the number—in these *heads* do you count the Chief Commissioner of Crown Lands?
119. I include everything—including also the political head of the department, from him downwards? It would take time to make out the return.
120. Cannot you say in round numbers how many superintendents the department has? Going down from the Secretary?
121. Going down from the Secretary—who have not to work? I think that all clerks have to do work; I know I have.
122. I don't allude to clerks, but to superintendents, not only of the department, but of every branch? It would be rather a nice thing to calculate. There is the Minister for Lands and Public Works.
123. That is one? The Under Secretary of Lands and Public Works under him; the Chief Clerk under him; then there is the Surveyor General; then the Deputy Surveyor General; then there is the Chief Clerk, Mr. Halloran; and then there is the Chief Draftsman, Mr. McLean.
124. That makes seven. He is the superintendent of draftsmen? Yes.
125. Is not the Chief Commissioner one? He is the same officer as the Surveyor General.
126. Then you make out seven heads of departments in round numbers? Seven heads in the way you allude to.
127. *By Mr. Moriarty*: Is there not a Land Board? There is a Land Board.
128. *By Mr. Foster*: Now, from what you know, do you think it requires so many superintendents? I think not, decidedly.
129. Do you think the work could be more effectively done if there were fewer superintendents and more working men? I think if the whole management of the Crown Lands, whether Survey or otherwise, and the Department of Lands and Works, were joined, it would save a great deal of labor, and do away with a great many superintendents; and there you might make a saving.
130. Do you not consider that the expense of the department proceeds a good deal from the salaries paid to these superintendents I have spoken of? I think that if some officers who hold these offices were paid less, and the juniors, on whom is imposed the work, were paid more, it would be much more satisfactory.
131. What do you mean by satisfactory—of course it would be satisfactory to the juniors, but do you think the public would benefit by it? I think there is no need for so many heads.
132. Can you give any idea of how many heads you think would be enough? Do you mean for one office, or the whole management?
133. I mean altogether. You have told the Committee that there were seven heads (or what we are terming general superintendents)—how many of these do you think you could dispense with? If the offices were joined, you could dispense with about three or four of them.
134. Can you say on what principle the salaries are paid to these gentlemen—is it for the actual work they do, or the responsibility, or to keep up a dignity? It is not to keep up the dignity.
135. You think that is kept up sufficiently without salaries? It is a thing I have not thought of. I think more of working between nine o'clock and four o'clock.
136. Can you say on what principle these salaries are paid? I think it *has* gone a great deal more by length of service than by actual efficiency.
137. Then you think by the condensation of the department, or of the branches of the department, the whole might be rendered more efficient? I think so, decidedly.
138. Do you think that any of the working men are overpaid—I mean the working clerks? I am sure they are not.
139. Do you think they get enough? There are some instances where they do not get enough. I can mention one instance in the office in which I am: a clerk who has been there ever since the year 1852, who works hard, and has worked harder perhaps than any other clerk there, and who has been trying for extra salary for two or three years past, and has never had his claim recognized in any way. I think his case is one in which the claim ought to be recognized; I allude to a gentleman of the name of Marsh.
140. *By Mr. Moriarty*: Is it not the peculiar characteristic of the branch of the service to which you have been attached that no promotion at all was permitted during a number of years? Promotion was seldom.
141. Do you remember how many promotions occurred during the last eight years? I do not recollect the exact instances. I know as to my own case: I went into the office in 1850, and it was about 1855 before I got any promotion.
142. Was not your promotion the result of accident to you? It was the result of accident.
143. *By Mr. Foster*: Do you think any of these heads of the branches of the department whom I have called by the name of superintendents, in order to indicate them briefly—do you think any of them are overpaid? I am always glad to see all officers of the Crown highly paid, and I think that they ought to be.
144. But upon what principle is a man paid more—the Head Secretary for instance—than the working clerk under him? Because he has more upon his hands—at least it is thought so; and he has more work for the mind, and his responsibility is greater.
145. Do you really think his responsibility is greater? My own opinion is, that some of the lower clerks have as much responsibility as the higher clerks.
146. Do you think there is any sound reason why the Head Secretary should get more than the clerk immediately under him? Yes.

147. Will you state what you consider the reason? I think there ought always to be grades F. J. Naylor,
of pay and grades of office in the department. Esq.

148. But does not that involve the idea of superior dignity, which you do not think ought to enter into the consideration? Dignity I do not look at at all, I do not believe there is any idea of it. 13 Aug., 1858.

149. Then what is the meaning of this notion of grades—Is it requisite, in order to make the public service more efficient, that there should be those grades? If there were a regular system of grades, and as fast as one of the higher grades became vacant, or the officer left, the next highest (if he were able to do the work well) took his place, I think it would hold out great inducement to persons entering the Government service.

150. We will suppose now one of these offices—of Head Secretary—vacant, do you think there would be any difficulty in filling the place at the same salary? At the same salary I think you might have any office under the Crown sold for half the pay which is offered if you offered them in the reverse way that you lease runs, and let the lowest bidder have them.

151. But that might bring them into hands that are not efficient. I am speaking of persons capable of performing the duty—do you think if a vacancy occurred in any of these offices that there would be any difficulty in filling them for the same salary, or a lower one? No.

152. Do you not think that the applications would be very numerous? I am sure they would.

153. Do you not think the offices might be filled at considerably less salary by persons quite capable of doing the duty? Not a very great deal less.

154. But still at something less? Yes; you would always find persons who are anxious to enter into the service of the Crown, and £50 or so would not be to them a very great object.

155. But then, would efficient men be got at a lower salary, men who could do the duty and undertake the responsibility? If you took the pay at a certain standard,—say you have a man doing a certain duty, and receiving £650 a-year, and you say if he leaves can you find other people to do his duty for £600 equally well, I say yes.

156. But you could not apply this principle to the lower offices? No, I do not think any man would then give a halfpenny to go into them if the salary was decreased.

157. If the lower offices were vacant you would not find people to take them? No.

158. Or likely to take them? No. I think there is more inducement in every way than to accept offices of the lower grades.

159. But what is the lowest salary at which you think an unmarried man could live on in Sydney, in that condition to which he is supposed to belong, or in that style which he is supposed to keep up? I do not think he can live at all under £300 a-year.

160. Well, supposing that the average condition of clerks is that of married men—and we must allow an average family—what do you think, then, taking that element also into consideration, is the salary which a man could afford to live on—making an average allowance for children? A man with a wife and three or four children could not live upon less than £400 or £500 a-year; but if clerks will have wives, of course they do it at their own risk.

161. But don't you think the public service ought to make provision for the average condition of human life? I think the public service ought to get the best officers they are able to obtain, and to pay them at an average, fair rate, without any idea of their condition as married men or single men.

162. But supposing that it was found cheaper to pay unmarried men altogether, do you not think the public service would in that case be deprived of many useful married men? Decidedly.

163. Do you think it would benefit by excluding married men, as a rule? I would not exclude anybody.

164. But if it is necessary to admit married as well as unmarried, is it not necessary then to take, as an element in considering the salaries, the average condition in which gentlemen of that rank or condition would live? In considering the salary, I should consider the office first. I should say, here is a certain duty to be done, a certain office to be filled, it is worth so much; and I should appoint the best officer I could get to do the work, let him be married or single.

165. But then if the salaries were cut down to that basis at which married men could not live, it is evident that none but unmarried men would accept these offices? I certainly say again, I do not think the Crown has anything to do with man and wife.

166. I admit that in individual cases; but as a general rule, is it not necessary to make provision for what is usual? As a general rule in the service, I should provide for the office and not for the man.

167. Well, if you followed that rule rigidly out, would it not tend to the exclusion of married men? No, because there are high salaries as well as small.

168. In that case, you think no special provision ought to be made for married men—that the probability of a number of men being married should be taken into consideration in fixing the salaries—don't you think that is reasonable? I do not think so.

169. Would not the carrying out of your rule rigidly exclude married men, at all events from a certain rank? It seems not, because there are men now with wives and families living upon about £250 a-year.

170. Well, if they do live on that it is rather against what you are saying—I thought you said they could not live on less than £500 a-year? As they ought to live. Some men can live upon anything almost.

171. These men who live upon £240 a-year, do you think their life is a miserable one? Yes.

172. Both for themselves and their families? Yes. There was one officer, some two or three months since, mad enough to get married on £150 a-year; but because he chose to do that I see no reason why he should receive the pay of £500 a-year.

173. Then you don't think that much good could be effected by cutting off any salaries, the upper

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upper or the lower? I have an opinion of my own upon the higher salaries, certainly; and by the higher ones I mean those that I consider to be really high.

174. *By Mr. Moriarty*: These you speak of are engaged in matters—or the majority of them—of which you have no official experience? No, no official experience; I speak of them merely as they are.

175. *By the Chairman*: It is your opinion, I think, that the officer who has charge of the public lands of the Colony should be a Minister of the Crown? I think so; but that is an opinion I offer with very great deference.

176. Is it your opinion that the head of the service should divide his duties in such a way that there should be three or four officers having charge of the different branches of the service, instead of being obliged to have every thing through the Chief Clerk of the department, as you now have, as well as through the head of the department? I think that every office ought to be made into two or three branches under the head officer—which, of course, makes no higher pay—and that the head of every branch should be responsible for his own portion.

177. When you get your evidence to correct, if there is any thing you think of that will be useful to the Committee will you be good enough to add it? I should have been glad to have entered at length into what I, with great deference, consider the most economical and satisfactory way of controlling the management of Crown Lands—for it is to this alone that I have directed my attention; but as I know, by report, that the Committee have examined my superiors in office, and others much more capable of forming a just and proper opinion on the matter than I, I refrain. I would at the same time respectfully express my anxiety to be useful in any way in assisting the Committee as far as my ability allows me.

APPENDIX A.

*Crown Lands Office,
Sydney, 13 July, 1855.*

Sir,

The rapidity with which tenders for new runs have accumulated in the new districts recently opened to the northward, as compared with the extension of occupation into those districts, renders it necessary that your attention should be directed at once to measures having a tendency to prevent abuses of the present system of location, which abuses, if not guarded against, are likely to produce difficulties hereafter, and dissatisfaction to those who are unable to obtain country for their stock at present.

2. No doubt the disproportionately small rent charge to the value of the country in the present circumstances of the Colony has led to a great deal of country being taken up not really required by the applicants; and again, the adjacent districts not being as yet completely overstocked, the stockowners are not driven to take up new runs, at the risk of the uncertainty of tenure which must exist, until all the tenders are disposed of. But it is greatly feared that very many tenders have been sent in which, on examination, will be found to be quite speculative, and to get rid of these should be the first step towards the settlement of the district.

3. It will be advisable to reject at once all tenders not clearly conformable to the Regulations, both as regards size and shape of the runs applied for, distinctness of description, &c.; and as all tenders clashing with one another will also be rejected, and the runs offered to competition as adjusted, those who really require the country, and who being directly interested would naturally be anxious to comply with the Regulations, will be enabled to secure the runs explored by them, and taken up by their stock; while, on the other hand, those applicants who have sent in tenders upon imperfect information, and who are invariably found to be the most rapacious in their attempts to monopolize country, will be passed by.

4. I have, therefore, to direct you to lose no time in reporting upon tenders for new runs which have severally been sent to you, bearing in mind the following general rules:—

1. All tenders which are found upon examination of the country to be in all respects unobjectionable, should at once be recommended for acceptance; every day's delay involves a loss to the revenue, and prolongs the uncertainty, which checks occupation. When country is once under a rent charge, its occupation will very soon follow. It would, perhaps, be well that those runs which have been stocked at the occupant's risk should first be dealt with.
2. All tenders not conformable to the Regulations in regard to distinctness of description, &c., should at once be recommended on those grounds for rejection.
3. All the tenders which clash should be adjusted, and the descriptions of the adjusted runs submitted for advertisement.
4. Upon the activity displayed by the Commissioner on the first settlement of the district, depends whether it is to become, when more thickly stocked, a theatre of litigation and embarrassment, or of regular and unceasing productiveness, and at no time are evils so great likely to creep in under a loose or tardy administration of the system.

I have, &c.,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

The Commissioner of Crown Lands.

WEDNESDAY,

WEDNESDAY, 18 AUGUST, 1858.

Present:—

MR. ADLORN,
MR. FORSTER,MR. MORIARTY,
MR. WHITE,

G. B. WHITE, Esq., IN THE CHAIR.

Frederick William Birmingham, Esq., called in and examined:—

1. *By the Chairman:* You are employed in the Surveyor General's Department? I am.
2. How long have you been employed there? About three years and a half—since the 20th April, 1855.
3. In what capacity have you been employed? In the office and in the field; I have been employed as a draftsman, and afterwards as a licensed surveyor.
4. You were at first a draftsman in the establishment? Yes. I entered as a draftsman, on trial, with a promise of a district if I could “come into their ways.”
5. Had you been long in the Colony previous to entering the department? From the 27th February to the 20th April, 1855, but previously about three years in Victoria, part of this time in business for myself.
6. You have then had some Colonial experience? Yes, altogether now about six years; from my landing in Victoria in 1852, to the present time.
7. Have you been employed about the towns principally within the Settled Districts? Within the Settled Districts, in fact in the County of Cumberland.
8. You have not been employed in the service beyond the County of Cumberland? No.
9. Were you in the department when the inquiry of the Commissioners took place, the Report of which was printed 23rd November, 1855? I was.
10. Have you read that Report? I read, not the evidence, only the Report as it appeared in the *Empire* newspaper or the *Herald*. I have served under one of the officers who was a member of that Board, Captain Hawkins, in the survey of Liverpool and other places.
11. He is a Captain of the Royal Engineers? Yes.
12. For what purpose did he make the survey of Liverpool—for a civil or military purpose? A general use, but the Borough Engineer of Liverpool, a Mr. Newland, condemned it, and adopted a scale of twenty feet to an inch in his survey of Liverpool for Corporation purposes. The Ordnance survey of the town was on a scale of five feet to a mile. I spent about eight years of my life on the survey of England and Ireland, and I do not see that much good was derived from that survey. It certainly was a very minute survey, taking it as a large mass. I refer to the trigonometrical survey of Great Britain and Ireland; but engineers have thrown it over; they have found it incorrect in many places, and it has been but little used.
13. Can you state any particular instance of incorrectness having been discovered in the trigonometrical survey of the Ordnance? The principal error caused a revision to be made of several of the counties in the North of Ireland. There have been several errors discovered in it. I was draftsman, surveyor, and examiner, and was engaged in gathering statistics on the survey department, and I know—from my own observations, under seven different officers of engineers, namely, Lieutenant Durnford, in Ireland; Captain Bailey, in York; Lieutenant Cameron, on the contour survey of Preston; Captain Tucker, at Wakefield, and again at York; Captain Williams, at York; Captain Hawkins, at Liverpool; Lieutenant Barlow, at Liverpool and Doncaster—that errors did remain after the maps were published.
14. You were employed as surveyor on the trigonometrical survey of Ireland—have you been also employed as a civil engineer? Yes, I have been a civil engineer.
15. What is the general impression of civil engineers with regard to these surveys, are they often taken as data upon which large works are proceeded with? No, they are not. A rough sketch of a country is as good for a person who has not been in the country before. For instance, I know a very incorrect map of the County of Cumberland, Wells' compilation, that is very incorrect, but still it is useful to me, for the Survey Department does not furnish me with any information.
16. As to the features of the country is it useful? It is useful to a certain extent as a sort of guide, but it is not sufficiently accurate to justify an engineer in making any calculations from it.
17. The trigonometrical survey of Great Britain and Ireland extended over a very long period? A very long period. I entered that survey in the West of Ireland in 1838 as a “civil assistant.”
18. I think it was commenced in 1784? A very long time ago; I forget the date.
19. The department was carried on rather expensively? No, it was expensive and inexpensive—two ways—the officers were very well paid and very well treated through the country; the civilians were very poorly paid, as one of the officers remarked—“The more you press the nettle the less it stings you.” It was the practice of the military to ride over the civil engineers and to take all the credit to themselves for work performed.
20. Then you do not approve of the supervision of military surveyors in carrying out civil surveys? No. With regard to military surveyors there is only this to be said, that they have imitated the French, and made a trigonometrical survey of England and Ireland; but nearly all the works they have taken in hand have been erroneous. In the survey of the town and castle of Windsor, (by an engineer officer, an error of five feet in the levels was discovered,) undertaken for drainage purposes, the maps of the town and castle were on a scale of five feet to the mile. I worked on some of these maps in York, under the command of Captain Tucker, R. E.
21. They are, perhaps, more fit for war than for civil purposes? Decidedly; and if they would pay more attention to that, perhaps they would excel, or come up to, the French engineers.

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22. You have had some experience of the license system of survey in this Colony—the Commissioners in their Report recommend that it should be abolished? Because, as I have been informed, Sir William Denison wished to get rid of Sir Thomas Mitchell and his licensed surveyors, and to place Captain Hawkins as Surveyor General. I believe they had no just reason for abolishing the license system, if under proper supervision; as it appears to me the licensed surveyors do the work cheaper than salaried surveyors, and I can give some proofs of it.

23. Do you not think that a contract system would be better than a license system? To a certain extent a contract system would do in a new country, but there must be a responsible staff.

24. You would recommend that with the license system there should be a staff of salaried officers? I think on the whole there ought to be a salaried system, and when there was an overplus of work contracts might be given out, under proper supervision.

25. Do I understand you to recommend the contract system, under supervision? What I mean is this:—that in some places it will not pay a contract or license surveyor to do the work for the Government.

26. *By Mr. Aldcorn:* You mean that there ought to be a party who should be responsible to the Government, and who should supervise these contracts? Yes.

27. Do you not think an accurate survey of the country depends very much upon the experience of the party conducting it? Certainly. A man requires two kinds of experience in a country like this: He requires to be trained in the old country, and then to get two or three years colonial experience. Such a party could of course train the youth of the Colony.

28. You think, however clever a man may be coming from England, he requires colonial experience before he can undertake work in this country? I know that from my own experience; I also know that when I went to America I required some experience before I understood them, although they speak our language, and read our books, and study our works.

29. *By Mr. Aldcorn:* They have different methods from ours? Yes; a new country and an old country are very different in all respects.

30. *By the Chairman:* Who has the appointment of parties applying for licensed surveyorships? I believe the Surveyor General is the fountain head in the department, and he recommends them; but I do not know how they make them.

31. Were you examined by the Board? No, I was not; I do not think they thought it necessary, and, another thing, I do not think there was a Board fit to examine me at that time on sewerage, water works, railways, large surveys, and large scale plans, contour surveys, &c.

32. You are rather in favor of the license system—you prefer that to placing a man upon the staff of the establishment, and appointing him to a district? No. There should be two sorts of salaried surveyors,—one stationary (to be finally turned into “county surveyors”); the other sort movable, and sometimes placed in number, more or less, according to circumstances, under the first class—the stationary class—who should be composed of surveyors who had a camp life for some years; and, as the old ones died or disappeared, the young ones could from time to time be promoted, and the documents of a district might be safely entrusted to such a stationary surveyor, &c., with advantage to the particular district. To understand me, it is necessary that I should mention what I have seen, both in the office and out of doors in the County of Cumberland. I should say there are some parts of the country where the scale of prices would pay a man as a licensed surveyor, and would enable him to make a home in the country; but, in the County of Cumberland, a licensed surveyor cannot live upon the scale.

33. Has the scale been revised lately? The scale is anything they like. In some instances the licensed surveyor is allowed and paid at the rate of three guineas per diem for work that otherwise would bring him in perhaps only £1, according to the scale, for some two or three days labor. This is the sore point in licensed surveying in the County of Cumberland—the surveyor is left to the mercy of any one who may be in power in the office at Sydney.

34. The scale upon which the Commissioners appointed to inquire into the Surveyor General's Department reported is this (*handing the scale appended to the Report to the witness.*) Is that the scale under which you have been paid? Yes; this is it. The gold allowance was reduced from 25 per cent. to 18½ per cent., and has been taken off altogether lately.

35. This is the scale under which you are now working, but the gold allowance has been taken off? Yes, principally, but not in every case.

36. If you had plenty of work, this scale, I think, would pay? It would depend upon the sort of work. Take, for instance, the work I left yesterday—to mark out the boundary of the Parramatta Domain; no tracing was sent, and I lost a day and travelling expenses to Sydney from Parramatta, my head quarters; and so for every little paltry job of £1 or 30s. or so, (of course I must be in possession of whatever information the Surveyor General's Department has, in order to place the survey in its proper position,) and I must, therefore, come to Sydney to seek it.

37. Do they give you no fixed point to go from? No; and in a district like Parramatta, where a man receives but poor profit—in fact, now a days I am losing—it is absurd, having three, four, or five towns or townships in a district—Penrith, Liverpool, Campbelltown, Narellan, &c.—to suppose that a man will go to the expense of £8,000 or £9,000 to trace all the documents relating to towns in his district and the country around; therefore the licensed surveyor has to travel to Sydney on every occasion to get information.

38. I thought the department in every case sent a tracing? No; I offered the party who seems to be acting in that office—the Chief Draftsman—that I would willingly pay for copies of any documents I required, rather than be taken from my business to come to Sydney on every occasion. He said—“I see what you want, you want to shift the responsibility on to us.” I said, “I own that is what I want to do; what is the good of your
“department

"department if you will not be responsible for the documents, and will not send a proper copy when required?" or words to this effect. They would not do it, but I maintain I am right in thinking that the responsibility should dwell with the documents.

39. You could not vouch for the correctness of your starting point by any documents given by the department? No; in the Survey Department they make themselves responsible for nothing. I have to come to Sydney to pick out in the best way I can the information I want; all the responsibility lies upon the surveyor in the particular district in which he may be employed.

40. In the particular district in which you are employed as a surveyor do you find many disputes as to boundaries? Yes; the work that has been done there is very incorrect.

41. And if you get into difficulty with regard to that work, you have to grope your way out in the best way you can, and have no information from the department? Yes, you have to fight your way out; you can get no support from the Survey Department; you have an order to do so-and-so, but have no tracing to assist you; you then have to travel to Sydney, at your own expense, to get the necessary information. Here is a case in point, which shows the absurdity of the present arrangement. I have had two jobs to do at Liverpool, and my bill was allowed at two guineas a day in one case, but in the other it was reduced by two guineas. The items of the bill are as follow: 3a. 1r. 5½p in the town of Liverpool, for which I put down a charge of £6 4s. 8d.; one day to Sydney to get information, £. 2s; that I charge as a surveyor; railway fare, 4s. 2d. In fact I should tell you I intend to give notice of my intention to resign the licensed surveying.

42. But you are still in the service? Yes; but I am about to resign if no alteration is to be made in the present rates. Three fares to Liverpool, 9s.; one day's professional service in the field, £2 2s.; laborers, one at 6s. and one at 5s. Then I have put down ¼ of a day for drawing plan, writing boundaries, description, and letter to the Surveyor General. Altogether the bill came to £6 4s. 8d., and it was reduced to £4 4s.

43. Who has the power of examining your accounts? It is a peculiar department; if you want to arrive at anything, nobody knows anything, nobody does anything, but still it is done. I consider that the Chief Draftsman acts as Deputy Surveyor General, and it is probably this person who examines the surveyors' accounts. The present Deputy Surveyor General does nothing that I know of in this matter; and the Surveyor General does anything that is initiated by Mr. Halloran or by the Chief Draftsman; and the Chief Draftsman, to make himself appear very efficient, likes to take off a pound or two, I suppose, from a professional man, in order that he may get his own salary raised, or something of this sort.

44. Do you think a draftsman is a competent judge of the work of a surveyor in the field? I should say not.

45. A man who has never been in the field can have no knowledge of the difficulties the surveyor has to meet and overcome? No.

46. Do you think any obstacles are thrown in the way of surveyors by the clerking and drafting branches of the Surveyor General's Office? As far as the clerking part goes, I never bother my head much about that. As to Mr. Halloran, who has been, and is, at the head of that branch, he has always been very polite and very civil. The only thing I have to say about him is, that he has been tardy in giving me twenty-five or fifty per cent. on account of my work when I have wanted it. I have sometimes lost two or three days waiting for my money when it has been due; but, in justice to the department, I am compelled to inform you that this state of things has been gradually wearing off, and now (so far as I am concerned) two hours or so suffice to place me in possession of those advances I may ask for: this is a great boon, for which I feel thankful.

47. Do you think the general obstruction in the survey of the country is owing to the difficulties thrown in the way by these two branches of the service? That is not exactly where the obstruction lies: the two branches are there, to be worked for better for worse, by a Surveyor General and Deputy Surveyor Generalship. The colony requires first a sound active Surveyor General, who will not be kept stuck in a room for exhibition as a curiosity, like the Koh-i-noor at the Great Exhibition, or the Tiger at Brickfield Hill. He should be an active man, who would say to the professional men under him, when he met any of them, "Good morning, Mr. So-and-So. Well! what are you doing?" He should be a sort of man that the surveyors could look up to as if he were their father. He should be a sound, practical man, and not too proud.

48. You have never seen either the Surveyor General or the Deputy Surveyor General in the field supervising your work? I do not think they would like to attempt it. I do not think there is one in the office would like to undertake the responsibility of examining the various field operations of the surveyors; but this opinion of mine may be incorrect.

49. From want of capacity? It would be too much for me to say that Colonel Barney did not know how to survey, for I do not know much of Colonel Barney, excepting what I have seen of him during the last three years; but this I do say, that he is not fit to be Surveyor General, and that no Royal Engineer is. As to his Deputy Surveyor General, we know that is at present a blank; some one may be paid for it, but it is a blank.

50. Under proper supervision and arrangement you think the surveys of this Colony could be much more efficiently performed and at less expense to the public? I am certain of it, by putting an active Surveyor General and a proper Deputy Surveyor General into the office.

51. Do you not think there are too many masters about head-quarters? There is too much indifference at head-quarters as to the wants and requirements of the surveyors, and this may create ignorance. I believe that almost every room in the office has a master of some sort; and these masters, so long as Surveyor Generalship and Deputyship interfere but little with their notions, will cause discontent to a certain extent to take place in the office as well as in the field. Some quarrel, or, perhaps I better say, seem jealous and distrustful of each other betimes. This is more prevalent in the clerking, I believe, than in the drafting branch.

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Birmingham;
Esq.
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branch of the office; but as quarrelling and jealousy of position is more confined to the office than the field men, I cannot say how many masters the office may contain—too much.

52. We are very desirous to get information as to the working of the department, and also as to any means by which the efficiency of the department might be increased. What is your idea with reference to the latter point? I will give my idea: The Surveyor General should be a well-educated and independent man, in this way—he should be just in all things, and should not in any way lend himself to injure any professional man in his department simply because some powerful man out of doors dislikes a reply to a political question, or any thing that way; he should be well-trained in the engineering profession, capable of maintaining a proper and just line of professional conduct. In the next place, I believe that in a new country it is necessary that there should be a very active Deputy Surveyor General, a man who has travelled to gain experience, who understands something about engineering works, sanitary works, water works—in fact, everything connected with his profession, so that he could be able to examine anything that came before him in connection with towns or corporations. He should also know on what scale the maps were to be, in order to align streets of towns, take levels, and so on. Such a Surveyor General, and such a Deputy Surveyor General, if they were put into the department, would soon bring it into good working order. As to the office parties—I was in the office some five months and a half, and I can conscientiously say that, although I have been in several offices in the old country—in surveyors', engineers', and Royal Engineers' offices—as a body of men they work their hours faithfully.

53. Do they make work for themselves? Which way?

54. By circumlocution—by creating a great number of unnecessary official letters? There is a great deal of nonsense, form, and stuff attached to the department; but, as I said before, a good and active Surveyor General would alter all that, and would put the clerks and draftsmen in their proper positions.

55. There is a very considerable difference between military and civil engineering? Yes. The military engineers are proud; they seldom condescend to speak with their men, and other such persons, therefore they remain in ignorance of much practical knowledge. Civil engineers "fraternise," and thereby increase their stock. This is the cause of difference between the military and civil engineers.

56. You have been employed in engineering in England? In Ireland, England, America, and these two Colonies, on surveys, on engineering works, &c.

57. By whom are the most important works in the civilised world carried out? By civil engineers, certainly.

58. Do you think the execution of any great public work in England would be given to the Royal Engineers? No; but in England the people are sometimes imposed upon by false representations. A little grant from an enormous revenue can be got, no doubt, for the purposes of surveying; in fact for anything. The people are overmatched betimes by those in power (as it appears to me). The engineer officers may be engaged on breakwaters or on works of defence at the present time, for all I know to the contrary.

59. By whom have all the railways, breakwaters, and harbours of refuge in England been constructed? By civilians. The fact of the matter is this—a Royal Engineer officer knows very little about civil engineering; he gets a smattering of engineering matters—principally with reference to military operations—at school, and then he is drafted off to the Survey Department, probably. That is all the experience he has, for he is too proud to be "Good fellow, well met," with any person who could teach him any thing, and therefore he remains in ignorance of much useful matter.

60. Do you not think theoretical knowledge is necessary to the profession? In order to execute any thing you must first have the theory in your brain. Before you can work with your hands a certain amount of theoretical knowledge is necessary.

61. *By Mr. Aldcorn:* Do you not think academical training is necessary? It is useful, but I do not believe that it is all important. If one man had academical knowledge and another practical knowledge, I would give double as much to the practical as I would to the theoretical man. I knew a man in Ireland, a first rate mathematician, who was trying to square the circle, which I believe is a very hard thing to do, but he could not survey a triangle.

62. *By the Chairman:* A man may be able to cover this table with algebraic formula, and not be able to apply one of them? Yes, and not be able to tell you how many superficial inches are on the table.

63. *By Mr. Aldcorn:* What is your opinion of the different systems—the salary, the license, and the contract systems—which do you think would be the preferable one for this Colony—I am supposing that there should be a salaried officer to supervise the work of the surveyors in either case? I really think upon the whole, to do justice to all parties, the salaried system would be the best, for this reason, that in the County of Cumberland a man will not save £20 in the year, while in another district a man may save five, six, eight, ten, or eleven hundred a year.

64. Do you not think it possible that a scale might be applied so as to pay the different surveyors in proportion to the facility or difficulty of surveying the country? Yes, I think so—to add fifty per cent. in the County of Cumberland to that scale of John Thompson's as the survey charge for farms. In the country districts I think they might still continue to work on the scale, for in the country districts they have a fair field, and are not tied down by a thousand different portions, as a surveyor in the County of Cumberland is.

65. Do you not think, supposing the head of the department were such a man as you yourself describe, that the Surveyor General could affix a fair rate to every piece of work in the County of Cumberland? Certainly he could, if he had a practical man as his deputy.

66. Do you think if he were to do so, and then ask the surveyors "How much will you do this piece of work for?"—it would work well? I believe it would act well, but I believe the

the only thing in which you would save by having contract surveyors would be the travelling expenses. You will be at the cost of tracings, &c., to guide them, and also the expense of supervision.

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67. Is it not a principle in human nature in all parts of the world to work harder for oneself than for any Government or master? Yes, I grant you that; but, as I said before, if you have got an active Deputy Surveyor General, he will know what amount of work each man should do per day.

68. You have been in America? Yes.

69. What is the system generally adopted in America? Contracts generally, in the Western States. They give good salaries in the Eastern States, and expect hard work, and they will not be satisfied without they get it.

70. Is not a great deal of the surveying for the Government done by contract? I believe so. I was engaged in engineering, &c., when I was in America.

71. You state that errors have been found in the trigonometrical surveys of Great Britain and Ireland, and I believe it is the fact, from the very severe criticism to which it has been submitted, that some errors have been discovered—would that survey in the construction of a railway, or in marking out a line of railway through the country, be at all looked to? No.

72. Would it be of any use? If there were no county maps published it would be useful as a guide; in fact the survey is between two extremes—of no use and every use. These surveys are a guide, but you cannot calculate from them. Where a large number of people are engaged on a vast survey, some will be naturally stupid; and no matter how many good ones you may have, the bad will damage all your reputation as a body. Several good engineers and many excellent surveyors commenced their career on the Ordnance surveys of Great Britain and Ireland. I will name one person, as being near—Mr. Darbyshire, Engineer-in-Chief in the Colony of Victoria; he served under Captain Charles Bailey, R.E., in Yorkshire, during my service under that officer. During the railway ferment in Great Britain, the Survey Department lost something like three hundred civilians, or “civil assistants,” who “bolted,” and were engaged by various engineers, &c., on engineering works; this I know well, for I left them on two different occasions in England. Studying this matter politically, it appears to me that the yearly grants in England for Ordnance surveying purposes are not altogether fruitless. The tithe computation survey and railway works, &c., from time to time, have been much benefited by such a department as the Ordnance Survey being in existence.

73. Are you aware that in Scotland especially—it was not practised in Ireland—any gentleman having a large estate can get a trigonometrical surveyor to come to that particular estate and survey it all minutely, to the very garden, upon a payment of sixpence an acre? I do not know.

74. You would not consider it just that the Government should conduct a trigonometrical survey chiefly for the benefit of large landed proprietors? Certainly not. In a new country I should say that no surveys should be made but such as were absolutely necessary for the sale of land, survey of roads, and the like.

75. Are you aware that some surveyors have, in the course of the year, lost a considerable sum of money under the licensed system? I can assure you I have not made one penny over my expenses latterly. I am placed in Parramatta this way:—Last year I drew from the department about £420. Out of that £420 I had, for every paltry job of one, two, three, five, or ten pounds, to pay my travelling expenses. I had to lose a day upon every one of these jobs, in coming to Sydney to seek primary information.

76. Are you aware that other surveyors have made large sums, handsome incomes? Yes; and I know, from two or three jobs I have had, that if I had a number of large jobs I could make a home in this country.

77. Then you do not think that any scale, if it is to be applied to all kinds of lands, can be a just one? No; it will ruin some licensed surveyors and make men of others. If a licensed surveyor is placed in the country he has a fair field, and in two or three months he can trace all the documents he requires, which would prevent many visits to the Sydney office, but in a district like mine, it would take a man four or five years, and cost him perhaps several thousand pounds, to trace all the documents he would require.

78. *By the Chairman:* Yet all these documents cannot set you right with regard to the landmarks of the Colony? No; but if you know the documents of the people all round about, you can place your survey in such a way that they cannot prove you to be wrong. It requires as much travelling to do £2 worth of work in my district as it does to do, probably, £500 worth in the country.

79. Do you not think there should be an office in a district like Parramatta? Yes, and I also think there should be four or five district offices, or more, where the documents referring to the district should be, to enable parties to refer without having the trouble of coming to Sydney. I think there should be a sort of travelling clerk, or clerks, at the Treasury, who should meet the surveyor of a district on a certain day, of which notice should be given, and sell the lands in the districts. At present, if the people of and about Parramatta want to buy land, they have to come up to Sydney at a considerable waste of time and money.

80. Have you anything further you would wish to state to the Committee? I think it hard that a man who has to learn a profession at considerable expense and labor should, when he sits down here, have but £420 a-year, pay all his laborers, travelling and equipment expenses, also keep head-quarters and a horse, supply all wear and tear, &c., &c., while a clerk who has little more to do but sit in his office receives his six or seven hundred pounds per annum.

81. *By Mr. Moriarty:* Under the surveyor's scale I understand you to say that some of the men get large earnings? Yes; but I think if they do their work well they earn no more

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- than they deserve, for I think a man should be able to make provision for his old age; if a man can make no more than a living it is a losing game for him.
82. Am I to understand that you think there is any favoritism in the employment of licensed surveyors? I do not know about that, but there is a lot of absurdity about the whole department. I cannot say there is any favoritism. Of course the persons who have worked together for years know each others wishes or wants, and may have probably a large amount of local interest at their service, which a stranger cannot have; and I believe some young men have gone out after two or three days examination, and have got better districts than I can get, or, at all events, the one I work in.
83. *By the Chairman*: The nature of the district has a great deal to do with the amount of remuneration received? Yes; as I have said, in a district like mine, in the County of Cumberland, you cannot do any good under the scale.
84. *By Mr. Aldcorn*: Do you not think the true remedy is to double the remuneration in some places, and diminish it in others? Yes; but, as I said before, I think it would be better to pay salaries, if you had two men at the head of the department who were competent and active—competent to judge of what should be performed in each district per day.
85. Are you aware what is the average cost of Government surveys in America? I am not.
86. Did contract surveying ever come under your observation in America—do you know at what rate per acre surveys would be performed, say of prairie land? No; it would depend upon the price of labor—what you would have to pay to your men; but I do not think you could institute any comparison between this country and America. In that country wages are very low to what they are here, and provisions are plentiful and extremely cheap; the trees are of a softer nature, and of course much easier to be marked; it is also my opinion laborers work more there than here per annum; the temperature of climate may have much to do in this way. Again, travelling is extremely cheap, and of all sorts. I know of surveyors living, say boarding at an hotel, in the Western States, for two dollars per week, equal to 8s. 4d of our money—why, in fact, one journey between Parramatta and Sydney, with dinner, costs as much as the surveyor can live on in America for a week. The difference is this, he makes a week's work into dollars, the surveyor here makes nothing but a loss of one day and money.
87. Do you think six shillings an acre a very high rate to pay for the survey of land over all this Colony? Certainly; I consider that the scale, if there were no travelling expenses, and there were ten, twenty, or forty farms to be surveyed at a time, but not less than ten, would pay; it would leave a fair profit in most districts in a new country like this; but to survey under ten farms on the present scale is a ruinous matter.

APPENDIX A.

Parramatta, 21 August, 1858.

It appears to me that a scale of salaries after the rates mentioned below for each person would do well for the Survey Department of this Colony, the Department paying for labor and forage, and even travelling expenses where necessary:—

Risen by merit:—

The Chief Surveyor (now called Surveyor General)...	£700 per annum.
Deputy Chief Surveyor (now called Deputy Surveyor General)	600 „
Stationary or District (eventually County) Surveyors	550 „

Any one of these offices to be filled by no person who has not served at least three years as a Camp Surveyor of and on the Department.

Rising by merit:—

First Class Camp, or movable Surveyors £500 per annum.
to be Engineering Surveyors, so far as talent is concerned, at least.

Second Class Camp, or movable Surveyors 450 „
to be Engineering Surveyors, and to know how to adjust instruments, take levels, &c.

Third Class Camp, or movable Surveyors £300 per annum.
to be able to survey and draw well; to be capable of surveying towns if required.

Learners or Pupils of the Department, to rise by merit to Camp Surveyors, &c.

First year as a pupil	£75 per annum.
Second year do.	100
Third year do.	150

These pupils to serve with Camp and District Surveyors.

A pupil, at the expiration of three years, to be examined by a practical Board for the place or appointment of third class Camp or movable Surveyor, if application for such examination be made; if incompetent, still to work as a pupil for one year at £150 per year, and try again, and so on.

First or Chief Draftsman at a salary of £450 per annum; other draftsmen according to ability.

The Clerk of the Chief Surveyor's Department, £440 per annum; all others according to ability.

Colonel George Barney, Surveyor General, again called in further examined :—

1. *By the Chairman* : Will you be kind enough to inform the Committee what is the present duty of the Deputy Surveyor General? The present duty of the Deputy Surveyor General is to attend to any matters connected with the departmental duties that I may instruct him upon. He is at present fully employed, under instructions from Mr. Secretary Robertson, in compiling a pamphlet exhibiting the boundaries of the different runs in the various districts; he also revised the Land Regulations lately published, and I refer to him any complicated matters for report which would occupy time, and which relieves the clerical branch of a considerable amount of duty.
2. In fact he is doing the duty of a clerk? Not altogether the duty of a clerk, but he is not employed in field duties at all.
3. Do you think it possible for any man having no knowledge of the country to arrange these runs? He merely extracts the boundaries from the *Gazettes*, and arranges them.
4. Who arranges the boundaries that we see in the *Gazette*—the descriptions of the different counties—are they arranged by a practical surveyor, or are they arranged on paper in the office? The tenderer sends in a certain description of the runs he tenders for, and that description is referred to the Commissioner of the district for report. He examines the run, and reports whether the boundaries as described are correct or not. Under the new arrangements the surveyor will do that, and of course it will be more satisfactory.
5. Under the arrangement, what has guided the placing of officers in charge of districts—their efficiency or the length of their services? They have been taken together. Where officers of old standing have been capable of conducting the work, they have been appointed, as in the cases of Messrs. Davidson, Henderson, and Burrowes. There were other three of the old officers whose names were brought forward. I wrote to these three gentlemen to inform them what duties would be required of them, and to ask them if they considered themselves physically capable of undertaking the fatigue, as they would be constantly in the saddle. The reply of Mr. Shone, first of all, was that he was not capable. The reply of Mr. Gordon was nearly to the same effect, and he said that he would be glad to retire from the service. With reference to the other, Mr. Darke, it appears that I unintentionally committed some error in my communication with him. It was there stated—"If you consider yourself capable, I would recommend you to be appointed a district surveyor." I have not seen that paper since, but I believe it to be worded as I have said, for Mr. Darke has stated it to be so; but it was not my intention, for I was perfectly aware that Mr. Darke had three times submitted medical certificates, and that his sight was unequal to the duties and exposure to which he would be liable. I brought him up to Sydney, in the expectation that he would be able to do the duties in the Sydney district, in connection with the head-quarters, and in that manner he has since been employed.
6. Some of the younger officers have been appointed district surveyors—for instance, Mr. Adams? Yes. I was instructed by the Secretary for Lands and Public Works to make selections from the licensed surveyors, if I thought them competent for the appointment. I considered it to be fair to appoint only one, and that one was Mr. Adams, who had conducted himself in a manner particularly satisfactory; he had been exceedingly active, and he has proved that my judgment of him was correct.
7. How long has he been employed in the service altogether? I do not remember. I think between four and five years.
8. Can you state what general surveys have been made by him? I do not think he has made any general surveys.
9. Have any extensive surveys been performed by him—any large feature surveys? I am not aware; I do not think so.
10. Until he was placed in his present position he had had nothing to do but to measure small farms in a nearly used up country? That is very probable; but I am not prepared to state what he had done previous to his appointment. He was extremely correct in his work; whatever he did was correct and well done.
11. In Mr. Thompson's evidence before the Commissioners, in question 866 he is asked, "Do you know anything of the circumstances of Mr. White's not having supplied to this office the records of his triangulation?" He says, "Yes; I was acting as Surveyor General when the correspondence with reference to that matter took place.—Was Mr. White specially employed triangulating? Yes; he had special instructions from the Surveyor General—Was that in connection with Sir Thomas Mitchell's private triangulation? Yes; I think the intention was that it should be a continuation of Sir Thomas's triangulation; and it would have formed also a connection with the work of Messrs. Dixon and Burnett? Yes—Up to which it nearly reached? I cannot tell, for Mr. White never sent it in."—Do you not know that the records of that triangulation are in your office? Yes, for I handed to you the field-book only yesterday.
12. From that field-book any one could plot if they knew how to plot? Yes.
13. You saw the rounds of angles? Yes.
14. He is asked if he knew the reason why I had not sent in the result of my work, and he answers, "He always promised to do so." I gave the field-book into his hand, and have not seen it since until yesterday. Mr. McLean says, in answer to question 750, "Mr. G. B. White was employed in carrying on the triangulation from Sir Thomas Mitchell's three-sheet map northward, and I believe he nearly reached to Mr. Burnett's triangulation at Darling Downs; but his surveys have not been received, and consequently the surveys to which you allude are not put down on a map in connection with triangulation." Now the surveys were received at the time? I presume that he meant the actual plotted survey, because he must have been aware of the field-book having been in the office.
15. Can you supply to the Committee a return of the licensed surveyors, and of the clerks appointed to the department since the license system commenced, whether they were examined

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or not by a Board, and, if examined, the names of the examiners, and also the names of the rejected candidates, and of their examiners? I will supply it to the Committee. (*Vide Appendix A, Nos. 1 and 2*)

16. *By Mr. Moriarty*: This compilation of boundaries upon which the Deputy Surveyor General is engaged, upon what information is it founded? It is merely a compilation from the *Gazette*.

17. Does it embrace runs of every tenure? Yes, every occupied run.

18. I presume you are aware that the only descriptions made of old licensed runs are the claims made in 1848? Yes.

19. And that the Crown Lands Department has been engaged for the last ten years in revising these? Yes. I do not, myself, see much utility in the work, for it must always be subject to revision; it is, in fact, a sort of history of the runs, as far as it can be made out.

20. This compilation will include all amendments and agreements as to boundaries? They will appear in an amended form wherever an amendment has been made.

21. If compiled from the *Government Gazette*? That will be the basis of it—the majority of the runs appear in the *Gazette* just as they were tendered for; still this can never afford a correct description of all runs; no doubt there are complaints of interfering with boundaries, and these are subject, as you know very well, to correction by the parties themselves, if they will come to a decision. Where any error has been committed in the description the correction is adopted.

22. The original *Gazette* publications will, in the great majority of cases, be superseded? They will in some cases be superseded, but wherever they have been officially superseded by other descriptions these will appear in the pamphlet, instead of the gazetted descriptions.

23. When you say "tenders," I presume you mean original claims for leases? I allude to claims under tender as well as for claims for leases. There is a description in the tender, and upon that description the tenders are accepted, unless they are corrected by the Commissioner.

24. You are aware that there is a great difference between the tenure of lands occupied under license formerly and those under licenses granted subsequently? Formerly there was no limit; 300,000 acres might be taken up at one time, now there can be only 16,000, or sufficient to feed 4,000 sheep.

25. In fact, unless this work which is now being prepared be kept corrected from time to time, parties consulting it will fall into error? Yes.

26. *By Mr. Forster*: I presume you have heard a great number of complaints made from all quarters against the operation of what is called the tendering system? Yes.

27. Has it come under your consideration in any way to propose or devise a plan for preventing the evils that arise from it? There is now in progress an experiment in the Bogan country being carried out. There are about a hundred and fifty or two hundred runs on the Bogan River under survey, the boundaries to be marked by the surveyor, and they will be put up to public competition, and I anticipate they will realise a very large amount of money beyond what they would have done under tender. I think, if that arrangement could be generally adopted, it would be very advantageous, and prevent all complaints.

28. Do you think, as a general rule, it is at all likely the Government will be able to survey runs in advance of the enterprize of squatters? I think it may be done by a sufficient staff of surveyors; at this moment, to the northward—in the country beyond the limits of occupation—there are a great many runs, perhaps a hundred or a hundred and fifty, tendered for, which cannot be accepted because they are beyond the reach of protection, and beyond any acknowledged district.

29. Protection! but does the question of protection in any way enter into the question of the legal right of tenderers to have their tenders accepted? It is considered so—that has been one of the objections by the Government.

30. You mean to say, when tenders are received by the Government they are rejected on the ground of there not being sufficient protection? That has been one of the grounds—that they have been beyond any acknowledged district is the main objection.

31. You mean beyond any district proclaimed by the Government? Yes.

32. Do you consider that a legal ground for refusing a tender? That is a legal question.

33. Have many protests been made to the Government of the rejection of tenders upon that ground? Yes, there have, in this way:—When a district has been proclaimed, and tenders sent in, some difficulty is caused; the original tenders are referred to by the parties who have previously sent in tenders, who considered themselves to have the first claim.

34. Do you not think they have an equitable claim in that case? Yes. I tried several years ago to settle this question—when the Albert and Lower Darling districts were opened to tender. I was quite aware there were a great many squatters beyond the proclaimed districts—that they had been in occupation for several years, and I considered that it would be very injurious and unfair to them that they should not have the option of having their tenders fairly considered when the district should be opened. I made two propositions to the Government—one was, that they should have the option of occupying the land on paying the back rent and assessment—that was objected to; and another was, that they should have the option of taking it at whatever might be offered by any other tenderer. I wished to give them a prior right.

35. Do you consider that to allow this prior right is strictly just? I think it is but fair that the parties should have some allowance for the risk they run. They go into an unoccupied country among hostile natives, and run very considerable risks; and there should be some consideration shown them. They occupy the country however with their eyes open; they know that they occupy at their own risk.

36. Do not the Orders in Council distinctly throw the whole country open? No.

37. The Orders in Council do not limit the country to be occupied? No; but the Government of the country restricts it by the authority of the Order in Council.

38. On what part of the Orders in Council, or of the Crown Lands Act, from which the Government derives its authority, does the Government ground the authority it assumes to limit tenderers to a certain locality? The regulations of 31st March, 1848, arising out of the Order in Council, 9th March, 1847.
39. It is assumed rather from the necessity of the case than from any legal right? The Order in Council affords the right.
40. *By Mr. Moriarty*: Is not the Government, by the Orders in Council, appointed to fix a time and place—? Yes; but that is the time and place for the receipt of tenders.
41. If a tenderer sends in a tender at a time and place not authorized, does not that affect the right of the tenderer? Yes.
42. *By the Chairman*: Can an individual tender for any quantity of land? He can, for any quantity, but it must be divided into blocks of 16,000 acres.
43. He can still keep that country without putting any stock upon it? Yes.
44. Does it not lead to speculation in runs—do not individuals take up runs without any intention of stocking them? No doubt there is a great deal of speculation. I know a run that was sold the other day without stock. I think the party paid one year's license, £10, and then sold the run for £800 without a hoof upon it.
45. *By Mr. Forster*: Whose fault was it that there was no hoof upon it—had the Commissioner reported upon it? The tender was accepted.
46. You consider that it would be for the benefit of the country that parties tendering, should be compelled to stock their runs? Yes, decidedly.
47. What is the particular wrong done by this speculation to which you object—who is the loser? Government does not lose.
48. Who does lose? The purchaser, who has to pay generally a large bonus for the transfer. It is a speculative business altogether, which I do not think is fair.
49. Do you think the principle ought to be, to allow the first occupant in every case to possess the land until wanted for sale—do you think that would be the proper principle of administering the Crown Lands? I think the first occupant should have the first claim to the land.
50. Can you state of your own knowledge that there is any large tract of country now from which occupants are debarred by the operation of the present system? Yes, to the northward of Port Curtis; I suppose there are to the amount of one hundred and fifty tenders.
51. Accepted? No; they cannot be accepted, because they are beyond the authorized bounds of occupation.
52. If they are not accepted, how are the parties debarred from taking them? They do take them up, at their own risk.
53. Would it not be desirable that in all cases where tenders are, or where there are large tracts of country occupied, there should be a Government machinery to meet the public demand, in order that tenders might be reported upon as soon as possible? Yes; there is a defect in this respect, as these tenders are put aside as useless, and give the parties no claim at all.
54. What trouble can they then cause to any one if they do not give a claim? I am alluding more to the licensed districts in the cases I mentioned of speculation.
55. Then you are alluding more to accepted tenders? Yes.
56. In the other case, the first occupant is not prevented taking up country? He occupies at his own risk, and so far creates a great deal of unnecessary correspondence. As soon as districts are opened, parties tender for the land which people have occupied, and this creates extensive speculation, which is injurious to the first occupant; because the parties who tender in the second instance will give a very high premium, satisfied that the party in occupation must have the run, and will give a bonus to the party to give it up, which is frequently the case.
57. In that case there is injustice done to the original occupant—does that arise from the tendering system—does it not, from your own shewing, arise from the Government not proclaiming a sufficient number of districts to meet the demand? Yes, in some measure.
58. If a district were proclaimed before occupation would not the first occupant have the first chance? Yes, but he must expect opposing tenders.
59. Then the injustice is caused, not by the system of tendering, but by not having a sufficient number of districts proclaimed? The opening of a district is attended with great expense, as it is necessary to have a Commissioner and a staff; and the Government, I presume, has not hitherto been able to meet the demand, or may have other reasons for not opening new districts.
60. Do you find in any cases that evil has arisen from the inattention of Commissioners to their duties? I dare say occasionally a Commissioner in a very extensive district has not examined the whole of the country under his charge.
61. Are you acquainted with any cases where tenders have remained in your office for five years without being reported upon? Yes; I have known them to be delayed for a longer period.
62. Was that the fault of the Government, or of the Commissioner? Of the Commissioner, in some measure.
63. I presume these are cases not likely to occur again? No; the old tenders will now soon be worked up, but delay must take place in extensive districts, where the lands tendered for are widely scattered.
64. At present would it not be possible for the Government to meet the evil in this way, by always allowing the outside district to embrace the outside country which was not proclaimed, so as to allow tenders to be accepted, whether beyond a certain boundary or not? Then if a tender were to come in, it would not be possible to examine the country to see whether the tender was correct or not.
65. How are the tenders examined at present? I have just stated that the districts have

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been so large that the Commissioners have not been able to visit many of the runs, and that the duty has been postponed from time to time; and, of course, if you extended the district it would make the difficulty greater.

66. Supposing the tenders are so numerous as to lead to the result you speak of, is not the easy remedy to proclaim another district; if only a small number, might they not be considered to be within the district farthest north? The shortest plan is to open a new district. I recommended some time ago that a new district to the northward should be opened, and I have again brought the matter forward on the Estimates for 1859.

67. You have spoken of the expense of opening a new district? Yes; the appointment of a Commissioner and party becomes necessary.

68. Do you conceive that the entire evil can be met without an alteration of the law? No; I think the law requires to be altered; in a new Land Bill provision might be made to meet this evil.

69. You think the subject does require legislation? Yes.

70. Do you think the principle I have alluded to just now would be but just, that the original occupant should be protected from intrusion till the land was required for sale? Yes, I think so.

71. The tendering system you would propose to abolish in that case? No; I do not think you can do that, for the claims must be acknowledged in some shape or other. It would not do for a man to say "I have got 16,000 acres of land for which I am willing to pay £10," without any knowledge of what land it is that requires to be assessed. The survey of a district into runs would necessitate their being put up to competition by tender.

72. The Commissioner in all cases has to visit a run before he reports—he ought not to report without visiting it? He ought not.

73. But they do in some cases? Yes, it has been done, I believe.

74. There are certain descriptions, are there not, required to be set forth in tenders? Yes.

75. Do you think, as a general rule, that these descriptions can convey to the Commissioner a knowledge of the locality unless he visits it? If he keeps up his chart, whenever new runs are authorized he will be able in many cases to define the boundaries without visiting the ground. For instance, suppose he has marked on his chart a river with a certain starting point, he knows there is a block of 16,000 acres, five miles frontage and five miles back, in the occupation of a certain party, and he is then able, if another person applies for the next block, to define the boundaries, and can at once report upon it.

76. How is the person who applies to know all about the names of the boundaries? He ought, of course, to visit the ground if he tenders for a new run, otherwise he can obtain information from the Commissioner of the district, or from published descriptions of adjoining runs.

77. Is that the practice generally? Yes.

78. Is that a common practice with people exploring to the northward? No, not in the new country.

79. I allude to the new country particularly? In that case a man makes a selection, marks the trees, and prepares the descriptions.

80. May not fifty people mark trees in lines that intersect each other? Yes, in the new country.

81. How can a Commissioner know a run unless he goes and looks at it? He must do so in a new country.

82. Then would not the necessity of visiting the spot provide for the difficulty you were suggesting in the case of previous occupancy—the Commissioner having to visit and ascertain that the party was in occupation would enable him to decide the question of prior occupancy with an equal probability of arriving at a correct conclusion, as at present? A person taking up a run in the new country to the northward would have no Commissioner nearer than that of the Leichhardt, and he has already, probably, from 300 to 350 runs tendered for but not reported upon, and he could not spare time to go into the new country even had he authority to do so.

83. You say a new district is required there? Yes; in fact there are so many tenders open in the Leichhardt District that I proposed there should be an Assistant Commissioner appointed to dispose of these, and as soon as they were worked up, which would be in about a year, the Commissioner could then go into the new country, the district being proclaimed and opened to tender. Of course in opening a new country numerous tenders must be expected, and if they are not disposed of at an early period there is great subsequent difficulty and delay. It is understood that the country to the north of Leichhardt is a splendid country, and would be immediately occupied if authorized.

84. *By Mr. Moriarty:* Do you think there is any attempt at occupation in the Leichhardt District where tenders are so numerous? Yes; but where there are so many tenders I dare say a very considerable number will clash, and be rejected—probably out of 300 tenders not more than 100 will be accepted; but then they all require examination.

85. Does not the examination of a tender which is a sufficient one involve a much greater degree of labor and detail than would be necessary to meet an insufficient one? Yes.

86. Might it not be determined in many cases without the country being gone over that the tender was insufficient—could it not be ascertained from the nature of the description? Yes. Tenders are frequently so vague that they may be rejected at once. Tenders are also informal and inaccurate in other respects.

87. But a certain degree of accuracy is essential? Yes.

88. You can say whether that degree of accuracy is attained by merely inspecting the description? In a new country where the features are unknown you cannot tell. If the features—the ranges, rivers, and creeks—were surveyed, you would know what country was likely to be occupied, and you would then be able to put the runs on a chart, and these would afford to some extent the required accuracy.

89. Do you think it would be unreasonable to require that a person applying to Government for a lease of the new country should describe the features so much in detail as to ensure the indentification? It would be very desirable; but people who tender have generally no knowledge of the features of country. If parties tendering were required to supply descriptions fit for lease, much time and trouble would be saved.
90. We know that all the country in the world admits of a definition of some kind? In some shape; but the description is often given in such a way as to cause great trouble. Frequently a Commissioner reports the description to be so vague that he cannot find the country. No doubt many of these tenders are made in the city without reference to any knowledge of the country at all.
91. That I believe has been an evil generally complained of by parties anxious to take up new country? Yes. If you could distinguish parties who really wish to occupy from those who tender upon speculation, there would not be much difficulty, for the parties generally who seek the ground are able to give some description. For instance, the other day there came in some twenty or thirty tenders for runs upon a stream to the northward; they began at the junction of two streams; they then went up on each side of one stream, the boundary of one commencing at the termination of another, and they proceeded in this way many miles. There is no difficulty in such a case.
92. Unless some other party has taken up a portion of the ground? Yes. In the Burnett District there were some great mistakes with reference to the Palm Tree Creek, and there have been numerous conflicting tenders in consequence. One Commissioner has taken one view of the case, and another Commissioner has taken another, and now the Land Board, who open the tenders, have had to decide which is the correct view of the case.
93. Do you not think if applicants were required to give something like an approximation to a clear description of the country they wished to occupy, would involve the necessity of their examining the country? Yes; but I fear it could not be done generally with sufficient accuracy without survey.
94. The disposal of tenders in such circumstances would be a comparatively easy process? Yes.
95. The cases of difficulty to which you referred just now are on the immediate boundary of the older settled districts? Yes; it was on the inner side of Palm Tree Creek, near the boundary of the Burnett District. There are the North and South Palm Tree Creeks, and the difficulty was, which was the main creek. From looking over Leichhardt's papers it was very difficult to say which it was; but the other day, when Mr. Gregory was in Sydney, I asked him to attend the Board when it met; and it was under his report that a decision was come to. Mr. Gregory was very clear upon the matter, and the Commissioner had evidently made a mistake.
96. All this difficulty and uncertainty, I presume, must have arisen from the deficiency of the description in the outset? No; the descriptions upon the stream were sufficient; the five miles frontage to the stream makes that decisive; there can be no difficulty in such a case; but where you have no stream to guide you the difficulty arises. In this case it was a want of knowledge as to which branch of the stream was the main creek.
97. Is not that regulation with regard to the five miles square entirely subordinate to that requiring the natural boundaries to be observed, where they exist? The natural boundaries are taken where they are to be had; but if 16,000 acres is equal to the depasturing of a certain number of sheep, it is taken as a square block—that is, with an acknowledged frontage to a river.
98. Is not that declared by the regulation to be rather a subordinate consideration—a strict adherence to a rectangular boundary? Generally upon a river where there are no marked features, and extensive plains on both sides, that is adopted.
99. Is that the general character of the new country? No, I do not think it is; I believe the country is well watered.
100. In fact, the adherence to natural features where they exist would obviate much of the difficulty? I think so.
101. In a paper handed in to the Committee by Mr. Naylor—an official memorandum, dated 16 July, 1855—these instructions are contained: "1. All tenders which are found upon examination of the country to be in all respects unobjectionable should at once be recommended for acceptance; every day's delay involves a loss to the revenue, and prolongs the uncertainty, which checks occupation. When a country is once under a rent charge its occupation will very soon follow. It would perhaps be well that those runs which have been stocked at the occupant's risk should first be dealt with. 2. All tenders not conformable to the regulations in regard to distinctness of descriptions, &c., should at once be recommended on these grounds for rejection; and, 3. All tenders which clash should be adjusted, and descriptions of the adjusted runs submitted for advertisement." Has your attention been pointedly directed to these points? Yes.
102. Do I understand that the majority of the great mass of tenders in the Northern District which were sent in at first, and which have been sent in from time to time, have been got over? No. I have already said that in the Leichhardt there are from 300 to 350 tenders undisposed of. That will always be the case with new districts. I stated just now that I had suggested that Mr. Wiseman should have an assistant to enable him to get rid of these tenders with the least possible delay, but it is not considered expedient by the Government.
103. Have you received reports of any of these outstanding tenders? No. I do not consider them outstanding if they have been reported upon.
104. You do not consider that there has been any neglect on the part of the Commissioner? No. Mr. Wiseman is particularly active; he is a very excellent Commissioner. Since we have got rid of the old tenders there has not been so much difficulty; the tenders are reported upon much more promptly than they used to be.

Colonel
G. Barney.

18 Aug., 1858.

- Colonel G. Barney. 105. Is it not the fact that the great majority of these old tenders are for country that had been abandoned entirely—for instance, on the Upper Darling? Yes; a great many of them are.
- 18 Aug., 1858. 106. During a number of years there have been no Europeans in the country? I dare say the country has been occupied, but Commissioners had no knowledge of it.
107. Is it not the fact that the Upper Darling country was almost abandoned in 1851 and 1852 by white people? The Bogan and that part of the country was; but I do not think the Darling was abandoned.
108. I think you will find it was at the time labor became so scarce? It is very probable; but I do not remember. A large area of country has been tendered for; but the want of water causes great difficulty in the occupation. There is great speculation now going on in reference to these back runs. A man sends in a tender for a back run with a positive certainty that, if he can do it without the knowledge of the party occupying the river frontage, his tender will be accepted, and he then immediately makes a bargain with the occupant. This has become known to the squatters, and the consequence has been that a number of applications for back runs have been made by them.
109. Which has led to country being leased which otherwise would not have been? Yes.
110. Then, as far as that goes, the tendering system has been advantageous rather than otherwise? There it has; but, if these runs had been surveyed and put up to competition, they would have realised double the money. This experiment on the Bogan will, I think, be very satisfactory in that respect.
111. *By the Chairman:* That is a fine country? It is.
112. *By Mr. Moriarty:* It is a vacated country? Yes; in consequence of the hostility of the natives. It is now open.
113. The peculiarity of that country is, that, having been once occupied and vacated, the runs are now liable to be put up to competition for tender, and that peculiarity is confined to this country? Yes. Mr. Abercrombie had a run there which he was obliged to vacate in consequence of the hostility of the blacks, and, finding that the land was about to be open, he made a large demand upon the Government, on the ground of his original right to the run.
114. How did you treat the demand—he did not obtain it? No. About 150 runs will be put up to competition as soon as surveyed.

APPENDIX A.

(No. 1.)

RETURN of Surveyors employed under the Licensed System, from 1840 to the present time.

NAME.	WHETHER EXAMINED.	NAMES OF EXAMINERS.	DATE OF APPOINTMENT.	REMARKS.
Armstrong, Jno.	Not examined ..	.....	23 Feb., 1849 ..	Employed.
Armstrong, Wm. ....	" " ..	.....	6 August, 1852 ..	Dead.
Adams, P. F. ....	" " ..	.....	19 July, 1854 ..	Salaried.
Arnheim, E. H. ....	" " ..	.....	7 Sept., 1854 ..	Employed.
Arthur, C. ....	" " ..	.....	19 Oct., 1857 ..	"
Ardell, F. R.	Exd., not passed	Thompson, Darke, & M'Lean	.....	Not employed.
Burrowes, M. E. L. ....	" " ..	.....	21 July, 1840 ..	Contract—salaried.
Bransby, S. L.	Not examined ..	.....	3 April, 1854 ..	Salaried.
Burnside, J. H. ....	" " ..	.....	3 May, 1854 ..	Employed.
Birmingham, F. B. W. ....	" " ..	.....	— Oct., 1855 ..	"
Berry, J. ....	" " ..	.....	24 Nov., 1855 ..	"
Berry, T. ....	" " ..	.....	" " ..	Not employed.
Buchanan, J. ....	" " ..	.....	16 June, 1857 ..	Employed.
Charlton, H. ....	" " ..	.....	16 Aug., 1848 ..	"
Carmichael, H. ....	" " ..	.....	8 Aug., 1849 ..	Resigned.
Clayton, W.	Exd. and passed	Gordon & Burrowes	13 Feb., 1855 ..	Not employed.
Cox, C. B.	Not examined ..	.....	4 June, 1855 ..	" "
Condon, P. W. ....	" " ..	.....	24 Nov., 1855 ..	" "
Caruthers, —	Exd. and passed	Gordon & Burrowes .....	.....	" "
Cuthill, J.	Not examined ..	.....	20 May, 1857 ..	Employed.
Clarke, F. ....	" " ..	.....	9 Feb., 1858 ..	"
Chauncey, H. S. ....	" " ..	.....	28 April, 1858 ..	"
Comer, E.	Exd., not passed	Thompson, Darke, & M'Lean	.....	Not employed.
Dalgety, S.	Not examined ..	.....	23 March, 1848 ..	Retired.
D'Arcy, F. B. ....	" " ..	.....	9 Aug., 1850 ..	Employed.
Drake, J. C. ....	" " ..	.....	1 June, 1853 ..	Not employed.
Debenham, J. ....	" " ..	.....	10 Aug., 1853 ..	Employed.
Darby, F. W.	Exd. and passed	Thompson, Darke, & M'Lean	17 Nov., 1857 ..	"
Dewhurst, A.	" " ..	" " " ..	11 March, 1858 ..	Salaried.
Evans, T.	" " ..	" " " ..	3 Aug., 1853 ..	1254—not employed.
Fisher, E.	" " ..	Gordon & Burrowes	8 Sept., 1854 ..	Salaried.
Finlay, M. S.	" " ..	Thompson, Darke, & M'Lean	3 Aug., 1858 ..	1254—not employed.
Greaves, W. A. B.	Not examined ..	.....	18 June, 1855 ..	Salaried.
Grogan, J. H. ....	" " ..	.....	24 Nov., 1855 ..	Not employed.
Hodgkinson, C. ....	" " ..	.....	21 Feb., 1840 ..	Contract—retired.
Hall, J. ....	" " ..	.....	9 Jan., 1854 ..	Employed.
Hicks, T. ....	" " ..	.....	24 Nov., 1855 ..	Not employed.
Hogan, P. J. ....	" " ..	.....	11 Dec., 1857 ..	Employed as a draftsman.

NAME.	WHETHER EXAMINED.	NAMES OF EXAMINERS.	DATE OF APPOINTMENT.	REMARKS.
Herborne, J.	Exd. and passed	Thompson, Darke, & M'Lean	1 Feb., 1858	Employed.
Hall, R.	Exd., not passed	" " "	"	Not employed.
Knapp, E. J. H.	Not examined	"	4 July, 1848	Employed occasionally.
Kelly, Jno.	"	"	24 Nov., 1855	Not employed.
Kernon, —	Exd., not passed	Gordon & Burrowes	"	"
Knapp, — Jan.	Exd. and passed	Thompson, Darke, & M'Lean	9 June, 1858	Employed.
Legg, G.	Not examined	"	1 June, 1854	Dead.
Larmer, W. E.	"	"	28 Aug., 1854	Not employed.
Lindo, A. P.	"	"	16 May, 1855	Employed.
Mollison, C.	"	"	13 Oct., 1840	Contract—retired.
Mann, J. F.	"	"	20 March, 1848	"
Moffatt, W. P.	"	"	21 Oct., 1853	Resigued.
Muckay, J.	Exd. and passed	Gordon & Burrowes	7 Sept., 1854	Not employed.
Morkill, A.	Exd., not passed	"	"	"
Malley, J.	Not examined	"	24 Nov., 1855	"
M'Culloch, J.	"	"	16 June, 1857	Employed.
Maitland, W. R.	"	"	11 Aug., 1857	"
Morton, H. G.	Exd., not passed	Thompson, Darke, & M'Lean	"	Not employed.
Nicholson, Jno.	Not examined	"	20 March, 1848	Employed.
Neill, Jno.	Exd. and passed	Gordon & Burrowes	12 Feb., 1855	"
Oliver, T. J.	"	Thompson, Darke, & M'Lean	24 Nov., 1855	Salaried.
Parkinson, S.	Not examined	"	18 April, 1853	Employed.
Peppercorne, F. S.	"	"	30 April, 1855	Salaried.
Pratten, G. L.	"	"	28 April, 1857	Employed.
Price, J. A. H.	"	"	16 June, 1857	"
Ralfe, J.	"	"	20 Feb., 1841	"
Rogers, J.	"	"	4 Feb., 1852	"
Roberts, W.	"	"	8 June, 1853	"
Raper, F. V.	"	"	8 Sept., 1854	Resigued.
Raymond, —	Exd. and passed	Gordon & Burrowes	"	Not employed.
Reuss, —	"	"	"	"
Rowland, J.	Not examined	"	24 Nov., 1855	Employed.
Rawnsley, H.	"	"	19 Aug., 1857	"
Smyth, H. W. A.	"	"	22 Feb., 1840	Retired.
Sutton —	Exd., not passed	Gordon & Burrowes	"	Not employed.
Sanderson, H.	Not examined	"	24 Nov., 1855	"
Sanderson, E.	"	"	"	Employed.
Stewart, Clarendon	Exd., not passed	Thompson, Darke, & M'Lean	"	Not employed.
Sangster, J.	"	"	"	"
Simpson, J. M.	Exd. and passed	"	21 May, 1858	Employed.
Sharpe, E.	Examined	Davidson	7 July, 1858	"
Tress, W. J.	Not examined	"	3 May, 1855	"
Twynan, E.	"	"	24 Nov., 1855	"
Thompson, J. B.	Exd. and passed	Thompson, Darke, & M'Lean	16 May, 1858	"
Wilson, W. C. B.	Not examined	"	2 Dec., 1839	Contract—employed.
Wilson, C. M.	"	"	11 Nov., 1841	Contract—retired.
Whitaker, C. S.	"	"	23 June, 1853	Employed.
Warner, J.	"	"	26 Oct., 1853	"
Weever, T.	"	"	20 April, 1854	Not now employed.
White, H. O.	Exd., not passed Twice examined	Thompson, Darke & M'Lean	"	Not employed.
Zouch, A.	Not examined	"	14 Dec., 1854	Employed.

Surveyor General's Office,
Sydney, 28 August, 1858.

GEO. BARNEY,
Surveyor General.

NOTE.—Previous to 1844, Surveyors working for the Government, but not on the salaried staff, were termed Contract Surveyors, and forwarded Tenders for surveys, which if accepted, they carried out according to a specification furnished by the Department. In 1844, a re-organization of the Surveyor General's Establishment having taken place, many of the Field Staff accepted employment as Licensed Surveyors, receiving one-third of their original salaries as a retaining fee, an allowance of four Government men, to be provisioned, &c., by the Surveyor, remuneration for work performed for the Crown, according to a scale of fees, and a right of private practice. On 31st January, 1848, approval of the scale of fees by which Licensed Surveyors are now paid was received, and from this date therefore the present licensing system commenced.

Examination of Candidates.—In reply to a letter, dated 12th June, 1857, from the Honorable the Secretary for Lands, &c., inquiring as to the arrangement for examination of candidates for appointment on the Staff of the Surveyor General's Department, and whether any and what alterations were necessary; it was stated that candidates for employment as Licensed Surveyors, &c., had been admitted heretofore on the Surveyor General's knowledge of their history and character, or the production of satisfactory testimonials, while others who were unknown, and without satisfactory testimonials, had undergone an examination by a Board of Examiners, who reported officially to the Surveyor General; and if the report were satisfactory, and the appointment requisite, it was recommended for the approval of the Government. The reply concluded by proposing an arrangement for the examination of all candidates in future.

(No. 2.)

RETURN of Clerks appointed to the Survey Department since the commencement of the Licensing System in 1844.

NAME.	WHEN EXAMINED.	NAMES OF EXAMINERS.	DATE OF APPOINTMENT.	REMARKS.
F. Becke (3 class, 1 May, 1847)	Exd. and passed	Usual Board of Examiners..	1 May, 1847.	Those gentlemen who had not passed an examination, and were in the office at the time, were placed on the permanent staff in 1857, in accordance with authority from the Honorable the Secretary for Lands, &c., which sanctioned the placing of individuals in the Survey Department on the fixed establishment, after one year's probation.
H. Burne	Not examined ..	.....	25 " "
F. Underwood (3 cl. clk.)	Exd. and passed	Usual Board of Examiners..	9 Feb., 1848.	
T. G. P. Allan	Not examined ..	.....	15 Sept., 1848.
H. Windeyer .....	" " ..	.....	" " "
A. J. Greville .....	" " ..	.....	16 Oct., 1848.
T. Lewis .....	" " ..	.....	1 Feb., 1849.
W. Newcombe .....	" " ..	.....	" " "
W. Johnson .....	" " ..	.....	10 July, 1849.
J. Blackman .....	" " ..	.....	15 Jan., 1850.
T. Mitchell .....	" " ..	.....	17 " "
A. P. Lindo (3 class, 1 Oct., 1853)	Exd. and passed	Usual Board of Examiners..	1 Aug., 1850.	
T. G. C. L. Innes	Not examined ..	.....	21 June, 1851.
J. Macpherson .....	" " ..	.....	" " "
C. W. Birch .....	" " ..	.....	21 Jan., 1852.
G. B. Simpson .....	" " ..	.....	10 Feb., 1852.
T. F. Mackenzie .....	" " ..	.....	1 April, 1852.
C. F. Gorton (3 class, 1 Oct., 1853)	Exd. and passed	Usual Board of Examiners..	" "	
J. J. Perry (3 class, 1 July, 1854)	" " ..	" " " " ..	11 Oct., 1852.	
W. A. B. Greaves	Not examined ..	.....	15 Feb., 1853.
E. Sharpe .....	" " ..	.....	1 May, 1853.
W. V. Wild .....	" " ..	.....	18 " "
J. Robertson .....	" " ..	.....	22 June, 1853.
C. Carrington .....	" " ..	.....	11 Aug., 1853.
A. Williams (1 class) ..	Exd. and passed	{ Transferred from Legisla- tive Assembly	24 Aug., 1853.	
R. Willis	Not examined ..	.....	5 Nov., 1853.
W. Thomas (2 class) ..	" " ..	.....	3 Jan., 1854.
W. H. Curtis .....	" " ..	.....	9 " "
J. R. Chambers .....	" " ..	.....	17 Feb., 1854.
W. Rae .....	" " ..	.....	21 " "
A. O. Pretious .....	" " ..	.....	10 April, 1854.
A. J. Evelyn (3 class, 1 March, 1855)	Exd. and passed	Usual Board of Examiners..	1 Oct., 1854.	
J. F. Landers	Not examined ..	.....	13 Feb., 1855.
W. H. S. Hindmarsh ..	" " ..	.....	14 March, 1855.
F. W. Donkin .....	" " ..	.....	1 May, 1856.
G. L. Pratten .....	" " ..	.....	" " "
E. O. Heywood .....	" " ..	.....	15 " "
R. Dansey .....	" " ..	.....	" " "
Jno. Davidson .....	" " ..	.....	19 " "
J. B. Jackson .....	" " ..	.....	" " "
J. H. Sievwright .....	" " ..	.....	" " "
W. H. Knipe .....	" " ..	.....	22 June, 1856.
G. E. Hening .....	" " ..	.....	" " "
R. W. Newman .....	" " ..	.....	16 Aug., 1856.
C. A. Thurlow .....	" " ..	.....	9 July, 1857.

Surveyor General's Office,
Sydney, 28 August, 1858.

GEO. BARNEY,
Surveyor General.

TUESDAY, 24 AUGUST, 1858.

Present:—

MR. ALDCORN, | MR. MORIARTY.

MR. WHITE.

G. B. WHITE, ESQ., IN THE CHAIR.

Colonel George Barney again called in, and still further examined:—

- Colonel G. Barney.
24 Aug., 1858.
1. *By the Chairman*: A petition has been referred to the Committee with reference to the position of Mr. Ralfe in your department; can you furnish us with any information upon that subject? I beg to submit to the Committee certain papers connected with his case. (*Vote Appendix A.*)
 2. *By Mr. Moriarty*: Besides your office of Surveyor General, you hold that of Chief Commissioner of Crown Lands? Yes; the departments were amalgamated on the death of Sir Thomas Mitchell.
 3. Has it not been considered a primary function of the Chief Commissioner of Crown Lands to place the occupants of Crown Lands in possession of the leases claimed under the Orders in Council? No doubt. The fact is, there have been very few applications for leases since 1849. I think only about 120 leases for the old runs have been issued; there are some few in progress, but when I have asked the question of licensees who have come to the office, they have said, in most cases, that they consider the license quite as good as a lease. Those squatters

squatters who require leases are now in the habit of asking for permission to get their runs surveyed themselves, and when the plans are approved they then may obtain their leases, as a matter of course.

Colonel
G. Barney.

4. But is not the Crown pledged to issue the leases? According to the regulations the leases should have been issued, but the department has not had the means of issuing them, even if they had been required.

24 Aug., 1858.

5. Have not leases been claimed by the majority of the squatters? No, only for such old runs as were held under license when the Orders in Council came into operation; very few applications for leases have been received from licensees of new runs.

6. Are there not in your office a number of claims from parties for leases? Not a great many since 1849; there are some—I do not know exactly the number; but those who actually require them are getting the surveys of their runs made at their own cost.

7. You are aware, of course, that the licensed occupants of Crown Lands in 1847 were entitled to leases? Yes.

8. Provided they claimed them within six months? Yes.

9. Are you not aware that every squatter in the Colony claimed a lease, in pursuance of that regulation? I cannot charge my memory whether all of them claimed; of course there were a great many claims at that time; but the parties have not pressed the matter.

10. Do you remember when these claims were made? I think the majority of the claims were made within a certain period after the formation of the department—about 1849 or 1850, soon after the Orders in Council came into operation.

11. You mean the claims in pursuance of the Orders in Council? Yes; applications have come in since, but very few.

12. The department was formed in January, 1849? Yes.

13. And the majority of the claims were made within what period? Within a couple of years of that time, to the extent of about 1,500.

14. I think I understood you to say just now that leases had been issued but to a small number up to the present time? A very small number—about 120 altogether. During last year there were perhaps one or two issued occasionally.

15. Then the number of runs under promise of lease is—how many? Upwards of 3,000 to this date, embracing old and new runs.

16. You say that the majority of the squatters consider their licenses to be as good as leases? Yes.

17. Have you ever heard any objection urged against these licenses with regard to their validity? Occasionally a squatter who wants his lease expresses an objection; he, of course, will not consider the license as good as a lease, or he would not ask for a lease; but such occasions are very few.

18. Are you aware whether these licenses are admitted in the Supreme Court as evidence of title? I do not think they are; in fact, you can never form an idea what will be the result of a trial in the Supreme Court with reference to lands held under license.

19. Are you not aware that these licenses have been uniformly held to be void from uncertainty? They have been, generally.

20. What particulars do the licenses contain with reference to the land to which they are intended to refer? Almost the same terms as the lease: they guarantee possession for a certain period.

21. For what periods do they guarantee possession? The original licenses were for fourteen or eight years from 1852. For runs tendered for the licenses take date from the first payment.

22. The original licenses? The original licenses for periods of fourteen and eight years from 1852.

23. As distinguished from leases? Yes; they were from 1852 (1st January) for old runs.

24. Has there been any alteration in the licensing system since then that would alter the terms of the licenses? Yes; by a very late instruction they are subject to any modified conditions the Legislature may impose.

25. That is to say, the licenses as distinguished from the leases? Yes; the instruction applies only to tenders received subsequently to the date of the instruction.

26. *By Mr. Aldern*: The lease would contain the same limitation? The instruction only applies to runs tendered for lately.

27. *By Mr. Moriarty*: I spoke of the limitation of the license itself, that license which you say is as good as a lease? The limitation is considered the same as for the lease; the tender is for a lease for fourteen or for eight years, according to the circumstances, whether in the intermediate or unsettled districts. The approval of that tender does not now, since the late instruction alluded to, guarantee that the license or lease shall be held for that number of years, but it is subject to any arrangement that may be entered into by Parliament.

28. By license, I presume you mean —? The approval of the tender is the license.

29. Your remarks, then, have reference to new runs? Yes.

30. With regard to old runs which are licensed, do the licenses of these runs contain any such limitations as you speak of? No; they are authorised to occupy for a period, either fourteen or eight years, from January 1852.

31. Understand me—I refer distinctly to the runs which were under license at the time of the proclamation of the Orders in Council? Yes, at that time they would be for fourteen and eight years. I forget when the new arrangement took place; but the original licenses were guaranteed, in fact, for fourteen and eight years.

32. That is to say, the licenses signed by the Government, which the parties held? Yes.

33. Do they contain any reference to boundaries? Yes, the boundaries are described in the *Government Gazette*.

34. In the licenses of the old runs—the runs licensed at the time of the issue of the Orders in Council? Yes; the *Gazette* contains the description of the boundaries.

Colonel
G. Barney.
24 Aug., 1858.

35. Will you state what arrangements are now in progress for completing the preliminaries necessary to fulfil the promise of a lease? Everything now is awaiting the survey of the runs; but I have not a sufficient staff of surveyors to admit of the work being done. If any person is very anxious to obtain a lease, he has to apply for permission to get the run surveyed, at his own expense, by a licensed surveyor—a qualified person; and upon the exhibition and approval of his plan the lease is issued.

36. Are not the public assured by the published regulations, that the Government intends to survey runs at the public cost, and places parties in possession of their leases? Yes, but it has been only very partially done.

37. As to the boundaries of runs as they are described in the licenses—where are the boundaries derived from, in the case of disputed boundaries? The descriptions of boundaries are in the first instance supplied by the tenderer.

38. I speak of licenses? They must be tendered for. In the first instance the description is supplied by the tenderer; it is then sent to the Commissioner of Crown Lands, for examination and approval, and if possible the boundaries are adjusted. The Commissioner has authority to adjust boundaries.

39. I am speaking now with reference to licensed runs, not new ones; I am speaking with reference to old ones? The descriptions are derived from the original occupants.

40. The old licenses? You are speaking of the time before the tendering system came into operation? As far as I know, the descriptions were then derived from the records of the office, as supplied by the original occupants.

41. As far as your own opinion goes, do you not think it important that parties who hold promises of lease from the Crown should be put in possession of leases? Judging from the opinions of the parties themselves, it is necessary only that a very limited number of leases should be issued; for the parties generally consider the license as good as a lease.

42. Is that your own opinion of the matter, from observation of the proceedings in the Supreme Court? My opinion is that leases should be issued if promised, but more particularly to parties who have applied for them, and who really seem to wish to have them.

43. Do you know whether there is any considerable number of parties who have never claimed the leases under the Orders in Council? There are very few, if any.

44. A considerable number? I think so. I think there must be a great many.

45. Then under what tenure do such parties hold now—parties who have omitted to claim leases at all? They hold under the sanction of Government. The holding is approved by the Government, and they have received notice that their applications are approved by the Government.

46. You say a considerable number of persons omitted to claim leases under the Orders in Council—I ask under what tenure such parties now hold their runs? They hold by the approval of the Government.

47. Is there any regulation in existence, or any law by which the Government is authorized to allow these parties to remain in possession? Yes; the Orders in Council are sufficient.

48. Is there any part of the Orders in Council which refers to any other tenure than that of a lease—will you look through them, and see whether there is any other occupancy than that under lease from the Crown? (*The witness referred to the Orders in Council.*) There is an authority of some kind I know.

49. I understand you to say you think there is some authority by which the Government is authorized to continue parties in possession otherwise than under lease? I am not quite clear on the matter. I am not aware of any alterations having been made, or of any question having been brought forward, by any lessee or licensee at any time.

50. Is there any regulation at present in existence for the settlement of disputed boundaries of runs—any summary mode of settlement? None, except by survey.

51. I speak of disputed boundaries? All disputed boundaries are settled by the Commissioner, who is empowered to make arrangements with the parties, and to induce them to come to a decision themselves.

52. To what extent does the Commissioner's power go—how is he empowered? If the parties do not agree, he is empowered to settle the boundaries of dispute himself.

53. Have you ever heard of such a power having been exercised? Yes.

54. I speak of licensed runs—I do not refer to applications for new runs at present? You are speaking of old runs?—All the disputed ones were tried by the Boundary Commissioners.

55. I speak of the settlement of existing disputes—any disputes that may exist at the present time—are you aware of any considerable amount still existing? I am not aware of a great many. I have one or two in hand. They are generally settled by the Commissioner and the parties.

56. You do not at this moment remember any instance where this has been done? No; but I dare say I shall be able to find some.

57. This would be preliminary to the survey of these boundaries? Yes.

58. The object of that survey would be to lease? Yes.

59. Then the Commissioners have authority to settle disputed claims for the possession of leases? Yes.

60. In the event of parties not agreeing? Yes.

61. What is the present state of the decisions of the Disputed Boundaries Commissioners—of the disputed claims? Those that were reported upon by the Boundary Commissioners and approved by the Government have almost all been acted upon; but few have been disputed. I do not know that any, or if any, very few leases have been issued upon them.

62. What effect have they at present in law—are they binding at all upon the parties? They are binding by the award of the Government.

63. How does the Government enforce its award? By introducing the amended description in the lease when issued.

64. Are you aware whether there is any law in existence by which parties are bound to abide by

Questions and answers 44 to 49 inclusive were struck out by the witness, when his evidence was sent to him for revision, but were subsequently re-inserted, and the Explanatory Note in reference thereto printed in the margin, by order of the Committee. (*Vide Minutes of Evidence on 1st October, 1858.*)

JOHN J. CALVERT,
Clerk of Select
Committees.

* Note referred to.

Replies to questions 43 to 49 inclusive have been made under an erroneous consideration of question 43. When I stated that there were a considerable number of persons who had never claimed leases, I intended it to apply to runs held under tender; and I considered that, under the Orders in Council, tenders having been accepted, a sufficient authority was afforded for occupation and remaining in possession until leases could be prepared.

by descriptions of runs affirmed by the Boundary Commissioner's report? The Boundary Commissioners were appointed by Act of Council, and that should be decisive.

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65. But in point of fact, does that Act make the Boundary Commissioner's report decisive upon the parties? I think so.

66. Or was it not assumed that the issue of a lease by the Crown in pursuance of that report would have that effect? It would have that effect, but no leases have been issued.

67. You are aware that many of the Commissioners' reports have been upset by the decisions of the Supreme Court? Some of them have.

68. During the interval that has elapsed since the passing of the Act, within the last eight years? Yes.

69. During the last eight years these decisions have been put aside by the decisions of the Supreme Court? I presume the Government would not attend to the decisions of the Supreme Court in this matter; the Government would not alter the boundary in consequence of the decision of the Supreme Court.

70. In point of fact, the Government still holds its decision to be operative? Yes.

71. Notwithstanding any proceedings that may be taken? Yes.

72. Is it not the fact that these actions constantly occur in the Supreme Court, and very considerable penalties are imposed sometimes? There are two or three parties always in Court, but I do not think, with the exception of those two or three parties, there are many cases.

73. Are you aware, or have you not observed, that during the last eight years a very considerable number of squatting cases have been tried in the Supreme Court? There have been cases tried; but, considering the number of runs, I do not think they can be considered numerous.

74. As a matter of fact, I understand you to say that—with the exception of holding its decisions to be binding upon itself—Government has not taken any means of compelling obedience to the decisions of the Boundary Commissioners; that is to say—the Government has taken no steps to enforce the decisions of the Boundary Commissioners? No; no question appears to have arisen upon them.

75. In point of fact, on the purchase of a run how can the purchaser find out the boundaries of it, or how can he assure himself that he has not purchased an interest in a law suit? He refers to the *Gazette* for the boundaries.

76. But how can he assure himself that those gazetted boundaries are not liable to dispute? He takes the chance of the boundaries; they are all marked, and before he makes the purchase he should ascertain that the description is correct.

77. How do you define the present tenure of squatting runs—in what shape does it stand now—under what right do the holders of old runs in the Colony hold? The right arises out of the Orders in Council.

78. Which is the offer of a lease in fact? Yes.

79. So that the present tenure is the promise of a lease? Yes, it is the promise of a lease.

80. And to ascertain what the promise embraces the parties are obliged to —? Refer to the *Gazette*.

81. Farther inquire into the accuracy of the existing description on the ground? Yes.

82. There is no means by which they can at once assure themselves of its correctness? No, except where they are surveyed.

83. And the correctness is confirmed by the lease having issued? Yes.

84. And those cases are very few? Very few; not above 120 altogether out of about 3,000.

85. Has anything peculiar struck you in reference to the trial of squatting cases in the Supreme Court as bearing upon the operations of your own department? No. The principal point in actions in the Supreme Court—the point upon which the cases turn—is the previous occupation. The Court does not seem to care whether the occupation has been authorized or not so long as there has been previous occupation; the case is decided in favor of the first occupant.

86. The issue is joined upon the question of first occupation? Yes.

87. Will you state what it is, as distinguished from first occupation, which gives the right of lease to a squatter as a Crown tenant? The first occupation is probably an unlicensed occupation, and the direct occupation would be upon the acceptance of a tender.

88. Of the older runs? Not the acceptance of a tender upon the old runs, because by the Orders of Council occupation was authorized up to a certain date.

89. Will you state what it is that gives the right of lease under the Orders in Council as distinguished from old occupation—upon what does the right of lease offered by the Orders Council rest? Upon approved boundaries.

90. Was it not licensed occupation for twelve months preceding the publication of these Orders? Yes, it was.

91. In distinction from the issue which is tried in the Supreme Court in squatting cases, there is a right granted by the Orders in Council which has no reference to that? Yes.

92. So that the right affirmed by the Orders in Council rests upon a different base from any that is tried in squatting cases in the Supreme Court? Quite.

93. Do you know whether this question of the promise of a lease ever arises in squatting cases? I do not think it does.

94. And, as a general rule, Government does not hold itself bound to interfere with that right or promise of lease by any process? No; Government takes no part in the trials.

95. So that, in point of fact, expensive and troublesome as these trials are, they do not touch the actual tenure? No.

96. Then the only tenure known to the Orders in Council being a promise of a lease, do you not think that parties who are subjected to the difficulties and expenses of these actions have reason to complain that the Government has not given them the protection of their leases, has not completed the only tenure known to the law? There may be some cases of hardship.

- Colonel G. Barney. 97. All the expense which may arise in these cases is irrespective of the tenure which has been in operation since the proclamation of the Orders in Council? Yes.
- 24 Aug., 1858. 98. That tenure being the promise of a lease for eight or fourteen years, of which seven years has expired? Yes.
99. So, in point of fact, as far as regards the intermediate lands, during seven out of eight years, the parties have not had the leases they were promised, and have been obliged to test their rights in the Supreme Court upon a totally different issue? Yes.
100. Does not that circumstance strike you as a particularly strong ground why the Government should issue the leases? There is no doubt it would be better, if practicable, that leases should be issued; it would save a vast cost of money to these parties who are bringing the question into the Supreme Court, and it would of course tend to satisfy the minds of squatters generally; but it has been quite out of the power of the Government to survey runs and grant leases. There is a positive instruction that leases were not to be issued except on surveyed descriptions of runs. One of my first acts as Chief Crown Lands Commissioner was to suggest that leases should be issued upon descriptions agreed to by the parties and approved, but not surveyed. That was overruled, I believe, by Sir Thomas Mitchell, and the consequence was that, with the exception of the Murrumbidgee District, where Mr. Townsend was stationed, there was a very small portion of the runs surveyed. My opinion was that descriptions of runs might be so prepared as quite to answer the legal purpose for which they were required.
101. That was your opinion at the time when you had not the control of the Survey Department? Yes.
102. And you still entertain that opinion? Yes, quite so. I think it would be more simple now, as a large proportion of the Commissioners of Crown Lands will be surveyors. It will be more simple and easy in operation now, but it will occupy a great deal of time, and, of course, a very large amount of expense.
103. Do you not think, as a general rule, that in an undulating country—in which, as a matter of fact, you are aware runs are taken up by falls of water—it would be particularly simple to define them by reference to the watersheds? In numerous cases, undoubtedly.
104. You are aware that in most undulating countries runs have been taken embracing certain falls of water—on certain creeks? Yes.
105. That is a general rule in all mountainous countries, in squatting districts? Yes.
106. Do you not think runs so taken up admit of easy definition without survey? To a certain extent. I have always been of that opinion.
107. Do they not admit of *certain* definition? Yes. In a very large portion of the runs there is no necessity for survey, but in others it is difficult to define without survey in a scrubby and broken country.
108. These are the exceptions, I presume? Yes, they are the exceptions.
109. Were not the efforts of the officers under you—the Commissioners of Crown Lands—directed for several years towards the preparation of final descriptions of runs? Yes.
110. Of these descriptions the great majority are assented to finally by the parties, are they not? Yes.
111. In a great many cases by the adjoining occupants? Yes; that is part of the instruction—that the consent of adjoining occupants should be obtained, and then there is no difficulty in the matter.
112. Was not that proceeding put a stop to by the announcement that all the runs would be surveyed at the public cost? That was in 1852.
113. Since 1852 all such proceedings have been stopped, have they not? Not quite stopped, where the parties have in conjunction with the Commissioner considered these descriptions of boundaries correct.
114. As the Commissioners were informed that runs were to be surveyed, do you not consider they were thereby relieved from the necessity of doing that? They were in a measure relieved, but they were instructed in cases of applications that have come in for correct descriptions of runs to carry out that regulation.
115. That has been a proceeding confined to isolated cases since 1852? Yes. We have had very few boundaries regularly surveyed.
116. In point of fact, the Commissioners of Crown Lands for the last four or five years have been assured that it was the intention of Government to survey runs? Yes.
117. And the public have been similarly assured? Yes.
118. Do you not consider it a necessary preliminary, in order to arrive at the value of a piece of a country and to form an estimate of its extent, that its limits should be defined? You ought to know its limits pretty well, but it would not require an accurate survey for that.
119. The rent of a country depends upon its capabilities? Yes.
120. So that, in point of fact, by the Commissioners being assured that a survey was in prospect which would completely define the limits of the country, their proceedings in assessing that country have been checked? They have been in some measure checked; but I do not think it has operated very unfavorably to the assessment of runs. I think it is almost impossible to form a judgment of the capability of a run, as to the stock it will carry, without the experience of several years. I think, generally speaking, the assessment of runs has been made by the Commissioner with the assistance of the parties concerned, and a reference to the returns of stock for previous years. It could not be expected that a Commissioner who possibly had not been on a stock station before his appointment should be capable of judging what a run would carry. I think it must require very considerable experience.
121. Would it not require a very close examination of the country to verify, or qualify, any estimate based upon returns? It would, no doubt.
122. Whether the appearance of the country itself would or would not give fair grounds for an estimate, no estimate should be made without an examination? No; the ground should be closely viewed.

123. And, as a general rule, the appearance of a country will indicate whether it has been over or under stocked? Yes.
124. The growth of scrub in an overstocked country would be an indication? Yes.
125. Are there many runs unassessed up to this time? Yes, a great many. In the Lower Darling, for instance, there are 130 or 140.
126. Of these runs that are not assessed, and of the runs which have not been assessed at any time since the proclamation of the Orders in Council, how has the rent been charged—upon what principle? It is charged upon the area of the ground.
127. Upon the estimate of its area? Yes.
128. Upon the estimate of its area preceding that examination which would be necessary to form an estimate of its capabilities? Yes.
129. So that, in fact, the rent of unassessed runs is based upon a principle still more liable to error than others? Yes, it is an erroneous estimate, no doubt; but assessments have been more particularly attended to within the last few years. According to the regulations a single station is to be confined to 16,000 acres, which is supposed to carry 4,000 sheep, and many of these have latterly been assessed at 5,000 and 6,000, as they have been found capable of carrying that number.
130. Is that rule of charging upon the area of runs prior to their assessment universal—does it apply to all runs? No.
131. Does it apply equally to new runs as to old? Runs under tender are all confined to 16,000 acres, or enough to feed 4,000 sheep.
132. Is the rent of such runs charged upon the area? No; these are charged upon the supposition that they are capable of carrying 4,000 sheep, but many of the runs that are tendered for and accepted to carry 4,000 sheep, may embrace double the area allowed by the regulations; then, until they have been assessed, the parties would pay only for 4,000 sheep.
133. Then, on the country being valued, is the rent considered liable to adjustment for back years? Yes.
134. Does the same rule apply to rents charged upon the area of the country? Yes.
135. That is for old runs not assessed? No, not for old runs not assessed—of course nothing could be done with them; they have been charged upon the area alone.
136. But when the assessment occurs —? They would be liable for back rent.
137. So, in point of fact, if a run passes through half a dozen hands the last holder would be responsible for back rent? No question of that sort has occurred.
138. What I want to establish is this—you say the assessment of the country is in some measure delayed by delay in the definition of its boundaries —? Of course it must be.
139. That during that delay the rent continues charged upon the estimate of its area, based upon still more imperfect information —? No doubt.
140. But you say that the rents charged upon the area are liable to adjustment on the capabilities of the run being determined? Yes.
141. And that the same rule applies to new runs taken up by tender? Yes.
142. With this exception, that such runs are charged upon the estimate of their area? Yes.
143. Now, can you say whether the officers of the Survey Department have any instructions to measure runs? No, excepting it may be in two or three special cases, where they have been approved of by the Government; but such cases are very limited indeed; in fact, it is impossible to afford the time of the surveyors to do it. I have hardly sufficient strength to keep up the survey of land for sale, to meet the wants of the public. I have no means of conducting surveys beyond that.
144. It is some considerable time, I think, since any run was measured? I think almost the only two that have been surveyed for several years are Mr. Donaldson's, who paid a portion of the cost, and, I think, Dr. Dobie's.
145. Each of these parties either paid for the cost of the survey or a portion of it? Yes. I do not think there have been half-a-dozen cases of surveys of runs made by the department for some years.
146. So that the Commissioners of Crown Lands and the public are assured by the Government that it is their intention to survey the land at the public cost, and the officers of the Survey Department are informed that they are not, or not told that they are, which is the same thing? No, they are not told. Since I have been in office the strength of the department has not admitted of the employment of surveyors on such duty.
147. You said just now that you are of opinion the definitions of boundaries drawn up by the Commissioners are as good as leases? Quite as good, for the purpose of leases, provided the descriptions are perfectly clear, and consented to by adjoining occupants.
148. They embrace descriptions of all the runs assessed up to the time of the order to measure runs? Yes, these are all clear enough, and since that time there have been numerous descriptions approved by the Commissioners, which are quite sufficient, in my opinion, for the purpose of leases.
149. But these descriptions have been prepared without instructions? The instructions are, of course, to make as perfect descriptions as they possibly can; and in examining the land for the tenders the Commissioners make numerous alterations in the boundaries. The tenders are approved, subject to amended descriptions.
150. After the Commissioners were informed, in 1852, that it was the intention of the Government to survey the runs, would it not be considered by them as a waste of time to make an imperfect survey? Generally the instructions to the Commissioners were to make the boundaries as perfect as they could. I do not think they had any business to consider that the runs were to be surveyed after their descriptions.
151. Were not these instructions given to them prior to the determination of the Government to survey the runs? Yes, they were; but I know that the instructions given to all the Commissioners who subsequently went away were, that they were to make the boundaries

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Colonel as perfect as they could. The determination of the Government might have had the effect
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153. I am not speaking of the boundaries for which tenders are made in the outlying districts—very few tenders are made, I think, in the older districts of the country? Yes, not many.

154. With reference to these districts, the duty of examination of boundaries with reference to tenders is very limited? Yes.

155. With reference to lands under promise of lease, has it been any part of the duty of the Commissioner, under his instructions, to interfere with boundaries at all? Yes, of course, in reporting upon his tenders. How can he otherwise give a satisfactory report unless he sees the land—how can he know whether the boundaries are at all correct?

156. Without reference to tenders at all—speaking of the older districts, of which you say that few tenders are made in them—with reference to runs which have been in occupation many years, is it any part of the duty of the officer to meddle with boundaries at all? They frequently have to meddle with boundaries to settle disputes—they are frequently instructed to do so.

157. Is it any part of their instructions, or are they not assured by the instructions that the Government intends to measure them? The instructions are published in the book of regulations.

158. I would suggest to you that the instructions to Commissioners of Crown Lands are, that Government intends to measure the boundaries of runs? No doubt that is in the printed instructions.

159. The Commissioner's interference has been confined to cases where specific application has been made? Yes.

160. So that any Commissioner proceeding to interfere with all the boundaries in his district would be exceeding his instructions? I would not find fault with him if he had time and were to do so; but he would not be able to do it and keep up his work.

161. It is not part of his special duty to examine boundaries in detail and mark them? I think it is his business to see that the boundaries are correct.

162. At any rate, the question is open to some difference of opinion? If he is called upon he has to do it; but I do not say that the Commissioner should run over his district to look out for errors in boundaries. If he were requested by the parties themselves to mark their boundaries of course he would do it. He is instructed to do so whenever applications are made to him, which is not very frequent.

163. You do not think it part of his duty on visiting a district to assess it, to examine the boundaries and describe them? No; but I presume he examines the run when he assesses it—not with a view to fixing the boundaries.

164. The fixing of boundaries is rather beside his duty? It is, rather; he would not fix the boundaries at that time; he would rather consider the boundaries as fixed; he would not correct any errors of boundaries at that time; his duty would be simply to assess the capabilities of the runs. If he were at that time asked to examine the boundaries of a run, no doubt he would do it, if possible.

165. Do you consider that, his instructions not requiring him to examine boundaries on assessing runs, he can fairly be responsible for the boundaries of his runs being perfectly described? No; I do not see how that can possibly be, for the Commissioners are repeatedly changed.

166. I assume the case of a Commissioner for several years in a district in which the boundaries of old runs are in an unsettled state—do you think the officer responsible for their undescribed state? In a certain measure he would be, of course. It would be his duty to make himself acquainted with the state of the runs. Runs cannot be erroneously described without being pointed out by the neighbours.

167. May not runs be so imperfectly described as to prevent objections being made to them—is it not, in fact, rather the characteristic of published descriptions of runs that they are absurdly imperfect ———?

168. *By the Chairman:* Have you never heard of a Commissioner being twelve or thirteen years in a district who has never seen two-thirds of it? Yes.

169. And he, of course, had to report upon the runs? Yes. I am aware that Commissioners have reported upon runs without seeing them.

170. *By Mr. Moriarty:* I understood you to say just now that it is not distinctly part of the officer's duty to examine the boundaries of a run when assessing its capability? I think not.

171. Supposing that in a given time he had arrears of work to make up, and were visiting the runs, would it be his duty to examine the boundaries? Not unless called upon by the parties.

172. It would not be in itself such a duty as should occupy him? No.

173. Under his instructions? It would not.

174. Do you think that an officer, aware of the fact that Government had no intention of surveying runs, although that intention was declared—nothing having been done to that end for several years—and being of opinion that leases should issue upon his descriptions of the country—should pass over the country without preparing descriptions of runs? You allude to old runs—these, unquestionably, exceed the area prescribed by the regulations, and, of course, they do not require assessment; they are assessed by the gazetted area. Some of the old runs are from 200,000 to 300,000 acres.

175. I understood you to say just now that the gazetted area was the estimate used to compute the rent until the capabilities had been determined? That is the area upon which the estimate is based.

176. I wish to know whether an officer, knowing that Government was not surveying boundaries, and apparently did not contemplate doing so, would, in consonance if not in strict accordance with his instructions, be bound to examine boundaries in assessing the capability of a run? In all cases it would be his duty to settle boundaries to the extent of his knowledge of them; but I do not see that he should be called upon in all cases to regulate the boundaries: he could not do it.

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177. Do you not think it, at all events, of vast importance to such an officer to know whether Government would take advantage of his service in completing the boundaries or not? I suppose they know that pretty well; they cannot mistake that.

178. I understand you that it is not part of his duty under his instructions? He cannot mistake the orders and regulations.

179. Suppose the officer thought the regulations did not express the views of Government, and suppose such officer were anxious to make the most of his time, it would be an object with him to know whether his proceedings were approved or not, and whether it was his duty to examine boundaries in detail? They all know it is their duty to give the best information in their power with reference to runs; they know that perfectly well.

180. I understood you to say just now that it is not part of their duty to examine boundaries except on application? I am speaking of very old runs, whose boundaries should have been settled long, long ago; there are hardly any complaints of those old boundaries.

181. Is it not the fact that all disputes in all squatting actions have been confined to such cases? It may be so, but there are very few even of those which are subjects of dispute. You hear frequently of squatting cases in the Supreme Court, but they are generally the same parties who appear over and over again.

182. Will you suppose such a case as this:—A has a run, described as a run bounded on the east by B; on the north by C; on the west by D; and on the south by E; and that B, C, D, and E have all their runs described in the same manner, all being unassessed? Yes.

183. In such a case do you not suppose disputes would arise when the claims of A, B, C, D, and E, came to be inquired into on the ground? Their runs are all described and marked by themselves.

184. Have you never heard that going into such claims upon the ground has produced a host of disputes, which were never before thought of? There have been occasionally, and it must be the case until they are all regularly surveyed; without that it is almost impossible to define an accurate boundary of these large tracts of country.

185. Which survey there is not much probability of being made? No.

186. In such a case do you not think that an officer proceeding to assess any one of these runs, or all of them, would be bound to inquire to what limits they each extended, to find out for himself what the ground was that he was assessing? No doubt he ought to know what he was assessing; but, in the case of large areas, such as these old runs of 200,000 or 300,000 acres, it would be impossible for him to give his time to the actual definition of the boundaries; he must take the boundaries as they were pointed out to him by the licensee.

187. Suppose he finds the description to claim one boundary and the licensee another? Then he ought to satisfy himself.

188. He ought to examine the country in detail so far as to satisfy himself whether such boundaries exist? Yes.

189. In fact he ought to give some attention to boundaries? Yes; if in a large tract of country he has reason to think the area is incorrect, he ought to satisfy himself, but he cannot very well ascertain that fact except by survey.

190. Would it be his duty to ascertain that fact, or would not he exceed his instructions by so doing? He certainly would not be found fault with. Wherever he could get positive information he would not be found fault with for exceeding his instructions.

191. Suppose such a case as this:—that an officer, within a certain time, had to assess a certain number of runs, do you not think it would be of vast importance to him to know whether he was to describe the boundaries? Yes; but if he were instructed to assess a hundred and fifty runs within three months, it would be his duty to assess these runs under any circumstances, and to abandon the other part of his business, unless he were to report at once that the work could not be done, and solicit further instructions.

192. You said just now that it would be of great importance that an officer in assessing a run should ascertain what he was assessing? Yes; but if he had a positive instruction to assess so many runs in such a time, it would be his duty to do that under any circumstances, for he would not receive such an order unless for an important object.

193. Do you remember my own case, when I urged this matter upon your attention twelve months ago, and required distinctly to be informed whether it was the wish of the Government that I should devote any portion of my attention to boundaries or not? Yes.

194. Do you remember whether, during my tenure of office, I received any instructions or not? I do not know. It was not long before the notice of your removal from office—about what date was it?

195. Somewhere in July or August 1857? I think at that time it was in agitation that you should be removed from your district.

196. Was it not the more important that I should know what I should do during the time I remained? I forget the circumstances connected with your letter; there is no doubt you should have received an answer to it; it must have been an oversight that you did not.

197. You do not know whether any steps were taken in that matter until I mentioned the matter to the Minister for Lands and Works? Your letter was noted by me to be submitted for consideration when the new Land Bill was to be discussed.

198. Do you know what rule was followed in selecting the districts to be reduced? Yes; those that were nearest completion by the returns of the officers themselves. Upwards of two years ago it was proposed to reduce several of the old districts; and when the question was put to me whether it should be done, I stated that I would not recommend it at that

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time, but that perhaps a couple of years from that time the work in some of the districts would be so reduced that I might be able to recommend that the Commissioners should be removed from them. It was with that view returns were called for showing the number of runs unassessed, the number of tenders unreported upon, and it was upon those returns that the districts were recommended to be done away with.

199. Do you remember about what period it was decided that particular districts should be reduced? No; it must have been when Mr. Hay was Secretary for Lands and Works, in 1856.

200. You say the districts were selected with reference to the state of the business in them? Yes.

201. Can you state the number of runs remaining to be assessed in the various districts which you recommended to be reduced at that time? I can. (*Vide Appendix B.*)

202. What do you suppose the average number of runs in the old licensed districts? I will furnish a return. (*Vide Appendix C.*)

203. In the reduced districts what arrangements have you made for the charge of Crown Lands unassessed runs? Surveyors have been appointed to act as Commissioners of Crown Lands.

204. Then, supposing any very considerable arrear of duty in any of these districts, do you not think the proceedings of the surveyors would be hampered? Of course they cannot be expected to do so much surveying; it must interfere with them so far.

205. Do you find any complaints of unauthorized intrusion upon Crown Lands? Not many.

206. Have you had any complaints of unauthorized intrusions upon runs? Not many; there are occasional complaints, but not to any amount.

207. How do you deal with such cases when they do occur? The parties must arrange it themselves; the Government does not interfere in the matter.

208. Is there any means by which the parties can arrange? Yes; upon application to the Commissioner he will arrange.

209. I speak of wholly unauthorized intrusion, not of trespass where the land is in dispute—is there any arrangement by which parties can prevent others coming and settling upon their runs against their will? One method is to apply to the Government to have them ejected, which is, under certain circumstances, done: otherwise they have to manage the business themselves.

210. Does the former system of authorizing the party trespassed upon to remove the trespasser still remain in force? Yes.

211. Have any such cases occurred recently? Yes; I think one or two cases have occurred not a long time ago. I cannot remember what they were.

212. Suppose the case of a party being in possession of a run for which another party had previously tendered and paid rent, how would the Government proceed to place the successful tenderer and eject the intruder? The course would then be for the Commissioner to place the man who holds the run in occupation.

213. It would be necessary first to eject the intruder—how could that be done? By bringing him before the Bench, under the Waste Lands' Act.

214. Is that the practice now? Yes, that is done now; but there are very few cases of that sort.

215. Are you clear upon that point, that it is done now? I think I can get you a case.

216. Are you not aware that the Waste Lands Sales Amendment Act has expired—that it has been repealed by the Constitution Act? You are right; I remember there is no Act now.

217. You are not aware of any marked inconvenience having been felt, arising from intrusion? No; the cases are very few indeed.

218. The correspondence on the subject of Crown Lands Management is still very considerable, is it not? Yes.

219. Are the returns to the Government in such cases of frequent occurrence—is there much correspondence between your department and the Minister of Lands and Works upon such subjects? No, I do not think a very great deal. Of course all questions of that nature go to him. The chief portion of the correspondence relates to runs and tenders; the tenders are very numerous, indeed. The first Monday of the month I have had as many as 300 tenders; last month there were 140; and I should think there are that number now in the tender-box.

220. Have these all to be submitted to and decided by the Government? Yes; the mass of correspondence arises from them.

221. Do you not think there would be a saving of labor if these were opened in the Minister's own office and dealt with at once? I have been in the hope that that would be done, and I think it must be by-and-by. When the two offices are under one roof we shall have done in five minutes what now requires a correspondence of a dozen letters. I think it most important that the offices should be under the same roof.

222. *By the Chairman:* Are you aware that in the year 1847 descriptions for the leases were promised to be ready for the Government to be delivered to the squatters within a year? Yes, if possible.

223. Do you think the officer in charge of the Survey Department who made such a promise could have had the most remote idea of what he promised? He must have satisfied himself that he could not do it.

224. *By Mr. Aldcorn:* In point of fact, were the early runs—those that were occupied in the year 1847—measured in a rough way? A great number were measured. In the Murumbidgee district Mr. Townsend surveyed a very considerable number, and I think the leases were issued, nearly all of them, if not quite, for that part of the country.

225. Do you think the Government could possibly have issued leases upon those that were not measured at all? My opinion has always been, from the commencement, that the Commissioners

missioner could supply sufficient descriptions in very many cases for a lease without a survey.

226. Your opinion is that in all these cases the Commissioner has been possessed of information sufficient to found a lease upon? He ought to have been in possession of such information. Colonel
G. Barney.
24 Aug., 1858.

227. Do you think the Government were under any obligation to issue the leases where they were not applied for? No, I do not think so.

228. The Act says very distinctly the leases are to be applied for—the Government gets the power by the Order in Council to grant the leases, but the application has to be made by the occupier? Yes; very few applications have been made, as I have said, since 1851. Of the old runs for which leases were to be issued under the Orders in Council 9 March, 1847, about 1500 applications for leases were received, out of which number about 120 only have been issued.

APPENDIX A.

No. 1.

58-329.—Blank Cover.
No. 58-78.

RALFE JAMES.—Applying for gratuity or further employment.

3 February, 1858.

I beg to enclose a copy of a report prepared at the time of the presentation of Mr. Ralfe's petition to the Legislative Assembly. I am not aware that I can add anything thereto as regards the circumstances of his case up to the date of the report.

It was intended to employ Mr. Ralfe at the M'Leay River, but the services of Mr. Millington becoming available, and it appearing that the demand for land would require the undivided services of a surveyor in the district, that intention was abandoned. The preparations which Mr. Ralfe may have made were premature.

GEO. BARNEY,

S. G.

4 March, 1858.

The Honorable
The Minister for
Lands and Public Works.

No. 2.

MEMORANDUM relative to Mr. Ralfe's memorial to the Legislative Assembly, dated 6 September, 1846.

In the early days of his official career Mr. Ralfe was employed upon some very difficult and dangerous coast surveys.

Subsequently he was stationed at Port Macquarie.

In 1841, at his own request, he became a contract surveyor, but with the understanding that he was still to be considered an officer of the department.

At the end of a year the Government refused to continue the contract; the Government also refused to allow Mr. Ralfe to return to the department as a salaried surveyor.

A long correspondence ensued—the Government refused to give Mr. Ralfe either a retiring gratuity or a grant of land.

A compensation of £150 for loss in the value of his equipment was to have been given to Mr. Ralfe, but he never obtained it.

Mr. Ralfe applied to the Secretary of State, but without success.*

For some ten years Mr. Ralfe was not engaged in the public service. He went to England about 1846-7, and returned to the Colony about 1850, as a surveyor to the Australian Agricultural Company.

In 1851 Mr. Ralfe applied to the late Sir Thomas Mitchell to be reinstated in the department, but that was declined.

In 1852 Mr. Ralfe, at his own request, was gazetted as a licensed surveyor, but such employment is terminable by the Government at any time, and consequently no claim arises.

What Mr. Ralfe states as to his title to 1000 acres of land is strictly correct; it was the practice of the Colony to give every one land—more or less—and the obtaining of land was always held out at home as an inducement to the acceptance of office in the Colony.

Mr. Ralfe was as much entitled to receive 1000 acres of land as the other surveyors of his time—Mr. Finch, Mr. Huddle, Mr. Richards, and Mr. M'Brian—and no doubt he would, like them, have got 1000 acres; but Mr. Ralfe, perhaps, in his too enthusiastic pursuit of his business, neglected to obtain an order to select, until, by a Government Notice, he was precluded from obtaining land whilst in service—this notice was allowed to act retrospectively against the claim of Mr. Ralfe, although the promise was undoubtedly established by precedent.

Mr. Ralfe's claim for 1000 acres of lands merits the serious consideration of the Government, and is apparently provided for in the 58th section of the Constitution Act, 18 and 19 Vic. cap. 54.

APPENDIX

*The reasons by which the Government was influenced in the treatment of Mr. Ralfe will be evident from the correspondence; but for the sake of brevity the particulars have not been entered on.

Colonel
G. Barney.

APPENDIX B.

24 Aug., 1858.

RETURN shewing the number of Runs remaining to be assessed at the period when the reduction of certain Commissioners' Districts were recommended.

Name of District.	No. of Runs to be assessed.
Albert	91
Lower Darling	117
Maneroo	Nil.
Murrumbidgee	130
Lachlan	30
Wellington	1
Bligh	82
Liverpool Plains	6
Gwydir	17
New England and M'Leay	80
Clarence River	23
Moreton and Darling Downs... ..	Nil.
Maranoa	57
Wide Bay and Burnett	156
Leichhardt	76
Port Curtis	24

RETURN shewing the number of Tenders remaining to be reported on at the period when the reduction of certain Commissioners' Districts were recommended.

Name of District.	No. of Tenders to be reported on.
Albert	27
Lower Darling	51
Maneroo	14
Murrumbidgee	7
Lachlan	41
Wellington	3
Bligh	91
Liverpool Plains	1
Gwydir	20
New England and M'Leay	Not any.
Clarence River	14
Moreton and Darling Downs	9
Maranoa	31
Wide Bay and Burnett	56
Leichhardt	396
Port Curtis	103

APPENDIX C.

RETURN shewing the number of Runs in the Old Licensed Districts entitled to Leases under the Orders in Council, 9 March, 1847.

Name of District.	No. of Runs.
Lower Darling	12
Maneroo	166
Murrumbidgee	243
Lachlan	214
Wellington	124
Bligh	176
Liverpool Plains	149
Gwydir	100
New England and M'Leay	162
Clarence River	51
Moreton and Darling Downs... ..	91
Maranoa	9
Total... ..	1,497

FRIDAY, 27 AUGUST, 1858.

Present:—

Mr. ALDCORN,
Mr. DONALDSON,Mr. FORSTER,
Mr. MORIARTY,

Mr. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

John Thompson, Esq., again called in, and further examined:—

1. *By the Chairman:* It is stated in the evidence of Colonel Barney that there is a responsibility attached to the office of a surveyor now which there never was before—can you explain what that responsibility is? Colonel Barney, I apprehend, referred to the district surveyors. J. Thompson,
Esq.
27 Aug., 1858.
2. In what way are they more responsible now than they were formerly? They have to superintend the working of all the assistant surveyors and licensed surveyors in their respective districts.
3. In what way are they more responsible for the duties of the department than officers who formerly held a position in the service—do they give any security to the Crown for the way in which they carry out their duties? They give no security whatever.
4. Is it not important that persons holding that responsible office should be experienced men? Undoubtedly.
5. Is it the case that the most experienced men in the service have been appointed for that duty? I am not prepared to answer that question; I had nothing whatever to do with the appointments.
6. Then you cannot say that these men have been selected for their colonial experience? I am not at all aware of the reasons for their appointment; I was not consulted.
7. With regard to the salaried and licensed system, I think you have already said you considered the salaried system much more expensive than the licensed system? Yes.
8. And that there are no more responsibilities attached to one system than to the other? I do not exactly follow you.
9. That there is no more responsibility upon the officer who holds office directly from the Crown than upon one who performs work under a license or contract? There is more responsibility attached to the salaried officer.
10. A similar responsibility to that of the licensed surveyor at present, which is actually no responsibility at all, excepting as to his character? The salaried surveyor would be considered a bailiff or servant of the Crown.
11. Colonel Barney says—"In fact, no one can know better than the Honorable Chairman that the permanent staff involve the expenditure of money in a variety of ways, where that expenditure would not be incurred under the system of licensed surveyors. For instance, last year, during nearly four months it was so extremely wet that surveyors could not go out to work at all, but at the same time they were all paid, their horses had to be fed, and their equipments to be kept in order"? Yes, of course.
12. Then the large fees given to the licensed surveyor are given to cover all these losses that may arise? No, that was not contemplated when the scale of fees was framed.
13. Do you not think that similar remarks might apply to any other service of the Government—to any service where out-door work is necessary, where they could not perform their duty in a certain state of the weather? Of course.
14. Colonel Barney, in answer to Q. 49—"Still, the licensed surveyor must be paid sufficient upon the whole to enable him to sit idle during those seasons"?—says the scale has enabled him to do that; it has been high hitherto, but it has been reduced. Do you mean to say that was not contemplated at all? Yes, to the best of my recollection, it was not contemplated at all.
15. Colonel Barney, in speaking of the work of the licensed surveyor, says he thinks the work is sufficient for the purpose—do you not imagine that, if work is to be done, it should be done well? There is only one way to do it, and that is to do it properly.
16. In selecting individuals for positions of trust in the department, with whom does the selection rest? With the Surveyor General and the Minister of Lands and Public Works.
17. With the Minister of Lands and Public Works? Yes.
18. Then the change that has taken place in the department with regard to the new arrangements has originated with the Minister of Lands and Public Works? Yes.
19. The Minister of Lands and Public Works, in making such a selection from the officers of the department, I should imagine is governed by the histories of the officers given by the department? I cannot say what may have passed between the Surveyor General and the Minister, but I apprehend that the Surveyor General recommended certain officers.
20. Colonel Barney says—"It is very hard in some cases, but you must be aware that where a number of gentlemen are employed in a department, some may be considered more competent than others—some more diligent than others." How is it that the competence or diligence of an officer is arrived at? From the experience which the Surveyor General has of their work.
21. It has been said the Surveyor General never goes in the field? Colonel Barney has never been in the field.
22. It has already been stated that there is no supervising officer? In the field? There was not formerly, but now there are four district surveyors.
23. But to select these district surveyors it is necessary that some one should know something of them. This is the question that is answered in the way I have read: "It is very hard in some cases, but you must be aware that where a number of gentlemen are employed in a department,

J. Thompson, Esq. "department, some may be more competent than others—more diligent than others." I should like to know the standard by which competence or diligence is arrived at? I am not in a position to answer that question. I should be glad if I could; but I was not consulted in these matters.

27 Aug., 1858.

24. Officers belonging to the surveying service may be in the field for months together without having ever seen their homes, I believe? Yes.

25. While officers at head-quarters have their daily office hours? Yes.

26. They go to their offices now, I believe, at nine A.M., and remain till four P.M.? Yes.

27. The officer who is in the field is constantly on duty? Yes.

28. He has no home to go to, except his tent, and, consequently, during the whole time he is away he must be on duty? Yes. I think I have given evidence to that effect before.

29. Before we can arrive at anything like an accurate survey of the Colony, do you not think it would be necessary almost to recommence the survey? I do not see the exact meaning you attach to the word "accurate;" if you mean a truly perfect, geodetic survey, of course trigonometry in the higher branches would be necessary.

30. You are aware that the descriptions of land, as given in the deeds, in many instances do not correspond with the land as measured on the ground? Yes.

31. Consequently, if a parish is eight or ten miles broad, and every farm in that parish is described as eighty chains, when they are eighty-one chains, or eighty chains and a-half, there would be an error in every parish of several chains in a mile? Yes.

32. *By Mr. Moriarty*: Do you remember on former examinations stating, with regard to supervision in the field, that you did not think it possible that any supervising officer can supervise with any degree of efficiency a district spread over such an extent of country as that now placed under a supervising officer? Yes; and I suggested that there should be seven or eight supervising officers.

33. In fact you think the present system of supervision is incomplete? Yes.

34. *By the Chairman*: In the Report made by the Commissioners on the Survey Department, in 1855, it was recommended that each surveyor should have the assistance of a draftsman; that has not been carried out, I believe? It has not.

35. It has been done in one instance, at Moreton Bay? Yes; but the surveyor at Moreton Bay is an office man.

36. Has he no field duty to do? He has, and the draftsman has charge of the office in his absence.

37. Who is the draftsman at Moreton Bay? Mr. John Perry.

38. He has been in the department before, has he not? Yes.

39. More than once? Yes, more than once; I think he was a clerk in Sydney.

40. *By Mr. Moriarty*: Who is the officer in charge at Moreton Bay? Mr. Burrows.

41. Is he stationed at Moreton Bay permanently? Yes. There is an office at Brisbane, a regular branch of the Survey Department to a certain extent, as directed by the Waste Lands Act.

42. This officer is required to attend the office? Yes, occasionally, for it is understood that he has the supervision of the whole district.

43. He is also Crown Lands Commissioner for Darling Downs? He is.

44. Is he one of the supervising officers? Yes; he is the "district surveyor"—that is the term used now.

45. *By the Chairman*: You were Deputy Surveyor General, in charge of the department, when Colonel Barney became Surveyor General? Not in charge; I was Deputy Surveyor General, but not in charge.

46. Colonel Barney succeeded Sir Thomas Mitchell? Yes.

47. As soon as Colonel Barney took charge you were ordered out on field duty? Yes, shortly afterwards.

48. How long did you continue doing duty in the field? I only took one journey.

49. What was the peculiar duty you performed on that occasion? It was very various; I had to see that the railway surveyors were properly equipped, and were carrying on their work; I had to see that all the licensed and salaried surveyors were at work, and were properly equipped, and that their work was being properly executed; I had to inspect the Local Land Offices, to turn my attention to lines for railways and for roads, and to make general inquiries on any subject connected with the business of the department.

50. That was the first time in the Colony that you were ever practically employed in making surveys? The first time I was ever out on duty—no; that is not quite correct, for I had been to Maitland before.

51. On similar duty? On similar duty.

52. *By Mr. Moriarty*: You made various expeditions, did you not? Only two; I had forgotten the Maitland one; it was only a short excursion; the second journey was a very long one.

53. *By the Chairman*: The Surveyor General states that he considers it to be the duty of the Deputy Surveyor General to be constantly in the field, why then did he cause you to discontinue your duties in the field? There was some difficulty about my expenses, and the matter was dropped.

54. How many branches are there belonging to the Surveyor General's Department now—how many distinct heads are there? Three, I should say.

55. Will you name them? The survey, the drawing, and the clerical—of course there are some subdivisions.

56. Do you know if it was the general complaint of officers in the service that the allowances for field equipment and travelling were not sufficient—was it not a cause of general dissatisfaction? Yes.

57. You yourself experienced that you could not travel in the country without means? Certainly.

58. Do you consider that the allowance given to the officers at the time the money allowance was given was sufficient? I did not consider it sufficient.
59. Who arranged these allowances? I cannot exactly say, but I apprehend the Chief Clerk, as financier of the department, in consultation with the Surveyor General would make suggestions about these allowances, and before Responsible Government commenced the Colonial Secretary had a voice sometimes in these matters, because the Governor's authority was then required for all expenditure.
60. Do you not consider that the Surveyor General, as head of so important a department, should have the entire control, and that neither the Colonial Secretary nor any other man should interfere with the details of the department? Yes.
61. Do you not think the public business would be more efficiently performed if the head of the department were alone responsible for carrying out these details, and that if he could not do so he should be removed? Yes.
62. Do you not think the field allowance—the forage, in fact the whole Commissariat of the department—has been the cause of a good deal of the inefficiency of the service? You mean the inefficiency of the service in former times?
63. Yes; I mean that in former times the same forage allowance was given to an individual in Sydney as to one who had to journey five or six hundred miles into the interior, or to the extremity of the Colony? I am not sufficiently acquainted with the history of these allowances to be able to express an opinion.
64. All sorts of experiments have been tried with them? Yes, all sorts.
65. The experiments having been made at the expense of an individual who had no voice in the matter? That I cannot reply to.
66. You had nothing whatever to do with the railway surveys? Yes, I had for a short time. I prepared the instructions to the railway surveyors.
67. Have you a copy of these instructions? No, but I will procure a copy. (*Vide Appendix A.*)
68. Did you recommend the system now adopted in making surveys for railways of taking sections from point to point, or of first finding out the line and then taking the sections of the line as defined? The instructions were founded upon a draft supplied to the office by the railway engineer, Mr. Brady, and did provide for an examination of the tract of country through which a railway was proposed, and the taking of what are called flying levels, as the first steps.
69. Do you not conceive that in making surveys for railways the first object should be to find portages of water, and then to arrange the levels to meet those portages? Yes; but when a country is much broken there should be a most accurate survey of the features of the whole line of country through which the railway is to pass, so that an engineer in his closet should be able to sketch out his lines upon paper and consider their practicability.
70. Do you not think a great deal of the work now it is performed, having been performed only with regard to cross sections—sections from point to point—is now perfectly useless? A great deal of it.
71. Is it your opinion that the men sent out from England for the purpose of making these surveys of the country were capable of performing the duty—do you think they knew the topography or features of the county at all? Of course not; they were merely competent to take levels.
72. Do you think it should be left to Non-Commissioned Officers of Sappers and Miners to suggest lines of railway? I think not, certainly.
73. They may be very competent after the lines have been fixed upon to carry out the mere sections of the country? Yes, to level and chain.
74. *By Mr. Moriarty:* Are the trial surveys of railways made under your direction? Not now, but they were for a short time. Before I went on my journey I had the business of the railway surveys in my hands.
75. Not since? Not since.
76. *By the Chairman:* Some lines of railway have been carried by officers of the service, Mr. Shone, for instance? Yes.
77. The surveys, I suppose, are in the office now? Mr. Shone's plans of his surveys and levels were in the office, but they are now in Capt. Martindale's office.
78. Were you ever employed in surveying before you came to this Colony? Yes.
79. Did you ever make any survey? Yes. I am very anxious, if the Committee will allow me, to make a statement of my professional and official experiences.
80. My question was put with a view that you should do so—will you now be so kind as to make any statement you may see fit to the Committee? I was articled to Mr. Pawley, a friend of my father, for five years, and I served my articles. Mr. Pawley was in charge of the drawing branch of the Quarter-Master-General's Department at the Horse Guards.
81. In the military branch of the service? Yes; he was allowed private practice, and was extensively employed by engravers and publishers.
82. Was that as a compiler or as a surveyor? As a geographer.
83. In getting up maps of the counties geographically? Yes, and atlases and illustrative maps and plans. My attention was directed to the compilation and construction of maps and charts of all sorts, drawing plans, and other geographical work. For instance, I was employed to correct for Pinnock his edition of Goldsmith's Geography. During my articles I received my mathematical education. Mr. Lee, the then Secretary of the Royal Society, consented to receive me as an evening student, and with him I went through an entire course of mathematics.
84. You have been in the habit of constructing maps upon all projections? Yes. With Mr. Lee I went through Euclid, conic sections, spherical trigonometry, fluxions, algebra, Brook Taylor's Mathematical Perspective, &c., and when I left Mr. Lee he said I was competent to calculate the orbit of a comet. This peculiar education was intended by my family
to

J. Thompson,
Esq.
27 Aug., 1868.

J. Thompson, Esq.
27 Aug., 1828. to fit me to go into the India House, where my uncle, Mr. James Malbon, had charge of the Hydrographic Office, and had the custody of all the charts and maps. Captain Horsburgh, the Company's Hydrographer, was compiling in my uncle's office. He was very aged, and it was thought I might succeed him also—the two offices being combined. However, before my articles were out, the Company's Charter was so far abrogated as to render the Hydrographer's Office no longer necessary, and there was an end of that plan. At the end of my articles I had to turn my attention to other matters. I became, I may venture to say, one of the best pictorial plan draftsmen in London.

85. That is more ornamental, perhaps, than useful? Yes. I will come to the surveying presently. I wish to give the Committee an idea of my professional education. I studied landscape painting; was a pupil of Copley Fielding; and I exhibited. I then turned my attention to surveying. I placed myself under Mr. Dean, one of the Duke of Bedford's stewards, a celebrated surveyor and engineer; and the first thing I was employed upon was a pictorial plan of Blenheim, for which I had to survey and sketch all the features, and the gardens, &c. I then went to the Peak of Derbyshire, for the purpose of running levels for canals. Here is my book of the levels. (*The witness produced the same, and read—“Field Book of the Levels taken on the line of the proposed Grand Commercial Canal, 1824.”*)

86. The canal was not formed, then? No. These are the flying levels. Here is the prospectus. (*The witness produced plan of the same, and read—“Surveyed by Charles Dean and John Thompson.”*)

87. What is the extent? Altogether about seventy miles. On my return to London, I was engaged upon a survey of the Maidenhead Commons. I made the whole of this survey myself. These are the field-books of that survey. (*The witness produced the same.*) I was then sent to Ireland to make a pictorial plan, and sketches of the scenery of Ballinlough Castle estate. I was afterwards employed to draw plans for William IV, then Duke of Clarence, of his residence in Busby Park. The celebrated Loudon, the author of the *Encyclopædias*, then sought me out; he had lost the use of his arm, and he proposed to me to assist him in his drawing, and agreed to instruct me in landscape gardening, which was his profession. It was then I first began to write for the public on subjects connected with my profession; Loudon's Magazine afforded me the opportunity. Here is my first article. (*The witness produced a volume of Loudon's Magazine.*) “Remarks on the effect of Lombardy poplars on park scenery, by John Thompson, Land Surveyor and Pictorial Draftsman.” Here is another, “Remarks on the effect of Cedars of Lebanon upon garden scenery, by John Thompson.” Then here is the first design for the naturalizing and improvement of the parks. (*The witness produced the same, and read—“A design for improving the parks by extending Kensington Gardens, and continuing the Serpentine River into the Green Park, &c.”*) That is imitated in a design for St. James' Park, published in the *Mirror*. (*The witness produced the same.*) A proposal was then made to me to undertake the formation of a geographical drawing branch in the Colonial Office in Downing-street. I was there upwards of a year, compiling various maps from sketches of travellers, and from different documents they had deposited in the Library; and Sir Robert Wilmot Horton, who was then Under Secretary, and afterwards Governor of Ceylon, employed me to make a diagram for him, to illustrate an article of his for the *Quarterly Review*, to shew the uselessness of the retrenchments then agitated. (*The witness produced the diagram.*) The confinement at Downing-street did not agree with my health, and it was proposed that I should come to this Colony. At that time Sir Thomas Brisbane had sent home for instruments, proposing to measure an arc of the meridian. Governor Darling was also pressing for surveyors. At first I refused, but after a lapse of some months I consented to join the department, and I was then appointed an assistant surveyor, but with the understanding that I was to take charge of the drawing business in the office, because a great change had taken place during the few months spoken of: Governor Darling had sent home urgent despatches for surveyors, and Major Mitchell was appointed Deputy Surveyor General. However, as I thought it possible I might be employed upon surveying, and perhaps in measuring the arc of the meridian, I supplied myself with all the necessary instruments and books. I also placed myself under Mr. Lynn, a gentleman employed to prepare cadets for the East India service; and with him I studied navigation, and again went through spherical trigonometry.

88. Whose spherical trigonometry did you study? Hutton's. On the voyage I took the sun, as the sailors call it, worked the latitude and longitude, kept the ship's course on a chart of the Indian Ocean which I got from the India House; I also kept a meteorological table, so that I arrived in the Colony with the prestige of all the attainments necessary to carry on any surveying or other work which might be required of me. Mr. Oxley immediately placed me in charge of the drawing branch in the office; in about six months he died, and Major Mitchell became Surveyor General. Governor Darling treated me harshly; he cut off the allowances which the Secretary of State had specially provided I should receive. There was a long correspondence, which ended in my being obliged to work myself up by annual increase to the maximum salary of £300.

89. I think Governor Darling was instructed from home of the duties of all the officers of the different branches of the service, and the positions they should occupy? If he had been fully instructed about me he would perhaps have acted differently; because a little time after the arrival of Sir Richard Bourke he raised my salary from £300 to £500. He was pleased to say he was aware of the importance of the duties I performed, and was satisfied with my manner of performing them. He also made me Secretary of the Court of Claims, and said that his doing so was not only with a view to my merit, but for the purpose of improving my circumstances, for I had been kept very poor by Governor Darling. I may state that I conducted the business of the Court of Claims, which was very difficult, to the satisfaction of the Government and of the different Commissioners; and I at the same time acquired a considerable knowledge of the laws of real property, an important advantage to an administrative

trative officer in a new colony. A good many years passed over, and the fees of the Court of J. Thompson, Esq., Claims fell off.

90. Can you state the amount of money you received from the Court of Claims? I do not exactly remember, but a return has already been furnished to the Committee by the Chief Clerk. As the Secretaryship of the Court of Claims had been given me for the purpose of improving my circumstances, and as the fees had fallen almost to nothing, I thought it a sufficient ground of appeal to the Secretary of State for an increase of salary, and I obtained Sir Charles Fitz Roy's recommendation for another £100 per annum, which I obtained, making my salary £600. I should before have stated that Sir Richard Bourke had directed that I should rank next to the Deputy Surveyor General.

27 Aug., 1858.

91. Was not that a breach of faith with the surveying officers, and in contravention of the Secretary of State's Despatch relating to the arrangements of the service? It might, perhaps, be so considered; but it has been found impossible to adhere strictly to those arrangements.

92. It is very seldom that a staff officer either in the army or in the navy holds any rank, the extra remuneration he gets is supposed to compensate him for the loss of promotion? But it was the reverse in my case. On Captain Perry's illness, being next in rank, the charge of the department, of course, devolved upon me, and I acted as Surveyor General for fourteen months, to the entire satisfaction of the Government, although it was a very trying period for the department, being just after the gold discovery, when the diggers and settlers were anxious to invest their newly acquired wealth in land, and I had not the means of surveying to meet the demand. Sir Thomas Mitchell returned from England, and resumed the duties of his office, and I was then appointed Deputy Surveyor General. That appointment was confirmed by the Secretary of State, and on the decease of Sir Thomas Mitchell, if the custom of the British Government, or the Secretary of State's arrangement before alluded to, had been strictly followed out, I should now be Surveyor General. My competency to fill that office or the office which I now hold is, I think, sufficiently guaranteed by thirty-one years experience of the working of the department; and as something more is required from an administrative officer than a mere knowledge of the profession or business he may have to supervise, I think I may be permitted briefly to allude to my different writings on subjects connected with my profession; particularly I would mention an article in the *University Magazine*, on the elevation of the dry land.

93. That is a geological question, is it not? Yes, physical geology. And now, perhaps, I may be permitted to refer to what has taken place elsewhere with reference to the necessity for a Deputy Surveyor General. The question has been agitated several times, in consequence, I apprehend, of Sir Thomas Mitchell's not employing Capt. Perry; but the result has always been that a Deputy Surveyor General was considered indispensable.

94. A Deputy Surveyor General was found to be necessary before Sir Thomas Mitchell's time. Mr. Oxley had written home, and Major Mitchell came out as Deputy Surveyor General? Yes; the question has been agitated both here and in England, and it has always been considered that a large department like that of the Surveyor General requires two principals. Now, although Colonel Barney has been in the office almost every day since he has been appointed, yet, if he had been sick, or away upon duty, or if he had wanted leave of absence, some one would have been required to conduct the business of the department, and that one, properly, would be the Deputy Surveyor General. I ought now to apologise to the Committee for having so far trespassed upon their time, but as I believe some remarks have been made, to my disparagement, as to my fitness for the office I hold, calling in question my professional acquirements, and alleging that I am not a surveyor I have felt it to be due to myself to make this explanation.

95. A man may understand the theory of a profession very well—for instance, a man may be acquainted with the theory of surgery, but unless he were practically acquainted with it I would not submit myself to him for a surgical operation—but there is still a necessity for practice in the different branches of the profession. With respect to pictorial plans, I have seen very beautiful and very useless ones? But here is sufficient evidence of my practical acquaintance with the subject. (*Referring to the field-books produced.*)

96. You have no colonial practical work—nothing you have done in the Colony you can lay before the Committee? No. I was never permitted to leave the office. I have made but one small survey.

97. There is one question I wish particularly to ask you—I think you reported to the Government that there was no work in your office connected with my triangulation—Will you look at this book (*producing a field-book*) which I received a few days since from Colonel Barney at the office, and say whether that contains the work referred to? I have never seen this before; I was not aware that it was in the office; you must have given this to Sir Thomas Mitchell.

98. No, it was sent up to the office? It would go up to him, and he would keep it by him. He and Capt. Perry kept everything of that sort to themselves.

99. It appears then that field-books are not examined when they come in, for that has been in the office ever since I returned it in 1850? They are not examined.

100. Until I had that book I could not plot the triangulation? Just so.

J. Thompson,
Esq.

27 Aug., 1858.

No. 56-30.

APPENDIX A.

Surveyor General's Office,
Sydney, 9 January, 1855.

Sir,

A survey and level being required in extension of the Southern Line of Railway, I have to request that you will proceed with all despatch to Mittagong, taking with you Messrs. Kelly and Oliver, with the necessary instruments and laborers.

Examination
of country.

2. You will receive herewith (to be returned) plans in two sheets, on the scale of two inches to the mile, exhibiting the country between the Gibraltar Gap at Mittagong, and the town of Goulburn, to which at present your survey and levelling is to be confined. On the plan is shown by a red line the direction suggested by the Railway Commissioners as that which it appears to them the railway is likely to take. The first sheet of this plan, extending from the Gap to Paddy's River, shows not only the features of the country, but also all the alienations and the topography; whilst from Patrick's River to Goulburn the alienations, &c., are shown upon a plan on the scale of half an inch to the mile—which is also to be returned.

3. In the direction of the said red line the country is to be thoroughly examined by yourself and your assistants; and, although as far as the knowledge of the country derived from the plans deposited in this office affords, it would appear that the red line is the preferable route, still it may be that a better pass may be found through the Towrang Mountains than where the road at present passes; and you will observe, too, that on either side of Towrang, that is from Mittagong on the one side and to Goulburn on the other, there are two roads; and it may be that a line in the direction of either of these may be preferable to that suggested; but this will require much consideration and examination of the country, and particularly it will be necessary to ascertain whether Goulburn should be approached by the present road, and the Railway taken through the town, or whether it would not be better to approach Goulburn to the south of the Governor's Hill, so that a terminus there may serve for arrival and departure to the west and south without obstruction.

Trial Levels.

4. When you have arrived at the conclusion that the red line or any other line may be tried, you will return to Mittagong, and commence taking flying levels and laying down bench-marks, taking your height from one of Mr. Shone's bench-marks, as exhibited on the tracings from the plans of his survey and section now enclosed.

Bench-marks.

5. On the choice of spots for these bench-marks I need not enter, as you will be aware of what is required. I may mention, however, that, as a rule in railway surveys in this country, tree stumps when used for marks, and that will be very often, are to be notched in the roots; whilst rocky and flat places are to be marked with the broad arrow. The bench-marks are, of course, to be numbered; they are to be colored with white paint, if possible, the numbering being in black letters, otherwise the numbers should be cut, but so as to distinguish them from the numbering of the survey stations, as mentioned hereafter. At least one bench-mark per mile is to be laid down, and, where practicable, the level and heights above datum of the top of every remarkable hill, and the bottom of every valley, are to be ascertained. You will keep an accurate register of all the bench-marks laid down by you, and be prepared to explain it at any time. The flying levels above referred to, and by which the heights of your bench-marks are to be determined, may be taken without chaining; but it will be necessary that the lines of these levels, the positions of the bench-marks and their number, together with the heights, should be shown upon the plan now furnished, which will then exhibit a sort of preliminary survey, and from which, when completed, the more detailed survey may be commenced. It will be necessary, however, before commencing the detailed survey, that you forward to this office a tracing from this two-inch plan—indeed, unless the line should prove very favorable, you had better forward, from time to time, a tracing of as much as you may have completed, and particularly if any serious difficulties are presented. You will also note on your plan the character of the rocks, especially at all the spots where deep cutting or tunnelling may be required. A report on the practicability, or otherwise, of constructing a railway through the country should accompany the tracings, so that, if necessary, the Railway Engineer may be consulted.

Final Levels.

6. Eventually, when this trial line is approved of, you are to begin upon the detailed survey, by running a series of base lines through the centre of the tract of country which may have been found to be the most eligible direction for the rail, and to which you will thus confine your principal line of level. At every five chains on your base lines (to be marked by a stake) you will ascertain the height, and take therefrom, on each side, lateral levels, to an extent of ten chains, if needed; but wherever any difficult features present themselves, either natural or topographical, you will take such further levels as may put the engineer in full possession of the character of the ground—this will be particularly needed at the Gap, and at many other places along the line. You will, of course, connect your levels with your bench-marks, thus testing their accuracy; and at every twenty or thirty chains supplementary bench-marks should be laid down, to be referred to by letters instead of figures. At each of the principal stations a larger stake than usual should be driven and painted red, the numbers being also painted thereon; but, should this be impracticable, the numbers might be cut in Roman letters. The contained angle is also to be taken and noted. It will be necessary, too, in passing through forest land, to mark the trees on each side of your line, so as to indicate its direction; these marks may be the ordinary horseshoe surveyor's mark, the particulars of which you will readily ascertain in the bush.

Surveying.

7. On either side of the principal line, for a distance of twenty or thirty chains, or as far as the lateral levels may extend, a detailed survey is required, showing all the features and the topography, with the names of the occupier of land and houses, the boundaries, if possible, of original grants, names of places, &c. Further to assist you in this part of your survey, tracings from plans of the immediate neighbourhood of Goulburn are enclosed, as well as tracings of the villages of Marulan and Murrumbah.

8. You will prepare a plan of your survey on a scale of ten chains to the inch, ^{Plans.} showing all the features, the topography, and the levels; the features and the topography you will show in black; the base or survey lines, with the five chains stations and the bench-marks, you will show in red, but the principal stations (that is, where the direction of the line changes,) you will show and number in blue; your heights in feet are also to be shown in red, but the lengths and bearing of your lines, as well as the contained angle, are to be in black. The magnetic meridian is to be shown by these blue lines drawn across your plan at distances of six inches. Your plan is also to contain a tabular form in full explanation of the coloring and marking as is hereby directed. A separate plan, showing a section of the main line of level, as well as of any lateral lines of importance, will also be required; such plan to have the horizontal scale four chains to the inch, and the vertical scale 40 feet to the inch.

9. The plotting, drawing, and finishing of the plans are to be done on the ground.

10. The levels will be taken by yourself, whilst the chaining and the sketching of the topography and features, and the laying down the marks, may be confided to your assistants. I have no desire, however, to confine you to any particular arrangement, as it will be better perhaps that the labor should be divided according to your respective attainments, and experience.

11. In confiding to you the direction of such an important part of the Southern Line of Railway, I look to receive from you and your coadjutors such plans and reports as may be creditable to the department; and I trust that all care and diligence will be exercised in carrying out these instructions.

12. You will not hesitate to apply to me, by letter, for any further instructions, assistance, or tracings that you may require, observing, however, that the rules of the department require that every separate matter should be the subject of a distinct communication.

J. W. Condon, Esq.,
Assistant Surveyor for Railways.

I am, &c,
GEO. BARNEY,
S. G.

WEDNESDAY, 1 SEPTEMBER, 1858.

Present:—

MR. ALDCORN,	|	MR. MORIARTY,
MR. FORSTER,	|	MR. PIDDINGTON,
MR. WHITE.		

G. B. WHITE, Esq., IN THE CHAIR.

Colonel George Barney again called in, and still further examined:—

[The Clerk of Committees read Mr. Gorton's letter appended hereto.]

1. *By the Chairman:* Will you be kind enough to state to the Committee when you became aware of Mr. Gorton having applied to me, as Chairman of the Committee upon the Survey Department, to be examined? I do not exactly remember what day it was, but I saw you a few days after, and asked you the question—whether Mr. Gorton had applied to you personally, and I informed you that he had acted without my knowledge. I did not give credit to it when I first heard of it—I did not think it possible that an officer under my orders would adopt such a course without my sanction. Colonel G. Barney. 1 Sept., 1858.
2. He had not at the time received your sanction? He had not.
3. Do you conceive it to be necessary that any officer belonging to your service, if required to give information to a Committee sitting to inquire into matters with reference to your department, should first apply to you? It would be etiquette to do so, but I have never thrown any difficulty in the way, and should never think of doing so; but in this instance I was not aware whether he would be brought before the Committee or not. He never asked me in any shape—I should have given him permission, as a matter of course, had he asked me. I do not exactly remember the date, but I apprehend it must have been before it was publicly known that he was to be brought before the Committee. He never applied either to me or to the Secretary for Lands and Works.
4. After having received your permission to attend the Committee would it have been necessary that he should have applied to the Secretary for Lands and Works? He ought to have applied to me, as a matter of course, as head of the department; but had he applied to the Secretary for Lands and Works I still should have asked him the question—why did he not transmit the application through me, as head of the department, that being customary in all cases.
5. How long has he been in the department under your orders? I do not recollect. He was in the department when I joined it.
6. Has he generally been efficient in the branch of the service to which he has been attached? Not altogether efficient, or else I should have recommended him for a higher salary; but I have had to find fault with his work on several occasions. I could bring an instance forward: There were two gentlemen placed under him to conduct a certain duty, and there was an important circular placed in his hands to be issued. I presumed the circular had been issued and was awaiting replies to it; finding they were longer than I considered they ought to be, I sent to ask on what day the circulars were despatched, when, to my surprise, I found they

Colonel
G. Barney.
1 Sept., 1858.

they had not been despatched at all—they were placed in Mr. Gorton's hands, and he says he handed them to the gentleman working with him; and when I asked whether the circulars were forwarded, he found them under this gentleman's papers. It was his business to see that they were sent away.

7. Did the questions which have been read originate with you? Yes.

8. Not with Mr. Halloran? Not with Mr. Halloran. I do not know how such a surmise could have originated; it was my own memorandum. I thought the conduct of Mr. Gorton was very improper; in fact, there is a disposition with more than one gentleman in the office to oppose Mr. Halloran, and to originate privately vexatious complaints against him; they think to annoy him.

9. You must be aware that Mr. Halloran has been supposed to have a great deal too much power in the office for a long time? I am aware of it. During Sir Thomas Mitchell's time he was accused of writing improper letters to surveyors; in fact, it was said that letters of censure generally originated with Mr. Halloran. Now I have looked over a great many of Sir Thomas Mitchell's memoranda, and have found that statement to be not correct.

10. But some extraordinary letters were written when Sir Thomas Mitchell was not in the Colony? Those, I presume, must have been written by Captain Perry or by Mr. Thompson. A question of that kind came before me connected with Mr. Galloway's case. Mr. Galloway accused Mr. Halloran of originating a paper that had been despatched from the office. He found great fault with it, and wrote a very improper letter on the subject, which he was afterwards compelled to withdraw. It was not done at the instance of Mr. Halloran, and Mr. Galloway admitted that by the withdrawal of his letter.

11. You are aware that the general complaint has been that while this has been called the Survey Department, the surveying officers have been kept at about the same salaries, while the salaries of officers in every other branch of the department have been increased in an extraordinary ratio—for instance, draftsmen were limited by the Secretary of State's Despatch to £200 a-year? It is impossible we could get competent draftsmen at £200 a-year.

12. What does your first draftsman now receive? The salaries vary from £200 to £650: Mr. McLean receives £650.

13. While the salaries of the surveyors have not been increasing, the salaries in every other branch have been increased doubly? I am not quite certain whether I proposed an increase to the Survey Department; but, of course, all these increases have been approved by the Secretary for Lands and Public Works.

14. You are aware that the general complaint of the surveyors in your service has been that there has been an undue interference with them by the clerical branch? There has been one or two complaints, I believe; but I do not know that I have had any other than that of Mr. Galloway before me.

15. Are you not aware that I wrote once to the Colonial Secretary, and once to the Surveyor General, upon that subject, about ten years back? No, I am not. When I joined the department I submitted an estimate to the Government for carrying on the work of the department, which was not approved of, as being excessive, and I think very possibly I provided in that estimate for larger salaries for the surveyors, but I am not quite sure of that; at all events the estimate was not approved.

16. In an inquiry of this description extending over so many years back it is necessary that the Committee should obtain every information possible, and persons desiring to give such information should not be interfered with by heads of departments? Not at all, and I am willing to give every possible information from the records of the office, but I cannot be expected to be fully acquainted with matters which occurred so many years prior to my connexion with the department.

17. While the Committee are endeavouring to obtain this information, is it not your opinion that no person should be interfered with so long as he gives correct information? Certainly not.

18. These notes to Mr. Gorton and Mr. Darke originated with yourself? With myself. If I have committed a breach of privilege I am sure I had not the slightest idea of doing so at the time. I wanted to establish my complaint of insubordination on the part of Mr. Gorton, but any desire to interfere with the Committee never crossed my mind—I had not the slightest intention of such a thing.

19. You are aware that a similar complaint has been made with regard to interference with a witness who was examined before the Committee on the late Railway Accident? I have had too much work on hand to admit of my reading all these reports, but these questions now under consideration, if I remember rightly, were put before I had any knowledge of the time Mr. Gorton was to come before the Committee.

20. You are not aware whether these questions were put before or after he came to the Committee? I apprehend it was before he came; however, I do not know when he came before the Committee.

21. The date when he was examined was the 5th August? I did not know that he had been before the Committee at the time I wrote the questions. I had not the slightest idea of attempting to injure him with the Committee, it was merely to support my report of his insubordination, and it certainly was an act of insubordination his asking to be brought before the Committee without my knowledge.

22. May I ask you if Mr. Darke asked permission to come before the Committee? No.

23. Did he not submit a petition to you before it was sent to the House? No. He asked me if I had any objection to his bringing some matter before the Parliament, and I said, "You may send as many petitions as you please."

24. Did he submit the petition to you? No; it was casually he asked the question, while I was in conversation with him. I fully anticipated he would then have sent his petition through the usual course. It might have been presented by Mr. Secretary Robertson if it had been sent in the usual way.

25. *By Mr. Piddington*: I think you say you had made a complaint of insubordination against Mr. Gorton? Yes.

26. Upon what grounds had you made that complaint? I will tell the particulars of the case: Last year a precisely similar instance occurred to that which has taken place this year. When certain of the estimates were under arrangement, Mr. Gorton considered that he was entitled to a higher salary than that he received; I was not of that opinion, and the consequence was, that he addressed a very improper letter to the Secretary for Lands and Works, which he was eventually compelled to withdraw. Mr. Secretary Hay's reply to this gentleman was to the effect that Mr. Gorton must withdraw his letter, which was of an insubordinate character, and that if he brought the matter forward again it would be his (Mr. Hay's) duty to recommend his dismissal. This year he did precisely the same thing, and had to withdraw his letter in the same way. This being the second time Mr. Gorton had shewn an insubordinate spirit, I acted upon Mr. Secretary Hay's letter, but, instead of his dismissal, I recommended that he should be allowed to obtain service elsewhere.

Colonel
G. Barney.

1 Sept., 1858.

27. *By the Chairman*: Will you furnish the Committee with a copy of the letter sent to Mr. Hay? I will. (*Vide Appendix A, No. 1.*)

28. *By Mr. Piddington*: Then your complaint of insubordination was not made in reference to the circumstance of Mr. Gorton's examination before this Committee at all? Not at all.

29. It was not at all connected with it? I think that my report of his insubordination had been submitted previous to the examination of Mr. Gorton. I certainly was not aware that he had been examined. I asked the questions alluded to with the view of supporting my statement of his insubordination.

30. Then, in fact, his conduct here was taken into consideration with reference to the charge of insubordination? Yes, it was, so far as previously stated.

31. But his conduct here as a witness was taken into consideration by you in support of that charge? Not his conduct as a witness; it was an act of insubordination to apply privately to the Chairman of a Committee to be brought forward for examination without my knowledge.

32. Then that, in addition to his former conduct, was viewed by you as an act of insubordination? That was an additional act of insubordination.

33. I think you have stated you would have permitted Mr. Gorton to have given evidence if he made an application to you? Yes, decidedly.

34. His non-application was viewed by you as a breach of etiquette—I think you used that term—rather than anything more serious? As an act of insubordination.

35. I think you stated that it was a breach of etiquette? It was a breach of etiquette certainly.

36. Then which portion of Mr. Gorton's conduct weighed most with you in reference to your recommendation of dismissal? It was in connection with his previous conduct, as already stated by me.

37. If Mr. Gorton had not been examined before this Committee would you have viewed his application as a sufficient reason for recommending his exchange? Decidedly; I had done so previous to learning that he had been examined.

38. *By Mr. Moriarty*: May I ask you whether Mr. Gorton's case was pending at the date of the memorandum to him? I did not know when he came before the Committee.

39. I ask you whether this correspondence was pending or was decided upon by the Government? It has not been decided upon yet, that I am aware of; it will await the report of the Committee, I presume.

40. Then you had, previously to writing this memorandum, recommended the exchange of Mr. Gorton? Yes; and it was merely in support of that recommendation that I adverted to those questions in my report to the Secretary for Lands and Public Works.

41. Do you remember what was the interval between Mr. Hay's intimation that a renewal of this application would lead to Mr. Gorton's dismissal and the second application? Nearly twelve months; it was at the time of the preparation of the Estimates.

42. When the matter was renewed this year by Mr. Gorton you carried out Mr. Hay's intention? Yes. The course pursued by Mr. Gorton kept the office in a state of disorder, and hindered the public work. When my letters were sent into the office to be copied, whatever the questions were, were discussed by the clerks; they canvassed these matters instead of attending to their duties. If Mr. Gorton had asked my permission to have gone to Mr. White, or had wished to make an official application through me to be examined by the Committee, as a matter of course I should have acceded to his request. I had done so a few days previous to Mr. Darke, who asked me verbally whether I had any objection to his submitting his case to the Parliament. I said, "No; you may submit as many cases as you like."

43. *By Mr. Piddington*: I suppose you view it as necessary to due subordination in every department that in a case where a subordinate is required to be examined before a Committee of this House that he should previously obtain the consent of the head of his department? No; I have considered this a positive authority, and have never interfered in such a case; but as a point of etiquette I consider it to be due to the head of the department.

44. *By the Chairman*: Do you not think it an extraordinary power to give to the Chief Clerk, the selection of gentlemen for promotion? Upon whom can one depend if not upon a Chief Clerk who has been from twenty to thirty years in a department?

45. Still, does it not open a door for favoritism; if an officer standing in a certain position is not fit to fill the office next above him, is he fit to be in the office he holds? In this instance the person next to Mr. Halloran (Mr. Armitage) is a very competent person, and his opinion, in addition to that of Mr. Halloran's, is taken in matters relative to promotion—he is very conscientious.

46. *By Mr. Piddington*: What is the system of promotion adopted in the Survey Office? It is distinctly understood, and was more particularly laid down by Mr. Hay, when he was

Colonel
G. Baruey.
1 Sept., 1868.

Secretary for Lands and Public Works, that promotion was not to depend upon seniority, unless that seniority were accompanied by competency and attention to duty. A memorandum to that effect was issued, and placed over the mantle-piece in the Chief Clerk's room; it was read at the time, and was fully understood by all.

47. *By the Chairman*: That may apply to officers upon joining the establishment now, but it can scarcely apply to those who entered twenty years ago? I am alluding to my own time.

48. *By Mr. Piddington*: I presume the claims of seniority would be considered in connection with competency? Yes, that is distinctly stated.

49. In reference to competency as constituting a ground of promotion, what is the test of competency, and by whom is the party subjected to the test? The accuracy with which the work is performed, and the period within which it is performed, are the two great points.

50. Who is the judge of these? I am the judge of them; but of course I am in a great measure guided by the two senior officers of that branch of the department. I am alluding entirely to the clerical branch of the department.

51. Do you invariably take the opinion of the two officers next to yourself in cases of promotion? Yes, invariably; but then I make personal inquiries myself. In the case of Mr. Gorton, I examined the books, and I brought forward the charge to which I have alluded, of neglecting to send these important circulars, and leaving it entirely to the gentleman immediately under him.

52. What obstacle is there to prevent you alone from being judge of competency in the case of clerks in your own office? I may be judge of the competency of clerks, but there may be other points in connection with their attention to their office duties, and their conduct in the office, upon which I may require information.

53. Do they not come under your notice in both these particulars? They do; but it is hardly to be expected that I can be acquainted with all the clerks in the office, and unless I were I must give way in some measure to the opinion of those who have the immediate control of them.

54. How many clerks are there in your office? Three or four and twenty.

55. Are you not able, from your position as head of the department, to become fully acquainted with the conduct of these gentlemen in the office? Yes, I am generally; but still I do not think I should be justified in acting entirely upon my own opinion. I look to these gentlemen, the first and second clerks, for reports upon the conduct of the clerks, and upon their efficiency, and I hold them responsible.

56. You hold the first and second clerks responsible for the efficiency of the department? Yes, as far as regards the clerical branch.

57. Who is the third clerk? I do not know.

58. Why do you limit the responsibility to the first and second clerks? The first clerk has the general control altogether. The second clerk has the control of the room which he has in charge.

59. Has not the third clerk control over some other room? No.

60. There is no particular gradation after that? No.

61. *By the Chairman*: Have you a minute or note-book in which you put down any dereliction of duty? No, I have not; I have not had much fault to find with the performance of their duties by the clerks.

62. Officers may frequently be blamed without even knowing they are blamed—complaints may be made to you without their even knowing it? It may be so. It is Mr. Halloran's duty to check any of the clerks whom he may find neglecting their duty.

63. If it is found necessary to make a complaint of an officer to you, is he warned of it, or does any investigation take place—has he any opportunity of defending himself? I do not remember any case of an officer having applied for an investigation.

64. Officers in the service have applied for investigations? I do not remember any during my time. If an investigation were applied for, as far as I am concerned, I would not refuse it. I think it my duty to give officers under me every opportunity of explaining anything that may be brought against them.

65. *By Mr. Piddington*: Do you think you could perform the duty of your office with a fewer number of clerks than you have? No; I am decidedly of opinion that we want more.

66. What are the hours of attendance? From nine to four.

67. Have you any means of testing the attendance at the hours you have mentioned? Yes. I am always in the office at the hour fixed. I used to keep a record, but I found it open to abuse and objection, and I did away with it, with the understanding that if I found any gentleman absent at the usual time for commencing work, he would have to make up the deficiency by remaining till a later period than the ordinary office hours.

68. Would it not be very easy to keep a time-book? It is very simple to keep a time-book, but it is not so easy to ascertain its correctness.

69. Supposing you had a page opened for every day in the week, and that at a quarter past nine you, with your own hand, or some one appointed by you, drew a line across the page and made it imperative upon every gentleman coming after that time to sign his name below that line—would not that be an efficient method? I have no complaint to make of their attendance.

70. How do you ascertain it? The clerks must pass my room.

71. Then you rely upon your own observation? Yes, generally.

72. Is not that a doubtful reliance? If there is any particular case of delay in the attendance it is communicated to me by the Chief Draftsman or the Chief Clerk.

73. Then, in fact, the Chief Clerk as well as yourself is engaged in observing the arrival of these gentlemen? Yes.

74. Would not a book, such as I have described, have been a more simple arrangement? I found it a great nuisance to the gentlemen.

75. What was the difficulty as well as nuisance to the clerks? I do not know that there was any difficulty, certainly; I should not have used the term.
76. The chief difficulty was the nuisance? Yes. It appeared to me to be a childish kind of thing.
77. *By Mr. Forster:* Was it felt to be a duty by the persons who really attended well? Yes; they considered it a nuisance that there should be so little confidence placed in them as to render it necessary they should write their names in a book when they came in.
78. You have spoken of an insubordinate letter written by Mr. Gorton? Yes.
79. Was that letter written last year? Yes, and repeated this year.
80. In what respect did you consider it insubordinate? It was insubordinate in character.
81. Was the language disrespectful? Yes, it was.
82. Can you mention any of the terms you consider particularly disrespectful? I do not exactly remember.
83. You do not mean that the making the complaint was an act of insubordination? Yes, the making a complaint if submitted improperly; if the application was submitted direct to the Secretary for Lands and Public Works, instead of through the head of the department.
84. On what ground—according to what rule, or what law—do you come to the conclusion that all clerks are bound not to make complaints but through the heads of their departments? What is the meaning of the word head, if that is not the case? A soldier would not make a complaint to his commanding officer, but through the captain of his company.
85. You infer an analogy between military and civil service, and think the discipline observed in the one should be also in the other? Yes.
86. But clerks in your office are not subject to military law? It is a rule of office.
87. It is what you call etiquette perhaps? Yes.
88. How are clerks to understand this etiquette if they have not been long in the public service—there is no written law of etiquette, is there? No, I do not suppose there is.
89. Is it not a natural thing if a man has a complaint to make, for him to make it to that source whence he thinks he may obtain relief? I believe it to be well understood that complaints should be made through the head of the department.
90. But supposing a complaint were made through the head of a department which head chose to suppress the complaint—? Then he would be perfectly justified in adopting what course he pleased—supplying the head of the department with a copy of any letter he may have addressed to a higher authority.
91. In that case would he not be guilty of insubordination if he were to complain otherwise than through the head of his department? I do not know that he would; but I do not think any head of a department would suppress a complaint.
92. I do not say that any heads of departments now in office would do so, but such a case is possible; we have had heads of departments who have been guilty of acts of a worse character, and we might have some heads of departments who would suppress complaints? If a clerk addressed me on any subject, and I suppressed it, it would be his duty to reiterate his complaint, and to request that it might be submitted to the Secretary for Lands and Works.
93. In fact, make another complaint to the same authority, the same head, who might suppress that also? It would then be open to the junior to take any course he might think proper; it would not then be considered an act of insubordination.
94. Supposing a man to labor under a grievance, and the first and second applications to the head of his department to be suppressed, three months might elapse before he could seek redress by any other means? I do not think such a case can possibly occur.
95. Are you not aware that complaints—I am not saying whether correct or not—have been made against the Survey Department for years past, and they do not seem to have been attended to? I am not aware of any complaint from any officer of the department having been unattended to while I have been in office.
96. I am not implying that? Of course I cannot say what has been done by other parties.
97. With regard to the letter sent by Mr. Gorton to Mr. Hay, you say that letter was insubordinate? There were terms in the letter that were improper.
98. Then it was the terms you found fault with—they constituted the insubordination? That was one part of the insubordination, the other was the submitting the complaint in an irregular way.
99. Have you a copy of that letter here? No; but the letter appended to Mr. Gorton's evidence, dated 17th July, 1858, is very nearly the same.
100. Will you be kind enough to point out in this letter the terms which you considered to constitute the act of insubordination? (*The witness read a portion of the letter as follows.*)
 "In mentioning the circumstance I beg to be permitted to state that it is not my intention to cast the slightest imputation on my superior in office, but merely to shew that promotions would seem apparently to rest solely with the Chief Clerk, and that, therefore, it is evident that his protégés or favorites are sure to pass over the heads of seniors, who, from their not being entrusted to perform the duties considered to be of any importance, are prevented from shewing their capability to conduct them."—That is a case of insubordination, no doubt, as he attempts to cast an imputation upon me.
101. Upon the Chief Clerk, I should say? No; he says "his protégés or favorites are sure to pass over the heads of seniors," which implies that I give way entirely to the opinion expressed by the Chief Clerk—that I do not consider the matter myself.
102. Is not this actually the complaint he makes—this portion of the letter which you consider insubordinate—that certain promotions have been made without reference to merit? Yes.
103. Then, after all, that language merely states the complaint—there is no disrespectful language? But there is a disrespectful complaint, a statement that promotion was confined to Mr. Halloran's protégés.
104. If you prevented him making this statement would you not prevent his complaining at

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- at all? There is no objection to his making the complaint at all, but it was an act of insubordination for him to make it without first submitting it to me.
105. That is another point; you consider the submission of this letter without your knowledge another act of insubordination? Yes.
106. You have said, in the course of your evidence, that Mr. Hay stated he would recommend his dismissal if he brought forward this matter again? Yes.
107. Then if he were thus debarred, how was he to bring forward his complaint at all? I suppose Mr. Hay meant, without submitting it through the proper channel.
108. If I understood you rightly, Mr. Hay, in his letter, stated, that if Mr. Gorton brought the matter forward at all he was to be dismissed? I forget the precise wording of the letter, but I can supply a copy of it. (*Vide Appendix A, Nos. 2 & 3.*)
109. In consequence of these instructions of Mr. Hay, you took the step you have taken with regard to Mr. Gorton? Yes, in connexion with Mr. Gorton's subsequent insubordinate proceedings.
110. What you consider to be a lenient step—instead of recommending his dismissal you recommended his removal? To some other employment.
111. Not as a surveyor at all? He is not a surveyor, but a clerk.
112. Are you aware whether he is competent? He may be competent for another class of duty.
113. Would this removal be considered a punishment? It would be considered a punishment in some measure, for the removal of a man under such circumstances cannot be gratifying to his feelings.
114. Supposing there were no other office for which he were competent, what would be done then? He might be permitted to seek employment elsewhere.
115. Might it not be possible, if this recommendation were to be carried out, that instead of punishing him you might punish the public? If he were not fit for the department to which he was sent they would adopt their own course with him. He is fit for a certain position; he might do for the position he is in, but certainly with more attention, and not entitled to an increase of pay.
116. In fact you think he is fully remunerated for what he does? Quite.
117. If he is in a place for which he is fit, will the public service benefit by his removal to another office? I think my office would be benefited by his removal.
118. You think you could get a better man for the same money? Yes. It is evident that he agitates the office, to the neglect of duty not only of himself but of others. He is occupied in writing all these papers instead of attending to his duty.
119. Do you think he causes other people to neglect their duty? I am satisfied that the papers I send out to be copied are canvassed in the office, by which the time of the clerks is occupied.
120. You mean that they occupy their time in the examination of the papers instead of in copying them? In canvassing the questions to which these papers allude; for instance, this very question of increase of pay was evidently canvassed in the office even while the papers were before them; I received numerous letters on the subject.
121. Do you not think the subject of increase of pay is likely to be canvassed at all times, in all offices, without reference to any documents that may be sent to them—is it not a very natural topic of conversation? Yes, no doubt.
122. Do you find that, in consequence of Mr. Gorton being in the particular position he occupies in the office documents are longer in being copied? I do not know; but after copying they are canvassed by the gentlemen, and Mr. Gorton must lose a great deal of time in writing his own letters originating in these documents.
123. You do not mean to imply that the subjects of the documents copied by the clerks are never to be discussed—I suppose they must have some time for relaxation? They have no time in office hours to discuss such matters.
124. Can you say that these letters are written in office hours? I cannot positively say that they are, but I have very little doubt of it.
125. You distinctly deny that the step you have taken with regard to Mr. Gorton was in consequence of anything done by him with respect to this Committee? Most positively. If I have committed any error in the matter it has been quite unintentional. I had not the slightest, the most remote idea of interfering with the Committee in any shape or way. If Mr. Gorton had asked me for permission to bring the matter before the Parliament or Committee, I should have granted it at once. My complaint is altogether confined to Mr. Gorton's personal application to the Chairman of the Committee without my knowledge—not at all in reference to further proceedings before the Committee.
126. You considered that you were merely carrying out the former recommendation of Mr. Secretary Hay? Yes, in connection with Mr. Gorton's subsequent conduct.
127. Is this a common practice when clerks are found fault with, or are not exactly competent for a particular office, to remove them to another? Yes, I believe so.
128. It is considered a kind of secondary punishment? Yes, perhaps so.
129. I suppose in all these cases there is a diminution of pay? Very possibly there may be.
130. The clerks would hardly consider it a punishment if they got increased or equal pay? Sometimes they are very glad to change to where the duties are easier.
131. In all these cases I suppose the authorities are careful to insist upon either diminished pay or increased work, otherwise the man is not punished at all? I do not know what is the course.
132. Are you aware what are the employments generally selected as punishments? I do not know that they are selected as punishments at all.
133. You imply that when gentlemen are removed from their offices they have been either incompetent or insubordinate—are you aware of any gentlemen having been made Crown Land Commissioners as a punishment? No.

134. *By Mr. Aldcorn*: You state that it is a rule, or a general practice, in your office, that all subordinate officers making a complaint shall send in the complaint to the head of the office? Yes.

135. Suppose a complaint to be against the head of the office himself, do you not think it a dangerous power to put into his hands? I do not think so, for if the officer at the head of the department will not attend to any complaint made, it is sure to become public, and would be attended, in all probability, and very properly, with the removal of the head of the department. I should never contemplate keeping back a complaint, even though it were against me personally.

136. I am speaking generally, whether it is a power that should be entrusted to the head of a department? I know it is a rule in the service, and I think a proper one.

137. *By the Chairman*: In the army a man can demand a Court Martial; that is not the case in the Civil Service—he is often condemned unheard? If an officer, or any one in the department wrote to me to make a complaint as to any one in the department, or as to myself, and had cause to suspect that the complaint was suppressed, he might then request to have the complaint sent on to the Secretary for Lands and Public Works, and it must then go on as a matter of course; it could not be withheld.

138. *By Mr. Aldcorn*: Are you not aware that when a Committee of the Legislature, the highest authority in the State, are sitting, their object is to obtain every information with reference to the subject to inquire into which they have been appointed, and may take evidence from any man who offers himself, or who is known to be acquainted with the matter; and that any such person may attend without the permission of either the head of his department or of the Secretary for Lands and Public Works? If an officer is warned by a Parliamentary Committee to attend, of course he must attend, but as a matter of etiquette he should state to the head of his department that he had been warned.

139. Suppose the case of a subordinate officer who had long attempted to get from the head of his department redress for a grievance, and suppose also that he knew a Committee to be sitting to receive information on all matters connected with the department, do you think he would be justified in coming forward with his complaint, even without communicating his intention to his superior officer? I do not think a man should privately obtain an introduction to the Chairman, and solicit to be called before the Committee—I do not think that is a proper course to pursue, for he must know well that if he brings the question forward properly before the head of his department it must, as a matter of course, come before the Committee.

140. Supposing the case had been once, twice, or thrice before the head of the department, and the grievance were unredressed, it may be for years? I cannot fancy such a case; however, should such a case arise, the proper course would be to address the Government, supplying the head of the department with a copy of the letter.

141. *By the Chairman*: As the head of the department, are your recommendations for promotion generally sufficient? I think, generally, they may be considered sufficient.

142. After you have made such recommendations have you ever found yourself thwarted in the service? By what?

143. By any other influence—have you ever been thwarted in your attempt to obtain the promotion of an officer? I do not remember a case.

144. Have you never heard that there was a great deal of favoritism at one time? Yes, years ago.

145. *By Mr. Moriarty*: How did the subject of Mr. Gorton's examination come under your cognizance? I heard it casually; I cannot bring to my recollection who told me. It was that which led me to put the questions alluded to.

146. You assumed that the examination had reference to his own case? No doubt.

147. I understood you to say that you would not have refused this gentleman permission to attend the Committee? No. I would have considered it my duty to have assented if he had applied to me.

148. Did this gentleman intimate to you in any shape that he was about to come to the Committee? In no shape.

149. He did not apprise you that he had been summoned? No.

150. Then your principal complaint against him is for having absented himself without leave? No. I did not take that into consideration.

151. That would have been sufficient in itself to have directed your attention to him? Yes. The main fault was the bringing his case forward without my sanction or knowledge.

152. You said just now there were some parties in the office willing to prefer complaints against the Chief Clerk on any subject? Occasionally I hear rumours; they do not make complaints direct to me. I hear rumours of complaints against him, but I must confess I cannot trace any just cause of complaint against him. He is a most excellent officer, and is so fully conversant with the affairs of the office that if any one commits a blunder he is acquainted with it at once.

153. *By the Chairman*: The complaint against him is for interfering with matters he does not understand? You refer to the Survey Branch. I do not think he interferes with those matters.

154. He has not the same opportunity as formerly. When the officers were supplied with their equipments by the Government complaints were made of his interference by every officer in the service. Mr. Halloran would say, "You must not have that—you cannot have this." It was like a War-Office clerk dictating to a general what he should or should not have? All requisitions as they come in are laid before me, and I strike out anything that I think is wrong.

155. An officer to know what is necessary in order to carry on a certain duty should be acquainted with that duty? Yes; but there is a certain amount of stores and other things allowed, and if anything beyond that is required a reason is asked for the necessity of the demand—explanation is called for.

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156. *By Mr. Moriarty*: This dissatisfaction which you say is existing, do I understand you, is confined to a few? A few. Understanding there were complaints against Mr. Halloran by the officers of the Survey Department, I instructed Mr. Halloran, on my assuming charge, that no letter of any description should leave the office without my signature; of course, therefore, the responsibility rests with me and not with Mr. Halloran. I carefully peruse every paper previous to attaching my signature.

157. I suppose, then, that neither the Chief Clerk nor any one else presumes to send a letter from the office without your signature? Certainly not. I have given positive orders to the contrary. I believe it now occupies me nearly two hours a-day in perusing and signing the various documents submitted to me.

158. *By Mr. Aldcorn*: Do you not think an immense proportion of this correspondence might be curtailed? I have adopted every plan I can devise to curtail the correspondence; we print circulars, and a large number of letters. I should say, upon the average, we receive eighty letters a day, sometimes as many as a hundred, and many of these are packages containing enclosures. Every one of these have to be recorded, receipt acknowledged, then they have to be entered, then they come to me for final settlement, and then the letter has to be written. Independently of this a great amount of correspondence originates in the office of the Secretary for Lands and Works; for during the last two years numerous applications for land are sent to the Secretary for Lands and Public Works, instead of coming direct to me. They are minuted by the Secretary and then sent to me, and this occasions a great deal of work. The only way by which I could at all lessen the writing would be by making minutes upon the letters, and transmitting them at once to the parties, with the request that they might be returned; but this would perhaps be a dangerous experiment, originating from the correspondence, should the papers not be returned.

159. *By the Chairman*: The establishment of the office of Lands and Public Works has increased the correspondence? I do not think anything has been gained in that respect. If the two offices were under one roof, there would be a great saving of time and correspondence.

160. *By Mr. Moriarty*: Do you not think if a great portion of the business transacted by you as Chief Commissioner of Crown Lands were placed under the Minister for Lands and Public Works, the labor would be lessened? It has been my opinion always, from the time I became Chief Commissioner of Crown Lands, ten years ago, that the Crown Lands should be under the Survey Department; for a large amount of correspondence arose between the two departments, and delay was thereby occasioned.

161. Do you think the letters before yourself and the Surveyor General exceeded fifty per annum? I do not know the number, but there was constant difficulty arising. I repeatedly stated in my letters that the duty of Chief Crown Lands Commissioner should be conducted by the Surveyor General.

162. Will you append a copy of one of those letters to your evidence? (*Vide Appendix B.*)*

163. Can you state, upon inquiry, whether or not during the eight or nine years you held office as Chief Commissioner of Crown Lands, the number of letters passing backward and forward between your own office and that of the Surveyor General exceeded fifty? Yes; the records have been examined, and it appears that 75 letters were issued in one year (1854); this probably may be taken as an average.

164. *By the Chairman*: Had you the Commissioners of Crown Lands within the boundaries under your control? No.

165. They remained with the Surveyor General? Yes; my duties were confined to districts beyond the boundaries. One of my chief reasons for suggesting that the duty of Chief Commissioner of Crown Lands should be united with that of Surveyor General, was with reference to the survey of runs for leases.

166. *By Mr. Moriarty*: Nothing has been done in that way? Not much has been done; about 120 leases have been prepared and issued under surveyed boundaries.

167. Therefore that reason does not operate? There has been considerable correspondence on the subject.

168. You are aware that the Surveyor General had the descriptions of all the runs in the Colony? Yes; they were supplied from the Crown Lands Office.

169. Do you not think the Surveyor General had in those descriptions sufficient information to enable him to go on without farther reference to you? No doubt, if he had the means; but he had not the means of surveying, consequently, the leases could not be prepared.

170. As far as the information possessed by the Government went? Yes; he had from time to time all the information the Crown Lands Office could afford. The reason why so little has been done with reference to leases, has been the want of surveyors.

171. Has it not been patent to you that Government would never survey the runs? The Survey Department had not the means; it required so extensive an estimate to provide surveyors.

172. Did you not always think it entirely out of the question? It would require great means to do it, but it certainly could be done.

APPENDIX

* Not able to be traced. *Vide* Col. Barney's letter to Clerk of Assembly, dated 17th September, 1858, appended hereto.

APPENDIX A.

No. 1.

The Surveyor General to the Under Secretary for Lands and Public Works, forwarding letters from Mr. Gorton, Clerk in his Office, and advising his removal from his Department. 1 Sept., 1853.

Colonel
G. Barney.

Submitted, 25th.

57-4169.
No. 57-206.*Surveyor General's Office,
Sydney, 24 April, 1857.*

SIR,

Mr. Gorton had no right to demand to know the grounds upon which the Surveyor General's judgment was formed with respect to his qualifications; and the Surveyor General having intimated that he considered the terms on which he had sought to learn those grounds objectionable, Mr. Gorton should have embraced the opportunity afforded him of withdrawing the letter—*He must now do so*, otherwise it will be considered that he does not wish to continue in the service.

Mr. Gorton must further understand, that, in my opinion, the Surveyor General did no more than his duty in recommending for promotion those gentlemen who were in his opinion, from experience and peculiar aptitude, best fitted to fill the higher offices in the department satisfactorily.

Mr. Gorton had no right to promotion, except in so far as he might be decided to be the best man for the office under the circumstances. As to that I should depend upon the recommendation of the Surveyor General, whom I hold responsible for the efficiency of the department, and this course I followed in sanctioning the distribution of offices proposed by that officer. If Mr. Gorton considers himself aggrieved he might appeal to me as he did, and that appeal ought to have been considered final. The valuable time of the heads of departments must not be taken up by a continued discussion of such points. My answer must be held to be conclusive, and my decision must be practically acquiesced in. Any further attempt to open the matter up on Mr. Gorton's part will be taken as indicating an insubordinate spirit, and will compel me to advise his dismissal.

J. H.

25 April.

I have the honor to submit, for the consideration of Mr. Secretary Hay, certain letters addressed to me by Mr. Gorton, a clerk in my office, and to request attention to that of the 22nd instant, which, appearing to me to be of an improper character, I gave Mr. Gorton the option of withdrawing it, which, however, he declines—see his letter of the 23rd instant.

2. It now becomes my duty to state, that I have not that high opinion of Mr. Gorton's ability or conduct which would induce me to place him over the heads of gentlemen in the office, who are conducting their duties in a most satisfactory manner, nor has the correspondence herewith raised Mr. Gorton in my estimation, on the contrary, I consider that he is setting a very bad example, and that his removal from the department is necessary.

I have, &c.,

GEO. BARNEY.

The Under Secretary
for Lands and Public Works.

S. G.

No. 2.

*Department of Land and Public Works,
Sydney, 29 April, 1857.*

Sir,

Referring to the correspondence between yourself and Mr. Gorton, a clerk in your department, relative to the promotions which have taken place in your office, which was enclosed in your letter of the 24th instant, No 57-206, I am directed by the Secretary for Lands and Public Works to inform you that Mr. Gorton had no right to demand to know the grounds upon which your judgment was formed with regard to his qualifications, and that upon your having intimated that you considered the terms in which he had sought to learn those grounds objectionable, Mr. Gorton should have embraced the opportunity afforded him of withdrawing the letter. He must now do so, otherwise it will be considered that he does not wish to continue in the service.

2. I am at the same time to state, that Mr. Gorton must further understand that, in the opinion of Mr. Secretary Hay, you did no more than your duty in recommending for promotion those gentlemen who were, in your opinion, from experience and peculiar aptitude, best fitted to fill the higher offices in your department satisfactorily. Mr. Gorton had no right to promotion, except in so far as he might be decided to be the best man for the office under the circumstances. As to that, Mr. Hay would depend upon your recommendation, you being held responsible for the efficiency of the department, and this course Mr. Hay followed in sanctioning the distribution of offices proposed by you.

3. I have further to state, that if Mr. Gorton considered himself aggrieved he might appeal to the Secretary for Lands and Public Works, as he has done, and that appeal ought to have been considered final. The valuable time of the heads of the department must not be taken up by a continual discussion of such points.

4. In conclusion, I have to inform you that this reply must be held to be conclusive, and the decision herein conveyed must be practically acquiesced in; any further attempt to open the matter up on Mr. Gorton's part will be taken as indicating an insubordinate spirit, and will compel Mr. Secretary Hay to advise his dismissal.

The Surveyor General.

I have, &c.,

M. FITZPATRICK.

No. 3.

Colonel
G. Barney. 58-6968.
1 Sept., 1858,

No. 3.

Surveyor General's Office,
Sydney, 26 July, 1858.

Sir,

I have the honor to request that you will be pleased to forward the enclosed letter to the Under Secretary for Lands and Public Works, at your earliest convenience.

The Surveyor General.

I have, &c.,
C. F. GORTON.

Mr. H.—Afford Mr. Gorton the opportunity of withdrawing this correspondence, and let me know the result to-morrow morning.

G. B.,
July 26.

Under date 26 July, Mr. Gorton declined to withdraw the correspondence.

G. B.

Mr. Gorton should put forward his claims, such as they are, more temperately. It will be necessary that he withdraw the correspondence, as suggested by the Surveyor General, 26 July. Holding, as I do, the Surveyor General responsible for the proper and efficient working of his department, I am not disposed to interfere with any decision of his, unless in an extreme case.

J. R.
31 July.

Surveyor General, B. C., 31 July, 1858.
M. F.

APPENDIX B.

Ordered to be inserted in lieu of—(Vide Minutes of Proceedings, dated 1 October, 1858.)
Survey Office,
17 Sept., 1858.

Sir,

With reference to your note of the 15th inst., informing me that my evidence of the 1st instant had been returned without the copy of my letter suggesting the advisability of amalgamating the offices of Surveyor General and Chief Commissioner of Crown Lands, intended to form Appendix B; I beg to state that at present I cannot trace any correspondence on the subject alluded to

R. O'Connor, Esq.,
Clerk of Legislative Assembly.

I have, &c.,
GEO. BARNEY,

WEDNESDAY, 8 SEPTEMBER, 1858.

Present:—

MR. ALDCORN, | MR. MORIARTY,
MR. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

Henry Halloran, Esq., again called in and still further examined:—

[The Clerk read the letters addressed by Mr. C. F. Gorton to the Chairman.]

- H. Halloran,
Esq.
8 Sept., 1858.
1. *By the Chairman*: You have heard the letter of Mr. Gorton read; and the allegation he makes appears to be, that he has been questioned both by yourself and by Colonel Barney, in consequence of having given evidence before this Committee? I think not; I think there was not any question from myself.
 2. No; the memorandum is signed by Colonel Barney, but Mr. Gorton distinctly states here—? His belief or impression?
 3. You deny having done so? The question is not yet put to me.
 4. May I ask you if your advice or memorandum was addressed to Mr. Gorton? If it were not considered to be wanting in respect to the Committee, I would say that the question would be more fitly put to the Surveyor General.
 5. The question has been asked of him? Then I would say for myself that not only did I not advise, but that I was not consulted; and that, had I been consulted, a sense of delicacy would have kept me from expressing an opinion upon a matter in which I was personally concerned. I was merely the medium of these communications, the one passing to Mr. Gorton and back, and the other to Mr. Darke and back.
 6. *By Mr. Aldcorn*: They passed through you in the usual course? Yes; they were sent to me to send across.
 7. *By the Chairman*: According to official routine? Nothing further.
 8. It would be rather a breach of the privileges of the House if any one interfered with an officer in any department for submitting himself to an examination by a Committee? I do not think it was intended to interfere with the proceedings of the Committee. The offence consisted in his not intimating, in the first instance, his desire to wait upon Mr. White to Colonel Barney. He was wanting in respect to his superior officer; not that it was strictly necessary that he should have done so, but as an act of courtesy or official propriety.
 9. Did he not intimate to Colonel Barney that he was to be examined? I think not. He sent me a memorandum of one of the meetings of the Committee, and asked me whether he should go, and my reply was that the call of the Committee was imperative; there was no avoiding that. I think he has a memorandum in my handwriting to that effect.
 - 10.

10. *By Mr. Moriarty*: Do you remember whether that was previously or subsequently to his examination before the Committee? Previously, I think, but I cannot say. If it were a notice to attend the Committee, and if that were the first notice, it must have been previously.
11. Then in point of fact he did submit the matter to his superior officer? In that way. It is not *that*, however, which I refer to as objectionable in his conduct, but to his having, appealed to Mr. White in the first instance, without mentioning his intention to the head of the department? Mr. Darke, I believe, did so, and asked if he had any objection.
12. It was not this gentleman's appearance here in pursuance of the summons to which objection was taken, but to his having taken some previous steps to be examined? Yes: I think that was considered objectionable. When he *had* received a notice from Mr. Calvert, and put the question to me whether he should attend, I said "Certainly, the order is imperative."
13. Did you make the Surveyor General aware of his having mentioned the matter to you? It is very likely I did.
14. From the tenor of the Surveyor General's remarks in his examination I gather that it was the neglect of Mr. Gorton to acquaint his superior to which he attached the most importance? I think not; but to the preliminary appeal. He may not have remembered, for, as you yourself may have observed, his memory is not a very faithful one.
15. Can you inform the Committee in what position the matter stands at present—whether Mr. Gorton has been suspended? No; he is still in the same position.
16. He has not been suspended? I have not heard a word of that.
17. Has not the Surveyor General recommended that he should be dismissed, or removed to another office? That he should exchange into another department, or find other employment.
18. *By the Chairman*: Is that in consequence of what occurred before this Committee? I can produce a draft of the letter. I did not write it; and I have not, therefore, a distinct recollection of every word.
19. *By Mr. Aldcorn*: Is it your impression that the recommendation was made in consequence of what took place here? *Certainly not*; but because he is dissatisfied, and he will remain dissatisfied until he is placed in a better position; and I am of opinion that his position is as good as his capacity entitles him to expect. His correspondence shews that he does not even spell correctly.
20. Have you any idea what he has been? I believe that originally he was a midshipman, that he afterwards studied for the Church, and afterwards kept a small school.
21. He has stated to me that he was a lieutenant in the navy? I think he was a midshipman, and that afterwards he acted as a teacher to some of Sir Thomas Mitchell's children. Sir Thomas Mitchell brought him into the office.
22. *By the Chairman*: The Minister for Lands and Public Works has been informed of the circumstances connected with this case? He has, every document.
23. And the letters which have been written since his examination here? He has copies of the memoranda.
24. And of the letters that were sent from Mr. Hay twelve months' ago? Yes; these were sent back also. On a former occasion—when all the salaries were reduced, and mine was reduced to a much larger extent than his—he felt dissatisfied, and appealed, and appealed, and appealed, until it was necessary to check him.
25. You are not aware of the Minister for Lands and Public Works having come to any decision in the matter? No; I have not received any information, nor made any inquiry on the subject.
26. Can you give the Committee a list of all the officers who have been employed as Commissioners of Crown Lands from the beginning to the present time, the date of their appointment, the date of their leaving the service, and the salaries they have received? I have no doubt such a return can be furnished. (*Vide Appendix A, Nos. 1 and 2.*)
27. Was there an officer in the department of the name of Sanderson? There was one, a railway assistant surveyor—Henry Sanderson, to whom I think you allude.
28. He was in your department until he was turned over to the railway authorities? I heard him say yesterday to Colonel Barney that he was not ever turned over to Captain Martindale. He was originally appointed at home as a licensed surveyor, and he came out to this Colony with eleven others.
29. He came out to the Colony under agreement? For three years, as licensed surveyor. Upon their arrival it was determined not to extend the license system, and then arose the question how they should be employed.
30. They were sent for a special purpose? For the survey and measurement of Crown Lands for sale.
31. For the survey of roads, were they not? I think not—certainly not.
32. *By Mr. Aldcorn*: After they arrived here they were put upon the railway, were they not? Yes, with their own consent, at salaries of 400 a-year, and £400 for allowances. When the proposal was made to them one of them alone said he would consider the matter, but all the others readily accepted it.
33. *By the Chairman*: Did Mr. Sanderson survey for the whole three years? No.
34. He has been again appointed a licensed surveyor lately, has he not? I have seen his name gazetted, and an intimation thereof has been made to the Surveyor General.
35. The Surveyor General has refused to give him employment? I believe so.
36. Are there any papers in your office connected with this case, which would shew the position in which he stands with the Government, or why he is not continued in the service? I think I could produce them. Mr. Galloway stated that Mr. Sanderson and the other two assistants had not performed during, I think, nine months what one diligent individual could have accomplished in three.
37. Has it not been customary where an individual has been brought from home under engagement, if employment has not been found for him to pay the stipulated salary until his return, and also his passage home? I do not remember an instance.
38. Was it not done in the case of Mr. Thomas White, who was sent here? I think his passage home was paid.

- H. Halloran, Esq.
8 Sept., 1858.
39. He went home, and I believe the Home Government insisted upon his payment afterwards? His passage home was not, as far as I can learn, paid by the Government; his salary was paid up to to the 3rd January, 1843, including the period of his suspension.
40. Mr. Sanderson says the cause of his dismissal from the service was having left his station without permission? Yes, that was one of the reasons. There was also another much more serious matter: He had received the allowance money, and part of that money was either spent or detained by him. I remember two of the men—Hossack and another—coming to Sydney and appealing to the then Chief Secretary, Mr. Parker.
41. These men were afterwards paid? They were paid afterwards.
42. Was that at all owing to the Government not paying for work? No; he had been paid regularly, month by month, up to a certain date.
43. You are satisfied that it was not in consequence of his not having been paid by the Government that the men were not paid? I am distinct upon that point.
44. *By Mr. Moriarty*: That not only was he paid the money for his men, but his own? Not specifically for his men, but the equipment allowance of £100 a-year, as well as salary.
45. *By Mr. Aldcorn*: You mean that as the allowance for chainmen? Yes, and for all other expenses—for means of locomotion, camp equipage, instruments, stationery, food, forage, and everything.
46. That is the practice with regard to all licensed surveyors? No; he was not then a licensed surveyor at all, but an assistant surveyor on railway duty, with fixed salary and allowance.
47. Was there not a Mr. Debenham employed in the north-west district? Yes, as a licensed surveyor for some time.
48. Is he employed in the service now? He has twice lately been employed under special contract.
49. Not as a licensed surveyor? I am not certain that he holds a license. I think not.
50. I thought you employed no officer who had not a license? Or had had a license. Mr. Knapp is employed occasionally; he has a sort of sleeping license.
51. *By Mr. Moriarty*: Can you inform the Committee what there is in the license issued by the Crown to the squatter annually to identify the authority to occupy a run with the run to which it is intended to apply? After the first year's rent has been paid then comes the authority to occupy, and that contains a description of the run.
52. Does that apply equally to the runs licensed at the time of the promulgation of the Orders in Council? I am referring to those under tender. The others would occupy according to the claims sent in, unless altered by the Commissioner or by the Disputed Boundaries Commissioners.
53. What particulars in reference to runs are embodied in the annual license? I cannot say, for the licenses are issued from the Treasury. I am not certain whether they give a description.
54. Have you had an opportunity of seeing them? I do not think I ever saw one.
55. Will you append a copy of one? Yes. (*Vide Appendix B.*)
56. You are aware that the licensed occupants of Crown Lands in 1848 were entitled under the Orders in Council to leases, provided they made application for them? Yes.
57. Can you now state whether any considerable number of occupants of Crown Lands omitted to claim leases? No; I cannot say that any have.
58. Are you aware of any considerable number of demands for leases being unsatisfied—of runs licensed at the time of the publication of the Orders in Council? That resolves itself into a question of how many leases have been issued—very few, indeed; about three hundred; so that there must be a very large number remaining unsatisfied.
59. Is it the fact that the majority of the parties claimed or omitted to claim leases? Originally they claimed, for security. I think subsequently many have expressed indifference about the issue of formal leases.
60. By the Orders in Council, application should be made within six months from the date of promulgation? Yes, it was so stipulated.
61. What I want to know is, whether any large number have not claimed under these Orders? I should think not any would omit.
62. By the 11th section of chapter II in the Orders in Council it is required that the demand for a lease should be made within six months? Yes, such was the requirement.
63. I want to ascertain whether any considerable number of persons have omitted to make this demand? I should think all in occupation, and in a position to make the demand, did make the demand: it was their safety to do so.
64. *By the Chairman*: In these descriptions of the different runs, is the valuation attached to each description, or its capability for grazing purposes? The description should always be, and generally is, attached to the assessment of the grazing capabilities.
65. Then to some extent the Government could arrive at a valuation of the runs, as to what they would carry? I do not think the acreage an indication of what they would carry.
66. But the Commissioner's report would be —? The Commissioner's report would be a very near approximation to the truth, and satisfactory to the holder, because he has a voice in that assessment of the capabilities of his run.
67. *By Mr. Aldcorn*: And there is power to appoint a third as umpire where they do not agree? Yes; they (the valuers or assessors) not agreeing, it is referred by a certain clause to the Governor General, for the appointment of an umpire.

ADDENDUM.

After my examination an impression arose in my mind that Colonel Barney had spoken to me on the subject of his memorandum before he sent it to me; and an apprehension that my memory had deceived me, and that I had not stated matters as exactly as I could desire. I could not bear such an idea; and I therefore put the question direct to the Surveyor General, whether he had in any way consulted me or sought my opinion. His answer was certainly not—"I may have mentioned the memorandum after I had written it, but I had fully determined before-hand." Mr. Gorton has therefore made a grievous misrepresentation—the *third* as regards myself, and with evidently a mischievous intention.

APPENDIX A.

No. 1.

COMMISSIONERS OF CROWN LANDS—COLONIAL SECRETARY'S DEPARTMENT.

NAME.	Date of Appointment.	1837.	1838.	1839.	1840.	1841.	1842.	1843.	1844.	1845.	1846.	1847.	1848.	Length of Service.	REMARKS.
		£	£	£	£	£	£	£	£	£	£	£	£	Years.	
J. Lambie	1 February, 1837	365	365	450	450	450	450	450	450	300	300	365	365	12	
L. V. Dulhunty	1 February, 1837	365	365	450	450	.....	.....	.....	.....	.....	.....	.....	.....	4	
H. Oakes	20 February, 1837	365	365	450	450	450	{ 11 portions of year. }	.....	.....	.....	.....	.....	.....	6	
E. P. S. Sturt	20 February, 1837	365	365	{ Resigned 15 March }	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	
A. Paterson	27 April, 1837	365	365	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	
J. C. Welman	2 May, 1837	365	365	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	
H. Bingham	13 May, 1837	365	365	450	450	450	450	450	450	300	300	365	365	12	
E. Mayne (succeeded A. Paterson)	1 September, 1838 .....	.....	365	450	450	450	450	{ portion of year. }	.....	.....	.....	.....	.....	6	Appointment for Port Phillip.
H. Cosby (succeeded J. C. Welman)	1 January, 1839 .....	.....	.....	450	450	to 31 July	.....	.....	.....	.....	.....	.....	.....	2½	Died 31 July, 1841.
H. J. Gisborne	1 April, 1839 .....	.....	.....	450	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	Appointment for Port Phillip.
G. J. McDonald	6 April, 1839 .....	.....	.....	450	450	450	450	450	450	300	300	365	365	10	Transferred to Lower Darling.
G. D. Hunter	21 May, 1839 .....	.....	.....	450	450	450	450	450	450	300	300	365	365	10	
J. J. Allman (vice Dulhunty)	21 February, 1840 .....	.....	.....	.....	450	450	450	{ portion of year. }	.....	.....	.....	.....	.....	3	
E. Beckham (vice Cosby)	29 September, 1841 .....	.....	.....	.....	.....	450	450	450	450	300	300	365	365	8	
R. G. Massie (vice Oakes)	4 July, 1842 .....	.....	.....	.....	.....	.....	450	450	450	300	300	365	365	7	Transferred to Lower Darling.
O. Fry	5 August, 1841 .....	.....	.....	.....	.....	.....	450	450	450	300	300	365	365	7	
S. Simpson	5 April, 1842 .....	.....	.....	.....	.....	.....	450	450	450	300	300	365	365	7	
F. Allman, junr. (vice Mayne)	1 August, 1843 .....	.....	.....	.....	.....	.....	.....	450	450	300	300	365	365	6	
F. Allman, junr. (vice J. J. Allman)	1 January, 1843 .....	.....	.....	.....	.....	.....	.....	450	.....	.....	.....	.....	.....	1	
W. H. Wright (vice F. Allman)	19 July, 1843 .....	.....	.....	.....	.....	.....	.....	450	450	300	{ portion of year. }	.....	.....	3	
C. Rolleston	1 January, 1843 .....	.....	.....	.....	.....	.....	.....	450	450	300	300	365	365	6	
R. Mitchell	1 September, 1843 .....	.....	.....	.....	.....	.....	.....	450	450	250	250	.....	.....	4	
W. C. Mayne (vice Wright)	1 December, 1846 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	365	365	365	3	
R. Mitchell (vice Allman)	1 July, 1846 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	250	365	365	3	
R. Blich (vice Mitchell)	1 August, 1846 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	250	315	365	3	
E. C. Merewether (vice Massie transferred)	1 March, 1848 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	365	1	
J. C. Bidwell	7 November, 1848 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	365	1	
M. G. O'Connell	7 November, 1848 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	365	1	
J. H. Durbin	7 November, 1848 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	365	1	

No. 2.

DEPARTMENT OF CHIEF COMMISSIONER OF CROWN LANDS, FORMED 1ST JANUARY, 1849.

NAME.	Date of Appointment.	1849.	1850.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	Total number Years.	REMARKS.
		£	£	£	£	£	£	£	£	£	£		
G. D. Hunter	21 May, 1839	365	365	365	....	....	....	....	....	....	....	6	
M. C. O'Connell	7 November, 1848	365	365	365	366	540	675	675	675 to Mar. 550 to Dec.	550	550	11	
O. Fry	6 August 1841	365	365	365	366	540	540	510	540	....	....	15	
C. Rolleston	1 January, 1843	365	365	365	366	540	540	....	....	....	....	12	
R. Bligh	1 January, 1848	365	365	365	366	540	540	540	540	475	475	13	
E. Beckham	29 December, 1841	365	365	365	366	540	540	540	540	400	400	18	
R. Mitchell	1 July, 1846	365	365	365	366	....	....	....	....	....	....	8	
J. H. Durbin	1 October, 1849	365	365	365	366	540	540	540	540	400	400	11	
G. J. M'Donald	22 April, 1848	365	365	365	....	....	....	....	....	....	....	13	
E. C. Merewether	1 March, 1848	365	365	365	366	540	....	....	540	....	....	7	
J. Lambie	1 February, 1837	365	365	365	366	....	....	....	....	....	....	16	
S. Simpson	5 April, 1842	365	365	365	366	540	540	540	....	....	....	14	
H. Bingham	13 May, 1837	365	365	365	....	....	....	....	....	....	....	15	
R. G. Massie	22 April, 1848	365	365	365	366	540	540	....	....	....	....	13	
W. C. Mayne, (succeeded by Commissioner Palmer, 1852)	1 December, 1846	365	365	365	....	....	....	....	....	....	....	9	
J. C. Bidwell (succeeded by A. E. Malloran)	7 November, 1848	365	365	365	366	....	....	....	....	....	....	5	Died, succeeded by A. F. Faunce, who immediately resigned.
W. H. Palmer (succeeded by Commissioner Hunter)	26 April, 1851	....	....	365	366	540	540	....	....	....	....	4	
S. Cole (succeeded by Commissioner M'Donald)	1 November, 1851	....	....	365	366	540	540	540	540	400	400	8	
H. Whitty (succeeded by Commissioner Mitchell)	13 October, 1851	....	....	365	366	540	540	540	540	400	400	8	
C. G. N. Lockhart (succeeded by M'Kenzie)	3 December, 1851	....	....	365	366	540	540	610	640	550	550	8	
W. M'Kenzie (succeeded by Bingham)	16 October, 1851	....	....	365	366	....	....	....	....	....	....	2	
J. A. Robertson (succeeded by Palmer)	7 January, 1852	....	....	....	366	540	540	540	540	....	....	5	
A. W. Manning (succeeded by Lambie)	1 February, 1852	....	....	....	366	540	540	540	540	400	400	6	
G. M. Perry (succeeded by Lockhart)	1 June, 1853	....	....	....	....	540	540	540	540	400	400	6	
A. F. Faunce (succeeded by Bidwell)	22 March, 1853	....	....	....	....	540	....	....	....	....	....	....	This return embraces the period from 1 February, 1837, to 30 September, 1858.
A. E. Malloran (succeeded by Faunce)	27 May, 1853	....	....	....	....	540	540	540	540	....	....	3	
H. O. C. Master	11 January, 1854	....	....	....	....	....	540	540	540	....	....	2	
H. Gardiner (succeeded Commissioner Master)	1 July, 1854	....	....	....	....	....	540	540	....	....	....	2	
E. B. Fellows (succeeded Commissioner Massie)	1 December, 1854	....	....	....	....	....	540	540	....	....	....	2	
E. Maitland (succeeded Commissioner Palmer)	1 December, 1854	....	....	....	....	....	540	510	540	475	475	4	
W. H. Wiseman (succeeded Gardiner)	8 January, 1855	....	....	....	....	....	....	540	540	400	400	4	
H. Boyle (succeeded Whitty)	14 June, 1855	....	....	....	....	....	....	....	540	400	400	3	
J. Jardine (succeeded Robertson)	17 July, 1856	....	....	....	....	....	....	....	540	400	400	3	
A. G. D. Huthwaite (succeeded Bligh)	30 May, 1856	....	....	....	....	....	....	....	540	475	475	3	
H. H. Massie (succeeded Manning)	1 January, 1856	....	....	....	....	....	....	....	....	400	400	2	
A. O. Moriarty (succeeded Merewether)	1 January, 1857	....	....	....	....	....	....	....	....	....	....	....

APPENDIX TO THE FOREGOING EVIDENCE.

APPENDIX

NOTE.—Services of Commissioners Jardine, Bligh, Huthwaite, Durbin, Massie, Manning, and Whitty, dispensed with 31st March, 1853

APPENDIX B.

H. Halloran,
Esq.

8 Sept., 1858.

NEW SOUTH WALES.

LICENSE TO OCCUPY WASTE LANDS OF THE CROWN.

No. By His Excellency the GOVERNOR GENERAL of all the Australian Possessions, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, &c., &c., &c.

WHEREAS application for a License to occupy certain Waste Lands of the Crown, situate in the District of MURRUMBIDGEE, in the Colony of New South Wales, and known as

Now I, the Governor General aforesaid, do hereby authorise the said sum of Pounds, upon payment by him of the Shillings, into the hands of the Colonial Treasurer of the said Colony, and upon the due acknowledgment of such payment hereunder by the said Treasurer, to occupy the said Waste Lands, for the term hereinafter mentioned

Upon the issue of this License by the said Colonial Treasurer, the same is to operate and be in force from the first day of July, 1853, until the 30th day of June, 1854, and no longer.

£

Given under my hand, at Government House, Sydney,
this day of A.D. 1853.

RECEIVED, the above sum of
Pounds, this day of }
Shillings, 1853.

Noted

Colonial Treasurer.

[Petition of Licensed Surveyor Henry Sanderson, C. E.]

THURSDAY, 16 SEPTEMBER, 1858.

Present:—

MR. DONALDSON,	|	MR. PIDDINGTON,
MR. FORSTER,	|	MR. WHITE.

G. B. WHITE, ESQ., IN THE CHAIR.

Henry Sanderson, Esq., C. E., again called in and further examined:—

1. *By the Chairman:* You were a short time since examined before this Committee? I was. H. Sanderson, Esq., C.E.
2. I think your further examination with reference to some matters personal to yourself was at that time objected to? I think it was, by Mr. Hay.
3. You have since that petitioned the Legislative Assembly? I have. 16 Sept., 1853.
4. And that petition has been referred to this Committee? Yes.
5. You state in this petition that you were removed from the public service? Yes, about the 31st July, 1857.
6. Will you state to the Committee what was the cause of your removal? The cause was, I believe, that certain charges were made against me by the Surveyor General.
7. What was the nature of these charges? The first charge was that I had come to Sydney without the permission of the Surveyor General.
8. When you came to Sydney did you come on public duty, or to explain to the Surveyor General any circumstances connected with the duties in which you were engaged? Yes; I had written three times officially to the Surveyor General, asking for leave, and at the time I came away I had the verbal consent of the District Surveyor, Mr. Galloway.
9. Are you aware that Mr. Galloway has denied that? I believe he has, officially, but I have never seen his report. I know this—he advised me to come to Sydney at once.
10. What was the particular object of your coming to Sydney—was it connected with the line you were surveying? Yes; there had been some difficulty about the selection of the route between Brisbane and Ipswich, and Darling Downs, across the range. I wrote to the Surveyor General, and condemned the two lines—the one by Spicer's Creek and the other by Cunningham's Gap—as impracticable.
11. When you were employed upon that duty were you instructed to take a section of country from point to point, or were you directed to make a line of road? I was rather confined by my instructions. I was obliged to make a survey from point to point.
12. As a surveyor, do you consider that is a proper way of carrying on sections of a country for railway purposes? Certainly not. I think every liberty ought to be given to the surveyor to make use of his own ability, talent, or skill, in whatever he had to perform.
13. In consequence of your coming to Sydney to represent this to the head of the department you were dismissed the service? That was one of the charges, but there was another charge made against me of not paying my men's wages, and that I believe was the cause of my being dismissed. I think the Executive would not have dismissed me, but for the latter charge having been preferred by the Surveyor General.

- H. Sanderson, Esq., C.E.
16 Sept., 1858.
14. Were you called before the Executive Council at all? No, I was not.
15. You were never heard in your defence respecting the charges made against you? No; I only heard from hearsay, not officially, of two charges,—one that I had not performed sufficient work, and the other that I came to Sydney without leave,—and upon these charges I wrote in defence of myself to the Executive, through Mr. Hay; but at that time I was not aware that there was a third charge brought against me by the Surveyor General, as I had understood from him that that was not to be brought forward, the matter having been settled. The circumstances out of which this charge arose were these:—I had given to the men who were employed by me an order upon my agents for the payment of £30, and it appears that when they presented that order the money at that time due to me had not been paid to my agents, and they refused to honor the order.
16. At that time was there any money due to you by the Government on account of work performed? Yes, upwards of two months pay and allowances.
17. And in consequence of that money not having been paid this circumstance occurred? Yes; these men were not paid. They were going to Sydney, having left my service, and I gave them an order upon my agents. They called upon the Surveyor General, and showed him this order, and he, instead of informing me that it had been dishonored, or had not been paid, referred it to the Minister for Lands and Works.
18. Since that time you have had no employment in the service? I have not.
19. Since you came from Morcton Bay, and were informed that your services would no longer be required by the Government, you have been re-gazetted? Yes; on the 9th August, 1858.
20. Since you were re-gazetted as a licensed surveyor have you applied for employment? Yes, I have. Since I was gazetted I have applied to the Surveyor General, who wrote to me to state that he had no employment for me.
21. Then at the present time you are not employed by Government? I am not.
22. You have seen the Surveyor General with reference to employment? I have, several times.
23. Did he give any reason for not employing you? No; he merely said he had made a report against me, and having done so he could not employ me; and I think he said I had obtained my re-appointment in opposition to his wishes. That seemed to gall him, or make him more determined not to employ me.
24. I suppose your object in getting re-gazetted was, that you might obtain employment from the Government? Yes; I wished to be employed by the Government, in order that I might prove I can do my work satisfactorily.
25. How long is it since you arrived in the Colony? I arrived in November, 1855.
26. It is upwards of three years since you were appointed from home? It was three years in July last.
27. During what period of time have you been employed by the Government? From January 1856 to 22nd April, 1857, when I left Brisbane.
28. You came out here under the impression that you were to be permanently employed? Under an agreement for three years, but which was considered to be permanent; not as a salaried surveyor, but as a surveyor—to be paid according to a certain scale for the work performed.
29. In that arrangement you were called a licensed surveyor? Yes; and I was to have full employment for three years, upon the scale which it appears was recommended in a letter sent by the Colonial Secretary, dated 20th June, 1852. "I venture to suggest" he says, "that application might be made to Her Majesty's Government, in order that twelve surveyors be engaged in England by the Colonial Agent General, to survey by contract on the last approved scale of terms as herein enclosed; full work on these terms being guaranteed to such surveyors for three years from the date of their arrival in this Colony." Under these conditions I engaged and came out here.
30. These conditions were not adhered to upon your arrival? No; the Governor General, wishing to have certain surveys made for railways, and finding some of the gentlemen who had come from England, myself included, were *au fait* at making railway surveys, it was agreed that we should be employed upon these surveys at a salary of £400, and £400 for allowances, including equipment, horses, forage, transport, rations, and labor.
31. Have you any further statement you wish to lay before the Committee with reference to the matters complained of in your petition? Yes; with the permission of the Committee I append to this evidence a statement generally referring to the allegations contained in my Petition (*Vide Appendix A*), and also a letter from Hugh Hossack, dated 2nd April, 1858, marked in red ink "Important," (*Vide Appendix B*); also copy of agreement between Her Majesty's Government and myself, (*Vide Appendix C*); also copy of Petition addressed to His Excellency the Governor General, dated 5th August, 1857, (*Vide Appendix D*); and of a statement addressed to His Excellency the Governor General and the Members of the Executive Council, dated 8th July, 1857, (*Vide Appendix E*); also copy of a letter from the Under Secretary for Lands and Works, dated 22nd September, 1857, (*Vide Appendix F*); and of a letter to the Honorable T. A. Murray, Minister for Lands and Public Works, dated 10th October, 1857, (*Vide Appendix G*); also abstract of my allowances for April, 1857, shewing Mr. Henry Halloran's certificate of payment to Hugh Hossack of £30 for wages due to himself and James Kennedy, (*Vide Appendix H*); also letter from the Surveyor General, in reply to my request to be re-employed, dated 19th August, 1858, (*Vide Appendix I*); and memorandum from Mr. Licensed Surveyor Chaucey, upon the same subject, dated 31st August, 1858, (*Vide Appendix J*).

APPENDIX A.

H. Sanderson,
Esq., C.B.

STATEMENT made to Committee by Mr. H. Sanderson relative to his removal from the Public Service.

16 Sept., 1858.

Referring to my removal from the public service upon the charges preferred against me by the Surveyor General: in regard to the first charge—viz., insufficiency of work performed by myself and party—I beg to refer the Committee to my monthly progress reports to the Surveyor General, and to state that during the whole period of my sojourn in the northern districts I attended to my duties to the best of my ability, and as far as I was able, considering the many difficulties I had to encounter. In regard to the second charge—viz., absenting myself from my district without permission—there can be no doubt that I did wrong in coming to Sydney; but, taking into consideration all the circumstances of my anomalous position, and the acephalous conduct of the officers who were placed under my authority, I cannot see how I could avoid coming to Sydney, especially when the Surveyor General had previously intimated to me that it was his intention to recommend the removal of the whole party. I beg to refer the Committee to the Surveyor General's letter of the 23th March, 1857, No. 360, addressed to the District Surveyor, Moreton Bay, to my letter of the 22nd April, 1857, No. 84, addressed to the District Surveyor, Moreton Bay, and to my defence, addressed to the President and Members of the Executive Council, dated 8th July, 1857.

Referring to the third charge—viz., the non-payment of wages due to James Kennedy and Hugh Hossack, employed as surveyor's assistants by me, and to which I have partially replied in answer to questions 14, 15, and 16—I beg to state to the Committee that I was not aware that such a charge had been preferred by the Surveyor General to the Executive Council at the date when I submitted my defence (8 July, 1857); that it was not until the beginning of August, 1857, that I learnt the nature of the third charge; that on the 6th August, 1857, I presented in person a petition to His Excellency the Governor General, praying to be heard in my defence before the Executive Council. I beg to refer the Committee to a copy of that petition, which is appended also to my letter of the 10th October, 1857, addressed to the Honorable T. A. Murray, the then Minister for Lands and Public Works, and to a letter from Hugh Hossack, dated 2nd April, 1858, marked in red ink "Important."

Referring to my re-appointment to the public service, at the instance of His Excellency the Governor General, whom I memorialized on the 22nd July last, and to which re-appointment I was gazetted on the 9th August last, I beg to state to the Committee that I am not employed by the Surveyor General, neither am I permitted by the Surveyor General to be employed by any licensed or other Government surveyor of the colony, except only as a chainman, which I decline to accept, for reasons which will be obvious to the Committee. In confirmation of these facts, I beg to refer the Committee to the Surveyor General's letter of the 19th August, 1858, No. 1331, and to the memorandum of Mr. Licensed Surveyor Hugh Snell Chauncey, of the Kiama District (a copy of which I append), who entered into an agreement with me to employ me during the months of September, October, and November, 1858, to make surveys of Crown Lands by contract, but was compelled to repudiate his part of the agreement in consequence of the Surveyor General's veto. I also beg to refer the Committee to my memorial of the 7th September, 1858, which I addressed to His Excellency the Governor General on the subject, and which I presented in person, praying His Excellency to cause inquiry to be made, and redress given for the pecuniary injury sustained by me in consequence of the Surveyor General's interference. I further beg to state that the Surveyor General has prohibited me from having any employment in the Railway Department (where my professional services would be very beneficial to the Government) by reporting to the Chief Commissioner for Railways that I am not qualified to make surveys for railways, &c., &c.

In further reply to questions 24 to 30 inclusive, I beg to state to the Committee that in accordance with the terms of my agreement, (assuming the sum of £800 per annum to be a minimum equivalent to the quantity of work I could have executed in one year,) had I been permitted to work by contract or scale, I should have received from the Government the sum of £2,200 to the end of last month (August); whereas, in consequence of my removal from the public service, I have been deprived of all my salary and allowances since June, 1857, in the former, and May, 1857, in the latter. I further beg to state to the Committee, that on or about the 24th November, 1858, my agreement with the Government terminates; that my arrears of salary and allowances to that date are £1,166 13s. 4d.

I humbly submit to the consideration of the Committee the nature and terms of my agreement with the Government,—that had I been permitted to carry out the terms of that agreement, I could not have come in contact with those obstacles and difficulties which beset me in the new position it pleased His Excellency to place me. But, assuming that I was appointed a salaried officer, (to make surveys for railways, at salary and allowances of £800 per annum,) by His Excellency the Governor General, on the 30th November, 1855, and by accepting such appointment I cancelled my former one, I beg to state to the Committee, that in accordance with the 18th instruction contained in the Governor General's Commission and Instructions under the New Constitution, which goes on to say,—“And whereas we have, by our said Commission, authorized you, upon sufficient cause to you appearing, to suspend from the exercise of his office within our said Colony any person exercising the same under and by virtue of any commission or warrant granted or to be granted by us, or in our name or under our authority: Now we do charge and require you, that before proceeding to any such suspension, you do signify by a statement in writing to the person so to be suspended the grounds of such your intended proceeding against him, and that you do call upon such person to communicate to you, in writing, a statement of the grounds

“upon

“ upon which he may be desirous to exculpate himself; which statement and exculpation
 “ you will lay before the Executive Council, and having consulted them thereupon, you will
 “ cause to be recorded in the Minutes of the said Council, whether they or the majority of
 “ them do or do not assent to the said suspension; and if you thereupon proceed to such
 “ suspension, you are to transmit both of the said statements, together with the Minutes of
 “ Council, to us, through one of Our Principal Secretaries of State, by the earliest con-
 “ veyance. But if in any case the interests of our service shall appear to you to demand
 “ that a person shall cease to exercise the powers and functions of his office instantly, or
 “ before there shall be time to take the proceedings hereinbefore directed, you shall then
 “ interdict such person from the exercise of his powers and functions, preserving to him,
 “ however, until such proceedings shall have been taken, the emoluments and advantages of
 “ his office,”—I ought not to have been entirely removed from the service, but suspended
 until the pleasure of Her Majesty be known, and the emoluments and advantages of my
 office preserved to me; whereas I was suspended, without it being signified to me the grounds
 upon which I was suspended. Further, that I was never called upon by the Government to
 communicate in writing a statement exculpating myself; and finally, I was dismissed the
 public service, at the end of July, 1857, without the consent and approval of Her Majesty,
 and deprived of all pay. I beg to refer the Committee to the case of Mr. Thomas White,
 (who had a similar appointment to mine,) who was suspended on the 31st July, 1842, until
 the pleasure of the Home Government was known, and who received his pay and allowances,
 and passage home, from the time of his suspension until the same was confirmed by Her
 Majesty's Government.

HENRY SANDERSON.

APPENDIX B.

*Rushcutter's Bay, near Sydney,
 2 April, 1858.*

SIR,

In reply to your request, asking me to state my opinion in reference to the
 matter which caused you to be dismissed from the public service, I beg to state that, during
 the whole period I was in your service, viz., from the 1st December, 1855, to the 8th
 December, 1856, your conduct to myself, and the other men forming your camp, was all
 that could be desired; you always looked after the comfort of the men in camp, and your
 kindness and liberality on all occasions was well known to every one in your service.

The unfortunate money-order for the sum of £30, which myself and James Kennedy
 agreed to receive in part payment of wages due to us, and which was subsequently made the
 substance of a charge against you, apparently by us, but in reality by the Surveyor General,
 was (in my opinion) given to us by you with the most honest intentions, and that, at the
 time you gave us the order I am of opinion that you really and truly believed that there
 funds to your credit in the hands of your agents. It is my firm belief now, and was then,
 at the time of this transaction, that had the Government promptly paid your salary and
 allowances when due, your order of the 8th December, 1856, for £30, upon your agents
 would have been cashed when presented for payment at Brisbane by us on or about the 14th
 December, 1856.

I have read the Honorable Robert Campbell's letter to you of the 5th November,
 1857, in which he states he has formed a favorable opinion of your complaint against the
 Government for dismissing you from the public service on a charge of dishonesty against
 myself and James Kennedy. I quite agree with the opinion of the Honorable Mr. Campbell.
 I believe your conduct was perfectly honest; and I am of opinion that the Government were
 led to believe, by misrepresentation, that which was not true, and which subsequently caused
 them to dismiss you.

Truly and sincerely sympathizing with you in the undeserved and unmerited punish-
 ment which your family and self must have suffered in consequence of your unjust dismissal
 from the public service, on so false a charge of dishonesty to myself and James Kennedy
 (your late servants), and trusting that the Government of the day will restore you to
 employment,

I am, &c.,

HUGH HOSSACK.

P.S.—I ought to observe that you eventually paid James Kennedy and myself the
 amount of the order, viz., £30, notwithstanding that we could not have compelled you, after
 the injury you sustained by us.

H. H.

To Mr. Henry Sanderson.

APPENDIX C.

AGREEMENT made this seventh day of July, one thousand eight hundred and fifty-five,
 between Henry Sanderson, of 13, Cheltenham Terrace, Chelsea, in the County of
 Middlesex, Esquire, of the one part, and Edward Barnard, of Cannon Row, in the
 City of Westminster, Esquire, Agent General for Crown Colonies, for and on
 behalf of Her Majesty, of the other part.

WHEREAS Henry Sanderson hath been duly appointed a surveyor in New South Wales, on
 the terms mentioned in the enclosure of the Despatch of the Governor General, dated 20th
 June, 1854, No. 80, (Executive) and hath received the sum of Fifty pounds on account of
 his contract, with a free passage to the Colony:

Now, the said Henry Sanderson, in consideration of the premises, doth hereby agree
 with the said Edward Barnard that, should he, the said Henry Sanderson, relinquish his
 said

said appointment as aforesaid, or quit the said Colony without leave, within the period of three years from the date of his arrival in the said Colony, that he, the said Henry Sanderson will, upon so quitting the said Colony, or relinquishing his said appointment, refund and repay to the Colonial Secretary of the Government of the said Colony for the time being, or to the Agent General for the said Colony in London for the time being, the amount paid for the passage, and also the sum of fifty pounds advanced to him as aforesaid.

Provided always, that nothing herein contained shall bind or oblige the said Henry Sanderson to repay the said passage money and fifty pounds, if at the time he shall relinquish his said appointment, or quit the said Colony as aforesaid, the Colonial Secretary of the Government of the said Colony, or person acting as such, shall certify that he, the said Henry Sanderson, is unable, from bodily or mental infirmity, to continue in the performance of his duty as such surveyor.

Witness our hands this seventh day of July, in the year of our Lord,
One thousand eight hundred and fifty-five.

Signed by the said Edward Barnard,	}	(Signed)	EDWARD BARNARD.
in the presence of			
Signed by the said Henry Sanderson,	}	(Signed)	HENRY SANDERSON.
in the presence of			

APPENDIX D.

To His Excellency Sir William T. Denison, K. C. B., Governor General
of New South Wales, &c., &c.

The humble Petition of Henry Sanderson, Assistant Railway Surveyor, lately employed in
the Moreton Bay and Darling Downs Districts,—

SHEWETH :—

That your Petitioner received, on the 31st July last, from the Honorable the Secretary for Land and Public Works, the unfavorable decision which the Executive Council arrived at in the case of your humble Petitioner.

That your Petitioner, conceiving that he has already suffered much punishment in being suspended during a period of three months and deprived of all means of subsistence for himself and family, humbly prays your Excellency will favorably consider his case, with a view to the reinstatement of your humble Petitioner to his former position.

That your Petitioner having been suspended since the 1st May last, and having received no salary or allowance during the period of his suspension, he and his family, consisting of his wife and child, are reduced to a state of great pecuniary distress and almost actual want.

That your Petitioner humbly prays your Excellency to seriously consider the private as well as the departmental circumstances which compelled your Petitioner to leave his district.

That your Petitioner, having a proper and due regard for the discipline of Her Majesty's service, did not intentionally commit an act of disobedience, but, in his humble opinion, conceived that he was not doing wrong under the circumstances.

That your Petitioner humbly prays your Excellency to take notice that your Petitioner was not in fault with reference to the complaint made to the Honorable the Colonial Secretary by the laborers James Kennedy and Hugh Hossack, because, at the time when these men presented your Petitioner's order to his agent at Brisbane there were no funds in hand, notwithstanding that two months' salary and allowances were overdue; and that upon the Surveyor General, in his official communication of the 7th May, 1857, No. 515, informing your Petitioner that unless these men were paid your Petitioner's dismissal from the service would be advised, your Petitioner immediately wrote an explanatory letter in reply, dated 8th May, 1857, No. 57-86, and further, that the Surveyor General has now in his possession (hands) (which he has retained out of your Petitioner's allowance for April last, at your Petitioner's request) the sum of thirty pounds (£30) for the sole purpose of satisfying the claim of the said James Kennedy and Hugh Hossack.

That your Petitioner, if it is considered necessary, prays to be heard by your Excellency in further explanation of his conduct, which has been so severely punished, for the purpose of satisfying your Excellency's mind of the absolute necessity of your Petitioner coming to Sydney.

Your Petitioner therefore humbly prays that your Excellency will be pleased to take these matters into your Excellency's consideration at your earliest convenience, as the delay already so bitterly experienced by your humble Petitioner, and the unfavorable decision of the Executive Council, has placed him and his devoted family in a state of ruin and destitution.

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

HENRY SANDERSON.

13, Jamison-street, Sydney,
5 August, 1857.

N.B.—I presented the above Petition to His Excellency in person on the 6th instant. I was permitted to explain many matters to His Excellency, who was pleased to command a re-hearing of my case, with a view to my reinstatement.

HENRY SANDERSON.

13 August, 1857.

13, Jamison-street, Sydney,
7 August, 1857.

YOUR EXCELLENCY,

Referring to the subject matter contained in my humble Petition, which your Excellency most graciously permitted me to present in person yesterday, I have the honor to inform your Excellency that I ascertained from my late agents, Messrs. R. Towns & Co., that my salary and allowances for the month of November last was not received in Sydney by that firm until the 19th of December following, and that the late Mr. George Christie (R. Towns & Co.'s agent at Moreton Bay) could not possibly receive the said salary and allowances until the 29th December. The men, James Kennedy and Hugh Hossack, leaving my service on or about December 8th, and presenting my order at Brisbane not later than December 14th, your Excellency will perceive that the funds which I anticipated being placed to my credit to meet their demands had not been received.

I may also mention, in order to convince your Excellency of the frequency of such casualties occurring, that my salary and allowances for December last were not received in Sydney until the 27th February.

I have, &c.,
HENRY SANDERSON.

To His Excellency
Sir W. Denison,
&c., &c.

APPENDIX E.

Sydney, 8 July, 1857.

To His Excellency Sir William T. Denison, K. C. B., Governor General, President, and the Honorable the Vice-President and Members of the Executive Council, New South Wales.

The statement of Assistant Railway Surveyor Henry Sanderson, in reply to the charges preferred against him by the Surveyor General.

In July 1855, the Right Honorable Lord John Russell, then Her Majesty's Secretary of State for the Colonies, was pleased to appoint me as assistant surveyor in the Colony of New South Wales, at the recommendation of the Right Honorable the Earl Fitzwilliam and Lieut. Colonel Dawson, R. E., Tithe and Inclosure Commissioner.

I embarked with my family on board the ship "Chowinghee," at Southampton, 8th August, 1855. Messrs. Berry, senior and junior, Rowland, Hicks, Condon, Twynam, Grogan, Malley, Kelly, Oliver, and my brother, Edmund Sanderson, embarked with me, having received similar appointments.

On my arrival in this Colony His Excellency Sir W. Denison was pleased to appoint me as Assistant Railway Surveyor. I was in hopes of accompanying my brother Edmund, but I was ordered to Moreton Bay at the latter end of January 1856, in company with Messrs. Malley and Grogan, the former being at that time on very ill terms with me, in consequence of my complaining of his drunken habits (whilst on board ship) to the captain; quarrelled with me a few days after my arrival in Moreton Bay; he then stated that he would do all he could to injure me, and also that he would not obey my instructions, although he knew that I was placed in authority over him. The ill-feeling of this officer towards me is well known amongst the gentlemen who came out with us; it is also known by Mr. Halloran, the Chief Clerk in the Surveyor General's Office.

My duties in Moreton Bay were, with the assistance of Messrs. Malley and Grogan, to make surveys for railway purposes from the coast at or near Brisbane to Warwick, and other places across the Dividing Range. Although there was no difference in the salaries of myself and the assistants above-named, yet I was placed in authority over them, and held responsible for the amount and accuracy of the work performed by them. There were many disputes between the assistant surveyors and myself, arising from the feeling that they were not subservient to my authority, and especially upon one point, viz.—their progress returns: these reports I was authorized by the Surveyor General to prepare myself. The assistant surveyors, particularly Mr. Malley, refused to supply me with any information whatever, consequently I reported him to the head of my department. I believe the Surveyor General did not take any notice of this act of insubordination further than to write to Mr. Malley. I may here remark that as the assistant surveyors refused to supply me with their progress returns, I was never aware of the amount of work done, consequently I could not judge whether their progress was satisfactory or not. In June 1856, owing to the dissatisfaction of the Surveyor General at the state of the work done, Mr. District Surveyor Galloway was placed in authority over us, and instructed to superintend the operations of myself and party, and make his report to the Surveyor General; much unpleasantness and acrimonious feeling was engendered in consequence of the proceedings of Mr. District Surveyor Galloway encouraging a system of talebearing and recriminations amongst the party. Notwithstanding that I, as the head of that party, had conducted the whole correspondence; notwithstanding that I had throughout the whole period of my sojourn in Moreton Bay and Darling Downs Districts explored and examined the country in the most minute and careful manner, made all the reports, tracings, sections, &c., &c., and taken all the necessary flying levels, also permanent and check levels; notwithstanding that I endeavored, as far as lay in my power, to do my duty and follow the instructions of the Surveyor General, yet my conduct did not appear to give satisfaction; in fact the Surveyor General condemned me for the faults of those under me. On the 20th April, 1857, I received an official communication from the District Surveyor, No. 42, dated 15th April, 1857, enclosing letters from the Surveyor General and the Chief Commissioner of Railways. The perusal of these documents convinced me at once
of

of the necessity of my repairing to Sydney, unless the District Surveyor could advise me how to act.

The Chief Commissioner of Railways' letter, dated 25th March, 1857, states in the first paragraph,—“That the information furnished by the assistant surveyor employed to inspect the Moreton Bay District with a view to laying out a line to Darling Downs, is so very meagre that the Commissioners find it quite impossible to form an opinion as to the situation of a terminus for a railway at Ipswich.” Secondly,—“That the line as at present (laid down) marked out is in several places almost impracticable. An entirely new survey should be made, or that the present one be further detailed by cross sections.”

Taking the Chief Commissioner of Railways' letter in its individual sense, it is impossible to put the construction upon it that the District Surveyor did. I respectfully submit that, according to my professional knowledge as an engineer and railway surveyor of many years' practice, that a better line could not be obtained between South Brisbane and Ipswich; that it is in any portion of it practicable, I having very closely examined the country, and taken care not to have any severe gradients or impracticable curves. I do not believe that the Chief Commissioner of Railways could refer to the Brisbane and Ipswich Railway. It is my impression he means this—that there was not sufficient information on the plan of the Brisbane and Ipswich survey at Ipswich to enable him to form any opinion, as, at the date he writes to the Surveyor General (25th March) he had not then in his possession a continuation of the survey and section from Ipswich to the Darling Downs; he could not, therefore, fix upon a site for a terminus. If, then, I had commenced an entire new survey of the country between Brisbane and Ipswich, or even amended it elsewhere but at Ipswich, I should have been guilty of a most unnecessary waste of time and money.

The Surveyor General's letter of the 28th March, 1857, addressed to the District Surveyor, does not instruct that officer how to proceed in reference to the Chief Commissioner of Railways' letter; it simply states that the District Surveyor will have the goodness to issue to the railway surveyors under his direction “instructions to proceed in the way he may consider the more desirable;” and it further states that the District Surveyor is to furnish the Surveyor General with a report on the subject, stating the reasons which induced the District Surveyor to pursue any particular course. It finally closes by stating, that unless the Surveyor General receives immediately a return of the work performed by the party, accompanied by the necessary plans, he (the Surveyor General) should consider it to be his duty to recommend the removal of all the officers constituting it.

The District Surveyor's letter of the 15th April, 1857, does not give me any instructions how to proceed in reference to the Chief Commissioner of Railways' letter. It states, in paragraph 2, as follows:—“I have to remind you that I returned to you the plan alluded to in August last; and in my letter No. 56-210 I pointed out the very deficient amount of information upon it, especially in not having shewn, as instructed, the features, topography, and flying levels, for thirty chains on each side of your base lines, and in not having extended your survey laterally where difficulties occurred. You returned the plan much amended, but, as you had not made the proper survey as directed by the Surveyor General's (original) instructions to you, the information upon it still remained absurdly meagre, and I would have again returned the plan for the insertion of the information, but the Surveyor General being particularly anxious to ascertain what your party had done, I at once transmitted it for his information.” Now, with regard to the above quoted paragraph, the District Surveyor evidently misunderstood the meaning of the Chief Commissioner of Railways' letter; after complaining of the “absurdly meagre state” of the survey of the Brisbane and Ipswich Railway, he “suggests,” in paragraph 3, the necessity of the Surveyor General returning the said plan for the purpose of having added such further information and cross sections as may be (requested) required by the Chief Commissioner of Railways.

Referring to the plan of the survey of the Brisbane and Ipswich Railway, I respectfully beg to state that I never sent in the plan unfinished. The plan was sent in to Mr. District Surveyor Galloway by Messrs. Assistant Surveyors Malley and Grogan, without my knowledge, and before I had inserted any portion of my levels upon it. I further state, that I had great difficulty with Mr. Assistant Surveyor Malley in obtaining possession of the said plan, for the purpose of inserting the necessary longitudinal and lateral levels. That officer behaved to me in the most ungentlemanly manner, bid defiance to my authority, and refused to place the said plan in my hands until I threatened to report him. I did not receive the plan of this survey until August, 1856, seven months after its commencement, and the joint work of Messrs. Malley and Grogan. I am certain that I could have executed that survey myself, to the satisfaction of the Surveyor General, within three months. The survey being made by Messrs. Assistant Surveyors Malley and Grogan, and the plan being sent in by those officers to the District Surveyor, it is therefore evident that the District Surveyor's letter, No. 56-210, could not apply to me, and therefore not at all applicable to the subject matter of either the Surveyor General's or the Chief Commissioner of Railways' letters.

The receipt of the District Surveyor's letter, and the evident misconception he put upon the enclosures, determined me upon seeking an interview with him without delay. I therefore left my duties, and proceeded to Brisbane, arriving there on the 20th April; on the 21st (Monday) I had an interview with the District Surveyor at his office, North Brisbane, on the subject matter of his letter of the 15th April, and the enclosures. Mr. Galloway admitted that he did not know what course to pursue; he stated that the (Survey) office in Sydney was in sixes and sevens; that the *modus operandi* of the survey, as carried out by the instructions of the Surveyor General, was not proper; that a great deal of time was uselessly wasted, in doing the most unnecessary things; he could not give me advice; recommended me to act according to my own ideas; and finally ended the interview by stating that he would seek further instructions from the Surveyor General. The unsuccessful result of this interview determined me upon proceeding to head-quarters at once; before doing so, however, I wrote to Messrs. Assistant Surveyors Malley and Grogan, enclosing copies of

of the Surveyor General's, the Chief Commissioner of Railways', and the District Surveyor's letters. I reminded them of the necessity of widening the surveys they were then engaged in, putting down more durable stakes on their base lines, marking well the trees, and instructed them to peg and lay out to a distance of twenty and thirty chains on either side of their base lines right angled lines at every ten chains. I may here remark that my reason for giving the above instructions to the assistant surveyors of my party, was because on the survey of the Brisbane and Ipswich railway, executed by those officers, they had neglected to peg and lay out for a distance of twenty miles right angled lines. I was therefore obliged in taking the necessary cross sections to waste much valuable time in cutting through dense scrub, and performing laborious operations, which ought to have been done by the assistant surveyors and their men whilst engaged in the said survey. I may also mention that immediately previous to coming to Sydney I was engaged in taking the necessary longitudinal and lateral levels on the line to the west of Ipswich, and finding neither trees marked or the base lines staked, I was obliged to write to Mr. Malley, requesting him to go over the whole of his survey from Ipswich to the Dividing Range, in order that he might be able to replace every peg that was removed—also to mark the trees on both sides of his base lines, which was not the case, especially in the first ten miles from Ipswich.

On the 21st April I acknowledged officially the District Surveyor's letter of the 15th April. I informed him that I had written to the assistant surveyors under my charge. I gave him official notice of my intention to proceed to Sydney by the "Yarra Yarra" the next day, stating my reasons for doing so.

On my arrival in Sydney I reported myself to the Surveyor General personally, and by letter No. 85, dated 29th April. On the 1st May I received notice of my suspension (from duties) from the Surveyor General, for absenting myself from my district without his permission.

In defence, I humbly beg to observe, that although the Surveyor General may probably justify himself in suspending me for coming to Sydney without leave, yet he overlooked the repeated acts (gross) of insubordination on the part of Mr. Assistant Railway Surveyor John Malley. I hope, therefore, you will take into consideration the following circumstances which compelled me to leave my district:—

First.—The position of authority I had over Messrs. Assistant Railway Surveyors Malley and Grogan was never recognized by those officers during the whole period of our duties in Moreton Bay, the difference of opinion on that point between the Surveyor General and the District Surveyor, the former recognizing Messrs. Malley and Grogan as my equals, and not subordinate to my authority, at the same time holding me responsible for their acts; the latter maintaining that I was in authority over them to all intents and purposes, and that I ought to be supported by the head of my department.

Second.—The unsatisfactory state of the work performed by the party collectively, the determined opposition of Mr. Malley against me, his defiance of my authority, and refusal to obey my instructions or to afford me any information.

Third.—The condemnation of the survey of the Brisbane and Ipswich railway (as so condemned by Mr. District Surveyor Galloway) by the Chief Commissioner of Railways, the improbability of a better line being obtained, and the District Surveyor being unable to give me further instructions in reference to the same.

Fourth.—The impracticability of making a line of railway from Ipswich to Warwick across the Dividing Range in the present stage of this Colony, according to the general route of the Railway Commissioners, and the Surveyor General's instructions giving me no power to exercise my professional skill and judgment in the selection of a line of railway from Ipswich on to the Darling Downs which would be practicable, as well as economical and advantageous to the interests of the district.

Last.—The Surveyor General expressing an unfavorable opinion as to the amount and quality of work done by myself and party, and of his intention to advise the Government to dispense with its further services.

These are the circumstances which caused me to proceed at once to head-quarters, in order to ascertain my real position with reference to Messrs. Malley and Grogan:—To pray that the Honorable the Secretary for Lands and Public Works may cause an inquiry to be made in reference to the conduct of Messrs. Assistant Railway Surveyors Malley and Grogan, in order to confirm the truth of the statement I am now advancing, that the progress of each party may be taken separately, so that the Government may see what amount of work each officer has done: to convince the Surveyor General that, as far as my duties were concerned, he could not justly be dissatisfied with me: to obtain from the Surveyor General amended instructions in reference to the Brisbane and Ipswich Railway, and if not required, to pray for leave to give the Commissioners of Railways such further information as I may be in possession of: to prove to the Surveyor General the utter impracticability of a line of railway being made at the present period on or even in the immediate neighbourhood of the general route between Ipswich and Warwick, as laid down by the Railway Commissioners: to suggest that in lieu of expensive detailed surveys, permanent and lateral sections being made in future trial sections only, accompanied with traverse skeleton surveys be adopted; that future instructions shall not bind me to any particular route or direction, but that I should be allowed to use my professional experience and judgment in selecting the best route, wherever it may be situated: to pray that the Government may be pleased to give me the means of preserving intact my professional reputation by inspecting all the reports, sections, plans, &c., &c., done by me in Moreton Bay and Darling Downs Districts, and allotting to me a separate district, or a portion of one, apart from any other officer, the work, such as surveys, sections, levels, plans, &c., &c., to be executed by myself only, and for the accuracy and quantity of the same I alone will be responsible, and by the result stand or fall.

HENRY SANDERSON,
Assistant Railway Surveyor.

Sydney,

Sydney, 8 July, 1857.

Sir,

I have the honor to enclose to you a statement which I urge in my defence, and which I respectfully request you will direct to be laid before the Honorable the Members of the Executive Council when my case comes before their notice.

2. Upwards of two months having elapsed since the Surveyor General suspended me from my duties as Assistant Railway Surveyor, I respectfully urge the importance of early attention to my case, the delay increasing the difficulties of my position every day.

I have, &c.,

HENRY SANDERSON,

A. R. S.

The Honorable the Secretary for
Lands and Public Works.

APPENDIX F.

Department of Lands and Public Works,
Sydney, 22 September, 1857.

Sir,

Referring to your letters of the 5th and 11th instant, requesting that you may be informed of the cause of your dismissal from the public service, as you understand that it is generally supposed that you were dismissed for incompetency, I am directed to inform you that you were removed from the public service under the following circumstances, viz. :—

- In the first place, it was represented that the quantity of work performed by you was insufficient.
 - 2nd. Before this charge was disposed of you left your district, not only without leave, but contrary to the wishes of your immediate superior, and for the latter act you were suspended; and
 - 3rd. Whilst these combined charges were still pending, complaints were made to the Government, by persons employed by you, of the non-receipt of their wages, although the Government made you a fixed allowance for the maintenance of your equipment.
2. These matters having been formally brought before the Executive Council, that body arrived at the decision expressed in the appended extract from the Minute of their proceedings.

I have, &c.

MICL. FITZPATRICK.

Henry Sanderson, Esq.,
Sydney Flour Mills,
Margaret-street, Sydney.

Extract alluded to.

The Executive Council do not consider Mr. Sanderson's explanation satisfactory, and they deem his conduct towards his laborers so highly discreditable and dishonest that they can only advise that his suspension be now terminated by dismissal from the public service.

EDWARD C. MEREWETHER,

Clerk of the Council.

29 July, 1857.

APPENDIX G.

Sydney, 10 October, 1857.

Sir,

I have the honor to receive your communication of the 22nd ultimo, No. 1322, in reference to my letters of the 5th and 11th ultimo, addressed to the Honorable the Secretary for Lands and Public Works, requesting that I may be informed of the cause of my dismissal from the public service. Your absence from Sydney is the reason why I have delayed until now to make this communication.

2. The very unfavorable nature of the decision of the late Executive Council, as conveyed in your communication of the 22nd ultimo, inferring no less than a most serious charge of dishonesty against me, the falsity of such a charge, and the untrue statements which have been brought against me to mislead the Executive, and finally to cause them to consider it to be their duty to dismiss me from the service; the great injustice to me, and the injury to my character, compels me to urge that my case may be inquired into, and thoroughly investigated, with a view to prove the falseness of such charge, and to upset the grounds upon which the Council acted.

3. To proceed seriatim. First: The wording of the decision of the Executive Council states, that it was represented in the first place that the quantity of work performed by me was insufficient. Secondly: That before this charge was disposed of I left my district without leave, contrary to the wishes of my immediate superior; and for this act I was suspended. Thirdly: That whilst these combined charges were still pending, complaints were made to the Government by persons employed by me of the non-receipt of their wages, although the Government made me a fixed allowance for the maintenance of my equipment. It therefore appears upon the face of this statement, that the Executive arrived at their decision solely in consequence of the manner in which the third charge was preferred against me.

4. With regard to the first charge, viz., insufficiency of work. First: I deny that the work I have performed during my sojourn in Moreton Bay (not omitting to take into consideration the very difficult nature of the work, and the unparalleled wet season that I had to contend with) was insufficient. Secondly: That the Surveyor General in his letter of the 28th March, No. 57-360, addressed to the District Surveyor at Brisbane, Moreton Bay, states as follows: "I may at the same time add, that unless I receive immediately a return of the work performed by the party, accompanied by the necessary plans, I shall consider it to be my duty to recommend the removal of all the officers constituting it, of which you will be good enough to apprise them." Now, two days after the date of this letter (which I did not receive from the District Surveyor until the 20th April following), I transmitted to the Surveyor General the returns and plans alluded to in his letter, and which he would not receive before the end of April. I therefore respectfully submit that the Surveyor General having carried out his threat (as conveyed in his letter of the 28th March) in representing to the Government, previous to his receiving my reply to his said letter of the 28th March, that my work was insufficient, he not only wilfully deceived me, but acted towards me in an unfair and ungentlemanly manner, in wilfully omitting to give me official notice that he had preferred such a charge.

5. With regard to the second charge, viz., leaving my district without the permission of the Surveyor General—the very fact of my reporting myself to that officer on my arrival in Sydney, and subsequently on the 29th April by letter is an admission of the offence. But the statement in my defence to the Executive Council, explanatory of my reasons for coming to Sydney, is a decided contradiction (borne out by numerous facts) to the words "contrary to the wishes of your immediate superior," because it states particularly that on the 21st April I had an interview with the District Surveyor at his office, North Brisbane, on the subject matter of his letter of the 15th April, and its enclosures. Mr. Galloway admitted that "he did not know what course to pursue; that the Survey Office in Sydney was in sixes and sevens; that the *modus operandi* of the survey as carried out by the instructions of the Surveyor General was not proper; that a great deal of time was uselessly wasted in doing the most unnecessary things; he could not give me advice, recommended me to act according to my own idea." Therefore, I respectfully submit that my coming to Sydney was *not* contrary to the wishes of my immediate superior, but with his knowledge and consent, which I am prepared to prove. My reasons for leaving my district have been fully laid before the Executive, in my statement addressed to that body; and I feel convinced that if that charge had been the only one against me, the Executive could not in justice have confirmed my suspension. I feel it to be my duty to observe, that notwithstanding I made application for leave of absence from my district three separate times, to come to Sydney upon most important private affairs, I was refused leave each time by the Surveyor General; thereby suffering the loss of several hundred pounds, because I could not come to Sydney to punish a man who was defrauding me. Other officers who came out to this Colony, and who went into the country at or about the same time that I did, had leave of absence whenever applied for; for instance—Mr. Assistant Surveyor Rowland was in Sydney last month on leave; he then informed me that he had had leave several times, and that twice he came to Sydney without leave, yet no notice was taken of these facts by the Surveyor General. Mr. Assistant Surveyor Twynam has had leave of absence twice; Mr. Assistant Surveyor Berry has had leave of absence several times; Mr. Assistant Surveyor Sanderson, my brother, has had no leave, but has been reprimanded by the Surveyor General for leaving his district, viz., for visiting his family, who were living out of the district in which he was then employed. I venture to suggest that a Return ordered by the Honorable the Secretary for Lands and Public Works upon the motion of an honorable Member of the Legislative Assembly, showing the number of applications for leave of absence from each officer not granted, and the number of those granted, during the years 1856 and 1857, will be of service to the Government, and prove the truth of my assertion.

6. With reference to the third and final charge, viz., my conduct towards my laborers being "highly discreditable and dishonest," I respectfully submit, on the following grounds—First. That the Surveyor-General has with malicious and wicked intent preferred statements against me calculated to mislead and misdirect the Executive in the performance of their functions. Secondly. That the Surveyor General communicated to me, in his letter of the 7th May, No. 515, that he had that day received an intimation from the Secretary for Land and Works, that unless I settled the claim of James Kennedy and Hugh Hossack, who had applied to him through the Colonial Secretary, my dismissal from the public service would be advised; that on receipt of the above-named letter I immediately wrote to the Surveyor General, and stated that I never disputed the claims of J. Kennedy and H. Hossack; that on their leaving my service at Warwick in December last, they agreed to take my order upon my agents in Brisbane for the amount due, promising at the same time to inform me when they arrived in Brisbane of their having received payment. I further stated that these men never communicated with me, and I was not aware that they had not been paid until the 5th May last, when I happened to be informed

informed of the fact by Mr. Hay. I further stated that it was my intention to settle their claims immediately. I afterwards appointed a meeting with the men at the Surveyor General's Office on the 10th May, on which occasion I authorized the Surveyor General to pay the men their money out of the sum of £33 6s. 8d., my allowance for April, then due, which he assented to, but did not pay until 3rd September last, four months afterwards. The Surveyor General has his own reasons for delaying the payment of this money for so long a period. Thirdly. That the Surveyor General did wilfully omit to officially inform the Government of the nature of my reply to his letter of the 7th May, and of the arrangement I had made for the payment of these men's claims. Fourthly. That he persisted in preferring this charge against me, at the same time well knowing that he had funds belonging to me in his possession which he had faithfully promised to pay to these men, in accordance with the arrangement made on the 10th May. Fifthly. That my petition to Sir W. Denison, of the 5th August, wherein I had stated that I was not in fault with reference to the complaint made to the Government by the laborers J. Kennedy and H. Hossack; that at the time when these men presented my order to my agent at Brisbane there were no funds in hand, notwithstanding that two months' salary and allowances were overdue; and my further communication of the 7th August to His Excellency, wherein I had stated that I ascertained from my late agents that my salary and allowances for the month of November last was not received in Sydney by that firm until the 19th December following, and that the Brisbane agent could not possibly receive the said salary and allowances until the 29th December; the men, J. Kennedy and H. Hossack, leaving my service on or about the 8th December, and presenting my order at Brisbane on the 14th, fully a fortnight before my November allowance had been received at Brisbane;—being referred by Mr. Hay to the Surveyor General for his confirmation, he (the Surveyor General) did wilfully and with malicious intent report falsely and in such a manner as to make it appear to the Executive that the statement I had made in my petition was false; and further reporting privately to several members of the Government that he had no funds of mine in hand to pay these men, notwithstanding that he subsequently paid them out of my April allowance, as the official records show.

7. Upon these grounds, and upon the truth of the statements I have made, I respectfully submit that the decision of the Executive Council is erroneous. I therefore earnestly appeal to you, in your capacity as a Member of the Government, to your honor as a gentleman, to lay my case before your Honorable colleagues, for their consideration. For the sake of justice, I claim, I ask for a revision of my case. I deny in the most solemn manner, with the fear of God before me, that when I gave my order upon my agents in Brisbane to the men Kennedy and Hossack I had any intention whatever of defrauding them of any portion of their wages. It is well known that many surveyors now in the public service of this Colony oftentimes have their cheques and orders dishonored, in consequence of the delay in the payment of their salaries and allowances. Are they to be punished because circumstances render it impossible for them to receive their pay punctually?

I have a letter before me now, from a friend of mine, an officer belonging to the Surveyor General's Department, and employed in the Southern Districts, in which he observes,—“I am now three months without receiving my salary,” &c. The men Kennedy and Hossack, on their arrival in Sydney, had no intention whatever of doing me any injury in applying to the Colonial Secretary. Total strangers in Sydney, and not aware of the consequences, they applied to whom they thought they could obtain cash for their order. Hossack being a hired servant to H. W. Parker, Esq., M.P., the then Colonial Secretary, naturally applied to his master, for himself and his comrade; and when his application reached the Surveyor General, the latter, instead of communicating with me, as he had promised the men that he would do, and as he ought to have done, thought proper to keep the matter silent, so that it might, with his careful nurture, grow into a serious charge.

8. I have been induced to extend this document to a greater length than I intended, because I am most anxious that the present Executive should arrive at the truth. To allow the decision of the late Executive Council to remain unaltered—to enter no protest against it on my part,—is tantamount to an admission that I am guilty of dishonest conduct towards my laboring men. On the contrary, I have paid all their just demands. I have been invariably most liberal to them; and Kennedy and Hossack in particular can truly state that they never had a more liberal master than myself.

I plead not guilty to this monstrous charge, and I fearlessly demand a searching investigation into this matter. I protest against the right of the Executive condemning me, and exercising that power which only a jury of my country could exercise in another place. It is stated by several of my friends that I shall not obtain justice; that the power and influence of the Surveyor General is sufficient to silence the Members of the present Administration, and burk the inquiry. I cannot believe that any Member of the Government will refuse to listen to my cry for justice. Fully and wholly confiding in their honor and sense of justice, I leave the issue of this appeal in their hands.

9. The injury that I have sustained because of the Surveyor General's animosity against me is incalculable. I have been deprived of pay and all means of subsistence for my family, by his arbitrary orders. My wife and child were in Brisbane, Moreton Bay, dependant upon the generosity of a foreigner, for three months; and the Surveyor General, knowing this, refused to pay me what salary was due to me until I threatened proceedings. My property, consisting of all my correspondence, journals, maps, plans, scientific works, instruments, tents, baggage, &c., are still in Moreton Bay, and detained there through the instrumentality and agency of the Surveyor General. If I had been guilty of embezzlement, as falsely represented by the Surveyor General, all the privations that I have suffered I should have deserved. I should not have made my case known to so many people, also to

My property still in
Moreton Bay, 24 May,
1858.

Members

Surveyor General, by
his Chief Clerk, Mr.
Halloran.

Members of the upper and lower Houses of Parliament, which I have done; on the other hand, I should have kept a quiet tongue. The malignant feeling of the Surveyor General has even been brought against me in private applications for business; and in my application of the 15th ultimo to the Chief Commissioner of Railways for employment as a railway surveyor. With regard to the latter application, I had adopted the suggestion and advice of Sir W. Denison; but on the receipt of my letter by Captain Martindale, that gentleman referred it to the Surveyor General for his report; not knowing how I had been dismissed, and the cause. I felt assured that the Surveyor General's report would be unfavorable. This assurance became a conviction on the 21st ultimo. On that day I met Colonel Barney in O'Connell-street, and expressing to him my regret that he should be so very hostile to me, he observed that I was dismissed the service for coming to Sydney without leave. At the same time, if I had not come he would have obtained my dismissal in Moreton Bay, as he had a great dislike to me. I reminded him of his partiality and favor in giving leave of absence to other officers, mentioning their names. Colonel Barney replied, that these officers had no right to inform me of such favors, and abruptly left me, stating that he would, if possible, prevent me from obtaining any further employment in the public service of this Colony.

10. It may be asked what motive the Surveyor General had to cause him to have any ill feeling against me. In reply, I respectfully state there were many motives; and upon the Executive reading my defence, together with my correspondence to the Surveyor General, from the beginning of 1856 to last March, I respectfully submit that they will see several motives which have caused him to have an ill feeling against me. I have no doubt in my own mind that I have been sacrificed partly because of my condemnation of the works proposed by the Surveyor General in Moreton Bay.

11. Taking into consideration all these circumstances, I have every confidence in your dealing justly with my case. I feel assured that you and your Honorable colleagues will alter that most unjust and cruel decision, wherein the late Executive have branded my name with dishonesty, and placed it upon public record, to be handed down to posterity.

12. I question very much the legality of the decision of the late Executive, as expressed, and I am not alone in this opinion. I am informed, upon good authority, that improper influences have been at work against me by the Chief Clerk of the Surveyor General's Department; being informed by one of the oldest and most respected of the officials of that department, that he, the Chief Clerk, was my enemy. I am not therefore surprised at the unfavorable result of my case.

M. E. L. Burrowes, Esq.,
now District Surveyor,
Moreton Bay.

Paid salary and allow-
ances to the end of May,
1857, and salary for
June, 1857.

13. Having made a claim for salary for the months of July and August (being suspended during that period), and also for means to take myself and family back to England, I earnestly request that you will obtain the decision of the Executive as early as possible, having sent in my claim on the 11th September last.

Apologizing for the liberty I have taken in prolonging this communication to so unusual a length, and earnestly praying your early attention to the subject matter therein,

I have, &c.,

HENRY SANDERSON.

The Hon. T. A. Murray,
Secretary for Land and Public Works,
Sydney.

APPENDIX H.

No. _____ of Warrant No. _____ of 185 _____ Voucher No. _____
 ABSTRACT and ACQUITTANCES of the Allowances of the undermentioned Assistant Railway Surveyor, from the 1st to the 30th April, 1857, inclusively.

201—03

SITUATION.	NAME.	Date of original Appointment to the Public Service.	Date of Appointment to present Situation.	PERIOD.		No. of days.	FIXED SALARY.		TEMPORARY INCREASE.		TOTAL.	We, the undersigned, do hereby acknowledge to have received from the Surveyor General the Sums opposite to our several Names, being in full of our Salaries and Allowances respectively, for the periods specified in this Abstract.	Date of Payment.
				From	To		Rate.	Amount.	Rate.	Amount.			
Assistant Rail- way Surveyor}	Henry Sanderson.....	.....	.....	1857. 1st April.	1857. 30th April	....	400	33 6 8	....	.....	33 6 8		1857. Sept. 3.
TOTAL.....							£	33 6 8	....	.....	33 6 8		

I Certify that I was the above-named person actually employed in the situation, and during the period, specified opposite my name, and that I provided myself with the requisite number of Chainmen, Provisions, Equipment, &c., at my own cost.

HENRY SANDERSON.

I Certify that of the sum allowed for Equipment, viz., £33 6s. 8d., the sum of £30 has been paid to H. Hossack, as wages, with the authority of the Honorable the Secretary for Lands and Works, and at the desire of Mr. Henry Sanderson.

HENRY HALLORAN.
 5 September, 1857.

APPENDIX

APPENDIX TO THE FOREGOING EVIDENCE.

APPENDIX I.

Surveyor General's Office,
Sydney, 19 August, 1858.

Sir,

In reference to your letter of the 16th instant, I have to inform you that, as verbally communicated to you yesterday, I cannot give you any employment.

I am, &c.,

GEO. BARNEY,
S. G.

Mr. Licensed Surveyor H. Sanderson.

APPENDIX J.

COPY MEMORANDUM.

Sydney, 31 August, 1858.

THE Surveyor General stated to Mr. Licensed Surveyor H. S. Chauncey this afternoon, that he could not countenance Mr. Chauncey employing Mr. Licensed Surveyor Henry Sanderson, because he (Mr. Sanderson) had obtained his re-appointment to the public service in opposition to his (the Surveyor General's) wishes, and that he (Mr. Sanderson) had by most unceasing perseverance obtained his object.

H. S. CHAUNCEY,
Licensed Surveyor.

[Petition of Mr. Assistant Surveyor Darke.]

FRIDAY, 1 OCTOBER, 1858.

Present :—

MR. FORSTER,
MR. HAY,

MR. PIDDINGTON,
MR. WHITE.

G. B. WHITE, Esq., IN THE CHAIR.

William Wedge Darke, Esq., called in and examined :—

W. W. Darke,
Esq.
1 Oct., 1858.

1. *By the Chairman*: You have been for many years a surveyor in the service of the Government? More than twenty-four years.
2. You have presented a petition to the Legislative Assembly, which was ordered to be printed on the 31st of August last? Yes.
3. Before you presented that petition to the House did you consult the Surveyor General on the subject? I did.
4. Did he see the petition? He did.
5. Did he make any remark to you at the time? He told me that, so far from his having any objection, he would forward it himself, if I pleased; but I told him I thought it had better be done by one of the Members of the House, thanking him at the same time for his kindness.
6. He made no objection whatever? Not the slightest. I showed it to him for the purpose of asking his permission.
7. Did you state at the time that you were desirous of having the petition approved by the Minister of Lands and Works, or of getting his permission? I did not.
8. You did not think it necessary? It did not occur to me. I should say in explanation, that I had previously requested the matter contained in that petition to be forwarded to the Government, through the Minister for Lands and Works, then Mr. Hay; but in place of doing so it was shelved in the Survey Office, as I learnt some months afterwards.
9. It never was forwarded? It never was forwarded—at least not on that occasion.
10. Was the petition you speak of similar to the one you have presented to the Assembly? It was not a petition; it was an official letter containing the same matter, or nearly the same matter, as is embodied in that petition. It had been laid aside during the previous Ministry, and I thought that when a new Minister came in I might as well bring it forward again.
11. I think you said you have been in the service of the Government for twenty-four years? Yes; upwards of twenty-four years.
12. And you are still an assistant surveyor? I am still an assistant surveyor.
13. You say in your petition that you have seen "nearly every junior officer promoted above you, as well as strangers recently appointed to grades superior to your own"—is that the case? It is the case.
14. Can you give the Committee any idea why that has been the case? I cannot. I can only say that I felt it to be a great hardship; but I am really not sufficiently acquainted with the matter to ascribe motives to any one.
15. Was it not generally supposed that an arrangement set out in the despatch of the Secretary of State for the Colonies, in 1828, would have been carried out, and that officers would have been promoted according to seniority, unless there was something to their prejudice? I certainly always thought so.

16. You have seen such a document? I always believed such was the official understanding.
17. Was it not the general feeling of the officers of the Survey Department at the time you joined the service? Certainly. I had that impression, at all events, and I know of none who thought differently. These promises were, in fact, renewed to me from time to time by the Surveyor General.
18. That despatch appears to have become a dead letter? I never saw it.
19. Faith, it would seem, belongs only to the higher grades of the service, not to the subordinates at all? In my case no faith has been kept.
20. Are you paid now by salary, or according to the duties you perform as a licensed surveyor? By salary.
21. Is your salary regularly paid? Yes, to the amount authorized for me.
22. Is there any money due to you now for any matter connected with the service? None, excepting my forage allowance, which is not paid; the contractor's accounts, for which I am responsible, are in abeyance at the present moment.
23. To what extent? Since the middle of August last.
24. What may the amount be? I cannot tell; I do not think it is decided in the department.
25. Can you give the Committee no idea? The authorized allowance for an officer in the field is £280 a-year, and find himself everything; but, though doing duty at present at Illawarra, (although stationed in the Sydney District) I am not considered to be in the field. That being the case, I neither get the field allowance nor the allowance of a surveyor at head-quarters; and, as I have already said, the contractor's forage and ration accounts are in abeyance, and I am responsible to him for them.
26. To what do you attribute that neglect? I think it is because no definite arrangement has been arrived at as to any official status.
27. Is there no system with respect to field allowances? Yes; but I and one or two others appear to be exceptions. The allowances to every one else are determined.
28. With whom does that rest—the Surveyor General? I cannot undertake to say. I believe even my salary is unprovided for on the Estimates.
29. I believe you are now the oldest officer in the service? Yes, excepting Mr. Thompson; I am the oldest in the field, unquestionably.
30. *By Mr. Hay:* You say your salary has been regularly paid this year? Yes, to the amount authorized for me, not to the amount I should have received had I been promoted as promised.
31. And yet you understand it has not been provided for on the Estimates? I am told so.
32. How long is it since you have been doing district duty? Since the middle of August.
33. Were your allowances as a surveyor at head-quarters paid up to that time? Yes; £100 per annum for out-door expenses—to find tools, &c., for duty, and to convey my men to any duty within a radius of six miles by rail, omnibus, or water; no horse nor forage has been allowed to me.
34. It is since you were appointed to district duty that no allowance has been paid? Yes.
35. And you believe that is because it has not been decided what allowance you shall get? I believe that to be the case.
36. You do not know with whom the decision rests? No.
37. It has not been intimated to you? No.
38. Have you made any application on the subject? I have.
39. Do you know if it has been referred to the Secretary for Lands and Works? I believe Mr. Halloran spoke to Mr. Fitzpatrick on the subject yesterday.
40. *By the Chairman:* Who regulates these allowances, are you aware? I think the amount is ordered by the Minister for Lands and Works.
41. Are the officers most concerned in finding field equipment ever consulted? I never have been.
42. You are aware that generally in the army and navy, when allowances are to be made, a Board of General Officers, who have passed through all the grades, are the men who fix those allowances? I have heard so, but I have no personal knowledge of the fact.
43. No such system has ever been adopted in the Survey Department? I can only repeat that I never was consulted—that my allowances have been determined, from time to time, without reference to me or the nature of my duties. I have sometimes had occasion to remonstrate, and to say that the allowances were not sufficient.
44. Is there any officer at head-quarters who understand the subject? I do not think there is an officer at head-quarters who understands the requirements of officers in some districts; indeed, I may say that I do not think the requirements in the districts generally are understood.
45. The equipment requisite in one district is very different from that required in another? Yes. In some districts you can only move about with pack-horses or bullocks, while in others a surveyor can have the comparative luxury of a tent—can carry his appliances, provisions, &c., comfortably in a covered cart or dray—can travel on horseback instead of walking, or drive, either in a commodious or costly vehicle, if he chooses.
46. The duties of a surveyor in a coast district and in a western district are very different? Very different.
47. And the means of transport very different? Wholly different.
48. *By Mr. Piddington:* What is the nature of the allowances you allude to as not having been allotted to yourself? £280 per annum has been allotted to field officers—of this I have received no intimation: being on field duty expenses are unavoidable; but I do not know what may be sanctioned, either as to the nature of any outlay or the amount.
49. *By the Chairman:* Paying men's wages, and so on? Not wages. The allowance is to cover the expense of forage,—rations for myself and men, horses, carts, sometimes boats, saddlery, ironmongery, tents and all appliances, and to supply wear and tear.

W. W. Darke,
Esq.
1 Oct., 1858.

- W. W. Darko, Esq. 50. *By Mr. Piddington*: All those necessaries that are incidental to the performance of the duty? Yes.
- 1 Oct., 1858. 51. Do I understand that you have entered into that necessary expenditure? No; I have a Government equipment. Up to the 30th September I understand the Government will defray expenses incurred by me; from the 1st October I must meet the outlay, pending final determinations respecting myself. I am expected, I believe, to buy the equipment. All I can understand is, that the matter is very unsettled, and that no definite conclusion has been arrived at.
52. Have you incurred any expenditure on account of the service of the Government that you have not been reimbursed? I have not. I have not paid the contractor, but he holds me responsible.
53. *By Mr. Hay*: Have you no equipment? I have the loan of a Government equipment. When Mr. Shone retired he was authorized to hand over his equipment to me.
54. You use that equipment? I do.
55. What allowance do you expect for equipment while you are using that—not £280 a-year? No; but if I am to buy it, (as I believe I am expected to do,) then I should require £280 a-year to keep it up. I received a circular, desiring me to report what Government property was in my hands, and as to the expediency of its being sold. If it be valued, and I take it at a valuation, or if it be otherwise sold, then the allowance of £280 a-year would commence from the 1st of October, and then I must provide and maintain my own equipment.
56. Has it been intimated to you that you will be obliged to take that equipment at a valuation? It is optional; part of the equipment must be condemned.
57. Have you made any report on the subject? I am doing so now, and am in personal communication with the department on the subject.
58. Then I suppose the decision awaits your report? No decision can be arrived at until my destination is determined.
59. Then there is something else undetermined—your final destination is undetermined? Yes.
60. In point of fact, you have not suffered from the want of an allowance for equipment? The only thing at present is, that I have drawn from the contractor rations and forage. I am informed that his accounts are to be returned to him, and I am responsible for them.
61. Do you know why the contractor's accounts have been returned to him? Some have been returned because exceeding the amount provided for. I saw Mr. Halloran yesterday, and he said he would see what could be done.
62. *By the Chairman*: At one period in the service the Government found everything? Everything.
63. *By Mr. Hay*: You have not had any written reason given to you why the contractor's accounts were returned? None; further than that the amount of those returned was in excess of authority.
64. Did you make any application in writing with respect to them? No.
65. And you do not know where the difficulty arises—whether in the Surveyor General's Office, or in the Department of Land and Works? I should suppose it to be in the Department of Land and Works.
66. Something connected with the Estimates? I imagine so.
67. *By the Chairman*: When you were first in the service everything was found by the Government? Yes.
68. Instruments, tents, equipment, labor, and everything? Yes.
69. Were you not all at once ordered to take the Government equipment at a valuation? Not exactly ordered; it was placed at our option; I cannot say we were ordered to do it.
70. A yearly allowance was then given to you to enable you to keep an equipment of your own? On that occasion I bought my own equipment, and they gave me a yearly allowance to keep it up.
71. How many experiments of that description were tried. Two, I think.
72. Who generally paid for them? Paid for what?
73. The experiments—did it not generally come out of the surveyors' pocket? I cannot say I lost anything by it. I preferred it to being supplied with the necessary appliances by the Government.
74. Do you recollect what was the yearly allowance at that time? £100 a-year, when I first went to the Clarence, in 1847.
75. There you required pack animals? Yes.
76. Consequently you did not require so large an equipment as if you were going on an interior expedition? Not so large, but fully as expensive; as in the coast districts boats are required, and the service soon wears out horses and bullocks; it is more than made up in discomfort, exposure, and lesser matters. Sometimes your pack animals fall, or turn restive, and your boxes, &c., roll down a precipitous mountain, breaking everything—pack-saddles, harness, and all.
77. *By Mr. Piddington*: Are you of opinion that the system formerly pursued by the Government—that is, the Government finding everything necessary to the performance of the duty—was a better system than the new system of making it a charge, as it were, on the surveyors? No, certainly not. It was expensive to the Government, and insufficient for the officers. In the first place, in those days I think officers used to carry about a great deal more than was necessary; and what they drew from the contractors was of very inferior quality. There were also great delays sometimes in getting what was really required.
78. Can you give any reason why the articles supplied by contractors should necessarily be of inferior quality? I need only instance the very instruments which are in the Survey Office now, sent out by contractors from home; they are not fit for any one to work with.
79. Then you are of opinion that it is beneficial to the public service to leave the duty of providing

providing equipment in the hands of the surveyors themselves? I am. With regard to my official position, it may be necessary to say under what circumstances I am in Sydney. Last February twelve months I received a note from the Surveyor General, informing me that the Colony was to be divided into four great divisions, each to be under the charge of a district surveyor. That note concluded in words to this effect:—"One of these districts is at your disposal, please let me know your wishes as soon as possible." Upon the receipt of that note I wrote to Colonel Barney and thanked him, not doubting that now I should receive the promotion which I had looked for so many years. However, when I came here I found that all these appointments were already filled up or promised; and so when there was nothing else to be done for me, I was asked if employment in the Sydney District would suit me; I said yes; but of course they could not put me in the same position as I would have been in had I been appointed a district surveyor; and I am now getting the pay of a subordinate clerk. That is the reason my position is undetermined.

W. W. Darke,
Esq.
1 Oct., 1858.

80. *By Mr. Hay*: Was that a private letter? It was, but referring entirely to official matters.

81. Did you write in consequence of receiving it? I did.

82. *By Mr. Piddington*: Have you any objection to furnish the Committee with a copy of that letter? I have not; I will supply it. (*Vide Appendix A.*)

83. *By Mr. Hay*: And also your reply? Yes. (*Vide Appendix B.*)

84. You are now acting, you say, as a surveyor at head-quarters in the Sydney District? Yes. I was surveyor here before, until I was sent into the interior. I only supposed the present to be a temporary arrangement. I was told three other district surveyors were to be appointed, and I undertook this duty, waiting for one of those appointments.

85. How long was it after that letter was written before you came to Sydney? My reply induced a correspondence which delayed my coming.

86. What was the nature of that correspondence? Colonel Barney then wrote and said he thought I must have misunderstood his communication of the 19th February 1857; and after some further correspondence, finding that everything was going wrong, I made arrangements to come up to Sydney immediately.

87. Are you in possession of the whole of that correspondence? I believe I am.

88. Will you have the goodness to append it to your evidence? (*Vide Appendix C and accompanying Note.*)

89. Did you make any application for a retiring allowance? No, that was forced upon me; I considered so. I remonstrated against being kept so constantly in the field under exposure and hardships, and I requested relief from that particular duty.

90. On the ground of your constitution not now enabling you to stand it? No; but I said truly that my sight was suffering very severely and required relief. I made the application chiefly on that account, and also, I may say, because I desired to be put in a position which would enable me to be near my family.

91. Was that an official correspondence? It was. Whenever I have applied latterly for promotion that has been adverted to; but it was forced upon me.

92. This official correspondence went on until very lately? Yes.

93. Was it in consequence of the private correspondence you have before adverted to? No; that was a distinct matter.

94. Then that official correspondence resulted from the application on your part to be placed on retiring allowance? No; my original application was to be relieved from field duty. I pointed out that I was a Commissioner of Crown Lands, and if employed in that capacity should have the advantage of such relief as I sought.

95. Were you made acquainted with the character of the duties of the proposed district surveyors? I was, distinctly, by Colonel Barney's note of the 19th February, 1857.

96. Did you feel that your appointment to one of those offices would operate as a relief to you from field duty? Certainly. It was not exposure to hardship, but the constant strain of the sight that I complain of; in fact I was once distinctly told by two or three medical men that I was going blind; and that distressed me, as you may conceive, beyond measure.

97. Do you believe that as you understood the duties of a district surveyor, as they were described to you, you would have been qualified to perform them? Yes.

98. *By the Chairman*: Peering constantly through an instrument impairs the sight? Very much; but the greatest trial to the sight is writing throughout the day on your field-book under the glare of the sun.

99. *By Mr. Hay*: Would you have been relieved from all that as a district surveyor? Not from all of it, but to a very great extent. The minute mapping is enough to destroy any man's sight, after so many years.

100. Is your sight recovered now? In a great measure; at all events, by using glasses, I can perform my duty.

101. *By the Chairman*: Do you think it the duty of the surveyor at any time to make these finished plans? I think each surveyor ought to plot his own work.

102. There is a difference between plotting and making a finished plan? Yes; but I think it would be hardly fair to the surveyor himself if he did not map his own work, as none but he can delineate truly the features he has surveyed, and surveyors frequently pride themselves on being good draftsmen.

103. Are you aware how these maps are generally sent in in France? I am not. I beg permission to add, that I considered the question as to my sight finally settled when Dr. O'Brien and Dr. Alleyne, as a medical Board, reported upon it.

104. *By Mr. Hay*: When did that take place? About six months ago.

105. In consequence of the official correspondence you have alluded to? Yes.

106. What was the character of that report? That my sight had been injured by exposure and duty, but that I was fit for service under conditions relieving me in that respect. I had represented to Drs. O'Brien and Alleyne the effect on my sight from plotting my field sketches

- W. W. Darke, Esq. sketches under a vertical sun, with the constant use of lenses both under such circumstances and in office.
- 1 Oct., 1858. 107. You consider that that matter was concluded then? Yes.
108. But since then your position still remains undetermined? Yes.

ADDENDUM.

I beg permission to annex, as additional appendices to my evidence, in reference to my petition now before the Committee, the letters, statement, medical certificate, and copies of official memoranda, below mentioned, viz. :—

Letter to the Surveyor General, dated 15th January, No. 56-2, referring to the promise of promotion made to me by the Governor in 1847, and submitting extracts from official letters on that subject. (*Vide Appendix D.*)

Letter from the Surveyor General, dated 18th February, No. 56-311, in answer to the above. (*Vide Appendix E.*)

Letter to the Surveyor General, dated 3rd August, 1857, No. 57-10, referring to my ability to perform the duties of district surveyor, and requesting that the representations conveyed by my letter as above (*Vide Appendix D*) may be submitted to the Minister for Lands and Works. (*Vide Appendix F.*)

Statement explanatory of the pecuniary "loss and injury" complained of by my petition. (*Vide Appendix G.*)

Medical certificate from Drs. O'Brien and Robertson, respecting the injury my sight has sustained. (*Vide Appendix H.*)

Copy of the Deputy-Surveyor General's memorandum to the Surveyor General, dated 6th February, 1856, on the subject of my letter of the 15th January, No. 56-2. (*Vide Appendix I.*)

Copy of Mr. Halloran's memorandum on the same subject, dated 24th January, 1856. (*Vide Appendix J.*)

WM. WEDGE DARKE.

APPENDIX A.

*Survey Office,
Sydney, 19 February, 1857.*

My Dear Sir,

Under new arrangements, New South Wales will be divided into four large districts, to each of which is to be appointed an officer whose duty will be chiefly in the field, controlling the surveyors in the district, both permanent and licensed. The duties devolving upon the officer in charge of the district will be the selection of land for survey, to ascertain that such surveys are correct, and that the surveyors conduct their work with due diligence; to obtain statistical information, &c., &c. The officer in charge will be supplied with a light equipment, which will enable him to travel through the country, stopping at such points as he may consider necessary to examine work done, or for the selection of land for survey.

One of these districts will be placed at your disposal, should you feel yourself competent to the fatigues of the required duty; and I have to request that you will make me acquainted with your views as early as practicable.

Yours truly,
GEO. BARNEY,
S. G.

W. W. Darke, Esq.,
&c., &c., &c.

APPENDIX B.

*Belgrave, Sunday Morning,
15 March, 1857.*

Dear Sir,

Your note of the 19th ultimo has only now reached me, in consequence of the mails having been retarded by the flooded state of the rivers.

In order to reply by return of post (leaving this morning) I have barely time, by a few lines, to say that I shall be glad to act in the official position you have offered me—a promotion for which I must express my grateful acknowledgments.

I hope that my district may include the country in which I have been employed during some years past, on account of my being intimately acquainted with the localities and features, and considering the impossibility of removing my family into the interior.

Believe me, dear Sir, &c.,
WM. WEDGE DARKE.

APPENDIX C.

*Belgrave, M^r Leay,
28 March, 1857.*

Dear Sir,

I am in immediate receipt of your note of the 21st instant. My reply to your kind communication of the 19th ultimo was hurried, having had but a few minutes time to acknowledge it by return of post; and I regret I did not convey to you that the duties of a district surveyor, as you point them out, would relieve me from the injury my sight is constantly

constantly receiving from draftsman's work, and are such as have been the object of my hope during some years past. W. W. Darke, Esq.

I will only add that I am confident in my ability to discharge the duties that will devolve on me, if I may be, as I earnestly hope and request, entrusted with their performance. I Oct., 1858.

Colonel Barney,
Surveyor General.

I beg, &c.,
WM. WEDGE DARKE.

NOTE.—The remainder of the correspondence here called for would form part of this Appendix. I cannot immediately lay my hand upon it. All I can find at present is my note in answer to Colonel Barney's of the 21st March, 1857.

APPENDIX D.

No. 56-2.

Surveyor General's Office,
Sydney, 15 January, 1856.

Sir,

I have the honor respectfully to request that you will allow the following representations to be submitted for the consideration of His Excellency the Governor General.

1. On the 2nd of November, 1847, I was instructed to undertake the survey of the McLeay and Clarence squatting districts, (the latter including the Richmond), the object of such survey being, as I was then instructed, and more fully informed by supplementary instructions of the 16th February, 1848, to determine the boundaries of certain new counties which the Deputy Surveyor General had pledged himself to the Government the department should survey, and have ready for proclamation before the end of that year. Sur. Gen. letter, 47-320, annexed. (A.) S. G., 48-42, (B.)

2. I beg to represent that a promise was made by the Governor, the tenor of which was to promote to the rank and pay of full surveyors such assistants as should complete their portion of this promised duty.

3. Out of the fifteen counties required, in addition to the four originally entrusted to my survey, four others, including nearly two degrees in latitude of the Great Dividing Range, (not in my district) were annexed to my share of this duty by the Surveyor General's letter of the 7th October, 1848. These I also promised to complete. 48-392, (D.)

4. With reference to clauses 2, 4, and 5 of my general instructions, mentioning the assistance to be rendered by contract, and other surveyors, I beg to represent that I received no such assistance; and having, moreover, been instructed for the more extended surveys above mentioned, I found it necessary (as sanctioned by clause No. 9) to "alter the course prescribed by the 3rd article," as regarding the survey of the impervious Bellinger and Nambucca country; a duty not requisite for the determination of the county boundaries, nor possible, with any view to their timely completion.

5. I now respectfully solicit notice of the following extracts from letters annexed:—

From the Deputy Surveyor General, 31 July.—No. 48-275.

"Knowing, as I do, the rough country you have had to contend with, I feel much pleasure in relinquishing the administration in chief of the affairs of the department in awarding you full credit for the exertions which have enabled you to bring your work into so tangible a form." (C.)

From the Surveyor General's letter of 18 December.—No. 48-515.

"I have to acknowledge the receipt of your letter of the 15th November, 1848, by which you forwarded me a rough sketch and descriptions of eight counties for proclamation. I am very much pleased with the very timely and satisfactory manner in which you have performed this duty." (E.)

I beg particular notice of the remainder of this letter, which refers to new duties, now become necessary from the sufficient completion of the original instructions.

From Mr. Thompson, Acting Deputy Surveyor General, 13 April.—No. 54-472.

"I do not fail to recognize the value of your difficult and excellent survey and delineation of that portion of the Great Dividing Range to which you allude." (F.)

6. Although these duties, extending over 13,500 square miles of as difficult a country as any in the Colony, were punctually performed by me, as I promised, at serious constitutional sacrifice, three officers, all my juniors, have been long since promoted,—the Governor's promise was overlooked in my instance,—and the flattering passages I can refer to in many official and private communications have afforded nothing more in result than a feeling of gratification from the expressed approbation of the head of the department.

7. I therefore venture to hope, that you will recommend for the favorable consideration of His Excellency the Governor General, that I may be allowed the difference of pay between that which I have received and the amount I should have received, had the promise I have referred to been fulfilled; together with corresponding precedence in your department, twenty-one and a-half years of service placing me next in seniority to Mr. Davidson.*

I have, &c.,

The Surveyor General,
Sydney.

WM. WEDGE DARKE,
Asst. Surveyor.

* That is, according to the periodical official returns from the Survey Office; but I always believed, and now find, that I am senior by date of appointment to Mr. Davidson.

WM. W. D.
1 October, 1858.

APPENDIX H.

W. W. Darke,
Esq.

MEDICAL CERTIFICATE.

Sydney, 5 February, 1856.

1 Oct., 1856.

We hereby certify that, having examined Mr. William Wedge Darke, we are of opinion that his vision has been impaired by his occupation as surveyor.

We are moreover of opinion, that a continuance of his occupation, under the circumstances he has detailed to us, would further impair his vision, but that under more favorable conditions he could for a considerable time to come pursue his profession.

B. O'BRIEN, M. D.

JAMES ROBERTSON, M. D.

APPENDIX I.

(Copy of Mr. Thompson's Memorandum.)

Memorandum for the Surveyor General, as required on Mr. Darke's letter of 15 January, 1856.

The Colonial Secretary's letter of 17 November, No. 47-446, which authorized the survey of the Squatting Districts, has reference to surveys required for bringing into effect Her Majesty's Orders in Council.

The Surveyor General's letter of November 2, No. 47-320, to Mr. Darke, in pursuance of the above directions, tells him to carry on the general survey of the district.

It has always been understood and admitted that the general survey of a squatting district was to comprise such a survey of the features of the district as would admit of the determination of the reserves required by the Orders in Council as well as of the county boundaries, and the construction of such a map as should exhibit the reserves. (*Vide letters, with papers, marked E and F.*) Such maps were furnished by Mr. Townsend, Mr. Davidson, Mr. Galloway, Mr. Larmer, Mr. M'Cube, &c.

Mr. Darke has not sent in any such general map, consequently, according to the Colonial Secretary's letter of 17 November, the work is not satisfactorily completed.

That Mr. Darke has been interrupted by the labor difficulty is a fact—that he has been engaged in other than the general survey is a fact—and that he has done the work alluded to in his letter, viz., the county boundaries is a fact; but, in strictness, he has not done the work which, as I apprehend, was contemplated by the Colonial Secretary's letter, No. 47-446, to which he refers.

If it were the completion of county boundaries only that was to ensure promotion, why did not Mr. Darke at the end of the year 1848, when he had completed them?

I think it will be found too that the promotion to which he refers did not spring out of the completion of the surveys required by the general instructions of 1847 for the survey of the squatting districts, but on rather the result of vacancies, &c.

J. T.
6/2/6.

APPENDIX J.

Copy of Mr. Halloran's Memorandum.

Colonel Barney,

The promise of promotion conveyed in the Colonial Secretary's letter of the 17th November, 1847, although not officially made known to the surveyors, was, I believe, very well known to them all.

I do not feel quite satisfied to express any opinion whether the work required in the instructions to Mr. Darke, and on which the promise of course will hinge, were completed thoroughly; the Deputy Surveyor General, who will be back in a few days, will be better able, and to him you will perhaps refer this particular question.

The intention of Mr. Darke to retire from the department originated some four years ago, and has never been abandoned: his continuance from year to year has therefore been uncertain, and in the promotions which took place in the meantime (*Vide Appendix G*) his interests were in no way considered compromised.

24 January.

THURSDAY 7 OCTOBER, 1858.

Present:—

MR. FORSTER,

|

MR. PIDDINGTON,

MR. WHITE.

G. B. WHITE, ESQ., IN THE CHAIR.

Colonel George Barney again called in, and still further examined:—

1. *By the Chairman:* Last Thursday a motion was made by Mr. Hay, "That Colonel Barney be examined before this Committee as a witness for Thursday next, for the purpose of then producing all the papers having reference to Mr. W. W. Darke's promotion in, and proposed retirement from the Survey Department, together with any report made by the Medical Board in reference to that gentleman's eyesight."—Do you produce those papers? I have the whole of the papers here, and shall be happy to furnish the Committee with copies of such as may be deemed necessary. (*The witness produced the papers.*) I may be permitted

Colonel
G. Barney.
7 Oct., 1858.

Colonel
G. Barney.
7 Oct., 1868.

mitted to observe, that there can be no question as to the qualification of Mr. Darke as a surveyor; the whole matter hinges upon his incapacity to work, from a disease of the eyes, to which effect he has submitted several certificates. He has been under examination by a Medical Board, and the last certificate sent in, which I have here, is signed by Dr. O'Brien and Mr. Alleyne. They were called upon to make an official report. They did so, and it is to the effect that, although Mr. Darke's eyes are affected by disease, he is capable of work, provided he were not exposed to the glare of the sun. (*The witness read the report. Vide Appendix A, Nos. 1, 2, 3, and 4.*) Upon the strength of this report I suggested that as Mr. Darke had applied for leave of absence, he should be kept in Sydney during the progress of certain work—plan drawing in connection with his previous surveys—and that he would be capable of doing all the work about Sydney of a desultory character, where he would not be so much exposed to the constant glare of the sun. He has been employed in that way since his arrival in Sydney.

2. Is it not your opinion that, although a man may be incapacitated for the performance of his duties in the field, where he will have constantly to look at the sun for eight or ten hours a day, he may be able to perform other duties connected with the service? Yes. But, in the case of Mr. Darke, the subject of his retirement has been in agitation now since 1851, and he has submitted several medical certificates which have entirely condemned him. The matter was brought before the Executive Council. He was informed he would be allowed to retire, and he expressed his gratitude that the Council had sanctioned his retirement.

3. He did apply to be allowed to retire? Yes. I admit that the position of surveyors is a very hard one. They are exposed to all kinds of weather in the field, and have very hard work. I find, on looking over the records of the office, that after fifteen years' service their health generally begins to decline. Some of the best men of the department have failed in that way—Mr. Shone, Mr. Galloway, and several others. It is a very harassing duty, no doubt.

4. There is a great deal of difference between the circumstances of a man looking through a theodolite all day and bushing it out all night, and of one engaged occasionally with a circumferentor, and in the superintendence of others? Yes.

5. Mr. Darke complains, that some officers who have scarcely done a day's duty as compared with the old officers, have been appointed district surveyors, while he has not been promoted? That may be traced to this circumstance, that since 1851 there has been a daily expectation of his retirement. He has himself brought forward the matter several times; and from the reports of his imperfect vision, he has not been considered with reference to promotion to a higher position. Two or three years ago, when I entered upon my appointment, I expected he would leave the department, and it was generally understood that he would retire on a pension. He is now completing the office work of his surveys of the Richmond and Clarence Rivers; but, perhaps owing to his defective eyesight, he appears to be indolent; unquestionably he has not done the amount of work he ought to have done. There were several complaints of him even in Sir Thomas Mitchell's time.

6. *By Mr Piddington*: I was going to ask you whether any complaints of incapacity or indolence had been made by the superior of Mr. Darke? I have here a memorandum of Sir Thomas Mitchell, which I found the other day. It is dated 27 October, 1851, and is as follows:—"The extraordinary length of time that has elapsed since you last sent in your monthly journal obliges me to say, that it will be impossible that I can certify at the end of the month (now at hand) that you are employed in the performance of your duty, as sending in the journal was part of that duty, and that the most indispensable. Six months have now elapsed, I find, since your monthly journal has been sent in, for which omission—tolerated too long—I shall deserve, and very probably may incur the censure of the Government."

7. *By the Chairman*: Where was he then employed? At the Clarence River.

8. Was there postal communication with the place at that time? Yes. He acknowledged the receipt of the communication, and when he sent in the return it was very unsatisfactory; in fact there had been but little work done.

9. *By Mr Piddington*: Have there been any communications made subsequently to that of Sir Thomas Mitchell by the superiors of Mr. Darke? Yes, from Sir Thomas Mitchell also.

10. What was the complaint subsequently made? Of the same thing—of not having sent in his journals, principally; and that when they have been sent in they have not exhibited the amount of work that ought to have been done, but which I have attributed to his defective sight. I must confess I do not think he could do the work which ought to be done by a surveyor.

11. *By the Chairman*: You are aware that in some districts a man might do eight or ten miles in a day, while in the coast districts there is particular difficulty, and so much work could not possibly be done? Yes.

12. Sir Thomas Mitchell not having been in the coast districts, and comparing Mr. Darke's work with that of other surveyors, might suppose that he had done very little, while in reality he might have labored much harder than they. For instance, a man at the Murrumbidgee might go over ten or twelve miles, while on the Clarence he could not go over a mile and a-half? Yes, I know it is difficult in the Macleay District. There was a report made by Sir Thomas Mitchell, in September, 1855, relative to Mr. Darke. (*The witness read the same. Vide Appendix B.*)

13. *By Mr. Forster*: Do you consider that, on the whole, Mr. Darke has been unfairly dealt with by the Government? No, I do not.

14. Are you aware of the complaint he makes? It is, I believe, that he has been passed over.

15. You consider Mr. Darke qualified for the office he now holds? Yes.

16. You consider that he has not been unfairly dealt with in having been placed in that position? Not at all. I think he is fortunate in having been placed in that position.

17. Do you think Mr. Darke, making full allowance for this defect of eyesight, qualified for the post of district surveyor? Certainly not.
18. On what ground? His eyesight is so bad that he would pass me in the street as near as I am to you without recognizing me. It would be impossible for him to see over an extent of country.
19. As he has made a complaint against the Government, it is only fair to ask, although it is a delicate question, whether there are any other reasons besides his eyesight which might be taken to justify the Government in overlooking him? From my own personal knowledge during the period of two years I have no reason to suppose so.
20. Can you state the length of time Mr. Darke has been employed in the service of this Colony? He came into the service, I think, as he states, in 1834.
21. Was he not in the public service at Port Phillip? Yes.
22. Was that before he came here? No; at that time Port Phillip formed part of this Colony.
23. He has not been in the service of the Port Phillip Government since the separation of the Colony? I think not.
24. Are you aware whether complaints were made against Mr. Darke for indolence while he was at Port Phillip? I am not aware.
25. You have no knowledge how he conducted himself at Port Phillip? None whatever.
26. Are you aware whether the loss of sight in Mr. Darke has been caused entirely by his work in the public service? I think there is no doubt of it; it is a common thing with surveyors; they begin to lose their sight very early indeed.
27. You think it arises from exposure to the glare of the sun? It is from exposure, no doubt; and the eye is also affected by being so constantly applied to the instrument.
28. *By the Chairman:* You are aware that in the public departments at home military officers are employed in the War Office, and naval officers in the Admiralty Office? Yes.
29. They are supposed to be able to give better information as to the arm of the service to which they belong than the mere clerks of the office? Yes.
30. I had an idea, and I have the idea yet, that there should be some officer in the office who should understand what was doing in the field? No doubt it would be a great advantage to the service.
31. Although an officer might not be able to look through an instrument, he might be able to arrange maps and give instructions to the younger officers of the service? He certainly might.
32. The general complaint of the surveying staff is, that the department being a surveying department, they are subordinate to the officers of every other branch, to the Chief Clerk, and the Principal Draftsman, each of whom receives a higher salary than the surveyors; while in the Secretary of State's Despatch the position of these officers is inferior to that of the surveyors? I do not see that the fact of a man receiving a higher salary should give him precedence in rank.
33. *By Mr. Piddington:* Has Mr. Darke, in your judgment, performed the work undertaken by him lately with efficiency and despatch? No, certainly not with despatch.
34. That want of despatch and efficiency you attribute to the defect in his eyesight? Yes. He is unquestionably an indolent man, but I think that in some measure originates with his sight; for instance, in plan drawing he is obliged to work with glasses, and we know very well that an hour's work of that kind will painfully affect the eye. He cannot stick to his work as he otherwise would do.
35. *By the Chairman:* Mr. Darke says he has been twenty-four years in the service, and he has seen nearly every junior officer promoted above him, as well as strangers recently appointed to grades superior to his own? He has no grade at present.
36. The grades have been abolished, excepting that of first class surveyor and second class surveyor? In anticipation of his retirement for the last eight or ten years he has not been subject to promotion, but he has better pay than a first class surveyor.
37. His principal grievance is that if he had been promoted when he was entitled to promotion he would have been in the receipt of £1,000 more than he has received? His promotion was, I am told, dependant upon certain work being done. I believe a verbal communication to that effect was made by Captain Perry to Mr. Darke, but there is nothing on record respecting it.
38. He states that he did that work? He did so far as to permit of the boundaries of the counties being fixed, but he had the feature surveys to make afterwards, which he has not done yet. That is the work he has in hand now.
39. Many of those county boundaries are suppositious? Very likely.
40. They are merely paper maps? They must be, for the feature survey is very imperfect; we are obliged to take an imaginary line.
41. You have some of Mr. Darke's maps in the office showing his feature surveys? Yes.
42. The Committee do not wish to overburden the evidence with a mass of papers, but will be glad if you will append to your evidence any important documents bearing upon the state of Mr. Darke's eyesight, or affecting the question of his efficiency in the public service? I will do so. (*Vide Appendix C., Nos. 1, 2, 3, 4.*)

Colonel
G. Barney.
7 Oct., 1858.

Colonel
G. Barney.

7 Oct., 1858.

APPENDIX A.

No. 1.

Sydney, 5 April, 1858.

Sir,

In reply to your letter of the 31st December, 1857, requesting us to examine and report upon the state of Mr. Surveyor Darke's sight, with regard to his fitness in that respect to perform the duties of a surveyor,—we beg to state that we have examined Mr. Darke, and at the same time referred to a certificate written by Drs. O'Brien and Robertson, on the 5th February, 1856, relative to the state of his vision at that time.

It appears to us that, in consequence of a more than ordinary sensibility of the optic nerves, Mr. Darke is still unfit for the performance of such duties as would require exposure to the glare of the sun; but we think him quite capable (so far as his vision is concerned) of performing any of his duties which do not necessitate his constant exposure to the sun.

We have, &c.,

B. O'BRIEN, M.D.
HAYNES GIBBES ALLEYNE, M.D.

The Under Secretary
for Lands and Public Works.

No. 2.

I hereby certify that Mr. Darke consulted me in the month of June, 1851, for conjunctival inflammation of both eyes, which for some time incapacitated him from following his accustomed duties; and I also certify that, in the following September, I was again consulted by him respecting his eyes, when I informed him that I was afraid that cataract was commencing; but I have since had reason to consider the affection more of the character of amaurosis, or nervous disorder of the eyes.

HENRY TAYLOR, M.D.,
Surgeon.

Port Macquarie,
Nov. 12, 1851.

No. 3.

I hereby certify to have known W. Wedge Darke, Esq., Government Surveyor, residing on the McLeay River, for a period of nearly four years, during which time he has several times consulted me about his eyesight. I have this day made another examination, and positively state that he is suffering from an (*affaiblissement de la vue*) amblyatry, and that if much exposed to the vicissitude of the atmosphere, which his profession necessarily lays him open to, will, in all probability, bring on a complete amaurosis; and I certainly doubt that any medical treatment could now restore the eyesight to its normal state.

CHS. H. GABRIELS,
Surgeon.

Kempsey, McLeay River,
Sept. 10, 1855.

No. 4.

I testify having seen and examined this day Mr. Darke, Government Surveyor.

Mr. Darke with whom I had some conversation about two years ago upon the bad state of his vision, has evidently, and according to his statement, been suffering for years an amblyopia amaurotica, (*affaiblissement de la vue*) without doubt occasioned mostly by the influences of a sub-tropical climate and the intense brightness of the Australian atmosphere, and regardless exposure to which both the duties of a surveyor demand.

I am fully convinced that no medical treatment will restore to Mr. Darke a sound eyesight. I am convinced likewise that Mr. Darke, should he continue to follow his vocation, might bring upon himself a complete amaurosis.

SCHRADER, M. D.,
From Kiel, Danish Dependency,
On the Baltic, Wolstein.

Port Macquarie,
4 September, 1855.

APPENDIX B.

The Surveyor General to the Colonial Secretary, relative to the report that Mr. Darke is idling his time at Port Macquarie.

Surveyor General's Office,
Sydney, 18 May, 1852.

Sir,

In acknowledging the receipt of your letter, No. 52-307, of the 12th May, in which, in returning the surveyors' journals, you acquaint me, by the direction of His Excellency the Governor General, that His Excellency has been informed that both Mr. Darke and Mr. Gorman are idling away their time and making no progress whatever in the completion of their surveys,—I have the honor to state, for the information of the Governor General, that, for a considerable time past, the very slow progress of Mr. Darke in the preliminary survey of the small district committed to his charge, has been the subject of correspondence with him, and all that could be done by writing, and all that I could think of saying to urge him to the completion of his work has been written and said. Mr. Darke is

is now under stoppages for overdrawing forage and rations, and his allowance for equipment and labor has been partially stopped, with the understanding that he was to employ himself in drawing plans of the remainder of the work which he has been chaining and sketching ever since he was sent into his district, in the beginning of the year 1848.

2. Some six months ago, when Mr. Darke made his appearance in Sydney for medical advice, I had occasion to stop his salary, and to bring his name under His Excellency's notice; he had then spent in sickness and drawing nearly a whole year, without having surveyed a single chain, and now this further period of many months has elapsed. But I am without the receipt of any plans from Mr. Darke, or of any journal to show what he is doing. I could not be aware that, whilst in the field, Mr. Darke had totally neglected the preparation of plans of his work, and, consequently, were I now to interrupt his alleged drawing, the labor of years, acquired at a great expense, might be thrown away, and this is one of the considerations which has led me, in some measure, to tolerate Mr. Darke's tardiness, until, as I am glad to find, his idling has come to the ears of His Excellency the Governor General, who will perhaps favor me by saying what steps he would wish to be taken in the matter. I have, however, to observe, in order so far to palliate what I have said above, that Mr. Darke is, I believe, afflicted with a nervous disorder of the eyes, of a dangerous character, and as he has been seventeen years in the service, it will perhaps be considered expedient, should the affliction of his eyes, under medical certificates, be pronounced incurable, that he should retire from the service on such pension or allowance as his length of service may commend him to.

3. As evidence of the trouble I have had with Mr. Darke, I beg to enclose a copy of one of the numerous letters of a similar character which I have had to address to him, No. 51-679 of 14th November.

I have, &c.,
T. L. MITCHELL.

Colonel
G. Barney,
7 Oct, 1858.

APPENDIX C.

No. 1.

PROCEEDINGS of the Executive Council on the 27th May, 1852, with reference to a letter from the Surveyor General representing the very slow progress of Mr. Assistant Surveyor Darke in the survey of his district, and suggesting that, if the disorder of his eyes be pronounced incurable, he might be allowed to retire from the service on a pension.

Minute No. 52-19. Confirmed 7 June, 1852.

His Excellency the Governor General lays before the Council a letter from the Surveyor General containing some remarks on the conduct of Mr. Assistant Surveyor Darke, in reply to an intimation made to him, by direction of the Governor General, to the effect that information of a reliable character had reached His Excellency that Mr. Darke was idling away his time at Port Macquarie, and was not making any exertion to complete the survey on which he is engaged.

2. The Surveyor General states, that for a considerable time past the very slow progress of Mr. Darke in the preliminary survey of the small district committed to his charge has been the subject of correspondence, and that all that could be done by writing, and all that he could think of saying, has been written and said to urge Mr. Darke to the completion of his work. The Surveyor General's report is in other respects unfavorable to Mr. Darke; but it is stated in palliation that he is afflicted with a nervous disorder of the eyes of a dangerous character, and as he has been seventeen years in the service, the Surveyor General suggests that, should the affection of his eyes be pronounced incurable, it might be expedient that he should be permitted to retire from the service on a pension.

3. After due consideration of the circumstances stated in the Surveyor General's letter, the Council advise that on the production of the necessary medical and other certificates, Mr. Darke should be allowed to retire on a pension calculated with reference to his present standing and length of service, and that, pending the approval of the Secretary of State, he should receive an allowance equal to the pension so computed from the date of his quitting the public service.

4. As the expense of the Survey Department is borne wholly on the Crown Revenue, the Council are of opinion that the pension recommended to be granted to Mr. Darke should be also drawn from that source.

MCHL. FITZPATRICK,
Clerk of the Council.

*Executive Council Office,
Sydney, 11 June, 1852.
No. 52-104.*

No. 2.

*Encampment, McLeay River,
11 August, 1852.*

Sir,

I have the honor to acknowledge the receipt of your letter (No. 52-442) of the 10th ultimo, informing me, first, that a determination has been arrived at by the Government that I shall be allowed, on the production of the usual certificates, to retire from the public service on a pension; and, second, that this consideration is extended to me from the representations that you have made with regard to my sight.

Colonel
G. Barney.
7 Oct., 1858.

I must most respectfully offer my grateful acknowledgments for this consideration, not only to the Government I have had the honor to serve so long, but to you as my immediate superior, who, by pointing out the condition that the performance of my duties has reduced me to, have procured for me so great a boon.

I am thus relieved from the deepest anxiety in two especial respects: in one, from feeling assured, from the rapid progress amaurosis has made during the last two years, that I could not use a field-book under the glare of the vertical sun (to which the origin and progress of this disease has been owing) during one or two more summers without incurring almost a certainty of that which I dare scarcely allow myself to think of; in another respect, because I find that I cannot perform the duties that I well know are required of me under the present arrangements and circumstances with regard to labor in the manner I could when unembarrassed in this respect. It would be irksome, and I think unnecessary, to go into details of the tiresome delays and vexatious circumstances arising from this source; nor would I on this occasion mention it but that I would truly assure you that such, together with the state of my sight, reasonably and kindly considered with the work that has been and will be before you on the final transmission of my papers, will I fully believe deter you from acquiescing in any imputation against me of intentional idleness.

As I am now in the field with a party (having been engaged during the past and the present month in measuring lands on the M'Leay), I think, considering the difficulty, delay, and expense of forming one, that it would be conducive to the public service if I may be allowed to complete the work I intended on starting, viz.—to connect Hodgkinson's work on the M'Leay with my own on the Clarence, which I consider it my duty to proceed with until I shall receive your further instructions. And I would especially beg leave to complete this, before availing myself of the permission conveyed by your letter now under reference.

The Surveyor General,
&c., &c.,
Sydney.

I have, &c.,
WM. WEDGE DARKE,
Asst. Surveyor.

No. 3.

Assistant Surveyor Darke to the Surveyor General, soliciting relief from field duty, or a retiring pension for length of service and injury to sight.

No. 55-25.

*Belgrave, M'Leay River,
10 September, 1855.*

Sir,

I respectfully acknowledge your letter of the 17th ult., No. 55-1126, referring to the unsatisfactory nature of my reports of field work; and in transmitting by this post my returns for July and August, I deeply regret that the complex nature of my duties, under unavoidable contingencies of hinderance, with the absence of either office or field assistance, preclude reasonable hope that the Governor General will now entertain any more favorable view.

I did not suppose that the request for relief from field duty, conveyed by my letter of the 21st July, No. 18, would have suggested the necessity of my retirement from office also, and ventured to hope that long service would have recommended me for some such arrangement.

Under this painful and unfavorable position, it is my duty to report myself unfitted for the field service required from the office I hold, in consequence of a gradual and increasing failure of sight during many past years of duty. The exposure at night, in all weather, with the effects of a nearly vertical sun, having induced a disease which Dr. Fullerton, in 1851, professionally pronounced to be "incipient amaurosis."

In 1841 and 1842, when on duty at Port Phillip, finding it impossible to get over my ground with a tent, or any but the most bare means of shelter, and having men of a class who would follow anywhere, I adopted the pack, as the only way to get on. But my sight then first began to fail, and suffer from the intense reflection of the sun from my field-book. This was aggravated by a short but similar exposure in the Wooroonora (Govell's) country; and confirmed during a whole winter on the survey of the Great Dividing Range (under a blanket only) from Ben Lomond to Darling Downs—previously attempted, but reported on and abandoned as being impracticable; while all my surveys on the Clarence and Richmond, necessarily performed in a similar manner, at length made it obvious that relief from such duty would shortly become necessary.

On the receipt of your letter under reference, I immediately proceeded to Port Macquarie to obtain a certificate as to the state of my sight from Mr. Schrader, a German physician, who with Mr. Gabriel, a French surgeon practising at Kempsey, (the only medical men within 120 miles,) gave me the certificates I now enclose, together with a declaration from Mr. Tozer referring to an examination by the late Dr Taylor.

These, with the decided opinion of Dr. Fullerton, if it be determined that I may not have the advantage of office employment, will, I trust, under your kind and favorable recommendation to the Governor General, be sufficient to justify my soliciting a pension for twenty-one years service, under circumstance of impaired sight, occasioned by the nature of my duties.

The Surveyor General,
&c., &c.,
Sydney.

I have, &c.,
WM. WEDGE DARKE,
Asst. Surveyor.

No. 4.

The Surveyor General to the Colonial Secretary, relative to Assistant Surveyor Darke's retirement from the service, or employment in office.

Colonel
G. Barney.
7 Oct., 1858.

No. 55-854.

*Surveyor General's Office,
Sydney, 27 September, 1855.*

Sir,

I have the honor to transmit herewith an application from Mr. Assistant Surveyor Darke, in which he solicits relief from field duty, or a retiring pension on length of service and injury to sight; and I can not omit to add, in transmitting this application and accompanying documents, the expression of my regret that the state of this talented surveyor's health obliges him to seek such retirement at this time.

2. I take leave also to vouch for the extensive services to which he refers, in which his eyesight has been permanently injured; and to state that the surveys of Mr. Darke have all been of an accurate and substantial kind, which, from his being a good geologist, have in some cases derived additional value from that circumstance.

3. As it would appear that office duty is still within the compass of Mr. Darke's wishes, to endeavour to provide for his family's support, it may deserve His Excellency the Governor General's consideration how far in the re-organization of this department, now long delayed by me, awaiting the result of a late inquiry, it would not be advisable to employ surveyors in the clerical duties of this office as much as possible; in which case perhaps such old and tried servants of the public might still afford to it the benefit of their experience in the field, in professional matters coming before them.

I have, &c.,
T. L. MITCHELL.

The Honorable
The Colonial Secretary.

FRIDAY, 22 OCTOBER, 1858.

Present:—

MR. FORSTER,	|	MR. PIDDINGTON,
MR. HAY,	|	MR. ROBERTSON,
MR. WHITE.		

G. B. WHITE, ESQ., IN THE CHAIR.

John Rae, Esq., Secretary to the Railway Commissioners, called in and examined:—

1. *By the Chairman:* Your attendance has been required in order that you may produce a letter connected with the dismissal of Mr. Henry Sanderson from the Government service: he was formerly in the Survey Department and afterwards, I believe, was transferred to the Railway Department? I am not aware that Henry Sanderson has been connected with the Railway Department since I have held office in it. He was dismissed by the Surveyor General, I believe. I can find no paper connected with his dismissal among our records. John Rae,
Esq.
22 Oct., 1858.
2. Mr. Halloran stated to us that we should get that document from you? He applied to us on the 13th October, by a letter, which we received on the 15th, for the paper connected with this case, and stated that he believed it was in our department. After a careful search, I sent a verbal message to him that it could not be found. He then said, he was not sure where it was, but that he merely fancied it might be with us.
3. Mr. Halloran says, in a note addressed to the Clerk of the Assembly, "I am still unable to forward a copy of the letter respecting Mr. Sanderson; the papers are in the Railway Department"? The other surveyors who were sent out with Mr. Sanderson were transferred to the Railway Department. They have been re-transferred since, and I have the papers connected with them; but Mr. Sanderson was dismissed before they were transferred to us at all. The first letter from Mr. Sanderson to the Chief Commissioner is dated 20th October last, applying for a copy of his agreement. We have a copy of his agreement with the English Government, and of certain correspondence relating to giving up some of his papers and documents which had been left at Moreton Bay after his dismissal, but we have not the paper connected with the dismissal itself.
4. I will read the portion of Mr. Halloran's evidence which relates to this matter. He is asked—"Are there any papers in your office connected with this case which would shew the position in which he (Mr. Sanderson) stands with the Government, or why he is not continued in the service? I think I could produce them. Mr. Galloway stated that Mr. Sanderson and the other two assistants had not performed during, I think, nine months, what one diligent individual could have accomplished in three." In a letter written subsequently, dated 6th October, he says—"I regret that I am still unable to forward a copy of the letter respecting Mr. Sanderson. The papers are in the Railway Department, and I have not yet been able to obtain the document in question." In his letter dated the 13th, and received on the 15th October, he states that he believes the paper is with us; but I can only answer, to the best of my belief it is not, and never has been. I made a most diligent search, and caused the record clerk to do the same, and there is no such document to be found. I merely answered his letter verbally. I sent the record clerk to him to state what was the fact—that we could not find it—and he said he merely supposed that it had got with some other papers. He thought we might have it, but was not sure.

Charles James Armytage, Esq., called in and examined :—

C. J.
Armytage,
Esq.
22 Oct., 1853.

1. *By Mr. Robertson* : How long have you been employed in the Surveyor General's Department? About twenty years.
2. Have you access to the records of the office? Yes.
3. Would any official complaint made of any officer of the department be recorded? Yes.
4. Are you aware whether any complaint has been ever made of the Chief Clerk for his having interfered with matters not properly pertaining to his position by any officer of the department, or by any of the public? No, excepting in one instance by Mr. Galloway, who was ordered by Sir William Denison to withdraw his letter, or be dismissed the public service.
5. How long has Mr. Halloran been in the service? I believe over thirty years.
6. Is he considered a zealous and conscientious officer? Yes.
7. What leave of absence has he had during the time you have been in the office? I cannot say positively what length of leave, but I know that he has never been away from the office more than three weeks at a time, if so long. The longest time he was away was, I think, in May, 1848, when he was absent about three weeks.
8. How frequently has this occurred—once a year? No. He has had very little leave indeed; in fact I cannot say that he has had any particular leave, excepting that in May, 1848, and in 1841, when he was away for eight days, on the occasion of his marriage. He has been away sometimes for a day, or a couple of days, but this is very seldom indeed.
9. What hours does he generally give to his duties daily? He gives all the office hours, and I believe sometimes works at home. I know that he has frequently been in the office when I have been there beyond the usual hours, and sometimes on Saturday afternoon, when the offices are supposed to be closed.
10. Does he take home a box of papers? Sometimes.
11. Have you reason to know, from the state of the papers when they leave the office and when they return, that he has worked upon them? Yes; upon the following morning the evidence has been that the papers have been acted on.
12. There was a Mr. Gorton in your office? Yes.
13. Was he, do you think, a capable and efficient clerk? To a certain extent he was efficient; but he was, I am sorry to say, not a zealous clerk, and that I think has been the sole reason that he has come into collision with Mr. Halloran. I must say that Mr. Halloran has always "drawn" towards a man who has worked hard and well in the office. Mr. Gorton, I am sorry to say, from the first (and it has been not only my own remark but the remark of others) has never shewn any disposition to do more work than he was actually obliged, and never voluntarily exceeded the office hours of attendance during any pressure of work.
14. Do you consider that his general conduct was that of a good officer? I can scarcely say it was, for if a man knows there is plenty of work to be done, and does not put himself out of the way to do it, or to assist in doing it, he can, I think, be scarcely called a good officer—that is, a faithful servant.
15. Do you think his ability and his services warranted him fairly to expect a better position in the service than he really had? No, I do not.
16. Was he frequently insubordinate in the office? No, I cannot say that he was. Whatever may have passed between him and Mr. Halloran or the Surveyor General I am not aware; but I know of no case of insubordination, excepting the recent correspondence, which was so considered.
17. To what correspondence do you allude? To that submitted to yourself and Mr. Hay.
18. That is not recent, but was before Mr. Hay left office; this correspondence runs over some eighteen months? Yes.
19. This gentleman refused to comply with some request first made by Mr. Hay, and subsequently by myself, and would persevere in the course he was pursuing? Yes.
20. You are aware that Mr. Hay caused it to be communicated to Mr. Gorton that unless he complied with the instructions given to him with reference to that matter he would be dismissed the service? Yes.
21. You are aware that he persevered in his non-compliance? Yes.
22. Would you call that insubordinate conduct? Yes, those were certainly acts of insubordination; but I thought you referred to disturbances in the office.
23. Did Mr. Halloran appear to have any personal dislike to this gentleman? No. He was formerly tutor to Sir Thomas Mitchell's children, and when he was first brought into the office Mr. Halloran objected, on account of his being too old to begin the service; but ever since he has been in the office he has been treated the same as the other officers.
24. Still you say—and it is only fair that this should be known—that Mr. Halloran from the first objected to Mr. Gorton? Yes; solely on account of his age.
25. Is it not possible then that Mr. Halloran might be disposed not to favor Mr. Gorton? I think not; I have never seen any thing to warrant such a supposition.
26. Does Mr. Halloran treat the clerks fairly? Yes, I think I may say he does.
27. Do you think in the promotions that take place Mr. Halloran acts fairly, and makes choice from no other consideration than what appears to him to be the benefit of the public service? Yes. I think I may fairly repeat what I said just now, that Mr. Halloran is always "drawn" to the man who works hard.
28. Do you consider the clerical strength in that office sufficient? No, I do not.
29. How is it as compared with the clerical staff of 1853? In 1853 we had twenty-five clerks; at the present time we have twenty; the work being double what it was in 1853.
30. Then, I presume, the clerks in 1853 must have had very easy times? I cannot say I think they had. The office hours were shorter at that time, but there was still a great deal of work done.
31. Is it not the fact that you have seen in that office a great deal of intoxication? No; that was before my time.

32. What is called "sprecing"? Since I have joined the office I have not witnessed many such scenes. Instances have occurred, but the gentlemen transgressing have been either warned, disrated, or dismissed.
33. You say the clerical staff is not sufficient now—do you not think that there might be such alterations made in the correspondence between the Office of Lands and Works and the Survey Office as would very much reduce the actual clerical labor, and at the same time justify a reduction in the number of clerks, without doing injury to the public service? I think not. A great many alterations and improvements have been made in that way since you took office, but I do not think any further alterations would obviate the necessity of employing the present number of clerks, or even more.
34. You are aware that since I have been in office some change has taken place relative to the correspondence between the Office of Lands and Works and the Survey Office—that there has not been so much correspondence as formerly? Yes. I think the labor has been saved in your office, not in ours. I must say that, personally, I was delighted when I saw these alterations, because they exactly accorded with my own expressed views for some time past; for it was evident to me that our chariot wheels would always drag heavily so long as the machinery was so cumbersome. If I might be allowed to make the suggestion, I think it would be a great advantage if the Secretary for Lands and Works had an office in our building, as, instead of writing letters to his department, it would then be necessary only, in many matters, to submit cases to him for his decision, and by this means there would be greater expedition, and a decrease of labor.
35. Would you have only the Surveyor General's Department under the same roof as the Secretary for Lands and Works? I would have the Railway, and all the departments connected with Lands and Works. We daily see the inconvenience of the present system.
36. Do you think there has been much inconvenience from the reduction of the correspondence effected under a minute of mine? No.
37. Then I am at a loss to understand why you think it cannot be carried farther, for it seems to me that the system of communication by blank covers might be extended? I think that it might be extended, and that all applications sent to our office for the measurement of land might be merely referred to the Chief Draftsman, and upon being minuted as unobjectionable, might be sent at once to the surveyor; and letters affecting the interests of the writers only, might likewise be at once answered under blank cover. That would remove a great deal of the odium cast upon the office.
38. Do you correspond with the Treasury? Very little; it is nearly all done by blank covers.
39. There is one matter upon which I should like to have your opinion:—you are aware that at present on the arrival of the plan of a town at the Survey Office it is sent to the Minister for Lands and Public Works for his approval; that it is then submitted to the Executive Council, and remains a week after having been brought before the Council for approval; that it then passes through the hands of the Clerk of the Executive Council, and probably remains with him three or four days; that it then returns to the Office of Land and Works, where it probably remains some few days; and at length reaches the Survey Office approved, when instructions are given for measuring, and submitting the allotments for sale—do you think all these forms, which involve a delay of six weeks or two months, necessary? No, if you can depend upon the surveyor; it all turns upon that. If you have a man like Mr. Adams, who can be trusted to select a site, design the town, and survey the allotments for sale simultaneously, a great saving of time would be effected, and the public demand satisfied by an early sale of the allotments.
40. I think it would be giving a surveyor too much power to allow him to decide where towns should be: you are aware that a course very different from the ordinary one was pursued with regard to Rockhampton; that immediately upon the receipt of the plan it was submitted to the Executive Council, and that as soon as the proclamation came back from the Governor General the allotments were advertised in ten acre blocks, even before they were measured? Yes.
41. You are aware that in that way nearly two months was saved? Yes.
42. Are you, from your experience in the department, of opinion that any evil would follow from adopting that practice in all cases? Perhaps that is rather a geographical question, which I ought not to presume to answer; but, under the present strict scrutiny of the Chief Draftsman, I should think the practice might be adopted.
43. Take the town of Wee Waa, now before the Executive Council; that is not a place of much importance? I believe that it might be adopted in the case of Wee Waa.
44. Take any town you please, I wish to know whether you see that any injury could follow to the public service were I to adopt the course with reference to a plan of that town that I did with reference to the town of Rockhampton? No, I do not think it would.
45. If that plan were generally adopted, would it not largely reduce the correspondence and save the time of the clerks? I do not think it would save the time of the clerks, but the office would not stink in the nostrils of the public as it now does from delay.
46. I will endeavour to put the matter more clearly: I presume the fact that the office stinks in the nostrils of the public from delay causes a great deal of correspondence, and if these towns are withheld two months longer from sale than necessary there may be ten or twelve letters sent to the office, and these letters will require answering—would not that alone affect the clerks? Yes.
47. You think then there are improvements of that nature which will very much reduce the clerical work, without injuring the public service? I do not think it would materially reduce the number of letters; we should still have letters from persons wishing to purchase particular allotments.
48. But if there were delay they would write again, and you would have again to answer their letters? Yes.
49. Do you not, from your experience in the office, think printed letters might be more frequently

C. J.
Armytage,
Esq.

22 Oct., 1858.

C. J.
Annytage,
Esq.
22 Oct., 1858.

- frequently used in mere matters of course? They are used very frequently at present, and I do not think we could adopt them to a greater extent.
50. *By the Chairman*: Have you anything to do with the equipment of officers of the service? No.
51. Who was the party to whom requisitions were formerly sent in? The Chief Clerk, for submission to the Surveyor General. (*Vide "Appendix A, No. 1."*)
52. Alterations were often made in those requisitions—with whom did they originate? Sometimes with the Chief Clerk; sometimes with the Surveyor General.
53. Did the Surveyor General ever look at them? Yes.
54. Sometimes the Chief Clerk made these alterations? Yes.
55. Do you suppose he had any knowledge of the duties the officers in the field had to perform? I believe not.
56. Who kept the accounts of the officers of the service generally? I believe they were all kept in the Audit Office. (*Vide "Appendix A, No. 2."*)
57. Not by the Chief Clerk? No.
58. I believe soon after gold was discovered in this Colony an additional allowance was given to officers of the service? Yes.
59. Do you know if it was withheld from any officer of the service? Not that I am aware of.
60. *By Mr. Piddington*: In reference to the accommodation provided for the staff of the Surveyor General, is it at present sufficient for the accommodation of the Department of Lands and Public Works? No; it is not large enough for our present use.
61. Would any considerable addition be necessary for the purpose of enabling the Secretary for Lands and Works and his staff to be accommodated? We have not sufficient for ourselves.
62. Would the addition of three or four rooms be sufficient? I suppose the addition of four rooms would be sufficient, but it would be necessary that they should be large ones.
63. You think such a change would produce a great saving in the public service, as well as afford the public and the departments more convenience? Yes.
64. *By Mr. Forster*: To what staff do you allude? To the Secretary for Lands and Works, and the clerks attached to him.
65. Would not the presence of the Secretary for Lands and Works be as necessary in other offices as in yours? I spoke merely of our own office. I think it would be desirable that the Secretary should be in our building, in order that any matter might be at once referred to him, and the labor of writing letters be avoided.
66. A large staff would scarcely be necessary for that purpose—if the Secretary were to be present at the office with one clerk at certain times of the day, would not that answer the purpose? No, for cases in which we require to refer to him are so numerous.
67. You would want him there all day? Yes. I think the Colonial Architect's, the Railway, and all the departments under the Minister for Lands and Works should be in one building.
68. Would not that plan get rid of a number of heads of branches now in existence? I think not, for you would still require the same surveillance in each branch.
69. Do you think there is any necessary connection between lands and public works? That I cannot answer.
70. Because, under the plan you propose, you would have these departments under the same roof? I speak of them because they are at present connected; they come under the same branch.
71. Do you not, in the abstract, think there is a kind of antagonism between works and lands, and that they would be better under two heads? I think they would.
72. Because the supervision of the public lands is based upon the intention of the lands, whereas in the capacity of supervisor of public works, the Minister in some degree becomes the proprietor of lands, which is rather antagonistic to alienation and settlement? As far as I can see, I think the separation of the two is desirable.

APPENDIX A.

No. 1.

MEMORANDA.

Requisitions from Surveyors for various Articles of Equipment, &c.

For the sake of greater certainty I have referred to masses of original requisitions. I find the rule to have been, that they were always submitted by the Chief Clerk to the Surveyor General; to have been altered or approved by him even to the most minute particulars, as in one case the refusal by the late Surveyor General to issue a spade to Assistant Surveyor Wright.

No. 2.

Surveyors' Accounts.

The accounts are now audited and paid in this office: formerly they were received into this office, examined, sufficient vouchers obtained, and the whole then forwarded in Abstract to the Auditor General's Department for audit, and to be then sent on by that Department to the Treasury for payment. I find, on referring to the old Registers of Accounts, that no unnecessary delay took place in forwarding the accounts to the Audit Department.

MEMO.—To be attached to Evidence on Survey Department given at the Bar of the House.

ERRATA in Evidence given by J. Thompson, Esq., at the Bar of the House, in Committee of Supply, February 17, 1859.

- Answer 12.—*For* “380 or 390,” *read* “480 or 490.”
 „ 15.—*For* “Larmour,” *read* “Larmer.”
 „ 22.—*For* “known, which,” *read* “completed, no such.”
 „ 39.—*For* “two to Melbourne,” *read* “one to Maitland.”
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1858-9.

Legislative Assembly.
NEW SOUTH WALES.

EVIDENCE TAKEN AT THE BAR OF THE HOUSE
IN COMMITTEE OF SUPPLY.

(APPENDIX TO MINUTES OF PROCEEDINGS, FEBRUARY 17, 1859.)

A.

THURSDAY, 17 FEBRUARY, 1859.

Colonel George Barney examined as follows:—

1. *By Mr. Murray:* You are Surveyor General? I am.
2. How long have you held that appointment? Three years and a half.
3. Have you ever been engaged at all in actual surveys in the field? Yes; I have been engaged in the survey of Great Britain, in surveys in Spain, and in surveys in the West Indies.
4. In what survey in Great Britain were you engaged? In the survey of part of Berkshire and Buckingham.
5. In connection with any great survey? Yes, in the great survey under Colonel Mudge.
6. What survey were you engaged in in Spain? Generally speaking, in works of defence and approaches.
7. In military surveys? In military surveys.
8. What were your particular duties in connection with the Ordnance Survey in Great Britain? I was the actual surveyor of a certain portion of country—that is, the survey by theodolite and chain plotting.
9. The angular measurement? Yes.
10. How long were you engaged in that survey? No great length of time.
11. Can you say how long? I think about seven or eight months.
12. Were you employed by yourself, or were you attached to any particular branch of the survey? I was employed by myself, under the directions of Colonel Mudge and Mr. Dawson, who then had charge.
13. Have you ever been in the field as a surveyor in this Colony? No, never.
14. It is one of the recommendations of the Board appointed by the present Governor General some time ago that the Surveyor General or the Deputy Surveyor General should be in the field? It was, but I was given to understand that the Surveyor General was to control the department at head-quarters.
15. Was that the recommendation of the Board? I do not recollect; at all events, I received such instructions.
16. From whom did you receive them? From the Governor General.
17. Was that the practice previously to your appointment, do you know? No, certainly not; but the late Surveyor General was found fault with for being absent so much from head-quarters, for neglecting the duties at head-quarters for the purpose of exploring the country.
18. You have never been in the field in this country? No.
19. Has the Deputy Surveyor General ever been in the field actually? I am not aware—not in my time.
20. Who exercises any surveillance over the surveyors? Latterly the district surveyors; for the last two years they have done, in fact, the duty that ought to have been done by the Deputy Surveyor General. The country has been divided into five districts, and a district surveyor has been appointed to each of these districts, and has the entire control both of the staff and of the licensed surveyors under him. He finds them in work, engages in any contract, examines the work, examines the instruments, and reports monthly as to the progress of survey.
21. Then these district surveyors actually do duty in their districts as Deputy Surveyors General? Yes; they receive instructions from head-quarters of course.
22. Do you think the practice is a good one? Yes.
23. What is your experience of the surveys actually made—do you think they are in any way questionable or not? I have no doubt they are questionable, that has always been my opinion since I first came to the Colony. I have always thought the surveys were in such a state that by and by a Bill of Indemnity would become necessary.

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24. Why should it be required? Because the surveys are not correct. I do not mean to say *generally*, but in many instances it will be found that when the works of the country come to be filled up there will be great errors discovered.
25. You have reason to believe that will be the case, and that a Bill of Indemnity will be necessary? That is my opinion.
26. Of course you are well acquainted with the surveys from your position? Yes.
27. Do you think the surveys now carried on are so correct as to avoid any contingency of that kind? No. They are more correct than they were, but there will be occasionally errors arising from defective instruments, and carelessness in not starting from fixed points. There is a great difficulty in commencing a survey in a large open country at a distance, it may be, of 100 or 150 miles from any fixed point, and the gentlemen employed do not like to traverse that distance, therefore they take it in the best way they can.
28. That course involves some neglect of duty on their part? It involves error.
29. If it is their duty to make their surveys as nearly correct as possible, they ought not to trust to any hap-hazard method? They ought not; but if a man has to traverse from fifty to a hundred miles for the purpose of connecting his work with a fixed point, if he is a Government surveyor, that is, a man on the staff, of course a large portion of his income is so far thrown away—it makes no appearance. In the case of the licensed surveyor all his work is examined at the head-quarter's office: all the plottings are gone over; the areas are completed in the office before any description is given to the public.
30. But the licensed surveyors within the settled parts of the country are not exposed to any of the difficulties that they may be liable to in the remote districts? They are exposed to a great deal of difficulty; for instance, in the settled districts there is an area of four or five millions of acres of land not surveyed.
31. The general features are, I presume, surveyed within the settled districts? Most of them.
32. The general features of rivers and mountain ranges? Yes; but there is constant difficulty even with the licensed surveyors in discovering the points from which they are to work. For instance, the trees have to be marked, and these are frequently destroyed by bush fires, and this creates difficulty.
33. Do you think that is often the case? No doubt.
34. I know something of surveying myself, and I know this, that I can readily in the neighbourhood in which I reside trace lines marked for the last thirty years? In most instances no doubt you could, but still you will find cases where the marks are utterly destroyed.
35. Do you mean the whole line destroyed, so as to be utterly untraceable? No, I do not know that the whole line would be; but in town lots, for instance, the angle marks are destroyed, and it is from these you take the bearings of the other allotments.
36. Then I understand your opinion to be, that either within or beyond the settled districts the surveyors employed are liable to great difficulties, and consequently to errors, in carrying out their surveys? Yes; they are perhaps not disposed to give so much time to their surveys as they should.
37. Have you known any grave errors to result in consequence of these circumstances? Yes, certainly.
38. Can you state any? I cannot charge my memory. I know that many errors have arisen in that way.
39. Both within and without the limits? Yes.
40. Do you know any instance at all where the squatting runs beyond the settled districts overlap each other in consequence of the irregularity of the surveyor? Not in consequence of the irregularity of the surveyor, because till lately it has been the duty of the Crown Lands Commissioner to mark and report the boundaries. Many of these gentlemen not being surveyors have been liable to make errors. I recommended ten years ago that all Commissioners should be surveyors, and that they should undergo examination as surveyors before they took the field. This was approved, but was never carried into effect.
41. But in point of fact, the irregularities which occur both within and beyond the settled districts, either through the neglect of the surveyor employed or from the force of the circumstances in which they are placed, are such that will render a Bill of Indemnity at some future period necessary? Yes. The older surveys, before the country was so well peopled as now, were attended with still greater difficulties.
42. Why do you think a Bill of Indemnity will be required? Say two or three people have land a short distance from each other, and another person applies for the intervening space; when you come to fill it up you find that there has been an error in the marking; for instance, you may get the lines in the shape of a wedge instead of rectangular, and you cannot correct them.
43. That is to say, that in consequence of the irregularity of the survey the lines have not run properly, either north, south, east, or west? Yes.
44. Do you attribute that to anything else than to these gentlemen not starting from fixed points? Yes; they do not attend to the variation of the compass.
45. All the surveys of the country are magnetic, I believe? Yes.
46. The variation of the compass is considerable? Yes; it varies very much during the day.
47. And it varies also in different localities? Yes.
48. The instruments also differ from each other? Yes. These particulars should be, and are, noted down.
49. The errors, then, are attended to at the present time? Yes.
50. Are they attended to so far as this, that the lines shall be due north and south, instead of the surveys being magnetic, as they used to be? Yes; the variation is marked upon the survey at the time.
51. But it is not the true north and south line that is regarded in the survey? The survey is still magnetic, but the variation is noted.

52. Then, again, you are aware of this fact—that the variation of the compass in this Colony is different in different places? Yes; it varies as much as nine degrees in some places.
53. How is that detected? It should be detected by a meridian line.
54. Is it detected? I think it is, in the office.
55. Only in the office? Yes.
56. The surveyor in the field does not ascertain the true north and south line of the particular locality where he is engaged? I do not think he does.
57. He applies merely the general variation of the country to every locality? Yes.
58. We know as a fact that the variation differs in particular places? Yes; but when the variation is noted you know how to act.
59. How can you determine in the office what the variation may be? The variation is marked on the survey—upon every survey and in the field-book.
60. The variation is taken in the field-book? Yes.
61. There is no attempt to take the true north and south line in the field? No.
62. Then, in the description given in the deeds of grant to parties who may purchase land, is there in the description stated as to what the variation is? Yes, in all the deeds.
63. In the deeds? No, nothing in the deeds.
64. How is a proprietor then to know how his land really runs? There is no variation given; the deed simply gives the bearings.
65. A line bearing north so many chains, east so many chains, and so on? Yes. We now attach to the deed a diagram, which gives the variation.
66. How long has that been the case? It has been proposed some time.
67. I have had deeds within the last few months, and in them had nothing of the kind? I do not think you had.
68. Is the state of the survey as it now stands generally such as to satisfy you that it is correct? I am satisfied that it is not positively correct.
69. Have you turned your attention to any measure by which it might be made true? The only way I think would be to measure a trigonometrical base, and fix the triangulation of the country.
70. That would be a very expensive process? No doubt.
71. Might it not be done by meridian lines? It might, in a manner, but not at all satisfactorily. Besides, by adopting a trigonometrical survey you would carry on the survey of the features of the country.
72. You were engaged on the survey of Great Britain? Yes.
73. Do you at all know what was the expense of that? I forget the exact sum, but it was very large. I did supply an estimate to the Governor General of the average cost of a trigonometrical survey of this country—I forget the amount.
74. What do you think it could be done for? I cannot remember.
75. You are aware that the survey of Ireland—I am speaking from memory—cost some two millions? I think it did.
76. What then do you think the expense here might run up to? I cannot say.
77. At all events it would involve an enormous expense? I have the apparatus for measuring the base—it is a very expensive apparatus—and when I came into the department I instructed the surveyors in the field to search for bases for trigonometrical purposes, and I have received reports from several which are highly satisfactory, and as soon as I ascertained there were such bases, asked for £5,000 to measure a base. I also proposed to ask for £5,000 annually to carry out the work, but the sum was struck out of the Estimates.
78. The measurement of one base alone? Of one base.
79. Of what length? Twenty-five or twenty-six miles.
80. And this would involve an expense of £5,000? Yes, for carrying out correct measurement.
81. The carrying out of a trigonometrical survey with anything like ordinary exactitude would involve and immense expenditure? Yes; but it might be done gradually.
82. What would be the expense of marking out one or two meridian lines? There would be no expense in that.
83. Not much? No.
84. Still, a few of them over the face of the country would be an advantage? The surveyors have been instructed to mark meridian lines.
85. Where are they so engaged? Wherever they are, in each district.
86. They are so engaged? I know there have been one or two marked, but I have no report of more having been done than that in one or two instances.
87. However, as the matter stands at the present time, you are of opinion that the surveys are incorrect, and may involve litigation? Yes.
88. And, in order to carry out a correct survey of the country, the magnetic system ought to be abandoned? Yes.
89. Do you know that any great evil has resulted from any irregularity in the survey beyond or within the limits? No doubt—great.
90. Disputes have arisen between individual proprietors of adjoining properties? Yes; communications frequently come in on that subject.
91. Then the whole of your answers serve to shew that your department—of course I do not presume that it is owing to any mismanagement on your part, or on the part of those under you—is not in a satisfactory state? I do not think so.
92. And you think a Bill of Indemnity may be required? Yes.
93. Disputes having arisen between neighbouring proprietors of land in consequence of the imperfect manner in which the surveys have been carried out? Yes; they have arisen in a great measure from the manner of marking the ground; but a new system of marking has been adopted, which will in a great measure obviate future errors.

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94. When surveyors in the interior send in their reports, how do you ascertain where their starting points are? They are always shewn on the sketch.
95. Then, as far as the starting points are concerned, it must be to a certain extent suppositions? It must be traced to some given point.
96. But you say the surveyors do not always do that? That is ascertained in the office.
97. What control have you over them? We ascertain when the work comes to be plotted in the office.
98. Then, again, how are the gentlemen in the office in a position to shew how the new work done in the field is to be tacked on to old work in the office? The points are given; and, besides, in comparing the new surveys with the old ones you can check that.
99. That may be done where the surveyor starts from a proper starting point, but how can the survey be checked in the office when he starts from a supposititious point—how can you tack the new on to the old survey? I hardly know how that is done.
100. Still that is an important point? It is.
101. But at all events it is clear that the surveys as practically carried out are not satisfactory? No.
102. That they are liable to many and serious errors? There are a good many, no doubt.
103. On this particular point—the connecting the work in the office with the work in the field—you cannot say what check there may be? I do not immediately recollect what the check is.
104. Then, under such circumstances, the maps in the office must be liable to great errors? Of course they must be, and no doubt the errors will accumulate.
105. Are you at all aware, from your experience in the office, that any great errors in consequence of this have been detected, and are under consideration? I cannot mention any, but I know there are many.
106. Are you aware that there is at present a dispute between the Commissioner of, I think, the Lower Darling and some of the authorities under the Surveyor General, regarding the distance between Fort Bourke and the mouth of the Darling? The distance is only some miles; it has been passed by a horse, but there has been no actual survey made for a hundred and fifty miles.
107. Sir Thomas Mitchell has been down there, I believe? Yes.
108. I understood from Sir Thomas Mitchell that he chained every step he took? I think not.
109. Is there no record of that in the office? I think not. I have always understood there is a certain distance which has not been surveyed.
110. I have been assured that he chained all the ground he went over? It is my impression it is not so. I have had no occasion to test the thing.
111. Reverting to the point from which we have digressed—can you give any information at all as to the proportion in which these supposititious starting points, as used by surveyors in the interior, bear to those which actually start from fixed points? They are obliged to fix the points by observation.
112. What observations do they take? They fix the point by the theodolite.
113. How can they do it by the theodolite? Very well.
114. Fix the point? Yes.
115. Do you think, generally speaking, they are able to fix the point so as to be able to avoid the possibility of error? I think they ought to know it.
116. Nevertheless there are a great many errors? Yes.
117. Will you state how many persons are employed in your department? I cannot tell without reference to the Estimate. (*The witness referred.*) Upwards of two hundred people employed.
118. How many of these are surveyors? First of all, there are five district surveyors—these gentlemen do not do much surveying. For this year it is proposed to employ eight surveyors of the first class, ten surveyors of the second, and eighteen of the third class.
119. How are these eighteen employed? They are employed in different districts; there are two on Darling Downs.
120. What work are they doing? They are employed in various works; in the survey of roads, of sites for towns—they are always employed.
121. How many of them are employed in the measurement of land for sale? They are all employed in the measurement of land for sale, but they are not always employed in that way, but in marking out roads, and in reporting upon various matters connected with the department. They are under instructions to ascertain the volume of the water of rivers, with a view to irrigation.
122. Do you think that is a matter of any moment now? I think it a matter of great importance.
123. At whose suggestion is that done? The Governor General's.
124. In the present state of the country do you think there is any practical use in it? Yes; I think irrigation is highly important.
125. Do you know whether any parties in any part of the Colony avail themselves of irrigation? To the southward—the Murrumbidgee.
126. In irrigating lands for cultivation? No; it is more with a view to stock stations.
127. Is much of the time of the surveyors engaged in this way? No. There are but a few rivers that admit of their waters being turned. In some parts the land is irrigated for cultivation.
128. Can you give any information as to the extent of land which has been measured for sale within the last two or three years? Last year I think there were 150,000 or 160,000 acres, this year about 250,000.
129. Is the land surveyed on the application of individuals or spontaneously by Government? Both ways.

130. If individuals apply for land do you consider that their applications should be promptly attended to? Yes; instructions are given immediately—but delay frequently arises in this way:—A man may want twenty or thirty acres at a distance of a hundred miles from the place where the surveyor is employed, and he could not be sent that distance to measure this small quantity merely, and the applicant may therefore have to wait until other land in the neighbourhood is applied for.

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131. I will call your attention to a case in point: An application was made two or three years ago, to which I directed your notice when I was in office, by a man named Carey for some land near Yass, and this had been passed over for two or three years, although the land was within a short distance of the surveyor? You cannot control the licensed surveyors.

132. I gave directions that the surveyor should be reprimanded in consequence of that neglect? Yes.

133. Was he reprimanded? Yes.

134. The case has been brought forward of the measurement of the towns of Murulla and Wingen? Yes.

135. Can you explain the cause of delay in that matter? Yes; both of these towns were measured, and a considerable time passed without any application being made for land at either of them. This was in consequence of the Braidwood road not being decided upon; it was not passable. As soon as the road was brought into a state of repair, the question of Wingen and the other township was looked to, and surveys were made of both places, which were approved by the Executive. When the Executive saw there was a necessity for these two places being opened, Mr. Cuthill, the surveyor, was instructed to survey Nelligan at once, and to submit the survey with the least possible delay. He allowed several months to pass, and I was obliged to threaten him with removal unless he expedited his work. Still further delay occurred, and I wrote to say if the plan and survey of Nelligan were not sent up by the first post he would be superseded. He did then send them up almost immediately, and when we came to examine them we found the work was done by a man whom I had dismissed, whom he had no business to employ, and that the survey was altogether incorrect. Upon these matters being made known, I instructed a surveyor about ten days ago to go down and survey the land, and to send up his sketch with the least possible delay. The work, about which Mr. Cuthill was employed a year and a half, was done by this gentleman in three days, and it proved Mr. Cuthill's work altogether erroneous.

136. Then the efficient officer did in three days what it took an inefficient officer twelve months to do? Yes.

137. Of course you must have been aware of the length of time which, under ordinary circumstances, would be sufficient to enable a man to lay out a town? I could not tell the character of the country.

138. Supposing under ordinary circumstances it would require a month, or supposing two months—how was it this man was not dismissed before? He promised to send up these papers time after time.

139. Are you aware that it is a part of the country to which a steamer plies twice or three times a week, and that some persons have built stores there upon public land? Yes; there are two or three stores.

140. This inefficient officer was allowed to remain twelve months with his work unperformed? He had other works in hand at the same time.

141. What other works? He had orders for several surveys.

142. Applications for land? Yes. It now appears that Murulla proved the best site for a township. It is six or seven miles higher up the river, and nearer Braidwood than Wingen. There is plenty of fresh water there, and a steamer goes up to it nearly every other day. Land at both places will be offered in a few days.

143. Do you remember what the expense of the department was when you first joined it? I know that the department was very weak indeed, and altogether insufficient for the purposes required. At that time I submitted an estimate, I think, amounting to £73,000, which was objected to as something extremely extravagant, and I had to reduce it. The department was in consequence weakened, at least it was not so strong as it ought to have been to conduct the work properly.

144. The expense of the department now is £72,000? That is the estimate for the present year.

145. Is that in excess of the amount for last year? Yes; I think last year it was £64,000 or £65,000, but upon that there has been a saving of £8,000, or £9,000.

146. How does the difference arise? It arises in additions to the staff, in consequence, in some measure, of the opening of the Northern District. There are two additional first class surveyors, two second class surveyors, and one additional surveyor, and these, of course, require a larger number of men; last year there were 83, this year there are 106.

147. In these very remote districts—in the new country opened to the north—what are the particular duties of the surveyors employed? They are employed in laying out the township of Rockhampton, and one above that place, at the head of the boat navigation, and also in surveying the river.

148. In surveying the features of the country? Yes.

149. Are any of them employed in that district, or in any other district, in laying out the boundaries of runs? No.

150. These are done by the Commissioner? That has hitherto been done entirely by the Commissioner.

151. It has been stated in evidence, before a Committee of the House during the last year, that there were two townships measured—Wingen and Murulla—that could not be found? Yes.

152. Were they measured during your time in the department? No.

153. Do you know what became of the surveyors who measured them—have they been retained

- Colonel G. Barney. retained in the service, or were they dismissed? I do not think they were dismissed; in fact it has been done for several years, and all the marks have been eradicated.
- 17 Feb., 1859. 154. How? In consequence of their having been badly marked.
155. That must have involved some neglect on the part of the persons employed? I presume when the plans came into the office they were examined, and proved to be correct.
156. Still these men were retained in the service? I do not know who they were.
157. Are there many applications for small farms now in the office? No, they are not very numerous latterly, in fact we have got more licensed surveyors now, and the work is done more expeditiously. There are applications, but not to any detrimental extent. No doubt there are a number of small applications, some standing over for three or four years.
158. How do you test the qualifications of licensed surveyors? They are examined at the office.
159. Are they subjected to a very particular examination? Yes; of course there is no field examination, but generally they bring specimens of their surveys—of their field work.
160. Is it a strict examination? Yes, it is quite sufficient.
161. Is it the practice of the department at all to subject persons to this examination without employing them? No; but I know it has been considered by many that if they can be examined, and obtain a license, they can use it as a certificate of character.
162. Under such circumstances are they examined? We have examined several, who have been informed that they would not be supplied with work, but that they would be expected to take work whenever ordered to do so.
163. In the case of such gentlemen are there many instances of their being actually employed afterwards? Yes.
164. You give the certificate, then, with the clear understanding that the party receiving it shall be at the service of the Government when required? Yes. To prevent the examination being carried on merely for the benefit of the parties, I suggested the payment of a fee of five guineas—it is now six.
165. Will you be good enough to state what are your own services in the office? Uninterrupted attention to the office. All the papers that come in, which vary in number from sixty to a hundred letters a day, require my attention and direction.
166. What are these letters connected with—are they mere departmental correspondence? They are all departmental correspondence.
167. With the other offices in Sydney? No, with the officers in the country.
168. I see you have in your office twenty-seven clerks? No, I have not that number; we have nineteen; but there are positively more than that, for I took the opportunity when a clerk of higher class left the department some time ago, to suggest that I should be allowed to take three persons in his stead, the salaries of the three amounting to the same as that one.
169. There are twenty-seven on the Estimate—there are two descriptions? They belong to the drawing branch.
170. Are the duties of these clerks chiefly confined to correspondence? Yes, and to the examination of surveys.
171. Do you devote much attention to the examination of surveys? Yes; every plan comes before me.
172. The correspondence is very great? Yes.
173. It is given in evidence that a Commissioner wanted two saddles, and that no less than sixty or eighty letters passed between him and your office before he obtained them? Yes; at that time there was a great deal of difficulty in getting anything authorized.
174. Is that difficulty removed now? Yes, entirely.
175. Do you think it at all practicable that this correspondence could be limited? I do not think it can; I have adopted every plan to limit it.
176. The labor of the department seems to be, to a great extent, taken up with correspondence? A great saving has been effected by the adoption of blank covers. Instead of long letters submitting matters to the Secretary for Lands and Works blank covers are used, and that saves a vast deal of correspondence; and I look upon it that when the Secretary for Lands and Works is in the same building as the Surveyor General, there will be a vast amount of correspondence saved. By personal communication more correspondence will be gone through in one hour than could otherwise be disposed of in a week.
177. I understand that you regard the actual survey of the country as merely one branch of the particular duties of your office? But one branch.
178. There are many other things that claim your attention?—Almost every thing. Frequently, in the afternoon, when I think I may quit the office, I have two despatch-boxes, as full as they can hold, of papers submitted to me for approval and signature.
179. That arises I imagine from the amalgamation of the two offices of Chief Commissioner of Crown Lands and of Surveyor General? Yes.
180. Do you think it a convenient arrangement? Yes; I suggested it myself, soon after I became Chief Crown Lands Commissioner, two years ago. I experienced great inconvenience from the offices of Surveyor General and Chief Commissioner of Crown Lands being separate, and, at the risk of losing my own berth, I proposed that they should be amalgamated.
181. But do not the duties of Chief Commissioner of Crown Lands militate against those of Surveyor General? I do not think they do.
182. Are you, as Chief Commissioner of Crown Lands, able to pay the attention which Sir Thomas Mitchell, or any gentleman in that office, might pay to the actual Survey Department? There have been no feature surveys since I have been in the department. The strength of the department would only admit of my keeping surveys in hand sufficient to meet the wants of the public.
183. These surveys, according to your own evidence, are at present in a very imperfect state? I do not mean to say the whole of them are in an imperfect state.
184. There are great irregularities, and grave disputes may arise? Yes.

185. Do you not think there might be a stricter surveillance if the officer at the head of the department were untrammelled by such an enormous amount of business? I think the district surveyors render that unnecessary.

Colonel G. Barney.

186. These perform the duty of Surveyors General? Of Deputy Surveyors General, in their own districts.

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187. Then there are actually five Deputy Surveyors in the field? Yes; it is proposed this year to make another—that will be six.

188. That is rather an unusual arrangement—that was not the case? No, it was not; this is the second year of the arrangement.

189. So that in fact the duties heretofore performed by the Surveyor General, or by the Deputy Surveyor General, in Sydney, are provided for by five deputies in the field, and one is to be added? Yes; but we have to control them.

190. Then five officers are appointed to do the duty formerly performed by the Surveyor General and Deputy Surveyor General? No; because the Surveyor General has to check them. But I am not aware that the Surveyor General ever visited the country in the way these gentlemen do.

191. The surveys are, from your statement, evidently in a very imperfect state? To a certain extent.

192. Do you think it desirable that any reorganization of the department may be made? Yes, I think arrangements may be made; certainly so far as the land regulations are concerned, I have no doubt better arrangements might be made.

193. For the reorganization of the department? Yes.

194. Do you regard it as at present in a satisfactory state? Not altogether.

195. Have you made any suggestions for the reorganization of the department? No, I have not. I have been gradually carrying out the recommendations of the Commissioners.

196. In what case? In almost every case. Some progress has been made, for instance, in the drawing branch; we have established lithographs—

197. But with regard to the work in the field; what we have to complain of is the work in the field—what alterations have been made on the recommendations of the Commissioners with reference to the work in the field? Everything that they recommended has been partially carried out, except as to the trigonometrical survey; but that has been no fault of mine that that has not been done.

198. You have made no suggestion to the Government in regard to the reorganizing of the department? No.

199. Have any communications been made to you by the Government on the subject? Yes; one communication was made to me by yourself.

200. An intimation was given to you that it was deemed desirable by the Government that you should retire on a pension or allowance? Yes.

201. Have you heard anything of that since? No. Mr. Cowper, now Principal Secretary, told me personally that it was in contemplation to send for an officer from England to relieve me, and he asked me my age; I told him I was seventy-six, and that I had no objection, as I had been upwards of half a century in Her Majesty's service, and upwards of twenty years in the Colony. The Colonial Secretary asked me if £500 a-year would satisfy me. I said, certainly, and that I would be prepared to hand over the department as soon as my successor arrived. I heard no more of it till I received your letter, which was quite a different thing.

202. You were satisfied to retire on a pension of £500 a-year? Your letter was to this effect:—It is the intention of the Government to reorganize your department, for which purpose a successor has been sent for; upon the arrival of that gentleman the Government will be prepared to take into consideration what pension you will be entitled to under the regulations, at the same time trusting your long length of service will meet with the approval of the Legislature. I have no objection to retire, but I should not like to retire upon a paltry sum.

203. You would be quite satisfied to retire upon £500? Yes.

204. By Mr. Robertson: You have stated once or twice that the district surveyors do the duty of Deputy Surveyors General in their districts? I corrected myself, and said the Deputy Surveyor generally, latterly.

205. Then, in answer to Mr. Murray, you said that the duty of the district surveyors—of these five gentlemen—was nearly the same as had been heretofore the duty of the Deputy Surveyor General: is that correct—do not these surveyors measure land? Yes; they do occasionally, but to a very small extent. Possibly they will in a short period have leisure to measure much more land, but in the first organization of these appointments the time of these officers will be fully occupied in the examination of the work performed by the different surveyors, in the selection of land, the entering into contracts, and a variety of other duties.

206. But it never was the duty of the Deputy Surveyor General to measure lands for sale, though it will be, and is the duty of these gentlemen, when other duties do not occupy their time? Yes; the fact is that the Deputy Surveyor General has done no duty in the field since I have been in the department.

207. Then it would seem to be an error that these five gentlemen will have to do what the Deputy Surveyor General formerly did? Ought to do.

208. I was not aware that it was the duty of the Deputy Surveyor General to measure land, and lay out towns? No, he would have no measurements to make; it would be his duty to select sites for towns, and report upon the country generally.

209. You say in your evidence that a Bill of Indemnity will be required to put to rights the difficulties arising from bad measurements? Yes.

210. Did you mean that to apply to old or to present measurements? More particularly to old measurements, because we are much more particular now than we were.

211. Have you ever informed the Government of the probability of this? Yes.

212. When did you do so? I have spoken of it repeatedly.

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213. Is there anything on record of yours—? I do not remember that there is. I am not perfectly satisfied of it—I spoke of it publicly.
214. You say you are aware that there have been many errors in surveys? Yes.
215. You said you did not remember any particular ones? No.
216. Do you not remember Mr. Weaver being dismissed for making errors? Yes. If it comes to that I have dismissed several licensed surveyors; but what I meant was that I could not give you the position of the land that had been erroneously measured.
217. When gentlemen are found thus negligent are they not dismissed? Yes.
218. Do you not remember the case of Hebblewhite, where 640 acres of land was measured, and then 100 acres were measured from it and both sold? Yes, I remember that. I know there are many cases—in fact cases are not at all unfrequent.
219. All these were old cases, were they not? Yes.
220. You have stated that you have had a few meridian lines made from which your surveys will be taken? Yes.
221. Have the district surveyors instructions to do this? Yes.
222. When you say you have only two or three of them, you do not mean to convey that it is not an instruction to each of these to make them? It is a positive instruction.
223. You said, in answer to Mr. Murray, that it was not possible, or that you did not see how it could be carried out or land in isolated positions could be connected with the general survey of the country—is it not the fact that the rivers are laid down on the maps? Some of them, but a great many are not laid down.
224. Where lands are sold is it not so in all cases—where we sell lands are not the rivers charted? Not when you are selling under pre-emptive right.
225. Will you tell me some river? I believe the Richmond and the M'Leay have been surveyed, but we have not got the surveys charted yet.
226. Is it not the custom of the department to insist upon their having this amount of knowledge—to fix the spot so that the survey may be connected by line with some other survey, or with a river? Yes; if the river is surveyed there can be no difficulty in connecting the survey with it.
227. Do you know any surveyors who have made mistakes in their surveys being permitted to remain in the public service? Yes; but they have not been paid for their surveys until they have corrected them. It has not been thought desirable to get rid of surveyors, for until lately they have been scarce; but in all cases where they have made mistakes they have been severely reprimanded, and have had to correct their work without extra payment.
228. You have spoken of irrigation—do you mean to say that any considerable portion of the surveyor's time is taken up in making inquiries as to irrigation; or do you mean, that in going into a country and laying it out for sale that they simply take the elevation—? The instruction given is, that whenever they have an opportunity, and are engaged in the survey of a river, they should take advantage of it to measure its volume.
229. Would that cause much delay? No, not at all; an hour's work would give you the volume of a river.
230. Therefore the object was merely to take advantage of the surveyor being on the spot to ascertain the possibility of irrigation? Exactly.
231. You have said that the townships of Nelligan and _____ had been surveyed some years ago, and that the Executive Council approved them? Yes.
232. Do you remember when it was the Council approved them? It was in 1854, I think.
233. How happened it that the matter remained until quite lately? Because there were no applications for land, and the question of the road from Braidwood was at that time undecided.
234. You said the reason you did not dismiss Mr. Cuthill, but permitted him to remain for twelve months without surveying these two towns, was that he kept making promises? Yes.
235. Did he not say that it was impossible to measure the land because the water was on it? No, for it would have been incorrect if stated. There are two swamps in that spot, but they are omitted in the plan.
236. From time to time you were reminded of these townships, and of the necessity of getting the land prepared for sale, and Mr. Cuthill supplied you with such excuses that you thought it was better to yield than to remove him at once? Yes.
237. *By Mr. Williamson:* You have stated that on account of many of the surveys being erroneous you think a Bill of Indemnity will be required? Yes.
238. Do you mean to say that these erroneous surveys have been made through the mistake or carelessness of the surveyors, or did I understand you to trace some of them to the variation of the compass? Mistakes have arisen both from carelessness and from not attending to the variation.
239. Are you aware of any great variation during the last thirty years? Yes; a change of nine degrees.
240. Do you mean a change in particular parts of the Colony? Yes, in particular parts; I cannot tell exactly where it is.
241. Do you state now on the charts made in the Survey Office the change of variation you mention? Yes.
242. Is the variation of the compass as it exists at present marked, or as it existed twenty years ago? It was the practice to draw all the charts north and south.
243. It is the practice still, is it not? No, not at all.
244. Do I understand you to say that charts now are not made by the magnetic bearing? Yes, the surveys; but I mean laying out the lines of streets.
245. I am speaking of boundaries of country allotments? Yes.
246. They are still surveyed by compass? Yes.
247. Are they charted in the Survey Office by the magnetic bearings? Yes.
248. How is the variation of the compass ascertained now? That is ascertained at the time of the survey by each surveyor.

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- 249. Who forwards it to the office? Yes; it is on his chart.
- 250. You say the country surveyors have instructions now to mark meridian lines? Yes.
- 251. In each district? Yes; the instructions are to mark numerous meridian lines.
- 252. Are these meridian lines connected with each other? No; it is only a late instruction.
- 253. They are only meant for the connection of local surveys? Yes.
- 254. So that there can be no connection of the meridian line in one county with a meridian line in another county twenty miles off? Yes, that may be done; but now it is done simply for the correction of the instrument.
- 255. But not for the correction of the compass? No.
- 256. The surveyors in the field and the district surveyors, who are paid stated yearly salaries—is there any check in the Survey Office upon the quantity of work performed by them? Yes; the surveyors make a monthly statement of the work performed by them; the surveyors in the district send their reports through the district surveyor to the Survey Office.
- 257. The surveyor in the field sends in his field-book and the monthly return of the work done to the district surveyor? Yes.
- 258. Is there a surveillance over their work kept in the office? Yes; every survey is examined in the office. Instead of sending down the field-book, which is apt to be lost, I give instructions to the surveyors to shew a column on the chart giving the bearings and distances.
- 259. I am alluding more particularly to the quantity of work done? Of course it is very easy to ascertain what work has been done—that is in the return.
- 260. For instance, a country surveyor surveys a certain quantity of land in the course of a year, another surveyor in a neighbouring county surveys ten times as much—is there any difference made in such cases? There may be a difference in the country. Sir William Denison considered that each surveyor should survey 10,000 acres a-year, on the average.
- 261. Whatever the country? Yes; that was founded upon false reasoning, for in some parts of the country a man could not do half that quantity, while in others he might do much more.
- 262. Have you ever observed in a district where there were both licensed and salaried surveyors, that the former did much more than the latter? He does frequently, but not always; and a very natural reason, for it is that he has to realise an income, while the income of the other is already realised.
- 263. Has it not been pointed out to you that the salaried surveyor employs certain days in field work and certain days in plotting, and makes his return accordingly, whereas the licensed surveyor employs fine weather for field work and wet weather for plotting? They both do that.
- 264. As a rule, has it not come under your knowledge that the licensed surveyor makes much more use of his time? I do not think a permanent staff surveyor would venture to plot in fine weather when he was sure of having some wet weather. What could he do? he would be idle. I think the officers are generally industrious.
- 265. Has it been brought under your notice, in checking the work of licensed surveyors, that there are more mistakes in their work than in that of salaried surveyors? Yes, as they hurry their work more, in order to realize a certain sum. The salaried surveyors are all in the outside districts, where there are not licensed surveyors.
- 266. *By Mr. Faucett*: You stated that some of the errors of the survey at different times arose from the variation of the compass? Yes.
- 267. You also stated that the variation of the compass at the time of the survey was stated on the work? Yes.
- 268. Then, knowing the variation as stated on the plan at the time, and being able to ascertain the variation at the present time, could you not see from those two sources whether the plan was correct or not? Yes; but the variation might be put down incorrectly.
- 269. Then the variation must have been incorrect? Yes.
- 270. Then, of course, the incorrectness of the survey does not arise from the variation, but from the incorrectness of the statement of the variation? That is what I mean, of course.
- 271. You have some knowledge, I suppose, of the Hunter districts, and the manner in which the lands there have been laid out? Yes.
- 272. I suppose you are aware that the surveys there are very unsatisfactory? Yes, I know it.
- 273. And that titles to property are in consequence insecure? Yes; and for that reason I think a Bill of Indemnity would be necessary.
- 274. You propose, I understand, a Bill of Indemnity for this? I do not propose any such thing. I say it is a matter that requires consideration.
- 275. You do not propose a re-survey of these places? No, it would be of no use; the people are in possession, and a Bill of Indemnity would ensure them that possession. In consequence of errors committed in that way, a man may have built on the wrong land, and been in possession many years.
- 276. *By Mr. Jenkins*: Who performs the duty of Commissioner of Crown Lands in those pastoral districts where the Commissioners have been discharged? The district surveyors have been appointed Crown Lands Commissioners, but there are two vacant districts now—the Wellington and Bligh districts. An alteration was made in the division of the Wellington district. The Albert district, where Mr. Perry acted as district surveyor, was distinct, but was added to the Lower Darling, and part of the Lower Darling was taken away and given to Mr. Beckham. Mr. Perry was then instructed to take charge of the Wellington and Bligh districts, but he resigned; and in consequence these districts had no Commissioner at all. The Secretary for Lands and Works, in the Estimate, provided a certain sum for the purpose of assessing runs in this district.
- 277. These district surveyors have, in addition to other duties, to report upon fresh tenders for runs? Yes.
- 278. Is it part of their duty personally to inspect the runs before reporting? Yes.

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279. Would not this duty you have now imposed upon these district surveyors necessitate their neglecting their own particular duty connected with the Survey Department? It would certainly reduce the amount of survey they would perform annually.
280. If the surveyors had to perform this duty, would it not take them away from that particular work? There are only one or two licensed surveyors in the districts beyond the boundaries.
281. May I ask you who is the district surveyor in the northern district, and where he is placed? Mr. Wood. His head-quarters are at Rockhampton, but he is always in the field; he has never been established anywhere; he returns to Rockhampton occasionally, to plot his work.
282. Are you aware whether the district surveyor before reporting has to go upon the run? Their positive instructions are, that they shall visit the runs before reporting. This is only a late arrangement. I cannot call to recollection whether they have reported upon any run yet.
283. You cannot state whether any district surveyor has been upon any run yet? I cannot say. I know in some few instances runs have been reported upon, but I have been led to suppose they have not been upon the runs. I have put the question whether for the purpose of making their reports they have been upon the runs.
284. What have been their answers? I have had no answer.
285. Do you know of any runs, or of any portions of runs, claimed by different parties—the parties holding the run or portion of run from the Crown? Yes, there are many instances of that kind. That is the fault of the old District Commissioners. I know several of them who were in the habit, when they had to report upon distant runs, of marking upon their chart the position of these runs, and in that way would make them in erroneous positions.
286. Have you had applications made to you within the last twelve months for assistance—for surveyors to settle these disputed boundaries? Yes.
287. Have you acceded to these requests? No; I have not had the means. Occasionally there has been a survey made; but whenever there has been any dispute, and I have been requested to make a survey, I have suggested that the parties should employ a private surveyor, or come to an arrangement with a surveyor—each party expressing himself willing to abide by his decision.
288. You have not taken active steps to send down a surveyor to settle the dispute? There may have been one or two instances, but not to any extent.
289. Do you know any owner of runs on the Bogan who may have applied to you for assistance? No.
290. Any case of two parties claiming the same land—each holding a license for the same run? The Bogan has been only lately occupied.
291. I may remind you of a gentleman of the name of Dangar, and some others? I do not remember.

B.

John Thompson, Esq., examined:—

- J. Thompson,
Esq.
- 17 Feb., 1859.
1. *By Mr Murray*: You are Deputy Surveyor General? Yes.
 2. How long have you been in the Surveyor General's Department? Very nearly thirty-three years—thirty-three years in May.
 3. I suppose you are pretty well acquainted with the manner in which the surveys of the Colony are carried out? Yes.
 4. Do you know anything at all of the surveys in the remote districts of the Colony—in the unsettled districts? There is no survey at all. All the leading rivers are surveyed; that is all.
 5. How are the boundaries of the runs determined? They are not determined in any way, except by the description of the tenderer.
 6. Which the parties give themselves? Yes.
 7. How are the boundaries of leases defined? The boundaries of leases are the result of surveys.
 8. Are these surveys correct, have you reason to suppose? Yes.
 9. Do not the runs overlap each other in many parts? Not those that have been surveyed.
 10. Those that have been surveyed are all correct? Yes.
 11. Do you know whether there has been any correspondence between the Commissioner of the Lower Darling and your office as to the distance from Fort Bourke and the mouth of the Darling? Yes, I am aware of that.
 12. What is the nature of that correspondence? The Commissioner is under the impression that the distance between the confluence of the Darling and Fort Bourke is 390 miles, whereas in reality it is 380 or 390.
 13. How has that been ascertained? By survey; it is accurately laid down, determined by latitude.
 14. The Surveyor General just now stated that it had never been surveyed? It has been surveyed and chained.
 15. Do you know who chained it? Mr. Larmour, when Sir Thomas Mitchell went on his expedition down the Darling.
 16. Do you think the Surveyor General's Department, taken generally, as efficient as it was in old times? Yes, I think so.
 17. There are certain irregularities in the surveys now, are there not? To what surveys do you allude?

18. It has been stated here this evening that the work of surveyors in remote districts is liable to this objection, that it does not start from any fixed point in many instances? It must start from some fixed point. J. Thompson,
Esq.
19. Not from a previously measured point? Yes, some previously measured point, of course. 17 Feb., 1859.
20. According to Colonel Barney they do not do that, but assume a position, and then begin the new work? Then it would not be known how to apply it to the general maps.
21. How do you test the work in Sydney? The measurement of lands for sale, or general survey?
22. General survey? The general surveys of rivers are known, which work is going on at the present moment. The general surveys of rivers are not tested.
23. Are the feature surveys of the country tested? Feature surveys are not tested; there have been no feature surveys for the last four or five years.
24. What then are the surveyors doing in remote districts? Laying out towns and measuring runs.
25. The department in Sydney appears to be rather a cumbersome one—there appears to be a great deal of clerical work in proportion to the work in the field? It is not too large, indeed the clerical branch is rather deficient.
26. How many draftsmen do you think absolutely necessary for twenty-five surveyors? But there are fifty licensed surveyors.
27. There is a sum of £25,000 on the Estimates for these licensed surveyors—how do you make out that there are fifty—do you know it from the facts of the case? There are not perhaps fifty absolutely employed, but there are fifty altogether.
28. And the draftsmen in the office have to plot their work as well as that of the ordinary surveyors? Yes.
29. What is the general duty of the draftsmen in the office? They are various. The duties are divided; one branch of draftsmen, consisting of seven or eight, draw land for sale, they receive the surveys, examine them, correct the descriptions, schedule them, and prepare the proclamation.
30. The draftsmen do all that? Yes.
31. But do not the surveyors who survey farms send in plans? Yes, but these plans have to be examined, to see that they are correct.
32. Is it the duty of the draftsmen to see that they are correct? Yes.
33. And they then insert them in the general map? Yes.
34. You think the seventeen draftsmen in the office barely sufficient for the work they have to do? Yes.
35. How many were there when the survey of the whole nineteen counties was made? I cannot exactly call to mind; I think about half the number.
36. Yet the survey of these nineteen counties involved the survey of some twenty-four millions of acres? Not an entire survey; there was a survey of features and a survey of grants.
37. There was a great deal of work in that? Yes; but the surveys were not so numerous as in the survey of these small portions of land for sale.
38. You think there can be no reduction in the clerical or drafting branch? I am firmly of that opinion.
39. Have you been in the field? I made one journey to Albury and two to Melbourne.
40. You are a surveyor, I suppose? Yes.
41. Have you worked in the field? Yes.
42. Not in this country? Yes, but not much; I was never allowed to leave the office; the Surveyor General, Sir Thomas Mitchell, was always in the field himself.
43. And that was the reason you were not? Yes.
44. You are of opinion, taking into consideration the work to be done, that the department is not numerically larger than it ought to be? Yes, I am of that opinion; I am also of opinion that some arrangement should be made for the survey of the features of the squatting districts.
45. That would involve a large expenditure? Yes.
46. You are about to retire from the department yourself? I am not aware of the position in which I stand.
47. I see no sum on the Estimates for a Deputy Surveyor General? No.
48. Do you think it necessary there should be a Deputy Surveyor General? I think so large a department, embracing more or less the control of three hundred persons, requires something more than one person to conduct it.
49. It has been stated in evidence given before this House that the Deputy Surveyor General should be always in the field, and the Surveyor General is of that opinion also? Yes.
50. If that is so, how is it you have never been employed in that way yourself? Do you mean recently?
51. Since you became Deputy Surveyor General? After I came back from Albury, or from Melbourne, the expense of my journey was objected to, and some delay occurred; I was then directed to take a journey to the north. In my journey to Albury I had found my own equipment, and when the journey to the north was proposed I asked for an equipment and allowance for my travelling expenses; and it was considered that my demand for an equipment—which was for one man, two horses, and such allowance as would enable me to feed the horses—was too great an expense, and the matter dropped.
52. What was the object of the journey you undertook? The object was very general.
53. Was it in connection with the general survey of that part of the country? It related to every matter connected with the business of the department. I was to see that the railway survey was properly equipped, to see that they laid out proper lines, to examine all the local land offices, to see the licensed surveyors at their work, to put myself in communication with the principal inhabitants in the towns to ascertain what they required, to pay attention to the

J. Thompson, the roads, and any other matters that I conceived came within the province of the department.
Esq. I think I made about a dozen reports upon different subjects; I remember one was on the matter of the Bathurst Burr.

- 17 Feb., 1859. 54. Was that within the limits of your duty as Deputy Surveyor General? It was a very important matter. The Bathurst Burr was spreading itself all over the country.
55. Latterly you have been employed in drawing up some report upon the boundaries of runs? I have been employed in analysing and reporting upon very difficult cases relative to runs, and upon various other matters arising out of the business of the department.
56. It has been stated by the Surveyor General that "the present duty of the Deputy Surveyor General is to attend to any matters connected with the departmental duties that I may instruct him upon. He is at present fully employed, under instructions from Mr. Secretary Robertson, in compiling a pamphlet exhibiting the boundaries of the different runs in the various districts; he also revised the land regulations lately published, and I refer to him any complicated matters for report which would occupy time, and which relieves the clerical branch of a considerable amount of duty."—These are the duties in which you have latterly been engaged? Yes.
57. How long have you been so occupied? Ever since my return from that journey.
58. Do you consider these particular duties such as a Deputy Surveyor General ought to be engaged in? I think the Deputy Surveyor General should be consulted in most matters in the administration of the department.
59. These particular matters in which you have lately been employed seem to belong to the duty of the clerks in the office, for instance, the compilation of the boundaries of runs? They could not have been done by a clerk—it requires a great deal of attention.
60. It may, but still it is a mere compilation? The other pamphlet was much more difficult.
61. The pamphlet exhibiting the boundaries of particular runs in various districts? It is extremely difficult.
62. *By Mr. Wild:* With reference to the mode of surveying carried out by both licensed and salaried surveyors, of course the same method is pursued? Yes.
63. What is your opinion as to the relative value of the work performed in these offices—as to the mode in which it is performed? I see no difference; it all depends upon the character of the surveyor.
64. How many licensed surveyors are there? About fifty.
65. How many salaried? Eighteen.
66. Have many dismissals taken place lately, either of salaried or of licensed surveyors—say within the last two years? I have had so little to do with the general business of the department that I cannot say.
67. I do not mean as to the exact number, but I wish to know whether it has been a frequent occurrence? Not a frequent occurrence; but as to the licensed surveyors—
68. I am not asking as to the dismissal of licensed but of salaried surveyors—you are of opinion that the work is as well done by licensed as by salaried surveyors? Yes.
69. Where, as a general rule, are licensed surveyors stationed? In the settled districts.
70. What is the reason of that arrangement? That the work is more fixed; in squatting districts it is irregular, and not so easily valued, and therefore, it is supposed the salaried surveyor is the more appropriate officer.
71. Why is the work not so easily valued in the outer districts? There is so much travelling.
72. You think it desirable to have salaried surveyors as far as possible in the outer, and licensed surveyors in the settled districts? I am rather disposed to recommend licensed surveyors altogether.
73. Still you think the work done by salaried surveyors is equal in accuracy to that performed by licensed surveyors? Yes.
74. Can you tell me whether there are more cases of misconduct on the part of the salaried surveyors than on that of the licensed surveyors? I cannot answer that, for the general business of the department has not come under my notice.
75. *By Mr. Jenkins:* I understood you to say that you have performed no field work yourself of late years? It is only three years ago I went that journey into the interior.
76. It has been stated that you were required, on the discovery of gold in the Northern Districts, to lay out a town or towns? I believe it to be an instruction to the surveyor to make a survey of the whole of that district, to the extent of six hundred miles, with the view to determine the sites of towns.
77. Did you undertake that duty? No; I submitted to the Government that I was not strong enough.
78. You were physically unable to do the duty? Yes; I submitted a medical certificate from Dr. Bennett that I was not.
79. You would have been quite willing to have undertaken the duty had your health permitted? Yes.
80. Have you received any further communication in consequence of that? It was intimated to me that the Government would dispense with my services, and that I should be allowed compensation, or a retiring allowance.
81. I suppose you would be willing to retire on getting a fair allowance? I am entitled to a certain pension. I am an Imperial Officer, and entitled to a pension under Act of Parliament.
82. How many years have you been in the service? Thirty-two.
83. You consider yourself entitled to a retiring pension? Yes; I am entitled to a retiring pension if Government wish to dispense with my services.
84. *By Mr. Denichy:* I understood you to say, in answer to a question from Mr. Murray, that your duties as Deputy Surveyor General are, and have been, altogether clerical—that you are engaged in the office altogether clerically, or, at all events, that you have not been in the field? Yes.

85. We understand also that the Surveyor General takes charge of the correspondence and the management of the Department in Sydney? Yes.
86. Then there is, so to speak, no supervising officer in the field? No, except the district surveyors, who are now the supervising officers. J. Thompson Esq.
17 Feb, 1859.
87. These district surveyors are supervising officers over the licensed surveyors? Yes, and salaried surveyors too.
88. There is no supervising officer over the district surveyors? No.
89. Then the department in Sydney is entirely dependent upon the reports of the proceedings by the district surveyor? Not entirely, because the work undergoes revision and examination in the office; that makes the necessity for so many people there.
90. That is to say, all reports of surveys transmitted to you by the district surveyors are revised in the office? Yes.
91. Upon what data in the office are they revised—have you any means of checking them, or of testing their accuracy? Yes, sufficient means.
92. What are those means? They are scaled, the area is calculated, and the work is compared with former surveys.
93. Then the means of testing is by former surveys? In a measure; but the survey itself is tested in certain ways.
94. That duty is performed by the draftsmen? Yes.
95. Are all the duties connected with testing the surveys made by the licensed surveyors under the supervision of a paid surveyor done by draftsmen? Yes.
96. What are the duties of the clerks? There is an enormous correspondence going on.
97. And the clerks are entirely devoted to the management of the correspondence? Yes.
98. Has the Chief Clerk any special duties? Yes, to control the correspondence.
99. Does not the Chief Clerk practically, and in point of fact, do all the control of the correspondence? Yes.
100. Then what part does the Surveyor General take in the control of the correspondence? He signs all the letters, and, I presume, reads their contents.
101. Then all you know of the part taken by the Surveyor General is, that he signs all the letters, and, you presume, reads their contents? Yes.
102. But the letters are written by the Chief Clerk? Yes; but they are written sometimes, of course, upon some memoranda or minutes of the Surveyor General himself.
103. Does the Surveyor General take any part in supervising, or in any other way controlling the duties of the draftsmen? Not much; he does to a certain extent.
104. To a certain extent? A little; he does not visit the rooms.
105. All he does do is, that he occasionally visits the room where the gentlemen employed in this work sit? Very seldom.
106. Is it your opinion that the Surveyor General, or the Deputy Surveyor General, should be an officer in the field? Not always in the field.
107. But that he should be periodically in the field? Yes. I should consider it my duty, were I Surveyor General, to inspect at different times the whole Colony.
108. Are you aware that since the appointment of Colonel Barney to the office he has made any inspection? No; he has never moved from the office.
109. Have you performed any general survey since you have been in the office? No.
110. I understood you to say that you have been in the field? Yes; but I was on a tour of inspection.
111. Was that in your function of Deputy Surveyor General? I was Deputy Surveyor General then.
112. You did it as Deputy Surveyor General? I did it because I was commanded to do it.
113. Was the command that it should be in the nature of a special survey? I was commanded to take a certain journey to see that everything was correctly performed.
114. I am to understand you that the journey was in the performance of your special duty as Deputy Surveyor General? Yes.
115. You can inform me, no doubt, as to the way in which payments are made to licensed surveyors? Yes; there is a scale of fees being regulated by the area.
116. Is the rate of fee paid for every acre measured? It varies. It was the result of much consideration; I consulted some of the best mathematicians in the department and out of it.
117. Is it a graduated scale? Yes.
118. For what quality of surveying is the higher rate paid? For smaller portions.
119. For smaller portions—in connection with the difficulty in the survey or in connection with the small amount of work given to the individual? Yes.
120. The work done by the licensed surveyor is examined, I presume, by the district surveyor? The district surveyor, I imagine, would not examine all the work; it would be impossible. He would inform himself whether the surveyor conducted himself with propriety in performing the work, and if he had any doubt he would test it with the chain.
121. Do you mean in all cases he informs himself as to how the licensed surveyor conducts himself? Yes.
122. That is to say, he examines the work with a chain? No; that is if he thinks the surveyor is not trustworthy.
123. If the surveyor is trustworthy that is sufficient information, and the District Surveyor proceeds no further? Yes.
124. The Surveyor General has also a vast deal to do with the administration of Crown Lands? Yes.
125. Do you think the expenses of the Survey Department are materially increased by the transference to it of the Crown Lands Department? The expenses are considerably increased by the transference of that department to the Survey. In 1858 the real expense of the Survey was only £32,000, and the residue went for the Crown Lands, and other matters—engineering, and so on.

J. Thompson, Esq., 126. Can you, from your practical acquaintance with the department, conceive no way by which the labor of so many clerks for the purpose of correspondence could be diminished? No. I have given the matter some consideration, and I cannot see any way by which it can be diminished. Embarrassment arises at the present moment from the small number.

17 Feb; 1859.

127. Have the clerks much more to do than to copy the correspondence which are the productions of the Chief Clerk? Yes; there is besides a branch for the financial business, for the deeds, for registration, for correspondence; each of these takes four or five clerks. Of course that is a matter I am in no way qualified to answer.

128. *By Mr. Hay*: Are you now employed in the Survey Office? I am still retained in the Survey Office.

129. What was the nature of the communication made to you by Government? It was to the effect that in consequence of my inability, as admitted by the medical certificate, to undertake surveys in the tropics—and the district extended to Halifax Bay, which is three hundred miles within the tropics—the Government did not think it necessary to continue me in the service, and would submit to the Legislature what provision should be made for me.

130. Are you aware whether any farther steps were taken to carry out that intention on the part of Government? Some intimation was made to me that in remodelling the department occupation for me may still be found.

131. When was that intimation made to you? Recently.

132. Are you aware in what capacity it is intended to employ you? It is in the capacity of director of Crown Lands Commissioners, either with the title of Commissioner of Crown Lands, or Secretary of Crown Lands—to take the entire management of Crown Lands.

133. I understand you to refer to that portion of the business which was formerly in the hands of Colonel Barney as Chief Commissioner of Crown Lands? Yes.

134. How is the management of that practically provided for in the office in the meantime? Colonel Barney does both duties, and all the clerks formerly in that department are amalgamated with the survey clerks.

135. There is no separate staff maintained now for the administration of Crown Lands? It is a distinct branch, but the two offices are amalgamated, and the finance is all under one branch.

136. Who is at the head of the particular portion of the staff devoted to that service at the present moment? Mr. Shadforth; he succeeded Mr. Naylor, who was preceded by Mr. Moriarty.

137. From your knowledge of the present state of the Survey Department, and of its state for a great many years past, are you prepared to say that the part of the business which may be called the office part is in a satisfactory condition now? I think it is; but the clerical branch is not strong enough.

138. You think that portion of the business which is in the hands of the Chief Draftsman, and also the clerical portion, is well performed? Yes, except that the branches are not strong enough.

139. You have not much knowledge of the business in the field, but is that business conducted so well as it might be, both as to the quality of work performed and as to the amount? I do not think the salaried system is satisfactory or works well.

140. Would you have the whole of the field work performed by licensed surveyors? Yes; there might be one or two exceptions, under particular circumstances, but I would have it all done under inspection.

141. This inspection would in reality be equivalent to what is intended by the district surveyors? Yes, the same thing.

142. It would in fact be a system of contract? Yes.

143. Under competent district surveyors? Yes.

144. Would it not be necessary for the gentleman at the head of the department—the Surveyor General—to see how the district surveyors performed their duty? Yes.

145. It would be necessary that he should visit the different parts of the country and ascertain how the duties were performed? Yes, I am of that opinion.

146. Nothing of that sort has been done for some years? There has been no supervision in the field since I came back from Albury.

147. No system can be satisfactory without proper inspection in the field? I think that the Surveyor General or the Deputy Surveyor General should make frequent journeys.

148. And that the business of the district surveyors ought to be mainly the inspection and supervision of contract surveyors? Yes, and the laying out of towns, determining lines of road, and various matters.

149. The laying out of townships, the preparation of lands for sale, and the laying out of roads ought to be entrusted only to responsible district surveyors? Yes, and many other matters of that kind to be reported to the Surveyor General, should come under the review of the district surveyor; matters relating to minerals, the pressure of population on particular parts.

150. Are you aware whether the district surveyors who were appointed of late have been employed from the time they were appointed upon their proper duties as district surveyors? I am not prepared to answer that.

151. You are prepared, I suppose, according to the option of the Government, to retire, either upon the retiring allowance to which you consider yourself entitled, or to continue to take that position in the Survey Office in which your talents and experience will render you useful—either of these alternatives you are prepared to embrace? Yes.

152. *By Mr. Wild*: You said just now, in answer to a question, that you had about fifty licensed surveyors? Yes.

153. How many of these are employed? I could not say.

154. Are half employed? Yes.

- 155. Do you think thirty are employed? I apprehend there are not; it does not come under J. Thompson, my review.
- 156. Have you not the means of knowing whether there are not more than half? I should not think there are. 17 Feb., 1859.
- 157. You said just now you considered the clerical part of the department in rather a good state than otherwise? Yes.
- 158. You consider that the clerical staff was rather slight than otherwise? Yes, that there is not sufficient strength.
- 159. Have there been many dismissals lately? There have been many changes.
- 160. Have there been frequent dismissals? There have been two or three—I could not tell how many.
- 161. Allow me to call your attention to one case, that of Mr. Gorton—you recollect, no doubt, the cause of his dismissal? Yes.
- 162. It is a very recent case? It is a case which did not come under my notice.
- 163. I understood you to say just now that the Deputy Surveyor General was generally consulted? No.
- 164. You cannot give me any statement as to the reasons of Mr Gorton's dismissal? No.
- 165. You know nothing about the case? Nothing more than has been reported.
- 166. Officially you know nothing of the reasons for the dismissal? No.
- 167. *By Mr. Jenkins:* Do you think these district surveyors could perform the duties of the Commissioners of Crown Lands, and at the same time not neglect their own duties? I do not think they could.
- 168. Are you aware whether any complaints have been sent in from the owners of runs who have not been able to get Commissioners to decide upon disputes of boundaries? I believe there have been.
- 169. Are you not aware of any particular case? The appointment of these Commissioners is very recent.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

M R . C . F . G O R T O N .

(COMPLAINING OF HIS DISMISSAL FROM OFFICE.)

Ordered by the Legislative Assembly to be Printed, 4 February, 1859.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Petition of Charles Frederick Gorton, late a Clerk of the 3rd Class in
the Surveyor General's Department,—

SHEWETH UNTO YOUR HONORABLE HOUSE :—

That your Petitioner served six and a half years in the capacity of clerk in the Surveyor General's Department, and that prior to the passing of the Estimates for the year 1858 he applied to the Surveyor General for promotion to the Second Class, to which he was entitled both by seniority and also by his having been placed in charge of a branch of the duties of the Department since August, 1857.

That in the month of July last your Petitioner was summoned to give his evidence before the Select Committee of your Honorable House then sitting on the Management of the Survey Department, and that prior to or during his examination he was informed by the examiners that he should suffer no loss or detriment by giving any information in his power to the Select Committee.

That shortly after his examination by the above mentioned Select Committee your Petitioner received from the Surveyor General a blank cover memorandum from the Honorable the Secretary for Lands and Public Works, stating that your Petitioner should put forward his claims in a more temperate style, but declining to interfere with the arrangements of the Surveyor General unless in an extreme case.

That your Petitioner (believing he might take advantage of the permission which he conceived to have been granted to him by the Minister for Lands and Public Works, namely, that he should put forward his claims, &c.) again forwarded his application through the head of his Department to the Honorable the Secretary for Lands and Public Works, begging a reconsideration of his extremely hard case, namely, that of being refused the promotion for which he had labored hard, without any fault having been found with the manner in which he had conducted his onerous duties; and also that of having a clerk put over his head who was his junior in the service by nearly two and a half years, and who had never been in charge of any branch.

That the Surveyor General, in his letter to the Minister for Lands forwarding Petitioner's application above referred to, begged that Mr. Robertson would particularly notice your Petitioner's insubordination, in having opened a case (viz., an application for promotion made the year before, and which had been decided on by the former Secretary for Lands and Public Works, Mr. Hay, and which decision, on a different subject and under a different Government, your Petitioner could not for a moment suppose had been intended should remain in force to stop his advancement for ever); and also in his having given evidence before the Select Committee, and enclosing to Mr. Robertson a copy of his (the Surveyor General's) queries, with the replies thereto, which had been sent both to your

Petitioner and also to Mr. Surveyor Darke, relative to the cause of your Petitioner's examination before your Honorable Committee, and at the same time begging that your Petitioner might be told to find some other employment, or to be allowed to exchange into some other office.

That your Petitioner on the 22nd of September last was handed a Minute of the Executive Council, dated the 17th of September, 1858, which stated that your Petitioner's services would be dispensed with on the 30th of September last; thus, although Petitioner's case had been finally settled by the Honorable the Secretary for Lands and Public Works, (no complaint having been preferred against him at any time,) on his insubordination being pointed out, *in having given evidence before your Honorable Select Committee*, he was instantly dismissed, on a notice of eight days only, without even the usual compensation, to find a maintenance for himself, a wife, and eight children—the latter of whom are too young to obtain any kind of living.

That your Petitioner had been led to believe that his extremely hard case would be particularly noticed in the final Report on the Management of the Survey Department, but as the present Session is far advanced without the final Report having been laid before your Honorable House, and as your Petitioner has no means of subsistence, your Petitioner humbly prays that your Honorable House will be graciously pleased to afford him such redress and relief as his distressing case may seem to your Honorable House to merit.

And your Petitioner will ever pray, &c.

C. F. GORTON.

Sydney, 3 February, 1859.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

MR. CHARLES F. GORTON.

(CORRESPONDENCE RELATIVE TO DISMISSAL OF.)

Ordered by the Legislative Assembly to be Printed, 7 April, 1859.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 8 March, 1859, That there be laid upon the Table of this House,—

“ Copies of all Correspondence between the Surveyor General
“ and Mr. Gorton, and between the Surveyor General and the
“ Government, with reference to Mr. Gorton’s dismissal from
“ office.”

(*Mr. Wild.*)

SCHEDULE.

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MR. CHARLES F. GORTON.

No. 1.

MR. C. F. GORTON to THE SURVEYOR GENERAL.

*Surveyor General's Office,
Sydney, 2 July, 1858.*

SIR,

Being the senior of the 3rd class of clerks next to Mr. Underwood, and the senior of my grade of clerks receiving £245 per annum, as well as in charge of a branch of the duties of this department, I beg leave to present my claim for one of the £300 voted for the present year, and which in your blank cover memo., No. 57-64 (57,612) of 20th March, to the Honorable the Secretary for Lands and Public Works, you stated you should be happy to consider favorably.

My seventh year's service in your department commenced on 1st of April last, during which period I have belonged to the fixed establishment as a 3rd class clerk $4\frac{3}{4}$ years; I have had charge of the Entry and Despatch Room since the 18th of August last, assisted by two clerks only; during which period 12,000 letters—money letters and documents, besides numerous deeds—have passed through my hands, in a manner which I trust has given satisfaction, notwithstanding that when the same duty was less onerous—having now been much increased by the correspondence with the Land Agents—four clerks were employed in its performance.

In most of the departments the work I am engaged in is considered to be of the highest importance; and in the Colonial Secretary's Office, in which the correspondents were less numerous than in this, the gentlemen in charge of the same branch was in the receipt, I have been informed, of £400 per annum.

By the cessation of the annual increase, and the reduction of the gold allowance, I lost last year £40, which, had the same been continued, would have made my salary £300 on the 1st October next; whereas the two gentlemen receiving the same pay as myself, viz., £245, had an addition of £35 to their former salaries last year, and the promotion of either of them at this moment to £300 would give an increase to their pay of £90 in two years, and cause a loss to myself of £55, for no assigned reason, having been most diligent in the performance of the duties intrusted to my care, which the Chief Clerk was kind enough to acknowledge to me yesterday to be the case.

I humbly hope therefore that you will be pleased to consider me deserving of the promotion which I have so long sought, both on account of my seniority and my having to be responsible for the due performance of duties requiring so much alacrity, care, and attention.

Should it be your intention to recommend a junior clerk for the promotion, which I consider to be only my just right, I have the honor to request that this application may be forwarded for the consideration of the Honorable the Secretary for Lands and Public Works.

I have, &c.,

THE SURVEYOR GENERAL.

C. F. GORTON.

No. 2.

MR. C. F. GORTON to THE SURVEYOR GENERAL.

*Surveyor General's Office,
Sydney, 17 July, 1858.*

SIR,

I have the honor to request that the enclosed letter, together with my former communication to you of the 2nd instant, may be forwarded to the Honorable the Secretary for Lands and Public Works, should it not have already been sent, in order that it may be laid before him prior to his sanctioning the arrangements of salaries for the present year.

I have, &c.,

THE SURVEYOR GENERAL.

C. F. GORTON.

Submitted with my letter of this date, No. 55-253.
Sur. Gen. Office, 19 July, 1858.

G. B.

No. 3.

No. 3.

MR. C. F. GORTON to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Surveyor General's Office,
Sydney, 17 July, 1858.*

SIR,

On the 2nd instant I addressed the Surveyor General on the subject of my promotion to the second class of clerks in this department, and respectfully requested that, should it be his intention to recommend any of my juniors in office, he would favor me by submitting my application for the consideration of the Honorable the Secretary for Lands and Public Works, prior to any final decision being arrived at.

The application alluded to contains a true statement of my services, duties, &c., and it is therefore with much regret that I am compelled to trouble Mr. Secretary Robertson on the subject; but the great difficulty of obtaining the slightest promotion in this office, either by using the utmost exertions in the performance of the duties intrusted to one's charge, or otherwise, will be seen from the following facts:—

On the day after the passing of the Estimates I had a conversation with the Chief Clerk on the subject of the different salaries as voted for the present year, and then mentioned that I trusted that the Surveyor General would nominate me to one of the salaries of £300, to which my seniority and the satisfactory manner in which I had conducted the duties of my branch (to the latter of which Mr. Halloran assented) I considered, with due deference, would entitle me; but much to my surprise, he informed me that I was to remain at my present stipend of £245 per annum, and that Mr. Thomas, an assistant correspondent, and considerably my junior in office, was to be appointed to the second class; but that he had Colonel Barney's authority to assure me that, if I quietly submitted to this arrangement, I should not be forgotten in the framing of the Estimates for 1859.

On the following morning I waited on the head of my department, and humbly requested that he would not permit me to lose my standing this year, as I had received no promotion during 1857, but had on the contrary suffered loss. The Surveyor General then said that he had not given the appointment of the officers to the respective salaries the least consideration, but that when the matter was properly laid before him he would immediately do so, and thought he should make it all right. In mentioning this circumstance, I beg to be permitted to state, that it is not my intention to cast the slightest imputation on my superiors in office, but merely to shew that promotions would apparently seem to rest solely with the Chief Clerk, and that therefore it is evident that his proteges or favorites are sure to pass over the head of seniors, who, from their not being intrusted to perform the duties considered to be of any importance, are prevented from shewing their capabilities to conduct them.

In conclusion, I have the honor to express a hope that if inefficiency—a term so frequently made use of for the purpose of lowering an individual, and of preventing all further inquiry into his case—may have been urged in this instance, I may be allowed to express my willingness to pass an examination in English composition, the dead and living languages, with any gentleman in the clerical branch of the department, notwithstanding that I have done so on two occasions already, once at the Royal Naval College, where I passed the first examination out of thirteen candidates, and received highly flattering commendations from Admirals Sir Frederick Maitland, Sir Phillip Durham, Dr. Inman, Professor of Astronomy, and Lieutenant Loring, the Governor of the College; and again for the Civil Service, in the Colonial Secretary's Office, Sydney, in 1853.

Trusting therefore that I may be permitted to retain my present rank in this department, next to Mr. Underwood, and that my thus troubling the Honorable the Minister for Lands and Public Works may only be considered in its true light, namely, an endeavour to obtain the salary for which I have so zealously labored, and which, as a family man, is of every importance to me.

I have, &c.,
C. F. GORTON.THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS.

No. 4.

MR. C. F. GORTON to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Surveyor General's Office,
Sydney, 19 July, 1858.*

SIR,

On Saturday morning last I had the honor of addressing a letter to you, through the Surveyor General, on the subject of my salary for the present year; but from its not having been sent through the Despatch Room as yet, and from my being fearful lest the arrangement of the salaries should be approved of prior to its receipt, I now do myself the honor to forward a copy of the letter above alluded to, together with a copy of my application to the head of this department of the 2nd instant.

I have, &c.,

THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS.

C. F. GORTON.

Forward to the Surveyor General, who will perhaps have the goodness to explain to Mr. Gorton the proper channel of communication in this case.

B. C., 19 July.

M. F.

Returned, with reference to my letter of the 19th instant*, with this observation that I consider the proceedings of Mr. Gorton unwarrantable and improper.

I enclose for consideration correspondence which took place in 1857 of a similar character, and for which Mr. Gorton was brought under censure. I am most anxious to consider and promote, as far as is practicable, deserving subordinates; but whether they are deserving, or whether the fit time has arrived, is for me to determine.

GEO. BARNEY,
S. G.

*Surveyor General's Office,
21 July, 1858.*

The Surveyor General to the Under Secretary for Lands and Public Works, forwarding letters from Mr. Gorton, Clerk in his Office, and advising his removal from his Department.

(No. 57-206.)

*Surveyor General's Office,
Sydney, 24 April, 1857.*

Sir,

I have the honor to submit, for the consideration of Mr. Secretary Hay, certain letters addressed to me by Mr. Gorton, a clerk in my office, and to request attention to that of the 22nd instant, which, appearing to me to be of an improper character, I gave Mr. Gorton the option of withdrawing it, which, however, he declines—see his letter of the 23rd instant.

2. It now becomes my duty to state that I have not that high opinion of Mr. Gorton's ability or conduct which would induce me to place him over the heads of gentlemen in the office who are conducting their duties in a most satisfactory manner, nor has the correspondence herewith raised Mr. Gorton in my estimation—on the contrary, I consider that he is setting a very bad example, and that his removal from the department is necessary

I have, &c.,

The Under Secretary
for Lands and Public Works.

GEO. BARNEY,
S. G.

Mr. Gorton had no right to demand to know the grounds upon which the Surveyor General's judgment was formed with respect to his qualifications, and the Surveyor General having intimated that he considered the terms in which he had sought to learn those grounds objectionable, Mr. Gorton should have embraced the opportunity afforded him of withdrawing the letter. *He must now do so*, otherwise it will be considered that he does not wish to continue in the service.

Mr. Gorton must further understand that in my opinion the Surveyor General did no more than his duty in recommending for promotion those gentlemen who were, in his opinion, from experience and peculiar aptitude, best fitted to fill the higher offices in the department satisfactorily. Mr. Gorton had no right to promotion, except in so far as he might be decided to be the best man for the office under the circumstances; as to that, I should depend upon the recommendation of the Surveyor General, whom I hold responsible for the efficiency of the department; and the course I followed in sanctioning the distribution of offices proposed by that officer. If Mr. Gorton considers himself aggrieved, he might appeal to me, as he did, and that appeal ought to have been considered final. The valuable time of the heads of departments

* General letter, shewing the distribution of salaries under the Estimates.

departments must not be taken up by a continued discussion of such points. My answer must be held to be conclusive, and my decision must be practically acquiesced in. Any further attempt to open the matter up on Mr. Gorton's part will be taken as indicating an insubordinate spirit, and will compel me to advise his dismissal.

25 September.

J. H.

[Letters alluded to withdrawn]

The Surveyor General to the Under Secretary for Lands and Public Works, respecting Mr. Gorton's application for promotion to higher duties.

(No. 57-255.)

*Surveyor General's Office,
Sydney, 15 May, 1857.*

Sir,

I have the honor to state, for the information of the Honorable the Secretary for Lands and Public Works, that, on being made acquainted with the purport of your letter of the 29th ultimo, No. 250, Mr. Gorton requested permission to withdraw the letter of the 22nd ultimo, the tenor of which I considered objectionable, which permission has been granted.

2. I may add that, on making this request, Mr. Gorton stated in explanation that the above letter (with the others which were transmitted by my letter of the 24th ultimo,) was not written in disrespect to the head of his department, but merely with a hope that some little increase to his salary might be thereby obtained for the support of his family.

I have, &c.,
GEO. BARNEY,
S. G.

No. 5.

MR. GORTON to THE SURVEYOR GENERAL.

*Surveyor General's Office,
Sydney, 26 July, 1858.*

SIR,

I have the honor to request that you will be pleased to forward the enclosed letter to the Under Secretary for Lands and Public Works, at your earliest convenience.

I have, &c.,

THE SURVEYOR GENERAL.

C. F. GORTON.

Mr. H.,

Afford Mr. Gorton the opportunity of withdrawing this correspondence, and let me know the result to-morrow morning.

G. B.,
July 26.

Mr. Gorton should put forward his claims, such as they are, more temperately. It will be necessary that he withdraw the correspondence, as suggested by the Surveyor General on 26th July. Holding, as I do, the Surveyor General responsible for the proper and efficient working of his department, I am not disposed to interfere with any decision of his, unless in an extreme case.

Surveyor General,
B. C., 31 July, 1858.

JOHN R.,
31 July.

No. 6.

MR. C. F. GORTON to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Surveyor General's Office,
Sydney, 26 July, 1858.*

SIR,

The letter which I had the honor of addressing to you on the 17th instant having been handed to me, for the purpose of entering the blank cover memorandum endorsed thereon, and of effacing any superfluous notes, &c., prior to its re-transmission, I could not but observe that the Surveyor General had denied, as it appeared to me, the veracity of three of the statements contained therein, and I therefore feel myself called upon, in support of my character, both as a man and a gentleman, to beg leave most respectfully to assure you that I do most solemnly declare that I have stated *facts only*, and that I can scarcely conceive it possible that it would be supposed for one moment that any one could be so void of sense as to write a deliberate falsehood, knowing at the same time that it must be forwarded through the same officer to whom it alluded.

In

In the third paragraph of the letter above alluded to, opposite to the sentence "but that he had Colonel Barney's authority to assure me," &c., the Surveyor General has marked in pencil "not so" with his initials G. B., and which I am led to believe is intended to convey the meaning that Mr. Halloran did not hold his authority to assure me of any such arrangement having been intended, as the Surveyor General was not present during my conversation with Mr. Halloran on the subject.

In the fourth paragraph Colonel Barney's initials are again affixed in pencil, at the word "thought," with "no" above them; and again at the sentence, "are sure to pass over the heads of seniors," &c., with the remark of "improper, and, in fact, incorrect"; but I feel no hesitation in saying that the expressions quoted by me were those made use of by both Colonel Barney and Mr. Halloran, from my not only having mentioned them immediately after my interview with each officer to several gentlemen in the office, but from my having taken a note of them on leaving their respective rooms.

If, however, it should be considered that I have expressed myself improperly, I beg that it may be truly ascribed to my having addressed you under the painful impression, real or imaginary, of having suffered injustice, without entertaining either personal feeling or disrespectful intention.

I have, &c.,

C. F. GORTON.

THE UNDER SECRETARY

FOR LANDS AND PUBLIC WORKS.

I say most unhesitatingly, tho' with great respect, that Mr. Gorton's letter contains, as far as I am concerned, two mis-statements—first, in that he states that I informed him that he might expect consideration if he *submitted in silence*; and, secondly, in that he represents that my favorites and proteges are passed over the heads of their seniors. On reading Mr. Gorton's letter I was struck so forcibly with the mis-statements contained therein that I for a moment considered whether it was not my duty to make them the ground of direct charge against that individual. As far as I am concerned the case stands thus:—On Mr. Gorton incidentally observing to me, in reference to the Estimates which had just passed, and to which I alluded, that he hoped to be recommended for one of the £300 salaries, I replied, "I am sorry to say no—I feel bound to recommend Mr. Thomas." Mr. Gorton evinced great disappointment, and spoke of his seniority, and of his family, and of his recent diligence. I admitted the last. I walked over to the room of Colonel Barney, and, alluding to what had occurred, I said, "Have I your authority to say that, in the forthcoming Estimates for 1859, the claims of those who, by their exertions, enable us, with our reduced numbers, to keep up the work, shall be favorably considered." To this the Surveyor General assented, and this and nothing further did I communicate, whatever Mr. Gorton may suppose or state. This promise I had intended to endeavour to make good. As I, on authority, believed the claim not to be a good one, I certainly should never have promised consideration for "submitting in silence" to the disallowance of the claim.

26 July, 1858.

H. H.

With reference to promotion to vacancies, it should be clearly understood that it will depend upon zeal and merit—on no account to be understood to follow in the order of existing appointments.

G. B.

Mr. Halloran,

If required to do so, I am both ready and willing to make an affidavit to the truth of my statements before a Magistrate, and, having stated the truth only, I beg to decline withdrawing this correspondence.

26 July, 1858.

C. F. G.

Submitted with reference to my communication* of 19th instant, 58-258.

G. BARNEY,

S. G.,

27 July, 1858.

* A general letter respecting distribution of salaries under the Estimates.

No. 7.

THE SURVEYOR GENERAL to MR. C. F. GORTON.

(No. 58-814.)

Surveyor General's Office,

Sydney, 9 August, 1858.

SIR,

I have to inform you that, having submitted to the Secretary for Lands, &c., your letter of 26th ultimo, with its enclosure, I have been honored with this intimation—
"That Mr. Gorton should put forward his claims, such as they are, more temperately; that

"it

"it will be necessary that he withdraw the correspondence, as suggested by the Surveyor General on 26th July."

2. I have now, therefore, to require that you withdraw your correspondence in question; and in doing so, I must express my regret that you should now, for a second time, have forgotten so far what is required in public correspondence as to render the adoption of the present course imperative.

I have, &c.,

GEO. BARNEY,

C. F. GORTON, Esq.

S. G.

No. 8.

MR. C. F. GORTON to THE SURVEYOR GENERAL.

Surveyor General's Office,

Sydney, 10 August, 1858.

SIR,

In accordance with the instruction of the Honorable the Secretary for Lands and Public Works, conveyed to me in your letter of the 9th instant, I have the honor to withdraw my correspondence of the 26th ultimo; and also to request that you will favor me by forwarding the enclosed letter, addressed to the Honorable the Secretary for Land and Public Works, and which contains my claims to promotion, now set forth in such a manner as, I trust, will meet with the approval of both Mr. Secretary Robertson and yourself.

I have, &c.,

THE SURVEYOR GENERAL.

C. F. GORTON.

[*Enclosure in No. 8.*]

Surveyor General's Office,

Sydney, 10 August, 1858

Sir,

In obedience to the instructions contained in your blank cover memorandum of the 31st ultimo, of which I have this day been informed, I have the honor very respectfully to withdraw my letter of the 26th July last, and at the same time, whilst expressing great regret that my correspondence should have been considered by you to have been written in an insufficiently temperate style, to beg that you will have the goodness to take my case, from its being one of extreme hardship, into your favorable re-consideration.

In the Estimates for this department just voted by the Assembly, there are four clerks placed on it for a salary of £300 per annum each; one of them was given to Mr. Underwood, and, as I was the next senior to him; I made application to the Surveyor General for a like salary of £300, as I thought it was placed on the Estimates for me from my having been placed in charge of a Branch of the duties of this department since the 18th August, 1857, (as will be seen in the departmental returns forwarded through your office for the Retrenchment Committee on the 5th ultimo, No. 236, as also from the annexed copy of instructions which I received from the Chief Clerk on the subject, the original document forming an appendix to my evidence before the Select Committee on the Management of the Survey Department,) and from the Surveyor General having stated his willingness to consider my claim for an increase of salary for this year in his blank cover memo. of the 20th March, No. 57-64, (57-612.)

I have worked to the utmost of my ability in order to obtain the promotion sought for, and the manner of discharging my official duties had never in the slightest degree been censured since my being placed in charge. I omitted to mention that I have had charge also of all official stores, postage accounts, &c., and I, therefore, trust that my services may be accounted worthy of a salary of £300, which would then be £75 lower than the payment for the performance of similar though less onerous duties in the next department.

Mr. Thomas, who has been recommended to be placed over me, and who was only put on the fixed Establishment on 1st January, 1857, received an increase of £35 last year, whilst I, on the contrary, lost £40, and by being nominated to £300 he will have obtained an increase of £90 in two years.

I sincerely hope, therefore, that as no charge has been brought against me, your minute on the Surveyor General's blank cover No. 58-282, 58-1667 of the 10th June, recommending Mr. Pretious' promotion, may be allowed to influence my case, and that I may still be permitted to retain my position in this department according to seniority, and to receive the salary voted by the Assembly for such position.

I have, &c.,

C. F. GORTON.

It will be the duty of Mr. Gorton, as letter record clerk, to see that all letters, &c., are duly entered, indexed, and despatched, day by day; and that if by staying the ordinary hours, with occasional over hours under pressure, the work cannot be kept up, to report that

to

to me officially. He will see, however, that effort is made to accomplish this with the present means—by the exercise of diligence and energy. He is to understand that I hold him personally responsible.

H. HALLORAN.

19 August, 1857.

No. 9.

MR. C. F. GORTON to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

*Surveyor General's Office,
Sydney, 17 August, 1858.*

SIR,

On the 10th instant, the day on which I was informed of the decision in my case conveyed to the Surveyor General by your blank cover memorandum of the 31st ultimo, I had the honor to address another letter to you on the subject (copy enclosed) through the head of this department, but as I am fearful that it may have either been mislaid or overlooked since that period, will you pardon my thus begging that some inquiry may be made as to the cause of its detention.

I have, &c.,
C. F. GORTON.

THE HONORABLE THE SECRETARY FOR
LANDS AND PUBLIC WORKS.

No. 10.

THE SURVEYOR GENERAL to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

(No. 58-285.)

*Surveyor General's Office,
Sydney, 21 August, 1858.*

SIR,

In transmitting for the consideration of the Honorable the Secretary for Lands and Public Works the accompanying letters from Mr. Gorton, clerk in this department, on the subject of his salary and position in this office, I beg to refer to the correspondence which has lately passed on this subject, and with which Mr. Secretary Robertson is fully conversant. I have, however, to draw attention to the correspondence which passed last year on the same subject, and which was conducted in the same insubordinate character. I need only to allude to the circumstance that Mr. Gorton had to withdraw his correspondence, and to request Mr. Secretary Robertson's perusal of the letter from the Department of Lands and Public Works, dated 29th April, 1857, (herewith); the latter part of paragraph 4 is as follows,—“ any further attempt to open the matter up on Mr. Gorton's part will be taken as indicating an insubordinate spirit, and will compel Mr. Secretary Hay to advise his dismissal.” Now in the face of this communication Mr. Gorton has again opened the matter up, in the same insubordinate spirit, which will be more distinctly observed on perusal of a memorandum marked A herewith. Without occupying further the time of Mr. Secretary Robertson, I must express my opinion, that Mr. Gorton's claim should not be considered, and that neither his merits nor his conduct entitles him to be placed in a better position than he is at present. Under the circumstance of the case I would recommend that Mr. Gorton be desired to seek other employment, either by exchange or in any other way he may think fit.

I have, &c.,
GEO. BARNEY,
Surveyor General.

THE UNDER SECRETARY FOR
LANDS AND PUBLIC WORKS.

Laid before the Executive Council, 6th September, 1858. Min. No. 58-36.

Submitted.

24.

I quite concur in the views herein stated.

Ex. Council.

W. D.
2 Sept., 58.

Mr. Gorton has not only continued to act insubordinately notwithstanding Mr. Hay's intimation to him that such conduct would involve his dismissal from the public service, but he, as it appears to me from the instance alluded to in this letter, has shewn that insubordination in another and an additional form, for it appears that he went to the Select Committee to give evidence without informing the head of his department of his having been called

called upon to do so, and also that he took the highly improper course of removing from the office an original document without first having the permission of the officer above him.

Mr. Gorton's continued transmission of letters direct to myself, notwithstanding it having been frequently pointed out to him that they should be sent through the head of his department, is in this his last letter peculiarly blameable, for I am assured by Mr. Fitzpatrick that he warned Mr. Gorton of the proper mode of action in this matter, and that he nevertheless persevered.

As to the general question of the proper course to be followed in the matter of promotions, I entirely concur in the views expressed by Mr. Hay.

It must be clear that Mr. Gorton cannot be continued in the Survey Department. I am, therefore, of opinion that the mildest mode of disposing of his case that would meet with its requirements would be to give Mr. Gorton notice that at the end of the current year his services will not be required.

JOHN R.

27 Augt.

Having submitted this case to my colleagues, and obtained their approval of the views above stated, it may be referred to His Excellency the Governor General and Executive Council

JOHN R.

30 Augt.

Clerk of the Council,
B. C. 31 Augt. M. F.

No. 11.

PROCEEDINGS of the Executive Council on the 6th September, 1858, with respect to the removal of Mr. Gorton from the Survey Department.

Minute No. 58-36. Confirmed 16th September, 1858.

His Excellency the Governor General lays before the Council a letter from the Surveyor General, forwarding certain letters from Mr. C. F. Gorton, a clerk in his office, and bringing under notice repeated instances of insubordination on the part of that gentleman, whose removal from the Department he strongly recommends.

2. From previous correspondence and other documents which accompany this letter, it appears that in the early part of last year Mr. Gorton, conceiving that he had not received the promotion either as regards salary or position to which, according to his own view, he was entitled by his merits and services, addressed to the Surveyor General a somewhat intemperate letter, which, by direction of Mr. Secretary Hay, he was subsequently required to withdraw; he was at the same time severely reprimanded, and informed that the head of his department was held responsible for the efficiency of the gentlemen employed therein, and that any further attempt on his part to open the matter would be taken as indicating an insubordinate spirit, and would compel Mr. Hay to recommend his dismissal.

3. Upon the Estimates for the department being passed this year, Mr. Gorton again pressed his claims for promotion upon the Surveyor General, who, however, again declined to recognize them, whereupon, notwithstanding the previous warning, Mr. Gorton addressed to him another intemperate letter; by direction of Mr. Secretary Robertson an opportunity was afforded him of withdrawing this letter, also, with an intimation that he should put forward his claim in a more temperate way. Mr. Gorton then addressed the Secretary of Lands and Public Works, through the head of his department, and not receiving an answer as promptly as he expected, wrote directly to Mr. Secretary Robertson, enclosing a copy of his communication to the Surveyor General. This course he had adopted on a previous occasion, and he was then informed that it was an improper one, and must not be repeated; upon his again resorting to it, he was warned by the Under Secretary of Land and Public Works of the proper mode of bringing his complaints under notice, but disregarding this further caution he nevertheless persisted in communicating directly with Mr. Robertson.

4. Having carefully considered all the circumstances of this case, as disclosed by the present and previous correspondence, the Council are of opinion that it is very undesirable to retain in the Public Service a gentleman who evinces such a decided determination to disregard, not only the instructions of his superiors, but also the Regulations of the Government, and they accordingly advise that he be informed that his services will not be required in the Survey Office after the 30th instant.

EDWARD C. MEREWETHER,

Clerk of the Council.

*Executive Council Office,
Sydney, 17 September, 1858.*

No. 58-536.

Approved—
W. D.
18 Sept. 1858.

Surveyor General
B. C., 18 Sept.
M. F.

To be returned.
Returned. O. B.
Sep., 21.

No. 12.

MR. C. F. GORTON to THE SURVEYOR GENERAL.

*Surveyor General's Office,
Sydney, 28 September, 1858.*

SIR,

With reference to your memorandum of the 21st instant, informing me that my services will not be required in the Survey Department after the 30th instant, I have to request that I may be favored with a written communication, and which I believe to be the general routine of the service, stating the grounds of my removal from this department, as it is my intention to bring the subject again under the notice of the Government.

I have, &c.,
C. F. GORTON.

THE SURVEYOR GENERAL.

I propose to furnish Mr. Gorton with a copy of the Minute of the Executive Council on the subject, now with the Department of Lands and Public Works, or with an extract from it, should the Honorable Mr. Robertson approve, and the documents be returned to me for that purpose.

GEO. BARNEY,
S.G.
1 Oct., 1858.

The Under Secretary for
Lands and Public Works.

I see no objection—on the contrary, it appears only fair.

JOHN R.
6 Oct.

Papers forwarded to the Surveyor General for the within named purpose accordingly; to be returned.

B. C., 7 October, 1858.

M. F.

Papers returned herewith.

GEO. BARNEY.
*Surveyor General's Office,
18 October, 1858.*

No. 13.

THE SURVEYOR GENERAL to MR. C. F. GORTON.

*Surveyor General's Office,
Sydney, 13 October, 1858.*

(No. 58-1045.)

SIR,

With reference to the request preferred in your letter of the 20th ultimo, I now enclose, for your information, a copy of the Minute of the Proceedings of the Executive Council on the 6th September, containing the grounds on which the Council were pleased to advise your removal from this department.

I have, &c.,
GEO. BARNEY,
Surveyor General.

C. F. GORTON, Esq.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

PRE-EMPTIVE RIGHT—PORT CURTIS.

(PETITION IN FAVOR OF.)

Ordered by the Legislative Assembly to be Printed, 14 January, 1859.

To the Honorable the Speaker and Members of the Legislative Assembly of New South Wales
in Parliament assembled.

The humble Petition of the undersigned Occupants of Crown Lands within the
Settled Counties of the District of Port Curtis,—

MOST RESPECTFULLY SHEWETH:—

That your Petitioners are the occupants of land in the District of Port Curtis,
thrown open to colonization by the Government of New South Wales in January, 1854.

That your Petitioners have been under a very considerable expenditure of capital
upon the lands they have thus occupied.

That, notwithstanding the invitation of the date above mentioned given by Govern-
ment to occupy, and the expenditure of capital your Petitioners have been under in so doing,
no possible method of requiring a fee simple value in the land they have taken up has been
extended to your Petitioners.

That it is from the want of any survey of the lands occupied they have not been
open to purchase by your Petitioners, the said land being within the proclaimed Counties
of Clinton, Deas Thomson, and Livingstone, or as they are termed, the Settled Districts.

That from the time which elapsed since your Petitioners first located themselves on
their Stations, there has been a considerable increase given, by the expenditure of their
capital, and by their labor, to the value of their occupancies.

That from the attraction of population, created by late discoveries of Gold in the
District of Port Curtis, your Petitioners are apprehensive that the very improvements they
have themselves made may be a source of insecurity to their tenures.

That your Petitioners are anxious now to purchase certain portions of the land they
occupy, and pray they may be allowed so to do without being subjected to competition at
auction.

That your Petitioners respectfully beg they may have extended to them the same
right of pre-emption which protects the improvements of other Squatters in the Intermediate
and Unsettled Districts.

[Here follow 15 Signatures.]

1. 500

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

MR. JOSEPH ROWSELL.(PRAYING REDRESS FOR ENCROACHMENT ON RIGHT OF ROAD.)

Ordered by the Legislative Assembly to be Printed, 25 March, 1859.

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

The humble Petition of Joseph Rowsell, of the Upper Wilson River, in the District of Port Macquarie,—

MOST HUMBLY SHEWETH :—

That your Petitioner is a leaseholder of 1,109 acres of land, which was purchased from the Government by Magnus McLeod, the proprietor being now in England for the benefit of his health. That from recent purchases made from the Bank of Australasia, the parties so purchasing have so encroached upon the right of road, by building and slip rails, which from Petitioner's residence to the proclaimed road, a distance of only four miles, there are (eleven of the latter), thereby rendering it utterly impossible to drive cattle to or from the said proclaimed road, and this being the only means that your Petitioner has for support.

Being impressed with the conviction that all lands are sold subject to a right of road, which your Petitioner cannot believe the Government would sell without that right, and he has been for the past twelve months in correspondence with the Minister for Lands and Public Works and the Surveyor General, from neither of which departments has any redress as yet been obtained.

Your Petitioner therefore humbly lays the case before your Honorable House, trusting it will cause the immediate removal of the said encroachments; it being fifteen months since your Petitioner has been able to drive any cattle to market, and having property, is consequently involved in distress, so much so, that your Petitioner will soon be compelled to sell his property, and give up possession of the land he occupies.

It will require no outlay from the Government for cutting or repairing, other than the Surveyor being instructed to proclaim it.

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

J. ROWSELL.

*Upper Wilson River, Port Macquarie,
11 March, 1859.*

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

ASSESSMENT ACT.

(INTERPRETATION OF CLAUSE 2.)

Ordered by the Legislative Assembly to be Printed, 7 April, 1859.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 5 April, 1859, 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 opinion of the Crown Law Officers respecting
“ the interpretation of the second Clause of the Assessment
“ Act.”

(Mr. Hay.)

ASSESSMENT ACT.

No. 1.

THE CIVIL CROWN SOLICITOR to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Civil Crown Solicitor's Office,
Sydney, 14 March, 1859.*

SIR,

In acknowledging the receipt of your letter of the 2nd instant, in which you forward to me some correspondence respecting claims to a remission of assessment under the Increased Assessment and Rent Act of 1858, I have the honor to inform you that I have laid your letter, as also the correspondence above referred to—and which I now return to you herewith—before Mr. Solicitor General Hargrave, and that he has written an opinion thereon, of which the following is a copy:—

“ I am of opinion that the 2nd section of the Increased Assessment and Rent Act of 1858 has no retrospective operation beyond the year 1858—that is, during the operation of the Act with respect to the rent under the 1st section. All the provisions of the section seem to me to point exclusively to runs the right to which shall be, or shall have been acquired by tender during the operation of the Act.

“ The 2nd and 3rd require no answer—(referring to questions in your letter.)

“ I am also of opinion that the Commissioner should require a declaration, or such other evidence as the Governor will be satisfied with, as the ground of the Commissioner's certificate. Departmental arrangement under the 1st section of the Act 9th Vict., No. 9, to the above effect should be made, and the parties falsely making such declaration as may be so required will be liable to the penalties of the Act.”

I have, &c.,

W. W. BILLYARD.

THE UNDER SECRETARY FOR
LANDS AND PUBLIC WORKS.

No. 2.

THE CIVIL CROWN SOLICITOR to THE COLONIAL SECRETARY.

*Civil Crown Solicitor's Office,
Sydney, 23 March, 1859.*

SIR,

By direction of Mr. Solicitor General, I have the honor to transmit to you herewith the accompanying papers (which have reference to certain claims to remission of assessment under the “Increased Assessment and Rent Act of 1858,”) and to inform you that that officer has only to add to his opinion as stated in my letter to the Under Secretary for Lands and Public Works, dated the 14th instant, that in the first sentence (that the retrospective operation of the Act would not extend beyond the year 1858) the words “1st January” might have been inserted, but that the opinion is quite clear without such insertion.

I am also directed to say that the Honorable the Attorney General quite concurs in the opinion given by Mr. Solicitor General.

I have, &c.,

W. W. BILLYARD.

THE HONORABLE
THE COLONIAL SECRETARY.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

DISEASES IN SHEEP AND CATTLE.

(REPORT OF R. MESTON UPON)

Ordered by the Legislative Assembly to be Printed, 27 January, 1859.

R. MESTON, ESQ, J.P., to THE HONORABLE THE SECRETARY FOR LANDS AND PUBLIC WORKS.

SIR,

In compliance with the Commission issued to me on the 4th day of October last, empowering me to institute some inquiry into the nature and probable causes of disease, or diseases, reported as prevalent amongst sheep and cattle in various localities, and more especially in the Western Districts, I immediately left Sydney; and being soon after joined by Mr. Moore, Director of the Botanic Gardens, who had been appointed, at my particular request, to bear me company as botanist,—I now submit, for the information of Government, a concise report of our progress and investigations.

2. In course of our travelling by the way of Merton, Merriwa, Cassilis, Mudgee, Bathurst, Carecar, Canowindra, the Lachlan and Castlereagh Rivers, in parts, and through those portions of Liverpool Plains District said to have been visited by disease of an unknown type, I found that not one malady alone, but several, had at various times cut off numbers of Colonial live stock, and a great confusion of ideas on the subject of Pathology had naturally blended the whole under the name of Cumberland Endemic, or, *the disease*. Indeed, from the numerous conflicting opinions and vague ideas expressed, from the humble shepherd and mounted stockman to the wealthiest settler or squatter, I found that their evidence tended more to embarrass than to elucidate, and thus compelled me to rely on the botanical and topographical aspects of the various stations, in many instances, and occasionally, on the truths disclosed by the dissecting knife, with physiological facts from thence deduced, rather than upon bare conjecture and hypothetical conclusions, which proved nothing.

3. Few Colonists will soon forget the extensive grass burning over a vast area of New South Wales during the month of February last. No rain fell from that time until the end of April. But the young grass no sooner began to spring up than the night frosts nipped it in the bud. No food, no fat—is a too true adage. Many cattle died from sheer want and dire poverty of condition. In fact, a majority became—not skin-fulls of bones, but skeletons with skins around them. Anon came the October rains. A sudden flush of spongy grasses and weeds rapidly shot up, which scoured, not a few, but great numbers so severely, that either they died of inanition and exhaustion, or, on the more exuberant and rank pastures, they became *blown*, and so perished from hoove. The loss among working bullocks must have been severe.

4. Hoove, so called by farmers and veterinarians, is produced when spongy and succulent matter, especially in a moist state, is subjected to heat in the animal paunch. Fermentation rapidly ensues, gases are evolved, the chief of which may be recognized as carburetted hydrogen. The paunch swells up, more particularly on one side, and if not relieved, the animal is technically said to burst.

5. Chloride of lime administered is a good remedy, and many animals have been saved by a pint of milk plentifully commingled with soot poured down the hoven animals' throats. The marvellous effects of both these prescriptions I have frequently seen. But the best and readiest remedy is the trochar and canula, of which every farmer in Britain possesses two or more, but the only one which could be found during my peregrinations was in the possession of Mr. Icely, Coombing, near Carcoar.

6. On the near side, at the intersection of a span or thereby from the spinal column down the rib to where a span length measured from the high hip bone to said section points, is the safe place to pierce the paunch and blow off the gases.

7. A pointed knife is too often used, but the incision, if it does not rupture wider, too often fills up, and some of the stomach's contents get between paunch and skin, forming, in consequence, an ulcerous sore which refuses to be healed.

8. The principal herbage which occasion hoove are the *Malva sylvestris*, or common marsh-mallow; the *Medicago polymorpha*, *medick trefail*, belonging to the lucerne family but erroneously denominated the Scotch burr in vulgar phrase, and a species of *Stellaria* not so common as the others. They abound chiefly on rich alluvial soils, and act most fatally on or before flowering.

9. Some prudent men endeavour to keep their stock on the eminences and ridges until solar heat evaporates the dews, and their cattle and sheep have got hard stuff in their stomachs, then about mid-day they may be permitted to descend to the richer pastures, and allowed to feed without any danger. The sum total, of cattle especially, which must have perished of hoove on the Macquarie and Lachlan, with their tributaries, during the past spring, must be considerable without doubt—many of these fine animals; but the unfeeling coolness which some stock-owners exhibited when their swollen beasts were pointed out, testified indifference thoroughly callous—"Oh, we never mind them, let them take their chance."

10. It has often fallen to my lot, in times past, when hungry animals were imprudently turned on abundant pastures, or sheep had been brought from poor to richer feeding, and allowed to gorge themselves too freely, to observe that twenty or thirty (of the latter more markedly) have suddenly dropped down and expired. Of course the verdict was returned of *poisoned*, or else died of *the disease*—false conclusions, however. The intestinal machinery had got clogged; the mill had been fed too fast, and so stood still, for, on dissection, half masticated matter would be found sticking in the triturating plates and papillæ of the third stomach, and eke so firmly that it required great strength to tear them asunder; and let me add, that more sheep and droved cattle perish from this cause, or from drinking too much water when very dry, than men generally imagine. Half water, when the living subject is hot, should only be permitted to man or beast at first draught.

11. A very peculiar sort of disease is generated by the awn or beard of *Hordeum murinum*, a species of barley grass very common around Bathurst, and it seems to be widely spreading. When young it produces plenty of excellent foliage; as soon, however, as the seed stalks are fully developed, its beard presents a most formidable appearance, for the awn is sharply serrated indeed. Few animals venture to eat these seed ears, unless hard hunger drives them to it, or else when the whole is made into hay. Under such conditions a conglomeration of saliva and barley awns too frequently collects betwixt the horse's or cow's cheeks and tongue, which none can of themselves remove. The aid of a human hand is required, or else the beast seems to lose all appetite; in short, the creature cannot eat—ulcers break out on the glands of the neck near the jaws—an effort of nature to get rid of the irritant substance, which first occasions inflammatory action, then festering, and afterwards suppuration; nay, often terminates, if let alone, in loss of life by gangrene.

12. At the solicitation of several esteemed and courteous friends, I have been induced to make a few remarks regarding ovine catarrh. While various maladies have cut short the lives of too many flocks by hundreds, ovine catarrh has immolated its victims in thousands, particularly over the superficies of Wellington, Bligh, and other districts. It is impossible to avoid denouncing the mud-holes of confined, low-situated, wet and dirty yards, which too often yet offend the eye, in spite of reason, common sense, and experience. These render their due rewards, and mete out their full measures of death and destruction, of losses and crosses, of waste complete, and of ruin triumphant.

13. Next to improper folding, it has been my decided opinion for years past, that idiopathic catarrh is generated more frequently at the time of sheep washing and shearing than

at any other period or under any other secondary conditions. To say nothing about washing, let us refer to shearing: on the previous night some hundreds of washed sheep are crowded into anarrow space, termed the sweating pen, in order to raise what men term *the yolk*—rather erroneous however. After this heating process, they are stripped naked next day and contemptuously turned out, if not kicked out, into the open air. Should the weather prove warm, no bad results may possibly follow; but if the temperature falls from 90° to 54° in a few hours, no uncommon declension, accompanied with wind and cold rain, mark what follows, the miserable animals crowd together for warmth—a double blanket would cover a thousand; and a severe shock is given to the system, by means of the skin and its connection with the respiratory functions. Rudimentary disease lurks in a latent state, until cold weather again sets in; catarrhal symptoms become painfully manifest, and whole flocks must be prematurely sacrificed; all because thoughtless man neglected to protect the helpless sheep with a few nights of shelter in their need. We ought to learn lessons, if capable of learning, from analogy, and act accordingly.

14. On some stations it is evident that hydropsy must have been the prevalent scourge. The fact is indisputable that, when the colonial pastures were first occupied in their virgin state, wherever a superficies could be got, wherever runs could be obtained, good, bad, or media, no matter, they were all deemed equally capable of growing short wool and long wool and middle wools, with sound fat mutton to boot. Overstocking for a time seemed unlimited, and the squatting regulation, requiring 4,000 sheep, &c, on every station, tended not to mitigate the evil. But, in course of time, the discovery was made by some squatters more sagacious than others that sheep had been placed on runs where cattle only should be grazed; while the less discriminating blindly wrought on, and were punished by the diseases of liver rot and fluke, or else of hydropsy, which closed the account of sheep tallies with a vengeance. On the nature and qualities of subsoils depend more the qualities of vegetation and the health of animals than on the superstrata; a truism almost totally overlooked by Colonists in general; yet, not new.

15. From the report of Mr. Smith, Molong, I was informed that a malady very sudden in its operation at one period had seized on many of his lambs, for which effects he was unable to account. It attacked them chiefly during hot weather, in the earlier part of the day, and always proved most fatal during the prevalence of hot winds. These lambs died of apoplexy, a disease to which sheep are more subject than either horses or cattle, and it cuts off all the best of the flock. They appear to be suddenly taken ill, begin to stagger—they perhaps jump about, soon fall, and suddenly die. Prevention is the anchor of hope. Instead of allowing the flocks to lie about watering places where the heat is greatest, and where there is, probably, no shade except what the poor over-warm animals find by hiding their heads under one another, where they stand panting for half a day—their shepherd himself reposing *sub tegmine fagi*—the shade of a gum or box tree, and where often not a breath of air moves their leaves; let the sheep be removed as soon as their thirst is sated to the nearest ridge on which trees grow to be used for shade, and where the cool breeze may be expected to impart its health-giving freshness. This apoplexy is most common in warm countries, and during hot seasons, cutting off the strongest lambs and fattest sheep.

16. A novel disease, according to Mr. Lardner, of Grafton, lately visited his own and other cattle on the banks of the Clarence, adjoining that township. The animals had acquired a taste for the bean of the *Castanospermum*, or Moreton Bay chestnut, so called; many of the young stock had died suddenly—on opening their stomachs, he found them quite full of these beans. Mr. Lardner thinks, that after partaking of the beans the cattle had drunk freely of water, and the expansion of these beans had swelled them to bursting.

17. He also says, that another ailment attacked working bullocks and other strong cattle. It was first apparent in violent purging and straining, with the passing of half masticated portions of beans; the animals drank to excess, and, occasionally, boils broke out on the legs, or shoulders, which produced relief.

18. What is singular, these cattle preferred drinking brackish water instead of fresh, but were of little subsequent value—even if they recovered. It is plain that removal only, or seclusion from the scrubs, cedar brushes, and chesnut beans, will save Mr. Lardner's cattle hereafter.

Another subject comes out before us.

19. In the month of June, 1852, a paper was given by me to the Honble. E. Deas Thomson, on the Cumberland Endemic, then recently broken out in several places of that county

county, and having all the characters of a new Colonial malady. As I find little to alter in that communication, persons wishing to obtain further information are referred on this head unto that paper.

20. Another type appears to have been too prevalent in some of the Western Districts, which, while it resembles its precursor in some respects, possesses indications dissimilar in others. By the first, these animals were chiefly its victims which had been newly introduced from other quarters. But the other observes no such nice distinctions, all victims that fall into its net.

21. When studying the etiology of disease amongst live stock, it is impossible for any one who understands a little of animal physiology, and who possesses the hardihood requisite for making minute autopsical inspection, not to be struck with the evidences that irritants of no mild action have exerted their powers on the mucous coats of the stomach and intestines, in both these forms of disease. Wholesome food and pure water are indispensable to healthy vitality. Physiology and botany are intimately connected, and in ruminant and most other animals digestion mainly depends on chemical action.

22. In confirmation of my first proposition, a passage is quoted from a lecture delivered by the eminent Professor Simmonds before the London Royal Veterinary College.

“ Every day’s experience must convince us more fully that disease and death are to be referred *directly* unto the food partaken by animals. How could we expect it otherwise? seeing that we have chiefly to do with graminivorous live stock, and that many plants spring up with their ordinary food not merely injurious but decidedly poisonous. If instinct did not teach them to avoid the latter, their baneful effects would be increased in tenfold degree. It may be that nature, seemingly over-wise, teaches by the free dispersion of plants, that we possess a ready means of removing disease from different animals, on the oft-repeated principle, that what is *food for one is poison to another*. Be this as it may, we see enough to prove that Botany is intimately connected with Pathology.”

23. In a subsequent part of this treatise it will be shown, by Mr. Moore’s Report, that the *ordinary* food of live stock is rarely to be found; that British weeds, and acrid, indigestible, nay, poisonous plants, usurp the places of salutiferous herbage; and that what ought to be food for other species is most reluctantly partaken by one continued species of the same kind, whereby, as the shepherds express themselves, the pasturage does them little good, perhaps much harm.

24. ’Tis no matter whence or where this form of disease originated. Mr. Busby, of Cassilis, found it commencing amongst his flocks in 1854. He exhibits a table to demonstrate that the mortality increases in a ratio corresponding to the increase of temperature, and also decreases in a similar gradation. Hot weather produces a tendency to excite inflammatory disease, where predisposition is too ready, and to this class of diseases the two Colonial endemics are referable.

25. Denudations of the primitive pastures, although comparatively new in Australia, are not without precedents. Weeds follow in the walks of man, as a testimony of the first anathema, and the buffalo grass of America’s prairies is said to be nearly exhausted, as the mighty herds remove towards the far west; and so would many a starved flock of sheep, if men and dogs did not prevent them. Thirty years occupation of one station with the same kind of animals is a pitch too far, oh! ye flock-owners, when a sixpenny-worth of fresh seeds has never been sown thereon. No wonder if *disease and death* visit your runs—that burrs and thistles spring up, and nature, in revenge for human neglect, grows you weeds and poisonous herbage.

26. The chief distinctions on dissection consist of the very diseased state of the urinary organs, of the blood being all found coagulated in the region of the thorax; urine if not discharged immediately before death, of a thick inky colour, and the inner or glandular coats of paunch and the alimentary canal in general partially, sometimes wholly decomposed. Often, portions of the small intestines are completely destroyed and gangrenous.

27. In the enteritis of Cumberland, the spleens are always engorged with black blood. This condition forms no general rule for the other case. The spleens of sheep are comparatively larger naturally, and their paunches of greater capacity than those of other graminivorous animals. I found no preterenlargement worthy of notice; the gall bladder was full,
in

in consequence of suspended digestion, and in the small intestines a thin fluid matter was only observable. The disease bears considerable relation to what is known as Dry Braxy, and extinguishes life in a few hours; so suddenly does the inflammatory action prostrate the powers of life. *Post mortem* appearances are not always satisfactory, on account of the rapid fermentation and decomposition of animal substance and evolution of very deleterious gases; not to mention the danger incurred by inoculation of virus, through the absorbents; more readily by abrasion; and soonest of all by cut, scratch, or sore in the dissector's hand, &c. Few will hazard a minute inspection, and fewer still are competent. For instance, enlarged spleens are no positive proof of any one specific disease, as many believe; they are common to several, as chronic rot, and so of others. The liver will sometimes be found in unhealthy states, the results perhaps of previous disease. In such cases, plain sense, and much more readily ignorance, is apt to go astray in their unsatisfactory conclusions.

28. I have thus far stated the nature of this and some other diseases, and now proceed to inquire into the proximate causes of this new endemic.

29. Having set out in the certain belief of Professor Simmonds' opinion, I have found too good reasons confirmatory of the learned gentleman's statements in New South Wales. Acquainted with a wide portion of this vast Colony, while traversing its superficies I have not failed, during my experience of seventeen years, to mark the various changes of vegetation which have taken place over many early settled districts, and to note that these changes are progressive. The box-wooded regions, the gum-clad country and stringy barks, the apple-tree flats and pine covered ridges, the myall scrubs, or open plains, all present so far varied botanical plants, shrubs, weeds, or grasses, more or less salutiferous or unwholesome, yet not widely diversified. The old original Kangaroo grass, *Anthistiria australis*, can be seldom met with except in remote places, and the native oat grass only presented itself on one or two stations, and there scantily. The *Medicago polymorpha* or Bur Medick occupies nearly all the alluvial soils of the Macquarie, Lachlan, and Castlereagh; and is fast spreading towards the Hunter, as well as Liverpool Plains. It grows the small burr so depreciating to the values of Australian wools, and flourishes vigorously in moist weather, but withers under two weeks of hot sunshine. Then, however, horses and sheep prefer it, and when nought else can be found to eat, they devour the trailing stalks and roots. It is the black clover of the British farmers who hold this species of lucerne in detestation.

30. There is now produced on too many sheep stations a tall grass well known by the general name of silky grass, a species of *Stipa*, a most injurious and fatal plague in itself, for the sharp awns enter the skins of sheep especially, pierce into the flesh, and not seldom through the interstices of the ribs into the vitals, and infallibly terminate life. On some places there grows little else in its season than this said silky grass. Varieties after varieties have arisen and disappeared, and in many places is the *Xanthium spinosum* or large burr wearing out. Animals have an adaptation to these changes, yet some herbs they constantly refuse, amongst these, the *Swainsonias* stand unmolested. According to the illustrious Linneus, in his part of the world, horses were found to eat 262 herbs or grasses, cattle 276, sheep 387; refusing 212, 218, and 141 respectively. Goats feed on a few refused by all. The lesson tells volumes; sheep would feed on 387 kinds of vegetation, if they could find them; but the ovine grasses are all extinguished, and trashy weeds of all kinds, qualities, and hard names, usurp their places. These conditions are especially applicable to the levels, plains, straths, and along river banks; and, in producing so intense disease in the urinary organs, it might be worthy of notice, if bad water may not have injurious effects as well as acrid, indigestible, or poisonous weeds.

31. During the past ten years there have been exported from the product of Australian pasturage one hundred and fifty-one millions pounds of wool, and about one hundred and four millions pounds of tallow; then if we take into account the amount of beef and mutton consumed in Sydney and Colonial towns, the debris of which is swept into the harbours, bays, rivers, or creeks of these crowded places, and compute the amount just as uselessly wasted at Bouilliant establishments, then may we form some idea of the drain on our Colonial pastures without one tithe of any return.

32. To my fellow traveller, Mr. Moore, Director of the Sydney Botanic Gardens, I am indebted for much valuable information. He remarks that plants of the *Compositæ* family greatly increase on all sheep stations; the *Xanthium* is not increasing, but the milk thistle, erroneously called the Scottish thistle, rapidly spreads. *Ranunculi* are common, so is *Goodenia*; the *Anguillaria dioeca* multiplies on many stations depastured by cattle, and was denounced

by the late Revd. Mr. Walker of Liverpool as unwholesome years ago. *Polygonums* and *Chenopodiums* abound also. The *Compositæ* second only in number to the *Graminæ*, have succeeded almost entirely to the latter. Mr. Moore states, that in many paddocks in Cumberland County and elsewhere, all the vegetation consists of British weeds only, some effects of extensive commercial intercourse. A kind of *Monotaxis*, belonging to the *Euphorbia* tribe, is a very suspicious plant, and also a very acrid *Oxalis*, in all of which family, as some chemists record, pure oxalic acid is very abundant. The shepherd's purse, and various other British herbs hitherto unnoticed, occasionally presented themselves. It would be a statement of voluminous size to specify all the weeds and herbs which came under the notice of Mr. Moore, besides shrubs and trees of characters hitherto little known; certainly few of the former constitute the *natural* food of sheep or cattle; and herein the seeming enigma of some Colonial diseases among stock may be readily solved. Many herbs were pointed out by settlers supposed by them to be poisonous; amongst these may be noticed the *Alternanthera*, one of the *Amaranthaceæ*, but a few they could not find, notwithstanding their expressions of very positive opinions on the subject.

33. It is impossible, however, to overlook a concomitant cause. While deteriorations of our pastures are too manifest, man himself—in his not great wisdom—has endeavoured to hasten the evil by a most injudicious and heterogeneous medley of breeding pursued for many years past.

34. The most energetic attempts have been made in general to upset the good work of Captain McArthur, justly called the first. Every petty State of Germany was hunted over for the purpose of obtaining sheep with fine wool and weakly constitutions further to corrupt the remaining true merino blood of this Colony. Fresh blood quotha! There were neither skill, nor sense, nor judgment in these selections—all, all left for the most part to chance, luck, or (mis-) fortune, with too few exceptions. A first principle for pastoral managers to adopt is, undoubtedly, to adapt their stock to the quality of the pastures, and to the mild or cold temperature of the climate, not overlooking the habits of the animals and the practice of the Colony in its several details. No part of his business requires more deep consideration than the experiment of cross breeding—hence few eminently succeed. The Colony at this moment is thus reduced to the degraded condition of having no breed of sheep at all. Bastards every one, with small frames and impaired constitutions.

35. Men of all trades, professions, degrees, and callings, jump into the management of pastoral avocations with as seeming readiness as some raw gold diggers jump into the claims of better miners. The results are too painfully manifest.

36. The avocation of live stock superintendence, however, requires as long an apprenticeship as do those of law, medicine, or surgery; and it is a fact which cannot be overlooked, that whenever men of experience are found conducting station affairs, whether as their own or the property of others, even there will be found the best management and fewest traces of disease; the rule may be also held true—inversely.

37. The worst epidemic among Colonial live stock is the malady of mismanagement. The pastoral interest and the Colony have lost not a little by Sydney Clubbism theories, and ledger (demean) calculations; too many of these were considered wild or impractical by practical men; for it is easy dictating from the capital, but not so easy to fulfil in the country.

38. A Professorship of Agriculture and Pastoral Pursuits would greatly benefit the Colony. Animal hygiene will press itself more and more on discerning minds. The country is undergoing marked changes, yet these slow progressions are noticed by few. If sheep and cattle are fed upon unwholesome food, men cannot reasonably expect healthy conditions, nor the meat itself in a fit and wholesome state. Many men in Britain, eminent for intellect, are of opinion, that the prevailing system of forcing by artificial manures is productive of disease both in man and in beast.

39. In my opinion, notwithstanding the decrease in some districts, and falling off in breeding in others, no fears need be entertained of the general diminution of live stock. But this impending danger threatens, that the supply of *fat sheep and beesves* will not be adequate to the demand, and recent Legislative proceedings will have a direct tendency to precipitate oppidan population into that dilemma of paying higher prices for beef and mutton than they have done hitherto, and thus will the burden return indirectly on their own shoulders.

40. I have thus endeavored, Sir, to give as concise an account of the natures and proximate causes of disease, or diseases, said to be prevalent amongst sheep and cattle, as the limits of such a report can reasonably admit, and now consider that the purport of my commission is thus far accomplished. I am, however, well aware, that remedial or preventive measures are anticipated at the same time. These would of themselves demand a lengthy treatise, but might form a fit appendix to this Report, as plaster to a sore. For the land of my choice I feel the deepest interest, anxious, as far as in me lies, to aid in advancing the prosperity of my country.

41. Prevention, then, is the first and readiest of measures which ought to be followed up speedily by remedial, or else the preventive will soon become irremedial. It is impossible to find a general rule applicable to all cases; but both are to a considerable degree in our power, if proper means are pursued.

Bis dat qui cito dat—if it is to be done at all, then “’twere well it were done quickly.”

I have, &c.,

ROBERT MESTON.

Sydney, 7 December, 1858.

APPENDIX.

Botanic Gardens,
December, 1858.

SIR,

In obedience to your instructions to furnish, as an *Appendix to Mr. Meston's Report on the nature and proximate causes of the disease or diseases so prevalent among Sheep and Cattle* in various districts in the Colony, I have the honor to transmit a brief notice of such plants as appeared to me to come within the scope of that inquiry.

During the progress of the investigation my attention was particularly called to the following plants by the various settlers in those parts of the country through which I passed, viz. :—

- Alternanthera denticulata*, a plant allied to the Cockscomb family.
- Blitum glandulosum*, a small kind of Strawberry blight.
- Medicago polymorpha*, Burr Medick or Trefoil.
- Chenopodium murale*, Wall Goosefoot, allied to the plant called fat hen.
- Anthericum bulbosum*, a plant of the Lily family.
- Oxalis corniculata*, a diminutive kind of Sorrel.
- Cotula Australis*, a little plant allied to the Daisy.
- Stellaria graminea*, a kind of stitchwort allied to the Chickweed.
- Monotaxis sp.*, a spreading kind of the Spurge family.
- Polygonum plebium*, allied to the Sorrels.
- Lobelia inuidata*, Swamp Lobelia.

These, as well as the green slimy substance—the embryo state of some cryptogamic plant—found on rocks in creeks, were supposed to be in a greater or lesser degree the possible cause of the disease.

Spreading over large tracts of country generally, they more particularly abound in the neighbourhood of sheep stations, both where disease exists and where it has never been known. Under these circumstances, the cause can scarcely be ascribed to any one or more of these plants, although some are supposed to possess acrid and even poisonous qualities. *Monotaxis*, which belongs to the *Euphorbiaceæ* order, might, from its abundant milky secretion—a quality peculiar to the family, and in many instances very venomous—be attributed by botanists to be the most detrimental to animal life; and yet, on one of the largest sheep stations on Liverpool Plains I found that it was greedily eaten by sheep, and pronounced by the owner of the run to be of a very fattening nature. There are other plants than these growing in various districts in considerable abundance, which would appear as yet to have escaped the notice of the settlers, but against which I would caution all stockowners. These are *Burchardia umbellata*, *Anguillaria dioica*, and *Schelhammera undulata*, small lily-like plants belonging to the family of *Melanthaceæ*, which is almost universally poisonous; according to Professor Lindley, the poisonous properties of this Order are owing to an alkaline principle, called veratria, which acts with singular energy on the membrane of the nose, exciting violent sneezing, and when received internally produces excessive irritation of the mucous coat of the stomach and intestines. The same authority states that a Mexican plant of this family, called by the natives *Savoja*, is a well known poison, and stupifies all horses that feed upon it; and that in North America, another plant of the Order, *Amianthium muscatoxicum*, or fall poison of the settlers, destroys all cattle, &c., which feed upon its foliage in the autumn. This information of the properties of some of the plants of *Melanthaceæ* is sufficient to cause all who are interested in stock to make themselves acquainted with the indigenous plants of this family to which I have referred, and to take immediate measures for extirpating them from their stations. It is well known, however, that great quantities of stock die annually in this Colony from other causes than the mere deleterious quality of the herbage; poverty at one season, and too great abundance at another, is perhaps the principal. It must be manifest to the most superficial observer that the pasturage of all the long settled districts has undergone a great change, and

and that change for the worse; in the high grounds the few kinds of tufty grasses, which originally formed the principal food of all kinds of stock, have nearly, if not wholly disappeared, and in their place are now found other grasses and plants of a most inferior character—plants, in fact, of that herbaceous nature which in the early season spring as it were into existence after rain, and if the weather permit, flower, ripen their seed, then die back, and are of no more service until the following season, excepting under the most favourable circumstances; nor is this the only bad quality which some of these plants possess. One of the grasses, called by the colonists silky grass (*Stipa crinita*),—the fatal effects of which has been referred to by Mr. Meston—is spreading everywhere rapidly, and unless it is prevented from ripening its seed, it will ere long overrun and destroy whole districts. In other places the vegetation is almost wholly of an introduced character, and nearly all British; this is more particularly the case on the plains of Merriwa, Cassilis, Bathurst, the rich alluvial soils of the Lachlan, the Macquarie, the Castlereagh, and the Hunter; in these places such as the following will be found occupying the ground, viz. :—

Malva sylvestris, common mallow.
Medicago polymorpha, burr medick.
Sisymbrium officinale, hedge mustard.
Rumex acutus and crispus, two kinds of dock.
Carduus marianus, milk thistle.
Sonchus oleraceus, sow thistle.
Polygonum aviculare, snake weed.
Alsine media, common chickweed.
Capsella bursa pastoris, shepherd's purse.
Poa annua, annual meadow grass.

These plants, although generally of a trivial character, appear to be greedily eaten while in a young state, but many of them after a short continuance of hot dry weather shrivel up, and soon cease to be of any use; others, again, do not appear to be affected by any variation of the climate; one of these last, *Carduus marianus*, the milk thistle, commonly, but most erroneously called the Scotch thistle, is held to be most objectionable; it may not be generally known however, that this plant can be turned to good account. It makes excellent hay if cut and properly dried just as it is coming into flower; the seed when ripe is readily eaten by fowls; in Europe the young stalks are used as salad, or, if peeled and steeped in water for some time, in order to take off the bitterness, may be either made into puddings or pies, after the manner of rhubarb. I was surprised to find that of all the plants of British origin observed throughout the journey only two were grasses, and these of annual growth; yet, there can be no doubt—at least from the experiments which have already been tried there ought to be no doubt—that nearly if not all of the English perennial grasses would flourish in this Colony, if a little care were taken with them in the first instance. *Hordeum murinum*, the wall barley or wild rye of English agriculturists, one of the two annual grasses referred to, grows in considerable quantities in the Western Districts about Bathurst, and also near Canowindra, on the Lachlan—whole paddocks were observed to be entirely occupied with this, and, although its nutritive properties are considered in England to be so inferior as to cause it to be looked upon as a useless weed, yet so wretchedly poor are our native pastures, that this grass even, possessing as it does the bad qualities represented of it in Mr. Meston's Report, is esteemed by many stockowners as a most valuable acquisition. The annual meadow grass of England is everywhere abundant, and, in moist seasons, a very useful plant; but, as it is liable to be scorched up by a few days of dry weather, no dependence can be placed upon it, and it is, therefore, of little value.

As a summary of the observations made by me I would state,—

1. If the sheep and cattle disease, commonly called the Cumberland Disease, be caused by any one or more plants, it is not as yet possible to determine with accuracy what these plants are.
2. The pasturage in general is greatly deteriorated, not only in quantity but in the quality of the herbage.
3. On sheep stations, on soils not alluvial, about one-half of the plants are grasses of a very inferior description, one-third members of the *Composita* order, the nutritive properties of which are questionable, and the remainder of a miscellaneous kind, the most frequent belonging to the *Genera* of *Sicuinsonia*, *Ranunculus* and *Goodenia*.
4. In the plains and alluvial flats the plants are two-thirds, British weeds, and the remainder indigenous plants of little value.

In conclusion I may state, that as no definite opinion on the subject of this inquiry had been expressed by any of the colonists throughout the country, I hoped that I should have been able, reasoning from that analogy which the qualities of one individual plant of a natural family bear to others which are well known, to have arrived at some satisfactory solution of the question, and I have only now to express my regret that I have been considerably disappointed in this expectation. The journey was not, however, without its advantages to the Institution over which I have the honor to preside, inasmuch as while affording Mr. Meston all the information in my power, I was enabled to make myself acquainted with the *Flora* of the districts through which I passed, and to secure large and valuable acquisitions to the public Herbarium.

I have, &c.,

CHARLES MOORE.

THE HONORABLE
 THE SECRETARY FOR LANDS AND WORKS.

1858.

Legislative Assembly.

NEW SOUTH WALES.

IMMIGRATION.

(REPORT FROM AGENT FOR 1856 AND 1857.)

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

THE AGENT FOR IMMIGRATION to THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
submitting his Report on Immigration for the years 1856 and 1857.

*Government Immigration Office,
Sydney, 7 December, 1858.*

SIR,

In submitting my Report on Immigration to this Colony for the years 1856 and 1857, I have the honor to inform you that, owing to circumstances over which I had no control, a difficulty arose which prevented the completion of the Statistics of this Department for 1856 until a late period in the following year; and I then suggested to you the propriety of blending the Returns for the two years, seeing, as I did, that no practical result could be arrived at, or any course adopted calculated to alter or amend the system of Emigration then in force, more particularly as it was desirable that a fair opportunity should be afforded for the development of the Remittance Regulations but then recently modified by Government, and I now therefore beg to lay before you a statement of the proceedings of the Government in connection with Immigration to this Colony during those years, including more especially its operations under the Regulations above referred to.

2. In the Appendix will be found the usual Returns which for a series of years have been compiled in the Department, and which will, I trust, illustrate in a comprehensive manner most of the important details deserving of interest.

3. In the first place, it will be seen that the Returns marked A shew the names and tonnage of the vessels which arrived in this Colony during the years 1856 and 1857; the dates of their departure from the United Kingdom, and their arrival in the Colony; the number of births and deaths during the voyage and in Quarantine; the numbers landed alive, distinguishing adults from children; the contract price at which each vessel was chartered; the additional cost of gratuities payable to the Surgeons, Masters, Officers, and Immigrant Petty Officers; the amount of demurrage chargeable on the Government for the detention of the vessels beyond the authorised lay days; the cost to the Government of victualling, &c., incidental to the detention of ships in Quarantine, and on demurrage; the total cost of the Immigrants' introduction into the Colony; and the amount contributed towards Immigrants' passages under the Remittance Regulations. They also give the number of days occupied by each ship on the passage.

2 REPORT FROM IMMIGRATION AGENT FOR 1856 AND 1857.

4. From these Returns it will also be observed that the mortality during the year 1856 was at the rate of $1\frac{1}{3}$ per cent., and during 1857, at $1\frac{2}{3}$ per cent.

Immigrant ships arrived in 1856 and 1857.

5. It will further be observed on reference to these Returns that 54 vessels employed by the Commissioners during the past two years arrived in the Colony, including 9 which landed their Immigrants at Moreton Bay.

Number of Immigrants embarked and arrived.

6. The number of Emigrants originally embarked was 17,423; the births on the voyage were 205; the deaths on the voyage, as well as in Quarantine, were 213; and the number landed alive were 17,415.

Deaths and Births on the voyage.

7. Of the deaths 43 were adults, 105 were between the ages of 1 and 12 years, and 65 were infants,—making the mortality $1\frac{17}{103}$ per cent. in the two years.

Tonnage of vessels employed.

8. The average tonnage of the vessels employed was 1,008 $\frac{13}{17}$ N.M., and 927 $\frac{5}{16}$ O.M., and the average length of the passage to the Colony was 102 $\frac{1}{2}$ days.

Gross cost of introduction of Immigrants.

9. The cost of the introduction of each Immigrant, taking the average of the 54 vessels, was £15 3s. 8 $\frac{1}{2}$ d., being a reduction of £2 13s. 5 $\frac{1}{2}$ d. on the preceding year, 1855.

Vessels placed in Quarantine.

10. Sickness of a contagious or infectious character having existed either during the voyage or at the time of arrival on board the following vessels, viz.:—in 1856, “David M’Iver,” “Sultana,” “Ben Nevis,” “Bermondsey,” “Herald,” and “Lloyds”; and in 1857, “Mary Ann,” “Regina,” “Golconda,” “Boanerges,” and “Admiral Lyons,”—they were placed in Quarantine.

Mortality in Quarantine.

11. The diseases amongst the Immigrants for which those vessels were so detained not being of a serious character, but merely such as an infantile population is ordinarily liable to, the detention of most of the ships was only for a few days, and the deaths while they were so detained in Quarantine consisted of 2 adults and 1 infant.

Appendix B. Native Counties of Immigrants.

12. The next Return, marked B, shews the native counties of the Immigrants introduced at the public expense during the past two years to have been as follows:—

1856.—ENGLAND AND WALES.				1857.—ENGLAND AND WALES.			
Northern Counties	...	...	476	Northern Counties	...	...	514
Southern	„	...	1,198	Southern	„	...	2,995
Midland	„	...	672	Midland	„	...	1,114
Eastern	„	...	1,143	Eastern	„	...	2,395
Wales	„	...	75	Wales	„	...	122
Total...			3,564	Total...			7,140
SCOTLAND.				SCOTLAND.			
Northern Counties	...	...	289	Northern Counties	...	...	401
Southern	„	...	306	Southern	„	...	568
Total...			595	Total...			969
IRELAND.				IRELAND.			
Ulster	...	...	1,038	Ulster	...	...	580
Leinster	...	...	585	Leinster	...	...	428
Connaught	...	...	169	Connaught	...	...	168
Munster	...	...	1,142	Munster	...	...	891
Total...			2,934	Total...			2,067
Other Countries, and Births at Sea				Other Countries, and Births at Sea			
Sea	...	...	117	Sea	...	..	29
Grand Total			7,210	Grand Total			10,205

13. From this Return it will be seen that the selection of the Emigrants from the three subdivisions of the United Kingdom has been very fairly apportioned.

14. The next three Returns, marked C, D, and E, exhibit the ages, amount of education, and religious persuasions of the Immigrants; and on reference to those Returns the following results will be found to be shewn by them:—Of 7,210 Immigrants who arrived in 1856, 3,669 were males and 3,541 were females; of the adults, 3,570 could read and write, 1,001 could read only, and 1,084 could neither read nor write; of those under 12 years of age, 200 could read and write, 259 could read only, and 1,096 could neither read nor write; and of 10,205 Immigrants who arrived during the year 1857, 5,543 were males, and 4,662 were females; of the adults, 5,328 could read and write, 1,448 could read only, and 1,238 could neither read nor write; of those under 12 years of age, 250 could read and write, 437 could read only, and 1,504 could neither read nor write.

Appendices C, D, and E.—Ages, Education, and Religion of Immigrants.

15. Their religious persuasions were as follows:—

	1856.		1857.	
	Males.	Females.	Males.	Females.
Church of England	1,997	1,846	3,551	2,808
Church of Scotland	358	287	352	339
Wesleyan Methodists.....	108	93	223	192
Other Protestants	129	115	479	413
Roman Catholics	1,074	1,200	938	908
Jews	3	.....	1	.....
Other Persuasions .....	.....	.....	1	.....
Total	3,669 + 3,541 = 7,210		5,545 + 4,660 = 10,205	

16. Return F shows the trades and callings of the adult males and unmarried adult females, which are as follows:—

Appendix F.—Trades or Callings of Immigrants.

	1856.		1857.	
	Males.	Females.	Males.	Females.
Agricultural laborers	1,634	.....	2,111	.....
Shepherds	34	.....	64	.....
Other laborers employed in pastoral or agricultural pursuits	482	.....	956	.....
Domestic servants	32	1,580	65	2,061
Mechanics engaged in erecting buildings, &c., &c.	373	.....	617	.....
Tradespeople engaged in preparing or selling articles of food	34	.....	32	.....
Tradespeople engaged in making articles of clothing.....	19	63	104	81
Other tradespeople, &c.	276	20	346	24
Total	2,884	1,663	4,295	2,166

17. The entire cost of introduction of the Emigrants sent to the Colony by the Land and Emigration Commissioners, according to the contract price at which each vessel was chartered, amounted in 1856 to £93,477 1s. 3d., and in 1857 to £141,709 11s. 8d. This amount is exclusive, however, of the proportion of expense borne by the Colony for the support of the Land and Emigration Commissioners' Establishment; the amount paid to the several selecting Agents; the cost of bringing the Emigrants to the place of embarkation, and maintenance there prior to departure; and the expense of bedding and mess utensils. The expenses of the beds, bedding, and mess utensils, as well as the cost of embarkation, have, however, been considered to be balanced by the contributions made by the Emigrants prior to their receiving embarkation orders, and, in the absence of data to shew the contrary, it appears only reasonable to consider that such is the case. From the cost of introduction, as stated above, has to be deducted, in 1856, a sum of £10,125 15s. 5d., and in 1857 a sum of £9,788 5s., being the amounts shewn in the Returns marked A to have been contributed by depositors under the Remittance Regulations, towards the passages of their nominees, who arrived

4 REPORT FROM IMMIGRATION AGENT FOR 1856 AND 1857.

arrived during those years, which, deducted from the gross cost, as stated above, will reduce the actual cost of introduction of each statute adult, in 1856, to £12 3s 0½d., and in 1857 to £13 14s. 7½d.

Description of
Immigrants.

18. In adverting to the class and qualifications of the various Immigrants introduced into the Colony by the Land and Emigration Commissioners during the period referred to, I have thought it might be considered invidious to report on those by each vessel separately, and have, therefore, deviated from the ordinary course in this respect, and propose to deal with them as a whole, and in so doing it is gratifying to me to say that to individualize them is unnecessary, as the same remarks would be applicable to all. In short, the Immigrants sent to our shores at the expense of our funds have been composed of laborers, mechanics, and domestic servants. Some who obtained passages at the instance of their relatives, under the Remittance Regulations, proceeded to their friends, and thereby made their services at once available in aiding the pursuits or occupations of those by whose assistance they emigrated; the others in almost every instance obtained remunerative employment—evincing, as most of the Emigrants of late years have done, an anxiety to accommodate themselves to the various occupations to which they had been brought up, and, manifesting in a considerable degree their appreciation of the prospect of an improved social position in this their adopted country. They have thereby in benefiting their individual positions in like manner benefited the colony into which they have been introduced, and while Immigration has been a relief to the overburthened labor markets of the United Kingdom, it has also been instrumental in developing the hidden resources of this great Colony.

Appendix G.
Unassisted
Immigration.

19. The Return marked G shews the Unassisted Immigration during the years 1856 and 1857, but the information contained therein, from the mode of its collection, is very deficient of what is necessary to classify it in any effectual way, so as to afford the means of deciding on the character of this description of Immigration, or the extent of its effect on the labor market.

Appendix H.
Assisted and
Unassisted
Immigration.

20. The Return H shews the amount of the Assisted and Unassisted Immigration to the Colony, from 1st January, 1838, to 31st December, 1857; the sums paid for their introduction and superintendence on the voyage.

21. The number of Immigrants who have arrived in the Colony since that period appears to be—

Assisted.....	112,945
Unassisted.....	41,146
Total	154,091

22. The amount paid by the Colony in furtherance of this object is £1,697,007 3s. 1½d.

IMMIGRANTS' DEPÔTS.

23. The Depôts which were maintained at the public expense during the year 1856 were those of Maitland, Parramatta, and Newcastle, but they were discontinued in the beginning of 1857.

24. In speaking of these establishments, I cannot avoid bearing testimony to their great usefulness, not only as affording suitable protection to those persons who have been introduced under the Remittance Regulations by their relatives or friends residing in the interior, but also as at times being the means of at once relieving Sydney of a superabundance of labor which will occasionally occur by the arrival of several vessels together, and of facilitating the employment of large families of small children, who are difficult to dispose of where there is an expensive land conveyance, as must be the case in the vicinity of a great metropolis like Sydney.

CURRENT WAGES OF IMMIGRANTS.

Appendix I.
Average rates of
Wages.

25. The Return marked I shews the average rates of wages current in the Colony, during the period from 1st January, 1848 to 31st December, 1857.

26. It will be perceived that since the year 1855 a uniform reduction has taken place in the wages of all classes of labor,—in those of mechanics about 20, and in those of other classes of about 5 per cent.

REMITTANCE REGULATIONS.

27. From the Return maked J it will be seen that the amount paid for passages under the Remittance Regulations in 1856 was £11,509, and in 1857, £14,567, and that £2,009 5s. was also deposited on account of outfit in the former, and £2,287 5s. 10d. in the latter of those years. Appendix J.
Amount deposited under
Remittance
Regulations.

28. These amounts were capable of providing passages for 5,720 souls, and although in several instances the wishes of the depositors could not be carried out in consequence of the illness, death, or domestic disarrangements of the persons sent for, still it will be found that a large number did avail themselves of the passages so provided for them, and formed, I am glad to observe, a most useful acquisition to the Colony.

29. These Regulations underwent a considerable revision in 1856, and the privileges to depositors were further extended in August and September, 1857. They may now be considered as affording all the facilities that can possibly be required, not only to the employers of labor for the introduction of such persons as they may require for their respective occupations, but also to laborers and mechanics, of rendering assistance to their relatives and friends, who are thus enabled to escape from an already overburthened field to one calculated to improve their social position, and in which they can by honest industry maintain their families in respectability. Appendix K,
Appendix L, and
Appendix M.

30. In analysing the class of persons availing themselves of these Regulations, it will be seen that the greater portion of the money is deposited by the Irish population for the introduction of relatives, a feature in their character deserving of the highest commendation, and one which I should be most glad to see imitated by the natives of the other portions of the United Kingdom.

31. This anxiety on the part of the Irish to avail themselves of the advantages held out by these Regulations does not arise from their being in a better position than their fellow laborers, but from a wish to again unite themselves to the relatives left at home, and at the same time to give their friends the means of participating in the advantages of their own altered condition.

32. With the view of aiding as much as possible the wishes of the laboring classes in this respect, I caused a pamphlet to be prepared, setting out fully the course to be adopted by persons wishing to avail themselves of the Regulations, and forwarded copies thereof to the several Clerks of Petty Sessions throughout the Colony for circulation in their respective districts, and I am in hopes that the information so promulgated will be of some service.

33. Thus far it will be seen that these Regulations have produced the benefits contemplated by their framers, and it only remains to extend their operation further by affording similar facilities in the United Kingdom; and I feel convinced that when such a course is adopted many valuable persons who cannot now emigrate will find their way to our shores, and be an acceptable addition to our labor market.

34. It may be as well here to mention, that the opportunities offered to depositors for bringing out their friends in private merchant ships have not been taken advantage of to any extent. This may be attributed to the excellent arrangements made by the Commissioners for the management of the vessels dispatched by them, and to the protection provided for single females on the voyage, which it would be impossible to secure on board ordinary merchant ships.

35. It is, therefore, clear to me that the prejudices formerly supposed to attach to Government Emigrant Ships have vanished; and we shall not again hear that, because Emigration is conducted by the Government instead of by private individuals, that it must necessarily be considered as eleemosynary in its character.

36. In the 95th paragraph of my Report of the 10th July, 1856, I quoted from a Parliamentary paper, printed by order of the House of Commons, and taking the charges made for the selection of Emigrants as therein expressed, I assumed that the cost of selection of the Emigrants who had been despatched by the Land and Emigration Commissioners and had arrived in the Colony in the year 1855, would have amounted to £3,500.

37. I find, however, that by a communication which I have received from Mr. Walcott, that this calculation was made in error, and I take, therefore, the first opportunity which has occurred of correcting the mistake in question, and I conceive that in doing so I cannot do better than quote his own words, which are as follows:—

“ Without entering here on the various points of interest mentioned in your Report, I may notice a slight error in calculation into which you were led from not having all the facts before you.”

“ I allude to the statement in paragraph 95, page 12, that the charge entailed on the Colony for Agency in the selection of Emigrants amounted to about £3,500 for the year. In point of fact, the payments to Agents for the Emigrants in the 47 ships comprised in the period to which your Report relates, amounted only to about £1,860. You, doubtless, calculated the Agency on *all* the Emigrants sent out according to the rates given in the Parliamentary paper which you quote. But I may explain that we send out a great many Emigrants not selected by Agents, in respect of whom, consequently, no fees are paid, and that we do not pay any fee to Agents on persons under 14 or above 50 years of age.”

38. From a Return received from the Commissioners at the commencement of this year it appears that at the beginning of 1857 there was a balance in their hands to the credit of the Colony of about £16,000; that they received during that year the sum of £165,000; that they despatched during that period to Sydney and Moreton Bay 25 ships, at a cost, inclusive of incidental expenses, of £138,000, and that they had consequently at the commencement of the present year, exclusive of the amount voted by Parliament to be remitted to them, the sum of £43,000.

39. It will thus be seen that there is apparently nothing to prevent a steady stream of Emigration being despatched to our shores during the present year; and as there has been, and will be for years to come, a continued demand for all descriptions of agricultural and mechanical labor, I cannot but recommend that the Government should make a liberal provision for the continuance of a plentiful supply thereof during the ensuing year.

I have, &c.,

H. H. BROWNE,

Agent for Immigration.

1858.

NEW SOUTH WALES.

APPENDIX TO REPORT FROM IMMIGRATION AGENT.—1856 AND 1857.

A 1 & 2.

RETURN OF THE ASSISTED IMMIGRATION FROM THE UNITED KINGDOM TO NEW SOUTH WALES DURING THE YEARS 1856-7.

Table with columns: SHIPS, IMMIGRANTS, EXPENDITURE. Includes sub-headers for Deaths, Number Landed, and various financial metrics.

* These vessels landed their Immigrants at Moreton Bay.
† These were private passenger vessels.

B.

	ENGLAND AND WALES.					SCOTLAND.		IRELAND.				OTHER COUNTRIES.	
	NORTHERN COUNTIES.	SOUTHERN COUNTIES.	MIDLAND COUNTIES.	EASTERN COUNTIES.	WALES.	NORTHERN COUNTIES.	SOUTHERN COUNTIES.	ULSTER.	LEINSTER.	CONNAUGHT.	MUNSTER.		
1856	486	1,208	682	1,153	75	292	309	1,049	596	179	1,152	29	
1857	514	2,995	1,114	2,395	122	401	563	580	423	168	891	29	
	1,000	4,203	1,796	3,548	197	693	877	1,629	924	347	2,043	58	
								1856.	1857.				
ENGLAND.. .. .								3,529	7,018				
WALES								75	122				
SCOTLAND								601	969				
IRELAND								2,976	2,067				
OTHER COUNTRIES								29	29				
TOTALS								7,210	10,205				

Government Immigration Office,
Sydney, 7th December, 1858.

H. H. BROWNE,
Agent for Immigration.

C.

RETURN, shewing the Ages of the Assisted Immigrants from the United Kingdom who arrived during the years 1856 and 1857.

COUNTRIES.	YEAR.	CLASSIFICATION OF AGES.																GRAND TOTAL.		TOTAL FOR BOTH YEARS.
		UNDER 1 YEAR.		1 AND UNDER 4 YEARS.		4 AND UNDER 7 YEARS.		7 AND UNDER 12 YEARS.		12 AND UNDER 21 YEARS.		21 AND UNDER 45 YEARS.		45 AND UNDER 50 YEARS.		TOTAL.		1856.	1857.	
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.			
ENGLAND	1856	68	56	157	152	116	105	167	168	406	367	921	773	76	70	1,911	1,693	3,604	.....
	1857	134	122	278	291	197	167	285	286	985	668	2,016	1,550	86	78	3,991	3,139	.....	7,140
SCOTLAND	1856	6	6	18	15	18	13	26	30	72	53	185	135	11	13	336	265	601	.....
	1857	25	16	26	20	24	11	33	40	110	110	270	255	14	11	502	467	.....	969
IRELAND	1856	31	48	60	66	36	36	75	71	384	493	788	799	35	51	1,409	1,567	2,976	.....
	1857	20	16	30	27	17	26	48	43	278	322	629	532	18	35	1,046	1,021	.....	2,967
FOREIGN	1856	5	...	1	...	...	1	1	...	...	6	4	9	2	...	13	15	29	.....
	1857	1	...	4	2	1	...	...	2	4	7	4	4	...	...	14	15	29	.....
TOTAL		296	264	574	579	407	359	637	643	2,939	2,026	4,817	4,047	243	255	9,212	8,203	.....	17,415

Government Immigration Office
Sydney, 7th December, 1858.

H. H. BROWNE,
Agent for Immigration.

D.

RETURN, shewing the Number of Assisted Immigrants from the United Kingdom, who arrived during the years 1856 and 1857, who can Read and Write.

COUNTRIES.	YEAR.	CLASSIFICATION OF EDUCATION.															GRAND TOTAL.		TOTAL FOR BOTH YEARS.			
		UNDER 4 YEARS.			4 AND UNDER 7 YEARS.			7 AND UNDER 14 YEARS.			14 AND UNDER 21 YEARS.			21 YEARS AND UPWARDS.			TOTAL.			1856.	1857.	
		Cannot Read	Read Only	Read & Write	Cannot Read	Read Only	Read & Write	Cannot Read	Read Only	Read & Write	Cannot Read	Read Only	Read & Write	Cannot Read	Read Only	Read & Write	Cannot Read	Read Only				Read & Write
ENGLAND	1856	439	...	...	179	33	9	73	136	126	70	100	603	281	264	1,294	1,033	536	2,032	3,604	.....
	1857	794	...	...	295	72	11	120	264	190	165	291	1,195	498	679	2,562	18,72	1,314	3,964	.....	7,150
SCOTLAND	1856	45	...	...	30	1	...	5	27	24	3	8	114	18	35	291	101	71	429	601	.....
	1857	80	...	...	16	13	3	15	37	25	6	27	185	14	62	476	131	139	689	.....	959
IRELAND	1856	205	...	...	65	6	...	56	53	40	336	312	429	472	582	819	1,035	633	1,288	2,976	.....
	1857	100	...	...	30	5	2	46	34	12	161	126	391	398	260	590	735	427	905	.....	2,067
FOREIGN	1856	6	1	1	1	...	6	1	...	14	8	...	21	29
	1857	7	1	2	1	...	2	...	8	...	1	6	9	...	15	...	29
TOTAL		1,667	13	3	618	130	28	315	553	419	642	766	2,841	1,685	1,683	6,052	4,927	8,145	9,313	.....	17,415

Government Immigration Office,
Sydney, 7th December, 1858.

H. H. BROWNE
Agent for Immigration.

E.

RETURN, shewing the Religious Persuasions of the Assisted Immigrants from the United Kingdom who arrived during the years 1856 and 1857.

COUNTRIES.	YEAR.	CLASSIFICATION OF RELIGION.																GRAND TOTAL.		TOTAL FOR BOTH YEARS.		
		CHURCH OF ENGLAND.		CHURCH OF SCOTLAND.		WESLEYAN METHODISTS.		OTHER PROTESTANTS.		ROMAN CATHOLICS.		JEWS.		MAHOMEDANS AND PAGANS.		OTHER PERSUASIONS.		TOTAL.			1856.	1857.
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.			
ENGLAND	1856	1,623	1,448	23	10	96	83	121	105	46	47	...	...	...	...	2	...	1,911	1,693	3,604	.....
	1857	3,341	2,572	36	21	220	183	298	372	81	110	1	...	...	1	1	...	3,981	3,159	.....	7,140
SCOTLAND	1856	55	33	260	208	8	7	7	10	6	10	...	...	...	...	...	...	335	265	601	.....
	1857	35	25	302	303	3	6	153	118	11	13	...	...	...	...	...	...	502	467	.....	969
IRELAND	1856	312	354	73	70	4	3	...	1,019	1,140	...	...	...	...	1	...	1,409	1,567	2,976	.....	
	1857	167	199	14	15	...	3	24	21	811	783	...	...	...	...	...	1,046	1,021	.....	2,067	
FOREIGN	1856	7	11	2	2	...	...	1	...	3	3	...	...	...	...	...	...	15	16	29	.....
	1857	8	11	...	...	...	...	4	2	2	2	...	...	...	...	...	...	14	15	...	29
TOTAL		5,548	4,653	710	625	331	285	608	528	2,012	2,408	1	...	...	1	4	...	9,212	8,203	.....	17,415

Government Immigration Office,
Sydney, 7th December, 1858.

H. H. BROWNE,
Agent for Immigration.

I.
RETURN, shewing the Average Rate of Wages for different Classes of Labor in the Colony of New South Wales, from the 1st January, 1848, to the 31st December, 1857, inclusive.

TRADE OR CALLING.	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.	
MALES.																					
Carpenters	Town	5	3	4	9	4	6	6	5	9	0	12	6	15	0	15	0	12	6	12	0
	Country	30		36		35		42		42		42		42		42		42		42	
Smiths	Town	5	3	4	9	4	6	6	3	9	0	12	9	11	0	15	0	12	6	12	0
	Country	39		36		35		45		45		45		45		45		45		45	
Wheelwrights	Town	5	3	4	9	4	6	6	1	9	0	15	0	15	0	15	0	12	6	12	0
	Country	30		36		36		46		46		46		46		46		46		46	
Bricklayers	Town	5	3	4	0	4	0	6	0	9	0	15	6	13	0	17	0	13	0	13	0
	Country	38		36		38		43		43		43		43		43		43		43	
Masons	Town	5	3	4	9	4	6	7	3	9	0	16	0	21	0	21	0	13	6	14	0
	Country	39		38		37		49		49		49		49		49		49		49	
Farm Laborers					17 to 18		16 to 19		18 to 22		25 to 30		26 to 31		25 to 40		30 to 40		30 to 40		
Shepherds					17 to 18		16 to 19		18 to 23		25 to 30		25 to 30		25 to 35		30 to 35		30 to 34		
FEMALES.																					
Cooks (plain)					16 to 18		15 to 19		16 to 25		18 to 25		19 to 28		25 to 30		25 to 30		21 to 27		25 to 30
Housemaids					13 to 11		11 to 15		14 to 18		14 to 18		15 to 19		18 to 25		18 to 25		19 to 22		16 to 18
Laundresses					14 to 16		13 to 16		14 to 18		18 to 22		18 to 22		25 to 30		25 to 30		23 to 26		20 to 25
Nursesmaids					8 to 10		7 to 12		7 to 12		15 to 18		15 to 18		15 to 20		15 to 20		16 to 19		15 to 20
General House Servants					10 to 14		12 to 15		14 to 18		15 to 18		16 to 21		25 to 30		20 to 26		20 to 21		20 to 25
Farm House Servants																					
Dairy Women, &c.					12 to 13		11		13		11		16		25		30 to 24		19 to 22		18 to 30

Government Immigration Office,
Sydney, 7th December, 1858.

H. H. BROWNE,
Agent for Immigration.

J.

RETURN, shewing the Number of Individuals for whose Passages and Outfits deposits were made, under the Immigration Remittance Regulations, in the Years 1856-7, with the Amounts received under each head.

YEAR.	NUMBER OF INDIVIDUALS.	AMOUNT PAID TOWARDS PASSAGES.		AMOUNT PAID FOR OUTFIT.		TOTAL.		REMARKS.
		£	s. d.	£	s. d.	£	s. d.	
1856	2,269	11,509	0 0	2,609	5 0	13,518	5 0	
1857	3,451	14,567	0 0	2,287	5 10	16,854	5 10	
TOTALS	5,720	26,076	0 0	4,296	10 10	30,372	10 10	

Government Immigration Office,
Sydney, 7th December, 1858.

H. H. BROWNE,
Agent for Immigration.

K.

Colonial Secretary's Office,
Sydney, 18 September, 1856.

IMMIGRATION REMITTANCES.

HIS Excellency the GOVERNOR GENERAL, with the advice of the Executive Council, has been pleased to direct the publication of the following Regulations, for facilitating the introduction of eligible Emigrants, and for the remittance of any sums of money which persons settled in the Colony may desire to send to their relatives or friends, or others, in the United Kingdom, for the purpose of enabling them to emigrate to this Colony.

1. In Sydney, sums intended to be deposited in pursuance of these Regulations will be received at the Colonial Treasury at any time during the usual official hours, on the production of a statement of the amount to be paid in from the Agent for Immigration, to whom application in the first instance should be made.

2. In the Country Districts, the Clerks of Petty Sessions throughout the Colony will also receive sums intended to be deposited with them for a similar purpose, on every day (Sundays excepted).

3. The Clerks of Petty Sessions, on receiving any sums under this notice, will enter in the printed form annexed (Schedule A) the name and address of the depositor, the name, age, calling, and residence of the person or persons in the United Kingdom for whose benefit the money is to be applied, and the names and residences of such persons of note as the depositors may refer to, for the purpose of answering any inquiries which the Land and Emigration Commissioners may have to make; but should the deposit be intended to be applied for the introduction of persons not nominated, they will enter in the printed form annexed (marked Schedule B) the number and class of persons the depositor is anxious to introduce, taking from every such depositor, at the same time, an undertaking, in the form set forth at foot of said Schedule B, which undertaking they will transmit to the Immigration Agent in Sydney, in conjunction with the printed form before alluded to, and will write at the foot of the same receipts for the amounts paid into their hands. These forms will, in each case, be filled up in triplicate, of which one will be handed to the depositor; and the three copies having been certified by one or more of the Magistrates present, one of them will be forwarded, with as little delay as possible, to the Agent for Immigration, and the third will be retained as a record in the office of the Clerk of Petty Sessions, who will also remit by the same post to the Colonial Treasurer the sums received, with a list of the same, made out in the form hereunto annexed (Schedule C.)

Applications for the deposit of moneys under these Regulations, made either in Sydney or to the Clerks of Petty Sessions, must be in the forms annexed (marked D and E).

4. Passage Certificates will be prepared by the Agent for Immigration in accordance with the forms marked A and B, as the nature of the deposit may require, (should the returns forwarded to him be found correct), on the report of the Colonial Treasurer of the receipt of the money deposited, and will be transmitted to the Clerks of Petty Sessions, to be delivered to the depositors. Similar certificates will also be issued by the Agent for Immigration, on the production by the depositors of the Treasurer's receipt for sums paid in Sydney.

5. The Passage Certificates it will be necessary for the depositors to forward to their friends or agents in the United Kingdom, and they must in every case be produced within twelve months from their date to the Land and Emigration Commissioners in London, who will provide passages to the Colony for the parties named therein.

6. In cases in which it may be expected that the parties intending to emigrate may be enabled themselves to raise, from their own resources, or by the assistance of others, a portion of their passage money, their friends in the Colony may not consider it necessary to remit a sum sufficient to pay the whole cost of the passage. In all such instances, it must be understood that the Commissioners will only undertake to apply to the best advantage, for the benefit of the parties, such sums as may be furnished to them, either by remittances from the Colony, or by contributions in the Mother Country, and not to provide passages in cases where the money placed in their hands is insufficient for the purpose. It must, however, be distinctly understood, that when once a payment is made by the Commissioners on account of a remittance, under these Regulations, the Government will not be liable to any further claim.

7. Residents in this country may secure passages to the Colony in the vessels chartered by the Commissioners, for their relatives or friends, if of the following descriptions, and otherwise qualified under the Regulations in force in the Colony at the time of making the deposit, by remitting in the manner above provided for, the undermentioned sums, viz. :—
Mechanics of every description, and all other persons of the working classes, and (if married) their wives and families, and male and female domestic servants.

				£	s.	d.
For each person between	1	and	12 years of age...	...	2	0 0
"	"	12	and 40 "	...	4	0 0
"	"	40	and 50 "	...	8	0 0
"	"	above	50 "	...	12	0 0

and for persons not coming strictly within the above classes, such as shopmen, and other persons of educational attainments, and their families, by paying the full amount of passage money, which has for the present been fixed at £12 per statute adult.

8. The remainder of the cost of the passage will be defrayed by the Government, but the expense of reaching the port of embarkation, as well as the cost of bedding and other articles required for the passage, must be paid by the Emigrant.

9. Passages may in like manner be secured for persons of the laboring classes, as well as mechanics and other persons mentioned in the preceding paragraph, on payment of similar amounts, provided that the persons who may be nominated by such depositors or their agents, in the United Kingdom shall be in all respects eligible under the Regulations in force in the Colony at the time the deposit is made.

10. Before the issue of a Passage Certificate under this last paragraph of the Regulations, the depositor will be required to sign an undertaking to pay to the Government any such additional amount as may be required for the passage of any child or children of the depositor's nominee, whose passage may not previously have been provided for prior to such nomination.

11. Depositors must also undertake to provide for their relatives or nominees on their arrival in the Colony, within ten days after the arrival of the vessel, or pay to the Government for their subsistence at the rate of 1s. per day for each adult, or half that amount for each child under the age of 12 years, so long as they may be maintained at the public expense after the expiration of that period.

12. For the information of persons who may desire to make Remittances under these Regulations, it is hereby notified, that the cost of a Steerage Passage to this Colony will, for the purposes thereof, be estimated at Twelve Pounds for each person of 12 years of age and upwards. For persons under the age of 12 years, half-price only is charged. The cost of outfit for the voyage, besides the expense of reaching the port of embarkation, is estimated as follows:—

	£	s.	d.
For a single man, about	3	0	0
For a single woman, about	3	0	0
For a married couple, about	6	0	0

The cost of an outfit for children varies with their size—generally speaking, three children under 7, or two between that age and 12, may be clothed for about £4; but a well grown boy or girl of 13 years of age will cost nearly as much as an adult. In order, therefore, to prevent inconvenience to intending Emigrants on account of the want of a sufficient outfit in clothing, it will be advisable, whenever practicable, to receive from the applicant such amount as he may find convenient to remit for the purchase of the same. This amount will be paid, through the Commissioners, to the persons nominated in the United Kingdom.

13. In any case in which the amount remitted may exceed that required for the payment of the intending Emigrant's passage, the balance will either be paid to the Emigrant or returned to the person who made the remittance, according to the directions which may be given by the latter; but in order to prevent this arrangement being used for the purpose of making remittances unconnected with Emigration, it is necessary to state, that the Commissioners will not undertake to make payments of money in England to any persons but those for whom they have provided passages to this Colony.

14. Passages will not be granted under these Regulations to children under 15 years of age, unless forming part of a family, or unless their parents be resident in the Colony, or unless under special authority from the Governor General.

15. The full passage money, viz., £12, will be required for persons whose husbands or wives are resident in the Colony, but their children, if accompanying them, will be allowed passages on payment of the sums which would be required under these Regulations for the children of persons following the same trades or callings as the parents of the children referred to.

16. Persons emigrating in pursuance of these Regulations will be forwarded to the Colony in Government Emigrant Vessels, and their arrival in Sydney will be duly notified in one or more of the public journals, for the information of their relations or friends.

17. No moneys deposited in the Treasury in pursuance of these Regulations can be refunded, until instructions to that effect are received in the Colony from the Colonial Land and Emigration Commissioners.

18. These Regulations will take effect from the 1st October, 1856; and the Government Notice of the 20th January, 1854, headed "Emigration Remittances," is hereby cancelled from that date, excepting with reference to applications already made under it.

By His Excellency's Command,

CHARLES COWPER.

SCHEDULE A.

EMIGRATION REMITTANCE.

District of _____

DESCRIPTION OF THE PERSON OR PERSONS FOR WHOSE BENEFIT THE REMITTANCE IS MADE.								
Christian Name and Surname at full length.	Age.	Whether Husband or Wife resident in the Colony.	Trade or Calling.	Where living, in 'Great Britain' or Ireland.	Name and Address of some person of note, to whom reference can be made respecting the Emigrants.	Proportion to be applied to Passage.	Proportion to be applied towards Outfit.	TOTAL.
							*	

RECEIVED this _____ day of _____ 18 _____, from _____ of _____ in this District, the sum of _____ Pounds, (£ _____) to be remitted to the Colonial Land and Emigration Commissioners, for the purpose of being applied in the provision of Passages to this Colony for the above-described persons.

Witness to Payment, _____ Clerk of Petty Sessions.

* If more than one person's name be inserted in this Certificate, it should be distinctly stated to whom the money is intended to be paid on account of Outfit; and its further disposal, in case of the death or absence of the persons so named, should be also given.

SCHEDULE B.

EMIGRATION REMITTANCE.

District of _____

Trades or Callings of the persons proposed to be brought to the Colony.	Number and Ages of the persons proposed to be so brought out.				Amount paid into the Treasury.				
	12 Years and upwards...		Under 12 Years.		Proportion to Passage.		Proportion to Outfit.		TOTAL.
	M.	F.	M.	F.					

I, _____ of _____ in the District of _____ in the Colony of New South Wales, the depositor referred to above, hereby undertake, in the event of passages being granted to the parties selected in pursuance of the above deposit, to pay to the Immigration Agent at the Port of Arrival any additional amount which he may require of me, for the passage or passages of any child or children belonging to the said parties, which have not previously been provided for by me, in my deposit as above, according to the rates set out in the foregoing Resolutions; and I further undertake to pay to the said Immigration Agent subsistence money, at the rate of 1s. per diem, for each adult, and 6d. for each child under 12 years of age, for every day any or all of my nominees may be maintained at the expense of the Government, from and after the expiration of ten days from the date of their arrival in the Colony.

Dated at _____ this _____ day of _____ 18 _____.

Witness, _____ Depositor.

RECEIVED on this _____ day of _____ 18 _____, from _____ of _____ in this District, the sum of _____ Pounds, _____ Shillings, (£ _____) to be remitted to the Colonial Land and Emigration Commissioners, for the purpose of being applied in the provision of passages to this Colony for the above-described persons.

Witness, _____ Clerk of Petty Sessions.

SCHEDULE C.

EMIGRATION REMITTANCE.

District of _____

DESCRIPTION OF THE PERSON OR PERSONS FOR WHOSE BENEFIT THE REMITTANCE IS MADE.			
* Christian Name and Surname at full length.	Trade or Calling.	By whom nominated.	Reference in United Kingdom.

RECEIVED this _____ day of _____ 18____, from _____ of _____ in this District, the sum of _____ Pounds, _____ Shillings, (£ _____) to be remitted to the Colonial Land and Emigration Commissioners, for the purpose of being applied in the provision of passages to this Colony for the above-described persons.

Witness to Payment, _____ Clerk of Petty Sessions.

* In case the nominations are to be made in England, either by the Depositor or his Agent, it will be only necessary to state the description of labor required,—the number of statute adults, as well as that of children, being of course clearly defined.

FORM D.

Sir,

I beg to hand you a list of persons I wish to bring into this Colony from the United Kingdom. The full particulars are given in the form below, and, to the best of my belief, they are quite true in every respect. I should, therefore, feel obliged by being informed of the sum to be paid to secure passages for them in a Government ship.

Christian Name and Surname at full length.	Age.	Whether Married or Single.	Relationship.	Trade or Calling.	Address, at full length, of the place or town and street where living in the United Kingdom, as well as the name and address of some respectable person to whom reference as to character and respectability can be made.

I have the honor to be,
Sir,
Your obedient servant,

Applicant's { Signature _____
Residence _____

To the Immigration Agent
or
Clerk of Petty Sessions, in the District of _____

FORM E.

Sir,

Being anxious to introduce, in pursuance of the Regulations in force in the Colony, the following description of persons, to be selected by my agent in the United Kingdom, I have to request that you will be good enough to inform me what amount I shall require to deposit to secure passages for such as may be approved by the Land and Emigration Commissioners.

Number and description of persons intended to be introduced	Between 1 and 12.		Between 12 and 40.		Between 40 and 50.		Married or Single.	Trade or Calling.
	M.	F.	M.	F.	M.	F.		
TOTAL.....								

I have the honor to be,
Sir,
Your most obedient servant,

(Name) _____
(Address) _____

To the Agent for Immigration at _____
or
Clerk of Petty Sessions, District of _____

Colonial Secretary's Office,
Sydney, 19 September, 1856.

REGULATIONS FOR THE SELECTION OF EMIGRANTS UNDER THE REMITTANCE REGULATIONS.

HIS Excellency the GOVERNOR GENERAL, with the advice of the Executive Council, has been pleased to direct, that the following are to be the Regulations under which persons holding Passage Certificates under the Government Notice of the 18th September, 1856, headed "Immigration Remittances," will obtain passages for their nominees, from the Land and Emigration Commissioners, in vessels chartered by them for the conveyance of Emigrants to this Colony.

QUALIFICATIONS OF EMIGRANTS.

1. The Emigrants must be mechanics, or other persons of the working classes, their wives or families, or male or female domestic servants. They must be sober, industrious, of general good moral character, and have been in the habit of working for wages; of all of which certificates will be required. They must also be in good health, free from all bodily or mental defects; and the adults must, in all respects, be capable of labor and going out to work for wages, at the occupation specified in their application forms.
2. The separation of husbands and wives, and of parents from children under 15, will in no case be allowed.
3. Single women under 15 cannot be taken without their parents, unless they go under the immediate care of some near relatives. Single women over 35, and single men over 40 years of age, are ineligible.
4. Families in which there are more than two children under seven, or than three under ten years of age; widowers or widows with young children, or persons who are in the receipt of parish relief, or who have not been vaccinated or not had the small-pox, cannot be accepted. This Regulation will be upheld as far as possible. Families, however, having relations in the Colony, will be accepted, notwithstanding that the children exceed the number specified above, and who are in no other way ineligible; but in each such case special application must be made to the Agent for Immigration, who, if he considers the application deserving of the relaxation applied for, will grant it, on payment of such an additional amount as he may determine, not to exceed, in the case of any additional children, the sum of £4 for each such child.

APPLICATION AND REMOVAL.

5. Applications must be made to the Commissioners, in the forms annexed, marked A. and B. The filling up of the form is to bring the applicant's case fully before the Board.

If approved of, the applicants will receive a printed "Approval Circular," calling for the contributions required by the following scale, for which sum they will be supplied with the requisite bedding and mess utensils for the use of the voyage:—

- | | |
|---|------|
| 1. For each Married Mechanic, and other Married person of the working classes | £1 |
| 2. For each Single Man | 10s. |
| 3. For each Single Woman | 10s. |

N.B.—No payments are required for wives, or for children under 12 years of age accompanying their parents.

The Circular will also point out how the money is to be paid. After it is paid, they will, as soon as the Commissioners' arrangements will permit, receive an Embarkation Order, (*which is not transferable*), naming the ship in which they are to embark, and the time and place of joining her. *Applicants must not leave their homes before the receipt of this Order.*

6. No additional payment will be required by the Commissioners for the persons sent for, beyond that mentioned in the preceding Table; but the intending Emigrants will be required to defray their own expenses to the port of embarkation notified to them in their Embarkation Order, and to find their own clothing, which will be inspected at the port by an officer of the Commissioners; and they will not be allowed to embark unless they have a sufficient stock for the voyage, not less for each person than—

<i>For Males.</i>	<i>For Females.</i>
Six shirts.	Six shifts.
Six pairs stockings.	Two warm and strong flannel petticoats.
Two warm flannel or Guernsey-shirts.	Six pairs stockings.
Two pairs new shoes.	Two pairs strong shoes.
Two complete suits of strong exterior clothing.	Two strong gowns, one of which must be warm.

But for each child nine shirts or shifts, four warm flannel waiscoats, and one warm cloak or outside coat, six pairs of stockings, two pairs of strong shoes, and two complete suits of exterior clothing are required. There must be also, at least, three sheets for each berth, and four towels, and two pounds of marine soap, for each person. The necessary brushes and combs and clothes-brushes, for cleanliness, must be provided by the Emigrants. Emigrants must not have less than the above outfit; but the larger the stock of clothing, the better for health and comfort during the voyage, which usually lasts about four months; and as the Emigrants have always to pass through very hot and very cold weather, they should be prepared for both. Two or three colored serge shirts for men, and an extra supply of flannel for women and children, are strongly recommended.

7. The whole quantity of baggage for each adult must not measure more than 20 cubic or solid feet, nor exceed half a ton in weight. It must be closely packed in one or more strong boxes or cases, but no box must exceed in size 15 cubic feet. Large packages and extra baggage, if taken at all, must be paid for. Mattresses and feather beds will in no case be taken.

CAUTION TO APPLICANTS.

8. Should any signatures attached to any of the applicant's papers prove to be not genuine, or any personation be attempted, or any false representations be made in the papers, not only will the application be rejected, and the contributions forfeited, but the offenders will be liable, under the Passengers' Act, to a penalty not exceeding £50.

9. Should any applicants be found, on personal examination at the Dépôt, or on board, to have made any mis-statement in their papers, or to have omitted to state any material fact, or to have any infectious disorder, or otherwise not to be in a fit state of health for the voyage, or to have any mental or bodily defect likely to impair their usefulness as laborers, or to have brought with them more children than are mentioned in their application form, or expressly sanctioned by the Commissioners, or to have attempted any deception whatever, or evasion of these rules, they will be refused admission on board the ship, or, if embarked, will be landed without having any claim upon the Commissioners. If, after embarkation, Emigrants are guilty of insubordination or misconduct, they will be relanded, and forfeit their contributions and passage.

10. If applicants fail to attend at the appointed time and place for embarkation, without having previously given to the Commissioners timely notice and a satisfactory reason, or if they fail to proceed in the ship, or are rejected for any of the reasons specified in the preceding article, they will forfeit their contributions and will have no claim to a passage at any future time.

11. Should the applicant wilfully misrepresent the particulars of the persons nominated, the deposits towards the passage will be liable to forfeiture.

By His Excellency's Command,

CHARLES COWPER.

SCHEDULE (A) REFERRED TO.

[To be used when persons are nominated in the Colony.]

NEW SOUTH WALES.

EMIGRATION REMITTANCE CERTIFICATE.

This form, when filled up, is to be separated from the other page, and forwarded as a letter, prepaid, directed to S. Walcott, Esq., Park-street, Westminster.

The Names of the parties whose passages are arranged for are to be inserted here. If married, the names of all the children under 12 must also be inserted.	Age of each person at last birthday.	Day and year when each person was born. N.B.—The extract of the Register of Birth, or the Certificate of Baptism for each person must be sent with this Form.	State whether married or single.	Trade or Calling.
Place of Residence.		Post Town.	County.	

I do hereby declare that all the above statements are true; and I engage to conform during the voyage to such Regulations as may be established for the good government and welfare of all on board the ship in which I may receive a passage; and I further pledge myself not to leave the ship until she reaches her destination.

Signed by the Emigrant _____

Witness to { _____
Signature. { _____

CERTIFICATE OF A PHYSICIAN OR SURGEON.

I hereby certify that I have examined the above-named persons, and that they are entirely free from every disease usually considered infectious or contagious; I further certify that none of them are either lunatic, idiot, deaf, dumb, blind, or otherwise infirm.

Signature, _____

Residence, _____

CERTIFICATE OF THE MAGISTRATE OR CLERGYMAN OF THE PARISH IN GREAT BRITAIN OR IRELAND IN WHICH THE PROPOSED EMIGRANT RESIDES.

I certify, to the best of my belief, that the above-named parties desirous of emigrating to New South Wales are of good moral character.

Signature of the Magistrate, _____

Residence, _____

Do. Clergyman, _____

Do. _____

Do. Roman Catholic Priest, _____

Do. _____

SCHEDULE (B) REFERRED TO.

Used when persons are not nominated in the Colony, but by Agents in the United Kingdom.

NEW SOUTH WALES.

EMIGRATION REMITTANCE CERTIFICATE.

This Form, when filled up, is to be separated from the other page, and forwarded as a letter, prepaid, directed to S. Walcott, Esq., Park-street, Westminster.

The Name of the party whose passage is arranged for, and, if he be a married male, the names of his wife and all his children* under 12 years of age are to be inserted here.	Age of each person at last birthday.	Day and year when each person was born. N.B.—The extract of the Register of Birth, or the Certificate of Baptism for each person, must be sent with this form.	Trade or Calling.
Place of Residence.	Post Town.	County.	

(* Separate Forms will be required for each child of the age of 12 years and upwards.)

I do hereby declare that all the above statements are true; and I engage to conform during the voyage to such regulations as may be established for the good government and welfare of all on board the ship in which I may receive a passage; and I further pledge myself not to leave the ship until she reaches her destination.

Signed by the Emigrant.

CERTIFICATE OF A PHYSICIAN OR SURGEON.

I hereby certify that I have examined the abovenamed persons, and that they are entirely free from every disease usually considered infectious or contagious; I further certify that none of them are either lunatic, idiotic, deaf, dumb, blind, or otherwise infirm.

Signature

Residence

CERTIFICATE OF THE MAGISTRATE OR CLERGYMAN OF THE PARISH IN GREAT BRITAIN OR IRELAND IN WHICH THE PROPOSED EMIGRANT RESIDES.

I certify, to the best of my belief, that the abovenamed parties, desirous of Emigrating to New South Wales, are of good moral character.

Signature of the Magistrate

Residence

Do.

Clergyman

Do.

Do.

Roman Catholic Priest

Do.

L.

Colonial Secretary's Office,
Sydney, 10th August, 1857.

IMMIGRATION REGULATIONS.

WITH a view to facilitate and encourage the introduction of Immigrants by Settlers and others, for employment in their own hired service, their selection by means of private Agency, and their passage in private ships, as well as in those chartered by the Government, and also with the intention of holding out inducements to persons resident in the Colony to send for their relatives or friends, His Excellency the Governor General, with the advice of the Executive Council, has been pleased to direct the publication of the following Regulations.

2. Any person resident in the Colony, who may be desirous of introducing from the United Kingdom Immigrants of any of the classes hereinafter enumerated, will be permitted to do so on the following terms and conditions:—

(1st.) By making the following Deposits, viz. :—For each Immigrant between 1 and 12 years of age, £2; between 12 and 40 years of age, £4; between 40 and 50 years of age, £8. But single women above 35, and single men above 40 years of age, and persons whose husbands or wives are resident in the Colony, will not be deemed eligible under these Regulations, unless upon payment of a deposit of £12 for each. Such deposits must be made, if in Sydney, at the Government Immigration Office, on any lawful day, between the hours of 10 a.m. and half-past 2 p.m., and if in the Country Districts, with the Clerks of Petty Sessions during the usual office hours; and at the time of making the deposit, the depositor must declare whether he intends to bring out the Immigrants in a ship chartered by the Government or in a private ship, and will afford all such other information respecting the Immigrants he proposes to introduce, as may be necessary to enable the Immigration Agent or Clerk of Petty Sessions to comply with his application, and the requirements of these Regulations. (2nd.)

- (2nd.) The persons eligible under these Regulations are mechanics of every description, domestic servants, and all persons of the laboring class. They must be of sound mental and bodily health, and of good moral character. But no advantage will be allowed in respect of any person brought out as a cabin or intermediate passenger.
- (3rd.) The Immigrants, on arrival in the Colony, will be subjected to the examination of the Immigration Board, who will require proof of their eligibility under these Regulations.
- (4th.) The Board will also require proof that the Immigrants, if brought out in private ships, have been properly found during the voyage with an outfit of suitable clothing, bedding, mess utensils, provisions, water, medical comforts, medical attendance, and suitable accommodation. As a general rule, the outfit of clothing and dietary scale required under the annexed extract from the Regulations of the Land and Emigration Commissioners, will be adopted as the criterion in judging of the fulfilment of the requirements under these heads.
- (5th.) In the case of single females, they must (unless accompanying their parents) be between the ages of 15 and 35; and proof will be required that they have been placed during the voyage under proper and *effectual* protection.
- (6th.) The separation of husbands and wives, and of parents from children under 15 years of age, will in no case be allowed.
- (7th.) Passages will not be granted under these Regulations to children under 15 years of age, unless forming part of a family, or unless their parents be resident in the Colony.
- (8th.) Families in which there are more than two children under 7, or three under 10 years of age, will be deemed ineligible, as well as all persons who have not been vaccinated or had the small-pox.
- (9th.) Emigrants, however, having relations in the Colony, will not be excluded from the benefit of these Regulations, notwithstanding that the number of children in the family exceed that specified above, provided they be not otherwise ineligible; but in every such case an additional payment will be required of £4 for each child in excess of the regulated number.
- (10th.) Depositors must undertake to provide for the Immigrants they introduce after the expiration of ten days from the time of their arrival, or pay to the Government for their subsistence at the rate of 1s. per day for each adult, or half that amount for each child under the age of 12 years, so long as they may be maintained at the public expense after the expiration of that period.
- (11th.) In any case in which the amount deposited shall exceed that required for the number of Immigrants actually introduced by the depositor, the excess will be returned to him at the expiration of the period fixed for their introduction, on the return to the Immigration Agent of the Passage Certificate, or Bounty Ticket, as the case may be. But if the deposit has been made with a view to obtain a passage in a vessel chartered by the Government, it will not be refunded unless instructions to that effect are received in the Colony from the Land and Emigration Commissioners, and on proof that the Passage Certificate has not been used.
- (12th.) The arrival of all persons emigrating in pursuance of these Regulations will be duly notified in the newspapers, for the information of their relatives, friends, or employers.
3. The Clerks of Petty Sessions on receipt of any deposit under these Regulations, will immediately remit the amount to the Immigration Agent at Sydney, with a statement of the number and description of Immigrants whom the depositor wishes to introduce. The Immigration Agent will thereupon prepare and forward to the Clerk of Petty Sessions, for delivery to the depositor, a Passage Certificate, if it be intended to bring out the Immigrants in a ship chartered by the Government, or a Bounty Ticket if they are to be introduced in a private ship. Similar Certificates or Bounty Tickets will be issued to depositors in Sydney on payment of their deposits to the Agent for Immigration.
4. The Passage Certificate must be forwarded by the depositor to his friends or agents in the United Kingdom, and it must in every case be produced within *twelve months* from the date of it to the Land and Emigration Commissioners in London, who will accordingly provide passages to the Colony for the Immigrants proposed to be introduced.
5. The Bounty Tickets for the introduction of Emigrants in private ships will not be available beyond the period of eighteen months from the date of their issue.
6. If, on arrival of the Immigrants introduced in private ships, in pursuance of any Bounty Tickets issued under these Regulations, the Immigration Board shall be satisfied that the several conditions hereby imposed have been faithfully observed, they will grant to the person authorized to introduce the Immigrants, or to his Assign, being the commander, owner, or agent of the ship by which such Immigrants shall have arrived, a certificate to that effect, endorsed on the Bounty Ticket, and on presentation thereof at the Colonial Treasury, the authorized holder will be entitled to receive the sum of twelve pounds for every Immigrant between the ages of 12 and 50, and half that sum for every Immigrant between 1 and 12 years of age.
7. Forms of application, as well as all other information for the guidance of depositors, can be obtained from the several Clerks of Petty Sessions in the Country Districts, or in Sydney at the Office of the Agent for Immigration.
8. These Regulations will take effect from the 1st October next, and the Government Notices of the 18th and 19th September, 1856, will be cancelled from that date, excepting with reference to applications already made under the same.

By His Excellency's Command,

H. WATSON PARKER.

EXTRACT FROM THE REGULATIONS OF THE LAND AND EMIGRATION COMMISSIONERS REFERRED TO.

OUTFIT OF CLOTHING.

For Males.

For Females.

- Six shirts.
- Six pairs of stockings.
- Two warm flannel or Guernsey shirts.
- Two pairs new shoes.
- Two complete suits of strong exterior clothing.

- Six shifts.
- Two warm and strong flannel petticoats.
- Six pairs stockings.
- Two pairs strong shoes.
- Two strong gowns, one of which must be warm.

But for each child nine shirts or shifts, four warm flannel waistcoats, and one warm cloak or outside coat, six pairs of stockings, two pairs of strong shoes, and two complete suits of exterior clothing, are required. There must be also, at least, three sheets for each berth, and four towels, and two pounds of marine soap, for each person. The necessary brushes and combs and clothes-brushes, for cleanliness, must be provided by the Emigrants. Emigrants must not have less than the above outfit; but the larger the stock of clothing the better for health and comfort during the voyage, which usually lasts about four months; and as the Emigrants have always to pass through very hot and very cold weather, they should be prepared for both. Two or three colored serge shirts for men, and an extra supply of flannel for women and children, are strongly recommended.

6. Rations, according to the following Scale, are to be issued during the voyage, and until disembarkation, to each male and female passenger of twelve years of age and upwards;—to children of one year and under twelve years of age, one half of such Rations.

DIETARY SCALE.

	ANIMAL FOOD.					BREAD STUFFS.					PRESERVED VEGETABLES.			GROCERIES.					
	Beef.	Pork.	Preserved Meat.	Suet.	Butter.	Biscuit.	Flour.	Oatmeal.	Peas.	Rice.	Potatoes.	Carrots, Turnips, Onions, Celery, and Mint.	Cabbage.	Raisins.	Tea.	Coffee—weight when roasted.	Sugar.	Treacle.	WATER.
	oz.	oz.	oz.	oz.	oz.	oz.	oz.	oz.	pint.	oz.	oz.	portion	portion	oz.	oz.	oz.	oz.	oz.	qts.
SUNDAY	6	8	8	12	15	6	8	8	1/4	4	4	1	1	3	1/4	1/2	4	2	2
MONDAY	6	8	8	12	15	6	8	8	1/4	4	4	1	1	3	1/4	1/2	4	2	2
TUESDAY	6	8	8	12	15	6	8	8	1/4	4	4	1	1	3	1/4	1/2	4	2	2
WEDNESDAY	6	8	8	12	15	6	8	8	1/4	4	4	1	1	3	1/4	1/2	4	2	2
THURSDAY	6	8	8	12	15	6	8	8	1/4	4	4	1	1	3	1/4	1/2	4	2	2
FRIDAY	6	8	8	12	15	6	8	8	1/4	4	4	1	1	3	1/4	1/2	4	2	2
SATURDAY	6	8	8	12	15	6	8	8	1/4	4	4	1	1	3	1/4	1/2	4	2	2
WEEKLY TOTALS	20	16	16	8	4	42	56	16	1/4	8	8	1	2	6	1	2	12	8	21

- Mixed Pickles One gill
 - Mustard Half an ounce
 - Lime Juice 6 ounces
- } Weekly
- Salt Two ounces
 - Pepper Half an ounce

Children between one and four years of age are to receive preserved meat instead of salt meat every day, also a quarter of a pint of preserved milk, and every alternate day one egg, or two teaspoonfuls of condensed egg. Children under one year old are to be allowed 3 pints of water daily; and if above four months old, a quarter of a pint of milk daily; also 3 ozs. of preserved soup, and one egg, or two teaspoonfuls of condensed egg, every alternate day, and 12 oz. of biscuit, 4 oz. of oatmeal, 8 oz. of flour, 4 oz. of rice, and 10 oz. of sugar weekly. To infants under four months old, the Surgeon may issue such nutriment as he may, in any case, think necessary. The Surgeon may draw an additional quart of water daily for the use of each person sick in the Hospital.

While in any port of the United Kingdom, or in any port into which the vessel may put before completing the voyage, and, if practicable, for one or two days after sailing, two-thirds of a pound of fresh meat, one pound and a half of soft bread, and one pound of potatoes, per statute adult, are to be issued daily, with a suitable supply of vegetables, in lieu of all the other Rations, except tea, coffee, sugar, and butter.

M.

Colonial Secretary's Office,
Sydney, 16th September, 1857.

IMMIGRATION REMITTANCES.

WITH reference to the Notice published in the *Government Gazette* of the 10th August last, headed "Immigration Regulations," in which it is provided that "persons, whose husbands or wives are resident in the Colony, will not be deemed eligible" for passages under the Regulations unless upon payment on their account of a deposit of twelve pounds each, His Excellency the Governor General, with the advice of the Executive Council, has been pleased to direct that so much of the aforesaid Regulations be repealed, and that from and after the 1st October next, passages may be secured for the persons herein alluded to (if not otherwise ineligible) on the same terms and conditions as are provided in the Regulations for other persons.

CHARLES COWPER.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

IMMIGRATION.

(ERRATA IN REPORT FOR 1856-7.)

Ordered by the Legislative Assembly to be Printed, 22 March, 1859.

REPORT OF AGENT FOR IMMIGRATION. 1856-57.

ERRATA.

Page 3. For paragraphs 14 and 15, read:—

“ 14. The next three Returns, marked C, D, and E, exhibit the ages, amount of ^{Appendices C. D. and E.} education, and religious persuasions of the Immigrants; and on reference to those Returns “ the following results will be found to be shewn by them:—Of 7,210 Immigrants who ^{Ages, Education, and Religion of Immigrants.} arrived in 1856, 3,669 were males and 3,541 were females; of the adults, 3,570 could “ read and write, 1,001 could read only, and 1,084 could neither read nor write; of those “ under 12 years of age, 200 could read and write, 259 could read only, and 1,096 could “ neither read nor write; and of 10,205 Immigrants who arrived during the year 1857, “ 5,543 were males and 4,662 were females; of the adults, 5,317 could read and write, “ 1,445 could read only, and 1,240 could neither read nor write; of those under 12 years “ of age, 251 could read and write, 439 could read only, and 1,513 could neither read “ nor write.

“ 15. Their religious persuasions were as follows:—

	“ 1856.		1857.	
	Males.	Females.	Males.	Females.
“ Church of England	1,997	1,846	3,549	2,810
“ Church of Scotland	358	287	352	339
“ Wesleyan Methodists	108	93	223	192
“ Other Protestants	129	115	479	413
“ Roman Catholics	1,074	1,200	938	908
“ Jews	3	.....	1	.....
“ Other Persuasions .....	.....	.....	1	.....
“ Total	3,669	+ 3,541 = 7,210	5,543	+ 4,662 = 10,205

IMMIGRATION.

Page 11. For Tables C. D., substitute:—

C.

RETURN, shewing the Ages of the Assisted Immigrants from the United Kingdom who arrived during the years 1856 and 1857.

COUNTRIES.	YEAR.	CLASSIFICATION OF AGES.														GRAND TOTAL		TOTAL FOR BOTH YEARS.		
		UNDER 1 YEAR.		1 AND UNDER 4 YEARS.		4 AND UNDER 7 YEARS.		7 AND UNDER 12 YEARS.		12 AND UNDER 21 YEARS.		21 AND UNDER 45 YEARS.		45 AND UNDER 50 YEARS.		TOTAL.			1856.	1857.
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.			
ENGLAND	1856	68	56	157	152	116	105	167	168	406	367	921	775	76	70	1,911	1,693	3,604	7,140	
	1857	134	122	273	286	197	179	290	279	991	702	2,002	1,512	94	79	3,981	3,159			
SCOTLAND	1856	6	6	18	15	18	15	26	30	73	53	185	135	11	13	336	265	601	969	
	1857	25	16	28	24	19	12	35	41	110	114	269	247	16	13	502	467			
IRELAND	1856	31	48	60	66	36	36	75	74	384	493	788	799	35	51	1,409	1,567	2,976	2,067	
	1857	26	16	30	27	15	23	50	46	280	331	632	537	23	41	1,046	1,021			
FOREIGN	1856	5	...	1	...	1	...	1	...	...	6	4	9	2	13	16	29	29	29
	1857	1	...	4	...	2	...	1	...	3	6	5	5	...	14	15				
TOTAL		295	264	571	572	402	369	644	640	2,216	2,072	4,796	4,019	257	267	9,212	8,203	7,210	10,205	17,415

D.

RETURN, shewing the Number of Assisted Immigrants from the United Kingdom, who arrived during the years 1856 and 1857, who can Read and Write.

COUNTRIES.	YEAR.	CLASSIFICATION OF EDUCATION.															GRAND TOTAL		TOTAL FOR BOTH YEARS.			
		UNDER 4 YEARS.			4 AND UNDER 7 YEARS.			7 AND UNDER 12 YEARS.			12 AND UNDER 21 YEARS.			21 YEARS AND UPWARDS.			TOTAL.			1856.	1857.	
		Cannot Read.	Read Only.	Read & Write.	Cannot Read.	Read Only.	Read & Write.	Cannot Read.	Read Only.	Read & Write.	Cannot Read.	Read Only.	Read & Write.	Cannot Read.	Read Only.	Read & Write.	Cannot Read.	Read Only.				Read & Write.
ENGLAND	1856	420	3	...	179	33	9	73	136	126	70	100	603	284	264	1,294	1,036	536	2,032	3,604	7,140	
	1857	808	5	2	282	78	16	117	239	193	163	300	1,230	495	667	2,525	1,865	1,309	3,966			
SCOTLAND	1856	45	...	...	30	1	...	5	27	24	3	8	114	18	35	297	101	71	429	611	969
	1857	92	1	...	17	11	3	15	40	21	5	25	194	11	66	474	140	137	692			
IRELAND	1856	205	...	...	66	6	...	56	53	40	230	212	429	472	382	819	1,035	653	1,288	2,976	2,067
	1857	97	2	...	31	6	1	46	36	14	171	135	305	393	251	579	738	430	899			
FOREIGN	1856	6	...	...	1	...	...	...	1	...	1	...	6	1	...	14	8	...	21	29	29
	1857	7	...	...	1	...	...	...	1	...	1	...	6	1	...	4	10	...	11		
TOTAL		1,690	11	2	607	135	29	312	552	420	649	782	2,867	1,675	1,664	76,000	4,933	3,144	9,348	7,210	10,205	17,415

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

IMMIGRATION.

(REPORT FROM AGENT FOR 1858.)

Ordered by the Legislative Assembly to be Printed, 5 April, 1859.

THE AGENT FOR IMMIGRATION to THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
submitting Report on Immigration for the year 1858.

*Government Immigration Office,
Sydney, 31 March, 1859.*

SIR,

I have the honor to submit, for the information of the Government of New South Wales, a Report on the Immigration to this Colony for the year 1858, together with the usual Statistical Returns in the Appendix, comprising the information on which the Report is based.

2. The subjoined Table will shew, in a comprehensive form, the number of Assisted Immigrants who have arrived, and the several Ports at which they have been landed.

PORT OF ARRIVAL.	NUMBER OF SHIPS.	PASSENGERS.		TOTAL SOULS.
		Male.	Female.	
Sydney	17	2,913	2,976	5,889
Moreton Bay	3	588	439	1,027
TOTAL.....	20	3,501	3,415	6,916

3. The highest contract price per statute adult was £16 3s., and the lowest £12 18s. 11d. The average on the 20 ships being £14 15s.

Appendix A.

4. On reference to Table A in the Appendix will be seen the names and tonnage of the vessels which were chartered by the Commissioners, the time of their departure from the several Ports in the United Kingdom and date of arrival in the Colony, the number of days occupied in making the voyage, the number of births and deaths which occurred during the voyage and in Quarantine, the expenses incidental to the detention of vessels in Quarantine, and the total cost of the introduction of the immigrants, including the gratuities paid to Surgeons Superintendent, Masters, Officers, and Immigrant petty officers of the ships after arrival.

Number of
immigrants
embarked and
arrived.
Births.
Deaths.

5. The number of immigrants originally embarked was 7,009. The births on the voyage were 58; the deaths on the voyage as well as in Quarantine were 93, equivalent to $1\frac{1}{4}$ per cent.; and the number landed alive were 6,916 souls, being the smallest immigration to the Colony under the auspices of the Government for the last five years.

6. Of the deaths, 28 were adults, 35 were between the ages of 1 and 12, and 30 were infants.

Tonnage of ves-
sels employed.

7. The average tonnage of the vessels employed was 976 tons old measurement, and 962 $\frac{1}{2}$ new.

Gross cost of in-
troduction of
immigrants.

8. The total cost of the introduction of the 6,916 immigrants was £96,402 0s. 6d., at an average cost for each statute adult of £15 14s. 3d.

Appendix B.
Native Counties
of immigrants.

9. Table B shews the divisions of the several portions of the United Kingdom in which the immigrants were born to be as follows:—

ENGLAND AND WALES.	
Northern Counties	291
Southern „	1,497
Midland „	667
Eastern „	1,144
Wales	99
	3,698
SCOTLAND.	
Northern Counties	257
Southern „	347
	604
IRELAND.	
Ulster	546
Leinster	437
Connaught	205
Munster	1,389
	2,577
Other Countries	37
	Total..... 6,916

10. The selection of emigrants in the proportions in which they ought to be obtained from the several divisions of the United Kingdom, in accordance with the original intention of the Secretary of State for the Colonies, must now, to some extent, be affected by the increasing demand for passages under the Remittance Regulations in the Colony; but, notwithstanding this, the Commissioners appear during the past year to have maintained as satisfactory a balance as circumstances would enable them to preserve. According to the existing extent of the population of the United Kingdom, the result of the immigration to the Colony should have been as follows:—England, 4,519; Scotland, 724; Ireland, 1,686. But, looking to the mixed population of the Colony as now existing, I consider that the numbers as shewn to have arrived, although differing in some respects with the correct proportions of the divisions of the United Kingdom, are very satisfactory.

Appendices C, D,
and E. Ages,
Education, and
Religion of
immigrants.

11. The Tables following, marked C, D, and E, shew the ages, extent of educational attainments, and religious persuasions of the immigrants, with the following results:—Of 6,916 persons who arrived during the past year, (of whom 3,501 were males and 3,415 were females,) 3,776 could read and write, 1,170 could read only, 1,970 could not read at all.

12. Their religious persuasions were :—

	Males.	Females.
Church of England	1,619	1,736
Church of Scotland	299	271
Wesleyan Methodists	152	137
Other Protestants	117	177
Roman Catholics	1,303	1,084
Jews	10	9
Greek Church	0	1
Other Persuasions	1	0
TOTAL	3,501	3,415

13. Table F shews the trades and callings of the adult males and unmarried adult females, which are as follows :—

	Males.	Females.
Agricultural Laborers	1,655	...
Shepherds	29	...
Other laborers employed in pastoral or agricultural pursuits	604	...
Domestic servants	25	1,543
Mechanics engaged in erecting buildings, &c., &c.	104	...
Tradespeople engaged in the sale or preparation of articles of food	32	...
Tradespeople engaged in the preparation of articles of clothing	46	50
Other tradespeople	198	15
TOTAL	2,693	1,608

Appendix F.
Trades or Callings of immigrants.

14. No other immigrants have been introduced into the Colony during the past year at the public expense, but a considerable immigration of Chinese has taken place, and three vessels have arrived in Sydney with German laborers, all of whom paid their own passages.

15. The Unassisted Immigration (exclusive of Chinese), therefore, as will be seen on reference to Table G, amounted to 12,603 males and 5,220 females.

Appendix G.
Unassisted Immigration.

16. As the subject of Foreign Immigration is specially alluded to in another part of this Report, it is only necessary for me here to remark upon the description of the immigrants introduced at the public expense; of whom (taking them on the whole), both in respect to males and females, I consider the Colony has no cause to complain, but, on the contrary, that the nominations in the Colony, and the selections made by the Commissioners at Home, have been instrumental in bringing to our shores a useful and industrious addition to our population.

Description of immigrants.

17. Immigration has now been conducted either with the assistance, or under the auspices, of the Government, with only two or three slight interruptions, for a period of 21 years, commencing in the year 1838. Since which period no less than 178,830 souls have been introduced into the Colony, at a cost to the public revenue of £1,850,229 13s. 9½d.

Appendix M.
Assisted and Unassisted Immigration.

18. During the same period 37,748 males and 19,517 females have also arrived who received no assistance from the Government.

19. The total immigration, therefore, both of Assisted and Unassisted Immigrants, has during the 21 years amounted to 178,830 souls.

SURGEONS SUPERINTENDENT.

20. Whilst bearing testimony to the excellent arrangements as now so satisfactorily matured by the Emigration Commissioners for procuring the most efficient and trustworthy officers as Surgeons Superintendent in their vessels, it is a matter of deep regret that I am called upon to record the misconduct of no less than four of the Surgeons who had been appointed during the past year to the charge of emigrants on board of the following ships, viz. :—“ Stebonheath,” “ Joshua,” “ Alfred,” and “ Mary Pleasants.”

Conduct of Surgeons Superintendent arrived during the year 1858.

21. The case of the "Stebonheath" having been so fully inquired into by the Immigration Board, and the proceedings laid before Parliament, it is unnecessary for me to make further allusion to the subject, but merely to report that the late Surgeon Superintendent of that vessel, Dr. Rowland, was deprived of his gratuity, and declared undeserving of re-employment in the service.

22. Dr. Arpthorpe, the Surgeon Superintendent of the "Joshua," was found to be addicted to habits of intemperance, received only a small portion of his gratuity, and was also deemed ineligible for re-employment in a similar capacity.

23. Drs. Brownfield of the "Alfred," and Philip Beal, of the "Mary Pleasants," both died during the voyage from *delirium tremens*, which appeared to have been brought on by habits of intemperance.

24. Fortunately it is not frequently my duty to be obliged to record so many instances of the unhappy results of misconduct on the part of the medical men entrusted with the charge of emigrant ships; I have usually been able to bear the highest testimony to the laudable exertions of those gentlemen, of whom many are ornaments to their profession, and persons whom, by the efficient discharge of their duties, have fully earned the confidence of the Government.

25. The results of the misconduct illustrated in respect to the surgeons of the "Joshua," "Alfred," and "Mary Pleasants," at once shew the necessity that exists for affording sufficient remuneration in order to secure the services of respectable and trustworthy men, and I am glad therefore to be able to report that the Commissioners have recommended, and the Government have acceded to, a proposal to continue to increase the gratuities to which surgeons may become entitled to 20s. a head, according to the following scale, thereby extending the limit, which has hitherto been restricted to 16s. :—

1st and 2nd voyages	10s.
3rd and 4th "	12s.
5th and 6th "	14s.
7th and 8th "	16s.
9th and 10th "	18s.
11th and subsequent voyages	20s.

CURRENT WAGES AND PROSPECTS OF IMMIGRANTS.

Appendix I.
Average rates of
wages.

26. The Return marked I gives the rates of wages current in the Country Districts, as well as in Sydney, during the period from 1st January, 1848, to 31st December, 1858. The average wages from this Return will be found to be as follows :—

MALE.

Smiths.....	10s. 6d. per diem.
Carpenters	10s. "
Wheelwrights.....	10s. "
Bricklayers.....	10s. 6d. "
Masons.....	10s. 6d. "
Farm Laborers.....	£40 per annum.
Shepherds	£30 "

FEMALE.

Cooks	£26 per annum.
Housemaids.....	£23 "
Laundresses.....	£26 "
Nursemaids.....	£19 "
Farm Servants	£25 "
General House Servants.....	£25 "

27. In the wages current during the past year there has at times been a greater variation than is usual from the ordinary operations of the Colony. This is to be attributed to the extraordinary excitement consequent on the discovery of the Fitz Roy Gold Fields, which for a time paralyzed the efforts of employers either to obtain such labor as they required, or to retain that with which they were at the time supplied.

28. The reaction which took place, and the great ingress of persons who were suddenly thrown upon our shores in an unprotected state, owing to the sudden failure of this much exaggerated gold field, at once affected the labor market, and for a time it was difficult to foresee what would be the result of that wide spread disappointment, for it must not be forgotten that many mechanics and small farmers, in the excitement to seek what appeared to them to be an almost certain independence, readily disposed of their farms and holdings, and thus on their return to Sydney had no alternative but to seek employment as laborers.

29. With a view to alleviate the immediate necessities of those so suddenly thrown back upon our shores, and to afford them opportunities of obtaining employment, a Committee was formed of some of the leading mercantile men of Sydney, and subscriptions raised, the amount of which was most liberally supplemented by the Government, and thus many hundreds of the unemployed were assisted in proceeding to the several Gold Fields, there to develop the extensive mineral resources of the Colony, which have hitherto been so imperfectly brought to light.

30. These proceedings had the desired effect, and the labor market soon recovered its ordinarily healthy condition, and has since continued to afford ample and ready employment to the newly arrived immigrant.

31. The present and almost continued demand in this Colony is for farm laborers, shepherds, and mechanics employed in the erection of buildings, and there is also an increasing demand for female domestic servants of every description.

32. The readiness with which persons of this class settle in the Colony, and soon become themselves employers of labor, tends to a constant and large withdrawal of domestic servants from the labor market, and as a great scarcity now exists, it behoves the Government to make some additional provision for a larger introduction of single females than can with the funds now provided (the greater portion of which will be absorbed by the introduction of persons under the Remittance Regulations,) be accomplished.

33. The selection of female domestic servants has, during the last year, been very fairly performed; and as it would appear from a report made by Dr. Duncan, the Agent for Immigration at South Australia, that he finds no difficulty in procuring an ample supply of that class of labor from the Mother Country, it is to be hoped that the Commissioners will be able to provide for any increased demand from the Colony should the Government decide on calling upon them to do so.

34. Notwithstanding that the wages of both laborers and mechanics have ruled lower during the last two years as compared with those paid during the first few years of the gold discovery, it will be seen that there is here an ample and remunerative field of employment still open, affording every encouragement to the industrious and thrifty, more particularly as the reduction in wages has been productive of a like diminution in the cost of house rent.

35. To illustrate the position of the working classes in the Colony, it is only necessary to refer to the balance sheet of the Savings Bank for the past year, as published by order of the Government. This document shews that there is now deposited in that Bank to the credit of 11,205 depositors a sum of £547,402 4s. 4d., being equal to £48 16s. 10d. per head, or, as shewn in the accompanying Table, the depositors of £20 and under amount to 4,564; £20 to £50, 2,309; £50 to £100, 1,884; £100 to £200, 2,169; £200 to £300, 194; and above £300, 85; and as this Bank is secured by a Government guarantee of £50,000, and is carefully restricted in the investment of its funds through trustees appointed by the Government, ample security is afforded to the industrious laborer or mechanic to invest his small savings in an institution, where also for the last two years the deposits have been supplemented at the end of each year by an addition of interest at the rate of 5 per cent.

Appendix J.
Savings Bank
Deposits.

36. The Colony likewise affords to immigrants advantages not only for the speedy settlement of the female branches of their families, but, at the same time, holds out ready means for the education of their younger children, who are thus sooner fitted to assist in earning their own livelihood, towards which, from the dearth of labor, they are at an early age required to contribute; and the Savings Bank (branches of which are established in all the principal inland towns) offers inducements to them to lay by from time to time their savings, and thereby

acquire a competency, which may ultimately enable them to live in comparative comfort during the remainder of their lives.

REMITTANCE REGULATIONS.

Appendix K.
Amount deposited under
Remittance
Regulations.

37. The Table marked K in the Appendix shews the amount which has been contributed by depositors in the Colony, under the Immigration Remittance Regulations, to secure passages for their friends or relations, and it exhibits a marked increase in the amount of the deposits as compared with previous years.

38. The amount deposited for passages is £19,283, being £4,716 in excess of that deposited in the previous year, and will provide passages to the Colony for 4,723 souls.

39. The whole of this money has been paid to provide passages in the Commissioners' ships, with the exception of £56 deposited for bounty tickets.

40. The progress made in the gradual adoption of these Regulations by the working classes is most satisfactory; and had not a slight check been experienced in the course of the year, from the excitement and consequent exodus to the Fitzroy Gold Fields, I anticipated that a much larger amount would have been deposited.

41. A sum of £3,800 was deposited under these Regulations by the Committee of the Donegal Relief Fund, and a passage certificate was authorized by the Government to be issued to their agent, to enable him to procure passages to the Colony for such persons as he might nominate and were eligible under the Regulations.

42. The result of this experiment has not as yet been tested; but I assume that vessels will shortly be despatched with a part of the laborers selected under the auspices of this Society.

43. The number of persons who arrived under the Regulations during the past year is 3,677; and I am glad to be able to bear testimony to the respectability and probable usefulness of a large majority of them.

44. In my Report on the immigration of the two previous years I expressed an opinion that it would be advisable to extend the benefits of these Regulations to persons of an equally eligible class who might seek for passages in the Mother Country. I have seen nothing that will induce me to alter my views on this subject, which indeed are somewhat strengthened by the fact that persons have, in several instances, remitted money from England to their friends here to enable them to deposit it in the Colony, and thus obtain passages; and on many occasions the money has been repaid to depositors here, in consequence of their friends at Home having been enabled to emigrate in the ordinary way, without availing themselves of such contributions.

45. To work such a system as this, with a due regard to the interests of the Colony, it would necessitate the appointment of an agent in the United Kingdom, similar to the one appointed by the neighbouring Province of South Australia, whose successful selections of a most suitable class of emigrants, particularly single females, is prominently alluded to by Dr. Duncan, the Immigration Agent there, in his Report for the last quarter of 1858.

Appendix L.
Return of
ordinary and
Remittance
Immigrants
since 1842.

46. The Table marked L, which is a continuance of a Return called for by Parliament during the late Session, gives a comprehensive illustration of the several countries from which nominations have been made under the Remittance Regulations, and fully bears out the remarks which I made upon this branch of immigration in my Report for 1856 and 1857.

IMMIGRANT DEPÔTS.

Immigrant
Depôts.

47. The difficulty of obtaining suitable servants in the country districts has occupied the attention of some of our leading colonists, and the economical course somewhat injudiciously adopted in the year 1856 for the abolition of these useful establishments is now about to be reconsidered.

Appendix M.

48. None of the depôts have as yet been re-opened, but a correspondence, of which copies will be found in the Appendix, was opened, at the instance of the Government, with the Police Magistrates of Bathurst, Goulburn, and Maitland, and a sum of £500 has been placed

placed on the estimates for this year to enable me to forward into the interior such persons as may be suitable to the particular requirements of the several districts, so far as the prudent expenditure of the funds so placed at my disposal will admit.

49. This is certainly a step in the right direction, and the re-opening of depôts in these localities will, while affording facilities for the introduction of labor, much assist the operation of the Remittance Regulations, and offer protection to the nominees of depositors resident in the interior, who are now in many instances subject to pecuniary losses in having to leave their occupations for the purpose of escorting their friends home from Sydney.

GERMAN IMMIGRANTS.

50. Amongst the Unassisted Immigrants who arrived during the past year, have been 739 Germans, brought in three vessels. These persons came here at their own expense, or under engagement with the charterers of the vessels in which they arrived to take employment in the Colony, and to repay, out of their accruing wages, the amount of their passage money. They consisted of laborers, mechanics, and other tradesmen, and I have no doubt many of them will become useful additions to the labor market of the Colony. German Immigration. Appendix N.

51. A great defect exists in the arrangements for the passage of emigrants on long voyages on board ships sailing from German ports, and the circumstances as brought under notice in respect to one of these vessels, the "Wilhelm Kirchner," shew a reckless disregard on the part of the authorities in Germany of the health and comfort of the emigrants, or a negligence in upholding some system of morality less prominently depraved than that tolerated on board this vessel.

52. To correct the abuse of overcrowding in ships bringing passengers to the United States of America, Congress, in the year 1855, passed a law applicable to all vessels, of whatever nation, employed in bringing passengers to any ports of the Union, and the result has, I am given to understand, been most beneficial.

53. To pass such a law in this Colony would be obviously futile, as it could not provide for the punishment of offenders out of the immediate jurisdiction of their country; but considering the large and increasing trade which now takes place from foreign countries to our Colonies, and particularly to those in Australasia, it appears to me that it is worthy of consideration by the Land and Emigration Commissioners, who control the emigration of Great Britain, whether such an enactment as the one passed by Congress should not be introduced into Parliament.

CHINESE.

54. An almost new feature in the immigration to this Colony has been the arrival of a large body of Chinese. 10,691 of these persons arrived here during the last year, in 23 vessels, and at their own expense, with the view of occupying themselves in the pursuit of gold digging, an employment for which the Celestials are particularly adapted, in consequence of their moderate expectations as contrasted with those of our own countrymen, and their great patience and forbearance in the delicate manipulations incidental thereto. Chinese Immigration.

55. On reference to the Return marked O in the Appendix, it will be seen that the immigration of these persons was confined almost exclusively to the male sex; that of those who arrived the average age was about 27, and the mortality during the voyage about $\frac{1}{4}$ per cent. Appendix O.

56. The vessels conveying these persons to the Colony were despatched from Hong-Kong, in terms of the Act of Parliament, 18 & 19 Vict., cap. 104, and although many of them made unusually long passages, in some instances exceeding the time prescribed by the local Proclamation, no case of deficiency of provisions, want of medical attendance, or ill-usage on the part of the master or officers of the vessel, was brought under my notice.

57. I may, however, remark, that the Act of Parliament under which these vessels are fitted only limits the number of persons to be carried in each vessel to the superficial space that may be available on which to berth them, and, therefore, a ship fitted with an orlop deck has been, in some instances, made available for carrying passengers far in excess of the limit as to tonnage prescribed by the Passenger Act, and thus no available space was left for exercise or recreation.

58. Although differing from the opinions expressed by many persons in the Colony, that it is advisable as well as beneficial to encourage the introduction of these persons, I must nevertheless bear testimony to the orderly and quiet demeanor of those who came particularly under my notice; and one good feature is observable, that within a few days after arrival they moved off in large detachments to the vicinity of the gold fields, so as at once to commence operations.

59. It is well also to observe that a systematic and well-organized scheme exists in the immigration of these persons—the vessels in which they were conveyed having in most instances been chartered and provisioned by their own countrymen of wealth and intelligence, and in some cases laden with freight suited to their requirements during their sojourn here, as well as with goods intended for disposal in the markets of this and the neighbouring Colonies.

PROBABLE AMOUNT OF FUNDS AVAILABLE FOR IMMIGRATION DURING 1859.

Funds available
for Immigration
during 1859.

60. From a communication received from the Colonial Land and Emigration Commissioners, it appears, that after providing for the cost of the ships "Daphne," "British Empire," and "Hornet," which have arrived since the commencement of this year, and of the "Wellington" and "Nimroud," which are daily expected, there would remain a balance in their hands, on the 31st December, 1858, of £29,000.

61. The Parliament of the Colony have voted the sum of £75,000 for emigration purposes during the present year, and should freights rule at the same reasonable rate, it is probable that the sum left at the disposal of the Commissioners, viz., £104,000, will be sufficient to provide passages for about 7,000 statute adults.

I have, &c.,

H. H. BROWNE,

Agent for Immigration.

THE HONORABLE

THE PRINCIPAL SECRETARY.

B.

ENGLAND.				WALES.	SCOTLAND.		IRELAND.				OTHER COUNTRIES.
NORTHERN COUNTIES.	SOUTHERN COUNTIES.	MIDLAND COUNTIES.	EASTERN COUNTIES.		NORTHERN COUNTIES.	SOUTHERN COUNTIES.	ULSTER.	LEINSTER.	CONNAUGHT.	MUNSTER.	
291	1,497	667	1,144	99	257	347	546	437	205	1,389	37

ENGLAND	..	..	..	..	..	..	..	..	..	3,599
WALES	..	..	..	..	..	..	..	..	..	99
SCOTLAND	..	..	..	..	..	..	..	..	..	604
IRELAND	..	..	..	..	..	..	..	..	..	2,577
OTHER COUNTRIES	..	..	..	..	..	..	..	..	..	37
TOTAL	..	..	..	..	..	..	..	..	..	6,916

Government Immigration Office,
Sydney, 31st March, 1859.

H. H. BROWNE,
Agent for Immigration.

C.

RETURN, shewing the Ages of the Assisted Immigrants from the United Kingdom who arrived during the year 1858.

COUNTRIES.	CLASSIFICATION OF AGES.																GRAND TOTAL.
	UNDER 1 YEAR.		1 AND UNDER 4 YEARS.		4 AND UNDER 7 YEARS.		7 AND UNDER 12 YEARS.		12 AND UNDER 21 YEARS.		21 AND UNDER 45 YEARS.		45 AND UNDER 50 YEARS.		TOTAL.		
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	
ENGLAND AND WALES....	59	60	138	148	110	120	116	149	391	476	864	908	74	85	1752	1946	3698
SCOTLAND	8	14	16	16	10	10	20	18	57	59	178	180	10	8	299	305	604
IRELAND	17	21	36	36	39	26	68	58	453	422	782	518	43	58	1438	1199	2577
OTHER COUNTRIES .....	..	..	3	..	..	3	1	3	5	6	3	13	..	..	12	25	37
TOTAL.....	84	95	193	200	159	159	205	228	906	963	1827	1619	127	151	3501	3415	6916

Government Immigration Office,
Sydney, 31st March, 1859.

H. H. BROWNE,
Agent for Immigration.

D.

RETURN, shewing the Number of Assisted Immigrants from the United Kingdom, who arrived during the year 1858, who can Read and Write.

COUNTRIES.	CLASSIFICATION OF EDUCATION.															GRAND TOTAL.			
	UNDER 4 YEARS.			4 AND UNDER 7 YEARS.			7 AND UNDER 12 YEARS.			12 AND UNDER 21 YEARS.			21 YEARS AND UPWARDS.				TOTAL.		
	Cannot Read.	Read only.	Read & Write.	Cannot Read.	Read Only.	Read & Write.	Cannot Read.	Read Only.	Read & Write.	Cannot Read.	Read Only.	Read & Write.	Cannot Read.	Read Only.	Read & Write.		Cannot Read.	Read Only.	Read & Write.
ENGLAND AND WALES ..	403	2	..	194	30	6	50	119	96	66	120	681	220	329	1382	933	600	2165	3698
SCOTLAND	54	..	..	16	4	..	6	19	13	3	10	103	10	32	334	89	65	450	604
IRELAND	110	..	..	60	3	2	63	37	26	251	197	427	451	265	685	935	502	1140	2577
OTHER COUNTRIES	3	..	..	3	..	..	2	1	1	2	..	9	3	2	11	13	3	21	37
TOTAL.....	570	2	..	273	37	8	121	176	136	322	327	1220	684	628	2412	1970	1170	3776	6916

Government Immigration Office,
Sydney, 31st March, 1859.

H. H. BROWNE,
Agent for Immigration.

E.

RETURN, shewing the Religious Persuasions of the Assisted Immigrants from the United Kingdom who arrived during the year 1858.

COUNTRIES.	CLASSIFICATION OF RELIGION.																GRAND TOTAL.		
	CHURCH OF ENGLAND.		CHURCH OF SCOTLAND.		WESLEYAN METHODISTS.		OTHER PROTESTANTS.		ROMAN CATHOLICS.		JEWS.		GREEK CHURCH.		OTHER PERSUASIONS.			TOTAL.	
	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		M.	F.
ENGLAND AND WALES ..	1426	1556	15	9	148	130	107	161	52	87	3	3	..	..	1	..	1752	1946	3698
SCOTLAND	25	32	247	232	1	3	8	12	16	23	2	3	..	..	..	..	299	305	604
IRELAND	164	136	37	29	2	4	..	..	1235	970	..	..	..	..	..	..	1438	1189	2577
OTHER COUNTRIES.....	4	12	..	1	1	..	2	4	..	4	5	3	..	1	..	..	12	25	37
TOTAL.....	1619	1736	299	271	152	137	117	177	1303	1034	10	9	..	1	1	..	3501	3415	6916

Government Immigration Office,
Sydney, 31st March, 1859.

H. H. BROWNE,
Agent for Immigration.

I.

RETURN, shewing the Average Rate of Wages for different Classes of Labor in the Colony of New South Wales, from the 1st January, 1848, to the 31st December, 1858, inclusive.

TRADE OR CALLING.	1848.		1849.		1850.		1851.		1852.		1853.		1854.		1855.		1856.		1857.		1858.		
	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	
MALES.																							
Carpenters	Town	5 3	39	4 9	36	4 6	36	6 5	42	9 0	.....	12 6	.....	15 0	.....	15 0	.....	12 6	.....	12 0	.....	10 0
	Country .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Smiths	Town	5 3	39	4 9	36	4 6	36	6 8	45	9 0	.....	12 9	.....	14 0	.....	15 0	.....	12 2	.....	12 0	.....	10 6
	Country .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wheelwrights	Town	5 3	36	4 9	36	4 6	36	6 4	46	9 0	.....	15 0	.....	15 0	.....	15 0	.....	12 2	.....	12 0	.....	10 0
	Country .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Bricklayers	Town	6 3	38	4 9	36	4 6	38	6 0	42	9 0	.....	15 6	.....	18 0	.....	17 0	.....	13 6	.....	13 0	.....	10 6
	Country .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Masons	Town	5 3	39	4 9	38	4 6	37	7 8	49	9 0	.....	16 0	.....	21 0	.....	17 0	.....	13 6	.....	14 0	.....	10 6
	Country .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Farm Laborers	21	17 to 18	16 to 19	18 to 22	25 to 30	20 to 31	25 to 40	30 to 40	30 to 40	30 to 40	40
Shepherds	21	17 to 18	16 to 19	18 to 23	25 to 30	25 to 30	25 to 35	30 to 35	30 to 34	30 to 35	30
FEMALES.																							
Cooks (plain)	21	16 to 18	15 to 19	16 to 25	18 to 25	19 to 29	25 to 30	25 to 30	24 to 27	25 to 30	26
Housemaids	17	13 to 14	11 to 15	11 to 18	14 to 18	15 to 19	18 to 25	18 to 25	19 to 22	16 to 18	23
Laundresses	18	14 to 16	13 to 16	14 to 18	18 to 22	18 to 22	25 to 30	25 to 30	23 to 26	20 to 25	26
Nursemaids	14	8 to 10	7 to 12	7 to 12	15 to 18	15 to 18	15 to 20	15 to 20	16 to 19	15 to 20	19
General House Servants	16	10 to 14	12 to 15	14 to 18	16 to 18	15 to 21	25 to 30	20 to 26	20 to 24	20 to 25	25
Farm House Servants	16	12 to 13	11	13	14	15	25	20 to 24	19 to 22	18 to 20	25
Dairy Women, &c.

Since the discovery of the Gold Fields, Mechanics, &c. are unwilling to enter into any engagements of a permanent character.

Government Immigration Office,
Sydney, 31st March, 1859.

H. H. BROWNE,
Agent for Immigration.

J.

ABSTRACT of the BALANCE SHEET of the NEW SOUTH WALES SAVINGS' BANK, on 31st December, 1858, certified by the Trustees, to the best of their belief, as correct, at their General Meeting, on 25th January, 1859, and approved by His Excellency the GOVERNOR GENERAL, as President of the Bank, agreeably with the terms of the Act of Council.

Dr.	£ s. d.	Cr.	£ s. d.
Sydney.....Amount at the credit of 8,446 Depositors	181,635 0 10	Lent on 149 Mortgages, with Interest to 31st December, 1858.....	179,219 0 8
".....Amount deposited by Government on account of 1,082 Prisoners of the Crown.....	6,563 8 5		
Windsor.....Amount at the credit of 437 Depositors	30,929 12 2		
Parramatta.....Amount at the credit of 313 Depositors	16,947 6 7		
East Maitland.....Amount at the credit of 264 Depositors	14,206 9 5	Lent the Government upon Railway Debentures, with Interest at 2s. 8 ¹ / ₂ d. per diem $\frac{1}{2}$ £1,000, to 31st December, 1858.....	166,057 0 0
Bathurst.....Amount at the credit of 141 Depositors	5,129 3 3		
Goulburn.....Amount at the credit of 123 Depositors	4,483 9 7	Ditto upon Consolidated Revenue Debentures, with Interest at 5 ¹ / ₂ cent., to 31st December, 1858.....	55,350 0 0
Singleton.....Amount at the credit of 45 Depositors	3,234 5 3		
Penrith.....Amount at the credit of 3 Depositors	137 0 10	Ditto upon Intermutable Debentures, with ditto.....	25,625 0 0
Wollongong.....Amount at the credit of 53 Depositors	1,864 15 4	Ditto upon City Debentures, with Interest at 4 ¹ / ₂ cent., to ditto.....	20,463 5 8
Sofala.....Amount at the credit of 30 Depositors	1,378 3 4		
West Maitland.....Amount at the credit of 106 Depositors	6,474 11 1		
Newcastle.....Amount at the credit of 23 Depositors	783 17 8		
Clarence Town.....Amount at the credit of 38 Depositors	435 9 8		
Carcoar.....Amount at the credit of 34 Depositors	324 3 11		
Cooma.....Amount at the credit of 2 Depositors	19 2 9		
Orange.....Amount at the credit of 3 Depositors	23 3 0		
Scone.....Amount at the credit of 3 Depositors	43 1 3		
Draft drawn by Windsor Accountant upon the Office, in Sydney, and included in his Return, but not paid on 31st December, 1858.....	25 0 0	Amount deposited in the Colonial Treasury.....	40,000 0 0
Ditto by Sofala Accountant ditto ditto.....	65 0 0		
	£ 574,402 4 4	Deposit at 5 ¹ / ₂ cent. Interest, with Commercial Bank.....	25,000 0 0
		Ditto at 4 ¹ / ₂ cent. Interest, with ditto.....	30,000 0 0
		Ditto (Floating Balance) with ditto.....	11,380 9 3
Amount at credit of "Reserved Fund".....	46,092 0 0		66,380 9 3
Amount at credit of "Profit and Loss Account" carried to next year, to meet future dividends.....	10,583 9 5	Ditto at 5 ¹ / ₂ cent. Interest, with English, Scottish, and Australian Chartered Bank.....	25,000 0 0
	£ 631,077 13 9	Ditto at 6 ¹ / ₂ cent. Interest, with ditto.....	50,000 0 0
		Permanent Investment of Land and Banking House.....	3,000 0 0
		Cash received from Scone Accountant after 31st December, 1858, but included in his Return.....	42 18 2
			£ 631,077 13 9

PROFIT AND LOSS ACCOUNT.

Dr.	£ s. d.	£ s. d.	Cr.	£ s. d.
To Interest paid Depositors on closed accounts during the year 1858, at 2 ¹ / ₂ cent. $\frac{1}{2}$ annum, in accordance with a Resolution of the Trustees.....	1,642 7 6		By Amount at credit of Profit and Loss Account, on 1st January, 1858.....	9,749 4 4
" Interest added to the accounts remaining open on 31st December, 1858, at 5 ¹ / ₂ cent. $\frac{1}{2}$ annum, in accordance with a Resolution of the Trustees.....	20,419 15 8		" Profit upon sale of £74,000 Government Debentures.....	1,683 18 9
		22,062 3 2	" Interest upon account with Joint Stock Bank, West Maitland.....	0 18 0
" Charges for the year 1858.....	3,255 16 9		" Ditto upon Debentures, to 31st December, 1858.....	14,761 6 8
" Amount carried to Reserved Fund.....	6,538 0 0		" Ditto upon Mortgages, to ditto.....	11,548 3 1
" Balance carried to next year to meet future Dividends.....	10,583 9 5		" Ditto upon Deposit with Commercial Bank.....	2,295 4 11
	£ 42,439 9 4		" Ditto ditto with English, Scottish, and Australian Chartered Bank.....	2,460 13 7
				32,690 5 0
				£ 42,439 9 4

RESERVED FUND.

	£ s. d.
Amount at credit of "Reserved Fund" on 1st January, 1858.....	39,554 0 0
" carried from "Profit and Loss Account" on 31st December, 1858.....	6,538 0 0
Amount at credit of Reserved Fund on 1st January, 1859.....	£ 46,092 0 0

W. H. CUFF, Accountant. CHARLES COWPER, Vice-President. THOS. BARKER, CHRIS. ROLLESTON, GEO. BARNEY, GILB. ELIOTT, Trustees. H. H. BROWNE, CHARLES KEMP, JNO. M'LERIE, J. R. WILSHIRE, FRANCIS L. S. MEREWETHER, Trustees. Approved, W. DENISON. GEO. O. ALLAN, Managing Trustee.

J.—Continued.

APPENDIX No. 1.

A RETURN shewing the number of Depositors and the amount of Deposits in the Savings' Bank of New South Wales, on 31st December, 1858, distinguishing the number of Depositors of sums under £20, between £20 and £50, between £50 and £100, between £100 and £300, between £300 and £500, and upwards, and the Rate of Interest payable to Depositors.

Number of Depositors of £20 and Under.	Number of Depositors between £20 and £50.	Number of Depositors between £50 and £100.	Number of Depositors between £100 and £200.	Number of Depositors between £200 and £300.	Number of Depositors upwards of £300.	Total Number of Depositors.
4,564	2,369	1,884	2,169	194	85	11,205

Total amount of Deposits in the Savings' Bank of New South Wales, is £574,312 4s. 4d.
 A fixed Rate of Interest is payable to Depositors, at the rate of 2½ per cent. per annum, on such Deposits as are wholly withdrawn during the year; and on Deposits remaining in the Bank up to 31st December, the Rate of Interest is fixed by the Trustees when the Yearly Accounts are made up.
 The Rate paid on 31st December, 1858, for the year ended, was 5 per cent. per annum.
 When Deposits made by any one individual exceed the sum of £100, no interest is allowed on such excess.

Approved,
 W. DENISON.

GEO. O. ALLAN,
 Managing Trustee.

APPENDIX No. 2.

COMPARATIVE STATEMENT shewing the Increase and Decrease of the Deposits, and of the number of Depositors, with the number of New Accounts opened, and Old Accounts closed, in the Savings' Bank of New South Wales, for the year ending 31st December, 1858.

	Amount of Deposits on 1st January, 1858.		Amount of Deposits on 1st January, 1859.		Increase.		Decrease.		Number of Depositors on 1st January, 1858.	Number of Depositors on 1st January, 1859.	New Accounts Opened during the year 1858.	Old Accounts Closed during the year 1858.	Increase.	Decrease.
	£	s. d.	£	s. d.	£	s. d.	£	s. d.						
Sydney.....	549,909	4 3	488,198	9 3	61,710	15 0	9,763	9,528	2,893	3,134	.....	241		
Windsor.....	33,404	9 11	30,929	12 2	2,474	17 9	429	437	98	90	8			
Parramatta.....	17,002	7 8	16,947	6 7	55	1 1	309	313	96	91	4			
East Maitland.....	15,541	3 6	11,205	9 5	4,336	14 1	279	264	48	63	.....	15		
West Maitland.....	2,012	3 9	6,474	11 1	4,462	7 4	68	166	150	52	98			
Bathurst.....	5,867	3 11	5,429	3 3	438	0 8	142	141	48	49				
Goulburn.....	4,273	7 6	4,083	9 7	189	17 11	97	122	44	19	25			
Singleton.....	3,425	14 6	3,234	5 3	191	9 3	44	46	11	10	1			
Wollongong.....	1,884	2 7	1,684	15 4	199	7 3	59	53	28	34	.....	6		
Sofala.....	1,004	18 1	1,378	3 4	373	5 3	25	30	31	29	5			
Penrith.....	130	11 10	137	0 10	6	9 0	3	3	3	3				
Newcastle.....	.....	.....	783	17 8	783	17 8	.....	.....	23	25	15	23		
Carcoar.....	.....	.....	324	3 11	324	3 11	.....	.....	34	38	4	34		
Clarence Town.....	.....	.....	435	9 8	435	9 8	.....	.....	38	48	10	38		
Orange.....	.....	.....	23	3 0	23	3 0	.....	.....	3	3	.....	3		
Cooma.....	.....	.....	19	2 9	19	2 9	.....	.....	2	2	.....	2		
Seone.....	.....	.....	43	1 3	43	1 3	.....	.....	3	3	.....	3		
	635,035	7 6	574,312	4 4	6,470	19 10	67,194	3 0	11,224	11,205	3,581	3,600	244	253

Approved,
 W. DENISON.

GEO. O. ALLAN,
 Managing Trustee.

K.

RETURN, shewing the number of Individuals for whose Passages and Outfits deposits were made under the Immigration Remittance Regulations, in the year 1858, with the Amount received under each head.

YEAR.	NUMBER OF INDIVIDUALS.	AMOUNT PAID TOWARDS PASSAGES.	AMOUNT PAID FOR OUTFIT.	TOTAL.
1858.....	4,723	£ s. d. 19,283 0 0	£ s. d. 1,940 1 0	£ s. d. 21,223 1 0

Government Immigration Office,
 Sydney, 31st March, 1859.

H. H. BROWNE,
 Agent for Immigration.

L.

RETURN, shewing the Number of Government Immigrants arrived in New South Wales from the United Kingdom, from 1st January, 1842, to 31st December, 1858; distinguishing Ordinary from Remittance Immigrants.

YEAR.	ORDINARY GOVERNMENT IMMIGRANTS.				ASSISTED, OR REMITTANCE IMMIGRANTS.				GENERAL TOTAL.			GRAND TOTAL UNITED KINGDOM.
	English.	Irish.	Scotch.	Total.	English.	Irish.	Scotch.	Total.	English.	Irish.	Scotch.	
1842	1,519	3,218	334	5,071	.....	.....	.....	.....	1,519	3,218	334	5,071
1843	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1844	1,338	1,310	118	2,766	.....	.....	.....	.....	1,238	1,340	148	2,726
1845	208	281	8	497	.....	.....	.....	.....	208	281	8	497
1846	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1847	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
1848	2,500	1,084	659	4,243	.....	.....	.....	.....	2,500	1,084	659	4,243
1849	4,572	2,378	873	7,823	.....	.....	.....	.....	4,572	2,378	873	7,823
1850	724	3,255	91	4,070	.....	.....	.....	.....	724	3,255	91	4,070
1851	522	1,244	73	1,839	.....	.....	.....	.....	522	1,244	73	1,839
1852	1,933	2,409	616	4,958	6	8	.....	14	1,939	2,417	616	4,972
1853	5,629	3,187	1,039	9,855	54	431	38	523	5,683	3,618	1,077	10,378
1854	2,768	1,365	898	5,031	288	1,261	108	1,657	3,056	3,226	1,006	7,288
1855	7,061	3,917	1,662	12,640	431	1,301	153	1,885	7,492	5,218	1,815	14,525
1856	3,229	1,670	465	5,364	375	1,306	136	1,817	3,604	2,978	601	7,181
1857	6,735	795	858	8,388	405	1,272	111	1,788	7,140	2,967	909	10,176
1858	2,549	289	364	3,202	1,149	2,288	240	3,677	3,698	2,577	604	6,879

Government Immigration Office,
 Sydney, 31st March, 1859.

H. H. BROWNE,
 Agent for Immigration.

M.

(No. 58-65.)

Colonial Secretary's Office,
Sydney, 26 August, 1858.

Sir,

I am directed to draw your attention to the Resolution passed by the Legislative Assembly on the 20th ultimo, recommending that immigrants should be forwarded to the Country Districts, and to request that you will report what steps you would recommend should be taken, if any, to carry into effect the expressed wish of the Assembly.

The Immigration Agent.

I have, &c.,
W. ELYARD.

CIRCULAR Letter addressed to Police Magistrates, Maitland, Goulburn, and Bathurst.

Government Immigration Office,
Sydney, 30 August, 1858.

Sir,

I have the honor to inform you that, with the view of meeting the wishes of the Legislative Assembly, as expressed in a Resolution passed by them on the 20th ultimo, I should be glad, if it were practicable, to forward to Goulburn, and other districts in the interior, any of the surplus labor arriving by immigrant vessels, whenever the necessity might arise, from a dearth of employment for it in Sydney, provided that no expense was likely to be entailed by the reopening of country depôts.

2. Before, therefore, I submit any proposition on the subject to the Government, I beg to request that you will have the goodness to favor me with any information in your power as to the expense which would have to be incurred before immigrants forwarded to your district could be disposed of, and as to the probability which exists therein for the employment of agricultural laborers and their families.

I have, &c.,
H. H. BROWNE.

THE POLICE MAGISTRATE AT BATHURST to THE AGENT FOR IMMIGRATION, respecting the transmission of unhired Immigrants to the District.

Police Office, Bathurst,
7 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 expense 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.

The Agent for Immigration,
Sydney.I have, &c.,
W. HALL PALMER, P.

Sir,

Court House, Maitland,
20 September, 1858.

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 ships, 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 depôt 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.

The Agent for Immigration,
Sydney.I have, &c.,
EDW. D. DAY, J.P.,
Police Magistrate.

Sir,

Police Office, Goulburn,
28 October, 1858.

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 Depôt 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.

The Agent for Immigration,
Sydney.I have, &c.,
H. ZOUCHE, J.P.,
Acting Police Magistrate.

THE AGENT FOR IMMIGRATION to THE PRINCIPAL UNDER SECRETARY, forwarding copies of Reports from Police Magistrates, and replying to the letter of the Principal Under Secretary (No. 58-65) of 26 August, 1858.

Government Immigration Office,
Sydney, 3 November, 1858.

Sir,

I have the honor to acknowledge the receipt of your letter of the 26th of 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 immediate opportunity for obtaining employment.

The Principal Under Secretary.

I have, &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 the 1st instant.

N.

RETURN OF GERMAN IMMIGRATION DURING THE YEAR 1858.

NAMES OF SHIPS.	TONNAGE.	DATE OF DEPARTURE.	DATE OF ARRIVAL.	NUMBER OF DAYS ON THE VOYAGE.	MASTER'S NAME.	SURGEON'S NAME.	DEATHS.															NUMBER LANDED.									
							BIRTHS ON THE VOYAGE.		ON THE VOYAGE.					IN QUARANTINE.					Above 12 years.		Under 12 years.		TOTAL.								
							M.	F.	Above 12 years.	Between 7 & 12.	Between 1 & 7.	Under 1 year.	TOTAL.	Above 12 years.	Between 7 & 12.	Between 1 & 7.	Under 1 year.	TOTAL.	M.	F.	M.	F.									
							M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.									
Fanny Kirchner...	636	From Bremen. 25 Oct., 1857	27 Feb., 1858	125	Block	C. F. Eichler.....	1	1	1					1	2							121	51	26	16	214					
Wilhelm Kirchner..	630	23 April, 1858	7 Sept., "	137	Minch	Loves	3	2	5	1					1											115	88	2	28	233	
Armin	624	5 July, "	23 Nov., "	141	Sommers	Harlig	4	6	10					1	1												175	87	12	18	292
TOTALS							8	8	16	1	1			1	1	2	2										411	226	40	62	739
AVERAGES ...	630			134½												¾ p.c.															

O.

RETURN OF CHINESE IMMIGRATION TO NEW SOUTH WALES DURING THE YEAR 1858.

NAME OF SHIP.	DATE OF DEPARTURE.	DATE OF ARRIVAL.	TONNAGE.	NO. OF SUPERFICIAL FEET.	NO. OF DAYS ON THE VOYAGE.	NO. OF MALES.	NO. OF FEMALES.	TOTAL.	NO. OF DEATHS.	NO. LEFT FOR VICTORIA.	ANY COMPLAINTS.	TOTAL LANDED IN COLONY.
Orthano	10 November, 1857	1 January, 1858	766	3,315	52	380		380			None.	380
Bengal	18 November, "	26 February, "	667	2,998	100	323		323		38	None.	285
Alfred the Great	18 November, "	3 February, "	649	2,939	77	301	1	302	1	44	None.	258
Queen of the Seas	21 November, "	4 February, "	1,400	4,823	75	558		558		101	None.	457
Wizard	12 December, "	8 February, "	1,600	5,230	58	967	1	964			None.	968
Cornwall	23 December, "	26 February, "	580	2,243	65	317		317	1	36	None.	281
Hougoumont	26 December, "	8 March, "	962	4,087	72	455		455		56	None.	389
Agamemnon	23 January, 1858	11 June, "	974	4,071	139	443		443	10		None.	443
Panama	9 February, "	24 March, "	1,140	3,250	43	496		496	1	60	None.	446
Abyssinian	11 February, "	4 April, "	1,072	4,716	52	446		446	3		None.	446
Mastiff	14 March, "	11 May, "	1,030	4,127	58	488		488			None.	488
Ocean Chief	17 March, "	16 May, "	1,026	2,932	60	544		544		20	None.	524
Norwood	17 March, "	16 May, "	849	3,200	75	449		449			None.	449
Aurora	26 March, "	4 June, "	1,398	3,617	75	530		530		61	None.	469
Johannes Hendrikus Ferdinand	29 March, "	12 June, "	717	3,490	72	377		377			None.	377
Beatrice	1 April, "	13 June, "	887	2,439	67	377		377		21	None.	356
William	7 April, "	13 June, "	703	4,123	81	356		356	2		None.	356
Tynemouth (steamer)	9 April, "	29 June, "	1,864	8,359	57	696		696	2		None.	696
Fornosé	10 April, "	6 June, "	701	3,873	70	472		472	2	23	None.	449
Lord Warriston	21 April, "	30 June, "	1,144	4,019	93	562		562	2	78	None.	484
George Kendall	23 April, "	25 July, "	897	3,530	68	343		343			None.	343
Norway	23 April, "	30 June, "	2,075	8,288	92	1,230		1,230	3	93	None.	1,137
Hebe	26 May, "	26 August, "	591	2,264	87	246		246	3	26	None.	220
TOTAL						11,356	2	11,358	30	657		10,691
AVERAGES			1,008½		73½				¼ cent.			

H. H. BROWNE,
Agent for Immigration.

Government Immigration Office,
Sydney, 31st March, 1859.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

IMMIGRATION DEPOTS, AND QUARANTINE ESTABLISHMENT.

(COST OF PROVISIONING AND MAINTAINING, FROM 1853 TO 1858.)

Ordered by the Legislative Assembly to be Printed, 18 January, 1859.

RETURN, shewing the cost of Provisioning the Immigration Depôts, maintaining Immigrants placed in Quarantine, and Demurrage of Ships, from the Year 1853 to 1858.

YEAR.	Sydney Depôt.	Moreton Bay Depôt	Maitland Depôt.	Parramatta Depôt.	Port Macquarie Depôt.	Newcastle Depôt.	Quarantine.	Demurrage.
1853	741 14 11	889 7 7	218 4 11	592 6 5	.....	.....	1,513 12 11	.....
1854	1,071 3 0	889 14 10	293 0 9	688 14 11	.....	.....	550 10 9	587 5 9
1855	1,730 15 2	2,374 18 4	747 1 4	1,614 16 0	163 17 11	96 14 6	1,642 17 11	1,899 5 7
1856	583 19 4	2,184 9 5	211 19 1	234 3 10	.....	22 16 8	33 11 0	33 18 0
1857	800 14 6	832 6 1	.....	.....	.....	.....	104 2 2	.....
1858	*562 11 10	386 10 2	.....	.....	.....	.....	448 17 10	.....
TOTALS £	5,490 18 9	7,617 6 5	1,470 6 1	3,120 1 2	163 17 11	119 11 2	3,923 12 7	2,520 9 4

* The Accounts for Provisions supplied at Sydney for December, and at Moreton Bay for November and December, not yet furnished.

† This sum does not include the expenses incurred on account of Immigrants per "Forest Monarch" and "Admiral Lyons."

Government Immigration Office.
Sydney, 14 January, 1859.

H. H. BROWNE,
Agent for Immigration.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

IRISH FEMALE IMMIGRANTS.
(PETITION OF CELTIC ASSOCIATION.)

REPORT FROM THE SELECT COMMITTEE

ON

IRISH FEMALE IMMIGRANTS;
(PETITION OF CELTIC ASSOCIATION)

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
2 February, 1859.

SYDNEY:

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

1859.

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EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

1858.

VOTES No. 36. FRIDAY, 28 MAY, 1858.

6. Irish Female Immigrants:—Mr. Thornton moved, pursuant to notice:—
- (1.) That the Petition of certain citizens of Sydney, complaining of the statements made by the Immigration Agent in regard to Irish Female Immigrants, be referred to a Select Committee, to investigate and report upon the allegations contained in the said Petition.
- (2.) That such Committee consist of the following Members, viz., Mr. Deniehy, Mr. Donaldson, Mr. Faucett, Mr. Owen, Mr. Parkes, Mr. Murray, Mr. Williamson, Mr. Rotton, and the Mover.
- Debate ensued.
- Question put and passed.

VOTES No. 61. TUESDAY, 20 JULY, 1858.

7. Attendance of Member of Legislative Council:—Mr. Thornton moved, That the following Message be carried to the Legislative Council:—
- MR. PRESIDENT,
- The Legislative Assembly having appointed a Select Committee to inquire into Irish Female Immigration, and that Committee being desirous to examine the Honorable J. R. Wilshire, Esquire, in reference thereto, begs to request that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee
- Legislative Assembly Chamber,
Sydney, 20th July, 1858.* Speaker.
- Question put and passed.
13. Irish Female Immigration:—Mr. Thornton moved, pursuant to notice, that Copies of the undermentioned Documents be referred to the Select Committee on Irish Female Immigration, now sitting, viz:—
- (1.) Report of the Immigration Board, dated 5 February, 1855, on the Evidence taken before them in respect to the irregularities alleged to have occurred on board the Immigrant ship "Lady Kennaway.—Ordered to be printed, 24 June, 1858.
- (2.) 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 in which they were selected from each division of the United Kingdom.—Ordered to be printed, 28 May, 1858.
- Question put and passed.

VOTES No. 62. WEDNESDAY, 21 JULY, 1858.

4. Messages:—The Speaker reported that whilst the House was in Committee the following Messages were received from the Legislative Council:—
- * * * * *
- (2) Attendance of Member of Legislative Council:—
- MR. SPEAKER,
- In answer to the Message from the Legislative Assembly, dated the 20th instant, requesting leave for the Honorable J. R. Wilshire, a Member of the Legislative Council, to attend and be examined before a Committee of the Legislative Assembly, appointed to inquire into "Irish Female Immigration," the Council acquaints the Legislative Assembly that leave has been granted to Mr. Wilshire to attend and be examined by the said Committee, if he think fit.
- Legislative Council Chamber,
Sydney, 21 July, 1858.* W. W. BURTON,
President.

VOTES

VOTES No. 114. THURSDAY, 4 NOVEMBER, 1858.

4. Attendance of Member of Legislative Council:—Mr. Thornton moved, That the following Message be carried to the Legislative Council:—

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee to inquire into Irish Female Immigrants, and that Committee being desirous to examine the Honorable F. L. S. Merewether, Esquire, in reference thereto, begs to request that the Legislative Council will give leave to its said Member to attend accordingly, on such day and days as shall be arranged between him and the said Committee.

Legislative Assembly Chamber,
Sydney, 4 November, 1858.

Speaker.

Question put and passed.

VOTES No. 116. TUESDAY, 9 NOVEMBER, 1858.

3. Attendance of Member of Legislative Council:—The Speaker reported the following Message received to-day from the Legislative Council:—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 4th instant, requesting leave for the Honorable F. L. S. Merewether, a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly appointed to inquire respecting "Irish Female Immigrants," 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 November, 1858.

W. W. BURTON,
President.

[*Further Proceedings stopped by Prorogation.*]

1858-9.

VOTES No. 5. WEDNESDAY, 15 DECEMBER, 1858.

6. Irish Female Immigrants:—Mr. Thornton moved, pursuant to notice,—
- (1.) That the Petition of certain Citizens of Sydney, complaining of the statements made by the Immigration Agent in regard to Irish Female Immigrants, be referred to a Select Committee, to investigate and report upon the allegations contained in the said Petition, and that all Proceedings of the Committee of last Session upon this subject be referred to such Committee.
 - (2.) That such Committee consist of the following Members, viz., Mr. Denichy, Mr. Donaldson, Mr. Faucett, Mr. Owen, Mr. Jenkins, Mr. Murray, Mr. Williamson, Mr. Rotton, and the Mover.
- Question put and passed.

VOTES No. 26. WEDNESDAY, 2 FEBRUARY, 1859.

Irish Female Immigrants:—Mr. Thornton, as Chairman, brought up the Report from, and laid upon the Table the Evidence taken before, the Select Committee to whom was referred, on the 15th December last, the Petition of certain Citizens of Sydney, complaining of the statements made by the Immigration Agent in regard to Irish Female Immigrants, with an instruction to investigate and report upon the allegations contained in the said Petition,—

And moved, That the same, together with the Appendix and Minutes of Proceedings, be printed.

Debate ensued.

Question put and passed.

Ordered to be printed.

1858-9.

IRISH FEMALE IMMIGRANTS.

(Petition of Celtic Association.)

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 15th December last, "to investigate and report upon the allegations contained in the Petition of certain "Citizens of Sydney, complaining of the statements made by the Immigration Agent, "in regard to Irish Female Immigrants," and to whom at the same time were referred "all Proceedings of the Select Committee of last Session upon this subject," have agreed to the following Report:—

Your Committee deem it expedient, in the first place, to call the attention of your Honorable House to the fact, that the * Report which is particularly complained of by the Petitioners, in the final allegation of their Petition, and therein attributed to the Immigration Agent, is a "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;" that Captain Browne is only *one* of the Members of that Board, and that two other Members thereof have actually signed the Report complained of.

* *File Enclosure*
No. 2 to Sir W.
Denison's
Despatch of
2nd March, 1858.

Moreover, it will be found, although the Petitioners complain of an expression used in this Report on the ground of its referring to "Irish Female Immigrants," that that particular expression in the said Report refers specially to one section, viz., "Irish *Orphan* Immigrants."

The Petitioners appear also to have understood the words used by the Immigration Board in their Report of 5th February, 1855, and complained of by them as conveying an imputation on the moral character of the Irish Female Immigrants. On this point it is due therefore to the Immigration Agent to say that, at the commencement of the inquiry by your Committee, he distinctly stated that he did not intend to convey any such imputation— which statement your Committee fully believe.

Indeed the evidence brought before your Committee conclusively establishes that there was no ground for such an imputation, even if it had been made, and that the character of the Irish Female Immigrants in general is equal to that of any other class of female immigrants ever introduced into this Colony.

Your Committee are of opinion, from the evidence adduced before them, that a large number of the Irish Female Immigrants were not on their arrival in the Colony suited to the higher branches of urban domestic service, but that many of them, with care and training on the part of their employers, have learned to discharge even the duties of these higher branches with satisfaction. Your Committee, however, consider that Irish Female Immigrants in general, with the exception just mentioned, have not been "unsuitable to the requirements of the Colony" or "distasteful to the majority of the people," but, on the contrary, that they have been found most useful, more especially in the rural districts, in every department in which hardwork, industry, and good conduct, are desired. On these points, indeed, the evidence appears abundant.

Your Committee nevertheless feel bound to remark, that their observations as to the unsuitableness of some of the Irish Female Immigrants for urban service refer more particularly

to one special section of the immigrants, consisting of Irish Female *Orphans*. These orphans were sent out mainly with an eleemosynary view, at a season of peculiar want and affliction in Ireland, and were in point of fact forwarded to, and accepted by, the local Government, as apprentices to the vocation of domestic servants, and in pursuance were specially indentured to employers at a much lower rate of wages than that ordinarily paid to servants, part of the consideration of the contract being, in point of fact, the fitting the females eventually for the discharge of the duties of effective and fully qualified servants.

It must also be borne in mind, that the orphan girls being under indenture to employers, every case of complaint became necessarily a matter of official record with the Board before their indentures could be cancelled, and thus appears more prominently than is the case in regard to the ordinary immigrants, against whom, from their not being under indenture, no such record exists.

Your Committee would venture to suggest the advisability of forming depôts in the Southern, Western, and Northern Districts, to be placed under the management of officers responsible to the Government; and that immigrants of a character suitable to the requirements of each of these districts should be forwarded to such depôts; and that a classification of immigrants should be made in the metropolis, and in any country depôts that may, in terms of your Committee's suggestion, be established, into town and country servants, and should be introduced to employers, and hired as belonging specifically to either class, as your Committee feel that an arrangement of this kind would have gone far towards preventing much of the dissatisfaction hitherto expressed by employers in the matter sent for investigation to your Committee, and would at all times enable employers to know generally the character of labor for which the immigrant was best fitted.

GEORGE THORNTON,
Chairman.

*Legislative Assembly Chamber,
Sydney, 2 February, 1859.*

PROCEEDINGS OF THE COMMITTEE.

1858.

TUESDAY, 6 JULY, 1858.

MEMBERS PRESENT:—

Mr. Thornton,	|	Mr. Faucett,
Mr. Murray,	|	Mr. Denichy,
Mr. Parkes,	|	Mr. Rotton.
Mr. Donaldson,	|	

Mr. Thornton was called to the Chair

Committee deliberated as to their course of procedure.

The Chairman stated that he had requested the Clerk to summon the Venerable Archdeacon M'Encroe, J. V. Gorman, Esquire, and James Curtis, Esquire, before the Committee, as witnesses, for *this day*, and desired the opinion of the Committee as to the expediency of immediately informing the Immigration Agent of their intention to take evidence *this day*, and of *previously* apprising him on all future occasions of the days on which the Committee will meet for the purpose of examining witnesses, in order to enable him to be present on such days, should he think fit.

Committee deliberated, and it was *Resolved*:—

- " 1. That the Clerk of Select Committees do forthwith dispatch a letter, informing
" the Immigration Agent of the intention of the Committee to proceed to
" take evidence *this day*.
- " 2. That Captain Browne be in future *previously* apprised of any meeting of the
" Committee convened for the purpose of taking evidence, in order that he
" may be present thereat, should he think fit.
- " 3. That in the meantime the examination of the witnesses then in attendance
" be proceeded with, upon the understanding that Captain Browne be
" permitted to see a copy of such portion of the evidence as may be taken
" previous to his presence in the Committee Room, should he so desire."

Letter thereupon dispatched to Captain Browne, informing him in the terms of the *first* Resolution.

Letter from J. V. Gorman, Esquire, excusing his attendance before the Committee as a witness for *this day*, read by the Chairman.

Mr. J. Curtis and the Venerable Archdeacon M'Encroe then examined.

During the examination of the witnesses Captain Browne entered the room, and at the close of the examination of the Venerable the Archdeacon by the Committee, requesting permission to put certain questions to that gentleman—

Committee deliberated, and it was *Resolved*:—

- " That it is expedient that any questions which Captain Browne may be desirous
" of putting, from time to time, to witnesses before the Committee, should be
" put through the Chair."

Captain Browne thereupon stated, and the Chairman put, *seriatim*, certain questions to the Venerable the Archdeacon.

Witness then withdrew.

Committee further deliberated.

[Adjourned till Thursday, 15th instant, at *Eleven* o'clock.]

THURSDAY, 15 JULY, 1858.

MEMBERS PRESENT:—

George Thornton, Esquire, in the Chair.

Mr. Parkes,	|	Mr. Rotton.
-------------	--	-------------

Captain Browne present in the room during the examination of witnesses.

Mr. John Dalley, Mr. W. H. Aldis, and Mr. J. V. Gorman, severally examined.

Committee deliberated.

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

WEDNESDAY, 21 JULY, 1858.

MEMBERS PRESENT:—

George Thornton, Esquire, in the Chair.

Mr. Rotton,	|	Mr. Owen.
-------------	--	-----------

Captain Browne present in the room during the examination of witnesses.

By direction of the Chairman, Resolution of the House referring to the Committee on the 20th instant, the following papers, viz.:—

- (1.) Report of the Immigration Board, dated 5 February, 1855, on the evidence taken before them in respect to the irregularities alleged to have occurred on board

board the Immigrant ship "Lady Kennaway."—Ordered to be printed, 24 June, 1858.

- (2.) 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 in which they were selected from each division of the United Kingdom.—Ordered to be printed, 28 May, 1858—read by the Clerk.

Mr. *Daniel Egan*, M.P., and Mr. *A Stanger Leathes*, examined.

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

TUESDAY, 27 JULY, 1858.

MEMBERS PRESENT :—

George Thornton, Esquire, in the Chair.

Mr. Deniehy,

Mr. Rotton.

The Honorable *J. R. Wilshire*, attending by permission of the Legislative Council, examined.

Witness withdrew.

The other witness summoned before the Committee for this day, at eleven o'clock—Mr. Edward James—not being in attendance, and Committee having waited the prescribed time ;—

[Adjourned.]

THURSDAY, 19 AUGUST, 1858.

MEMBERS PRESENT :—

George Thornton, Esquire, in the Chair.

Mr. Owen,

Mr. Faucett,

Mr. Parkes,

Mr. Rotton,

Mr. Deniehy.

Captain Browne present in the room during the examination of the witnesses.

Mr. *J. Hart*, solicitor, examined—

And during the examination of the witness a question having been put tending to obtain his opinion as to the suitability as domestic servants of Irish female immigrants generally—

Committee deliberated as to whether their inquiry was not confined, by the allegations of the Petition, to Irish *Orphan* Immigration.

Mr. Hart's examination concluded.

Mr. *Jeremiah Moore*, Mr. *William Davis*, Secretary to the Celtic Association, and Mr. *Robert Jones*, severally examined.

Committee then deliberated as to the necessity of taking further evidence in support of the Petition.

Motion made (Mr *Deniehy*) and Question—"That in the opinion of the Committee " it is expedient, prior to closing the examination of witnesses in support of the allegations " of the Petition, to take the evidence of one or more Registry Office Keepers, with reference " to the suitability as domestic servants, and general character, of Irish orphan immigrants"—*agreed to*.

[Adjourned.]

TUESDAY, 31 AUGUST, 1858.

MEMBERS PRESENT :—

Mr. Thornton,

Mr. Donaldson.

Mrs. Pawsey and Mrs. Capps were in attendance, as witnesses, but a quorum of the Committee was not present.

[Adjourned.]

FRIDAY, 29 OCTOBER, 1858.

MEMBERS PRESENT :—

Mr. Thornton,

Mr. Rotton.

Mrs. Pawsey, Mrs. Capps, and Captain Browne, were in attendance as witnesses, but a quorum of the Committee was not present.

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

THURSDAY,

THURSDAY, 4 NOVEMBER, 1858.

MEMBERS PRESENT:—

George Thornton, Esquire, in the Chair.

Mr. Murray, | Mr. Faucett,
Mr. Rotton.

Captain Browne present in the room during the examination of the witnesses.

The Chairman brought under the notice of the Committee the evidences given by Mr. J. Moore and Mr. W. Davis on the 19th August last, to the former of which an Addendum had been attached, and in the latter extensive interpolations made, when such evidences were sent to them for *verbal* and *grammatical* revision,—and desired the opinion of the Committee as to the course it was expedient to pursue in such matters.

Committee deliberated, and it was *Resolved*:—

“ That as the substance of the Addendum and interpolations referred to are not in
“ contravention to the substance of the evidences given by Mr. Moore and
“ Mr. Davis during their examination before the Committee, it is expedient
“ to permit the printing of the same with their evidences.”

Mrs. Capps and Mrs. Pawsey, Registry Office Keepers, examined.

And it appearing from the evidence of Mrs. Capps that certain of the Irish orphan female immigrants had at one time been confined, by way of punishment, for several days at a time in a room at the Immigration Barracks, Hyde Park—

Committee deliberated, and it was *Resolved*:—

“ 1. That the Chairman do *this day* move in the House, that a Message be sent
“ to the Legislative Council, requesting that leave may be given to the
“ Honorable F. L. S. Merewether, Esq., to attend before the Committee for
“ the purpose of being examined, on such day and days as shall be arranged
“ between him and the said Committee.

“ 2. That the Committee do forthwith adjourn for the purpose of personally
“ inspecting the room in the Immigration Barracks, Hyde Park, referred to
“ in Mrs. Capps' evidence.”

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

FRIDAY, 5 NOVEMBER, 1858.

MEMBERS PRESENT:—

Mr. Murray, | Mr. Rotton.
Mr. Faucett.

The Honorable T. A. Murray, in the absence of the Chairman, was called to the Chair—
Captain Browne present in the room during the examination of the witness.

The Honorable F. L. S. Merewether, Esq., attending by permission of the Legislative Council, examined.

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

TUESDAY, 9 NOVEMBER, 1858.

MEMBERS PRESENT:—

Mr. Thornton, | Mr. Rotton.

Captain Browne was in attendance as a witness, but a quorum of the Committee was not present.

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

THURSDAY, 11 NOVEMBER, 1858.

MEMBER PRESENT:—

Mr. Thornton.

Captain Browne was in attendance as a witness, but a quorum of the Committee was not present.

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

TUESDAY, 16 NOVEMBER, 1858.

By direction of the Chairman, the meeting of the Committee convened for *this day*

[Postponed until Thursday next, at *Eleven o'clock*.]

THURSDAY, 18 NOVEMBER, 1858.

MEMBER PRESENT:—

Mr. Thornton.

Captain Browne was again in attendance as a witness, but a quorum of the Committee was not present.

[*Further Proceedings stopped by Prorogation*.]

1858-9.

WEDNESDAY, 22 DECEMBER, 1858.

MEMBERS PRESENT:—

Mr. Thornton,
Mr. Rotton,Mr. Jenkins,
Mr. Denichy.

Mr. Thornton was called to the Chair.

By direction of the Chairman, Resolution of the House, of the 15th instant, appointing the Committee, and referring thereto "all Proceedings of the Select Committee of last Session upon this subject," read by the Clerk.

Motion made (Mr. Rotton) and Question—

"That these Proceedings be adopted as part of the Proceedings of this Committee"—
agreed to.

Committee then considered their course of procedure.

The Chairman informed the Committee that he had requested the Clerk to summon Captain Browne, as a witness, for this day, with a view, if possible, to close the inquiry, and had caused a printed copy of the evidence taken before the Committee of last Session to be previously transmitted to him for his information.

Committee deliberated.

Captain *H. H. Browne*, Immigration Agent, examined.

Committee deliberated, and it was Resolved:—

- "1. That sufficient evidence has now been taken for the purposes of this inquiry.
- "2. That as soon as possible after the printing of Captain Browne's evidence, and the transmission of a copy thereof to each member of the Committee, the Chairman do convene a meeting to consider certain Resolutions to form the basis of a Report."

[Adjourned.]

THURSDAY, 27 JANUARY, 1859.

MEMBERS PRESENT:—

George Thornton, Esq., in the Chair.

Mr. Denichy,

Mr. Faucett,

Mr. Jenkins.

The Chairman informed the Committee, that having been apprised that a complete copy of the evidence taken had been transmitted to each member of the Committee, he had convened the present meeting to consider the heads of a Report.

Committee deliberated.

Motion made (Mr. Faucett), and Question proposed:—

- "1. That the Petitioners appear to have understood the words used by the Immigration Agent in his Report of 5 February, 1855, and complained of by them, as conveying an imputation on the moral character of the Irish female immigrants. On this point it is due to the Immigration Agent to say, that at the commencement of the inquiry by your Committee, he distinctly stated that he did not intend to convey any such imputation; and the evidence brought before your Committee conclusively establishes that there was no ground for such an imputation, even if it had been made, and that the usual character of the Irish female immigrants is equal to that of any other class of female immigrants ever introduced into this Colony."
- "2. That the purport of this Resolution be embodied in the Report."

Committee deliberated.

Question put and agreed to.

Motion made (The Chairman) and Question,—

- "1. That, although the Petitioners complain of the expression used by the Immigration Agent in his Report of the 8th February, 1858, on the ground of its referring to Irish female immigrants generally, it will nevertheless be found on reading that particular Report, that Captain Browne therein specially refers to one section, viz.:—Irish orphan immigrants."
- "2. That the purport of this Resolution be embodied in the Report."

—agreed to.

Motion made (Mr. Faucett) and Question proposed,—

- "1. That, from the evidence adduced before your Committee, they are of opinion that a large number of the Irish female immigrants were not, on their arrival in the Colony, suited to the higher department of urban domestic service, but that many of them, with care and training on the part of their employers, have learned to discharge even the duties of this department with satisfaction. The Committee, however, are of opinion that Irish female immigrants in general (with the exception just mentioned) have not been unsuitable to the requirements of the Colony, or distasteful to the majority of the people; but, on the contrary, that they have been found most useful, more especially in the rural districts, in every department in which hard work, industry and good conduct are desired. On these points the evidence appears abundant."
- "2. That the purport of this Resolution be embodied in the Report."

Committee

Committee deliberated.

Question put and agreed to.

Motion made (Mr. Denichy) and Question.

- “ 1. That the Committee feel bound to remark that the observations as to the
“ unsuitableness of some of the Irish female immigrants for urban service
“ refer more particularly to one special section of the immigrants, consisting
“ of Irish female orphans. These orphans were sent out mainly with an
“ eleemosynary view, at a season of peculiar want and affliction in Ireland,
“ and where, in point of fact, forwarded to, and accepted by, the local
“ Government as apprentices to the vocation of domestic servants, and in
“ pursuance, were specially indentured to employers at a much lower rate of
“ wages than that ordinarily paid to servants, part of the consideration of
“ the contract being, in point of fact, the fitting the females eventually for
“ the discharge of the duties of effective and fully qualified servants.”

- “ 2. That the purport of this Resolution be embodied in the Report”

—agreed to.

Motion made (The Chairman) and Question proposed,—

- “ 1. That it must, however, be borne in mind, that the orphan girls being under
“ indenture to their employers, every case of complaint became necessarily a
“ matter of official record with the Board before the indentures could be
“ cancelled, and thus appears more prominently than is the case in regard to
“ ordinary immigrants, against whom, from their not being under indenture,
“ no such record exists.”

- “ 2. That the purport of this Resolution be embodied in the Report.”

Committee deliberated.

Question put and agreed to.

Motion made (The Chairman) and Question,—

- “ 1. That it is expedient to recommend that depôts should be formed in the
“ Southern, Western, and Northern Districts of the country, for the purpose
“ of enabling the Government to forward immigrants of a character suitable
“ to such places, to be placed under the management of some officer responsible
“ to the Government.

- “ 2. That the purport of this Resolution be embodied in the Report”

—agreed to.

Motion made (Mr. Denichy) and Question proposed,—

- “ 1. That a classification of the immigrants should be made in the metropolis and
“ in any country depôts—that may in the terms of your Committee’s suggestion
“ be established—into *town* and *country* servants, and should be introduced
“ to employers and hired as belonging specifically to either class. An arrange-
“ ment of this kind, your Committee feel, would have gone far towards
“ preventing much of the dissatisfaction hitherto expressed by employers in
“ the matter sent for investigation to your Committee, and would at all
“ times enable employers to know generally the character of labor for which
“ the immigrant was best fitted.”

- “ 2. That the purport of this Resolution be embodied in the preceding Resolution
“ agreed to by the Committee, and form part of the Report.”

Committee deliberated.

Question put and agreed to.

Motion then made and Question,—“ That the Chairman do prepare a Report, embody-
“ ing the purport of these Resolutions, for the consideration of the Committee,”—agreed to.

[Adjourned till Tuesday next, at half-past Eleven o’clock.]

TUESDAY, 1 FEBRUARY, 1859.

MEMBERS PRESENT:—

George Thornton, Esquire, in the Chair.

Mr. Rotton,

Mr. Denichy.

Mr. Jenkins,

The Chairman laid before the Committee a Draft Report, embodying the purport of certain Resolutions agreed to by the Committee at their last meeting, as the basis of their Report.

Committee deliberated;—

And Mr. Rotton desiring the opinion of the Chairman as to whether it was in the power of any member of the Committee to *substantially* alter the paragraphs of the Draft Report now submitted for their consideration,—

The Chairman stated, that inasmuch as the paragraphs of the Draft Report simply embodied the purport of certain Resolutions agreed to at a meeting of the Committee summoned specially to consider and determine the heads of Report, he was of opinion that it was not in the power of any member of the Committee to make *substantial* alterations therein, without a special meeting of the Committee being convened for the purpose of reconsidering the Resolutions themselves.

Draft Report then read 1^o.

Committee deliberated.

Motion made, and Question—“ That this Report be now read 2^o, and considered
“ paragraph by paragraph”—agreed to.

Introductory paragraph read, and agreed to without amendment.

Paragraph 1 (*now* 3) read.

Motion

Motion made (Mr. Jenkins) and *Question proposed*,—

“ That this paragraph be amended, by the addition of the words ‘ which statement
“ ‘ your Committee fully believe,’ at the end thereof.”

Committee deliberated;—

And Mr. Denieby having stated that he objected to the motion proposed by Mr. Jenkins being put from the Chair, without a special meeting of the Committee being convened to reconsider the particular Resolution embodied in this paragraph which such motion sought to amend, inasmuch as the proposed addition to such paragraph would tend *substantially* to alter the same,—here withdrew.

Committee further deliberated.

Question put and agreed to.

Words added accordingly.

Paragraph *verbally* amended.

Paragraph, as amended, then read, and agreed to.

Paragraph 2 (*now* 4) read, and agreed to without amendment.

Paragraph 3 (*now* 2) read, *verbally* amended, and agreed to.

Paragraphs 4 (*now* 5), 5 (*now* 6), and 6 (*now* 7), read, and agreed to without amendment.

Paragraph 7 (*now* 8) read, *verbally* amended, and agreed to.

New Paragraph (now 1) proposed (Mr. Rotton),—

“ Your Committee deem it expedient, in the first place, to call the attention of
“ your Honorable House to the fact, that the Report, which is particularly
“ complained of by the Petitioners in the final allegation of their Petition,
“ and therein attributed to the Immigration Agent, is a 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;’ that Captain Browne is only *one* of the members of that
“ Board, and that two other members thereof have actually signed the Report
“ complained of.”

Motion made and *Question proposed*,—“ That this paragraph, as read, stand part of
“ the proposed Report.”

Committee deliberated.

Question put and agreed to.

New paragraph proposed (Mr. Jenkins).

“ Your Committee would further suggest the inexpediency of again resorting to
“ Orphan Immigration.”

The Chairman, however, declined to put the said paragraph to the Committee, and stated as his reason for so declining that he considered its purport to be beyond the scope of the inquiry referred for their consideration and report.

Committee further deliberated, and altered the order of arrangement of certain of the paragraphs in the proposed Report.

Motion then made and *Question*—“ That this Draft Report, as amended, be the
“ Report of the Committee”—*agreed to.*

Chairman requested to Report to the House.

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1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

IRISH FEMALE IMMIGRATION.

TUESDAY, 6 JULY, 1858.

Present:—

MR. THORNTON,
MR. PARKES,
MR. DENIEHY,MR. DONALDSON,
MR. ROTTON,
MR. FAUCETT,

MR. MURRAY.

GEORGE THORNTON, Esq., IN THE CHAIR.

James Curtis, Esq., called in and examined:—

1. *By the Chairman:* What is your name? James Curtis.
2. Have you been long resident in Sydney? Yes.
3. Were you born in Sydney? No; I was born in Parramatta. I have been in Sydney thirty-four years.
4. I believe you are an undertaker, living in Hunter-street? I am.
5. Have you been in the habit of employing labor, especially of the class of female servants? Yes; we generally have about four, for a number of years past.
6. Have you at any time employed that description of servants known as Irish orphans? Well, I think generally.
7. Irish immigrant girls? Yes, generally; for the last few years we have about four at a time. We occasionally change them for some cause—some getting married, or something of the kind.
8. *By Mr. Deniehy:* Have a large number married from your house, Mr. Curtis? One married the other day—the cook—whom we had had three or four years.
9. *By Mr. Rotton:* Did you say you were born at Parramatta, Mr. Curtis? Yes.
10. *By the Chairman:* What is your opinion of the character and abilities of these girls as servants? Well, they are generally very good girls; respectful in their manners, and very willing to learn; and, generally speaking, so far as I am able to judge, I think they turn out very well.
11. Are they honest? I think remarkably so. They are honest, and have other good qualities—they are virtuous.
12. I think you stated you generally found them remarkably honest? Yes, very honest, and respectful in their manner, and willing to learn, and I think well suited to the middle classes of society. They accommodate themselves to circumstances. Some servants wish to examine the kitchens, and see if there are comfortable apartments; these girls accommodate themselves to circumstances.
13. You say they are a description of servants suitable to the middle classes, because they accommodate themselves to circumstances? Yes: they are more respectful in their manners. Some servants, if they get employed in the upper classes of society, are very well; but if in the middle class, they think they know more than their mistresses. These girls don't pretend to much generally, but are willing to learn, and pretty soon become useful servants, and do plain cooking and house-work.
14. You find them useful, respectful, and honest? Yes, I think almost without exception, so far as my experience goes.

James Curtis,
Esq.

July, 1858.

- James Curtis, Esq.
6 July, 1858.
15. And you have been a constant employer? Yes. We generally keep four, and of course there are some changes; some get married, some go with their friends, and some get better wages; they leave for various causes.
16. How long have you been a citizen of Sydney? I scarcely understand what you mean by citizen; I served my apprenticeship in Sydney.
17. How long have you been resident in Sydney? I have been resident for 34 or 35 years, since I first came to Sydney.
18. Have you had any conversation with other citizens in respect to this matter before the Committee? Oh! yes, many times, various times. For years I have heard remarks about the girls; I have heard some persons find fault that they are not quick servants, and I have heard other persons speak of the girls turning out well, and keeping them for years.
19. From your experience as an employer and as a citizen, and from your conversation with other people in Sydney, do you think these girls are as stated, "as being most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people?" Certainly not. I think they are remarkably suitable. They are willing to learn, and another great reason is, they are willing to take less wages. At present we have a very good girl at 8s. per week; I don't say but what she is as good as one we are paying 13s. a-week to. We have one at 8s., two at 10s., and one at 13s. a-week. I find that these girls, not professing to know or do a great deal, take 8s. a week, when another girl would ask 12s. or 13s., and for the middle class this is very high wages. Some of these girls take 7s. a week: at first they take less, but a girl soon finds out that wages are higher. I raise my wages by way of encouragement. I have always done this. If you get a good girl she is worth more, and I give her the same as the others are getting, although I always first agree at about £20 a year.
20. *By Mr. Rotton*: What is your parentage, Mr. Curtis? What do you mean?
21. Of what country is your father and mother? My father was an Englishman—West of England. I may say, in engaging a servant I never look for a particular country or religion, I generally make them agree one with another. The laundress is a Scotch girl and a Presbyterian, whom we have in our employment now, for a second time, in all two or three years.
22. The girls that you have given evidence concerning now are those that are alluded to in this petition, are the same class of immigrants, Irish orphan immigrants? I imagine they are the same; they are the girls I have been in the habit of employing some three or four years generally. Now, this girl I was speaking of, she is not Catholic, but has a Scotch accent. I am not sure whether she is not North of Ireland. Several of the girls I have been speaking of are not Catholics; they are Irish girls, I think, from the North of Ireland. Some are Catholics; I think the majority are.
23. Are you aware they are of this particular class of immigrants. Many of the Irish girls, immigrants, are not of this particular class complained of? I could not speak of that, whether they are orphan girls. I have known some of them to have been orphan girls, but I have known that by chance.
24. *By the Chairman*: Does your evidence refer to orphan girls? We have had some of them, perhaps half of them. I heard they were orphans by chance entirely, as I never asked the girls; very likely they would admit it to me if asked. I hardly know some of them what they are.
25. *By Mr. Rotton*: Are not these Irish orphan girls apprenticed always? I am not aware of it.
26. Are you one of the subscribers to the petition presented to the Legislative Assembly? No, I think I did not sign the petition—that was by mere chance; it did not come in my way, or I should have signed it.
27. You cannot distinctly state whether these questions that you have answered now have been in reference to the girls of this particular class—Irish orphan immigrants—or Irish female immigrants generally? I have understood Mrs. Curtis to say, after we have had some of the girls some weeks, she has said, "Oh! she is one of the orphan girls." It is in that way I have been guided. We have had none indentured to us; we have had some under an agreement. I don't remember the time Captain Browne has been speaking of. Friends of mine have had very excellent girls indentured, and were very sorry to part with them. I have heard of five or six of my neighbours having had orphan girls; I have heard this from themselves. The only distinction I draw is by hearsay. If we had any of them they were not indentured; if they were, of course I should know it beyond doubt.
28. They were not indentured to you? No. I am not prepared to draw that distinction. I understood some of them were orphan girls.
29. You don't know of your own knowledge that they were so? No; I have no means of knowing. They have never been indentured to me or to Mrs. Curtis, or I should have known it.
30. Do you know anything generally of the character of the Irish female orphan immigrants? No, except in the way I have stated. I am sure I have heard certain girls were called orphan girls; my friends have mentioned it, and said, "Oh! that is one of the orphan girls," when they came to wait at table, or were in the shop. I know at first there was a good deal of talk against them by some. Some said they were not good servants; others defended them, and said they did become good servants,—that is in speaking of the lot that first came out. Since then I was not aware whether more such girls, understood as orphans, came out in a particular ship—whether it is understood they were orphan girls I don't know. Some have no father and mother, and are spoken of as orphan girls by their friends.

SELECT COMMITTEE ON IRISH FEMALE IMMIGRATION.

The Venerable the Archdeacon M'Encroe, Archdeacon of Sydney, called in and examined:—

1. *By the Chairman*: Have you seen the petition which was presented to the Legislative Assembly with regard to the Irish Orphan Immigrant Girls? Yes.
2. Turning your attention to the quotation in the first paragraph, commencing with the words "as being most unsuitable to the requirements of the Colony"? In the first place, I don't think the despatch was confined merely to Irish orphans, but to Irish immigrants generally. The Irish orphans came out here some years ago, and all were not suitable as house servants; some were, others were not.
3. But the language of the despatch complained of is, that "orphan immigration having been so distasteful to the inhabitants of the Colony, the Board did not contemplate the arrival of any fresh drafts of that class of immigrants"; it confines itself to orphan immigration, and not to Irish girls generally? I understood from the despatch that they were not to send as many female Irish immigrants as hitherto; that they were to exclude the usual proportion of Irish female immigrants. The number of immigrants that are really orphans are very few.
4. The paragraph quoted in this petition—has it given offence? Yes, it has.
5. Of what character and to what section of the community? It has given great offence to the Irish portion of the community. In the despatch it was stated they were "most unsuitable to the requirements of the Colony,"—I deny it,—and at the same time distasteful to "the majority of the people" I deny that also. I demand the evidence on which that statement was founded; because a man's *ipse dixit* will not suffice, but there must be evidence taken at that time to justify it.
6. In respect either to Irish orphan immigrants, or Irish female immigrants, you have no doubt had good opportunities of judging of their character? Yes, many opportunities.
7. What is your opinion generally of them? My opinion is, that these female immigrants are equal to any description of servants, and suitable to the middle classes of society. Some are not so well adapted for the higher classes of servants, they never have had an opportunity of being trained to that sort of service; and when servants were scarce, people were glad to get them. But when a larger number of immigrants arrived, of course they looked out for more competent servants, and were inclined to pick a quarrel with the orphan girls, and turned them off for little or no reason.
8. *By Mr. Deniehy*: As the Catholic Archdeacon, and spiritual adviser of a great body of Catholics, you have had abundant opportunities of knowing the moral character of the Irish female immigrants? Yes: they are generally very honest, moral, and attentive to their religious duties, so far as they have the opportunities of attending them. I may be allowed to remark, that one cause of complaint which many masters and mistresses had, was when the orphan girls were desirous to attend, on Sunday mornings, a place of worship, there was an unwillingness on the part of some masters and mistresses to allow them to do so, and this was a frequent cause of complaint among them.
9. Have you had opportunities of seeing their fitness for service? Some of them turned out quite efficient as domestic servants, if their mistresses were kind in teaching them domestic service. They were very pliable and very hard working, and I can safely say that some of them have had to do the work of two servants, on farms and in places where there is a good deal of work to be done.
10. Have you ever heard from any body any objection to them? The only objection I have heard is that they were not at first thrifty servants.
11. Was that a general objection, or a particular objection? A particular objection. I should not expect these poor girls to become finished servants all at once. I have no doubt that where some trouble was taken with them they became good servants.
12. Although they are all not first-class servants, they are all fit for some work? No doubt of it; much depends on the patience and kindness of the persons to whom they are hired.
13. Have you at any time heard any report, from any section of society, that there was a distaste to this class of immigrants amongst the colonists? Certainly not from the majority of persons. Some persons did not like them, and called them offensive names, such as "dirty Irish" and "ignorant Irish Papists." This annoyed them very much, and they then got angry, and answered their mistresses in, perhaps, offensive language.
14. *By Mr. Rolton*: The evidence you have given, Mr. Archdeacon M'Encroe, does it refer to this particular class of female Irish immigrant orphans, or to Irish female immigrants generally? It refers to both. My attention was particularly directed to the orphan girls, because they came in great numbers, and arrived at a time when it was difficult to get employment for them. A very great number of the orphans made as good servants as any other class.
15. I think you said you were under the impression that the despatch referred to female Irish immigration generally? Yes; for the despatch took occasion from the report on the "Lady Keenaway's" girls to draw that unfavorable conclusion. That is my impression; for if they were so bad, why not get rid of them all. There was no case made out, or any occasion for drawing such a sweeping conclusion as would tend to exclude Irish female immigration.
16. Your evidence has been with regard to Irish female immigrants generally? Not entirely. I can give you more extended evidence on their behalf. It was in the case of the orphan girls particularly that this document was drawn up, and from the misconduct of a few, conclusions are drawn to the detriment of female immigrants from Ireland generally. A similar attempt was made about the same time in Melbourne and Geelong, but it failed.
17. How long ago was it since you had occasion to remark the complaints that you stated just now you heard made against them? There were not many complaints made against them. A great many orphans were sent out too quickly. The Government were to blame for sending them out in too quick succession. After the gold discovery the Government were
anxious

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anxious to introduce a number of female immigrants, and the agents of the Government, seeing that wish, sent out, in quick succession, a large number of them, so that it was difficult to get employment for them in Sydney, and too many, I may say, were consequently thrown on the streets. Disagreements then arose between the girls and some masters, who got rid of them, and got new servants.

18. Are you of opinion that particular class were suitable to the requirements of the Colony, and were not distasteful to the majority of the people? I think they were very suitable for the country districts. And with regard to the statement that they are unsuitable and distasteful to the majority of the people, I deny it, and call for the evidence that should have been taken before that despatch was penned, because it ought not to have been written on the mere report of a few persons.

19. Are you one of the subscribers to this petition? Yes.

20. In the prayer of the petition I see these words, "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"—can you offer any suggestions to the Committee how to carry out that object? Yes. I have all along spoke of the propriety of conveying these orphan girls out of Sydney. I was quite averse to have them in Sydney at all, where the best servants were required, and where these girls were exposed to great temptations when out of service.

21. Are you aware that the wishes of many of them were to be distributed in the interior? Some of the most sensible would go into the country, but others imagined that going into the interior of the country was like going to a barren desert.

22. If they had the means? Yes. They were more required in the country, and were more fitted for the country than town service.

23. What means would you suggest? The means in existence in former years. Look at that good and energetic woman, Mrs. Chisholm; see what she did; and what a single individual did the Government might easily do the same. The Government would better employ a sum of money in sending them up the country rather than throw them on the streets of Sydney, and send them to perdition, for that is the result of this neglect. It is penny wise and pound foolish policy. It would be better to throw the passage-money into the sea than leave these girls unemployed in Sydney, while a few pounds for each would get them to Bathurst or Goulburn, where their services would be useful, and where they would be saved from infamy.

24. I think you stated generally they were more fitted for the country service than town service? No doubt of it.

25. Have you any knowledge, Mr. Archdeacon, whether the Unions in Ireland referred to are Orphan Institutions exclusively? No, they are not. Some are for poor persons who get into the workhouses; a great many of them are not orphans at all. Several girls were sent out from the English workhouses. I recollect, some time ago, asking whether the Government selected the females from the workhouses, and I heard that the Commissioners would not select any of them because they were generally contaminated at an early age. Not so in Ireland, and that is one reason why these poor orphan girls were sent in preference, because the morals of those in the English workhouse could not be depended on.

26. *By Mr. Faucett*: I understand you to say there are two classes, one known as orphan immigrants, and the other under the general designation of female immigrants? Yes. It is almost a misnomer to call them orphans, it is. The first ship that brought out the so called orphans was the "Earl Grey," and many of them were taken from the workhouses. Some were very indifferent, and were sent to Moreton Bay, where they turned out well. Some were considered to be very worthless; but I heard that nearly all turned out well, from a gentleman who had inquired particularly into the matter in that district.

27. Do I understand you to say, that of the orphans known particularly as the orphan immigrants, a large number made very passable servants? No doubt of it, by the kindness and instruction of their masters—but more particularly of their mistresses. Others were not so good at first, but were capable of becoming good servants. They were very willing to learn, and hard working.

28. Of the rest of the other female immigrants a large number were fitted for the service of the higher classes? Yes.

29. Are you aware in what way the female immigrants generally conducted themselves in the country parts? From what I have heard, they were very fair servants and did very well. No doubt some of them were seduced by their masters and masters' sons, and these servants had not sufficient care taken of them. The parties who were really guilty were not punished as they deserved, and these poor girls were thrown on the world with nobody to look after them.

30. Are you aware that a large number of these female immigrants that have gone to the country parts have turned out most respectable women? I am of opinion that seven-eighths have.

31. Have you any reason to suppose that Irish female immigrants through the country parts are at all distasteful to the majority of the inhabitants? I never heard an insinuation of the sort.

32. Had you any reason to suppose that they were at all distasteful to a great number of the inhabitants? There might be some few who did not like them—who did not approve of them.

33. Taking the Irish female immigrants as a body, have you any reason to suppose they were inferior in respectability or general conduct to any other class of female immigrants? No, on the contrary. I am of opinion they were equal to the usual body of hard working servants brought from any part to this Colony.

34. With respect to conveying them into the interior, do you think the Government might

as well afford to spend a little more money in sending them to the country after bringing them out here? Yes; a good deal of the immigration fund is thrown away by their being kept in Sydney. Some of the girls get ruined in Sydney who would have made good servants, and got well married, if sent up to the country.

35. Are you aware that there is a great demand for servants of that kind in the country? Yes; far more than there is in Sydney.

36. Would it not be a mere matter of justice towards the country parts to send them in the country, instead of keeping them in Sydney? Yes; because the immigration fund is raised from the sale of land in the country, and those who increase that fund ought to have the benefit of it.

37. *By Mr. Parkes:* It appears from the records, that in 1850, 1851, and 1852, about 4,000 girls came out who were known in the Colony as orphan girls, whether they were orphans or not? Yes, they were known so, chiefly in Sydney.

38. With the exception of the immigrants by the "Lady Kennaway," they were all of that description? I think so.

39. The report before the Committee which contains the words complained of in the petition, and which caused the appointment of this Committee, refers exclusively to these female Irish immigrants? I am inclined to think it applied to nearly all who came from Ireland here.

40. This fact is stated, that we could get information from the experience of persons with reference to this particular portion of the Irish immigrants? Yes.

41. You have been in communication with many of them, individually, when they arrived here? Yes.

42. Have you any knowledge of the manner they were hired out during the years 1850, 1851, and 1852? Yes; for three years.

43. Did you visit any of the ships particularly? Yes.

44. Did they ask your advice before they were hired? I said when a person was applying for a servant, not to give these girls as servants to persons who were not known—that they should not be hired to persons who were not respectable people.

45. Did many of these girls who were engaged in Sydney attend to their religious duties? Yes, when they were allowed to do so.

46. Did it come under your knowledge, as their religious instructor, whether many of them left their situations before their time expired, for any reason? I believe they did.

47. Could you form any opinion of what was the reason of their leaving? Yes: Sometimes the complaint of the employers was that they were not useful servants; and sometimes the masters were not willing to let them come on the Sunday morning to Divine Worship, but they might go in the evening. I could not advise them to come in the evening, as they might meet bad characters and idlers. This caused many of the disputes between the masters and servants.

48. Did you follow many of these persons through the circumstances of their lives for three or four years, from one situation to another? Yes.

49. Are you aware whether many of them married respectably? Yes.

50. Some of them known to you as heads of families? Yes.

51. Is the proportion of these particular girls, who either married or remained in service, so far as your knowledge goes, to be relatively compared with other young women? I think so. No doubt some of these orphans were very young, and had not much sense or knowledge of the wicked ways of the world,—they were sometimes entrapped in the Registry Offices.

52. You frequently visit the members of your own congregation—have you frequently visited the homes of these Irish girls that had settled? Yes.

53. Are they discharging all the duties as heads of families? Yes; many of them very respectably.

54. You said just now in evidence, that these young women were accused of being dirty Irish and ignorant Papists? No doubt of it.

55. Did you mean this was said as a reproach by their employers? Yes.

56. Did any instance come to your own knowledge? Yes: that was the cause of much of the disputes.

57. Of these precise words, or words synonymous, being used? When they asked to go to their place of worship in the morning they got this answer.

58. These girls complained to you that their masters or mistresses called them dirty Irish and low Papists when they wished to go to a place of worship? Yes.

59. You said this was felt by the females as an injustice on account of their masters refusing to allow them to absent themselves early in the morning to go to mass? Yes.

60. Don't you think that it may have been a reason for this injustice that in Protestant families it is contrary to arrangement to get leave for more than every second Sunday? I think that may be so.

61. Have you known, Mr. Archdeacon, any instances of these girls being in the service of Protestant families, who were well treated? Yes, a great many were. There is not a doubt of that.

62. I suppose you have known some instances where the girls turned out badly? Yes; but not so great a number as of other classes. I believe some of these poor girls were seduced.

63. So far as your opinion goes, do you think there were a greater number of instances than among the other classes of young women? No: some few were sent to the "House of the Good Shepherd" from time to time.

64. You said you were of opinion that this cry was got up to exclude Irish immigration? Yes, that is my opinion.

65. Have you any data, or fair ground to rest such an opinion on? I have, from the despatch complained of, and the despatch sent from England.

66. Have you seen the return laid on the Table of the Legislative Assembly, by which it

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appears that the excess of immigrants from Ireland is very great, whilst there a very great deficiency of Immigrants from England? That is owing to the Assisted Immigration system, not to the working of the Immigration Board.

67. Is that owing to the Assisted Immigration system being extended? Yes; when they could not get females from England they had to get them from Ireland.

68. So far as that return goes it does not prove any disposition to exclude the Irish? No; but I think a new system has been introduced after that despatch was written. I have heard the correctness of that return called in question. I think it would be well to examine Mr. Cashman, the first clerk of the Immigration Office, about that return.

69. Upon the whole, you are deliberately of opinion, after considerable intercourse with these girls, that this opinion expressed by the Immigration Agent is unjust? Yes, I think so. I have seen no evidence to justify the conclusion he has come to. There may be evidence, and I should be glad to see it.

70. That is applying only to this class of immigrants, because the Immigration Agent said he only had reference to this particular class? I am glad that explanation has been given.

71. *By Mr. Denichy*: Your reason for believing this is a cry got up for their exclusion is the absence of any evidence to substantiate the assertion made in this despatch? Yes. I should be glad to see the evidence, with the names of the colonists who repudiated any further immigration of this sort.

72. *By Mr. Parkes*: I think you stated, whilst you denied they were distasteful to the colonists, you almost in the same breath said, that when other immigrants came into the Colony people got rid of them for the others? Yes, the people in Sydney.

73. Would not that prove a desire to get other immigrants? They like to change, because they think they may get better servants.

74. Would not that go to prove the accuracy of the Immigration Agent's statement? They availed themselves of the opportunity to get rid of them; they are very fond of change.

75. *By Mr. Denichy*: These instances you refer to are those who have the inferior portion of the immigrants? Yes. I know gentlemen that have had these girls for years, and would not part with them on any account.

76. *By Mr. Faucott*: A great many were in Protestant families? Yes, who paid great attention to them, and treated them kindly and made them comfortable. It depended very much on the temper and feelings of the employer how they turned out.

77. Some were in the employ of the first families in Sydney? Yes; and these were the most likely to pay more attention to them.

78. *By Mr. Rotton*: You stated just now that many of the girls complained of being called dirty Irish Papists? Yes.

79. Did you ever inquire into the truth of this statement? No; for I had no doubt of the truth of the statement. In some cases I told them not to notice it, but to go on with their work. If the masters or mistresses forgot themselves, I could not institute inquiries into private families.

80. Are you not aware that many of the girls were put out at low wages, and when they found they could get better wages were dissatisfied with their situations—might they not make this complaint to you for the purpose of trying to get away from their situations? No; they would not tell me a lie in the matter; besides, I could not get them removed from a situation, or interfere to get them another.

81. Were you aware of the cause for their wishing to leave their service? Some got better wages, or had the expectation of getting more considerate and kind employers, and where they would have the opportunity of being allowed to go to their place of worship. They were very much thwarted in that matter.

82. Are you at all aware of the class of employers these girls had, who treated them in that way, and called them opprobrious names? They were generally of an inferior class and position in life; generally persons who had got suddenly rich, and never had servants before. They were persons of no consideration.

83. You don't think this conduct was at all general? No. The cause of dissatisfaction was with some vulgar masters who had got up in the world. Those who had got money by the gold discovery are the most overbearing towards their servants.

84. *By Mr. Faucott*: You would not say this term was used by many people? No, only by some masters; but this was the occasion of many complaints.

85. It was by a small number these opprobrious terms were used? Yes. I told them no respectable person would use this language.

86. Did you not generally find that these terms being used to the servants caused an unpleasant feeling to exist? Yes.

At the request of Captain Browne, who was present during the examination, the following questions were put to the witness:—

87. *By the Chairman*: Were you, Mr. Archdeacon, a member of the Orphan Immigration Committee? Yes.

88. You attended, I believe, very regularly? Pretty much so.

89. Were you one of those persons of that Board who, after eighteen months' experience, came to the conclusion that orphan immigration should be discontinued? I don't recollect it. If I concurred in that opinion, it was owing to these girls being kept in Sydney, where they were much exposed, and for not being sent up the country. I say they came in too great numbers.

90. After eighteen months' experience, you were one of those persons who were of opinion that orphan immigration should be discontinued? I don't recollect that.

91. Were you one of those persons who agreed that in all cases of cancelling of indentures, the cases should be tried before the Police Magistrate or Water Police Magistrate? I concurred

curred in that through the necessity of the case, after an expression of opinion that the Board should employ some attorney to inquire into their cases, without bringing them up continually before the police office. I thought it better for the proper authorities to adjudicate the cancelling of the indentures. If I had my way, I should have appointed some magistrate attached to the Board to decide these cases.

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92. Are you aware that in the depositions it was stated there was a hard labor department, at which eighty or a hundred immigrants were continually employed under punishment, picking oakum? Sometimes there were. I highly approved of their being kept at some useful labor.

93. As a punishment? Yes.

94. Were you a member of the Board, Mr. Archdeacon, when it was ordered that such orphan girls whose indentures had been cancelled in consequence of misconduct in Sydney it was recommended they should not be again sent out to employment in Sydney, because they brought a disgrace on the class of orphan immigrants? Yes; that was carrying out one of my views—of sending them in the country as fast as possible.

95. Were you present when the first inquiry was made as to the conduct of the girls by the first ship—the “Earl Grey”? It was that I referred to. Those who bore a bad character, and were sent into the country, turned out well. Nearly every immigrant who was sent—and there was some sixty or eighty sent to Moreton Bay—turned out well.

96. Was it not proved distinctly, that out of these girls by this ship, forty or fifty of them had been taken out of the streets? I did not see it proved; I heard it was so—the doctor of the ship told me so. I don't know whether this was given in evidence.

97. They were taken off the streets? Yes, from Belfast, I think.

98. In what year? In 1850 or 1851.

99. The ship was the ship “Earl Grey”? Yes, the first ship that came with them.

100. Would you state, if you know, how those girls who arrived by the “Lady Kennaway” have turned out? Some of them did not turn out well. But this despatch was written before it could be ascertained how they turned out.

101. And what proportion of them by that ship turned out badly? I cannot say; perhaps twenty or thirty.

102. *By Mr. Denichy*: Out of how many? Out of one hundred and fifty, I cannot state precisely—perhaps twenty or thirty, that was the most out of that number.

103. *By the Chairman*: Were you aware that of these girls two of them were brought out of the Penitentiary, and put on board ship? What Penitentiary?

104. In Cork? No, I never heard it.

105. You never heard that two girls in Cork were taken from the Penitentiary and put on board this ship, the “Lady Kennaway”? I did not hear of it.

106. Are you aware that in 1854 there were four hundred or five hundred girls already in the depôt—are you aware at the time of the arrival of the “Lady Kennaway” there were some four hundred or five hundred girls unemployed and in the depôt, and that it was rendered almost impossible to accommodate them; and also with the fact, that it was difficult to find employment for them, either in the town or country? The depôt was very full, owing to too many ships coming in. If some had been sent to Bathurst, Goulburn, or Yass, they would have got employment, and the depôt would not be so crowded. They could not have got employed in town.

107. Were not hundreds sent to the depôts at Moreton Bay, Newcastle, and Parramatta? Yes; the more the better, and there were no complaints made of them, as far as I could hear.

THURSDAY, 15 JULY, 1858.

Present:—

MR. THORNTON, | MR. PARKES,
MR. ROTTON.

GEORGE THORNTON, Esq., IN THE CHAIR.

John Dalley, Esq., called in and examined:—

1. *By the Chairman*: You have been for many years a citizen of Sydney and a landholder, I think? Yes, for nearly 30 years. John Dalley, Esq.

2. And an employer of female servants generally? Yes.

3. Have you ever employed that description of servant known as the Irish orphan girl? Yes; I have had two or three of them in my service—three of them, I think. 15 July, 1858.

4. And in respect to them as servants, what does your experience of them enable you to state of them? I looked upon them as being among the best servants that were ever sent to the Colony—that is, the best kind of servants that could possibly be sent to the Colony. I had three of them, whose names I believe I have got here, and can give you, and three better behaved females, I think, were never in any gentleman's service. There were two of them married from my service. Esther Martin is the name of one of the girls. She lived two years with us. I was very sorry to part with her, for she was a very kind and good servant.

5. She was with you two years and upwards? She was two years with me, and then she was married. She married a person of the name of Cavanagh. I believe she is now living at Port Phillip.

6. Has she become respectable as a married woman? They are now in affluent circumstances. The other one was Bridget Dwyer: she was a very well conducted girl.

7. What makes you say they were the best kind of servants that could be sent? If you recollect the wages were very low, and they were very kind, docile, good women; all they wanted was good treatment; and I believe, if the women had all had kind treatment, they would

John Dalley, Esq. would have all turned out good and faithful servants. That was my opinion of them. I was very sorry when they were cried down in the public press.

15 July, 1853. 8. Because, by kind treatment on the part of the masters and mistresses, these, in your opinion, would become good servants? I am sure they would.

9. From their kind dispositions and temper? Yes. They were perfectly willing to do all they could do. All they wanted was to be treated kindly, and a mistress that would take a little pains in teaching them.

10. Then you are of opinion, Mr. Dalley, that this description of servants, if kindly treated, are suitable to the requirements of the Colony? I am sure they would benefit the country very much if they had continued to be sent here. It was a very great mistake, I think, to put a stop to it. You could then have a servant for £10 or £12.

11. It was a very great mistake, you state, to put a stop to Irish orphan immigration? I think so.

12. And you think, in the case of failure on the part of these girls, the blame was more on the part of their employers than on the part of the girls? I think if they had been treated with any species of kindness they would have turned out good and faithful servants—the whole of them. They only wanted instruction. In fact, you cannot get servants out in any shape—not thorough servants; they all want instructing. I found these girls—perhaps from the circumstance of their being bound for any length of time—more willing to learn than the others.

13. Are you able to form an opinion of the female immigration that occurred some years ago—it is scarcely a matter for this Committee, but by way of comparison it may be excusable, perhaps—can you inform the Committee, from circumstances that have come under your own knowledge, and are within your recollection, of the characters of the girls who came from England in a number of ships a few years ago. The "Bussora Merchant," the "David Scott," and some other vessels, brought ship loads of English girls; and there was another ship, the "Red Rover," brought Irish girls. Can you state, for the information of the Committee, the general impression of the state of things as regards those immigrant girls? I know we had one—out of the "Bussora Merchant," I think it was; we only had her a fortnight in our service; she behaved very badly.

14. Do you recollect what was the character of the girls who came by those ships—the English girls, more especially, what were their characters? Well, I do not believe they gave general satisfaction to any one scarcely; I do not think they did. I think some of them were girls of loose habits—quite different from these orphan girls. I recollect we had one of them—I think from the "Bussora Merchant." She was hired, and she went out one day with my youngest child, and did not return till about nine o'clock in the evening; and, in fact, when she brought in the child she had frightened it out of its senses almost; so I begged of Mrs. Dalley to send her about her business—to get rid of her. We kept her about a week, and then discharged her.

15. Did not a great many (I dare say your knowledge of the place will enable you to give an answer) of the girls by the ships I have named become prostitutes? Some did—there is no question about it. The girl I have been speaking of went on the town directly. The orphan girls were the best class of women for servants that ever have come to this Colony. I am sure it was a mistaken notion when they were cried down in the way they were. I was very much grieved at it, for they would have made most valuable servants.

16. *By Mr. Parkes:* Are you aware that there has been a petition, signed by upwards of three thousand citizens of Sydney, presented to the Legislative Assembly with reference to Orphan Emigration? I have heard something of the matter. I did not sign that petition: I merely heard of it through the prints.

17. Do you know the purport of that petition—what it referred to? I cannot say. I never saw the petition. I merely heard that there was a petition.

18. Are you aware of the purpose for which this Committee was specially appointed by the Legislature? Well, I believe it has originated from what was supposed to have been said by Captain Browne. But at the time I am alluding to—when those orphan girls came—Captain Browne was not in his office.

19. Well, there has been such a petition presented, and the petitioners complain that the character of the Irish female immigrants has been misrepresented by the Immigration Agent describing them as "being unsuitable to the requirements of the Colony, and distasteful to the majority of the people." This Committee has been appointed to inquire into the validity of that allegation? I never signed that petition, neither did I see it.

20. And the Immigration Agent states that this remark alludes to a particular number of Irish female immigrants who arrived during the years 1848, 1849, 1850, and 1851 to 1854: I think there was one ship load in 1854, by the "Lady Kennaway"? I think that Ann Allen came in the "Lady Kennaway."

21. You said you had three girls, whose names were Martin, Dwyer, and Allen? Yes.

22. Were all these girls of the description known as Irish orphan immigrants, and were they all articulated to you—did they all enter your service under an indenture of that kind (*copy produced*)? One, I believe, for three years, was indentured to me, and one for twelve months.

23. Did each of these girls remain with you the full time stipulated in their indentures? All but one—Ann Allen.

24. Would you be kind enough to state the reason of her leaving before the proper time? It was not the fault of the girl.

25. She left from no fault of her own? No; quite the contrary.

26. All these girls turned out well? They did.

27. Even the one who left before her engagement expired left from no fault of her own? Yes; she stayed with me about fifteen or eighteen months.

28. Are you aware whether all these girls are comfortably settled? I am aware of two being comfortably settled—married, and doing very well. 29.

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29. Have they families? Yes.
30. As the heads of families do they conduct themselves properly? They are well-conducted women.
31. Have you had any opportunity of observing the character of this particular class of immigrants beyond the precincts of your own household? Yes; my son-in-law had also one of them. She is now married in this city, and doing remarkably well. She is a most well-conducted woman.
32. I should imagine that most of these girls belong to the Catholic Church? They do, most of them. I believe they are mostly Catholics.
33. You, I believe, are a member of the Catholic Church? Yes.
34. Have you had opportunities, as a member of that religious body, of meeting with many of them in the exercise of their religious duties? Yes, with a great many of them.
35. And their characters, as members of society, as you have met with them, in that respect has generally appeared good? They have.
36. Have you frequently conversed with other people on the subject of the character of these girls generally? I have.
37. Have you heard, at any time, expressions of opinion derogatory to any portion of them? I have heard from different masters and mistresses that, where they have had them—at least, when I say “different,” I have heard it probably second hand; but I have heard them spoken of very slightly as being very badly behaved, and I have always taken their part. I believe it all rests with the masters and mistresses they engage with—if they would only take a little pains with them. I do not mean to say they were the best instructed people in the world.
38. In those instances where you heard them spoken slightly of by their masters and mistresses, did you take the trouble of making any inquiry as to the truth of the case? I did not take the trouble. I have always spoken of them as I have found them, and I have always found them, as I said before—those three—well-behaved and well-conducted. My wife spoke very highly of them.
39. Do you know of any of these young women who have settled in Sydney, and have now become the heads of families? There is one my son-in-law had in his service: She is married, and is now, I believe, keeping an inn, in this city.
40. I should gather from what you say that they are certainly not worse than the same number of young women from any other country? I have always looked upon them as better, and a great deal more innocent. There were what they called needle-women; but the orphan girls are very much before those needle-women.
41. Did you have any needle-women in your service? I had.
42. Did you have the same number? We kept two women and one man.
43. How many needle-women have you had? I have had three or four of them.
44. Did they stop long? A very short time.
45. Are they married and comfortably settled now? I cannot say that I know of any of them; but I do not always have Irish girls. I have now one Irish girl and one English girl; the man servant I have is English also. Therefore, I do not think any person will fancy I am swayed by country. I am not an Irishman myself.
46. *By Mr. Rotton:* You are quite positive, Mr. Dalley, as to the three girls that you have named having been of that particular class of immigrants that we are now met to inquire about? I am quite positive about it.
47. Are those three you have spoken of the only three of that class of immigrants you have had? We have always had, as I said before, two female servants in the Colony; but I recollect these three particularly being what are called Irish orphan girls.
48. But what I want to know is, if those three were the only ones of that particular class? We had four, I think; but I cannot now bring the fourth to my recollection. I said so to Mrs. Dalley, and I overhauled my papers to see if I could find the indentures.
49. You have spoken generally as to the character of these girls, but are you not aware that there may be some other objections against them, which would render them, as stated in this report, “unsuitable to the requirements of the Colony”—that is, as regards a knowledge of their work, and so on? I shall always be of the opinion I have already expressed,—that they were perfectly suited to the requirements of the Colony. Girls could never be better suited. They were innocent and virtuous, and those are two great qualities for a servant to be possessed of.
50. *By Mr. Parkes:* You admit, I think, that they require a little teaching? They required teaching. It all depended upon the masters they would get over them: they wanted directing: they were not practical servants: they were not particularly conversant with household duties, but they were as obedient as any females in the world could be: they would do everything they could do.
51. *By Mr. Rotton:* The needle-women you spoke of just now—are you aware that they did not come out to this Colony as ordinary immigrants? I am not aware of that.
52. Not at the expense of the Colony? They were hired from the barracks, a good many of them.
53. You are aware that they were not introduced here at the expense of the Colony—that we had, in fact, no control over them? I was not aware that they came out under any different system from the others, that is, any more than I thought that they were assisted immigrants.
54. This class of immigration has been put, by the evidence which has been given now, somewhat in contrast with the Irish orphan immigration; but it would be only fair to show that the Colony had nothing to do with the introduction of these needle-women? I think we bore the expense of them also.
55. They were sent out by a charitable company in England? I thought the Government here bore the expense.

- John Dalley, Esq.**
15 July, 1858.
56. Those other immigrants that the Chairman asked you about, and which were also put in contrast with the Irish orphan girls,—are you aware how long it is ago since those immigrants came to this Colony—the “Red Rover,” the “Bussora Merchant,” and so on? I think they came in the year '38—'37 or '38.
57. More than twenty years ago? Yes, I think it was; I think that was about the time. It may have been some little later; it may have been 1839 or 1840.
58. Are you aware also, that the same immigration regulations were not in force then that are now in force? No, Sir, I was not. I am not aware of anything of that kind.
59. I suppose you must have been aware, from general report, that those emigrants were very carelessly selected at home, and that many of them, it was well known, were prostitutes in the streets at home before they came out here? They were represented as virtuous girls when they came first, but we very soon found the difference. I think many of them were picked up in the streets.
60. Then your own experience generally of the Irish orphan immigration is favorable towards that class? I have always had that opinion, from the very manner of the girls. I found them to be more docile, more willing, and more obliging in every sense of the word than English girls. They wanted teaching, and I believe that if they had fallen into good hands they would have made good women and servants.
61. But you have heard from neighbours and others, in whose service they have been, that in various instances complaints have been made? Oh! yes. I have heard them spoken of as being such stupid things that they could do no good with them; but if you take a little trouble with them, there is no doubt in my mind that they would have made excellent servants.
62. Are you aware, Mr. Dalley, what was the impression on the public mind with regard to this particular class of immigrants, and also what was stated in the press of the day with regard to them, towards the close of the year 1851? Well, I think if the people had been canvassed, that the greater bulk would have been in favor of the orphan girls. There certainly was an oration made in the papers against them, but I think it was really false, and that there was no foundation for it whatever.
63. The objections that you have heard urged against this particular class of immigrants, I think I understand you to say, have been more against their ability than against their character? All against their ability, as being such stupid creatures that they could do nothing. There are some masters in this Colony who would take no pains with them—who think, if they can get a girl into their house, they have a right to get hold of a thorough servant.
64. Have you any objection to state, Mr. Dalley, with regard to the girl that you named as having left her service before her time expired, whether her indentures were cancelled by the Police? No, they were not; it was merely a voluntary act on the part of myself, and on the part of the servant. We kept her until she could get another place.
65. It appears that you must be under some misapprehension in regard to that, because Captain Brown states that, in accordance with the regulations in force at that time, and according to the indentures, no emigrant of that class could be allowed to leave your service without the permission of the authorities? Well, that may have been the case, but there is many a thing of that kind which is not carried out in full; that is, no doubt, the strict letter of the law.
66. And it was not done? No.

Mr. W. H. Aldis called in and examined:—

- Mr. W. H. Aldis.**
15 July, 1858.
1. *By the Chairman*: You are a merchant and tobacconist of Sydney? Yes.
2. You have been resident in Sydney many years? About 30 years.
3. Have you during that period been an employer of that description of labor known as Irish orphan immigrants (females)—say those who arrived here from 1848 to 1851? Oh! yes.
4. You have been an employer of those girls? Yes, up to the last 18 months, I think, or thereabouts.
5. And during the years referred to? And during the years referred to—indentured Irish girls. I know that we entered into some sort of indenture for their service—I forget what it was—at least, we signed a document of some kind different to the ordinary engagement, as far as I remember.
6. Can you state, Mr. Aldis, how many girls, according to your recollection, of that description you employed during that number of years commencing in 1848? The first one of that class you speak of I had for about six years. She was between five and six years in my service.
7. Only one? I had another afterwards, since the one I referred to. It might be about 18 months since she left my service.
8. Then your answer will be, that you had one in your employ for six years? Yes, and—
9. You had another? Yes. I think one took the place of the other. Mrs. Aldis was so very well pleased with the first, that she got another one of the same class.
10. Then what is your opinion, based upon the experience you have had in respect to these girls as servants, as to their suitability to this community as domestic servants? Most excellent they are. We have found the Irish girls generally the best servants, after 22 years housekeeping.
11. A petition has been presented to the Legislature, which has been referred to this Select Committee. The petitioners complain that the Immigration Agent has stated that the Irish orphan immigrants are “most unsuitable to the requirements of the Colony, and at the same time

"time distasteful to the majority of the people." These are the particular expressions the petitioners complain of: does your experience confirm you in the view of the Immigration Agent, or to the contrary? The contrary, decidedly. We have got two Irish girls in our service now: we always get them if we can; they are the most useful. I think their utility is entirely contingent upon the families with which they become associated. I think there ought to be a classification—some that ought to go up the country, and others might remain in Sydney—those suitable for domestic service, for instance. My wife never found any difficulty with these two girls, nor, in fact, speaking generally, with those that we have had in our service. In fact, the last one was such an excellent servant that she was inveigled away by a family living near the domain. By going to the domain with my child she became associated with some other servants, and induced by them to leave my service. I spoke to the party about it, and said it was not right to take away my servant without the regular discharge from me. I believe she is in their service still. The girl that I had for six years is since married respectably, and when she left my service she went as cook in a respectable boarding-house on Church Hill, where she received very high wages, and, I believe, had twenty or thirty persons to cook for every day, and she is now somewhere out in the same district as myself, at Newtown.

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12. Is she a well-conducted member of society? Yes, very excellent.

13. *By Mr. Parkes:* How many servants of this class have you had altogether, do you suppose? You speak of indentured servants?

14. I don't care about their having been indentured: I mean those girls who came out here in an orphan condition, or who are generally supposed to have come out as such? When I was Shipping Reporter to the *Herald*, from 1830 to 1837, or '39, or thereabouts, I had an opportunity of forming an opinion of these girls' characters, better than any other person, perhaps, in the Colony, having observed them in all the various departments of life since that period.

15. How many of those servants have you had in your own family? We have had many.

16. You have had six or eight, perhaps? Yes, more: we have two now—two Irish girls—living with us at Newtown, and very excellent servants they are.

17. Have you had many opportunities of judging of the character of this class of girls in other families—any of your friends, for instance, having the same description of servants? I have always understood they were very good servants.

18. You have had some opportunities beyond your own household of forming an opinion? I think so.

19. Have you heard of any instance of misbehaviour on the part of these girls? I speak generally about them. When I say that they are the best servants we have had, I mean the Irish servants generally.

20. Do you know, of your own knowledge, of any instance in this Colony on the part of any of them? Yes.

21. But not more than the ordinary run of the same servants? No, certainly not.

22. On the contrary, you think they are better? Yes.

23. You found them more obedient, probably? Oh! yes.

24. Did you meet with any inconvenience on account of their belonging to a particular church—inconvenience to your own family arrangements? Not at all. I found it very beneficial to let them attend their church regularly. I found, generally speaking, they were more contented, and better servants: they were mostly Catholics. I am not a Catholic. I am a member of St. James' Church, and have been for more than twenty-five years.

25. Did the circumstance of their belonging to another church, and therefore having to attend to their religious duties at a time when you had not to attend to yours, create any unpleasantness or inconvenience? No.

26. So far as your experience goes, you would not think them unsuitable on that account? No.

27. Simply because they wanted to go out before eight o'clock in the morning to mass? No. This is an arrangement always understood in my family, when engaging Catholic servants.

28. You made such arrangements as to meet their wishes in that respect? Yes, invariably.

29. You say that this young woman who was six years in your family is since married and comfortably settled? Yes. Mrs. Aldis met her the other day, at Newtown, and such was her opinion.

30. Are you aware if any of the other girls are married and settled? Yes: we have had several Irish girls married very well from my family.

31. You have seen them sometimes, or had means of forming an opinion after they had left you? Yes. They make excellent wives and mothers, and business women. Of course, I do not allude particularly to these Irish girls who came here during the last nine years; I mean those that came into the Colony during the last twenty-five years.

32. *By Mr. Rotton:* The evidence you have given, does it refer to female Irish immigration generally? Yes. I ought to be competent to give an opinion in such a matter, if that opinion is any worth.

33. *By the Chairman:* You see the views of the Committee refer to Irish orphan female immigration, and Mr. Rotton is desirous to ask you upon that point, whether your remarks have had reference to Irish girls generally, or to orphan girls particularly? I speak generally. Those two instances I have related in my own family are orphan girls, I am certain, inasmuch as we had to engage them in a different form to what we had originally—taking them for a definite period—I believe two years.

34. *By Mr. Rotton:* Will you look at that indenture. (*Indenture of Apprenticeship handed to witnesses.*) Are you aware whether the two girls you spoke of were engaged under a similar indenture to that? I am almost certain that they were; the records in the Immigration Office should test my assertion.

35. Are you not aware that all immigrants who come to this Colony are first of all engaged under

Mr. W. H. Aldis. under indentures, not exactly the same as this apprentice indenture—that you always get, in hiring a servant at the barracks, an agreement? There is always a form there, but I am under the impression that the two girls I allude to—I should know better if I were to ask Mrs. Aldis on the subject—I am under the impression that that was the document we had to subscribe to.

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36. Do you remember the names? I could get you the names.

37. You do not recollect them now? No. One girl, I believe, lives here, close by. They took her without any character from me; they had seen her in the domain with my child for a couple of years. This girl had the entire care of my youngest child.

38. Do you recollect the time you engaged those girls—how long ago it was? I should say that the first one—all I remember of the name is "Little Nora," I forget her other name—I think Nora must have been engaged eight or nine years ago—about the time you speak of. I think so, perhaps I can ascertain correctly.

39. Then, the one you spoke of just now as having been inveigled away from your family, did you not make any complaint about it at all? I complained to the party whose service she had gone into. She had been with us her full time, so that she could do as she liked; she had served the full period of her engagement, as far as I remember, and left very abruptly. We would not think of bringing her to the Police Office because she had left us prematurely: she had gone into respectable service. They had taken her without any character, having, no doubt, seen the girl almost every day with my family in the domain. I could mention the name of the party, but I do not think proper to do so. We were very much annoyed at her leaving us in such a manner.

40. You spoke, in answer to a question from Mr. Parkes, I think, and said that you had nearly always had Irish girls as servants, and by those, I think, I understood you to mean not these particular class of Irish girls—not the female orphan immigrants—but those who came out under the general regulations? I speak of Irish immigrant girls generally. This I know, that generally we have had Irish girls as servants, and prefer them. They have been very excellent servants, speaking generally.

41. We wish you to understand now that our inquiry is directed to a particular class of immigrants—Irish female immigrants who came out under particular regulations, and were indentured in a particular way. Our inquiries now are not extended to general immigration—to the immigration of Irish girls generally—but those who have come out under these regulations, and the evidence we want from you is to bear upon that class. I think I must have understood from the general way in which you have given your evidence, that it applied to Irish girls generally? Yes, and to those two girls, "Irish orphan girls," as they were called, in particular.

42. You can state positively that those were excellent girls, and suited to your service? Yes.

43. These are the only two you recollect of that particular class? Yes; I believe them to be of that particular class. I believe they are all of the same class of persons that have come out here for the last twenty years and more, although under different designations.

44. But they are not—there is a difference. You said that you had generally obtained Irish girls as servants—was it in preference to taking English servants? I found Irish girls the best servants, and cannot have any prejudice against my own country women.

45. Are you not aware that it is more difficult to procure English girls as servants than Irish? Sydney is more plentifully supplied with Irish girls, it is true.

46. Are you not aware that there is generally a considerable difference in the rate of wages that is asked and paid between Irish and English servants? I do not know any difference. There is none in my family. Our rule is to engage servants at as low rate as possible, and if they behave well and answer our purpose, to raise their wages without solicitation on their parts. The two orphan girls referred to were placed upon an equality with the other servants immediately they were found of the same utility.

47. I do not speak of what you would pay yourself, but if you were to go to any of the Registry Offices—I mean after they have left the Government—do not you generally find that you can procure Irish servants cheaper than English? No; we do not know any distinction at all. You have to pay more for a good servants than bad; that is the only distinction I know.

John Valentine Gorman, Esq., called in and examined:—

J. V. Gorman, Esq. 1. *By the Chairman:* You are a merchant and auctioneer of Sydney, I believe? I am now.

15 July, 1858. 2. You have been resident in Sydney many years? My family and myself have been residing in Sydney, on and off, for the last nineteen years.

3. You have been an employer of female servants? Yes.

4. Have you ever employed any of that description of female servants known as the Irish orphan girl? For the last seven or eight years, at least—indeed longer—I have hardly had any but Irish girls in my service. I give them the preference, as I find them more tractable and of better moral character.

5. Those girls who arrived here from 1848 up to 1851, and came here as servant girls, those are the girls you speak of as being in your employ? Yes; during that period, and since then, as I have said, I give the Irish girls the preference.

6. Were those girls indentured to you, do you recollect? Now that you have drawn my attention to this form of indenture, I can speak positively as to having had *Irish orphan girls* in my service. I remember it particularly, because two of them married from my service, and I tried to prevent them getting married. I had taken them up the country—it was inconvenient to lose their services—and, from their being indentured to me, I looked upon them more in the light of apprentices, and thought, therefore, I could stop their marriages, and

and wrote the Immigration Agent on the subject. In one of these cases I did not approve J. V. Gorman, Esq. of the match.

7. You have no doubt that these were Irish orphan girls that were indentured to you? I have no doubt of it. I have had both; but that particular circumstance confirms me. 15 July, 1858.

8. What does your experience of these girls, as servants, lead you to state in respect to them—do they make useful, honest, and good servants? I have always found them so.

9. Do you believe them to be suitable to the requirements of the Colony? Most decidedly. They are, I believe, generally suitable to the requirements of the Colony. I will explain myself, if you like.

10. Go on? For instance, on their arrival in the Colony they are not generally girls you would select as ladies' maids, or girls to go into a fashionable family to wait at table, but I have found them generally, for domestic use in small families of moderate means, tidy, tractable, and teachable, where properly taken care of and properly treated. For up-country servants I consider them, if anything, to have the preference, because they will do work up the country which other servants will not do. They will milk, for instance, and adapt themselves more to the circumstances of bush life, and perhaps the inferior accommodation of a country house, than an English servant will. That I know from what I have heard. Even since the orphan immigration, as it is called, has ceased, the assisted female immigration brings out exactly the same class of girls, or as nearly so as possible, and when my relatives or friends in the country send to me for servants, they generally ask for Irish girls, for the reasons I have just stated. You cannot always get them to go where they are not within access of a clergyman of a church of their own. At the present moment I have three female servants, and it happens all three are English girls, and all three are Protestants.

11. You are a member of the Catholic Church, I believe? Yes, and an Irishman.

12. But, at the present moment, you have three female servants, and they are all English girls, and Protestants? Yes; latterly I have not been able to get any of the Irish girls.

13. Do you know of a petition which has been presented to the Legislative Assembly, in reference to Irish Female Immigration, asking for an inquiry? Yes, I do.

14. *By Mr. Parkes*: Did you sign it? I did.

15. *By the Chairman*: Do you know that these petitioners, yourself included, complain that the Immigration Agent has mis-represented 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? Yes.

16. Do you believe, from your experience as a colonist, that that expression is just or unjust? I certainly thought it unjust, or I would not have signed this petition.

17. *By Mr. Rotton*: Did you think it had reference to that particular class only? I thought, as I read it, that it applied to Irish Female Immigration generally.

18. *By the Chairman*: Your impression was, when you signed the petition, that it referred to Irish female immigrants generally? Yes; to Irish female immigrants of all classes. I looked upon it as a stigma and a slur cast upon all Irish women.

19. Do you know that this expression has given great offence to a section of this community? I do, and I know that the feeling is strong on the matter. I move a good deal among the Irish people; my business leads me into it, and my position in society leads me to hold some consideration among them, and I know pretty well, from the opinions they have expressed to myself upon the matter, that they are very sore upon the subject.

20. But, supposing that this expression was not only intended to be applied, but was really applied to that description of immigrants known as the Irish orphan immigrants, would it still be of the same offensive character? I think, certainly, so; because, I think, they did not deserve it. I have explained what sort of occupation I considered them fitted for: I said that they (the Irish orphans) did not make first-rate household servants until they were taught. I have had as good a household servant of this class as possible, but she required a little teaching: she was six years in my service.

21. Then, you think with kind treatment on the part of their employers—? I think, with some people there is a prejudice against Irish girls, and that such people would not give them the same opportunities, or the same fair play, as they would to girls from the sister country; such people would taunt them. Generally speaking, I give it as my honest and conscientious opinion that, where they may have turned out badly, had they fallen into kinder hands they would have been better.

22. I was about to put that to you: By kind treatment on the part of their employers, and some encouragement, they would generally become useful servants? Yes. I have had them not exactly suited to household purposes in the first instance; but they have made good servants after a little time and teaching. With reference to the remark I made about their not being properly treated by some employers, I would mention, that some of them who have been in my service, and left, have come back to my family, and complained of the manner in which they had been fed and treated elsewhere. One reason why so great offence has been taken at the Immigration Agent's report is, that such a statement from one in so high a position is likely to have great weight, and act very much to the prejudice of these girls.

23. What part of the country do you speak of as having resided in? The Liverpool Plains District: my family was up there for between two and three years.

24. Do you know whether any of these orphan girls who have been in your employ have become married and settled, and if so, what has been their character since? Well, I have never heard of any one who has been in my employ turning out badly. I do not mean to say that it is universally the case: I only speak from my own knowledge.

25. I only ask you for your own experience? I cannot of my own knowledge speak of them after marriage; but as long as they have been in my service they have, without an exception, been well conducted.

26. You do not know that they have become married and settled? No. With the exception of

J. V. Gorman,
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of the two I have mentioned up the country, and one who married very well in Sydney, I cannot at this distance of time tax my memory. There are, however, some half dozen Irish girls, servants in this City at the present time, who have been in my service, and who came to me from the ship. Some of them remained eighteen months and two years, one three years, another nearly six years. I have heard of instances where some have turned out badly; but that has not been my experience of them.

27. *By Mr. Parkes:* When you stated just now that these girls in many instances were taunted, will you have the kindness to explain what you meant exactly? Well, it is a very common term, "Oh! they are Irish"; and there is nothing more taunting to an Irish girl than that.

28. *By Mr. Rotton:* What did you say? "Oh! they are Irish; what can you expect!" When those girls arrive in this country they have heavy shoes and thick woollen stockings, and all that sort of thing, and they require a little management and kindness; that is, when required for household purposes.

29. *By Mr. Parkes:* But it is necessary, in reference to this remark of yours, to know exactly in what manner this taunt is used—do you mean to say that employers, after entering into an engagement with them, would provoke these girls, and wound their feelings by allusions to their poverty or their country? No, I would not say that; but I mean this, that where they are not found quite what they are looked for, they will be taunted with the words, "Oh! they are Irish; what can you expect!"

30. Have you known any instance of that being the case? Only generally. I have heard that said generally amongst the class of people who mix with them. It is a complaint that is made by some of them.

31. Because, your opinion would lead us into something of a dilemma of this kind: that if the girls are generally so good that if properly treated they would turn out well, it must, as a logical and natural inference, be supposed that the employers are to blame—the blame must rest upon one or the other in that case? I should be sorry to say that in every instance the employer is to blame. That is an opinion which no man of common sense would give. No man possessing the commonest regard for truth or honesty would give such an opinion as that. On the contrary, I say there are cases where they have turned out badly.

32. But you stated that in most instances if they were well treated they would turn out well? Mine have turned out well.

33. But if we arrive at that conclusion, the inference would be inevitable—the blame would rest with those who treated them badly? I do not put it in so strong a manner as that.

34. I think it is a very fair inference? I think, *generally*, if well managed, that they would turn out well.

35. Have you had opportunities, as a member of society, both when you resided in the interior and since your residence in Sydney, of forming an opinion of the character of these girls in various relations of life: For instance, to shew what I mean—in your attendance upon your religious duties, have you been thrown into contact with them as members of the same church; or have you been thrown in contact with those who have conversed of their religious character; or in any other relation;—have you had opportunities of seeing them as the heads of families in Sydney, or up the country? I cannot speak so particularly. I merely speak of my own experience, extending to my own family and friends.

36. It is limited to that? Yes; when you ask for particular or individual instances, it must be limited to that.

37. In reference to the statement complained of, of this class of immigrants being most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people—might not that arise from the very character which you admit these young women possess: that is, being inexperienced in household duties, unless they fell into the hands of considerate and kind people who would teach them. We will suppose a small family, where only one servant is kept, and where the moment a servant enters upon her duties she is required to discharge them, and where the limited means of the family would not enable it to go on a week or a month teaching the servant the duty she was required to perform. In some families of comfort and ease, the lady at the head of the house could give the time, if she had the disposition, to teach the girl those duties; but in another family, where perhaps the person at the head of the house had a family to attend to herself, or in some other capacity to assist in making up the income of the family, she would not have the time, however desirous she might be, to afford this instruction? I think you have mistaken me in the matter, because I think your position would assume that they are *totally* unacquainted with anything and everything. I never understood that charge to be brought against them at all. I think, from some little knowledge I have of the matter—although perhaps I cannot describe it closely—that in this Colony, where parties' means are so limited as only to allow of their having one servant, in such service the servant is more of the character of a drudge, and the Irish girl much more likely to suit. But it is very different with the better class of educated servants, who are so scarce in the Colony; they would not enter such service. For instance,—any girl from England who has been in service at home can get very much higher wages than a girl who comes out under the ordinary class of immigrant. I will give you a case in point, why I consider the Irish girl equal to the general run of *them* even from England. I have hired lately, from the Immigration Barracks, two or three plain cooks—English girls—and I have found them not a bit better than any Irish girls, from whatever part they might come; so that I think, in the character of a general servant in a family of limited means, where they would have to attend to anything and everything, they would form more the class of drudges than household servants; and for such service the Irish girls would be found more suitable.

38. I do not think you have paid close attention to my question. I started from the allegations of this petition, where it is said that this class of immigrants are "most unsuitable to
" the

“ the requirements of the Colony, and at the same time distasteful to the majority of the *J. V. Gorman, Esq.* people”; and what I wished to elicit was, (confining myself strictly to the text of the petition,) whether this might not arise from their not being adequate to what is demanded from them, in a large number of instances where they were wanted in families of limited means, and where I think a servant is not necessarily a drudge, as you stated, but must be supposed to know the run of common household duties, such as cooking, for instance, and cleaning a house? Well, you may get cooking done, and a house cleaned; that is, as far as mere cleaning, or the boiling of a piece of beef and a pot of potatoes are concerned; but my assumption of cooking where I hired a cook, and of cleaning where I hired a housemaid, would be probably different. If you will allow me to explain why I think that passage wrong—where I think that passage bears unjustly upon the Irish girls—I will do so. Had it been worded that they were unsuited for domestic or household servants of the higher class, then I would say it was right, perhaps; but to say that they were “ *most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people,*” is widely different (p. 39). We are not to inquire what is the actual condition of these girls, so much as to whether this particular expression was justified by the facts within the Immigration Agent’s knowledge. I should imagine that he made this statement upon the great number of reports made to him from employers—I should imagine so—that he would not cause it to be made haphazard, but that it was made from information furnished him in his intercourse with those who sought to employ servants; and what I wish to arrive at is this: what was the cause which led to these supposed complaints being made to him—which led him to make this statement; whether it might not arise from persons of limited means, who only kept one servant, finding this particular class of young women were not suited to them, and very likely, very unreasonably sometimes requiring what they never ought to have required from these girls. I can easily conceive, whether they did or did not expect too much, that the result would be just the same: they would find them unsuitable to them, and would make these complaints at the Immigration Office, and that a number of cases arising there would lead the Immigration Agent to make this statement? I could not imagine that Captain Browne would wilfully state that they were unfitted, unless he had had some complaints for such an assertion.

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39. Just so: what my question goes to get elicited is, how those complaints arose, if they did arise—which I have no doubt they did—and what was the cause of their arising? I can only speak from my own experience, and what has come to my knowledge, and these lead me to consider them well suited to the general wants of the Colony.

40. I think you stated that the servants you had of this class were during the time of their arrival here from 1848 to 1851? I have had them then and since.

41. Those you had then you would have had under a regular indenture? The present agreement is a very different document from the indenture then used. Now, I think the agreements are only for three months. The orphan girls were indentured or apprenticed for much longer periods.

42. This particular class of immigrants alluded to have not arrived since 1851? I can speak positively as to having had orphan girls in my service. I fix that point from my recollection of the two marriages which I mentioned having tried to stop. In one of those instances a clergyman of the Church of England obtained permission for the marriage without my knowledge, and I did not know of his having done so until two or three days before it was to take place, and I naturally complained.

43. How long did these particular girls remain in your service, as far as you recollect: did they fulfil their agreements in most instances? In most instances.

44. *By Mr. Rotton:* You stated just now, that when you signed this petition you were under the impression that this expression made use of by Captain Browne referred to Irish female immigrants generally? I looked at it as going that length.

45. You stated, also, that you were aware that that expression had given a wide-spread offence? It has.

46. Do you think that the majority of the people who have taken offence at this expression were also under the impression that it referred to Irish female immigrants generally? Well, I would rather incline to think that they did take the same view as myself.

47. They were not aware that the expression was confined to one particular class? I will not say that they were not aware. I looked upon it as a slur upon all Irish immigrant women.

48. In comparison with the whole number of Irish female immigrants, are you not aware that this particular class has been very limited? Well, I really cannot say that I do know, because I am not very well aware when that class of emigration exactly ceased.

49. Are you not aware that the period over which these particular immigrants that we are now inquiring about—these orphan female immigrants—arrived, was only a space of two years? I was not aware of the particular period that it extended over, nor the number that were introduced.

50. I wish you now to confine yourself, as nearly as you possibly can, to the particular class that we are inquiring about, that is, the Irish orphan immigrants, and not to Irish females generally. I do not want you to mention anything with regard to others, but confine yourself to them alone—those that you have had in your service, and those that you may know of that your friends and acquaintances may have had. I think you admitted just now that they were not, when they first entered service, very clever as household servants? For the *better class of household servants, I distinctly explained that.* I meant, as I said before, that they were not girls you could put to wait at table—that they did not make good ladies’ maids. I took objection to this, that they are alluded to as being most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people. It is that sweeping clause which has given offence—it is the extent of the clause.

51. Do you think that they would have been more suitable for the country districts of the Colony

J. V. Gorman, Esq. Colony than for the towns? I know that my country friends generally ask for them when they send from the country, for the reasons I have stated before.

52. I wish to know whether you think they were not more suited to the requirements of the country than to the town? Well, I would not even say that, because I only except them from the higher class of household servants.

53. Then, any person engaging one of this particular class of immigrants, expecting at the time to get a servant capable of doing the work that was required of her, and finding when they had engaged her that she was not so clever as they expected—that she was not up properly to the household duties—would not that be liable to cause dissatisfaction, and cause persons to say that they were not suitable to the service? I think that is a natural consequence. If you hire a servant, supposing her to be fitted for certain duties, and afterwards find that she is not suitable, it follows as a natural consequence; but that would not apply more strongly whether she came from England, Scotland, or Ireland.

54. In any case where a servant was not up to what was expected of her, she would give dissatisfaction? No doubt of it; but I do not see how this is to have a national application.

55. Do you know the circumstances under which these immigrants came to the Colony? Well, I can hardly say that I am perfectly read up in the matter. No, I do not: I do not know any particular circumstances, excepting that I understood they were sent out at the expense of the country. Even that point I am not sure of.

56. Do not you know that this particular class of immigrants came from the Irish Unions—from the workhouses and charitable institutions of Ireland—that they were, in fact, orphans, kept by charity at home, and sent out here as immigrants to this country? They were supposed to come from the unions and workhouses?

57. Yes? I have heard also that although they did come out through that channel they were not always orphans; that some had only been recently inmates, and had been put in so that they might be passed off to this Colony—that it was a sort of ordeal, a matter of form, to put them in order to forward them out. I have heard that stated constantly.

58. You have heard that, but do not know it of your own knowledge? I do not know it, but I have heard it said so. I have heard of girls coming out here as Irish orphans—I cannot mention individual instances—whose fathers and mothers were living, who were not orphans at all, so that you see the term “orphan” was a misnomer to begin with.

59. With regard to your communication with friends and acquaintances, and so on, or any conversation or correspondence you might have had concerning these girls, what has been the general impression concerning this particular class of Irish orphans: I want to confine myself to this class, because I consider we are bound to that inquiry, and not to the general matter? The petitioners say, “Irish female immigrants (we have not said any particular class) are “most unsuitable to the requirements of the Colony and distasteful to the majority of the “people.” We have not said here Irish orphan immigrants. That was the view with which I signed this petition.

60. Would you have signed that petition if you had been aware at the time that it was confined to that particular class? I would.

61. *By Mr. Parkes*: That would be quite consistent with your knowledge of that particular class? It would be quite consistent with my knowledge of that class.

62. *By Mr. Rotton*: I think you said you had a recollection of only two of that class in your own particular service? I have a distinct recollection of two, from the causes I have stated. Nearly all my servants are taken from the barracks.

63. In the latter part of this petition it is said, “and that the proposed Committee should “take into consideration [this petition you will observe, prays the House to grant a Select “Committee to make inquiry into this matter] what further steps ought to be taken to “reuder 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.” Now, can you offer any suggestions with regard to that? Well, I can only say that I have always found the gentlemen of that department most attentive to me. I have no individual cause of complaint whatever against the department.

64. But it suggests that female servants should be distributed into the interior? Well, I should imagine that that might be done. I have, however, always understood that there were local homes, or places from which these immigrants might be employed, at Maitland, Moreton Bay, Bathurst, and other leading places.

65. *By Mr. Parkes*: Are you aware that during the time of this kind of immigration, which is here characterised as orphan immigration, that there was a large number of young women who could not be possibly got into service—a very large number—I think about 500 at one time were in the Immigration Depôt that could not be hired? I am not aware of it.

66. *By the Chairman*: Are you aware that in the year 1851, or thereabouts, whether any prejudice did exist against this description of immigration? I myself was absent from Sydney in that year.

67. Well, then, in the country? My family were residing in Sydney. I was absent, except at very limited periods, from 1847 to 1854. I was at home only occasionally, so that I can only speak from my own individual knowledge, and from my own friends. I am not aware of any prejudice, and was not aware of any prejudice. There is with some people a national prejudice, but that is less applicable in New South Wales, perhaps, than in any other part of the world.

68. I would ask you whether, under the difficulties which these girls labored on going into service—not being accustomed to household work before they came here—they did not become more open to temptation, and thus became easier led into mischief and the streets, ultimately, than girls who were suited for domestic service? I should answer that question that I do not think so; certainly not within my own knowledge.

69. *By Mr. Rotton*: Are you aware that during this period, when these Irish orphan immigrants were introduced into the Colony, that other immigration ceased; and have you never

never heard that in consequence of that, and in consequence of these girls not being particularly suitable for household employment, a general dissatisfaction prevailed? I am not aware of it; in fact, I was not aware until I came here this morning of the exact time of the ceasing of the one, and the commencing of the other; and my connection with this matter arises out of this, that I consider this report, as I have stated already, a slur upon the Irish women who have been sent to the Colony, generally speaking.

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70. Your time, I think I understood you to say, was so much occupied in business, that you have not had time to inquire into the matter, and you can only speak of those who passed into your service? I did not say that. A man in business finds time, in some degree, to inform himself on other matters beside those in which he is more particularly engaged; but as I have not been engaged as Immigration Agent, I, of course cannot be supposed to possess so much information as a man who had given his whole time to a particular subject. As a man of business, I hear right and left what is said upon various topics, and I think myself still as well qualified to give an opinion as any man, except one who has studied it for a particular object. I have not read up the subject, but I have my own ideas and my own experience in reference to the matter. I did not go about to make any inquiries, in order to make up a case, or come here with any information other than that which I have obtained generally.

71. Do you know anything of them, independently of those that were in your own service, as to their character or ability, whether it was good or bad? Well, in point of character, I have always understood them to be quite equal to any other immigrant girls.

72. I think I heard you repeatedly say that you knew nothing about them, except the girls in your own family? I would not speak positively as to individual cases.

73. *By Mr. Potts:* I understand that you wish your evidence to stand upon your own experience? Upon individual cases. When you ask for particular cases I look upon my evidence, now given, in the same light as sworn evidence. Generally, I have no hesitation in stating my own impression, and the impression of those amongst whom I have mixed, that these Irish girls are considered to be quite equal to the immigrants we get from any other country. I do not believe we get the best from any.

74. *By Mr. Rotton:* Now, again, you are speaking of the Irish generally? Yes, in the terms of this petition. It is that I signed.

ADDENDA.

In returning this, I beg to attach the following rider to it.

Having signed the petition to the Assembly in this matter, I naturally concluded when requested to give evidence before the Committee, that the subject of inquiry would be in terms of the petition—"Irish Female Immigration"—generally, and not any particular class of it. That class known as "Irish Orphan Immigration" having ceased so far back as 1851, I could not immediately recal to memory the particular features of it; but since my examination the following circumstances have recurred to my memory, which bear particularly upon questions Nos. 37, 38, 39, 40, and 54, and which questions appeared to me to go to establish a case against the Irish orphan girls. It is this:—

The rate of wages given to them was very low, even for that period, being only from about £6 to £8 per year, and they were indented for long periods—I believe two and even three years—and, excepting in case of marriage, could be compelled to fulfil the term of agreement. It was well known to every one hiring them that they got them at this low rate, and for the long period, to compensate them for any teaching that might be necessary; and it was also equally well known that they were not trained domestic servants of the better class. No dissatisfaction could have followed the engagement of them, as implied in the questions referred to.

J. V. GORMAN.

WEDNESDAY, 21 JULY, 1858.

Present:—

MR. THORNTON, | MR. OWEN,
MR. ROTTON.

GEORGE THORNTON, ESQ., IN THE CHAIR.

Daniel Egan, Esq., M.P., called in and examined:—

1. *By the Chairman:* You are a Member of the House of Assembly? I am.
2. I think also you are a native of this Colony? I am.
3. And resident in Sydney a great many years? Yes.
4. You were Mayor of the City in the year 1851 or 1852? 1853, I think.
5. I would like to be certain on this point, was it 1852 or 1853? In 1853.
6. You sat pretty regularly on the Police Bench during the year of your mayoralty? I think almost every day during the year, with the exception of one or two days; every lawful day, except Sunday.
7. During the year you so presided as Chief Magistrate, did anything in the shape of complaints against the immigrants known as the Irish orphan girls come under your notice? Yes.
8. Will you state, for the information of the Committee, the nature of them, and your opinions upon them? There were some brought before me during my mayoralty, on the complaints of those who had engaged them, that they had engaged them as servants, and that they knew nothing at all about their duties as such, in consequence of which they

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Daniel Egan, Esq., M.P. begged to be released from the engagement they had entered into. It was complained that they knew nothing about the duties of which they anticipated they were able to perform.

21 July, 1858. 9. Does your recollection of these matters enable you to inform the Committee whether these complaints, generally, on the part of the employers, were well grounded or otherwise? *I believe that a great portion of them arose through disappointment. They

* Vide Addenda to Evidence.

got servants at a very low rate of wages, and presumed they were able to perform all the duties of proper servants, and when they found that this was not the case they were disappointed, and wished to get rid of them. I presume they paid from £27 to £30 for good servants, and they were paying for these girls only from £10 to £15, and yet they appeared to expect these servants to be as competent to discharge their duties as well as those to whom they were paying a higher rate of wages.

10. Have you at any time been an employer in your household of this description of immigrants, Irish orphan girls? I had one, "Tippoo Saib."

11. Is that the name of the girl? No; the name of the ship, I think. She had been five years with us. I cannot positively say; it is a very long time ago, it is nearly five years.

12. What were her habits and character? One of the best servants I ever saw in my life.

* Vide Addenda to Evidence.

13. Have you ever employed other Irish orphan girls besides her? *I cannot say that I employed any other. I recollect, in many instances, where they had been returned after being taken from the emigrant ship. They were engaged by some persons who, after having them, in a little time discovered what I have described,—brought them up to the Police Office, and turned them away as useless. They were sent to us by persons; some were sent by Bishop Davis to the late Mrs. Egan, begging her to try and get them some employment; she kept them some time, five or seven weeks, endeavouring to get them some employment, and keeping them till she could get something for them; ultimately she got them employment.

14. How did they turn out usually afterwards? I think one or two got very well married afterwards. After a little instruction and kindness they soon learned their duties. I may tell you the one we got knew nothing about her business at first; now there is no better servant, none superior to her.

15. Your description would be, that they were awkward and inexperienced, but ready and willing to learn? They were very awkward, and knew nothing about their duties as house-servants until taught. I did not ask the question whether the second servant I had was an orphan or not; I was afraid to ask her. We got another servant who came with her, and she was the best cook I ever had.

16. You say you were afraid to ask her whether she was an orphan? I did not like to ask her whether she was an orphan. I believe she is one of the best servants I ever saw in my life, not only for the performance of the duties required, but for decency of conduct.

17. As to her sobriety? She never takes any intoxicating liquors. Everything in the house is left under their management and control, and this was chiefly the case when Mrs. Egan was here.

18. You say some of these orphan girls did not suit the places they went to; they were in the habit of being sent to Mrs. Egan, who kept them for a few weeks and gave them advice and instruction, and afterwards provided situations for them? Yes.

19. Did they afterwards turn out well? Those I knew did; I know several who turned out well and got married respectably.

20. Your impression is that they turned out well? Some of them were sent to Binalong, and every one of them turned out well, and gave satisfaction to their employers. A gentleman told me that a number of them were sent to Binalong, in the Lachlan District, and that they turned out the best servants they had there; and the gentleman said he hoped that a similar number would be sent by the next vessel, because those they had before turned out the best servants in the whole district.

21. Do you think if these orphan girls had had kind employers who would have borne with their inexperience for a time and taught them, that they would generally have turned out good servants? Not a question about it. They were awkward; they got low wages, and still it was expected that they would be as competent as persons who got higher wages: when it was found that this was not the case, they were, of course, useless creatures and unfit for service.

22. You said that in your experience as an active magistrate and employer of these orphan girls, they were usually sober, honest, and well disposed? Particularly so.

23. *By Mr. Owen:* What was the reason of the difference in the wages between these particular servants and others? I presume it was chiefly on account of their being sent here without any protection except that which they received from the Government, and being unacquainted with the duties they had to perform. I believe they were apprenticed, or rather I fancy so, for a period: they were not like other servants; other servants could go and engage for a considerable amount of wages.

24. So that these girls were engaged at little more than half the amount? Yes. I cannot say exactly the amount, but I know that it was considerably less.

25. Did it form a part at all of your duties, or feelings, as Chief Magistrate, to watch the apportioning of these girls out of the depôt? No; I had nothing to do with the depôt, or the way in which it was conducted. I had no interference with it.

26. It appears from what you state, as to their being recommended by Bishop Davis, and other dignitaries of the church, that there was evidently some hesitation on their mind of their fitness? I believe they had been employed, and in consequence of the treatment they received, and it being said that they did not give satisfaction, they applied to them to know if they could get them any employment; they would then refer them to the late Mrs. Egan, to see if she could get them employment.

27. Were they as many as six or seven weeks with you? I think I said five or six weeks; some were less.

28. Then it appeared that the late Mrs. Egan sought to teach them their work? They were particularly willing to learn. 29.

29. It was a sort of school for teaching them? It was not for that they were sent there; it was to get employment. There was a prejudice against them, and it took some time to get employment for them. I do not say they got employment in consequence of what they learned with the late Mrs. Egan. Daniel Egan, Esq., M.P. 21 July, 1858.

30. There was a prejudice against them? Yes, there was a prejudice with a number of persons who would not take the trouble to teach these girls; therefore, because they were unable to do the duties which servants usually do, they would not take any trouble with them.

31. Ultimately many got situations? Yes, and turned out very well. In fact, I believe, if it could be ascertained, many of this class of girls turned out better throughout the country than any other class of girls.

32. *By Mr. Rotton*: You stated a minute or two ago, in answer to a question from Mr. Owen, that there were prejudices against these girls? Yes.

33. From what cause? The chief cause was being unacquainted with house work.

34. Were there any complaints made of their unfitness for service, of their being unsuitable? Yes; they required to be taught. I do not know whether they took that trouble. Every mistress and master ought to take, under the circumstances, some trouble—whether they did take it, or not, I am not prepared to say.

35. You were alluding to a ship load sent to Binalong? Not a ship load—forty or fifty; and one of the oldest inhabitants of the district informed me that they turned out excellent servants.

36. You don't know when that was? I don't know the year this was stated to me, but it was with reference to the Irish orphan girls—that they were the best servants they ever had in the district.

37. These girls we were speaking of, the Irish orphan girls particularly, were generally supposed, when they came here, not to be particularly up to their work? They were not supposed to be.

38. Were they more adapted for country employment? I think they were adapted for any employment, if people took a little trouble with them; they were willing, which is a great thing in a servant.

39. Do you think if more were distributed in the country it would have been better than retaining them in Sydney—would the same complaints have prevailed against them? I don't believe they would. I think if a large number went into the country we would not have heard anything about this from persons who might be prejudiced against them.

40. *By Mr. Owen*: Do you mean they were called orphan girls from whence they came? I do not know why they were called orphan girls.

41. *By Mr. Rotton*: The time that these orphan girls were coming into the country, you say they were engaged at a very low rate of wages: are you not aware, at that particular time that wages ruled very low for every description of servants? I do not believe that any comparison could be made between what these girls were apprenticed at and what proper servants got.

42. *By Mr. Owen*: The difference of wages arose from the difference of qualifications? I have no doubt.

43. *By Mr. Rotton*: I think, if my recollection serves me, that the ordinary rate that female immigrants were hired at was from £12 to £15 a-year? I think that was in 1848 and 1850, not 1853; they ranged then from £26 to £30 a-year.

44. At the actual time of the gold discovery I never paid more than £18? I don't believe that any of these girls were engaged at any higher rate than £12, and they were apprenticed for five years; and, under these circumstances, I think their mistresses should have taken some trouble to teach them.

45. Were they not provided with clothing as well? No, I think not.

46. The dissatisfaction which prevailed arose more in consequence, you believe, of their inability to perform household duties efficiently, than in consequence of their characters; this would have been likely to induce some persons who were dissatisfied with them to express themselves to the fact that they were unsuitable to the requirements of the Colony? That may have been, that they appeared unsuitable for their requirements, not for the requirements of the Colony: they may have been unsuitable to these individuals.

47. That would have been an individual opinion then? Yes, a person may say so, and say anything else; you know it is very evident that it would not be a ground of unsuitability because these persons were not good servants.

48. People engaging servants expect them to be proficient, to be able to perform what is required of them, and would naturally say, if disappointed, that they were not suitable? They ought not; for that description of servants who received such low wages, and were apprenticed for a long period, they could not expect such a thing.

49. If they have done as you stated, apprenticed for five years, their employers would be naturally expected almost to teach them their duties? Not a doubt of it: of course they could not expect them to be competent servants, for they had them at low wages, and for five years.

50. Did you, in your magisterial capacity, or as Mayor, have any cases brought before you as to the conduct of the girls by the "Lady Kennaway"? I cannot say of any particular ship.

51. You have no particular recollection of the immigrants by the "Lady Kennaway"? No. I am alluding to the Irish orphan girls generally, not to any particular shipment.

52. Do you recollect the period over which this immigration extended? No, I do not.

53. Do you recollect the number that came? No; I know that 101 came by the "Tippoo Saib."

54. *By Mr. Owen*: Did they come by themselves, or were there any married couples? I presume they had only a few married couples with them.

55. *By Mr. Rotton*: The petitioners ask the Assembly that the proposed Committee should also

Daniel Egan, 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: can you offer any suggestions? I am not aware of the course adopted at present, and cannot know of any mode of improvement in it.

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56. There is no course adopted now? There was a system carried on at one time from the Immigration Office that I thought very injurious to the country districts; that was in this way—that persons should themselves go on board to engage the servants, and information was sent, as I am informed, that wages were ruling to such an extent—£30 and £40 a-year, and the consequence was, these persons would not hire unless they got the highest amount of wages; many were, therefore, frequently left on board. Persons would not hire a man as a farm servant who did not understand his work, and therefore could not expect the same amount as other servants who did.

57. Could you offer any suggestion as to what course ought to be adopted to carry out the wishes of the petitioners in distributing female immigrants in the interior. I may state that one witness in particular, the Very Reverend Archdeacon M'Eworce, stated that very great dissatisfaction prevailed against these girls, particularly on account of their being unsuitable for service in Sydney, and that they were more suitable for the country districts, and that if sent to the interior these complaints would not have prevailed against them, and in many instances prostitution would have been prevented? I believe that that is the amount of my statement: I think it most desirable that a large number of these girls should be sent into the interior. I stated that the number that were sent into the country answered well, and that the inhabitants lamented that more were not sent.

58. *By Mr. Owen*: Could you suggest the mode by which they could be distributed in the country, or would it be better to leave them in Sydney? I think it would be better to distribute them from the ship coastwise into the interior.

59. *By Mr. Rotton*: Before they learn too much in Sydney? Yes.

At the suggestion of Captain Browne, the following questions were put:—

60. *By the Chairman*: Are you aware that the cost of the introduction of these immigrant girls is greater than that of the usual immigrants? I am not aware of it; I don't see why it should.

61. Even if they cost but the same to introduce them into the country, do you think it would be desirable to introduce this class in preference to the usual emigrant servants? Not in preference, but I would say that it would be impossible to introduce a better class.

62. Will your experience enable you to state to the Committee positively, in any terms you may qualify, that these orphan girls were considered suitable or unsuitable to the wants of the Colony? I think they have been very suitable to the wants of the Colony.

63. *By Mr. Owen*: That is your opinion? I may go farther. I never heard they were unsuitable till I saw it in the report. I don't believe one word of it, that they were ever considered unsuitable to the wants of the Colony.

64. *By Mr. Rotton*: I do not wish you to state what would be the opinion now with reference to these girls, being a considerable time in the Colony, and better acquainted with their duties—more experienced and more acceptable—but what is your opinion of the impression there was of them on the minds of people at the time the despatch was written, in 1855. Are you of opinion that opinion was not on account of their character, but on account of their ignorance of household duties and unsuitableness? I think they were considered unsuitable but by very few indeed, although, till I saw the despatch, I never heard a word that they were unsuitable, further than that they were unaccustomed to household duties: of course they did not suit some persons, who would not take the trouble to teach them.

ADDENDA.

In explanation, I beg to say, with reference to wages, in question 9, that the rate of wages for the Irish orphan girls was £7 to £9 per annum, and they were apprenticed for a period of five years, which clearly shows that at that rate of wages, and for that period, they could not be considered as competent servants. With regard to the time that elapsed before they got employment, when sent to the late Mrs Egan, spoken of by me in question 13, this was entirely owing to sickness and change of diet.

Alfred Stanger Leathes, Esq., examined:—

A. S. Leathes, Esq. 1. *By the Chairman*: You have been a merchant in Sydney? I have been manager of public companies.

2. You were a merchant? No, I have never been a merchant.

21 July, 1858. 3. You were a resident? Yes, for several years, as manager of a public company.

4. Have you ever employed that description of servants called Irish orphan girls? No, never.

5. Your name was suggested to us as having employed them? I am not aware of having employed them. They may have been employed on stations belonging to the company of which I was then the manager in Sydney, but I cannot speak positively.

6. *By Mr. Owen*: Were you in Sydney at the time that the Irish orphan immigration existed? Yes.

7. Have you any knowledge at all of the nature of it? I have received an impression, but have had no practical experience.

8. *By Mr. Rotton*: Do you know the time that this particular description of immigration was carried on to the country? During a few years prior to the gold discovery in 1851.

9. Have you had an opportunity of ascertaining the opinions of any of your acquaintances who

who may have employed these girls, with reference to them—as to their sobriety, and so on? A. S. Leathes, Esq.

10. What is your general impression of them? I always looked upon them as exceedingly unsuitable to the wants of the Colony, generally, and particularly unserviceable for domestic purposes. They may in some situations have proved themselves efficient servants. 21 July, 1858.

11. Not having employed any of them yourself, you have no particular experience? No; I am only speaking from hearsay, from the opinions I have heard expressed by friends.

12. Can you speak, when that system of immigration was carried on, whether there was any impression against them, or prejudice in the public mind? In my opinion there was a strong impression against them—I am speaking merely of the Irish orphan girls.

13. That is the particular class I am alluding to: will you give the reason of this prejudice? The reasons were—their uncleanly habits, unfitness for domestic employment, and their low ideas of moral obligations.

14. Do you think they would be more suitable for country employment than town service? Most decidedly—in the bush.

15. Have you heard any reports from persons you may have been connected with in business from the country parts how they turned out there? My actual knowledge is limited; I know that in some instances, and I believe that in many, their employers were glad to cancel their engagements, or otherwise get rid of them.

16. You are speaking of the country? My reply to the last question refers to friends residing in some of the provincial towns and in the *interior*, but not in what is generally known as the "*bush*." My own feeling with regard to them would have raised the question in my mind whether, as a resident in Sydney, it would not have been preferable to take the chance of getting other or *no* labor to employing them as house servants.

17. Are you of opinion that prejudices prevailed against them more on account of their ignorance of household duties than private character? I think that there was a combination of causes to create this prejudice—1st, Their ignorance of household duties; 2nd, The absence of habits suitable for domestic employment; 3rd, The general laxity of their moral conduct, which I am of opinion was more conspicuous in them than in any other class of female emigrants that had been introduced from Great Britain and Ireland.

TUESDAY, 27 JULY, 1858.

Present:—

MR. DENIEHY, | MR. ROTTON,
MR. THORNTON.

GEORGE THORNTON, Esq., IN THE CHAIR.

The Honorable James Robert Wilshire, M.L.C., called in and examined:—

1. *By the Chairman:* I think it is right to state to you that your name has been suggested to this Committee by the petitioners, as being able to give evidence on the subject now before them:—Have you ever been an employer of that description of servants known as Irish Orphan Immigrants? I am not aware that I ever employed any one of them at all. I have never engaged but one servant from the Immigration Barracks, and I am not sure she was an Irish orphan. I never had one under indenture. I may state that all my servants but one are Irish, and Roman Catholics, and they are the best servants I have ever employed. The Hon. J. R. Wilshire, Esq., M.L.C. 27 July, 1858.
2. You can give the Committee no information then with respect to Irish orphan girls? No.

The Chairman then stating that the scope of the Committee's inquiry was restricted to Irish Orphan Immigration, with respect to which subject Mr. Wilshire's name had been sent to him as able to give the Committee information, apologized to him for the unnecessary trouble to which he had been put, and Mr. Wilshire withdrew.

THURSDAY, 19 AUGUST, 1858.

Present:—

MR. DENIEHY, | MR. PARKES,
MR. FAUCETT, | MR. ROTTON,
MR. OWEN, | MR. THORNTON.

GEORGE THORNTON, Esq., IN THE CHAIR.

James Hart, Esq., called in and examined:—

1. *By the Chairman:* You are a Solicitor in the City of Sydney? I am. James Hart, Esq. 19 Aug., 1858.
2. You are one of the parties who were instrumental in getting up a petition to the Legislative Assembly, upon the subject of Irish Female Immigration? I am.
3. The petitioners complain of the "conduct of H. H. Browne, Esquire, Immigration Agent, "regarding his communications to the Colonial Secretary"? I complain more of the tenor of Mr. Browne's communication to the Colonial Secretary than of any personal conduct of his own.
4. Do the petitioners complain of Captain Browne's despatches in reference to Irish Female Immigration generally, or do you think they refer more particularly to Irish Orphan Female Immigration?

James Hart, Esq. Immigration? I can only speak as to my own impression; and, as I have just stated, I complain more of the tenor of Mr. Browne's communications on the subject of Irish Female Orphan Immigration.

19 Aug., 1858.

5. I would take you back to the petition itself, which complains of these remarks as having reference to Irish Female Immigration? The Irish Orphan Immigration I consider to be Irish Female Immigration? I would in the first place refer to the Report, dated 5th February, 1855, to which Captain Browne's signature is appended. The 13th paragraph is in these words:—"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 immigration; it being most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people."

6. That is one paragraph of which the petitioners complain, and you quite understand that it has reference only to Irish Orphan Immigration? I so understand it. There is another letter, to which I would wish to refer the Committee, bearing Mr. Browne's signature; it is a letter from him, as Immigration Agent, to the Colonial Secretary, submitting his Report for 1855, and is dated 10 July, 1856. In his general remarks upon immigration he says:—"In reference to single females, the Commissioners say—(that is, the Emigration Commissioners in England)—"Trained female domestic servants, of good character, especially those of English and Scotch origin, it is impossible to obtain in any numbers, as the supply scarcely equals the demand for them in this country, and the difference of their wages here and in Australia is not sufficient to constitute a temptation to encounter the discomfort of a long sea voyage; and the uncertainties, and the breach of family ties, attending a removal to colonial life." And in the next paragraph, 90, Captain Browne goes on to say, "The Commissioners therefore considered it advisable (seeing that the feeling of the Colony was much against the continued introduction of rough country Irish girls) to modify the then existing regulations, by requiring a less payment from single females prior to embarkation, which regulation was made alike applicable to all the Australian Colonies." The words (seeing that the feeling of the Colony was much against the continued introduction of rough country Irish girls) are in a parenthesis, and appear to me to be a remark or commentary of Captain Browne's, which is quite unwarranted by any facts that have taken place, or any evidence that has been given before the Council, or any Board on Immigration.

7. Are they not quoting the language of the Commissioners in England? The parenthesis appears to me to be Captain Browne's.

8. *By Mr. Parkes*: It appears to be the summing up—the substance of what the English Commissioners say—is it not so? It appears to me to be a deduction of his own. I complain of the words in the parenthesis as being unfounded. I wish to draw the attention of the Committee also to Captain Browne's Report for 1854, at paragraph 46, as follows:—"The single females were, I regret to say, the most inferior that have, since the orphan immigration, come under my observation. They were for the most part unaccustomed to any of the occupations of domestic servants; and their conduct, in some instances, on board the vessels during the voyage, as well as in the depôt here, was such as to lead any observer to entertain grave doubts as to their former habits, and therefore such was the disinclination on the part of employers to engage their services, that had not the Governor General, Sir Charles FitzRoy, freed them from the operation of the Assisted Act, they would have remained a burden upon the Government to this day." If these remarks are made to apply exclusively to orphan immigration, it is quite clear that they are unfounded; because, if these girls were orphans, and taken from the Union Workhouses and other places of protection to come here, it is quite impossible they could have followed the occupation alluded to by Captain Browne, which is evidently of an improper character. The reference to their "former habits" I understand as alluding to a want of chastity.

9. *By the Chairman*: To whom do you understand these remarks to apply? To orphan immigrants.

10. *By Mr. Fucett*: The words are—"The single females were, I regret to say, the most inferior that have, since the orphan immigration, come under my observation"? Yes; and that being the Report for 1854, refers to past circumstances.

11. At all events, this sentence of which you complain refers to single females, whether orphans or not? Yes.

12. It would also appear to me that there is an inference drawn from their conduct, in some instances, as to their character as a class—"Their conduct, in some instances, on board the vessels during the voyage, as well as in the depôt here, was such as to lead any observer to entertain grave doubts as to their former habits." It seems to be a general observation made in consequence of the particular conduct of some individuals? It so appears to me.

13. Then, do I understand you to say that you believe the statement is also without foundation? I believe that to be unfounded, from my extensive knowledge of the class of immigrants alluded to.

14. Have you much knowledge of that particular class of persons, and the way in which they live? A great number have come under my notice.

15. In Sydney? In Sydney, and in other parts of the Colony.

16. *By the Chairman*: Have you ever employed, as servants, any of the class known as Irish orphan girls? I have.

17. What is your opinion of the character of these girls as domestic servants? At first they were inexperienced, but with a little instruction they became most excellent servants, well qualified to fulfil their duties; their character for honesty and integrity could not be surpassed, and after they left my service some of them, I believe, have married, and are now

most

- most estimable members of the community. I can speak of one in particular, whom I had under indenture of apprenticeship.
18. *By Mr. Parkes*: Had you more than one under indenture? I think not. The period was very short, to the best of my recollection, within which that form was followed.
19. *By the Chairman*: What is your reference to this one in particular? I allude to her as having been in my employ, and borne a strict character for honesty and integrity, and a cheerful willingness to perform her duties.
20. *By Mr. Parkes*: Have you, in your intercourse with society, had opportunities of judging of the character of these girls in the service of others, or in the various relations of life? I have.
21. To what extent—in ten, twenty, or thirty instances—have you been able to form a deliberate opinion as to their conduct? The instances have been numerous; I could not undertake to say how many.
22. And in most of those cases you have formed an opinion favorable to their general character? I have; more favorable than I have of the English or Scotch servants who have come under my notice.
23. Have you known any of them after they have removed from the position of servants, and married, and been at the head of families? I have seen them, both in Sydney and in the interior of the Colony, particularly in the country towns; they have become a most useful class, and are now rearing families.
24. In what towns have you more particularly observed them? In Maitland, Ipswich, Brisbane, and Drayton.
25. You have met these young persons after they have become matrons? I have.
26. And in that relation of life you consider them good members of society? I do.
27. Does your remark apply to them in that relation, that you form a more favorable opinion of them than of any other class? No.
28. But you consider them equal to any other class? Yes.
29. In your experience of these young women in your own service, or in the service of friends, or in other relations of life, as wives and mothers, have you met any instances of decidedly bad conduct—any single instance? I cannot specify any particular instance; but I am aware there have been such instances from general report.
30. But not more numerous than among the other classes of society? Certainly not.
31. Does this good opinion of this particular class of persons embrace their attention to their religious duties as well as their natural duties in relation to their own families? From the obligations of those girls, who, I believe, were generally Roman Catholics, their attention to their religious duties were much more strict than that of other females. Although some of these girls who came under my notice were inexperienced and awkward when they first entered service, were tractable, willing to be taught, and rapidly improved. They readily adapted themselves to every position of society, as far as my experience has gone.
32. In all cases? In all cases; whether in the hut of the shepherd, or the mansions of the more wealthy.
33. You say that you have had one of these girls under indenture? Yes.
34. Do you know whether the others who did not come under indentures were originally indented orphans—you did not have them direct from the ship? No, I did not.
35. So that they might have served the period of their indentures before they came to you? I think in some instances the indentures had been cancelled with the consent of the immigration Board.
36. Have you heard of any instances where these young girls, who were orphans, and who belonged to the Roman Catholic Church, suffered petty persecution in Protestant families? None whatever; the instances I am aware of are to the contrary, and I have known them to have been compelled to attend to their religious duties.
37. You have, of your own personal knowledge, no complaint to make of any undue interference with them, religiously, by their employers? I have not.
38. I should gather from your evidence that any attempt to stigmatize these young women as more reprobate than any other young women who have come to the Colony is unfounded? The imputation I would consider quite unfounded.
39. *By Mr. Denihy*: Have you had other females in your service besides Irish—have you ever had English or Scottish? With a single exception, I do not think I have; although I have never asked a girl what country or what religion she belonged to.
40. Have you had opportunities of seeing English or Scottish females in service? Yes.
41. Is there any marked inferiority in the capacity, as servants, of Irish girls to English or Scottish? No I think not.
42. You are acquainted with a very large number of the citizens of Sydney? I am.
43. Do you know of any reluctance on the part of any section of citizens to receive Irish girls as servants? The contrary is the fact; they have been most anxious to have Irish servants. The great fault appears to have been that these girls were imported in such numbers that the Colony could not absorb them. I believe upwards of 5,000 females were imported to the Colony in one year—I refer to the year 1841.
44. *By Mr. Owen*: Females generally? Assisted immigrant females.
45. *By Mr. Rotton*: That is of all countries? Of all countries.
46. *By Mr. Denihy*: From your experience, do you know whether any of these orphan girls went on the streets? Of course in passing through the streets at night I have seen females whom I should judge to be of that class of immigrants.
47. You did not observe a predominancy of what you would have taken to be of that class over others? No. In making any comparative statement of the adaptability of Irish females as servants with any other females, I do not wish to draw any invidious distinction; but I believe the Immigration Commissioners have been grossly imposed upon with respect to some of the English females, who have turned out to be most improper characters.

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Esq.
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James Hart, Esq. 48. What was the demeanour of those Irish females you have had in your own service? Very good. As an instance of the adaptability of these girls to the situations in which they were placed, I may allude to one young woman, who was at first in domestic service; she was removed thence to be an assistant in a school. She is now at the head of that school. After her appointment she was instructed in music, and now she is a teacher of music herself.

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49. That is one of the Irish girls? Yes.

50. *By Mr. Owen:* Orphans? I believe her to have been an orphan girl.

51. *By Mr. Faucett:* You were asked about the treatment of these girls in Protestant families—as a general rule, how have these girls been treated by Protestant families in Sydney? As far as my general experience goes, they have been treated very well.

52. Do you know any instances of their having been in families of the wealthier classes? Only from hearsay.

53. Have you any means of forming an opinion as to their general treatment by the wealthier classes? In what respect?

54. Whether they have ever shown a dislike to them arising from religion? I think not.

55. *By the Chairman:* During the years 1848, 1849, and 1850, about the time of the Orphan Immigration, had you not, in pursuance of your professional duties, either as an articulated clerk or as an attorney, occasion frequently to attend at the Water Police Office? Not at that period; I do not think I have been in the Water Police Office since the year 1845.

Before concluding my evidence, I wish to observe, that in a pecuniary point of view these girls have proved of great advantage to the Colony. Their wages, to the best of my recollection, ranged from £10 per year. Since the cessation of that class of immigrants, general female servants cannot be obtained for less than from £20 to £25 per annum, and with difficulty even at that sum. I wish the Committee to understand that I have confined my evidence strictly to Irish Orphan Immigration, and have not spoken of the advantage conferred by them upon the Colony with reference to immigration or colonization generally.

Mr. Jeremiah Moore called in and examined:—

Mr. J. Moore. 1. *By the Chairman:* You are a bookseller and stationer in Sydney? Yes.
2. You have been many years resident in Sydney? Seventeen years, nearly.
3. You are one of the petitioners to the Legislative Assembly on the subject which has been referred to this Select Committee? Yes.

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4. You, in common with the petitioners, complain of the conduct of the Immigration Agent, as having aspersed the character of the Irish orphan girls? Yes. We complain that there has been an unfounded charge laid against these girls—that they have been represented in an unfair manner; they have been represented as distasteful to the majority of the people, with which statement I, as one of the petitioners, join issue. I deny it *in toto*. I believe that the introduction of these girls has been one of the greatest boons ever conferred on this Colony.

5. The particular statement of which you complain is that within inverted commas in your petition, which represents these girls “as being most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people”? That is the particular statement of which I complain—I speak, myself, advisedly. I complain of that particular paragraph. I complain, also, of the *animus* that pervades all the various communications of the Immigration Agent to the Home Government. I complain that he has never lost an opportunity to slander the characters, not only of Irish orphan girls, but also of Irish female immigrants—

6. That is your impression? It is my strong impression that he has shewn an unfair animus to Irish orphan girls in particular, and to Irish female immigrants in general. These are my charges, specifically made, and which I am ready to support. I have been at great pains in looking into this matter. I have got the Blue Book, and read it over, and the various papers bearing upon this subject; and I have never seen, from the time the present holder of the office took office until the present time, that he has lost an opportunity to slander these girls. Furthermore—when I take into account the inquiry made previous to the present holder of the office taking charge, and the evidence given by Dr. Savage, and other parties, it does appear somewhat strange to me that these girls could have been pronounced as unsuitable to the requirements of this and the neighbouring Colonies. The document to which I refer is dated 19th July, 1855, and is an enclosure from the Commissioners in answer to the Committee. This document of the English Commissioners bears out my view; and, in fact, it is upon their view of the case, partly, and upon facts—observations of my own—that I ground this charge. These gentlemen were removed to a distance; they had the evidence before them, and, upon his own shewing, they did not place a particle of reliance upon the present Immigration Agent's statement, for they twit him here, and quote the evidence of Dr. Savage, the Health Officer; and also quote against him the despatch of the present Governor General, then Governor of Van Diemen's Land, who stated—and it is upon record—that this class of immigrants was of a very superior character. Now, in examining into these things, it will be seen that on one occasion, when a ship came here under the charge of a clergyman, the general conduct of the girls was reported to be bad. The girls had, many of them, previously been inmates of the Cork Union Workhouse, of which the clergyman had been Chaplain. The conduct of some of the gentlemen on board had been reprehensible, and some dispute had arisen with the clergyman; and because the girls had shewn a devotion and veneration to their own priest, this was twisted into a crime by the Immigration Agent; proving, if proof were wanting, the *animus* of that gentleman; shewing that that which should have been esteemed a virtue was by him, because of their religion, regarded as a crime. Upon this and other reasons I base my charge. Furthermore, I base my charge of unfairness against

against Mr. Browne from my own observation. I may mention that few men in this Colony Mr. J. Moore. enjoy the opportunity I enjoy of knowing the wishes of the great majority of the people upon this and other subjects, because I have a connexion with nearly every town and district in the Colony—indeed I may say with every district in the Colony; and I would not go beyond the truth if I said every town, village, and hamlet in this Colony; and I know these females have been always regarded as a great blessing to the community. I was speaking some short time since to a gentleman who was formerly resident in Sydney, who was well known as a highly intelligent and respectable man—Mr. Armstrong, of Appiu; and I asked him what he knew of the Irish female immigrants up the country. I mention this to shew that I have been at some pains to make the inquiry, for I would not wish to condemn any man unjustly. I asked him what he thought of Irish orphans in particular, and of Irish female immigrants in general; and he said he thought as a class of immigrants they were most suitable to the Colony, particularly as they were mostly acquainted with agricultural pursuits. He said that many of them had married round Campbelltown and that district, and were the mothers of large families, and as such a great blessing to the community. I asked him if he would be willing to give evidence before the Committee, and he said if it were thought necessary he should be most happy to do so. I wished to leave this matter in the hands of other gentlemen. I did not wish to give evidence myself, being satisfied with the general good feeling towards these girls that pervaded the great mass of the people; and I would have been willing to have left the matter to any six, twelve, or twenty persons who had employed these girls, as I am certain they would have come out scathless. Their characters would have come out in such a way as to satisfy the gentlemen of this Committee of the unfairness of Mr. Browne's charge. I may mention another reason that has moved myself and others to take any steps in this matter: there is a paper, the principal newspaper in England, and I may say in the world, which it is well known to myself, and to every person who has taken the trouble to inquire into the matter, is the enemy of the creed and of the race of these poor girls; and in a series of articles, with reference to immigration, they take the opportunity of slandering these poor girls, and they found their slander upon the Report of the Immigration Agent. I have seen it myself.

7. *By Mr. Deniehy*: Do you mean to say that the *Times* founded some remarks upon Mr. Browne's Report? Yes.

8. Does it allude to this particular Report? Yes; this particular extract was given.

9. *By the Chairman*: The extract of which you in the petition complain particularly? Yes. I know it has been attempted lately to narrow this question as one relating merely to orphan girls, but to show that Mr. Browne does not mean orphan girls only, I would refer the Committee to page 146 of the Blue Book, 1854; there is an extract from a letter of the Honorable C. D. Riddell, then Colonial Secretary, alluding to the regulations with reference to females under a certain age. He says—"In the case of single females under the age of eighteen years the concurrence of the parents will be obtained by the Immigration Agent in respect to situations in which he may propose to place them." This is a regulation that occurs in 1854, at the time Mr. Browne wrote this infamous Report on which the Governor General founded the despatch; and to shew that the Report must have reference to more than orphan girls, it says,—"Thirdly, the class of female domestic servants who have lately arrived are not at all suitable for the wants of the Colony, being principally composed of persons from the southern counties of Ireland, and from their entire ignorance of domestic duties suited only for dairy and farming pursuits, a description of females for which there is only a limited demand." And then he alludes in very disparaging terms to their dirty habits.

10. *By Mr. Deniehy*: Have you those allusions? You will find them in Mr. Browne's Report, dated 27th October, 1854, at page 5 of the Blue Book. I have spoken to several of my friends upon the subject, and they have all expressed their entire concurrence of opinion as to the faithfulness of these girls, and their desirableness as immigrants. I have had some myself in my employment, and I would not desire better or more faithful servants. Any person who goes to my place knows the immense amount of property lying about, and if my servants were dishonest they could rob me to any extent, as I have been frequently in the habit of leaving money and property about, but I never lost to the value of that bit of paper, to my knowledge, and I never had the slightest distrust of their want of honesty. It is true that some were raw and inexperienced, but they always had a desire to learn; it is also true that they might not be suited for ladies' maids, or to undertake some fine offices, but for hard work and useful employment, such as is necessary in a new country, they were well adapted.

11. For ordinary domestic purposes in towns? Yes. I have yet to learn whether they are not, beyond all comparison, the most suitable characters that could arrive, more particularly in a new country like this, where colonization ought to be our primary object, for as to their virtuous conduct, Irish females are particularly remarkable for that, especially those from the rural districts. If a few, from the bad treatment of their mistresses, or from other causes, have gone bad, I emphatically state, as a man of the world, as one who knows the world, the matter of surprise has been, not that there have been so many, but that there have been so few. Not one in twenty turned out bad. Some of them were badly treated by their mistresses, who, when these girls were indentured to them, look upon them as assigned servants, and attempted to treat them as such; and no doubt when they were bound to various mistresses, other girls tampered with them and gave them bad advice. No doubt also, some of them became very troublesome, and having twice the ordinary work they ought to do, being overburdened with work, became listless and discontented; but I have known girls taken up to the Immigration Agent by their mistresses and complained of, who have, after their indentures have been cancelled, become very good servants. From general inquiries I have made, I am convinced that these girls have given general satisfaction; and furthermore, I arrive at this conclusion, from my own personal observation in my own business. The mistresses of many of these girls, educated ladies, have come to me—and this

Mr. J. Moore. has been a very frequent occurrence—and bought Catholic Bibles and Catholic Prayer Books to give to these girls.

19 Aug., 1858. 12. Protestant ladies? Protestant ladies. It has been a very frequent occurrence. They have come to me and said, "Mr. Moore, I have a very good Irish orphan in my employ; she has been very good and faithful, and I wish to make her some little present, as her wages are small. I think the best thing I can do is to give her a Bible, as she will not read ours; if you will let me have a nice Bible, I do not care about the expense." In other cases, where the servant has had a Bible, they have asked me to select a Catholic Prayer Book.

13. *By Mr. Owen*: At the time of the orphan immigration going on, did you hear any disinclination expressed on the part of the public to take these girls? That is a question I wish to touch upon. I would not myself take any of the girls out to have them bound, and I did hear objections on the part of the public to the indentures. They did not like to have the girls bound to them, for they thought if they did happen to get a bad girl they would be saddled with her.

14. From anything that was known of the character and ability of these girls, was there any disinclination to take them? There was, at first, a doubt expressed as to their fitness for cooking, and other domestic duties, but I have often known that doubt to be removed; and I have heard, where ladies have taken the trouble of instructing them, that they were docile and easily instructed.

15. Were they ultimately taken very much into service? They were very much taken into service, and very well liked, so far as my observation went.

16. *By Mr. Faucett*: When was Captain Browne appointed to the office of Immigration Agent? I think about the middle of 1851.

17. You knew some of the girls who came out before that time? Yes.

18. And since? And since.

19. Do you know whether the class sent since then were, in point of character, equal to the class that came out before? I have had one in my employ for four years since then, and I think her a model of a servant.

20. I am speaking of the entire class? Speaking of the entire class, and looking at the amount of money they get—and, mark you this, gentlemen—I have an opportunity of knowing this, for, being a stationer, many of these girls come to me for what they call "covers for letters," (envelopes); then they will buy a stamp, and then have their letters weighed, and upon inquiry I find that they are sending remittances home to their friends. That, I think, is conclusive about the fitness of these girls for the Colony, when they have money to send home to their friends, and they do this in multitudes of instances.

21. I ask you whether the class of girls who have come out since 1851 has been superior or inferior to that which came out previous to that time? I really cannot state further than this:—that I have noticed females visiting my place who were friends of my servants, and I have observed them to be a very superior class of girls; they have seemed to be very comfortable.

22. I wish to know whether the class that has come out since has been superior to that which came out before Mr. Browne's appointment? I do not think they were superior.

23. You mean that they are a good class? Yes, a suitable class.

24. You do not mean superior by comparison with the others? No.

25. You have spoken of instances of young women who came out shewing great regard for their clergyman? Yes.

26. When did that occur? In 1854; the Revd. Mr. Parker was the clergyman.

27. Was there an investigation about that? Yes; it was with reference to the "Lady Kennaway"—I refer to Captain Browne's Report.

28. What is the particular passage of the report to which you refer? It is this:—"In the particular instance under consideration, it was natural to expect that in consequence of the previous connection that had existed between the Revd. 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." I object to that; there is something very insidious in that.

29. The objection you make is, that there is a statement in that report of Mr. Browne that the girls took every opportunity of annoying the surgeon? Yes; I think it is not at all borne out by the evidence.

30. *By Mr. Parkes*: Did you read the evidence taken before the Board of Inquiry? Yes.

31. Did you read it at the time? Yes.

32. *By Mr. Faucett*: You have spoken of an extract from the *Times* containing an extract from Mr. Browne's Report—this Report that is complained of in the petition—do you know the date of that? No; my attention was called to it by a friend, at first, who had seen the *Times* and noticed it.

33. How long ago? About the beginning of 1857, I think.

34. Where did you see the extract? In one of the Port Phillip papers—it was extracted from the *Times*—I think it was in the *Argus*.

35. *By Mr. Owen*: Can you state positively whether that article was based upon Captain Browne's Report, or did it refer to any other document? I believe it quoted Captain Browne's words.

36. *By Mr. Faucett*: Do you recollect whether the article alluded to South Australia and a despatch from Sir William Macdonell? I do not. I saw two extracts: one was a newspaper extract cut out, and, of course, if you see the text without the context you cannot tell the bearing of it. I certainly did think, and I think now, that these girls were unfairly treated.

37. You have spoken of the kind treatment of some Protestant ladies—had you the means of forming an opinion of the treatment of these girls by Protestant females generally? My general impression, so far as it could be formed from speaking to any of my Protestant friends was, that they were well treated. I have always heard them spoken of in kind terms. I have heard that in some cases there has been an unjust prejudice raised against them, but that has been mere rumour; what I have positively known has been that they have been kindly treated.

Mr. J. Moore.
19 Aug., 1858.

38. Where the girls have actually lived have you formed a general opinion as to their treatment? I will, if I am allowed, give one instance to illustrate the thing: An English gentleman, a Protestant, had an Irish girl, who had sent home all her savings to bring out her family. When the intelligence of the wreck of the "Dunbar" first reached Sydney, it was generally suspected that the vessel lost was an immigrant ship, and this gentleman called at my place, and I never saw any man in greater trouble. He said, "I have a little 'Irish orphan girl'—these were his words—"who has sent home all her savings to bring out her family, and if I cannot return home with good news of them, poor girl! I think she will break her heart." I never saw any one more upset.

39. You have no reason to suppose that they have to any extent been unkindly treated? I have heard rumours of that kind, but I do not like to give evidence upon mere rumour.

40. *By Mr. Owen:* You know of acts of kindness, but you do not know of any acts of unkindness? I believe they have been most cruelly treated, and frequently by people of their own country. I have heard ladies express some little annoyance that they could not go out to service at night instead of in the morning, they have felt a little irritation in that way, but when I have explained the Catholic usage, they have no longer felt annoyance.

41. Then, taking this particular expression—"as being most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people"—is it your belief that this statement is unfounded? Yes, I think it is unfounded; I think a more unfounded charge was never made; it is unfounded in all its particulars.

42. Both as to being unsuitable to the requirements of the Colony and distasteful to the majority of the people? Yes; if they were "distasteful" they would not be employed, and if they were "unsuitable" they would not have money to send home to their friends.

43. Have you known many instances of their sending home money to their friends? The instances have been so numerous that I could not enumerate them; in fact, it is an almost daily occurrence.

ADDENDUM.

In attending the Committee, and giving the above evidence, and in taking the active part I did, in connexion with other gentlemen, in bringing this matter under the attention of the local legislature and country, we were moved thereto by no personal hostility to Mr. Browne, neither had we any party or personal interest to serve, but simply a sense of duty urged us to this line of action, as being the best means of bringing the whole subject before the country, more particularly as those orphan girls were, in a more especial manner, the subject of Mr. Browne's misrepresentations. As these poor girls were, for the most, orphans, and, from their peculiar and isolated position, unable to defend themselves, we felt it to be our imperative duty to institute this investigation, so that full and ample justice might be done to all parties concerned, knowing the cause that led these girls to leave their own country—the Irish famine of 1847-48—to seek a home in this favored land, where they expected to get fair play and a proper remuneration for their industry, denied them in their own country. I am happy to say many, very many, have fully realized their fondest expectations, being now wives and mothers, some of them of large families, partaking largely of the fruits of their honest industry in all parts of the Colony where they found their way.

As a colonist, and one having a deep and abiding interest in all that affects the welfare of this community—deeply sensible of the many blessings we enjoy in this glorious, free, and favored land of ours, where, thanks to our liberal and free institutions, together with that fine friendly spirit that pervades all classes of society, class distinction is almost unknown—I cannot but deplore that any person could be found anxious to stir up causes of ill feeling amongst us.

It is gratifying to find that fine healthy feeling of liberality that pervades all classes of society, brought about by a happy amalgamation of the various races, without that sickening heartburning and distrust which caused many a man to leave the old European countries in disgust, and seek a home and resting place in our midst.

Being moved by these and other considerations, I have been at considerable pains in making inquiries among those parties who employed these girls, and, if such evidence were admissible, I could have given their names, and the result of the conversation, when I was examined before the Select Committee. On this account much valuable, and, to my mind, conclusive evidence was left out. I think I have proved—if proof were wanting in this matter—that the description of immigrants so unfairly slandered by Mr. Browne were amongst the very best class of immigrants that arrived in this Colony, without wishing to disparage others infinitely superior to many drafts of immigrants of whom no unkind word has been mentioned by Mr. Browne. As my object is not to asperse any one, I shall not further allude to this subject.

From the strong manifestation of feeling expressed by many parties in this community, I, in common with the other petitioners, felt it a duty we owed to ourselves as well as to those so unjustly slandered, to appeal to the representatives of the people, feeling confident that full and ample justice would be done in the matter, and thus prevent for the future any official from attempting to throw the apple of discord in the midst of our peaceful and happy community by unjustly assailing any particular class. It should rather be the duty of every good citizen to endeavour to bind and cement the people together, and as far as possible bury their differences, and by this means assist to build up a great, prosperous, happy, and united Australian Nation.

JEREMIAH MOORE,
Bookseller, George-street.

25 August, 1858.

Mr.

Mr. William Michael Davis called in and examined:—

- Mr. W. M. Davis.
19 Aug., 1858.
1. *By the Chairman*: Are you Secretary to the Celtic Association? I am.
 2. Your name has been suggested to the Committee. Can you furnish us with any evidence, from your own knowledge, of the character of the Irish orphan girls—have you ever employed any of them? I have never employed any of them, and I do not know whether those I have seen at my sister's, and at other places where I have been living, have been orphans, but they have been single females from Ireland.
 3. You cannot say expressly whether they have been orphans or not? I cannot.
 4. From your own knowledge, can you give the Committee any evidence as to the character of the class of girls referred to by the petitioners? I can. I have seen a great number of them in employment where I have been living at various times, and I have always observed them to be as good as, and, generally speaking, more hard working and industrious than other female servants. As to some of them not being acquainted with domestic duties, they soon learn. I remember a girl—an Irish girl—whom my sister got from the Barracks, and although she could not do anything at all when she was first hired, before three months was past she was able to do everything about the place required of her, the same as a trained servant, and was getting the highest wages. Many similar instances have come under my observation, which convince me that the objection urged by the Agent for Immigration against those he is pleased to call “rough country Irish girls,” on the ground of their not being acquainted with domestic service, is frivolous.
 5. *By Mr. Owen*: Are you speaking of an orphan girl? I am speaking of a single Irish female; and I may add, that the Immigration Agent, in his evidence before the Select Committee of the Legislative Council on the “Immigration Department” in the year 1855, (see question 40 and answer thereto), did not confine himself to “orphan girls,” but referred generally to Irish females from the farming counties of Ireland as being unsuitable for “almost any employment.”
 6. You do not know whether she was an orphan or not? I do not. I can state that among those with whom I have mixed for many years I have heard the orphan girls receive a very good character, generally speaking; indeed I scarcely know a single exception, and I have heard them spoken of by all parties—by people of various religious sects and countries. The great objection to them upon their arrival was, that they were not trained domestic servants; but I think that was of little matter, for they soon learn. In saying the great objection to them was their presumed ignorance of household duties, I mean to say that that was the only objection that could possibly be urged against them; but I believe that even that objection did not prevent their being employed. The payment of the immigrants' bonds formerly required from the employers was, in a great measure, the cause of so many girls remaining so long in the depôt during the Irish orphan immigration.
 7. You do not know anything of these girls of your own knowledge—you only speak from the statements of others? Perhaps I have seen orphan girls in service, but it is some time ago, and I did not take much interest in these matters at that time.
 8. *By Mr. Faucett*: You speak more with reference to the character of Irish female immigrants generally—are you aware of the distinction made between Irish orphan females and other Irish female immigrants? I do not believe that a distinction was intended to be made in the petition. The words in the petition between inverted commas were selected, I believe, by the petitioners for the purpose alone of shewing the nature of Mr. Browne's attacks upon Irish female immigration. The petitioners by so doing did not for one moment intend to confine the inquiry merely to orphan immigration; for in Mr. Browne's Report for 1855, paragraph 90, he refers to “rough country Irish girls” as being distasteful to the Colonists; and in his Report for 1854 he speaks of “single females,” most of them, if not all, being Irish, as “being unaccustomed to the occupations of domestic servants,” and alludes to a disinclination on the part of employers to engage them. He even in this Report, paragraph 46, throws a doubt, though indirectly, upon their virtue. It is these general and continued attacks of Mr. Browne which has induced the petitioners to seek redress from the Legislative Assembly.
 9. Are you aware that the community at large understood a distinction of that kind to be made? No. I know well the general feelings of the petitioners with reference to the aspersions of Mr. Browne. They consider that he has assiduously and needlessly labored to tamper with Irish female immigration; that is my candid opinion, in support of which I beg to refer you to paragraph 46 in his Report for 1854, and to paragraphs 23, 24, 25, 26, 27, 29, and 30 in his Report for 1855, and to his answers to questions 25, 31, 32, 33, 36, 37, 38, and 40, given in evidence before a Select Committee of the Legislative Council on the “Immigration Department,” ordered to be printed 19 December, 1855, and to his evidence before the Select Committee on Immigration, ordered to be printed 29 November, 1855. In fact almost every document from his hands concerning immigration bears the same *animus* in reference to “Irish female immigrants.”
 10. *By Mr. Rotton*: When you signed the petition, were you not under the impression that the words used by Captain Browne in his Report referred to Irish girls generally? Yes; for the same statements had been made in other reports and letters.
 11. *By Mr. Owen*: Have you read this petition? I have. The words quoted in the petition referred to Irish female orphans; but similar expressions are used in other reports which refer to female immigrants from Ireland generally.
 12. *By Mr. Parkes*: Did you take an active part in getting up this petition? I acted in my capacity of Secretary to the Australian Celtic Association.
 13. The petition was adopted by the Association, who obtained the signatures to it? Yes.
 14. Whether that passage from the Agent's Report refers to orphans or to Irish female immigration generally, have you had any opportunity of forming an opinion, based upon facts, in direct opposition to this. It is to be inferred that the Agent based his statement upon the complaints made at his office from time to time—? I have heard a great number of contrary statements.
 - 15.

15. You have never employed them? No.

16. You have never met them, except accidentally in your intercourse with your friends? Yes.

Mr. W. M.
Davis.

17. *By Mr. Rotton:* Have you ever heard any complaints against these girls on account of their ignorance of household duties generally? That is the only complaint I ever heard from any one about them; but I have also heard that they have very soon become acquainted with every part of household duties.

19 Aug., 1858.

18. *By Mr. Deniehy:* Have you heard anything of immorality on the part of Irish orphan girls—have you heard of any of them turning out bad and going on the streets? No. I am aware that has been stated.

19. Do you know nothing of the kind? I have heard such accusations made use of, but with no just reason, as far as I am aware. I know of no instance by which such remarks could be at all justified, although very probably some of these girls may have fallen. As a class they were virtuous.

20. *By Mr. Rotton:* What meaning do you attach to the words of which the petitioners complain? That the Irish female immigrants are not at all pleasing to the great majority of the people, and that they are unsuitable altogether to the Colony.

21. That is stated distinctly in the petition, but I want you to say in what way you understand these words—do they, in your opinion, refer to their ignorance of household duties, to the services that would be required of them, or to their general character? I do not understand them to refer to their general character.

22. But to their not being conversant with domestic and household duties, and that in consequence they are not sought after, but are considered rather unsuitable? That is the way I understand this statement.

23. *By Mr. Deniehy:* As Secretary to the Celtic Association, you were present at the meeting when that petition was prepared? Yes.

24. Was it the impression of those who prepared the petition that Captain Browne had aspersed the moral character of these girls; their character for chastity, or fitness for service, or both? I have known some to understand the matter as referring to the moral character of the girls which has indeed been, though in an indirect manner, aspersed by Mr. Browne, as may be seen by a reference to paragraph 46 in his Report for 1854, and in the latter part of his answer to question 31, in the Progress Report from the Select Committee of the Legislative Council on the Immigration Department, ordered to be printed, 19 December, 1855; but, generally speaking, I think the statement in the petition was understood to refer to their unsuitableness for service.

25. On the ground of ignorance, not of immorality? On the ground of ignorance.

Mr. Robert Jones called in and examined:—

1. *By the Chairman:* You are a tailor and draper? I am.

2. How long have you been resident in Sydney? Twenty-nine years.

3. Have you ever been an employer of the description of female servants known as Irish orphan girls? Yes.

Mr. R. Jones.

19 Aug., 1858.

4. Can you give the Committee the result of your experience as to the suitableness of these girls as domestic servants? We had two in 1850 or 1851, at the time I was in Broughton's house, at the London Chartered Bank. They were apprenticed, I think, for twelve months, or were under some agreement for twelve months, and behaved uncommonly well. One was house servant, and the other cook and laundress. They served their time; one got married afterwards, and the other went to Mr. Farrell's as laundress. She sent home for her sister, and had her apprenticed to a dressmaker here. These are the only orphan girls I have had; but I have had other Irish girls; one has been with me for the last five years; and by the last ship she had her brother and sister out, whose passage was paid by the money she sent home out of her savings.

5. *By Mr. Owen:* Do you know whether there was any disinclination on the part of your neighbours, or of the public generally, to take these girls? I cannot say; I think there used to be a talk about that. They did not like them about the town, but we found them uncommonly good. They required training; they required leading; and Mrs. Jones is a person who would take them in hand for a month or so and teach them.

6. She took pains with them, and succeeded in teaching them? Yes, and they were excellent servants after that. They are truly honest, and attend well to their church.

7. *By Mr. Rotton:* If they were placed with ladies who would not take so much pains to teach them, would you consider them rather unsuitable for domestic service? Many ladies did not like the trouble. I prefer them, after they are taught, to the English, for they are not so flighty as the English.

8. *By Mr. Owen:* You think the English are more flighty? Yes.

9. Are not you an Englishman? Yes.

10. *By Mr. Rotton:* You stated at the commencement of your evidence that these girls have been under engagement to you for a year—were they bound for a year? Yes.

11. Are you not aware that the Irish orphan girls were indentured under regular indentures for a longer period than a year? I do not know. One of them is now with Mr. George Hill.

12. *By Mr. Faucett:* Will you be good enough to say whether you have reason to suppose that Irish orphan girls were distasteful to the majority of the people of this Colony? I could not say; that is a very difficult question to answer; I can only speak as I find.

13. As far as your experience goes? We used to like them.

14. Had you any opportunity of forming an opinion of the general feeling? My opinion is that people were generally rather against them. The public, generally, found great fault. I have reasoned with parties when they have complained of them; I have said, "Perhaps you do not behave properly to them—you must not bounce them, you must lead them."

Mr. R. Jones. 15. *By Mr. Owen*: Did you know them to be "bounced" or ill-used? No; but I used to say so to persons.

19 Aug., 1858. 16. *By Mr. Rotton*: You have understood from general report that there was a prejudice against them? There is a prejudice against them.

17. *By Mr. Faucett*: Does that prejudice continue? I do not know; the thing has been dropped.

18. *By Mr. Rotton*: Do you know the reason of the prejudice? They are sometimes stubborn, and when you speak to them they do not know what you mean; and if you fly at them they get obstinate, but if you try to explain things to them you can manage them. They are ignorant of household duties, and many of them can hardly understand you when you speak to them.

THURSDAY, 4 NOVEMBER, 1858.

Present:—

MR. THORNTON,
MR. MURRAY,

MR. ROTTON,
MR. FAUCETT.

GEORGE THORNTON, ESQ., IN THE CHAIR.

Mrs. Capps called in and examined:—

Mrs. Capps. 1. *By the Chairman*: I think you keep a Female Servants' Registry Office in Sydney? Yes.

2. For how long have you kept it? For nearly four years.

4 Nov., 1858. 3. Do you know anything of that description of immigrant known as the Irish Orphan Immigrant? Yes—whilst I was at Hyde Park Barracks.

4. You were formerly Matron of the Hyde Park Barracks? Yes.

5. How long were you there? About five years.

6. Were you Matron during the time that those girls arrived in the Colony? Yes.

7. I wish to ask you now, whether in your position as Matron of the female immigrants, or as Registry Office Keeper, you will inform the Committee in respect to the character of these girls? The orphan girls?

8. Yes: What was their character amongst the community as to being servicable—as servant girls? I should be sorry to say anything against the orphan girls. Some of them were unsuitable and not well selected, but the greater part of them turned out very well. They had not many opportunities in their own country of becoming acquainted with domestic duties.

9. In what way did you consider them unsuitable—because they had not received that necessary education or experience to qualify them for their service? They were not sent to service in their own country. Irish fathers and mothers do not send their children to service so early as they are sent in England or Scotland; therefore a great many of them were not acquainted with domestic duties, such as cooking, washing, or house work. They had not the same opportunities of learning as the English or Scotch had; but still the greater part of the Irish orphans turned out very well indeed.

10. You mean to say that after a little teaching or experience they turned out very well? Yes. A few days ago I had an orphan girl who had a seven years' character. I have known some of them with five years' character, and with wages from 2s. 6d. to 3s. per week they were enabled to send home some of that to their friends.

11. What was the character, generally, of these girls—taking a view of the whole lot—were they generally speaking well-conducted or ill-conducted? Well-conducted.

12. Do you consider them as a description of immigrants likely to be useful to the community, or otherwise? I think that they will be likely to be useful. With proper management they turn out very well; their expectations are very humble when they come out first.

13. *By Mr. Murray*: As far as you have had an opportunity of judging, Mrs. Capps, did you think that they were hard working? Yes.

14. Industrious? Yes.

15. And did you find them as well-conducted as the other girls—do they bear a favorable or an unfavourable comparison with them? I think they were better conducted. At one time I had the management of six hundred of them, without an assistant, and I had no trouble with them.

16. Did I understand you to say just now that they hired out for wages so low as 2s. 6d. or 3s. a week? Yes; they were apprenticed.

17. At 2s. 6d. or 3s. per week? Yes; at £6 to £10 a-year.

18. And nevertheless out of that pittance saved money, which they sent home? Yes.

19. Did you know many instances in which savings were made in that way? Yes.

20. Many instances? Yes. I could name the parties with whom they served their apprenticeship, and gave satisfaction. Dr. Forster, of Parramatta, had a girl for seven years; Mr. Rattray, of Bathurst-street, had one for seven years; but of course I cannot remember all.

21. Have you known many instances of the kind on the part of other girls of other countries? It was a different affair altogether—the Government immigrants coming out were hired by the month, and so on. I think they did not remain very long in their places, so that I could not say.

22. Do you know many instances of the Scotch girls or English girls sending home money to their friends? Not so many.

23. Then that would appear to indicate some high traits of character on the part of these Irish girls? Yes.

24.

24. Now, from what you have observed of them, do you think you could say that they were a class of people most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people? Certainly not.

Mrs. Capps.
4 Nov, 1858.

At the request of Captain Browne, the following question was put to the witness by the Chairman:—

25. *By the Chairman:* During the period that this immigration was going on, do you know of some hundreds of instances of those girls being returned to you as unsuitable for their engagements? Yes; but in some instances it was the fault of the employers; they were very hard upon them. There was always some explanation; and besides, there were 2,000 orphan girls altogether—perhaps more.

26. Arrived in the Colony you mean? Yes, whilst I was there. There was the "Earl Grey," "Inchinnan," "Digby," "Lady Peel," "William and Mary," "Lismoyne," "Maria," "Thomas Arbuthnot," "Panama," "John Knox," and the "Tippoo Saib." I think there were about 250 arrived in each ship; and if more pains had been taken in selecting them they would have done very well.

27. *By Mr. Rotton:* What were the reasons usually given for the return of those girls to the depôt? Some of them were very young; but I believe that with proper management and a little patience they would turn out very well. Some mistresses expected that they could cook and wash well at first; but it was impossible, because they had had no opportunities of learning.

At the request of Captain Browne, the following questions were put to the witness by the Chairman:—

28. *By the Chairman:* Were not some of them so excessively bad that they were placed under the charge of a sergeant of police, in a sort of hard labor department in the building adjoining the depôt? Yes; a few of them were very unmanageable—about twelve altogether.

29. Did they not amount sometimes to upwards of a hundred, who were occupied in picking oakum to keep them employed? I never knew that there were so many as a hundred; there might have been fifty or sixty.

30. Were those girls so under punishment employed picking oakum so as to keep them employed? Yes.

31. Were not those girls, after they were returned from service with their indentures cancelled by the Benchers, usually forwarded in drafts up the country, and not allowed to hire out again in the town? Yes.

32. *By Mr. Rotton:* Did I understand you to say that you were not aware of the reasons given for the return of the girls from their indented service, usually? From incompetence.

33. If so many were returned for incompetency, without any reference whatever to their conduct—moral or otherwise—would not that be one sufficient reason for saying that they were unsuitable to the requirements of the Colony? Yes, a few of them; but if they were better selected they would be more suitable than any other description, because they were very humble in their expectations. They were satisfied with reasonable wages, and were willing to learn; but some people expected them to perform all the duties the moment they were engaged.

34. But at the time you refer to I think you will recollect that wages for female servants were very low generally in the Colony? When a ship of Government immigrants arrived at the time the orphan ships arrived they had higher wages.

35. Yes; but not anything like the present rate of wages? Up to £25 per annum, or from £20 to £25, whilst the others only got £6, £8, or £10.

36. But then the others, had not they to be clothed as well as the other remuneration they got? The orphan girls?

37. Yes? No.

38. *By Mr. Faucett:* Have you had many other classes of females in the depôt? Yes.

39. In large numbers? Yes; English and Scotch.

40. What numbers of English and Scotch have you had there? A great many.

41. Had you as many as eighteen hundred? No; I should think about half that number.

42. Were these bound out in the same way as the Irish girls? No; an agreement was drawn up for three months or one month.

43. Were any of these girls returned, do you know? Yes. Some of them came back, and requested admission again into the barracks.

44. Did any of them require, while they were in the depôt, to be kept to this hard labor you speak of? No.

45. You had no power to treat the other girls in that way? I had no control over them; and for the great number of orphan girls I had under my charge, I had very little trouble with them.

46. The Irish girls? Yes.

47. Have you any means of judging whether the English and Scotch girls you spoke of turned out well? I think the Scotch girls turned out very well; but the English needlewomen were not at all what we expected.

48. The needlewomen came out by the "Diana"? No; there were five ships—the "Malacca," "Tartar," "City of Poonah," "Euphrates," and the "Carnatic."

49. How did those five ships turn out? They did not turn out well at all.

50. Now, comparing the conduct of the whole of the Irish girls with the conduct of the Scotch girls and of the English girls, do the Irish girls bear at least as good a character as the others? I think the Irish girls were the best conducted girls; the Scotch girls next.

51. Can you say on the whole that they have become as serviceable in the Colony, as servants, as either of the other classes, taking the body? Do you mean that they stayed longer in service, or that they were better servants?

Mrs. Capps. 52. Taking the length of service and everything of the kind into consideration, do you think that they have given as much satisfaction as the English and Scotch? I think so.

4 Nov., 1858.

At the request of Captain Browne the following question was put to the witness:—

53. *By the Chairman:* Was there not a strong prejudice against the Irish orphan girls towards the latter part of their introduction, amongst the employers generally? I think there was a slight dissatisfaction amongst the people.
54. Of course you cannot say whether it was general or partial? No.
55. *By Mr. Murray:* It was stated just now that some of the girls were put to work picking oakum in the hard labor department of the barracks? Yes.
56. Under what authority was that done? I could not say; I got an order for them to do so, and attended to it.
57. But it was by the order of the committee—whichever had the management of the depôt? Yes.
58. Did the girls make any objection to be employed so? No.
59. What was the description of labor they were employed at? Picking oakum.
60. Then there was some allusion made to a sergeant of police that was over them at the time? Yes.
61. Was that the case? Yes.
62. Placed over them? Yes, in a separate building.
63. Where they were thus employed? Yes.
64. What led to this—could you explain to the Committee? The girls were returned by their employers, and, of course, they should have some employment, and it was thought best to give them the oakum to pick.
65. But did you see any necessity for having a sergeant of police over them during the operation? I have never been in the place.
66. But you know as a fact that they were so employed? Yes.
67. Did you hear any complaint of this practice having been resorted to? No; they did not grumble about it.
68. But, so far as you can judge, are you aware of any necessity for having a sergeant of police brought in for the purpose—? He was not brought in; he was living in that establishment at the time, and he got the control of them.
69. Were any of them put in custody and confined? Yes; they were in that place, and there was not much ventilation.
70. How were they put into confinement? They were shut in.
71. Were they locked in? Yes; but there were certain hours of the day for exercise.
72. But while employed they were put under lock and key? Yes.
73. And in the custody of a sergeant of police? He had the keys of the place, and the management.
74. What were the ages of these girls—how did they range? The average was about 18—perhaps 16 or 17.
75. But you are not aware at all of the circumstances which led to their being employed and confined in this way? No; I do not know much about that department; I believe it was those who returned from their service.
76. And how long had they to be kept in this sort of durance? A long time, until some ladies visited the place, and protested against it.
77. Who were the ladies? The Sisters of Charity.
78. They found that this sort of confinement—? They visited them, and found that there was not proper ventilation—that the place was becoming unwholesome, and I think they spoke to the Immigration Agent about it.
79. And then those girls were liberated? Not immediately. They were sent off in drafts up the country.
80. How long did the process of liberation last? A month or six weeks.
81. How many were kept there at any one time? About fifty.
82. How did they sleep at night? They all slept in this long room.
83. How many individuals could you mention as having slept there during the night? I could not say.
84. They were all confined in the same apartment? Yes.
85. And amounted to fifty or sixty at times? Yes; this was the highest number.
86. And was this system carried on with the knowledge of the Managing Committee at the time? I suppose it was.
87. And how long was the room? I should think it was about 24 yards long.
88. And how wide do you suppose? About quarter that width.
89. And fifty or sixty persons were employed in it during the day picking oakum, and had to sleep there at night? Yes.
90. And what was the size of the yard? It was not much larger than the room. The yard and the room are the same length.
91. Who was the Immigration Agent at that time? Captain Browne was for part of the time.
92. *By Mr. Faucett:* Who do you say was the Immigration Agent during the time these people were in confinement? Mr. Merewether, and then Captain Browne.
93. Was Captain Browne, according to the best of your recollection, Immigration Agent part of the time that they were confined in this way? Yes.
94. Can you say how long he was Agent? About three or four months, I think.
95. *By the Chairman:* This sort of punishment appears to have been in full working at the time Captain Browne joined the establishment? The Irish orphans were nearly all gone at that time. There were not many left.
96. When Captain Browne joined? Not many.

97. Was this a part of the discipline of the establishment when Captain Browne did join? *Mrs. Capp's.*
Yes.
98. *By Mr. Faucett:* Did Captain Browne continue or stop that system when he became Agent? The orphan girls were all disposed of, and sent away as fast as they could be disposed of. *Nov., 1853.*
99. But have you any recollection at all whether Captain Browne interfered in any way with that system so as to put a stop to that punishment? I cannot say.
100. Did this system continue until all the girls were disposed of? Whilst the girls were in this place called the penitentiary, they were made to work—picking oakum—until they were all disposed of.
101. *By Mr. Faucett:* As long as they were there? Yes.
102. *By Mr. Murray:* With regard to the confinement in this room, did that continue until they were all liberated? Until the Sisters of Charity spoke of it to the Immigration Agent it continued.
103. Did continue? Yes.
104. And, no matter what the number might have been, they all slept in the same room? Yes.
105. How did they take their meals? I do not know. I had no connection with that place. I never saw how they had their meals; but I know that there was no separate apartment to sleep in. They all had one apartment.
106. Who had the management of that one particular branch of the establishment? Inspector Holmes. His wife looked after them sometimes.
107. Did Sergeant Holmes remain there all the time—was he on duty day and night? He was supposed to be there when he was called for.
108. Always there in attendance? I think he was not there always at night. One of these girls took ill one night, and they broke off the gate leading to the institution I was in, and came to apprise me of it.
109. They broke the gate in order to give notice of one of the girls that was ill? Yes.
110. Was there no arrangement made for providing for accidental illness under such circumstances? I believe not.
111. Was she dangerously ill? No. She was subject to fits.
112. Have you had any knowledge of any of these girls since they left—have you traced them at all in after life? Those that were in this place?
113. Those orphan girls? They were sent away up the country.
114. You do not know anything about them? I could not point to any single instance.
115. I think you did not understand my question. The question I wanted to put to you was, whether you knew of any of them having become wives and mothers? Yes, I know of many instances.
116. Have you formed any opinion at all as to whether they have made good wives and mothers? I am quite satisfied that they have made excellent wives and mothers.
117. As good as the women of any other country? Yes.
118. That is your opinion? Yes.
119. *By Mr. Rotton:* Did I understand you to say that the employment of oakum picking was ordered as a punishment for those girls? I cannot say.
120. Then they must have committed some offence before they could have been put to that employment? Yes; there were complaints lodged against them by their employers when they were turned in.
121. By whom, or by what authority were they put to that employment? I suppose the Immigration Agent.
122. Then it was not merely as an ordinary means of employment to keep them out of idleness, but as a punishment? I could not say; but the order was given for them to pick this oakum, and it was attended to.
123. Were these exclusively girls that had been returned from service, or were the whole of the Irish orphans whom you had under your charge at that time so employed? The Immigration Agent thought that it would be better for them to have some employment, and I think the order was to pick oakum.
124. All of them? Yes.
125. Then it was not as a punishment? I suppose not.
126. These that you speak of who were confined—(I have understood from the answers you made to Mr. Murray's questions, numbers of them were confined in a certain room and employed picking oakum)—were they under punishment exclusively? There were some who picked oakum in the institution who were not under punishment at all.
127. But those confined in this room that you speak of were under punishment? Yes.
128. Have you any recollection of the number—what would the number average? That were picking oakum and in punishment?
129. Yes? The numbers varied much, but not under twenty.
130. What was the most you can recollect? About fifty.
131. That would be then from twenty to fifty under punishment? Yes. I think fifty was the highest number.
132. You spoke of the Sisters of Charity having interfered—was it on account of the nature of the employment they interfered, or on account of the unwholesomeness of the apartment? The air was so bad and vitiated. I think it was on account of the unwholesomeness of the air.
133. No complaints, I think you said, were made by the girls themselves who were not under punishment of the nature of the employment? Oh! no. They did it very willingly.
134. You have had from twenty to fifty then, I think I understand you, under punishment employed in picking oakum? Yes.

- Mrs. Capps.* 135. During what period? I think it continued for better than twelve months—that system.
- 4 Nov., 1858, 136. *By Mr. Murray:* These refractory girls then were thus confined in a room of the size you have specified during the greater portion of the day, and allowed a little exercise occasionally in the yard of the size you have stated, and employed picking oakum—with a sergeant of police watching them, for no other offence that you are aware of than not agreeing with their masters and mistresses? Yes.
137. Was there not a Committee—did not ladies go there to visit those girls? The Sisters of Charity.
138. Only the Sisters of Charity? Yes, only them.
139. Which of the Sisters of Charity? Mrs. De Lacy and another.
140. *By the Chairman:* I think you stated that those girls were put into this room because of their bad behaviour—that they were incorrigible? No; most of them were returned from incompetence, not because they were incorrigible.
141. *By Mr. Rotton:* Have you had occasion at any time to make complaints of the conduct of any of the girls who were under your control? The Irish orphans?
142. Yes? Not often of the Irish orphan girls.
143. We are speaking of the Irish orphans—we are alluding to those who were specially under your charge? Yes.
144. You had occasion sometimes to complain of their conduct? Yes; but very seldom indeed.
145. On such occasions were they subjected to any punishment—were any of the girls put into the room you spoke of to pick oakum as a punishment? Not that I remember; only those who were returned to the institution.
146. Only those that were returned? Yes.
147. You are not aware by what authority those girls were so punished? No; I cannot tell.

At the request of Captain Browne the following questions were put to the witness by the Chairman:—

148. *By the Chairman:* Was it not one of the first steps taken by Captain Browne to abolish the house of correction or penitentiary, or whatever it might be, and to bring all the girls then in charge of Sergeant Holmes under your charge? I think so; it was abolished, and Inspector Holmes left the place.
149. Soon after Captain Browne came? Yes.
150. This system was abolished, and the girls were brought under your charge? Yes. In fact the orphan immigration discontinued about that time.
151. Did you not express some doubts as to the propriety of the step Captain Browne was taking—did you in your capacity as Matron remonstrate or suggest to Captain Browne the impropriety of introducing some of those confined girls amongst the other immigrants and abolishing the penitentiary? I do not recollect suggesting anything of the kind to Captain Browne.
152. *By Mr. Faucett:* Can you say after that system was abolished—of confining them in the penitentiary—whether the girls were easily manageable by you? I had no trouble with them at all.
153. At any time? No.
154. Before or after? No.
155. There were very few that remained after, I believe? Very few.
156. In fact the immigrants had been nearly all drafted off before it was abolished? Yes.
157. *By Mr. Murray:* The Sisters of Charity were the first persons who drew your attention to the unhealthfulness of the place? Yes.
158. How long was that before the practice was discontinued? I think it was very nearly towards the close of the orphan immigration.
159. That they drew attention to it? Yes.
160. Do you know if they remonstrated at all against it? They went into the Immigration Agent, and Mrs De Lacy told him of it.
161. Did you hear any probability of the practice being discontinued until they interfered? No.
162. That was the first you heard of the probability of any change—the remonstrance of the Sisters of Charity? Yes.
163. *By Mr. Faucett:* Who was the Immigration Agent at the time they remonstrated? I think it was Captain Browne.
164. Was there any Agent before Mr. Merewether while you were there? No.
165. All the time you were there—he was the first and Captain Browne after him—there was no other during your time? No.

Mrs. Pawsey called in and examined:—

1. *By the Chairman:* You keep a Registry Office in Sydney, do you not, Mrs. Pawsey? Yes. Mrs. Pawsey.
2. You have kept one for some years? Yes—since 1848.
3. For the last ten years? Yes. 4 Nov., 1858.
4. It is a registry for female servants, is it not? Yes.
5. Then your knowledge of female servants will be pretty good—you have a pretty good knowledge of them? I have.
6. Will you inform the Committee, in reference to that description of servant known as the Irish Orphan Immigrant, whether you found them suitable to employers or otherwise? Many were found suitable, and preferred to those arriving by the other class of emigrant ships. The greatest objection to hiring them was their being so ignorant of their duties as household servants.
7. Did you know much of that description of girl yourself? I did.
8. What was their general character, apart from that of ability? Their moral character?
9. Their moral character? I think upon the whole that their characters were good.
10. Do they bear a favorable comparison, or otherwise, with girls of other countries? A very favorable comparison.
11. You will excuse the question—are you an English woman? I am a Scotch woman.
12. Do you find a great many of the girls now in service at Sydney, or in the country, are girls who have come here—? Under the Orphan Immigration system?
13. Yes? There are a few, and most of them have married and left service; others have gone out of the Colony.
14. But those of that class now hiring—what is their character in regard to ability as servants? They are generally considered good servants.
15. *By Mr. Murray:* Have you been able to trace the career of any of these Irish orphans in after life? I have.
16. Do you know any of them married? Yes.
17. And mothers? Yes.
18. Can you form any opinion as to whether they make good wives and mothers? I could not say; taking them as a whole, a few of them—I dare say many of them—but in the interior of the Colony they have gone beyond my observation.
19. I mean this—do they make as good wives and mothers as the generality of wives and mothers you meet with? Quite as good.
20. *By Mr. Rotton:* The answers you have given, do they refer particularly to the class known as the Irish orphan immigrants? I am speaking of the Irish orphan immigrant.
21. Not to Irish immigrants generally? No; of the Irish orphans I speak.
22. Have you passed many of them through your office? Some hundreds of them.
23. That must have been subsequent to their having performed their first engagements? I think there were many of them that did not perform their first engagement.
24. They did not? No.
25. Are you aware of the cause? I think many of them were very cruelly treated.
26. From your own knowledge of them, when they first came to the Colony were they particularly suitable—I do not mean in regard to their private or moral character, but in their capacity as servants—were they in fact knowledgeable as servants? Not at the time of their arrival; the great majority were completely ignorant of their duties as domestic servants, but they were engaged at a low rate of wages, and those who would take the trouble of teaching found them capable of learning, and generally made them thorough servants.
27. They were not, then, on their first arrival very competent to fill situations? No; I should say that not more than one-third were competent to fill the situation of domestic servants at the time of their arrival in the Colony.
28. Would not that be a means of creating some dissatisfaction and causing some prejudice against them? It was.
29. Generally speaking, so far as you know, their moral character has been pretty good? Yes, I think their moral character has. There were many that did not behave properly; but, considering the great number that came out under that system, I think their characters and conduct quite as good as those that came out under the other system, or even the recently arrived immigrants.
30. Do you know how many Irish orphan girls came out to the Colony altogether? I do not.
31. Do you remember the periods within which they arrived here? I think it commenced in 1850, and continued about three years. At present I could not answer that question correctly, but could tell from the entries in my books.
32. I suppose most of those who passed through your office—that is, who made engagements through you—were those who had served their time or had been discharged from the employers Government had provided for them? Yes.
33. You, in no instance, I believe, made original agreements? No original engagements were made through my office; all original engagements were made from the depôt.
34. Amongst the parties wishing to hire servants from your office, was there any disposition shewn to avoid hiring this particular class of servant? There was.
35. Would they willingly pay much higher rates of wages for other classes of female immigrants? No. The high rate of wages has been much objected to during the last five years.
36. Would employers have been willing to pay more for other classes of female immigrants than the Irish orphan immigrants? It would depend much on their qualifications and general character, and on their efficiency as servants.
37. You stated just now that there was great indisposition shewn to engage these girls at all? I meant if they had broken their agreement, or it had been cancelled for misconduct, not when they had completed their original engagement and left with a good character.

Mrs. Pawsey. 38. When they could produce satisfactory recommendations? Yes.

39. *By Mr. Faucett:* Who were those who shewed a disposition to avoid hiring these people
4 Nov., 1868. —what class of persons? Generally the higher class

40. Did any of the country ladies and gentlemen—the country employers? No. I never found them much objected to in the country.

41. Then it was none but some of the higher class in Sydney? Yes.

42. They wished to have accomplished servants? Competent servants.

43. They did not consider this class of servants sufficiently accomplished? Yes.

44. Was there any other reason? No other.

45. Did these people that objected form anything like a majority of the employers? No.

46. Not even of Sydney? Not generally.

47. Did anything like a majority of employers object? Do you mean in Sydney?

48. Yes? I think there was a majority in Sydney.

49. And through the country was there a majority? No.

50. Those who did object were principally of the higher class? Yes.

51. Will you tell us what you mean by the higher class in Sydney—I really do not know what it is? There are different ranks in society; and, I think, you can form an idea of what is termed the higher class.

52. *By Mr. Rotton:* May I ask when you engage servants for the country is it not in very many instances left to your own discretion? It is.

53. Parties from the country frequently send down to you to send them up such and such description of servants, and you exercise your own discretion in the matter? I do.

54. Then they have no opportunity of either seeing or questioning a girl personally before they receive her at their establishment? No. It is impossible that they can have any opportunity of doing so.

55. *By Mr. Faucett:* You send persons to the country to various classes of employers? I do.

56. You send different classes of immigrants—English, Irish, and Scotch? Yes.

57. Have you had any more complaints from the country about the Irish girls than about the English or Scotch girls? I do not think I have; it is more on account of the great distance from chapel, in many parts of the interior, that employers are put to inconvenience.

58. Then you think the complaint arises on the part of the servants that they have not an opportunity of attending to their chapels? Yes, in the country parts.

59. And that is one of the causes of disagreement between them and their employers? It is the principal cause.

60. The principal cause? The principal cause.

61. And that cause exists much more in the country than in Sydney? Much more.

62. Do you know whether that cause prevails to any extent in Sydney? I think it does.

63. Does that prevail in the families of the higher classes you have spoken of? It does.

64. Have you not found amongst the higher classes that you speak of a general willingness, or have you not found a general willingness to allow their servants to attend their places of worship—the Irish girls as well as any others? I have not. I do not say they would not be allowed to attend church, but I mean to early morning, or forenoon service.

65. Have you found among what we have called the higher class of employers an unwillingness to allow the Irish girls to attend their places of worship on Sunday? I have stated that morning service is objected to; on Sunday evening they are allowed to go.

66. No objection in the evening; but have you found any objection to allow them to attend in the day time—I mean the forenoon service? I have. The hours I meant in my last answer are from early morning until three o'clock.

67. Has there been a general unwillingness to allow them to attend before that time? Yes.

68. And has that been one of the great causes of complaint? It has been a great cause of complaint.

69. Do you know whether those girls considered it incumbent on them, as a matter of conscience, to attend church in the morning—before two o'clock? Yes, I think they do.

70. And their attending church in the afternoon after that hour, or the evening service, is not with them the same thing as attending the morning service? They tell me so.

71. And that is one of the causes of disagreement? Yes.

72. And do you find that cause of disagreement general in Sydney? I do.

73. Do you find that the same class of persons object to allow their English servants to attend church in the morning? Yes. There are few employers allow their servants out to forenoon service—it causes great inconvenience. I do not understand the services either of the Church of England or the Roman Catholic Church, therefore cannot say which of the services are considered incumbent on the members of those churches to attend.

74. Merely as a matter of fact, do you know whether the employers of the higher class you spoke of object to allow Church of England servants to attend service before two o'clock? Very few are allowed that privilege in the morning; they go at three o'clock.

75. Do you find that a cause of complaint on the part of that class of servants? No.

76. They do not complain? No.

77. They are allowed to go to service in the afternoon? Yes, at least each alternate Sunday.

78. *By Mr. Rotton:* But have not those Irish orphans an equal cause of complaint, for the same reason, if they happen to be in the employment of any of their own creed—are they allowed more privileges with those of their own creed than they are with others? Certainly. There is no Roman Catholic family keeping servants of that persuasion but would allow them to go to church.

79. *By Mr. Faucett:* In the morning? I have never found them object to their going at the proper hours appointed for service.

FRIDAY, 5 NOVEMBER, 1858.

Present:—

MR. MURRAY, | MR. ROTTON,
MR. FAUCETT.

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

Present in the room—H. H. Browne, Esq., Immigration Agent.

The Honorable Francis Lewis Shaw Merewether, Esquire, M.L.C., attending by permission of the Legislative Council, examined:—

1. *By the Chairman*: You were for a long time Immigration Agent? I was.
2. When did you first take that office? In 1841.
3. When did you give it up? In 1851.
4. Had you, while in that office, any experience at all of the character of Irish Orphan Immigration? Yes; the Irish Orphan Immigration commenced during my tenure of office, and the original regulations under which the orphans were disposed of were framed by a Board of which I was chairman.
5. When did Irish Orphan Immigration commence? I think it was in 1849.
6. It commenced some time before you gave up your appointment? Yes.
7. Do you know how long it continued? I think the large immigration of that description lasted for about eighteen months or two years. It took place in the years 1849 and 1850.
8. From your experience of that immigration while in office, what was your opinion of that class of immigrants? My opinion was, that as respects their moral character they would bear a very favorable comparison with any immigrants ever brought out, but a very small proportion of them had been used to domestic service, and consequently there was a difficulty in disposing of them, and many did not give satisfaction. Having been chiefly taken from the rural population of Ireland, they were not used to domestic service.
9. You were a long time in the former Legislative Council of this Colony? Yes.
10. And are now a member of the present Legislative Council? Yes.
11. Your attention then, as a statesman, has been directed to immigration to this Colony, as a thing altogether apart from the mere consideration of the introduction of labor? Yes; I have paid close attention to the subject.
12. Has it occurred to you at all that men and women are brought to these colonies to serve even higher purposes than those connected with the immediate supply of labor? No doubt they are. One of the great objects is to people the country.
13. We are laying the foundations of a people—of a nation—here? Yes.
14. Then, I presume, under such circumstances, the moral character of the immigrants introduced is a matter deserving of great consideration? Yes, the highest consideration.
15. Do you think, then, that the use of such expressions as these, in regard to that particular class of immigrants, is or is not justifiable:—that they are “most unsuitable to the requirements of the Colony, and at the same time distasteful to the majority of the people”? Those expressions, I imagine, had reference to their immediate usefulness, and to the demand which was found to exist for their services.
16. As servants? As servants.
17. Is this language which you yourself, as Immigration Agent, would have felt you were justified in using with regard to these persons? If it were true that they were unsuitable to the requirements of the Colony, I think it would have been my duty as Immigration Agent to state distinctly the fact. If females were brought out who, as a matter of fact, found a difficulty in obtaining employment, or who were of a description inferior to that which the Colony ought to have received in return for its outlay, it would have been my duty to state it.
18. You were in office during a large portion of the time when these people were coming out, and you have a very considerable knowledge of their general character? Yes.
19. Did you, during that period, make any report at all on the subject of immigration? Yes, I reported frequently, on the several ships as they came out, and on the character of the immigrants.
20. Did you, in any of those reports, make use of language at all similar to this? If I remember right, the general tenor of the language used by me was in accordance with that which I have made use of before this Committee—that their moral character was good, but that they were not acceptable to employers of labor, particularly in town, as they had not been used to domestic service.
21. To whom did you make your reports? To the Colonial Secretary.
22. Did you make any to the Commissioners for Emigration in England? No; my reports were forwarded to the Commissioners through the Colonial Secretary.
23. What has been the general character of the female immigrants brought out here from all parts of the United Kingdom? I think upon the whole good. There have been exceptions, but I think not more than might be reasonably expected, particularly considering the unfavorable circumstances under which females must be placed during the long voyage to this Colony.
24. There were some ships, I believe, very strongly objected to? Yes. Much depended on the management on board ship.
25. Do you remember what were the rates of wages at which Irish orphan immigrants were engaged, generally speaking? I think the rates of wages fixed were from £7 to £14 a-year for the orphan girls.

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26. And for other girls at the same period? I think they ranged from £10 to £20.
27. How do you account for the difference? The orphan girls, generally speaking, were of inferior qualifications for domestic service, and the greater part of them were apprenticed.
28. At these rates of wages? Yes.
29. £7 to £14? Yes.
30. Does it come within your knowledge that the owners of these very fine houses about Sydney are or are not hard to please in regard to servants of any description? I do not know that they are particularly hard to please. If they were, they would find but few immigrants who would satisfy them. A large proportion of the females who come to this Colony as immigrants are inferior as domestic servants, from want of experience and training, although the order of the Colonial Government, if it may be so termed, is for trained servants, and the full passage-money is paid in the expectation of receiving them.
31. How were these girls treated in the Immigration Barracks when they came out here? With the greatest possible care and consideration.
32. Who were the parties who had the management of them? A Committee was appointed, consisting of clergymen of different persuasions, the members of the Immigration Board, and some other gentlemen.
33. How often did these gentlemen attend at the barracks to see how these girls were treated? Once a week. The clergymen attended daily, and the Health Officer visited them daily, also.
34. Who were the clergymen? Mr. Allwood, Dr. Gregory or Mr. McEneroc, and Dr. McGarvie.
35. Did they attend generally to the immigrants? No; they were specially put on this Board upon my recommendation, for the purpose of superintending this Irish orphan immigration. There was also a chaplain to the immigrants.
36. How many of these Irish girls were received altogether? I cannot state the number from recollection, but about 2,300 I think.
37. We heard yesterday of these girls being put under some sort of *duresse* in Hyde Park Barracks, when returned from service—by what authority were they confined? They could scarcely be said to be confined. They were put in a room by themselves, by the authority of the Board, who were appointed their guardians.
38. It was given in evidence here that a sergeant of police was put over them? A sergeant of police was not put over them as such. A superintendent of the barracks was in fact a sergeant of police; he had been connected with the department before he was appointed to the police, and was continued. His being in the police was considered an advantage, but he was not placed over them in his capacity as a sergeant of police, but as superintendent of the barracks.
39. Used he to dress in uniform? Yes.
40. Where used he to remain in attendance on these girls? About the premises. He and his wife lived in rooms adjoining the room in which the girls were.
41. How were the girls employed? In picking oakum.
42. Who used to give them the oakum to pick? I think it was issued by Holmes, the man referred to.
43. Who used to see that they picked it? They were watched.
44. Who watched them? This sergeant of police and his wife, if I remember right. I do not now distinctly recollect the details of their management. It was, of course, very undesirable that these girls should be left idle, particularly those returned from service, and that was the only employment which could be found.
45. Was this sergeant of police, who gave them the oakum to pick, assisted occasionally by his wife, under the direction of the Managing Committee? Yes.
46. What was the size of the room in which these girls were kept at this sort of work? About 100 feet long by 20 feet wide.
47. When did they begin to pick the oakum—at what hour of the day? They were supposed to be regularly employed at picking oakum during the working hours of the day, but at what hour they began I do not remember. Certainly they were not oppressed with work.
48. Where used they to have their meals? In the same room.
49. And what hours of recreation had they? I do not recollect the arrangements made for the distribution of their time. Returns would shew the quantity of oakum picked, and the number of girls who were there.
50. But it might have been that picking oakum was not an amusement in which they particularly delighted? The object was not to afford them agreeable employment, rather the contrary.
51. A disagreeable employment? An employment if possible less acceptable than the work which they would have to do in service, so that no inducement might be offered to them to seek a release from their engagements in order to return to the barracks.
52. What was done with the oakum when it was picked? It was sent to the Colonial Storekeeper, I think, and sold.
53. Do you remember that any remonstrance was made at all against the manner in which these young women were subject to confinement? I do not.
54. It was given in evidence here yesterday that the Sisters of Charity interfered? I do not recollect it.
55. How many girls did you know to be kept in confinement at any one time? That I cannot say from recollection—thirty, perhaps.
56. How many of these Irish girls have you had in the barracks at any one time? I think at one time we had as many as eight or nine hundred.
57. At the time that these girls who had been returned from service were kept in confinement in that long room were there other Irish orphans in the barracks? Yes. As far as I remember the arrangements, those who were returned from service, under sentence of the Court, in which it had been proved that they had been guilty of misconduct, were placed in this separate apartment.
- 58.

58. What was the misconduct? Misconduct formally charged against them by their employers, and decided upon in the Police Court. Mr. Browne, who was at that time Water Police Magistrate, was a member of the Committee of Guardians, and for that reason an arrangement was made that the cases generally should be heard at the Water Police Office, where they were taken by themselves; and when the orphans' indentures were cancelled for misconduct on their part they were received back into the barracks, but placed in this room separate from the others.

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59. Then no girls were received back from their employers except those who had been brought before the Police Court, and whose indentures had been cancelled? No, unless in exceptional cases—I think there were one or two—in which the Board found it necessary to interfere and take away servants. I have not any particular case in my recollection, but I have an impression that there were a few cases of that sort. The general rule was that they were taken to the Police Court, where their indentures were cancelled, and they were returned.

60. Was any sentence passed upon them with regard to confinement? No; that was the act of the Committee—their duly constituted guardians.

61. On their own responsibility? Yes.

62. Of what age were these girls generally? From fourteen to seventeen. They were apprenticed up to seventeen, but above that age they were not apprenticed.

63. Do you know at all whether any of these girls, even out of the pittance allowed them as wages—£7 to £14 a-year—saved money to send home to their friends? I am not aware of it, but I can readily believe it, from cases which have come under my own observation.

64. That would indicate a high trait of character? Yes. I think their feeling of attachment to their friends, and their desire to serve them, are very strong indeed.

65. They were also well conducted in other respects—chaste? Their moral character was in general very good.

66. But they were not such good household servants as English or Scotch? No, they were not; it was not to be expected that they should be under the circumstances under which they came out, and for that reason they were sent into service as apprentices. The English and Scotch, and also the Irish immigrants of a different character, are supposed to be trained servants. They were not supposed to be such.

67. I find that this is what you say of these girls in your Report to His Excellency Sir Charles Fitz Roy, dated Sydney, 31st May, 1849:—"The female orphans who have arrived up to the present time have been taken entirely from the workhouses in Ireland, and in consideration of their mature age, and their being regarded as not inferior to the ordinary female emigrants, Her Majesty's Government has accepted from the parochial authorities, as their share of the expense, the females' outfit and conveyance to the port of embarkation, and, I believe, though I am not precisely informed on the subject, the payment of the schoolmaster and matron appointed for their instruction and supervision during the passage. Intimation has, however, been given to the Local Government, that this plan of orphan immigration will be extended to England, and that, as in the workhouses there, few females whom it would be desirable to send would be found above the age of 14 years. A contribution of £4 towards the passage money, in addition to the outfit and other incidental expenses, will be made out of the parochial funds. As respects the female orphans who have arrived up to the present time, I am happy to be able to report that the number of those who did not bring good characters from the authorities placed over them in the ships was comparatively small; that the conduct of the whole of them, whilst inmates of the building provided for their reception here, was orderly to a degree which could scarcely have been expected; and that a large majority of them have given satisfaction to the employers in whose service they were placed, both at Melbourne and here. In very few instances indeed have I heard complaints respecting them of a more serious nature than ignorance of the duties of domestic service and inaptitude for learning them?" Yes; that corresponds with what I have stated to the Committee.

68. This was, I believe, the last Report you made? The last general Report.

69. Do you know if there was a subsequent one in which this class of immigrants was at all alluded to? I do not remember any particular Report; but as I only received a notice to attend the Committee yesterday evening, and have had no opportunity of making reference to documents, I cannot speak with certainty. A Report was made on every individual ship.

70. At that time you did not deem it necessary to say anything further on the subject than what is stated here? No.

71. You are not aware of your having done so at any subsequent period? No.

72. When you wrote this Report you evidently did not think these Irish female immigrants "most unsuitable to the requirements of the Colony, and distasteful to the majority of the people?" That was not my experience of them. At that time they went off very much more rapidly than might have been expected.

73. Your impressions with respect to them were then rather favorable than otherwise? Yes; as I have stated, favorable as regards their moral character.

74. *By Mr. Fanelett*: What was the number of these immigrants that had been disposed of at the date of that Report? There must have been a considerable number disposed of at that time, but I have no documents before me to show how many.

75. *By Mr. Rotton*: That must have been almost at the commencement of orphan immigration? At the first commencement a very large number came out; I am not able to state the number, having no figures before me, but several hundreds, I have no doubt.

76. *By the Chairman*: How long after you made this Report did you remain in office as Immigration Agent? About twelve months.

77. You never deemed it necessary to make any other Report on the subject? The tenor of my Reports throughout was, as far as I recollect, very much in accordance with that which has been cited by the Chairman.

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78. You saw no reason to change your opinion? No.
79. To revert to the picking of oakum—you do not remember that any remonstrance was made with regard to the confinement of these girls? I do not.
80. Were all the arrangements made for their personal comfort, treatment, and decency, such as were approved by the medical officer in particular, as well as by the other members of the Committee? Yes.
81. Do you remember that the Sisters of Charity visited there? Yes, constantly.
82. Did they ever make any report on the subject to you? None, that I remember.
83. Did the girls themselves ever remonstrate against being kept in this sort of duress? No, I do not think they did.
84. Perhaps they liked it? I do not suppose they liked it. It was not intended they should like it. The general complaint at that time was that they were treated with more consideration than they were entitled to, and rather unduly encouraged to remain in the building.
85. How were they ultimately disposed of? They all ultimately found employment. Immigration partially ceased, and people were glad to take even those who had been previously rejected. I think it right to repeat that the utmost possible consideration was shewn to them throughout, and that in all the arrangements the object was to provide for their comfort, their health, and their moral and religious welfare. The Clergymen and the Medical Officer visited them daily.
86. *By Mr. Rolton*: Apart from the high consideration involved in the question of immigration, as adverted to by Mr. Murray in prefacing his first question to you, if it were the fact that at that time these particular immigrants were not qualified as household servants, and were objected to on that account by their employers, would not the Immigration Agent, or whoever framed the report in which these objectionable expressions were contained, have been justified on those grounds in using such an expression? Although the introduction of immigrants serves the higher object of providing for the peopling of the country, yet the immediate purpose for which they are provided with passages at the public expense is that they should supply the demand in the labor market; and if those who are sent out are found not to supply that demand, it is the duty of the Immigration Agent so to report. I always did so myself with respect to any class who were not wanted, or who were not possessed of the qualifications which the Colony had a right to expect in consideration of its large outlay.
87. You have no doubt read the Report, and are aware of the exact terms of the expression complained of—"unsuitable to the requirements of the Colony, and distasteful to the majority of the people"—What interpretation would you put on those terms? What I have understood by them was, that they were not a class of people that employers wanted, and that they would not take them off the hands of the Government.
88. You would not infer that their moral character, or their religion, was at all adverted to, or impugned in any way? Certainly not. It may be right for me to mention, that the Female Orphan Immigration from the Irish workhouses, of which I had experience, was of an unusually favorable character, owing to the circumstances of Ireland at that period. There were then a great number of very respectable young women who had been reduced from circumstances of comparative, and in some cases actual affluence, to the necessity of going into the workhouses. I have no hesitation in saying that I am myself strongly opposed to workhouse immigration of any sort, either from England, Ireland, or Scotland.
89. Do you think an inferior class of that description of immigrants came out subsequently? I do not know that. I merely state the fact, that at the time I was in office a very large number of highly respectable people had been driven to seek workhouse subsistence—a much better class than are ordinarily to be found in workhouses.
90. You have stated that you were in office while this immigration was going on, from 1849 to 1851; you must therefore have had great experience of the working of the system—was it then generally acceptable to the employers of these immigrants? The only answer to be given to that question is the fact that they were disposed of, and disposed of more rapidly than I had anticipated. They came out in very large numbers at once, and many of them were unquestionably very unfit for domestic service when they first left the barracks.
91. There were many of them returned to the barracks from the services in which they had been engaged—are you aware what was generally the cause of their being returned? I think the general cause was a violent use of the tongue, and a good deal of obstinacy.
92. *By Mr. Faucett*: At the time that Mr. Browne heard these cases he was one of the Board of Management of these persons whose cases he was hearing? Yes.
93. Was not that a strange proceeding, that a gentleman should sit on the Bench as a Magistrate, deciding cases over persons he had under his control—would you consider that as fair or common justice that a gentlemen should sit to hear a case against a servant woman who was directly under his control? It might not be fair as regards the employer, but it was decidedly in favor of the servant; and it was with that object the arrangement was made. It was for the protection of the females, and in order that they might not be subject to the annoyance of the general Police Court, that an arrangement was made that the cases should be heard by some of their guardians sitting as Magistrates.
94. *By Mr. Rolton*: There was a room, we have been informed, set apart for the reception of those immigrants who had been returned from their services, which was styled the "penitentiary"? I did not know it by that name.
95. Mrs. Capps, who was at one time Matron, told us yesterday that it bore that designation? That was not the official designation.
96. There was a room set apart? Yes.
97. Have you any recollection how the number ranged that were kept in that room? No, I have not; but I think I am able to state that the number were much fewer in proportion to the accommodation than in other parts of the building.
98. We have it in evidence that the number ranged from twenty to fifty? That would be about the average.

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99. Did you consider that room in which they were kept by any means unwholesome or too small for the purpose? Certainly not. It was a fine large airy room, and much more than sufficient for any number that were ever in it. As far as my recollection serves, that room would accommodate one hundred persons—that it would hold one hundred beds.
100. Were they made to pick oakum as a means of punishment, or to keep them employed? As a means of employment. There was no other employment we could give them. Very few of them could use their needle; and if they could, no needle-work could have been undertaken by the establishment, as the girls were being daily withdrawn into service.
101. Was the employment considered at all degrading? I never heard it called so.
102. Were not some of the immigrants in other parts of the building so employed? Yes; I think it was made a general employment, as being the only employment that could be devised for them.
103. The general management of these girls was ordered by regulations of the Board you have spoken of? Yes.
104. Can you state the names of the gentlemen composing that Board? It appears from a list placed before me that they were as follows:—Mr. George Allen, Mr. Allwood, Mr. Browne, Mr. Cheeke, Major Christie, Dr. Gregory—for whom I think Mr. M'Enroe acted—Mr. Gregory, Prothonotary of the Supreme Court, Captain Innes, Superintendent of Police, Dr. M'Garvie, Sir Charles Nicholson, Dr. Savage, who was then Health Officer, and myself.
105. Those are gentlemen who would not be at all likely to promulgate regulations which would be revolting to society for the management of these girls? Certainly not. They were very carefully selected, with the view of representing all interests, and particularly with a view to have persons upon the Board who might be able to give accurate information as to the character of employers, so that no female, as far as the Board could prevent it, should be placed in an unsuitable service.
106. During the time you had charge of the Immigration Department were any regulations made by the Board that were considered at all objectionable? I do not remember to have ever heard of any.
107. Do you remember any complaints whatever having been made by the public or by individuals? No; the only complaints I remember were the general complaints of the public at that time that these women were being pampered at the public expense; that was a common complaint then.
108. Your Report quoted by the Chairman was dated in 1849, and as you did not retire from the office of Immigration Agent till 1851, you must have had nearly two years subsequent experience of the system—had you reported at a later date, would your Report have been as favorable to that description of immigrants, and would you still have recommended their introduction? I certainly should not have recommended it if others were to be had, because, as I said before, I object to any immigrants being introduced from workhouses in any part of the United Kingdom. But there has always been a great difficulty in obtaining the required number of female servants of any description.
109. *By Mr. Faucett:* From any country? From any country.
110. *By Mr. Rutton:* Have you ever had any complaints made by any of these girls during your tenure of office of any indignities that were cast upon them on account of their religious persuasion, or of refusals on the part of those who employed them to permit them to attend to their religious duties? I do not now remember any case. There was an express provision in their indentures that they should be allowed to attend their religious duties.
111. Can you recollect whether these girls were freely taken by employers of different persuasions from that which they themselves professed? They were.
112. No objection was offered to them on the score of their religion? No. The intention in the first instance, if I remember right, was to apprentice them as far as possible to persons of their own creeds; but that was found to be impracticable, and was given up.
113. I think you said that 2,300 Irish orphans had been brought out during your tenure of office—can you state how many were returned from service during the same period whose indentures were cancelled by the Bench for misconduct? No, I cannot; but the numbers can doubtless be ascertained from the records of the office. It did not, I think, bear any large proportion to the total number.
114. The burden of the complaints against them, I think I understood you to say just now, was generally for incompetency? Yes, and in some cases want of capacity, as well as indisposition to learn.
115. *By Mr. Faucett:* With respect to Mr. Browne sitting as a Magistrate to decide these cases, I understood you to say he was requested by the Board to do so, for the protection of the girls? Yes.
116. To take care of their interests? Yes. The Board determined that they would not cancel indentures themselves, but leave cases of complaint to be decided according to the ordinary course of law; and in order that the girls might not be exposed to the annoyance of a public Court this special arrangement was made.
117. Do you recollect whether many were returned from the country districts in consequence of misconduct of any kind? I think there were some returned, but not so large a proportion as in Sydney. But arrangements were made that some of the girls should be sent to depôts in the country towns, and when returned they were sent to these depôts. A large proportion of them were much more suited to rough country employments than to employment in town.
118. You say you think one of the acts of misconduct charged against these girls was a violent use of the tongue—did you ever hear that some of their employers in Sydney have sometimes exercised their tongues with some little indiscretion? I have heard of such cases. No doubt there were many such; and when the fault was on the side of the employer, the case was decided against him and in favor of the girl.
119. And was the result in these cases that the indentures were cancelled? Yes.
120. When the indentures were cancelled on account of indiscretions on the part of employers

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employers —? They were received back again, and not put in the place which has been called the "penitentiary"?

121. There was a clause in the indentures that they should be allowed to attend their places of worship? Yes.

122. We had it in evidence yesterday that they complained that they were not allowed to attend morning service, on Sundays more particularly—were you aware of any such complaints? I do not remember any. If there were any, they were so few as to have left no impression on my memory.

123. It was stated that that was one of the principal causes that led to differences between them and their employers? As far as I recollect having heard of any such complaints, they proved to be nothing more than that the employers could not allow their servants to go out at eleven o'clock. The girls were not disposed to go at an earlier hour of the morning.

124. The employers themselves wished to go to places of worship at eleven? Yes.

125. Have you any reason to say from your experience, taking town and country together, that these people were "distasteful to the majority of the people"? On the whole, taking that batch of immigrants, I think I may say they were of great service to the country; but, as I said before, the people who came out at that time did not fairly represent ordinary workhouse inmates, because circumstances had thrown amongst them, at that particular period, many who were of a much superior class.

126. Without reference to their being from workhouses at all, would you say they were distasteful to the majority of the people—understanding "the people" as the people of the country as well as of the town? No. As a batch, I should say that the orphan immigrants who came out during my tenure of office were on the whole acceptable; but there were no doubt a great number of them who were far from refined, and not at all suited to ordinary domestic service.

127. I believe you have known remittances to have been sent from Moreton Bay to the Immigration Agent, for the purpose of assisting friends at home? Yes, remittances have been made from different parts of the Colony.

128. Do you recollect whether the people who have been brought out by the assistance of these remittances were brought to Sydney, or sent directly to Moreton Bay? That I do not remember; in fact it scarcely occurred in my time.

129. Have you had any knowledge of the conduct and character of these orphan girls in after life? I only know from what I have casually heard, that a great number have turned out well. We took a great deal of pains at that time to ascertain what proportion of them were to be found about the streets of Sydney, and we ascertained that the number was very small indeed in proportion to the whole.

130. With respect to that point, would they bear a favorable or unfavorable comparison with the females from England or Scotland? I think in that point of view they would bear a favorable comparison.

131. Do you know that many of them who have gone into the country have married most respectably, and turned out remarkably well? Yes; I have heard so from many quarters.

132. Many of them are in very comfortable circumstances now? Yes; so I have heard.

133. *By Mr. Rotton:* We are assembled here in consequence of a petition presented to the House, requesting the appointment of a Committee to inquire into this question; and the petitioners, amongst other things, pray "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." Are you able to offer any suggestions as to the means to be adopted to carry out that distribution? It would be a very desirable thing, no doubt, to have females conveyed into the interior, but it is, I conceive, a question of expense; the expense of conveying them to the interior would be so enormous that, if not now, it would at one time have amounted to half as much as the cost of bringing them out from England; otherwise it would be desirable to have depôts in the country towns.

134. *By Mr. Faucett:* Do you not think the people in the country districts are not treated fairly, unless these people are sent into the country instead of being retained in Sydney? I do not think that at all.

135. Are not the people of Sydney at least at an advantage in that respect, by these people being placed within their reach? No doubt they have an advantage, but it is only the same advantage that a person has in buying any article of merchandize—he has not to pay carriage to the interior.

136. *By Mr. Rotton:* There are higher considerations, as the Chairman explained just now, in asking you a question, involved in the question of immigration, than the mere supply of the labor market; as he said, we wish to get a good class of immigrants to this Colony, for the purpose of peopling it with those who will ultimately give the nation, when it so becomes, a permanent and good character: would it not then be better that these immigrants, when they arrive here, should be distributed in such parts of the Colony as they would be likely to do themselves some good in—to get on in fact in the world—than that they should be shut up in Sydney where they are frequently not required—where their services are not accepted—and where, consequently, they are almost obliged to become prostitutes on the town. Is it not a well known fact that many of those who are prostitutes in the City of Sydney have been driven to it from necessity, arising from the difficulty of obtaining employment here, and the impossibility of getting to the interior? I do not think that is the case at all; I do not believe a single woman has been driven to prostitution in this Colony for want of employment, even in those times when there was a very large female immigration.

137. I think we have it in evidence, on very high authority, that they have? Well, I do not credit it myself. It may be so represented, and no doubt any woman who had erred in that way would so represent it; but I do not believe it myself.

138. Do you not think it would be desirable that immigrants should be, at any rate, proportionally distributed in the interior? I do think it extremely desirable; but it is a question of expense. I should suggest that the employers of labor in the interior should form associations, and raise funds to bring the people up.

139. We have had it in evidence that these girls were objected to because they were "dirty Irish, and ignorant Irish papists,"—have you ever heard such objections? I have heard many objections on the score that they were dirty and ignorant, but I do not think their religion was an objection, or that any objection was taken to them on that ground by people in general who were in search of servants; on the contrary, even protestant clergymen have taken them.

140. Have you ever heard any cry got up in the Colony to exclude Irish immigrants? I have not heard anything of the sort of late years. I think that all classes are perfectly satisfied if they get a fair proportion from the different portions of the United Kingdom; that is the general feeling of the Colony, as far as I know it.

141. *By the Chairman, at the suggestion of Mr. Browne:* Will you state the number of Irish orphan immigrants that had arrived up to the time when you made the Report in 1849, which has been alluded to by the Chairman? I find from the document placed in my hands that the number was 618, by three ships.

142. With the exception of the first vessel, the "Earl Grey," from which there were a large number removed at once to Moreton Bay, were not the majority of those who subsequently arrived, in the "Inchinnan" and "Digby," of a better class? Yes; and there were also a considerable number in the "Earl Grey" who were of a most respectable character.

143. Do you remember that in the early part of 1849 a resolution was come to by the Committee, of which you were Chairman, to the effect that Orphan Immigration should not be continued, excepting on the condition that some contribution was made from the unions or parishes, to the extent of £5, or of half the passage money? Yes, I do; a proposition was made that females from some of the workhouses in England should be sent to the Colony, on the condition that the workhouse funds should be charged with a portion of the expense. The Committee recommended that the same condition should be imposed in respect to those from Ireland. As I before stated, I have always objected to workhouse emigrants; but if they are to be taken, the Colony ought certainly not to bear the whole expense of their introduction.

144. Was not a similar recommendation made by the Orphan Committee at Melbourne, and sent through you as Chairman of the Orphan Committee here? I think it was.

145. Was not the cost of these girls, who were not in all respects suited for domestic service, as great, in consequence of the expenses of management after arrival, or in some respects greater, than the cost of the introduction of suitable domestic servants? The expense to the Colonial Government for the maintenance and supervision of these girls after their arrival was unquestionably greater than in the case of the ordinary female immigrants who are expected to be trained servants, and accompanied by their natural protectors, or of an age to take care of themselves.

146. Was there not latterly a great prejudice existing against them on the part of the public generally. When the orphans available for engagement were reduced to those who had been left unhired, on account of their inferior capacities, and to those who had been returned for misconduct, a prejudice naturally arose against a class which was then represented by none but the worst members of it.

147. In consequence of the bad conduct of some of the girls that were forwarded into the country, did not the Orphan Immigration Committee come to a resolution that no more of them should be forwarded into the interior who were returned from service, as they were bringing by their conduct disgrace upon the whole batch? Yes; a rule had been established by the Committee that girls returned from service in Sydney for misconduct should be forwarded into the country districts; but as the removal had not the anticipated effect of improving their course of conduct, the opinion formed from their misbehaviour was found to produce in the country districts a strong prejudice against the whole class, whilst to the individual girls no benefit resulted; this arrangement was accordingly discontinued.

The Hon.
F.L.S.
Merewether,
Esq., M.L.C.

5 Nov., 1853.

1858-9.

WEDNESDAY, 22 DECEMBER, 1858.

Present:—

Mr. DENIEHY,
Mr. JENKINS,Mr. ROTTON,
Mr. THORNTON.

GEORGE THORNTON, Esq., IN THE CHAIR.

Hutchinson Hothersall Browne, Esq., called in and examined:—

- H. H. Browne, Esq.
22 Dec., 1858.
1. *By the Chairman*: Are you prepared to offer to the Committee your explanations upon the subject which has been referred to them? I am.
 2. You are aware that the petitioners complain—and I direct your attention particularly to the words—that you have “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.’” I emphasized the words “*Irish Female Immigrants*,” for it is the impression that your so-called misrepresentation has referred to Irish females generally? My intention, as Chairman of the Immigration Board, in writing that Report, which has been the primary cause of the complaint in this instance, was in consequence of an inquiry instituted before that Board, on complaints made by the clergyman in charge of the immigrants by the “*Lady Kennaway*,” and also in consequence of reports which had reached that Board and the Government, that irregularities had existed on board that ship, compromising, to a certain extent, the character of some of the officers, and also of some of the immigrants. That inquiry was a very lengthy one, and lasted some days, and the result was, that the Report, which was approved by myself and my two colleagues, sitting as a Board, was forwarded to the Government as the Report upon that ship. I may state, that the conclusions at which the Board arrived with reference to that particular ship I believe were fully borne out by the evidence, and the conclusions which were arrived at with reference to the particular class of immigrants who were introduced in that ship, were arrived at in consequence of what was known to myself, and the other members of the Board, to have existed with reference to previous orphan immigration. You, sir, are perhaps not aware that the “*Lady Kennaway*” brought out 150 orphan girls from the Cork Union Workhouse. This description of immigrants had been prohibited by order of this Government, in consequence of representations made by the Orphan Boards, both in this Colony and in Melbourne. The Commissioners had no authority to deviate from those instructions, or to send out any class of persons but ordinary selected immigrants, not being inmates of any workhouse, or other eleemosynary asylum; they deviated from that course in this instance, and the information the Board received respecting the conduct and character of some of the girls in this ship being prejudicial to their future employment in the Colony—the barracks being at that time filled with females, although but a few months had elapsed from the re-commencement of immigration. I think the first shipment arrived in the month of July, and at the end of November the barracks were filled with females from the country districts of Ireland, entirely unaccustomed to domestic service—and having at that time a premium on their head of £12 each, which the Act then in force obliged each employer to deduct out of their wages—it was felt by myself, and represented strongly to the Government, that the Government would be saddled with the expense of the maintenance of a large number of girls, which the community would not take off their hands. The importation of the girls by the “*Lady Kennaway*” appeared rather to increase that difficulty; for, on reference to the printed paper you will see that from the “*Lady Kennaway*”—all of whose immigrants were under the same regulations, namely, that the single females were to pay out of their wages £12, their employers, in the first instance, paying that amount for the passage—for several days nobody would hire immigrants from the ship; and you will see from a return before the Committee, printed in the Parliamentary Papers, at page 15, that although the date of her arrival was the 8th of December, by the 12th of January, up to which period the return is made up, only £164 was received on account of immigrants by that ship. It is perhaps impossible for gentlemen not connected with the department over which I preside to call to memory the precise state of circumstances which existed at this particular time; but I remember it distinctly. There was at that time a great disinclination and strong feeling on the part of people with whom I came in contact against the orphan system about to be reverted to, and it was feared that we should be inundated with a class of persons who would not be employed. I therefore felt it to be my duty—not from any feeling against the class to which these people belonged, because I have striven in the discharge of my duty to act with the impartiality which is so necessary in a department where people of all classes and of various religious persuasions are brought together—to represent emphatically, in the language I then employed, that Government should take steps to prevent the sending of any more females from the Cork Union Workhouse, or any other workhouse, while girls of a suitable description for domestic service could be found. These were my reasons. I had no wish to give offence to the particular class to which these females belong. I had no wish in the slightest degree to reflect upon their virtue, although it may be, that in the course of my examination I shall shew there were some who deviated from the path of virtue. I believe it will be fully borne out that, on the score of virtue,

virtue, Irish immigrants have been quite equal to any who have been imported to the Colony of any description whatever, therefore I could have no object in making any such representation; but my duty was to introduce such a class as would be most likely to be useful to the employers of labor, in the future improvement of the Colony; and I did consider, when I had from five to six hundred girls at one time remaining unemployed in the Government Barracks at Hyde Park, that I was justified in making the strong representation I did, that that particular class, which I considered to be inferior to any that had been introduced as a body—I refer to the workhouse servants—was unsuitable. The returns before this Committee will shew, that if I had wished to prominently bring under the notice of the Government the great disproportion that has all along existed in the introduction of immigrants from Ireland, I could have done so, by a formal despatch on the subject of immigration, and not by a side-wind, as is imputed to me in the case of the "Lady Kennaway." But I have never done that. I believe none of the reports alluded to by Mr. Davis and others will justify the conclusion that I have commented upon the immigrants unfairly on account of their nation. I have freely remarked upon their conduct, whether they were English, Irish, or Scotch. I commented without fear upon the conduct and character of the English needlewomen; and I did the same in the case of the immigrants from the Isle of Skye, and of those from Paisley—the Paisley weavers. I trust therefore that the Committee will absolve me from entertaining any feeling against a particular class, and if they differ from me in the opinion I have expressed, I trust they will at all events give me credit for honesty of purpose. I will allude at some future time as to the particular character of the girls by the "Lady Kennaway,"; of course their subsequent misconduct did not come under my notice till afterwards, and therefore I shall not mention it as justifying the Board in the conclusions expressed in their report; but it will shew that the apprehensions entertained as to their subsequent conduct were well grounded. Now, with reference to the unsuitableness of these girls for domestic service. I will shew if I can the grounds on which they were unsuitable to the requirements of the Colony, looking to the demand that had existed, that did exist, and that still exists for domestic servants; I will also give my particular views with reference to the degree of distaste manifested for this particular class, and the causes of it. The females most in demand here are domestic servants, to which occupation very few Irish orphans had been brought up. There being only a limited demand for farm servants—for which they are best suited—a few only could be disposed of as domestic servants, with any prospect of satisfaction to their employers, or ultimate benefit to themselves; their entire ignorance of duties appertaining to domestic service, their disinclination to learn, their dirty and idle habits, coupled in some instances with a morose and ungovernable temper. The expense they entailed upon the Government for having to maintain costly institutions, to receive back from service such as may have their indentures cancelled; thereby not only entailing an equal cost to the Colony as that of a trained and useful servant, but also a lasting expense of management, which does not attach to ordinary female immigrants. The disinclination of employers to take these persons if others can be obtained. Then, again, one of the most important objections to them, and which I have had personal opportunities of observing, not only as a member of the Orphan Board, but also as Water Police Magistrate, which office I held at this time, is this, that from their ignorance of domestic service they were more liable to be treated unkindly by employers, and thereby not infrequently forced into habits of vice, and thus became burdens to the Colony. I had many opportunities of becoming acquainted with the cases of these unfortunate girls; very many of them were very distressing, and I believe that had not the Orphan Committee insisted upon having all cases connected with these girls tried at the Water Police Office upon one particular day in the week—one of the guardians being present to protect their interests—they would have been to a very much larger extent turned adrift on the town. I believe that during my career as Water Police Magistrate, sitting with another magistrate, I must have tried some three or four hundred of these cases. You will see by some letters I shall presently put in that the Committee distinctly refused to allow any girl to be returned from service, however unsuitable she might be, except upon the adjudication of a Police Bench. The letters that came in from people who were anxious to get rid of their servants were very numerous. The parties in many cases did not care what became of the girls, and the Orphan Board decided that they would not receive back, or relieve from the indentures they had entered into, any servant, unless the indentures had been previously cancelled at a Police Court. The causes of distaste, I think, may be summed up in a few sentences. They are as follows:—The responsibility which attaches to an apprentice as compared with ordinary servants. The employer having once taken them, having had them bound to them for three or five years, they could not discharge them for any amount of misconduct or incompetency as they could do in the case of an ordinary servant, and the consequence was that great difficulty arose, and great dissatisfaction was manifested in many families. Another reason for this distaste was the difficulty of dispensing with the services of an apprentice, except through the intervention of Courts of Petty Sessions, and the necessity which such a course entailed upon employers to prove such an amount of misconduct as would justify the magistrate in cancelling the indentures, which might in many cases be impossible, although during the time the employer might be subjected to the greatest inconvenience, in consequence of a dogged and morose disposition on the part of the apprentice and a disinclination to please her employers. You may easily understand, as magistrates and gentlemen who have tried cases of this kind, that unless there was some distinct proof of misconduct, such as would justify the cancelling of an apprentice's indentures, the Bench would not adjudicate, but would dismiss the case, with an intimation that the employer and employed had better make up the disagreement. Still, many of the disagreements were of such a character as to lead the Bench to make orders that finally terminated in the cancelling of the indentures. Then, again, there was the disinclination on the part of the employers to have their domestic arrangements made the subject of a discussion in a public Police Court, and the disinclination of the ladies of the families, between whom and the apprentices

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H. H. Brown, Esq., 22 Dec., 1858. apprentices the difficulties usually arose, to attend at those places, thereby making themselves conspicuous. I need hardly tell you that very many of these girls when called upon for explanations of their conduct did not hesitate to condemn their masters and mistresses in no measured terms. Then, again, the majority of these girls were dirty in their persons, and slothful in their habits. There is another matter which has been alluded to in the evidence given before this Committee,—the difference in religious opinion,—and I think it right I should state that when any of these girls had any difference with their masters or mistresses they generally sought out the clergyman of their own particular denomination, generally either Dean M'Encroe or Dr. M'Garvie, and the consequence was, that the clergy did, to a certain extent, interfere with the arrangement of family matters, which caused distaste; parties did not like the intervention of clergymen in their domestic affairs. In illustration of what I have stated with regard to the female orphans, I will refer the Committee to the proceedings of the Orphan Board at the time of their introduction, and the course pursued by that Board. The papers which I produce, from the records of the office, will, I think, justify the conclusions at which I have arrived. It was about the month of September, 1848, that the Orphan Board was appointed, in consequence of a Despatch from Earl Grey, stating that it was the intention of the Commissioners to send out from the workhouses of England and Ireland orphan girls, who, from their age and qualifications, might be regarded as trained servants suitable for the requirements of the Colony. The names of the members of the Board have already been stated to the Committee. At this time Port Phillip formed part of this Colony; and as a portion of the orphan girls were to be landed there as well as here, a similar Board was appointed at Port Phillip—consisting of gentlemen belong to the several religious persuasions—to that which was nominated here by Sir Charles Fitz Roy. About 2,200 orphans came to this Colony, and about 1,600 or 1,700 went to Melbourne. I beg to hand in the first Report of the Board. (*The witness read the portions printed in Italics, and handed in the Report. Vide Appendix A.*) Fortunately there were no other ships to be compared with that. I merely put in this Report to justify my proceedings with regard to the "Lady Kennaway," and to shew that my predecessor, and a body of gentlemen, among others clergymen of the same persuasion and country as these girls, thought it necessary to make a very much stronger report than I have ventured to make. The "Earl Grey" was the only ship that arrived in 1848. In 1849 we had the "Inchinnan" with 176, the "Digby" 245, the "William and Mary" 174, "Lismoyne" 178, "Lady Peel" 183—making altogether 956 in 1849. Now, you will see how very soon it was necessary the Orphan Committee should take steps to a certain extent to protect, and sometimes to punish these girls. In a very short time they became so troublesome that their employers were dissatisfied with them. I have here a minute of the Board, dated 13th February, 1849, which I will read. (*The witness read the same. Vide Appendix B.*) That will shew that in 1849, after the arrival of about three of these ships, it was necessary to appoint a particular day in the week for the adjudication of complaints made by masters and servants. With the view of protecting these girls as far as possible from any frivolous and vexatious complaints, the Board requested me to attend on a particular day, and on that day Captain Innes, Mr. John Campbell, or myself sat, and the business connected with these orphan girls took precedence of other matters; perhaps from fifteen to twenty cases were adjudicated upon in the day. On the 26th April, 1849, the Chairman of the Orphan Committee addressed the following letter to the Colonial Secretary, in consequence of a Despatch which had been received from the Secretary of State, proposing that Orphan Immigration should be commenced from the English as well as from the Irish workhouses, on certain conditions, namely, that they should contribute some £4 or £5 towards the payment of the passage of these girls as a premium to the Colony in consequence of their not being such an efficient class of immigrants as could be sent out at the same money as their passage would cost. This was never done; for all these girls—as they were above twelve years of age—cost the same price to bring out as trained domestic servants, and to the expense of their passage must be added the cost of the expensive establishment maintained in Sydney in their behalf, as well as of the depôts in the interior. (*The witness handed in the letter—Vide Appendix C—having read the portions printed in Italics.*) Then, on the 8th December, 1849, I find the following minute. (*The witness read the same and handed it in. Vide Appendix D.*) The next paper which I shall lay before the Committee is dated 8th November, 1849, and is a letter from Mr. La Trobe, forwarding a Report from the Orphan Committee of Melbourne to the Colonial Secretary. From this it appears that in Melbourne there were the same difficulties in disposing of, and the same expense in retaining these girls, as here. (*The witness read the same and handed it in. Vide Appendix E.*) Then, on Monday, 18th March, 1850, about eighteen months from the commencement of Orphan Immigration, the following minute was entered upon the proceedings of the Committee. Had these people been of so useful a class, or likely to become good servants, and valuable members of society as some have said, I do not think this would have been written. (*The witness read and handed in the same. Vide Appendix F.*) This is the letter from Mr. Merewether, the then Immigration Agent, to the Colonial Secretary, enclosing the minute. (*The witness read and handed in the same. Vide Appendix G.*) Before the recommendations contained in that Despatch could be carried out, nearly a thousand additional female immigrants of this class had been received; and I have here a letter upon the same subject from Mr. La Trobe, the Superintendent of Port Phillip, who was a very cautious man in writing. (*The witness read and handed in the same. Vide Appendix H, No. 1.*) The Report of the Board enclosed in this communication goes rather more fully into the objections to this species of immigration. (*The witness read the passages printed in Italics and handed in the Report. Vide Appendix H, Nos. 2 and 3.*) Then, to close the documentary evidence upon this point, I will shew the views entertained by Mr. Merewether and the Orphan Board here. On the 14th June, 1851, Mr. Merewether addressed this letter to the Colonial Secretary, and no one who knows the former gentleman will for a moment suppose that he would say what was not fully borne out by facts. (*The witness read and handed*

in the same. Vide Appendix I.) Now, it has been stated before the Committee, and I think some Honorable Members are under the impression, that these particular girls were found fault with only by the higher class of employers; but I think they will be convinced, from the documents I shall lay before the Committee, that that is not the case. The papers which I now lay before the Committee are the reports of the adjudications at the Water Police Office in connection with the orphan girls and their employers: they were ordered to be furnished by the Orphan Committee, and they set out the name of the employer, the name of the girl, and the offence committed. It will be seen by a reference to these papers that in some cases there were complaints made by the girls against their employers, but that the large majority were complaints against the girls, and in many instances the employers were in the humbler walks of life. The number of reports amounts to 254, between 1848 and the month of May, 1851. I will prepare an abstract of these cases, and append it to my evidence. (*Vide Appendix J.*) The cases which came before me and the other magistrates who sat with me were frequently of a very painful description. When they were heard, a number of charges and counter-charges were heard; and I can unhesitatingly say, that the feeling against coming before the Court was so strong on the part of the employers, that if the Orphan Committee had not threatened to prosecute any one who turned out an orphan without an adjudication, hundreds of these girls would have been displaced and thrown upon the streets. The department at Hyde Park was broadly charged by some of these employers with assisting to keep these girls for the purpose of annoying the public; and, although I cannot lay my hands upon any of the daily papers of the time, I remember that it was stated by the press, that the whole time of the Water Police Bench, which was instituted for the purpose of hearing seamen's cases, was occupied with the cases of the orphan girls, which lasted sometimes throughout the whole day. With regard to the strong feeling of distaste which existed on the part of the public, I have found sixty-one letters which were received from various persons, many of them in very humble circumstances. I will leave these letters with the Committee, and they will see that although some are from persons in high estate, there are others from those in low estate. I have one here from a person at Parramatta, who is evidently of the lower class. She says—"I believe if some steps is not taken with them, to prevent such conduct," [referring to the conduct of which she complains on the part of her servant] "they will prove an awful curse to the country. If they are allowed to leave their place when and where they please, Sydney streets will soon be crowded." (*The witness read a letter from Mr. Francis Macarthur, and handed in the same. Vide Appendix K, Nos. 1 & 2.*)

3. *By Mr. Rotton:* Were the girls to whom Mr. Macarthur alludes some who had been sent up the country, in consequence of having been returned from employment in Sydney? Yes; they were some who had been returned from service, after complaints had been made of them in Sydney. Here is a letter from Mrs. Elinor Magrath, of Scone, enclosing the depositions taken at the Police Office there, in reference to one of the orphan girls. (*The witness read and handed in the same. Vide Appendix L, Nos. 1 & 2.*) I have here a letter from Mr. Gilbert Elliott, who was the gentleman in charge of the female depôt at Parramatta. (*The witness read and handed in the same. Vide Appendix M, Nos. 1 & 2. The witness then read letters from the Honorable E. Deas Thomson, Mr. Wm. M'Kee, of Port Macquarie, Mr. H. Chatto, and Mr. Gilbert Wright, of Sydney. Vide Appendix N, Nos. 1, 2, 3, and 4.*) And now, having disposed generally of the girls in question, that is, of those who arrived under the system adopted by the Commissioners, I may allude to those who came by the "Lady Kennaway." The Rev. Mr. Parker was the Roman Catholic Clergyman who was placed in charge of them on the voyage; he had been chaplain of the workhouse at Cork, and had had the selection of most of them from that workhouse. The authorities at home were so anxious that these girls should be brought out satisfactorily, and that there should be no differences on the score of religion, that as the majority of the girls were Roman Catholics, they had appointed gentlemen of that religion both as chaplain and as surgeon; and Mr. Parker told me that although he had selected the girls with great care, he had great cause to regret that he had allowed many of them to come. The sub-matron of the depôt was matron of this ship, and at first there was an unfavorable impression respecting her, as she was charged with having been mixed up with the chief mate, but it was subsequently proved that a *bona fide* engagement existed between them, and that nothing improper had taken place. She remained for some time in the barracks as a sort of servant, and at length was promoted to the office of sub-matron. As she had been prior to the voyage wardswoman at the Cork Workhouse, and was a woman in whose word I placed great confidence, I some time since called upon her to make a statement with reference to those girls who had come out in the ship with her. She did so, and this is the statement. (*The witness read and handed in the same. Vide Appendix O.*) If the Committee think proper, she can be examined upon the matter. With the view of testing the accuracy of this statement, I sent the list furnished by her across to Captain M'Leerie, and he stated that the truth of it was fully borne out by reference to the detective department of the police. I have adhered as much as possible to documentary evidence, to shew that I have no personal feeling in the matter; but I may, in conclusion, be permitted to state, with regard to the country girls who have generally been received from Ireland, that they have, with very few exceptions, been unaccustomed to domestic service, and that the persons who came to hire them rarely kept them more than a week or ten days. The consequence was, that in those days—that is, at the time of the gold discovery—when we had ship after ship coming in, when money was plentiful, and a large number of persons were about who were not very particular in their conduct, these girls, in very many instances, fell victims to seduction by bad characters. I have in clearing out the Port Phillip steamers recognized dozens and dozens of these girls who had come out at the expense of the country, whom I have no doubt, from no fault of their own, but from their ignorance of domestic service, had been turned out of doors by their employers, and whose only resource was to pick up the diggers and to live in an improper state with them. I may say I have recognised hundreds of them who have

H. H. Browne, Esq. cost the country £16 or £17 each, whose services have been thus lost to the Colony, and who, I very much fear, have tended to swell the ranks of those unfortunate characters of which Melbourne streets are full.

22 Dec., 1853. 4. I suppose these remarks apply to female immigrants generally, and not to any one class? No; I am bound to say that these girls are more liable to get into mischief than others, on account of their want of knowledge. They are treated unkindly, are turned out of their situations, and then have no resource but to seek a living in this way; and when I have spoken strongly of the difficulty of disposing of these girls, I have done so from a feeling that to introduce them in such numbers was calculated to do them serious injury rather than to benefit themselves or the Colony. The demand for domestic servants is very large, but employers are not inclined to put up with want of knowledge when wages are high. If servants do not suit their employers they are got rid of, and are compelled to seek employment from the Registry Offices, for they are not received back at the Barracks; they then get into public houses, where they are led into mischief, and ultimately are thrown on the streets. I believe if the Commissioners had sent us out a fair proportion of domestic as well as of farm servants, these difficulties would not have arisen; but from the time of the arrival of the "Sabrina," I think in the month of July, until the month of December, no fewer than 1,655 Irish girls, principally farm servants, were introduced; and I say it was not fair either to those girls or to the Colony to bring them in such numbers. A feeling of dislike to this particular class of immigrants was excited; and it is no secret—indeed it was an every day occurrence at the Barracks—that employers came into the hiring room at my department and particularly asked the matron not to give them an Irish servant. I believe that feeling was not confined to either English or Protestant employers, but existed in very many of their own persuasion and country.

5. *By Mr. Deniehy*: You do not say Irish Orphans, but Irish servants? Yes, it is unfortunately so. I attribute it to the fact that so large a number of an unsuitable class having been thrown upon the Colony. In those days, if eight or ten English girls came out, although the same advance of £12 had to be made, I could get employment for them in an hour, while if I filled the room with the others, nobody would make the necessary advance, although this was shortly after the discovery of gold, labor was very much in demand, and they had a better chance of getting employment than they have had at any other time.

6. *By the Chairman*: Do I understand your reference in the paragraph particularly complained of to apply to orphans generally from the United Kingdom, or to orphans from any particular part? I could only allude to those we had received who were from Irish Unions—we never had any either from England or from Scotland.

7. You have spoken, I think, of some of the girls as having been too young—what ages were they? Some of them were as young as fourteen; mere children. In the first instance there was no very great difficulty in disposing of them—there was a great demand for servants, as immigration had only just re-commenced, but after a time it became difficult to find persons who would undertake charge of these young children.

8. Do I understand the expressions used by you in paragraph 13 of your Report to refer to orphan immigrants exclusively? Exclusively.

9. Not to the immigration of Irish females generally? Certainly not: that Report referred to the immigrants by a certain ship, which ship had no females on board, but orphans from an Irish workhouse. It was not a report upon immigration generally, but, as I stated at the commencement of my evidence, it resulted from an inquiry which had taken place before the Immigration Board. If the ship had arrived without any complaints having been made, it is quite possible that neither the Board nor myself would have expressed ourselves strongly, but, feeling that these girls had to some extent misconducted themselves, and knowing at the same time the trouble the Colony had had in disposing of former orphan girls, myself and the other members of the Board were led to make the strong recommendations we did. The Commissioners received strict instructions to send out no more orphans except under a modified plan, namely, that in consideration of their being less qualified than others for the wants of the Colony a portion of the payment of their passage should be borne by the Home Government, and not entirely by the Colony, as was the case in this instance.

10. Did you, in the expressions to which your attention has been drawn, refer to their deficiency as regards their domestic capabilities, or to their moral character? I did not refer to their moral character, for I believe they will bear comparison with any other description of immigrants that have been introduced. The lower class of Irish are, as a whole, I believe, more moral than either the English or the Scotch, although cases have occurred where their improper conduct has come before the Board. There have, however, been some very flagrant cases which have come before us, particularly the English needlewomen. Although these girls cost the Colony nothing for their passage, I felt so strongly on the subject that I wrote to Mr. Sydney Herbert, at the expense of whose Committee they were sent out, stating that if a better class were not selected, and a better system adopted on the voyage out, they had better not come at all. (*The witness read and handed in the same. Vide Appendix P.*) As I felt strongly in this matter—and it is my misfortune, perhaps, to do so in such cases—I had previously written home, commenting in severe terms upon the character of these women, although they were of my own country; and it was in reply to a letter from Mr. Sydney Herbert, who felt hurt at my statements, that the letter I have just read was written.

11. With reference to these needlewomen, did you feel it to be your duty to send a despatch to the Home Government? I did. I send in to the Colonial Secretary a report upon each ship, and the character and qualifications of the girls. I did so in this case, and the report was transmitted in the usual way to the Land and Emigration Commissioners.

12. *By Mr. Deniehy*: Did more vessels than one arrive with English needlewomen? Yes; five or six, I think, altogether. Some of these females were particularly nice girls, but what I complained of was, that many girls of evidently abandoned character had been admitted to the dépôt at home, which appeared to have been a sort of Magdalen, with a view of reforming them

them in a fortnight or three weeks, so that they might be shipped to Australia, and that these were mixed with the other girls, many of whom were highly respectable and well-conducted. I have here a memorandum from Sir Charles Fitz Roy, with reference to the immigrants from the Isle of Skye, by the "Ontario," and my reply thereto, which I will read. *(The witness read and handed in the same. Vide Appendix Q, Nos. 1 and 2.)* There was a Committee formed in Scotland for the purpose of sending laborers from the Isle of Skye to this Colony. The "Ontario" came with some of these people, and the passengers were unfortunately attacked with typhus fever on the passage, and a large number died. I reported upon this description of immigrants, and stated that I thought they were not suitable to the requirements of the Colony.

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13. *By the Chairman:* Have you any further remarks to make? No. I am unfortunately placed in an awkward position in trying to perform my duty in a straightforward upright manner.
14. *By Mr. Deniehy:* In a petition referred to this Committee it is stated, "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.'" Now, have you in any of your despatches made reference as to Irish female immigrants generally? I think in my Annual Reports I have reported upon all classes of immigrants.
15. In one of your Reports have you not reported upon Irish females, irrespective of the orphans? Unless I refer to my Reports I cannot say.
16. You have said in the course of your remarks to-day, that Irish females generally were distasteful to employers? No; I said they were suited for farm servants, and not for domestic servants, and that therefore they were open to objection here, where the latter class were chiefly required.
17. Did I not understand you to say that you had a large number both of English and Irish employers who call at your office and say, "Give me English, and not Irish servants"? I am sorry to say that that feeling exists even at this very time—I state the fact, but it is very natural, because the country Irish girls are not suitable for servants.
18. That being in your opinion a fact, have you at any time stated it in any Report? I really cannot charge my memory with all the Reports I have written. I think if the Irish girls came out in any one particular year in such large numbers as to be inconvenient, I should have said there was a difficulty in getting rid of them in consequence of their unsuitableness for domestic service; but I am quite sure I said nothing about their being distasteful. I try to report as faithfully as I can what is the actual result of the immigration.
19. Have you at any time in any Report stated generally that Irish females were unsuitable? I do not think I have made use of the word "unsuitable;" I think I have said when a large introduction of farm servants has taken place, that they could not meet with ready engagements. I do not think I have used the expressions in any other place than in the despatch complained of—I cannot charge my memory.
20. You do not recollect having stated in any of your Reports that Irish female immigrants—and I wish now to use the words generally, and not with reference to any particular class—not specifically naming orphan girls—were not the sort of colonists wanted here? I do not. I have in my Reports spoken according to the demand that has existed during the year, and the supply that has reached the Colony; but I have been very cautious in what I have written, because I know that the Irish nation are so easy to take offence.
21. In the closing portion of the 13th paragraph of this Report, signed by yourself, Mr. Mann, and Dr. Alleyne, you use the words "most unsuitable to the requirements of the Colony, and, at the same time, distasteful to the majority of the people"—was the intention that they were distasteful to the majority of the people because they were unsuitable to the wants of the Colony? I think they were distasteful on the grounds I have stated—that the employer incurred additional responsibility for their care—that they could not be dealt with and got rid of by their masters or mistresses as ordinary servants, but only through a legal proceeding. I did not mean the expression to apply in an offensive way. I simply desired to convey that they were distasteful as compared with other servants they could get.
22. But would not the distaste be rather to the system than to the persons? I am very much opposed to workhouse immigration at all. I have written emphatically against any immigrants being brought from any workhouses.
23. Do not your objections apply rather to the system than to those persons who were sent out? I think the system was bad; but that it was the only one under which employers would have taken them as servants. It savoured in some measure of the old assignment system, and it was difficult, for some years, to wean the public from that system; as one gentleman who was examined before this Committee, Mr. Gorman, said, that when once an employer got a girl into the country, he thought it hard she should leave to get married.
24. Is not that an objection which applies rather to the employers than to the Irish orphans themselves? I do not mean to say that many of these girls were not unkindly treated.
25. They were distasteful to the majority of the people because this particular system was carried out? I think you must, to some extent, allow that my feelings might be more strongly warped than others from sitting day after day adjudicating in cases between these girls and their employers, and hearing at the Police Office the strong expressions of feeling on the part of employers against this class.
26. My object is not to challenge the expression in a censorious spirit, but to get at the real meaning it is intended to convey: I glean from what you have stated that the expression "distasteful to the majority" is connected more with the nature of the system than with the people themselves? Yes.
27. As regards the words "unsuitable to the requirements of the Colony," you mean by them that they were unsuitable to the particular services likely to be required here? Yes.
28. These orphan girls were apprenticed out here in a peculiar manner? Yes.

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29. Will you state what that was? They were apprenticed on certain terms.
30. The parties to the indentures were the employer and the Immigration Agent? Any member of the Orphan Board was one party, the employer was another party, and the apprentice was the third.
31. And, of course, any member of the Board acted for the Board, or at all events he acted under a power making him a party to the indentures? Yes. I do not think I became a party to many indentures, but as one of the Board I took joint responsibility with the other members.
32. With regard to English and Scottish girls, these were not apprenticed, but were hired as ordinary servants, and there was not the relation to the Board which existed in the other cases? Yes. None came from the workhouses of either England or Scotland.
33. There was no control on the part of the Board? No, and no farther expense on the part of the Government, unless from accident or illness, and to this day in such cases we exercise a reasonable guardianship, and either receive the party into the Barracks or send her to the infirmary.
34. When English or Scottish girls were hired out the Board had no more to do with them? No.
35. But the Irish being apprenticed the Board were to a certain extent responsible for them? Yes, during the term of apprenticeship.
36. The whole of the females for whom you were in any way responsible were Irish orphans? Yes.
37. Then, seeing that you were responsible for these Irish orphans, may that not have been the cause of your having had so many complaints in connection with their conduct, while you heard nothing of the conduct or of what became of the English or Scottish girls for whom you were not responsible? We should not have heard so many complaints as we did if these girls had not been apprenticed, and we had not held the employers responsible, for they could otherwise have been turned adrift at a moment's notice as any ordinary hired servants, and hundreds would no doubt have been ruined. It was by exercising this control, and by keeping the girls in communication with their ministers of different religious persuasions, that the system was at all beneficially worked. A great deal of credit is due to the clergymen for their assistance in the settlement of disputes, and the prevention of the girls being brought before the Courts.
38. Do you not think that if there had been any control in the Board over the English and Scottish women, such as there was over this peculiar class of Irish females, that there might have been as large a correspondence as regards the unfitness of these females, and various other causes of complaint against them, as you have produced against the Irish female orphans? It is quite possible it might have been so.
39. You have also had the control of the Assisted Irish Immigrants, have you not? Yes.
40. Among whom there were a number of Irish females? Yes; the Irish people have contributed more largely to the introduction of their relatives and friends through these regulations than any other people resident here.
41. Some of these people were sent for from Moreton Bay, I believe? The assisted immigration to Moreton Bay has been very small; some persons have been sent for by that district, but, as compared with Sydney, the number is very small.
42. Is it the fact that some of the assisted immigrants sent for from Moreton Bay, and who were to have been conveyed to that place, were landed in Sydney, and then sent on to Moreton Bay, involving as great an amount of expense as would in the first instance have conveyed them to Moreton Bay? Such has been the case in perhaps a dozen instances, and, in consequence of the hardship of their cases, when persons have arrived here who ought to have been landed at Moreton Bay, I have represented the matter to Government, and obtained authority to send them on. At the same time I represented the irregularity on the part of the Commissioners, and latterly such cases have not occurred, except in one or two instances, where persons have been put on board ship by mistake, or in order to make up the requisite number of passengers. Under the Remittance Regulations, the people sometimes do not attend, and the Commissioners are bound, under a fine, to put a certain number on board, to make up that number, persons intended for Moreton Bay have been put on board, but no hardship has been felt by the individual, as the expense of the passage has been borne by the authorities.
43. Then, in all such cases the Government have, upon your representation, drafted the parties to Moreton Bay? They have.
44. *By Mr. Rotton:* I think you were the Chairman, or, at all events, a member of the Immigration Board? I was Chairman of the Board at the time the Despatch complained of was written.
45. The words complained of in the Petition to the Assembly were not used merely as your own individual opinion, but as the mouthpiece of the Board? As the mouthpiece of the Board.
46. You are not individually responsible for the expression—you used it merely as the mouthpiece of the Board? Yes; but I concurred with the other members in the opinion expressed.
47. The expression, I think I have gathered from your evidence, does not refer in any sense to the private or moral character of the girls alluded to, but merely to their unsuitableness as domestic servants, in consequence of their not being well up in their duties? That was the intention of the Board in making that Report. The expression had no reference to their moral character, for it would have been very hard to have blamed the whole ship for the misdeeds of a few.
48. The construction you now place upon the expression is that they were unsuitable and distasteful because they were not sufficiently educated domestic servants? Precisely so. They were not the class required by the Colony. I thought it was my duty to bring to the

the Colony the best description of immigrants in return for the money expended, and I did not think this was a class that should be brought, considering their great disqualification, and the dissatisfaction manifested by the employers. H. H. Browne,
Esq.

49. You have given in a large bundle of reports from the Police Office of cases which have been adjudicated upon with regard to these girls—are you able to state now from recollection whether those complaints were confined to English and Scotch employers, or whether they were equally from Irish employers? I think you will find that they are from English, Irish, and Scotch. 22 Dec., 1858.

50. So that in fact their own countrymen and co-religionists have complained of them as well as those who were of an opposite faith and different country? The names I think will shew that. I think they were pretty well mixed. Certainly there were more complaints from the humbler than from the higher classes.

51. You have stated that the principal cause of these objections being made to these girls was that they were not well up in household duties. Now, if these girls had been distributed in the interior amongst the humbler classes, where their services would have been more acceptable, where their want of knowledge of household duties would not have militated so much against them, do you think there would have been so many complaints made against them? There were, certainly, fewer complaints from the country than from the towns; many of them having been on farms in their early days, they adapted themselves more quickly to a country than they could to a town life. Depôts were opened at Bathurst, Goulburn, Parramatta, and Illawarra, and indeed wherever we could do so, for the disposal of these girls, with the view of making their labor as useful as possible to the country.

52. I think I understood you to say, in answer to a previous question, that these girls were not forwarded to the country until they had been returned from service in Sydney—returned principally for misconduct? That was so in the first instance; but that order was revised, as shewn by the minute I have handed in, and they were afterwards sent to the depôts as they arrived from the ships.

53. After that you did not receive so many complaints from the country districts? I cannot tax my memory, but I should say that was the natural result.

54. Upon the whole, I think you said you had very few complaints from the interior? Very much fewer than from Sydney.

55. Did not that shew that if the girls had been placed in situations suited to them complaints would not have arisen? Suitable places could not be provided for them as they came in in such numbers. Some few girls who came from the neighbourhood of Dublin, or of large cities in Ireland are very excellent servants, but the majority of them come from the country districts, and know more about milking, making butter, and work of that kind, than of taking care of a house.

56. The petitioners request the Assembly to instruct this Committee to “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.” Now, you have had very long experience of immigration matters, and are, I should suppose, more competent than any other individual to offer suggestions as to the proper course to be adopted? In consequence of a resolution passed by the Assembly some months ago, I was called upon by the Chief Secretary to report upon that very matter. I placed myself in communication with the Police Magistrates at Bathurst, Goulburn, and Maitland, and received from them the information, that at Bathurst and Maitland the two old depôts still exist, and could be applied to the original purpose with very little expense. That at Goulburn does not exist; and, moreover, the people there do not manifest any great anxiety to get servants. I did not consider, looking to the small number of girls then arriving in Sydney, that there was sufficient to justify me at that time to re-open the depôts; but I proposed that there should be placed on the Estimates for 1859 a sum to enable me to dispatch into the interior some female servants; and I believe, with the assistance of the Police Magistrates, I shall be able, at a small expense, to form some *quasi* depôts for the purpose of the districts. I may, however, here state, that the course I have adopted with regard to persons residing in the country has been to allow them to take servants before the usual hiring day; because we find that if they go into the hiring room they refuse to take situations in the country. In this way many gentlemen have been enabled to obtain servants who would not otherwise have got them. I have no doubt, if the £500 placed on the Estimates be voted, there will be no difficulty in supplying the country districts. I am a great advocate for supplying the country districts. Indeed, if the Maitland depôt had not been in existence when the large immigration took place in 1854–55, we should not have been able to have disposed of the people, as among them were some very large families, and the land carriage is so expensive that we could not have sent them to Bathurst.

57. *By Mr. Jenkins:* In your replies to the questions of Mr. Deniehy, when he wished to obtain from you the meaning you attached to the word “distasteful,” I understood you to say that the word referred to the system—that of apprenticeship? The system had a great deal to do with it; because, under the agreement the employer could not get rid of a servant without going before a Police Bench, and he would therefore rather submit to inconvenience than expose himself to annoyance.

58. Apart from the system of apprenticeship, do you think orphan female immigration as desirable as other female immigration? Certainly not; I would not have recourse to any workhouse immigration; I think it is not a desirable class.

59. *By Mr. Deniehy:* In saying that, you allude to all countries? To all countries. I have seen families come here from English workhouses, and I have reported against it.

60. In fact, the refuse of the British population have been sent out? Workhouse people have been sent, but I have reported against it, as I think we ought to get the best article in return for our money.

H.H. Browne, Esq. 61. *By Mr. Jenkins*: Can you inform the Committee at what wages the orphan immigrants were engaged? From £5 to £10 a-year.

22 Dec., 1858. 62. Was that lower than the ordinary rate of wages at which females engaged? Yes, very much lower. Wages were not very high at that time, but I think for ordinary servants they were not less than £15 or £18. The very young girls got £5 a-year, those a little older £7, and those about sixteen or seventeen £10.

63. Of course it is your opinion that if they had been otherwise eligible, complaints would not have been so generally made against them? If they had been hired out as ordinary servants the complaints would not have come to the office.

64. If they had been ordinary servants, would not the lowness of their wages have induced employers to have retained them? I think many of them were taken because there were no others to be had, and the Orphan Board having fixed the rate of wages, many employers thought they were paying them a great deal too much—more than they were worth; but the Board fixed what they considered to be the lowest amount which would enable the girls to provide clothing during the year.

65. You would have found much greater difficulty to dispose of them but for the low rate of wages? Yes.

66. *By Mr. Rotton*: Even at the low rate of wages fixed, you had difficulty in getting them situations? Yes.

67. *By the Chairman*: Your evidence will be sent to you, and you will be at liberty to add anything that may have escaped you, or any explanation you may consider necessary?

As an illustration of the difficulties which appear to have, in like manner, encumbered the labor market of South Australia about the same period, I add extracts from the Reports of the Immigration Agent of that Province, Dr. Duncan, as also from the Despatches of the Governor Sir Richard McDonnell, adverting, in equally strong language as that used by me, to the dissatisfaction manifested by the Colonists of South Australia at the introduction of so large a number of females unaccustomed to be employed in domestic service.

ADDENDUM.

EXTRACT 1.

"To one circumstance I must again urgently call the attention of His Excellency. The numbers of young women from Ireland are out of all proportion to the others. A very great proportion are quite unfit for respectable domestic service; and the consequence is, that it is almost impossible to get employment for them. At this time there are nearly 200 young women, almost all Irish, unemployed in the Depôt and on board the ships, and it threatens to be a most serious evil to this Colony. In many of the Quarterly Reports I have called the attention to this great error in the kind of girls selected. The result is, that the prejudice against the Irish women is so great that really good Irish servants cannot now find families to engage them."—*Dr. Duncan, Immigration Agent, Adelaide, to Colonial Secretary, South Australia. 31 March, 1855.*

EXTRACT 2.

"On this subject I refer your Lordship to the Despatch of Mr. Finniss, then administering the Government, who, in transmitting the Immigration Agent's last Quarterly Return, drew attention to the very disproportionate number of single women sent out from Ireland. At that time he stated the number of female immigrants rationed by Government to be 126; at present the number of single Irish women alone is more than 520, and with so little prospect of any diminution that no less than from five to eight, almost exclusively Irish, are every day returning from situations which they had obtained, their employers being unwilling to maintain them any longer."

"In addition to the above there are five immigrant vessels, as per margin, expected to arrive, with, probably, altogether 425 single women on board, of whom, judging from the average arrivals in the current year to this date, viz, 1,025 Irish, out of a total of 1,630 single women, 265 will be Irish also, making a total of Irish single women to be supported at the public expense of 785, supposing the number disposed of during the next three months to equal the number returning from service.

"I cannot but regard this state of things as productive of grave social embarrassment; that embarrassment is increased by the extremely high cost of living at the present moment, which compels many to reduce the number of their domestic servants, but its primary cause is the unsuitableness individually of the immigrants themselves.

"Having visited the Destitute Asylum, the last arrived immigrant vessel in the port, and the German Hospital, in which latter building 203 of the Irish single women are at present lodged, and having questioned and conversed freely with them myself, I cannot but express my very great surprise that two-thirds of those emigrants should have been selected at all. They are designated domestic servants, but appear almost quite ignorant of their duties as such; and, indeed, it would be difficult to know for what they are at present suited, unless it be to work as out-door agricultural laborers, such as hay-makers or reapers, and occasionally as dairymaids, and even as actual tillers of the soil.

* * * * *

"This complete stoppage of such emigration has become necessary, because even if eligible single females were now to be sent here from Ireland, the prejudice just now created against them, in consequence of the class of persons already sent by the Emigration Commissioners is so great, that there would be considerable difficulty in finding them suitable employment."—*Governor Sir R. G. MacDonnell to the Right Honorable Lord John Russell. 27 June, 1855.*

EXTRACT

EXTRACT 3.

" In reference to my Despatch of the 25th ultimo, relative to the excessive immigration of single Irish females, I have now the honor to enclose two copies of the Report of the Immigration Agent at Port Adelaide, for the quarter ended 30th June.

" The Report shews that there are now in the vicinity of Adelaide, either on shore or on board ship, 895 single women still unemployed, unsuitable to the present wants of the Colony, who have been sent here contrary to the warnings given to the Emigration Commissioners, and who are likely for some months to be a source of very great expense to the Colony.

H. H. Browne,
Esq.
22 Dec., 1853.

* * * * *

" If the Emigration Commissioners find any difficulty in carrying out these views, it appears to me that they should be instructed to discontinue, for the present, sending emigrants here, unless they can send those for whose labor there is a demand. It is much better to send only one emigrant ship per month with suitable emigrants, than that a great number should be landed whose presence here, instead of being a guarantee for increased industry and production, becomes a source both of social and financial embarrassment, tending to lay the foundation of permanent pauperism in the Colony."—*Governor Sir R. G. MacDonnell to the Right Honorable Lord John Russell. 13 July, 1855.*

EXTRACT 4.

" In the Report for the quarter ended 31st March, 1854, and in every Quarterly Report since that time, it has been stated that the young women sent here were generally of a class quite unsuited to the wants of the colonists—accustomed to out-door farm work, they are quite unfit for domestic services.

" These statements were made in the hope that the system of sending that class of persons would be discontinued, but the evil, instead of being arrested or diminished, has been greatly increased, till it has assumed an aspect seriously injurious in its probable effects to the social well-being of the Colony.

" At present the number of young women supported expense
" in Adelaide is 519

" The number of young women on board ship at Port Adelaide, unemployed, is,—

" Constantine	116
" Velocity	103
" Sea Park"	157
	895

* * * * *

" There appears, therefore, to be little prospect of finding employment for any large number of these young women till the coming harvest, which promises to be most abundant, shall have increased the demand for farm labor, and at the same time diminished the expense of the necessary articles of food. In the meantime we may expect fresh accessions to their numbers by every ship which arrives."—*Dr. Duncan, Immigration Agent.—Report for Quarter ended 30th June, 1855.*

EXTRACT 5.

" I now enclose a return, giving amongst other details, according to a form prepared by myself, and which is filled up daily, the number of immigrants on the 31st ultimo. The total number of Irish adult female immigrants supported by the Government at that date, either on ship board or on land, appears to have been 1,111, of whom I have ascertained that nearly 1,000 were single women."

* * * * *

" As the last of those reports must have reached the Commissioners at latest some time in last December, and as all the reports since sent to them convey the same information, their persistence in forcing on the Colony, at a vast expense, such a crowd of unsuitable immigrants, seems without a parallel in Colonial history; for, even supposing it beyond their power to have sent a better class of female immigrants, it is not apparent why they need have sent them in such numbers, if at all. Nevertheless, they actually sent in the first quarter of the current year 514—a number as great, within six, as the total number sent in the whole previous year; and though the remonstrances of the Immigration Agent have been renewed every quarter, they sent in the following quarter more than 1,000 single women, and have since been keeping up a constantly increasing supply."

* * * * *

" That part of the first condition requiring that they should be fitted to supply the wants of the Colonists as domestic servants, has been unfulfilled. Perhaps it would have been difficult to have sent from workhouses females possessing all the required qualifications. This, however, cannot be asserted of the other two conditions laid down by the Legislature, the fulfilment of which rested entirely with the Commissioners, namely, that a limited number only should be sent out in each vessel, and that the regulation should apply to all parts of the United Kingdom; and that no encouragement should be given to the emigration from Ireland which was not also afforded to the natives of England and Scotland."

" So little regard has been paid to the last two conditions, that, as already observed, in the first eight months of this year, 2,047 Irish out of a total of 2,800 adult single females have been landed on these shores, being nearly treble the number of English and Scotch together, whilst more than 200—I believe even more than 220—have been land from

"from one vessel; thus precluding the possibility of getting the cargo of one vessel absorbed in the general population before the arrival of another."

* * * * *

"It must be remembered, that the expenses and trouble above detailed, arise only from one portion of the recent Immigration to this Colony. Unusual expense has also attended the settlement of the male immigrants. Of those the English were in the aggregate more numerous than all the rest, yet both they and the Scotch have almost all found employment, whilst large numbers of the Irish laborers were long, and still are thrown on the Government for assistance."

* * * * *

"In conclusion, I presume I need scarcely impress on Your Lordship the necessity of issuing such instructions as may entirely stop all further immigration, for the present; to this Country of unprotected Irish single females. I would also suggest, that as the other Irish Immigrants will not, in all probability, be absorbed for a long time, it would be advisable to send none but English and Scotch immigrants till a more favorable opening be presented of settling some additional Irish. If any of the latter are sent they should be single men, to counterbalance the great number of single Irish females."—*Governor Sir R. G. MacDonnell to Right Honorable Lord John Russell. 24th September, 1855.*

EXTRACT 6.

"Serious loss has already been occasioned by Immigration referred to, as explained in my previous Despatches on the subject, and there is little probability that the Irish Female Immigrants now here will soon find employment. Therefore, if the Commissioners cannot procure more suitable emigrants, it is much better that they should send none than those whose presence here is so far from adding to the prosperity of the Colony, that it is actually creating a large amount of destitution, which is more and more assuming a permanent character."—*Governor Sir R. G. MacDonnell to Right Honorable Sir W. Molesworth, Bart. 26th October, 1855.*

EXTRACT 7.

"A large proportion of the Immigrants, especially the single women, seem to me to have been selected without any reference to the class of people who are most in demand.

"Were the young women of a proper class, even though numbers might temporarily be in excess of the demand, yet some hope might be entertained of their gradual absorption into the mass of the population, but I see no such prospect for the majority now unemployed.

"Any one accustomed to visit the rural districts of either Scotland or Ireland must know well that females there are employed in out-door farm work in a way not customary in England. The female peasantry of both these countries think it no degradation either to make hay or reap the corn fields, to milk cows or manage the details of the farm-yard.

"It is to that sort of work that a great many of the young women now unemployed have been accustomed; and it is my sincere conviction that till work of that kind is provided for them, they must be maintained in idleness. Let me not be misunderstood. I do not think they should be asked either to dig or to plough, or to do ought to which their strength is unequal; but out-door farm work has been their usual occupation at home; it is the most healthful employment in which they could be engaged, and for nothing else are they in the slightest degree fitted."—*Dr. Duncan, Immigration Agent, Adelaide.—Report for Quarter ended 30 September, 1855.*

APPENDIX A.

*Committee Room,
Wednesday, 6 December, 1848.*

MEMBERS PRESENT:—

F. L. S. Mercwether, Esq., Chairman.

Revd. Robert Allwood,
Revd. John MacGarrie,
G. P. F. Gregory, Esq.,

Arthur Savage, Esq., R.N.,
George Allen, Esq.,
W. H. Christie, Esq.

Report of the Orphan Immigration Committee respecting the Female Orphans who arrived in the "Earl Grey."

"In his letter dated the 7th October last, Dr. Douglass, the Surgeon Superintendent of the 'Earl Grey,' reports to the Colonial Secretary, for the information of the Governor, that in the selection of the orphans sent out in that ship gross imposition had been practised upon the Land and Emigration Commissioners; that instead of girls educated in the orphan schools in Ireland, (as the Secretary of the Emigration Board in London had led him to expect,) the females placed under his charge had been early abandoned to the unrestricted gratification of their desires, and left as erroneous an idea of the value of truth as of the necessity of personal restraint," that there are "not wanting among them those who boast of the prolific issue of their vices, that expatriation has been held out to them as the reward of the workhouse, and that the professed public woman and barefooted little country beggar have been alike sought after as fit persons to pass through the purification of the workhouse ere they were sent as a valuable addition to the colonists of New South Wales." Dr. Douglass further submits, as a matter claiming inquiry by the Colonial authorities, "the nature of the material afforded to him for the surveillance" of the females under his superintendence.

By

By the Minute of His Excellency the Governor upon this letter of Dr. Douglass, the Committee are requested "to enter into an investigation of the circumstances brought under notice, and to furnish such a report of the result as may be deemed necessary for the information of Her Majesty's Government and the Colonization Commissioners, with a view, if the complaints prove to be well founded, to prevent the absorption of the Immigration Funds of the Colony in the introduction of females of such an ineligible description."

In pursuance of this request, the Committee examined the undermentioned witnesses, to the minutes of whose evidence they beg to refer, viz. :—

Henry Grattan Douglass, Esq., Surgeon Superintendent.

Mrs. Maria Cooper, Matron.

Mr. Alexander Robertson, Master of the "Earl Grey."

Before stating the conclusions to which they have been led by the evidence taken before them, and by the personal observation which they have since had opportunities of making, the Committee think it necessary to premise, that although Dr. Douglass may have cause to complain, if led to expect that the females whom he was appointed to superintend would be taken exclusively from the Orphan Schools in Ireland, yet that the colonists have no just grounds of complaint at their selection from the workhouses, provided that they were carefully chosen, inasmuch as it is expressly stated in Earl Grey's Despatch on the subject that they would be taken from those institutions.

The Committee were glad to learn from the evidence of Dr. Douglass, that, so far from including in his condemnation all the orphans by the "Earl Grey," he was able to speak in satisfactory terms of more than two-thirds of their number; and that the language used in his letter was intended to apply to about 56 females only, who obtained an opprobrious distinction from the remainder of the emigrants under the title of the "Belfast Girls"

That imposition has been practised upon the Commissioners, and that great injustice has been done to the Colony in the selection of these 56 females, appears to the Committee to be proved beyond doubt by the strong concurrent testimony of Dr. Douglass, Mrs. Cooper, and Mr. Robertson. From the representations of all three witnesses alike, it is clear that, so far from the females in question having been persons "whose education and moral," and religious training, "had been such as to afford a reasonable guarantee that they would become active and useful members of society" here, their violent and disorderly conduct on the voyage, their habits of pilfering, and their grossly profane and obscene language, were such as to admit of no other conclusion than that they had mixed with the lowest grade of society, and that many of them had been common prostitutes. Nor do the Committee see any reason to doubt the statements made to them,—that many of these females were not orphans who had been inmates of the workhouses for any length of time "receiving such education as is there given," but that they had merely been passed through those institutions for the purpose of qualifying them for free passages to this Colony under the Commissioners' notice. That (to use the expression of one of the witnesses) "they had been swept from the streets into the workhouses, with a view to their being thence swept out to New South Wales."

The Committee have now to direct the attention of His Excellency the Governor to two further matters which have been brought under their notice by Dr. Douglass. 1st—Of the so-called orphans, Dr. Douglas represents that two were married women who had run away from their husbands, and that a third had either been married in Ireland, or had lived with a man without marriage. 2nd—Dr. Douglas states that two females at least emigrated under assumed names. The statements made by the females themselves to the Immigration Board are as follows :—

(1.) "Mary Wood states that she came out under the name of Anne Hartley. She was sent by Mr. Senior from the Dungannon Workhouse in the place of Anne Jane Hartley, who died. Mr. Senior told her that the name of Anne Hartley was in the book, and that she must go under that name."

(2.) "Isabella Davidson states that she came out under the name of Charlotte Willis. She was told by Mr. Rae to assume the name of Willis."

It is obvious that no securities which may be taken by the Commissioners for the selection of properly qualified emigrants will be of any value, if the individuals approved of by them be personated by others respecting whom they have made no inquiry.

The Committee have alone noticed the injustice done to the Colony in the selection of the females whose characters and conduct have been so strongly, and, in the Committee's opinion, so justly stigmatized by the persons placed in authority over them; but they feel that they should not fully discharge their duty if they did not also point out the grievous injustice which has been done to those who were really such orphans as the Commissioners intended to send, in associating them with a number of women whose conduct and conversation were so openly indecent and disorderly as to induce both the Surgeon Superintendent and the Matron to declare, that had they previously known what they were, they would not, out of consideration for their own daughters, have embarked in the vessel.

Considering that the landing of the "Belfast Girls" in Sydney would assuredly lead to their final ruin, and being also impressed with the importance of separating them from the remainder of the orphans, the Committee acceded to the proposal of Dr. Douglass, that they should be at once forwarded into the country. Forty-seven of them, who were named by Dr. Douglass for the purpose, were accordingly dispatched by the Agent for Immigration to the interior, under the charge of persons connected with the Immigration Department, who were instructed to consign them to the care of the Police Magistrates of the districts to which they were forwarded, and to explain the circumstances under which they were sent. The Committee have learned with pleasure, that in consequence of the great demand for servants in those districts, these females, with the exception of one, who has given much trouble to the Police Magistrate, have all obtained situations at high rates of wages; and it may be hoped that the honest and very remunerative employment which they have so

Minutes appended to the copies of Report.

* Commissioners' Circular, Par. 10.

readily found, may be the means of reclaiming them from their former habits, and may lead to their being comfortably and respectably settled.

Of the remainder of the orphans who were received into the Institution in Hyde Park Barracks, the Committee are able to make a very favorable report. Their orderly, obedient, and industrious conduct, has earned for them the commendation of all persons connected with the establishment, and of the clergymen who daily visited them there. Many of them, to the personal knowledge of the Committee, have given great satisfaction to the employers in whose service they have been placed; and the few complaints which have been made have rather had reference to their ignorance of household work than to any impropriety of conduct or want of industry.

The orphans were kept in the Institution for one week after their landing, in order that they might receive religious instruction and advice from the clergymen of their respective churches, and that the Committee might have opportunities of forming by personal observation an opinion of their characters, habits, and qualifications. As soon as they were open to engagement they were all rapidly hired, most of them by persons resident in Sydney or its immediate neighbourhood, and their number was not nearly sufficient to enable the Committee to satisfy the applications which had been approved by them.

The general rules upon which the Committee acted in placing the females in service, will be seen from the following extracts from the Minutes of the Proceedings.

Extract from Minute of 21st October, No. 48-3.

"The Chairman announces that the orphans were this morning landed from the 'Earl Grey,' and lodged in the Institution. The Committee then visit that portion of the building in which the orphans are lodged, in company with Dr. Douglass, the Surgeon Superintendent of the vessel, and personally inspect the orphans, with whose appearance and manner they express their satisfaction.

"Having returned to the Committee Room, the Committee proceed to consider the terms on which the orphans shall be hired, and decide as follows:—

"(1.) That all female orphans under *seventeen years of age* shall be apprenticed, and that the term of apprenticeship shall in each case cease on the orphan attaining the age of *eighteen years*.

"(2.) That the wages due to female orphans so apprenticed shall be paid to themselves in money by quarterly instalments, and that the yearly rate thereof shall in no case exceed *ten pounds*. The Committee are desirous to adopt some arrangement which would secure the deposit of a certain portion of the apprentices' yearly wages in the Savings Bank; but they fear it would be impracticable to carry out a general regulation to that effect, and they therefore, for the present, refrain from adopting it."

Extract from Minute 30th October, No. 48-5.

"It is resolved by the Committee that the wages to be paid to orphan females arrived per 'Earl Grey,' and hired under ordinary agreements, shall be payable in cash, monthly, at the rate of ten pounds per annum.

"That such of the orphans from the 'Earl Grey' as may be placed in service under Indentures of Apprenticeship, the rates shall vary as follows, viz:—

" For those of 14 and under 15 years.....	£7	0	0
" For those of 15 and under 16 years.....	8	0	0
" For those of 16 and under 17 years.....	9	0	0

"In reference to Dr. Douglass' suggestion, that inquiry should be made respecting the material afforded for the surveillance of the females under his superintendence, it is the duty of the Committee to report that Ellen Corsan, who was appointed to act as Assistant Matron, was removed from duty, in consequence of her utter inefficiency, and that she appeared to the Committee to be almost imbecile. As respects the Matron, Mrs. Cooper, the Committee have to observe, that although it would have been better had she possessed, in addition to her other qualifications, the energy of character which is requisite for the effective control of such persons as were placed under her charge, yet that her strict propriety of conduct and demeanour must have had considerable effect in the preservation of good order, and supported as she was by so active and experienced a Surgeon Superintendent as Dr. Douglass.

"To Dr. Douglass the Committee consider that very great praise is due for the efficient discipline which he maintained on the passage, as evidenced by the orderly and respectful conduct of the females after their landing, no less than by the direct testimony which has been borne to it; and certainly Dr. Douglass has reason to be satisfied with the success which has attended his exertions, if the belief which he entertains, in common with Mrs. Cooper and Mr. Robertson, be well founded, that 'no act of criminality' occurred on the passage, notwithstanding the depraved character of so large a proportion of females under his care.

"The Committee adjourned *sine die*.

(Signed)

"FRANCIS L. S. MEREWETHER."

APPENDIX B.

Committee Room,
Tuesday, 13 February, 1849.

PRESENT:—

F. L. S. Merewether, Esq., Chairman.

H. H. Browne, Esq., J.P.,
Arthur Savage, Esq., R.N.,
George Allen, Esq., M.C.,

Rev. R. Allwood, B.A.,
Rev. John MacGarvie, D.D.,
Rev. John MacEneroe.

Par. 1. "The Committee having met pursuant to notice, the minutes of the two last meetings are read and confirmed."

Par. 2. "It is resolved, that all parties whether masters or servants who may prefer complaints to the Committee respecting the conduct of the one to the other, shall be referred to the Magistrates sitting in Petty Sessions, at the Water Police Office, where Messrs. Innes and Browne undertake to attend every Friday at 11 o'clock, A.M., for the purpose of forming a court for the adjudication of such cases."

Par. 3. "That all orphan females under the control of this Committee, whose indentures may be cancelled by the Magistrates in consequence of misconduct on their part, shall be re-admitted into the institution; but shall be thence forwarded into the country, as opportunities offer, instead of being again placed in service in Sydney."

APPENDIX C.

The Chairman of the Orphan Immigration Committee to the Colonial Secretary, transmitting Report respecting the proposed Emigration of Orphans from the Workhouses in England.

Orphan Committee Room,
Hyde Park Barracks,
Sydney, 26 April, 1849.

Sir,

With reference to your letter of the 9th January last, transmitting a Despatch from the Right Honorable the Secretary of State respecting a proposed emigration to this Colony of female orphans from the workhouses in England, I do myself the honor to forward herewith Extracts from the Minutes of the Committee's proceedings, which contain their Report on the matters submitted to their consideration.

I return at the same time the Report of the Melbourne Committee, which was forwarded to me for the information of this Committee here.

I have, &c.,

FRANCIS L. S. MEREWETHER,
Chairman of the Orphan Immigration Committee.

P.S.—I return herewith the original enclosures to Earl Grey's Despatch, as requested.

Minutes of Proceedings of the Orphan Immigration Committee with reference to a letter from the Colonial Secretary, transmitting a Despatch from the Right Honorable the Secretary of State respecting the proposed extension to England of the plan which has already been in operation in Ireland, of conveying Female Orphans from the Workhouses as emigrants to Australia.

Extract from Minutes of Proceedings on the 13th February, 1849.

"The Chairman lays before the Committee a letter from the Colonial Secretary, transmitting a Despatch from the Right Honorable the Secretary of State respecting a proposed emigration of female orphans from English workhouses, and requesting the report of the Committee respecting the prospect which there may be of placing any girls of the description mentioned by the Commissioners who may arrive in this part of the Colony in eligible situations, and also of any preliminary measures which it may be necessary to adopt for that purpose beyond those already taken in respect to Irish orphans. This paper is laid aside for further consideration at the next meeting."

Extract from Minutes of Proceedings on the 23rd February, confirmed on 17th April, 1849.

"The Committee resume the consideration of the letter from the Colonial Secretary, which was laid before them by the Chairman on the 13th instant, with the accompanying Despatch and enclosures from the Right Honorable the Secretary of State.

"The Committee are of opinion that female orphans from the English workhouses of the description specified in the Report from the Colonial Land and Emigration Commissioners, which is enclosed in Earl Grey's Despatch, will be acceptable to employers in the Colony, and that in the Sydney District suitable situations could readily be obtained for 800 of them during the ensuing year, in addition to the equal number of Irish orphans who, according to the rate of their immigration during the past six months, may be expected during the same period.

"In answer to the second question submitted in the Colonial Secretary's letter, the Committee have to report that, for the reception of the proposed orphans from England, no preliminary arrangements appear to be required beyond those which have been already made in reference to the Irish orphans.

"The Committee, however, avail themselves of this opportunity to remark, that the guardianship of the female orphans, both before and after their being placed in service, will

" will entail upon the Colony a considerable expense to which it is not subject in respect to the ordinary female immigrants, who are either of mature age or are accompanied by their natural protectors. The Committee, therefore, trust that the Colonial Land and Emigration Commissioners may be able to establish a general rule, that if the Parochial Authorities in any part of the United Kingdom desire to avail themselves of the assistance of the Land Fund of this Colony, for the removal hither of the orphan inmates of their workhouses, they must all alike contribute the proportion of the passage money which the Unions referred to in the enclosures to Earl Grey's Despatch are prepared to give."

Colonial Land and Emigration Commissioners to Mr. Merivale, 27 June, 1848. Paper on Emigration to Australian Colonies, dated August, 1848, p. 111.

" The more advanced age of those orphans who have been accepted by the Colonial Land and Emigration Commissioners without any contribution towards their passage money from parochial funds does not appear to the Committee to be a sufficient compensation for the loss of such contribution, more especially as the principal, and almost the only fault, which has been found with those orphans collectively, both at Melbourne and here, has been a want of that 'training to domestic service' which the Commissioners supposed them to have received. Indeed, seeing that both the older and the younger females have alike to learn the business which they are wanted to perform, the Committee consider the latter to be preferable, supposing them to be not under the age of 14 years."

" In reference to the doubt expressed by the Colonial Land and Emigration Commissioners as to the power of the Governor, under the local law, to apprentice children not sent out entirely at the expense of Her Majesty's Government, the Committee beg to point out that they do not apprentice the orphans consigned to their care under the provisions of the Act referred to by the Commissioners, but under those of the more recent Act of 8 Victoria, No. 2, which authorizes any one or more of the persons having the inspection or control of any institution in the Colony in which eleemosynary support is given to apprentice any young person having no parent or guardian who may be in the receipt of such eleemosynary support. The orphans can therefore be legally apprenticed by the Committee, without any such enactment as is suggested by the Commissioners; but there appear still to be some imperfections in the present law which the Committee will probably have occasion to bring under His Excellency's notice at an early date, and of which the principal is the want of any suitable punishment for female apprentices who may be guilty of misbehaviour."

" FRANCIS L. S. MEREWETHER,
" Chairman of the Committee."

APPENDIX D.

Committee Room,
Saturday, 8th December, 1848.

PRESENT:—

Francis Lewis Shaw Merewether, Esq., Chairman.

W. H. Christie, Esq.,

The Revd. Robert Allwood, B.A.,

Edward Denny Day, Esq., P.M.,

Arthur Savage, Esq., R.N.

Par. 8. " The Committee concur with the Melbourne Board in the opinion that the ordinary female immigrants are much more serviceable than the orphans, and that if the cost to it be the same the Colony suffers by the introduction of the latter instead of the former. The Committee, however, hope that their suggestion, that no orphan should be accepted without contribution from the Parochial Authorities, will have been acted upon."

* * * * *

Par. 10. " With reference to the question as to how orphans returned to the Committee's charge should (on the cancellation of their indentures for misconduct) henceforth be disposed of, the Committee resolve that it will not be expedient to continue the practice of sending them to the country districts as heretofore, because it is found that they have not generally amended their conduct, and that their behaviour has tended to bring the whole class into disrepute, and to create a prejudice against them."

APPENDIX E.

The Superintendent of Port Phillip to the Colonial Secretary, with reference to Orphan Immigration, (with one enclosure.)

No. 49-125.

Superintendent's Office,
Melbourne, 8 November, 1849.

Sir,

Referring to my letter to you of this date, No. 49-126, reporting upon the Orphan Immigrants arrived in the "New Liverpool," I beg leave to transmit to you, for the information of His Excellency the Governor, copy of a further communication which has been addressed to me by the Orphan Immigration Committee and Board of Guardians, drawing my attention to the recommendation of the Board, in a previous letter, that the English Orphan Immigration be carried on concurrently with that from Ireland; but to the extent only of 200 girls in four months, including Irish as well as English; and with further reference to their letter to me of the 6th August, now taking occasion to point out certain facts bearing on the question of the Orphan Immigration now set on foot which induces the Board to recommend its temporary suspension.

26 October, 1849.

As

As I concur in the view taken by the Board of the expediency of such a temporary suspension of Orphan Immigration to this district, for the reasons adduced, I would request you to move His Excellency to bring the subject, at his earliest convenience, under the attention of the Home Authorities.

The Honorable
The Colonial Secretary,
Sydney.

I have, &c.,
C. J. LA TROBE.

Melbourne, 26th October, 1849.

Sir,

Referring to the letter addressed to your Honor by the Orphan Immigration Committee and Board of Guardians, dated 19th January last, No. 4, upon the subject of English Orphan Immigration, wherein they recommended that the English Orphan Immigration be carried on concurrently with that from Ireland, but to the extent only of 200 girls in four months, including Irish as well as English, and further stated, "that as fluctuations might occur in the demand for this description of immigration, they would consider it their duty to report from time to time, as experience might dictate, their opinion as to the propriety of increasing or diminishing the number then recommended," and referring also to their Report of the 6th August last, No. 14, in which they state that the subject was under their consideration, and that they would report thereon to your Honor the following facts, as bearing upon the subject of Orphan Immigration both from England and Ireland.

- (1.) That the demand for the orphans has sensibly diminished.
- (2.) That the orphans by each succeeding ship have been disposed of to parties of a lower rank, and less desirable class than those preceding.
- (3.) That there is shewn by the public a decided preference for other Bounty Immigrants, on account of the inexperience and incapacity for household work of the orphan girls.
- (4.) That the cost of these latter to the Colony is even greater, by the recent regulations of the Commissioners, than that of the former.

2. Under these circumstances the Board cannot but look forward with some degree of anxiety to the responsibility of disposing of those orphan girls who may be at present on their passage, and of those who will have been embarked before any communication can be made to the Government at Home; and they would venture to suggest that it would be expedient to suspend this branch of Emigration to the Port Phillip District until the Board may feel themselves justified by further experience in recommending its renewal.

His Honor
The Superintendent,
Melbourne.

We have, &c.,

C. MELBOURNE,
Chairman.

APPENDIX F.

Committee Room,
Monday, 18th March, 1850.

PRESENT:—

Francis L. S. Merewether, Esq., Chairman.

George Allen, Esq., M.C.,
Alfred Cheeke, Esq.,
Charles Nicholson, Esq., M.C.,
The Rev. Robert Allwood, B.A.,

Edward D. Day, Esq., J.P.,
Arthur Savage, Esq., R.N.,
The Very Rev. H. G. Gregory, D.D.,
G. P. F. Gregory, Esq.

Par. 2. "The Committee proceed to consider the question for the decision of which this meeting is specially called, viz., the expediency of discontinuing Orphan Female Immigration for a time, and they record their opinion as follows:—

Par. 3. "That a strong recommendation should be made to the Government that the emigration of Female Orphans from the Workhouses in Ireland should for the present be discontinued."

Par. 4. "The Chairman then brings under the consideration of the Committee the desirableness of providing, if possible, some employment for the orphans, and especially those returned to the Institution, as their number is likely now to be so large, and the period of their remaining in the Institution so long, that the ordinary housework and their own needlework will not be sufficient to occupy their time. It may also be found possible to obtain for them work which will wholly or in part repay to the Government the expense of their maintenance."

Par. 5. "The Committee resolve that the Chairman should be authorized to employ the females on such suitable employment as can be found for them; and, if the experiment be successful, it may perhaps hereafter be expedient, for the encouragement of industry, to establish a rule, allowing to any female who may do more work than would yield a sum sufficient to pay for her support the difference between the cost of her maintenance and the price of her work."

* * * * *

Par. 6. "The Chairman lays before the Committee a letter from the Bench of Magistrates at Berrima, requesting general information as to the course to be pursued by them with respect to those orphans whose indentures may be cancelled, and as to whether

the expense of their removal to the nearest depôt should be defrayed by the Government or the employers. The Committee consider that it is clear that females whose indentures are cancelled must be taken care of by the Government, under whose guardianship they are placed; but, at the same time, it seems to them unreasonable that the public fund should be charged with the cost of removing them to distant depôts. On the other hand, it appears to them to be unfair, in many instances, to require the employer to pay for apprentices' removal to the depôt, even were there legal power to do so; and the Committee must, therefore, leave it to the discretion of the Magistrates to do the best they can to save the expense to the Government, either by placing the females in other services in the district, or by requiring, if possible, the master or the apprentice (if any wages be due to her) to pay the expense, accordingly as the one or the other may be in fault."

APPENDIX G.

The Agent for Immigration to the Colonial Secretary, forwarding Minute of the Orphan Immigration Committee, recommending the discontinuance of Female Orphan Immigration.

No. 50-130.

Sir,

*Immigration Office,
Sydney, 27 April, 1850.*

In triplicate.

I do myself the honor to request that you will have the goodness to lay before His Excellency the Governor the enclosed Minute of the Orphan Immigration Committee, containing a resolution that a strong recommendation should be made to the Government that the emigration to this Colony of female orphans from the workhouses in Ireland should for the present be discontinued.

2. At the Meeting at which this resolution was unanimously adopted the following Members were present—

Francis Lewis Shaw Merewether, Esq., Chairman.

George Allen, Esq., M.C.,

Alfred Cheeke, Esq.,

Charles Nicholson, Esq., M.C.,

The Revd. Robert Allwood,

Edward D. Day, Esq., J.P.,

Arthur Savage, Esq., R.N.,

The Very Revd. H. G. Gregory,

G. P. F. Gregory, Esq.

3. It is known to me that the three absent members would have concurred in the resolution, had they been able to attend.

I have, &c.,

FRANCIS L. S. MEREWETHER,

Minute of the Orphan Immigration Committee recommending the discontinuance for the present of the Emigration of Female Orphans from the Workhouses in Ireland, dated 18th March, 1850.

"On the 8th of December last, the Committee recorded their opinion that, although the female orphans from Ireland were, in consequence of their ignorance of the duties of domestic servants, less acceptable to employers generally than the ordinary female immigrants, there was still an opening for a limited number of them. The Committee at the same time, with reference to a Minute made in February, 1849, in which they stated that 800 English and 800 Irish orphans, would readily find employment in the then ensuing year, recorded their opinion that the total number of orphans to be sent in the year 1850 should be limited to 800.

"At that date 328 Irish orphans had just been landed from the ship "William and Mary" and "Lismoyne." 351 have since arrived in the ships "Panama" and "Thomas Arbuthnot," and 290 more are daily expected by the "John Knox," which will make a total of 969 within the short period of four months. Of those who have already arrived situations have still to be provided for about 200.

"Under these circumstances, the Committee unanimously resolve that a strong recommendation should be made to the Government that the emigration of female orphans from the workhouses in Ireland should for the present be discontinued."

FRANCIS L. S. MEREWETHER,

Chairman of the Committee.

APPENDIX H.

No. 1.

The Superintendent of Port Phillip to the Colonial Secretary, respecting Orphan Immigration to Port Phillip (with three Enclosures.)

*Superintendent's Office,
Melbourne, 2st May, 1850.*

Sir,

8th May, 1850.

I have to request that you will do me the honor to lay before His Excellency the Governor the enclosed copy of a communication which I have received from the Orphan Board of this district, in which the Board refer to their former report on Female Orphan Immigration, dated the 26th October, 1849, a copy of which was forwarded for His Excellency's perusal in my letter of the 8th November, 1849, 49-125,—and bringing before me the views which they are now disposed, after further experience, to entertain upon this important subject.

2.

2. His Excellency will perceive that the Board has arrived at the conclusion, that the system, to be renewed with advantage and satisfaction to the Colony, requires material modifications in several important respects, which are brought under consideration under the following heads :—

- 1st The cost of this species of immigration.
- 2nd. The age and description of the immigrant.
- 3rd. The locality from whence sent.
- 4th. The number to be sent.

3. Without adverting particularly to each observation offered by the Board, I must be allowed to state, that in the main I am fully inclined to admit the propriety of the view now taken of the question; and also inclined to consider, that if a continuance of this class of immigration is *still to be looked for, it ought, out of justice to the Colony, to be carried on under very considerable modifications.*

4. The advantages anticipated to the Colony from the Immigration, under the management of Government, of female orphans from Ireland, are shewn by the earlier communications received from the Right Honorable the Secretary of State to have been the following :—

28th Feb., 1849.

- (1st) A quicker supply of eligible emigration than would otherwise be practicable.
- (2nd.) That by thus sending out a proportion of unmarried females, a proportionate number of good and useful laborers might be sent, who, being unmarried, would otherwise be ineligible, insomuch as the greatest difficulty was always experienced in securing the emigration of a proportionate number of eligible unmarried females.
- (3rd) That the Colony would, in the case of these orphan immigrants, be relieved from meeting the casual expenses attending the outfits, superintendence, and instruction, it being proposed that these should be defrayed from the funds of the Mother Country.

5. On these several points I would now take leave to observe.

1st. I see no sufficient reason to decry or undervalue the introduction of this class of immigration as far as it has been properly carried out.

The Colony undoubtedly, particularly by the first accessions received to its population through this channel, secured a seasonable supply of most useful labor. Latterly, however, it must be remarked, that notwithstanding the strength of the argument that might be advanced in favor of any arrangement which might tend to add to the female population of the Colony, *the age and character of the orphans forwarded to Port Phillip have scarcely sustained the expectations that were originally held out and entertained with regard to them, either by the Home or Colonial Government; and I am not surprised that, from this and other causes, a degree of unforeseen difficulty has been experienced by the Board in seeking to perform the duty imposed upon it on the one hand, and, on the other, that great dissatisfaction has been expressed on the part of a portion of the public.*

2nd. The fact that, according to the original stipulation, a certain portion of the expense of the conveyance of these female orphans, viz., *the casual expenditure, is borne by the Home Government, seems to be pretty generally overlooked.*

But, after investigating the point, as far as I have means of doing, I must admit that, even taking this fact into consideration, the real amount of expenditure incurred by the Colony *in assisting in carrying out the scheme, is fully as great, if not greater, than that incurred in the case of a similar number of ordinary immigrants.*

It is impossible to give in figures the relative cost of ordinary and orphan immigration, as it depends very much upon certain contingencies; but I enclose a memorandum, furnished by the Acting Immigration Agent, shewing the average cost per head of each class for conveyance per ship. This average, even, will also vary according to the amount contributed by the ordinary immigrants towards their passages. In addition, it must be remarked that the cost of the orphans in the depôt, erected and maintained for their special convenience at no inconsiderable outlay, and of their conveyance to distant parts of the district, and other expenditure not usually incurred in the case of the ordinary immigrants, will add considerably to the expense.

3rd I am further constrained to admit, from a review of the Immigration Returns, from the time when the orphan immigration was first set on foot to the present date, that, whatever may be the cause, the further advantage anticipated to the Colony of obtaining by the introduction of these female orphans a proportionate supply of useful male labor, has not been realized.

This will be clearly seen from the annexed statement, shewing the number of single men and single women sent to this district since the date of the dispatch of the first orphan ship from England in 1848.

It will be observed, that the total number of unmarried men sent to the Port Phillip district between the month of September, 1848, when the female orphan emigration commenced, and the close of the year 1849, was only in excess of the number of unmarried female immigrants, exclusive of the female orphans, by two hundred and forty-three, leaving the introduction of upwards of one thousand female orphans of the number sent hither during the same period uncompensated for in the manner clearly proposed and stipulated at the first introduction of the system.

Such being the facts, I conceive that it is incumbent upon His Excellency to bring the subject under the early notice of Her Majesty's Government, with a view to the revision of the whole arrangement, and the adoption, in the event of the continued introduction of orphans of this description into the Colony, of such changes in the system as may be justly shewn to be expedient and called for.

I have, &c.,
C. J. LA TROBE.

The Honorable
The Colonial Secretary,
Sydney.

No. 2.

No. 2.

Enclosure in the Superintendent's letter to the Colonial Secretary, dated 21st May, 1850,
No. 50-72.

Melbourne, 8 May, 1850.

Sir,

With reference to our report to your Honor, dated the 26th day of October, 1849, on the subject of Female Orphan Immigration from Ireland to this district, at the conclusion of which report we had the honor to state that "the Board would venture to suggest that it would be expedient to suspend this branch of immigration to the Port Phillip District until the Board may feel themselves justified by further experience in recommending its renewal."

"William Stewart,"
"Mahomed Shah,"
"Lady Kennaway,"
"Pamberton,"
"New Liverpool,"
"Diadem,"
"Derwent," and
"Eliza Carolina."

In now resuming the subject we have the honor to report that, after having disposed of nearly one thousand one hundred and forty of the Orphan Immigrants from Ireland who arrived by the ships mentioned in the margin, we are led to the conclusion that the system, to be renewed with advantage and satisfaction to the Colony, requires material modifications in several important respects, which we propose to consider briefly under the following heads:—

- 1st.—The cost of this species of Immigration.
- 2nd.—The age and description of the Immigrant.
- 3rd.—The locality from whence sent.
- 4th.—The number to be sent.

First.—As to cost.

It is hardly necessary to advert to the circumstance that Orphan, as compared with adult Immigration, implies by its name a species of immigration which, if its cost were equal, would be obviously to the disadvantage of the Colony defraying the charge.

This Board is informed, and believes it is known to your Honor, that the cost to the Colony of the importation of a female orphan immigrant is greater than that of an adult immigrant of the mixed classes.

It is evidently unreasonable that the Colony should pay for inferior labor a higher rate than it does for superior.

It is also to be observed that the expense to the Colony of the orphan, after arrival, is greater than that of an adult immigrant, from the circumstance that the orphan is received immediately on arrival into the Immigration Depot, and there provided for, for an indefinite period, determined only by her hiring; whereas the adult immigrants are open to engagement on board the ship, where, being entitled to remain at the expense of the charterer for fourteen days, they are usually hired. Comparatively few of this class require to come into the Immigration Barracks.

We would beg on this head to express a most decided opinion, that the cost charged on the Colonial Land Fund, under the authority of the Colonial Land and Emigration Commissioners for Orphan Immigration, should not, under any circumstances, exceed one-half of the whole charge, and that, if Orphan Immigration cannot be obtained under such circumstances, it is not desirable that it should be renewed.

Second.—The age and description of the immigrant.

The Board is of opinion that, in regard to age, in no case should these immigrants be under 17 years at the time of embarkation.

The Board would here remark that the age of many of these children as stated in the ship's indent is, from their appearance and their own admission, evidently erroneous.

By the accompanying table your Honor will observe that the elder orphans are much more easily disposed of than the younger ones; a circumstance arising, doubtless, in the desire of the employers to obtain useful servants, as well as to avoid the responsibility attached to the employment of the younger ones, whom we do not allow to engage in service unless under indentures of apprenticeship for at least twelve months; and we regret to say that many children of this class, under 15 years of age, arrive by every ship. The Board cannot contemplate, without anxiety, the placing of these children in such employments as usually offer.

In fact, had the Board strictly adhered to the instructions as to the disposal of the orphans generally, they feel assured that a great number must have still remained in depot, the class of employers being evidently in very many instances such as were not contemplated by the Home Government.

In regard to description, the Board would remark that it will appear by the indents that out of one thousand two hundred and ninety-six orphans who have arrived, there are four hundred who have never been in service, being nearly one-third of the whole; while of those who have been in service, or are so entered, more than one-third are described in the Returns as "Nursemaids," which the Board believes to mean no more than that they are the elder children of their respective families.

Third.—The locality from whence sent.

The Board, in their letter to your Honor of the 19th of January, 1849, recommend that "English Orphan Immigration" should be carried on concurrently with that from Ireland, and the Board remain of that opinion; but if the orphans cannot be obtained from England of the age suggested, and are sent exclusively from Ireland, as hitherto, the Board would then recommend that their number be taken into consideration by Her Majesty's Land and Emigration Commissioners in arranging the proportions of the entire emigration to this district from England and Ireland.

Fourth.—The number to be sent.

If the foregoing arrangements are adopted, the Board would recommend that 200 orphans be dispatched to this district every four months.

This

This recommendation is made without any reference to the reported emigration of needlewomen from London, which, if carried on to any great extent, would, of course, have a considerable influence on the demand for orphans, and would render it extremely difficult to dispose of even the numbers to which we propose to limit this immigration.

We do not feel it necessary to take into consideration in our calculation the arrival of any unusual number of other single female immigrants, as the Commissioners of Land and Emigration would, we conceive, have regard to this circumstance, if it should arise, and its probable operation on the demand for female orphan immigrants in the Colony.

In conclusion, the Board beg leave to state, that after a most careful consideration of this important subject, the Board do not venture to recommend the continuance of this description of Female Orphan Immigration to the Port Phillip District, unless the principles embodied in the foregoing modifications are adopted and acted on by Her Majesty's Land and Emigration Commissioners.

His Honor
The Superintendent
of Port Phillip.

We have, &c.,
(For the Board),
WM. LONSDALE,
Chairman.

No. 3.

TABLE, showing the different periods of the hiring of Female Orphan Immigrants; from the 15th of December, 1848, to the 30th of April, 1850.

NAME OF VESSEL.	DATE OF THE FIRST DAY OF HIRING.	NUMBER HIRED AFTER BEING TO HIRE.																
		1st day.	2nd day.	3rd day.	4th day.	5th day.	6th day.	7th day.	8th day.	9th day.	10th day.	11th day.	12th day.	3 weeks.	4 weeks.	5 weeks.	6 weeks.	7 weeks.	TOTALS.
Lady Kennaway..	15 Dec.	Under 16 years of age.														53		
		1	10	18	5	6	7	4	4	..
		Over 16 years of age.														186		
		20	41	26	7	2	1	3	12	9	8	7
Pemberton	30 May	Under 16 years of age.														80		
		10	9	11	2	..	1	2	2	1	..	3	..	23	4	4	8	..
		Over 16 years of age.														225		
		37	37	12	6	..	5	9	3	2	3	5	..	70	4	16	16	..
New Liverpool ..	29 Aug.	Under 16 years of age.														51		
		4	1	2	..	1	4	1	3	28	2	5	..
		Over 16 years of age.														150		
		22	5	1	..	1	5	6	7	4	3	6	..	11	60	12	7	..
Diadem	17 Jany.	Under 16 years of age.														55		
		8	3	1	..	2	1	1	1	2	1	14	7	6	8	..
		Over 16 years of age.														151		
		23	24	16	4	5	8	5	3	2	1	..	6	10	16	12	16	..
Derwent	6 March	Under 16 years of age.														24		
		..	2	1	4	1	9	7
		Over 16 years of age.														84		
		10	10	8	8	..	3	3	2	5	11	8	2	14
Eliza Caroline.	12 April	Under 16 years of age.														..		
		1	3	2	2
		Over 16 years of age.														..		
		16	6	..	8	8	3	2	7	5	..	7	8	17

NOTE.—577 Orphans arrived in Depôt during the first four months of 1850.

APPENDIX I.

The Agent for Immigration to the Colonial Secretary, reporting on letter from the Superintendent of Port Phillip respecting the expediency of continuing Irish Female Orphan Emigration at the entire expense of the Colony.

*Immigration Office,
Sydney, 14 June, 1851.*

Sir,

21 May, 1850.

29 April, 1849.

I do myself the honor to return herewith a letter from His Honor the Superintendent of Port Phillip, with an enclosed communication from the Orphan Immigration Committee at Melbourne, on which I deferred my report in the expectation that an answer might have been received to the Despatch of His Excellency the Governor in which was transmitted a letter from the Orphan Committee at Sydney, containing recommendations, which, if adopted, would have carried out sufficiently, perhaps, the views of the Superintendent and the Committee at Melbourne as to the terms on which the emigration of female orphans from Irish workhouses, if renewed, might be assisted out of the Colonial funds. *From the recent communications, however, it appears, that although it has been decided that the emigration of female orphans from the Irish workhouses will not be resumed without some modifications of the former system, the precise nature of the modifications has not been determined upon.*

2. The Sydney Committee recommended in the letter above referred to, *that inmates of the Irish workhouses should not be accepted as assisted emigrants, unless there were paid for them the same amount as it appeared from the official correspondence on the subject could be obtained for the inmates of the English workhouses, viz., four or five pounds a head towards the passage money, which, at the reduced rates at which the contracts are now taken, would not be far short of one-half the price.* It was pointed out that *the anticipation of the Commissioners, which induced them to set a higher value on the inmates of Irish workhouses, namely, that they would be found not only of mature age, but trained servants, had certainly not been realized. At least two-thirds of those who arrived here were utterly ignorant of the duties of domestic service, properly so called, a very large proportion were quite incapable from their previous habits of learning them.* As respects general character I am disposed to think that they were superior to the inmates of English workhouses.

The opinion expressed by the authorities at Port Phillip, in the papers now under consideration, is, *that the Irish Orphan Immigration should not be resumed, except on the following conditions, viz., that one-half, at least, of the passage-money be paid out of British funds; that none of the females be under seventeen years of age; that an equal number of English orphans be sent, or, if they cannot be obtained of the required age and description, that the aggregate Irish immigration should be reduced to its due proportion by a corresponding increase in the number of the ordinary immigrants selected from England and Scotland; and, lastly, that single males should be sent in equal number to the unmarried female immigrants, including the orphans.* On this latter point Mr. La Trobe lays great stress, and he points out that during the late immigration the number of females exceeded that of males by more than 1,000.

With these remarks I beg to suggest, that copies of the papers should now be transmitted to the Colonial Land and Emigration Commissioners for their consideration.

I have, &c.,

FRANCIS L. S. MEREWETHER.

APPENDIX J.

RETURN of CASES of ORPHAN FEMALE APPRENTICES whose INDENTURES were cancelled, by the Court of Petty Sessions, at the Water Police Office.

DATE OF MAGISTRATES' DECISION.	NAME OF ORPHAN.	NAME OF SHIP.	NAME OF EMPLOYER.	NATURE OF CHARGE.	MAGISTRATES' DECISION AND RECOMMENDATION FOR DISPOSAL.
1 16 Mar., 1849	Jane M'Conkey		Mr. Joseph Marshall, Woolloomooloo-street	Bad conduct	Indentures cancelled; returned to the Barracks to be sent into the country.
2 16 " "	Nancy Pritchard		Mr. James Allison, Flag Staff	Charged her master with ill-usage; herself being charged with bad conduct	Both dismissed; indentures cancelled.
3 13 April, "	Mary Ann Kelly	Earl Grey	Mr. Robert Blake, Balmain	Improper conduct towards her master	Agreement cancelled; wages forfeited; returned to Orphan Barracks.
4 5 " "	Rose M'Donald		Mr. Henry Loader	Claim for wages	Proved to have been paid.
5 5 " "	Margaret Hanna		Mrs. H. M. Lett	Disobedience and neglect to obey orders	Agreement ordered to be cancelled.
6 22 May, "	Margaret Williamson	Earl Grey	Mr. H. Gibson, Pilot, South Head	Disobedience of orders, and absenting herself from her master's premises without leave	Indentures cancelled.
7 16 June, "	Margaret Durkin	Digby	Mr. W. H. Cory, Surgeon	Improper conduct in absenting herself without leave	Indentures cancelled; wages forfeited.
8 20 July, "	Mary Stephens	Inchinnan	Mr. John Mackay, Merchant	Neglectful and disobedient	Indentures cancelled; to be sent into the country.
9 22 June, "	Rose Ann Carroll	Earl Grey	Mr. Hy. Smithers Hayes	Absent without permission	Not proved; indentures to be cancelled.
10 29 " "	Bridget M'Caon	Earl Grey	Mr. John Lublin, George-street	Absent without permission	Indentures to be cancelled.
11 29 " "	Christiana Wynne	Digby	Mr. J. L. Faucett, George-st.	Charge against master of assault	Case dismissed; indentures cancelled.
12 7 July, "	Margaret M'Kinlay		Mr. Joseph Hunt, Balmain	Insolent and disobedient	Agreement cancelled.
13 14 " "	Anne Haggarty	Inchinnan	Mr. Alfred Elyard	Refusing to obey orders	Indentures cancelled.
14 14 " "	Mary Ann Ward	Digby	Mr. John Lord, Macquarie-st.	Absent without leave, and general misconduct	Indentures cancelled.
15 20 " "	Rose Peel	Inchinnan	Mr. G. J. Wrentmore	Insolence and neglect of duty	Indentures cancelled.
16 21 " "	Mary M'Keighe	Inchinnan	Mr. John Lord, Sydney	Leaving place of residence without permission; neglect of duty	Indentures cancelled.
17 14 " "	Mary Ann Ward	Digby	Dr. Douglass	Incompetency and idleness	Indentures cancelled.
18 27 " "	Margaret Conlan	Digby	Mr. James M'Intosh, Bay-street, Glebe	Charged her master with assault	Indentures cancelled.
19 27 " "	Mary M'Caon	Earl Grey	Mr. Richard B. Sheridan	Disobedience of orders, and absence without leave	Indentures cancelled; to be forwarded to the country for employment.
20 27 " "	Elizabeth Reilly	Digby	Mr. Eugene Flynn, Castle-reagh-street	General misconduct	Indentures cancelled.
21 27 " "	Abigail Brady	Digby	Mr. Wm. Sotheren, Castle-reagh-street	General misconduct	Indentures cancelled.
22 4 Aug. "	Mary Daniel	Earl Grey	Mr. Theodore James Jaques	Disobedience of orders, and wilful destruction of her master's property	Indentures cancelled; to be sent into the country for employment.
23 17 " "	Mary Flynn	Digby	Mr. Thomas M'Culloch, Liverpool Road	Carelessness and improper conduct	Indentures cancelled.
24 24 " "	Mary Ann Dayley	Inchinnan	Mr. Wm. Clarke, Strawberry Hills	Disobedience of orders, and absenting herself without leave	Indentures cancelled; to be sent into the country for employment.
25 24 " "	Mary May	Lady Peel	Mr. J. H. Maddocks, William-street	Absent from her place without permission	Indentures cancelled.
26 17 " "	Mary Doyle	Digby	Mr. William Brown, Sydney	Unable to do the work	Indentures cancelled.
27 14 Sept.	Elizabeth Just	Earl Grey	Mr. Parry Long, Solicitor	Charged her mistress with assault	Case dismissed. Indentures cancelled.
28 7 " "	Ellen Handbridge	Lady Peel	Sir T. L. Mitchell	Insolence, and absenting herself without leave	Indentures cancelled; to be forwarded into the country for employment.
29 7 " "	Jane Dayley	Inchinnan	Mr. John Lynch	General misconduct	Indentures cancelled.

APPENDIX TO THE FOREGOING EVIDENCE.

APPENDIX J.—Continued.

DATE OF MAGISTRATES' DECISION.		NAME OF ORPHAN.	NAME OF SHIP.	NAME OF EMPLOYER.	NATURE OF CHARGE.	MAGISTRATES' DECISION, AND RECOMMENDATION FOR DISPOSAL.
30	7 Sept., 1849	Ann Jane Stewart	Earl Grey	Mr. J. Stewart, Veterinary Surgeon, Sydney	Insolence and disobedience	Indentures cancelled.
31	7 " "	Winifred Keane	Digby	Mr. Wm. Byrne, Shoemaker, George-street	Absenting herself without permission	Indentures cancelled.
32	21 " "	Margaret Jones	Digby	Mr. James Stewart, Castle-reagh-street	General misconduct and neglect of duty	Indentures cancelled; to be sent into the country for employment.
33	21 " "	Anne Carow	Lady Peel	Mrs. Mary Callopy, (Widow), Camperdown	General misconduct	Indentures cancelled; to be sent into the country for employment.
34	14 " "	Catherine Bowes	Lady Peel	Mr. J. H. Maddocks	General bad conduct, absence without leave	Indentures cancelled; no order for wages.
35	21 " "	Elizabeth Carroll	Lady Peel	Mr. George Wright	Misconduct	Indentures cancelled.
36	5 Oct.,	Mary Lalor	Lady Peel	Wm. Hy. Kerr, Esq.	Improper conduct	Indentures cancelled; to be sent up the country.
37	22 June,	Mary Deveney	Digby	Rev. Thomas Druitt	Absent without permission	Indentures cancelled.
38	28 Sept.,	Anne Clare	Lady Peel	Mr. William Duguid, Redfern	Negligence and dishonest conduct	Indentures to be cancelled; not to be again employed in Sydney.
39	5 Oct.,	Catherine Fahy	Inchinnan	E. W. Hollingworth, Esq., Ashfield	General misconduct	Indentures cancelled; to be sent up the country.
40	6 " "	Bridget Coyle	Digby	Mr. Hy. Gibson, Staffordshire Warehouse Brickfield-hill	General misconduct	Indentures cancelled.
41	12 " "	Bridget Cannon	Lady Peel	Mr. Michael O'Brien	General misconduct	Indentures cancelled.
42	18 " "	Bridget Kelly	Inchinnan	Mr. Wm. Bolton, Castlereagh-street	Absconding from indentured service	Indentures cancelled; to be forwarded up the country.
43	19 " "	Ann M'Whenny	Lady Peel	Mr. Richard Dawson, Iron Founder	General misconduct	Indentures cancelled.
44	26 " "	Jane M'Gowan	Inchinnan	Mr. S. M. Pembroke, Chippen-dale	Improper conduct	Indentures cancelled.
45	26 " "	Winifred Glancy	Lady Peel	Mr. George Williams, Glebe	Improper conduct	Indentures cancelled.
46	26 " "	Rose Fleming	Lady Peel	John Dickson, Esq., M.L.C.	Improper conduct	Indentures cancelled.
47	26 " "	Betty Just	Earl Grey	Dr. Savage, R.N.	Misconduct	Indentures cancelled; wages forfeited; to be sent up the country.
48	18 Aug.,	Jane Maughan	Inchinnan	Mr. James Russell	Refusing to obey her master's orders	Indentures cancelled.
49	19 Oct.,	Bridget Quinn	Inchinnan	Mr. Francis Macnab	Misconduct	Indentures cancelled; to be sent up the country.
50	19 " "	Mary Ryan	Lady Peel	Mr. J. F. Flashman, York-st.	Disobedience and neglect	Indentures cancelled.
51	19 " "	Ellen Burke	Inchinnan	Mr. E. M'Enroe	Misconduct	Indentures cancelled.
52	2 Nov.,	Ann M'Loughlin	Earl Grey	John Mackay, Esq.	General misconduct	Indentures cancelled.
53	30 " "	Ann Carroll	Lady Peel	Joseph Mills	Charge of assault against her mistress	Indentures cancelled; Mills not to have another Orphan.
54	30 " "	Elesha Connelly	Lady Peel	Mr. J. Stirling, Grocer, George-street	Improper conduct, and leaving place without permission	Indentures cancelled.
55	30 " "	Margaret Carr	Lady Peel	Mr. James Henry	Neglect of duty	Indentures cancelled.
56	30 " "	Margaret Boland	Digby	Mr. Phillip Andrews	Refusing to work	Indentures cancelled; to be sent up the country.
57	23 " "	Margaret Ann Conway	Diana	Mr. George Anderson, Grocer, Farramatta-street	Improper conduct, disobedience	Indentures cancelled.
58	23 " "	Ann Maher	Lady Peel	Mr. John Dickenson	Improper conduct, neglect.	Indentures cancelled.
59	9 " "	Anne M'Whenny	Lady Peel	Mr. W. Bolton, Castlereagh-street	Refusing to work	Indentures cancelled.
60	9 " "	Bridget Smith	Digby	Austin F. Wilshire, Esq.	Improper conduct	Indentures cancelled.

APPENDIX TO THE FOREGOING EVIDENCE.

APPENDIX J.—Continued.

	DATE OF MAGISTRATES' DECISION.	NAME OF ORPHAN.	NAME OF SHIP.	NAME OF EMPLOYER.	NATURE OF CHARGE.	MAGISTRATES' DECISION AND RECOMMENDATION FOR DISPOSAL.	
377—J	61	9 Nov., 1849	Winifred Kean	Digby	Mr. John Wallen, Glebe	Absconding from indented service	Indentures cancelled; wages forfeited; to be sent up the country.
	62	16 "	Mary Kelly	Digby	Robert Dawson, Esq., Glendon	Neglect of duty, and disobedience	Indentures cancelled; to be sent up the country.
	63	2 "	Jane McGowan	Inchinnan	Alfred Elyard, Esq.	Improper conduct	Indentures cancelled.
	64	2 "	Bridget McCann	Earl Grey	Mr. Wm. Lenehan	Improper conduct	Indentures cancelled.
	65	2 "	Peggy Maher	Lady Peel	Mr. Cr. Ellis	Improper conduct	Indentures cancelled.
	66	15 Dec., "	Anastatia Walch	Lady Peel	Mr. C. N. Furlong	Absconding	Indentures cancelled.
	67	21 "	Anne Kennon	Digby	Mr. H. R. Whittle, Coal Merchant	Absconding	Indentures cancelled; to be set some work for a month as punishment.
	68	15 "	Elizabeth M'Farlane	Earl Grey	Mr. P. Walsh, Sydney	Improper conduct	Indentures cancelled.
	69	15 "	Bridget Ryan	Lady Peel	F. Gaunson, Esq.	Improper conduct	Indentures cancelled.
	70	7 "	Mary Anne Dillon	Digby	Mrs. Jane Paterson	Charged her mistress with assault	Mrs. Paterson guilty—fined 5s.; indentures cancelled.
	71	7 "	Helen M'Guire	Digby	Gilbert Wright, Esq., Solicitor	Refusal to obey lawful commands	Indentures cancelled; to be sent up the country.
	72	4 Jan., 1850	Mary Deall	Diana	Mr. H. M. Cockburn	Neglectful and disobedient	Indentures cancelled; one month's hard work, and wages paid to be kept from her.
	73	11 "	Catherine Crofton	Digby	Mrs. E. J. Middleton	Impertinence and neglect of duty	Indentures cancelled.
	74	11 "	Mary M'Hall	Digby	R. Furlong, Esq.	Disobedience and neglect of duty	Indentures cancelled.
	75	11 "	Bridget Kerney	Digby	Mr. C. Prout	Negligence and inability	Indentures cancelled.
	76	11 "	Rose Smith	Digby	Mr. J. Inder, Liverpool-street.	Breach of agreement	Indentures cancelled.
	77	4 "	Catherine Reilly	Digby	F. W. Unwin, Esq.	Disobedience and neglect	Indentures cancelled.
	78	25 "	Catherine Deely	Inchinnan	Mr. J. Miller, 287, Brickfield Hill	Absconding	Indentures cancelled; balance of wages forfeited to Benevolent Asylum.
	79	25 "	Bridget Muldowney	William and Mary	J. Y. Rutter, Surgeon	Negligent, idle, and refusing to work	Indentures cancelled.
	80	25 "	Bridget Flanagan	Lady Peel	Mr. E. M'Roberts	Refusal to work	Indentures cancelled; wages forfeited.
	81	11 "	Catherine M'Farland	Lady Peel	Mr. P. Gould, Balmain	Neglect of work and impertinence	Indentures cancelled.
	82	25 "	Mary Carew	Lady Peel	Mr. Thomas Carew	Negligence and disobedience	Indentures cancelled.
	83	23 Feb., "	Sarah Collins	Lady Peel	Mr. P. Walsh	Idleness and disobedience	Indentures cancelled.
	84	23 "	Margaret White	Digby	Mr. J. C. Korff	Disobedience and neglect of duty	Indentures cancelled.
	85	23 "	Catherine M'Cosky	William and Mary	Mr. J. Mathews, Paddington	Neglect of work and disobedience	Indentures cancelled.
	86	15 "	Biddy Kelly, junr.	Inchinnan	Mr. R. Blake, Balmain	Improper conduct	Indentures cancelled.
	87	15 "	Catherine Collins	William and Mary	Mr. Charles Loeue	Improper conduct	Case dismissed; no parties.
	88	15 "	Catherine Needhan	Panama	Mrs. Ellen Hourigan, Prince-street	Improper conduct	Indentures cancelled.
89	15 "	Catherine M'Neill	Digby	F. W. Unwin, Esq., Solicitor	Improper conduct	Case dismissed; no appearance.	
90	15 "	Mary Bowman	Lismoyne	Mr. Robert Brindley, Chippen-dale	Improper conduct	Indentures cancelled; to be sent up the country	
91	15 "	Rose Armstrong	Digby	George Ullr, Esq.	Absconding	Case dismissed; no appearance.	
92	15 "	Jane Beard	Digby	George Chisholm, Esq.	Improper conduct	Case dismissed; no appearance.	
93	15 "	Mary Ward	Digby	B. C. Rodd, Esq., Solicitor	Charge of ill-treatment	Dismissed; no parties.	
94	15 "	Sarah Britt	Lady Peel	Mrs. E. Rishworth, Balmain	Improper conduct	Indentures cancelled.	
95	15 "	Bridget Kenny	Digby	J. Dawson, Esq., Solicitor	Absconding	Case dismissed; no appearance.	
96	16 Mar., "	Anne Moran	Lady Peel	Mr. Michael Hendrick	Neglect of work	Indentures cancelled.	
97	2 "	Elizabeth Kennedy	Lismoyne	Mr. A. Signmont	Neglect and inability to perform her work	Indentures cancelled.	
98	16 "	Catherine Vahey	William and Mary	Mr. P. F. Morgan, Chemist, &c.	Incapable of performing her duty	Indentures cancelled.	
99	16 "	Bridget Higney	Digby	Mr. W. T. Boyce, Pilot	Improper conduct	Indentures cancelled.	

APPENDIX TO THE FOREGOING EVIDENCE.

APPENDIX J.—Continued.

DATE OF MAGISTRATES' DECISION.	NAME OF ORPHAN.	NAME OF SHIP.	NAME OF EMPLOYER.	NATURE OF CHARGE.	MAGISTRATES' DECISION AND RECOMMENDATION FOR DISPOSAL.	
100	1 Mar., 1850.	Ellen Conway	Diana	Mr. J. Hill	Improper conduct	Case dismissed; no appearance.
101	1 " "	Ellen McFarlane	Earl Grey	Mr. J. Cosgrove, Castlereagh-st.	Absenting herself without leave	Indentures cancelled.
102	1 " "	Anne Reilly	Panama	Mr. J. Cook, Redfern	Idleness, negligence, and wilful disobedience	Indentures cancelled; wages to be retained until of good behaviour, and to be sent to the country.
103	1 " "	Ally Fisher	Lady Peel	Mr. J. Vickery, Bloomfield-st.	Insolence and neglect of duty	Indentures cancelled.
104	26 April, "	Rebecca Byrnes	Lismoyne	Mr. J. Inder	Improper conduct	Indentures cancelled; wages to be retained until better conducted.
105	19 " "	Anne Duffy	Digby	Mr. J. Greer	Improper conduct	Indentures cancelled; to be separated from her sister Mary Duffy in next engagement.
106	12 " "	Mary Foley	Lady Peel	Mr. J. Hadsley	Improper conduct	Indentures cancelled.
107	12 " "	Mary Hayes	Lismoyne	Mr. D. Tierney		Indentures cancelled; wages to be kept from her until better behaved.
108	12 " "	Maria M'Dermott	Lady Peel	Mr. J. L. Clinton	Improper conduct	Indentures cancelled; balance of wages to be retained until better behaved.
109	12 " "	Bridget Hopkins	Digby	Mr. John Connor	Absconding from her indented service	Indentures to be cancelled; to be sent up the country; to be kept separate from the other girls whilst in Sydney; balance of wages to be appropriated to pay expenses of removal to the interior.
110	26 " "	Eliza Toole	Panama	Mrs. M. Reiby	Improper conduct	Indentures cancelled.
111	19 " "	Rose Mallon	Digby	V. Zahel, George-street		Agreement cancelled.
112	19 " "	Mary Duffy	Digby	Mr. John Greer	Improper conduct	Indentures cancelled.
113	19 " "	Theresa Neven	Thomas Arbuthnot	Mr. B. A. Kemp	Improper conduct	Indentures cancelled; wages forfeited.
114	31 May, "	Ann Conron	Lismoyne	Mr. W. T. Boyce, South Head	Idleness and disobedience	Indentures cancelled.
115	31 " "	Mary Hyland	William and Mary	Mr. J. T. Mackay, Balmain	Inability and unwillingness to perform her duty	Indentures cancelled.
116	31 " "	Honor Migan	Panama	Mr. E. Snowden, Crown-street	Disobedience and absence without leave	Indentures cancelled.
117	17 " "	Maria Reilly	Digby	F. W. Unwin, Esq.	Misconduct	Indentures cancelled.
118	3 " "	Anne M'Evoy	Lismoyne	Mr. P. A. Tompson, Bayley	Neglect of duty and absent without permission	Indentures cancelled; to be sent into the country for employment.
119	3 " "	Mary M'Carthy	Thomas Arbuthnot	Miss J. A. Rossiter	Disobedience and neglect of duty	Indentures cancelled; wages to be kept from her until she behaves better.
120	31 " "	Mary Ann Reilly	Lismoyne	Mr. T. Maher, Pitt-street	Improper conduct	Indentures cancelled.
121	3 " "	Margaret Owens	William and Mary	Mr. E. M'Roberts	Neglect of duty and disobedience	Indentures cancelled.
122	3 " "	Mary Hamilton	Lismoyne	Mr. Wm. Lee, Sydney	Absconding from indented service	Indentures cancelled; to be sent up the country for employment.
123	3 " "	Mary Hussey	Lismoyne	J. Y. Rutter, Surgeon	Insolence and inefficiency	Indentures cancelled.
124	13 " "	Anne Sinclair	Lady Peel	Mr. R. Cleary	Absconding from service	Indentures cancelled; to be sent up the country for employment.
125	17 " "	Margaret Lonergan	Lady Peel	Mr. James Teare, Sydney	Neglect of work, and insolence	Indenture cancelled.
126	13 " "	Bridget Kilroy	Lady Peel	{ Mr. E. Lawyer, 201, Castle-reagh-street }	Improper conduct	Indentures cancelled; to be sent up the country for employment.
127	13 " "	Mary Rourke	Digby	Mr. M. Morrison, Riley-street.	Improper conduct	Indentures cancelled; to be sent up the country, and wages retained from her until conduct improved.
128	17 " "	Bridget Gaffney	Digby	Mr. J. B. Wathen	Disobedience and neglect of duty	Indentures cancelled.
129	17 " "	Charlotte Bassett	Lismoyne	Mr. J. Robertson	Inability; and absolute neglect of work	Indentures cancelled.

APPENDIX TO THE FOREGOING EVIDENCE.

APPENDIX J.—Continued.

DATE OF MAGISTRATES' DECISION.		NAME OF ORPHAN.	NAME OF SHIP.	NAME OF EMPLOYER.	NATURE OF CHARGE.	MAGISTRATES' DECISION AND RECOMMENDATION FOR DISPOSAL.
130	14 June, 1850	Mary Neil	William and Mary	Mr. John Davis, Chippendale.	Neglect of work and insolence.	Indentures cancelled.
131	14 "	Anne M'Carthy	John Knox	Mr. W. E. Rogers	Neglect of work and disobedience	Indentures cancelled.
132	14 "	Bridget Fury	Thomas Arbuthnot.	Mr. F. C. Lamotte, Neutral Bay	Insolent, idle, and negligent.	Indentures cancelled.
133	14 "	Jane Kenny	William and Mary	Mr. H. Jones, Hunter-street	Insolence and disobedience	Indentures cancelled.
134	14 "	Mary Callaghan	Lismoyne	Mr. J. Pritchard, Bridge-street	Neglect of work and insolence	Indentures cancelled.
135	7 "	Anne Armstrong	John Knox	Mrs. Mary Boulter	Absconding from service	Indentures cancelled.
136	7 "	Bridget Mullin	William and Mary	Mr. John Wells	Neglect of duty; absence from place of service without permission	Indentures cancelled; to be sent up the country; wages to be withheld until better behaved.
137	7 "	Bridget M'Cabe	William and Mary	N. D. Stenhouse, Esq., Solicitor	Inability to perform work	Indentures cancelled.
138	21 "	Mary Ann Hefferen	Panama	Mr. J. E. Leatham, Domain Terrace	Neglect of work and absence without leave	Indentures cancelled; to be sent up the country for employment.
139	28 "	Eliza Icomb	Lady Peel	Mr. J. Hunt, Balmain	Neglect of duty	Returned to service, promising to behave better.
140	28 "	Bridget Riley	Panama	Mrs. H. Lane, Sussex-street	Assault	Indentures cancelled; to be sent up the country for employment; Mrs. Lane not to have another orphan.
141	21 "	Bridget Clarke	Digby	Mrs. C. Chapman	Improper conduct, insolence, neglect of duty	Indentures cancelled; to be sent up the country for employment.
142	28 "	Mary Gwyder	Lady Peel	J. B. Holdsworth, Esq.	Insolence and disobedience	Indentures cancelled; wages to be retained from her until better behaved.
143	21 "	Ellen Reilly	Digby	Captain Wiseman, Balmain	Improper conduct	Case dismissed; no appearance.
144	14 "	Mary Mead	Diana	Percy Simpson, Esq.	Absconding	Indentures cancelled.
145	31 May,	Rose Kelly	Digby	Mr. S. Marks, Sydney	Orphan applies to have indentures cancelled, and wages paid	Indentures cancelled; wages to be withheld from her until well conducted.
146	5 July,	Johanna M'Carthy	John Knox	Mr. W. Scott, York-street	Neglect of duty, and insolence	Indentures cancelled.
147	23 Aug.,	Catherine Crofton	Digby	Mr. M. Chapman, Crown-street	Neglect of work, and insolence	Indentures cancelled.
148	23 "	Bridget Evans	William and Mary	Mr. A. D. Murphy	Charges her master with assault	Case dismissed.
149	23 "	Catherine Coady	Panama.	Mr. H. Lumsdaine, Surry Hills	Inability to perform her work, and carelessness.	Indentures cancelled.
150	29 Nov.,	Winifred Tiernan	Tippoo Saib	Mr. J. Caruthers, South Head Road	Insolence, and neglect of duty	Indentures cancelled; to be sent up the country for employment.
151	22 "	Catherine Doody	William and Mary	Mrs. H. V. Dunn	Neglect of duty, and absence without leave	Indentures cancelled; wages to be kept from her until well behaved.
152	22 Nov.,	Catherine Kelly	Lismoyne	Mr. G. Preddy, 205, Castle-reagh-street	Neglect of duty and disobedience	Indentures cancelled.
153	18 Oct.,	Jane Ford	William and Mary	Mr. W. Wallace, Elizabeth-street	Disobedience and neglect of duty	Indentures cancelled.
154	13 Dec.,	Ann Walters	Digby	Mr. W. S. Webb	Disobedience and neglect of duty	Indentures cancelled.
155	13 "	Mary Ann Doyle	William and Mary	Mr. E. Flian, Castlereagh-st.	Neglect of duty and general disobedience	Indentures cancelled.
156	6 "	Mary Mulchahy	William and Mary	Mr. J. Nowlan, Pitt-street	Insolent and disobedient	Indentures cancelled.
157	20 "	Catherine Murray	John Knox	Mr. J. Murphy, South Head Road	Neglect of duty and disobedience	Indentures cancelled.
158	6 "	Margaret Leary	Lismoyne	Mrs. S. E. Harris, Prince-street	Absent without permission	Indentures cancelled.
159	27 "	Ann Cain	Inchinnan	Dr. Thomson, North Shore	Complains of having been illegally discharged	Indentures cancelled.
160	27 "	Rose Hogan	Tippoo Saib	Mr. W. M'Pherson, Balmain	Improper conduct	Indentures cancelled.
161	27 "	Margaret Cavanagh	Maria	Mr. Thomas Gratton	Inability to perform her work	Indentures cancelled.
162	27 "	Margaret Fitzpatrick	William and Mary	Mr. P. Fitzpatrick, Wolloo-mooloo	Absconding	Indentures cancelled; to be sent up the country; parties to be prosecuted for harbouring her.

APPENDIX J.—Continued.

DATE OF MAGISTRATES' DECISION.	NAME OF ORPHAN.	NAME OF SHIP.	NAME OF EMPLOYER.	NATURE OF CHARGE.	MAGISTRATES' DECISION AND RECOMMENDATION FOR DISPOSAL.
163 27 Dec., 1850	Margaret Gleeson	Maria	Mr. J. Stafford, Clarence-street	Complains of ill-treatment	Indentures cancelled.
164 27 " "	Mary Russell	Maria	Mr. Ml. Fury, Pitt-street	Misconduct in encouraging improper acquaintance	Indentures cancelled; wages to be withheld until she behaves well.
165 6 " "	Anne Husband	John Knox	Dr. Greenup	Neglect and disobedience	Indentures cancelled.
166 6 " "	Mary Anne Cook	Lismoyne	Mr. J. C. White	Neglect and disobedience	Indentures cancelled.
167 6 " "	Mary Duignane	Tippoo Saib	Mr. J. J. Clayton	Complains of assault by her master	Indentures cancelled.
168 6 " "	Mary Barry	John Knox	Mr. J. S. Jones, Pitt-street	Charges her mistress with assault	Case dismissed; indentures cancelled.
169 20 " "	Bridget Joy	Tippoo Saib	Mr. G. Dudley, Chippendale.	Complains of being sent to Barracks by her master.	Indentures cancelled; Mr. Dudley not to have another orphan.
170 6 " "	Jane Carr	Tippoo Saib	Mr. J. Farmer, Prince-street.	Disobedience and insolence	Indentures cancelled.
171 14 June, "	Mary Macnamara	Panama	Mr. Alex. McLean, King-street	Disobedience and insolence	Indentures cancelled; to be sent up the country for employment.
172 8 Sept., 1851	Maria Wrenne		Mr. E. Lane, George-street	Charges her mistress with assault	Case dismissed; indentures cancelled.
173 10 Dec., 1849	Mary Baxter	Digby	Mr. D. Robinson	Brought before Court because employer has gone to California	Indentures cancelled.
174 5 July, 1850	Nancy Pritchard	Earl Grey	Dr. Foulis	Disobedience, and absent without permission	Indentures cancelled; recommended to be sent up the country.
175 21 June, "	Sarah Haveron	Earl Grey	Mr. Thos. Mackison, Bourke-street	Absconding	Indentures cancelled; to be sent up the country
176 19 April, "	Mary Brown	William and Mary	Mr. J. Donovan	Absconding	Indentures cancelled; to be sent to the House of the Good Shepherd.
177 22 Mar., "	Mary Anne Galway	Earl Grey	Mr. J. Mackay	Neglect of duty, and disobedience	Indentures cancelled.
178 15 Feb., "	Ellen Sullivan	Lady Peel	Mr. R. L. Chape	Improper conduct	Indentures cancelled.
179 3 Jan., 1851	Catherine McKeon	Digby	Mr. G. Kitson	Absconding	Indentures cancelled; wages to be withheld until well conducted.
180 3 " "	Mary Adderley	William and Mary	Mr. E. Davis, Pymont	Neglect of duty, and disobedience	Indentures cancelled.
181 3 " "	Johanna Mahoney	Maria	Mrs. H. Hill, Cumberland-st.	Charges her mistress with assault	Guilty: fined 10s. and indentures cancelled.
182 3 " "	Anastatia Butler	Lismoyne	Mr. W. Fletcher, Kensington-street	Neglect of work, and disobedience	Indentures cancelled.
183 3 " "	Mary Gouldruck	Lady Peel	Mr. W. Clarke	Neglect of duty and disobedience	Indentures cancelled; to be sent up the country for employment, and wages to be withheld until she behaves herself.
184 3 " "	Anne Bergen	Lismoyne	Mr. R. Brindley, Redfern	Insolence and neglect of duty	Indentures cancelled.
185 3 " 1850	Mary Dawley	John Knox	Mr. T. Dykes, Erskine-street	Absenting herself without leave	Indentures cancelled.
186 10 " 1851	Mary Bohan	Maria	Mr. H. Chatto	Disobedience and improper conduct.	Indentures cancelled.
187 10 " "	Ann Buckley	Maria	Mr. Alex. Yawes	Improper conduct	Indentures cancelled.
188 10 " "	Julia Wynno	Tippoo Sahib	Mr. Dd. Freehy	Improper conduct	Indentures cancelled.
189 10 " "	Esther McEvery	William and Mary	Mr. W. Smith	Improper conduct	Indentures cancelled; Mr. Smith not to get another orphan.
190 10 " "	Bridget Woods	Maria	Mr. H. Smeathman	Breach of agreement	Indentures cancelled; wages forfeited to master.
191 10 " "	Eliza McGuinness	Maria	Mr. J. Carmichael	Breach of agreement	Agreement cancelled.
192 10 " "	Judith Ryan	Panama	Mr. C. St. Julian	Improper conduct	Indentures cancelled; to be sent up the country for employment.
193 17 " "	Bessy Murphy	Maria	J. F. Josephson, Esq.	Dirty	Indentures cancelled.
194 17 " "	Bridget Lynch	Tippoo Saib	Mr. J. Pritchard	Neglect of duty	Indentures cancelled.
195 17 " "	Anne Duke	Panama	Mr. J. Keenan	Seeks to recover wages	Indentures cancelled; wages to be paid.
196 17 " "	Bridget Peyton	Digby	Mr. W. Cousins	Breach of indentures	Indentures cancelled.

APPENDIX TO THE FOREGOING EVIDENCE.

APPENDIX J.—Continued.

	DATE OF MAGISTRATES' DECISION.	NAME OF ORPHAN.	NAME OF SHIP.	NAME OF EMPLOYER.	NATURE OF CHARGE.	MAGISTRATES' DECISION AND RECOMMENDATION FOR DISPOSAL.	
377—U	197	17 Jan., 1851	Jane Cunningham	Tippoo Saib	Mr. James Reeves	Neglect of work	Indentures cancelled.
	198	17 " "	Ellen Green	Maria	Mr. J. Hill	Disobedience	Indentures cancelled; wages forfeited; to be sent up the country for employment.
	199	17 " "	Eliza Flynn	Lady Peel	Mr. C. Wilkinson	Breach of indentures	Indentures cancelled; to be sent up the country for engagement.
	200	17 " "	Catherine Sullivan	Tippoo Saib	Mr. T. Cowlshaw	Breach of agreement	Agreement cancelled; to be sent up the country for employment.
	201	25 " "	Ann Sullivan	Tippoo Saib	Mr. Kosten	Breach of agreement	Agreement cancelled; to be sent up the country for employment.
	202	24 " "	Bridget Kaveney	Lady Peel	Mr. J. Murphy	Charging her master with assault	Guilty—fined 20s.; indentures cancelled.
	203	24 " "	Catherine Foy	John Knox	Mr. W. A. Cavill	Breach of agreement	Indentures cancelled.
	204	17 " "	Mary Kelly	Earl Grey	Mr. Thomas Ryan	Employer charged with turning her away	Indentures cancelled.
	205	31 " "	Bridget Coulan	Digby	Dr. Harrison	Breach of Indentures	Indentures cancelled; to be sent up the country for employment.
	206	31 " "	Mary Kelly	Tippoo Saib	Mr. James Benson	Disobedience	Indentures cancelled.
	207	31 " "	Mary Smith	John Knox	Ann Janson	Charges her mistress with assault	Guilty—fined 20s.; indentures cancelled.
	208	31 " "	Mary Gilchrist	Tippoo Saib	Mr. J. Brady	Breach of agreement	Indentures cancelled.
	209	31 " "	Mary M'Grath	William and Mary	Mrs. Lardner	Refusing to work	Indentures cancelled.
	210	31 " "	Bridget Willoughby	Tippoo Saib	Mr. J. Beattie	Absconding	Indentures cancelled.
	211	31 " "	Catherine Hatch	John Knox	Mr. T. Lawrence	Disobedience	Indentures cancelled.
	212	31 " "	Margaret Cook	William and Mary	Mr. J. Caldwell	Disobedience	Indentures cancelled; to be sent to the country for employment.
	213	31 " "	Mary Donohue	Lady Peel	Mr. G. Stevens	Absconding	Indentures cancelled; wages to be retained until a reformation takes place in her character.
	214	31 " "	Ellen Carroll	John Knox	Mr. J. Williams	Insolence	Indentures cancelled; to be sent into the country for employment.
	215	31 " "	Bridget Moorkan	Maria	Mr. T. M'Keown	Disobedience of orders	Indent res cancelled.
	216	7 Feb., "	Catherine Carroll	Lismoyne	Mr. D. Treeshy	Disobedience	Indentures cancelled; to be sent up the country for employment.
	217	7 " "	Mary Draddy	John Knox	Mrs. Crane	Charges her mistress with assault	Case dismissed; indentures cancelled; and orphan to be sent up the country for employment.
	218	7 " "	Ellen Murphy	Tippoo Saib	Mr. W. Anderson	Disobedience	Indentures cancelled.
	219	7 " "	Margaret Parsons	John Knox	Mrs. J. Davis	Impertinence	Indentures cancelled; to be sent up the country for employment.
	220	14 " "	Catherine Lyons	Maria	Mr. J. Spratt	Absconding	Indentures cancelled.
	221	14 " "	Mary Phelan	Maria	Mrs. Dyer	Absconding	Indentures cancelled; to be sent to the country for employment; wages forfeited.
	222	14 " "	Mary Milan	Inchinnan	Mr. H. B. Morgan	Absconding	Indentures cancelled.
223	14 " "	Mary Meade	Diana	Mrs. Martelli	Breach of Indentures	Indentures cancelled.	
224							
225	21 " "	Bridget Russell	Digby	Mr. W. Jones	Assault	Indentures cancelled; fined 1s. and costs.	
226	21 " "	Alicia Neill	Lady Peel	Mr. F. Berkelman	Absconding	Indentures cancelled.	

APPENDIX J.—Continued.

DATE OF MAGISTRATES' DECISION.	NAME OF ORPHAN.	NAME OF SHIP.	NAME OF EMPLOYER.	NATURE OF CHARGE.	MAGISTRATES' DECISION AND RECOMMENDATION FOR DISPOSAL.	
227	21 Feb., 1851	Winifred Callaghan	Maria	Mrs. Callopy	Complaint of ill usage.	Indentures cancelled by consent.
228	21 " "	Eliza Fox	Tippoo Saib	Mr. A. Johnson	Neglect of work	Indentures cancelled.
229	21 " "	Mary Power	John Knox	Mr. F. Berkelman	Absconding	Indentures cancelled.
230	28 " "	Mary Mathews	John Knox	Mr. W. H. Cuffe	Disobedience	Indentures cancelled.
231	28 " "	Catherine Kennedy	William and Mary	Mr. Tebbutt	Assault by mistress	Indentures cancelled.
232	28 " "	Margaret Hogan	Lismoyne	Mr. J. Cooke	Charges master with assault	Indentures cancelled; to be sent into the country for employment.
233	28 " "	Mary Moore	William and Mary	Mrs. M'Dermott	Complains of ill usage.	Indentures cancelled.
234	13 March, "	Arabella Shine	Tippoo Saib	Mr. E. Bell	Assault by her mistress	Case dismissed; indentures cancelled.
235	7 " "	Catherine Connor	Tippoo Saib	Mr. A. Jaques	Disobedience	Indentures cancelled.
236	7 " "	Ellen Moylan	Maria	Mrs. Francis	Ill usage by her mistress	Case dismissed; returned to service.
237	14 " "	Eliza Martin	Maria	Mr. G. A. Brassey	Absconding	Indentures cancelled; to be sent to the country for employment.
238	14 " "	Catherine Madden	Tippoo Saib	Capt. Gilbert	Absconding	Indentures cancelled.
239	14 " "	Mary Gallagher	Panama	Mr. T. Hughes	Absconding	Indentures cancelled.
240	14 " "	Mary Kenny	Maria	Mr. C. Creighton	Absconding	Indentures cancelled.
241	14 " "	Mary Sloan	John Knox	Mr. H. Cummins	Disobedience	Indentures cancelled.
242	14 " "	Bridget Cavanagh	Lady Peel	Mr. John Murphy	Claim for wages	Order made for wages.
243	18 " "	Ann Buckley	Maria	Mr. Furlong	Complains of not being allowed to attend Divine Service	Case dismissed.
244	21 " "	Ellen Dowling	Lismoyne	Mr. A. D. Kellie		Indentures cancelled by consent.
245	21 " "	Mary Salmon	Tippoo Saib	Mrs. Leeke	Disobedience	Indentures cancelled.
246	21 " "	Bridget Meara	John Knox	Mrs. Hawthorne	Disobedience	Indentures cancelled.
247	28 " "	Ellen Moylan	Maria	Mr. Francis	Disobedience	Indentures cancelled.
248	28 " "	Ann Walsh	Tippoo Saib	Mr. A. Reynolds	Disobedience	Indentures cancelled.
249	15 Aug., "	Anastasia Brophy	Lismoyne	Mr. W. Ellis	Continued insolence and disobedience of orders	Indentures cancelled.
250	16 May, "	Julia White	William and Mary	Mr. Gould	Dispute as to wages	Indentures cancelled.
251	16 " "	Mary Ann Lilly	Inchinnan	J. F. Heaney	Disobedience	To return to service.
252	9 " "	Mary Bridget Gaynor	Digby	Mr. John Wells	Absconding	Indentures cancelled; to be sent up the country for employment.
253	2 " "	Margaret Fitzgerald	Maria	Mr. G. F. Bear	Improper conduct	Indentures cancelled.
254	2 " "	Catherine Collins	William and Mary	Mrs. Eliza Hill	Improper conduct	Indentures cancelled; to be sent up the country for employment.

APPENDIX TO THE FOREGOING EVIDENCE.

H. H. BROWNE,
Agent for Immigration.

APPENDIX K.

No. 1.

Immigration Depot, Goulburn,
2 December, 1849.

Sir,

I think it is only my duty to inform you, from the short experience I have had of the conduct of the orphan females who arrived at this depot on the 30th November, I consider them nearly irreclaimable, and hope very little from them.

Francis L. S. Mercwether, Esq.,
Sydney.

I have, &c.,
FRANCIS M'ARTHUR.

No. 2.

LIST of IMMIGRANTS from the ships "Inchinnan," "Lady Peel," "Digby," "Earl Grey," and "Diana," forwarded to Goulburn, via Parramatta, by the Government.

	AGES.
<i>"Inchinnan."</i>	
Dayley, Mary Ann	17
Dayley, Jane	16
M'Gowan Jane	17
Gorman, Catherine	16
<i>"Lady Peel."</i>	
Conlon, Mary	17
Lalor, Mary	17
Maher, Margaret	16
Clare, Ann	18
Murphy, Margaret	15
M'Wheeny Ann	15
Maher Anne	19
<i>"Digby."</i>	
Smith, Bridget	17
Kelly, Mary	18
Kean, Winifred	16
<i>"Earl Grey."</i>	
M'Laughlan, Ann	17
<i>"Diana."</i>	
Conway, Mary Ann	15
Superintendent and Wife.	

I hereby certify that the above-named individuals appeared before me at Goulburn, this 30th day of November, 1849.

FRANCIS M'ARTHUR.

APPENDIX L.

No. 1.

Scone, September 7th, 1849.

Gentlemen,

I am grievously necessitated to seek your advice and protection under the following circumstances:—

About the month of January Mr. Magrath brought me, as a servant, one of the emigration orphan children.

I have been unable to get this young person to obey my lawful commands or attend to her duties as a servant, and on all occasions more inclined to deteriorate my property than be of any use as a domestic. For the last six weeks, when spoken to, to do her work in any way but as she thinks proper, her conduct is much like that of a person delirious or excited by drink: I request to draw your particular attention to her conduct on Sunday night, 2nd September, 1849.

On leaving my home on the 2nd instant for church, I left directions she was not to leave the house. I gave those directions, having received information that she was to have a meeting, if possible, with a man who has this day been (I am told) brought before your Bench.

On receiving her instructions she became alarmingly violent; she made several attempts to burst the locks from the doors, tearing the curtains from the windows, seizing the sofa-covers or tidies, and attempting to tear them to pieces, at the same time using the most blasphemous expressions against all around her, damning her soul to hell but she would get out of the window and throw herself into the well.

On my return from church I sent for constable Dunn; and I was unable to get her quieted until very late at night.

I have written to the Committee to release me from the unfortunate charge, (and cancel her indentures), but I have not as yet received an answer.

In

In the interim I crave the protection of your Bench, as I am apprehensive some serious matter may occur in those paroxysms of rage she is subject to

I therefore crave the protection of the Bench, and that she may be imprisoned in the lock-up until the Committee decide upon what is to be done with her.

I have the honor to be,
Gentlemen, &c.,

To
The Bench of Magistrates,
Scone.

ELINOR MAGRATH,
Scone.

No. 2.

Police Office, Scone,
14th September, 1849.

In the presence of—

FRS. LITTLE, ESQ., J. P.
JOSH. DOCKER, ESQ., J. P.

Magrath v. Mary A. Littlewood, a female orphan apprentice.
8th Victoria.

Mrs. E. Magrath, who being duly sworn, deposes:—A girl of the name of Mary Littlewood, one of the Irish orphan girls, was apprenticed to my husband, Mr. Thomas Magrath, of Scone, on 3rd January, 1849. For some time past her conduct has been very bad; she refuses to obey my lawful commands or to attend to her duties as a servant, and is excessively insolent when spoken to; on Sunday night, the 2nd September, I had directed her not to leave the house, in consequence of having received information that she was to have a meeting with a man who had for some days been hovering about the premises. I was informed that on receiving her instructions she became alarmingly violent; she made several attempts to burst the locks from the doors, tearing the curtains from the windows, and at the same time using the most blasphemous language against all around her. On my return I was compelled to send for constable Dunn before she could be quieted; since then her conduct has been exceedingly disorderly.

ELINOR MAGRATH.

Sworn before me, this }
14th September, 1849. }

J. DOCKER, J. P.

Summons granted.

J. DOCKER, J. P.

Police Office, Scone,
14th September, 1849.

In the presence of—

FRANCIS LITTLE, ESQ., J. P.
JOSH. DOCKER, ESQ., J. P.

Thomas Magrath, Esq., v. Mary Littlewood, an orphan Irish girl, apprentice.
8th Victoria.

Mrs. Elinor Magrath, being duly sworn, and her former deposition in this case read over, deposes same to be correct:—I have to add that this is not the first instance in which her conduct has been so violent. In fact I am afraid to remain alone in the house with my servant maid, Mary Littlewood.

Cross-examined by the Bench for Prisoner:—The prisoner did attempt to force the locks of the front and back door in my presence; I did not see you tear my curtains.

Examined by the Bench:—On my return from church I heard the prisoner Mary Littlewood address blasphemous expressions to me, as also to my husband Mr. Magrath.

ELINOR MAGRATH.

Duly sworn before us this 14th day of }
September, 1849. }

J. DOCKER, J. P.
FRS. LITTLE, J. P.

Thomas Magrath, being called and duly sworn, deposes:—On Sunday night, 2nd September, on communicating Mrs. Magrath's instructions to my servant Mary Littlewood that she was to remain in the house, she became excessively violent; she went towards the front door and endeavoured to get out; I placed myself between her and the door; she "damned her soul to hell," but that she would get out of the house; she went towards the back door; I again prevented her from using violence on this door, when she again repeated the blasphemous expressions; she went into the sitting room and seized the sofa covers and window blinds, swearing she would tear them; she continued this violent conduct till the return of her mistress from church, when I went for Constable Dunn's assistance.

Cross-examined by Prisoner:—You did attempt to tear the window curtains, and behaved in this violent manner; I told you your mistress had left instructions that you were not to go to church; I also add that I directed you not to go to church on that night; I did tell you as your master that I had reasons for your not being allowed to go to church.

Examined

Examined by the Bench:—Mary Littlewood had been to church that Sunday in the morning, and the reason why she was not allowed to go to church in the evening was that alluded to by Mrs. Magrath in her deposition.

THOMAS T. MAGRATH.

Duly sworn before us, this 14th day of }
September, 1849.

FRS. LITTLE, J.P.
JOSH. DOCKER, J.P.

Thomas Magrath, being recalled, not having left the Court, states:—That the amount of goods purchased for Mary Littlewood and the several items in the account now produced are correct, amount to £4 15s. 2d., leaving a balance due to her as wages of one pound.

T. MAGRATH.

Duly sworn before us, this 14th day of }
September, 1849.

FRS. LITTLE, J.P.
J. DOCKER, J.P.

The Bench find that Mary Littlewood is guilty of disobedience and of highly disorderly conduct. Hereby cancel her indentures, and direct her to be forwarded to the Immigration Depôt at Maitland at the expense of her master, he being authorized to apply the balance of wages due to her for that purpose.

JOSEPH DOCKER, J.P.
FRANCIS LITTLE, J.P.

These depositions entered.

T. M.,
C. P. S.

APPENDIX M.

No. 1.

Immigration Depôt, Parramatta,
12 December, 1849.

Sir,

I do myself the honor to acquaint you, that the female orphan named in the margin has this day been received into the Barracks, her indenture having been cancelled by the Parramatta Bench, (for immoral conduct), at the request of her master, Mr. Arthur Barker. Mary M'Cormick per ship "Inchinnan."

2. In accordance with your instructions, her tea and sugar will be stopped while she remains in the Barracks.

3. A copy of the deposition taken in the case, appended to the indenture, is herewith enclosed.

I have, &c.,

The Agent for Immigration, Sydney.

GILB. ELIOTT.

No. 2.

Court House, Parramatta,
12 December, 1849.

New South Wales, }
County of Cumberland, }
Parramatta to wit.

Present:

JOHN RICHARD HARDY, ESQ., P. M.
MATTHEW ANDERSON, ESQ., J. P.
GEORGE BANKS SUTTOR, ESQ., J. P.

Betsy M'Cormick, }
Per ship "Inchinnan."

Mr. Arthur Barker, tailor, residing in Church-street, Parramatta, being sworn, states as follows:—

The prisoner at the Bar is my indented apprentice, under the indenture now produced, marked A. On the night of Saturday last I found her in bed with an apprentice boy of mine, named Robert Mellington; she received him in her bed-room. Her conduct is very immoral; and for some time past I have been informed that she has been cohabiting with my apprentice. She has behaved so very ill that I do not wish to have her any longer in my family; and I therefore request that her indenture may be cancelled.

ARTHUR BARKER.

Sworn before us, this 12th day of }
December, A. D., 1849.

J. R. HARDY, P. M.
M. ANDERSON, J. P.
G. B. SUTTOR, J. P.

Indenture cancelled, and the prisoner to be forwarded to Immigration Depôt, Parramatta.

J. R. HARDY, P. M.
M. ANDERSON, J. P.

True Copy—GEORGE LANGLEY,
Clerk of Petty Sessions.

APPENDIX N.

No. 1.

Barham, 6 July, 1850.

Gentlemen,

I have the honor to inform you of my desire to return the female orphan, Hannah Mack, by the "Panama," apprenticed to me on the second day of February last. I am inclined to prefer this request, in consequence of her repeated misconduct. She not only systematically neglects her duty, and disobeys the orders which are given to her, but absents herself in the evening for hours together; although I have myself personally warned her against such serious impropriety of conduct. It is because I feel the sacred obligation which is imposed upon me by the conditions of her apprenticeship, and the impossibility, from her intractable temper and habits of disobedience and irregularity, of satisfactorily fulfilling them, that I am so desirous of ridding myself of the responsibility of longer retaining her in my service.

You will oblige me by stating whether, under the circumstances represented, I am at liberty to return Hannah Mack to the Emigration Barracks, with a view to the cancellation of her indenture of apprenticeship, or what other course I should adopt for this purpose.

I have, &c.,

The Orphan Immigration Committee.

E. DEAS THOMSON.

No. 2.

*Port Macquarie,
14 October, 1851.*

Dear Sir,

I beg to return Mary Solmon to the Barracks. I wrote to you some time ago to have her taken back. Since that upwards of 60 articles belonging to me, besides two from a young friend and four from her fellow-servant, have been found in her possession. I do not wish to prosecute her. She is as worthless a character as could easily be found. I send her under the charge of the captain of one of the little vessels here, who promises to see her safe under your care. I am very sorry for the trouble I have given you, and beg to remain,

Your's sincerely,

WILLIAM M'KEE.

Captain Browne.

This girl may be received into the Depôt, and this communication had better be laid before the Orphan Board.—H. H. B.

May be brought forward for hiring.—H. H. B.

No. 3.

Sydney, 4 January, 1850.

Sir,

I have to inform you that Catherine Conlon, per "Lady Peel," apprenticed to me on the 26th July last, has this day absconded from my house, and still remains absent; having first refused to perform the work assigned to her, and being insolent also; and I have further to state, that having been away 14 hours I now refuse to receive her back again at all. Where she has gone to I don't know, but she has left her box here, which, if you think fit, shall be delivered to your order, but not to anything else.

This girl has been used with the greatest kindness and consideration, fed and lodged as my own children, and never over-tasked, or set to any work which her mistress would not do or has not done hundreds of times. She was, with only one or two exceptions, every Sunday afternoon allowed to chapel, and her wages have been paid regularly, even beyond the time of her leaving. She has behaved most ungratefully, and some day will bitterly repent it. But as long as Government offer the premium of home and companionship, it is useless for employers, however kindly disposed, to hope for anything but deception and ingratitude from the Irish orphan.

Your obedient servant,

HENRY CHATTO.

F. L. S. Merewether, Esq.

Acknowledge receipt, and inform the applicant that in order to relieve himself from responsibility under the indenture it will be necessary for him to take out a warrant for the apprehension of the girl, so that she may be brought before the magistrates, and the indenture legally cancelled.

Under an arrangement made by the Committee these cases are generally taken at the Water Police Office, and the applicant should be requested to apply there for the warrant.

No. 4.

No. 4.

Sydney, 14 July, 1849.

Sir,

With reference to the female whose name and ship are noted in the margin—^{Ellen Maguire} my apprenticed servant—I regret to say that she has proved to be so untractable, and ^{“Digby.”} impracticable, as to render unavailable every effort to control her; and she was yesterday about to quit her service, when she was prevented, and I promised to state to you her request that she might leave my service.

To prevent the girl's absconding, and her consequent ruin, I would therefore request that she may be re-admitted to the Barracks, and the indentures cancelled.

F. L. S. Merewether, Esq.

I am, &c.,

GILBERT WRIGHT.

To go to the Magistrates for cancellation of indentures.—20 July.

APPENDIX O.

STATEMENT of the Sub-Matron in reference to the Girls who came to this Colony in the ship “Lady Kennaway,” under her charge.

About sixty of the girls had never been in service; of the remainder I am unable to speak positively, as I had no previous knowledge of them, but I am inclined to think that about thirty had been in service previously to their going into the workhouse.

Of those who were not in service, twenty-two are known to be bad characters in Sydney, of whom sixteen are included in the sixty above referred to.

Two of them, named Honora Lenehan and Catherine Lynch, were in the Penitentiary, a part of the workhouse into which girls of doubtful character are received; and the two girls named above were released from there, and admitted to the general establishment, with a view to their being reclaimed, the priests being of opinion that their removal from the other bad characters would best tend to their restoration to good conduct.

Amongst the girls stated above to have gone astray here are Honora Lenehan, one of the Penitentiary girls, and Ann Ryan, known in Sydney by the name of “The Great Britain.” This latter girl's sister came out with her through the influence of the Rev. Mr. Parker, although I objected to her getting a passage, as I saw her strike her mother.

APPENDIX P.

(Sent by “Australian” steam ship, September, 1852.)

Dear Sir,

In acknowledging the receipt of your communication by the “Tartar,” I beg to thank you for the consideration which you have given to my suggestions as to the arrangements to be entered into with the owners of future vessels chartered by your Society, and I only regret that my despatch containing those suggestions did not reach you in time, so that you might have been enabled to have modified the charter-party of that vessel, and made the balance of the passage-money dependent on the strict prevention, by the master, of intercourse between the needle-women and the crew.

Had such a clause been introduced in the charter-party of the “Tartar” I should have felt it my duty to have withheld my certificate, as I do not consider that sufficient exertion was used by Captain Davis to check the irregularities that occurred on the voyage.

Notwithstanding the depraved conduct of some of the girls, I am happy to say that the most of them are behaving with propriety; and you will observe by my official Report that all have obtained respectable employment at highly remunerative wages.

There is little doubt but your Society has, in some instances, been grossly imposed on; and it is much to be regretted that such should be the case, as the class of persons you profess to assist would be much sought after by all the respectable persons in the Colony.

It is manifest that the pernicious example of a few bad characters has been highly detrimental to the prospects of the needle-women generally, having not only sent many artless and unguarded girls to destruction, but has also influenced the minds of the Colonists to consider all needle-women equally bad alike.

I trust the Committee will take in good part my several communications to them respecting these persons, as I can most candidly assure them that I feel a deep interest in the success of their endeavours, and my only object in thus placing before them all the circumstances which have transpired on the voyage is to enable them to check, with a strong hand, the fearful irregularities which conduce to so much future misery, and at the same time to expose the shameful impositions which have been practised on the Committee, and which have led to the assistance of worthless characters instead of to those objects who were really deserving of their kind consideration.

I beg to remain, &c.,

H. H. BROWNE.

The Right Honorable

Sidney Herbert,

&c., &c., &c.

APPENDIX Q.

No. 1.

Captain Browne,—How were the Immigrants by the "Ontario" disposed of? Did they obtain engagements at fair wages? And was there any difficulty raised by them to a compliance with the engagements they entered into with the Society respecting the repayment of the sums advanced to them?

CH. F
3rd.

Not official.

I want the answers to these questions for a letter to Sir C. Trevelyan.

 No. 2.

The Immigrants by the "Ontario" arrived in the Colony under considerable disadvantages, having left many of the elder branches of their families in Quarantine.

The difficulty which they experienced in making themselves understood prevented many from obtaining employment in Sydney.

A very few were therefore hired in Sydney, and the majority were sent to the depôt at Maitland, where they appear, in some instances, to have been hired at remunerative wages; some have left the depôt on their own account, and some have been turned out for refusing fair employment.

I have very little hope that much of the money advanced by the Society will be repaid, more especially as many of the acceptors of the promissory notes died on the voyage out.

On the whole they are a class of emigrants not much liked in the Colony, and many of them are dirty, slothful, and discontented.

H. H. B.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY BRANCH OF ROYAL MINT.

(DESPATCH, &c., RELATIVE TO COINAGE.)

Ordered by the Legislative Assembly to be Printed, 5 April, 1859.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.
(No. 54.)

Downing-street,
27 December, 1858.

SIR,

I transmit, for your information, the copy of a letter which has been forwarded 11 Dec., 1858, to this Department by the Board of Treasury from the Master of the Mint, together with a Report on the weight and fineness of Gold Coins struck at the Sydney Mint, and transmitted to this country for examination, in accordance with the provisions of the Order in Council of the 19th August, 1853.

I have, &c.,

GOVERNOR

E. B. LYTTON.

SIR W. DENISON, K. C. B.,

&c., &c., &c.

Royal Mint,
11 December, 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 have been duly received from the Deputy Master of the Sydney Branch of the Royal Mint, in conformity with the Order in Council of the 19th August, 1853.

Six Monthly Returns shewing the transactions in Bullion of the Sydney Branch of the Royal Mint for January to June, 1858, inclusive.

The Coin produced during these months is as follows:—

	SOVEREIGNS.	HALF-SOVEREIGNS.	TOTAL.
	oz.	oz.	oz.
In January	59,107·37	.....	59,107·37
„ February	55,293·28	.....	55,293·28
„ March	18,462·51	.....	18,462·51
„ April .....	.....	17,989·35	17,989·35
„ May .....	.....	18,021·30	18,021·30
„ June .....	.....	26,065·14	26,065·14

Amount charged for Coinage—Nil.

Two Returns of waste in coinage of Gold at the Sydney Branch of the Royal Mint, for the quarters ending 31st March, and 30th June, 1858.

Two duplicate Returns made by the Board of verification to the Colonial Secretary, reporting the state of Bullion in the Mint on the 1st April, and 1st July, 1859.

I have also to request you to submit to their Lordships my Report, enclosed, (being the eleventh) on the weight and fineness of the coins produced at the Sydney Branch of the Royal Mint during the sixth months January to June, 1858, inclusive, and transmitted by the Deputy Master for examination, in accordance with the provisions of Her Majesty's 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.

Sir C. E. Trevelyan, K.C.B.

&c., &c., &c.

THOS. GRAHAM.

ELEVENTH REPORT submitted to the Lords Commissioners of Her Majesty's Treasury by the Master of the Mint, 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, 1858.

Pieces taken, without preference, by the Colonial Secretary at the deliveries of the Sydney Mint.

During the Quarter ending 31st March, 1858.

Denomination of Coin.	Number of Pieces	Total Weight in Ounces.	Average Weight in each Piece in Ounces.	Average Proportion in Gold in 1000 parts.
Sovereigns	128	32.877	0.256851	916.8878

During the Quarter ending 30th June, 1858.

Denomination of Coin.	Number of Pieces.	Total Weight in Ounces.	Average Weight in each Piece in Ounces.	Average Proportion of Gold in 1000 parts.
Half-Sovereigns	130	16.695	0.12842	916.918

The standard weight of the Sovereign being 6.25682 ozs., and the standard fineness 916.67 in 1000 parts.

11 December, 1858.

THOS. GRAHAM,
Royal Mint.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

POST OFFICE.

(THIRD ANNUAL REPORT FROM THE POSTMASTER GENERAL.)

Ordered by the Legislative Assembly to be Printed, 15 February, 1859.

THE POSTMASTER GENERAL to THE HONORABLE THE COLONIAL SECRETARY, *transmitting
the Post Office Report for 1857.*

General Post Office,

Sydney, 23 December, 1858.

SIR,

In accordance with the instructions contained in your letter of the 30th January last, I have the honor to transmit my Third Annual Report on the Post Office, being that for the year 1857.

EXTENSION OF INLAND SERVICE IN 1857.

The Postal Lines of the Colony have been extended during the past year about 685 miles.

In the Northern District, the communication has been extended 158 miles to the northward, by the establishment of a line from Gayudah to Gladstone. Tenterfield and Frazer's Creek (50 miles) have been connected by a cross line of Post, and a branch Post in connection with the line between Stroud and Port Macquarie has been established between Wingham and Cundletown (10 miles); whilst the Postal Line to Surat (84 miles), which in my Report for 1856 I stated had been discontinued, has been resumed. In the Western District, a branch line from Wiseman's Ferry to Mangrove Creek (12 miles) has been established; whilst the existing line to Mudgee has been extended to Mundooran (71 miles), and the Carcoar and Canowindra line to Bundaburra (50 miles). In addition to this, Windsor and Camden (39 miles) have been connected by a cross line, *via* Penrith and Mulgoa. The additional lines in the Southern District comprise a cross line from Wagga Wagga to Doniliquin (180 miles), a branch line from Berrima to Sutton Forest (8 miles); one from Dapto to Shell Harbour (15 miles), and an extension of the coast line from Moruya to Bodalla (8 miles). The line from Coolah to Mundooran has been discontinued, and the line from Mudgee to Mundooran substituted.

Increased communication has been afforded on 464 miles of existing Postal Lines, as follows:—In the Northern District the Mails are conveyed three times instead of twice a week between Morpeth and Dungog (53 miles), between Maitland and Wollombi (48 miles), and between Scone and Armidale (147 miles); and in the Western District between Hartley and Mudgee (84 miles.) The communication has been made twice a week instead of once,

between Mudgee and Avisford (18 miles), in the Western District; and between Cooma and Bombala (54 miles), in the Southern District. A second daily communication has been established between Sydney and Parramatta (15 miles), Sydney and Camden (39 miles), and Sydney, St. Mark's, and Watson's Bay (6 miles).

The number of miles travelled by the Mails in 1857 was 1,289,386, being 182,664 miles in excess of the number travelled in 1856. The excess of 1856 over 1855 was only 83,467.

During the past year 20 additional Post Offices have been established, viz., at Falconer, in the Northern District; at Bundaburra, Mangrove Creek, Wiseman's Ferry, Meadow Flat, Luddenham, Blayney, Castlereagh, Smithfield, Vinegar Hill, and Little Hartley, in the Western District; and at Bodalla, Marengo, Shell Harbour, Sutton Forest, Ten Mile Creek, Gerringong, Merimbula, and Kembla, in the Southern District. The Post Office at Surat has been re-established, and a new Post Office established at Manly Beach. The number of Post Offices in existence on the 31st December, 1857 was 198.

Four more persons have been authorized to sell Postage Stamps, making the total number of places in Sydney at which stamps are procurable, inclusive of the General Post Office, twenty-five.

In my Report for 1856 I spoke favorably of the Iron Letter Receivers that have been erected in Sydney, and am happy to find that the public are fully alive to their advantages, as evidenced by the urgent applications made for the erection of new pillar boxes in various parts of Sydney and the suburbs, and in many of the larger towns in the interior.

I take this opportunity (as many complaints have appeared on the subject in the public prints,) to give the reasons why it has been decided that letters only (not book packets or newspapers) should be posted in the street receivers. First and foremost, it has been found necessary that letters and newspapers should be posted in separate boxes, from the liability of the former to "pig," as it is technically termed, viz., become enclosed in the folds of the latter. Again, the hour for closing the Inland Newspaper Mails are different from those established for the closing of the Inland Letter Mails; and this fact would necessitate double arrangements for clearing the pillar boxes, or would lead to disappointment as to the dispatch of the newspapers so posted. At present, also, a mail-boy on horseback, or a letter-carrier on his round, is enabled without difficulty to empty any pillar boxes entrusted to his charge, and to convey the letters therein to the General Post Office three times a day; but if these boxes were made a receptacle for newspapers and packets, the contents might become so much heavier that other and more extensive arrangements would be rendered necessary.

The railway from Newcastle to East Maitland having been opened in April, 1857, advantage has been taken thereof since that period for the conveyance of the Mails.

In acknowledging the great benefits that must necessarily arise to the Postal Service from the use of railways instead of coaches for the conveyance of Mails, I must, nevertheless, state that some inconvenience was sustained in 1857 from the down, or up-country Mails (as they are styled in the Railway Time Table,) which arrived in West Maitland at 10.30 a. m., being too late for dispatch to Sydney by the train leaving the same day; the hour at which the train left being 9 a. m. The Mails were consequently detained for 24 hours from the simple circumstance that the train left West Maitland one hour and a-half before the Mails arrived there. There can be no doubt, that to make the Postal Service thoroughly efficient the fullest control as to every part of the progress of the Mails, whether by railway or steamer, should be vested in this department, even should such extended control entail additional expense. The 55th clause of the Railway Act, 13th Victoria, gives the Postmaster General power to name the hours by day or night for the mail trains to leave; whilst the subsequent clause provides, that the compensation for conveying the Mails shall be fixed by agreement or arbitration. Up to this period, however, this power of fixing the hours for dispatching the mail trains has not been exercised, and the arrangements for the conveyance of Mails by railway, both as regards the hours of departure and the amount to be paid for their conveyance, have either been initiated by the Railway Department, or been made the subject of mutual agree-
ment

ment and concession. The expense, therefore, of the transmission of the Mails by railway has as yet only had reference to their conveyance by the *ordinary* trains. Such expense, as may be seen by a Return herein given, exceeds that of the average cost of Mail conveyance in the Colony, but is less than that of Mail conveyance by wheeled carriage.

In my Report for 1856, I pointed out that obstructions to the regular and rapid transmission of the Mails to and from the Northern District, were caused by the Government not having the power to control the times of departure and arrival of the Hunter River steamers. Of course it is not in the province of the Government to regulate by Legislative enactment, as in the case of Railway Trains, the hour of dispatching steamers which belong to private companies; but the benefit that would accrue from such a power would be so great as to fully justify any reasonable expenditure that might have to be incurred in obtaining so desirable an object. Having pointed out, however, very fully in my last Report that the power to control the arrival and departure of all Mail conveyances, should be vested in the head of the Postal Department, and that perfect regularity in the conveyance of Mails is impossible so long as this power is not possessed by him, it is, perhaps, unnecessary that I should enter any further into the subject on the present occasion.

The following tabular statement will shew the average cost per mile of the conveyance of Inland Mails for 1857 compared with 1856.

Year.	Extent of Postal Lines, (Railway.)	Average cost per mile.			Extent of Postal Lines, (Coach.)	Average cost per mile.			Extent of Postal Lines, (Horse.)	Average cost per mile.			Total Extent of Postal Lines.	Annual cost of Mail Conveyance.			Average cost per mile.		
	Miles.	£	s.	d.	Miles.	£	s.	d.	Miles.	£	s.	d.		£	s.	d.		£	s.	d.
1856....	22	11	10	0	1,624	13	19	5	4,686	3	11	10	6,332	39,781	0	0	6	5	7
1857..	38½	11	10	0	1,598	12	11	8	5,371	3	7	6	7,007½	38,690	8	9	5	10	5
Increase	16½	.....	.....	.....	..	.....	.....	.....	685	.....	.....	.....	675½	.....	.....	.....	.....	.....	.....
Decrease	.....	.....	.....	.....	26	1	7	9	..	0	4	4	....	1,090	11	3	0	15	2

This Return is favorable, inasmuch as it shews a decrease in the cost conveyance of Mails both by coach and horse. In 1856, as compared with 1855, there was an increase in the cost of conveyance by horse of 3s. 5d. per mile. The decrease by coach was £1 9s. 2d.—almost the same decrease as in 1857. The decrease in the average cost per mile for conveyance by all modes is 15s. 2d., which is considerably more than the decrease in 1856, which was 9s. 6d. The decrease in the number of miles travelled by coach is accounted for by a parallel increase in the number of miles that the Mails are conveyed by rail.

NUMBER AND WEIGHT OF LETTERS AND NEWSPAPERS.

The following is a comparative Tabular Statement of the number of Letters and Newspapers delivered in the Colony during 1856 and 1857.

YEAR.	Number of Letters delivered in Sydney.	Number of Letters delivered in the Country Districts.	TOTAL.	Proportion of Letters to Population.
1856.	1,336,032	1,481,416	2,817,448	About 10½ to each person { Rather more than 10 to each person.
1857.	1,551,770	1,621,758	3,173,528	
Increase	215,738	140,342	356,080	

The population is taken at 266,189 for 1856, and at 305,487 for 1857, according to the Registrar General's Return.

Under the head of "Letters" are included book and other packets.

This Return shows an increase at the rate of more than 16 per cent. in the number of letters delivered in Sydney; about 14 per cent. being the rate of increase for 1856, as compared with 1855. The number of letters delivered in the country districts have increased at the rate of more than 9 per cent., 7 per cent. being the increase for 1856 over 1855. The increase in the total number delivered is at the rate of nearly 13 per cent. against 10 per cent. in 1856, as compared with 1855. This per centage of increase is greater than that of any recent year, except that of 1855, as compared with 1854, and would, I think, be very satisfactory, considering the depressed state of the Colony during 1857, were it not for the large increase to the population of 39,298 souls, which is at the rate of more than 14 per cent.

I am at a loss to account for the decrease in the proportion of letters to the population, considering the increase in the latter, but it may be that the number of births and the influx of Chinese, who would not, of course, make the same use of the Post Office as other portions of the community, sufficiently account for the decrease in question.

About 1,805,599 newspapers were delivered in the Colony in 1857, (exclusive of the provincial newspapers delivered in the country districts, of which no accurate estimate can be formed); of which number about 1,260,335 were delivered in the country districts, and the remaining 545,264 in Sydney.

The number of Valentines estimated to have been delivered from the General Post Office during the Valentine week of 1857 was 10,160.

The following comparative Tabular Statements refer to Foreign Mails, and give the number of letters and newspapers received in, and dispatched from, the Colony during 1856 and 1857.

LETTERS.

YEAR.	DISPATCHED.			RECEIVED.			
	Australasian Colonies.	United Kingdom.	Foreign Countries.	Australasian Colonies.	United Kingdom.	Foreign Countries.	TOTAL.
1856	141,883	177,695	8,569	131,255	168,205	14,567	642,174
1857	140,239	190,683	11,420	133,875	168,130	13,069	657,416
Increase .....	.....	12,988	2,851	2,620	.....	.....	15,242
Decrease	1,644	.....	.....	.....	75	1,498	.....

NEWSPAPERS.

YEAR.	DISPATCHED.			RECEIVED.			
	Australasian Colonies.	United Kingdom.	Foreign Countries.	Australasian Colonies.	United Kingdom.	Foreign Countries.	TOTAL.
1856	161,654	173,642	19,432	74,555	270,239	10,760	710,282
1857	159,814	230,190	18,808	83,037	272,004	10,322	774,175
Increase .....	.....	56,548	.....	8,482	1,765	.....	63,893
Decrease.....	1,840	.....	624	.....	.....	438	.....

The Return as to letters is not on the whole so satisfactory as the similar one given in my last Report, the increase in the total number of ship letters being only 15,242, whereas the increase for 1856 over 1855 was 25,133. There appears the very small increase of 976 letters in the inter-colonial correspondence against an increase in 1856 of 19,274. On the other hand, the correspondence with the United Kingdom, which in 1856 shewed an increase of 9,536, shews for 1857 an increase of 12,913; but it is worthy of remark that the increase is in 1856 chiefly, and in 1857 entirely, in the number *dispatched* to the United Kingdom. The foreign letters, which in 1856 shewed a decrease of 1,795 in those dispatched, and 1,932 in

in those received, exhibit for 1857 an increase of 2,851 in the letters dispatched, and a decrease of 1,498 in those received.

The statement as to newspapers is much more favorable. Instead of a decrease in the total number dispatched and received of 110,104 (being that for 1856 over 1855), there is an increase of 63,898, this increase being chiefly derived from the increased number passing between the United Kingdom and this Colony. Whilst in 1856 there was a decrease of 98,245 in the number of this class of newspapers, the past year shews an increase of 58,313. There is also a moderate increase in the number of inter-colonial newspapers; the decrease in the number dispatched being less than was the case in 1856, and the increase in those received being greater. The decrease in the number of foreign newspapers, which in 1856 amounted to 15,718, amounts for 1857 to only 1,062. The Newspaper Return, though it shews a steady increase of business, and gives hope of still further improvement, nevertheless exhibits a considerable falling off for 1857, as compared with 1854 and 1855.

About 22,223 of the letters posted in the Colony were returned to the writers during 1857, being a decrease of 9,685 on the number returned in 1856. Of this number 13,000 were addressed to places within the Colony, 4,243 to Victoria, 1,040 to the United Kingdom, and 120 to other places beyond the Colony, and 3,820 (addressed to various places) were posted insufficiently stamped. The number of returned letters would have been considerably less, but for a misconception of the public as to the postage payable on letters sent overland to Melbourne. As it is, the number returned from the United Kingdom is, singular to state, the same as in 1856; the number returned from Victoria is 857 less; that from other parts, 140 less; and the inland letters returned have decreased by 5,228. The number of letters received from beyond the seas and returned as unclaimed are set down as 7,653, shewing an increase over the number for 1856 of 765. Of this number 4,608 were returned to the United Kingdom, against 4,414 in the previous year; 1,779 to Victoria, against 1,564 in the former year; and 1,266 to other parts, against 910 in 1856.

About 19,000 letters originally addressed to Sydney were re-directed at the General Post Office to various parts of the Colony and elsewhere.

The number of registered letters that passed through the office for 1857 was 86,914, being 10,693 more than in the preceding year. 7,873 ounces of gold were received through the Post Office in 1857, against 23,712 ounces in 1856.

I must observe in concluding this section, that the statistics are derived from the best data procurable, but some of the items are necessarily estimated.

FOREIGN LETTERS, PACKETS, AND BOOK PACKETS.

Arrangements made with the Imperial Government, necessitated an alteration in the existing Postage Acts, so far as British book packets were concerned; and advantage was taken at the same time to amend previous provisions with respect to the rates of postage on inland packets, which formerly passed at the reduced rate. The Postage Act, 18 Victoria, No. 17, gave full powers to the Government to make arrangements with the Imperial Government as to the rate of postage on letters passing to and from this Colony and the United Kingdom, and also regulations affecting their transmission; and the new Act has extended those powers to book packets. Great inconvenience having been found to exist from the circumstance of there being various different rates of postage on ship letters, the Act further provided for the establishment of one uniform rate of postage of 6d. the 1/2 oz. on all letters posted for dispatch beyond the Colony. To compensate, however, for the increase of postage on outward letters, all inward letters are delivered without (as formerly) any charge, provided they have been duly posted at some Post Office, failing which, they are charged, under the Act above referred to, the rates payable on outward ship letters. The establishment of this uniform rate has simplified considerably the transactions of the office, and would do so to a greater extent were it not that there is a slight difference in the Imperial arrangement as to the scale of weight by which letters to the United Kingdom are charged; no weight less than an ounce being recognized after the first ounce, whereas, for all other ship letters, the scale under the new Act proceeds throughout by half ounces. The matter is still further complicated by the circumstance of the British and Inter-Colonial scale for book packets proceeding by half pounds, which is not the case with the Inland Book Post.

The rates of postage on book packets passing between the Colony and the United Kingdom continue as before, viz., 8d. the $\frac{1}{2}$ lb; whilst the postage on Inter-Colonial packets has been fixed at 6d. the $\frac{1}{2}$ lb., and the inland rate at 2d. for the first 4 ozs., and 1d. for every additional 2 ozs. I have again to point out that this difference in the scale of weight is perplexing to the public, and causes additional labor to the department, without conferring any advantage whatever.

The present regulations as to the transmission of all book packets have been framed in accordance with those proposed for the British book packets, and assented to by the Colonial Government.

Almost every article usually transmitted through a Post Office, except *bona fide* letters, samples of merchandize, photographs—*not on paper*, and newspapers, (which pass at a still lower rate, and in some cases free,) can be forwarded as book packets; and consequently the repeal of the 8th clause of 15 Victoria, No. 12, (which, by allowing samples of merchandize and other articles to pass through the post at very reduced rates, caused endless trouble to the department in guarding against the continued frauds that were attempted,) has, whilst excluding a few articles that may justifiably be charged with the letter rate of postage, placed the remainder under the definition of book packets, thereby securing nearly all the advantages previously possessed by the public, and at the same time guarding against fraud.

The arrangements with the Imperial Government provide for the compulsory prepayment of letters and packets, and (to avoid accounts as much as possible) the retention by each Government of the postage so collected. Some allowance, however, has been made for the mistakes of parties posting, and in consequence, any letter or packet bearing at least a *single rate* of postage is charged with the deficiency and sent on—the amount being collected on delivery, and retained by the Government of the country in which the collection is made. Letters and packets not bearing a single rate are returned to the senders. This rule also applies in this Colony to foreign letters transmitted *through* England and to *all other* letters for dispatch beyond the Colony when they do not bear the full amount of postage. The new arrangements are, undoubtedly, a step in the right direction, but there is still much to be done in the way of simplifying the rates of postage and the scales of weight by which letters and book packets are charged and transmitted; and I trust that the next Postage Act will establish such desirable simplicity and uniformity. There can be no question but that as the public become better acquainted with the Postal Regulations, correspondence will be transmitted more expeditiously and correctly, and so to some extent increase.

REVENUE AND EXPENDITURE.

The following is a comparative Statement of the Revenue and Expenditure of the Post Office Department for 1856 and 1857 :—

YEAR.	REVENUE.	EXPENDITURE.	EXCESS OF EXPENDITURE.
	£ s. d.	£ s. d.	£ s. d.
1856	29,458 10 11	65,639 0 3	36,180 9 4
1857	35,715 13 3	63,865 8 3	28,149 15 0
Increase	6,257 2 4	.....	.....
Decrease.....	.....	1,773 12 0	8,030 14 4

It will be seen by the above that the revenue has increased at the rate of about 21 per cent., the increase for 1856 having been 18 per cent.

The expenditure has decreased at the rate of nearly three per cent., whilst in 1856 there was a decrease of about 2 per cent. Still it is to be remarked that the expenditure of the department is nearly double the revenue.

The

REPORT FROM THE POSTMASTER GENERAL—1857.

7

The following detailed Statement will, however, give more ample information with reference thereto

REVENUE.					EXPENDITURE.				
YEAR.	Sale of Stamps.		Fees for Private Boxes.	Postage on Unpaid Letters.	TOTAL.	SALARIES.	Conveyance of Mails.	Contingen- cles.	TOTAL.
	£	s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1856	28,570	2 2	198 19 6	689 9 3	29,458 10 11	20,465 0 10	42,855 5 7	2,318 13 10	63,639 0 3
1857	31,030	15 11	267 14 0	1,297 3 4	33,715 13 3	19,836 4 8	41,324 8 5	2,704 15 2	63,865 8 3
Increase	5,460	13 9	88 14 6	767 14 1	6,257 2 4	.....	.....	386 1 4	.....
Decrease	.....	.....	.....	.....	.....	628 16 2	1,539 17 2	.....	1,773 12 0

The revenue, it will be seen, appears to have increased under every head. The postage on unpaid letters has increased more than 100 per cent., which was to be anticipated, from the changes in the mode of collecting the rate of postage alluded to in section 3, and from the increase of the ship postage rate on loose letters. The expenditure shows a decrease in the salaries, and cost of conveyance of Mails but an increase under the head of contingencies, which is natural, seeing that this head involves every item of expenditure not included under the other two heads, and of course must provide for the increase of the establishment during the year, in the shape of additional stores, stationery, and miscellaneous expenditure.

It must be noted, that the expenditure does not include the proportion to be paid by New South Wales towards the subsidy for the conveyance of English Mails, and which is put down on the Estimates of 1857 at £20,000.

The expenditure for 1856, as given in these Returns, will be found apparently to differ from that given in my Report for that year. This is rendered necessary in consequence of a change of classification made during 1857, and in order that a comparison may be drawn between the expenditure of the two years. In my last Report the salaries for 1856 did not include the temporary gold increase, which was paid from a separate fund; nor the Country Postmasters' salaries, which were included in the Estimates of that year under the head of "Allowances." As for 1857, a portion of the temporary increase has been added to the fixed salaries, and the Country Postmasters' salaries have been placed under the head of "Salaries," instead of "Allowances," it was of course necessary to adapt the form of the Return for the former year, 1856, to that now employed for 1857.

POSTAL COMMUNICATION WITH THE UNITED KINGDOM.

In my last Report I alluded to a contract just entered into for the conveyance of the Mails between the Australasian Colonies and the United Kingdom, and had every reason to anticipate that I should have been able in this Report to enumerate the many advantages which had resulted therefrom. It is, I am sorry to say, however, a matter of notoriety, that the new contract has proved an utter failure, so far as the stipulated Time Table may be taken as the criterion. The contract has been performed not only in an inferior manner to the one that existed with the Peninsular and Oriental Company in 1854—the annual subsidy to the latter being £84,000 per annum, and to the former £185,000 per annum—but I am disposed to think that the results have not been even so satisfactory as those obtained when steam vessels were not procurable, and when, during the Crimean war, the Mails were conveyed by clippers, at a comparatively trifling cost.

The following is a Tabular Return of the actual days of arrival and dispatch of the Mail

Mail Contract Vessels at Sydney during 1857, and also shews the dates at which they ought to have arrived and departed :—

ARRIVAL.			DEPARTURE.			
NAME OF VESSEL.	Actual Date of Arrival.	Specified Date of Arrival.	NAME OF VESSEL.	Actual Date of Departure.	Specified Date of Departure.	
These Vessels came via the Cape.	1856.					
	Oneida	29 Dec.				
		1857.				
	Simla*	10 Jan.	25 Jan.	Oneida	23 Jan.	23 Jan.
	European	15 Feb.	25 Feb.	Simla	11 Feb.	11 Feb.
	Columbian	23 Mar.	28 Mar.	European	11 Mar.	11 Mar.
	No Mail Steamer . .	in April	22 April	Columbian	11 April	11 April
	Simla	19 May	9 May	Simla	24 May	11 May
	European	10 June	9 June	European	20 June	11 June
	Columbian	10 July	9 July	Columbian	18 July	11 July
	Emeu { came via } { the Cape }	19 Aug.	9 Aug.	No Mail Steamer . .	in Aug.	11 Aug.
	Simla	7 Sept.	8 Sept.	Emeu	11 Sept.	11 Sept.
	European	18 Oct.	9 Oct.	Simla	11 Oct.	11 Oct.
Columbian	17 Nov.	9 Nov.	City of Sydney . .	11 Nov.	11 Nov.	
No Mail Steamer . .	in Dec.	9 Dec.	European	11 Dec.	11 Dec.	

* The vessels that came by the Cape were allowed 75 days.

The above statement shews the following results as to the performance of the Mail Contract :—

1st. Only *ten* monthly Mail Steamers arrived in the Colony instead of twelve; and only *eleven* were dispatched instead of twelve.

2nd. Of those that arrived from Suez (the first three ships having come direct from England) only one arrived within, or to its time—the September steamer; whilst two arrived a day after time, and the remainder at periods varying from eight to ten days after time.

3rd. Of the steamers dispatched, eight left punctually, but three left after the specified time, at periods varying from seven to thirteen days.

4th. To three out of the seven Suez Mails received there was no return Mail the *same month*; in two cases the Homeward Mails having been dispatched before the arrival of the Outward Mail, and in one case there having been no dispatch of a Mail Steamer at all.

It will readily be supposed that the not being able to return replies to the correspondence received by the Monthly Mail, would have been complained of under any circumstances; but it has been felt as a still greater matter of complaint by the colonists, because on New South Wales, of all the contracting parties, from its position as the last port of arrival and first of dispatch, has the hardship chiefly fallen. In common with this Colony, on one occasion, the colonists of Victoria had no Monthly Homeward Mail, but they were enabled in every other case to reply at once to their home correspondence. I have not taken into consideration in these remarks the occasions in which the departure from Sydney of a colonial steamer, after the Mail Ship, has allowed of a supplementary Mail being placed on board the Mail Steamer at Hobson's Bay; because such arrangement entailed additional expense to the Government, and to the New South Wales correspondents, and was extraneous to the regular Mail Contract Service. The effect of these irregularities has been to make the time of communication with the United Kingdom in three cases respectively, 79, 80, and 80 days, always supposing that the homeward passages were performed in the 56 days specified, which I believe was not the case in every instance. It is evident from the above that the service could be, and indeed has been performed just as well, if not better, by sailing vessels, and of course at a much cheaper rate. I do not mean to infer that the best mode of Mail conveyance is by sailing vessels, but to shew by comparison the unsatisfactory manner in which the Mail Contract has been carried out by the E. and A. Company. Indeed the whole service has been nothing but a series of disasters and irregularities, which, so far from moderating in course of time, appears to have steadily increased.

The apologists of the company have endeavoured to palliate the non-performance of the contract, by urging in the first place the difficulties they had at the outset to encounter, and then the fact, that the voyage could not be performed regularly in the time specified. The first plea is invalid, inasmuch as the service, so far from improving

improving after the first difficulties might be supposed to have been surmounted, became, on the contrary, worse performed than ever. As to the time allowed for the transit, the contractors ought to have well considered that most important point when they made their tender, and were bound to have carried out rigidly the strict terms of a contract for which they were so amply paid. It may be well, however, to consider this latter point independently of any blame in the matter that may attach to the contractors.

It has always appeared to me that in the desire to make the communication with England as rapid as possible, not only has that object itself been defeated, but all regularity has been lost. By specifying a time for the conveyance of the Mails which was barely sufficient for the very long voyage between Sydney and Suez, and by making the delay at Sydney so short, that the slightest irregularity would cause the dispatch of the Homeward Mail to be antecedent to the arrival of the Outward one, confusion was almost inevitable. Experience has shewn, that when a very long distance by sea has to be traversed by steamers it is impossible to reckon with perfect accuracy on the day and hour of arrival, and that to ensure due allowance being made for casual delay in such time of arrival, a wide margin should be granted in fixing the interval of time between the arrival of the one Mail and the dispatch of the return one. The time now allowed for communication to and from England and Sydney is as follows :—

58 days from Southampton to Sydney.
 2 „ interval for replies.
 56 „ from Sydney to Southampton.

116 days.

I have taken the usual interval for reply, though it is in some few cases, by the Time Table, somewhat more, and in others somewhat less than 2 days.

Now, let us suppose the following Time Table to have been adopted, which, of course, gives more time than would be actually needed for the voyage, if efficient vessels were used and shorter trips made, and is only given to illustrate the subject :—

65 days from Southampton to Sydney.
 5 „ interval for replies.
 60 „ from Sydney to Southampton.

130 days.

By this Time Table 14 days more are allowed than at present, and there is every reason to believe that, even under the European and Australian Company, the contract could have thus been satisfactorily performed. The communication by such Time Table, had it been carried out, would have actually been quicker than it was in the three instances enumerated, and what is of more importance, it would have been *regular* in every case. I dwell particularly upon this point, for the reason that it has always seemed to me that hitherto the regularity of the Mail Service has been considered secondary in importance to the speed at which the Mails were to be conveyed, whereas in my opinion, the speed should never be so great as to jeopardize in the slightest degree the regularity.

An important feature in the arrangements as proposed by the Lords of the Treasury, was the establishment of Branch Lines in connexion with the Main Postal Service, and intended to benefit those Colonies not visited by the Contract Mail Ships. It was contemplated that Branch Services should be established by open competition from Melbourne, as the central point, with Port Adelaide, Van Diemen's Land, and New Zealand; and that the entire cost of the Main and the Branch Services should be equally divided between the Home Government and the Colonies collectively, each of the Colonies contributing to the moiety to be paid by them collectively in proportion to the number of letters annually dispatched by the steamers.

It was considered that "if an adjustment took place every two years, it would be sufficiently accurate for all practical purposes."

As the Lords of the Treasury considered it desirable, that the contracts for the Branch Services should be made on the spot, and as it was expedient that there should be joint action on the part of the Colonies interested, the Victorian Government proposed to the five Colonies of New South Wales, New Zealand, South Australia, Tasmania, and Western

Australia, that a Postal Conference should be held at Melbourne, to receive tenders for the Branch Services, and to consider any other postal questions that might arise. The New South Wales Government acceded to the proposal from Victoria, and named the Postmaster General as their representative at the Conference. The want of punctuality in the performance of the existing Mail Contract, had naturally led this Colony to consider what means should be adopted to establish a more satisfactory communication with Great Britain; and it chanced that, prior to the Postal Conference which was held in June of last year, Mr. Champion Wetton, an agent from the Royal Mail Company, together with Mr. Dillon Bell, a delegate from the New Zealand Government, visited Sydney with a view of arranging the establishment of Steam Communication *via* Panama.

Mr. Wetton's proposal was, that Mails were to be conveyed once a month to and from Sydney and Panama, touching on the homeward voyage at Wellington, and on the outward at Auckland. The head quarters of the company's fleet in the Pacific were to be established at Port Jackson, and the trunk line to run direct to Sydney; the service being performed between England and Sydney within fifty-two days during eight months of the year, and within fifty-five days during the remaining four months. The contract was to be for seven years; the service however not to commence until two years after signing the contract, and any agreement entered into in Sydney being made subject to ratification by the Directors of the Royal Mail Company. Before closing with Mr. Wetton, the Government deemed it expedient to consult the other colonies, and the representative of New South Wales was instructed to bring the matter under the notice of the Postal Conference; although at a subsequent period, the New South Wales Government, under certain conditions, closed with Mr. Wetton's offer, and agreed to pay the Royal Mail Company £50,000 per annum for the Mail Service in question, of which sum £15,000 were to be contributed by New Zealand. It is understood that the arrangement as concluded with the agent, was not ratified by the Directors of the Royal Mail Company.

At the Melbourne Conference, there were present the representatives of New South Wales, Victoria, and Tasmania. The Colonies of South and Western Australia (the former of which had already declined co-operating in the establishment of the main line, on the ground that the steamers did not touch at Port Adelaide,) failed to send representatives, and forwarded communications which amounted virtually to a refusal to co-operate. New Zealand was likewise unrepresented, although no communication as to the non-attendance was received by the Conference.

The tenders for branch lines that had been called for by the Victorian Government were opened, and it became at once apparent that some of the branch services would cost more than the subsidy to be obtained from the Colony to be benefited thereby.

The Conference resolved, therefore, that no branch service should be sanctioned, the cost of which would be more than £1,000, which was the lowest tender sent in for the performance of the monthly Mail Service between Melbourne and Hobart Town. Subject to such limitation, the Conference gave their adhesion to the plan proposed in the Treasury Warrant of 27th November, 1855, viz., that the Imperial Government should pay one-half the expense of the main and branch services required to be performed in connection with the contract *via* Suez; and that the adjustment of the Colonial contributions should be made by the British Government, each of the Colonies contributing to the moiety to be paid by them collectively, in proportion to the number of letters dispatched by each, to be ascertained every two years.

The Conference further resolved, that no Mails should be conveyed by the contract ships to or from any of the Australasian Colonies that did not pay towards the colonial subsidy; and that His Excellency the Governor General should be requested to procure the necessary authority for the Admiralty Agents to tranship to colonial steamers at Melbourne Mails for or *via* New South Wales, in all cases in which an earlier delivery in Sydney might thus be secured. With reference to the proposed postal contract *via* Panama, the representatives of Victoria and Tasmania declined co-operating with the Colony of New South Wales, as they considered that it would be premature to decide on the matter, until the provisional contract was ratified by the directors of the company that Mr. Wetton represented.

MISCELLANEOUS.

The staff of the New South Wales Post Office Department at the end of the year 1857 was as follows, viz. :—

ON 31 DECEMBER, 1856.		OFFICERS IN NEW SOUTH WALES.	ON 31 DECEMBER, 1857.	
	1	Postmaster General	1	
	3	{ Secretary, Superintendent of the Letter Branch, and Accountant	3	
	189	Postmasters	197	
	30	Clerks, &c.	30	
	5	Guards	8	
	34	Letter Carrier, Messengers, &c.	36	
263	1	Marine Mail Officer	1	276

Of the above 276 persons, 65 are attached to the General Post Office, Sydney.

I find that during the year 47 Country Postmasters have, from various reasons, been changed; that 7 clerks, mail-guards, &c., have resigned, and one been dismissed; and that 6 changes have occurred in the class of letter-carriers, messengers, &c.—2 from resignation and 4 from dismissal.

No death in the more immediate establishment occurred during the past year.

The following return shews the expenditure of the General Post Office Establishment in Sydney during the years 1856 and 1857, there being a decrease of expenditure in the latter year of £190 6s. 1d. This statement is the more satisfactory when the increase of business as shewn in the preceding heads of report is taken into consideration.

1856.

General Post Office salaries	13,955	16	10
Extra Clerical assistance	514	9	9
Overtime, sorting English Mail	198	18	0
	<u>£14,669</u>	<u>4</u>	<u>7</u>

1857.

General Post Office salaries	13,874	4	4
Extra Clerical assistance	410	10	2
Overtime, sorting English Mail	194	4	0
	<u>£14,478</u>	<u>18</u>	<u>6</u>

In the Annual Report of the Postmaster General of Great Britain, great prominence is given to the successive steps that have been taken to ameliorate the condition of the Post Office employés, and to render the postal service popular and efficient.

When it is considered that the number of persons employed in Post Office business in the British Isles alone, exclusive of Colonial Post Offices and Agents in Foreign Countries, amounted at the end of last year to 23,731 souls, their significance can hardly be overrated. In addition to the advantage of medical attendance afforded to the Post Office officials in London, the chief medical officer, in his annual report to the head of his department, enters into minute details on every matter affecting the health of the establishment; not only giving full statistics of the diseases prevalent during the year, but reporting on the ventilation of the Post Office buildings, the sanitary condition of the letter carriers' dwellings, and on the age, length of service, former status, and causes of retirement of superannuated and pensioned officers. Whilst the arrangements as to the superannuation and pensioned list are very complete, and are drawn from a fund aided by a deduction from every officer's salary, encouragement has also been given to all officers of the establishment to insure their lives for the benefit of their families, (one-fifth of the whole premium being paid by the Government;) whilst the Post Office Widows' and Orphans Society that previously existed, was extricated from difficulties by timely aid from the same source. I have understood that the

last

last liberal arrangement as to Insurance and Widows' Fund have been chiefly, if not altogether, consequent on the provision that property contained in unclaimed letters reverts, not to the general revenue of Great Britain, but to a special fund available for the Post Office.

A similar provision in this Colony would, at the present time, be of trifling aid; but, as the Colony progresses, it might become of considerable importance, and would tend so much to the benefit of the Postal Service, that I would respectfully urge its adoption at the very earliest opportunity.

I may quote, in support of my recommendation, the present state of the Police Superannuation Fund in this Colony. This fund was established in 1850, and is derived from the appropriation of that moiety of the fines and penalties awarded by the different Benches of Magistrates, which was formerly payable to *individuals* of the Police Force; and is further aided by a compulsory reduction of 2 per cent. from the salaries of every member of the Executive Police. This fund now amounts to nearly £25,000; and will not only answer its purpose of ensuring a provision for the members of the Force desirous of retiring, but has proved the strongest incentive to good men to enter the Police Service and remain therein.

In June 1852, the sanction of the Government was obtained by me to Dr. Rutter being appointed Medical Attendant to the Post Office, for the purpose of attending in sickness all the officers below the degree of clerk, and examining them (giving the requisite certificates) on their entrance into the service. It is obviously necessary that persons called on to perform duties of an active nature should be free from any important physical ailment; and that some check should exist upon those who absent themselves from work, assigning illness as the cause. Dr. Rutter has fulfilled his duties to my satisfaction, and I feel assured that the benefits conferred by the arrangement far outweigh the trifling expenditure it involves. I have reason also to believe that the letter carriers are grateful for the medical advice thus received gratuitously by them. I purpose next year requesting Dr. Rutter to furnish me with a Report, together with any remarks he may deem expedient, on the duties he has been called on to perform during the present year. Only one officer of the establishment is pensioned. Extreme deafness incapacitated him for the due performance of his duties, and he now receives a pension, after 20 years service, of £52 per annum.

At present, I regret to state, there exists no provision whatever for the widows and children of officers dying in the Post Office service. Many attempts have been made at various times by parties nearly interested in the question to establish a Civil Colonial Fund, somewhat analogous to those excellent institutions in India, Ceylon, and other Colonies; and which in so many instances have enabled families to live in comparative ease and comfort, who would otherwise have been reduced to beggary, or been dependent on the charity of others. The most systematic attempt of the kind was made in the years 1854-55, when meetings were held, composed of Government clerks of every branch of the Service, and steps taken to organize such a scheme—an Actuary being consulted as to the amount of per centage that would be necessary to secure, in addition to retiring pensions to officers in the service of the Government, a scale of allowances to widows and children of deceased officers. It was considered that the desired object would be attained, by a contribution of eight per cent. on the fixed salaries of all officers brought within the scope of the proposed measure, together with an additional contribution of six per cent. (in order to secure the retrospective operation of the fund) on each year of previous service, taking the average annual salary of the whole period of service as the basis of such per centage; and it was further proposed that the Government should provide half the above per centage and be relieved of all further expenditure on account of superannuations or pensions. As the subject is one which is intimately connected with the efficiency and popularity of the postal and every other branch of the Public Service, I have not thought it irrelevant to annex in the appendix the "provisions for incorporation in the proposed Pension Bill" which were assented to by the Government clerks at that time, together with the Actuary's Report already adverted to. Although not so stated, it was intended that the per centage payments were to be compulsory on all Government officers to whom the fund could apply.

Several improvements have been made during the past year in the means and appliances of the Post Office. The stamps used for dating letters, and for obliterating postage stamps,

stamps, have been superseded by others constructed upon a better principle and of superior workmanship; and seals of a uniform size and pattern have been substituted for the seals of various sizes and patterns that were previously in use for sealing mail bags. The importance of these changes will be more fully appreciated when it is remembered that upon the legibility of the post marks of a letter, questions of vital importance may depend. The safety of the contents of a mail depending very much upon the use of proper seals, makes *their* construction also a matter of importance; whilst the utility of well made obliterating stamps, constructed upon a uniform principle, has been proved, on many occasions; as tending to prevent stamps being used again, and the revenue defrauded; and as a check on individual Post Offices, the obliterating stamps of each office having a different number. Since the introduction of these stamps and seals, great improvement has been observed both in the stamping of letters and sealing of mail bags; although some Country Postmasters still neglect to make their stamps as clear and as distinct as they ought to do. Another improvement that must be noted is in the construction of the Letter, Newspaper, and Packet Receivers of the General Post Office. Instead of the antiquated wooden receptacles for letters and newspapers with horizontal apertures, there are now three fire-proof safes, of cast iron, with perpendicular ones. One safe, with five openings, is the box for town letters; another, with the same number, is allotted to country letters; and the third, having only one opening, is for ship letters posted at night, as these cannot then be posted in the yard. The doors of these boxes are fitted with plate glass, so that the clerks can ascertain, without unlocking them, what letters the boxes contain. Two windows, adjoining the one at which letters are posted, afford separate posting places for foreign and inland newspapers; and a new posting place, with a large aperture for book packets, (which last were formerly posted with the letters, or, when too bulky to be so posted, deposited on the tables of the lobby.) Two very desirable objects have been obtained by this improvement. The public are afforded suitable means, without overcrowding, for posting their letters, packets, and newspapers; and the letters are more secure from fire and fraud, both from the outside and the inside. The safes were made on a plan furnished by Mr. T. W. Levinge, the present Postal Inspector.

I am sorry to find that the plan of having letter-boxes on private doors, which is a saving of time to letter carriers and to servants, has not been more generally adopted. I would also point out that a good street nomenclature, and the correct numbering of houses, are great adjuncts to the correct delivery of letters. No two streets in a city or township should bear the same name; and the houses should have odd numbers on one side and even on the other; whilst all unnecessary changes in the numbering are greatly to be deprecated, as such changes tend to confusion, and to postal irregularities.

I have, &c.,

W. H. CHRISTIE,
Postmaster General.

APPENDIX.

PROVISIONS FOR INCORPORATION IN THE PROPOSED PENSION BILL.

1. Adopting generally the terms, conditions, and scale applying to officers appointed subsequently to the 4th August, 1829, as more particularly set out in the Act of Parliament 4 and 5 William IV, chap. 24, retired officers of the Civil Service of New South Wales to be entitled to pension, computed with reference to their past service and the salaries or average salaries they enjoyed during the three years preceding their retirement, in the proportions following, viz. :—

For a service of 10 and under 17 years,	three-twelfths	salary.
" 17 " 24	four-twelfths	"
" 24 " 31	five-twelfths	"
" 31 " 38	six-twelfths	"
" 38 " 45	seven-twelfths	"
" 45 and upwards	eight-twelfths	"

Intermediate periods to be taken into account rateably, and the age of 60 years to give claim to retire at will, without medical or other certificate, upon the maximum pension then due for service, in accordance with the above scale.

2. Dismissal from the Service to be followed by absolute forfeiture of all claim whatsoever upon the fund.

3. Resigning the Service to be followed by absolute forfeiture of all claim whatsoever upon the fund, unless the officer rejoin, in which case his previous shall count with his subsequent service.

4. An officer disabled to continue in office, by accident or otherwise, before serving ten years, to be entitled, on medical certificate, to a gratuity equal to half the amount of the minimum pension of his grade for one year, multiplied by the number of years he may have served.

5. An officer accepting office under Her Majesty elsewhere than in New South Wales to be entitled to the amount of his own contributions to the fund, without interest, and no more.

6. If a retired officer re-accept office under Her Majesty, his pension shall revert to the fund, unless the emoluments of his office fall short of the amount of his pension, in which case the difference only shall be made good to him out of the fund, but his subsequent shall count with his previous service on again retiring.

Families.

7. For purposes of the proposed Bill, majority in both sexes to be taken to have been attained on marriage, or at the age of 18 years.

8. Widows during widowhood, and children during minority, to be entitled to the following proportions of the pensions which the deceased officers, in respect of whom they claim, enjoyed or were entitled to at the time of their death, viz. :—

Widows without children... ..	Two-fifths.
with not more than 3 children	Three-fifths.
with more than 3 children.....	Four-fifths.

to be reduced rateably as the children attain majority or die.

9. The pension of widows, dying unmarried, to go to the children, if any survive them, but to be reduced rateably as the children attain majority or die.

10. The children of a deceased widower to be entitled, according to their number, to the same proportion of the pension which he enjoyed or was entitled to at the time of his death, as their mother would have been entitled to had she survived him, subject to be rateably reduced as they attain majority or die.

11. In the case of an officer dying before serving ten years, his widow, or his children if any survive him, to be entitled to a gratuity equal to half the amount of the minimum pension of his grade for one year, multiplied by the number of years he may have served.

12. On the marriage of a widow, with or without children, her pension immediately to revert to the fund.

The Fund.

13. The fund to be of retrospective as well as prospective operation, but contributions for retrospective service to be left optional, while those for prospective service be made compulsory.

Prospectively
Appendix A.

14. According to the Report of the Actuary hereto appended, contributions to the extent of 8 per cent. upon the fixed salaries of all officers now applying, or who may hereafter apply to be brought within the scope of the proposed measure, will be ample to secure in perpetuation the operation of the fund—4 per cent. to be contributed monthly from the General Revenue, the other 4 per cent. to be deducted monthly from the fixed salaries of the Officers.

Retrospectively
Appendix B.

15. According to another Report of the Actuary, also hereto appended, the retrospective operation of the fund will be amply secured to present officers, in proportion to their respective periods of past service, by a contribution, for each year of such service, of six per cent. upon that sum which, at the time when the proposed measure may come into operation, shall represent the average annual salary respectively enjoyed by them during the entire period of their service—3 per cent., or £36,000, to be contributed in gross from the General Revenue, in immediate establishment of the fund—the other 3 per cent. to be contributed by the officers, at such times, and for such periods of one or more whole years of past service, as they may find practicable and convenient, consistently with the compulsory deduction to which they will have to submit on account of current service.

16. Claims on the fund to be limited to the number of years for which each officer shall have contributed prospectively alone, or prospectively and retrospectively together.

Trustees.

Management.

17. Trustees to be appointed, and Rules and Regulations for vesting and managing the fund to be made, by His Excellency the Governor General, with the advice of the Executive Council.

APPENDIX A.

Retiring Pensions to Officers in the Service of the Government of New South Wales, and Allowances to Widows and Children of deceased Officers.

Report by Robert Thomson, Actuary, Sydney, on the rate per cent. on their salaries, necessary to secure to the officers the advantages set forth below :—

I. I have been called upon to calculate what rate per cent. per annum on the salaries of the officers will be sufficient to produce the following allowances :—

- 1.—A pension to officers who shall have been more than ten years in the service, which may commence on the completion of their 60th year of life, according to the scale contained in the 1st section of the "Provisions for Incorporation in the proposed Bill."
- 2.—A pension, according to the same scale, commencing at previous permanent incapacitation, and to continue during life.
- 3.—Pensions to the widows and children of deceased officers, according to the proportions set forth in the 8th section of the same paper, of the pensions which such officers were entitled to or in the receipt of at the date of their death.

II.

II. It being desired to render the fund immediately available to those officers whose past services would entitle them to become claimants in terms of the various provisions set forth in the proposed scheme, I have been desired to calculate what retrospective per centage on their salaries will be adequate to meet the proportion of risk now attributable to their cases, and, in connexion with whatever future payments they make to the fund, may be sufficient to entitle them to their pensions at any future time whatever :—

1.—The objects set forth under the first question will be accomplished by an annual per centage on the total salaries of £7-945, say 8 per cent., in other words, by a deduction of 4 per cent. per annum from the fixed salary of each officer, and an allowance of the like amount from the Colonial Government.

2.—The total retrospective rate on the salaries sufficient to raise a present fund for the objects set forth in the second question is 6 per cent. per annum, that is, 3 per cent. from Government, and a like amount from the officers, to entitle them to become participators in the advantages of this part of the scheme.

In making these calculations I have been guided by the data placed in my hands, and which I tabulated and worked upon with as much accuracy as they would permit. At best they are only approximations to the true values; I therefore made it a point to keep the calculations wide of what a course of years will probably shew to be the true rate; and have framed them at a rate of interest considerably lower than what at present rules in the Colony; yet I think I have come sufficiently near the "safety point" not to make the fund accumulate to a much higher amount than may be found necessary to meet claims.

It is to be borne in mind that I had very little certain information on any one point, and that in each particular, before I was able to make the calculations at all, I had to ascertain as nearly as possible correct averages. I had to decide on what might be the probable ages of the officers, the probable periods of service before becoming claimants on the fund, and the proportion of salary on which the allowances would fall to be made, &c., before I had any data to go upon.

In fixing the per centage for incapacitation, I had to collate my data, and the rules laid down in the scheme for adjusting this allowance, with the ascertained rate of sickness which may be called "permanent" in the same class of society in Europe.

The steps by which I arrived at the per centage for widows' and children's allowances involved the consideration of very many points on which my data would only enable me to approximate the truth.

Referring to the Retrospective Fund, it may be necessary to explain, that the calculation of the per centage necessary to form this amount was made at the same rate as that for the Permanent Fund; and that the difference of 2 per cent. per annum in the respective rates arises from the difference in the nature of the risk, so that while 8 per cent. is necessary to cover the total risk on the Permanent Fund, 6 per cent. is sufficient for the former and smaller risk, which has, during the whole past service of each officer, been borne by the individual, and the duration and extent of which are therefore correspondingly reduced.

On the fund, generally, there are no doubt several sources of profit which I have not allowed to enter materially into my calculations; the principal of which is in the fact that many officers may probably retire from the Service from various causes, leaving, of course, all their contributions to the credit of the fund. At present it is obviously unsafe to allow anything considerable on that score or on account of any other of the minor sources of profit. On the other hand, I have been careful in providing for all causes of loss.

ROBERT THOMSON,
Actuary.

353, Pitt-street, Sydney,
September 23, 1854.

APPENDIX B.

Estimate for grant on account of past services at 3 per cent.

From 1824 to 1853, a period of 30 years, salaries have been paid to the extent of about £2,498,850.

The annual mean amount will therefore be..... £83,295
Three per cent on this 2,498-85

Supposing that the mean period of service is to be taken at 14½ years, by multiplying the above per centage by 14½ the amount of the grant will be found to be £36,233, say £36,000.

ROBERT THOMSON,
Actuary.

353, Pitt-Street, Sydney,
September, 30, 1854.

1858.

Legislative Assembly.

NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION.

(DESPATCH RELATIVE TO.)

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

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

(Circular.)

*Downing-street,**16 October, 1858.**16 October,
1858.*

SIR,

I have great satisfaction in transmitting herewith, for your information, the copy of a letter which has been received from the Board of Treasury, by which you will perceive that the Lords Commissioners have entered into arrangements with the Peninsular and Oriental Steam Navigation Company which, it is trusted, will secure to the Colonies a regular and efficient Postal Communication with this country.

I have, &c.,

GOVERNOR

SIR W. DENISON, K.C.B.,
&c., &c., &c.

E. B. LYTTON.

[Enclosure.]

*Treasury Chambers,**16 October, 1858.*

Sir,

The Lords Commissioners of Her Majesty's Treasury have directed me to acquaint you, for the information of Secretary Sir Edward Bulwer Lytton, that the steps which they have taken for procuring a new Mail Service between this country and Australia have resulted in the acceptance of the tender of the Peninsular and Oriental Steam Navigation Company, upon terms which My Lords trust will be considered satisfactory to the Colonies.

It was not without difficult and considerable discussion that a decision could be arrived at, but in the arrangement which their Lordships have now sanctioned will be found, as they believe, a reasonable guarantee for securing to the Colonies a regular and efficient postal service, with a course of post as rapid as it is possible to obtain, and at the same time, as far as practicable, in conformity with the special requirements and expressed wishes of each Colony.

The contract will be executed without delay, and will be communicated to the Colonies through the Secretary of State; but in the meanwhile it will be desirable to inform them of the general features of the new service, and My Lords request, therefore, that

* 20—

Sir

Sir E. B. Lytton will cause the necessary communication for this purpose to be addressed to the different Governments by the mail of this evening, and that they may be furnished with the Time Tables, printed copies of which will be forwarded to you without delay.

It is intended that the contract shall be for seven (7) years, commencing with the February mail from Sydney, and that the service shall include, both on the homeward and outward voyages, Mauritius, King George's Sound, Kangaroo Island, Melbourne, and Sydney, thus placing on the main line, under all circumstances, the four Australian Colonies,—Western Australia, South Australia, Victoria, and New South Wales,—leaving only Tasmania and New Zealand to be supplied with branch services, and, in the case of the latter Colony at least, this has been already established.

The annual sum for which the Company undertake the service is one hundred and eighty thousand pounds, (£180,000) exclusive of the payment of £24,000 a-year which My Lords presume the Colony of Mauritius will be willing to continue for a service better than the one which they now possess, and which My Lords hope will fully meet the wishes of the Colony, as expressed in Governor Stevenson's Despatches of 14th December, 1857, and 7th January, 1858.

The Company will bind themselves to perform the service between the extreme ports, namely, Sydney and Southampton, both on the outward and homeward voyages, in a maximum time of fifty-five (55) days, and a Time Table has been carefully framed, according to which ample time will be afforded for answering letters in the proper course of post.

It is intended that the contract shall contain, in addition to the clauses enforcing penalties for the non-fulfilment of the engagements of the company, stipulations prescribing the application of the severest tests by the Admiralty, to ensure the perfect fitness of the vessels destined to be employed in the service.

My Lords confine themselves at present to this general view of the contemplated arrangements, in which they can hardly doubt the acquiescence of the Colonies. But no time will be lost in finally settling the various details of the new service, all of which will be notified to you, in order that they may be forwarded to the Colonial Governments.

With regard to the question of establishing a second monthly service, and the advisability of adopting the Panama route as the alternative line, My Lords are carefully considering this question, in order to see how the wishes and interests of the Colonies may best be met.

It would be an essential condition of the adoption of this line that it should so far coincide in point of time with the service *vid* Suez as to make the two work entirely in harmony.

In the meantime My Lords have intimated to the public their intention of calling for tenders for the Panama route, as soon as the necessary arrangements have been completed.

I remain, &c.,

C. E. TREVELYAN.

H. Merivale, Esq.,
&c., &c., &c.

TIME TABLE of a Monthly Mail Communication between England and Australia, in correspondence with one of the Bombay Mail Services.

OUTWARD.

Leave Southampton.	Malta.		Arrive Alexandria.	Leave Suez.	Aden.		Mauritius.		King George's Sound.		Kangaroo Island.		Melbourne.		Arrive Sydney.
	Arrive.	Leave.			Arrive.	Leave.	Arrive.	Leave.	Arrive.	Leave.	Arrive.	Leave.	Arrive.	Leave.	
January 12	Jan. 21	Jan. 22	Jan. 25	Jan. 26	Feb. 1	Feb. 2	Feb. 12	Feb. 13	Feb. 27	Feb. 28	March 4	March 4	March 6	March 6	March 9
February 12	Feb. 21	Feb. 22	Feb. 25	Feb. 26	March 4	March 5	March 15	March 16	March 30	March 31	April 4	April 4	April 6	April 6	April 9
March 12	March 21	March 22	March 25	March 26	April 1	April 2	April 12	April 13	April 28	April 29	May 3	May 3	May 5	May 5	May 8
April 12	April 21	April 22	April 25	April 26	May 2	May 3	May 13	May 14	May 28	May 29	June 2	June 2	June 4	June 4	June 7
May 12	May 21	May 22	May 25	May 26	June 1	June 2	June 12	June 13	June 28	June 29	July 3	July 3	July 5	July 5	July 8
June 12	June 21	June 22	June 25	June 26	July 2	July 3	July 13	July 14	July 28	July 29	Aug. 2	Aug. 2	Aug. 4	Aug. 4	Aug. 7
July 12	July 21	July 22	July 25	July 26	Aug. 1	Aug. 2	Aug. 12	Aug. 13	Aug. 27	Aug. 28	Sept. 1	Sept. 1	Sept. 3	Sept. 4	Sept. 7
August 12	Aug. 21	Aug. 22	Aug. 25	Aug. 26	Sept. 1	Sept. 2	Sept. 12	Sept. 13	Sept. 27	Sept. 28	Oct. 2	Oct. 2	Oct. 4	Oct. 4	Oct. 7
September 12	Sept. 21	Sept. 22	Sept. 25	Sept. 26	Oct. 2	Oct. 3	Oct. 13	Oct. 14	Oct. 28	Oct. 29	Nov. 2	Nov. 2	Nov. 4	Nov. 4	Nov. 7
October 12	Oct. 21	Oct. 22	Oct. 25	Oct. 26	Nov. 1	Nov. 2	Nov. 12	Nov. 13	Nov. 27	Nov. 28	Dec. 2	Dec. 2	Dec. 4	Dec. 4	Dec. 7
November 12	Nov. 21	Nov. 22	Nov. 25	Nov. 26	Dec. 2	Dec. 3	Dec. 13	Dec. 14	Dec. 28	Dec. 29	Jan. 2	Jan. 2	Jan. 4	Jan. 4	Jan. 7
December 12	Dec. 21	Dec. 22	Dec. 25	Dec. 26	Jan. 1	Jan. 2	Jan. 12	Jan. 13	Jan. 27	Jan. 28	Feb. 2	Feb. 2	Feb. 4	Feb. 4	Feb. 7

HOMeward

STEAM POSTAL COMMUNICATION.

HOMEWARD.

Leave Sydney.	Melbourne.		Kangaroo Island.		King George's Sound.		Mauritius.		Aden.		Arrive Suez.	Leave Alexandria.	Malta.		Arrive Southampton.
	Arrive.	Leave.	Arrive.	Leave.	Arrive.	Leave.	Arrive.	Leave.	Arrive.	Leave.			Arrive.	Arrive.	
10 A.M. Jan. 15	Jan. 17	Jan. 17	Jan. 19	Jan. 19	Jan. 23	Jan. 24	Feb. 7	Feb. 8	Feb. 18	Feb. 19	Feb. 25	Feb. 26	March 1	March 2	March 11
Feb. 15	Feb. 17	Feb. 17	Feb. 19	Feb. 19	Feb. 23	Feb. 24	Mar. 10	Mar. 11	March 21	March 22	March 28	March 29	April 1	April 2	April 11
March 15	March 17	March 17	Mar. 19	Mar. 19	March 23	March 24	April 7	April 8	April 18	April 19	April 25	April 26	April 29	April 30	May 9
April 15	April 17	April 17	April 19	April 19	April 23	April 24	May 8	May 9	May 19	May 20	May 26	May 27	May 30	May 31	June 9
May 15	May 17	May 17	May 19	May 19	May 23	May 24	June 7	June 8	June 18	June 19	June 25	June 26	June 29	June 30	July 9
June 15	June 17	June 17	June 19	June 19	June 23	June 24	July 8	July 9	July 19	July 20	July 26	July 27	July 30	July 31	August 9
July 15	July 17	July 17	July 19	July 19	July 23	July 24	Aug. 7	Aug. 8	Aug. 18	Aug. 19	Aug. 25	Aug. 26	Aug. 29	Aug. 30	September 9
Aug. 15	Aug. 17	Aug. 17	Aug. 19	Aug. 19	Aug. 23	Aug. 24	Sept. 7	Sept. 8	Sept. 18	Sept. 19	Sept. 25	Sept. 26	Sept. 29	Sept. 30	October 9
Sept. 15	Sept. 17	Sept. 17	Sept. 19	Sept. 19	Sept. 23	Sept. 24	Oct. 8	Oct. 9	Oct. 19	Oct. 20	Oct. 26	Oct. 27	Oct. 30	Oct. 31	November 9
Oct. 15	Oct. 17	Oct. 17	Oct. 19	Oct. 19	Oct. 23	Oct. 24	Nov. 7	Nov. 8	Nov. 18	Nov. 19	Nov. 25	Nov. 26	Nov. 29	Nov. 30	December 9
Nov. 15	Nov. 17	Nov. 17	Nov. 19	Nov. 19	Nov. 23	Nov. 24	Dec. 8	Dec. 9	Dec. 19	Dec. 20	Dec. 26	Dec. 27	Dec. 30	Dec. 31	January 9
Dec. 15	Dec. 17	Dec. 17	Dec. 19	Dec. 19	Dec. 23	Dec. 24	Jan. 7	Jan. 8	Jan. 18	Jan. 19	Jan. 25	Jan. 26	Jan. 30	Jan. 31	February 9

October 11, 1858.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION.

(DESPATCHES RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 27 January, 1859.

No. 1

MR. ELLIOT to SIR C. E. TREVELYAN.

Downing-street,
9 November, 1858.

SIR,

With reference to your letter of the 16th ultimo, I am directed by Secretary Sir E. B. Lytton to transmit to you, to be laid before the Lords Commissioners of the Treasury, the copy of a Despatch from the Governor of New South Wales forwarding a series of Resolutions adopted by the Legislative Assembly of the Colony with regard to Postal Communication between this country and Australia. I am also to annex a copy of the answer which Sir E. B. Lytton has returned to the Governor.

No. 115, 10 Aug.,
1858.

C. O., No. 40,
9 Nov., 1858.

I am, &c.,

SIR C. E. TREVELYAN, K.C.B.,
&c., &c., &c.

T. F. ELLIOT.

No. 2.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

(No. 40.)

Downing-street,
9 November, 1858.

SIR,

I have to acknowledge the receipt of your Despatch, No. 115, of the 10th August, forwarding some Resolutions adopted by the Legislative Assembly of New South Wales with reference to Steam Communication, *via* India, between this country and Australia.

On this subject you will have learned by my Circular Despatch of the 16th ultimo that, previous to the receipt of the present intelligence, measures had already been completed, in compliance with what was understood to be the general wish of all concerned in the welfare of the Australian Colonies, for securing a speedy and regular communication with those important parts of the British dominions; I hope, therefore, that on seeing the endeavour which has been made in that arrangement for promoting the general interests of the Australian Colonies, the Legislative Assembly will see reason to believe that Her Majesty's Government have made the best provision in their power for an object which can only be accomplished by mutual forbearance and concession on the part of the various colonies concerned.

I have, &c.,

GOVERNOR SIR W. DENISON, K.C.B.,
&c., &c., &c.,
New South Wales.

E. B. LYTTON.

No. 3.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

Downing-street,

16 November, 1858.

SIR,

15 Nov., 1858.

With reference to your Despatch, No. 115, of the 10th August last, and to my reply of the 9th instant, I transmit to you a copy of a letter from the Treasury, written especially with reference to that Despatch, but bearing upon the whole question of the contracts for the performance of the Australian Mail Service both by Suez and by Panama. You will perceive that the Lords Commissioners of the Treasury have decided to abstain from entering upon any further arrangements, and especially with reference to the establishment of a second line *via* Panama, until Her Majesty's Government shall have been informed distinctly of the feelings of the different colonies as to the practicability and eligibility of that route for the performance of a service alternating and harmonizing with that *via* Suez, and until they shall also have received a distinct statement of the amount which each colony would be willing to contribute in aid thereof, and for what period.

16 Nov., 1858.

I also enclose a further letter from the Treasury in connexion with the subject of the contract recently entered into, and I have to request that you will attend to their Lordships' wishes on certain points of detail as expressed in that letter, and in their Lordships' Minute.

I have, &c.,

E. B. LYTTON.

GOVERNOR SIR WILLIAM DENISON, K.C.B.,

&c., &c., &c.

No. 4.

MR HAMILTON to MR. MERIVALE.

(Immediate.)

Treasury Chambers,

15 November, 1858.

SIR,

I have laid before the Lords Commissioners of Her Majesty's Treasury your letter of the 9th instant, transmitting a copy of a Despatch from the Governor of New South Wales, and of its enclosures, together with a copy of the answer returned to the Governor by Secretary Sir E. B. Lytton, on the subject of Postal Communication between this country and Australia, and I am desired by their Lordships to state, for the information of Sir E. B. Lytton, that they utterly concur in the observations contained in his Despatch.

It will be impossible, My Lords apprehend, to arrive at the establishment of an efficient service suitable to the wishes and interests of the various Australian Colonies, unless some general plan of action can be adopted with the acquiescence of all parties, and with the mutual forbearance and concession so judiciously urged by the Secretary of State.

Considering that this country represents the largest individual interest in the promotion of the undertaking, and offers more available means for establishing a service than the Colonies, Her Majesty's Government willingly consented to use their endeavours with a view of making such arrangements as, upon mature deliberation, would appear to be most beneficial both to Great Britain and to Australia.

The sudden failure of the late contractors placed Her Majesty's Government in a very difficult position; they felt it was necessary to take prompt measures to prevent the interruption of the communication; they have now succeeded, relying upon the co-operation of the Colonies in establishing what they have no doubt will prove a regular and efficient service by Suez. They are willing to consider the subject of second service by Panama, and they would regret if a want of co-operation upon the part of the Colonies were to disturb the uniformity of those arrangements, and render their efforts nugatory.

In reference to the establishment of the second route *via* Panama, My Lords have observed with satisfaction that the subject is now engaging the attention of the Colonies, as their desire to see this line of communication opened up, in conformity with the intimation conveyed in the notice appended to the advertisement for the service *via* Suez, continues unabated.

At

At the same time, My Lords cannot but feel that the amount of subsidy requisite for this service must of necessity be very large; and that however desirous they may be to see it established, there are limits beyond which it would not be justifiable to go in the contribution to be made by the Imperial Government.

My Lords are desirous, therefore, of eliciting from all the Colonies an express opinion as to the practicability and eligibility of this route for the performance of a service alternating and harmonizing with that *via* Suez; and also a distinct statement of the amount of subsidy which each Government would be willing to contribute in aid thereof, and for what period.

One of the Resolutions (No. 5) of the Legislative Assembly at New South Wales, enclosed in Sir William Denison's Despatch, states, with reference to subsidizing a line *via* Panama,—“the question of cost is not the first for consideration.”

Should the other Colonies be inclined to consider the question in the same liberal spirit, strong grounds would be afforded for ascertaining by tender in this country the cost at which the service could be obtained, and for establishing it, if the terms should appear reasonable.

At the same time, My Lords are unable to agree with the opinion expressed in the second Resolution of the Legislative Assembly of New South Wales,—“that any new arrangement for the performance of the Mail Service by the India route, though it ensured postal regularity and speed, would confer no other considerable benefit on New South Wales;” nor can they believe that the Colony will hesitate to contribute its fair proportion to any service which offers the advantages of regular and prompt communication with the Mother Country.

My Lords presume, therefore, that the subsidy which the Colony of New South Wales express themselves ready to contribute towards a line *via* Panama will be independent of and in addition to that for the Suez service.

With regard to the opinion which prevails in this country, as to the necessity for the adoption of the Panama line, My Lords think it right to mention that the Postmaster General has expressed a strong opinion, that so far as postal considerations are concerned the second service is not at present required.

A plan has been suggested in reference to the Suez route, on the principle of the Colonies, by their joint action, arranging for the service from Australia to some intermediate point between this country and these Colonies, and although it has not been thought advisable to adopt this principle under the new arrangements, My Lords would not be unwilling to consider any suggestions of a similar nature in reference to the contemplated service by way of Panama.

With these remarks My Lords, being satisfied that no interruption is likely to occur in the present monthly communication, leave the question of the second service until they shall have received answers from the Colonies upon the points above-mentioned.

Should the opinion thus expressed be sufficiently satisfactory and unanimous, My Lords will at once apply themselves to consider the best means of carrying out the wishes of the Colonies, upon the most favorable terms they may be able to obtain.

H. MERIVALE, ESQ.,
&c., &c., &c.

I am, &c.,
GEO. A. HAMILTON.

No. 5.

SIR C. E. TREVELYAN to MR. MERIVALE.

Treasury Chambers,
16 November, 1853.

SIR,

I am desired by the Lords Commissioners of Her Majesty's Treasury to transmit, for the information of Secretary Sir E. B. Lytton, the enclosed copy of their Lordships' Minute of this day's date, and of the enclosures referred to therein, on the subject of the expenditure with respect to the Postal Communication between this country and the Australian Colonies; and I am to request that you will move the Secretary of State to cause the same to be communicated to the Australian Colonies without delay.

As

As regards the mode in which the payments are to be made by the Colonial Governments for the Mail Service, I am to state, that they should be instructed to cause the amounts to be paid into the Treasury Chests in charge of the Commissariat Officers at the different stations, to whom the necessary instructions will be issued to receive the same.

I am, &c.,

H. MERIVALE, ESQ.,
&c., &c., &c.

C. E. TREVELYAN.

[Enclosure in No. 5.]

Copy Treasury Minute. Dated 15 November, 1858.

My Lords advert to the Minute of the late Board of Treasury, dated 27th November, 1855, respecting the establishment of Postal Communication between Great Britain and the Australian Colonies, in which the principle is laid down that the subsidy payable to the Contractors for the performance of the service shall be contributed in equal moieties between the Imperial Government on the one hand, and the Colonies collectively on the other hand, and that as between the Colonies themselves, the payment of each shall be in relative proportion to the number of letters received and dispatched on account of each, such proportion to be ascertained and adjusted in every three years. And it was further proposed that the Home Government should, in the first instance, defray the entire cost of the service, and should be reimbursed by the Colonies to the extent of one-half. These arrangements received, eventually, the acquiescence of the Colonies.

Since the 1st January, 1857, a service established on this principle has been performed between this country and Australia, and the subsidy has been entirely advanced by Her Majesty's Government, but no adjustment has yet been made, nor has any contribution been received from the Colonies.

Statements have now been furnished by the Admiralty and by the Postmaster General shewing the sums which have been paid on account of the Australian Mail Service from its commencement by the European and Australian Company up to the 30th September last, after deducting all penalties incurred, and also of the number of letters conveyed between Great Britain and the Colonies during the year 1857.

My Lords have also before them calculations apportioning to the different Colonies the payments due by them for past services, those which will be due, and for which they may be liable up to the time of the commencement of the new service, and, finally, the amount which will have to be contributed by each under the contract of the Peninsular and Oriental Steam Navigation Company. This calculation is based upon the principle laid down in the Minute of November, 1855, the relative proportions being fixed by reference to the correspondence attributed to each Colony in the return of the Postmaster General.

It appears to my Lords advisable to adjust the accounts between Her Majesty's Government and the Colonies without delay in accordance with the above calculation, upon the understanding that a re-adjustment shall take place in a similar manner at the expiration of three years, or sooner if there shall appear sufficient reason.

COLONIES.	Receipt of Letters for each Colony.	Per Centage for each Colony.	1.		2.		* 3.	4.	5.
			Amount due between 1 Jan., '57 and 30 June, '58, being Half-cost.	Amount due from 1 July, to 30 Sept., 1858, being Half-cost.	Liability from 1 October, to 1 March, calculated at same rate.	Half guarantee of £6,000 per month against loss, from 1 July, '58, to 1 March, '59, as per Minute of 23rd June, 1858.	Future Liability; half of Subsidy under new Contract, being half of £180,000.		
Victoria	798,000	58,333	60,544 0 2	13,489 10 2	22,482 10 3	1,750 0 0	52,490 14 0		
New South Wales	311,400	22,763	23,625 18 2	5,263 18 10	8,773 4 10	682 17 9	20,485 11 0		
South Australia	90,100	7,266	7,511 8 10	1,680 5 3	2,809 8 9	217 19 7	6,539 8 0		
New-Zealand	77,900	5,694	5,909 17 0	1,316 14 9	2,154 11 3	170 16 4	5,124 12 0		
Tasmania	68,900	5,037	5,227 18 10	1,164 16 2	1,911 6 11	161 2 2	4,533 6 0		
West Australia	12,400	907	941 7 8	209 14 10	340 11 4	27 4 1	816 6 0		
	1,368,000	100,000	103,790 16 8	23,125 0 0	38,541 13 4	3,000 0 0	90,000 0 0		

* N.B.—The new service comes into operation in February, 1859, by the dispatch of the first vessel from Sydney; and payment will be made to the Royal Mail Company to 1 March, 1859, as their last vessel will leave England in February.
Nos. 3 & 4.—The accounts under these heads have not yet been adjusted.

STEAM POSTAL COMMUNICATION.

5

A STATEMENT shewing the number of Letters conveyed by the Australian Packets between this Country and Australia, in the year 1857.

	LETTERS	LETTERS
	OUTWARDS.	INWARDS.
Victoria	399,145	398,946
New South Wales	159,522	151,912
South Australia	63,250	36,167
New Zealand	45,109	32,781
Tasmania	31,979	37,818
Western Australia	7,049	5,423
TOTAL	705,164	663,047

29 July, 1858.

FRANK JAMES SCUDAMORE.

Admiralty,
13 November, 1858. }

A STATEMENT of the Amounts actually paid for the Australian Mail Service from the commencement of the Contract with the European and Australian Royal Mail Company to the present time.

Payments made to the European and Australian Royal Mail Company (under Contract, dated 14th October, 1856.)

Annual Amount of Contract.	Due between 1 Jan., 1857, and 30 June, 1858.	Penalties Deducted. Less Premium.	Amount actually paid.	REMARKS.
£ s. d. 185,000 0 0	£ s. d. 262,083 6 8	£ s. d. 54,501 13 4	£ s. d. 207,081 13 4	The first Outward Mail was that of February, 1857; and the first Homeward that of January, 1857. Homeward Mail for August, 1857, omitted. Proportionate deduction for one voyage, viz., £7,708 6s. 8d made.
	(After deducting for two Mails not dispatched:— £15,416 13s. 4d.)	Paid to Moss & Co. for conveyance of May, 1857, Homeward Mail from Malta to Liverpool, per "Seaman-der"	500 0 0	
			207,581 13 4	

Payments made to the Royal Mail Steam Packet Company (under Contract, dated 14th October, 1856.)

Annual Amount of Contract.	Due between 1 July and 30 Sept., 1858.	Penalties Deducted.	Amount actually paid.	REMARKS.
£ s. d. 185,000 0 0	£ s. d. 46,250 0 0	£ s. d.	£ s. d. 46,250 0 0	If any claim under the Guarantee, the loss to be ascertained by investigation of the Company's Books.
(With a Guarantee to the extent of £5,000 per month in addition, to guard the Company against loss.)				

R. M. BROMLEY,
Accountant General to the Navy.

1858--9.

NEW SOUTH WALES.

STEAM POSTAL COMMUNICATION.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 1 February, 1859.

SCHEDULE.

NO.	PAGE.
1. Letter from the Colonial Secretary at Auckland, New Zealand, to the Colonial Secretary of New South Wales, on the subject of some plan for ensuring speedy and regular Steam Communication, in reply to a letter of the 27th of February, 1858. 7 April, 1858	2
2. Letter from ditto to ditto, in reply to one enclosing a copy of a communication to Mr. Wetton. 16 April, 1858	3
3. Colonial Secretary at Sydney, to the Chief Secretary of Victoria, respecting arrangements suggested by New South Wales for future Steam Postal Services. 31 August, 1858..	3
4. Same to same, enclosing copies of Resolutions of the Legislative Assembly of New South Wales on the same subject. 10 September, 1858	4
5. Same to Colonial Secretary of Tasmania, on the subject of Steam Postal Service. 11 September, 1858	5
6. Same to Chief Secretary of South Australia. 11 September, 1858	5
7. Same to Colonial Secretary of New Zealand. 17 September, 1858	5
8. Chief Secretary of South Australia to the Colonial Secretary of New South Wales, enclosing copy of Resolution of the Legislative Council of South Australia on the subject of Steam Postal Service. 11 October, 1858	6
9. Same to the same, in reply to the letter of the 11th of September, 1858, No. 6. 11 October, 1858	7
10. Colonial Secretary, New Zealand, to Colonial Secretary of New South Wales, in reply to the letter of 17 September, 1858, No. 7. 1 November, 1858	9

STEAM POSTAL COMMUNICATION.

No. 1.

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

New Zealand,

Colonial Secretary's Office,

Auckland, 7 April, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 12, of the 27th of February last, respecting the irregular manner in which the Mail Service between England and the Australian Colonies has been performed by the European and Australian Royal Mail Company, in which you state that the subject of that Steam Postal Service is under the serious consideration of the Government of New South Wales, and invite suggestions from this Government, with a view to the proposal of some plan by which a speedy and regular communication may be secured.

In reply, I have the honor to inform you that this Government is deeply sensible of the irregularities alluded to by you, and will willingly join in the remonstrance which you state is to be made to the Imperial Government on the subject.

While, however, New Zealand shares in the general sources of complaint to which you allude, it has a further special right to protest, on the grounds that the Suez Steam Service has never been continued to New Zealand, in accordance with the conditions of the original Treasury Minute of November, 1855; had that condition not been a part of the proposed arrangement, New Zealand could not have been invited or expected to contribute to a service which, in so far as it has yet been carried out, has rather confused and delayed than facilitated its correspondence with Great Britain.

It was this consideration which led to the proposal for establishing the Panama Line being so favorably received, and should the latter line not be established, at least for the present, the assent of this Colony to any new Contract for a Mail Service, *via* Suez, can only be secured on the condition that a Branch Service to New Zealand from Sydney or Melbourne in connection with such service be made part of the new Contract.

In the event of a new Contract being entered into for the conveyance of the Mails *via* Suez, I would suggest that a change of steamers should take place at Point de Galle. Not only would this insure that time was afforded on each voyage for a due inspection of the vessels, the want of which is likely to lead to constantly recurring defects in the machinery, but it would afford a direct means of communication between India and the Australian Colonies, which could not fail to be advantageous to the latter.

I beg to express my thanks for the desire evinced by the Government of New South Wales to co-operate in an united endeavour to obtain a measure mutually advantageous to the Australian Colonies, and to assure you that this Government will at all times be ready, in this or any other matter, to act with a regard for the common interests of their fellow-colonists in this part of Her Majesty's dominions.

I have, &c.,

E. W. STAFFORD.

THE HONORABLE

THE COLONIAL SECRETARY,
New South Wales.

No. 2.

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

New Zealand.

Colonial Secretary's Office,

Auckland, 16 April, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 19, of the 15th ultimo, enclosing copy of a letter addressed by the Government of New South Wales to Mr. Watton, respecting the Conveyance of Mails between England and Australia, *via* Panama, and to convey to you my thanks for the same.

I have, &c.,

E. W. STAFFORD.

THE HONORABLE

THE COLONIAL SECRETARY,

Sydney, New South Wales.

No. 3.

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

Colonial Secretary's Office,

Sydney, New South Wales,

31 August, 1858.

SIR,

With reference to my letter of the 27th of February last, on the subject of the Steam Postal Service between the United Kingdom and the Australasian Colonies, I have now the honor to transmit for your information, copies of the Minutes of the Proceedings of the Executive Council of this Colony, in consequence of an Address presented to His Excellency the Governor General by the Legislative Assembly on the 6th instant; and of the receipt of intelligence which has, no doubt, also reached Victoria, that the present Contract with the "European and Australian Royal Mail Company" has been dissolved; and that a temporary arrangement only, has been made for carrying on the Australasian Mail Service which will not extend beyond the end of 1858.

Laid before
the Assembly
27th August,
1858.

2. It seems to be generally admitted, that the object of a frequent and regular communication between these Colonies and all the civilized parts of the Globe, would be best attained by maintaining a line to Ceylon, and from thence to England and India, on the one hand; and to Panama, and from thence to England and North and South America, on the other. This result might, it is conceived, be secured by an arrangement between the Imperial Government and the Australasian Colonies; the former, in consideration of the receipt of the postage paid in England, engaging to deliver their letters at Point de Galle on the first line, and at Panama on the second line; the latter undertaking 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 in proportion to the number of letters sent from each.

3. In order, however, to avoid the difficulties arising, or likely to arise, from having too many parties to the contract, it seems desirable 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 Australasian Colonies in proportion to the number of letters despatched from each, as before mentioned; and I have accordingly to request, that you will favor me by stating the views of the Government of Victoria on the subject, and whether that Colony will be prepared to undertake to carry out the arrangement for the line to Ceylon. It will be observed, that in both cases it is proposed that a Postal Service only should be provided for, as it is considered that should the passenger and goods traffic be likely to prove remunerative the Contractors will make the necessary arrangements for its accommodation.

4. In the event of the contemplated measures being carried out, the Colonies of Victoria and New South Wales would, of course, have to arrange with those adjoining for the branch services to each, as was suggested when a contract for the conveyance of the mails by way of Panama, was formerly under consideration.

5. This Government has already adopted steps towards giving effect to the arrangements which have been recommended with a view to the establishment of a service by way of

of

of Panama, by inviting the Legislative Assembly to make provision, by appropriating the necessary funds for the purpose, for a period of seven or ten years, and further measures will be taken, without delay, in accordance with the opinions expressed in the documents now transmitted.

6. In one of these documents, the Minute of the Executive Council of the 16th of August, 1858, you will perceive it stated that the Government of New South Wales never contemplated the establishment of a separate and distinct line all the way from England to Australia; and, in a communication which has been addressed by the Governor General to the Secretary of State, His Excellency has urged upon the attention of Her Majesty's Government the principle which has been affirmed by a Resolution of the Legislative Assembly, "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."

I have, &c.,

CHARLES COWPER.

THE HONORABLE
THE CHIEF SECRETARY
OF VICTORIA.

No. 4.

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

*Colonial Secretary's Office,
Sydney, New South Wales,*

10 September, 1858.

SIR,

With reference to my letter of the 31st ultimo, on the subject of a Steam Postal Service between the United Kingdom and the Australian Colonies, I have now the honor to enclose, for the information of the Government of Victoria, copies of the Resolutions upon the same question which have since been adopted by the Legislative Assembly.

2. These Resolutions indicate fully the course which it seems to this Government desirable should be followed, for providing effectually for these Postal Services.

I have, &c.,

CHARLES COWPER.

THE HONORABLE
THE CHIEF SECRETARY OF VICTORIA.

[Enclosure in No. 4.]

RESOLUTIONS of the Legislative Assembly, on the 8th of September, 1858, respecting Steam Postal Communication.

- (1.) That a sum not exceeding £50,000 per annum be appropriated for ten years towards defraying the cost of establishing Steam Postal Communication, monthly, between Sydney and Panama, under a Contract to be entered into by the Imperial Government and the Government of New South Wales, with parties willing and competent to undertake the service.
- (2.) That application be made to the Imperial Government to authorize the conveyance of the Mails for the Australasian Colonies, under the Contract already entered into for Steam Postal Communication between London and Aspinwall.
- (3.) That the Imperial Government be also requested to take the necessary steps for securing the conveyance of the Australian Mails, by the Railway, from Aspinwall to Panama.
- (4.) That the Colonies of Victoria, Tasmania, South Australia, and New Zealand, be also requested to co-operate with the Government of New South Wales, in undertaking to pay an equitable contribution for the advantages which may be afforded to them respectively by the establishment of such means of communication.
- (5.) That the Government of Victoria be invited to contract in a similar way for the establishment of a monthly Steam Postal Communication between Melbourne and Suez or Point de Galle.
- (6.) That in the event of Victoria co-operating with New South Wales in defraying the cost of the Mail Contract *via* Panama, this Colony ought to co-operate with the Government of Victoria in paying an equitable amount for the conveyance of letters by the Point de Galle route.
- (7.) That the expense which may be incurred in establishing either or both of these Postal Services should be borne in equal proportions by the Imperial Government and the Australian Colonies.
- (8.) That letters brought by either the Panama or Galle mail routes be conveyed by each Colony for which they are directed by such arrangement as may be respectively determined.

No. 5.

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

*Colonial Secretary's Office,
Sydney, New South Wales,
11 September, 1858.*

SIR,

With reference to my letter of the 27th of February last, on the subject of Steam Postal Service between the United Kingdom and the Australasian Colonies, and to a communication of the 15th March from the Colonial Treasurer of Tasmania, I have now the honor to transmit, for your information, copies of the Minutes of the Proceedings of the Executive Council of this Colony in consequence of an Address presented to the Governor General by the Legislative Assembly on the 6th ultimo, and of the receipt of intelligence that the present Contract with the European and Australian Royal Mail Company has been dissolved, and that a temporary arrangement only has been made for carrying on the Australasian Mail Service, which will not extend beyond the end of 1858; and I also enclose copies of Resolutions which have since been adopted by the Assembly, which indicate fully the arrangements by which it seems to this Government that future Postal Service may be most effectually provided for.

2. It will be observed that it is proposed that there should be two lines of communication, one by way of Panama, and the other by Ceylon, the cost of the former being defrayed by New South Wales, and the latter by Victoria, in concert, in both cases, with the Imperial Government, but that the adjoining Colonies should be invited to co-operate by undertaking to pay an equitable contribution, calculated on the principle laid down in the Minutes of the Executive Council, for the advantages which they will derive from the Contracts which may be entered into.

3. I have, therefore, the honor to request that you will favor me by stating how far the Government of Tasmania will be prepared to co-operate with New South Wales in the establishment, in the manner proposed, of a Postal Service by way of Panama.

4. I have addressed a communication to the Government of Victoria, on the general question discussed in the accompanying papers, as well as with respect to the arrangements for the establishment of the line by way of Ceylon, which it has been suggested should be arranged by that Colony and the Imperial Government.

I have, &c.,
CHARLES COWPER.

THE HONORABLE
THE COLONIAL SECRETARY,
Tasmania.

No. 6.

[Similar letter addressed to the Honorable the Chief Secretary, South Australia, dated 11th September, 1858, with following alteration, "and to your communication of "15th March."]

No. 7.

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

*Colonial Secretary's Office,
Sydney, New South Wales,
17 September, 1858.*

SIR,

With reference to my letter of the 27th February last, and also to your communication of the 7th of April, respecting the Steam Postal Service between the United Kingdom and the Australasian Colonies, I have now the honor to transmit, for your information, copies of the Minutes of the Proceedings of the Executive Council of this Colony, in consequence of an Address presented to the Governor General by the Legislative Assembly, on the 6th ultimo, on the subject, and also of the Resolutions which have since

been adopted by the Assembly, which indicate fully the arrangements by which it seems to this Government that the future conveyance of the Mails may be most effectually provided for.

2. It will be observed that it is proposed that there should be two lines of communication, and that for one of these, namely, that by way of Panama, the Contract should be made by the Imperial Government and the Government of New South Wales, and that the other, by Suez and Point de Galle, should be arranged for in a similar way by the Imperial Government and the Government of Victoria; the adjoining Colonies being requested to contribute towards the establishment of these lines in return for the advantages which may be offered to them respectively.

3. As the Colony of New Zealand will largely participate in the benefits which may be expected to be derived from the establishment of a Steam Postal Service by way of Panama, the Government of New South Wales confidently anticipates the co-operation of your Government in the arrangement; and I have, therefore, to request that you will favor me by stating whether New Zealand would be prepared to contribute towards carrying it into effect, in the same manner as was intended when a similar service was formerly proposed.

4. I have forwarded to Victoria, and the other adjoining Colonies, copies of the papers now enclosed, for their information; and invited them, at the same time, to unite with New South Wales in this effort to obtain Steam Postal Communication between the United Kingdom and the Australasian Colonies by way of Panama.

I have, &c.,

CHARLES COWPER.

THE HONORABLE

THE COLONIAL SECRETARY,
Auckland, New Zealand.

No. 8.

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

South Australia,

Chief Secretary's Office,

Adelaide, 11 October, 1858.

SIR,

I have the honor, by instructions of Sir Richard Graves MacDonnell, to forward, for the information of Sir Wm. Denison, copy of a Resolution of the Legislative Council of South Australia on the subject of a combined action on the part of the Australian Colonies with the Home Government for the establishment of a Monthly Postal Service between Great Britain and Australia,—calling off Port Adelaide each way; and I have to request that you will favor me by stating whether the Government of New South Wales is prepared to co-operate in carrying such an arrangement into effect.

I have, &c.,

W. YOUNGHUSBAND,

Chief Secretary.

THE HONORABLE

THE COLONIAL SECRETARY,
New South Wales.

[Enclosure in No. 8.]

“ That it is the opinion of this Council that, in consequence of the failure of the contract entered into by the British Government with the European and Australian Mail Company for the conveyance of the Australian Mails, it is desirable that the Colonies of New South Wales, Victoria, Tasmania, and South Australia, should unite in recommending to the Home Government that an arrangement be entered into for the conveyance of a monthly mail to and from Great Britain and Australia, calling off Port Adelaide each way; and that an Address be presented to His Excellency the Governor-in-Chief, requesting him to communicate with the Governments of the aforesaid Colonies, with the view of ascertaining how far they may be disposed to join in such a measure; and, also, that he will take whatever other steps may be found advisable for perfecting this important matter.”

No. 9.

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

South Australia,
Chief Secretary's Office,
Adelaide, 11 October, 1858.

SIR,

By instruction from Sir R. G. MacDonnell, I have the honor to acknowledge the receipt of your communication, dated 11th September last, with its various enclosures indicating the arrangements by which it seems to the Government of New South Wales that the future Postal Service with England may be most effectually provided for. This Despatch, together with the documents enclosed, have received the careful consideration of this Government, and I have to state, that, whilst the advantages which would accrue to South Australia from a Postal Service to England *via* Sydney and Panama appear to be of too doubtful and contingent a character to warrant this Colony, at the present moment, in contributing any direct subsidy towards such a scheme, yet, that the postage on letters between South Australia and England by that route might, to a certain extent, assist in reimbursing the Government of New South Wales for the outlay incurred, and that this Government would be glad, in the event of the Panama line being established, to enter into an arrangement by which the amount of such Postages would be collected in the Colony for the benefit of New South Wales.

In order that you may the more fully comprehend the views entertained by the Government of South Australia on the subject of Postal Communication with Great Britain, I transmit herewith a copy of a Despatch addressed to the Secretary of State by the Governor-in-Chief, and another by myself to the Directors of the Peninsular and Oriental Steam Navigation Company, shewing the desire of this Colony to combine with the other Australian Colonies in a joint contract for the performance of the Postal Service, provided the steamers call off Port Adelaide both in their outward and homeward voyage.

Should this proposition, however, not meet with the concurrence and support of the other Colonial Governments, I have good reason for supposing that the Legislature of South Australia would be prepared to vote a sum sufficiently large, when supplemented by the Imperial Government to secure a line of communication direct between Adelaide and Great Britain, in connection with any of the terminal points fixed under existing contracts held by the Peninsular and Oriental Steam Navigation Company, either Galle, Singapore, or Mauritius, as might be found most expedient and economical.

I have, &c.,

W. YOUNHUSBAND,
Chief Secretary.

THE HONORABLE
THE COLONIAL SECRETARY
New South Wales.

[Enclosure 1 in No. 9.]

Government House, Adelaide,
9 September, 1858.

Sir,

1. I wish to acknowledge, specially, receipt of your Circular Despatch of the 10th June, informing me of the dissolution of the Contract made by Her Majesty's Government with the European and Australian Royal Mail Company, and also of the intention of Her Majesty's Government to invite Tenders for a fresh Contract,—the conditions "modifying the terms in such particulars as experience may have shewn to be necessary."

2. I have laid that Despatch before my responsible advisers; and, whilst we regret the failure of the hopes expressed in Lord Stanley's Circular Despatch of the 13th March—that the measures then taken would ensure a greater degree of punctuality in the performance of the Mail Service—both I and my Ministry nevertheless feel assured that Her Majesty's Government is now in a better position to take effectual measures to prevent the recurrence of delays heretofore made the subject of such frequent complaints.

Vide Secretary of State to Governor. No. 46, 24 Nov., 1857.

Vide Governor to Secretary of State. No. 194, 10 Nov., 1857.

3. As Her Majesty's Government—in accordance with my Despatches 155, 156, and 157—have signified their assent to the proposal contained therein, that the homeward bound Mail Steamers should call at Kangaroo Island, on condition of this Colony passing an Act to contribute to the then existing contract,—and as that condition has been since fulfilled,—I presume that one of the stipulations in any fresh Contract will enforce the calling of the homeward bound steamers at some point in this Colony.

4. I would, however, suggest for the consideration of Her Majesty's Government:—
1st. Whether it be any longer desirable to ignore—even partially—the natural claims of this Colony, from its geographical position, to be visited as well by the outward as the homeward bound Mail Steamers.

2nd. I would further suggest that—as the telegraphic communication between Port Adelaide and Melbourne is now complete, and cannot be completed to Nepean Bay, except at great expense, and after considerable delay—it might be found more convenient, both on this account as well as for other reasons, that the Mail Steamers should call at the Light Ship off Port Adelaide, instead of at Nepean Bay.

5. I have not as yet communicated with the Governors of the other Australian Colonies, but it is my intention to do so; and I can scarcely imagine any serious objection being made to such an arrangement—at least *ad interim*—as it would enable the Melbourne community at once, and, ere long, that of Sydney also, to receive European news nearly fifty hours earlier than would otherwise be possible.

6. Meantime, as this Government wishes to repose, as far as possible, on the wisdom and efficacy of the arrangements which Her Majesty's Government may make, I have thought it desirable, on the eve of a fresh Contract being entered into, to draw your attention to the feasibility of inserting therein some such stipulations. It seem to me and my Ministry that they may, perhaps, be found to entail no additional, or, at least, very little additional expense or delay, and yet render justice to the position of this Colony, without inconveniencing others.

I have, &c.,

RICHARD GRAVES MACDONELL.

Governor.

The Right Honorable
Sir E. L. Bulwer, Bart.

[Enclosure 2 in No. 9.]

South Australia,

Chief Secretary's Office,

Adelaide, 5 October, 1858.

Sir,

I am directed by His Excellency Sir Richard Graves MacDonnell to request that the Directors of the Peninsular and Oriental Steam Navigation Company will furnish me with information on the following points:—

1st. In the event of South Australia not combining with the other Colonies in a Contract for conducting Steam Postal Communication with England, whether the Directors of the P. & O. Company would feel disposed to enter into arrangements with this Colony alone, for that object?

2nd. What would be the speediest and most economical route to connect South Australia with some terminal point of the existing lines of the P. & O. Company, more especially with that of the Mauritius?

3rd. The amount of subsidy which the P. & O. Company would require to induce them to undertake a service of this character;—such service to be performed by a class of vessels best adapted for the quick conveyance of Mails; the size and passenger accommodation of such vessels being left to their own consideration?

I have only further to add, that in case the other Colonies determine to ignore the geographical position of South Australia, and decline to become parties to a general Contract, by which the Postal Steamers would touch off Adelaide both on the outward and homeward voyage, I have reason to believe that the Legislature of this Colony would be prepared to vote a sum of money—by way of subsidy—sufficiently liberal, when assisted by the Imperial Government, to meet any fair and equitable requirements of the P. & O. Company for the establishment of a Mail Service between England and Adelaide, should it concur with their views and interest to entertain the project.

I have, &c.,

W. YOUNGHUSBAND,

Chief Secretary.

The Secretary to the
Peninsular and Oriental
Steam Navigation Company.

No. 10.

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

New Zealand.

Colonial Secretary's Office,

Auckland, 1 November, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of the 17th September last, transmitting copies of the Minutes of the Executive Council of New South Wales, and also of Resolutions which have since been adopted by the Assembly of that Colony, on the subject of the Steam Postal Service between the United Kingdom and the Australasian Colonies.

In reply, I have to inform you that the Government of New Zealand approves generally of the proposal conveyed in those papers, and will be happy to co-operate with the Australian Colonies in establishing efficient Steam Communication between Great Britain and Australasia.

I observe, however, with reference to the proposed line *via* Panama, that it is not stated whether it is intended that the steamers on that line should call, both going and returning, at New Zealand, as was contemplated when Mr. Wetton's offer was made and agreed to. This condition would be necessary, to enable New Zealand to receive an advantage from that route correspondent to the increased expenditure which it would entail. It is the more necessary that this should be stated, as the amount of a contribution from New Zealand to any new Postal Service, must of course depend on the advantages which it may receive.

With respect to the amount of the subsidy to be borne by Great Britain and the Australasian Colonies respectively, it would appear preferable that an equal share of the whole amount should be paid by the Imperial Government, on the one part, and by the Colonial Governments, on the other part, rather than that the former should pay for the Mails to Point-de-Galle and Panama only; as by the latter arrangement Great Britain would, from being able to avail itself of the vessels of the Panama, Oriental, and Royal Mail Companies, be required to provide a comparatively small portion of the whole cost of the proposed services, from which it must be expected to benefit to at least an equal extent as the Colonies concerned.

I have, &c.,

E. W. STAFFORD.

THE HONORABLE

THE COLONIAL SECRETARY,

Sydney, New South Wales.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

STEAM POSTAL SERVICE *viâ* PANAMA.

(INSTRUCTIONS TO E. C. MEREWETHER, ESQ. RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 12 January, 1859.

RETURN to an *Address* from the Honorable the Legislative Assembly of New South Wales to the Governor General, dated 7 January, 1859, praying that His Excellency would be pleased to cause to be laid upon the Table:—

“ Copy of all Instructions handed to Edward C. Merewether,
“ Esq., upon the subject of his mission to Europe on the business
“ of the proposed Postal Service between Australia and Great
“ Britain *viâ* Panama.”

(*Mr. Donaldson.*)

SCHEDULE.

No.		PAGE.
1.	Under Secretary to Edward C. Merewether, Esq., apprising him of his appointment as Agent from this Government, in negotiating for a Contract for a Steam Postal Service with the United Kingdom <i>viâ</i> Panama. 24 November, 1858	2
2.	Do. to do. instructions for his guidance in carrying out the duty entrusted to him. 10 December, 1858	3.

STEAM POSTAL SERVICE *via* PANAMA.

No. 1.

THE UNDER SECRETARY to EDWARD C. MEREWETHER, Esq.

No. 58-80.

Colonial Secretary's Office,

Sydney, 24 November, 1858.

SIR,

I am directed by the Colonial Secretary to inform you that it has been deemed expedient that an agent from this Government should proceed to England, and, under instructions to be given to him before leaving the Colony, to negotiate for, and assist in carrying out to a successful issue, a contract for a Steam Postal Service with the United Kingdom *via* Panama; and that as, from your position as Clerk of the Executive Council, you have had full opportunity of acquiring an intimate knowledge of the views of the Government upon this particular question, His Excellency the Governor General, with the advice of the Council, has been pleased to confer upon you the appointment of Agent.

2. You are aware that, acting upon the recommendation of the Council in their proceedings of the 23rd of August, of which I enclose a copy, the Governor General, by Message, invited the Legislative Assembly to appropriate towards the establishment of the the Panama route, a sum of £50,000 for any period not exceeding ten years. That Message was taken into consideration on the 8th September, and the Assembly passed a series of Resolutions adopting the proposal, and, in substance, affirming the views of the Council. A Bill was accordingly introduced by the Government to authorise the appropriation of the amount, and, having passed both Houses, has recently received the Royal Assent.

3. Under these circumstances it is considered desirable that prompt measures should be taken to secure the contemplated communication as speedily as possible; and it is with this view that the appointment of an Agent has been decided on. It is proposed that you should, upon your arrival in England, place yourself in communication with the proper authorities, and urge on, with all the ability and energy you can bring to bear upon the subject, the arrangement so earnestly desired by the Colonists of New South Wales. The Resolutions of the Assembly, a copy of which is appended hereto, will form the basis of the instructions to be given to you, and of the contract or arrangement; and it is proposed that a small number of Colonists, at present in London, who are known to be favorable to the Panama route, should be associated with you as a Committee for consultation, in order that you may refer to them for advice when in doubt or difficulty.

4. For performing this duty you will receive the following salary and allowances, to be charged against the special appropriation authorised by the Parliament for the Panama route, viz. :—

1st. Salary at the rate of £600 a-year during the whole period of employment upon the special service, which will be held to include one month beyond the time when the mission may be regarded as closed, as also the time occupied in the return voyage.

2nd. An allowance of two guineas a day, to commence upon arrival in England, and to cease upon the closing of the mission. Such allowance to cover all expenses, except those which may be distinctly incurred on behalf of the Government of New South Wales in carrying out the objects of the mission.

3rd. The cost of passage to and from England, as also that of any other voyage which may be undertaken in furtherance of the mission.

5. The Council have further desired it to be recorded, that in accepting the appointment of Agent you only temporarily vacate your office of Clerk of the Executive Council, and that it is clearly understood that you will be entitled to resume it upon your return to the Colony.

6. I am directed to add, that it is the opinion of the Government that your departure should not be delayed beyond the time at which the December mail should leave the Colony, and to request that you will prepare and submit, with as little delay as possible, a draft of the instructions with which you would, in your present knowledge of the views and wishes of the Government, desire to be furnished, in order to enable you fully to carry out these views.

I have, &c.,

EDWARD C. MEREWETHER, Esq.

W. ELYARD.

No.

No. 2.

THE UNDER SECRETARY to EDWARD C. MEREWETHER, Esq.

Colonial Secretary's Office,

Sydney, 10 December, 1858.

SIR,

Referring to my letter of the 24th ultimo, I am now directed to communicate the following instructions which have received the approval of His Excellency the Governor General and the Executive Council, and will, it is considered, suffice for your guidance in carrying out the duty which has been entrusted to you.

2. A passage having been provided for you in the Mail Steamer "Columbian," which is to sail on the 11th instant, you will proceed by that vessel in furtherance of the important object of your mission; and upon your arrival in London you will present the accompanying Despatch from His Excellency the Governor General to the Right Honorable the Secretary of State for the Colonies, accrediting you to Her Majesty's Government.

3. From the intelligence which has reached the Colony by the last mail, it seems not improbable you may find when you reach England that preliminary steps have been already taken for entering into a Contract for the Postal Service *via* Panama. A postscript to the Admiralty Notice, inviting tenders for the conveyance of Mails *via* Gibraltar and Suez, intimates that so soon as those arrangements were completed, it was the intention of the Government to call for tenders for a Monthly Steam Communication with Australia *via* Panama, in addition to the Service *via* Suez. It may, therefore, fairly be assumed from this notification, that one very important part of the duty which it was originally conceived would have devolved upon you has been already accomplished; and that Her Majesty's Government admit the desirableness, if not the necessity, of a Second Postal Route, and recognize the benefits, political and commercial, of frequent as well as regular Postal Communication between Great Britain and the Australian Colonies.

4. But although there appears reason to believe that Her Majesty's Government entertain these views, and are now prepared to take action to accomplish this great object, the anxiety which is felt to secure its attainment makes it of more importance than ever that an agent should be on the spot, in order that in making the Contract the interests of these Colonies, and especially of New South Wales, should be had in due regard.

5. His Excellency the Governor General has been compelled from time to time to make representations as to the inconvenience and loss which this Colony has suffered from the irregular and unsatisfactory performance of the Mail Service by the European and Australian Mail Company, and by the latest Mails has, in an especial manner, brought the subject still more forcibly under the notice of the Imperial authorities. You will, if necessary, reiterate the statements of these inconveniences and disadvantages, and urge the reasons which have induced the Government and the Legislature to press for the establishment of the Panama route; and in bringing under the notice of Her Majesty's Government the irregularity which has characterized the service under the recent contract, you will support your statements by Returns, with which you will be prepared, shewing the dates upon which the Mail Vessels should have arrived and departed, and the dates upon which they did actually arrive and depart.

6. Admitting, however, that much of this irregularity has arisen from causes which the Imperial Government could not control, it is obvious that the increasing wealth and importance of these Colonies demand a more frequent communication with Great Britain than can be afforded by one monthly service, however efficiently performed; and that the maintenance of a double line is absolutely essential, as a provision against the contingencies to which a single line will always be more or less exposed. The second monthly service should be so arranged as in practice to afford a fortnightly communication; and by adopting the Panama route, the same advantages with respect to arrival and departure would be extended to New Zealand and the Eastern Colonies as the Southern and Western Colonies will derive from the Suez route.

7. In your negotiations with the Imperial authorities, questions will probably arise which could not be foreseen or provided for; and you may feel it desirable to have the advantage of counsel and advice from those who, being interested in the welfare of these Colonies, and having already given to the question a large amount of consideration, are qualified to aid you in arriving at a correct decision as to the course you should take under such circumstances; and it has therefore been determined to nominate a certain number of gentlemen

gentlemen to act with you as a Committee of Advice. Mr. Edward Hamilton, the Governor of the Australian Agricultural Company, who is now in the Colony, but returns to England by the Mail Steamer, has already been requested to form one of such Committee, and has kindly consented to do so, and further, in the event of your death or incapacity to act, to assume the duties and position of Agent, under the same instructions as those furnished to you.

Robert Towns,
Donald Larnach,
G. A. Lloyd,
Esquires.

8. Relying also upon the readiness of the gentlemen named in the margin to give you the benefit of their experience, a communication will be made to them by the present mail inviting their co-operation with you as members of the Committee of Advice; and should they accede to the request, and accept seats in such Committee, you will consult with them, not only in cases of doubt or emergency, but in all matters connected with the object of your mission. You will, however, be at liberty to adopt or reject any advice tendered by the Committee, but in any case in which you see fit, in the exercise of this discretion, to depart, either wholly or in part, from the course recommended by them, you will be expected to render a full explanation and justification of the measures you may ultimately adopt.

9. You will keep full minutes of all your conferences with the Committee, and of all your proceedings generally in the matter of your mission,—copies of which you will transmit to this department as opportunities offer.

10. In the Minutes of the Executive Council on the 16th and 23rd August, the Resolutions of the Assembly on the 8th September, and the Act 22nd Victoria, No. 15, are contained the views of the Government; and it will be your duty to urge upon the Imperial authorities the various grounds which may be brought forward in support of those views; and you will distinctly understand that you are not to depart from the general principles contained in those documents without further communication with the Colony. You may also with propriety contrast the terms on which the Australian Colonies are seeking for increased facilities of postal communication, with the exclusive support by the Mother Country, of the postal services which have been for many years established with other British Colonies, and even with foreign countries, of comparatively small commercial importance.

11. Considering also that these Colonies will bear so large a portion of the annual expense, you will be entitled to ask for full information regarding the particulars of any proposed Contract, previously to its being entered into; and should it appear to you and the gentlemen acting with you, that any of the terms and conditions of such proposed Contract are objectionable, you will formally bring your objections under the consideration of Her Majesty's Government; and if not successful in obtaining the alterations you suggest, you will consider yourself authorised to enter a protest on behalf of the Colony.

12. The time fixed for commencing the Contract should be as early as possible; but you will not object to any moderate delay which may be found indispensable for securing the eventual efficiency of the service, and may prevent a recurrence of those irregularities which have characterized the late Postal Service.

13. With reference to the details of the Contract, it is not considered necessary or expedient to furnish you with specific instructions; but if, after consultation on these points with the gentlemen associated with you, it should appear desirable, you will prepare a Minute setting forth the terms and conditions which the experience derived from the failure of the Contract with the European and Australian Royal Mail Company shews to be essential, and submit the same to the proper authorities.

14. Should any question be raised as to the terms which may be demanded by New South Wales for the conveyance of the Mails of the adjoining Colonies, it may be answered that each Colony will be expected to contribute to the gross subsidy in proportion to the amount of correspondence. It is not anticipated that any difficulty will arise on this head. This Colony has not any exclusive views in desiring to get Steam Postal Communication by Panama, and is willing that each Colony shall participate upon equitable terms in the benefits of any arrangement that may be entered into.

15. In conclusion, I am directed to impress upon you the extreme importance of the negotiations confided to you, and to intimate to you that the Government trust you will allow no consideration whatever to divert your attention from it.

I have, &c.,

W. ELYARD.

EDWARD C. MEREWETHER, Esq.

1858.

Legislative Assembly,

NEW SOUTH WALES.

CIRCULAR QUAY.

(OCCUPATION OF A PORTION BY OCEAN STEAMERS.)

Ordered by the Legislative Assembly to be Printed, 14 December, 1858.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 5 November, 1858, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“Copics of all Correspondence which may have taken place
 “between this Government and the Agent or Representative of
 “the Peninsular and Oriental Steam Navigation Company, or
 “others, on the subject of the appropriation, made in 1853, of
 “a portion of the north-eastern extremity of the Circular Quay
 “to the use of Ocean Postal Steamers, and the recent resumption
 “of the same by the Government.”

(Mr. Donaldson.)

CIRCULAR QUAY.

J. S. SPARKES, ESQ., to THE COLONIAL SECRETARY.

*Peninsular and Oriental
Steam Navigation Company's Offices,
Sydney, 3 August, 1853.*

SIR,

I have the honor to submit to you that the dispatch at all times necessary for vessels carrying H. M. Mails renders it imperative that no time should be lost in getting them to some convenient wharf, in order to expedite the necessary repairs—to coal and refit them for the service upon which they are engaged.

From the great demand at present for wharfage in Sydney, I have found it impossible to secure such accommodation.

I would, therefore, respectfully request that I be permitted to take upon lease, for the use of the Peninsular and Oriental Steam Navigation Company's Steamers, upon such terms, and for such period, as the Government may be pleased to grant, a portion of the eastern side of the Circular Wharf beyond that already held by Messrs. Campbell & Co.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

J. S. SPARKES,
Superintendent.

MEMO. OF ACTING SURVEYOR GENERAL.

I enclose a tracing shewing the land alluded to. How far it may be proper, as regards the navigation, to appropriate this land for wharfage will be for the consideration of the Harbour Master.

The Military authorities may also have to be consulted, and then comes the question of expediency as regards the interests of the present Lessee of the Quay, and the right of public competition which the owners of private wharfs may contend for.

JOHN THOMPSON,

*Surveyor General's Office,
Sydney, 20 August, 1853.*

Acting Surveyor General.

J. S. SPARKES, ESQ., AND OTHERS, to THE COLONIAL SECRETARY.

*Peninsular and Oriental Steam Navigation Company,
Sydney, 23 August, 1853.*

SIR,

We, the undersigned, as Agents for the Steam Companies having Mails and Ocean Steamers visiting this Port, are desirous of the honor of a personal interview with you, in order to lay before you the great disadvantages under which we labor for the want of wharf accommodation in this Harbour.

We, therefore, respectfully request that you will be pleased to name such time as may be convenient to receive us.

We remain, &c.,

J. S. SPARKES,
Superintendent P. & O. Steam Co.

ALEXANDER CURRIE,
pro Australasian Pacific Mail Steam Packet Co.

DONALDSON & Co.,
Agents for the General Screw Steam Shipping Co.

CRAWLEY & SMITH,
Agents for the "Great Britain," and other Ocean
Steamers.

THE HONORABLE
THE COLONIAL SECRETARY.

CIRCULAR QUAY.

3

THE COLONIAL SECRETARY to J. S. SPARKES, ESQ.

*Colonial Secretary's Office,
Sydney, 25 August, 1853.*

SIR,

In acknowledging the receipt of your letter dated the 23rd instant, signed by yourself and other agents of Steam Navigation Companies having Mail and Ocean Steamers visiting the Port, requesting an interview, in order to lay before me the great disadvantage under which you labor for the want of wharf accommodation in the Harbour; I have the honor to inform you, that I shall be happy to receive you, and the other gentlemen who signed the letter, on Saturday morning next, the 27th instant, at 11 o'clock.

I have, &c.,

J. S. SPARKES, ESQ.,
Superintendent of the Peninsular
and Oriental Steam Company.

E. DEAS THOMSON.

J. S. SPARKES, ESQ., AND OTHERS, to THE COLONIAL SECRETARY.

Sydney, 29 August, 1853.

SIR,

Referring to the annexed plan, we have now the honor of transmitting to you a description of the frontage and land upon the Semi-Circular Quay which we are desirous of inducing the Government to reserve for the accommodation of Ocean Steamers, and more particularly for the use of those carrying Her Majesty's Mails; convenience for dispatch being in their case the more essential that they are bound by contract, and under penalty, to certain dates of arrival and departure.

The portion of land is that which is colored on the plan, and may be described thus:—Bounded on the north by a line from the north side of the boat wharf on the Naval Reserve, and extending easterly to a point eleven yards north of the north point of the existing fence; on the east by that fence, and a line continued to the west side of the Government Sheds, and on to the present boundary line of the Semi-Circular Quay; on the south by a line at right angles to the boundary of the Semi-Circular Quay, which would pass eighteen yards south of the north lamp post on the Semi-Circular Quay; and on the west by the Cove.

In submitting for your approval this description of the land, which, in our opinion, would be necessary, and at the same time sufficient for the objects that we have in view, we have the honor to request, that in the event of the Government acceding to our proposition, we may be informed upon what terms such grant or reservation will be made; that is to say, whether it will be permanent, or for a term of years; and whether it will be competent for those acting as agents for steam ships so to be accommodated, to quarry and blast rock, and make such alterations on the land reserved as may extend its conveniences, and improve its fitness, for the purposes contemplated.

Awaiting your reply,

We have, &c.,

J. S. SPARKES,
Superintendent P. & O. Co.

DONALDSON & CO.,
Agents for the G.S.S.S. Co.

ALEXR. CURRIE,
pro Australasian Pacific Mail Steam
Packet Co.

CRAWLEY & SMITH,
Agents S.S. "Great Britain," and other
Ocean Steamers.

THE HONORABLE
E. DEAS THOMSON,
Colonial Secretary.

PROCEEDINGS of the Executive Council on the 19th September, and 24th October, 1853, with reference to Wharfage Accommodation to Ocean Steamers visiting this Port.

Minute No. 53-46. Confirmed, 1 November, 1853.

His Excellency the Governor General lays before the Council a letter signed by the Agents, in the Colony, of the Peninsular and Oriental Steam Navigation Company; the Australian Pacific Mail Steam Navigation Packet Company; the General Screw Steam Shipping Company; and the "Great Britain" Steam Ship, in which a joint request is preferred that the eastern portion of Sydney Cove, from the north side of the boat harbour at Fort Macquarie to a point a little to the south of the northernmost lamp post on the Semi-Circular Quay, may be reserved for the exclusive accommodation of Ocean Steamers visiting this Port, and especially for those carrying Her Majesty's mails.

2. After some deliberation the Council defer the further consideration of this matter to a future day.

Extract from Minute No. 53-52. Dated 24 October, 1853.

The Council resume the consideration of the question of wharfage accommodation for Ocean Steamers, partially proceeded with on the 19th ultimo.

The Council conceive that a compliance with this request will tend materially to forward the public interests, and they therefore advise as follows:—

- (1.) That, in re-letting the Circular Wharf, the existing lease for which will expire with the current year, it should be a distinct condition of the lease that the portion thereof indicated on the sketch submitted by the applicants should be reserved by the lessee for the exclusive accommodation of Ocean Steamers, and that this reservation should be maintained in each succeeding lease of the Quay for the next ten years.
- (2.) That the portion of the eastern side of the Cove applied for which does not come within the defined limits of the Quay should be reserved, in the manner suggested, as a coaling depôt, and for otherwise accommodating the Ocean Steamers of the lines at present trading to this Colony, and any other steamers of that class which may hereafter visit this Colony.
- (3.) That the land so indicated may be occupied for these purposes by the agents of the several steam lines before named, and of any future lines for the space of ten years; the allotment of space intended for any particular line being nevertheless subject to the approval of the local Government.
- (4.) That the agents so occupying shall be at liberty to quarry stone from, and erect buildings on the land, provided that the quarrying be conducted, and the buildings erected in such situation as may be determined by the Colonial Architect, or other officer of the Government duly appointed in that behalf, and that all wharfage projections or other operations whatsoever effected by the occupants, shall be in strict accordance with the design of the Semi-Circular Quay, to be determined in any case by such officer of Government as aforesaid.
- (5.) The wharfage dues on landing goods, and tonnage dues, will be payable to the lessee of the Circular Wharf, in respect to the portion thereof exclusively reserved for the use of the Ocean Steamers.
- (6.) Irrespective of these dues, each of the parties representing the owners of the Ocean Steamers availing themselves of the accommodation of the coal depôt will be required to pay an annual rent of £100; but any sums laid out by them in the formation of the Quay, according to the approved plan, will be allowed as a set-off against the payment of such rent.
- (7.) No other vessels than the Ocean Steamers, and the colliers employed for their supply, are to be accommodated at any portion of the Circular Quay and coaling depôt set apart for this purpose.
- (8.) At the expiration of the term of ten years, compensation will be allowed for any buildings erected, the value of such buildings to be assessed by arbitrators (and an umpire, if necessary,) chosen in the usual way.

(9.)

- (9.) By "Ocean Steamer" is to be understood any steamer now or hereafter visiting this Colony from Great Britain or any Foreign Country, but not steamers engaged in inter-colonial trade.

MICHAEL FITZPATRICK,

Clerk of the Council.

*Executive Council Office,
Sydney, 28 October, 1853.
No. 53-270.*

THE COLONIAL SECRETARY to J. S. SPARKES, ESQ., AND OTHERS

Colonial Secretary's Office,

Sydney, 3 November, 1853.

GENTLEMEN,

I have the honor to inform you that the Governor General has laid before the Executive Council your letter of the 29th August last, requesting that the eastern portion of Sydney Cove, from the north side of the boat harbour at Fort Macquarie to a point a little to the south of the northernmost lamp-post on the Semi-Circular Quay,

2. I am further to inform you that the Council conceived that a compliance with your request would tend materially to forward the public interests, and with their advice His Excellency has been pleased to direct—

1. That in re-letting the Circular Wharf, the existing lease for which will expire with the current year, it shall be a distinct condition of the lease that the portion thereof indicated on the sketch submitted in your application shall be reserved by the lessee for the exclusive accommodation of Ocean Steamers, and that this reservation shall be maintained in each succeeding lease of the Circular Quay for the next ten years.
- (2.) That the portion of the eastern side of the Cove applied for which does not come within the defined limits of the Quay, be reserved in the manner suggested as a coaling depôt, and for otherwise accommodating the Ocean Steamers of the lines at present trading to this Colony, and any other steamers of that class which may hereafter visit this Colony.
- (3.) That the land so indicated may be occupied for these purposes by you as the agents for the several steam lines mentioned in your communication, and by the agents of any future lines, for the space of ten years,—the allotment of space intended for any particular line being nevertheless subject to the approval of the local Government.
- (4.) That the agents so occupying be at liberty to quarry stone from, and erect buildings on, the land, provided that the quarrying be conducted and the buildings erected in such situation as may be determined by the Colonial Architect, or other officer of the Government duly appointed in that behalf, and that all wharfage projections, or other operations whatsoever effected by the occupants, shall be in strict accordance with the design of the Semi-Circular Quay—to be determined in any case by such officer of Government as aforesaid.
- (5.) The wharfage dues on landing goods, and tonnage dues, will be payable to the Lessee of the Circular Wharf, in respect of the portion thereof exclusively reserved for the use of the Ocean Steamers.
- (6.) Irrespective of these dues, each of the parties representing the owners of the Ocean Steamers availing themselves of the accommodation of the coal depôt will be required to pay an annual rent of £100; but any sums laid out by them on the formation of the Quay, according to the approved plan, will be allowed as a set-off against the payment of such rent.
- (7.) No other vessels than the Ocean Steamers, and the colliers employed for their supply, are to be accommodated at any portion of the Circular Quay and coaling depôt set apart for this purpose.
- (8.) At the expiration of the term of ten years, compensation will be allowed for any buildings erected, the value of such buildings to be assessed by arbitrators (and an umpire, if necessary,) chosen in the usual way.

(9.) By "Ocean Steamers" to be understood any steamer now or hereafter visiting this Colony from Great Britain or any Foreign Country, but not engaged in inter-colonial trade.

I have, &c.,

E. DEAS THOMSON.

J. S. SPARKES, Esq.,
Superintendent of the Peninsular and Oriental
Steam Navigation Company.

MESSRS. DONALDSON & Co.,
Agents for General Screw Co.

ALEXANDER CURRIE, Esq.
Agent for the Australian Pacific Mail Steam
Navigation Co.

MESSRS. CRAWLEY, SMITH, & Co.,
Agents for the "Great Britain."

J. S. SPARKES, Esq., AND OTHERS, to THE COLONIAL SECRETARY.

Sydney, 20 December, 1853.

SIR,

Referring to your letter of the 8th ultimo, and to the subsequent interviews we have had with you on the subject thereof, we have now the honor to inform you, that we, the undersigned, will accept the accommodation proffered for our steamers, on the terms laid down in your letter, subject to certain modifications, which we proceed to suggest:—

First,—That His Excellency the Governor General's "first direction" should be altered by the substitution of "twenty-one years" instead of "ten years." Second,—That the same alteration be made in the "third direction." Third,—In reference to the "fifth direction," we presume that the landing and tonnage dues to be exacted from us are only such as are laid down in the Acts 8th Vict., 16, and 10th Vict. 11, empowering the Lessee of the Circular Quay to demand and receive tolls.

We shall be glad to have our portion of space allotted to us as soon as is convenient.

We beg, through you, to tender our thanks to the Executive Council for the readiness with which they have acceded to our proposals, and, further, to acknowledge the courtesy and consideration our suggestions have met from yourself.

We have, &c.,

J. S. SPARKES.
ALEXANDER CURRIE.
CRAWLEY & SMITH.

THE HONORABLE
THE COLONIAL SECRETARY.

PROCEEDINGS of the Executive Council on the 28th December, 1853, with respect to Wharfage Accommodation for Ocean Steamers.

Extract from Minute No. 53-61. Confirmed 3rd January, 1854.

* * * * *

2. The Council record their opinion that the advantages already offered to the proprietors of Ocean Steamers are very considerable, and they do not feel at liberty to recommend that they should be extended in the manner now requested.

3. In answer to their inquiry on this head, the Council advise that the applicants be informed that the landing and tonnage dues to be paid by them in respect of the portion of the Semi-Circular Quay reserved for their exclusive accommodation, are the ordinary dues, which the Lessee of the Quay is empowered by law to demand.

4. The Council further advise that the Acting Deputy Surveyor General be instructed to allot to each of these applicants a suitable portion of the coaling depôt at the eastern side of the Harbour, reserving, however, sufficient space to meet the probable requirements of the other Ocean Steamers which may be expected to arrive here.

MICHL. FITZPATRICK,
Clerk of the Council.

Executive Council Office,
Sydney, 4 January, 1854.
No. 54-2.

CIRCULAR QUAY.

7

THE COLONIAL SECRETARY to J. S. SPARKES, ESQ., AND OTHERS.

*Colonial Secretary's Office,
Sydney, 7 January, 1854.*

GENTLEMEN,

I have the honor to inform you, that the Governor General has laid before the Executive Council your letter of the 20th December last, proposing certain modifications in the terms on which it was stated in my communication of the 5th November last that a portion of the Circular Quay would be reserved for the use of Ocean Steamers visiting this Port.

2. The Council recorded their opinion, that the advantages already offered to the proprietors of Ocean Steamers are very considerable, and they did not feel at liberty to recommend that they should be extended in the manner requested by you.

3. In answer to your inquiry on the following head, the Council advised that you should be informed that the landing and tonnage dues to be paid by you in respect of the portion of the Semi-Circular Quay reserved for your exclusive accommodation, are the ordinary dues which the Lessee of the Quay is empowered by law to demand.

4. I am to add that, with the advice of the Council, the Acting Deputy Surveyor General has been instructed to allot to each of you a suitable portion of the coaling depôt, at the eastern side of the Harbour, reserving however sufficient space to meet the probable requirements of the other Ocean Steamers which may be expected to arrive here.

I have, &c.,

J. S. SPARKES, ESQ.,
ALEXANDER CURRIE, ESQ., and
MESSRS. CRAWLEY AND SMITH.

E. DEAS THOMSON.

J. S. SPARKES, ESQ., AND OTHERS, to THE COLONIAL SECRETARY.

*Peninsular and Oriental Steam Navigation Company's Offices,
508, George-street, Sydney,*

11 January, 1854.

SIR,

In reply to your favor of the 7th instant, we have the honor to inform you that we accept the terms offered by the Government in your communication dated the 8th November, 1853.

As the Deputy Surveyor General has been instructed to allot to each of us a suitable portion of the coaling depôt, at the eastern side of the Harbour, we will immediately wait on that gentleman, to enable him to carry out those instructions.

Understanding, Sir, that it is your intention, during the present month, to leave this Colony for England, we beg leave to tender you our sincere thanks for the courteous manner in which you have always received us, and for the kind assistance you have rendered us, in promoting, as far as you could, the interests of those companies we have the honor to represent.

Wishing you a safe and pleasant passage to England,

We have, &c.,

J. S. SPARKES,
P. & O. Company.

ALEXANDER CURRIE,
*pro Australasian Pacific Mail
Steam Packet Company.*

THE HONORABLE
THE COLONIAL SECRETARY.

CRAWLEY & SMITH.

THE COLONIAL SECRETARY to THE ACTING DEPUTY SURVEYOR GENERAL.

*Colonial Secretary's Office,
Sydney, 9 January, 1854.*

SIR,

With reference to my letter of the 24th November last, No. 808, stating that a portion of the Circular Quay was to be reserved for the use of Ocean Steamers visiting this Port, I am directed by His Excellency the Governor General to request, that you will have the goodness to allot to each of the undermentioned parties, viz. :—

J. S. Sparkes Esq., as Agent for the Peninsular and Oriental Steam Navigation Company,

Alex. Currie, Esq., as Agent for the Australasian Pacific Mail Steam Navigation Packet Company,

Messrs. Crawley & Smith, as Agents for the "Great Britain" Steam Ship,—
a suitable portion of the coaling depôt at the eastern side of the Harbour, reserving however, sufficient space to meet the probable requirements of the other Ocean Steamers trading to the Colony, or which may be expected to arrive here.

I have &c.,

(for Colonial Secretary,)

THE ACTING DEPUTY
SURVEYOR GENERAL.

W. ELYARD.

THE ACTING SURVEYOR GENERAL to THE ACTING COLONIAL SECRETARY.

*Surveyor General's Office,
Sydney, 22 March, 1854.*

SIR,

I have the honor to acknowledge the receipt of your letter, No. 54-5, of the 9th January, referring to your letter of the 24th November last, 53-808, enclosing a minute of the Executive Council, No. 53-46, and requesting that I will allot to Alexander Currie, Esquire, J. S. Sparkes, Esquire, and Messrs. Crawley and Smith, as the representatives of certain Ocean Steam Companies, portions of the proposed coaling depôt, at the eastern side of the Harbour, near Fort Macquarie, reserving, however, sufficient space to meet the probable requirements of the other Ocean Steamers trading to the Colony, or which may be expected to arrive here.

2. In reply, I do myself the honor to forward, for the consideration of His Excellency the Governor General, a sketch shewing a proposed division of the space set aside as a coaling depôt into four portions, with a frontage of 120 feet each, and of an average size of 50 perches, leaving a portion of approximately equal size with the others, and which may hereafter be appropriated to the same purpose, but which I would propose to be temporarily added to that portion of the Semi-Circular Quay to be exclusively set aside for the general use of the Ocean Steamers.

3. In proposing the division exemplified by the sketch, I have not been unmindful that, in addition to the companies mentioned in your communication, there are at present trading to the Colony,—

The General Screw Steam Ship Company,

The Royal Australian Company, which formerly conveyed the Mails, and

The American Company, to which the "Golden Age" belongs;

and that steamers belonging to another company (that with which Captain Hoseason was or is connected) may perhaps be expected by the Panama route.

4. Thus there are seven companies either now trading, or which may be expected to trade here.

5. I have ascertained, however, that even after these portions now proposed to be allotted have been sufficiently levelled to admit of their being used for the purpose for which they are required, they will only carry an average quantity of 2,000 tons of coal each, and it would, consequently, be useless to divide the land to be allotted into smaller portions; and, as some of the representatives of the Ocean Steam Companies may make other arrangements
for

for coal depôts, perhaps the five portions will suffice for all that are disposed to take advantage of the arrangement.

G. I may mention, that in allotting the three portions I have obtained the concurrence of Mr. Sparkes, Mr. Currie, and Messrs. Crawley and Smith, and that these gentlemen have arranged respectively to take the lots as under:—

Alexr. Currie, Esq. Lot 1.
 J. S. Sparkes, Esq. Lot 2.
 Messrs. Crawley and Smith..... Lot 3.

Trusting that this arrangement may meet the approval of His Excellency,

I have &c.,

THE HONORABLE
 THE ACTING COLONIAL SECRETARY.

JOHN THOMPSON,
 Acting Surveyor General.

PROCEEDINGS of the Executive Council on the 30th March, 1854, with respect to the proposed division of Land at the eastern side of the Cove for Coaling Depôts for Ocean Steamers.

Extract from Minute No. 54-15. Confirmed, 4 April, 1854.

* * * * *

2. The Council advise that this allotment of the land be approved, reserving the 4th and 5th portions to meet future demands of the like nature.

Executive Council Office,
Sydney, 5 April, 1854.
 No. 54-83.

MICHL. FITZPATRICK,
 Clerk of the Council.

W. ELYARD, ESQ., to J. S. SPARKES, ESQ.

Colonial Secretary's Office,
Sydney, 13 April, 1854.

SIR,

With reference to my letter of the 7th January last, stating that instructions had been given to the Deputy Surveyor General to allot to you a suitable portion of the coaling depôt for Ocean Steamers, at the eastern side of the Harbour, I have the honor to inform you, that I have laid before the Executive Council a letter from the Acting Surveyor General, forwarding a sketch shewing a proposed division of the space set aside for a coaling depôt, and that, under the advice of the Council, the portion described as lot 2 on the sketch has been appropriated to the use of the vessels of the Peninsular and Oriental Steam Navigation Company.

2. For any further information you may require I beg to refer you to the Acting Surveyor General.

I have, &c.,

J. S. SPARKES, ESQ.,
 Agent to the P. & O. S. N. Company.

W. ELYARD.

J. S. SPARKES, ESQ., to THE COLONIAL SECRETARY.

Peninsular and Oriental Steam Navigation Company's Offices,
212, George-street, Sydney,
 15 May, 1854.

SIR,

I have the honor to acknowledge the receipt of your letter under date 13th April, informing me that section No. 2 of the coaling depôt for Ocean Steamers, on the eastern side of Sydney Cove, has been apportioned to the steamers of the Peninsular and Oriental Company, referring me for any further information to the Acting Surveyor General.

I beg to express to you my thanks for your kind attention to this matter.

I have, &c.,

THE HONORABLE
 THE COLONIAL SECRETARY.

J. S. SPARKES.

13 April, 1854.

Similar—(Lot 1 for the use of the vessels of Australasian Pacific Mail Steam Packet Company.)

W. ELYARD.

ALEXANDER CURRIE, ESQ.,
Agent for the Australasian Pacific
Mail Steam Packet Company.

ALEXANDER CURRIE, ESQ., to THE COLONIAL SECRETARY.

Australasian Pacific Mail Steam Packet Company,
474 George-street,
29 June, 1854.

SIR,

I have the honor to acknowledge the receipt of your letter, under date 13 April, informing me that lot 1 of the space set apart as a coaling depôt for Ocean Steamers, on the eastern side of Sydney Cove, has been apportioned for the use of the steamers of this company, and referring me for any further information to the Acting Surveyor General.

On behalf of the company which I have the honor to represent, I beg to express to you my thanks for your kind attention in this matter.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

ALEXANDER CURRIE.

13 April, 1854.

Similar.—(Appropriation, &c., of lot 3 for the use of the "Great Britain" steam ship.)

W. ELYARD.

MESSRS. CRAWLEY AND SMITH,
Agents for the "Great Britain" Steam Ship.

MESSRS. CRAWLEY & SMITH to THE COLONIAL SECRETARY.

Sydney, 15 April, 1854.

SIR,

We have the honor to acknowledge receipt this day of your letter of 13th instant. In reference thereto we beg to call your attention to the circumstance of our having applied for a portion of the wharf for the accommodation of Ocean Steamers, as agents for the "Great Britain" and *other Ocean Steam vessels*. Your letter permits this accommodation to the "Great Britain" steam-ship only, but we trust its use is not intended to be confined solely to her, as there is a line now forming in connection with that ship, and we presume there will be no objection to their occupying the same portion of ground.

We have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

CRAWLEY & SMITH,
Agents for the "Great Britain"
and other Ocean Steamers.

THE COLONIAL SECRETARY to ALEXANDER CURRIE, ESQ.

Colonial Secretary's Office,
14 July, 1854.

SIR,

In acknowledging the receipt of your letter of the 29th ultimo, respecting the portion of the land on the eastern part of Sydney Cove set apart for the use of the steamers of the Australasian Pacific Mail Steam Packet Company, I have the honor, by the direction of His Excellency the Governor General, to inform you, that as this company no longer intends to send steam ships to Australia the land in question will be now considered as vacant.

I have &c.,

ALEXANDER CURRIE, ESQ.,
474, George-street, Sydney.

C. D. RIDDELL.

C. D. HAYS, ESQ., to THE COLONIAL SECRETARY.

Australasian Pacific Mail Steam Packet Company,
474, George-street, Sydney.

SIR,

Mr. Currie having sailed for New Zealand, I have the honor to acknowledge the receipt of your letter to him under date 14th instant, but to hand only yesterday.

Your letter, I see, refers to the receipt of one from that gentleman of the 29th ultimo, respecting the portion of the land on the eastern part of Sydney Cove set apart for the use of the steamers of this company, and that in reference to which subject you, by direction of His Excellency the Governor General, inform him that as the company no longer intends to send steam ships to Australia, the land in question will be now considered as vacant.

In reply, I have the honor to state, that the advices to the company, both to Mr. Currie and to me, speak only of the operations being suspended; and that my instructions are to proceed to England *via* Panama, with the view of reporting proceedings to the Directors on my arrival in London.

Under these circumstances, I should prefer, if consistent with the views of the Government, to retain possession for the company of the land referred to till a final settlement of the question of the company's operations is arrived at, which I have no doubt will be as soon as possible after my return to England; besides, we have, in accordance with the terms upon which the land was granted, already incurred considerable outlay and liabilities, amounting together to about £1,000 or £1,100. I therefore beg respectfully to submit, that His Excellency may be pleased to allow the possession to be retained till advices can be sent out after my return to England, subject to the terms of the original grant; at the same time I have the honor to inform you, that after my departure from this Colony, which I expect will be on Tuesday or Wednesday next, the interests of the company will be entrusted to Messrs. Thacker & Co., of this city, who will therefore be empowered to carry out the wishes of the Government, and to enter into any arrangements that may be considered desirable.

Mr. Currie will return from New Zealand to this in about two months, on his way to England.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

C. D. HAYS,
Colonial Superintendent.

W. ELYARD, ESQ., to C. D. HAYS, ESQ.

Colonial Secretary's Office,
Sydney, 7 August, 1854.

SIR,

In acknowledging the receipt of your letter, without date, requesting permission to retain possession of the portion of the land on the eastern part of Sydney Cove set apart for the use of the Australasian Pacific Mail Steam Packet Company, I am directed by His Excellency the Governor General to inform you, that there will be no objection to the company retaining this land until it is finally decided whether or not they will resume their operations.

I have, &c.,

C. D. HAYS, ESQ.,
474, George-street, Sydney.

W. ELYARD.

A. CURRIE, ESQ., to THE COLONIAL SECRETARY.

Australasian Pacific Mail Steam Packet Company,
474, George-street,
9 January, 1855.

SIR,

I have the honor to acknowledge the receipt of your letters of the respective dates of 14th of July and 7th August, 1854,—the former of which had reference to the giving up of that portion of the eastern part of Sydney Cove appropriated for the use of this company as a coal depôt,—the latter in reply to a communication from Captain Hays, in which permission was granted by His Excellency the Governor General that the land in question might

might be retained by this company until it was finally decided whether or not they would resume their operations. For the permission so granted I have to thank His Excellency.

I now take the liberty, in consequence of my early departure from this Colony, (per next overland mail,) to draw His Excellency's attention to a subject which, in the event of our company having entirely ceased its operations, would necessarily have to be brought before His Excellency's notice, viz., an application for the return of the amount of outlay (less certain rental) which has been incurred by this company in the improvement of the property belonging to the Government.

The outlay in question, on the the part of this company, has amounted, in round numbers, to about £930, as per enclosure.

It may be as well to mention that the jetty at coal depôt was erected in conjunction with the Peninsular and Oriental Company, the landing stage at Semi-Circular Quay in conjunction with the Peninsular and Oriental Company and Messrs. Crawley & Smith, representing the "Great Britain" steamer, as also the moorings and fencing requisite for the protection of the coal depôt.

I have, &c.,

ALEXANDER CURRIE.

THE HONORABLE

THE COLONIAL SECRETARY.

Australasian Pacific Mail Steam Packet Company's Outlay at Coal Depôt.

1854.	Jetty	...	...	...	...	£271	5	11
	Moorings	...	...	...	...	43	6	10
	General Superintendence and Engineer	...	...	...	...	45	11	11
	Material (Stock)	...	...	...	...	25	0	0
	Fencing	...	...	...	...	36	15	6
	Total Coal Depôt	...	...	...	...	£422	0	2
	Semi-Circular Quay Landing Stage	...	...	...	...	£397	1	2
	Moorings	...	...	...	...	43	6	10
	General Superintendence, Engineer, &c.	...	...	...	...	45	11	11
	Material (Stock)	...	...	...	...	25	0	0
	Total Landing Stage	...	...	...	...	£511	19	11
	Coal Depôt	...	...	...	...	422	0	2
	Grand Total	...	...	...	...	£934	0	1
	By Rental, as per Agreement...	...	...	...	...	100	0	0
		...	...	...	...	£834	0	1

A. CURRIE, ESQ., to THE COLONIAL SECRETARY.

Australasian Pacific Mail Steam Packet Company,
474, George-street,

22 January, 1855.

SIR,

Understanding that the company which I have the honor to represent have disposed of their two remaining vessels, the "Kangaroo" and "Emu," and that, from this proceeding, I infer that it is their intention to wind up their affairs at as early an opportunity as possible, I beg leave to surrender into the hands of the Government the space of land allotted as a coal depôt to this company, according to the wish expressed in your letter of the 14th July last, and shall feel greatly obliged by the Government taking into its earliest consideration the amount expended by this company, both in the Circular Quay and coal depôt, (an account of which was forwarded to you in my communication of the 4th instant,) with a view to a reimbursement of the same.

I have, &c.,

ALEXANDER CURRIE.

THE HONORABLE

THE COLONIAL SECRETARY.

W. ELYARD, ESQ., to ALEXANDER CURRIE, ESQ.

*Colonial Secretary's Office,
Sydney, 26 February, 1855.*

SIR,

The Governor General having had under consideration your letters of the 9th and 22nd ultimo, surrendering the land allotted by the Government to the Australian Pacific Steam Packet Company for a coal depôt, and applying for compensation for your outlay, I am directed by His Excellency to inform you, that the Government is not in any way called upon to make good to the company the cost of work which has been executed for their sole convenience.

I have, &c.,
W. ELYARD.

ALEXANDER CURRIE, ESQ.,
474, George-street, Sydney.

ALEXANDER CURRIE, ESQ., to THE COLONIAL SECRETARY.

*Australasian Pacific Mail Steam Packet Company,
474 George-street,
27 January, 1855.*

SIR,

I beg leave to inform you that, in consequence of my departure for England per "Madras," the winding up of the affairs of this company will be entrusted to Messrs. Thacker & Co., of this City.

I have, &c.,
ALEXANDER CURRIE.

THE HONORABLE
THE COLONIAL SECRETARY.

MESSRS. THACKER & Co. to THE COLONIAL SECRETARY.

Sydney, 13 March, 1855.

SIR,

Referring to the letter addressed to you by Mr. Alexander Currie, of date 27th January last, and also to that gentleman's previous correspondence with your department, we now beg to hand you a copy of a letter we have received from the Secretary of the Australasian Pacific Mail Steam Packet Company, announcing the decision of the Directors on the subject of that portion of the Circular Quay allotted to them by the Government for the use of their steamers, and directing us to take the necessary steps for closing the transaction, on the terms understood to have been arranged between yourself and the representatives of the company in this Colony.

We, therefore, beg to request your attention to the question of reimbursement of the sum of eight hundred and thirty-two pounds four shillings and five pence, (£832 4s. 5d.) which we are authorized to receive on behalf of the company, and we trust we may be favored with your reply in due course.

We have, &c.,
THACKER & CO.

THE HONORABLE
THE COLONIAL SECRETARY.

*Australasian Pacific Mail Steam Packet Company,
50, Moorgate-street, London,
8 December, 1854.*

Gentlemen,

I am instructed to acquaint you that the Directors have decided on at once relinquishing the privileges accorded to them by the Government of New South Wales, arising from the use of a part of the Circular Quay in Sydney Harbour, and on transferring to the Government authorities their interest in that portion of the wharf erected at the expense of this company.

You have already received from Captain Haycs, previous to his departure from your city, copies of correspondence with the Colonial Secretary on this subject, as well as the

account of payments made by this company for their proportion of the wharf; I beg therefore to refer you to these documents for detailed information relative to these transactions, and to your Mr. Daniells' and Captain Hayes' joint conversations with the Colonial Secretary, soon after receiving notice of the suspension of the undertaking, for the terms on which the Directors expect you will be enabled to negotiate and conclude this matter.

It will be sufficient to remark here, that although not officially notified to Captain Hayes, it was understood that the Government consented to allow the portion of the Quay to remain in this company's possession for twelve months, at the end of which time, upon receiving a notice of the determination of the Directors not to renew operations, the Government was to take the wharf off the company's hands, paying them the actual amount expended in its construction, which you will see is £832 4s. 5d.

It is the wish of my Directors to procure a full, complete, and final settlement of all the company's assets and liabilities in Sydney without delay, and I am therefore desired to confirm the authority you received from Captain Hayes to act for and on behalf of this company, and to request that you will on receipt of this take immediate steps for effecting the transfer of the wharf to the Government, and remit the balance of moneys which may become due to the company in short first-class bills.

I am desired so thank you for the advice and assistance given to our Captain Hayes during his stay in your city.

Messrs. Thacker & Co.,
Sydney.

I have, &c.,
CHAMPION WETTON,
Secretary.

W. ELYARD, ESQ., to MESSRS. THACKER & CO.

*Colonial Secretary's Office,
Sydney, 30 March, 1855.*

GENTLEMEN,

Having laid before the Governor General your letter of the 13th instant, applying, on behalf of the Australasian Pacific Mail Steam Packet Company, to be reimbursed in the sum of £832 4s. 5d., the amount stated to have been expended by them in the erection of a wharf on that portion of the Circular Quay reserved for the accommodation of Ocean Steamers, which was appropriated to the company above-mentioned; I am directed by His Excellency to inform you, that the Government is not in any way called upon to reimburse to the company the cost of work which has been executed merely for their own convenience.

MESSRS. THACKER & CO.,
Sydney.

I have, &c.,
W. ELYARD.

MESSRS. THACKER & CO. to THE COLONIAL SECRETARY.

Sydney, 20 October, 1855.

SIR,

We beg to enclose copy of a letter, dated 19 July, received from the Secretary of the Australasian Pacific Mail Steam Packet Company, on the subject of the claim of that company against the Government of this Colony for £832 4s. 5d., and request that you will re-consider the decision which you had formerly come to with reference to this claim.

We respectfully request that you will be pleased to peruse all the correspondence between the Government and the then representatives of the company in this Colony, from which it appears to us that the company has a just claim.

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

We have, &c.,
THACKER & CO.

*Australasian Pacific Mail Steam Packet Company,
50, Moorgate-street, London,
19 July, 1855.*

Gentlemen,

I last addressed you on the 1st June, since which I am favoured with yours of the 5th April, enclosing copy of a letter addressed to you by the Colonial Secretary, in reply to yours of 13th March, in which he says that "the Government is not in any way called upon to reimburse the company the cost of the work which has been executed merely for their own convenience."

In

In reply, I am instructed by the Court of Directors to acquaint you that they have received such a statement with the greatest surprise, and it appears to them that this determination of the Government has been arrived at without a due consideration of the true merits of the case.

In examining the correspondence upon which the agreement was based, the Court would draw your attention to the reason assigned by the Government of New South Wales for reserving a portion of the Semi-Circular Quay for the use of Ocean Steamers, viz., "that the Council conceived that a compliance with the request would tend materially to forward the public interests," from which it would appear that the object of the Government was to induce the respective companies to make an outlay of money for the improvement of the Semi-Circular Quay, which was to be refunded to them, in conformity with the 6th clause of the agreement, which states—"any sums laid out by them in the formation of the Quay according to the approved plan, will be allowed as a set-off against the payment of the rent for the coal depot." Far from the moneys having been laid out on the works in reference solely for this company's convenience, it is made an essential condition of the agreement that all Ocean Steamers visiting Sydney should have the benefit of the accommodation of such wharf, to the improvement of which this company contributed by the outlay.

It is further observed, that upon the suspension of this company's operations Mr. Currie was called upon by the Honorable the Acting Colonial Secretary, in his letter of 14th July, 1854, to surrender the land, which was accordingly complied with by Mr. Currie in January, 1855, by which this company lost the only means they had of repaying themselves, not only for their share of the outlay on the Semi-Circular Quay, but likewise for their share in the formation of the coal jetty; and the Government became possessed of an improved property and works, which could be readily let at a greatly enhanced annual rental.

It therefore appears to the Court, that upon a due representation of the circumstances, by which a thorough understanding of the case may be arrived at, His Excellency the Governor General will reconsider the whole matter, and recommend that the amount applied for should be paid over to you on behalf of this company; not only in the terms of the agreement, but likewise in the liberal spirit in which it was accorded.

I am, &c.,

Messrs. Thacker & Co.,
Sydney.

J. R. BEARDMORE,
Assistant Secretary.

W. ELYARD, ESQ., to MESSRS. THACKER & CO.

Colonial Secretary's Office,

Sydney, 30 October, 1855.

GENTLEMEN,

Having submitted to the Governor General your letter of the 20th instant, enclosing a copy of a letter from the Secretary to the Australasian Pacific Mail Steam Packet Company, on the subject of the claim of that company against this Government for £832 4s. 6d., the amount stated to have been expended by them in the erection of a wharf on that portion of the Circular Quay reserved for the accommodation of Ocean Steamers, which was appropriated to the company above mentioned, I am directed to inform you, that the work which has been done is of no use to the Government, and that His Excellency cannot, therefore, agree to pay for it.

2. I am, however, to add, that should it in its present state be made use of by any other parties, these will be called upon to repay the amount, as they will derive the benefit, which the Government does not.

I have, &c.,

MESSRS. THACKER & CO.,
Sydney.

W. ELYARD.

MESSRS. THACKER & CO. to THE SURVEYOR GENERAL.

Sydney, 9 November, 1855.

SIR,

We have been informed that there are men engaged in quarrying stone for the fortifications on that portion of the Circular Quay which has been let by Government to the Australasian Pacific Mail Steam Packet Company.

As agents for the Company we have no objection to hand over to Government the portion of the Quay let to the Australasian Pacific Mail Steam Packet Company, on being refunded, in terms of our agreement, the amount of the outlay.

We

We have taken the liberty of addressing you upon the subject, as the trespassers allege that the contractor for the fortification works is set in motion by you. If we have been misinformed we shall esteem it a favor if you will set us right.

COLONEL BARNEY, R. E.,
Sydney.

We have, &c.,
THACKER & Co.

THE SURVEYOR GENERAL to THE COLONIAL SECRETARY.

Crown Lands Office,
Sydney, 13 November, 1855.

SIR,

I have the honor to enclose, for information of His Excellency the Governor General, a letter this day received from Messrs. Thacker & Co., agents for the Australasian Pacific Mail Steam Packet Company.

It will be seen that the agents are desirous of handing over to the Government the portion of land (near Fort Macquarie) let to the company, on being refunded the outlay by the company, in terms of their agreement.

The letter of Messrs. Thacker & Co. has been written under the impression that the use of the quarry within their enclosure is required for the purpose of the Defences; this, however, is not the case.

I did send a party to cut a few stones required for Fort Macquarie, but the men were shortly warned off by Captain Sparkes, and the stone required has been procured elsewhere.

GEO. BARNEY,
Lt.-Col.

THE HONORABLE
THE COLONIAL SECRETARY.

W. ELYARD, ESQ., to THE CROWN LAW OFFICERS.

Colonial Secretary's Office,
Sydney, 29 November, 1855.

GENTLEMEN,

His Excellency the Governor General has directed me to forward for your consideration the enclosed papers, respecting the portion of the Circular Quay appropriated for the accommodation of Ocean Steamers, and the claims raised by certain parties for compensation on account of improvements effected by them to the Quay; and I have the honor to request that you will favor me with your advice as to the steps to be taken by the Government to obtain repossession of the portion of the Quay in question.

I have, &c.,
W. ELYARD.

THE HONORABLE
THE ATTORNEY GENERAL and
THE SOLICITOR GENERAL.

THE CROWN LAW OFFICERS to THE COLONIAL SECRETARY.

Attorney General's Office,
Sydney, 15 December, 1855.

SIR,

In reply to your letter of the 29th ultimo, No. 878, forwarding for our consideration, by direction of His Excellency the Governor General, the papers herewith returned, respecting the portion of the Circular Quay appropriated for the accommodation of Ocean Steamers, and the claims raised by certain parties for compensation on account of improvements effected by them to the Quay, and requesting our advice as to the steps to be taken by the Government to obtain repossession of the portion of the Quay in question; we have the honor to report, that the steps to be taken by the Government to obtain repossession of the portion of the Quay in question will be first to demand such repossession, and on refusal, to file an Information of Intrusion against the persons now in possession. Whether such

such proceeding would be successful, if resisted with determination, may be questionable, because of the agreement for a ten years' lease; but the strong inclination of our opinion is, that the proceeding would be successful.

We have, &c.,

J. H. PLUNKETT,
Attorney General.

W. M. MANNING,
Solicitor General.

THE HONORABLE
THE COLONIAL SECRETARY.

W. ELYARD, Esq., to THE CIVIL CROWN SOLICITOR.

*Colonial Secretary's Office,
Sydney, 27 December, 1855.*

SIR,

I do myself the honor to transmit to you the accompanying papers, respecting the portion of the Circular Quay appropriated for the accommodation of Ocean Steamers, and the claims raised by certain parties for compensation on account of improvements effected by them to the Quay, and to request, by direction of His Excellency the Governor General, that you will, on behalf of the Government, make the necessary demands for repossession of the same.

I have, &c.,

THE CIVIL CROWN SOLICITOR.

W. ELYARD.

THE CIVIL CROWN SOLICITOR to THE COLONIAL SECRETARY.

*Civil Crown Solicitor's Office,
Sydney, 15 February, 1856.*

SIR,

Referring to your letter of 27 December last, requesting me to make the necessary demands for repossession of the portion of the Circular Quay appropriated for the accommodation of Ocean Steamers, I do myself the honor to inform you that I sent the requisite notice to Messrs. Thacker and Company, who hold the same as Agents of the Australasian Pacific Mail Steam Packet Company, who have sent me the accompanying letter, intimating that they will offer no obstacle to the Government resuming possession of these premises, and urging the claim of the company for reimbursement for their expenditure.

It is only necessary, therefore, that the Colonial Architect, or other proper officer, on behalf of Her Majesty, should enter upon the land and take formal possession of the same.

It may be necessary that you should enable me to reply to Messrs. Thacker and Company's claim on behalf of the company for compensation.

I have, &c.,

W. W. BILLYARD,
Civil Crown Solicitor.

THE HONORABLE
THE COLONIAL SECRETARY.

Sydney, 2 January, 1856.

Gentlemen,

I am instructed by the Government to require you forthwith to quit and deliver up possession of that portion of the Circular Quay, in the City of Sydney, recently used by the Australasian Pacific Mail Steam Packet Company.

Mr. Alexander Currie has already, by his letter to the Honorable the Colonial Secretary of 22nd January last, surrendered these premises to the Government, but I am informed that the same are still retained by you as the agents of the company, notwithstanding this surrender. I trust that you will render legal proceedings unnecessary by complying with my demand of possession; but in case of your refusal to do so, I am to bring an action of intrusion for your removal.

I have, &c.,

W. W. BILLYARD,
Civil Crown Solicitor.

Messrs. Thacker & Co.,
Sydney.

Sydney, 14 February, 1856.

Sir,

We have to acknowledge receipt of your letter of the 2nd January, requiring us to quit and deliver up possession of that portion of the Circular Quay recently used by the Australasian Pacific Mail Steam Packet Company, and which you state you are informed we retain as agents of that company, notwithstanding that the premises had been surrendered to the Government by Mr. Currie, by his letter of the 22nd January, 1855.

In reply, we beg to say, that if the interpretation put upon Mr. Currie's letter, above referred to, is correct, and the premises were actually surrendered, we cannot ever have been in possession, for our authority to act on behalf of the company bears date subsequent to Mr. Currie's letter to the Honorable Colonial Secretary, and we have never made any use of the premises.

We have, however, been in communication with the Government on the subject of a reimbursement of the moneys expended by the Ocean Steam Companies in the formation of the jetty and coal depôt, which repayment was clearly guaranteed by the Honorable Colonial Secretary's letter of the 8th November, 1853, and upon the faith of which letter we are assured the steam companies disbursed the sum of £2,170 4s. 6d., the share borne by the Australasian Pacific Mail Steam Packet Company being £832 14s. 5d.

Our claim for the latter sum was negatived by the Honorable Colonial Secretary's letter of the 30th October, 1855, on the plea that the work done was of no use to the Government—adding, however, that should the wharf in its present state be made use of by other parties these will be called upon to repay the amount.

Whilst, therefore, we offer no obstacle to the Government resuming possession of the premises said to have been surrendered to them by Mr. Currie, we still desire, on behalf of the company, to urge their claim for reimbursement of their share of the expenditure, and we can scarcely believe that His Excellency the Governor General will, on a proper representation of the facts being laid before him, give his sanction to a repudiation of the arrangement made by His Excellency's predecessor with the Ocean Steam Companies, as shewn by the correspondence of the present Honorable Colonial Secretary.

W. W. Billyard, Esq.,
Civil Crown Solicitor.

We have, &c.,
THACKER & CO.

MESSRS. THACKER & CO. to THE COLONIAL SECRETARY.

Sydney, 20 March, 1856.

SIR,

We beg to forward to you herewith a memorial addressed to His Excellency the Governor General, requesting his Excellency to reconsider his decision on the claim made by the Australasian Pacific Mail Steam Packet Company for reimbursement of money expended on that portion of the Circular Quay let by Her Majesty's Government to the company, and since resumed.

We respectfully request that you will submit this memorial to His Excellency's favorable consideration.

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

We have, &c.,
THACKER & CO.

To His Excellency Sir William Thomas Denison, Knight, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

(Laid before the Executive Council, 3 April, 1856.)

The Memorial of Thacker and Company, Agents for the Australasian Pacific Mail Steam Packet Company,—

Humbly Sheweth:—

That after certain preliminary correspondence and interviews between the Colonial Secretary and the representatives of the Great Ocean Lines of Steam Vessels trading to these Colonies, that officer communicated to those gentlemen, in his letter of the 8th of November, 1853, the direction of His Excellency the Governor General, under the advice of the Executive Council, to inform them:—

“ That the Council conceived that a compliance with the request which they had made for the reservation of a portion of the Quay for the exclusive accommodation of Ocean Steamers would tend materially to forward the public interest, and accordingly that the portion of land indicated on the sketch submitted by them should be reserved for that purpose for the next ten years.
“ That as one of the conditions of this accommodation, the quarrying, erections, projections, and other operations to be performed by the occupants, should be effected subject to the approval of an officer of the Government.

“ That

- “ That the ordinary wharfage dues in respect of this portion of land should be
 “ paid to the Lessee of the Circular Wharf, and in addition.
 “ That each of the parties representing owners of Ocean Steamers, availing
 “ themselves of this exclusive accommodation, should pay a further sum of
 “ £100 per annum ; such sum, however, to be allowed out of any sums laid
 “ out by them in the formation of the Quay, according to the approved plan.
 “ That at the expiration of the term compensation would be allowed for any
 “ buildings erected, to be assessed by arbitrators.”

That, depending upon the faith of this arrangement, the representatives of the Peninsular and Oriental Steam Navigation Company, of the “ Great Britain ” Steam Ship Proprietors, and of this company, expended a sum of £2,638 13s. 2d., of which this company contributed the sum of £933 0s. 1d., the whole being chiefly laid out in the construction of the jetty, the plan for which was duly submitted to and approved by the proper officer.

That one year’s rent only has formed the subject of allowance in respect of this disbursement.

That upon the reported suspension of this company’s operations towards the Colony, the Government immediately apprised them that the portion of land allotted for their use would be considered vacant ; but upon the representation of Mr. Hayes, of 19th July, 1854, referring to the subject of the outlay which had been made, and to the terms under which the same was made, the Colonial Secretary allowed the retention of the land until the question of the resumption of their operations would be finally decided or officially announced.

That Mr. Currie, acting on behalf of this company, by his letters of 4th and 22nd of January, 1855, surrendered to the Government the use of the land, and put forward the claim of this company for reimbursement, in terms of the Colonial Secretary’s letter first referred to.

That your Memorialists have been thereupon informed that, on account of the work being of no use to the Government, their claim to compensation must be refused.

That your Memorialists having expended their money upon the faith of a guarantee based upon the public advantage, fail to recognize the justice of a decision which seeks to ignore a contract upon conditions which were not elements of its inception, and beg most respectfully to solicit your Excellency’s consideration of the claim again submitted.

Your Memorialists, therefore, pray that your Excellency will be pleased to direct that the improvements made in manner above mentioned may be valued by arbitrators, and that this company may be reimbursed to the extent of their proportionate part therein.

And your Memorialists will ever pray, &c.

THACKER & CO.

Sydney, 20 March, 1856.

PROCEEDINGS of the Executive Council on the 3rd April, 1856, with respect to a claim for the reimbursement of the cost of improvements effected on that portion of the Circular Quay set apart for Ocean Steamers.

Extract from Minute No. 56-12. Confirmed 8th April, 1856.

* * * * *

2. The only item of expenditure set forth in Messrs. Thacker and Co.’s memorial in respect of which any reimbursement could be looked for is the cost of the wooden jetty ; but the claim even to that extent can be entertained only by a very liberal interpretation of the conditions detailed in the Minute of Council of the above date. The Council are not, however, indisposed to advise a reimbursement, to the persons entitled, of the sum claimable on that head, namely, the assessed value of the jetty as it now stands ; but they desire to have before them a joint application from all the companies or persons interested, the improvements having apparently been effected at their joint expense. Upon the receipt of such an application the proper steps should be taken to have the value of the jetty assessed in the manner provided for in the agreement between the Government and the companies.

MICHAEL FITZPATRICK,

Clerk of the Council.

Executive Council Office,

Sydney, 9th April, 1856.

No. 56-167.

W. ELYARD, ESQ., to MESSRS. THACKER & CO.

Colonial Secretary’s Office,

Sydney, 15 April, 1856.

GENTLEMEN,

I have the honor to inform you that the Governor General has laid before the Executive Council your further letter of the 20th ultimo, enclosing a memorial respecting the claim made by the Australasian Pacific Mail Steam Packet Company, for the reimbursement of the cost of improvements effected by the company on that portion of the Circular Quay

Quay set apart for the accommodation of Ocean Steamers, but which has been resumed by the Government.

2. It appears to the Council that the only item of expenditure set forth in your memorial in respect of which any reimbursement could be looked for, is the cost of the wooden jetty; but the claim even to that extent can be entertained only by a very liberal interpretation of the conditions detailed in my letter to the company of the 8th November, 1853.

3. I am further directed to inform you that, under the advice of the Council, His Excellency is not indisposed to sanction a reimbursement to the persons entitled of the sum claimable on that head, namely, the assessed value of the jetty as it now stands; but the Council desire to be furnished with a joint application from all the companies or persons interested—the improvements having apparently been effected at their joint expense. Upon the receipt of such an application, the proper steps will be taken to have the value of the jetty assessed, in the manner provided for in the agreement between the Government and the companies.

I have, &c.,

MESSRS. THACKER & Co.

W. WLYARD.

MESSRS. THACKER & Co. to THE COLONIAL SECRETARY.

Sydney, 26 April, 1856.

SIR,

We have the honor to acknowledge the receipt of your letter of the 15th instant, in reply to the memorial presented by us to His Excellency the Governor General on the subject of the Australasian Pacific Mail Steam Packet Company's claim.

We note that His Excellency is not indisposed to sanction a reimbursement to the persons entitled of the sum claimable, and that the Executive Council desires to be furnished with a joint application from all the companies or persons interested.

We have to convey our thanks to His Excellency for the consideration which he has given our memorial, and to state that we are about to communicate with the other companies or persons interested, and when completed, forward the joint claim in respect of the disbursements incurred.

We have, &c.,

THE HONORABLE

THE COLONIAL SECRETARY,
Sydney.

THACKER & CO.

MESSRS THACKER & Co. to THE COLONIAL SECRETARY.

Sydney, 28 May, 1857.

SIR,

1. We beg to refer you to our letter of the 26th April, 1856, apprising you of our intention to communicate with the parties interested jointly with the Australasian Pacific Mail Steam Packet Company (whom we represent) in claiming a refund of disbursements expended on that portion of the Circular Quay which was let to them by the Government

2. Circumstances, to which we need not here refer, have hitherto prevented any joint action on the part of those interested in the refund, or allowance referred to.

3. We now beg to inform you, that the Peninsular and Oriental Company, the Agents for the "Great Britain" steam ship, and ourselves, as Agents for the Australasian Pacific Mail Steam Packet Company, have agreed to a joint application, which we have the honor to transmit to you herewith, and submit to your favorable consideration.

We have &c.,

THE HONORABLE

THE COLONIAL SECRETARY,
Sydney.

THACKER & CO.

Sydney,

Sydney, 28 May, 1857.

Sir,

Referring to the communications which have passed between you and Messrs. Thacker & Co., as representatives of the Australasian Pacific Mail Steam Packet Company, on the subject of their claim for disbursements on that portion of the Circular Quay leased by the Government to said company, to the Peninsular and Oriental Company, and to the Agents for the "Great Britain," and to your letter to Messrs. Thacker & Co., of 15th April, 1856, wherein you state that His Excellency the Governor General is not indisposed to sanction a reimbursement to the persons entitled of the sum claimable, and that the Executive Council desires to be furnished with a joint application from all the companies or persons entitled,—

2. We, being all the parties or companies interested as above, have the honor, in accordance with your recommendation, to wait upon you with our joint claim, which we are prepared to substantiate by detailed accounts and vouchers.

3. We beg to say, that the improvements have been made in accordance with a plan submitted to, and approved of, by the Executive Council, which plan as been duly initialled by the proper officers, and carried out under the superintendence of Mr. Walcott, in accordance with paragraph 4 of the Honorable the Colonial Secretary's letter of 8th November, 1853.

4. The amount disbursed, in respect of which compensation is claimed, is £2,676 3s. 2d., which is divided under the following heads:—

Landing Stage	£1,191	3	8
Coal Jetty	542	11	9
Moorings	260	1	3
Fencing	110	6	8
Superintendence	273	11	10
Material, &c.	260	18	0
Plans, &c.	37	10	0
TOTAL	£2,676	3	2

5. In terms of agreement with the Government a rent of £100 per annum was to be paid by each of the three parties interested; but any sums laid out by them in the formation of the Quay to be allowed as a set-off against the payment of such rent.

6. The valuation, we presume, will be made in accordance with paragraph 8 of the Honorable E. D. Thomson's letter of the 8th November, 1853, already referred to.

7. Requesting your early consideration to the settlement of this claim,

We have, &c.,

THACKER & CO.,
Agents for the Australasian Pacific Mail Steam Packet Company.
J. S. SPARKES,
Agent for Peninsular and Oriental Steam Navigation Company.
H. SELWYN SMITH,
Agent for the "Great Britain," S. S. S., and other Ocean Steamers.

The Honorable
The Colonial Secretary,
Sydney.

The former papers in this case appear to have been sent to the Treasury. The claim is one which will, perhaps, have to be dealt with and disposed of between the Treasury and the Department of Lands and Works; and this letter may therefore be forwarded to the former, and Messrs. Thacker & Co. apprised.

1 June, 1857.

H. W. P.

THE SECRETARY TO THE TREASURY to MESSRS. THACKER & CO.

The Treasury, New South Wales,
15 June, 1857.

GENTLEMEN,

I am directed to acknowledge the receipt of your letter of the 28th ultimo, submitting the joint application of the three companies interested in the matter of the refund of certain disbursements incurred in effecting improvement on the part of the Circular Quay leased to the said companies by the Government in 1853.

In reply, I am instructed to enclose herewith a *précis* of the correspondence, &c., which has passed between the Government and the companies, (for the information of the company whom you represent); and to state that the Honorable the Secretary for Finance and Trade can only recommend to the Government the payment (after assessment) of such a sum as the permanent improvements, in the shape of a jetty, may be considered to be

worth, subject to the prescribed deduction for rent of the land. I am to add, that the Honorable Treasurer will be glad to hear that the several parties interested concur in this adjustment, and that measures will then be immediately taken to give it full effect.

MESSRS. THACKER & Co.,
Sydney.

I have, &c.,
HENRY LANE.

MESSRS. THACKER & Co. to THE COLONIAL TREASURER.

Sydney, 20 June, 1857.

SIR,

We beg to acknowledge receipt of your letter of the 15th, and to thank you for the *précis* of the correspondence between the Government and the companies interested in the question of compensation for improvements made by them on the Circular Quay.

As the amount at which the improvements are likely to be valued will be nearly absorbed by the amount of rent accruing to the Government, we beg, by authority of Mr. Champion Wetton, representing the Australasian Pacific Mail Steam Packet Company, to abandon any claim for compensation which that company may have against the Government.

THE HONORABLE
THE COLONIAL TREASURER,
Sydney.

We have, &c.,
THACKER & CO.

P. MARSHALL, ESQ., to THE RIGHT HON. H. LABOUCHERE.

European and Australian Royal Mail Company,
33, Renfield-street, Glasgow,
2 August, 1856.

SIR,

I am instructed by the Directors of this company, who have contracted for conveying the mails between this country and Australia, respectfully to bring under your notice that there is ground at Sydney, near the town, which we understand has been set aside to be used as a wharf for the special use of the steamers engaged in the Australian Mail Service.

I have now, therefore, to beg the favor of your informing me what proceedings to take in order to secure the use of the ground during the continuance of the contract with the Government.

THE RIGHT HONORABLE
H. LABOUCHERE,
&c., &c., &c.

I am, &c.,
(For W. Millero, Secretary,)
P. MARSHALL.

THE SECRETARY OF STATE to THE GOVERNOR GENERAL.

Downing-street,
10 August, 1856.

(No. 95.)

SIR,

2 August, 1856.

I transmit to you herewith, for your information, copy of a letter from the Secretary to the European and Australian Royal Mail Company, requesting to be informed what steps should be taken in order to secure to the company the use of certain ground as a wharf near the town of Sydney.

I have informed the company that this is a question which rests exclusively with the local Government, and that any further communication which they may deem it expedient to make on this subject should be addressed to the local Government.

I shall be glad, however, if you will do all in your power, with the advice of your Executive Council, towards affording all proper facilities to the applicants in the performance of their important public duties in connexion with the Australian Mail Service.

GOVERNOR
SIR W. DENISON,
&c., &c., &c.

I have, &c.,
CLARENDON,
In the absence of Mr. Secretary Labouchere.

THE

CIRCULAR QUAY.

23

THE SECRETARY TO THE TREASURY to THE HARBOUR MASTER.

*The Treasury, New South Wales,
6 May, 1858.*

SIR,

I have the honor to request you will acquaint me, for the information of the Honorable the Minister for Finance and Trade, with the names of persons at present in possession of that portion of the Circular Quay, on the eastern side of the Cove, which was reserved in November, 1853, for Ocean Steamers; stating also the particulars of the terms and conditions of their tenure.

THE HARBOUR MASTER,
Sydney.

I have, &c.,
HENRY LANE.

THE HARBOUR MASTER to THE SECRETARY TO THE TREASURY.

*The Port Office,
Sydney, 11 May, 1858.*

SIR,

In reply to your letter of the 6th instant, relative to the occupancy of the premises on the eastern side of the Circular Quay, I do myself the honor to report that, from inquiry which I have made, it appears that the following persons are in possession of the dwellings:—

- 1st—Mr. Bayliss, stevedore, who states, that he was placed there by the Government, and that the papers relative to his tenancy are in the office of the Colonial Architect.
- 2nd—Mrs. Coffee, who states that she is the widow of one of the boatmen recently (five months past) in the Customs' boat.
- 3rd—Mr. Gorman, who occupies one of the houses without any authority; and the fourth person states that he purchased the house from the Colonial Architect, eight or nine years ago, but was to have taken it down one month after.

I have the honor to enclose to you a letter from Mr. W. H. Moore, upon the subject of the accompanying of that portion of the Circular Quay which was let to the Ocean Steamers Companies.

THE SECRETARY TO THE TREASURY.

I have, &c.,
JOHN CROOK,
Harbour Master.

[Enclosure.]

*Moore's Wharf,
Sydney, 11 May, 1858.*

Sir,

With reference to our interview on Saturday last, regarding the portion of the Circular Quay leased to the Peninsular and Oriental Steam Navigation Company, I beg now to state, for the information of the Government, that I hold the same as agent for the said company, and that Mr. Thomas Gibbes is residing on it under my authority.

Some correspondence took place between Captain Sparkes and other parties and the Government in 1857, with the object of terminating this lease, as well as other adjoining leases to other companies, but nothing was settled; the terms proposed are set forth in a letter to the Honorable the Colonial Secretary, dated 28th May, 1857; and I am prepared, on behalf of the Peninsular and Oriental Steam Navigation Company, to carry out the arrangement on receipt of their proportion of disbursements made, less the rental to be set off against the same, in accordance with the Colonial Secretary's letter of 8th November, 1853.

THE HARBOUR MASTER,
Sydney.

I have, &c.,
HY. MOORE.

THE SECRETARY TO THE TREASURY to HENRY MOORE, ESQ.

*The Treasury, New South Wales,
21 May, 1858.*

SIR,

Referring to your letter of the 11th instant to the Harbour Master, on the subject of your occupation of a portion of that part of the Circular Quay set aside for Ocean Steamers Companies, I am directed by the Honorable the Treasurer to invite your attention to a communication from this Department, dated 15th June, 1857, addressed to Messrs.

Thacker

Thacker and Co., in reply to one from that firm enclosing a joint application from the following parties, or companies (interested in the question of occupancy as above), requesting the reimbursement of sums expended by them in improvements, viz,—

Messrs. Thacker and Co., Agents for the Australasian Pacific Mail Steam Packet Company.

Mr. J. S. Sparkes, Agent for the Peninsular and Oriental Steam Navigation Company.

Mr. H. Selwyn Smith, Agent for the "Great Britain" S. S. S. and other Ocean Steamers.

I am to state that no reply was received from the company of which you are agent (then represented by Mr. Sparkes) to the proposals made by the Government, viz,—

That payment for the improvements effected on that part of the Circular Quay leased to the said companies could only be made (after assessment) for improvements of a permanent character, such as the jetty, subject to the prescribed deductions for rent of the land.

As the Peninsular and Oriental Company have now been in occupation upwards of four years, the rent of £100 per annum, agreed to be paid by that company, has long since absorbed the amount of compensation to which they would have been entitled. I am therefore instructed to request that an early arrangement may be made, in order that the arrears of rent now due by them to the Government may be paid up.

I have, &c.,

HENRY MOORE, Esq.,

HENRY LANE.

Agent for the Peninsular and
Oriental Steam Navigation Company.

THE SECRETARY TO THE TREASURY to HENRY MOORE, ESQ.

*The Treasury, New South Wales,
Sydney, 19 August 1858.*

SIR,

Referring to our late interview at the Treasury, on the subject of the occupation of that portion of the Circular Quay set aside for Ocean Steamers, by the company which you represent, I am directed to request that you will have the goodness to state whether the instructions from your constituents, which you expected by the July mail, have arrived, and if so, to invite the favor of a reply to my communication of the 21st May last.

I have, &c.,

HENRY MOORE, ESQ.

HENRY LANE.

Agent P. & O. S. N. Company.

HENRY MOORE, ESQ., to THE MINISTER FOR FINANCE AND TRADE.

*Moore's Wharf, Sydney,
14 October, 1858.*

SIR,

With reference to the correspondence which has passed between us, regarding the portion of the Circular Quay leased by the Government to the Peninsular and Oriental Steam Navigation Company, I have now the honor to intimate to you, that I have received a letter from the Managing Directors, dated London, 16 August, 1855, from which the following is an extract:—"With reference to the Circular Quay, I am desired to request "that you will *not give it up to the Government*, but retain possession on company's account "until you hear further from us on the subject."

You will be good enough therefore to consider that in not resisting the erection of a boat-house on the ground lately I have not waived the possession by the P. & O. S. N. Co. of the ground in question, under their existing lease or agreement with the Government, as I am now only authorized to act in the matter for the first time by the Managing Directors.

I have, &c.,

HY. MOORE,

THE HON. THE MINISTER FOR
FINANCE AND TRADE,
Sydney.

Acting as Agent for the Peninsular and
Oriental Steam Navigation Company.

THE SECRETARY TO THE TREASURY to HENRY MOORE, ESQ.

*The Treasury, New South Wales,
Sydney, 2 November, 1858.*

SIR,

Referring to previous correspondence on the subject of the occupation of that portion of the Circular Quay set aside for Ocean Steamers, I am directed to inform you, that, as the Government considered that the agreement under which the Quay was let to the companies had become void, they resumed possession thereof, and have taken steps for its re-occupation for public purposes.

I have, &c.,

HENRY MOORE, ESQ.,
Agent for the Peninsular and
Oriental S. N. Company.

HENRY LANE,
Under Secretary.

HENRY MOORE, ESQ., to THE MINISTER FOR FINANCE AND TRADE.

*Moore's Wharf, Sydney,
3 December, 1858.*

SIR,

Referring to my letter dated 14th October last, on the subject of the portion of the Circular Quay leased by the Peninsular and Oriental Steam Navigation Company, I have now the honor to intimate my receipt of another letter, dated 16th September, from the Managing Directors, confirming their previous instructions that I should not surrender possession of the same, and that I consequently take the liberty of protesting against any occupation of it, as communicated by you on the 2nd ultimo.

In your letter of 21st May last, you applied to me for arrears of rent then due by the P. & O. S. N. Co., but my interpretation of the lease being that their share of the expenditure had amounted to more than the rent of £100 per annum against which it was to be applied, I did not tender you any sum, and I am still of that opinion, but should be glad to be favored with an account preparatory to adjustment, in a proper manner, being prepared to pay any amount reasonably found to be due.

In the prospect of requiring to make use of this leasehold immediately, I shall be obliged by your arranging for removal of the shed erected on the premises, as I cannot imagine your perseverance in the course indicated by you on 2nd November, which I respectfully submit to be against all law and justice.

I have, &c.,

HY. MOORE,
Agent for the Peninsular and
Oriental Steam Navigation Company

THE HONORABLE
THE MINISTER FOR FINANCE AND TRADE.

THE SECRETARY TO THE TREASURY to HENRY MOORE, ESQ.

*The Treasury, New South Wales,
Sydney, 4 December, 1858.*

SIR,

I am directed to acknowledge the receipt of your letter of yesterday's date, relative to that portion of the Circular Quay which was reserved under certain conditions for Ocean Steamers, in 1853, and to inform you that the Treasurer cannot add anything to the intimation conveyed to you in my letter of the 2nd ultimo.

I have, &c.,

HENRY MOORE, ESQ.,
Agent for the Peninsular and
Oriental Steam Navigation Company.

HENRY LANE,
Under Secretary.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 23 February, 1859.

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 MARCH, 1858.

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 at the time of declaring 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.
New South Wales	281,369 0 0	12,540 7 1	23,773 17 3	1,124,049 17 3	1,444,733 1 7	323,343 17 5	41,337 15 2	13,650 0 0	15,495 3 0	428,669 13 5	1,325,507 11 9*	2,152,994 0 9	500,000 0 0	20 1/4 cent.	50,000 0 0	150,000 0 0
Commercial	183,349 17 0	2,757 13 11	20,634 6 3	778,469 12 6	985,211 8 8	377,178 1 6	.....	16,000 0 0	1,788 7 7	82,736 2 4	806,309 19 8	1,284,012 11 1	239,498 4 9	15 1/2 cent.	17,879 11 0	45,363 2 3
Australasia.....	102,241 7 9	5,389 0 0	.....	594,599 17 8	702,230 5 5	119,664 5 11	3,271 8 4	25,591 18 6	8,979 18 0	.....	617,835 0 7	805,342 11 4	900,000 0 0	20 1/2 cent. †	90,000 0 0	401,777 17 5
Union of Australia	116,083 8 2	9,134 16 0	14 16 8	629,302 11 2	754,535 11 0	178,978 16 6	2,550 19 4	13,170 9 0	7,949 12 7	1,206 18 9	643,048 4 4	846,905 0 6	820,000 0 0	19 1/2 cent.	77,900 0 0	279,282 8 5
Australian Joint Stock ...	119,372 3 1	73,166 11 1	5,061 6 6	535,422 9 4	733,012 10 0	148,840 14 7	110 10 4	26,487 9 10	2,127 5 1	52,964 1 7	782,017 14 4 †	1,012,547 15 9	250,000 0 0	10 1/2 cent.	12,500 0 0	37,391 0 2
London Chartered of Australia	18,074 18 6	2,364 14 4	.....	51,437 1 2	74,876 14 0	32,888 2 10	3,388 11 4	26,084 19 4	517 12 4	.....	141,893 11 6	204,772 17 4	700,000 0 0	6 1/2 cent.	21,000 0 0	10,092 18 0
English, Scottish, and Australian Chartered }	38,100 7 8	1,347 0 8	.....	180,560 15 8	220,008 4 0	81,193 10 7	2,342 9 0	20,136 17 3	631 6 2	.....	434,489 9 10	538,798 12 10	500,000 0 0	6 1/2 cent.	15,000 0 0	7,656 1 1
Oriental Chartered	68,575 0 0	2,961 14 0	154,863 1 10	354,831 10 1	581,231 5 11	145,108 13 1	3,199 9 9	22,131 6 1	987 0 0	94,951 17 9	386,429 2 0	652,810 8 8	1,260,000 0 0	10 1/2 cent.	63,000 0 0	260,062 2 6
TOTALS.....	930,166 2 2	109,651 15 1	204,347 8 6	4,251,673 14 10	5,495,839 0 7	1,412,201 2 5	56,201 3 3	163,256 0 0	38,476 4 9	680,518 13 10	5,167,530 14 0	7,498,183 18 3	5,169,498 4 9		347,279 11 0	1,191,625 9 10

* Including £3,476 4s. 1d. Government Securities

† Including £28,500 Government Securities.

‡ 6 1/2 cent. per annum and bonus of 5s. 1/2 share.

The Treasury, New South Wales,
Sydney, 6th May, 1858.

Rt. CAMPBELL,
Treasurer.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 23 February, 1859.

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 30th JUNE, 1858.

BANKS.	LIABILITIES.					ASSETS							CAPITAL AND PROFITS.			
	Notes in Circulation.	Bills in Circulation.	Balances due to other Banks.	Deposits.	Total Liabilities.	Coin.	Bullion.	Landed Property.	Note- & 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 at the time of declaring Dividend.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ g. d.	£ s. d.	per cent.	£ s. d.	£ s. d.
New South Wales	267,466 0 0	4,819 0 5	22,201 16 5	1,069,123 0 9	1,363,609 17 7	461,091 12 8	5,267 6 0	14,741 4 6	10,587 11 11	444,651 7 1	1,160,876 10 10	2,097,221 13 0	500,000 0 0	20 4/8 cent.	50,000 0 0	160,000 0 0
Commercial	170,086 18 5	2,242 17 8	26,787 19 11	743,386 4 9	942,501 0 9	321,994 4 6	.....	16,000 0 0	2,015 15 0	81,228 14 8	832,356 4 9	1,263,594 18 9	239,735 14 9	15 1/2 cent.	17,879 11 0	45,363 2 2
Australasia.....	97,779 10 9	5,369 14 4	.....	565,424 13 11	668,573 19 0	153,292 18 1	714 11 4	27,519 1 6	7,541 19 10	.....	612,963 18 11	832,035 9 8	900,000 0 0	20 1/2 cent.	90,000 0 0	401,777 17 5
Union of Australia	168,174 1 5	16,546 17 11	24 11 2	605,196 8 0	729,921 18 6	191,903 6 8	2,742 14 1	13,200 15 1	5,197 5 4	1,189 10 10	601,160 12 2	815,344 4 2	820,000 0 0	20 1/2 cent.	82,000 0 0	286,763 1 2
Australian Joint Stock ...	121,685 18 7	93,837 9 7	5,819 15 9	462,556 19 6	683,930 3 5	178,744 6 6	146 13 3	26,678 8 0	4,994 18 10	21,857 11 9	781,286 11 4†	963,708 9 8	250,000 0 0	10 1/2 cent.	12,500 0 0	37,391 0 2
London Chartered of Australia ...	29,568 3 1	215 7 7	.....	55,234 6 10	75,957 17 6	27,333 12 8	.....	26,084 19 4	270 16 11	.....	161,855 6 1	215,544 15 0	700,000 0 0	6 1/2 cent.	21,000 0 0	10,092 18 0
English, Scottish, and Australian Chartered	34,022 3 1	980 9 2	.....	173,626 12 11	208,629 5 2	104,477 15 6	.....	23,476 19 3	813 9 3	9,230 15 5	494,783 12 0	512,781 11 5	500,000 0 0	6 1/2 cent.	15,000 0 0	10,311 7 0
Oriental Chartered	77,333 0 0	2,566 0 7	122,687 7 5	357,946 12 1	560,533 0 1	154,940 18 0	1,453 4 4	23,736 0 7	587 0 0	87,692 9 5	365,975 7 3	634,384 19 7	1,260,000 0 0	10 1/2 cent.	63,000 0 0	280,062 2 6
TOTALS.....	897,053 15 4	126,557 17 3	177,551 10 8	4,032,494 18 9	5,233,660 2 0	1,693,778 14 7	10,324 9 0	171,429 8 3	32,008 17 1	645,803 9 0	4,901,261 3 4	7,354,616 1 3	5,169,735 14 9		351,379 11 0	1,211,761 8 6

* Including £3,400 Government Securities

† Including £32,220 Government Securities.

‡ 6 1/2 cent. per annum and bonus of 56s. 1/2 share.

The Treasury, New South Wales,
Sydney, 29th July, 1858.

RT. CAMPBELL,
Treasurer.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 23 February, 1859.

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 30th SEPTEMBER, 1858.

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 at the time of declaring 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.
New South Wales.	261,153 0 0	4,377 3 7	12,931 17 3	1,057,190 5 10	1,335,652 6 8	479,040 18 9	6,331 12 0	15,700 1 11	11,260 3 0	428,275 0 0	1,131,638 13 9*	2,072,216 9 5	500,000 0 0	20 4/8 cent.	50,000 0 0	164,953 9 2
Commercial	173,525 4 7	2,376 0 2	27,289 17 8	714,186 6 7	917,377 9 0	280,618 1 8	.....	16,646 3 1	828 9 5	86,652 4 8	820,214 15 10	1,204,959 14 8	240,000 0 0	{ 7 1/2 cent. & Bonus of 5s. 2 share	20,377 11 1	49,750 2 8
Australasia.....	85,117 0 0	3,790 7 10	.....	551,635 17 1	640,543 4 11	157,806 18 0	.....	29,949 10 6	7,331 17 5	.....	725,141 17 3	920,230 3 2	900,000 0 0	{ 6 1/2 cent. & Bonus of 60s. 2 share	90,000 0 0	393,382 13 4
Union of Australia	103,250 18 10	9,174 4 9	0 19 3	598,411 11 7	710,839 14 5	184,981 1 2	2,010 18 3	13,410 4 7	4,633 9 4	942 3 1	588,553 0 3	794,531 5 8	931,480 0 0	20 1/2 cent.	82,000 0 0	287,099 12 5
Australian Joint Stock ...	124,714 17 8	126,873 13 11	9,083 13 0	492,752 15 6	753,425 0 1	239,823 9 6	111 13 7	27,469 9 3	4,366 5 0	22,785 18 0	724,583 6 0†	1,019,140 1 4	250,000 0 0	10 1/2 cent.	12,500 0 0	19,043 16 1
London Chartered of Australia	23,274 13 11	325 2 3	.....	61,263 14 5	84,863 10 7	33,118 5 0	.....	26,084 19 4	176 7 8	.....	186,675 12 0	246,055 4 0	700,000 0 0	6 1/2 cent.	21,000 0 0	12,673 12 3
English, Scottish, and Australian Chartered }	32,080 12 4	1,996 17 8	.....	193,079 8 6	227,756 18 6	68,469 6 3	.....	26,485 2 2	390 13 10	20,000 0 0	428,605 17 5	543,971 19 8	500,000 0 0	6 1/2 cent.	15,000 0 0	10,311 7 0
Oriental Corporation	85,728 0 0	2,049 17 9	116,307 16 8	444,832 18 11	648,918 13 4	172,839 6 3	3,085 0 4	24,443 0 9	4,283 0 0	129,386 9 1	386,176 16 3	720,813 11 8	1,260,000 0 0	14 1/2 cent.	68,200 0 0	252,000 0 0
TOTALS.....	589,444 7 4	150,963 7 11	165,616 3 10	4,113,352 18 5	6,310,376 17 6	1,616,717 6 7	12,189 4 2	180,189 11 7	33,270 5 8	688,041 14 10	4,991,590 6 9	7,521,948 9 7	5,281,480 0 0		379,077 11 1	1,189,214 12 11

* Including £3,662 Government Securities

† Including £46,089 0s. 10d. Government Securities.

The Treasury, New South Wales,
Sydney, 11th November, 1858.

RT. CAMPBELL,
Treasurer.

1875

1875

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

BANK LIABILITIES AND ASSETS.

Ordered by the Legislative Assembly to be Printed, 23 February, 1859.

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, 1858.

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 at the time of declaring 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.
New South Wales.	266,390 0 0	1,988 2 6	11,176 0 2	1,087,160 18 0	1,366,713 0 8	448,303 4 10	6,929 10 11	15,305 11 7	10,309 17 11	427,598 17 0	1,191,572 3 10	2,103,019 6 1	500,000 0 0	20 1/2 cent.	50,000 0 0	176,327 16 1
Commercial	169,011 0 0	2,115 9 1	44,623 12 5	707,224 19 8	922,975 1 2	321,118 0 0	.....	17,200 0 0	3,401 1 3	74,642 0 10	810,704 12 8	1,257,068 14 9	240,000 0 0	17 1/2 cent.	20,377 11 1	45,750 2 8
Australasia.....	77,760 7 9	7,329 18 4	.....	519,699 6 1	604,689 12 2	182,073 6 11	.....	34,172 7 3	7,146 19 2	.....	722,973 4 2	946,365 17 6	900,000 0 0	20 1/2 cent. †	90,000 0 0	393,382 18 4
Union of Australia	101,887 19 4	11,093 6 11	11 11 6	683,233 6 5	696,226 4 2	155,292 10 9	3,248 18 3	13,513 19 9	5,334 4 8	848 12 0	587,767 9 4	766,905 14 9	1,000,000 0 0	20 1/2 cent.	82,000 0 0	287,099 12 5
Australian Joint Stock ...	136,571 12 1	1,157 19 9	7,312 19 10	735,448 14 8	880,791 6 4	250,705 4 6	367 14 8	27,608 17 7	9,978 2 3	11,620 1 7	838,812 15 7 †	1,139,092 16 2	250,000 0 0	10 1/2 cent.	12,500 0 0	19,043 16 1
London Chartered of Australia	22,526 10 10	693 17 3	.....	61,060 13 8	84,281 1 9	35,158 15 7	.....	26,084 19 4	253 10 0	.....	191,993 15 1	253,490 18 10	700,000 0 0	6 1/2 cent.	21,000 0 0	12,673 12 3
English, Scottish, and Australian Chartered }	31,866 6 2	2,165 15 2	.....	228,254 19 1	262,277 0 5	80,858 2 4	.....	28,372 9 8	437 0 0	4,615 7 8	452,377 14 4	586,660 14 0	500,000 0 0	4 1/2 cent.	10,000 0 0	6,891 7 1
Oriental Corporation	94,069 0 0	5,270 19 8	159,284 19 6	485,314 17 6	744,939 16 8	192,140 16 11	4,866 13 3	27,038 10 11	1,473 0 0	159,845 18 7	424,426 15 6	810,400 15 2	1,260,000 0 0	10 1/2 cent. †	88,200 0 0	252,000 0 0
TOTALS.....	900,082 16 2	32,003 8 8	222,409 3 5	4,408,397 15 1	5,562,893 3 4	1,665,659 1 10	15,412 17 1	182,896 16 1	38,336 16 1	679,170 17 8	5,253,628 8 6	7,842,104 17 3	5,350,000 0 0		374,077 11 1	1,193,168 19 11

* Including £4,579 2s. Government Securities

† Including £41,520 Government Securities.

‡ 6 1/2 cent. and Bonus of 56s. 1/2 share.

§ And 2 1/2 cent. Bonus.

The Treasury, New South Wales,
Sydney, 10th February, 1859.

Rt. CAMPBELL,
Treasurer.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

(PARRAMATTA, 1 JANUARY TO 30 JUNE, 1858.)

Ordered by the Legislative Assembly to be Printed, 11 January, 1859.

ABSTRACT of Moneys Received, Paid and Expended by the COMMISSIONERS of the PARRAMATTA ROAD TRUST, for the Half-year ending 30 June, 1858.

RECEIVED.	AMOUNT.	EXPENDED.	AMOUNT.
Six Months' rental of Toll-gate at Beckett's Bridge	202 10 0	SALARIES.	
„ Months' rental of Toll-gate at Broken Back Bridge	202 10 0	Clerk and Treasurer	37 10 0
„ Months' rental of Toll-gate at Pitt Row	225 0 0	Overseer	54 12 0
Bank Interest	0 3 5		92 2 0
		MISCELLANEOUS.	
		Wages for Labor	417 17 6
		Forage for Horses	59 15 4
		Road Metal and carriage of same	29 7 6
		Purchase of Tools, Stores, &c.	1 17 0
		Repairs to Toll Houses and Gates	6 0 0
		Law Expenses	6 6 0
		Commission to Auctioneer	1 15 0
		Repairs to Tools, Carts, and Harness	3 8 6
		Compensation to Lessees	40 0 0
		Petty Expenses	0 10 2
			566 17 0
TOTAL RECEIPTS.....	£ 630 3 5	TOTAL EXPENDITURE.....	£ 658 19 0
Balance, 31st December, 1857	£ 145 17 6	Balance, 30th June, 1858	£ 117 1 11
	£ 776 0 11		£ 776 0 11

Road Trust Office,
Parramatta, 13 September, 1858.

E. L. ROWLING,
Treasurer.

We certify the above Account to be correct,

JAMES BYRNES,
NATHL. PAYTEN,
JAMES PYE,
F. O. DARVALL, P.M. } Commissioners.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

(PENRITH, FROM 1 JANUARY TO 6 AUGUST, 1858.)

Ordered by the Legislative Assembly to be Printed, 11 January, 1859.

THE COMMISSIONERS of the PENRITH ROAD TRUST, in Account current for the Half-year ending 30 June, 1858.

Dr.			Cr.		
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1858.					
January 1 ...	To Balance in hand on 31 December	83 18 3		By Wages, as per Abstracts A. to N.	198 2 0
" " ...	" Amount granted for the Repair of the Bridge over Eastern Creek	100 0 0		" Services performed, as per Abstracts O. to V.	147 10 3
April 20	" Portion of Grant for the Repair of Road between Emu Ferry and Eastern Creek	137 10 0		" Articles supplied, as per Abstract W.....	2 5 0
June 30	" Half-yearly Rent of Hebersham Toll Gate	227 10 0		" Salary of Secretary and Treasurer, as per Abstract X.	15 0 0
		£ 548 18 3		Balance on the 30th of June, 1858	186 1 0
					£ 548 18 3

We certify to the correctness of the above Account,

Penrith, 6 August, 1858.

GEO. THOS. CLARKE,
THOS. BUSICK HAYLOCK, } Commissioners.
JAS. J. RILEY,

THE COMMISSIONERS of the PENRITH ROAD TRUST, in Account current ending 6 August, 1858.

Dr.

Cr.

DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1858.					
July 1	To Balance on 1 July	186 1 0		By Wages, as per Abstracts A. and B.....	35 2 0
				„ Services performed, as per Abstracts C. and D.....	3 8 6
				„ Month's Salary of Secretary, at £30 per annum	2 10 0
				Balance on 6 August, 1858	145 0 6
		£ 186 1 0			£ 186 1 0

We certify to the correctness of the above Account,

Penrith, 6 August, 1858.

GEO. THOS. CLARKE,
THOS. BUSICK HAYLOCK, } Commissioners.
RICHARD BROOKS,

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

(LIVERPOOL, FROM 1 JANUARY TO 30 JUNE, 1858.)

Ordered by the Legislative Assembly to be Printed, 11 January, 1859.

Dr. THE LIVERPOOL ROAD TRUST, in Account with the Colonial Treasurer. Cr.

RECEIPTS.	Date of each Receipt.	Amount of each Receipt.	Total Amount.	DISBURSEMENTS.	Date on which the Abstract was sent to the Audit Office.	Amount of each Abstract.	Amount under each Head of Service.
1857.				By Salaries, as per Abstract, Secretary's Salary, 6 months, at £100 per Annum		50 0 0	50 0 0
To Amount received Tolls Rent of Lansdowne Bridge Gate	31 Jan. ...	29 11 8		„ Wages, as per Abstract	31 Jan. ...	96 6 6	
	28 Feb. ...	29 11 8			28 Feb. ...	80 5 0	
	31 Mar. ...	29 11 8			31 March..	41 1 6	
	30 April... 29 11 8				30 April... 32 11 0		
	31 May ... 29 11 8				31 May ... 19 11 0		
	30 June... 29 11 8				30 June... 16 4 0		285 19 0
			177 10 0	„ Miscellaneous Expenses, as per Voucher.....	31 Jan. ...	1 13 0	1 13 0
					28 Feb. ...		
					31 March..		
					30 April... 31 May ...		
					30 June ...		
To Balance Expended in Excess of Tolls.....			£ 160 2 0				
TOTAL.....			£ 337 12 0	TOTAL.....			£ 337 12 0

Examined, and Correct,
J. T. TAYLOR,
HY. MACDONALD, } Auditors.

SAM. MOORE,
W. H. LAW,
STEPHEN PEARCE, } Commissioners.

District of Liverpool, 15 July, 1858.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

(CAMPBELLTOWN, FROM 1 JANUARY TO 30 JUNE, 1858.)

Ordered by the Legislative Assembly to be Printed, 11 January, 1859.

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Dr.		THE COMMISSIONERS of the CAMPBELLTOWN ROAD TRUST, in Account Current for the Half-year ending 30 June, 1858.		Cr.	
PARTICULARS OF SUMS RECEIVED.	AMOUNT.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.		
To Balance on 31 December, 1857.....	0 10 10	By Salary to Secretary	10	0	0
Six Months' Rent of Toll Gates, at £10 16s. 8d. per Month	65 0 0	Wages as per Vouchers:—			
		John Bardsley	5	15	0
		Richard Gray	4	0	0
		John Bardsley	5	7	6
		Do.	2	10	0
		Andrew Ruddle	5	2	6
		Do.	4	13	9
		Thomas Lynch.....	3	18	9
		Balance on 30 June	24	3	4
	£ 65 10 10		£	65	10 10

Campbelltown, 15 June, 1858.

We certify to the correctness of the above Account,

WILLIAM FOWLER,
LAWRENCE KENDALL, } Commissioners.
JOHN KEIGHRAN.

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The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be clearly documented and supported by appropriate evidence. This includes receipts, invoices, and other relevant documents that can be used to verify the accuracy of the records.

In addition, the document highlights the need for regular audits and reviews. By conducting periodic checks, any discrepancies or errors can be identified and corrected promptly. This helps to ensure the integrity and reliability of the financial data being recorded.

Furthermore, the document stresses the importance of transparency and accountability. All transactions should be clearly labeled and categorized, making it easy for anyone reviewing the records to understand the nature and purpose of each entry. This level of transparency is essential for building trust and confidence in the financial reporting process.

Finally, the document concludes by reiterating the significance of diligent record-keeping. It serves as a foundation for sound financial management and decision-making. By adhering to these principles, individuals and organizations can ensure that their financial records are accurate, complete, and reliable.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

(NARELLAN, FROM 1 JANUARY TO 7 AUGUST, 1858.)

Ordered by the Legislative Assembly to be Printed, 11 January, 1859.

THE COMMISSIONERS of the NARELLAN ROAD TRUST, in Account current for the Half-year ending the 30th June, 1858.

Dr.			Cr.		
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1858.			1858.		
January 1 ...	To Balance from 31 December, 1857	104 8 1	Jany. 9 ...	By Paid Wages	2 0 0
" 8 ...	" Tolls received from Catherine Wynn	21 18 4	" 23 ...	" D. Crichton	16 10 9
February 9 ...	" Do.	24 13 4	Feb'y. 6 ...	" Thos. Blades	42 8 0
March 9 ...	" Do.	24 13 4	" 13 ...	" Wm. S. Mitchell	7 8 0
April 7 ...	" Do.	24 13 4	" 20 ...	" Thos. Blades	15 12 0
May 6 ...	" Do.	24 13 4	" 27 ...	" David Crichton	2 14 0
June 10 ...	" Do.	24 13 4	April 20 ...	" Empire (advertising)	1 0 0
		£ 249 13 1		Balance in hand, 30 June, 1858	162 0 4
					£ 249 13 1

We certify to the correctness of the above Account,

Camden, 7 August, 1858

GEO. MACLEAY, }
E. PALMER, } Commissioners of the
J. N. OXLEY, } Narellan Road Trust.

THE COMMISSIONERS of the NARELLAN ROAD TRUST, in Account current for the period from 1st July to 7th August, 1858.

Cr.

Dr.					
DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1858.			1858.		
July 1	To Balance from 30 June, 1858	162 0 4	Aug. 6 ...	By Paid J. B. Martin	3 1 1
" 7	" Tolls received from Catherine Wynn	24 13 4		Balance in Joint Stock Bank	207 15 0
Aug. 5	" Do.	24 13 4		Petty Cash in hand	0 10 11
					208 5 11
		£ 211 7 0			£ 211 7 0

We certify to the correctness of the above Account,

GEO. MACLEAY, } Commissioners of the
 E. PALMER, } Narellan Road Trust.

Camden, 7 August, 1858.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

(WINDSOR, FROM 1 JANUARY TO 30 JUNE, 1858.)

Ordered by the Legislative Assembly to be Printed, 11 January, 1859.

RETURN of RECEIPTS and DISBURSEMENTS of the COMMISSIONERS of the WINDSOR ROAD TRUST for the Half-year ending 30th June, 1858.

Dr.			Cr.		
1858.			1858.		
	Balance on hand 31 December, 1857.....	34 15 3	5 January ...	By Charles Green, Repairs Windsor Road.....	1 0 0
8 January	To Rent of Fitz Roy Bridge Tolls for December, 1857 ..	29 0 0		„ George Conley, Repairs to Tools	2 1 1 6
18 March	„ Do. of Windsor Ferry for December, 1857, and } January and February, 1857	16 6 3	25 March	„ Henry Parkes, Advertising	3 1 8 6
6 April	„ Do. of Fitz Roy Bridge Tolls for January, February, } and March, 1857	82 4 6		„ J. B. Laverack, Commission, &c.	4 4 3 0
7 May	„ Do. do. for April	27 0 0	7 May	„ Joseph Pitt, for Tools	5 0 5 0
8 June	„ Do. do. for May	27 0 0		„ Carroll & Stubbs, Balance, Repairs Windsor Road.....	6 48 0 0
22 „	„ Do. do. Windsor Ferry for March, April, and } May	16 6 3	30 June.....	„ William Abraham, for Tools.....	7 1 15 0
				„ William Walker, Quarter's Salary to 31 March, 1858..	8 6 5 0
				„ Same Postages and Stationery ditto	9 0 5 0
				„ Edward Grady, Repairs Richmond Road.....	10 4 0 0
				„ Carroll & Stubbs, Repairs, George-street & Windsor Road	11 15 15 0
				„ W. Walker, Quarter's Salary	12 6 5 0
				„ Same Postages and Stationery	13 0 5 0
				„ Balance in hand	142 4 3
		£ 232 12 3			£ 232 12 3

WM. WALKER,
Secretary.

JOHN DAWSON, }
RICH. RIDGE, } Commissioners, Windsor
JOHN BARKER, } Road Trust.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

(RICHMOND, FROM 1 JANUARY TO 30 JUNE, 1858.)

Ordered by the Legislative Assembly to be Printed, 11 January, 1859.

Dr. RETURN of RECEIPTS and DISBURSEMENTS of the COMMISSIONERS of the RICHMOND ROAD TRUST, for the Half-year ending 30th June, 1858. Cr.

1858.		1858.		1858.					
January 1 ...	Balance on hand 31 December, 1857	157	17 6	March 3	By Thomas Douglass, repairs road to Ferry	1	40	0	0
" 11 ...	To Rent of Blacktown Bridge Tolls for December, 1857 ...	8	6 8	"	" E. Mason, printed Bills.	2	3	0	0
" 13 ...	" Richmond Ferry for December, January, and February	70	10 0	"	" W. Walker, Quarter's Salary due 31 March	3	0	5	0
February 8 ...	" Blacktown Bridge Tolls for January, 1858	13	10 0	May 5.....	" Stationery and Postages.....	4	6	5	0
March 11	" " February, 1858.....	13	10 0	"	" W. Tumeth, repairs main street, Richmond	5	0	5	0
" 31	Interest on account in Bank of New South Wales	1	12 11	June 30	" Thos. Buckton, repairs Blacktown Road	6	3	10	0
April 6.....	Rent of Blacktown Tolls for March	13	10 0	"	" John Dunn, do. do.	7	30	0	0
" 10	" Richmond Ferry for March, April, and May.....	70	15 0	"	" W. Walker, Quarter's Salary	8	3	7	0
May 5	" Blacktown Tolls for April	13	10 0	"	" Stationery and Postages	9	6	5	0
June 8	" " May	13	10 0			10	0	5	0
					Balance on Hand		283	10	1
		£	376 12 1				£	376 12 1	

WM. WALKER,
Secretary.

EDW. POWELL,
JOSEPH ONUS, } Commissioners of the Richmond Road Trust.
GEO. GUEST, }

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

MR. JAMES FRENCH.

(PRAYING REDRESS.)

Ordered by the Legislative Assembly to be Printed, 11 January, 1859.

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

The humble Petition of James French, of the Parish of Willoughby,—

SHEWETH :—

That your Petitioner was appointed one of the Rangers of Crown Lands for the County of Cumberland in the month of July, one thousand eight hundred and fifty-one, and continued to fill the said office until the fourteenth day of July last, when he was informed, by letter from the Surveyor General, that his services would be dispensed with from that date, in consequence of no provision having been made in the Estimates for the Ranger's salary.

That until the receipt of the said letter your Petitioner had no intimation that it was intended that the office of Ranger should be abolished.

That your Petitioner's salary at the time of his dismissal was eleven pounds and ten pence per month.

That your Petitioner, considering himself entitled to compensation for the loss of his appointment, presented a Petition to the Governor in Council, praying for such compensation, to which your Petitioner received a reply in the month of October last, stating that the Executive Council had decided that your Petitioner is not entitled to compensation.

Your Petitioner, therefore, humbly prays your Honorable House to take into your consideration the above premises.

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

JAMES FRENCH.

Sydney, 21 December, 1858.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

MR. EWEBANK LOUGH.

(PRAYING INQUIRY INTO THE CAUSE OF HIS DISMISSAL FROM OFFICE.)

Ordered by the Legislative Assembly to be Printed, 9 March, 1859.

The Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of EweBank Lough, late Clerk and Steward of the Lunatic Asylum,
Tarban Creek,—

MOST HUMBLY SHEWETH:—

That your Petitioner, who occupied the situation of Clerk and Steward of the Lunatic Asylum, Tarban, for about four months, was unjustly dismissed at the command of Dr. Campbell, under the pretence of neglect of duty.

That your Petitioner having been subpoenaed to attend the Central Criminal Court on the part of the Crown, and Dr. Campbell knowing that your Petitioner had serious charges to make relating to the internal management of that Institution, made, together with other persons, three contra charges against your Petitioner, which they are totally unable to substantiate.

That your Petitioner, whose character is at stake in consequence of these imputations, earnestly prays that your Honorable House will, without delay, cause an inquiry to be made, as two of the principal witnesses are about to leave the Establishment.

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

EWEBANK LOUGH.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

COLONIAL CIVIL SERVICE.

(PENSIONS AND GRATUITIES TO OFFICERS OF, ON SUPERANNUATION, REDUCTION,
OR ABOLITION OF OFFICE.)

Ordered by the Legislative Assembly to be Printed, 5 April, 1859.

No. 1.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR C. FITZ ROY.

Downing-street,

(No. 78.)

14 May, 1848.

SIR,

With reference to the schedule of appointments of special payments in New South Wales for the quarter ending 30th June, 1847, which accompanied your Despatch No. 167, of the 21st August last, and was referred to the Lords of the Treasury, their Lordships have made the following observations in regard to an issue of £200, reported to have been made to Mr. Stephen Partridge, as a gratuity of two years' salary on the abolition of his office of Superintendent of Convicts at Port Macquarie, under the terms of a Despatch from one of my predecessors, dated 29th September, 1831. Their Lordships have stated that the arrangement you have authorised in the case of Mr. Partridge does not appear to them to be objectionable, but that, adverting to the regulations in regard to granting allowances to Public Officers on retirement or reduction of office, adopted subsequently to the date of the above-mentioned Despatch, they consider it would be advisable that no retired allowance should be assigned by you without a previous reference to Her Majesty's Government.

You will also bear in mind that gratuities on reduction of office after periods of service which may not entitle the holders to any permanent allowance are usually granted at the rate of one month's salary for each year of service.

I am, &c.,

GOVERNOR SIR CHARLES FITZ ROY,

GREY.

&c., &c., &c.

No. 2.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR C. FITZ ROY.

Downing-street,

(No. 2.)

20 July, 1849.

SIR,

I transmit to you herewith, for your information and guidance, the copy of a ^{2nd July, 1849.} letter from the Assistant Secretary to the Lords Commissioners of the Treasury, enclosing copy of a Minute of that Board, dated the 29th ultimo, regulating the system of granting Retiring Pensions or other allowances to subordinate officers in the Colonies.

I have, &c.,

GOVERNOR SIR C. FITZ ROY,

GREY.

&c., &c., &c.

[Enclosure 1 in No. 2]

Treasury Chambers,
2 July, 1849.

Sir,

I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you the accompanying copy of a Minute of this Board, dated 29th ultimo, relating to the superannuation of subordinate officers in the Colonies; and I am to request that, in laying the same before Earl Grey, you will state that, should his Lordship concur in the view My Lords have taken of the subjects to which it has reference, a communication to the purport of it should be made to the Governors of those Colonies to which the proposed arrangement may be applicable.

2 I am at the same time further to state, that My Lords have been generally guided in assigning Colonial Superannuations by the provisions of the Act of the 4th and 5th Wm. IV, cap 24, relating to Civil Departments in the United Kingdom, although the salaries of colonial officers have not in all cases been made liable to the deduction provided for by that Act.

3. I am likewise to state that the conditions and requirements of the said Act, as regard incapacity of applicants for retirement, from age or from infirmity of mind or body, for the further performance of their public duties, and the previous discharge of those duties with diligence and fidelity, and also as regards the period during which the rate of salary on which allowance may be calculated has been received, should be strictly attended to, and that in all cases full information, returns, and certificates, on all these points should be required by the Colonial Government, and forwarded in explanation and support of each grant of allowance when submitted to the Secretary of State; and My Lords consider it may be advisable that the discretionary power of granting retired allowances without previous reference to Her Majesty's Government should not be exercised except in those cases in which the said conditions and requirements have been duly fulfilled and complied with; but I am to request that you will also observe to Lord Grey that in assigning superannuation or retired allowances according to the scales specified in the British Act, it has not been the practise of my Lords' Board to let the increased rates of allowance authorised by those scales after periods of 5 or 7 years service take full effect immediately after the completion of each period, but that My Lords have usually apportioned the authorised rate according as the service might exceed such completion, and approach the next period of increase. Thus, for example, upon the rate of salary to which it is proposed to limit the discretionary grants of retirement by the Colonial Executives, viz., £120 per annum, the maximum allowance authorised by the scale in the 9th clause of the Act, after a service of 15 and not exceeding 20 years, being five-twelfths, or £50. The increase of £10 between this and the next preceding rate of £40 should be distributed by annual apportionments between the fifteenth and twentieth years, as follows:—

Service, 15 years—allowance	...	...	...	...	£42
" 16 "	"	"	"	"	44
" 17 "	"	"	"	"	46
" 18 "	"	"	"	"	48
" 19 "	"	"	"	"	50

And, in like manner, the Act authorising the allowance of six-twelfths, or £60, for service from 20 to 25 years, the apportionment should be—

For 20 years	...	...	...	...	£52
21 "	"	"	"	"	54
22 "	"	"	"	"	56
23 "	"	"	"	"	58
24 "	"	"	"	"	60

And in the same ratio with reference to longer or shorter services, a similar distribution by sevenths, instead of fifths, being made, when the allowance is regulated by the scale in the 10th clause of the Act; or, should the term of service, being under ten years, not warrant the assignment of an annual allowance, a gratuity may be granted after the rate of one month's salary for each year of service.

4. I am likewise to request that you will observe to his Lordship, that the regulations laid down in the Minute of this Board of the 21st June, 1831, which was forwarded to the Colonial Office in a letter of the 29th of that month, and of which an extract of such part as may have more immediate bearing on the subject of the allowances now in question accompanies this communication, are also considered by My Lords to apply to Colonial superannuations; and, accordingly, that the apportioned rates above mentioned, giving the maximum allowance for the last year of each period to which the scales of the Act are adapted, are only to be granted in those cases of decidedly faithful and meritorious service contemplated by that Minute; and it will be incumbent on the Colonial authorities to exercise all the precautions, and institute all the inquiries adverted to in it, and where the testimony as to fidelity, diligence, and merit is in any respect defective, to give effect to the intention of the Minute, by directing the deduction from the apportioned rate either of one-fifth or of greater or less amount, for which it provides, or by altogether withholding the grant of allowance where there has been obvious negligence, irregularity, or misconduct.

5. But I am at the same time to state that in cases of special merit it will remain open to the superior authority in this country to award the maximum allowance warranted by the scales of the Act to the shortest terms of service, or to give such extraordinary recompense as is contemplated as regards officers in this country by the 17th clause of the Act.

6. I am further to request that you will observe to Earl Grey that in the case of Ceylon, although the rates of allowance and terms of periodical increase will be regulated according to the scale specially sanctioned for that Colony, the above-mentioned apportion-

ments,

ments, as well as the deduction under the Minute of the 21st June, 1831, will be equally applicable; and that as respects Hong-Kong, the discretionary power vested in the local Governments must only be exercised in cases where the salary, not exceeding £120 per annum, has been subject to the abatement specified in the 27th clause of the Act of 4th and 5th Wm. IV., and referred to in the communication from this Board to the Secretary of State of the 6th December, 1843.

7. I am also to state that the services in respect of which superannuations are granted ought in all cases to have been continuous, unless interrupted by reduction of office or other temporary suspension of employment, not arising from misconduct or voluntary resignation of the party, and that, in computing the amount of allowance, reference may be had to emolument derived from rations, house-rent, or other unquestionable remuneration for personal service in addition to salary, but not to allowances for horse-keep, travelling, stationery, or other expenses of that description which are contingent only on the particular nature and actual transaction of the business of the office the person retiring may have held.

8. I am likewise to state, that although the allowances thus to be granted by Colonial Governments may be permitted to take effect without awaiting confirmation by the Home Government, periodical reports of all that are granted ought to be made to the Secretary of State, accompanied by all requisite explanatory information, and with the understanding that they will be carefully reviewed, and that any grants of which the Secretary of State or My Lords' Board may not approve will be subject to modification or revocation, as circumstances may be found to require.

9. I am also to request that you will observe to Earl Grey, that in cases of suspension of employment on reduction or abolition of office, temporary allowances may be assigned according to the same rules, but with the condition that parties receiving the same will be liable to be recalled into service, as pointed out in the 19th and 20th clauses of the Act 4th and 5th Wm. IV., and with the understanding also that they are to be re-employed as opportunity may offer, in preference to new applicants for office.

I am, &c.,

HERMAN MERIVALE, ESQ.,
&c., &c., &c.

C. E. TREVELYAN.

[Enclosure 2 in No. 2.]

COPY of Treasury Minute, dated the 29th June, 1849.

The attention of the Board is called by Mr. Rich, on the part of the Superannuation Committee, to the frequent references from the Colonial Secretary of State's Department of recommendations from the Governors of Colonies, in which the arrangement of the Civil Establishment does not depend upon the enactment of Local Representative Legislatures, respecting the retirement of persons in the Civil Service of the Colonial Government and the grant of pensions, or other allowances, upon such retirement; and likewise to the numerous instances in which these references relate to persons in subordinate offices usually filled, on the Governor's nomination, by natives of the Colony, and when the arrangements for keeping the departments to which they appertain in an efficient state must be delayed, by requiring that no case of superannuation shall be determined without previous reference to the Secretary of State and to My Lords' Board. And Mr. Rich suggests, for the consideration of the Board, whether the rule relating to such previous reference might not be relaxed in the case of subordinate offices and employments, and where the pension or allowance granted is payable wholly from Colonial Funds.

My Lords refer to the following provisions relating to pensions and retiring allowances in the "Rules and Regulations for the Colonial Service" issued by the Secretary of State, viz. :—

- " 1. It is to be understood, as a general rule, that no Colonial Officers, of any rank or description, are entitled, as of strict and absolute right, to retiring pensions.
- " 2. Each case, however, as it presents itself must be specially considered and treated on its own merits, and the amount of pensions to be granted in any instance will be regulated by the principles of the British Superannuation Act, it being clearly understood that the maximum rate of pension established by that Act is not in practice the minimum rate also."
- " 3. Whenever a Governor may have occasion to bring under the consideration of Her Majesty's Government the application of any officer for a retiring allowance on quitting the Public Service, he is required to furnish a detailed statement shewing the age of such officer, the nature and length of his services, the salary and emoluments of his office, according to the Schedule prescribed for that purpose."

My Lords also refer to the special arrangements relating to superannuation or retired allowances to persons on the Civil Establishment at Hong-Kong, sanctioned by Minutes of the Board of December, 1843, 7th November, 1845, and 9th October, 1846; and at Ceylon, sanctioned by Minutes of 29th April, 1845, 5th June, 1846, 11th May, 1847, and 2nd June, 1848.

My Lords are of opinion that if authority were given to the Executive Government of those Colonies from which superannuation cases are now usually referred to their Board, to consider and dispose of all minor cases of retirement, either on superannuation or reduction of office, much superfluous correspondence and some inconvenient delays might be

be avoided, and with this view it appears to My Lords that the decision as to the rates of allowance to be granted in all cases where the salary of the retiring party has not exceeded £120 per annum, and where the allowance will be chargeable, as before stated, on Colonial Revenues, might be advantageously left to the Local Executives, subject only to specific reports to and revision, if requisite, by the Home Government. But at the same time My Lords conceive that the decisions of the Colonial authorities in this respect must be governed by the rules hitherto conformed to by their Board in determining the rates of allowance on retirements from the Colonial Service, and by which the allowances to Colonial officers in cases not comprised in the above arrangement will still be regulated.

[*Extract from Treasury Minute of 21st June, 1831*]

12-216.

My Lords take into consideration the Act of the 3rd Geo. 4th, cap. 113, for regulating the amount of allowances which may be granted to Civil Officers in the Public Services who have become unfit, from infirmity of body or mind, to execute the duties of their situations, and also the conditions under which the grant of such allowances is authorised.

The scale of allowances inserted in the Act is the highest rate which superannuated officers can legally receive, except in such extraordinary cases as may be brought under the special cognizance of Parliament.

My Lords, upon a mature consideration of the Act, are clearly of opinion that it was not the intention of the Legislature that the full allowance authorised by the scale attached to the Act should be granted indiscriminately to all entitled to superannuations, but that while that allowance was confined to servants of the public who have served with diligence and fidelity, the amount should be adapted to the individual merits and particular circumstances of each case.

The Act imposes on this Board the highly responsible duty of fixing, subject to the conditions contained therein, the allowances in all cases except those in which the Lords Commissioners of the Admiralty may obtain the sanction to a superannuation allowance from the King in Council.

It appears to My Lords that in fulfilling the important duty which Parliament has thus imposed upon them, it is their duty to consider carefully all the particulars of health, of age, and the circumstances of the parties interested, and whether they are holding any other public situation, or receiving any other public money whatever, but especially as the object of the Legislature was to furnish a provision for those who by their diligent and faithful services had deserved well of their country, it is incumbent on My Lords to have particular reference to, and to take into attentive consideration, the services of each individual.

To enable therefore My Lords to do justice to the public, and to the superannuated officers, it is necessary that they should receive a more detailed statement than heretofore of the merits, value, and extent of service which each officer recommended for superannuation may have performed; for My Lords are clearly of opinion that the highest rate of allowance authorised by the Act ought to be given in those cases only in which the services performed have been proved to their satisfaction to have been more than ordinary meritorious, and to have engrossed fully the time and attention of the officer, excepting during a moderate period allowed for relaxation and health.

In the exercise of the discretion entrusted to them by Parliament My Lords will conceive themselves warranted in ordinary cases to grant an allowance equal to about four-fifths of the scale authorised by the Act; but My Lords will deem it their duty to award a lower rate in cases where it shall appear to them that the services of the parties have not been such as to entitle them to that amount, or where the circumstances shall lead My Lords to consider that a less sum will be proper, and My Lords will also fix the allowance, either at the highest amount, or at a rate between four-fifths of, and the whole of the amount authorised by the Act, according to the merit of each case, wherever they may appear to entitle the party to more than the ordinary rate.

To enable My Lords to exercise their discretion on the principle thus stated, they are pleased to desire that directions may be sent to the Heads of all Departments of Government, acquainting them with the views and intentions which My Lords have expressed, and desiring that in every case in which any Civil Public Officer is recommended for superannuation, the recommendation may be accompanied by such statement as will exhibit the merit, and value, and labor of the services of the person recommended, embracing as long a period of his public services as can be authentically stated; and with a view further to assist My Lords in determining the amount of allowance to which the services of each individual may entitle him, they consider it necessary that they should be acquainted with every circumstance which may affect the services of the applicants, and as the actual amount of attendance which an officer may have given to his public duties must necessarily form a material feature in the extent of his claims on the public to be supported when he becomes infirm, My Lords desire that the Heads of Departments, when they recommend any individual whomsoever for superannuation, should be required to state the number of days on which the individual has been present in his office during each of the preceding ten years, stating also the number of days on which he has been absent each year by reason of sickness.

No. 3.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR C. FITZ ROY.

Downing-street,
22 July, 1851.

SIR,

It has been suggested to me by the Lords Commissioners of the Treasury, that it would be very desirable, in submitting for the consideration of Her Majesty's Government the claims of Civil Officers serving in the Colonies to retired allowances, that such recommendation should be accompanied by a statement, shewing at what period the officers so recommended are expected to retire from active service -- whether on forwarding their application after reduction, or after having passed a Medical Board, or whether on the receipt of the authority for the required superannuation, or at whatever other time, as the case may be.

The inconvenience of applications from distant Colonies for a subsequent consideration of the intermediate term of service between the Governor's recommendation and the confirmation by Her Majesty's Government will be thereby avoided, and the Lords Commissioners of the Treasury will be enabled to fix the date at which the respective allowances will be chargeable in the accounts to be rendered to the Commissioners of Audit, or to make the requisite provision for payment in those cases in which the retired allowances are to be defrayed by this country.

I take this opportunity of transmitting to you a printed form, shewing the particulars required by the Act 4 & 5 William IV., c. 24, and the Treasury Minute dated the 21st June, 1831, to be furnished in reference to each person recommended for a superannuation allowance; and it will be very desirable that the same form should be used in submitting any such recommendation in favor of any officer serving under your Government.

I have, &c.,

GOVERNOR SIR C. FITZ ROY.

GREY.

[Enclosure in No. 3.]

PARTICULARS required by the Act of 4 & 5 Wm. IV. c. 24, and the Treasury Minute, dated 21st June, 1831, to be furnished in reference to each Person recommended for a Superannuation Allowance.

Name of Applicant, and Official Station, recommended for Temporary Allowance or Superannuation.

Age
 Service, in Years and Months
 Actual Salary, if 3 years have elapsed since last promotion; but if not, then average Salary for the last 3 years
 according to old or new Scale—i. e., if appointed subsequent or prior to 4th August, 1829.....
 } Deduction

NOTE.—When a Temporary Allowance is intended, the applicant should draw a line through the word "Superannuation," or vice versa.

Cause of Retirement [with annexed Medical Certificate, if from infirmity of mind or body, and under 65.]

Dates of commencement and termination of the several appointments held by applicant, with their emoluments, distinguishing Salary from other allowances, and specifying such allowances.

Whether holding any other public appointment, or receiving any public money by compensation, half-pay, or otherwise.

Absences during each of the last ten years ...

YEAR.	NUMBER OF DAYS.	
	Illness.	Other Causes.
Date of Cessation of Duty.	18	
	18	
	18	
Date of Cessation of Salary.	18	
	18	
	18	
Date of first contribution to the Superannuation Fund.	18	
	18	
	18	

Statement according to the Superannuation Act, that the applicant has discharged his duties with diligence and fidelity, to the satisfaction of the Head Officer or Officers of his

Department, to be signed by any two of such Head Officers, if there shall be more than one, or by such Head Officer, if there should be but one, together with such a statement as will exhibit the merit, and value, and labor of the services of the person recommended, embracing as long a period of his public service as can be authentically stated, together with observations as to Special Services, Suspension, Reprimand, &c., with full particulars of any injuries received on duty, or other claims or matters for consideration.

"My Lords consider themselves warranted in ordinary cases to grant an allowance equal to about $\frac{1}{3}$ ths of the sum authorised by the Act, but they will consider it their duty to award a lower rate in cases where the services of the parties or circumstances lead them to consider a less sum will be proper; and My Lords will grant an allowance, either at the highest amount, or at a rate between $\frac{1}{3}$ ths and the whole amount authorised by the Act, according to the merits of each case whenever they appear to entitle the party to more than ordinary allowance."—*Extract from the Treasury Minute, dated 21st June, 1831.*

No. 4.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR C. FITZ ROY.

(No. 43.)

Downing-street,

26 July, 1852.

SIR,

Having referred to the Lords Commissioners of the Treasury a copy of your Despatch No. 37, of the 17th of February last, reporting the circumstances which had led to the retirement of Mr. Kerr, the Chief Commissioner of Insolvent Estates in New South Wales, and that a pension, at the rate of £71 8s. 6d. per annum, had been assigned to him, payable from the amount of £2,500 appropriated by Schedule A, Part 2, of the Constitution Act of Australia to such services, I have to acquaint you that their Lordships have intimated to me their approval of the arrangement, and I have accordingly instructed the Colonial Agent to pay to Mr. Kerr his retired allowance from the 1st of February last inclusive, the period up to which it appears from your Despatch he received it in the Colony.

I have, &c.,

GOVERNOR SIR C. A. FITZ ROY,

JOHN S. PAKINGTON.

&c., &c., &c.

No. 5.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR C. FITZ ROY.

(No. 159.)

Downing-street,

30 October, 1850.

SIR,

20 October, 1850.

Having communicated, for the decision of the Lords Commissioners of the Treasury, a copy of your Despatch of the 11th of March last, No. 39, submitting for favorable consideration, with the advice of your Executive Council, the copy of a memorial from Mr. Carter, praying that he may be allowed a pension in consequence of the abolition of his office of Registrar General, I now transmit, for your information, a copy of a letter which has been received in reply from that Board, from which you will perceive that, on a full consideration of the circumstances of his case, their Lordships are prepared to sanction the grant to Mr. Carter of an allowance of £300 per annum, to be paid out of the unappropriated balance of the sum set apart for pensions under Schedule B of the Constitutional Act of the Colony, 5 and 6 Victoria, cap. 76.

I have, &c.,

GOVERNOR SIR CHARLES FITZ ROY,

GREY.

&c., &c., &c.

[Enclosure in No. 5.]

Treasury Chambers,

26 October, 1850.

SIR,

The Lords Commissioners of Her Majesty's Treasury having had before them your letter of the 16th ultimo, transmitting copy of a Despatch from the Governor of New South Wales, submitting the claim of Mr. Carter, who lately held the office of Registrar of Deeds in that Colony, for a pension; I am commanded to acquaint you, for the information of Earl Grey, that under the peculiar circumstances of Mr. Carter's supersession from the office of Master in Equity in 1832, in consequence of his having unfortunately become involved, on the serious depreciation of property at that time, as stated in Governor Sir C. Fitz Roy's said Despatch, my Lords are of opinion that the break of continuity of service from 1832 to 1837, when

when Mr. Carter was re-employed as Chief Commissioner of the Court of Claims, should not preclude his service from 1823 to 1832 from being considered; and, taking into consideration his various services, the reduction of his office, and his advanced age, My Lords are pleased to sanction the grant to him of an allowance of £300 per annum, to be paid out of the portion of Schedule B. of the Constitutional Act, 5 and 6 Vic, c. 7G,—viz., £3,000 set apart for pensions.

I am, &c.,

H. Merivale, Esq.,
&c., &c., &c.

C. E. TREVELYAN.

No. 6.

[*Extract of a Despatch dated Downing-street, 20 July, 1855.*]

(No. 51.)

19. But with respect to the holders of present interests, whether in the salaries or pensions provided for them, Her Majesty's Government entertain the opinion—in which they do not doubt the concurrence of yourself and the Legislature—that the maintenance of these interests is incumbent on the Crown in order to keep faith with individuals, and incumbent on the Legislature in due execution of its compact with the Crown. I have, therefore, to instruct you to reserve for the Assent of the Crown any Bill which may affect such interests (those namely of present incumbents) either in such salaries or pensions, unless in your discretion you think proper to negative it.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

COLONIAL TREASURY.

(RETURN SHEWING BALANCES TO THE CREDIT OF VARIOUS ACCOUNTS, ON 31 DECEMBER, 1858.)

Ordered by the Legislative Assembly to be Printed, 4 February, 1859.

STATEMENT shewing the Balances in the Treasury on the 31st day of December, 1858, distinguishing the various Balances at the Credit of the Public Revenue Accounts, and the various Lodgment Accounts, with Total Balance ; and also the distribution of the Balances.

FURTHER
SUPPLEMENTARY ESTIMATE
OF THE
EXPENDITURE
OF THE
GOVERNMENT
OF
NEW SOUTH WALES.
FOR
1858.



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

1858.

FURTHER SUPPLEMENTARY ESTIMATE FOR 1858.

EXECUTIVE AND LEGISLATIVE.		
LEGISLATIVE COUNCIL AND ASSEMBLY.		
To reimburse the Steward, for deficiency in receipts on account of the Refreshment Room, in the Session of 1856-7		37 15 9
PRINCIPAL SECRETARY.		
CHARITABLE ALLOWANCES.		
To meet deficiency in amount voted for the support of Paupers in the Colonial Hospitals, for 1857	255 1 1	
In aid of the Hospital, Bathurst, on condition of an equal amount being raised by private contributions, a further sum	100 0 0	
	355 1 1	
GRANTS IN AID OF PUBLIC INSTITUTIONS.		
To enable the Trustees of the Sydney Grammar School to pay the Debt incurred by them in the erection of the Building		4,000 0 0
MISCELLANEOUS.		
Aid to the "Diggers' Employment Committee," to enable them to remove unemployed Diggers to the interior on condition of their raising an equal amount ...		1,750 0 0
ADMINISTRATION OF JUSTICE.		
MORETON BAY COURT.		
Rent of Crown Solicitor's Office, from 1 April to 30 September, 1857	20 0 0	
Increase to the Salary of the Sheriff's Bailiff from £150 to £180 ...	30 0 0	
	50 0 0	
TREASURER AND SECRETARY FOR FINANCE AND TRADE.		
TOLLS AND FERRIES.		
Repairs to the Punts at Wiseman's Ferry, on the Hawkesbury River	300 0 0	
FLOATING LIGHT, MORETON BAY.		
Hawse-pipe and Repairs	47 16 9	
MISCELLANEOUS		
To restore to the individuals from whom it was taken, that portion of the proceeds of the Gold remaining in possession of the Government, which had been seized on board the "Ethereal" and "Mary Nicholson," a further sum	575 16 8	
	923 13 5	
SECRETARY FOR LANDS AND PUBLIC WORKS.		
PUBLIC BUILDINGS.		
Furniture for Government House, the further sum of	550 0 0	
General alterations and repairs to the Court House, Campbelltown, in lieu of the like sum voted for the erection of a new Court House	800 0 0	
For erection of Cottage, Garden Island, for Naval Working Parties	200 0 0	
	1,550 0 0	
PORT CURTIS.		
Towards meeting expenses consequent upon the discovery of Gold at the Fitz Roy River, a further sum		4,000 0 0
TOTAL	£	12,666 10 3

The Treasury, New South Wales,
7th December, 1858.

RT. CAMPBELL.

ESTIMATES
OF THE
PROBABLE EXPENDITURE
OF THE
GOVERNMENT
OF
NEW SOUTH WALES,
FOR THE YEAR
1859.



SYDNEY :
PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.
—
1858.

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NEW SOUTH WALES.



ESTIMATES OF EXPENDITURE,
1859.

DETAILED.

No. I.—SCHEDULES.

				PROVIDED IN SCHEDULE.	PROVIDED BY COLONIAL ACTS.	AMOUNT TO BE VOTED.
SCHEDULE A.						
His Excellency the Governor General				7,000 0 0		
The Chief Justice				2,000 0 0	600 0 0	
The Puisne Judges, at £2,000			3	4,500 0 0	1,500 0 0	
The Colonial Secretary				2,000 0 0		
The Colonial Treasurer				1,250 0 0	250 0 0	
The Auditor General				900 0 0	.....	100 0 0
The Attorney General				1,500 0 0		
The Solicitor General				1,000 0 0		
The Governor's Private Secretary				400 0 0		
Provided by the Schedule... ..			£	20,550 0 0		
Provided by Colonial Acts					£ 2,350 0 0	
Amount to be Voted ... ..					... .. £	100 0 0
SCHEDULE B.						
Pensions.						
To OFFICERS OF THE GOVERNMENT who, on Political grounds, retired, or were released, from Office, viz. :—						
Edward Deas Thomson, C.B., formerly Colonial Secretary					2,000 0 0	
Campbell D. Riddell, formerly Colonial Treasurer					1,000 0 0	
Francis L. S. Merewether, formerly Auditor General					900 0 0	
John H. Plunkett, Q.C., formerly Attorney General					1,200 0 0	
Sir W. M. Manning, Q.C., formerly Solicitor General					800 0 0	
						5,900 0 0
To THE UNDERMENTIONED PENSIONERS, according to the Scale and Rates fixed by the Superannuation Act of the Imperial Parliament 4 & 5 Gul. IV., cap. 24, viz. :—						
William Lithgow, formerly Auditor General					379 3 4	
William Carter, late Registrar General					300 0 0	
John Nicholson, formerly Harbour Master					200 0 0	
Merion M. Moriarty, formerly Port Master					134 10 5	
George Boyle White, late Surveyor					222 10 0	
James Larmer, do.					167 0 0	
Thomas Scott Townsend, do.					137 11 2	
J. J. Galloway, do.					143 19 9	
William Shone do.					113 7 4	
James Warner, late Assistant Surveyor					70 0 0	
George William Newcombe, late Clerk in Colonial Secretary's Office					186 13 4	
Benjamin Pitt Griffin, sen., late Clerk in the Colonial Treasury... ..					79 0 0	
Carried forward				£	2,133 15 4	
Carried forward ... ..					... ..	5,900 0 0

No. I.—SCHEDULES.

SCHEDULE B.—continued.

Pensions—continued.

Brought forward	£	2,133 15 4	5,900 0 0
Francis Gosling, late Clerk in General Post Office		52 0 0	
Colin Mackenzie, late Clerk in Supreme Court		35 10 0	
Nicholas Leader, late Clerk in Court of Requests... .. .		53 0 8	
O. Homersham, late Clerk, Customs		50 2 11	
Robert Ormiston, late Clerk of Petty Sessions, Sydney		102 0 0	
William Taylor, do. Wollongong		24 5 6	
Rev. F. Wilkinson, late Colonial Chaplain		188 11 8	
Mrs Smith, Widow of Judge Advocate Bent		200 0 0	
Mrs. S. Mileham, Widow of Surgeon Mileham		100 0 0	
William Galvin, late Messenger, Legislative Council		35 5 8	
Michael Doyle do. Colonial Treasury		39 10 0	
Samuel M. Burrowes, late Foreman, Colonial Stores		22 0 0	
Richard Williams, late Coast-waiter, Customs		7 12 6	
Joseph Moore, late Keeper of the Supreme Court House		14 16 6	
Mrs. H. McKenny, late Matron, Protestant Orphan School		27 13 0	
James Graves, late Sergeant, Gold Guard		54 15 0	
Thomas Bevan, late Trooper, Mounted Police		9 2 6	
Needham Robinson, late Constable, Sydney Police		29 13 1	
William Callaghan, do., do.		14 19 9	
Bryan Naughton, do., do.		12 10 0	
Benjamin Nichols, do., do.		9 2 6	
Edward Wilson, do., Penrith Police		14 18 3	
Thomas Hinton, late Porter, Customs		28 4 0	
Edward Bullock, Turnkey, Bathurst Gaol		18 0 0	
		3,277 8 10	
Amount reserved to meet further claims under the Imperial Act... .. .		222 11 2	3,500 0 0
*Amount provided by the Schedule... .. .	£	.....	9,400 0 0

Pensions to be Voted.

Lady Forbes, Widow of Sir Francis Forbes, formerly Chief Justice		200 0 0	
Lady Dowling, Widow of Sir James Dowling, late Chief Justice... .. .		200 0 0	
Mrs. Anne Kinchela, Widow of the late Mr. Justice Kinchela		100 0 0	
Mrs. Anne Petrie, Daughter of the late Captain Flinders, R. N.		100 0 0	
Mr. E. R. Stack, late Master of the Benevolent Asylum, Sydney		133 6 8	733 6 8
TOTAL ... .. .	£	.....	733 6 8

No. I.—SCHEDULES.

No. of Persons.						SALARIES AND CONTINGENCIES.	
1858.	1859.	SCHEDULE C.				Amount Voted for 1858.	Amount Required for 1859.
		Public Worship.					
		CHURCH OF ENGLAND.				£	£
		DIOCESE OF SYDNEY.					
1	1	Bishop of Sydney and Metropolitan	...	...	...	*1,800	1,800
1	...	Archdeacon of Cumberland...	...	...	...	577	
	1	Dean of Sydney	...	...	...	950	300
3	3	Clergymen, at £316 13s. 4d.	...	...	...	950	950
8	6	Do. at £300	...	...	...	2,400	1,800
23	24	Do. at £266 13s. 4d.	...	...	...	6,133	6,400
	1	Do. at £260	...	...	...	260	260
4	5	Do. at £250	...	...	...	1,000	1,250
3	3	Do. at £216 13s. 4d.	...	...	...	650	650
1	1	Clergyman	...	...	...	200	200
1	1	Do.	...	...	...	167	167
						13,877	13,777
		In lieu of Forage for one horse each, to Clergymen, at 2s. 6d.—5 in 1858, 4 for 1859	...	...	...	228	183
		In lieu of House Rent; one at £50, and two at £60 each, per annum	...	...	...	170	170
						398	353
45	46					14,275	14,130
		DIOCESE OF NEWCASTLE.					
1	1	Bishop of Newcastle	...	...	...	617	617
1	1	Clergyman	...	...	...	317	317
2	1	Clergymen, at £300	...	...	...	600	300
11	11	Do. at £266 13s. 4d.	...	...	...	2,933	2,933
2	2	Do. at £250	...	...	...	500	500
1	1	Clergyman	...	...	...	217	217
1	2	Do.	...	...	...	200	400
2	2	Clergymen, at £166 13s. 4d.	...	...	...	333	333
	1	Clergyman	...	...	...	100	100
						5,717	5,717
		In lieu of Forage for one Horse each, to two Clergymen, at 2s. 6d. per diem	...	...	...	91	91
		In lieu of House Rent, at £60—2 in 1858, 1 for 1859	...	...	...	120	60
		For the maintenance of two Boatmen on the River Hawkesbury	...	...	...	36	36
						247	187
						5,964	5,904
21	22	TOTAL	...	...	...	20,239	20,034
		PRESBYTERIAN CHURCH.					
1	1	Minister	...	...	...	300	300
3	3	Ministers, at £266 13s. 4d.	...	...	...	800	800
8	8	Do. at £250	...	...	...	2,000	2,000
5	5	Do. at £216 13s. 4d.	...	...	...	1,083	1,083
1	1	Minister	...	...	...	202	202
						4,385	4,385
18	18	TOTAL	...	...	...	4,385	4,385
		WESLEYAN METHODIST CHURCH.					
1	1	Minister	...	...	...	300	300
8	8	Ministers, at £250	...	...	...	2,000	2,000
1	1	Minister	...	...	...	273	273
						2,573	2,573
10	10	TOTAL	...	...	...	2,573	2,573

* It is understood that, with the Revenue from Bishopthorpe, the salary of the Metropolitan will be £2,000 per annum.

No. I.—SCHEDULES.

No. of Persons.		SCHEDULE C.—continued.						SALARIES AND CONTINGENCIES.			
1858.	1859.							Amount Voted for 1858.		Amount Required for 1859.	
		Public Worship—continued.									
		ROMAN CATHOLIC CHURCH.									
		Archbishop					£		£		
1	1	Vicar General					933		933		
1	1	Clergymen, at £300					400		400		
11	11	Do. at £266 13s. 4d.					3,300		3,300		
9	9	Do. at £250					2,400		2,400		
14	14	Do. at £216 13s. 4d.					3,500		3,500		
3	3	Do. at £216 13s. 4d.					650		650		
		Allowance for Travelling Expenses... ..						11,183		11,183	
							.....	200		200	
39	39	TOTAL ... ..				£	.....	11,383		11,383	
		CLERGYMEN AT THE GOLD FIELDS									
		WESTERN DISTRICT.									
2	2	Church of England Clergymen, at £300					600		600		
1	1	Presbyterian Minister					300		300		
1	1	Wesleyan Minister					300		300		
1	1	Roman Catholic Clergyman... ..					300		300		
		Allowance in lieu of Forage for one horse, each, to the Presbyterian and Wesleyan Ministers						60		60	
		Forage for four Horses						570		570	
								630		630	
								1,500		1,500	
		SOUTHERN DISTRICT.									
1	1	Church of England Clergyman					300		300		
1	1	Presbyterian Minister					300		300		
1	1	Wesleyan Minister					300		300		
1	1	Roman Catholic Clergyman... ..					300		300		
		In lieu of Forage to the Church of England, Presbyterian, and Wesleyan Ministers, at £30, each						90		90	
		Do. Roman Catholic ... ..					.....	30		30	
		Forage for one Horse						128		128	
								218		218	
9	9	TOTAL ... ..				£	.....	3,548		3,548	
		JEWISH MINISTER.									
1	1	Minister						200		200	
		RECAPITULATION:—									
		CHURCH OF ENGLAND					20,239		20,034		
		PRESBYTERIAN CHURCH					4,385		4,385		
		WESLEYAN METHODIST CHURCH					2,573		2,573		
		ROMAN CATHOLIC CHURCH					11,383		11,383		
		CLERGYMEN AT THE GOLD FIELDS					3,548		3,450		
		JEWISH MINISTER					200		200		
		PROVIDED BY THE SCHEDULE ... ..					.....	42,328		42,025	
								28,000		28,000	
		ADDITIONAL EXPENDITURE ... ..				£	.....	14,328		14,025	

II.

Executive and Legislative.

SUMMARY.

	*Voted for 1858.	Required for 1859.
His Excellency the Governor General	2,122	2,023
Executive Council	1,188	1,162
Legislative Council	4,855	5,740
Legislative Assembly	6,744	7,511
Legislative Council and Assembly	3,143	1,843
TOTAL	£ 18,052	18,279

* The Expenses voted in 1858, for stationery, fuel, light, clothing, and stores, are transferred to the general head "Stationery and Stores," No. V., "TREASURER AND SECRETARY FOR FINANCE AND TRADE."

A like remark applies to each of the Summaries, Nos. III. to VII., respectively.

*The Treasury, New South Wales,
7th December, 1858.*

Rt. CAMPBELL,

No. II.—EXECUTIVE AND LEGISLATIVE.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1858.	1859.							Amount Voted for 1858.		Amount Required for 1859.	
		His Excellency the Governor General.									
		SALARIES.									
1	1	Private Secretary	(provided in Schedule.)				£		£		
1	1	<i>a</i> Aide-de-Camp	...	...	...	...	173		173
1	1	Clerk to Private Secretary	...	...	...	...	315		315
1	1	Messenger	...	...	...	...	71		71
1	1	Mounted Orderlies,—									
1	1	Serjeant	...	...	...	...	68		68
1	1	Corporal	...	...	...	...	50		50
3	3	Troopers	...	...	...	...	94		94
							771		771		
		CONTINGENCIES.									
		Travelling Expenses of His Excellency the Governor									
		General						500		500	
		Provisions for the Orderlies						74		74	
		Forage for seven Horses						511		511	
		Remount Horses							50	
		Postage						117		117	
		Incidental Expenses...						150		
							1,352		1,252		
		TOTAL						£	2,023
9	9										
		Executive Council.									
		SALARIES.									
1	1	Clerk of the Council	...	...	...	...	600		600
1	1	Clerk	...	...	...	...	300		300
1	1	Clerk	...	...	...	...	150		150
1	1	Messenger	...	...	...	...	110		84
1	1	<i>b</i> Officekeeper	...	...	...	...	18		18
							1,178		1,152		
		CONTINGENCIES.									
		Incidental Expenses						10
5	5	TOTAL						£	1,162

a Second Lieutenant in Royal Artillery.*b* Officekeeper to Principal Secretary's Department.

No. II.—EXECUTIVE AND LEGISLATIVE.

No. of Persons.			SALARIES AND CONTINGENCIES.			
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.	
			£		£	
Legislative Council.						
SALARIES.						
1	1	President	1,200		1,200	
1	1	Chairman of Committees	500		500	
1	1	Clerk of the Council	700		700	
1	1	Clerk Assistant	400		500	
1	1	Short-hand Writer	400		400	
1	1	First Clerk	300		400	
1	1	Second Clerk	250		300	
1	1	Third Clerk... ..	250		250	
1	1	Usher of the Black Rod	350		400	
1	1	Chief Messenger	150		150	
1	1	Assistant Messenger	110		110	
	1	Do. ... ..	.....		110	
1	1	^a Doorkeeper	120		120	
1	...	President's Messenger	55		.....
				4,785		5,140
CONTINGENCIES.						
1	1	Sessional Short-hand Writer	100		100	
2	2	Extra Copying Clerks, (6 months)	150		175	
3	3	Extra Messengers, at £110 do.	165		165	
		Sperm Candles	50		50	
		Gas Light	40		40	
		Postage	15		20	
		Incidental Expenses	50		50	
				570		600
19	19	TOTAL ... ..	£ .....		.....	5,740

^a Provided with Quarters.

No. II.—EXECUTIVE AND LEGISLATIVE.

No. of Persons.		Legislative Assembly.	SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
			£	£
		SALARIES.		
1	1	Speaker	1,200	1,200
1	1	Chairman of Committees	500	500
1	1	Clerk of the Assembly	800	800
1	1	Clerk Assistant	600	600
1	1	Second Clerk Assistant	400	400
1	1	Serjeant-at-Arms	400	400
1	1	Shorthand Writer	550	550
1	1	Clerk of Records	400	400
1	1	Clerk of Printing Branch	300	300
1	1	Clerk of Select Committees... ..	300	300
1	1	Copying Clerk	250	250
1	1	Clerk in charge of Printed Papers	250	250
1	1	Principal Messenger... ..	150	150
1	1	Doorkeeper	120	120
2	2	Assistant Messengers, at £110	220	220
			6,440	6,440
		CONTINGENCIES.		
1	1	Sessional Shorthand Writer	200	200
2	2	Extra Copying Clerks, at £175 (6 months)	175	175
4	4	Extra Messengers, at £110 do.	220	220
		Postage	25	35
		Sperm Candles	167	167
		Gas Light	45	45
		Paging 100 sets of Votes and Proceedings... ..	22	29
		Incidental Expenses... ..	200	200
			1,054	1,071
23	23	TOTAL	£	7,511

No. II.—EXECUTIVE AND LEGISLATIVE.

No. of Persons.						SALARIES AND CONTINGENCIES.			
1858.	1859.					Amount Voted for 1858.		Amount Required for 1859.	
		Legislative Council and Assembly.							
		SALARIES.				£			£
1	1	a Librarian	...	...	...	300		300	
1	1	Assistant Librarian	...	...	...	200		200	
1	1	b Steward and Housekeeper	...	...	...	225		225	
1	1	a Assistant do.	...	...	...	64		64	
1	1	Watchman	...	...	...	110		110	
1	1	a House Servant	...	...	...	110		110	
1	1	a Female Servant	...	...	...	54		54	
						1,063		1,063	
		CONTINGENCIES.							
		<i>Library.</i>							
		Sperm Candles	...	...	...	44		44	
		Books and Periodicals	...	...	...	450		450	
		Insurance of Books	...	...	...	21		21	
		Incidental Expenses	...	...	...	30		30	
		<i>Refreshment Room.</i>							
3	3	Servants (6 months)	...	...	...	185		185	
		Sperm Candles	...	...	...	40		40	
		Incidental Expenses	...	...	...	10		10	
						780		780	
10	10	TOTAL				£			1,843
		<i>a</i> Provided with Quarters. <i>b</i> Provided with Quarters, and Fuel, and Light.							

III.

The Principal Secretary.

SUMMARY.

	Voted for 1858.	Required for 1859.
Principal Secretary	5,994	4,903
Government Resident, Moreton Bay	973	915
Do. Port Curtis ... ..	.....	730
Registrar General	6,360	6,775
Post Office	24,195	23,227
Conveyance of Mails	72,500	49,050
National Schools	20,000	20,000
Denominational Schools	20,000	20,000
Protestant Orphan School	3,515	3,953
Roman Catholic Orphan School... ..	3,138	3,058
Immigration and Quarantine	183,539	162,934
Sydney Police—Judicial :—		
Central Police Office		2,890
Water Police, and Shipping Masters		2,155
Sydney Police—Executive :—		
Inspector General and Metropolitan Police		22,140
Water Police		2,442
Horse Patrol		3,540
Police, Country Districts—Judicial :—		
Police Magistrates		4,425
Do. acting as Clerks of Petty Sessions		3,575
Clerks of Petty Sessions		12,075
General Contingencies	175,732	2,104
Police, Country Districts—Executive :—		
First class Chief Constables		5,425
Second class Chief Constables		4,620
District Constables		5,586
Ordinary Constables		39,257
General Contingencies		9,990
Detective Police throughout the Colony		1,123
Horse Patrol and Gold Police		32,374
Gold Contingent		1,250
Police, General Service		2,500
Native Police		13,574
Gaol, Sydney	7,680	7,155
Parramatta	4,030	4,224
Bathurst	2,904	2,890
Maitland	2,690	2,636
Goulburn	1,693	1,711
Brisbane	2,134	2,119
Penal Establishment, Cockatoo Island	11,298	10,245
Printing, Postage Stamps, Lithographing, and Bookbinding Department	14,058	14,058
Observatory	1,299	2,290
Health Officers, and Medical Board	1,140	724
Vaccine Institution	480	480
Lunatic Asylum, Tarban... ..	8,725	6,970
Do. Parramatta	10,882	11,208
Naval Allowance... ..	3,704	5,988
Military Allowance	10,433	8,179
Royal Artillery	7,491	7,398
Volunteer Corps	500	5,000
Charitable Allowances	19,736	14,050
Grants in aid of Public Institutions	3,097	11,800
Aborigines	200	200
Miscellaneous	18,445	17,139
TOTAL... ..	£ 648,565	603,615

No. III.—PRINCIPAL SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1858.	1859.	Principal Secretary.						Amount Voted for 1858.		Amount Required for 1859.	
		SALARIES.						£		£	
1	1	Principal Secretary (provided in Schedule.)									
1	1	Under Secretary						800		800	
1	1	Chief Clerk						630		630	
1	...	Clerk						550			
1	1	Clerk						400		400	
2	3	Clerks, at £375						750		1,125	
1	...	Clerk						335			
1	1	Clerk						315		315	
1	...	Clerk						*245		.....
1	...	Clerk						†230		.....
...	1	Clerk ... ..						.....		225	
...	1	Clerk ... ..						.....		200	
5	3	Clerks, at £175						875		525	
1	1	(a) Messenger						103		103	
1	1	Do.						123		123	
1	1	(b) Officekeeper						61		61	
1	1	Watchman						91		91	
									5,508		4,598
		CONTINGENCIES.									
		Extra Clerical Assistance as required						250		100	
		Postage						75		75	
		Newspapers for Record, and for the Secretary of State ...						50		50	
		Public General Acts, Parliamentary Papers, Annual Army List, and Royal Calendar						50		50	
		Incidental Expenses						30		30	
									455		305
20	17	TOTAL ... ..						£ .....		.....	4,903
		Government Resident, Moreton Bay.									
1	1	Government Resident						700		700	
1	1	Clerk						200		200	
		Postage						15		15	
									915		915
2	2	TOTAL ... ..						£ .....		.....	915
		Government Resident, Port Curtis.									
	1	Government Resident ... ..						.....		700	
		Incidental Expenses ... ..						.....		30	
	1	TOTAL ... ..						£ .....		.....	730

(a) Provided with quarters.
 (b) Provided with quarters and fuel and light.

* Transferred to the Department of Lands and Public Works.
 † Do. do. Registrar General.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1858.	1859.							Amount Voted for 1858.		Amount Required for 1859.	
								£		£	
Registrar General.											
SALARIES.											
1	1	Registrar General						700		700	
<i>Registration of Deeds' Branch:—</i>											
1	1	Deputy Registrar of Deeds...						350		350	
2	2	Clerks, at £200						400		400	
3	3	Do, at £175						525		525	
1	1	Book Porter... ..						100		100	
<i>Statistics' Branch:—</i>											
1	1	Chief Clerk						215		250	
...	1	Clerk ... ..						.....		* 230	
1	1	Do.						200		200	
1	1	Do.						150		150	
1	...	Do.						150		.....
	2	Clerks, at £75 each... ..						.....		150	
2	1	(a) Messenger and Office Keeper						120		120	
									2,910		3,175
CONTINGENCIES.											
		Allowances to District Registrars						2,600		2,750	
		Freight and Carriage of Books and Forms						50		50	
		Rent of Office						400		400	
		Postage						150		150	
		Additional Clerical assistance, and unforeseen expenses						250		250	
									3,450		3,600
14	15	TOTAL ... ..						£ .....		.....	6,775

* Transferred from the Principal Secretary's Department.

(a) Provided with quarters.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.			SALARIES AND CONTINGENCIES.			
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.	
			£		£	
Post Office.						
SALARIES.						
1	1	Postmaster General...	950		950	
1	1	Secretary and Cashier ...	530		530	
1	1	Superintendent of Letter Branch ...	530		530	
1	1	Accountant ...	530		530	
4	4	Clerks, at £375 ...	1,500		1,500	
1	1	Clerk ...	315		315	
1	1	Clerk ...	300		300	
1	1	Clerk ...	260		260	
1	1	Clerk ...	245		245	
3	3	Clerks, at £230 ...	690		690	
4	4	Clerks, at £215 ...	860		860	
8	8	Clerks, at £175 ...	1,400		1,400	
5	5	Stampers and Openers and Tyers of Bags, at £132 ...	660		660	
6	6	Newspaper Sorters, at £132 ...	792		792	
15	15	Sydney Letter Carriers, at £132 ...	1,980		1,980	
1	1	Landing and Shipping Officer ...	200		200	
1	1	Mail Boy ...	78		78	
1	1	Principal Messenger ...	120		120	
2	2	Messengers, at £108 ...	216		216	
1	1	(a) Office Keeper ...	52		52	
1	1	Night Watchman ...	84		84	
6	6	Mail Guards at £150 ...	900		900	
9	9	Country Letter Carriers at £120 ...	1,080		1,080	
		Country Postmasters ...	6,400		6,400	
		Sub-Postmasters ...	300		300	
1	1	Inspector for the Supervision of Contracts and Post Offices, including Travelling Expenses ...	500		500	
				21,472		21,472
CONTINGENCIES.						
		Temporary Extra Clerks and Sorters ...	500		500	
		Extra Assistance in Sorting English Mails ...	200		200	
		Uniforms for Letter Carriers, Boatmen, and Guards ...	125		125	
		Forage and Farriery for two horses... ..	200		150	
		Allowance for Forage to the Letter Carriers, at Parramatta, West Maitland, Bathurst, and Newcastle ...	150		150	
		Six Iron Pillar Letter Boxes for the Interior ...	150		150	
		Three Iron Pillar Letter Boxes, for Sydney ...	60		60	
		Postage ...	100		100	
		Incidental Expenses ...	320		320	
				1,745		1,755
76	76	TOTAL ...	£ .....	.....	.....	23,227

(a) Provided with quarters and fuel and light.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1858.	1859.	Amount Voted for 1858.		Amount Required for 1859.	
		Conveyance of Mails.			
		£		£	
		Within and Beyond the Settled Districts	43,500		45,000
		Gratuities for Ships' Mails, Foreign and Coastwise ...	2,000		2,000
		Landing and Shipping Mails, including Portage... ..	150		150
		Incidental Expenses in connexion with Railways... ..	200		200
		Receiving and delivering Hunter River Mails after Post Office hours	100		100
		Expense of Supplementary English Mails, and the trans-shipment of Mails at Melbourne	500		1,600
				46,450	49,050
		TOTAL ... .. £	.....	.....	49,050
		National Schools.			
		For the support of Schools, and Incidental Expenses of the Board, including the Allowances to the Teachers ... ..	.....	20,000	20,000
		Denominational Schools.			
		For the support of Schools, and Incidental Expenses of the Board, including the Allowances to the Teachers ... ..	.....	20,000	20,000
		Protestant Orphan School.			
		SALARIES.			
		109 Boys. 79 Girls.			
1	1	<i>a</i> Matron	164		164
1	1	<i>b</i> Master	93		93
1	1	<i>c</i> Surgeon	73		73
1	1	<i>b</i> Schoolmaster	120		120
3	3	Assistant Teachers, £70, £60, £20	150		150
15	15	Attendants—one at £70, one at £44, three at £35 each, four at £30 each, five at £25 each, and one at £20 ...	493		484
				1,093	1,084
22	22	Carried forward ... .. £	.....	.....	1,084

a The Officers residing in the Establishment, are each allowed a ration of provisions.*b* The Master and Schoolmaster are allowed, in addition, a half ration for each of their children.*c* Surgeon also to the Roman Catholic Orphan School, and to the Gaol, Parramatta.

No. III.—PRINCIPAL SECRETARY.

No of Persons.						SALARIES AND CONTINGENCIES.			
1858.	1859.					Amount Voted for 1858.		Amount Required for 1859.	
						£		£	
		Protestant Orphan School—continued.							
		Brought forward							1,084
		CONTINGENCIES.							
		School Books				80		80	
		Provisions				1,984		2,300	
		Fuel and Light				138		150	
		Forage				55		109	
		Medicines				60		30	
		Incidental Expenses				155		200	
		TOTAL					2,422		2,869
									3,953
		Roman Catholic Orphan School.							
		SALARIES.							
		102 Boys. 95 Girls.							
1	1	<i>a</i> Matron				130		163	
1	1	Surgeon				71		71	
1	1	Schoolmaster				120		120	
1	1	Clerk to the Committee				80		80	
1	2	Assistant Teachers				60		90	
10	11	Attendants—one at £70, one at £60, one at £50, one at £44, one at £40, two at £25, and four at £20 each...				325		394	
							786		918
		CONTINGENCIES.							
		School Books				40		80	
		Provisions				2,000		2,300	
		Fuel and Light				150		150	
		Medicines				70		30	
		Incidental Expenses				92		180	
		TOTAL					2,352		2,740
15	17								3,658

a The Officers residing in the Establishment are each allowed a ration of provisions.

No. of Persons.		No. III.—PRINCIPAL SECRETARY.						SALARIES AND CONTINGENCIES.			
1858.	1859.	Immigration.						Amount Voted for 1858.		Amount Required for 1859.	
								£		£	
		EMIGRATION FROM THE UNITED KINGDOM.									
		To be expended on the Passage Money and other Charges incidental to the removal of Emigrants from the United Kingdom						50,000		50,000	
		Immigration Remittances						25,000		25,000	
									75,000		75,000
		TO PAY OFF DEBENTURES FALLING DUE.									
		From Revenue						35,000			
		By Loan						65,000		80,000	
									100,000		80,000
		ESTABLISHMENTS.									
		<i>Sydney.</i>									
1	1	Agent						650		650	
1	1	Chief Clerk						350		350	
1	1	Clerk						255		250	
1	1	Do....						250		250	
1	1	Do. (Accountant)						250		250	
1	1	Do....						200		200	
1	1	<i>a</i> Matron						70		70	
1	1	<i>b</i> Sub-Matron						36		36	
1	1	<i>c</i> Messenger						100		100	
		<i>Brisbane.</i>									
1	1	<i>c</i> Assistant Agent						200		200	
1	1	<i>d</i> Medical Attendant						75		75	
1	1	<i>e</i> Matron						55		55	
1	1	<i>e</i> Wardsman						80		30	
									2,521		2,516
		CONTINGENCIES.									
		Additional Clerical Assistance						200		200	
		Provisions:—Sydney £1,000; Moreton Bay £1,000						2,000		2,000	
		Medicines, and Medical Attendance, Postage, Advertising, Cartage, and Incidental Expenses,— Sydney £500; Moreton Bay £250						750		750	
		Conveyance of Immigrants into the Interior ... ..						.....		500	
		Fuel and Light, Moreton Bay						75		75	
									3,025		3,525
		QUARANTINE.									
		SALARIES.									
1	1	<i>f</i> Overseer of Stores						150		150	
3	3	<i>f</i> Boatmen, at £75						225		225	
1	1	Nurse						18		18	
									393		393
		CONTINGENCIES.									
		Expenses of Vessels in Quarantine... ..						1,000		1,000	
		Demurrage						1,000		500	
									2,000		1,500
18	18	TOTAL ... ..						£ .....	.....	.....	162,934

a Provided with quarters and a double ration of provisions.
b Do. do. and a single do.
c Do.

d Also Health Officer.
e Provided with quarters and rations for self and family.
f Provided with quarters.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.			SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
Sydney Police.—Judicial.				
CENTRAL POLICE OFFICE.				
SALARIES.				
1	1	Police Magistrate	£ 630	£ 630
1	1	Clerk of Petty Sessions	430	430
1	1	Clerk	350	350
1	1	Do.	300	300
1	1	Do.	230	230
4	...	Clerks, at £175	700	
	4	Do. at £200 ... ..	.....	800
1	1	Interpreter's Fees	25	25
1	...	^a Messenger and Office Keeper	100	.....
	1	Office Keeper ... ..	.....	25
			2,765	2,790
CONTINGENCIES.				
		Postage and Advertisements	52	52
		Rewards to Firemen for prompt attendance with their Engines at Fires	20	20
		Incidental Expenses	28	28
			100	100
TOTAL			£	2,890
11	11			
 <hr/> 				
Water Police and Shipping Masters.				
SALARIES.				
2	1	Police Magistrate and Shipping Master	1,130	630
1	1	Clerk of Petty Sessions	275	275
1	1	Clerk	225	225
1	1	Interpreter's Fees	25	25
1	1	^a Court and Office Keeper	40	40
			1,695	1,195
1	1	Clerk, Shipping Branch	295	300
1	1	Do. do.	245	250
1	1	Do. do.	175	250
Allowance to Shipping Master				
1	1	^b Newcastle	80	50
1	1	^c Moreton Bay	50	50
			845	900
CONTINGENCIES.				
		Incidental Expenses ... ..	.....	60
TOTAL			£	2,155
11	10			

^a Provided with quarters, fuel, and light.^b Clerk to the Harbor Master.^c Landing Waiter, Customs.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.		Sydney Police—Executive.				SALARIES AND CONTINGENCIES.				
1858.	1859.	INSPECTOR GENERAL AND METROPOLITAN POLICE.				Amount Voted for 1858.		Amount Required for 1859.		
		SALARIES.								
		INSPECTOR GENERAL.								
					£		£			
1	1	Inspector General and Metropolitan Superintendent	...	...	800		800		
1	.....	Accountant	...	...	400				
1	1	Clerk	...	...	375		375		
1	1	Do.	...	...	275		300		
1	1	Do.	...	...	275		300		
1	1	Do.	...	...	200		250		
	1	Do.	...	...	.....		175		
	1	Do.	...	...	.....		150		
1	1	^a Office Keeper	...	...	25		25		
7	8					2,350		2,375		
		METROPOLITAN POLICE.								
1	1	Chief Inspector, at 10s. 8d. per diem	...	...	195		195		
4	4	Inspectors in Charge, at 9s. 7d. „	...	...	700		700		
6	6	Do. (Divisional) at 9s. „	...	...	985		985		
14	14	Serjeants, at 8s. 3d. „	...	...	2,108		2,108		
128	130	Constables, at 6s. „	...	...	14,015		14,235		
2	2	Female Searchers, at £10 per annum	...	...	20		20		
						18,023		18,243		
		CONTINGENCIES.								
		Allowance to Inspector of Weights and Measures	...	...	150		150		
		Do. to Chinese Interpreter	...	...	100		150		
		^b Do. to Medical Attendant	...	...	150		150		
		Do. in lieu of Forage to Superintendent	...	...	112		112		
		Do. for two Horses for the District Constabulary	...	...	40		40		
		Provisions	...	...	300		300		
		Postage	...	...	20		100		
		Rent of Office	...	...	320		250		
		Removing and destroying carcases of animals on the highways	...	...	150		50		
		Incidental Expenses	...	...	254		220		
						1,596		1,522		
155	157	TOTAL				£	22,140	
		WATER POLICE.								
		SALARIES.								
2	...	Sub-Inspectors, at 9s. 7d. per diem	...	...	350				
...	2	Do., at 9s. „	...	...	.....		329		
3	3	Coxswains, at 6s. 6d. „	...	...	356		355		
12	12	Constables, at 6s. „	...	...	1,314		1,314		
2	2	Do., for special duty on shore, at 6s. per diem	...	...	219		219		
1	1	Watch-house Keeper, at 6s.	...	...	109		109		
						2,348		2,326		
		CONTINGENCIES.								
		In lieu of clothing, 20 men, at 3d....	...	...	91		91		
		Provisions	...	...	25		25		
						116		116		
20	20	TOTAL				£	2,442	

^a Provided with Quarters, Fuel, and Light.^b Also Superintendent of the Vaccine Institution.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1858.	1859.							Amount Voted for 1858.		Amount Required for 1859.	
								£		£	
		Sydney Police—Executive—continued.									
		HORSE PATROL.									
1	...	Serjeant-Major, at 10s.	...	...	...	...	193		.....	
...	1	Inspector, at 9s. 7d. per diem	...	...	...	...	.....		174		
1	...	Serjeant, at 8s.	...	...	...	...	146		.....	
...	1	Serjeant, at 8s. 3d.	...	...	...	...	.....		150		
2	2	Corporals, at 6s. 6d.	...	...	...	...	237		237		
14	14	Mounted Constables, at 6s per diem	...	...	...	...	1,533		1,534		
								2,109		2,095	
		CONTINGENCIES.									
		Forage for eighteen Horses	...	...	...	...	1,008		1,100		
		Remount Horses	...	...	...	...	120		120		
		Horse Shoeing	...	...	...	...	100		100		
		Veterinary Attendance	...	...	...	...	50		30		
		Repairs of Arms and Saddlery	...	...	...	...	25		45		
		Incidental Expenses	...	...	...	...	50		50		
								1,353		1,445	
18	18	TOTAL	...	...	...	£	.....	.....	.....	3,540	

No. III.—PRINCIPAL SECRETARY.

Police, Country Districts—Judicial.

SALARIES.

TOTAL.

POLICE DISTRICT.	BENCHES.	Salary of Police Magistrate.	Salary of Police Magistrate acting as Clerk of Petty Sessions.	Salary of Clerk of Petty Sessions.	TOTAL.	
					No. of Persons.	Amount.
		£	£	£		£
Albury	Albury	375	.....	175	3	725
	Meragle (Gold Field).....	.....	.....	175		
Armidale	Armidale .....	.....	.....	175		
	Walcha .....	.....	.....	.....	2	350
	Bendemeer.....	.....	.....	.....
	Uralla (Gold Field) .....	.....	.....	175		
Bathurst.....	Bathurst.....	375	.....	225	3	775
	Sofala (Gold Field) .....	.....	.....	175		
Balranald	Balranald .....	.....	.....	.....
	Euston .....	.....	.....	.....	.....	.....
	Moorna .....	.....	.....	.....	.....	.....
Berrima	Berrima .....	.....	.....	175	1	175
Binalong	Burrowa .....	.....	.....	175	1	175
	Binalong .....	.....	.....	.....	.....	.....
Braidwood	Braidwood .....	.....	.....	150	1	150
Brisbane.....	*Brisbane.....	.....	.....	225	1	225
Bombala.....	Bombala .....	.....	.....	175	1	175
Broulee	Moruya .....	.....	325	.....	1	325
Camden, Narellan, and Picton {	Camden .....	.....	.....	225	1	225
	Picton .....	.....	.....	.....	.....	.....
Campbelltown	Campbelltown .....	.....	.....	175	1	175
Carcoar	Carcoar .....	.....	325	.....	1	325
	Canowindra .....	.....	.....	.....	.....	.....
	Cowra.....	.....	.....	.....	.....	.....
	Tuena (Gold Field) .....	.....	.....	.....	.....	.....
Cassilis	Cassilis .....	.....	.....	175	1	175
	Merriwa.....	.....	.....	.....	.....	.....
Condamine.....	Condamine .....	.....	.....	175	1	175
	Surat .....	.....	.....	.....	.....	.....
Cooma	Cooma .....	.....	325	.....	1	325
Dalby.....	Dalby .....	.....	.....	175	1	175
Deniliquin	Deniliquin	375	.....	175	2	550
Drayton	Drayton .....	.....	.....	175	1	175
Dubbo	Dubbo .....	.....	.....	175	2	350
	Coonabarabran .....	.....	.....	175		
Dungog	Dungog .....	.....	.....	175	1	175
	Clarence Town .....	.....	.....	.....	.....	.....
Eden	Eden .....	.....	325	.....	1	325
	Bega .....	.....	.....	.....	.....	.....
	Panbula .....	.....	.....	.....	.....	.....
Gayndah	Gayndah .....	.....	.....	150	2	300
	Nanango.....	.....	.....	150		
Gosford	Gosford .....	.....	.....	175	1	175
Goulburn	Goulburn	375	.....	200	2	575
Gladstone	Gladstone .....	.....	.....	175		
	Rockhampton.....	.....	.....	175	3	725
	Keppel Bay	375	.....	.....
	Canoon (Gold Field) .....	.....	.....	.....
Grafton	Grafton .....	.....	.....	175	1	175
Gundagai	Gundagai	375	.....	175	2	550
Hartley	Hartley .....	.....	325	.....	1	325
Ipswich	Ipswich	375	.....	225	2	600
Kiama	Kiama .....	.....	.....	175	1	175
Leichhardt.....	Taroome.....	.....	.....	150	1	150
Maitland	East Maitland	350	.....	200	2	550
	West Maitland .....	.....	.....	.....
	Morpeth .....	.....	.....	.....
M'Leay	Belgrave.....	.....	.....	175	1	175
	West Kempsey .....	.....	.....	.....	.....	.....
M'Donald River.....	St. Alban's.....	.....	.....	.....	.....	.....
Manning River	Wingham .....	.....	.....	175	1	175
	Bungay Bungay.....	.....	.....	.....	.....	.....
	Carried forward	£	2,975	1,625	48	10,875

* The duty of Police Magistrate is performed by the Deputy Sheriff.

No. III.—PRINCIPAL SECRETARY.

Police, Country Districts—Judicial.—continued.					TOTAL.	
SALARIES.					No. of Persons.	Amount.
POLICE DISTRICT.	BENCHES.	Salary of Police Magistrate.	Salary of Police Magistrate acting as Clerk of Petty Sessions.	Salary of Clerk of Petty Sessions.		
	Brought forward	£ 2,975	1,025	6,275	48	10,875
Maryborough	Maryborough .....	.....	.....	175	1	175
Moama	Moama .....	.....	.....	175	1	175
Molong	Molong .....	.....	.....	175	1	175
Moulamein	Moulamein .....	.....	*325	.....	1	325
Mudgee	Mudgee .....	.....	325	.....	2	500
	Louisa Creek (Gold Field) .....	.....	.....	.....
	Avisford (Do.) .....	.....	.....	175	1	175
Murrurundi	Murrurundi .....	.....	.....	175		
Muswellbrook	Muswellbrook .....	.....	.....	150	1	150
	Merton .....	.....	.....	.....	.....	.....
Newcastle	Newcastle	375	.....	225	2	600
Orange	Orange .....	.....	.....	175	1	175
	Ophir (Gold Field) .....	.....	.....	.....	.....	.....
Parramatta and Liverpool	Parramatta	350	.....	225	2	575
	Liverpool .....	.....	.....	.....	.....	.....
Paterson	Paterson .....	.....	.....	175	1	175
Patrick's Plains	Singleton .....	.....	.....	175	1	175
Penrith	Penrith .....	.....	.....	225	1	225
Port Macquarie	Port Macquarie	350	.....	225	2	575
Port Stephens	Stroud .....	.....	.....	175	1	175
Queanbeyan	Queanbeyan .....	.....	325	.....	1	325
Raymond Terrace	Raymond Terrace .....	.....	.....	175	1	175
Rylstone	Rylstone .....	.....	.....	175	1	175
Scone	Scone .....	.....	325	.....	1	325
Shoalhaven	Nowra .....	.....	.....	175	1	175
	Numba .....	.....	.....	
	Ulladulla .....	.....	.....	
Tamworth	Tamworth .....	.....	.....	175	2	350
	Gunnadah .....	.....	.....	175		
	Nundle (Gold Field) .....	.....	.....	.....
Tabulam	Casino .....	.....	.....	175	1	175
Tenterfield	Tenterfield .....	.....	.....	175	1	175
Tumut	Tumut .....	.....	.....	175	1	175
	Adelong (Gold Field) .....	.....	.....	.....	.....	.....
Wagga Wagga	Wagga Wagga .....	.....	325	.....	1	325
Warialda	Warialda .....	.....	.....	175	1	175
Warwick	Warwick .....	.....	.....	175	1	175
Wee Waa	Wee Waa .....	.....	325	.....	1	325
Wellington	Wellington .....	.....	.....	175	3	525
	Stoney Creek (Gold Field) .....	.....	.....	175		
	Tambaroora (Do.) .....	.....	.....	175		
	Burrendong (Do.) .....	.....	.....	.....	.....	.....
Wellingrove	Wellingrove .....	.....	.....	.....	.....	.....
	Glen Innes .....	.....	.....	175	1	175
Windsor	Windsor .....	.....	.....	200	1	200
Wollongong	Wollongong .....	.....	.....	175	1	175
Wollombi	Wollombi	375	.....	175	2	550
Yass	Yass .....	.....	.....	175	1	175
	TOTAL	£ 4,425	3,575	12,075	90	20,075

* This Officer to do duty at Balranald as well as at Moulamein.

No. III.—PRINCIPAL SECRETARY.

Police, Country Districts—Executive.

SALARIES.

TOTAL.

POLICE DISTRICT.	BENCHES.	Chief Constables.		District Constables, at 6s. 3d. per diem		Ordinary Constables, at 5s. 6d. per diem.		No. of Persons.	Amount.
		1st Class, at £175 per annum.	2nd Class, at £140 per annum.	No.	Amount.	No.	Amount.		
		£	£		£		£		£
Albury	Albury	175	.....	2	228	10	1,004	13	1,407
	Meragle (Gold Field)								
Armidale	Armidale	175	.....	.....	.....	5	502	11	1,206
	Walcha .....	.....	.....	1	114	2	201		
	Bendemeer .....	.....	.....	1	114	1	100		
Bathurst.....	Uralla (Gold Field)							18	1,922
	Bathurst.....	175	.....	3	342	14	1,405		
	Sofala (Gold Field)								
Balranald	Balranald .....	.....	.....	1	114	3	301	5	515
	Euston .....	.....	.....	.....	.....	.....	.....
	Moorna .....	.....	.....	.....	.....	1	100		
Berrima	Berrima	175	.....	.....	.....	7	703	8	878
Binalong	Burrowa	175	.....	.....	.....	4	402	7	791
	Binalong .....	.....	.....	1	114	1	100		
Braidwood	Braidwood .....	.....	140	.....	.....	3	301	4	441
Brisbane	Brisbane	175	.....	2	228	13	1,305	16	1,708
Bombala	Bombala .....	.....	140	.....	.....	3	301	4	441
Broulee	Moruya .....	.....	140	.....	.....	3	301	5	541
	.....	.....	.....	.....	.....	1	100		
Camden, Narel- } lan, and Picton. }	Camden	175	.....	.....	.....	7	703	10	1,092
	Picton .....	.....	.....	1	114	1	100		
Campbelltown ...	Campbelltown	175	.....	1	114	4	402	7	791
	.....	.....	.....	.....	.....	1	100		
Carcoar	Carcoar	175	.....	1	114	7	703	11	1,206
	Canowindra .....	.....	.....	1	114	.....	.....
	Cowra .....	.....	.....	.....	.....	1	100		
	Tuena (Gold Field)								
Cassilis	Cassilis .....	.....	140	.....	.....	3	301	6	655
	Merriwa .....	.....	.....	1	114	1	100		
Condamine.....	Condamine	175	.....	.....	.....	3	301	4	476
	Surat .....	.....	.....	.....	.....	.....	.....
Cooma	Cooma	175	.....	.....	.....	3	301	4	476
Dalby	Dalby .....	.....	140	.....	.....	3	301	4	441
Deniliquin	Deniliquin	175	.....	1	114	6	602	8	891
Drayton	Drayton .....	.....	140	.....	.....	4	402	5	542
Dubbo	Dubbo .....	.....	140	.....	.....	3	301		
	Coonabarabran .....	.....	140	.....	.....	3	301	11	1,197
	.....	.....	.....	1	114	2	201		
Dungog	Dungog .....	.....	140	.....	.....	2	201	4	455
	Clarence Town .....	.....	.....	1	114	.....	.....
Eden	Eden .....	.....	140	.....	.....	2	201	5	541
	Bega .....	.....	.....	.....	.....	1	100		
	Panbula .....	.....	.....	.....	.....	1	100		
Gayndah	Gayndah.....	175	.....	.....	.....	3	301	7	791
	Nanango.....	.....	.....	1	114	2	201		
Gosford	Gosford .....	.....	140	.....	.....	4	402	5	542
Goulburn	Goulburn	175	.....	4	456	15	1,507	20	2,138
Gladstone	Gladstone	175	.....	1	114	4	402	6	691
	Rockhampton .....	.....	.....	.....	.....	.....	.....
	Keppel Bay	175	.....	1	114	4	402	6	691
	Canoonah (Gold Field) ... }								
Grafton	Grafton .....	.....	140	.....	.....	4	402	5	542
Gundagai	Gundagai .....	.....	140	.....	.....	6	602	7	742
Hartley	Hartley .....	.....	140	1	114	5	501	7	755
Ipswich	Ipswich	175	.....	2	228	11	1,104	14	1,507
Kiama	Kiama .....	.....	.....	1	114	2	201	3	315
Leichhardt.....	Taroomc.....	.....	.....	1	114	2	201	3	315
	Carried forward	2,975	1,960	31	3,534	191	19,173	253	27,642

No. III.—PRINCIPAL SECRETARY.

Police, Country Districts—Executive—continued.

SALARIES.

TOTAL.

POLICE DISTRICT.	BENCHES.	Chief Constables.		District Constables, at 6s. 3d. per diem.		Ordinary Constables, at 5s. 6d. per diem.		No. of Persons.	Amount.
		1st Class, at £175 per annum.	2nd Class, at £140 per annum.	No.	Amount.	No.	Amount		
		£	£		£		£		
	Brought forward.....£	2,975	1,960	31	3,534	191	19,173	253	27,642
Maitland.....	East Maitland	175	.....	1	114	15	1,507	25	2,626
	West Maitland .....	.....	.....	1	114	2	201		
	Morpeth .....	.....	.....	1	114	2	201		
McLeay	Belgrave.....	.....	140	.....	.....	4	402	6	548
	West Kempsey .....	.....	.....	.....	.....	a	6		
McDonald River...	McDonald River, (St. Alban's)	.....	.....	.....	.....	1	100	1	100
Manning River ...	Wingham, .....	.....	.....	1	114	2	201	3	315
Maryborough.....	Maryborough	175	.....	.....	.....	4	402	5	577
Moama	Moama .....	.....	140	.....	.....	3	301	4	441
Molong	Molong .....	.....	140	.....	.....	3	301	4	441
		.....	.....	1	114	2	201	3	315
Moulamien.....	Moulamein.....	175	.....	.....	.....	3	301	4	476
Mudgee	Mudgee	175	.....	.....	.....	6	602	7	777
	Louisa Creek (Gold Field)	.....	.....	.....	.....	.....	.....	.....	.....
	Avisford .....	.....	.....	.....	.....	.....	.....	.....	.....
Murrurundi	Murrurundi .....	.....	140	.....	.....	3	301	4	441
Muswellbrook.....	Muswellbrook.....	.....	140	.....	.....	3	301	5	541
	Merton .....	.....	.....	.....	.....	1	100		
Newcastle	Newcastle	175	.....	1	114	10	1,004	12	1,293
Orange	Orange .....	.....	140	1	114	4	402	6	656
	Ophir (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
Parramatta and {	Parramatta.....	175	.....	.....	.....	15	1,507	20	2,097
Liverpool ... }	Liverpool .....	.....	.....	1	114	3	301		
Paterson	Paterson.....	.....	140	.....	.....	4	402	5	542
Patrick's Plains...	Singleton .....	.....	140	.....	.....	5	502	6	642
Penrith	Penrith	175	.....	1	114	8	803	10	1,092
Port Macquarie ...	Port Macquarie .....	.....	140	.....	.....	4	402	5	542
Port Stephens ...	Stroud .....	.....	.....	1	114	3	301	4	415
Queanbeyan	Queanbeyan	175	.....	1	114	6	602	8	891
Raymond Terrace	Raymond Terrace	175	.....	.....	.....	4	402	5	577
Rylstone.....	Rylstone.....	.....	140	.....	.....	3	301	4	441
Scone	Scone .....	.....	140	.....	.....	4	402	5	542
Shoalhaven.....	Nowra .....	.....	.....	1	114	1	100	4	414
	Numba .....	.....	.....	.....	.....	1	100		
	Ulladulla .....	.....	.....	.....	.....	1	100		
Tamworth	Tamworth	175	.....	.....	.....	7	703	11	1,193
	Gunnadah .....	.....	.....	1	114	2	201		
	Nundle (Gold Field) .....	.....	.....	.....	.....	.....	.....
Tabulam.....	Casino .....	.....	140	1	114	5	502	9	970
		.....	.....	1	114	1	100		
Tenterfield.....	Tenterfield.....	.....	140	.....	.....	3	301	4	441
Tumut	Tumut .....	.....	140	.....	.....	4	402	5	542
	Adelong (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
Wagga Wagga ...	Wagga Wagga	175	.....	1	114	3	301	5	590
Warialda	Warialda .....	.....	140	.....	.....	4	402	5	542
Warwick	Warwick .....	.....	140	.....	.....	3	301	4	441
Wee Waa	Wee Waa .....	.....	140	.....	.....	3	301	4	441
Wellington	Wellington.....	.....	140	1	114	4	402	6	656
	Stoney Creek (Gold Field) ..	.....	.....	.....	.....	.....	.....	.....	.....
	Tambaroora (Do.) ..	.....	.....	.....	.....	.....	.....	.....	.....
	Burrendong (Do.) ..	.....	.....	.....	.....	.....	.....	.....	.....
Wellingrove	Wellingrove .....	.....	.....	.....	.....	1	100	4	440
	Glen Innes.....	.....	140	.....	.....	2	200		
Windsor.....	Windsor.....	175	.....	.....	.....	12	1,204	13	1,379
Wollongong	Wollongong	175	.....	.....	.....	5	502	6	677
Wollombi	Wollombi .....	.....	.....	1	114	3	301	4	415
Yass	Yass	175	.....	.....	.....	6	602	7	777
	TOTAL.....£	5,425	4,620	49	5,586	392	39,257	505	54,888

a A Tracker at 4d. per diem.

SUMMARY OF THE FOREGOING ESTIMATE OF "POLICE, COUNTRY DISTRICTS,"

PAGES 31 TO 34.

No. of Persons.				
1858.	1859.			
		JUDICIAL.		
			£	£
11	12	POLICE MAGISTRATES	4,205	4,425
10	11	POLICE MAGISTRATES ACTING AS CLERKS OF PETTY SESSIONS	2,725	3,575
70	67	CLERKS OF PETTY SESSIONS	12,600	12,075
		EXECUTIVE.		
31	31	FIRST CLASS CHIEF CONSTABLES	5,425	5,425
34	33	SECOND CLASS DO.	4,760	4,620
45	49	DISTRICT CONSTABLES	5,133	5,586
380	392	ORDINARY DO.	38,148	39,257
581	595	TOTAL	£ 72,996	74,963

No. III.—PRINCIPAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1858.	1859.	Amount Voted for 1858.		Amount Proposed for 1859.	
Police—Country Districts—continued.					
DETECTIVE POLICE THROUGHOUT THE COLONY.					
		£		£	
2	1	Inspectors, at £175 per annum	350	175	
1	1	Do. Assistant, at £150 per annum	150	150	
7	7	Constables, at 6s. 3d. per diem	798	798	
			1,298		1,123
10	9	TOTAL ... .. £	.....	.....	1,123
GENERAL CONTINGENCIES.—JUDICIAL.					
		Forage Allowance to the Police Magistrates at Albury, Deniliquin, Goulburn, Gundagai, Maitland, Moulamein, and Parramatta, at 2s. 6d. each, per diem	319	319	
		Do. to Police Magistrates at Wollombi and Carcoar, at £20 each	40	40	
		Forage Allowance to Clerks of Petty Sessions at Wollombi and Burrowa, at £20 each	40	40	
		Do. do. Shoalhaven	50	50	
		Do. do. Dungog and Port Stephens... ..	46	.....
		Postage	310	350	
		Rent of Court Houses	490	705	
		Allowances to Court House Keepers	340	300	
		Other contingencies of the service	350	300	
			1,985		2,104
GENERAL CONTINGENCIES.—EXECUTIVE.					
		Allowances to Constabulary when absent at night... ..	1,020	800	
		Do. in lieu of Clothing	684	1,000	
		Do. in lieu of Forage	3,300	3,300	
		Fees to Interpreters	200	200	
		Fees to Medical Practitioners in Lunacy Cases	100	100	
		Medical Attendance	310	310	
		Provisions	4,000	1,500	
		Rewards for destroying Dogs	140	100	
		Rent of Watch-houses	84	80	
		Carriage of Stores and stolen property, Railway fares, horse hire, and puntage	450	450	
		Conveyance of invalid prisoners and escort	360	500	
		Passage and escort of prisoners by water and otherwise	920	1,000	
		Incidental expenses	770	650	
			12,388		9,990
		TOTAL ... .. £	.....	.....	12,094

No. III.—PRINCIPAL SECRETARY.

No. of Persons.			SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
Police—Country Districts—continued.				
HORSE PATROL AND GOLD POLICE.				
SALARIES.				
2	3	Superintendents, at £452 per annum	904	1,356
2	3	Serjeant-Majors, at 8s. 3d per diem	301	451
1	...	Do. at 7s. 3d "	132	.....
2	22	Serjeants, at 7s. 9d. "	283	3,111
13	...	Do. at 6s. "	1,423	.....
6	...	Do. at 10s 6d. "	1,148	.....
11	16	Corporals, at 6s. 3d. "	1,255	1,825
5	...	Do. at 5s. 4d. "	487	.....
42	93	Troopers, at 5s. 6d. "	4,216	9,334
42	...	Do. at 4s. 9d. "	3,641	.....
6	...	Do. at 7s. "	766	.....
2	3	Aborigines, at 6d. "	18	27
1	...	Do. at 1s. "	18	.....
185	140		14,592	16,104
GOLD GUARDS ON MAIN ROADS.				
<i>Western Road—Sydney to Bathurst.</i>				
2	2	Sergeants, at 10s. 6d. per diem	383	383
6	6	Constable, at 7s. "	766	766
<i>Southern Road—Sydney to Goulburn.</i>				
1	1	Sergeant, at 10s. 6d. per diem	192	192
3	3	Constables, at 7s. "	383	383
<i>Northern Road—Sydney to Tamworth.</i>				
1	1	Sergeant, at 10s. 6d. per diem	192	192
2	2	Troopers, at 7s. "	255	255
			2,171	2,171
CONTINGENCIES.				
		Allowance for Medical Attendance... ..	125	135
		Do. to Police when Escorting Gold... ..	855	600
		Do. to Superintendents, in lieu of Forage and Travelling Expenses	300	450
		In lieu of Provisions to two Aborigines, at 1s. each	36	.....
		Do. three do. ... ..	.....	54
		Provisions	2,197	.....
		Forage	6,578	6,000
		Veterinary Attendance, Medicine, and Farriery	447	450
		Remount Horses	470	600
		Postage	100	100
		Rent of Stables and Quarters	165	200
		Repairs to Arms	40	40
		Incidental Expenses	1,052	470
		Freight and Conveyance of Escort, Gold and Money	3,700	5,000
			16,065	14,099
15	15	TOTAL	£	32,374
Gold Contingent.				
		To meet unforeseen Expenses, in cases of emergency at the Gold Fields	1,250	1,250
Police—General Service.				
		To meet claims for length of Service and good Conduct... ..	2,500	2,500

No. III.—PRINCIPAL SECRETARY.

No. of Persons.						SALARIES AND CONTINGENCIES.				
1858.	1859.					Amount Voted for 1858.		Amount Required for 1859.		
		Police.				£		£		
NATIVE POLICE.										
SALARIES.										
1	1	Commandant and Inspector...	...	...	...	500		500	
1	1	Secretary and Clerk	...	...	...	200		200	
<i>Port Curtis.</i>										
1	1	Second Lieutenant	...	...	...	200		200	
12	12	Troopers, at 5d.	...	...	...	91		91	
1	1	Camp Serjeant	...	...	...	100		100	
<i>Leichhardt, including the Upper Dawson.</i>										
1	1	Lieutenant	...	...	...	300		300	
5	5	Second Lieutenants, at £200	...	...	...	1,000		1,000	
48	48	Troopers, at 5d.	...	...	...	365		365	
4	4	Camp Serjeants, at £100	...	...	...	400		400	
<i>Wide Bay and Burnett.</i>										
1	1	Lieutenant	...	...	...	300		300	
1	1	Second Lieutenant	...	...	...	200		200	
18	18	Troopers, at 5d.	...	...	...	137		137	
1	1	Camp Serjeant	...	...	...	100		100	
<i>Maranoa and Lower Condamine, Darling Downs.</i>										
1	1	Lieutenant	...	...	...	300		300	
2	2	Second Lieutenants, at £200	...	...	...	400		400	
24	24	Troopers, at 5d.	...	...	...	183		183	
2	2	Camp Serjeants, at £100	...	...	...	200		200	
<i>Moreton.</i>										
1	1	Second Lieutenant	...	...	...	200		200	
8	8	Troopers, at 5d.	...	...	...	61		61	
1	1	Camp Serjeant	...	...	...	100		100	
<i>Clarence and M'Leay.</i>										
1	1	Second Lieutenant	...	...	...	200		200	
10	10	Troopers, at 5d.	...	...	...	76		76	
1	1	Camp Serjeant	...	...	...	100		100	
<i>Albert.</i>										
1	1	Second Lieutenant	...	...	...	200		200	
6	6	Troopers, at 5d.	...	...	...	46		46	
<i>Lower Darling.</i>										
1	1	Second Lieutenant	...	...	...	200		200	
6	6	Troopers, at 5d.	...	...	...	46		46	
						6,205		6,205		
CONTINGENCIES.										
In lieu of Provisions, Forage, &c., to Commandant						150		150		
In lieu of Provisions to Lieutenants, Second Lieutenants, and Secretary, 2s. 6d. ...						778		778		
In lieu of Provisions to Camp Serjeants, at 2s.						4,250	}	365	3,614	
Do. do. to Troopers, at 1s. 6d.										
Medical Attendance...						336		362		
Remount Horses						2,040		1,150		
Farriery						250		200		
Incidental Expenses						473		750		
						8,277		7,369		
160	160	TOTAL				£	13,574

No. III.—PRINCIPAL SECRETARY.

No. of Persons.		Gaols.	SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
			£	£
SYDNEY.				
SALARIES.				
1	1	Principal Gaoler	300	300
1	1	Matron	75	75
1	1	<i>a</i> Visiting Surgeon	220	220
1	1	Clerk	230	230
1	1	Dispenser	132	132
1	1	Principal Turnkey	150	150
13	13	Turnkeys and Constables at 6s. 9d.	1,602	1,602
6	6	Wardsmen at 6s. 9d.	739	739
2	2	<i>b</i> Female Turnkeys at £36	72	72
1	1	<i>b</i> Wardswoman	36	36
1	1	Messenger	104	104
1	1	<i>c</i> Chaplain, Church of England	120	120
1	1	Chaplain, Roman Catholic	120	120
			3,900	3,900
CONTINGENCIES.				
		Provisions	3,150	3,000
		Medical Comforts, Medicines, and Surgical Instruments	83	150
		Postage	5	5
		Incidental Expenses... ..	100	100
			3,338	3,255
31	31	TOTAL	£	7,155
<p><i>a</i> Surgeon to the Penal Establishment, Cockatoo Island. <i>b</i> Provided with Quarters, Fuel, and Light. <i>c</i> Chaplain at Cockatoo Island.</p>				
PARRAMATTA.				
SALARIES.				
1	1	Gaoler	175	175
1	1	Matron	42	42
1	1	Surgeon	78	78
1	1	Clerk	120	120
1	1	<i>d</i> Dispenser, at 3s 6d	64	64
1	1	Principal Turnkey, 6s. 9d.	123	123
9	9	Turnkeys, at 6s 6d... ..	1,068	1,068
2	2	Female Turnkeys, at £30	60	60
1	1	Messenger at 3s. 3d... ..	59	59
1	1	Chaplain, Church of England	25	25
1	1	Chaplain, Roman Catholic	25	25
			1,839	1,839
CONTINGENCIES.				
		Provisions	1,830	2,000
		Fuel and Light	128	180
		Medical Comforts, Medicines, and Surgical Instruments	160	150
		Postage	5	5
		Incidental Expenses	57	50
			2,180	2,385
20	20	TOTAL	£	4,224

d Dispenser at the Lunatic Asylum, Parramatta.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1858.	1859.							Amount Voted for 1858.		Amount Required for 1859.	
Gaols—continued.											
BATHURST.											
SALARIES.											
							£		£		
1	1	Gaoler	...	...	...	...	150		150		
1	1	<i>a</i> Surgeon	...	...	...	...	70		70		
1	1	Matron	...	...	...	...	42		42		
1	1	Clerk	...	...	...	...	108		108		
1	1	Principal Turnkey, at 6s. 9d.	...	...	...	...	123		123		
6	6	Turnkeys, at 6s. 6d.	...	...	...	...	712		712		
2	2	Female Turnkeys, at £30	...	...	...	...	60		60		
1	1	Chaplain, Church of England	...	...	...	...	25		25		
1	1	Do. Roman Catholic	...	...	...	...	25		25		
								1,315		1,315	
CONTINGENCIES.											
		Provisions	...	...	...	...	1,125		1,150		
		Fuel and Light	...	...	...	...	233		230		
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	20		20		
		Removal of Night Soil	...	...	...	...	156		160		
		Incidental Expenses	...	...	...	...	15		20		
		Postage	...	...	...	...	.....		5		
								1,549		1,575	
15	15	TOTAL	...	...	...	...	£ .....	.....	.....	.....	2,890
MAITLAND.											
SALARIES.											
1	1	Gaoler	...	...	...	...	150		150		
1	1	Surgeon	...	...	...	...	70		70		
1	1	Matron	...	...	...	...	42		42		
1	1	Clerk	...	...	...	...	120		120		
1	1	Principal Turnkey, at 6s. 9d.	...	...	...	...	123		123		
6	6	Turnkeys, at 6s. 6d.	...	...	...	...	712		712		
1	1	Female Turnkey	...	...	...	...	30		30		
1	1	Chaplain, Church of England	...	...	...	...	25		25		
1	1	Do. Roman Catholic	...	...	...	...	25		25		
								1,297		1,297	
CONTINGENCIES.											
		Provisions	...	...	...	...	1,016		1,000		
		Fuel, Light, and Water	...	...	...	...	285		280		
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	28		25		
		Postage	...	...	...	...	4		4		
		Incidental Expenses	...	...	...	...	30		30		
								1,363		1,339	
14	14	TOTAL	...	...	...	...	£ .....	.....	.....	.....	2,636

a Also Coroner.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.			SALARIES AND CONTINGENCIES.			
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.	
			£		£	
Gaols—continued.						
GOULBURN.						
SALARIES.						
1	1	Gaoler	150		150	
1	1	^a Surgeon	70		70	
1	1	Matron	42		42	
1	1	Clerk	108		108	
1	1	Principal Turnkey, at 6s. 9d.	123		123	
5	5	Turnkeys, at 6s. 6d....	593		593	
1	1	Female Turnkey	30		30	
1	1	Chaplain, Church of England	25		25	
1	1	Do. Roman Catholic	25		25	
				1,166		1,166
CONTINGENCIES.						
		Provisions	384		400	
		Fuel, Light, and Water	96		100	
		Medical Comforts, Medicines, and Surgical Instruments	15		15	
		Postage	12		10	
		Incidental Expenses... ..	20		20	
				527		545
13	13	TOTAL ... ..	£ .....	.....	.....	1,711
 <hr/> 						
BRISBANE.						
SALARIES.						
1	1	Gaoler	150		150	
1	1	^a Surgeon	70		70	
1	1	Matron	42		42	
1	1	Clerk	108		108	
1	1	Principal Turnkey, at 6s. 9d.	123		123	
6	6	Turnkeys, at 6s. 6d....	712		712	
1	1	Female Turnkey	30		30	
1	1	Chaplain, Church of England	25		25	
1	1	Do. Roman Catholic	25		25	
				1,285		1,285
CONTINGENCIES.						
		Provisions	711		700	
		Fuel, Light, and Water	90		90	
		Medical Comforts, Medicines, and Surgical Instruments	20		20	
		Postage	4		4	
		Incidental Expenses... ..	14		20	
				839		834
14	14	TOTAL ... ..	£ .....	.....	.....	2,119

^a Also Coroner and Vaccinator.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.			SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
Penal Establishment, Cockatoo Island.				
SALARIES.				
			£	£
1	1	<i>a</i> Superintendent	300	300
1	1	Assistant do.	180	180
1	1	Visiting Surgeon	130	130
1	1	Dispenser	120	120
1	1	Clerk and Clerk of Petty Sessions	175	175
1	1	<i>b</i> Task-work Clerk and Schoolmaster... ..	108	108
1	1	Overseer	146	146
1	1	Do.	137	137
1	1	Do.	128	128
33	33	1 Inspector, 2 Serjeants, and 30 Constables	3,761	3,761
1	1	Chaplain, Church of England	120	120
1	1	Do Roman Catholic Church... ..	120	120
			5,425	5,425
CONTINGENCIES.				
		Provisions	4,000	4,000
		Provisions for Police	600	500
		Medical Comforts, Medicines, and Surgical Instruments	80	80
		Gratuities to Prisoners for Extra Labor	120	120
		Incidental Expenses	120	120
			4,920	4,820
		TOTAL ... ..	£ .....	.....
44	44			10,245

a The Officers who reside on the Island are allowed Provisions, Fuel, and Light.

b Also Task-work Clerk at the Dry Dock.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.			SALARIES AND CONTINGENCIES.			
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.	
		Printing, Postage Stamps, Lithographing and Bookbinding.				
		PRINTING.				
		SALARIES.				
1	1	Government Printer and Inspector of Stamps	£		£	
1	1	Superintendent	700		700	
1	1	Accountant	450		450	
1	1	Foreman of Bookbinding Branch	350		350	
			250		250	
				1,750		1,750
		WAGES.				
		Compositors, Pressmen, and Others, at current rates ...	9,150		9,150	
		Binders and Stitchers	621		621	
		Lithographic Printers	650		650	
				10,421		10,421
		CONTINGENCIES.				
		Purchase of New Type	250		250	
		Gas Light and Fittings	125		125	
		Printing Materials, and Repairs to Machines and Presses...	362		362	
		Bookbinding Materials	300		300	
		Lithographic Materials	250		250	
		Postage	100		100	
				1,387		1,387
		POSTAGE STAMPS.				
		Printing and Gumming Stamps	350		350	
		Materials and Contingencies	150		150	
				500		500
4	4	TOTAL	£			14,058
		Observatory.				
		SALARIES.				
1	1	Astronomer	600		600	
1	1	Assistant	300		300	
1	1	Messenger and Porter	100		100	
12	12	Meteorological Observers, at £20	240		240	
				1,240		1,240
		CONTINGENCIES.				
		Purchase of Books	20		20	
		Incidental Expenses	39		30	
				59		50
		For the purchase of an Equatorial, and other Scientific Instruments				1,000
15	15	TOTAL	£			2,290

No. III.—PRINCIPAL SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1858.	1859.							Amount Voted for 1858.		Amount Required for 1859.	
								£		£	
Health Officers and Medical Board.											
SALARIES.											
1	1	<i>a</i>	Health Officer, Port Jackson	...	...	...	...	530		530	
1	1	<i>b</i>	Do. Moreton Bay	...	...	...	...	100		100	
1	1	<i>c</i>	Do. Newcastle	...	...	...	...	50		50	
1	1		Clerk to Medical Board	...	...	...	...	44		44	
									724		724
4	4		TOTAL	...	...	...	£	.....	.....	.....	724
<hr/> Vaccine Institution.											
SALARIES.											
1	1		Superintendent	...	...	...	...	240		240	
8	8		Vaccinators at <i>d</i> Brisbane, Goulburn, Parramatta, Windsor, Newcastle, <i>e</i> Maitland, Wollongong, and <i>d</i> Bathurst, at £25	...	...	...	...	200		200	
1	1		Office Keeper, Sydney	...	...	...	...	20		20	
									460		460
			Incidental Expenses...	...	...	...	...	.....	20	.....	20
10	10		TOTAL	...	...	...	£	.....	.....	.....	480

a Member of the Immigration Board.*b* Medical Attendant on Immigrants.
d Coroner and Surgeon to the Gaol.*e* Vaccinator.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.						SALARIES AND CONTINGENCIES.	
1858.	1859.					Amount Voted for 1858.	Amount Required for 1859.
		Lunatic Asylum, Tarban.				£	£
		SALARIES.					
		248 PATIENTS.					
1	1	Superintendent	...	...	...	650	650
1	1	<i>a</i> Medical Assistant and Dispenser	...	...	...	250	250
1	1	Clerk and Storekeeper	...	...	...	130	130
1	1	<i>a</i> Matron	...	...	...	90	90
1	1	<i>a</i> Master Attendant	...	...	...	90	90
3	3	<i>a</i> Male Attendants, at £72	...	...	...	216	216
7	7	<i>a</i> Do. at £66	...	...	...	462	462
3	...	<i>a</i> Female Attendants, at £52...	...	...	...	156	.....
5	...	<i>a</i> Do. at £48...	...	...	...	240	.....
...	3	<i>a</i> Do. at £50...	...	...	...	.....	150
...	5	<i>a</i> Do. at £46...	...	...	...	.....	230
7	7	<i>a</i> Servants: one at £77, one at £60, three at £50, and two at £45...	...	...	...	394	377
						2,678	2,645
		CONTINGENCIES.					
		<i>b</i> Allowance to Medical Board, appointed to make weekly visits, at £5 a week				260	260
		Allowance in lieu of Provisions, Fuel, and Light, to the Superintendent and Storekeeper, at £45 each				90	90
		Provisions and Medical Comforts				5,238	3,200
		Fuel and Light				580	400
		Medicines, Surgical Instruments, and Materials				75	75
		Forage for two Horses				128	120
		Purchase of a Horse...				50	50
		Postage, Books, Periodicals, and Newspapers				30	30
		Incidental Expenses				105	100
						6,556	4,325
30	30	TOTAL				£	6,970

a Provided with Provisions, Fuel, and Light.*b* The Board visit the Parramatta Asylum also.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.			SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
		Lunatic Asylum, Parramatta.		
		SALARIES.		
		472 PATIENTS.	£	£
1	1	Superintendent	600	600
1	1	<i>a</i> Storekeeper	220	220
1	1	<i>b</i> Dispenser	157	157
1	1	Matron	100	100
1	1	Clerk	120	120
1	1	Master Attendant	130	130
15	16	Male Attendants—one at £75; three at £72; one at £70; and eleven at £66 each... ..	1,041	1,087
12	12	Female Attendants—one at £40; three at £50; and eight at £40 each	510	510
16	16	Servants—one at £80; one at £50; two at £30; and twelve at 9d. each	354	354
			3,232	3,278
		CONTINGENCIES.		
		Provisions and Medical Comforts	7,301	7,000
		Fuel and Light ... ..	.....	600
		Medicines, Surgical Instruments, and Materials ... ..	.....	80
		Forage for two horses ... ..	.....	120
		Postage, Books, Periodicals, and Newspapers	30	30
		Incidental Expenses... ..	271	100
			7,602	7,930
49	50	TOTAL	£	11,208
		<i>a</i> Meteorological Observer. <i>b</i> Dispenser at the Gaol also.		

The Officers residing in the Establishment are provided with Quarters, Provisions, Fuel, and Light.

No. III — PRINCIPAL SECRETARY.

No. of Persons.			SALARIES AND CONTINGENCIES.			
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.	
			£	£	£	£
		Naval Allowance.				
		H. M. SHIP "IRIS."				
1	1	Captain, in command of the Station, at 15s. ...	274		274	
3	3	Lieutenants, at 5s. ...	274		274	
4	4	Master, Chaplain, Surgeon, and Paymaster, at 5s. ...	365		365	
2	2	Mates, at 3s. ...	110		110	
3	3	Second Master, Marine Officer, and Assistant Surgeon, at 3s. ...	164		164	
6	6	Midshipmen, at 1s. 6d. ...	164		164	
1	1	Master's Assistant ...	27		27	
2	2	Clerks, at 1s. 6d. ...	55		55	
3	3	Warrant Officers, at 1s. 6d. ...	82		82	
3	3	Naval Cadets, at 1s. 6d. ...	82		82	
3	3	Chief Petty Officers, at 1s. 3d. ...	68		68	
26	26	First class Petty Officers, at 1s. ...	475		475	
10	10	Second class do. at 10d. ...	152		152	
8	8	Leading Seamen, at 8d. ...	97		97	
95	95	Seamen, at 6d. ...	867		867	
20	20	First class Boys, at 3d. ...	91		91	
13	13	Second class Boys, at 2d. ...	40		40	
		<i>Marines.</i>				
1	1	Serjeant, at 1s. 3d. ...	23		23	
3	3	Corporals, at 10d. ...	46		46	
24	24	Privates, at 6d. ...	219		219	
231	231			3,675		3,675
		SLOOP OF WAR.				
	1	Commander, at 10s. ...			183	
	2	Lieutenants, at 5s. ...			183	
	3	Master, Surgeon, and Paymaster, at 5s. ...			274	
	2	Mate and Assistant Surgeon, at 3s. ...			109	
	3	Engineers, at 3s. ...			164	
	3	Midshipmen, at 1s. 6d. ...			82	
	1	Master's Assistant, at 1s. 6d. ...			27	
	1	Clerk, at 1s. 6d. ...			27	
	2	Cadets, at 1s. 6d. ...			55	
	3	Warrant Officers, at 1s. 6d. ...			82	
	2	Chief Petty Officers, at 1s. 3d. ...			46	
	21	First class Petty Officers, at 1s. ...			388	
	4	Second class do. at 10d. ...			61	
	2	Leading Seamen, at 8d. ...			24	
	37	Seamen, at 6d. ...			338	
	7	First class Boys, at 3d. ...			32	
	6	Second class Boys, at 2d. ...			18	
		<i>Marines.</i>				
	1	Serjeant, at 1s. 3d. ...			23	
	1	Corporal, at 10d. ...			15	
	18	Privates, at 6d. ...			164	
	1	Chief Petty Officer, for service on Garden Island, at 1s. 3d. ...			23	
231	352	TOTAL				2,313
						5,988

No. III.—PRINCIPAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1858.	1859.	Amount Voted for 1858.		Amount Required for 1859.	
		£		£	
Military Allowance.					
BRIGADE MAJOR.					
1	1	Officer on the General Staff, at 9s. 6d.	*128	173	
1	1	^a Do. do., at 7s.	128	128	
1	1	First Clerk, Brigade Office, at 2s. 6d.	46	46	
1	1	Second Clerk, do., at 1s.	18	18	
1	1	Provost Serjeant, at 1s.	18	18	
			338		383
5	5				
REGIMENTAL.					
1	1	Senior Officer in Command, at 11s. 3d.	205	205	
1	1	Major, at 7s.	*90	128	
		Surgeon, at 7s.		128	
2	4	Captains, at 5s. 8d.	*147	414	
		Paymaster, at 5s. 8d.		103	
2	4	Lieutenants, at 5s.	*129	365	
		Adjutant, at 5s.		91	
2	4	Ensigns, at 5s.	*129	365	
1	1	Assistant Surgeon, at 5s.	*65	91	
		Staff Serjeants, at 2s. 6d.		228	
2	4	Color Serjeants, at 1s.	*24	73	
8	15	Serjeants, at 1s.	*95	274	
		Drum Major, at 1s.		18	
10	16	Corporals, at 1s.	*119	292	
4	8	Drummers, at 6d.	*26	73	
190	304	Privates, at 6d.	*1,228	3,504	
			2,257		6,352
223	451				
DEPARTMENTAL.					
...	1	Assistant Commissary General, at 7s.		128	
2	1	Deputy Assistant Commissary General, at 5s. 8d.	207	103	
1	1	Assistant Clerk, Commissariat	100	100	
2	1	Lodging Allowance to the Deputy Assistant Commissary General, at 6s. 8d.	243	122	
1	1	Deputy Storekeeper, at 7s.	128	128	
1	1	Clerk, at 5s. 8d.	91	103	
1	1	Foreman of Magazines	91	91	
1	1	Barrack Serjeant, at 6s. 6d.	119	119	
1	1	Barrack Librarian, at 6d.	9	9	
		Lodging Allowance to one Clerk, provided by the Colony so long as the double rate is continued, at 3s. 4d.	49	61	
		Barrack supplies, washing and repairing Bedding, &c.	860	480	
			1,897		1,444
TOTAL ... ..		£	.....	.....	8,179
10	9				

^a Aide-de-camp to His Excellency the Governor General.

No. III.—PRINCIPAL SECRETARY.

No. of Persons.			SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
Royal Artillery.				
IMPERIAL PAY AND ALLOWANCES.				
1	1	First Captain, at 12s. 2d.	222	222
1	1	Second Captain, at 11s. 1d.	202	202
2	2	First Lieutenants, at 6s. 10d.	249	249
2	...	Staff Serjeants, at 3s. 2d.	116	.....
...	2	Do. at 3s. 4d. ... ..	.....	122
4	...	Serjeants, at 2s. 8d.	195	.....
...	4	Do. at 2s. 10d. ... ..	.....	207
5	8	Corporals, at 2s. 2d.	198	316
4	7	Bombardiers, at 2s.	146	256
95	85	Gunners and Drivers, at 1s. 3¼d.	2,203	1,972
2	2	Trumpeters, at 1s. 3¼d.	46	46
		Additional Good Conduct Pay	83	83
		Allowance to Officer Commanding, at 6s.	110	110
		Contingent Allowance, at 2s. 6d.	46	46
		Allowance to Acting Adjutant and Quarter Master, at 3s.	55	55
		Mess Allowance to Officers	37	37
		Allowance to Non-Commissioned Officer in charge of the Medicine Chest, at 6d.	9	9
			3,917	3,932
COLONIAL ALLOWANCES.				
		First Captain, at 5s. 8d.	103	103
		Second Captain, at 5s. 8d.	103	103
		First Lieutenants, at 5s.	183	183
		Staff Serjeants, at 2s. 6d.	91	91
		Serjeants, at 1s.	73	73
		Corporals, at 1s.	91	146
		Bombardiers, at 1s.	73	128
		Gunners and Drivers, at 6d.	867	776
		Trumpeters, at 6d.	19	19
		Working Pay	200	200
		Allowance to Medical Practitioner, at 10s.	*121	183
		Do. to two Clerks, at 1s. and 6d. each	27	27
		Do. to Garrison Gunner ... ..	.....	18
			1,951	2,050
CONTINGENCIES.				
		Provisions	1,123	1,116
		Forage	170	170
		Postage	20	30
		For the Apprehension of Deserters	100	100
			1,413	1,416
116	112	TOTAL ... ..	£ .....	.....
				7,898

* Allowance from 4 May, only, voted.

No. III.—PRINCIPAL SECRETARY.

	Amount Voted for 1858.		Amount Required for 1859.	
	£		£	
Volunteer Corps.				
To meet expenses in the event of the formation of the Corps ...	£	..... 500	.....	5,000
<hr/> Charitable Allowances.				
For the support of Paupers in the Colonial Hospitals ...		1,800		2,000
In aid of the Sydney Infirmary and Dispensary, on condition of an equal amount being raised by Private Subscriptions ...		700		700
In support of the Establishment of the Benevolent Society, Sydney, on condition of £1,000 being raised by Private Subscriptions ...		4,986		5,000
In aid of the Asylum for Destitute Children, Sydney, on condition of an equal amount being raised by Private Contributions ...		1,500		1,500
In aid of Hospitals at Windsor, Newcastle, Wagga Wagga, Port Macquarie, Yass, and Ipswich, at £200 each, on condition of sums to an equal amount being raised by Private Subscriptions ...		1,200		1,200
In aid of the Hospitals, Parramatta, Goulburn, and Brisbane, at £300 each, on same condition ...		900		900
In aid of the Hospital, Bathurst, on same condition ...		200		300
In aid of the Hospital, Mudgee, on same condition...		100		100
In aid of the Armidale and New England Hospital, on same condition ..		200		200
In aid of the Benevolent Society, Parramatta, on same condition...		100		100
Singleton and Patrick's Plains, do. ...		100		100
Tamworth, do. ...		150		150
In aid of the Wide Bay and Burnett District Hospital, on same condition		200		200
In aid of the Erection of an Hospital at Murrurundi, on same condition...			300
In aid of the Erection of an Hospital at Albury, on same condition		1,000
In aid of the Hospital at Maitland, on same condition ...		500		300
				14,050
TOTAL ...	£	..... 12,586	.....	14,050

No. III.—PRINCIPAL SECRETARY.

	Amount Voted for 1858.		Amount Required for 1859.	
	£	£	£	£
Grants in aid of Public Institutions.				
In aid of the Sydney Mechanics' School of Arts	200		200	
To supplement the present Annual Endowment of £1,000 to the Australian Museum	200		200	
In aid of the Goulburn School of Arts, on condition of an equal amount being raised by Private Subscriptions, until a Building be erected . . .	100		100	
In aid of the Bathurst School of Arts, on same condition, until a Building be erected	100		100	
In aid of the Brisbane School of Arts, on same condition	100		100	
In aid of the erection of the Windsor School of Arts, on same condition...			600	
In aid of the erection of the Richmond School of Arts, on same condition.			400	
Do. a School of Arts, Toowoomba, in the District of Darling Downs, on same condition			100	
In aid of the Building Fund of the Sydney University		700	10,000	11,800
TOTAL	£			11,800
<hr/> <hr/>				
Aborigines.				
Medicines and Medical Attendance	£	200		200
<hr/> <hr/>				
Miscellaneous Services.				
Municipal Council, Sydney, in aid of the City Funds	10,000		10,000	
Expenses attending the preparation of the Electoral Lists...	1,500		5,000	
Erecting Pounds, and Allowances to Poundkeepers...	100		100	
To meet Unforeseen Expenses, to be hereafter accounted for	2,000		2,000	
TOTAL	£	13,900		17,100
				17,100

IV.

Administration of Justice.

SUMMARY.

	Voted for 1858.	Required for 1859.
Law Officers of the Crown	4,777	4,817
Supreme and Circuit Courts	10,285	8,497
Moreton Bay Court	3,887	3,117
District Courts	*1,690	14,125
Sheriff	5,522	6,222
Insolvent Court	1,283	1,283
Quarter Sessions	6,624	8,124
Courts of Requests	3,228	†260
Coroners	3,189	3,189
Court of Claims	295	295
TOTAL £	40,780	49,929

* Vote taken from 1st November only.

† A Vote is proposed to be taken for the month of January only.

*The Treasury, New South Wales,
7th December, 1858.*

Rt. CAMPBELL.

No. of Persons.		No. IV.—ADMINISTRATION OF JUSTICE.				SALARIES AND CONTINGENCIES.	
1858.	1859.	Law Officers of the Crown.				Amount Voted for 1858.	Amount Required for 1859.
		SALARIES.				£	£
1	1	Crown Solicitor for Criminal Business	...	...	650	650
1	1	Crown Solicitor for Civil Business...	...	...	650	650
2	1	Parliamentary Draftsman	...	...	700	700
1	1	Secretary to the Crown Law Officers	...	...	400	400
1	1	Clerk to do.	...	...	200	200
1	1	Do. Criminal Crown Solicitor	...	...	315	315
1	1	Do. Civil Crown Solicitor	...	...	275	275
1	1	Do. do.	...	...	275	315
1	1	<i>a</i> Messenger to the Attorney General	...	...	104	104
1	1	Do. to the Solicitor General...	...	...	104	104
1	1	Do. to Criminal Crown Solicitor...	...	...	104	104
1	1	<i>a</i> Housekeeper	...	...	40	40
						3,817	3,857
		CONTINGENCIES.					
		Fees to Prosecuting Barristers	...	...	500	500
		Travelling Expenses	...	...	400	400
		Postage	...	...	10	10
		Incidental Expenses	...	...	50	50
						960	960
13	12	TOTAL				£	4,817
		Supreme and Circuit Courts.					
		SALARIES.					
1	1	Master in Equity	...	...	1,000	1,000
1	1	First Clerk	...	...	275	275
1	1	Second Clerk	...	...	215	215
1	1	Third Clerk	...	...	200	200
1	1	Messenger	...	...	104	104
1	1	Prothonotary and Curator of Intestate Estates	...	...	705	705
1	1	First Clerk	...	...	400	400
1	1	Second Clerk	...	...	275	275
1	1	Third Clerk	...	...	240	240
1	1	Clerk	...	...	200	200
3	3	Clerks to the Judges, 1 at £275; 1 at £260; and 1 at £245	...	...	780	780
1	1	Crier and Tipstaff	...	...	132	132
2	2	Tipstiffs to the Judges, at £120	...	...	240	240
1	1	Messenger	...	...	114	114
1	1	<i>a</i> Court-keeper, King-street	...	...	114	114
1	1	<i>b</i> Do. Darlinghurst	...	...	114	114
1	1	<i>b</i> Assistant do.	...	...	50	50
1	1	Court-keeper, Goulburn	...	...	24	24
						5,182	5,182
		CONTINGENCIES.					
		Travelling Expenses of the Judges...	...	...	750	750
		Allowances to Special Constables	...	...	25	25
		Allowances to Witnesses attending the Supreme and Circuit Courts	...	...	4,200	2,500
		Postage	...	...	10	10
		Incidental Expenses	...	...	30	30
						5,015	3,315
21	21	TOTAL				£	8,497

a Provided with quarters, fuel, and light.*b* Provided with quarters.

No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.		Moreton Bay Court.	SALARIES AND CONTINGENCIES.				
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.		
			£	£	£	£	
		SALARIES.					
1	1	Registrar of Court	500		500		
1	1	Crown Prosecutor	500		500		
1	1	Crown Solicitor	200		200		
1	...	Judge's Clerk	200				
1	1	Registrar's Clerk	200		200		
1	1	Crown Solicitor's Clerk	150		150		
1	1	District Sheriff	450		450		
1	1	Bailiff	150		150		
1	1	Assistant Bailiff	100		100		
1	...	Tipstaff and Court Keeper	104				
1	...	Registrar's Messenger	104				
				2,658		2,250	
		CONTINGENCIES.					
		Allowances to Jurors and Witnesses	1,100		800		
		Fuel and Light	17		17		
		Postage and Incidental Expenses	46		50		
				1,163		867	
11	8	TOTAL ... ..	£	.....	.....	3,117
<hr/> District Courts. <hr/>							
		SALARIES.					
3		Judges, at £1000	500		5,000		
...		Chief Registrars ... ..	.....		2,000	
3		Crown Prosecutors, at £500	250		.....	
3		Clerks of the Peace and Registrars, at £100	50		.....	
9		Registrars, at £50	75		1,000		
12		Bailiffs, at £50	100	*975	1,000	9,000	
		CONTINGENCIES.					
		Travelling Expenses of Judges	375		1,125		
		Allowances to Witnesses and Jurors	330		3,000		
		Incidental Expenses	20		.....	
		To meet Unforeseen Expenses			1,000		
				*725		5,125	
30		TOTAL ... ..	£	.....	.....	14,125

* Vote taken from 1st November only.

No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.		SALARIES AND CONTINGENCIES.					
1858.	1859.	Sheriff.					
		Amount Voted for 1858.		Amount Required for 1859.			
		£	£	£	£		
		SALARIES.					
1	1	Sheriff	650		650		
1	1	Under Sheriff	400		400		
1	1	Clerk	300		300		
1	1	Do.	215		215		
1	1	Do.	175		175		
1	1	Head Bailiff, Sydney	200		200		
1	1	Assistant do, do.	175		175		
1	1	2nd do., do.	120		120		
1	1	3rd do., do.	*50		120		
1	1	Bailiff, at Maitland	185		185		
1	1	Do. Parramatta, Windsor, and Campbelltown	200		200		
1	1	Do. Muswellbrook	175		175		
1	1	Do. Goulburn... ..	150		150		
1	1	Do. Bathurst	150		150		
1	1	Do. Sofala	175		175		
1	1	Messenger	120		120		
				3,440			3,510
		CONTINGENCIES.					
		Travelling Expenses of the Sheriff or Under Sheriff	100		200		
		Allowances to Bailiffs for serving Summonses	132		132		
		Do. to Jurors attending the Supreme and Circuit Courts	1,800		2,250		
		Special Constables	80		80		
		Postage	25		25		
		Incidental Expenses	25		25		
				2,162			2,712
16	16	TOTAL ... ..	£ .....	.....	.....		6,222
		Insolvent Court.					
		SALARIES.					
1	1	^a Chief Commissioner	700		700		
1	1	Clerk	250		250		
1	1	Clerk	165		165		
1	1	Bailiff and Messenger	165		165		
				1,280			1,280
		CONTINGENCIES.					
		Postage		3			3
4	4	TOTAL ... ..	£ .....	.....	.....		1,283

* Vote taken from 1st August only.

^a Also Commissioner of the Court of Claims.

No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.		Quarter Sessions.	SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
			£	£
		SALARIES.		
1		Chairman	800	.....
1	5	Crown Prosecutors, at £500 each	700	2,500
1	1	Clerk of the Peace	550	550
1	1	Do. for Maitland	100	100
1	1	Do. for Bathurst	100	100
1	1	Do. for Goulburn	100	100
1	1	Clerk, Sydney	260	260
1	1	Messenger	104	104
			2,714	3,714
		CONTINGENCIES.		
		Travelling Expenses	700	1,200
		Allowances to Witnesses and Jurors	3,200	3,200
		Incidental Expenses,	10	10
8	11		3,910	4,410
		TOTAL	£	8,124
<hr style="width: 20%; margin: 10px auto;"/>				
		Courts of Requests.		
		SALARIES.		
1	1	Commissioner	800	
1	1	Registrar, Sydney	500	
1	1	Clerk	300	
2	2	Do. at £200	400	
2	2	Registrars, Parramatta and Windsor, £50... ..	100	
2	2	Do. Penrith and Campbelltown, £30	60	
1	1	Do. Liverpool	24	
1	1	Bailiff and Crier	150	
3	3	Assistant Bailiffs, £104	312	
2	2	Bailiffs, Parramatta and Windsor, at £50	100	
2	2	Do. Penrith and Campbelltown, at £50	100	*260
1	1	Do. Liverpool	40	
1	1	Messenger	104	
1	1	Officekeeper	25	
			3 015	
		CONTINGENCIES.		
		Travelling Expenses of Commissioner	100	
		Fees to Assessors	100	
		Postage	8	
		Incidental Expenses... ..	5	
			218	
		TOTAL	£	260
21	21			

*For the month of January only.

No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.						SALARIES AND CONTINGENCIES.			
1858.	1859.	Coroners.				Amount Voted for 1858.		Amount Required for 1859.	
		SALARIES.				£		£	
1	1	Coroner, Sydney	...	...	...	40		40	
1	1	Clerk, do.	...	...	...	64		64	
1	1	Coroner, Bathurst	...	...	...	40		40	
1	1	Goulburn	...	...	...	40		40	
1	1	Illawarra	...	...	...	40		40	
1	1	Paterson and Maitland	...	...	...	40		40	
1	1	Parramatta	...	...	...	40		40	
1	1	Windsor	...	...	...	40		40	
1	1	Berrima	...	...	...	20		20	
1	1	Braidwood	...	...	...	20		20	
1	1	Broulee	...	...	...	20		20	
1	1	Brisbane Water	...	...	...	20		20	
1	1	Campbelltown, Liverpool, and Appin	...	...	...	20		20	
1	1	Camden and Picton	...	...	...	20		20	
1	1	Carcoar	...	...	...	20		20	
1	1	Cassilis	...	...	...	20		20	
1	1	Dungog	...	...	...	20		20	
1	1	Hartley	...	...	...	20		20	
1	1	Macquarie	...	...	...	20		20	
1	1	Merton and Muswellbrook	...	...	...	20		20	
1	1	Moreton Bay	...	...	...	20		20	
1	1	Mudgee	...	...	...	20		20	
1	1	Newcastle and Raymond Terrace	...	...	...	20		20	
1	1	Patrick's Plains	...	...	...	20		20	
1	1	Penrith	...	...	...	20		20	
1	1	Queanbeyan	...	...	...	20		20	
1	1	Scone	...	...	...	20		20	
1	1	Wellington	...	...	...	20		20	
1	1	Wollombi and Macdonald River	...	...	...	20		20	
1	1	Yass	...	...	...	20		20	
							784		784
		CONTINGENCIES.							
		Coroners' Fees on Inquests, at 20s each	...	...	...	730		730	
		Surgeons' Fees	...	...	...	900		900	
		Travelling Expenses of Coroners	...	...	...	200		200	
		Travelling Expenses of Surgeons	...	...	...	50		50	
		Rewards for taking up dead bodies...	...	...	...	20		20	
		Postage	...	...	...	5		5	
		Coffins, Burials, and Incidental Expenses	...	...	...	500		500	
							2,405		2,405
30	30	TOTAL...	...	...	...	£	.....	.....	3,189
		Court of Claims.							
		Fees to Commissioners at £2 2s.; and to the Secretary at £2, on final report in each case	...	...	...	290		290	
		Postage	...	...	...	5		5	
							295		295
		TOTAL ...	...	...	...	£	.....	.....	295

V.

Treasurer and Secretary for Finance and Trade.

SUMMARY.

	Voted for 1858.	Required for 1859.
Treasury	6,307	6,302
Customs	24,347	24,334
Drawbacks and Refund of Duties	20,000	20,000
Distilleries	2,195	3,579
Mint	10,827	12,372
Gold Receivers	204	250
Colonial Storekeeper	5,515	4,405
Stationery and Stores	37,330	42,000
Gunpowder Magazine	762	511
Harbors, Light Houses, and Pilot Department:—		
Board, and Harbor Masters	} 23,327	3,502
Light Houses		4,041
Sea and River Pilots		7,974
Boatmen		7,276
Signal Stations		484
Contingencies		855
Steam Dredge		4,600
Miscellaneous Service	13,005	30
TOTAL	£ 143,819	142,515

The Treasury, New South Wales,
7th December, 1858.

Rt. CAMPBELL.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		Treasury.	SALARIES AND CONTINGENCIES.				
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.		
			£		£		
		SALARIES.					
1	1	Secretary for Finance and Trade (provided in Schedule) ...	...	...	.....
1	1	Under Secretary	800		800		
1	1	Accountant	530		530		
1	1	Chief Clerk, Pay Branch	600		600		
1	1	Principal Clerk, Revenue Branch	400		400		
1	1	Clerk	375		375		
1	1	Do.	300		300		
1	1	Do. of Correspondence	245		300		
1	1	Do. of Records	230		300		
1	1	Do.	250		275		
1	1	Do. (Auctioneer)	375		375		
1	1	Do.	230		250		
1	1	Clerk	230		230		
2	2	Do. at £215	430		430		
2	2	Do. at £200	400		400		
2	1	Assistant Clerks at £175	350		175		
1	1	^a Principal Messenger	132		132		
1	1	Messenger	120		120		
1	1	Watchman	102		102		
1	1	^b Housekeeper	48		48		
				6,147		6,142	
		CONTINGENCIES.					
		Postage	130		130		
		Incidental Expenses	30		30		
				160		160	
23	22	TOTAL ... ..	... £	.....	.....	6,302

^a Provided with quarters.^b Provided with quarters, fuel and light.

NO. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		Customs.	SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
			£	£
		<i>Sydney.</i>		
1	1	Collector	1,100	1,100
1	1	Landing Surveyor	530	530
1	1	Chief Clerk	530	530
1	1	Cashier	530	530
1	1	<i>a</i> Inspector of Warehouses	500	500
1	1	Clerk	375	375
1	1	Do.	325	325
1	1	Do.	275	275
1	1	Do.	250	250
1	1	Do.	225	225
1	1	Do.	205	205
1	1	Do.	200	200
1	1	Do.	195	195
1	1	Do.	195	195
1	...	Distillery Clerk	175	.....
1	1	{ First Landing Waiter	375	375
1	1	{ Second do.	325	325
1	1	{ Third do.	325	325
1	1	{ Fourth do.	275	275
1	1	<i>b</i> { Fifth do.	275	275
1	1	{ Sixth do.	275	275
1	1	{ Seventh do.	225	225
1	1	{ Eighth do.	225	225
1	1	{ Ninth do.	225	225
1	1	First Tide Surveyor... ..	325	325
1	1	Second do.	325	325
1	...	Third do.	225	.....
1	1	Warehouse Keeper	375	375
1	1	First Locker... ..	275	275
1	1	Second do.	250	250
1	1	Third do.	225	225
1	1	Fourth do.	205	205
1	1	Fifth do.	195	195
1	1	Sixth do.	195	195
1	1	Seventh do.	190	190
1	1	Eighth do.	185	185
1	1	Ninth do.	185	185
1	1	{ Tenth do.	185	185
1	1	<i>c</i> { Eleventh do.	185	185
1	1	{ Twelfth do.	185	185
8	8	{ Acting Lockers, at £165	1,320	1,320
1	1	First Tide Waiter	225	225
1	1	Second do.	215	215
1	1	Third do.	205	205
1	1	Fourth do.	195	195
1	1	<i>d</i> House Keeper	40	40
1	1	Messenger	120	120
1	1	Do.	104	104
1	1	Warrant Messenger... ..	96	96
1	1	Do.	96	96
4	4	Weighers, at £96	384	384
1	1	Porter	114	114
1	1	Watchman	114	114
63	61		15,073	14,673
		Carried forward ... ..	£ .....	.....
				14,673

a Acting Chief Inspector of Distilleries.*b* Landing Waiters receive a remuneration for extra attendance at the rate of 1s. per hour for every £100 per annum of salary.*c* Portions only of these salaries (from 1 June) were voted for the year 1858.*d* Provided with quarters, fuel, and light.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		Customs—continued.	SALARIES AND CONTINGENCIES.			
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.	
			£		£	
63	61	Brought forward ... ..	.....	.....	.....	14,673
1	1	<i>Botany Bay.</i>				
2	2	Coast Waiter	205		205	
		Boatmen, at £96	192		192	
				397		397
1	1	<i>Broken Bay.</i>				
4	4	a Coast Waiter	250		250	
		Boatmen, at £96	360		384	
				610		634
1	1	<i>Newcastle:</i>				
1	1	b Sub-Collector	325		325	
1	1	c Landing Waiter (Morpeth)... ..	300		300	
1	1	Tide Surveyor	225		225	
1	1	Clerk	195		195	
1	1	Coxswain	120		120	
3	3	Boatmen, at £96	312		288	
				1,477		1,453
1	1	<i>Moreton Bay.</i>				
1	1	Sub-Collector	480		480	
1	1	d Landing Waiter	325		325	
1	1	Tide Surveyor at the mouth of the Harbour	275		275	
1	1	e Clerk and Locker	195		195	
1	1	Coxswain	120		120	
5	5	Boatmen, at £96	480		480	
1	1	Weigher and Office Keeper... ..	118		118	
				1,993		1,993
1	1	<i>Eden</i>				
1	1	Sub-Collector	275		275	
3	3	Coxswain	132		132	
		Boatmen, at £96	324		288	
				731		695
1	1	<i>Rockhampton.</i>				
1	1	Sub-Collector and Landing Surveyor, at £400	100		400	
4	4	Landing Waiter and Tide Surveyor, at £275	69		275	
		Boatmen, at £96	96		384	
				*265		1,059
		CONTINGENCIES.				
		Allowances to extra Tide Waiters	3,000		3,000	
		Rent... ..	190		190	
		New Boats	150		100	
		Gauging Instruments	93		100	
		Postage	20		40	
		Incidental Expenses	130			
				3,583		3,430
101	99		£ .....	.....	.....	24,334
		DRAWBACKS AND REFUND OF DUTIES ... ..	.....	20,000	.....	20,000
		Colonial Distilleries.				
		SALARIES.				
1	1	Chief Inspector and Accountant	500		500	
3	6	Inspectors, at £375... ..	1,125		2,250	
				1,625		2,750
		CONTINGENCIES.				
		Occasional Assistance	150		150	
		Instruments... ..	60		120	
		Postage	3		4	
		Cleaning Offices	18		55	
		REWARDS, not exceeding £50 in each case, for information as to illicit distillation	500	731	500	829
4	7	TOTAL ... ..	£ .....	.....	.....	3,579

* From 1 October, 1858.

a Receives £50 per annum for House Rent.

c Receives £20 per annum for Office Rent.

d Also, Shipping Master.

b Receives £120 per annum for Office Rent.

e Also, Secretary to the Steam Navigation Board.

No V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No of Persons.		SALARIES AND CONTINGENCIES.			
1858.	1859.	Sydney Branch of the Royal Mint.		Amount Voted for 1858.	Amount Required for 1859.
		SALARIES.			
1	1	a Deputy Master and Chief Officer	£	1,100	£ 1,100
1	1	Superintendent of Bullion Office	850	850	850
1	1	Superintendent of Coining Department	687	730	730
1	1	Chief Clerk of Bullion Office	630	630	630
1	1	a Registrar and Accountant	530	487	487
2	2	Assayers, at £630	1,260	1,260	1,260
1	1	Assistant Assayer ... .. .	.....	350	350
1	1	Clerk	225	250	250
1	1	Do.	225	250	250
1	1	Do.	225	250	250
1	1	Do.	215	240	240
3	3	Superior Mechanics, at £230	690	690	690
1	1	Engineer of Machinery	295	295	295
1	1	Messenger	120	120	120
1	1	Do.	118	118	118
		Police:—			
1	1	Serjeant, at 8s. 6d.	155	155	155
3	3	Constables, at 6s., for 1858; and 2 at 6s. 3d., and 1 at 6s., for 1859	329	338	338
		Sappers and Miners:—			
1	1	Serjeant, at 2s. 8½d. for 1858, and 2s. 10½d. for 1859.	49	52	52
2	.....	Corporals at 1s. 10¾d.	69	.....	.....
	3	Do. 1 at 2s. 2½d., and 2 at 1s. 10¾d. ... .. .	.....	110	110
9	10	Privates, at 1s. 2½d.	198	221	221
		Colonial Allowance to Sappers and Miners:—			
		Serjeant and Corporals, at 1s.	55	73	73
		Privates, at 6d. do.	82	91	91
		Working Pay to Serjeant, at 6s. 8d., to Corporals and Privates, at 5s. do.			
			959	9,067	1,114
					9,774
		CONTINGENCIES.			
		Provisions for Sappers and Miners	196	259	259
		Lodging Allowance to Married Men under Military Regulations, at 16s. a week. 7 Men in 1858; and 9 Men for 1859	291	374	374
		Military Contingencies, viz.:—Good Conduct pay, alterations in clothing, repairs of arms, &c.	40	36	36
		Wages to Workmen temporarily employed... .. .	150	200	200
		Labor in Assaying	100	150	150
		Waste in Coinage, at 1s. 3d. per cent. on £700,000 Do. being 1-50th per cent. on £1,250,000... .. .	437	.....	250
		Chemicals, Tools, &c.	272	529	529
		Repairs to Engines and Furnaces	150	200	200
		Postage, £7 10s; Freight, £7 10s.	15	15	15
		Bonus of a year's salary to each of the three Superior Mechanics, on completion, in October, 1859, of five years' service, at £3 15s. a week ... .. .	.....	585	585
			1,651	.....	2,598
33	36	TOTAL ... .. .	£	.....	12,372
		Gold Receivers.			
6	6	b Receivers at Bathurst, Goulburn, Braidwood, Orange, Mudgee, and Tamworth, at £25 each... .. .	150	150	150
	2	Do. at Gundagai and Rockhampton... .. .	.....	50	50
		To meet further similar claims that may arise	50	50	50
			200	.....	250
6	8	TOTAL ... .. .	£	.....	250

a Provided with Quarters.

b The situation of Gold Receiver is held by the Clerk of the Bench at each of the places named.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.						SALARIES AND CONTINGENCIES.			
1858.	1859.					Amount Voted for 1858.		Amount Required for 1859.	
		Colonial Storekeeper.							
		SALARIES.							
1	1	Colonial Storekeeper	..	..	..	..	£	£
1	1	Clerk	...	...	...	...	600	600	
3	3	Clerks, at £275	...	...	...	...	375	375	
1	1	Clerk	...	...	...	...	825	825	
1	1	Foreman of Warehouse	...	...	...	...	260	260	
1	1	Armourer	...	...	...	...	175	175	
							2,410		2,410
		CONTINGENCIES.							
		Conveyance of Stores	...	...	...	...	800	800	
		Rental upon Stores deposited in Private Warehouses	...	...	...	...	500	500	
4	4	Wages to Storehousemen, at £120	...	...	...	...	480	480	
1	1	Watchman	...	...	...	...	85	85	
		Postage	...	...	...	...	30	30	
		Packing, and other expenses	...	...	...	...	100	100	
							1,995		1,995
13	13	TOTAL	...	...	...	£	.....	.....	4,405
		Stationery and Stores.							
		Stationery and Paper for Printing for the Public Service, generally	...	...	...	...	7,261	8,000	
		Stores, do. do. do. do. do. do.	...	...	...	...	25,985	30,000	
		Fuel and Light for Departments within the District of Sydney...	...	...	...	...	4,084	4,000	
		TOTAL	...	...	...	£	.....	.....	42,000
		Gunpowder Magazine.							
1	1	Foreman	...	...	...	...	225	225	
		CONTINGENCIES.							
		Allowance to Assistant Military Storekeeper for extra duties	...	...	...	...	50	50	
		Wages to Cooper, at 3s. 4d.; and to three Laborers, at 1s. 8d. each	...	...	...	...	130	130	
		Boat Hire, at 8s. a week	...	...	...	...	21	21	
		Military Laborers	...	...	...	...	10	10	
		Rent of brig "Lady Mary," occupied as a temporary Floating Magazine	...	...	...	...	300	75	
							511		286
1	1	TOTAL	...	...	...	.....	.....	.....	511

NOTE.—This Magazine is placed in charge of the Ordnance Storekeeper by the Act of Council, 16 Vic., No. 47. Of the above expenses, £101 10s. will be contributed from Imperial Funds, and credit is taken accordingly in the Estimate of Ways and Means.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		Harbors, Light Houses, and Pilot Department.	SALARIES AND CONTINGENCIES.			
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.	
			£		£	
		STEAM NAVIGATION AND PILOT BOARD.				
5	5	Members of the Board	300		500	
1	1	Secretary to Board	350		350	
1	1	^a Engineer Surveyor	375		375	
1	1	Shipwright Surveyor	175		175	
1	1	Clerk	200		200	
1	1	Messenger	52		52	
				1,452		1,652
		HARBOR MASTERS.				
1	1	Sydney	400		400	
1	1	Newcastle	275		275	
1	1	Moreton Bay	300		300	
				975		975
		DEPUTY HARBOR MASTERS.				
	1	Sydney ... ..	.....		300	
1	1	Newcastle	175		175	
1	1	Do. Clerk (to act as Pilot)... ..	150		150	
				325		625
		Travelling Expenses of the Board, the Harbor Masters, and the Surveyors ... ..	.....	250	.....	250
15	16	TOTAL ... .. £	.....	.....	.....	3,502
		LIGHT HOUSES.				
		<i>Principal Light-Keepers.</i>				
1	1	Port Jackson—Macquarie Light	180		180	
1	1	Do. Hornby Light	180		180	
1	1	Newcastle	180		180	
1	1	Cape Moreton	216		216	
1	1	"Bramble" Light Ship	180		180	
1	1	Fort Denison Light, Serjeant and Private in charge	73		73	
				1,009		1,009
		<i>First Assistant Light-Keepers.</i>				
1	1	Port Jackson—Macquarie Light	84		84	
1	1	Do. Hornby Light	84		84	
1	1	Newcastle	84		84	
1	1	Cape Moreton	108		108	
1	1	Bramble Light Ship, Mate	84		84	
				444		444
		<i>Second Assistant Light-Keepers.</i>				
2	1	Port Jackson—Macquarie Light	119		84	
1	1	Do. Hornby Light	84		84	
1	1	Newcastle	84		84	
2	1	Cape Moreton	216		84	
3	3	Bramble Light Ship, crew, at £84... ..	252		252	
				755		588
		Contribution of one-half the expense of maintaining the Light House on Gabo Island	1,000		750	
		Do. do. do. Wilson's Promontory ... ..	.....		750	
		Contribution of one-third the expense of maintaining the Light House on Kent's Group	500		500	
				1,500		2,000
20	18	TOTAL ... .. £	.....	.....	.....	4,041

^a Engineer-in-Chief for Harbors and River Navigation.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		Harbors, Light Houses, and Pilot Department— continued.	SALARIES AND CONTINGENCIES.			
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.	
		SEA AND RIVER PILOTS.				
		<i>Port Jackson.</i>	£		£	
		Remuneration to Pilots and Boats' Crews ... ..	.....		5,680	
		<i>Newcastle.</i>				
2	2	Pilots, at £175	350		350	
2	2	Assistant do., to act as Coxswains	192		240	
		<i>Moreton Bay.</i>				
3	3	Pilots, at £175	525		525	
		<i>Manning River.</i>				
1	1	Pilot... ..	175		175	
		<i>M'Leay River.</i>				
1	1	Pilot... ..	175		175	
		<i>Clarence River.</i>				
1	1	Pilot... ..	175		175	
		<i>Richmond River.</i>				
1	1	Pilot... ..	175		175	
		<i>Fitz Roy River.</i>				
1	1	Pilot... ..	100		175	
		<i>Port Macquarie.</i>				
1	1	Pilot... ..	175		175	
		<i>Wollongong.</i>				
1	1	Pilot, in charge of the Port and Moorings... ..	104		104	
		<i>Kiama.</i>				
1	1	Pilot, in charge of the Port and Moorings... ..	104		25	
				2,250		7,974
15	15	TOTAL ... ..	£ .....	.....	.....	7,974
		BOATMEN.				
		<i>Port Jackson. (Boatswain's Yard.)</i>				
30	1	a Boatswain in charge ... ..	.....		120	
	*22	Boatmen, at £96	3,040		2,112	
		New Boats and Repairs	380		180	
	1	Coxswain of Life Boat, Camp Cove ... ..	.....		108	
		Bargemen for the service of His Excellency the Governor General	228		200	
		<i>Newcastle.</i>		3,648		2,720
8	8	Boatmen, at £96	768		768	
	1	Carpenter ... ..	.....		140	
		<i>Moreton Bay.</i>		768		908
13	13	Boatmen, at £96	1,248		1,248	
1	1	Boatman for Buoy Boat	96		96	
		<i>Manning River.</i>		1,344		1,344
5	4	Boatmen, at £96 ... ..	.....	480	.....	384
		<i>M'Leay River.</i>				
5	4	Boatmen, at £96 ... ..	.....	480	.....	384
		<i>Clarence River.</i>				
6	4	Boatmen, at £96 ... ..	.....	576	.....	384
		<i>Richmond River.</i>				
5	4	Boatmen, at £96 ... ..	.....	480	.....	384
		<i>Fitz Roy River.</i>				
	4	Boatmen, at £96 ... ..	.....		.....	384
4	...	Do. at £90 ... ..	.....	360	.....
		<i>Port Macquarie.</i>				
5	4	Boatmen, at £96 ... ..	.....	480	.....	384
82	71	TOTAL... ..	£ .....	.....	.....	7,276

a Provided with Quarters.

* To provide for services of Harbor Master, Customs, Health Officer, Post Office, and Civil Engineer.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.								SALARIES AND CONTINGENCIES.				
1858.	1859.	Harbors, Light Houses, and Pilot Department— continued.						Amount Voted for 1858.		Amount Required for 1859.		
								£		£		
SIGNAL STATIONS												
<i>Sydney.</i>												
1	1	Signal Master	...	...	...	...	...	200		200	
2	1	Messenger	...	...	...	...	...	168		84	
									368		284	
<i>South Head.</i>												
1	1	Signal Master	...	...	...	...	...	180		200	
1	...	Messenger	...	...	...	...	...	84		.....	200
									264			
5	3	TOTAL						£	484
CONTINGENCIES.												
		Postage	...	...	...	...	...	32		25	
		Boats	..	...	...	...	...	350		450	
		Provisions, Forage, and Farriery	...	...	...	...	...	85		70	
		Expense of Communication...	...	...	...	...	...	50		50	
		Repairs and Incidental Expenses	...	...	...	...	...	930		260	
									1,447		855	
		TOTAL						£	855
STEAM DREDGE.												
1	1	Master	...	...	...	...	...	} 3,000..		250	
1	1	Assistant Master	...	...	...	...	...			144	
2	2	Coxswains, at £120...	...	...	...	...	...			240	
16	17	Occasional Laborers for working the Dredge, at £104	...	...	...	...	...			1,766	
		Towing of Punts, and Incidental Expenses	...	...	...	...	...			1,200	
		Repairs	...	..	...	...	...		1,000		
									3,000		4,600	
20	21	TOTAL						£	4,600
MISCELLANEOUS SERVICE.												
		Provisions to be left on Booby Island for the relief of Shipwrecked Persons						30	30
		TOTAL						£	30

VI.

Secretary for Lands and Public Works.

SUMMARY.

	Voted for 1858.	Required for 1859.
Secretary for Lands and Public Works...	6,115	5,995
Survey and Management of Crown Lands	67,329	72,177
Commission on Sales of Land ...	7,300	8,000
Gold Fields ...	5,370	8,115
Gold Contingent ...	1,250	1,250
Botanic Gardens—		
Sydney ...	1,903	2,503
Brisbane ...	550	550
Government Domains and Hyde Park ...	1,223	1,323
Examiner of Coal Mines ...	680	680
Railways ...	12,000	12,170
Working Expenses of 54 miles of Railway ...	53,000	62,525
Railway Trial Surveys ..	8,000	12,810
Extensions of Existing Lines of Railway (Loan)	712,000	.....
Roads—		
Salaries and Contingencies...	4,800	5,250
Construction and Maintenance ...	92,402	116,680
Electric Telegraph ...	.....	12,549
Colonial Architect ...	5,124	5,124
Public Works and Buildings ...	70,308	70,700
Do. (Loan) ...	38,500	16,600
Harbours and River Navigation...	8,300	2,400
Fitz Roy Dock Establishment ...	4,132	11,436
Miscellaneous ...	6,581	.....
TOTAL ...	£ 1,106,867	428,837

The Treasury, New South Wales,
7th December, 1858.

Rt. CAMPBELL.

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.						SALARIES AND CONTINGENCIES.			
1858.	1859.					Amount Voted for 1858.		Amount Required for 1859.	
		The Secretary for Lands and Public Works.							
		SALARIES.				£		£	
1	1	Secretary for Lands and Public Works	...	...	...	1,500		1,500	
1	1	Under Secretary	...	...	...	800		800	
1	1	Chief Clerk	...	...	...	500		500	
1	1	Clerk	...	...	...	400		400	
2	2	Clerks, at £350	...	...	...	700		700	
3	3	Do. £250	...	...	...	750		750	
2	2	Do. £200	...	...	...	400		400	
2	2	Do. £150	...	...	...	300		300	
1	1	Messenger	...	...	...	104		104	
1	1	Do...	...	...	...	100		100	
1	1	Office Keeper	...	...	...	61		61	
							5,615		5,615
		CONTINGENCIES.							
		Rent of Office	...	...	...	400		300	
		Furniture	...	...	...	50		30	
		Postage	...	...	...	20		30	
		Incidental Expenses	...	...	...	30		20	
							500		380
16	16	TOTAL	...	...	...	£	.....	.....	5,995

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.		Survey and Management of Crown Lands.	SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
		SALARIES.		
1	1	Surveyor General	£ 1,050	£ 1,050
1	1	Deputy Surveyor General	800	
4	6	District Surveyors, at £780	3,120	4,680 (a)
1	...	Commissioner of Crown Lands	550	
2	2	Do. do. at £500	1,000	1,000
5	6	Do. do. at £450	2,250	2,700
6	8	Surveyors, 1st class, at £680	4,080	5,440 (b)
8	10	Do. 2nd do. at £580	4,640	5,800 (c)
1	1	Chief Draftsman	650	650
1	1	Draftsmen, 1st class	400	400
2	1	Do. do. at £375	750	375
4	3	Do. 2nd class, at £300	1,200	900
...	1	Do. do. ... ..	...	325
4	5	Do. 3rd do. at £240	960	1,200
2	3	Do. do. at £220	440	660
3	2	Do. do. at £200	600	400
2	2	Preparation of Maps for Publication	600	600
1	1	Description Writers, at £150	300	300
1	1	Chief Clerk (Secretary and Cashier)	650	650
1	1	Accountant	400	400
1	1	Clerks	400	400
...	1	Do.	355	355
4	3	Do. at £300	1,200	900
3	3	Do. at £245	735	735
5	5	Do. at £200	1,000	1,000
4	4	Do. at £185	740	740
...	2	Do. (Supernumerary) at £100 ... ..	...	200
...	3	Do. (do.) at £75 ... ..	...	225
1	1	Preparation of Deeds	350	400
2	2	Messengers, at £100	200	200
...	1	Assistant Messenger (Boy) ... ..	...	35
1	1	Housekeeper	50	50
82	108	Wages to Surveyors' Laborers, at £73	5,986	7,884
1	1	Crown Land Bailiff for Cumberland	200	200
13	17	Troopers, at £182 10s.	2,373	3,103
1	...	Do.	73	
8	8	Officekeepers and Servants for Commissioners, at £40	320	320 (d)
			38,422	44,627
		CONTINGENCIES.		
		Fees to Licensed Surveyors... ..	25,000	25,000
		Fees for the completion of the Assessment of Runs in the Pastoral Districts ... ..	...	1,500
		Repairs and Rent	250	250
		Passage and Freight	200	200
		Furniture	100	100
		Postage and Incidental Expenses	500	500
		Wages of Servants employed in lieu of Troopers	547	
			26,597	27,550
176	216	TOTAL	£	72,177
		COMMISSION ON SALES OF LAND, ADVERTISEMENTS	7,300	8,000

(a) Including £500 salary and £280 allowance for equipment, viz. :—

Interest on purchase and wear and tear	£100
Provisions for self	25
Forage for three horses	125
Horse-shoeing	10
Wear and tear of surveying instruments	10
Stationery and postage	5
Contingencies	5
	£280

(b) Including £400 salary and £280 allowance.

(c) Including £300 salary and £280 allowance.

(d) To be rationed by the Commissioners.

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1858.	1859.	Amount Voted for 1858.		Amount Required for 1859.	
		Gold Fields.			
		SALARIES.			
		£		£	
3	4	Commissioners, at £500	1,500	2,000	
5	5	Assistant Commissioners, at £450	2,250	2,250	
1	3	Sub-Commissioners at £275	275	825	
5	6	Do. being also Clerks of Petty Sessions, at £100	500	600	
14	18		4,525		5,675
		CONTINGENCIES.			
		Allowance in lieu of Forage for 18 Officers, at £50	*.....	900	
		Postage	100	75	
		Carriage of Stores	120	50	
		Rent...	65	65	
		Erection of, and Repairs to, Buildings	335	1,000	
		Travelling Expenses of Commissioners (when specially sanctioned.)	.....	100	
		Incidental Expenses...	225	250	
			845		2,440
		TOTAL	£.....	.....	8,115
		Gold Contingent.			
		To meet unforeseen Expenses, in cases of emergency	.....	1,250	1,250

* Heretofore the Commissioners received Forage in kind, at Contract prices.

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.						SALARIES AND CONTINGENCIES.			
1858.	1859.					Amount Voted for 1858.		Amount Required for 1859.	
						£		£	
		Botanic Gardens, Sydney.							
1	1	Director	...	...	...	350		350	
1	1	Overseer	...	...	...	200		200	
							550		550
		CONTINGENCIES.							
		Wages to Gardeners and Laborers	...	...	...	1,000		1,000	
		Travelling and other Expenses of the Director in the discharge of his duties	...	...	...	100		100	
		Forage for one Horse	...	...	...	50		50	
		Cases for Plants, and to meet the expenses of transmission	...	...	...	40		40	
		Towards the formation of a Public Botanical Library	...	...	...	50		50	
		Purchase of Manure	...	...	...	10		10	
		Postage	...	...	...	3		3	
		Incidental Expenses	...	...	...	100		100	
		To meet the cost of reclaiming Land from the Sea	...	...	...	.....		600	
							1,353		1,953
2	2	TOTAL				£	.....	.....	2,503
		<hr/>							
		Botanic Gardens, Brisbane.							
1	1	Superintendent	...	...	...	200		200	
		Wages to Laborers	...	...	...	300		300	
		Incidental Expenses	...	...	...	50		50	
							550		550
1	1	TOTAL				£	.....	.....	550
		<hr/>							
		Government Domains and Hyde Park.							
1	1	General Overseer	...	...	...	150		150	
1	1	Bailiff	...	...	...	108		108	
		Wages to Laborers	...	...	...	600		600	
		Forage for one Horse	...	...	...	50		50	
		Incidental Expenses	...	...	...	15		15	
		To purchase Iron Hurdles to fence round young Plantations	...	...	...	200		200	
		To quarry gravel to keep in repair roads and paths	...	...	...	100		100	
		Towards the repair of Gates and Fences	...	...	...	.....		100	
							1,223		1,323
2	2	TOTAL				£	.....	.....	1,323
		<hr/>							
		Examiner of Coal Mines and Coal Fields.							
		Allowance of £2 2s. per diem, while actually employed (say, 300 days)	...	...	...	630		630	
		Horse Hire	...	...	...	25		25	
		Incidental Expenses	...	...	...	25		25	
							680		680
		TOTAL				£	.....	.....	680

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.		Department of Internal Communication.	SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
			£	£
RAILWAYS.				
SALARIES.				
1	1	Chief Commissioner... ..	1,500	1,500
1	1	Engineer-in-Chief	1,500	1,500
1	1	Secretary	600	600
1	1	Accountant	500	500
1	1	Traffic Manager	*400	*400
1	1	Messenger	104	104
1	1	Do.	100	100
1	1	Housekeeper... ..	46	46
1	1	Clerk	300	300
1	1	Do.	200	200
1	1	Do.	300	300
3	4	Clerks, at £180	540	720
1	1	Storekeeper	400	400
1	1	Foreman of Stores	200	200
1	1	Ticket Printer	200	200
1	1	Assistant Engineer	700	700
1	1	Do.	450	450
1	1	Do.	400	400
1	1	Draftsman	500	500
1	1	Do.	350	350
1	1	Clerk	250	250
			9,540	9,720
CONTINGENCIES.				
		Law Expenses	1,000	1,000
		Rent... ..	650	650
		Travelling Expenses	410	400
		Office Contingencies, including Furniture and Postage	400	400
			2,460	2,450
23	24	TOTAL	£	12,170
<i>Working Expenses of 54 Miles of Railway.</i>				
	2	Inspectors of Permanent Way, at £400 ... ..	.....	800
	1	Locomotive Foreman ... ..	.....	400
	1	Do. ... ..	.....	300
	1	Traffic Inspector, Great Northern Railway... ..	.....	†300
	1	Do. Great Southern Railway... ..	.....	300
	16	Station Masters—4 at £250; 3 at £200; 3 at £175; 6 at £150 ... ..	.....	3,025
	1	Goods Clerk... ..	.....	200
	1	Goods Collector ... ..	.....	200
			.....	5,525
		Maintenance of Permanent Way, including Buildings	11,000	13,000
		Wages to Workmen employed in repair of Rolling Stock, Engine-drivers, Firemen, Fitters, Cleaners, Guards, and Porters	† 27,000	25,000
		Materials and general Stores, firewood, oil, tallow, and waste	15,000	17,000
		Contingent sum, to meet the expenses of any additional length of line that may be opened ... ..	.....	2,000
			53,000	57,000
	24	TOTAL	£	62,525

* With one per cent. upon net receipts, until the income amounts to £700 per annum.

† With one per cent. upon net receipts, until the income amounts to £500.

‡ In 1858 this item included salaries of station-masters, clerks, firemen, and others.

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.		Internal Communication—continued.	SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
		RAILWAY TRIAL SURVEYS.		
		SALARIES.	£	£
1	1	Surveyor	500	780*
	6	Surveyors at £680 each ... ..	.....	4,080*
	32	Wages to Surveyors' Laborers, at £73 each ... ..	.....	2,336
		Unforeseen and Incidental Expenses ... ..	.....	650
		<i>Detachment of Royal Engineers:—</i>		
		Regimental Pay	451	451
			951	8,297
		ALLOWANCES.		
		Working Pay	1,180	1,180
		Colonial Allowance	173	173
		Ration Allowance	599	599
		Fuel, Light, and Water	54	54
			2,007	2,006
		CONTINGENCIES.		
		Field Expenses of Surveyor and Assistants... ..	500	.....
		<i>Detachment of Royal Engineers:—</i>		
		Field Allowance	187	187
		Forage for Horses	300	300
		Equipment	250	250
		Medical Attendance	60	60
		Incidental Expenses	250	250
20	...	Chainmen's Wages, at £45	900	.....
	20	Rations to Chainmen, £27 7s. 6d.	547	.....
		Chainmen without rations, at £73 ... ..	.....	1,460
		Contingent sum to provide such further assistance as may prove necessary when the Surveys are in progress, and also to provide for returns of existing traffic, and for any other unforeseen or incidental expenses	2,045	.....
			5,040	2,507
21	59	TOTAL	£	12,810
		ROADS.		
		SALARIES.		
1	1	Engineer	700	700
1	1	Clerk of Works	450	450
	3	Road Superintendents, at £500 ... ..	.....	1,500
	3	Do. at £300 ... ..	.....	900
3	...	Surveyors	1,500	.....
1	1	Clerk	350	350
	1	Do. ... ..	.....	150
			3,000	4,050
		CONTINGENCIES.		
		Travelling Expenses, Assistant Engineer and Clerk of Works	400	400
		Allowance in lieu of Travelling Expenses to Road Surveyors	400	.....
		Do. to Road Superintendents ... ..	.....	600
		Other Contingencies	100	.....
		Drawing Materials, Instruments, Postage, and other Incidental Expenses ... ..	.....	200
			900	1,200
6	10	TOTAL	£	5,250

* Including £500 salary and £280 for equipment, viz.:—Interest on purchase and wear and tear £100, provisions for self £25, forage for three horses £125, horse-shoeing £10, wear and tear of surveying instruments £10, stationery and postage £5, contingencies £5=£280.

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS

		Amount Required for 1859.	
		£	
Internal Communication—continued.			
CONSTRUCTION AND MAINTENANCE OF ROADS.			
1.—MAIN NORTHERN ROAD.			
Morpeth to Armidale, 230 miles, at £50 per mile...	...	11,500	
To improve the Main Road from Maitland to Lochinvar ...	...	1,500	
Do. Harpur's Hill Flat and Harpur's Hill...	...	350	
To divert Road to meet Bridge at Falbrook ...	...	300	
To improve Grass-Tree Hill ...	...	350	
To divert Road at Muswellbrook ...	...	500	
To improve Murrurundi Gap ...	...	1,500	
Do. Moonbie's Pass ...	...	500	
For the construction of a Bridge at Falbrook ...	...	2,300	
Do. do. do. Foybrook ...	...	300	
Do. do. do. Apple-Tree Flat ...	...	200	
Do. do. do. Sandy Creek ...	...	450	
Do. do. do. Murrurundi ...	...	1,300	
Bridges over minor Creeks to Murrurundi Gap ...	...	600	
Do. do. Bendermere...	...	1,200	
			22,850
2.—MAIN WESTERN ROAD.			
Sydney to Wellington, 210 miles, at £50 per mile ...	...	10,500	
To improve the Road at St. Mary's, South Creek ...	...	1,000	
Do. do. Springwood ...	...	1,500	
Do. between Little and Great Hartley ...	...	500	
Do. at Blackman's Gap ...	...	700	
Do. over Dividing Range ...	...	1,250	
Do. at Mount Lambie ...	...	500	
Do. at Redbank...	...	1,500	
For the construction of a Bridge at Cox's River ...	...	1,600	
Do. Junction Creek ...	...	500	
Do. Evans Plain Creek ...	...	600	
Bridges over minor Creeks ...	...	600	
Repairs and Additions to the Denison Bridge, Bathurst ...	...	1,300	
			22,050
MUDGEE ROAD.			
Superintendent, including £100 a-year for Travelling allowance ...	...	400	
Mudgee to Bowenfells, 80 miles, at £50 per mile ...	...	4,000	
To improve Cherry-tree Hill ...	...	1,000	
			5,400
3.—MAIN SOUTHERN ROAD.			
From 5th Mile-stone Western Road to Albury, 380 miles, at £50 per mile ...	...	19,000	
For making and repairing the Main-street at Gunning, and the Main Road at each side of the new Bridge ...	...	500	
For forming Road round Kimo Hill ...	...	1,000	
			20,500
Carried forward ...	£	.....	70,800

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.			SALARIES AND CONTINGENCIES.			
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.	
			£		£	
		Internal Communication—continued.				
		CONSTRUCTION AND MAINTENANCE OF ROADS.				
		MORETON BAY.				
		Brought forward ... ..	£	.....	.....	70,800
1	1	Surveyor of Main Road from Brisbane to the Drayton Gap	400		400	
		Allowances in lieu of Travelling Expenses	100		100	
				500		
		Main Road from Brisbane to Drayton Gap, 90 miles, at £50 per mile ... ..	.....		4,500	
						5,000
		ROADS, OTHER THAN MAIN ROADS.				
		For the maintenance of other than Main Roads of the Colony	.....	.....	30,000	
		Special Grants to minor Bridges, and Roads not classified...	.....	.....	5,000	
		For the formation of the Road to Long Bay, Botany ...	.....	.....	3,600	
						38,600
		BRIDGES ON OTHER THAN MAIN ROADS.				
		For the completion of the Cudgegong Bridge, a further sum of ... ..	.....	.....	100	
		Do. Vale Creek Bridge, do. ... ..	.....	.....	30	
		For the erection of a Bridge over the Wollondilly...	.....	.....	700	
		For repairs to the Tocol Bridge ... ..	.....	.....	150	
		For the erection of a Bridge over Breakfast Creek, near Brisbane ... ..	.....	.....	500	
		For the erection of a Bridge in the Town of Carcoar, over the Carcoar Creek ... ..	.....	.....	500	
		FERRIES.				
		For the establishment of a Punt at Tinonee ... ..	.....	.....	300	
						2,280
		TOTAL ... ..	£	.....	.....	116,680

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.		Internal Communication—continued.	Amount Required for 1859.	
1858.	1859.		£	
ELECTRIC TELEGRAPH BRANCH.				
SALARIES.				
<i>Inter-Colonial Line.</i>				
		Sydney		
	1	Assistant Superintendent Sydney	500	
	1	Station Master "	250	
	1	Operating Clerk "	150	
	1	Booking Clerk "	100	
	1	Instrument Fitter and Line Inspector	200	
	1	Messenger "	80	
	3	Messengers, at £52 "	156	
	1	Station Master, Berrima	150	
	1	Line Inspector "	150	
	1	Station Master, Goulburn	200	
	1	Line Inspector "	150	
	1	Station Master, Yass	200	
	1	Messenger "	52	
	1	Station Master, Gundagai	200	
	1	Line Inspector "	150	
	1	Station Master, Albury	300	
	1	Line Inspector "	150	
<i>Railway Line.</i>				
	1	Junior Operating Clerk, Redfern	52	
	1	Do. do. Parramatta	80	
	1	Do. do. Liverpool	80	
	1	Do. do. Campbelltown	104	
<i>South Head Line.</i>				
	1	Signal Master, Fort Phillip Flag Staff	200	
	1	Signal Master's Assistant "	84	
	1	Junior Operating Clerk "	52	
	1	Signal Master South Head	180	
	1	Junior Operating Clerk "	80	
	1	Messenger "	52	
	1	Junior Operating Clerk, Post Office	52	
<i>Western Line.</i>				
	1	Operating Clerk, Sydney	150	
	1	Station Master, Penrith	150	
	1	Line Inspector "	150	
	1	Station Master, Bathurst	200	
	1	Line Inspector "	150	
<i>Northern Line.</i>				
	1	Operating Clerk, Sydney	150	
	1	Station Master, Windsor	150	
	1	Line Inspector "	150	
	1	Station Master, Wollombi	150	
	1	Messenger "	52	
	1	Station Master, Maitland	200	
	1	Line Inspector, "	150	
	1	Station Master, Newcastle	200	
	1	Messenger, "	52	
6,208				
ALLOWANCES.				
		Inspectors Main Line, forage allowance, at 3s. per day	273	
		Do. Western Line do. do.	109	
		Do. Northern Line do. do.	109	
491				
CONTINGENCIES.				
		Travelling Expenses for Officers of the Department, generally	400	
		Rent... ..	50	
		Contingencies	200	
650				
WORKING EXPENSES.				
		Main Line, 380 miles	a { 390	
		Railway Line, 34 miles	110	
		South Head Line, 9 miles	b { 100	
		Western Line, 123 miles	100	
		Northern Line, 135 miles	a { 100	
		Contingent and unforeseen expenses	200	
1,000				
		For the establishment of Telegraphic Communication between Moreton Island and Brisbane	3,000	
		One moiety of expense of constructing Branch Lines to Adelong and Tumut, the other moiety being paid by private contribution	1,200	
4,200				
	44	TOTAL	£	12,549

a Including Battery stores, and carriage of stores, repairs to line, instruments &c.

b Including wear and tear of flags, ropes &c. for flagstaff

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.		Colonial Architect.	SALARIES AND CONTINGENCIES.				
1858.	1859.		Amount Voted for 1858.		Amount Required for 1859.		
			£		£		
		SALARIES.					
1	1	Colonial Architect	1,000		1,000		
1	1	First Clerk of Works	600		600		
2	2	Clerks of Works, at £400	800		800		
1	1	Do.	300		300		
1	1	First Foreman of Works	250		250		
1	1	Second do.	250		250		
1	1	Draughtsman	250		250		
1	1	Chief Clerk	450		450		
1	1	Clerk, 2nd class	300		300		
1	1	Do. 3rd class	250		250		
1	1	Messenger	84		84		
1	1	Office Keeper	40		40		
				4,574		4,574	
		CONTINGENCIES.					
		Forage for the horses of the Architect and the first Clerk of Works	100		100		
		Travelling Expenses of the Architect and Officers of the Department, when proceeding to inspect Public Works and Buildings	300		300		
		Postage	15		15		
		Advertising (Tenders for Public Work, &c.)	85		85		
		Incidental Expenses	50		50		
				550		550	
13	13	TOTAL ... ..	£ .....		.....	5,124

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

Works and Buildings.

	£	
For ordinary Repairs, Alterations, and Additions to Public Buildings, generally ...	10,000	
For repairs to Military Barracks and other Buildings	1,500	
For lighting Lamps, sweeping Chimneys, &c., Victoria Barracks... ..	250	
To provide Furniture and Fittings for the Public Offices, generally ..	3,000	
For the erection of a Cottage for the Superintendent of the Botanic Garden, Brisbane...	500	
For providing Materials and Implements for employment of Prisoners at Darlinghurst Gaol	2,000	
For same, at Parramatta Gaol	1,500	
For same, at Goulburn Gaol	500	
For same, at Maitland Gaol	500	
For same, at Bathurst Gaol... ..	500	
For the erection of a Gaol, Wollongong	2,000	
For additions to the Surveyor General's Office	1,000	
For additions at Protestant Orphan School	500	
Do. at Roman Catholic Orphan School	1,500	
For repairs, alterations, and additions to the Lunatic Asylum, Tarban Creek ...	6,000	
For same, at Lunatic Asylum, Parramatta... ..	1,000	
For alterations and additions to Legislative Council and Assembly Buildings ...	7,000	
To complete the Observatory	600	
For repairs to Government House and Out-offices	1,500	
For erection of a Registry Office, Sydney	6,000	
For fencing in the Necropolis, Sydney	970	
For erection of a Court House at Albury	5,000	
For same, at Armidale, the further sum of... ..	4,000	
For same, at Tamworth	2,000	
For same, at Tenterfield	450	
For same, at Burrowa	800	
For same, at Casino	500	
For same, at Rockhampton	800	
For the erection of a Watch House at Nelligan	450	
For same, at Coonabarabran	400	
For same, at Little Ipswich	450	
For same, at the Three Rivers	450	
For same, at North Gundagai	450	
For same, at Muswellbrook... ..	450	
For same, at Rockhampton	500	
For repairs to the Residence of the Police Magistrate, Maitland	380	
Quarters and Stables for Gold Commissioner, Tumut	200	
For fencing Police Paddock, Deniliquin	100	
Towards enlarging the Australian Museum	5,000	
		70,700
TO BE RAISED BY LOAN.		
Towards the erection of the New Gaol, Brisbane, the further sum of	6,600	
For the erection of a Light House at Cape St. George	5,000	
For the repair of the Circular Quay, Sydney	5,000	
		16,600
TOTAL	£	87,300

No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.

No. of Persons.			SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
		Harbors and River Navigation.		
		SALARIES.		
1	1	Engineer-in-Chief	700	700
1	1	Clerk and Draftsman	350	350
	1	Messenger ... ..	.....	50
			1,050	1,100
		CONTINGENCIES.		
		Travelling Expenses	200	200
		Other Contingencies	100	.....
		Rent ... ..	.....	50
		Postage ... ..	.....	10
		Map Cases ... ..	.....	20
		Advertising ... ..	.....	20
			300	300
		TO COVER THE EXPENSE OF PRELIMINARY HARBOR SURVEYS ... ..	.....	1,000
2	3	TOTAL	£	2,400
<hr/> Fitz Roy Dock Establishment.				
		For the extension of the Fitz Roy Dock Cockatoo Island, and for the employment of Convicts there, as per Schedule* ... ..	.....	9,804
		To meet excess of Expenditure for 1856, on account of Machinery for the Dock	4,132	1,632
		TOTAL	£	11,436

• SCHEDULE.

Civil Engineer	630
Clerk	190
Foreman, Engineer	300
Draftsman	240
Foreman of Works	190
Foremen of Works, at £164	2 328
Foreman of Works	146
	2,024
Machinery, Works, and other Services	7,073
Contingencies, 10 per cent.	707
	9,804

VII.

The Auditor General.

SUMMARY.

	Voted for 1858.	Required for 1859.
Auditor General £	4,907	5,092

*The Treasury, New South Wales,
7th December, 1858.*

RT. CAMPBELL.

No. VII.—AUDITOR GENERAL.

No. of Persons.			SALARIES AND CONTINGENCIES.	
1858.	1859.		Amount Voted for 1858.	Amount Required for 1859.
Auditor General.				
SALARIES.				
			£	£
1	1	Auditor General (Provided in Schedule)		
1	1	Chief Clerk	530	530
1	1	Accountant	400	400
1	1	Inspector of Customs' and Revenue Accounts	400	400
1	1	Examining Clerk	400	400
1	1	Corresponding Clerk	335	335
...	1	* Examiner of Railway Accounts ... ..	.....	320
1	...	Clerk	300	
...	1	Do. ... ..	.....	270
4	5	Clerks, at £245	980	1,225
6	1	Do. at £230	1,380	230
...	3	Do. at £200 ... ..	.....	600
...	1	Do. ... ..	.....	100
...	2	† Do. (Extra and Probationary, at £50) ... ..	.....	100
1	1	Messenger	102	102
1	1	^a Housekeeper	40	40
			4,867	5,052
CONTINGENCIES.				
		Postage	30	30
		Incidental Expenses	10	10
			40	40
TOTAL			£	5,092
19	22			
<p>* Rendered necessary by the Audit of the Railway Accounts devolving on this Department from the 1st of January, 1859.</p> <p>† To supply the want long felt of having candidates trained in the peculiar duties of the office, and ready to efficiently fill vacancies; while affording, during such training, available services at a very moderate rate of remuneration.</p>				

^a Provided with quarters, fuel and light.

SUPPLEMENTARY ESTIMATE

OF THE

EXPENDITURE

OF THE

GOVERNMENT

OF

NEW SOUTH WALES.

FOR

1859.



ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
10 FEBRUARY, 1859.

SYDNEY :

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

1859.

SUPPLEMENTARY ESTIMATE, 1859.

3

No. I.—PUBLIC WORSHIP.			
Compensation for the loss of the addition to the Stipends of the Ministers of Religion provided for under Schedule C	5,658	6	8
Compensation for the loss of Stipends to the Ministers of Religion, not provided for under Schedule C	3,650	0	0
			9,308 6 8
No. II.—EXECUTIVE AND LEGISLATIVE.			
LEGISLATIVE ASSEMBLY.			
To meet the expense of Short-hand Writers			25 0 0
LEGISLATIVE COUNCIL AND ASSEMBLY.			
Increase to salary of the Librarian, from £300 to £400	100	0	0
Increase to salary of Assistant Librarian, from £200 to £250	50	0	0
			150 0 0
No. III.—PRINCIPAL SECRETARY.			
POST OFFICE.			
Mail Boy	78	0	0
Increase to salaries of Country Postmasters, and to meet expense of additional Post Offices	600	0	0
Five Suburban Letter Carriers, at £120	600	0	0
Uniforms for Suburban Letter Carriers	30	0	0
Forage for a third Horse	75	0	0
			1,383 0 0
CONVEYANCE OF MAILS.			
To meet the expense of New Postal Lines within and beyond the Settled Districts... ..			2,000 0 0
ASSISTED EMIGRATION FROM THE UNITED KINGDOM.			
To meet deficiency in amount voted for 1858			4,954 14 0
SHIPPING MASTER.			
Runners, at £104 2			208 0 0
POLICE, COUNTRY DISTRICTS.			
<i>Deniliquin and Moama</i> :—			
Increase to Salary of Police Magistrate for performing duty at Moulamein, from £375 to £580	155	0	0
<i>Lang's Crossing-place</i> :—			
Difference between Salary of Police Magistrate acting as Clerk of Petty Sessions, Moulamein, and that of a Police Magistrate ; to do duty also at Balranald	50	0	0
Clerk of Petty Sessions	175	0	0
Chief Constable	175	0	0
Ordinary Constables, at £100 3	300	0	0
Forage allowance to Police Magistrate	45	0	0
<i>Callandoon</i> :—			
Clerk of Petty Sessions	175	0	0
Chief Constable	150	0	0
Ordinary Constables, at £100 3	300	0	0
<i>Condobolin</i> :—			
Clerk of Petty Sessions	175	0	0
Chief Constable	150	0	0
Ordinary Constables, at £100 3	300	0	0
<i>Barraba</i> :—			
District Constable	114	0	0
Ordinary Constables, £100 2	200	0	0
<i>Eden</i> :—			
Forage Allowance to Police Magistrate for performing duty at Panbula, Eega, and Bombala	45	0	0
	2,509	0	0
Carried forward	£		18,029 0 8

Brought forward	£	2,509 0 0	18,029 0 8
No. III.—PRINCIPAL SECRETARY— <i>continued.</i>			
POLICE, COUNTRY DISTRICTS.— <i>continued.</i>			
<i>Pockataroo:—</i>			
District Constable		114 0 0	
Ordinary Constables, £100	2	200 0 0	
<i>Binda:—</i>			
District Constable		114 0 0	
Ordinary Constables, £100	2	200 0 0	
			3,137 0 0
SYDNEY GAOL.			
To meet deficiency in amount voted for Stores and Contingencies for 1858			708 14 9
GOULBURN GAOL.			
To meet deficiency in the amount voted for Provisions for 1858			98 3 10
THE PRINTING OFFICE.			
To meet deficiency in the sum voted for Wages to Workmen and Apprentices, and for the purchase of additional Type—1858			1,823 8 1
OBSERVATORY.			
Repairs to the Great Circle of the Transit Instrument, further sum..		19 0 8	
Allowance in lieu of House Rent for the Astronomer, from 1 January to 15 April, 1858		48 2 6	
			67 3 2
MILITARY ALLOWANCE.			
Lodging Allowance to Brigade Major, at 9s. 6d. per diem			173 7 6
CHARITABLE ALLOWANCES.			
In support of the Establishment of the Benevolent Society, Sydney, further sum		3,000 0 0	
In aid of the erection of an Hospital at Carcoar, on condition of an equal amount being raised by private subscriptions		650 0 0	
			3,650 0 0
GRANTS IN AID OF PUBLIC INSTITUTIONS.			
In aid of the Building Fund of the Sydney School of Arts, on condition of an equal sum being raised by private subscriptions		2,000 0 0	
In aid of the erection of the Newtown School of Arts, on like condition		500 0 0	
In aid of the Ipswich School of Arts, on like condition, until a Building be erected		100 0 0	
In aid of the erection of the Temperance Hall, Sydney, on the like condition		1,000 0 0	
			3,600 0 0
ABORIGINES.			
To meet deficiency in the vote for 1858			255 2 3
MISCELLANEOUS.			
For the purchase of Specimens of Silver Ores for the Australian Museum		100 0 0	
Salary and Allowance of the Agent of the Government of New South Wales in England for negotiating a Steam Postal Service <i>via</i> Panama, viz.:—			
Salary at £600 per annum, Passage Money, and Travelling Expenses		1,000 0 0	
			1,100 0 0
No. IV.—ADMINISTRATION OF JUSTICE.			
MORETON BAY COURT.			
Clerk to Judge		200 0 0	
Tipstaff and Court Keeper		104 0 0	
Registrar's Messenger		104 0 0	
Travelling Expenses of Resident Judge		250 0 0	
			658 0 0
DISTRICT COURTS.			
To meet additional expenses			800 0 0
MISCELLANEOUS.			
Allowance to Chinese Interpreter for the various Courts of Justice...			150 0 0
Carried forward	£		34,250 0 3

SUPPLEMENTARY ESTIMATE, 1859.

5

Brought forward	£	34,250 0 3
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.		
CUSTOMS.		
Additional Clerk, Newcastle, from 10 September, 1858, at £125...		38 10 10
STATIONERY AND STORES.		
To meet deficiency in the amount voted for 1858 for Paper for Printing for the Public Service generally	787 10 0	
Stamps and Seals for New Post Offices	100 0 0	
		887 10 0
HARBOR MASTER, SYDNEY.		
Clerk		200 0 0
STEAM NAVIGATION BOARD, BRISBANE.		
Engineer Surveyor	10 0 0	
Shipwright Surveyor... ..	10 0 0	
Secretary	7 10 0	
		27 10 0
MISCELLANEOUS,		
To provide Compensation to Public Officers whose situations are abolished		8,000 0 0
No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.		
INTERNAL COMMUNICATIONS.		
<i>Railway Branch.</i>		
Compensation and Medical and Incidental Expenses consequent upon the Railway Accident of 10th July, 1858	627 4 7	
Clerk for Accountant's Branch—omitted from printed Estimate ...	200 0 0	
For the erection of a Bridge over the Railway in High-street, East Maitland... ..	1,000 0 0	
<i>Railway Trial Surveys.</i>		
For Special Expenses to be incurred in Survey of the Grose Valley	1,500 0 0	
		3,327 4 7
ELECTRIC TELEGRAPH BRANCH.—(Establishment.)		
Salaries of Officers and Servants working the line (1858)	1,690 16 0	
Working Expenses	505 19 2	
Travelling Expenses	44 8 6	
Allowances and Incidental Expenses... ..	35 8 7	
<i>Construction.</i>		
To connect Fort Phillip, the Post Office, Port Office, and Railway Office, with the Albury and South Head Lines	200 0 0	
Travelling Expenses of Assistant Superintendent	100 13 2	
Office Furniture and Fittings, Instruments, Batteries, Telegraph Paper, and other articles necessary for opening and working the Line... ..	639 9 0	
		940 2 2
ROAD BRANCH.		
Rents of Tolls from Toll-bars on Main Roads from the 7th June to 31st December, 1858, to be expended on the Roads where levied	1,465 3 5	
Rent of Tolls at Toll-bar near Drayton for 1858, to be expended on the Road	215 0 0	
Salary of the Surveyor of the Moreton Bay Road for 1859 in substitution of £400 placed, in error, on the Estimates in Chief...	500 0 0	
		2,180 3 5
Carried forward	£	52,127 13 6

Brought forward	£	52,127 13 6
No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS—		
<i>continued.</i>		
DEPARTMENT OF HARBOURS AND RIVER NAVIGATION.		
<i>New Wharf at Newcastle.</i>		
Clerk of Works in charge	250 0 0	
To meet probable expenditure on account of Works on New Wharf, including hire of Barge employed in depositing ballast behind same	5,000 0 0	
		5,250 0 0
<i>Steam Dredge "Hunter."</i>		
Captain	250 0 0	
Chief Engineer	295 0 0	
Mate	144 0 0	
Carpenter and Coxswain of Punt No. 1	168 0 0	
Coxswain No. 2	120 0 0	
Do. No. 3	120 0 0	
Do. No. 4	120 0 0	
Brakesman and Blacksmith	144 0 0	
Do. and Engineer	144 0 0	
Stoker	120 0 0	
Do.	120 0 0	
Crew, at £104	9 936 0 0	
Boy	54 0 0	
	2,735 0 0	
Coals and other Stores	750 0 0	
Repairs and Renewals	500 0 0	
Steam Tug	1,500 0 0	
		5,485 0 0
For the removal of the Sand Bank at the junction of the Brisbane and Bremer Rivers, Moreton Bay		500 0 0
DEFENCES OF PORT JACKSON.		
For an extension of the Defence at Fort Macquarie		4,688 17 5
DRY DOCK, COCKATOO ISLAND.		
To meet the expense of docking vessels in the Fitz Roy Dry Dock	1,000 0 0	
Salary of Task-work Clerk	20 0 0	
		1,020 0 0
WORKS AND BUILDINGS.		
Erection of a Court House at Kiama, in substitution of previous vote of £800	2,000 0 0	
For the erection of Court and Watch House at Lang's Crossing-place	800 0 0	
For the like at Callandoon	800 0 0	
For the erection of a Watch House at Toowoomba	450 0 0	
Erection of a Cottage for use of Naval Station, Garden Island	200 0 0	
For Painting the exterior of the Macquarie Light House, South Head	125 0 0	
		4,375 0 0
MISCELLANEOUS ITEMS.		
To meet the expense of fencing the Main North Road where it passes through private land on the Wollombi Brook	1,600 0 0	
For fencing a Farm in connexion with the Lunatic Asylum, Parramatta, and the erection of necessary buildings	300 0 0	
To remunerate Capt. Cadell for expenses incurred in introducing Steam Navigation on Australian Rivers	1,500 0 0	
		3,400 0 0
TOTAL	£	76,846 10 11

The Treasury, New South Wales,
10th February, 1859.

Rt. CAMPBELL.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

ADDITIONAL SUPPLEMENTARY ESTIMATE FOR 1859.

Ordered by the Legislative Assembly to be Printed, 17 March, 1859.

W. DENISON,

Governor General.

Message No. 4.

In accordance with the provision contained in the 54th clause of the Constitution Act, and with reference to Message No. 2, dated 10th February, 1859, the Governor General herewith submits, for the consideration of the Legislative Assembly, an Additional Supplementary Estimate of Expenditure for the present year.

Government House,

Sydney, 17 March, 1859.

ADDITIONAL SUPPLEMENTARY ESTIMATE FOR 1859.

No. III.—PRINCIPAL SECRETARY.		
POLICE.		
Salary of a Police Magistrate for Armidale		375 0 0
GRANTS IN AID OF PUBLIC INSTITUTIONS.		
Salary of Curator for the Australian Museum		700 0 0
CHARITABLE ALLOWANCES.		
Deficiency in the amount voted in aid of the Sydney Infirmity and Dispensary, 1858		145 19 4
No. IV.—ADMINISTRATION OF JUSTICE.		
LAW OFFICERS OF THE CROWN.		
Additional Clerk to Civil Crown Solicitor		350 0 0
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.		
CUSTOMS.		
Costs of Prosecutions for Illicit Distillation		296 13 2
No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.		
WORKS AND BUILDINGS.		
For the employment of Prisoners in the Streets of Brisbane		100 0 0
Repayment to Mr. O'Neill Brenan of the purchase money for a Quarry near Darlinghurst Gaol		2,200 0 0
Premiums for Designs for new Houses of Parliament and Offices for the Government Departments generally		1,000 0 0
ROADS.		
To meet the expense of Special Improvements on the Main Southern Road		15,000 0 0
TOTAL	£	20,167 12 6

The Treasury, New South Wales,
16 March, 1859.

CHARLES COWPER.

NEW SOUTH WALES.

Finance, 1858-9.

WAYS AND MEANS

OF THE

GOVERNMENT

OF

NEW SOUTH WALES,

FOR THE YEAR

1858-9.



SYDNEY:

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

1858.

No. 1.

ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE ON 31 DECEMBER, 1858.

To	£	s.	d.	By	£	s.	d.
Estimated Deficiency on 1 January (as per Ways and Means 1858—Statement No. 3)	95,665	5	6	Revenue and Receipts actually collected to 30 November (Statement No. 2) ...	1,177,510	0	0
Consolidated Revenue :—				Estimated Revenue for December (Statement No. 3)	214,596	0	0
Amount Appropriated for 1858 ...	1,154,651	2	3				
Special Appropriations ...	138,250	0	0				
Provided by the Constitutional and Colonial Acts	60,300	0	0				
	1,353,201	2	3				
Loans authorized to be raised :—				Loans authorized to be realized for Railway Extensions and Public Works, and to pay off Debentures	823,500	0	0
For Railway Extensions and Public Works	758,500	0	0				
To pay off Debentures due 1858 ...	65,000	0	0				
	823,500	0	0				
Further Supplementary Estimate for 1858, as proposed	12,666	0	0	Estimated Deficit on 31 December, 1858	69,426	7	9
	£ 2,285,032	7	9		£ 2,285,032	7	9
Estimated Deficit on 1 January, 1859... ..	£69,426	7	9				

The Treasury, New South Wales,
7 December, 1858.

RT. CAMPBELL.

No. 2.

REVENUE AND RECEIPTS FROM 1ST JANUARY TO 30TH NOVEMBER, 1858.

REVENUE.											
Customs...	501,012
Duty on Colonial Spirits	44,942
Gold Revenue	35,947
Mint Receipts	14,717
Land Revenue	299,932
Postage	36,461
Licenses...	63,991
Fees of Office	25,543
Fines and Forfeitures	7,944
Rents, Exclusive of Land	10,436
Railway Tolls	53,860
Electric Telegraph Receipts	556
Pilotage Rates, Harbor Dues, and Fees	7,058
Newcastle Tonnage Dues	1,306
Immigration Remittances	21,702
Miscellaneous Receipts	19,707
Interest on City Debentures	22,861
											1,167,975
OTHER RECEIPTS.											
Advances to Public Officers, &c., refunded	9,535
TOTAL											£ 1,177,510

*The Treasury, New South Wales,
7 December, 1858.*

RT. CAMPBELL.

No. 3.

ESTIMATED REVENUE AND RECEIPTS, FROM 1ST TO 31ST DECEMBER, 1858.

Customs... ..	45,840
Duty on Colonial Spirits	4,000
Gold Revenue	3,573
Mint Receipts	1,500
Land Revenue	136,980
Postage	3,000
Licenses... ..	787
Fees of Office	1,998
Fines and Forfeitures	606
Rents, exclusive of Land	867
Railway Tolls	5,433
Electric Telegraph Receipts	500
Pilotage Rates, Harbour Dues, and Fees	1,000
Newcastle Tonnage Dues	100
Immigration Remittances	1,967
Miscellaneous Receipts	2,945
Interest on City Debentures	3,500
TOTAL...	214,596

*The Treasury, New South Wales,
7 December, 1858.*

RT. CAMPBELL.

No. 4.

ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE, CARRIED ON TO 31 DECEMBER, 1859.

To		£	s.	d.	By		£	s.	d.
Estimated Deficit on 31 December, 1858		69,426	7	9	Estimated Revenue, as per Statement of Ways and Means		1,490,081	0	0
Consolidated Revenue :—					Loans proposed to be realized :—				
General Services	1,226,825 0 0				For Public Works	16,600 0 0			
Special Appropriations	238,500 0 0				To pay off Debentures...	80,000 0 0			
	<u>1,465,325 0 0</u>				Authority to Borrow to cover deficit, £150,000, now reduced to		96,600	0	0
Proposed to be covered by Loans :—							69,426	7	9
For Public Works	16,600 0 0								
To pay off Debentures	80,000 0 0								
	<u>96,600 0 0</u>	1,561,925	0	0					
		1,631,351	7	9					
Apparent Balance at Credit of Consolidated Revenue, 31 December		24,756	0	0					
		£ 1,656,107	7	9			£ 1,656,107	7	9
					Apparent Balance at credit of Consolidated Revenue, 31 December, 1859 £24,756 0 0				

FINANCE, 1859.

The Treasury, New South Wales,
7 December, 1858.

RT. CAMPBELL.

No. 5.

ABSTRACT OF THE PROBABLE REVENUE OF THE GOVERNMENT OF NEW SOUTH WALES,
FOR THE YEAR 1859.

	REVENUE OF 1857.	REVENUE OF 1858.	ESTIMATE FOR 1859.
	£	£	£
CURRENT REVENUE.			
Customs	533,216	550,536	572,250
Duty on Spirits distilled in the Colony	63,478	47,965	65,000
Gold	26,462	41,317	50,800
Mint Receipts	10,841	18,031	18,500
Land Revenue	276,572	431,854	439,550
Postage	36,289	38,103	42,000
Licenses	63,026	65,423	65,140
Fees of Office	29,247	25,609	30,040
Fines and Forfeitures	8,114	8,813	6,250
Rents—Exclusive of Land	11,154	10,791	16,900
Railway Tolls	9,418	65,276	100,000
Electric Telegraph Receipts ... ..	.....	1,500	7,000
Pilotage Rates, Harbor Dues, and Fees ... ..	.....	8,022	12,500
Tonnage Dues Newcastle ... ..	.....	1,439	1,500
Miscellaneous Receipts	18,995	21,891	17,651
Immigration Remittances	18,162	23,796	25,000
Interest on City Debentures	7,432	26,311	20,000
	1,112,406	1,386,677	1,490,081
TO BE RAISED BY LOAN.			
To pay off Debentures to an equal amount falling due in 1859 ... ..	...	...	80,000
To meet the expenses of Public Works and Buildings ... ..	...	...	16,600
			96,600
TOTAL			£ 1,586,681

REVENUE DETAILED.

	REVENUE OF 1857.	REVENUE OF 1858.			ESTIMATE FOR 1859.
		Actual to 30 Sept.	Estimate to 31 Dec.	Total.	
CUSTOMS.					
Spirits	294,568	231,428	77,000	308,428	325,000
Wine... .. .	27,529	20,519	6,800	27,319	30,000
Ale and Beer	10,042	6,913	2,300	9,213	11,500
Tobacco	79,050	64,511	21,500	86,011	80,000
Tea	24,466	24,535	8,200	32,735	27,000
Sugar and Molasses	88,520	57,971	19,300	77,271	90,000
Coffee, Chocolate, and Cocoa	8,877	7,065	2,400	9,465	8,500
Opium	164	64	20	84	250
All other Articles .. .. .	.....	10	.....	10	.....
	533,216	413,016	137,520	550,536	572,250
DUTY ON SPIRITS DISTILLED IN THE COLONY...					
	63,478	35,965	12,000	47,965	65,000
GOLD REVENUE.					
Duty on Gold	16,198	22,545	8,000	30,545	37,000
+ Fees for the Escort and Conveyance of Gold	3,774	352	120	472	+ 500
Leases of Auriferous Tracts	250	44	.....	44	300
Miners' Rights	4,241	5,788	1,950	7,738	10,000
Business Licenses	1,999	1,868	650	2,518	3,000
	26,462	30,597	10,720	41,317	50,800
MINT RECEIPTS					
	10,841	13,531	4,500	18,031	18,500
LAND REVENUE.					
Land Sales	210,334	181,580	60,000	241,580	250,000
Rent of Lands,—					
Within the Settled Districts	6,600	5,248	5,000	10,248	12,000
In the Unsettled and Intermediate Districts	56,103	57,952	117,000	174,952	174,000
Quit Rents	224	440	100	540	200
Redemption of Quit Rents	92	123	40	163	50
Survey of Land	529	706	200	906	500
Licenses to cut Timber and make Bricks on Crown Lands	2,690	2,865	600	3,465	2,800
	276,572	248,914	182,940	431,854	439,550
POSTAGE					
	36,289	29,103	9,000	38,103	42,000
LICENSES.					
To Wholesale Spirit Dealers	6,950	6,150	200	6,350	6,500
To Auctioneers	1,803	692	1,000	1,692	1,500
To Bonded Storekeepers	4,632	5,146	.....	5,146	5,000
To Retail Fermented and Spirituous Liquors	45,568	47,183	900	48,083	48,000
Night Licenses to Publicans and for Billiard Tables	3,530	3,324	200	3,524	3,500
To Distillers and Rectifiers	49	43	10	53	50
To Hawkers and Pedlars	254	275	20	295	300
To Pawnbrokers	160	160	20	180	200
All other Licenses	80	90	10	100	90
	63,026	63,063	2,360	65,423	65,140
Carried forward	£ 1,009,884	834,189	359,040	1,193,229	1,253,240

FINANCE, 1858-9.

REVENUE DETAILED—Continued.

	REVENUE OF 1857.	REVENUE OF 1858.			ESTIMATE FOR 1859.
		Actual to 30 Sept.	Estimate to 31 Dec.	Total.	
Brought forward	£ 1,009,884	834,189	359,040	1,193,229	1,253,240
FEEES OF OFFICE.					
On Commissions to Public Officers	169	58	31	89	100
On Certificates of Naturalization	63	183	10	193	150
On Copies and Transcripts of Papers	22	10	3	13	20
On the Preparation and Enrolment of Title Deeds...	11,380	5,644	1,500	7,144	6,000
Registrar General	2,914	2,201	700	2,901	3,000
Prothonotary of Supreme Court	3,044	2,276	750	3,026	2,500
Master in Equity	1,023	920	300	1,220	1,200
Curator of Intestate Estates... ..	366	399	130	529	120
Insolvent Courts	1,292	1,167	380	1,547	1,700
Sheriff	1,081	701	200	901	1,500
Moreton Bay Court... ..	296	346	120	466	550
Courts of Requests	1,702	1,365	450	1,815	.....
District Courts ... ..	.....	.....	.....	.....	7,000
Courts of Petty Sessions	2,559	2,031	670	2,701	2,500
Water Police Court and Shipping Masters...	3,078	2,124	700	2,824	3,450
Steam Navigation Board	168	95	30	125	150
Court of Claims	27	52	10	62	50
On Disputed Claims at the Gold Fields	63	40	10	50	50
Other Fees ... ..	.....	3	.....	3	.....
	29,247	19,615	5,994	25,609	30,040
FINES AND FORFEITURES.					
Sheriff	880	353	120	473	500
Courts of Petty Sessions	3,583	2,627	900	3,527	4,000
Water Police Court	158	162	50	212	250
For the Unauthorized Occupation of Crown Lands...	2,683	366	700	1,066	1,000
Crown's share of Seizures by the Departments of Customs and Distilleries	601	3,335	.....	3,335	300
Confiscated and Unclaimed Property	184	91	50	141	150
Other Fines	25	59	.....	59	50
	8,114	6,993	1,820	8,813	6,250
RENTS—EXCLUSIVE OF LAND.					
Tolls and Ferries	1,467	1,185	390	1,575	8,000
Wharves	7,890	5,910	1,970	7,880	7,800
Military Canteen	708	635	120	755	700
Government Buildings and Premises	1,089	461	120	581	400
	11,154	8,191	2,600	10,791	16,900
RAILWAY TOLLS	9,418	48,976	16,300	65,276	100,000
ELECTRIC TELEGRAPH RECEIPTS ... ..	.....	.....	1,500	1,500	7,000
PILOTAGE RATES, HARBOR DUES, AND FEES... ..	.....	5,022	3,000	8,022	12,500
Carried forward	£ 1,067,817	922,986	390,254	1,313,240	1,425,930

REVENUE DETAILED—Continued.

	REVENUE OF 1857.	REVENUE OF 1858.			ESTIMATE FOR 1859.
		Actual to 30 Sept.	Estimate to 31 Dec.	Total.	
Brought forward £	1,067,817	922,986	390,254	1,313,240	1,425,930
TONNAGE DUES, NEWCASTLE ... ..	.....	1,139	300	1,439	1,500
MISCELLANEOUS RECEIPTS.					
Sale of Government Property	2,600	1,292	400	1,692	1,500
For the Support of Patients in the Lunatic Asylum...	850	850	280	1,130	900
Collections by the Government Printer	1,565	1,189	390	1,579	1,600
Payment by the Commissariat towards the sup- port of British Prisoners and Lunatics	4,928	.....	4,430	4,430	3,800
Do. towards the support of the Gunpowder Magazine	99	69	32	101	101
Store Rent of Gunpowder	1,158	954	300	1,254	1,000
For Work performed by Prisoners in Gaol... ..	2,241	1,148	382	1,530	2,000
Fees on presenting Private Bills to the Parliament, and on Letters of Registration... ..	305	315	60	375	200
Bank Interest on Deposits	3,442	5,408	2,000	7,408	5,000
Other Receipts	1,807	1,830	562	2,392	1,550
	18,995	13,055	8,836	21,891	17,651
IMMIGRATION REMITTANCES	18,162	17,896	5,900	23,796	25,000
INTEREST ON CITY DEBENTURES	7,432	8,311	18,000	26,311	20,000
TOTAL £	1,112,406	963,387	423,290	1,386,677	1,490,081

No. 6.

STATEMENT, shewing the total debt of the Colony; the sums authorised to be raised by certain of the Loan Acts; and of the amounts raised under each of those Acts respectively, on the 30th November, 1858.

SERVICES.	AMOUNTS AUTHORISED TO BE RAISED.	AMOUNTS RAISED.	BALANCE TO BE RAISED.	TOTAL DEBT.	REMARKS.
LAND AND IMMIGRATION DEBENTURES .....	.....	.....	.....	113,000 0 0	
SYDNEY RAILWAY Co.....	.....	.....	.....	217,500 0 0	
PUBLIC WORKS—					
18 Vic., No. 35	178,750 0 0	72,450 0 0	106,300 0 0	79,000 0 0	
RAILWAYS—					
18 Vic., 40 .....	.....	.....	.....	660,800 0 0	
PUBLIC WORKS—					
19 Vic., 38 & 40.....	385,323 0 0	272,081 12 6	113,241 7 6	292,000 0 0	
SYDNEY SEWERAGE—					
17 Vic., 34	200,000 0 0	180,985 2 6	19,014 17 6	194,990 0 0	Including £6,690 of £10 Debentures actually sold.
SYDNEY WATER—					
17 Vic., 35	200,000 0 0	139,939 12 6	60,060 7 6	149,300 0 0	
L. & I. DEBENTURES—					
20 Vic., No. 1.....	73,776 0 0	70,500 0 0	3,276 0 0	70,500 0 0	
RAILWAYS—					
20 Vic., 1.....	200,000 0 0	199,997 10 0	2 10 0	203,000 0 0	
L. & I. DEBENTURES—					
20 Vic., 16	130,400 0 0	130,311 0 0	89 0 0	132,300 0 0	
DEFICIT—					
20 Vic., 20	150,000 0 0	.....	150,000 0 0	.....
PUBLIC WORKS—					
20 Vic., 33	107,717 18 11	95,640 5 0	12,077 13 11	100,000 0 0	
RAILWAYS—					
20 Vic., 34	300,000 0 0	.....	300,000 0 0	.....
TO PAY OFF DEBENTURES—					
22 Vic., No. 5.....	145,000 0 0	.....	145,000 0 0	.....
RAILWAYS AND PUBLIC WORKS—					
22 Vic., No. 22	758,500 0 0	.....	758,500 0 0	.....
DEBENTURES forwarded to Oriental Bank, London— Account Sales not yet received .....	.....	.....	.....	488,100 0 0	
£	2,829,466 18 11	1,161,905 2 6	1,667,561 16 5	2,706,490 0 0	

NOTE.—It is probable that a further sum of £60,000 will have to be raised:—being £20,000 each for the Affiliated Colleges in connection with the Presbyterian, Wesleyan, and Roman Catholic Churches, 19 Vic., 38.

The Treasury, New South Wales,
7 December, 1858.

RT. CAMPBELL.

NEW SOUTH WALES.

Legislative Assembly.

EXPLANATORY ABSTRACTS,

Nos. I. and II.,

OF THE

AMOUNTS RESPECTIVELY ESTIMATED, VOTED,

AND

EMBODIED IN THE APPROPRIATION ACT,

22 VICTORIÆ, No. XXVII.

FOR THE SERVICE OF THE YEAR 1858-9,

WITH

NOTES EXPLANATORY.

SYDNEY:

PRINTED BY THOMAS RICHARDS, GOVERNMENT PRINTER.

1859.

NEW SOUTH WALES.

Legislative Assembly.

No. 1.

EXPLANATORY ABSTRACT of the EXPENDITURE of the COLONIAL GOVERNMENT for the undermentioned Services for the Year 1859, as respectively Estimated, Voted, and Embodied in the Appropriation Act, 22 Victoria, No. 27.

ORIGINAL ESTIMATE	Page.	No. of Head.	MORTGAGE ESTIMATED.			MORTGAGE VOTED.		
			ESTABLISHMENTS.	Contingencies.	TOTAL.	ESTABLISHMENTS.	Contingencies.	TOTAL.
I.	9	Supplements to Schedules A, B, and C, to Schedule (1) of the Act of the Imperial Parliament, 15 and 19 Vict. cap. 21:—						
	10	Schedule A						
	10	Schedule B						
	10	Schedule C						
II.	15	Executive and Legislative:—						
	15	Governor General	1,132 0 0	1,232 0 0	2,364 0 0	1,132 0 0	1,232 0 0	2,364 0 0
	16	Executive Council	5,150 0 0	5,450 0 0	10,600 0 0	5,150 0 0	5,450 0 0	10,600 0 0
	16	Legislative Council	3,150 0 0	3,510 0 0	6,660 0 0	3,150 0 0	3,510 0 0	6,660 0 0
	17	Legislative Assembly	6,410 0 0	7,510 0 0	13,920 0 0	6,410 0 0	7,510 0 0	13,920 0 0
	19	Legislative Council and Assembly	1,063 0 0	1,071 0 0	2,134 0 0	1,063 0 0	1,071 0 0	2,134 0 0
III.	21	The Principal Secretary:—						
	22	Principal Secretary, Moreton Bay	800 0 0	915 0 0	1,715 0 0	800 0 0	915 0 0	1,715 0 0
	22	Government Resident, Moreton Bay	700 0 0	730 0 0	1,430 0 0	700 0 0	730 0 0	1,430 0 0
	23	Idem	300 0 0	315 0 0	615 0 0	300 0 0	315 0 0	615 0 0
	23	Registrar General	3,175 0 0	3,600 0 0	6,775 0 0	3,175 0 0	3,600 0 0	6,775 0 0
	24	Idem	2,175 0 0	2,327 0 0	4,502 0 0	2,175 0 0	2,327 0 0	4,502 0 0
	25	Education	2,900 0 0	3,024 0 0	5,924 0 0	2,900 0 0	3,024 0 0	5,924 0 0
	27	Investigation and Quarantine	130,150 0 0	167,395 0 0	297,545 0 0	130,150 0 0	167,395 0 0	297,545 0 0
	28	Police	16,227 0 0	17,753 0 0	33,980 0 0	16,227 0 0	17,753 0 0	33,980 0 0
	30	Coal and Fuel	12,171 0 0	13,538 0 0	25,709 0 0	12,171 0 0	13,538 0 0	25,709 0 0
	43	Printing, Postage Stamps, Lithographing and Bookbinding	1,310 0 0	1,387 0 0	2,697 0 0	1,310 0 0	1,387 0 0	2,697 0 0
	43	Observatory	1,310 0 0	1,390 0 0	2,700 0 0	1,310 0 0	1,390 0 0	2,700 0 0
	44	Medical	1,107 0 0	1,215 0 0	2,322 0 0	1,107 0 0	1,215 0 0	2,322 0 0
	47	Naval	5,983 0 0	6,383 0 0	12,366 0 0	5,983 0 0	6,383 0 0	12,366 0 0
	48	Military (including Royal Artillery and Volunteer Corps)	20,877 0 0	22,077 0 0	42,954 0 0	20,877 0 0	22,077 0 0	42,954 0 0
	48	Military (including Royal Artillery and Volunteer Corps)	14,500 0 0	15,300 0 0	29,800 0 0	14,500 0 0	15,300 0 0	29,800 0 0
	50	Charitable Allowances	11,800 0 0	12,500 0 0	24,300 0 0	11,800 0 0	12,500 0 0	24,300 0 0
	51	Grants in aid of Public Institutions	200 0 0	200 0 0	400 0 0	200 0 0	200 0 0	400 0 0
	51	Aborigines	17,100 0 0	18,100 0 0	35,200 0 0	17,100 0 0	18,100 0 0	35,200 0 0
	51	Miscellaneous	17,100 0 0	18,100 0 0	35,200 0 0	17,100 0 0	18,100 0 0	35,200 0 0
IV.	53	Administration of Justice:—						
	54	Law Officers	2,957 0 0	3,315 0 0	6,272 0 0	2,957 0 0	3,315 0 0	6,272 0 0
	54	Supreme and Circuit Courts	3,900 0 0	4,317 0 0	8,217 0 0	3,900 0 0	4,317 0 0	8,217 0 0
	55	Moreton Bay Courts	1,280 0 0	1,425 0 0	2,705 0 0	1,280 0 0	1,425 0 0	2,705 0 0
	55	District Courts	3,450 0 0	3,772 0 0	7,222 0 0	3,450 0 0	3,772 0 0	7,222 0 0
	56	Sherriff	1,280 0 0	1,283 0 0	2,563 0 0	1,280 0 0	1,283 0 0	2,563 0 0
	57	Insolvent Court	3,714 0 0	4,410 0 0	8,124 0 0	3,714 0 0	4,410 0 0	8,124 0 0
	57	Quarter Sessions	2,405 0 0	2,405 0 0	4,810 0 0	2,405 0 0	2,405 0 0	4,810 0 0
	58	Coroners	781 0 0	781 0 0	1,562 0 0	781 0 0	781 0 0	1,562 0 0
	58	Court of Claims	2,405 0 0	2,405 0 0	4,810 0 0	2,405 0 0	2,405 0 0	4,810 0 0
	59	Miscellaneous	2,405 0 0	2,405 0 0	4,810 0 0	2,405 0 0	2,405 0 0	4,810 0 0
	59	5,167 0 0	5,167 0 0	10,334 0 0	5,167 0 0	5,167 0 0	10,334 0 0	
	59	8,497 0 0	8,497 0 0	16,994 0 0	8,497 0 0	8,497 0 0	16,994 0 0	
	59	3,375 0 0	3,375 0 0	6,750 0 0	3,375 0 0	3,375 0 0	6,750 0 0	
	59	14,125 0 0	14,125 0 0	28,250 0 0	14,125 0 0	14,125 0 0	28,250 0 0	
	59	6,222 0 0	6,222 0 0	12,444 0 0	6,222 0 0	6,222 0 0	12,444 0 0	
	59	1,283 0 0	1,283 0 0	2,566 0 0	1,283 0 0	1,283 0 0	2,566 0 0	
	59	8,124 0 0	8,124 0 0	16,248 0 0	8,124 0 0	8,124 0 0	16,248 0 0	
	59	2,405 0 0	2,405 0 0	4,810 0 0	2,405 0 0	2,405 0 0	4,810 0 0	
	59	3,189 0 0	3,189 0 0	6,378 0 0	3,189 0 0	3,189 0 0	6,378 0 0	
	59	150 0 0	150 0 0	300 0 0	150 0 0	150 0 0	300 0 0	
	59	50,887 0 0	50,887 0 0	101,774 0 0	50,887 0 0	50,887 0 0	101,774 0 0	

Notes Explanatory of Appropriations.

Page.

f. s. d.

NOTES EXPLANATORY of the Alterations made in the Original Estimates for 1859, in their Progress through Committee.

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	ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	In gross and unapportioned.	TOTAL.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
I.—Supplements to Schedules.						
Amount of Estimate						
REDUCED. By <i>negative</i> .—By the amount proposed for Schedule C (Public Worship) from £14,025 to One Shilling.....					14,858 6 8	14,858 6 8
Expenditure Authorized					14,024 19 0	14,024 19 0
					833 7 8	833 7 8
II.—Executive and Legislative.						
HIS EXCELLENCY THE GOVERNOR GENERAL.						
Amount of Estimate	771 0 0	1,252 0 0	.....	2,023 0 0	.....	2,023 0 0
REDUCED. By <i>negative</i> .—"CONTINGENCIES."—The entire amount proposed for Travelling Expenses of His Excellency the Governor General		500 0 0	.....	500 0 0	.....	500 0 0
Expenditure Authorized	771 0 0	752 0 0	.....	1,523 0 0	.....	1,523 0 0
EXECUTIVE COUNCIL.						
"SALARIES."—The designation of the "Clerk" at £150, altered to "Extra Clerk employed temporarily."						
LEGISLATIVE COUNCIL.						
Amount of Estimate	5,140 0 0	600 0 0	.....	5,740 0 0	.....	5,740 0 0
REDUCED. By <i>negative</i> .—"SALARIES."—The amount proposed for the Second Assistant Messenger, £110.—"CONTINGENCIES."—The amount proposed for Extra Copying Clerks, £175; the amount proposed for Postage, from £20 to £15, £5: £180	110 0 0	180 0 0	.....	290 0 0	.....	290 0 0
Expenditure Authorized	5,030 0 0	420 0 0	.....	5,450 0 0	.....	5,450 0 0
LEGISLATIVE ASSEMBLY.						
Amount of Estimate	6,440 0 0	1,071 0 0	.....	7,511 0 0	.....	7,511 0 0
INCREASED. By Message No. 2.—"CONTINGENCIES."—To meet the expense of Short-hand Writers, the further sum of		25 0 0	.....	25 0 0	.....	25 0 0
Expenditure Authorized	6,440 0 0	1,096 0 0	7,536 0 0	7,536 0 0

NOTES EXPLANATORY, &c., Continued.

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	ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.		
	Salaries.		Contingencies.				In gross and unapportioned.	
	£	s. d.	£	s. d.			£	s. d.
II.—Executive and Legislative.—Continued.								
LEGISLATIVE COUNCIL AND ASSEMBLY.								
Amount of Estimate	1,063	0 0	780	0 0	.....	1,843 0 0	
<i>INCREASED.</i> By Message No. 2.—“SALARIES.”—The amount proposed for Librarian, from £300 to £400, £100; and for Assistant Librarian, from £200 to £250, £50	150	0 0	.....	.....	.....	150 0 0
Expenditure Authorized	1,213	0 0	780	0 0	.....	1,993 0 0	
III.—The Principal Secretary.								
POST OFFICE.								
Amount of Estimate	21,472	0 0	1,755	0 0	.....	23,227 0 0	
<i>INCREASED.</i> By Message No. 2.—“SALARIES.”—By Mail Boy £78; Increase of Salaries of Country Postmasters, and to meet expense of additional Post Offices, £600; 5 Suburban Letter Carriers, at £120, £600, £1,278.—“CONTINGENCIES.”—Uniforms for Suburban Letter Carriers, £30; Forage for a third Horse, £75, £105	1,278	0 0	105	0 0	.....	1,383 0 0	
Expenditure Authorized	22,750	0 0	1,860	0 0	.....	24,610 0 0	
CONVEYANCE OF MAILS.								
Amount of Estimate .....	.....	.....	.....	.....	49,050 0 0	49,050 0 0
<i>INCREASED.</i> By Message No. 2.—To meet the Expense of New Postal Lines within and beyond the Settled Districts .....	.....	.....	.....	.....	2,000 0 0	2,000 0 0
Expenditure Authorized .....	.....	.....	.....	.....	51,050 0 0	51,050 0 0
EDUCATIONAL (viz., National, Denominational, and Orphan Schools.)								
Amount of Estimate .....	.....	.....	.....	.....	47,611 0 0	47,611 0 0
<i>REDUCED.</i> By <i>negative</i> .—The amount proposed for the Protestant Orphan School, from £3,953 to £3,515, £438; Ditto Roman Catholic Orphan School, from £3,658 to £3,138, £520 (to assimilate the Vote for 1859, in each instance, to the Vote taken for 1858)	958 0 0	958 0 0		
Expenditure Authorized	46,653 0 0	46,653 0 0		

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NOTES EXPLANATORY, &c., Continued.

	ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	In gross and unapportioned.	TOTAL.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
III.—The Principal Secretary,—continued.						
IMMIGRATION AND QUARANTINE.						
Amount of Estimate	2,909 0 0	5,025 0 0	.....	7,934 0 0	75,000 0 0	82,934 0 0
INCREASED.						
By Message No. 2.— <i>Immigration</i> .—"OTHER SERVICES."—To meet deficiency in amount voted for 1858, for Assisted Emigration from the United Kingdom .....	.....	.....	.....	.....	4,954 14 0	4,954 14 0
Expenditure Authorized	2,909 0 0	5,025 0 0	.....	7,934 0 0	79,954 14 0	87,888 14 0
POLICE.						
Amount of Estimate	180,490 0 0	36,805 0 0	.....	167,295 0 0	3,750 0 0	171,045 0 0
INCREASED.						
<i>Water Police and Shipping Masters</i> .—By Message No. 2.—"SALARIES."—2 Runners, at £104	208 0 0	.....	.....	208 0 0	.....	208 0 0
<i>Police, Country Districts, Judicial</i> .—By Message No. 2.—"SALARIES."— <i>Deniliquin and Moama</i> .—Increase to Salary of Police Magistrate, for performing duty at Moulamein, from £375 to £530, £155. <i>Lang's Crossing Place</i> .—Difference between Salary of Police Magistrate acting as Clerk of Petty Sessions, Moulamein, and that of Police Magistrate, to do duty also at Balranald, £50; Clerk of Petty Sessions, £175. <i>Callandoon</i> .—Clerk of Petty Sessions, £175. <i>Condobolin</i> .—Clerk of Petty Sessions, £175.—By Message No. 4.—"SALARY" of a Police Magistrate for Armidale, £375	1,105 0 0	.....	.....	1,105 0 0	.....	1,105 0 0
<i>Police, Country Districts, Executive</i> .—By Message No. 2.—"SALARIES." <i>Lang's Crossing Place</i> .—Chief Constable, £175; 3 Ordinary Constables, at £100, £300. <i>Callandoon</i> .—Chief Constable, £150; 3 Ordinary Constables, at £100, £300. <i>Condobolin</i> .—Chief Constable, £150; 3 Ordinary Constables, at £100, £300. <i>Barraba</i> .—District Constable, £114; 2 Ordinary Constables, at £100, £200. <i>Pockataroo</i> .—District Constable, £114; 2 Ordinary Constables, at £100, £200. <i>Binda</i> .—District Constable, £114; 2 Ordinary Constables, at £100, £200.....	2,317 0 0	.....	.....	2,317 0 0	.....	2,317 0 0
<i>General Contingencies, Judicial</i> .—By Message No. 2.— <i>Lang's Crossing Place</i> .—Forage Allowance to Police Magistrate, £45. <i>Eden</i> .—Forage Allowance to Police Magistrate for performing duty at Pambula, Bega, and Bombala, £45 .....	.....	90 0 0	.....	90 0 0	.....	90 0 0
Expenditure Proposed	184,120 0 0	36,895 0 0	.....	171,015 0 0	3,750 0 0	174,765 0 0
REDUCED						
<i>Sydney Horse Patrol</i> .—By <i>negative</i> .—"CONTINGENCIES."—The Amount proposed for Forage, from £1,100 to £1,000	100 0 0	100 0 0	100 0 0
Expenditure Authorized	184,120 0 0	36,795 0 0	170,915 0 0	3,750 0 0	174,665 0 0

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NOTES EXPLANATORY, &c., Continued.

	ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	In gross and unapportioned.	TOTAL.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
III.—The Principal Secretary,—continued.						
GAOL AND PENAL.						
Amount of Estimate	16,227 0 0	14,753 0 0	.....	30,980 0 0	.....	30,980 0 0
INCREASED. By Message No. 2.—“CONTINGENCIES.”— <i>Sydney Gaol.</i> —To meet deficiency in Amount voted for Stores and Contingencies for 1858, £708 14s. 9d. <i>Goulburn Gaol.</i> —To meet deficiency in the Amount voted for Provisions for 1858, £98 3s. 10d. ....	.....	806 18 7	.....	806 18 7	.....	806 18 7
Expenditure Authorized	16,227 0 0	15,559 18 7	.....	31,786 18 7	.....	31,786 18 7
PRINTING, POSTAGE STAMPS, LITHOGRAPHING, AND BOOKBINDING.						
Amount of Estimate	12,171 0 0	1,367 0 0	.....	13,538 0 0	500 0 0	14,038 0 0
INCREASED. By Message No. 2.—“CONTINGENCIES.”—To meet deficiency in the sum voted for Wages to Workmen and Apprentices, and for the purchase of additional Type, 1858 .....	.....	1,823 8 1	.....	1,823 8 1	.....	1,823 8 1
Expenditure Authorized	12,171 0 0	3,210 8 1	.....	15,381 8 1	500 0 0	15,881 8 1
OBSERVATORY.						
Amount of Estimate	1,240 0 0	50 0 0	.....	1,290 0 0	1,000 0 0	2,290 0 0
INCREASED. By Message No. 2.—“OTHER SERVICES.”—Repairs to the Great Circle of the Transit Instrument, further sum, £19 0s. 8d.; Allowance in lieu of House Rent for the Astronomer, from 1 January to 15 April, 1858, £48 2s. 6d. ....	.....	.....	.....	.....	67 3 2	67 3 2
Expenditure Authorized	1,240 0 0	50 0 0	.....	1,290 0 0	1,067 3 2	2,357 3 2
NAVAL ALLOWANCE.						
Amount of Estimate .....	.....	.....	.....	.....	5,988 0 0	5,988 0 0
REDUCED. By negative.—By the substitution of the sum of £5,000, in gross, being less than the Original Estimate by	988 0 0	988 0 0
Expenditure Authorized	5,000 0 0	5,000 0 0

NOTES EXPLANATORY, &c., Continued.

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		ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.
		Salaries.	Contingencies.	In gross and unapportioned.	TOTAL.		
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
III.—The Principal Secretary,—continued.							
MILITARY (including Royal Artillery and Volunteer Corps.)							
	Amount of Estimate					20,577 0 0	20,577 0 0
REDUCED.	By withdrawal.—By the entire Estimate for "Volunteer Corps"					5,000 0 0	5,000 0 0
	Expenditure Authorized					15,577 0 0	15,577 0 0
CHARITABLE ALLOWANCES.							
	Amount of Estimate					14,050 0 0	14,050 0 0
INCREASED.	By Message No. 2.—In support of the Establishment of the Benevolent Society, Sydney, further sum, £3,000; in aid of the erection of an Hospital at Carcoar, on condition of an equal amount being raised by private subscriptions, £650					3,650 0 0	3,650 0 0
	By Message No. 4.—Deficiency in amount voted in aid of Sydney Infirmary and Dispensary, 1858					145 19 4	145 19 4
	Expenditure Authorized					17,845 19 4	17,845 19 4
GRANTS IN AID OF PUBLIC INSTITUTIONS.							
	Amount of Estimate					11,800 0 0	11,800 0 0
INCREASED.	By Message No. 2.—In aid of the Building Fund of the Sydney School of Arts, on condition of an equal sum being raised by private subscriptions £2,000; in aid of the erection of the Newtown School of Arts, on like condition, £500; in aid of the Ipswich School of Arts, on like condition, until a Building be erected, £100; in aid of the erection of the Temperance Hall, Sydney, on the like condition, £1,000					3,600 0 0	3,600 0 0
	By Message No. 4.—Salary of Curator for the Australian Museum					700 0 0	700 0 0
	Expenditure Authorized					16,100 0 0	16,100 0 0
ABORIGINES.							
	Amount of Estimate					200 0 0	200 0 0
INCREASED.	By Message No. 2.—To meet deficiency in the Vote for 1858					255 2 3	255 2 3
	Expenditure Authorized					455 2 3	455 2 3

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NOTES EXPLANATORY, &c., Continued.

172-C

	ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	In gross and unapportioned.	TOTAL.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
III.—The Principal Secretary,—continued.						
MISCELLANEOUS.						
Amount of Estimate					£ s. d. 17,100 0 0	£ s. d. 17,100 0 0
INCREASED.						
By Message No. 2.—Compensation for the loss of the addition to the Stipends of the Ministers of Religion provided for under Schedule C, £5,658 6s. 8d.; Compensation for the loss of Stipends to the Ministers of Religion, not provided for under Schedule C, £3,650; For the purchase of Specimens of Silver Ores for the Australian Museum, £100. Salary and Allowance of the Agent of the Government of New South Wales in England for negotiating a Steam Postal Service <i>via</i> Panama, viz.:—Salary at £600 per annum, Passage Money, and Travelling Expenses, £1,000					10,408 6 8	10,408 6 8
Expenditure Authorized					27,508 6 8	27,508 6 8
IV.—Administration of Justice.						
LAW OFFICERS OF THE CROWN.						
Amount of Estimate	3,857 0 0	960 0 0		4,817 0 0		4,817 0 0
INCREASED.						
By Message No. 4.—“SALARIES.”—Additional Clerk to Civil Crown Solicitor	350 0 0			350 0 0		350 0 0
Expenditure Authorized	4,207 0 0	960 0 0		5,167 0 0		5,167 0 0
MORETON BAY COURT.						
Amount of Estimate	2,250 0 0	867 0 0		3,117 0 0		3,117 0 0
INCREASED.						
By Message No. 2.—“SALARIES.”—Clerk to Judge, £200; Tipstaff and Court Keeper, £104; Registrar’s Messenger, £104, £408.—“CONTINGENCIES.”—Travelling Expenses of Resident Judge, £250	408 0 0	250 0 0		658 0 0		658 0 0
Expenditure proposed	2,658 0 0	1,117 0 0		3,775 0 0		3,775 0 0
REDUCED.						
By <i>negative</i> .—“SALARIES.”—The amount proposed for Registrar’s Clerk	200 0 0			200 0 0		200 0 0
Expenditure Authorized	2,458 0 0	1,117 0 0		3,575 0 0		3,575 0 0
MISCELLANEOUS.						
Amount of Estimate						
INCREASED.						
By Message No. 2.—Allowance to Chinese Interpreter for the various Courts of Justice					150 0 0	150 0 0
Expenditure Authorized					150 0 0	150 0 0

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NOTES EXPLANATORY, &c., Continued.

V.—Treasurer and Secretary for Finance and Trade.	ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	In gross and unapportioned.	TOTAL.		
CUSTOMS.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Amount of Estimate	20,904 0 0	3,430 0 0	.....	24,334 0 0	.....	24,334 0 0
INCREASED.						
By Message No. 2.—“SALARIES.”—Additional Clerk, Newcastle, from 10 Sept., 1858, at £125	38 10 10	.....	.....	38 10 10	.....	38 10 10
By Message No. 4.—“CONTINGENCIES.”—Costs of Prosecutions for Illicit Distillation .....	.....	296 13 2	.....	296 13 2	.....	296 13 2
Expenditure Authorized	20,942 10 10	3,726 13 2	.....	24,669 4 0	.....	24,669 4 0
STATIONERY AND STORES.						
Amount of Estimate .....	.....	.....	.....	.....	42,000 0 0	42,000 0 0
REDUCED.						
By <i>negative</i> .—By the substitution of the sum of £37,330 (<i>to assimilate the Vote for 1859 to that taken for 1858</i>) .....	.....	.....	.....	.....	4,670 0 0	4,670 0 0
Balance .....	.....	.....	.....	.....	37,330 0 0	37,330 0 0
INCREASED.						
By Message No. 2.—To meet deficiency in amount voted for 1858, for Paper for Printing for the Public Service generally, £787 10s.; Stamps and Seals for new Post Offices, £100 .....	.....	.....	.....	.....	887 10 0	887 10 0
Expenditure Authorized .....	.....	.....	.....	.....	38,217 10 0	38,217 10 0
HARBORS, LIGHT HOUSES, AND PILOT DEPARTMENT.						
Amount of Estimate .....	.....	.....	.....	28,732 0 0	.....	28,732 0 0
REDUCED.						
By <i>negative</i> .— <i>Steam Navigation and Pilot Board</i> .—The amount proposed for Members of the Board, from £500 to £300, £200; the entire amount proposed for a Clerk, £200 .....	.....	.....	.....	400 0 0	.....	400 0 0
By <i>withdrawal</i> .— <i>Boatmen</i> .—Coxswain of Life Boat, Camp Cove, £108; Bargemen for the service of His Excellency the Governor General, £200; £308.— <i>Signal Stations</i> .—The entire Estimate, £484 .....	.....	.....	.....	792 0 0	.....	792 0 0
Amount of Reductions .....	.....	.....	.....	1,192 0 0	.....	1,192 0 0
Balance .....	.....	.....	.....	27,540 0 0	.....	27,540 0 0
INCREASED.						
By Message, No. 2.— <i>Steam Navigation and Pilot Board</i> .—Board, Brisbane, viz.:—Engineer Surveyor, £10; Shipwright Surveyor, £10; Secretary, £7 10s.; £27 10s.— <i>Harbor Masters</i> .—Clerk, Sydney, £200 .....	.....	.....	.....	227 10 0	.....	227 10 0
Expenditure Authorized .....	.....	.....	.....	27,767 10 0	.....	27,767 10 0

NOTES EXPLANATORY, &c., Continued.

	ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	In gross and unapportioned.	TOTAL.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
VI.—Secretary for Lands and Public Works.						
EXAMINER OF COAL MINES AND COAL FIELDS.						
Amount of Estimate				680 0 0		680 0 0
REDUCED.						
By <i>Negative</i> .—The amount proposed for Incidental Expenses				25 0 0		25 0 0
Expenditure Authorized				655 0 0		655 0 0
INTERNAL COMMUNICATION.						
<i>Railways</i> .—Amount of Estimate	9,720 0 0	2,450 0 0		12,170 0 0	62,525 0 0	74,695 0 0
REDUCED.—By <i>negative</i> .—"CONTINGENCIES."—The amount proposed for Law Expenses		1,000 0 0		1,000 0 0		1,000 0 0
Balance	9,720 0 0	1,450 0 0		11,170 0 0	62,525 0 0	73,695 0 0
INCREASED.—By Message No. 2, viz. :—"SALARIES."—Clerk for Accountant's Branch (omitted from printed Estimate) £200.—"CONTINGENCIES."—Compensation and Medical and Incidental Expenses consequent upon the Railway Accident of 10 July, 1858, £627 4s. 7s.—"OTHER SERVICES."—For the erection of a Bridge over the Railway in High-street, East Maitland, £1,000	200 0 0	627 4 7		827 4 7	1,000 0 0	1,827 4 7
Expenditure Authorized	9,920 0 0	2,077 4 7		11,997 4 7	63,625 0 0	75,522 4 7
<i>Railway Trial Surveys</i> .—Amount of Estimate	8,297 0 0	4,513 0 0		12,810 0 0		12,810 0 0
INCREASED.—"OTHER SERVICES."—By Message No. 2.—For Special Expenses to be incurred in the Survey of the Grose Valley					1,500 0 0	1,500 0 0
Expenditure Authorized	8,297 0 0	4,513 0 0		12,810 0 0	1,500 0 0	14,310 0 0
<i>Roads</i> .—Amount of Estimate	4,050 0 0	1,200 0 0		5,250 0 0	116,690 0 0	121,930 0 0
INCREASED.—By Message No. 2.—"SALARIES."—Surveyor of the Moreton Bay Road for 1859, in substitution for £400 placed, in error, on the Estimates in chief, £500.—"OTHER SERVICES."— <i>Construction and Maintenance</i> , viz. :—Rents of Tolls from Toll-bars on Main Roads from the 7th June to 31st December, 1858, to be expended on the Roads where levied, £1,465 8s. 5d. ; Rent of Tolls at Toll-bar near Drayton for 1858, to be expended on the Road, £215—£1,680 3s. 5d.	500 0 0			500 0 0	1,680 3 5	2,180 3 5
By Message No. 4.—"OTHER SERVICES."— <i>Construction and Maintenance</i> .—To meet the expense of Special Improvements on the Main Southern Road					15,000 0 0	15,000 0 0
Expenditure proposed (<i>carried over</i>)	4,550 0 0	1,200 0 0		5,750 0 0	133,360 3 5	139,110 3 5

NOTES EXPLANATORY, &c., Continued.

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VI.—Secretary for Lands and Public Works,—continued. INTERNAL COMMUNICATION,—continued.	ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.					
	Salaries.		Contingencies.				In gross and unapportioned.		TOTAL.		
	£	s. d.	£	s. d.			£	s. d.	£	s. d.	
Expenditure Proposed (<i>brought forward</i>)	4,550	0 0	1,200	0 0	.....	5,750	0 0	133,360	3 5	139,110	3 5
REDUCED.—“OTHER SERVICES.”— <i>Construction and Maintenance, Moreton Bay.</i> —By <i>withdrawal.</i> —The amount proposed for Surveyor of Main Road from Brisbane to the Drayton Gap, £400.—“ <i>Bridges on other than Main Roads.</i> —By <i>negative.</i> —The amount proposed for the erection of a Bridge in the Town of Carcoar, over the Carcoar Creek, £500 .....	.....	.....	.....	.....	.....	.....	.....	900	0 0	900	0 0
Expenditure Authorized	4,550	0 0	1,200	0 0	.....	5,750	0 0	132,460	3 5	138,210	3 5
<i>Electric Telegraph.</i> —Amount of Estimate	6,208	0 0	1,141	0 0	.....	7,349	0 0	5,200	0 0	12,549	0 0
INCREASED.—By Message No. 2, viz.:—“SALARIES.”—Officers and Servants working the line in 1858, £1,690 16s.—“CONTINGENCIES.”—Travelling Expenses, £44 8s. 6d.; Allowances and Incidental Expenses, £35 8s. 7d.—£79 17s. 1d.—“OTHER SERVICES.”— <i>Working Expenses</i> , £505 19s. 2d.; <i>Construction</i> —To connect Fort Phillip, the Post Office, Port Office, and Railway Office, with the Albury and South Head Lines, £200; Travelling Expenses of Assistant Superintendent, £100 13s. 2d.; Office Furniture and Fittings, Instruments, Batteries, Telegraph Paper, and other articles necessary for opening and working the Line, £639 9s.—£940 2s. 2s.	1,690	16 0	79	17 1	.....	1,770	13 1	1,446	1 4	3,216	14 5
Expenditure Authorized	7,898	16 0	1,220	17 1	.....	9,119	13 1	6,646	1 4	15,765	14 5
WORKS AND BUILDINGS.											
Amount of Estimate .....	.....	.....	.....	.....	.....	.....	.....	70,700	0 0	70,700	0 0
REDUCED. By <i>negative.</i> —The amounts proposed respectively as follows:—For alterations and additions to Legislative Council and Assembly Buildings, £7,000; Towards enlarging the Australian Museum, £5,000. By <i>withdrawal.</i> —The Estimate “for the erection of a Watch House at Muswellbrook, £450,” altered to read thus,—“the further sum of,” &c., and reduced to £200—£250 .....	.....	.....	.....	.....	.....	.....	.....	12,250	0 0	12,250	0 0
Balance .....	.....	.....	.....	.....	.....	.....	.....	58,450	0 0	58,450	0 0
INCREASED. By <i>transfer</i> , from section of sums proposed to be raised by Loan, of £5,000 for the repair of the Circular Quay, Sydney, (the words “To be raised by Loan” as the heading of the said section having been expunged)... By <i>Message No. 2.</i> —Erection of a Court House at Kiama, in substitution of previous vote of £800, £2,000; For the erection of Court and Watch House at Lang’s Crossing-place, £800; For the like at Callandoon, £800; For the erection of a Watch House at Toowoomba, £450; For painting the exterior of the Macquarie Light House, South Head, £125. New wharf at Newcastle.—Clerk of Works in charge, £250; To meet probable expenditure on account of Works on New Wharf, including hire of Barge employed in depositing ballast behind same, £5,000: £5,250. For the removal of the Sandbank at the junction of the Brisbane and Bremer Rivers, Moreton Bay, £500	5,000	0 0	5,000	0 0
.....	9,925	0 0	9,925	0 0

NOTES EXPLANATORY, &c., Continued.

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	ESTABLISHMENTS.				OTHER SERVICES.	TOTAL.
	Salaries.	Contingencies.	In gross and unapportioned.	TOTAL.		
	£ s. d.	£ s. d.	£ s. d.	£ s. d.		
By Message No. 4.—For the employment of Prisoners in the Streets of Brisbane, £100; Repayment to Mr. O'Neill Brenan of the purchase money for a Quarry near Darlinghurst Gaol, £2,200; Premiums for Designs for new Houses of Parliament and Offices for the Government Departments generally, £1,000 ..					3,300 0 0	3,300 0 0
Expenditure Authorized					76,675 0 0	76,675 0 0
HARBORS AND RIVER NAVIGATION.						
Amount of Estimate	1,100 0 0	300 0 0	.....	1,400 0 0	1,000 0 0	2,400 0 0
INCREASED. By Message No. 2 (reduced by <i>withdrawal</i>), viz:— <i>Steam Dredge "Hunter."</i> —Captain, £250; Chief Engineer, £295; Mate, £144; Carpenter and Coxswain of Punt No. 1, £120; Coxswain, No. 2, £120; Coxswain, No. 3, £120; Coxswain, No. 4, £120; Brakesman and Blacksmith, £144; Stoker, £120; Do., £120; Crew, at £104, (9) £936; Boy, £54: £2,543. Coals and other Stores, £750; Repairs and Renewals, £500; Steam Tug, £1,500					5,293 0 0	5,293 0 0
Expenditure Authorized	1,100 0 0	300 0 0	.....	1,400 0 0	6,293 0 0	7,693 0 0
FITZ ROY DRY DOCK.						
Amount of Estimate					11,436 0 0	11,436 0 0
INCREASED. By Message No. 2.—To meet the expense of docking vessels in the Fitz Roy Dry Dock, £1,000; Salary of Task-work Clerk, £20					1,020 0 0	1,020 0 0
Expenditure Proposed					12,456 0 0	12,456 0 0
REDUCED. By <i>withdrawal</i> .—The amount proposed for the extension of the Dock, and for the employment of Convicts there, from £9,804 to £7,804					2,000 0 0	2,000 0 0
Expenditure Authorized					10,456 0 0	10,456 0 0
MISCELLANEOUS.						
Amount of Estimate						
Expenditure authorized upon Message No. 2, viz:—For fencing a Farm in connexion with the Lunatic Asylum, Parramatta, and the erection of necessary buildings, £300; To remunerate Capt. Cadell for expenses incurred in introducing Steam Navigation on Australian Rivers, £1,500					1,800 0 0	1,800 0 0

No. II.

EXPLANATORY ABSTRACT of the Amounts respectively Estimated, Voted, and Embodied in the Appropriation Act, 22 Victoria, No. XXVII, for the Supplementary Service of the Year 1858.

Amount of Estimate	£12,666 10 3
Amount Voted, and embodied in Appropriation Act	12,116 10 3
Excess of Estimated over Authorized Expenditure	550 0 0
<i>Notes Explanatory of Alterations made in the Original Supplementary Estimate in its progress through Committee of Supply.</i>	
Gross Amount of Supplementary Estimate (designated "Further Supplementary for 1858," and submitted with Message No. 1, 10 December, 1858)	12,666 10 3
REDUCED.	
PUBLIC BUILDINGS.	
By negative.—The Amount proposed as a further sum for Furniture for Government House..	550 0 0
Expenditure Authorized	£12,116 10 3

*Legislative Assembly Offices,
Sydney, 9 April, 1859.*

*R. O'CONNOR,
Clerk of the Legislative Assembly.*

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

CUSTOMS—PORT OF ROCKHAMPTON.

(BUSINESS DONE DURING QUARTER ENDED 31 DECEMBER, 1858.)

Ordered by the Legislative Assembly to be Printed, 4 February, 1859.

THE COLLECTOR OF CUSTOMS to THE SECRETARY TO THE TREASURY.

Custom House, Sydney,
28 January, 1859.

SIR,

I do myself the honor to transmit herewith a communication from the Sub-Collector of Customs of Rockhampton, respecting the business of his Port.

I have, &c.,

J. GIBBES,
Collector of Customs.

THE SECRETARY TO THE TREASURY.

Custom House, Rockhampton,
17 January, 1859.

Sir,

Conceiving that it will be agreeable to you to be placed in possession of some particulars respecting the Customs business of this Port during the Quarter ended the 31st ultimo, I do myself the honor to forward, for your information, the following Report:—

1st. *Shipping*.—(105) one hundred and five vessels arrived during the period above referred to.

2nd. *Tonnage*.—Of these the aggregate burthen was (14,992) fourteen thousand nine hundred and ninety-two tons.

3rd. *Duty*.—Duties have been paid as follows:—

On Brandy	...	...	...	...	...	£ 148	9	4
Rum	...	...	...	...	...	17	10	0
Liqueurs	...	...	...	...	...	9	15	0
Gin	...	...	...	...	...	85	16	4
Whisky	...	...	...	...	...	4	6	5
Ale	...	...	...	...	...	5	9	8
Wine	...	...	...	...	...	8	14	0
Coffee	...	...	...	...	...	4	3	2
Sugar	...	...	...	...	...	0	5	0
Pilotage	...	...	...	...	...	296	19	8

Making the Total ... £581 8 7

Of which amount I have remitted, by two separate drafts of the Joint Stock Bank, the sum of (£556 6s. 10d.) five hundred and fifty-six pounds six shillings and ten pence, sterling, being the amount of my collections to the 30th November last, less (£5 0s. 10d.) five pounds and ten pence, Bank charges on the exchange.

The balance (£25 1s. 9d.) twenty-five pounds one shilling and nine pence, remains for transmission by the "Eagle," steamer, now considerably overdue.

4th. *Passengers*.—Of these there have been 6,488 arrivals, and 6,568 departures, the excess of the latter arising from the numerous arrivals overland at the first discovery of gold in this District.

5th. *Gold*.—Only 999 ounces of gold are shewn by the clearance papers as having been shipped hence, and that for Sydney. Independently, however, of this quantity, a considerable portion overland must have been conveyed into other districts of the Colony, and it is, moreover, more than probable that the passengers by the Melbourne ships, which anchored at Keppel Bay, took gold with them amongst their personal baggage.

6th. *Wool*.—Of this produce of the District there were shipped, during the quarter, (270) two hundred and seventy bales, and of—

7th. *Tallow*.—(4) four casks.

8th. *Hides*.—(74) seventy-four.

9th. *Sheepskins*.—(14) fourteen bales.

2. There is likely to be a large quantity of wool shipped for Sydney during the present season; but having lately made it my business to visit Gladstone, and having observed the great facilities it offers as a harbour and for wharfage purposes, and observing that the ephemeral importance which has attached to this place on account of its proximity to a supposed rich gold field is passing away, I am not prepared to maintain any decided opinion as to the superiority of Rockhampton as the future port of this northern portion of the Colony. It possesses the advantages of an extensive back country, which should be considered in arriving at a determination of the question, one to which it may possibly be my duty to refer at greater length on a future opportunity. The disadvantages, however, which I experienced in the case of all the larger vessels from Melbourne anchoring in Keppel Bay, and thus rendering a due surveillance over them impossible, are too fresh in my recollection to permit an entire silence on the subject in the present communication.

The closing of the mail by the "Emily Hort" (the steamer not having arrived) compels me to bring my Report to a somewhat abrupt conclusion.

I have, &c.,

HENRY LUMSDAINE,

Sub-Collector.

The Collector of H. M. Customs,
Sydney.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

REPORT OF THE BOARD OF INQUIRY

INTO

CHARGES AGAINST CERTAIN OFFICERS

OF THE

CUSTOMS DEPARTMENT,

IN CONNECTION WITH

THE "LOUISA;"

TOGETHER WITH

MINUTES OF EVIDENCE

AND

APPENDIX.

Ordered by the Legislative Assembly to be Printed, 8 February, 1859.

SYDNEY:

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

—o—

1859.

1914

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1859.

**INQUIRY INTO CHARGES AGAINST CERTAIN OFFICERS
OF CUSTOMS DEPARTMENT.**

REPORT.

Sydney, 4 February, 1859.

SIR,

In compliance with the desire of the Government, we have, as a Board, investigated the circumstances connected with the clearing and dispatch of the brigantine "Louisa," on the 2nd of September last, and her sudden return and subsequent departure on the 7th of October following. We have also examined such evidence as we considered would throw light on the conduct of the officers of the Customs concerned in this matter; and as in the course of our inquiry we became acquainted with any fact which appeared, though unconnected with the "Louisa," to reflect on the conduct of any officer of the Customs, we considered it our duty to take sufficient evidence, to enable us to report thereon.

Addressing ourselves to the circumstances connected with the movements of the "Louisa," the following facts have been established by the evidence.

The brigantine "Louisa" was placed on the berth outwards for New Caledonia on the 27th August last. On the 28th Captain Riddel, the master, engaged Mr. Thomas Cranmer, who discharged the duties of chief officer, remaining on board during the day, until the morning of the 2nd September. On Saturday, the 28th August, he took on board five hogsheads, which he supposed to contain rum. Export bonds had been taken for these on the day before by Mr. Maddocks, the Cashier and Chief Clerk of the Long Room. They were brought down by Mr. Edward Newton, tide-waiter, who declined to take the mate's receipt for them. They were stowed as far aft as possible. On Monday, the 30th, the mate received and stowed away ninety or more empty beer hogsheads. There were also put on board some 20 tons of shingle ballast, a quantity of old sails, and other lumber, together with some coal and ship's stores. On the evening of the 1st September, Mr. James Stewart, the Custom House Agent, Mr. William Stewart, the charterer of the "Louisa," and Mr. Gibbes, an active and confidential agent, if not a partner, of Mr. Wm. Stewart's, visited the brigantine, taking with them Captain King, who was then formally installed as master of the "Louisa," in the place of Captain Riddel. Captain King had been procured for the purpose from Brisbane Water, by the exertions of Mr. James Stewart, who had ridden to Broken Bay with a letter which he had induced the Custom House Officer at that port to transmit, in the Customs' boat, to Captain King, by representing that it was on a subject in which the Collector was much interested.

On the evening on which Captain King took charge of the "Louisa," the mate, Mr. Cranmer, received notice to leave. He was directed by Captain King to deliver up his receipts for the cargo, which he did, together with the inventory, (which he had received on joining the ship from Captain Riddel), of the articles on board, which he had checked, and found correct. On the morning of the 2nd of September, between 10 and 11 o'clock, Mr. Cranmer finally quitted the "Louisa," she being then in light sailing trim, and nearly full, with but one man on board, (a black cook), her hatches apparently as he had left them on the evening previous.

THE HONORABLE ROBERT CAMPBELL,
COLONIAL TREASURER,
&c., &c., &c.

At

At about 9 A.M., or two hours previous to this, Mr. Charles Henry Manton, sixth clerk of the Customs, took bonds from Mr. James and Mr. William Stewart, for the due export in the "Louisa" of the following dutiable articles:—

No. of Export Entry.		
1306	.....	200 casks of geneva
1307	.....	28 hogsheads of rum
1308	.. . . .	15 quarter-casks of whisky
1309	.....	{ 31 hogsheads of brandy
		{ 14 quarter-casks ditto
1310	.....	50 cases of claret.

Gibbes, 47.

Appendix No. 7.

The public interest in the proper export of these goods, amounting to about £2,400, and the Act of Council, 9 Vic., No. 15, requiring that the bonds given should be to double that amount. In this duty Mr. Manton acted according to general usage, and with the approval of the Collector, for Mr. Maddocks, and then put the bonds into his own desk, without reporting what he had done. The entries for the goods appear to have been subjected to the usual routine examination; to have been finally passed by Mr. Manton, and then handed to Mr. Rogers, a clerk under the Warehouse-keeper, to make out the usual orders for their delivery. He appears to have done so, and to have placed the whole of them in the hands of Mr. Edward Newton, who at once proceeded, in his own way, to discharge his duty. During the day the following entries were passed in the order stated:—

Appendix No. 4.

No. of Export Entry.	Description of Goods.	Vessel.	Destination.
1311	{ 498 hides and 4 bags } of hoofs	"Bride"	London.
1312	63 bags of sugar	"Rebecca" ...	South Sea Islands.
1313	Salad oil, pickles, &c.	"Louisa"	New Caledonia.
1314	Tea and sugar	"Eli Whitney"	San Francisco.
1315	Coffee and tea	Ditto	Ditto.
1316	8 half-tierces of tobacco	"Louisa"	New Caledonia.

Gibbes, 69, 71,
72, 73.
Newton, 22, 27.

Newton, 30.

Gard, 5, 6, 19, 20.
Hill, 16, 19, 20.

The entry for the tobacco was the last passed on this day, and was not issued from the Custom House till after one o'clock — an export bond having been previously taken for it, as appears by the initials of Mr. Maddocks to the export entry. The goods thus entrusted for shipment to Newton were sufficient to load some thirty drays. It was part of his duty to receive them from the lockers of the several Bonds, and to accompany every package to the vessel, to see it placed on board. He admits that he did not accompany some of the goods, that he was not present at the delivery of any from the Chilian Bond, that he did not accompany any portion of the brandy from that bond to the ship; but he would have it believed that he saw every package, either on the wharf, or in the vessel, during the day. It is however established, by the evidence of Mr. Gard, and of Mr. Hill, that very few loads of any kind of goods came to the wharf that day for the "Louisa." This is confirmed by the evidence of the mate, Cranmer, and of the boy McDonald, who both certify to the "Louisa" being at the time nearly full.

Gard, 3.

Gard, 18.

Gard, 17.

Hill, 26, 27.

Hill, 3, 4.

Hill, 16, 20.

The evidence on this point is very important. Mr. John Gard, who on that day was chief mate of the brig "Swan," lying at the same wharf as the "Louisa," states, that he was at the Grafton Wharf during the whole of that day; that before dinner the "Louisa" had no crew, but only a black cook on board; that at 3 P.M. a dray load of Kanakas came down and placed on board some three dray loads of casks. Mr. William Russell Hill, a partner in, and manager of, the same wharf, confirms Mr. Gard's statement as regards the absence of the crew before dinner, and the influx of blacks during the afternoon. He further states, that arrangements were made with him for wharfage at a rate per day, instead of per package (the usual mode), because the shippers thought there would be no cargo. In consequence he took particular notice of the quantity shipped, to see which mode of charge would pay him best. He considers that from three to five dray loads may have been shipped that day; from what he saw a rate per package would not have paid

paid him. When the "Louisa" hauled off she was not deep, and did not appear full. Hill, 2, 10.
The next day, on seeing in the papers a copy of the "Louisa's" manifest, he made the remark that the goods stated had not been shipped.

On comparing this evidence with that of Cranmer, before quoted, and with the clearance Appendix No. 5.
of the "Louisa," which we have obtained from Port de France, in New Caledonia, from which goods supposed to have been shipped, and not forthcoming, were crased at that port, and with a considerable portion of the evidence which goes to shew that it was quite impossible to have shipped this quantity of goods in one day, also with the fact that a portion of the goods have Still, page 104.
since been seized by the Inspector of Warehouses, we are of opinion that nearly the whole of those intrusted to Newton on that day were passed through the agency of the two Stewarts and himself into home consumption.

At about half-past four in the afternoon of the 2nd of September, Mr. Newton, having previously procured from Captain King, of the "Louisa," a false certificate that the goods had been shipped, found Mr. John Bramwell, Landing-waiter of the Customs, on the Hunter Newton, 63.
River Steam Wharf, and procured his signature to the export warrants. These warrants are Appendix No. 3.
signed in duplicate, and the signature of the landing-waiter implies, according to the printed form of the document to which it is attached, that he has been concerned in shipping the goods. Mr. Newton, having obtained Mr. Bramwell's signature in duplicate, should, according to the regulations of the Board of Customs, have returned one copy to the Warehouse-keeper, that he might write off the goods as shipped; and the other, through the Landing Surveyor, to the Clearing Clerk, to enable the vessel to be properly cleared: he, however, handed both copies to Mr. James Stewart.

In the meantime, Mr. Manton had received a note from Mr. W. Stewart, requesting Appendix No. 6.
his attendance, as a very great favor, on board the "Louisa" at a quarter past 4, to receive the usual declaration to the manifest, and to clear the vessel. In return for this Mr. Stewart agreed to pay him £1 1s. He attended accordingly.

Before a vessel is cleared a declaration is taken from the captain, on her manifest or Powell, 10-12.
content outwards, to the effect that the manifest is a true account of the goods on board, and of the respective shippers and consignees. After this a clearance is granted, and a copy of the manifest being attached to it, the copy and clearance are sealed together with the Customs seal. The declaration should be taken at the Custom House, and, being an important document, should not pass from the custody of an officer of the Customs. The clearance should be given at the same place; and the evidence of the Collector and of others shew that it is only in extreme cases, and by special leave, that these documents may be executed on board ship. The duty of taking the declarations belongs to Mr. Maddocks, the Chief Clerk of the Long Room, and that of giving the clearance should, according to the Appendix No. 7.
Regulations of the Board of Customs, be discharged by at least one of the principal officers July, 1830.
of the port. In this case, however, Mr. Manton, 6th clerk of the Customs, and of five and a-half years' standing, discharged both duties on board the "Louisa," as she lay at the Grafton Wharf, and subsequently handed the manifest, and returned the export warrants, to Mr. James Stewart.

The "Louisa" was towed to sea by the "Black Swan," steamer, on the same evening. She left the Grafton Wharf at about half-past six, having on board Mr. Manton, the two Stewarts, and Mr. William Gibbes. When she had passed Bradley's Head these gentlemen were transferred to the steamer. At about 8 P.M. the steamer and brigantine parted company abreast of the North Head, and the latter stood away to the south-east, with her cargo of empty barrels, ballast, and old stores.

Mr. Manton, on the same evening, as before stated, handed the "Louisa's" papers to Manton, 46-2.
Mr. James Stewart, who returned them on the following morning to Mr. Newton, avowedly Manton, 57-2.
for the purpose of allowing Newton to sign the book, and to hand them to Mr. Manton. Newton, 154.
Mr. Newton delivered them to Mr. Manton, who put them into Mr. Mowle's, the 4th clerk's, desk.

Mr. Collier, Tide-Surveyor, was induced between 10 and 11 o'clock, on the morning of the 3rd September, by rumours of a suspicious character, to examine the "Louisa's" papers. He then found the declaration on the manifest not witnessed, and Mr. Manton's initials at the foot of the entries on the manifest wanting. The initials should have been attached before Mr. Manton took the declaration of the captain. Mr. Collier reported the circumstance to Mr. Garling, who appears to have called on Mr. Manton to complete the document, and then to have let the matter drop.

Four

Four days after the departure of the "Louisa" Mr. Manton transferred the export bonds, which he had taken, as before stated, on her account, to the custody of the messenger, who kept them with others, according to the practice of the department, in a desk accessible to any one during the day.

It was on the 27th of the same month that Mr. William Norman Llewellyn, Chief Clerk of the Customs, was informed in the streets, by the Harbour Master, of a rumour that no bonds had been taken for the dutiable goods supposed to have been shipped in the "Louisa." This led him to send the messenger for these documents, and to direct Mr. Kelly to examine them. Mr. Kelly having communicated to him that all was correct, the bonds were returned to the messenger.

In the meanwhile the "Louisa" had gone to New Caledonia; had discharged a portion of her empty casks, and had sold some claret, ale, and porter, at the Port de France. After a week she cleared out for the Navigator's Islands, and sailed for Sydney; her mate died off the harbour on 6th October, and she entered port the same night.

It was at about five o'clock on the morning of the 7th of October last that the "Louisa" was again seen in Darling Harbour by the Harbour Master. Captain Crook, with some difficulty, obtained permission to board her. His boat's crew were not permitted to accompany him. He desired to see the log-book, to ascertain how the vessel had returned so soon, but was not permitted. He was informed by a person who represented himself to have been placed in charge by Mr. Stewart, that the captain was on shore. Later in the day, having seen him go on board, he again boarded the vessel, and was again informed that the captain was on shore. His suspicions were further excited by noticing that the royal yard was hoisted as if for a signal. He communicated his suspicions to Mr. Cowell, of the Water Police, and expressed his opinion that the vessel would be off that night.

Crook, 3.

It appears that on this occasion the "Louisa," though it was decided by the Shipping Master that she had completed her voyage, and must enter into fresh articles with her crew, did not report inwards in the regular way. She produced no Post Office certificate that her mails had been landed, nor was she visited by a tide-surveyor. During the day Mr. James Stewart applied to the Collector, by letter, to permit the "Louisa" to be cleared at the Customs after hours that evening, on the ground that she had put into port under difficulties, at a great loss. Permission was granted, and Mr. Manton undertook to give it effect.

Appendix No. 8.

Bremer, 13, 14.

Appendix No. 6.

It is required by Act of Council, 15 Victoria, No. 12, that before any vessel shall be allowed to report inwards, the captain's declaration, taken before the Postmaster General or his deputy, to the effect that the mails have been landed, shall be produced before the Collector, Comptroller, or other principal officer of Customs. It is also required, by established regulations, that as soon as a vessel has discharged her cargo, as per manifest, she shall be examined or rummaged by the tide-surveyor, to have determined if she is empty, or, in the absence of cargo, to ascertain the quantity of stores on board. It has been stated in evidence that it is most unprecedented to allow a vessel to clear till a rummage certificate has been received. The evidence we have taken shews clearly that no Post Office declaration was produced, that no rummage took place, and no rummage certificate was given.

Faneourt.

Collier.

Previous to a clearance outwards being granted, a ship's inward papers (of which the Post Office and rummage certificates form a portion) are examined by a jerker or auditor, who, if they are found correct, certifies to the fact by attaching his initials to the ship's manifest or content outwards. The manifest is also initialled by another clerk of the Customs, to shew that all pilot dues have been paid. It is not till after these important certificates have been given that a clearance should be granted. Mr. Manton took upon himself to clear the "Louisa," on the 7th October, without the production of any certificate whatever, and he again resorted to the irregular course of taking the captain's declaration and granting the clearance on board the vessel. Owing to his conduct the "Louisa" was enabled to quit the port that evening.

Appendix No. 9.

The "Louisa," though she cleared for the Navigator's Islands, appears, on this occasion, to have sailed for Hobart Town, as she was found there by Mr. W. Stewart, who left Sydney on the 16th in the "Tasmania" steamer, together with 20 half-tierces of tobacco. The tobacco was transhipped into the "Louisa" by a Customs' order procured by Captain King, and Mr. Stewart returned to Sydney in the steamer.

The "Louisa" proceeded from Hobart Town to Jervis Bay, and on the way fell in with the "Pilot," schooner, bound for Melbourne. Captain King took his passage in her and surrendered the command of the "Louisa" to a Mr. Logan, who had acted as his chief officer. At Jervis Bay Mr. W. Stewart joined the "Louisa," and proceeded in her to Howe's Island. Mr. James Stewart had, in the meantime, with the assistance of Mr. Soares, a Custom House officer, left Sydney in the "Martha," accompanied by his wife and family; Mr. Soares having undertaken to place under safe keeping the household furniture Mr. Stewart would leave. Mr. J. Stewart joined the "Louisa," and his brother, off Howe's Island, and the brigantine stood off the island.

Having thus given a brief narrative of the transactions which we have been desired to investigate, we will now proceed to review the conduct of those officers of the Customs who have been suspended by your orders, and to draw your attention to that of others who appear by their public conduct to have encouraged these and similar irregular or dishonest practices.

Addressing ourselves to the first point on which you have requested our report, viz. :—

"Whether Mr. Maddocks is at all culpable in not having taken care that export bonds were
 "duly executed; or if they were duly executed, whether he is at all at fault for having
 "permitted the abstraction of those bonds from his custody; or whether it is, in any respect,
 "owing to negligence on his part that these documents have been taken from their proper
 "place"—we would draw your attention to the evidence bearing on this subject, and
 named in the margin. From this it appears, that though it is Mr. Maddocks' duty to take
 export bonds when he is in the Long Room, yet any officer in that room would be justified
 in acting for him in his absence. Mr. Manton took the bonds for the majority of the dutiable
 goods for the "Louisa" during Mr. Maddocks' absence, at 9 A.M., or the hour at which the
 Custom House opened; and this act has received the approval of the Collector. There are
 sufficient grounds for supposing that these bonds were duly executed, then deposited by
 Mr. Manton in his own desk, and after four days transferred by him to a drawer under
 the charge of the messenger. They were not, as they should have been, delivered to Mr.
 Maddocks, nor is there any evidence to shew that Mr. Maddocks was informed of their
 having been executed. There is however one bond on account of the "Louisa" of the
 existence of which Mr. Maddocks was cognizant, which is not forthcoming. As regards this,
 his defence is that it was the practice of the department in his predecessor's time, and has
 been since 1847, to deliver bonds when completed into the custody of the messenger, who
 has been considered answerable for their production when called for. It is the impression of
 the officers of the Long Room that Mr. Maddocks is responsible for the safe custody of these
 bonds, apparently on the ground that being the Chief Clerk in that room, he is responsible for
 every article in it. It is the practice to treat the messenger as the responsible person; for,
 when desirous of examining these documents, the Collector and Mr. Llewellyn, the Chief
 Clerk, send for them by the messenger, who procures them without consulting Mr. Maddocks,
 with whom the messenger considers he has "nothing to do." During the night the bonds
 are locked up, and the key is retained by the messenger. During the day they are kept on
 the top of a drawer behind Mr. Manton's desk, at some distance from, if not out of sight of
 Mr. Maddocks' position in the Long Room, and are accessible to any one, even to persons
 unconnected with the department or the public service, who are freely admitted within the
 railings of the Long Room.

MR. MADDOCKS.

Colonel Gibbs,

48, 63.

Llewellyn, 27, 47,

53, 57, 68.

Maddocks, 10,

17, 32.

Manton, 66, 92.

Kelly, 12, 18.

Falconer
throughout.

Manton, 66-92.

The evidence further shews that these bonds are accepted without any regard to the solvency of the parties who execute them, are often so carelessly filled up as to render them invalid, and that only one bond, during the last twenty-four years, has been enforced. They are therefore treated in the Long Room as lumber, and considered, as they indeed are, valueless.

Under these circumstances, we acquit Mr. Maddocks of any neglect of duty in regard to the loss or abstraction of the export bonds of the "Louisa," seeing that he acted in accordance with the established usage of the department. We think, however, that as an officer of long standing in the service, fully aware of the insecure manner in which these bonds were preserved, and that frequently irresponsible persons executed them, he is deserving of censure in not having brought these circumstances pointedly and forcibly to the notice of the Collector.

We

We now turn to the second point on which our opinion is requested, viz, whether the other officers of the Customs suspended from duty by your orders have not certified to the exportation of certain dutiable goods by the "Louisa" on the 3rd September, when that vessel is proved to have left the port on the previous day, and whether their proceedings in this, and in other respects connected with this transaction, are consistent with the faithful discharge of their duties.

MR. BROWN.

It is established by the evidence of Hill, M'Cue, M'Donald and others, that the "Louisa" left this port on the second of September, Mr. M'Cue having been the master of the steamer which towed her to sea. The evidence of Mr. J. H. Williams, the lessee, and of Mr. Watts, the storekeeper of Walker's Bond, shew that on the morning of the 3rd, or the day following, Mr. M. G. Brown, Customs locker, issued from that bond eight half-tierces of tobacco marked $\frac{N}{44}$ to Mr. Newton, tide-waiter and export officer. Mr. Williams had arranged for a large auction sale on his wharf on the 3rd September, and had given orders that no goods should be delivered out of bond that day. At about 9 or 10 A.M. application was made to him to allow to be issued 7 or 8 half-tierces of tobacco, as the ship was waiting for them, in fact had cleared and was ready to sail. Mr. Williams gave permission, and saw the tobacco being issued from the store. He has no doubt of the day. He could swear to it, as the order he gave prohibiting the delivery of goods was a most unusual one. He had never given such an order before. The evidence of Mr. Watts supports that of Mr. Williams. Mr. Watts also identifies the tobacco, the officer who authorised the issue, and the officer who received it for export. He testifies that at about 10 A.M., on the 3rd of September, he delivered from Walker's Bond to Mr. Edward Newton 8 half-tierces of tobacco marked $\frac{N}{44}$, which were taken out for export on account of Mr. Stewart, were issued by order of Mr. Brown, and were removed in his, Brown's, presence, the rent being paid at the time. They were the only goods issued on that day.

Appendix No. 4.

There is also the following chain of evidence in support of this. There were eleven export entries issued on the 2nd of September, numbered in the order of their issue from 1306 to 1316 inclusive. It is the custom at stated periods of the day for a messenger to take from the clerk's desks all export entries for free goods which have up to that time been passed, and to distribute them among the landing-waiters of the wharfs to which they refer. The landing-waiters' record in a book kept by the messenger the time these entries are delivered to them. It appears that export entry No. 1311 for free goods was the highest free export entry passed at a quarter before one, at which time messenger Garvan started on his duty of delivery. Entry No. 1313, also a free entry, must have been passed after a quarter before one o'clock, and No. 1316 at a still later period. The last entry named is that for the 8 half-tierces of tobacco at Walker's Bond. It must then have been passed after one P.M., the hour at which Walker's Bond is closed for the day. We consider it to be thus conclusively proved that the tobacco in question was not issued on the 2nd of September, but on a subsequent day.

The only evidence opposed to this is that of O'Brien, the carter, who was Newton's accomplice, and that is contradictory. In his evidence before us he states that the day on which he removed this tobacco from Walker's Bond was a busy day with him, as it was the day that he removed goods from other bonded stores to the Grafton Wharf—meaning the 2nd of September; that he did not remove any goods there next day. In his evidence before the Treasury, which we have received, he stated that he removed this tobacco to the Grafton Wharf on a day previous to the busy day,—on a day on which he took 4 half-tierces of tobacco and 3 hogsheads of spirits from the Chilian Bond to the same wharf. The general evidence shews that the day thus referred to was the 27th of August, or six days previous to O'Brien's busy day. Thus O'Brien's evidence is sufficient to prove that he was an accomplice in the fraud, but nothing more.

The tobacco thus proved to have been issued from bond on the 3rd of September was included in the manifest of the "Louisa" on the day before, and declared to, before Mr. Manton, as on board. When the tobacco was issued the "Louisa" was at sea.

It is the practice to require, on the back of an export entry for dutiable goods, the signature of the locker as to their delivery, of the export officer, the chief officer of the vessel, and landing-waiter as to their shipment.

These signatures are on the back of the export entry for the 8 half-tierces of tobacco. That of the captain must have been attached on the 2nd of September, and, if Mr. Bramwell's evidence

Bramwell 6.

evidence is to be believed, that of Mr. Brown, the locker, and Mr. Newton, the export officer, on the same day.

Mr. Brown was also on the 2nd of September acting locker at the Chilian Bond. The Chilian Stores belonged to Mr. W. Stewart, and consist of three stories, of which the two upper have been used as a bond, and the lower as a free spirit store. The bond on the first floor opens on to a lobby in which there is a trap-door communicating with the free store below. Through this all bonded goods issued for export are passed. They should be delivered through it into the custody of the export officer charged with their conveyance on board the vessel. On the 2nd of September last Mr. Brown should have delivered into Mr. Newton's custody, between the hours of 1 and 4 in the afternoon, 31 hogsheads and 14 quarter-casks of brandy, and 50 cases of claret. The evidence of Mr. Mundy, the locker of Lamb's Wharf, shews that Newton was employed between two and three that afternoon in receiving goods from him. This is confirmed by a statement from Mr. Lamb's warehouse-keeper, forwarded to us through the Government. Newton admits that he did not attend the deliveries from the bond. Mr. Brown admits that he took no pains to ascertain if the export officer was present, believing that his sole duty was to deliver the goods down the trap door. Mr. Still, in a Return which he has furnished us, has shown that the duty value of the goods issued from this bond during this afternoon exceeds £1,000. There is no reliable evidence in proof of their having been removed from the free portion of the Chilian Stores, while the evidence is conclusive that they were not placed on board the "Louisa."

Reviewing the whole of the evidence referring to the conduct of this officer, we consider that, as regards the issue of the tobacco from Walker's Bond, he cannot be acquitted of participation in a conspiracy to defraud the revenue, while his reckless conduct in the delivery of the goods for the Chilian Bond would lead us to a like conclusion. Under the most favorable interpretation of his conduct, he is deserving of all the odium and disgrace which can attach to a public servant for a wilful neglect of a very obvious and important public trust.

The manner in which Mr. Edward Newton discharged his duties in connection with the "Louisa" will be understood from the following summary of the evidence we have taken. Mr. Newton is an established tide-waiter, and does the duty of an export officer. On the 28th of August he accompanied some dutiable goods from bond to the "Louisa," and refused to take the mate's receipt for them, saying it was unnecessary. In this he was aware that he was acting against regulations. He admits—and there is no reason to doubt this portion of his evidence—that on the 2nd of September last he obtained from Mr. Rogers delivery orders for dutiable goods, amounting to some 30 cart loads, and consisting of more than 300 packages, distributed among four bonded stores in different parts of the town. From Gilchrist's he received seven loads of rum, the last only of which he accompanied from the store. From Lamb's Bond he received 200 cases of gin, amounting to eight loads, of which six were sent away unaccompanied by a Customs' officer. He then received from Pollard's Bond 15 quarter-casks of whisky. During the afternoon Mr. Brown, the locker, delivered from the Chilian Bond, in compliance with a delivery order which Newton had given him, 31 hhd. and 14 quarter-casks of brandy, and 50 cases of claret. Mr. Newton was engaged in another locality during the delivery. He, however, is desirous that it should be believed that the goods, which he and Mr. Brown sent away from the several stores unaccompanied by an officer, he afterwards verified and checked on board the "Louisa." It has been proved by the evidence of Cranmer, of M'Donald, of Gard, and of Hill, that no such goods were brought to the Grafton Wharf that day. They must, therefore, with his connivance, have passed into home consumption. It is also established, by the evidence we have quoted in reviewing the conduct of Mr. Brown, that on the day after the "Louisa" left port Mr. Newton took from Walker's Bond 8 half-tierces of tobacco, which he also permitted to be passed into consumption.

Thus, by the active, fraudulent co-operation of Mr. Newton, on the 2nd and 3rd of September, the Revenue was defrauded to an amount exceeding £2,500.

Mr. Newton's conduct in this case is but a solitary instance of his general disgraceful and reckless behaviour. We have omitted to draw attention to his neglect of duties of a less responsible character, as insignificant in comparison with such barefaced frauds as those we have noticed. We may remark, however, that he has habitually neglected the duty of following drays, and has thus surrendered the only check on smuggling which exists in this

Newton, 147-151. portion of the export business; that he is in the habit of making false records in the Customs Register book, kept specially to check the export officer in the discharge of his duty. There is the evidence of Captain Crook to shew that he is a drunken character, and of Cranmer and Crook, 11-15. Hunt that he is abusive, and that he has been suspended from duty and reinstated. We are surprised to find that such an unworthy and discreditable officer should have been permitted Gibbes (2), 134. to remain so long in the public service, and that he should have been so hastily restored to his position after having been once suspended for bad behaviour. Still (8 Dec., 1838), 21-2.

MR. MANTON. We next proceed to review the delinquencies of Mr. Manton; the important part he took in the frauds we have described, and the manner in which he contributed to their success. Mr. Manton's position in the Customs is that of clearing clerk, and his own special duty is to pass entries for export, and to examine the ship's manifest before the captain's declaration is taken. He has, however, by the Collector's authority, taken bonds for the export of dutiable goods for Mr. Maddocks, the Cashier, in his absence; and has a general authority to clear vessels after hours for the Collector, for which he has permission to receive fees.

It would appear that on the morning of the 2nd of September, during the absence of Mr. Maddocks, Mr. Manton took bonds from Mr. James and Mr. William Stewart for an unusually large amount of dutiable goods. The amount of the bonds, if taken according to law, must have been little short of £5,000. The parties to them were a Custom House Agent and the charterer of the vessel. It was obviously Mr. Manton's duty to report these important proceedings to Mr. Maddocks, as the senior officer of the Long Room. He did not do so. He subsequently again neglected his duty by passing irregularly executed export warrants for these goods, some without date, others without his initials, in evidence of the necessary bonds having been taken. These irregularities, though in themselves of moment, are of little consideration as compared with his neglect to check the "Louisa's" manifest with the entries which he had passed, and to place his initials at the foot of the entries in it; with the unusual course he pursued in taking the captain's declaration on board the vessel, and in delivering the ship's papers to the agent, in whose custody they appear to have remained till the next day.

To exhibit in its proper light Mr. Manton's conduct in these respects, it is necessary to explain that when goods under bond are required for export, four copies of export entries are prepared. Having been numbered by himself, as clearing clerk, he retains one copy, and two are issued, through the Warehouse-keeper, to the export officer, together with an export warrant or order to the locker to deliver—the fourth copy being designed for the Audit Office. The export officer having received from the locker, and seen on board, the goods mentioned in the entry, and having obtained the certificate of the locker to their delivery, and of the chief officer and landing-waiter to their shipment, having also attached his own certificate to the same effect, should return one copy to the landing-surveyor or clearing clerk, to enable the vessel to be cleared. It is the duty of the clearing clerk to see, in the first place, that every export entry has been executed, and, in the second place, that it is duly entered in the manifest, and he can only do so by comparing together, the copies of the entries in his possession, the copies received from the export officer, and the ship's manifest. This check, then, cannot be so well performed elsewhere as at the Custom House, as the copy of every entry issued is, as before stated, retained there. The comparison having been made, and all found to be correct, the clearing clerk should place his initials immediately below the last entry on the manifest, to prevent any addition to that document. The declaration of the captain is then taken before an officer, who attests, by his own signature on a printed form, that it has been taken before him at the Custom House; lastly, the clearance is granted at the same place. In clearing out the Melbourne steamers it has been the practice to grant clearances on board, but these are an exception to the general rule.

Mr. Manton, at the solicitation of Mr. Stewart, proceeded on the afternoon of the 2nd September to clear the "Louisa" on board. He omitted to place his initials below the last entry in the manifest as a security against additions. He took the declaration from the captain, without attaching his signature in witness. He granted the clearance on board. He proceeded down the harbour in the "Louisa" in company with the two Stewarts and Mr. William Gibbes, and, lastly, he delivered the whole of the ships papers to the Agent, Mr. J. Stewart, and thus afforded him an opportunity of tampering with them without fear of detection

Col. Gibbes, 291.
Mr. Llewellyn,
110.
Mr. Maddocks, 65.
Mr. Fancourt,
113.
Mr. Manton, 3.
Mr. Russell, 27.
Mr. Powell, 60,
65, 68.
Mr. McDonald,
Collier, 20, 21, 23.
Garling.

detection—for it has been clearly proved that at that time the manifest did not bear the signature or initials of a single Customs Officer.

The reckless manner in which Mr. Manton discharged this portion of his official duties contributed to the success of the frauds which others had initiated. His subsequent conduct in connection with this vessel lays him open to a more serious charge. On the return of the "Louisa" to this port on the 7th October, it was necessary, as has been stated, that before being entered inwards she should produce a Post Office certificate that her mails had been landed, and before clearing a rummage certificate as to the delivery of her cargo, if any, or as to the stores remaining on board. Mr. Manton should also have obtained the jerker's initials on her manifest, in testimony of the vessel having complied with the regulations of the port. The Act of Council, 15 Vict., No. 12, is peremptory as regards the Post Office certificate, leaving no discretion to the Collector to dispense with it, and the evidence shews that it is unprecedented to allow any vessel to clear till her rummage certificate has been produced and the jerker's initials have been attached to her manifest. Mr. Manton, however, took upon himself to dispense with all these documents, and cleared the "Louisa" a second time on board.

Faneourt, 22, 31,
41, 46, 62, 67, 75,
85.
Collier's, 27, 58,
65, 69.
Powell, 67, 71, 72.
Col. Gibbs, 1, 18,
105.

It appears to us that it is impossible to attribute to an honest motive these glaring violations of laws and regulations.

At that time rumours of a suspicious character regarding the "Louisa" were in circulation. It was known to Mr. Manton and Mr. Rogers, who had been extensively concerned in her movements of the 2nd of September, that Mr. Collier had, on account of these rumours, examined her former papers, and Mr. Llewellyn her export bonds. Possessing this knowledge it was obviously Mr. Manton's duty to be studiously regular in his conduct with regard to her. But if the "Louisa" had stayed to clear out regularly, all must have been discovered. Mr. Crook had been twice on board on the 7th October to examine her log-book, but without success. Mr. Collier had been watching her movements from a Customs boat; men were on board who could report her doings during her absence from Sydney; the Water Police had been made acquainted with the suspicious afloat. It was therefore essential, in order to escape detection, that she should not be visited by any honest man. Mr. Manton was, however, permitted to go on board, and to receive there a second time the captain's declaration, and again to clear her in a manner more irregular than before. He allowed her to proceed to sea that evening after dark, and thus prevented, for the time, the detection of these disgraceful frauds.

Collier, 85, 91.

Crook.
Collier.
Crook.

Powell, 38-41.

Mr. Bramwell, landing-waiter, has contributed to the success of the frauds we have described, by signing warrants to the effect that he assisted in shipping the goods which have been proved to have been passed into home consumption.

MR. BRAMWELL.

The regulations of the Board of Customs applicable to the Colonies direct the landing-waiter to examine all shipping bills (or export warrants as they are here called) delivered to him; also, to endorse them with the particulars of the goods shipped, and to notify to the Warehouse-keeper any short shipment, that such may be returned to that officer before the ship is permitted to clear. The signature of the landing-waiter to an export warrant certifying, as it does, to the goods shipped, is therefore intended to be a security of a *bona fide* character. From want of a sufficient staff of landing-waiters, it would appear that the Collector, some years since, had dispensed with their certificates to shipping bills. Mr. Barnes, the Surveyor General of the Customs, on a visit here in 1845, directed the signatures to be again required, but, according to the Collector's view, as a matter of form, not of security. Mr. Bramwell acted on this view. His conduct is, however, aggravated by the fact that he did not belong to the wharf at which the "Louisa" was lying, and that he signed, without examination, a very unusual quantity of important warrants. In doing this, however, he acted in accordance with the Collector's interpretation of the Regulations, and his act has received the Collector's unqualified approval, as well as that of other officers of the Customs, some of whom bear a character unquestioned for probity.

Landing waiter's
instructions,
Art. 20 & 21.

Powell, 38-41.
Gibbes.
Llewellyn, 161,
170, 121,
Maddocks, 75, 76.
Faneourt, 258.
Anderson, 1-21.
Mundy 31-32.
Bramwell.

It may, perhaps, be said for Mr. Bramwell, that he has, on these grounds, some claim to a merciful consideration of his conduct. We do, however, most strongly condemn the reckless, off-hand manner in which he, an officer of high standing, and of 15 years service in the Customs, placed his signature to documents of such value, at the request of an officer of a known disreputable character. While we acquit him of any intention to defraud the Revenue, we consider he has shewn himself unworthy of the responsible position which he holds, and is deserving of punishment for his negligence in this matter.

We

We shall now proceed, in accordance with our instructions, to report on the conduct of other officers of the Department, and to offer some remarks on the Department generally.

MR. ROGERS.

Mr. Rogers, clerk under Mr. Nash, has shewn himself unworthy of any trust or confidence, by the incautious manner in which, in defiance of regulations, he issued to Mr. Newton, the export officer, a much larger number of warrants than could have been carried out by him in the day. Art. 9 of the Warehouse-keeper's Instructions, issued by the Board of Customs, directs that the Warehouse-keeper shall take care that goods entered for exportation shall not be delivered from the warehouse, or other place of exportation, unless there is sufficient time to deliver them to the searchers, that they may be shipped during the hours of business the same day. Yet, on the 2nd of September, Mr. Rogers delivered to Mr. Newton more delivery orders than could have been properly executed in two days. It was also Mr. Rogers' obvious duty to have drawn Mr. Nash's attention to the fact of the large amount of dutiable goods about to be issued from bond, and to the necessity of placing a tide-waiter on board the vessel to receive them; this he omitted to do. Mr. Rogers has also had the duty of taking charge of the Locker's Book, in which are entered the export warrants issued, the time of their issue, and of their return after due execution; this book is essential as a record of the time taken by export officers in the discharge of their duties, and is intended as a check on them. Mr. Rogers has neglected to preserve this check; the book has been kept in a most slovenly manner, and has been left open to be completed by those whom it was designed to check. Through Mr. Rogers' negligence, Mr. Newton has been enabled to falsify this record, and to make it appear (contrary to his own evidence) that the export warrants entrusted to him on the 2nd September were duly carried out and returned to the Warehouse-keeper the same day. Mr. Rogers is also guilty of falsehood, in alleging that the entries in the locker's book were made by Newton, and the export warrants returned to his custody at the time stated in the book. Whereas by Newton's own evidence it is shewn that the documents were not returned until the morning of the 3rd, nor the book entered up until that time.

MR. NASH.

Mr. Nash is answerable for Mr. Rogers' negligence in many of the above particulars, inasmuch as, holding the position of Warehouse-keeper, he is responsible for the conduct of a subordinate of his Department. He is also culpable for his neglect to bring under the notice of the Collector the loose system tolerated in the transfer of goods from one bond to another, and for keeping no record of the issue of transfer orders, or of the officers intrusted with their execution. Mr. Rogers' neglect of duty has extended over a long period, and cannot have escaped the notice of his superior. Yet it has been permitted to continue, on the apparent ground, that though he is, in Mr. Nash's opinion, incompetent to discharge his duty—he has a wife and family, and therefore deserves consideration. Mr. Nash has stated that to this incompetent person he has intrusted the whole duty connected with the Export Branch of his Department. By thus neglecting the responsibility obviously attaching to his position, Mr. Nash has contributed towards the disorganization of the Customs Department generally, and of his own.

Nash, 103, 109.

Nash.

MR. BREMER.

It has been stated in evidence that Mr. Bremer, tide-surveyor of the Customs, has been drunk on duty, and has acted in other ways in a manner unbecoming his position as a public officer. We have not considered it necessary to delay our report with a view to inquire into the truth of these allegations, but, as a charge of a grave character has been made against a gentleman in a responsible position, we are of opinion that further inquiries should be made, in order either to establish the truth of it, or to remove the imputation which now rests on this officer.

Appendix, No. 13

MR. SOARES.
Appendix, No. 14.

The conduct of Mr. Soares, a locker in the Customs Department, was brought under our notice through a report made by a detective officer of the police to the Inspector General, charging that officer with being privy to the escape of Mr. James Stewart from the Colony, and with permitting that gentleman's furniture and effects to be removed to his own charge.

Mr. Soares, in his examination before us, denied that he was at all aware of the escape of Mr. James Stewart, and although he admitted that he was employed up to a late hour on the 6th of November in removing furniture from Stewart's house, he alleged that he was only taking out of the house that portion of the property belonging to Mr. James Stewart's mother.

Were

Were it not for the testimony of the boy M'Donald, Mr. Soares' explanation of his conduct might have been considered sufficient, but when it appears to be beyond a doubt that M'Donald (who had made the voyage in the "Louisa" when she was employed in the nefarious act of defrauding the Government) had been a resident at Soares' house for a period of nearly three weeks, and had been, during the evening of the 6th November, employed by that officer in removing cases and other things for Mrs. J. Stewart to the vessel, which was about to take Mr Stewart and his wife to Howe's Island—and on board of which vessel there is little doubt he proceeded during the night—it is manifest to the Board that Mr. Soares was accessory, after the fact, to the fraud which had been committed, as well as instrumental, to a considerable extent, in facilitating the escape of Mr. James Stewart from the Colony.

We have not considered ourselves called upon to review the conduct of Mr. James Stewart, Mr. William Stewart, or Mr. William Gibbes. We have, however, to draw attention to the evidence taken, by which it appears to us to be established that they have been parties in a conspiracy to defraud the Revenue, and to suggest that the attention of the Crown Law Officers be drawn to it, with a view to the institution of such legal proceedings as may appear desirable. We are also of opinion that there are sufficient grounds for similar proceedings against Messrs. Manton, Newton, and Brown, three of the officers of the Customs whose conduct we have reviewed.

The evidence which we have taken has disclosed an extraordinary want of organization in the Customs Department. It has rendered apparent that there is no departmental unity of action, or uniformity of practice; that the duties and responsibilities of the several officials are undefined; that irregularities prevail almost unchecked, and extensive frauds can be perpetrated, with scarce any attempt at concealment, and yet escape detection or punishment.

For this state of things the Collector, as head of the department, is in a great degree responsible. We now propose to draw your attention to the views entertained by him, and to those of his acts during his administration of the department which we consider have contributed to these injurious results.

The view taken by the Collector as regards the necessity of rummaging vessels is, in our opinion, opposed to that of the Board of Customs, to the practice of his own department, and a strong encouragement to smuggling.

When a vessel has been reported inwards, having on board dutiable goods, the practice is to put a tide-waiter on board, whose duty it is, in conjunction with the landing-waiter of the wharf, to check the goods discharged. After the cargo has been discharged, as per manifest, a tide-surveyor should examine or rummage her, to see that she has no dutiable goods remaining on board which could be run after the tide-waiter has been removed. A rummage certificate should be then given by him; and be examined and filed with the inward papers by the jerker, and the vessel should not be allowed to enter, or clear outwards, till the jerker has certified that he has received this, with all other inward papers relating to the vessel. It is evident that this precaution is as necessary with regard to a vessel entering inwards in ballast, or in distress, as with regard to one entering inwards in cargo; and to dispense with the check in the former cases, especially as regards vessels trading with places where no Custom House exists, is to provide an easy means for smuggling. The General Orders of the Board of Customs, compiled by their authority, and issued to the service, comprise the following very stringent order on this point:—"The Collector and Comptroller at the several out-ports are to take especial care, whenever any vessel puts into their port, or the creeks thereunto belonging, under plea of distress, or of want of repair, forthwith to ascertain, by examination of the tide-surveyor, or some other competent officer, and if there is no competent officer, taking the aid of some person who is so competent, that the distress is real, * * * and in case they have any doubt of those circumstances, or any other matter arises which may appear to them fit for the cognizance of the Board, they are forthwith to represent the same, * * * and they are, on all such occasions, to be particularly active, vigilant, and attentive in the execution of this Order, so as to prevent any improper practices." The Order further directs that the Collector is not to grant any distress sufferance to such vessel to land goods without a previous certificate from the tide-surveyor as to the necessity thereof.

This Order is sufficient to shew that the Board of Customs consider that the utmost vigilance should be exercised over vessels entering port in distress, and that every such vessel, whether she has reported inwards or not, should be examined by the tide-surveyor.

The "Louisa" reported inwards, in ballast, on the 7th October, and should at once have been boarded and rummaged. The clearance granted to her that afternoon to proceed outward should have been withheld till a certificate of rummage had been given; yet she was, through the instrumentality of Mr. Manton, allowed to proceed to sea again without any examination whatever.

Col. Gibbes, 124,
138.

We have stated our opinion in a former part of the Report that Mr. Manton's conduct in this respect was most irregular and suspicious; it has, however, been justified by the Collector. Regarding the rummage, the Collector states that he believes the tide-surveyor's coxswain and boat's crew did visit the "Louisa," (we have ascertained that they did not) and found her in ballast; that it was not necessary for the tide-surveyor to give a rummage certificate as the vessel was in ballast, that, in fact, none was required; that the jerker had nothing to do with the "Louisa's" papers on the 7th October, though she had reported inwards; that the "Louisa's" was an exceptional case, like all such cases of vessels in ballast; that Mr. Manton was perfectly justified in clearing the "Louisa" on this occasion.

Fancourt, (No. 1)
37, 48, 67.
Collier, 27, 58, 65,
69.
Powell, 72.
Collier.

The Collector's opinions are opposed to those of his subordinates, and of others who emphatically declare the rummage certificate to be indispensable; Mr. Manton also shews that he was aware of the necessity of such a certificate by the trouble he took to procure it the day after the "Louisa" had sailed.

The Collector's justification of Mr. Manton's conduct in this particular has surprised us. The consequence of his view is, that a vessel laden with dutiable goods, intended to be run, should, as a precautionary measure, report inwards in ballast, by which means she may calculate on escaping the visitation of any officer of the Customs, may land her cargo during the night, and may clear out next day, in accordance with Customs Regulations, without fear of detection. It is, in our opinion, essential, to prevent this description of fraud, that the duties pointed out in the Instructions of the Board of Customs should be faithfully discharged; that the tide-surveyor should board every vessel entering port, and, if necessary, put a tide-waiter on board. It is especially directed in the Instructions referred to that the tide-surveyor shall board, in person, every vessel as soon as the cargo has been discharged, and shall carefully rummage all suspicious places, and he is expressly prohibited from allowing this service to be performed by his boatmen. It is also very necessary that the certificate of the tide-surveyor that he has duly rummaged should be received by the jerker or auditor of the inward papers, as he is the officer responsible for the detention of the vessel till she has complied with regulations, and discharged all dues; and that the clearance outward should not be granted till the jerker has given his certificate to the correctness of the inward papers. The neglect of these precautions permitted the "Louisa" to leave the port on the evening of the 7th of October under most suspicious circumstances; yet, in the opinion of the Collector, in accordance with regulations, and with the practice of the department.

Tide-surveyor's
Instructions.
Art. 12.

The Collector appears also to consider that the Post Office Certificate of the Mails having been landed may, in some cases, be dispensed with. The Act of Council, 15 Vict., No. 12, sec. 34, is very clear on this point; it directs that no Collector, Comptroller, or Principal Officer of the Customs shall permit any vessel to report till the certificate has been produced, and permits of no discretion in the matter.

Dispenses with
anding-waiter's
certificate to
shipping bills.
Llewellyn, 120,
132, 165.
Powell, 49, 52, 57.
Russell, 14, 23.
Kidd, 5, 13.

A very important check on the export of goods has been surrendered by the Collector, owing to his view of an order he received from a superior officer. It is provided by the Regulations of the Board of Customs that a searcher shall certify to the due shipment of all dutiable goods issued from bond for export. Articles 20 and 21 of the Landing Waiter's Instructions, applicable to the Colonies, impose this duty on the landing-waiter. That it is not imposed as a matter of form is evident from the tenor of those instructions, which direct the landing-waiter to examine all shipping bills delivered to him, and to notify to the Warehouse-keeper any short shipment. That the Board of Customs enforce the application of the check is also clear; for we find in the General Orders of the Board, before referred to, that a searcher of the first class at the port of Liverpool, having authorised and certified to the shipment of certain goods without due examination, whereby the Revenue had been defrauded, was dismissed the service. There appears thus to be no doubt that the certificate of the landing-waiter

Landing-waiter's
Instructions.
Art. 20 & 21.

waiter is intended to be a *guarantee* of the due shipment of dutiable goods. This check appears from the evidence of the Collector to have been, in the first place, dispensed with, on the ground that there were not sufficient landing-waiters to maintain it. The practice of the Department was in this position when, in the years 1845-46, Mr. Barnes, in the capacity of Surveyor General of the Customs, visited the Colony, and having found that in this respect the Treasury Regulations were not complied with, gave order that they should be observed in future. The order was verbal, and no record of it was taken. According to the Collector's view, Mr. Barnes required the form alone to be observed; other witnesses are of opinion that it was intended that the check should be restored. The Collector's view became the rule of the Department, and continued so till the frauds in connection with the "Louisa" were brought to the notice of the Government. Some officers of the Customs have protested against this view of the instructions, but the majority have felt called upon to act up to it.

Appendix No. 16.

Thus from some date prior to the visit of Mr. Barnes, until very recently, it has been the practice to intrust the whole duty of checking the shipment of dutiable goods to tide-waiters, of whom many are stated to be disreputable, drunken, or insufficiently educated. Since 1845, the signature of the landing-waiter has been required, but as a matter wholly of form.

Our own views of this question are, that the Collector has misunderstood Mr. Barnes' order; that, taking the view he did, he should have requested, in writing, instructions of so important a character, and so directly opposed to the printed Regulations of the Board of Customs; that, his request being refused, he should at once have applied to that Board to confirm the order. In omitting to act in this manner he has omitted to take a very obvious precaution, for his own justification; he has surrendered a very important check on insufficient grounds; and in doing so has failed in his duty.

Previous to the period at which the Customs Department, with its revenues, was transferred to the Colony, it was under the orders of the Board of Customs in London, and governed by Regulations of a very precise and detailed character: These Regulations defined, among other matters, the duties of the Collector, Comptroller, Landing Surveyor, Tide Surveyor, Gaugers, Warehouse-keepers, Tide-waiters, and Clerks for general business. The Regulations referring to each class of officers were bound separately, with a view that each officer, on joining, should be furnished with a copy. The Collector's Instructions imply that he was supplied with these copies for distribution. It appears that in 1852 the Collector received a communication from the Board of Customs directing him, as the Customs Department of the Colony had been transferred to the Colonial Government, to call in the Commissions and Instructions issued by the Board to the several officers of this port and survey, and to transmit the same, together with those issued by himself, to the Board, for the purpose of being cancelled. This order was complied with, and from that time the business of the department appears to have been conducted without any code of instructions for the reference and guidance of junior officers. At present there are no written or printed instructions issued to officers on joining the department. They are taught and told the practice by their superiors. With the exception of those issued by the tide-surveyors to tide-waiters, there are no printed instructions for a deviation from which an officer can be called to account. There is great difficulty in saying what the regulations are. No record has been kept even of minutes. It is stated that a rule of practice adopted one day may be broken a few days after. It thus happens that the responsibility of junior officers is undefined. Some, intrusted with most important duties, consider that they may act in all things according to their discretion. Even the practice of the department is not uniform, nor do the officers agree in their views regarding it. A laxity of practice has been the result; of which we may here give a few examples.

Has set aside or neglected to issue regulations for the guidance of the department.

Appendix No. 17.

Col. Gibbes, 42, 243, 247. Bancourt, 205, 207. Powell, 23, 30.

The printed instructions to the Warehouse-keeper direct that he shall not allow goods for export to issue from bond, unless there is sufficient time to deliver them to the searchers (who are here the landing-waiters) that they may be shipped during the hours of business. This appears an obvious precaution; yet Mr. Nash states that if the shipper were to ask it he would issue export warrants to an export officer without considering his capability to perform the duty in the day. In fact, it is evident that the whole responsibility in this matter is thrown on the lockers, a very junior class of officers. The manner in which they act is indicated by their evidence.

Warehouse-keeper's Instructions. Art. 9.

Nash, 54.

Mr.

SIU, 80.
Nash 20, 21.
Hunt, 8, 13.

Dickenson.

Brown.

Brown, 21, 22,
45, 49.

Mr. Still, the Inspector of Warehouses, states he has required that spirits which have been in bond for a period exceeding one month shall be re-gauged before issue. But this is not the recognised practice. Mr. Hunt, the locker of Pollard's Bond, states there is no such order, and that it is left to the locker's discretion to act as he thinks fit, even if the spirits have been in bond six months. Mr. Dickenson, who was on the 2nd September the locker at Gilchrist's Bond, issued 28 hhds. of rum without re-gauge, because he was told by a Customs officer that there was no necessity to re-gauge spirits going to the Islands. Mr. Brown, the locker at the Chilian Bond, states, that on the 2nd of September he neglected to re-gauge any portion of the 31 hogsheads and 14 quarter-casks of brandy, because if he had acted otherwise he would have prevented their shipment: thus shewing that he considers it no part of his duty to protect the Public Revenue. He re-gauges when time allows. When a large order comes he cannot re-gauge. He exercises his own discretion in all cases.

Appendix No. 24.

It is manifest that thus great opportunities for fraud are offered. Spirits are, in the first instance, bonded under the gauge of a landing-waiter on whose conduct there is no check. By the fraudulent co-operation of this officer, spirits may be readily passed into bond and re-issued under a false gauge. By similar co-operation on the part of the locker, they may be drawn off in bond and replaced by other liquids without detection. It appears to us that the trust reposed in these officers is far beyond that which is requisite for the Public Service, or the legitimate operations of trade; that some check on their conduct is necessary; and that precise instructions, defining the responsibilities, and limiting the discretion of lockers, and other junior officers, are urgently required for the protection of the Revenue.

Title Surveyor's
Instructions,
Art. 13.

The absence of printed instructions has acted detrimentally in other important respects. In the instructions issued by the Board of Customs, it is evidently intended that landing-waiters shall keep a proper supervision over tide-waiters, both as to the export and to the import of dutiable goods. The same instructions require that tide-surveyors shall take care that a tide-waiter does not leave the vessel placed in his charge until the cargo has been delivered and he has been duly relieved; that the tide-waiters on such duty shall be visited by tide-surveyors twice a week, at uncertain hours, and a report of such visit shall be made on the following day to the Collector and Comptroller; also that the tide-surveyor shall rummage all vessels in person, and not by his boatmen.

Fancourt,
2nd evidence,
21-42.
Collier, 151-158.

We have inquired into one instance which has exemplified the misbehaviour of a landing-waiter, named Warburton; and which though brought to the knowledge of the Collector, was apparently passed over without notice. Some twelve months since the "Fanny Fisher" entered inwards, with 4012 bags of sugar, of which about 550 bags were allowed by the tide-waiter to be landed without entry. This neglect of duty should have been discovered by the landing-waiter of the wharf. It, however, escaped detection till the ship's books were examined by the jerker. In the meantime the importer had become insolvent, and the duty would not have been recovered to the public had not the Union Bank held a lien on a large portion of the sugar which had not been delivered. On the neglect being discovered, the Collector withheld the sugar belonging to the Bank till the Manager had paid the duty for that portion improperly removed by the insolvent, as well as for the sugar the property of the Bank. To avoid a greater loss, Mr. Robertson, the Manager, was compelled to make good the sum of £173, which had been lost to the Revenue by the carelessness of the tide-waiter and landing-waiter. The tide-waiter, who was a known drunken character, and, according to Mr. Garling's evidence, was in the habit of neglecting his duty, was dismissed; but the landing-waiter, who should have detected the neglect at the end of the day, appears to have escaped punishment.

Appendix No. 19.

We have drawn your attention to this case with the view of illustrating the loose system allowed to exist in the discharge of ordinary cargoes, and the small supervision exercised by landing-waiters, or by their immediate superior, the landing-surveyor; not with the desire of bringing Mr. Warburton under the displeasure of the Government, he having been since disgraced for another offence, and appointed to an inferior position.

Gauger's
Instructions.

In order to detect peculiarities in the manufacture of spirit casks, and thus to prevent frauds on the Revenue, the Board of Customs have issued very precise instructions as to gauging and calculating contents, which we are confident cannot be complied with unless a copy is furnished to those intrusted with the gauging duty. The tide-waiter's instructions direct

that

that he shall on no account leave his ship; that he must not allow his friends to be invited on board, nor accept, at his own meals on board, other than the necessary provisions of the ship. The instructions for the Collector and Comptroller direct that whenever a warehouse is offered for approval as a bond they shall inspect it, to ascertain that the windows are secured with iron bars fixed into brick or stone, or into iron frames secured inside. They also direct that no more warehouses than are necessary for the trade of the Port shall be licensed; and the Collector's Instructions direct, that, previous to any officer being permitted to perform the duties of his office, he shall be furnished with a copy of the Instructions applicable to his position.

Tide-waiter's
Instructions.
Art. 3.
Art. 13.

Collector's and
Comptroller's
Instructions.
Art. 2.
Art. 4.

Collector's
Instructions.
Art. 29.

The evidence we have taken shews that these Instructions have been, more or less, departed from, both in letter and spirit. Landing-waiters exercise little or no supervision over tide-waiters. Vessels are not effectually or systematically rummaged. The gauging of spirits is not correctly performed, as it is well known that spirits have been issued from bond at a higher gauge than that at which they were bonded. Tide-waiters, as a rule, quit vessels under their charge during the night, and return in the morning; they also get treated on board, and in some cases become intoxicated while on duty. The Chilian Bond, licensed to Mr. W. Stewart, was not found secured in the manner pointed out in the regulations; and, as we have stated before, there are no printed instructions issued to an officer on joining.

It is our opinion that the Collector has, in a great measure, contributed to these irregularities, by having permitted the department to continue for so many years without any regulations for the instruction and guidance of the officers. Whatever view he may have taken of the directions he received from the Board of Customs to return the instructions issued by them, he should, we conceive, have obtained the authority of the Colonial Government to preserve in force such of them as had been found to work beneficially, and should have adhered to the practice of issuing to every officer on joining printed instructions, defining their responsibilities, and limiting their discretion. Under existing circumstances a staff of about 100 officials is governed by the practice of the Department, as explained by the Collector when appealed to, and by other officers, each according to his own view.

The existing practice as regards the taking, preservation, and enforcement of bonds for the export of dutiable goods, appears to us to afford no security to the Revenue. They are taken from any two persons who may offer, without regard to their solvency. They are allowed to be taken before any officer, on the ground that one officer is as good a witness as another, thus shewing that the witness as to execution is the only security insisted on. It is further proved that no steps are taken to require the fulfilment of the bonds. The conditions of it, which are in accordance with the Act of Council, 9 Vict., 15, require that it shall remain in force until the goods named in it have been proved to the satisfaction of the Collector, or other proper officer, to have been duly landed. It would appear from the Mercantile and Maritime Guide, by Willmore and Beedell, published in 1856, that it is the Imperial practice to require the satisfaction of these bonds, time being allowed for the landing of the goods, varying from 3 to 18 months, depending on the distance of the port of destination; in special cases a consular or even a known merchant's certificate being taken as sufficient satisfaction. We are of opinion that this practice should be introduced here. Had it prevailed, the frauds in connection with the "Louisa" could not have been attempted with any hope of escaping detection.

Practice of
taking bonds
defective.
Col. Gibbes, 109,
113, 254, 260.
Llewellyn, 72, 84,
174, 176.
Colonel Gibbes,
page 109, ques-
tion 54, 62.

We have in evidence another example of the illicit practices which the absence of this check has encouraged. On the 16th of October the "Tasmania" steamer took on board 20 half-tierces of tobacco, and sailed with Mr. W. Stewart as passenger for Hobart Town. On her arrival there the tobacco was transhipped into the "Louisa," then lying in the harbour, conveyed to Jervis Bay, and afterwards to Howe's Island, obviously with the intention of landing it at one or other of these places, should an opportunity offer. Had proper bonds been in the first place taken for these goods, and the Imperial practice prevailed, the parties to the bond might now have been called on to give satisfaction as to their having been duly landed, or to forfeit the amount, of which there is little doubt the public Revenue will in this case be defrauded.

From a Return furnished by the Collector of Customs to the Treasury, and from other evidence we have received, it appears that large quantities of dutiable goods are

exported

exported for places at which Custom Houses do not exist; and as no satisfaction is required that they are landed at the ports for which they are shipped, there is no security against their being run on the coast, and thus brought into home consumption, to the detriment of the Revenue and the honest trader.

Fees for extra hours of attendance allowed to be received without control. Col. Gibbes, 143, 145, 156, 288, 287. Appendix No. 6.

Another practice which is open to grave objections obtains in the Customs Department—that of allowing officers to receive fees for work done during extra hours, without the interposition of the Collector. This license was taken advantage of by Mr. William Stewart to persuade Mr. Manton to clear out the “Louisa” after hours in an irregular manner, and is an inducement to postpone work till after hours. Bonded stores are thus kept open beyond the regular hours, and dishonest practices are encouraged. It appears to us that the regular duties performed by the officers of the Customs should, as a rule, be considered as for the public service, independent of the hour at which they may be performed; and that if in any special case an officer has been detained for the sole accommodation of the merchant, or master of the vessel, he should be paid by him, through the Collector, at an established rate.

Page 182.

Gibbes, 52, 57. Also Maddocks and Manton.

The Collector has also permitted the following order of the Board of Customs to be set aside—“No person must be permitted to enter any of the offices, except on business strictly official, and in such cases they are not, on any pretence to be allowed to come within the rail or to have access to any official book or paper.” It is shewn in evidence that the public are permitted, without restraint, to enter within the railings of the Long Room of the Customs, and to have access to the bonds and other records in the custody of the department. The Collector appears to doubt if any part of the Long Room is safe; he states that officers have had their desks opened during their absence. To this license may be attributed the loss of the export bonds of the “Louisa.”

No organisation in the department for the detection of irregularities.

Collier, 60.

Many of the irregular practices which have been disclosed during our inquiry have been encouraged by the want of a proper organization in the department, by means of which delinquencies and irregularities on the part of the officers would be brought to the notice of the Collector. This defect has been forcibly illustrated by the circumstances in connection with the “Louisa” which have been disclosed. It has been shewn that a glaring fraud has been somewhat clumsily perpetrated, and apparently with hardly an attempt at concealment; yet, as far as may be judged by the evidence, it would not have been brought to the notice of the Collector, or inquired through the exertions of any officer of the Customs. Suspicions in regard to the movements of this vessel were entertained by Mr. Collier, tide-surveyor, as early as the 4th of September. He accordingly communicated them to Mr. Ross, the Customs’ officer at Broken Bay, and furnished him with a copy of the cargo, requesting him to keep a look-out at several points which he named, as he was of opinion that the cargo would be run on the coast, but he did not consider it his duty to take any further action. On the 26th of September, the Harbour Master having drawn the Chief Clerk’s attention to a report that no bonds had been taken for the goods shipped in the “Louisa,” he caused an examination to be made, and having been satisfied on that point, he made no further inquiries. The Warehouse-keeper, an officer charged with very responsible duties, does not appear to have noticed that which his books shewed, viz., that an extraordinary amount of dutiable goods had been removed from his custody in one day by one export officer, or to have made any communication or report on the point. The apathy or ignorance which prevailed regarding this matter was so general, that on the 7th of October, or five weeks after her first departure, the “Louisa” having been compelled, from circumstances, to enter this port, was granted extraordinary facilities for departing on the same day—no officer of the Customs having considered it his duty to investigate the rumours in circulation, or to suggest to the Collector the propriety of some delay in granting this vessel a clearance. The officer implicated in her frauds was enabled, by the power improperly deputed to him, to allow the vessel to escape, and to prevent for a time the discovery of the fraud, which appears to have been ultimately brought to light by the exertions of a gentleman unconnected with the Government.

Naah. Still.

The Collector considers the case of the “Louisa” as a solitary instance of a successful attempt to defraud the public. We are not of that opinion. It appears to us that the want of proper organization in the Customs offers great facilities for defrauding the Revenue, which we cannot doubt are frequently taken advantage of. It is clearly shewn by the evidence that

until

until the Collector's notice was drawn to the fact, an order directing the transfer of dutiable goods from one bond to another might have been made use of to obtain the goods out of bond, might then have been destroyed, and the goods passed into consumption without detection until stock was taken (a duty performed once in three years,) and without trace being left of the officer who committed the fraud. It has been shewn that these transfers are frequently performed by an irresponsible carter, without the supervision of a customs officer, and thus that no security is taken in this branch of the Customs to protect the Revenue. It has also been admitted that there is no central record kept shewing the nature and amount of stock which ought to be in charge of each locker, and thus the verification of the stock in each bond could not be performed without considerable delay.

Appendix No. 21

Still.
Crook.

Nash.

Lewellyn, 22, 5
92, 102, 93, 112.
Maddocks, 49,
68, 65.

A further defect in the organization of this department, is the permission granted to subordinate officers to discharge important duties. The powers which have been delegated to Mr. Manton are an illustration of this. In the supplement to the General Orders of the Board of Customs applicable to the British Possessions abroad is the following letter, addressed, in 1830, by the Board of Customs to Collectors and Comptrollers in the British Possessions abroad :—"It having been represented to us that vessels frequently arrive in this country from the British Colonies with clearances signed by clerks or other persons for the Collector and Comptroller, we direct you to take care that clearances and other documents be signed by at least one of the principal officers of your port, and not to delegate that duty entirely to clerks." Notwithstanding this the Collector has delegated the duty of clearing after hours, which is one of a still more responsible character than that of clearing during hours of business, to Mr. Manton, the 6th clerk of the Customs. The manner in which this officer discharged this duty in the case of the "Louisa" on two occasions is in itself sufficient to condemn the practice. When it is considered that the clearance is the document which enables a vessel to leave the port and the jurisdiction of the Colony, it is evident that it should be granted with great caution, and not till every necessary regulation has been complied with; and that the power to grant it should not be entrusted in the hands of a subordinate clerk.

Subordinate
officers entrusted
with important
duties.

This is not the only important duty which Mr. Manton has been permitted to discharge. He has acted for the Cashier, or Chief Clerk, in the Long Room in that officer's absence, in taking bonds and declarations; for the jerker, in certifying the correctness of the inward papers; and he has, in addition, discharged in his own way his special duty of examining ships' outward papers, preparing clearance papers, and passing export entries. He has had, in fact, permission to discharge so many duties that an exporter, by judiciously timing his transactions at the Customs, could escape the supervision of every officer, except Mr. Manton and a tide-waiter. By such an officer being entrusted with so many responsible duties unusual facilities have been offered to defraud the Revenue.

Lewellyn, 223

When dutiable goods are about to be shipped for export, the Warehouse-keeper must of necessity be aware of the fact; yet it is left to the tide-waiter employed in their shipment to suggest, as a precaution, that an officer should be placed on board the vessel to receive them. In the absence of this precaution, there is no security whatever taken against the goods being withdrawn from the vessel and passed into consumption. The success of the frauds we have investigated is mainly due to the absence of this precaution.

The organization of the Customs Department is also deficient in the following points :—Vessels entering port after sunset are not boarded by any Customs officer till next morning, and thus have an opportunity of landing spirits or other dutiable goods during the night. Vessels laden with dutiable goods, and outward bound, are allowed to clear out with undue haste, and after hours—are not accompanied out of port by a tide-waiter or any officer, and thus have opportunities of anchoring down the harbour and discharging a portion of their cargo before proceeding to sea. No guard-boats patrol the harbour day or night. We are not in a position to say how far the existing practice in these respects is due to a want of representation on the part of the Collector; it has not, however, been shewn that these facilities for illicit practices have been brought to the notice of the Government.

We have considered it our duty thus to draw attention to those acts of the Collector which have been detrimental in their effect, and to the want of organization, which has enabled smuggling to be carried on almost without check. At the same time, we are of opinion that the Collector is not solely responsible for the present disorganized state of the Customs.

Mr. GARLING.

The Landing Surveyor, Mr. Garling, is the officer who is immediately responsible for the out-door business of the department. In this Colony the Landing Surveyor discharges the duty of a Comptroller, and keeps a check on the daily receipts of revenue; superintends the waterside department; is directed to take care that landing-waiters do their duty, and to instruct them when in doubt; he is also required to see that the landing-waiters' blue-books are properly kept; to visit daily the several landing wharfs to see that a ship's cargo, as landed, agrees with her manifest, and that the officers appointed to her are in attendance and do their duty. It is his duty also occasionally to check the gauging and weighing performed by landing-waiters, and from time to time to adjust the hydrometers, beams, scales, weights and measures used by these officers in the performance of their duty.

Landing
Surveyor's
Instructions.
Art. 3.
Art. 6.

The printed instructions for the Landing Surveyor plainly indicate that he is responsible for the entire out-door business of the Customs, and in some degree independent of the Collector's control. He is directed to confer with the Collector in all points, and to tender his advice whenever he may consider it necessary, without reserve. Mr. Garling appears to admit his independent position, but at the same time is either very insufficiently informed of the business done out of doors, or is very reluctant to give information regarding it.

Appendix No. 18.

The facts elicited regarding the Customs proceedings in connexion with the "Fanny Fisher" prove that very disreputable, as well as inefficient, officers are permitted to remain in the service of the out-door branch of the establishment, and are employed on duties for which they are known to be unfit; and that the Landing Surveyor does not exercise that supervision over them which the printed instructions direct. Mr. Alder, a tide-waiter, was employed about twelve months since to discharge the "Fanny Fisher," and allowed about 550 bags of sugar to be landed without entry or payment of duty. The landing-waiter, who should have detected this neglect of duty, did not do so. Mr. Garling, whose special duty it is to see that the landing-waiter's books are correctly kept, took no steps in this case to rectify the error, which was discovered at last by the jerker. Referring to the tide-waiter concerned in this affair, Mr. Garling stated that he had misbehaved himself in so many vessels that he could not call to mind his misconduct in this instance; that he had continually misbehaved himself previous to this occasion; had once been dismissed, though afterwards reinstated. Other evidence shews that he was frequently intoxicated. It is, therefore, surprising that such an officer should have been retained in the service up to that period.

Appendix No. 17.

Almond, 16, 20.
J. H. Williams.
Crook.

Page 306.

Crook.

The general evidence regarding the out-door officers shews that, as a class, they are inefficient. Some landing-waiters are stated to be addicted to intemperance, and incapable of gauging spirits; half the tide-waiters are inefficient. As regards tide-waiters, the Regulations of the Board of Customs are very stringent. They direct that if any tide-waiter shall be found guilty of quitting a ship, or leaving his station on board during the time of his watch, he shall be dismissed for the first offence, unless sufficient cause be shewn for his absence; yet we have in evidence that tide-waiters habitually leave their vessels during the night, returning at daylight. It appears that Mr. Garling has not taken any measures to put a stop to these irregular practices; but, on the contrary, he has permitted such officers to occupy the most responsible positions without regard to their incapacity or misconduct. In regard to the "Louisa," Mr. Garling has been guilty of a serious neglect of duty. We have before remarked that the clearance of the "Louisa" on the 2nd of September was so irregularly executed that on the morning after she had sailed her manifest did not bear the signature of Mr. Manton, as the officer who took the declaration, or his initials at the foot of the entries in the manifest, Mr. Garling's attention was drawn to these omissions by Mr. Collier, but beyond requiring Mr. Manton to complete the document, he took no notice of his gross neglect. Our opinion is, that Mr. Garling is unworthy of the confidence which has been reposed in him, and of the high position he holds.

Manton.

Mr. LLEWELLYN.

Mr. Llewellyn, the Chief Clerk of the Customs, has been described by the Collector as holding the position of his Under Secretary, and in that position should share a large amount of responsibility which attaches to the Collector for the disorganization of the in-door business of the Customs. Mr. Llewellyn's duties are not however defined by printed or written instructions, while his conception of them leads to the conclusion that he is in no way responsible for the business of the Long Room, for the important duties connected with the entering and clearing of vessels, or for the receipt, issue, and transfer of bonded

bonded goods. His duties, in practice, appear to be confined to correspondence with the Government and with the officers of the department, to the payment of salaries and drawbacks, and to replying to queries in the absence of the Collector. His evidence also shews that he is very imperfectly acquainted with the in-door duties of the department, and that therefore he is unqualified, in the absence of the Collector, to direct. Under these circumstances, we are unable to decide on the degree of blame which is attributable to Mr. Llewellyn, on account of the disorganization of the in-door department of the Customs, but we consider that he failed in his duty when he neglected to bring to the notice of the Collector the suspicions regarding the "Louisa" which had been communicated to him by the Harbour Master on the 26th September, and were then generally prevalent. If this duty did not properly appertain to him, it is our opinion that his position in the Customs might be dispensed with, for we can see no necessity for an officer of such high standing in the department being intrusted with so small a share of responsibility as Mr. Llewellyn lays claim to.

Having thus drawn notice to those more prominent defects in the organization and management of the Customs Department which have been brought to light during our inquiry into the circumstances connected with the "Louisa," we shall now take leave briefly to suggest the modifications in the administration and practice of the department which we consider to be urgently required.

1. The practice of the department both in the Long Room and out of doors should be regulated by minutes of the Executive Council or by orders of the Treasury.

2. Fees or allowances to officers for work done after hours should be at an established rate, and should in all cases, whether chargeable against the merchant or the Government, be paid through the Collector.

3. A Bond Office should be established, and an officer detailed for the special duty of taking Bonds. No bond should be accepted unless the security offered is deemed satisfactory. All bonds should be enforced according to the terms of their obligations.

4. Bonded Stores should be licensed in those parts of the town only which are easily accessible from the waterside. No building should be licensed as a Bond which is in the same block with a duty paid store.

5. Licenses for Bonded Warehouses should issue from the Treasury on the certificate of the Collector and the Inspector of Warehouses. The applicant for the license, or the bond owner, should be required to give security for the proper conduct of the duties of the bond. All goods issued from bond should be re-gauged or re-weighed, and all goods before being bonded should be marked or branded.

6. The Inspector of Warehouses should have the control of all bonded goods, the warehouse-keeper and lockers being under his orders.

7. Drawbacks should not be paid until a certificate has been produced that the goods on which drawback is claimed have been landed at the port of destination.

8. All dutiable goods for export, bond, or transfer when in bond, should be conveyed by licensed drays or lighters, and should be accompanied by a pricking note, on which should be stated the time at which the goods were dispatched for, and the time at which they were received at, the place of destination.

9. Appointments in the Customs Department should be on probation, and be confirmed or otherwise after three months service, according to the certificate of the officer under whom the candidate has been employed.

10. All out-door officers should be compelled to wear uniform.

11. Landing-waiters should, as far as possible, be substituted for tide-waiters; they Appendix No. 24. should be responsible for the due shipment of dutiable goods issued for export, and should attest to the shipment by their signature to the shipping bills or export warrants. They should be relieved from the duties of gauging and weighing, which should be discharged by men specially appointed for that purpose, under the superintendence and check of landing-waiters.

12. Tide-waiters should receive a low permanent salary as a retaining fee, which should be supplemented when they are employed on duty. A tide-waiter should be placed on board every vessel taking in dutiable goods, and be required to keep a cargo book to be shewn to the landing-waiter or clearing clerk before such vessel can be cleared. Vessels laden with dutiable goods for places at which no Custom House exists should be accompanied out of port by tide-waiters.

13. Guard-boats should be established, to patrol the harbour during the night, under the charge of a tide-surveyor. A vessel entering port should be immediately boarded, and, if laden with dutiable goods, her hatches should be secured by Queen's locks.

14. A Court of Appeal should sit once a month at the Treasury to receive and to hear complaints.

15. The Act of Council, 9 Viet., No. 15, being insufficient to provide for the present extended operations of the Customs, we would recommend, for the consideration of the Government, an Act similar to that passed on 27th August, 1857, in the neighbouring Colony of Victoria.

In conclusion, we have to state that the thanks of the Government are due to Mr. Charles Smith for his praiseworthy exertions, which have materially assisted us in exposing the frauds which have been perpetrated on the Government, and the present lax system of the Customs Department.

In submitting this Report, we desire to state that we have confined our investigations to matters connected with the "Louisa," and to those irregularities which have been brought to light during our inquiry. We have not considered it within our instructions to inquire into the general arrangements of the department, which we have strong grounds for believing to be defective.

We have the honor to be,

Sir,

Your most obedient servants,

E. W. WARD.

H. H. BROWNE.

JNO. M'LERIE.

APPENDIX No. 1.

The Treasury, Sydney,
26 October, 1858.

SIR,

Circumstances which have just been disclosed, with respect to the clearing and dispatch from this port of the brig "Louisa" on the 2nd ultimo, seem to the Government to demand that an immediate and searching inquiry should be at once instituted into the conduct of the Officers in the Customs Department employed on that occasion.

I have, therefore, the honor to request that you will undertake the duty of conducting this investigation, in conjunction with Mr. McLerie, Inspector General of Police, and Mr. H. H. Browne, Immigration Agent.

The Attorney General has commenced proceedings in the Supreme Court against other parties alleged to be implicated in the extensive frauds perpetrated upon the Revenue; and I have directed the suspension from duty, pending this inquiry, of the following Officers, viz. :—

Mr. C. H. Manton, Clerk.
Mr. John Bramwell, Landing-waiter.
Mr. M. G. Brown, Tide-waiter.
Mr. Edw. Newton, Tide-waiter.

The Collector had previously, with my concurrence, also suspended Mr. Maddocks, 2nd Clerk of Customs, who had charge of the Export Bonds, which have, it is alleged, been abstracted in an unaccountable manner from the Customs Buildings, and are not forthcoming.

The following documents will be laid before you, viz. :—

1. Copy of the Attorney General's information filed in the Supreme Court.
2. Affidavit of the Master of the "Black Swan" (Mr. R. McCue.)
3. Affidavit of Watts, Bonded Storekeeper.
4. The Collector of Customs' affidavit of the clearance.

The points upon which I have to request your report are these :—

- (1.) Whether Mr. Maddocks is at all culpable in not having taken care that Export Bonds were duly executed; or, if they were duly executed, whether he is at all at fault for having permitted the abstraction of those bonds from his custody; or whether it is, in any respect, owing to negligence on his part that these documents have been taken from their proper place.
- (2.) Whether the other Officers of the Customs have not certified to the exportation of certain dutiable goods, per "Louisa," on the 3rd ultimo, when that vessel is proved to have left the port on the previous day; and whether their proceedings, in this and in other respects, connected with this transaction are consistent with the faithful discharge of their duties.

I have also to request that you will inquire into the circumstances attending the subsequent return to port, and the sudden and mysterious departure of the same vessel on the 7th instant; and that you will report generally upon the conduct of any other Officers of the Customs Department which may come under the notice of the Board in the course of the investigation, either as regards this case or the general performance of their duties; and upon any other circumstance referring to Customs frauds which may be disclosed during your proceedings, and yet not pertinent to the case of the "Louisa."

CAPTAIN WARD, R. E.,
Deputy Master of the Royal Mint.

I have, &c.,
RT. CAMPBELL.

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MINUTES OF EVIDENCE

TAKEN BEFORE

THE BOARD

APPOINTED TO INQUIRE INTO CHARGES AGAINST CERTAIN OFFICERS
OF THE CUSTOMS DEPARTMENT IN CONNEXION WITH

THE "LOUISA."

THURSDAY, 28 OCTOBER, 1868.

Present :—

CAPTAIN WARD, R. E., IN THE CHAIR.

H. H. BROWNE, Esq.

J. M'LERIE, Esq.

Colonel Gibbs, Collector of Customs, having been called in, a Reporter from the office of the *Sydney Morning Herald* applied for permission to be present, which the Board granted, on condition that nothing should be published until the inquiry was closed.

Mr. Charles Smith was also allowed to be present, with the understanding that he should watch the inquiry and make any suggestion to the Chairman, but should not himself put questions to witnesses.

The Chairman also intimated to Colonel Gibbs, that should anything appear in the course of the inquiry calculated to affect the character of any officer of his department, such officer would be allowed to be present.

It was also decided by the Board, that if anything affecting the character of an officer of the Customs should transpire during the inquiry in the absence of that officer, he should be informed of it, and called on for an explanation.

Colonel J. G. N. Gibbs, Collector of Customs, examined :—

1. *By the Chairman :* The Board wish to know the duties discharged by the several officers of Customs, from the time of a vessel's arrival in port till she finally leaves it again : will you describe, as succinctly as you can, what those duties are—upon a vessel first entering the port what is the first step taken by any officer of Customs? Colonel J. G. N. Gibbs.
The first step is for the tide-surveyor to board the ship and take down the names of the vessel, the master and passengers, the number of the crew, &c., and where from. The next step is to take the report of the master of the vessel at the Custom House, which he is allowed twenty-four hours to make. 28 Oct., 1868.
2. What is the nature of that report? The report is to the same effect. It gives an account of the number of people on board, the master and crew, the cargo on board, where from, and such points as those, to the truth of which the master declares.
3. Are any papers handed to the officer of Customs by the master? Only the manifest.
4. Are there any papers with respect to the mails on board—Post Office papers? A certificate is sent to us from the Post Office, through the captain.
5. What is the nature of that paper? That the master has landed all his mails.
6. That paper is invariably given? It ought to be; and the 5th Clerk (Mr. Fancourt) initials the manifest, to shew that the Post Office and Pilot Regulations have been complied with. There have been instances where it has not been given in, and the Post Office authorities have taken notice of it, and have proceeded against the parties.
7. That report is made to an officer of Customs—what is the name of that officer? Maddocks.
8. What is his title? Second clerk of the Customs.
9. What steps does he take? He has no further steps to take, except to send the report or manifest to the landing-surveyor, who forwards it to the landing-waiter in charge of the ship.
10. Does he report that to you? No.
11. Is that called reporting inwards? Yes.
12. Does the information rest with him? I am not sure now whether he or Mr. Fancourt takes this report.

- Colonel J. G. N. Gibbes.
28 Oct., 1858.
13. Whose duty is it?* No particular person's duty—according as it may be arranged and altered; the division of duties has occasionally been altered.
14. Who has authority to alter the instructions? Myself.
15. Have you ever allowed Mr. Maddocks to delegate that duty to another? It has not been delegated; it has been done with my consent, no doubt, but I do not recollect it.
16. On official application? No; but by general regulation, that if the cashier was absent, the clerk connected with ships' entry should take the report.
17. Unless under special authority, he is considered to discharge it himself? Yes.
18. He has not authority to delegate it to another? No; it devolves upon another, when necessary, by regulation; who that other may be depending on who is present, as business cannot be stayed.
19. Having received that report, what steps ought he to take? He has no other steps to take, except as stated in par. 9.
20. He does not report it to you? No; it is a matter of routine.
21. What is the next step taken with regard to the vessel—the next precaution on the part of the Customs? If the vessel has dutiable goods on board, an extra tide-waiter is placed on board to see that nothing comes out of the ship without my warrant.
22. When the ship is discharged, what is the next duty performed by the Customs? When the ship is discharged a tide-surveyor goes on board, who jerks the ship and takes off the tide-waiter.†
23. Jerking is a technical term—can you state what it means? It means what I have said,—that the officer goes on board, and sees that all the stores are as they ought to be; that the ship is empty; that all the cargo is taken out of her; and compares the stores with the account taken on coming in. Before the vessel reports at all, a tide-surveyor goes on board, and, as already stated, takes an account of the passengers and stores (not the cargo, of course,) as far as it can be done; this is entered in a book which is kept by the tide-surveyor, and it is eventually ascertained that no larger portion of these stores has been consumed than is proper.
24. Is jerking the same as rummaging? No; rummaging is merely a search; jerking is more, and it is then put into writing ‡
25. Which is the first step? Rummaging is supposed to take place on the arrival of a ship, but it is a perfect farce.
26. Does no rummaging take place when the ship is entirely empty? That is the time the tide-surveyor goes on board and rummages, and jerks the account to ascertain the stores on board; he knows what *were* there, and takes an account of what *are* there.
27. It is the tide-surveyor's duty to see that the ship is perfectly empty before she is put on the list of outward bound? Yes. There are cases where a vessel is crank, and cannot be left entirely empty, when she is allowed, under a stiffening order, to take in goods before the original cargo is all taken out.
28. In such cases you grant special leave? Yes; the stiffening order comes to me, and permission is given by me to do so.
29. When a vessel is laid on a berth outward bound, what steps are then taken by the Customs to check the loading of that vessel? To see that no goods are shipped, though free, without entry is passed for the same, and more particularly if they are goods for exportation from the warehouse, or for drawback.
30. What is the course with respect to goods for drawback, or from a bonded warehouse, for export? In the case of goods for export the party comes to the Custom House, enters into a bond for the goods he wishes to export, and brings the export entry in which they are entered; he signs the bond in the presence of Mr. Maddocks.
31. Who prepares that export entry? Generally speaking, a Custom House Agent; the merchant may do it himself, if he chooses.
32. He executes a bond? Yes, with a view to the exportation of these goods, in the presence of Mr. Maddocks.
33. Is it Mr. Maddocks' duty to see all bonds executed? It has been; I have altered it now, since this affair came to light.
34. Into whose custody do these bonds go? Mr. Maddocks receives these bonds, and, of course, they are in his custody. There are many things which I wish were not so; for instance, we have great difficulty in getting parties to come together to sign these bonds, and therefore the bond is put into Mr. Maddocks' desk, and locked up till the second party comes to sign it.
35. Do you require that bond to be executed before you allow any bonded goods to be issued from the warehouses? Yes.

36.

* It is, as stated above, the cashier's duty, and in his absence the clearing clerk's, Mr. Fancourt. If both are absent, the fourth clerk, Mr. Mowle, would take it. In a department like the Customs business can never be delayed, and although the division of duty is arranged when all are present, that duty must be occasionally taken by a different clerk from the one who it was intended should perform it. Formerly the chief clerk was the cashier, and presided in the Long Room, took the cash and all the leading duties when the Collector might be away from his office; but when, from the change in the system on the introduction of Responsible Government, the chief clerk became the assistant or secretary to the Collector, many of his duties were given to the second clerk, who was made the cashier, but which I now think should have remained as they were, with the chief clerk, who then should have been relieved from some of his present duties.

† Ascertain, also, that all the cargo is discharged.

‡ It is a comparison of the entries by the jerker for goods landed with the goods set forth in the inward manifest. If there is no entry for any article in the manifest, the master is called on by the jerker to account for it. Jerking by the tide-surveyor has nothing to do with the manifest beyond the account of the stores. The landing-waiter reports to the tide-surveyor that the cargo (as per manifest) is out. He then searches to ascertain that no dutiable goods are stowed away, for the purpose of being run after the tide-waiter is taken off.

36. If the people who are required to execute a bond on dutiable goods for export delay to execute the bond, the loss falls upon themselves only? Yes, of course. Colonel J. G. N. Gibbes.
37. They can take no steps to load their vessel till they execute the bond? No; the export entry for the goods mentioned in that bond would not be passed, and therefore the goods could not be shipped; but there may be no bonded goods on board—all free goods. 28 Oct., 1858.
38. You say these bonds lay a long time unsigned? Not a long time—sometimes a few days, for the second signature.
39. No risk can occur to the Government by these bonds not being executed? No—at least it ought not to be so; the entry ought not to be passed, and I presume, and believe, has not been passed; and if it has not been passed the goods cannot be got out of the warehouse.
40. Whose duty is it to pass these entries? They are passed before Mr. Manton, the clearing clerk.
41. Has Mr. Manton any communication with Mr. Maddocks, to see that the bond is signed, before he allows the entry to be passed? Yes; Mr. Maddocks is there to be applied to. It has been the practice lately for Mr. Maddocks to initial the corner of the entry, as a sign that the bond has been entered into, and then it is handed over to Mr. Manton.
42. It is Mr. Manton's duty to take security of that character before he issues the goods? Yes. There is no rule nor regulation in the Customs Department for such a course to be pursued, nor any law, but that has been latterly the practice, that Mr. Maddocks initials the entry.
43. You consider that practice to be essential for the protection of the public revenue? No; for, as will be seen in this case, some of these bonds were executed before Mr. Manton, as Mr. Maddocks was not there, and of course Mr. Manton was secure in passing the entry if he had the bond.
44. You consider it as essential for the protection of the public that the bond should be executed? Yes.
45. And you would not approve of deviation from that course? No.
46. Have you given authority to Mr. Manton to take these bonds? I could not answer that question. I do not know.*
47. Do you consider that he exceeded his duty in taking these bonds? Quite the contrary; it would have impeded business if he had not done so.
48. The bonds having been executed, who is responsible for their safe custody? The cashier, Mr. Maddocks.
49. If a bond were taken from his custody you would consider it was owing to his fault? Of course it would be. It appears he has not taken precisely the same precaution as his predecessors had done, for as soon as a bond is completed, by having the signatures of the different parties, he gives it to the messenger, to be filed; the messenger adds that bond to the others, and they run on for the month; the messenger adds the last bond entered into to the file of papers; they are then sewn through at the corner; he then places them in a certain part of the Long Room, during the hours of business, and then locks them in a secure drawer, where they remain.
50. Is that done by your authority, or Mr. Maddocks? Mr. Maddocks'.
51. Entirely on his responsibility? Yes.
52. Do you consider him justified in doing so? Not altogether. As a matter of course Mr. Maddocks has too much to attend to, to file these bonds, and therefore naturally gives them to some one else, namely, the messenger in the Long Room, to be filed; but in my opinion they should go back to Mr. Maddocks, and be locked up in his desk. Whether they would be safer it is impossible to say; for since this business, on three successive days, one of the clerks in the Long Room who has been doing Mr. Manton's duty, while he is on leave of absence, looked up Mr. Manton's desk in the afternoon, and in the morning the desk was open.
53. Has Mr. Maddocks the means of properly securing these bonds in proper custody? He has the same security as there has always been. He has a place with a patent lock upon it where they always used to be kept *under* the cashier's desk.
54. You have said it is Mr. Maddocks' duty to take charge of these bonds—has he the means of discharging that duty? Certainly.
55. There are sufficient means within the Custom House to secure the bonds properly? Yes. I think Mr. Maddocks' compartment is the most secure in the Long Room; but I am afraid no part of it is very secure. I have therefore ordered the bonds to be placed in the chief clerk's (Mr. Llewellyn) room, to which no one has access. They have access to the Long Room at all times—reporters and various other people.
56. If I understand you, Mr. Maddocks had other means of placing them in security besides the Long Room? No, he had not. He should have put them in a tolerably secure place in his own compartment; there is a place with desks and drawers.
57. Then I understand you to say that to put them in the Long Room is adequate security? It used to be thought so. I do not remember that we had any accident in days gone by about these bonds; this is the first instance; so far therefore they may be thought secure; but I have considered it advisable now that they should not be kept in the Long Room †
58. Has Mr. Maddocks ever made any complaint that the bonds were not secure? No.
- 59.

* I do not know whether I did or not, but should say the latter, because it would be unnecessary. It is, and must be, the practice, that when one clerk is out of the way some other clerk takes his duty, or public business would be at a standstill. The clerk taking a bond is only a witness to the signatures, and the junior clerk is, consequently, as competent to take it as the senior.

† Particularly as so much stress is laid on the only accident that has occurred to a bond in 24 years kept in a public office open to everybody.

- Colonel J. G. N. Gibbes. 59. It would have been his duty to do so if he had felt any insecurity? Yes; but without doubt he did not consider them insecure.
- 28 Oct., 1853. 60. Has Mr. Maddocks made any complaint with respect to the duty discharged by subordinate officers, either as connected with the security of these bonds, or in any other way? No.
61. Then, if I understand you rightly, Mr. Maddocks, by having allowed these missing bonds to get out of his custody, neglected his duty? Yes. It is the system which no doubt has run on for a great length of time, and I dare say they were considered sufficiently safe. As I have already stated, I do not think such a thing ever occurred before in the twenty-four years I have been Collector, nor has there been but one export bond put in suit.
62. You say the system has gone on for a length of time—was it not with your consent? Not with my consent; in fact I may say I was not aware of it.
63. Well, having these bonds duly executed, what is the next step which the Custom House takes as regards the shipping of goods, in order to protect the public revenue? There are various little things to be done, such as reference to the warehouse-keeper's books, and so forth. The export warrant is delivered to the export officer for the occasion. The export warrant is made out immediately after signing the bond.
64. Then the shipper goes to the bonded warehouse, is that it? * Yes; he then gets an export officer appointed to procure the goods from the warehouse in which they have been deposited; that export officer goes to the warehouse, delivers the warrant to the locker, and the locker then delivers the goods to him.
65. Is this the warrant? (*Referring to the "Louisa's" export orders*) This is the document. There is a document given which is called the locker's order—
66. An order to the locker to deliver? Yes; and that the locker keeps as a security to himself, but this is the export warrant, passed in the usual way; it is a printed document, and specifies the goods delivered to the export officer. For instance, on the back of this warrant, "Port of Sydney—Delivered the undermentioned goods to the export officer on "2nd September, 1853, 8½ tierces of tobacco," giving all the marks and numbers; this is presented by the export officer (drays being in readiness) to the locker of the bond in which the goods have been placed.
67. What is the locker's duty? It is the locker's duty, on the strength of this delivery order, to give the goods to the men waiting outside, and to place the goods on the drays in charge of the export officer, who accompanies them to the ship.
68. Does the export officer sign a receipt? No, not for goods from bond.
69. It is his duty to accompany the goods to the ship? Yes; he takes them on board, and gets a receipt from the chief officer or master of the ship for them.
70. Anything else? Having received the goods from the locker, taken them on board the vessel, and got the receipt of the proper authority on board the vessel for them, the export officer's duty is then over, with the exception of calling upon some landing-waiter as a kind of confirmation to sign this document.
71. If I understand aright, it is the export officer's duty to see these goods taken to the ship, and then to sign the export warrant? Yes; he signs under the word "Shipped."
72. He is bound to follow the goods to the ship always? Yes.
73. He is not allowed, under any pretence, to leave the carts? No.
74. If he can get a landing-waiter upon the spot, it is his duty to get his signature also? Yes; and if the shipments take place in the presence of the landing-waiter, that landing-waiter would be quite safe in signing it; but my objection is to his signing that which he has not seen.
75. To four or five wharfs there may be only one landing-waiter? Yes.
76. And therefore it is impossible to get a landing-waiter to sign the export orders? To get a landing-waiter that has seen the goods shipped is almost impracticable. In the whole range of wharfs in Darling Harbour, from the Grafton Wharf to the Albion Wharf, we have but two officers.
77. Does the export officer see the goods to the ship only, or into the ship's hold? He ought to see them put into the ship's hold.
78. The export warrant being signed by one or two responsible parties, as you have described, what is next done with respect to the protection of the public? The next step taken on the part of the export officer is to endeavor to get the signature of a landing-waiter; but if he does not happen to see one, he takes it back to the Custom House to its proper destination; or he may find a landing-waiter, and if he does so, he asks him to sign it; and upon his doing so the document is then lodged with Mr. Manton, and being attached to this paper, which is a duplicate of the ship's clearance, they are then filed and put away.
79. Before a ship can leave the port are there any papers required from her? Yes.
80. Is there any paper to show that she has been rummaged? The tide-surveyor reports that he has rummaged the stores.
81. Before she finally leaves the port what paper does she deliver up—assuming she has taken in the cargo, and before the vessel has finally cleared out, is not a paper required—a rummage certificate in fact? No. When the cargo has been shipped, or supposed to be shipped, and the vessel is ready for sea, the master then comes to the Custom House, produces the content outwards, which is generally prepared by some Custom House Agent, and he declares to the truth of the shipment of this cargo.
82. Before that declaration is finally made, is the master not required to deliver up sundry papers, for instance, a rummage certificate? No.
83. Never? No; I am not aware there is any rummage certificate; that is the tide-surveyor's business.†

84.

* No, not one shipper in twenty ever goes near the bonded warehouse.

† It has already been stated that the rummage certificate is sent to the jerker, when the inward cargo is discharged, and is filed with the inward papers. It has nothing to do with the outward cargo.

84. Is there nothing else but these documents necessary after they come back to the Custom House, to enable her to clear? Not that I know of.*
85. Would you clear a ship on these documents? Yes, certainly.
86. Supposing a rummaging certificate from that vessel is not received in the meantime, would you allow her to go out? I scarcely know.† I sign all these clearances when I am present; but I do not clear the vessels myself, and I may have omitted some papers, but I think not.
87. A vessel, from the time of its coming in till leaving the port finally, has a certain number of certificates to enable it to proceed on its course—among them is a rummaging certificate: would you allow a vessel which had come in to leave the port without having, between the time of coming in and going out, received a rummaging certificate from an officer of Customs? It is a question I do not feel prepared to answer; in fact, I do not quite understand the drift of it.
88. I wish to know whether you require a rummaging certificate from the captain of the ship? Certainly not. A tide-surveyor rummages the vessel. He does not report to me in every case, but only when he finds something wrong in the cargo or the stores.
89. He does not in every case give a rummaging certificate? Certainly not.
90. A rummaging certificate is not required to allow a vessel to go out again? No.
91. Are these the only papers required by you in order to grant a clearance? Yes, these are all.
92. That is, the export warrants and the master's content? Yes.‡
93. You were saying just now that in many cases you are not able to get the certificate of a landing-waiter who has actually seen the goods put on board? Yes.§
94. What has led you in all cases to require it? Mr. Barnes, Collector of Customs at Hobart Town, and Acting-Surveyor General, was ordered here by the Board of Customs, and, among many other arrangements he made, he gave an order that a landing-waiter's signature should be placed on the back of the export warrant, to complete the document, whether he had seen the document or not.
95. And it is under his order that you have always required some landing-waiter to sign the warrant? Yes.
96. Should not the export officer, when he takes goods on board a vessel, ascertain first whether he can get the signature of the landing-waiter that attends on the wharf, before he goes to another? Yes, certainly ||
97. Is there a landing-waiter at the Grafton Wharf? There are two landing-waiters to the whole range of wharfs in Darling Harbour.
98. Is Mr. Bramwell one of them? He was not one, and is not.
99. Could you state whether, in the case of the "Louisa," when these goods were cleared out of Walker's Bond there was a landing-waiter at the Grafton Wharf who could have signed that certificate? I apprehend there should have been. There are altogether two landing-waiters in that part of the harbour, and therefore I should have thought there would have been one to have signed.
100. You think Mr. Newton should have got the signature of that officer in preference to Mr. Bramwell's? I think he ought; but from the nature of this transaction I think it very probable the officer might think it did not matter who signed.
101. Is it not the usual practice for the landing-waiter who belongs to the set of wharfs to sign? I cannot tell you.
102. Mr. Bramwell did not belong to that set of wharfs? No.
103. Who are the landing-waiters belonging to that set of wharfs? Mr. Carron and Mr. Anderson. The landing-waiters are shifted every quarter. I find that last quarter Mr. Carron and Mr. Anderson were the landing-waiters belonging to that set of wharfs. ¶
104. Is it usual to take the signature of the Custom House Agent for goods shipped for the South Sea Islands from bond? Not for the amount.
105. Not for the security, in fact? Yes. I allow the Custom House Agents to sign bonds in conjunction with the shippers, to the amount of £200 and no more. Therefore this case (*alluding to a bond shewn him by the Board*) is a deviation from the general rule; but I dare say it is one of those things that has lapsed. It arose from a circumstance in connexion with the only other case I recollect—a Custom House Agent having signed a bond for £6,000 in conjunction with a shipper. The goods were run, the shipper escaped, and the Custom House Agent was put in prison, and after a length of time was released; and from that time I gave orders that Custom House Agents should not sign at all; but as it was pointed

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* In fact there are no ship's papers come back. The only papers outwards to be produced are, the certificate of clearance, the content, and sometimes a certificate of produce, and a passenger list.

† The rummage certificate has nothing to do with the outward cargo, and if a little consideration is given to the subject, it must at once be seen how utterly impossible it would be to rummage a full ship with cargo from the keel to the deck.

‡ But the export warrants do not go with the ship.

§ In numerous cases the landing-waiter cannot see the goods put on board; in fact, persons conversant with London practice—such as Mr. Metcalfe and others—can tell you that even there the searchers sign over and over again for goods which they do not, and perhaps cannot, see shipped. We have one large ship in port now whose shipping bills are not signed at all by any searcher.

|| But if there is not one, he has no alternative but to procure that of some other.

¶ I have now learnt that Mr. Carron was all that day at Barker's Wharf, and Mr. Anderson at Macnamara's, assisting the landing-waiter there under a press of business; and I believe that all the entries outwards having been passed on the same day, with the exception of two, were taken in the lump to the first landing-waiter whom the export officer fell in with, and that that officer was Mr. Bramwell, who, according to long practice, signed them.

Colonel J. G. N. Gibbs. pointed out to me that that would be detrimental to public business I altered it to signing for £200, and I was not aware that the rule had been broken through. It may be easily understood, that in an establishment where there are 101 persons I do not see all that goes on, or remember after years every order given.

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106. In this case the bond was signed in opposition to your instructions? Yes.
107. Are you aware how many bonds were taken in the case of the "Louisa"? I cannot state it as a positive fact, but I believe three.
108. Can you state who signed them? No. I did not see them, but I have no doubt they were signed by the same parties. One would most likely be signed by another party of the name of Abbott.
109. What steps are generally taken to ascertain the solvency of the party who signs the bond? None; we cannot; we might stop business altogether if we were to inquire into such matters. For instance, a bond was signed to-day by a person whom I believe to be of no substance, but I have no means of knowing.
110. Have you no power to make them justify? No.
111. Is that the English practice? Yes, to take them as they come. I can only judge of my own port in England; I knew most of the parties there, and knew pretty well whether they were responsible parties or not.
112. Have you ever given an order that no Custom House Agent should sign bonds for the export of goods shipped to any place where there is no Custom House? No, I have not.
113. Then you do not make any difference in signing bonds with reference to goods sent to the South Sea Islands and goods sent to any other place? No; I do not see how I could. I am of opinion that some change should take place with regard to the South Sea Islands, and I should propose myself that no such goods as these should be shipped to any place without there was some person competent to sign a certificate for their delivery. According to the English law, in places where there are no Customs establishments the Consul, or, where there is no Consul, a merchant is called upon to sign. And I believe it goes further than that. I should be inclined to recommend that on islands where there are no other suitable persons even a missionary might sign, to shew that the goods had been delivered.
114. Are you aware that the clearing clerk took the declaration of the captain of the "Louisa" upon the 2nd of September, and also upon the 7th of October? On the 2nd of September he did; I cannot say about the 7th of October.
115. That is dated the 2nd September (*handing the first declaration referred to*)? Yes.
116. And this is dated the 7th October (*second declaration*)? Yes; here is his signature.
117. Is that regular? Yes.
118. You allow him to do so? I do, if I am not there. I sign all these if I am present.
119. On the 7th October the "Louisa" cleared out after hours, did she not? That I cannot say. I do not recollect the circumstance, but it is possible she might.
120. Do you remember her coming in at night, and going out the same evening—being towed out—clearing out in ballast? I do not know anything about that; all I know is that she did come in, and I was asked whether it was necessary for her to report. I said I did not consider it necessary for her to report, but that as her position was somewhat peculiar, I should call upon her to report. I expected she should be reported inwards and cleared outwards. It was stated to me that the vessel came in merely to procure some fresh hands, who were shipped from Mr. Venour's office. She landed nothing, took on board nothing but a small quantity of stores, and proceeded to sea. It is not necessary, supposing a vessel puts in merely for instructions, or for various other reasons, that she should report.
121. In this case you required a report? Yes.
122. Have you given authority to the clearing clerk to take the declarations of captains of vessels that clear out after hours? I have. It is my wish to give every facility to the public. In England vessels are cleared at nine and ten o'clock at night—in London and Liverpool; and I had no reason to suppose I ran any risk. I consider that person is quite competent, and I see no reason why he should not do it. I would not stay till nine at night, and therefore I consider it necessary for the convenience of the public that he should have authority to do it.*
123. When the "Louisa" cleared out, on the second occasion, was that document—(*the content outward*)—the only document necessary to allow her to clear, after having been reported inwards to you? Yes, I should say so; I do not see any thing else that was wanted.
124. When the "Louisa" came in on the second occasion was it the duty of the tide-surveyor to have gone on board to rummage the vessel? Yes, he ought, certainly, to have visited her, and I believe his coxswain and boat's crew did board her, and found her in ballast.
125. And to furnish the usual rummage certificate? No; merely to make a report of it, as she had no cargo to rummage; she was in ballast.
126. You considered that in the case of the coming in of the "Louisa" you were justified in taking that precaution? I thought it desirable.
127. Did you require a rummaging certificate of her? I am not aware whether a rummaging certificate was presented to Mr. Manton, or not; in fact none was required.
128. You did not consider it necessary that a rummaging certificate should be attached to that document before you cleared her? No. The Board seem to place a good deal of reliance on the rummaging certificate, but I must own I do not see the use of it. What was the officer to rummage and report? A rummaging certificate is not usual here. The officer goes on board, examines the state of the vessel, and enters it in a book. He only comes to me if there is anything wrong; he then shews what it is, and I take steps accordingly; but I do not know myself that there was anything in this case that required him to go on board, though I thought he did so.

* The Hunter River Steam Company's vessels are cleared out almost every night at 8, 9, and 10 o'clock.

129. We wish to know whether Mr. Manton was justified in clearing this vessel during your absence, without having any certificate attached to the captain's content anything beyond what you see here—(referring to the papers produced).* Did he perform his duty in letting the ship go without anything else? I must own I do not see that anything else was necessary; but I will reserve my answer to the question, and make inquiry what Mr. Bremer did on that occasion. If Mr. Bremer did his duty he would board that ship, and would find, as I presume, that she was empty, or in ballast, with only a few stores on board.
130. Will you say whether the jerker performed his duty with respect to the "Louisa" on the second occasion? He had nothing to do with her.
131. Not when she was reported inwards? No. The jerker's duty is a very arduous one; he jerks all the books respecting the landing of goods; that is his province. He has not much to do with these vessels.
132. The "Louisa" was reported inwards? She was nominally reported inwards.
133. Does not his duty commence when a vessel is reported inwards? No, he has nothing to do with it; that is the tide-surveyor's duty. He should board all ships coming into port, and see their condition. I dare say Mr. Bremer will be able to shew from his books the state of this vessel.
134. You consider that the jerker had no duty to perform with regard to the "Louisa," when she was reported inwards the second time, nor before she went out? No; there was nothing to jerk.
135. You do not consider that he had anything to do with this vessel in this case? Nothing whatever—
136. This is an exceptional case? Yes.†
137. Did the "Louisa" when she entered the port on the 7th of October produce any Post Office certificate? That I cannot answer; but the vessel came in and went out again on the 7th October.
138. Either then or since? No.
139. I think you said that no vessel could enter inwards without a Post Office certificate? I doubt whether the Post Office would expect any letters or give any certificate to a vessel coming in in that way; but at the same time I am not positive on that point. I think the law with regard to the Post Office certificate would not effect such a case; but I am not positive on that point.
140. Can you tell the Board whether with respect to the subordinate officers of the Customs they are entitled to fees for the discharge of their duties? Only for extra hours.
141. Fees from the captain of the vessel or the parties whom they check? Yes; if an officer works in hours that are his own, (not the usual office hours), he is entitled to receive pay from the party whose work he performs.
142. Are there any regulations with respect to those fees? I think not with regard to the in-door officers; there are with regard to the out-door officers—one shilling an hour is paid upon each £100 of his annual salary.
143. How is that paid, is it paid direct to the officer? Direct to the officer.
144. It does not come through your hands? No.
145. Then there is no check that he is not paid double the amount? No, nor would there be if it passed through my hands. The proper amount might be paid through me, but I could not know how much more he received.
146. The only fees allowed are those paid to the out-door officers, who are paid for extra hours? I consider that in any branch of the service if any officer gives up his time in order to expedite the business of private parties he is entitled to be paid, upon the same principle as the out-door officers. Indeed, I am not sure that there is not a regulation in England of that kind. The landing-waiter, to accommodate the master of a ship and consignees, goes to business at an earlier hour in the morning, or remains until a later hour in the evening than the rules of the service require, and I see no reason why in such cases the individual who is benefited should not pay him. He might shut up his desk and go away if he pleased, but he remains for the accommodation of the public.
147. Are these officers bound to stay whether they like or not? No they are not, but it is my direction that they should stay, and, in fact, they are, if ordered, bound to stay according to an old regulation of the Board of Customs, which states that officers shall stay beyond office hours where it is necessary for the accommodation of the public.
148. Can you compel the parties whom these officers check to pay them? Yes, certainly, out-door officers; I do not know about the in-door.
149. Can you do so by law, or by refusing to allow your officers to work? It is by regulation. I do not think it is in the law; I am not positive about that. The regulation was made by the Board of Customs, and although we are no longer under the Board of Customs, this Government has issued no particular instructions, and we therefore act as though we were still under the Board.
150. Do you think any reform might be made with respect to that practice? No.
151. Do you not think that officers who act as checks upon others should be paid by those whom they check? I do not know who else is to pay them—the Government would not.‡
152. Assuming that they would, do you not think it would be better that they should, because it is business done on account of the Government? It is more on account of private parties.

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* Mr. Manton was perfectly justified in clearing the "Louisa" on this occasion, and required no other documents. It is quite plain that the Board do not understand the nature or object of a rummaging certificate, which, as has been already stated, is only inwards in a vessel with cargo, after that cargo is discharged.

† Like all such cases of vessels in ballast.

‡ It is not the owners of the goods who pay the officer, but the master or agent for the ship, and the check of the officer is on the goods.

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153. Putting aside the particular hour of the day, it is just as much Government business as if it were done in the middle of the day? Of course it is; but I consider that unless special application is made to me, and I give orders to him to attend, a clerk is not bound to do so unless he pleases. I have stated that the English orders are that officers shall stay beyond the usual hours when absolutely necessary for the despatch of business, and it is upon that principle that vessels in the large ports of England clear at all hours of the night—I mean by all hours of the night till ten or eleven o'clock.
154. If I understand you rightly, no application was made to clear the "Louisa" when she came in at night on the 7th October? I think not.*
155. The whole of the business on that occasion was done by Mr. Manton? I fancy so. The usual clearance for a vessel in ballast was given.
156. Do you know the reasons given for the return of that vessel? The reason given for its return on the 7th was, that the vessel having cleared from New Caledonia for the Navigators Islands found it necessary to run for Sydney, in consequence of the dangerous illness of the person on board who was acting as chief officer, and that this person died, and was thrown overboard before the vessel arrived here. The description of the crew on board was such that without an officer the captain must have kept watch the whole voyage, night and day, and he therefore thought it better, having a fair wind for this port, to come here and procure the necessary hands, and then to pursue his voyage to the Navigators.
157. You had no reason to suspect his story? No; I thought it singular, but he did not tell it to me—I think it was Mr. Stewart.
158. Did any one breathe any suspicion to you with respect to the vessel's coming in? No, I think not; I never heard anything of this business till I heard it from the Minister of Finance—when that was I could not say.
159. Is it the practice to clear out vessels for foreign ports after hours? Yes.†
160. The general practice? Yes; it may not be often called for; if it is they are cleared.
161. What is the main duty of the clearing clerk—I do not mean his extraordinary duty when you give him extraordinary powers? I could not give you a detail of them. He has various duties to perform as well as that, for there are some occasions when no ships are being cleared, but he is the party who is deputed to perform that particular duty, to take the declarations of the master, and, in short, to see to everything connected with the clearing of a vessel going out—and why should he not? he is perfectly competent.
162. To see that all the certificates are right before he gives the clearance? Yes, all the papers.
163. Does he get a fee for the declaration? No.
164. Are the duties of the export officer confined to what you have been stating; that is, to following goods to the wharfs and seeing them put on board the ships? Yes.
165. Has Mr. Newton, the export officer, ever been suspended by you for misconduct? I could not answer the question decidedly, but I am inclined to say that he has been.
166. Then I suppose you cannot recollect the circumstance? No.
167. It is not a recent occurrence? No. I think I did suspend him for something, but do not recollect what.
168. He had leave the other day, had he not, after clearing out the "Louisa?" He had no leave from me.‡
169. You are not aware whether he had leave? All I know is, that I understood he was taken ill at Parramatta. I had a certificate from a medical man there that he had met with an accident, and I had also a second certificate to the same effect. I think he must have been absent a week.§
170. There are export warrants existing (*the Chairman here referred to several documents before the Board*) shewing that a number of packages, consisting of hogsheds of rum, quarter casks of brandy, casks of whisky, &c., amounting in all to 296 packages, were put on board the "Louisa" by the export officer on the 2nd September—do you think it likely he could put all these on board in a day? It is a large quantity and looks suspicious; it would be a great many dray loads.
171. Does it look like the ordinary work of one day? I should say it is beyond the ordinary work of one day.
172. For one export officer to see after? Yes, I should think so.
173. Do you think the quantity could be put on board in one day, even with the extra hours? I cannot give an opinion upon that.
174. Do you think the goods could have been put on board before one o'clock in the day—before the dinner hour? I should say not; I should think it would take pretty well the whole day.
175. 296 packages, many of them bulky? I should say it is very unlikely they could have been put on board before one o'clock; but I am not a very good judge of such matters; I do not know what the drays carry; I think possibly it might have been done by four o'clock.
176. You think there is no probability that it could have been done by one o'clock? I think that is quite out of the question; much, however, would depend upon what wharfs the goods came from.
177. They seem to have been taken from Lamb's, Gilchrist's, the Chilian, Walker's, and Macnamara's bonds, and to have gone to the Grafton Wharf? I think there would have been

* But she came in during the night of the 6th—was found in the harbour on the morning of the 7th, and sailed the same day.

† All ports are foreign to this, except those on our own coast.

‡ Neither had he anything to do with the "Louisa" on the 7th October, that I am aware of.

§ There is nothing to prevent an officer going after 4 o'clock p.m. to Parramatta, without asking leave, and returning again by 9 o'clock next morning. In this case, it would appear that he met with an accident, and could not return.

been more difficulty in that case; for unless good arrangements were made by the export officer beforehand, so that the moment he had seen certain goods carried to the wharf he could go away to the nearest, there would be great difficulty in going with the drays. Indeed, I think the difficulty would consist in that, rather than as to the quantity of the goods.

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178. He certifies that he has seen all the goods down, and has shipped them? Yes; it was his duty to see every one of these packages put on board the ship; and though he might not go the absolute length of seeing them stowed in the hold, he should see them taken on board.

179. He ought to have followed every cart? Yes.

180. And remained with the goods until he saw them on board the ship? Yes.

181. We will now turn to another point: What security is taken for the safe custody of goods in bonded stores—will you describe the steps taken by Government from the first application for a license being made—do you, on application being made, inquire into the applicant's character before you grant him a license for a bonded store? Generally speaking, we do not call upon him to shew who and what he is, but I usually make some little inquiry about the parties. They do not enter into a bond at all; they merely apply for a license for a bonding store, and the appointment of that bonding store is in the hands of the Collector. I send the application first of all to the Inspector of Warehouses, that he may go and inspect the premises that are intended to be bonded, and to give his report upon them. He examines the premises, sees that they are properly secure, and that such alterations as may be necessary are made; he then measures them and ascertains their capacity, with a view to the tonnage duty being taken. He then sends in his report to me, and that is sent in with a letter for the approval of the Governor General.

182. And on the approval of the Governor General the license is granted? There is no license; it is reported to me that the store is approved as a bonded store, and upon the alterations recommended being made, and the fee paid, the party may commence taking in goods.

183. What security do the Government take that goods bonded in the stores are properly protected? There is a locker appointed to be always at the store while it is open. He cannot get into the store without the proprietor or occupier of the store, neither can the occupier get in without him. There are separate locks, the locker keeping the keys of one lock, and the storekeeper's man the keys of the other. That is the only security, excepting the bonds which are given by the importer on the entering of the goods for the due lodging of them in a particular store, and I do not see what more need be required.

184. Who enters into the bond? The owners of the goods.

185. What is the purport of the bond—do the parties make themselves responsible for the keeping of the goods in the store? No; the purport is merely that they shall go to the store, that they shall not, between the ship and the store, be walked away—in fact that they shall not go into consumption without payment of the duty.

186. What certificate does the owner take from the person to whom he delivers the goods to shew that he has delivered them at the store? Our books shew that.

187. The locker's book? Yes; that shews all the goods that go into the bond are entered in a book by the lockers, and also by the landing-waiter, and all the goods that go out of bond are written off every time they are delivered. The number and description of packages are summed up on a very long sheet, to shew the balance in bond.

188. When the owner of goods sends goods to a bonded store he takes a receipt from the bonded storekeeper? Yes, I suppose so, but the Customs have nothing to do with that. The bonding system is a boon to the public, not to the Government. A certificate is given by the occupier of the warehouse to the person bonding, but I do not acknowledge it as of any value to the Government.

189. Then the locker and storekeeper are mutually answerable for the security of the goods in the store? By the way, I am wrong in saying that the bond ceases on the delivery of goods into bond; it does not; on the contrary, it remains in force three years, and if the party placing goods in bond sells them, he may say to the purchaser "I will not have my bond remain, you must enter into bond." He does so, and the first bond is then cancelled; but not one man in fifty thinks of doing it here; and in truth, that man's bond could be sued upon at any time if anything occurred, although the goods might have passed through the hands of three or four other persons.

190. When the owner wants his goods from the store what does he do? He passes an entry to take them out of bond.

191. Either for home consumption or for export? Yes. The difference is in the entry. Where the goods are for home consumption the entry is for duty, the duty is paid and the locker's order is written and sent for the goods; if for export, I have already explained the process.

192. When you want goods to be transferred from one bond to another, is there a similar entry made? No; there is an application made to me. Mr. A. writes to say that he has purchased fifty hogsheads of brandy from Mr. B, in such a bond, and wishes to have it removed to his own or some other bond more convenient. The order is then given for the removal of these goods from one bond to the other, and, of course, the locker in the bond where they have been stowed writes them off, with proper comments, as to when and where they were sent. The locker at the bond to which they are sent enters them in a book, with such notes as are necessary.

193. Have any representations been made to you with reference to the irregular manner in which the Chilean Bond has been conducted? No.

194. That has never been brought to your notice? No.

195. Have you any reason to suppose it has been at all badly conducted? No; certainly not. I was spoken to respecting it by a gentleman, who might not wish to have his name

- Colonel J. G. mentioned, a Member of the Assembly; he asked me whether it was right that the lower part of the Chilian Bond should be occupied as a private store, while there was a bonded store over-head. I said it was quite usual, and that I would, if he pleased, walk with him and shew him the bond, which is, perhaps, one of the best secured stores I am acquainted with. He however declined doing so*
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196. What is your opinion of the mode in which the business is conducted there? I have never had any complaints of it.
197. Who is the locker there? The lockers vary, but the last locker there was a man named Brown.
198. Is that the Brown who has been suspended? Yes; he had charge of Walker's Bond, and of the Chilian Bond; they are two bonds which are open only half the day each—Walker's Bond, as it is called, which is kept by Mr. Williams, the late American Consul, is opened from nine till one, and the Chilian Bond from one to four, and when the locker leaves one he goes to the other.
199. What duty does the Inspector of Warehouses perform with respect to the lockers? The lockers are under his supervision.
200. Are the books kept according to his instructions, or according to yours? The mode of keeping the books was introduced at the time he came in, but suggested (if I am not mistaken) by Mr. Weekes, M.P.
201. Who is responsible for the system of book-keeping? The Inspector of Warehouses is liable for everything relating to these warehouses.
202. Do you recollect Mr. Billyard calling on you on the morning of the 23rd of October? I recollect Mr. Billyard calling, but I could not say the date.
203. About four or five days ago? Not long ago; I dare say it was the 23rd.
204. Do you recollect who was present during that interview? I think his clerk, but I am not sure.
205. Any one else? Mr. Jackson only, I think.
206. Was Mr. James Stewart present? No, I should say not.
207. Did Mr. James Stewart make any promise that he would call at Mr. Billyard's in half an hour to make the declaration required of him? Yes. Mr. Billyard said, "I wish you would order Mr. Stewart to go to my office to make an affidavit"; I said, "I have no power to order him, he does not belong to me; if you wish, I will ask him to do so." I sat down, and wrote a few lines, to say that Mr. Billyard wished him to go to his office, and I requested him to do so. As I understood he afterwards went, but would not make the declaration or affidavit that was wanted.
208. What was the nature of the affidavit? I do not know; it was something Mr. Billyard wanted.
209. He did call at Mr. Billyard's office, but did not make the affidavit? Yes; I was told he did not make the affidavit.
210. I think at one time you doubted whether the "Louisa" left on the 2nd or 3rd September—have you now made up your mind? Yes, I have now made up my mind that she left on the 2nd September, but there was conflicting evidence on the point, which at first created some confusion. No doubt she was towed to sea on the evening of the 2nd. Mr. Manning had it down in his books on the 3rd, but the captain of the steamer stated that it was the 2nd, and gave as his reason for being positive on that point, that he had returned from Manly Beach when he was required to tow her out, and was somewhat disappointed at being obliged to go back. The steamer does not go to Manly Beach on Friday, but on Thursday, therefore that circumstance proved that the "Louisa" must have been towed out on Thursday.
211. Is it usual to take bonds from Custom House Agents for the faithful discharge of their duties? Yes.
212. Was a bond taken from Mr. Stewart? Yes.
213. Have you it in your custody? Yes.
214. Was it duly executed? Yes.
215. Have you any objection to produce it? No.
216. It has been stated that you have lately recommended the promotion of a good many of the officers who have now been suspended, in connection with the "Louisa" affair—is that the fact? Not one of them.
217. You never have recommended one of them for promotion? No. Perhaps, on recollection, I ought to correct what I have just said, although in one point of view it is quite right. I did not recommend any for promotion, but an application in writing was made to me by Mr. Bramwell to be sent to Rockhampton. That application I sent to the Government, but I made no recommendation. I said that from his long practice here, and his knowledge of the English practice, he was competent to perform all the duties. He was many years in Liverpool as an officer of Customs, and was sent out by the Lords of the Treasury as a tide-surveyor, and ultimately became second landing-waiter. I sent in his application, and I am not sure that I did not send in one from Mr. Manton. I sent in a good many, but there was only one person whom I really did recommend, and that was Mr. Hindmarsh, as a fit and proper person to go. All this, however, was prior to any rumours of the "Louisa" case being talked of; and even now I consider there is nothing to connect Mr. Bramwell with the alleged smuggling by the "Louisa."
218. From what you know of the whole business affecting the "Louisa," do you think the twenty half tierces of tobacco shipped for Tasmania were intended to be used for a lawful purpose? I could not give any opinion as to that.
219. Had you any suspicion? Not the least; I never heard of it until yesterday.

220.

* But I may mention, to shew that such is not uncommon, that Campbell's upper bond is reached by going through his free store,

220. Considering the parties connected with it, it has not raised any suspicion in your mind? I certainly think it very odd. Colonel J. G. N. Gibbes.
221. Your suspicion is not strong enough to enable you to proceed in the matter? Certainly not. There is nothing in it farther than this,—it is singular that people who might have shipped these goods on board the “Louisa,” if they had thought proper, should have paid heavy freight to a steamer to convey them to Hobart Town to put them on board the “Louisa” there, and would induce any one to suppose that she had been ordered to touch there. 28 Oct., 1858.
222. Which vessel was going to the Navigators Island? There is nothing in that, as vessels frequently change their destination. I do not know that I am even justified in saying that it was odd, because something might have arisen between the departure of the “Louisa” and of the “Tasmania,” which might have induced the parties to send these goods on, on speculation. But all these things combined have certainly an awkward appearance. There was nothing to prevent the “Louisa” from going to Hobart Town, if she thought proper; we know that ships clear for Guam, Lombok, and other places, every day, without any intention of visiting those places.
223. You are not in a position to conduct any further inquiry in the matter? In the first place, I do not think I have any such power; and, in the second place, I do not see what is to be gained by it. If any persons could prosecute such an inquiry, it is the authorities in Hobart Town.
224. Who shipped the goods from here? I could not tell without reference; I can find it.
225. Will you furnish the Board with the particulars—20 half tierces, marked H 563? Yes. Shipped by G. N. Russell, senior established tide-waiter.
226. On whose application were the Chilian stores first made a bond? By Mr. Stewart's.
227. It has been said that your son has an interest in it? I do not think he has any interest. My son first asked for the store, but withdrew his application. He asked if I would sanction his having the store; I said “Yes,” and sent his application to the Government.
228. Was it made in the usual way? Yes. He then withdrew it. He came to me and said that, on second thoughts, he would withdraw it, and Mr. Stewart afterwards applied. The usual course was pursued.
229. Has your son any interest in it now? He assures me has not.
230. You are not aware of his having any? No. It is impossible for me to say that he had not, or that he had, any interest in it, beyond what he told me. I fancy he has interested himself in getting goods bonded with them. He might have done that. His affairs and mine are separate; but I have every reason to believe he has not any interest as a proprietor—that he is not mixed up with the affairs of the bond, by purchase, or sale, or any other way whatever.
231. *By Mr. M'Levie:* After the export officer has delivered goods on board a ship and received the receipt of the captain or mate, are those goods entirely beyond the control of the Customs Authorities until the ship sets sail? No.
232. Do you leave an officer on board? No. I have now given orders to that effect, but we have not been in the habit of doing it. Boarding outwards has never been the practice at this port, except on two or three occasions.
233. Then there was nothing to prevent these goods being relanded? No, nothing more than that the landing-waiter might go on board and see that there was no diminution in the cargo.
234. You have corrected that now? Yes, I have.
235. *By the Chairman:* In what way have you corrected it? I have ordered an extra tide-waiter to be placed on board such ships.
236. Who sees her out? That will remain for regulation. There is some difficulty in that, on account of the distance they have to come back. Formerly, on some occasions, I did put tide-waiters on board, but only in cases of suspicion. I will not give names, but there were persons who were suspected, and in such cases officers were put on board, and in such cases the tide-waiter was put on shore, and he had to walk five or six miles, from the Heads. But there are other difficulties.
237. Till you changed the practice there was nothing to prevent these goods being relanded? Certainly not.
238. They might have been relanded in the case of the “Louisa”? Yes, I think they might, but there being no suspicion at that time, no particular steps were taken.
239. In reference to the payment of officers in the departments for extra time, are you aware that there is a Government regulation refusing to allow Government officers to receive any fee for extra services? It does not apply to my department.
240. Was not such a circular received by your department? I do not think it was; but these fees are sanctioned.
241. I mean with reference to clerks—the out-door fees are recognised? I believe that in England there are persons employed to stay to clear ships, and in emergencies they are all ordered to remain.
242. Supposing this colonial circular had been received by your department, you would not have considered it as applicable to your department? I should not, most assuredly.
243. *By Mr. Browne:* You speak about regulations for the guidance of your officers—are they printed regulations, pointing out the particular duties of each officer, both in-door and out-door? Yes, but we have none.
244. Are there really no definite regulations for the guidance of your officers? None others than those that were formerly issued before the department was handed over to the Colony.
245. How would officers joining the department become conversant with their duty unless they have some line of conduct pointed out to them? We are obliged to teach them and tell them what is the practice. We follow in practice those instructions, but have none besides.
- 246.

- Colonel J. G. N. Gibbes.
28 Oct., 1858.
246. Then there are really no printed instructions for a deviation from which you could at once call an officer to account? No, there are none.
247. Do you not think such instructions would have been a great safeguard to the public, and have narrowed the operation of this irregularity? I think they would, but such irregularities are the exception, and not the rule.
248. *By the Chairman*: Are you about to introduce any, after what you have seen? I dare say I could introduce them, and perhaps improve upon the old ones.
249. *By Mr. Browne*: You say Mr. Manton has authority to take bonds in the absence of Mr. Maddocks? Yes.
250. Does he receive that authority from you? Yes.
251. Do you remember whether he obtained any authority of that kind in the case of the goods by the "Louisa"? Not specially on that occasion. He took two of the bonds.*
252. Do you know where Mr. Maddocks was on that occasion? I do not know; he was not there.
253. You mean that he was absent from the office? Yes.
254. For the day? No. I made some inquiries, and I believe the bonds were executed at an early hour in the morning, immediately on the opening of the office, at nine o'clock, and Mr. Maddocks had not arrived; but he might have had leave of absence—I cannot say positively.
255. You say these bonds are really of no use—more matters of form than anything else? Not these bonds † (*referring to papers.*)
256. You say you only know one case in which they have been sued upon? That is all, in twenty-four years.
257. In reference to the English practice, do you adopt a similar practice, namely, within three years to make the parties exporting goods under these bonds account for them, and then cancel the bonds? No, I do not remember that that is the practice.
258. Is not that the practice at home—that they are in force for three years, and the parties are bound within that time to have them written off, or they become due? No, they do not. At my port in England, I do not remember their taking any trouble about it at all. After a time, perhaps, they were burnt.‡
259. Do you not think that if a merchant exporting goods were bound at the time he exported them to satisfy you that he had carried out the bond in its integrity, it would be a great protection to the revenue? Yes.§
260. Are they not now in fact mere waste paper? I do not regard them as mere waste paper. It is not easy to have cancelling certificates, but they formerly existed, and were required from Van Diemen's Land, and nowhere else. The Collector there sent up a certificate of the due delivery of the goods, and that was called a cancelling certificate.
261. You say that where the certificate of a regularly constituted authority could not be obtained—at places where there are no Customs—the certificates of the consul, if a foreign port, or even, under peculiar circumstances, from a missionary, or some other respectable person, would be a safeguard to the public? Yes, I should like to see it; but I am met by the statement, that it would tend to cripple commercial operations.
262. Do you not think it would be a protection to the honest trader? Yes.
263. For instance, the case just now alluded to, of exporting the 20 half tierces of tobacco to Tasmania, which there is reason to believe were transhipped to the "Louisa," or it may have been landed—in such cases would it not have been a protection, if the shippers were called upon within a proper time to account for them.¶ Could they not easily account for them at the island where they trade? That I cannot answer. I do not think in law you could do it.
264. Does not the bond set out that they are bound to account (*reading the terms of the bond*), otherwise it is to remain in full force? But we could do nothing upon that. They could tell you they would account for them some day or other.
265. They must account to your satisfaction? That would be rather sharp upon them; it might be difficult to satisfy me they were not landed, and I should not have any real grounds to say they were not fairly disposed of. I wish extremely that these certificates could be established, but I fear there will be much difficulty in the way.¶
266. It has been stated by you that the signature of the landing-waiters attached to the export warrants in accordance with the instructions of Mr. Barnes is a mere matter of form, and that warrants have been signed by landing-waiters even at the Custom House, though they could know nothing of the goods? Yes.
267. Do you not think these are most important certificates, and that, seeing the position these officers hold in the Customs, they should be cognizant of the shipment? Yes, I think they are important certificates.**

268.

* But I have already shewn that a bond is as valid taken by one clerk as by another.

† But I say, as I have said before, that a bond is as valid when taken by one clerk as by another.

‡ The fact is, that the bond is not made for three years, or any particular time; but that the goods must be cleared from the warehouse at the expiration of that time—by an overtime sale—except under certain circumstances, and the bond then continues in force for a longer period.

§ But how is it to be done from the Islands at present? and what merchant would consent to have his account sales, his profits or loss, exposed to official inspection, when there is no law for it.

¶ I see no protection in such a case. The goods were shipped for Tasmania by the "Tasmania," and there transhipped on board the "Louisa," of which transaction the master could have procured a certificate from the Custom House, and sent it up here, without being in the slightest degree a protection to our revenue. The goods were transhipped there.

¶ Nothing of the sort, I believe, exists in the neighbouring Colonies.

** But with the present strength of landing-waiters it is impracticable.

268. Do you think that a person who would sign a certificate that he had seen goods shipped when he had not done so, would be worthy of any consideration whatever? Yes, I do; because it was a positive order that he should so sign, but he does not sign to the *shipment*, as may be seen if the document is looked at.
269. Do you not think it was intended by Mr. Barnes as a proper check upon the export officers, who receive but low salaries? I do not think it was, for it was pointed out to him that the landing-waiters could not by any means see all goods shipped; and he said, "No matter, they must put their names."
270. Do you not attach importance to it? I do not; I should if it were the signature of the party who had seen the goods; I think that is most essential—there are cases where they do see them. In the new order which I have transmitted to the Minister of Finance, I have revoked the old order, and required that the goods should be seen before they sign—
271. I believe the landing-waiters are really the responsible officers to see that vessels discharge their inward cargo—is not that their duty? Yes.
272. As the Government are liable to frauds equally on export as on import goods, does it not appear to you that this certificate is to bring these officers into contact with the export of dutiable goods as well as the import of them? It may have been so intended, but you must see that it cannot be so in practice.*
273. Assuming that Mr. Newton took the trouble to search out Mr. Carron and Mr. Anderson, and that neither of those officers could be found to give this certificate, do you think that, excepting under circumstances of that kind, he would have been justified in going to Mr. Bramwell at some other wharf, and getting him to certify to that which he could not know? I do not approve of it; but it was in obedience to the order.
274. What would you do in such a case if an officer refused to sign? I should approve of it.
275. If you were now connected with Mr. Barnes, would you report it to him? Yes, certainly; and say that the officer declined to sign.†
276. You would justify the officer in refusing to sign? Yes.
277. This vessel loaded at the Grafton Wharf, which was in the set of wharfs where Carron and Anderson were landing-waiters? Yes.
278. Have you made any inquiries of these two gentlemen to know whether they were in the neighbourhood at the time of the shipment of these goods? No ‡
279. After the goods have been shipped by the export officer, is it not the duty of the tide-surveyor to examine the vessel and see that she takes those goods to sea—is he not the water officer? Yes, he is.§
280. Where any large quantities of dutiable goods are shipped by any vessel, should not his attention be specially directed to it, to see that they really do leave the port, and not under suspicious circumstances? I consider it is his duty, and I think he ought to do it where there is any suspicion; but I do not know that much good could arise from it, as I could show you, because I have myself been on board ships—the "Freak" for instance—where nothing in the shape of dutiable articles were to be come at, being stowed under other goods.||
281. That might be; but here is a small vessel of seventy tons which takes on board, I should say on a rough calculation, a full cargo in one day, of which the tide-surveyor, I presume, should be made aware by the landing-waiter, and of which the landing-waiter on the wharf should be aware? Yes.¶
282. Would it not have been his duty, if he saw the vessel about to proceed to sea at night, to take some precaution to satisfy himself that all these dutiable goods were on board? I do not see how he would know it.**
283. Do you know whether he did make any inquiry or rummage? No.
284. You say you have authorised Mr. Manton to clear vessels after Custom House hours? Yes.
285. Is there any limit at all—may he do it at any time after the Custom House closes and before it opens again? That was not my intention. Although the Custom House does not close till four o'clock, there are certain duties which are not performed after half-past three; for instance a London ship would not be cleared. I did not mean or understand that he should clear vessels after dark, and if he did I think he is much to be condemned.
286. Do you know what fee he would be entitled to receive from the merchant or owner of the vessel for clearing her out after hours? There is no fixed fee, nor do I know that he has any fee; but, I presume, he would not do anything without derive some advantage from it. It might be fixed that such and such a fee should be allowed under the circumstances.
287. He would wait in his room at the Custom House to perform this duty after hours? Yes, in the Long Room.

288.

* With our present staff.

† But I am not connected with Mr. Barnes, who had a little brief authority given, and on returning to England immediately afterwards, in expectation of high reward, was superannuated, from "infirmity of body and mind," on a low pension, from (as I believe) the disgraceful and treacherous way in which he conducted his inquiry.

‡ I have since, and given the explanation.

§ The law provides that he may go on board after a ship has cleared, but it is not compulsory.

|| Besides which, if such a course was to be adopted with every vessel carrying large quantities of dutiable goods, I should require half a dozen tide-surveyors in a harbour like this, and gain nothing by it; because the goods would be there till after the vessel left the port, unless, as in the case of the "Freak," the vessel was detained and half unloaded.

¶ But not by the landing-waiter, as there was none present.

** He, the tide-surveyor, cannot be everywhere, and possibly was not informed that the vessel was going to sea that evening; but had he gone on board he could only see that there was cargo on board, that the ship was full, without being able to know that they were the goods entered; but his rummage *outwards* is merely the stores, and he is not on duty night and day.

- Colonel J. G. N. Gibbes. 28 Oct., 1858.
288. If it should turn out that Mr. Manton, the gentleman who cleared this vessel, cleared it on board the ship, would not that be irregular—if he signed the papers on board the ship, would not that be irregular? Very irregular, certainly. There are very few cases where I consider anything of that sort is admissible; for instance, if the commander of a vessel is so ill that he cannot come on shore to report his vessel, I then send off my chief clerk to take his report, if he is well enough to sign his name, and declare to the contents of the document in his bed, but nothing beyond that.
289. Is it regular for a vessel taking in a large quantity of dutiable goods in bond to clear out and proceed to sea the same day she takes them on board, or have you issued a regulation as to that? No, I have not issued such a regulation. These things do not occur to one's mind till something gives rise to them. I do not think it is usual; I think it is rather rare.*
290. Usually a day intervenes between the clearing of the vessel and her sailing? It is not infrequent for a vessel to clear while the goods are going on board, but the goods are previously entered on the manifest, entries having been passed for them; there may not have been time to get the goods on board before, and the master may wish to sail the following morning.
291. *By the Chairman:* How can that be done with reference to the export warrant—the export warrant would not accompany the clearance.†—how could the clearance be signed—the content paper would not be prepared for the signature of the clearing officer? Yes, it would.‡ I do not mean to say they would be entered *after* that; they would be entered beforehand for exportation.
292. How can you grant a clearance till you get the export warrant, and how could the export warrant be signed till the goods are got on board? I mean to say that all but the one document are brought forward, and before the papers are finished that document is produced.
293. *By Mr. Browne:* Would it not be the usual course in clearing a vessel that the documents should be run through together and sealed? Yes, they always are.
294. That does not appear to have been done in this case? These are not originals; the original papers that were sealed went to sea with the ship, and are never returned to us.
295. Would not the duplicates that remained with you be the same as the originals? Not exactly; all the papers that go with the vessel *are* sealed and tied with tape,
296. Should not the papers be tied together and sealed? It would be better, perhaps; but they *are tied* together, though not sealed.
297. That is not the customary course? It is not the customary course to seal them, but they are always filed, and can be produced at any time.
298. Are not the several duties, such as taking bonds, entering inwards and outwards, clearing vessels, and so on, put upon separate officers, for the purpose of having a check by one officer upon another? Yes.§
299. Would it not be likely to assume a suspicious appearance if Mr. Manton took the bonds, signed the export orders, and cleared the vessel after hours, as has been the case in this instance? It would be a very strange proceeding, indeed; but I am not aware of its having been so.
300. Has not Mr. Manton in this case done all this—he has taken the bonds—you say he took two of the bonds? Yes, by his own assertion, at an *early hour* of the day.
301. He took the bonds, gave the export orders, received them back, and cleared the ship after hours, doing the duty himself solely, and that which would appertain to several officers besides himself—would not that of itself look rather suspicious? If that is the case, I think it does.||
302. You have told us that Brown, the locker, was at Walker's Bond, and also at the Chilian Bond, that Walker's Bond is open from nine o'clock to one, and the Chilian Bond from one to four, therefore all the goods that left the Chilian Bond, as set out in this certificate, must have left after one o'clock? Yes.
303. Could you from memory tell the hours during which Lamb and Parbury's Bond remains open? I cannot.
304. Or Pollard's Bond? It is open all day. I think Lamb's is open all day also.
305. How long is Gilchrist and Co.'s open? I think only half a day, but I do not know.
306. Macnamara's? I think it is open all day.
307. Do you remember when the master's name was introduced upon the register of the "Louisa"—was it done before you? I do not remember it.
308. There would be a notice of it in your books? Yes.
309. Of the day on which it took place? Yes.
310. Who keeps those books? Mr. Rucker. They are very correctly kept.
311. What becomes of the lockers' orders, which you state go to him, besides these export certificates? They are filed in the warehouse.
312. Is any memorandum put on them? I do not recollect that there is.¶
313. Would the locker enter on the back of it the same as a bank clerk would on a cheque, the date of delivery? No, that is entered in a book.**

314.

* But there is neither law or regulation against it; and I believe it to be quite common in England, and we have had instances here.

† They never do.

‡ With the greatest ease at the Custom House, and the content would, and must, be prepared beforehand.

§ But not with a view to create a check, but from the necessity of a division of business.

|| But it has been shewn that he took the bonds in the morning, and, as I have said, the bonds were as valid and safe if taken by him as by Mr. Maddocks; and it is also shewn that they were properly filed, and seen by the chief clerk and Mr. Kelly, though afterwards stolen.

¶ Except the day of delivery on the face of it, and the folio of the stock book and journal in the corner.

** On the face of it, and not on the back, but amounting to the same thing.

314. You do not know whether he would? No.*

315. You have explained to us how a transfer of goods is made—would it not afford great opportunities of defrauding the revenue if a person having 250 cases of gin in one store could take out an order to transfer a portion of them, and to export a portion of them, unless there were a sufficient number of officers to follow the drays, inasmuch as the portion professedly moved under the export order might be moved under the transfer order? I should say it would be a very improper course to pursue to have the two orders out at the same moment.†

Colonel J. G. N. Gibbes.

28 Oct., 1858.

316. Can you charge your memory to know that this was not the case in respect to the gin from Lamb and Parbury's Wharf? No.‡

317. We can get the date of the transfer order? Yes.

318. Have you any further information you wish to give to the Board? None other than what I have written.

FRIDAY, 29 OCTOBER, 1858.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, Esq., | J. M'LERIE, Esq.

William Norman Llewellyn, Esq., called in and examined:—

1. *By the Chairman:* What is your position in the Custom House? I am Chief Clerk.
2. What are your duties? I assist the Collector, carry on the correspondence, pay the disbursements of the department, and attend to the out-port business.
3. Is there any part of the business of the Custom House for which you are not responsible? I am not responsible for the out-door business at all.
4. Do you check the out-door business at all? Not at all; it does not come under my supervision.
5. Who checks that? The business is divided in this way:—The cashier has charge of the Long Room, and in that room the jerking of ships' papers is carried on. The ships' papers are sent up from the wharfs to the landing surveyor, and then by him to the jerkers; usually, however, they are sent to the jerkers direct.
6. The jerkers are responsible to the Collector of Customs? Yes. There are two jerkers—one the gauging jerker, and the other the jerker of ships' papers.
7. Do you exercise any check over the jerker? I never check his jerk.
8. Do you act as secretary to the Collector, in the same way as Mr. Lane acts as Under Secretary to the Minister of Finance, or do you take one-half of the department and does some one else take the other half? The cashier has the entire charge of the Long Room.
9. He does not send his papers through you? Not at all.
10. Then you take the duty, and are responsible for it? No. I think you do not exactly understand me now. There is in the Long Room the cashier, and he receives all the duties. The next in rank would be the jerker, who sits in the Long Room. He jerks, or checks, the drawbacks, also the gauging-books, and makes up the abstracts for the Treasury. The next is the clearing clerk—he clears all vessels; and then we have what we call the Blue Book Jerker, who passes the entries, another who compiles the statistics, and next to Mr. Maddocks is a clerk who carries on the register of the shipping duties.
11. What are you responsible for—what are your duties? I carry on the whole of the correspondence, generally speaking, under the supervision of the Collector, pay all the officers, pay the drawbacks, and, in fact, act for the Collector on all occasions when he is not present himself, and sometimes when he is in his office, but engaged.
12. Who is the Collector's deputy when he is away? All references are made to me.
13. In every matter? Supposing reference to the Collector were required, and he were absent, the parties would refer to me; but the landing-surveyor takes the out-door duty.
14. *By Mr. Browne:* Have you any thing whatever to do with the entering or the clearing of vessels? Nothing to do with them.
15. Your business is confined to the correspondence which takes place with the Government and the Collector, or with the officers and the Collector—is that your duty? Yes; the general correspondence—all the correspondence—the out-port business, payment of salaries, and drawbacks.
16. On whose authority do you pay these drawbacks? The Collector signs the cheques.
17. On whose authority do you pay these drawbacks—by warrant, I presume? By law, by the 9th Victoria, No. 15.
18. How is that law carried on—if, for instance, I wish to obtain a drawback on a certain quantity of sugar shipped, how do I obtain a drawback upon that from you? Entries are passed in the Long Room—bond is first taken, entry is passed, and the sugar is exported in the usual way.
19. Who does that? The bond would be taken by the cashier; the entries would be passed by Mr. Manton; the export entry and declaration is made on the entry, and the goods are put in the manifest outwards, and after the landing-waiter has certified on the back that the goods

William N. Llewellyn, Esq.

29 Oct., 1858.

* See Par. 312.

† Nevertheless, if there were separate cart followers I see no objection.

‡ But I am informed that the two batches of gin were not removed from Lamb's at same time, although on same day, which, if true, would be unobjectionable.

William N.
Llewellyn,
Esq.

29 Oct., 1858.

- goods are duly shipped, the paper goes to the drawback clerk, who checks the drawback debenture put in his hand by the shipper of the goods or his agent, to which is attached the declaration, which is signed by the shipper or his agent and countersigned by the jerker.
20. Then do you pay the debenture? Yes.
21. That debenture is an office document? Yes.
22. You have, if I understand you, nothing to do with the entry of vessels, or with the export of goods? Nothing whatever, immediately; I know the business is going on in the office.
23. You know no more what goods are shipped in the "Louisa," or any other ship, than if you were not in the Customs? No.
24. That is not your duty? No.
25. *By the Chairman:* Has it been your duty to examine the export bonds? No, not particularly so.
26. Have you ever done so? Yes.
27. On what occasion? In the case of the "Louisa."
28. Have you done so on any other occasion? Not on any particular occasion.
29. Do you consider yourself justified in examining them upon any occasion? Yes.
30. What led you to examine them in the case of the "Louisa"? I was told in the street by a Government officer that no bonds had been passed in the case of the dutiable goods shipped by the "Louisa."
31. What was the result of your examination? I found all the packages enumerated.
32. Will you state what bonds you found? I found three or four, I am not sure which.
33. Did you find all the necessary bonds? I found every item enumerated in the bonds.
34. What were the bonds? I cannot say.
35. By whom were they signed? By William and James Stewart.
36. By whom were they taken? By C. H. Manton and Mr. Maddocks.
37. Is Mr. Manton authorised to take bonds? Not usually.
38. Was it irregular for him to do so on this occasion? I will explain, if the Board will allow me: I believe if the cashier is absent some one steps forward and passes the bond for him—the next clerk in succession.
39. Was Mr. Manton justified in taking it? If he did an act of kindness for another clerk he was justified in doing so, I presume.
40. Is there any rule which permits him to do so? The proper person to take them is the cashier.
41. In the absence of the cashier —? Then, I believe, some of the clerks take them.
42. Whose duty is it to take the bonds in the absence of the cashier? It has never been defined. I suppose any one he asks to do it.
43. That contingency is not provided for? No.
44. Does any body then take the bond who may be in the room at the time? Yes, one of the clerks.
45. Any one would be justified in taking it according to the present practice? The next senior clerk in succession would take it, I should think.
46. So down to the lowest, is there any limit as to the power of any clerk to take it? I believe the bond would be equally valid if taken by a junior as by a senior clerk.
47. I wish to know what is the practice of the department—what is allowable? I could not say exactly. The proper person is the cashier, and in his absence one of the clerks would do it.
48. Is there any rule that imposes a restriction upon any particular class of officers taking the bond? It is generally taken by a clerk.
49. I call a clerk an officer in his way—I want to know whether it is allowable for any person to take a bond in the department? I cannot answer your question exactly. If the cashier is absent then the other clerks may act for him.
50. Down to the lowest clerk in the establishment—suppose the next clerk is absent, may the one next to him take it? Yes, I suppose he might.
51. And so down to the lowest clerk? It is an unusual thing. I never saw it done. I never knew all the clerks to be absent. There is no specific rule laid down.
52. The whole of these bonds in the case of the "Louisa," dated the 2nd of September, were signed by William and James Stewart? To the best of my belief two were taken by Mr. Manton and one by Mr. Maddocks. I believe there were three; but, if there were a fourth, I could not say who took the other.
53. In taking these is it customary to take a bond for each warehouse? Yes.
54. Would it be irregular to put goods from two or three warehouses into one bond? They do so sometimes—they say, in warehouse so-and-so.
55. Is it allowable? Yes. (*The bonds were handed to the witness.*)
56. How would that bond read, the goods being in two warehouses? It should say—"in "Macnamara's and the Chilian warehouses."
57. It does not say so? No; I have seen it done before now—two warehouses put in one bond.
58. Is it regular or proper? I see no objection to it.
59. Is it usual to allow the issue to take place from two warehouses, and to insert only one warehouse in the bond? No; that would not be regular at all.
60. Then that bond is incorrectly made out? Yes, it is, certainly.
61. When you examined the bonds for the "Louisa" how long were they in your possession? About half-an-hour, I should think.
62. What did you do with them then? I sent them back to the Long Room.
63. In what manner? They are tied in bundles—there were two bundles.
64. By whom did you send them? By the messenger.
65. To be delivered to whom? To Mr. Maddocks.
66. Have you any idea whether they were delivered or not? I asked him since this occurred, and,

and, as far as I understood him, he delivered one of the bundles to Mr. Maddocks, and the other he put in the Long Room.

66. I understand that these bonds are tied up in bundles of fifty? About fifty in a bundle.

67. Did you send these bonds in the bundles of fifty? Just as they came to me, tied up.

68. Have you seen anything of the bonds since? I have never seen them since.

69. Do you remember the date on which you examined these bonds? The 27th September.

70. Do you consider these bonds important documents? Very important documents.

71. Why did you then deliver them to the messenger—could you trust the messenger with them? He is trusted with all documents, to take them backwards and forwards.

72. Documents of that important character? Yes. When I say *important*, only one bond has been enforced since I have been here. They are usually moved about by the messenger. If the Collector were to send for them the messenger would take them to him, and if I wanted them he would bring them to me.

73. Can you form any idea where these missing bonds have got? Not the slightest.

74. Whose interest would it be to take them? They would be of no value to any one but the person who had executed the bonds.

75. Has he offered to re-execute them? He has.

76. The parties who executed the bonds were the two Stewarts? I think the letter was signed by James Stewart.

77. Has he offered to execute the bonds? Yes.

78. With respect to these bonds, do you ever see that they are enforced—what steps do you take to see that the obligation of the bond is carried out, to see that the goods are actually landed at the port? We do not take any; the law does not provide for that.

79. But that is stated in the bond? (*The Chairman read the conditions of the bond.*) Yes; but very often vessels clear for Guam, and I have even known a vessel to clear for Kamtschatka—the object of the merchant being not to disclose his venture.

80. Then where that condition is not complied with the bond is still over his head? Yes, the bond is still over his head; he is bound to land the goods at the place to which he is bound, or to give a proper account of them.

81. Is he ever called upon to do so? No, never.

82. Then these bonds are practically always in force? Until three years.

83. Suppose he does not satisfy you in three years? We do not ask him.

84. Why do you not? It has never been the practice.

85. *By Mr. Browne:* Then these bonds are so much waste paper—is that so? The law says only you shall execute a bond. We do not get certificates from the ports to which goods are shipped.

86. You have the power to enforce these bonds, under the 72nd section of the Customs Regulation Act, 9th Victoria, No. 15? We enforce them if the goods are run.

87. Do you ever require satisfaction if the goods are landed at a particular port? Never.

88. Then, unless you get information that goods have been run, you take no step to enforce the bond? Never.

89. *By the Chairman:* Is it usual to take the signature of a Custom House Agent to a bond for dutiable goods going to the South Sea Islands? Yes.

90. Is there any rule in force that their signature to a bond shall only be taken to a limited amount? I believe the Collector has issued an order lately that no agent shall sign a bond for more than £200.

91. Was that order given before or after this bond was signed? After.

92. Previous to this an agent was allowed to sign a bond for any amount? It would be in the discretion of the party who took the bond, and would depend upon who the agent was.

93. At the discretion of any clerk in the Long Room, if I understand your evidence? In the absence of the cashier of course.

94. *By Mr. Browne:* Any man of straw, then, wanting to get a bond passed need only wait the absence of the cashier, to get a clerk in the Long Room to pass it? I have never known any distinct regulation as to the extent to which these bonds were to go, or as to who was to take them.

95. That is not an answer to my question—I ask you whether any man of straw, wishing to defraud the revenue, can, by waiting till the cashier is out of the room, pass a bond by any junior clerk who happens to be in the Long Room? If Mr. Maddocks were absent, the other clerks were in the habit of taking the bonds.

96. The next in office, and so down in rotation? I do not know about a man of straw.

97. You do not seem to understand my question—you say the discretion rests with the officer who takes the bond, then, if any officer in the Long Room can take a bond in the absence of the cashier, the next in turn, and so on down to the junior clerk, cannot a man of straw go up and pass a bond before a junior clerk in the Long Room, if he only waits till the cashier is out of the room? He might do so, of course, if the clerk would take his bond.

98. *By the Chairman:* You are aware that the clearing clerk took the declaration of the captain of the "Louisa" on the 2nd of September? I am aware his name is attached to the document as having been taken on the 2nd.

99. Had he authority to do so? Yes; he is authorised by the Collector to clear vessels after the usual hours of clearing vessels.

100. Is any body else authorised to clear vessels? No one; the clearing clerk is the person authorised.

101. *By Mr. Browne:* He takes the master's declaration, even though the Collector may be in his room? The cashier takes the declaration then.

102. When the Collector is not there the clearing clerk takes the declaration? No; the cashier.

103. What is the duty of the clearing clerk? He has the ship's papers, examines them, makes out the clearance paper, passes the export entries, and makes out the export return.

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104. You see his name to that clearance (*referring to the clearance of the "Louisa"*) as having taken the declaration? Yes.
105. Was it his duty to do that? If the vessel cleared after hours.
106. After hours the authority is delegated to him to take declarations—to perform the duty of the Collector? Yes.
107. Who authorised him? The Collector.
108. *By the Chairman*: Do you not think it is open to abuse, that a junior officer like Mr. Manton should be allowed to give clearances after hours? He may abuse the power of course.
109. *By Mr. Browne*: How were these instructions issued? Verbally.
110. There are no written instructions issued for the guidance of either in-door or out-door officers of the Customs? I believe not. When the Imperial Government relinquished our department, all the instructions sent out by the Board of Customs were ordered to be returned.
111. And no instructions either for out-door or in-door officers have been issued since? No written instructions. The Collector, of course, may issue an order in writing upon any subject.
112. A person who is anxious to defraud the Government has only to wait until the Collector and chief clerk are away, and if there is a junior clerk who is willing to lend himself to such a scheme, he can pass any vessel or any amount of goods out of the harbour without the knowledge of his superior officer—is that the case? He clears the vessel after the papers are drawn in the usual way.
113. Look at these (*handing the ship's papers to the witness*) are not these all passed and checked by Mr. Manton himself? As I understand the matter, Mr. Manton took this paper early in the morning, and if that were the case his name would appear both to the bond and to this.
114. Am I to understand that it would be right that a junior clerk in the Custom House should take bonds and pass export entries for a vessel, and then clear that vessel after hours, without reference to some of the officers above him—would not such course be open to grave objections and to abuse? I could scarcely answer the question, for this clerk acted as cashier early in the morning.
115. Do you or do you not think so—you are chief clerk in the office, and surely the Board should obtain some information from you as to the duties of the junior officers? As I said before, if he took the bonds for the cashier in the morning, and acted upon it afterwards, it was perfectly regular. If he acted for Mr. Maddocks as cashier in the morning, passed the entries, and acted in the evening upon what he had done in the morning, it would be perfectly regular.
116. If he cleared the ship on board the vessel itself would that be regular? No, that would be irregular, certainly. It says here—"Declared before me at the Custom House, Sydney."
117. If it were not declared at the Custom House it would be an irregular proceeding? Yes.
118. Look at the back of this export certificate—what is the certificate at the bottom? "Received on board the ship "Louisa" eight half-tierces tobacco."
119. By whom is it signed? Mr. G. Brown, Customs locker; Ed. Newton, export officer; J. Bramwell, landing waiter.
120. Were all these officers, before they signed that certificate, expected to be personally cognizant of the shipment of these goods? The Customs locker signed to the delivery of the goods from bond, the export officer is responsible for the delivery of the goods on board the ship, but Mr. Bramwell, the landing-waiter, signed under an order issued by Mr. Barnes when he was here—
121. His signature, I presume, was required as an additional check? It is not any check at all; it is merely signed *pro forma*.
122. An officer signs that certain goods are shipped, and he does that merely *pro forma*? He does so merely by order.
123. Was not that order given as an additional check? I cannot say, but it is so done.
124. Merely as a matter of form? It is perfectly a matter of form.
125. Then any landing-waiter at any port in the Colony is competent, and, if called upon, would be justified in signing these certificates, although he may be a mile away from the place where the ship is said to take in the cargo—is that what you would say? I cannot speak as to justification; I only tell you what is done.
126. Will you answer the question? I believe he would be justified, under his orders.
127. *By the Chairman*: Then this certificate is of no value? Not the slightest.
128. *By Mr. Browne*: What are the officers who take these goods on board—the export officers—are they senior to the landing-waiters? The landing-waiter is senior to the export officer.
129. What is the rank of the export officer? This export officer is an established tide-waiter.
130. What would he receive a day? I do not recollect exactly—I think something over £200 a year.
131. Does not the landing-waiter get double that? No; £325 I think.
132. Is it the duty of the export officer to follow all the goods from the bonded stores to vessels? Certainly.
133. Do you think any one officer could follow the quantity of goods in this manifest from four or six stores to a vessel in any one day—there are two hundred and ninety-six packages? It would be a very good day's work I should think.
134. Do you think he could possibly do it? No, I think not.
135. The Grafton Wharf was the wharf at which this vessel took in her cargo, was it not? It says here the Grafton Wharf.
136. Is that a sufferance wharf? Yes.
137. Are dutiable goods allowed to be exported from any but a sufferance wharf? I believe it is the regulation to ship them from a sufferance wharf.

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138. Is there any landing-waiter attached to the Grafton Wharf? Yes.
139. How many of these export officers are there? Four or five I think.
140. Do you know any one of them now in the service who was dismissed for having been detected in stealing, and afterwards restored? Not one.
141. One of the officers who follows the carts? I am speaking of the established officers now.
142. I asked you how many officers follow the carts, and you said four or five? I am speaking of the established tide-waiters—there are the extra tide-waiters.
143. I want to know how many officers are there whose duty it is to attend to the following of drays conveying goods for export? I could not say how many extra ones there are—I only speak of the established tide-waiters.
144. Then there are no export officers, the duty is performed by any tide-waiter? The tide-waiter is often employed.
145. Is Mr. Newton an export officer, or a tide-waiter—what is he? He is an established tide-waiter.
146. Is there any export officer? He is an export officer; Mr. Russell is an export officer. The established tide-waiters are occasionally employed to do that duty.
147. Then there is no export officer, but tide-waiters who do the duty? The established tide-waiters do the duty, and the extra tide-waiters.
148. *By the Chairman:* Are there any export officers? There are no export officers on the establishment so called.
149. Then those who are called tide-waiters and extra tide-waiters do the duty? Yes.
150. Are any other persons employed to do that duty? No, I think not.
151. *By Mr. Browne:* The extra tide-waiters are, I presume, men of whom you have not so much knowledge as to their respectability as the established tide-waiters? I am scarcely acquainted with them.
152. You do not know much as to their respectability? Not of the extra tide-waiters; sometimes they are taken off; sometimes they leave and come back again.
153. Is Mr. Newton on the establishment? He is a fixed officer.
154. Is he a man of reputable character? He is a man I know nothing about; I see him sometimes in the waiting room, standing about the place, but I do not see him perhaps once a week out of doors.
155. *By the Chairman:* How long has he been in the service? I could not say exactly.
156. *By Mr. Browne:* Is there any regulation promulgated by which a vessel taking in dutiable goods one day shall not be allowed to clear till the next? I think not; not that I know of.
157. No such regulation exists? I know of none.
158. You would do so if such a regulation did exist? There being no printed regulations I cannot speak to them; the practice may be altered from time to time. I know of no such regulation.
159. Is not the Collector of Customs in the habit of occasionally issuing written regulations which are considered to be binding upon the officers of the department? I know no such regulation as the one you allude to.
160. *By the Chairman:* There is an entry there for six kegs of tobacco for which there is no export warrant among these documents? This is New South Wales tobacco.
161. Is that regular? There should be an entry passed for it I think.
162. Then it is irregular? It is irregular.
163. It was not dutiable? No.
164. In that case these kegs of tobacco went away without entry at all? They did.
165. *By Mr. Browne:* Is Mr. Barnes' order, which you have alluded to, a written or printed order? I could not tell you that.
166. Is there any record of this order having been given—is it in the records of the Custom House—is it printed or written? I never saw it, printed or written, but I have always understood such to be the case.
167. Have you a copy of the instructions usually acted upon when the department was under charge of the Imperial Government? There were copies issued to the Collector, the landing-surveyor, landing-waiters, clerks, and lockers.
168. Have you a copy of them? I have not.
169. *By the Chairman:* Have you ever had it represented to you that the place where the export warrants are kept is insecure? No.
170. Has Mr. Maddocks ever made that representation to you? Never.
171. Has it ever been brought to your notice by any one else? It has, lately.
172. Not before the "Louisa's" case? No.
173. *By Captain M'Lerie:* Have you ever known an instance in which export bonds were taken by any other clerks than Mr. Maddocks or Mr. Manton? Certainly—Mr. Mowle or Mr. Fancourt. Suppose you went to the Custom House and found Mr. Maddocks was not there, you would say to another clerk, will you take my bond.
174. *By Mr. Browne:* Are these bonds taken in large numbers? Sometimes half-a-dozen or more in a day—sometimes few, sometimes many.
175. *By the Chairman:* How many in a year? I could not tell.
176. *By Mr. Browne:* Are any attempts made to ascertain the solvency of the parties to the bonds? It is a very delicate question.
177. Has any attempt been made? I cannot answer for other persons; I should make it myself, and have done so within the last week.
178. You think it a proper precaution? I may state that I saw upon a bond the name of one person who I thought had been in the Insolvent Court; I inquired and found that he had his certificate, and as the bond was not for a very large amount I took it.
179. You say you think it a very proper course to pursue, and particularly in the case of heavy

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- heavy bonds, to see that the person executing is a man of substance? Certainly, and if I had a heavy bond to take I should lay it before the Collector before I took it.
180. *By Mr. M'Levie*: Has any reference been made to you by the other clerks before taking bonds, in the absence of the Collector, as to the solvency of the parties offering themselves? Never.
181. The question has never arisen? Never.
182. *By Mr. Browne*: Is there any regulation respecting the taking of fees either by officers in-doors or out-doors? Yes; the clearing clerk is allowed fees for clearing vessels, and the landing-waiters so much an hour, after the hours of business.
183. Who established those fees? The Collector, in accordance with the English practice.
184. What is the fee? I could not tell the amount.
185. A fee is established, and you do not know the amount? I do not know the amount the clearing clerk receives; it is not a fixed amount.
186. You are not aware what the fee is? No. I did the clearing duty for years.
187. Did you receive instructions from the Collector to receive any fee? Yes.
188. Was the amount discretionary with you? He did not fix it by writing; it was left to the discretion of parties.
189. Then you might take from £1 to £100? The fee is generally a very small one.
190. What was it? It depended a good deal upon the time; for instance, Mr. Metcalfe was the person who got the Collector to introduce the practice, and I then staid till six at night, and got half-a-guinea, or a guinea, according to the time I had to stay.
191. Who made the regulation? The Collector ordered that vessels might be cleared after hours upon payment of a moderate fee. The landing-waiters have a fixed sum of one shilling per hour for every hundred pounds of salary; that is the Treasury regulation.
192. Is there any Treasury regulation applicable to the clearing of vessels after hours? Not that I am aware of.
193. Are you aware of a circular having been issued by the Government to the effect that no Government officer should be entitled to take any fee or reward for anything done in the execution of his duty? No.
194. You never saw such a circular? I do not recollect it.
195. *By the Chairman*: Do you know anything about the steps usually taken to secure the integrity of bonded stores? No bonds are taken for bonded stores at all.
196. Or the safe custody of goods inside those stores? I have nothing to do with that. Import Bonds are taken for goods so warehoused.

Mr. John Gard called in and examined:—

- Mr. J. Gard.
29 Oct., 1858.
1. *By the Chairman*: What is your position? Mariner. I am second mate on board the steamboat "Grafton."
2. Were you chief mate of the brig "Swan," lying at the Grafton Wharf, on the 2nd of September, when the "Louisa" was there? I was mate of the "Swan" the night the "Louisa" was towed from the wharf, and when she was lying along the wharf—I forget the day of the month—from the time the "Louisa" went to the wharf till the time she sailed.
3. How many of the crew had the "Louisa" on board that day? All the crew that day; but there were none on board until after dinner, excepting a black cook.
4. How many did the crew consist of? That I cannot tell you.
5. Do you recollect seeing any goods shipped on board the "Louisa" that day? I saw some drays coming with casks.
6. How many? Two or three.
7. Do you think as many as ten came down that day? No.
8. What was the greatest number? I think three was the most I saw.
9. Were you there all day? Yes.
10. What time did the drays that you saw come down? A little after dinner; somewhere about two o'clock.
11. Did any come before dinner? Not that I took notice of.
12. Were you in a position to see if they did come down? No, for I had other business.
13. *By Mr. Browne*: The Grafton Wharf is not a very broad wharf? No.
14. Were you lying on one side and the "Louisa" on the other? Yes.
15. Did you see these goods that came down on the drays go on board the "Louisa"? Yes.
16. What did they consist of? Casks.
17. The three dray-loads? Yes.
18. If 296 packages had come down in the course of the day to that vessel, consisting of hogsheads of brandy, hogsheads of rum, and cases of gin, do you think it possible they could have been taken on board? I do not know. There was no crew till after dinner, only a black cook. About three o'clock a dray came with a load of Maories or Lascars and their clothes.
19. If a vessel were hoisting in and out large quantities of goods on the wharf, with your vessel at the other side, must you not have seen it? There was no goods taken in before dinner.
20. That you are quite sure of? That I am confident of.
21. Can you say what time of night the "Louisa" was towed from the wharf? I think somewhere about half-past five; between that and six o'clock.
22. Did you see anything of Captain King? I do not know Captain King.
23. (*The Chairman read the list of goods in the content outwards*) Do you think it possible all these goods could have been taken on board that day? From the time the goods went on board it was impossible.

24. These goods could not have gone on board without the crew? If the goods had been taken on board I would have seen it. Mr. J. Gard.
25. You say the crew were not on board? None but the black cook. I saw only three drays, in which there were some casks, but no cases. 29 Oct., 1858.
26. *By Mr. Browne*: How many casks were on each load? I suppose three or four.
27. Then ten or twelve went down at the utmost? Yes.

Mr. William Russell Hill called in and examined:—

1. *By the Chairman*: You are a partner in and Manager of the Grafton Wharf? Yes. Mr. W. R. Hill.
2. Do you recollect the "Louisa" lying at the wharf? Yes. 29 Oct., 1858.
3. What were the arrangements made for the wharfage? So much per day.
4. What were the reasons given for paying by the day instead of in the usual mode? They thought there would be no cargo. I wished to arrange in the usual way, so much per package, but the captain said, No; she was only going an island voyage, and would pay me so much a-day.
5. Do you remember the day she left the port? Yes.
6. What day was it? On a Thursday evening.
7. Do you remember the day of the month? The 2nd.
8. At what hour in the evening? I suppose about 6 o'clock; I could not say exactly to half-an-hour.
9. Do you recollect seeing her clearance papers two or three days after? Yes; I think it was the second morning.
10. Did you observe anything in the clearance papers that excited your suspicion? Yes; I made a remark that she had not shipped the goods at the wharf. I thought it strange.
11. Did you go to inquire into the matter? No, not till lately.
12. What did you do after making that remark? I said it was a good thing that I had got so much per day, or else she would not have paid.
13. How many dray loads were mentioned in the clearance as having been shipped? I should say from thirty-five to forty.
14. Was that (*handing a paper*) the clearance you saw? I merely took it out of the papers. It appeared to me to be very large.
15. "28 hogsheads of rum"—read that—was that like it? I could not say. I think it was spirits principally that I noticed.
16. From the inquiries you made, and your knowledge of what took place at the wharf that day, what quantity of goods should you say were shipped by the "Louisa" from your wharf—how many dray loads? Two or three; there could not have been many.
17. Could there have been five? There might.
18. Ten? Certainly not.
19. What is the utmost that you think could have been shipped? Three or four dray loads.
20. What reason have you for supposing there could not have been more? I should have seen them if they had been shipped. I took particular notice, on account of the arrangement made, to see which would pay me best, by the day or the number of packages.
21. You were taking very particular account? Yes; because I was paid by the day.
22. In fact, you would have remonstrated if you had seen any such quantities shipped as are named in the clearance? No; but I should not have made such an arrangement again.
23. Did you notice whether any goods were shipped after dinner? I should say not.
24. Could you be positive? I should not like to swear it.
25. These three or four came before dinner? It might have been between eleven and twelve.
26. How many of the crew of the "Louisa" did you observe on board in the early part of the day? I did not observe any but a black; there might have been a white man, but I could not say.
27. Was the black an able scaman? That I could not say. In the afternoon a mob of blacks came down to the ship, and a dray with their traps. They had a barney with the drayman about paying him.
28. *By Mr. Browne*: Did you see a Custom House officer accompanying any dray? Not that I knew.
29. Do you know Mr Newton by sight? I cannot say I do. I know most of them by sight but not their names. (*The Chairman read the content outwards.*)
30. Do you think it quite impossible that anything like 296 packages of these goods could have been put on board? Not on that day.
31. Did you know she was going to sea that day? I was not aware of it till I told them they would have to haul off, for I had to make room for the steamer which was due on Thursday evening. When I went on board they said they were going away. I went later in the afternoon, and they said a steamer was coming for her, and when I went again they were getting warps ready.
32. Did she appear deep, and full of cargo? No.
33. *By the Chairman*: You say during the latter half of the day some blackfellows came down? Yes, with their blankets and trunks or chests.
34. *By Mr. Browne*: Did you see gin cases come down, either red or green? I did not take particular notice what they were, barring this barney with the blackfellows.
35. These goods that have been now enumerated by Captain Ward would measure a great many tons? They would.
36. They would have filled the vessel? No doubt, or close to it.
37. *By the Chairman*: There are nearly three hundred packages, consisting of hogshcads, quarter-casks, cases of gin, and half-tierces of tobacco? They would half fill her.
38. *By Mr. Browne*: Is your wharf a sufferance wharf? Yes.

- Mr. W. R. Hill. 39. Is there any landing-waiter attached to the block? Yes, on the Flour Company's Wharf.
40. What is that gentleman's name? I do not know; they shift them every month.
- 29 Oct., 1853. 41. An officer at the Flour Company's Wharf would have been able to see any large quantity of dutiable goods shipped at the Grafton Wharf? If he had been on our wharf, or standing on the jetty of the Flour Company's Wharf, not otherwise.
42. Do you know his beat? He goes from the Victoria Wharf up to our wharf; he might go further up—that I cannot say.
43. *By the Chairman*: Did you notice the "Louisa" bring up at your wharf on the 7th October when she came back from her cruise? Some time after. She went away again the same night.
44. What time did she come in? I cannot say; I was not in town.
45. What time did she leave? She was towed out after dark; she was there when I went away.
46. Did she come alongside your wharf? No.
47. Had you any communication with her? No.
48. *By Mr. Browne*: From all you have seen with reference to the loading of this cargo, her coming back again, and departure in the night-time, do you think there was anything to justify the suspicion that it was not altogether regular? I think it looked suspicious. When I looked at the clearance, and found she had so much on board her, I thought it would have paid me good wharfage if I had had it by the package.

Mr. William Lyons, Mate of the "Tasmania," called in and examined:—

- Mr. W. Lyons. 1. *By the Chairman*: When did the "Tasmania" leave Sydney last? On the 16th or 17th, I think.
- 29 Oct., 1853. 2. Did she ship any tobacco on that occasion? Twenty half tierces.
3. What was the brand? H, No. 360, I think.
4. Was it 360 or 560? I gave it to Mr. Singleton.
5. Was it 563? Yes.
6. Do you recollect how the tobacco came down to the ship? In a cart.
7. Was a Custom House officer with it? Yes.
8. Did you sign his receipt? Yes, I signed his warrant.
9. Do you recollect who he was? Mr. Russell was the officer.
10. What became of that tobacco at Hobart Town? It was transhipped.
11. Into what vessel? Into the "Louisa."
12. Did you find the "Louisa" in the Derwent when you arrived there? Yes.
13. She was there waiting your arrival? Yes.
14. Was she up at the wharfs at Hobart Town? No, lying in the stream—lying off the town in the middle of the river.
15. Who came on board the "Tasmania" for this tobacco? Captain King. We got in about eight o'clock in the morning, and between eight and nine, directly the Customs opened, he passed a transhipping order.
16. He produced the order to tranship? Yes.
17. Was there a Mr. Stewart a passenger by the "Tasmania"? Yes.
18. Did he take any interest in this tobacco at all? I never saw him at all concerned in the tobacco.
19. He took no interest in the transhipment? I never saw him. We got in in the morning, and I never saw him till the day of sailing.
20. Had he landed from the "Tasmania" before Captain King got the transhipping order? Yes; he landed some time before.
21. *By Mr. Browne*: Mr. Stewart came back again by the "Tasmania"? Yes.
22. Was his name included in the list of passengers? Yes, his name appears in our list.
23. His name does not appear in the Customs list? Yes, Mr. Gifford said it did; but it did not appear in the *Herald*.
24. Can you at all recollect the draymen who brought the tobacco to your ship? No; in fact I was not sure of the officer till Mr. Gifford told me himself, for we had other bonded goods the same voyage—15 hogsheads of brandy.
25. Did Mr. Russell see this tobacco on board the ship before you signed the receipt, or did you sign on the wharf? No; he saw it on board.
26. Was there a landing-waiter at the wharf? No; there is none at the Patent Slip; the landing-waiter at the Flour Company's Wharf does the Patent Slip duty.
27. Did this tobacco come down late, or was there any difficulty in taking it on board? No; it was down rather early; it was the first thing on Friday morning.

Mr. John Alfred Maddocks called in and examined:—

- Mr. John A. Maddocks. 1. *By the Chairman*: What situation do you hold in the Customs? I am in the position of cashier and second clerk.
- 19 Oct., 1853. 2. When vessels are cleared out, is it not your duty to take the captain's declaration as to the truth of the statements contained in the manifest? Yes.
3. Do you ever delegate that duty to another? Of course if I should have to go out for a minute or five minutes some one must act for me; my desk is never left vacant; any one coming to transact business must be attended to immediately, and I take care always to leave some one in my place.
4. Who generally acts for you? Mr. Mowle at present.
5. Does Mr. Manton ever take a declaration for you? Not if I am there.
6. If you are absent? For clearing vessels he takes declarations after hours, which I never see.
- 7.

7. In other cases you generally take the declarations? Yes.
8. You give him general authority to take declarations? I give him no authority; he has authority from Colonel Gibbes.
9. He is recognised as an officer authorized to take declarations? Yes.
10. Is it not your duty to take bonds previous to the exportation of goods? It is.
11. Are those bonds kept in your custody? They remain on my desk during the day, and those that are executed are given to the messenger and he files them; those only executed by one party remain in my custody.
12. Are you answerable for their safe custody? I was not aware of it before the Collector called for the bonds of the "Louisa," on the 20th October. I take the bonds, and hand them to the messenger when they are finished, and he files them and locks them up in a drawer. That is the system that was in force when Mr. Webb was first clerk, and I have carried out the same system.
13. How long have you had the duty of taking bonds? I have taken the bonds for the last three or four years; I used to take the bonds in Mr. Webb's time when I acted for him. It was my duty to take the bonds in 1847; I was then acting chief clerk; I have also performed this duty when Mr. Llewellyn was acting chief clerk years ago, and, to the best of my knowledge, the bonds have always been disposed of as I have stated.
14. During the whole of that time it has been the practice for the messenger to take the bonds from you and lock them up? Yes.
15. Who has charge of the key? The messenger.
16. Is that the recognised practice of the Customs? The practice did not originate with me. I asked the messenger if Mr. Webb always gave him the keys, and he said he did; and, to the best of my knowledge, that was the case.
17. That practice existed before you came into the position of cashier? Yes. I told Colonel Gibbes that if any one were so disposed he could abstract a bond before my face. I have so many matters to look to at once: I have to take the declarations of captains as well as bonds, and they are in such a hurry that I have sometimes to attend to three or four parties at the same moment; so that it is utterly impossible for me to give that due attention to the bonds which now appears necessary. It is all very well for people to say it is a very loose system, but during all the time I have been there—now seventeen years—such a circumstance as this has never transpired before, and I do not remember a bond having been called for or cancelled.
18. *By Mr. Browne:* Is any inquiry made before you take a bond as to the solvency of the person whose name is attached to it? I think I have brought such questions before the Collector, asking whether I should take a certain party's name, when I have seen the name in the papers as insolvent; but in carrying on business everything is done hurriedly in the Custom House; we have to transact business the best way we can, and have to conform our rules to circumstances.
19. Do you prefer taking bonds from Custom House Agents? I do, decidedly, to taking them from persons we know nothing about.
20. Is it possible for any dutiable goods to be exported without bonds being taken? Yes; the clearing clerk can clear a vessel without any bond; but it is his duty first to see, before passing the entries, that bonds have been given.
- (*The witness was requested to refer to the papers on the table.*)
21. Are those your initials? Yes. The entry is brought to me and I initial it, to certify that a bond has been given; then it is taken to the clearing clerk, and he looks to my initials before he passes the entry. The vessel may not clear for a week after.
22. According to that, has that vessel been properly cleared? The vessel ought not to have been cleared without having all the entries initialled, to certify that bonds had been taken.
23. The vessel was irregularly cleared, because these entries had not your initials? Yes.
24. If a bond is taken by any other officer in your absence, that bond comes to you, for the purpose of enabling you to initial these warrants? Yes.
25. If the clearing clerk thinks proper to clear a vessel he could do so without bonds having been issued? Yes.
26. Has any other person beside yourself authority to receive export bonds? I consider any one has authority who acts in my position. They would sign the same as if I was there.
27. Had Mr. Manton authority on the 2nd of September to take bonds? None that I am aware of.
28. Had you given him authority to take bonds for you? I gave him no authority.
29. Do you remember whether you were absent from the Custom House at all that day? I do not remember if I was absent. It would make no difference; Mr. Mowle would have acted for me.
30. How long have you adopted the practice of asking Mr. Mowle to take your duty during your absence? Mr. Mowle exchanged with Mr. Arnold, and joined the department on the 12th September, 1856. Since Mr. Mowle joined the department it has been a portion of his duty to act for me when required; when Mr. Webb was chief clerk I acted for him when required.
31. Then Mr. Manton had no authority to take the bonds for the export of these goods on that day? He had no authority from me.
32. Even if he had taken these bonds, would they, after having been taken, have been put upon your desk, for the purpose of enabling you to initial the warrants before the ship cleared? If the bonds were taken in office hours, they ought to have been handed to me, or left on my desk, and my attention called to them. Mr. Fancourt might take a bond in the absence of myself and Mr. Mowle, if he did so he would inform me of it.
33. If Mr. Manton took a bond during your absence would that bond remain with him, or would it be taken to your desk? If he took a bond it would be his duty to forward it to me, and then the entry would come to me in due course.

Mr. John A.
Maddocks.
29 Oct., 1858.

- Mr. John A. Maddocks.
- 29 Oct., 1858.
34. Then this vessel being cleared after hours without these warrants being initialled is an irregularity? Yes, I consider it is so.
35. *By the Chairman*: Did you ever represent to the Collector that bonds were taken and vessels cleared, or declarations taken, without your knowledge or the production of the necessary papers? I mentioned it to the Collector a short time ago, that I found Mr. Manton was in the habit of clearing vessels after hours; I asked whether the Collector had given permission, and he told me he had. I also named to the Collector that I found that Mr. Fancourt took declarations of ships inwards, which is contrary to the usual practice. I noticed the steamer from Van Diemen's Land, the "Tasmania," but the Collector was engaged at the time, and he said he could not go into the matter at that moment. I had previously ascertained from Mr. Manton that he had permission from the Collector to clear vessels after hours, so that I did not think it necessary to mention the matter to the Collector; but when I found that Mr. Manton had taken upon himself to receive the captain's declarations in office hours, I thought he was overstepping his authority; that was the reason I broached the subject to the Collector.
36. Was that the only time you made a representation to the Collector? That is the only one I remember.
37. Is it usual to take the signature of a Custom House Agent for goods going to the South Sea Islands out of bond? It has been usual.
38. For how long has it been the case? It is only within a few weeks that I was called upon to stop taking the signatures of agents for goods to the Islands.
39. Did you take the declaration of the captain of the "Louisa" on the 2nd of September? The manifest will prove that—I do not remember. (*The witness referred to the papers.*) I find by reference that I did not.
40. Is it not your duty in the absence of the Collector to sign these clearances? It is, and I frequently sign them when he is in the Custom House; for instance, when the Collector is engaged.
41. In this case you did not sign the clearance, because it was after hours; do you know by this whether it was after hours? If Mr. Manton had cleared this vessel in the middle of the day I should not have known of it, unless the manifest was sent to me and I had taken the captain's declaration. When I am engaged making up the cash the Collector takes the captain's declarations; if the Collector should be away, or engaged, when the clearance is made out, it would be brought to me to be signed. It strikes me that the Collector told me that he had given Mr. Manton permission to take the captain's declarations at any time; but I would not be positive.
42. Have you any idea whether the "Louisa" was cleared in the middle of the day? When I was called upon to get the bonds I asked the question.
43. Then it appears you did not sign the clearance on the 2nd September? I did not.
44. Did you sign the clearance on the 7th October, when she went out again? No.
45. Whose signature is that? Mr. Manton's.
46. Can you tell whether at that time she cleared after hours or not? I could not.
47. When some one acts in your behalf to clear a vessel, is it ever reported to you next morning? No; there is no necessity.
48. Your deputy for the time being does not report his acts to you on your return? No. After the declaration is taken I have nothing more to do with the manifest, so that it would be useless.
49. So that vessels can be cleared without your knowledge at all? Yes.
50. *By Mr. Browne*: Though it is your duty to clear vessels? That depends upon circumstances. The Collector generally takes the captain's declarations for ships bound to London or Liverpool. It is the duty of the Collector or chief clerk to take the captain's declarations.* This document, which is the manifest, ought to be complete in every respect before it is brought up to me. The clearing clerk compares the entries with the cargo, marks them off, and when everything is complete he initials the manifest as correct. I then affix my signature, and return it to the clearing clerk, in order that he may make out the clearance.
51. *By the Chairman*: When a vessel is cleared for you by any deputy that happens to take your duty for you, does he report to you? No, it is not usual or required; it goes out of my hands immediately; this paper is merely produced before me as being correct.
52. Is there any record made of the clearance by your deputy in your office? Yes; there is the outward book. The clearing clerk has the whole responsibility. The papers are merely sent to me or the Collector, or my deputy, as a matter of form, for signature; if I discover anything omitted, I send them back to the clearing clerk. The outward manifest is numbered the same as the blue book and inward manifest. The landing-surveyor's book is the record.
53. *By Mr. Browne*: Then he has no business to send these papers as complete till he has checked the manifest to see that the goods are all correct? No. The clearance is then handed to the Collector for his signature, and the Collector hands it back to the clearing clerk or agent.
54. Who has the custody of these—the office copy of the clearance? † They go into the hands of another clerk, who enters the papers in his book; Mr. Mowle is his name. Mr. Manton delivers them complete.
55. Are they not usually sealed together, or are they merely pinned? They are merely folded up, handed to Mr. Mowle, and put into a drawer. If there are drawbacks to them,
- he

* In this matter I act as chief clerk, in other matters I have not the authority of the chief clerk. Since the 3rd of May, 1855, the Collector has seldom referred to me respecting the management of the Long Room. He generally gives his orders to the clerks personally, or to Mr. Llewellyn. As second clerk and cashier, I have very little authority.

† Mr. Mowle has the custody of the outward manifests until they are put away with the inward manifests, blue book, &c.

he has to see all the drawbacks and under-bond entries from the clearing clerk, and he can enter what information he requires out of the manifest, and he then places it in the drawer. Mr. John A. Maddocks.

56. Mr. Manton being clearing clerk, whether before or after hours he is bound by the same regulation? Decidedly. He ought to do the business correctly.

29 Oct., 1856.

57. Then in clearing this vessel these documents, before they are properly passed, should be initialled by you or Mr. Mowle? Yes, but by Mr. Mowle only when acting for me; if I am present, Mr. Mowle has nothing to do with it; if there is any bond he has, but no bond has been given.

58. These not being initialled they are irregular? Yes.

59. The ship should not have been cleared by Mr. Manton, except these export warrants were initialled by you? Or by himself, or any one acting as chief clerk for the Collector; most certainly not.

60. Are you aware that an order was given by the Collector twelve months since that Custom House Agents were not to give bonds for goods shipped to the South Sea Islands? No. I brought the matter before the Collector, and, as I understood, the order was this—that the agents were not to sign any export bonds.

61. It is not usual in such a case to take a bond from the captain and exporter? In the case of stores only we take the captain's bond.

62. I mean goods going to the South Sea Islands? There might have been a bond taken from the captain, as the captain is sometimes part owner; but he must, in this case, be the shipper also. With regard to taking bonds, it has been a matter of business that is required to be carried through in such a hurried manner that there has not been time to consult who was the proper person to do it and who was not.

63. Do you think it right that a ship's clearance should be signed, or a declaration taken after hours, by the clearing clerk or any subordinate officer? I do not think it right, as it leaves an opening for irregularities, as in the present case.

64. *By Mr. Browne:* Would you not think it necessary to take more precautions when there are dutiable goods on board a vessel than when there are no dutiable goods in her? Yes. If there were eight or ten hogsheads of tobacco for which there was no entry I would not clear the ship, I would make a note on the manifest, "so-and-so not returned." In the case of under-bond goods, or drawbacks, I never cleared a vessel without special orders.

65. Then this is wholly irregular? Yes, so far as I see. Allow me to state that I think these entries must have been passed after office hours altogether.

66. Your impression is that the whole of the entries must have been passed after office hours? Yes, the whole of these entries not initialled; but this is only an opinion.

67. *By the Chairman:* Have you at any time called the attention of the Collector to the insecurity of the documents under your charge? Not having any documents under my charge, with the exception of the cash-book and unsigned bonds, I have not done so.

68. Or complained of the manner in which the duties have been performed by subordinate officers? I have not made any formal complaints that I am aware of, or had occasion; but in the course of conversation with the Collector, I have on several occasions pointed out matters relating to my own duties. These remarks had no reference to any subordinate officer, but to bonds and cheques.

69. Did you at any time, or frequently, complain that you could not be responsible for the custody of documents if irregularities were allowed in your department? No; for the reasons before given, namely, that I had only the cash-book and unsigned bonds in my custody. The only formal matter I have brought before the Collector, without reference to the custody of papers, was that the agents, captains of ships, and the public, were allowed inside the railing of the Long Room. The Collector said he thought they could be kept out, but Mr. Manton said he could not clear the ships unless they were allowed inside. I had not the authority to say I will not allow you in.

70. You think it is inconvenient? Decidedly so. If you let in one you must let in the whole, for if you allow the agent in the captain follows him.

71. If I understand you rightly, you did not take the bonds for all the goods shipped in the "Louisa" on the 2nd? I took the bonds for these three entries, that is all.

72. *By Mr. Browne:* Is there any order issued by the Collector that vessels with dutiable goods shall not be cleared on the same day that they take the goods on board? There may be such an order, but I am not aware of it.

73. Is there such an order? I never saw it.

74. You do not believe there is such an order? I go by the practice. I get very few orders. I generally do the work as well as I can, and as strictly as I can. Our department is more public than any other in the Colony; it is like an auctioneer's room. I did not receive such an order.

75. The signature of the landing-waiter is attached to the warrant, is it not, after the export officer? That is Mr. Bramwell's signature.

76. Would you consider that an officer holding the position of landing-waiter would be justified in signing that warrant if he had not himself personally seen that the goods were on board the ship? I am not conversant with out-door officers' duties; I never acted as out-door officer; but to the best of my knowledge it would be unavoidable in practice. From the position of the wharfs the landing-waiter has several duties to attend to; he cannot be at every place; he takes the officer's signature as a proof that the goods have been shipped, although he never saw them shipped; you cannot prevent it under existing circumstances.

77. You consider that under the practice that has been adopted the landing-waiter at Walker's Wharf signing the certificate of goods being put on board at the Grafton Wharf would have been within the scope of practice, as far as you know? If that wharf came within the range —?

78. If it did not? If it did not, seeing the export officer's signature he would take it for granted

Mr. John A. Maddocks. granted that the goods were shipped. It is the same with the tide-waiter's book. The landing-waiter is not on the ship. The entries are taken by the tide-waiter; he makes up the book and hands it to the landing-waiter; and the landing-waiter makes up his book from the tide-waiter's.

29 Oct., 1853.

79. Then the landing-waiter's signature is valueless? Yes; it is a mere matter of routine. He might not look to the date of the entry at all, but to the signature of the export officer.

80. In fact Colonel Gibbes does not hold the landing-waiter responsible for anything in that paper? This question I cannot answer, as I really do not know.

81. You say you have never complained of the conduct of any subordinate officer to Colonel Gibbes? I am not aware that I have had occasion for some time past. I do not like making complaints if I can possibly avoid it.

82. *By Captain M'Levie*: You suppose that these entries were passed after office hours because your initials are not attached to these? Yes; because there are no bonds to be found.

83. Because your initials are not attached you presume the entries were not passed in office hours? Yes.

84. Is it not possible for these entries to be passed during office hours, and, for certain reasons, not to be sent to you for initialling? They might be passed in office hours, and there might be an omission to send them to me.

85. *By the Chairman*: The questions you have put in your letter to Colonel Gibbes, of the 23rd October seem to imply a doubt that the bonds were ever executed. Mr. Llewellyn says that the bonds were seen by him, and that they had been in his hands—do you doubt that statement, or are you satisfied, from what he states, that these bonds did exist? I do doubt whether they ever did exist. Mr. Llewellyn having heard the reports got the papers to see that all the documents were correct; now, it is my opinion that he got the file of bonds from the messenger unknown to me, that he came across the bond which I presented to the Collector, and also the other bond which is missing, and might be on the file at the time, and, seeing these two, jumped at the conclusion that all the bonds were right.

86. Have you any statement to put in before the Board, or further information to give? I wish to put in the following statement, which I will read. (*The witness read the statement appended.*) With regard to the responsibility of bonds in general, I think, now this question has been raised, that I am in a measure responsible, but still I only carry out a former practice. I have been seventeen years in the office, and have never been called upon for a bond to proceed upon before. Besides, if Mr. Llewellyn had these bonds it is quite possible that the bond missing might have been mislaid in his office. The inference is that it has been abstracted. Again, I have never, either directly or indirectly, been informed that the bonds were under my especial care, or in my custody. The only question is, whether the bond has been lost or abstracted.

87. Who would be interested in taking away the bond? The party who signed it.

88. They offered to execute another? I do not know whether the party who shipped the goods did; I believe one of the Mr. Stewarts did.

Statement read by Mr. Maddocks.

The Collector called for the bonds of the "Louisa" on the 20th October.

The "Louisa" cleared on the 2nd September.

The file of bonds for September had been tied up and put away; I had to get them from the messenger. I searched through several files, and could only find one bond for the "Louisa"; this bond had been turned down at the corner by Mr. Fancourt, in order to draw my attention to it. Mr. Fancourt told me that he had searched through the files, and that was the only one he could see. I sent this bond to the Collector. Previous to my sending this bond to the Collector I asked the messenger to get me the manifest and entries, in order to ascertain how many bonds I had received. I looked over the entries, and found several without my initials; I pointed this out to the Collector. Two of the entries were initials for the bond I sent to the Collector; the third entry, bearing my initials, was for eight half-tierces tobacco; for this entry I could find no bond.

The Collector then told me this was a very serious matter; that he held me responsible for the bonds. I told the Collector that a bond might be abstracted before my face if any one was disposed to do so.

The Collector then said that Mr. Stewart was prepared to prove that he had given bonds for all the goods shipped on board the "Louisa."

The Collector also stated that Mr. Llewellyn and Mr. Kelly had seen the bonds—Mr. Llewellyn having had them in his possession.

This evidence the Collector appears to have considered quite conclusive; and upon this evidence the Collector represents the matter to the Government, charging me with the loss of the "Louisa's" bonds, and neglect of duty. Upon this charge I am suspended.

In talking over this affair to Mr. Llewellyn, he (Mr. Llewellyn) said that Mr. Manton had taken the missing bonds for the entries not initialled.

I called at Mr. Stewart's office and asked him about these bonds. Mr. Stewart said to me that bonds had been given for all the entries, and he named Mr. Mackenzie having taken a bond or bonds. On the following morning Mr. Mackenzie told me that he had just seen Mr. Stewart, and that Mr. Stewart told him (Mr. Mackenzie) that he had delivered a bond or bonds to Mr. Mackenzie. I give this information as I received it. This contradicts Mr. Llewellyn's statement that Mr. Manton received the bonds. If Mr. Manton received the bonds, why did he not initial the entries?

I accidentally met Mr. Manton in George-street, on the 25th instant. I questioned him about the bonds for the entries not initialled; he said that he would swear that he had received bonds for these entries, and had them in his desk a week. I also understood him to say that the Collector had given him a written order to clear the "Louisa."

My

My opinion has been from the first that no bonds were ever given for those entries not initialled. The evidence which I have collected bears me out in that supposition. There is no reliable proof that more than two bonds were executed, and those two signed by myself, one of which is missing.

Mr. John A.
Maddocks.
20 Oct., 1858.

Question 1st—How many bonds did Mr. Mackenzie take?

Question 2nd—How many bonds did Mr. Manton take?

Question 3rd—How many bonds did Mr. Llewellyn see on the file or files when he had them in his possession?

The entries not initialled must have been passed after office hours.

I am inclined to think that Mr. Mackenzie never took a bond or bonds for the "Louisa."

Mr. Llewellyn states that he saw the bond or bonds Mr. Manton took—did Mr. Llewellyn see them at the time the vessel cleared, or in Mr. Manton's desk, or on the files?

(These remarks are written in haste.)

J. A. MADDOCKS.

MONDAY, 1 NOVEMBER, 1858.

Present:—

CAPTAIN WARD, R. E., IN THE CHAIR.

H. H. BROWNE, Esq.

J. M'LERIE, Esq.

Mr. John Ryan Brenan, Solicitor, applied to the Board to be permitted to be present on behalf of Mr. Brown, the locker, and Mr. Newton, export officer.

The Chairman stated that he was at liberty to attend at any time during the inquiry, but that all questions to witnesses must be put through the Board.

Mr. Thomas Fancourt called in and examined:—

1. *By the Chairman*: What is your position in the Customs? I am fifth clerk.
2. To whom are you immediately responsible? To the Collector.
3. Are you immediately responsible to Mr. Llewellyn or to Mr. Maddocks? To Mr. Maddocks; he is the cashier, and the head of the room.
4. You are responsible to Mr. Maddocks, and Mr. Maddocks to the Collector? Yes.
5. Do all your communications go through Mr. Maddocks, or direct to the Collector? I communicate with the Collector if there is anything wrong in-doors, or with the landing-surveyor if it is for anything out of doors.
6. Whenever you think proper you are entitled to communicate directly with the Collector? Yes.
7. You could report any irregularity directly to the Collector? I could do so.
8. What are your duties? To receive all reports of ships inwards—the manifests; when the captains make their reports I copy the date, the ship, captain, where from, tonnage, and see that the register and Post Office certificates are produced.
9. In fact, you examine the whole of a ship's papers inwards? Yes; and see that the one copy corresponds with the other; one is a declared copy, the other is a written copy, and I see that they correspond. In the case of a vessel from London I go through the ship's cockets—at least they are not called cockets now, but shipping bills—and see that everything is on the manifest according to these papers. Free goods are not taken any notice of, except that I see that the copy is exact.
10. You examine into the integrity of the ship's manifest? Yes; one copy goes to one gentleman, Mr. Mackenzie, who ticks off the entries, and the other to the landing-waiter.
11. What do you mean by ticking off the entries? When an entry is presented the clerk who has that particular duty looks down the manifest to see that the goods are in the manifest; if he finds the two papers correspond as to marks and numbers, and number of packages, he ticks the goods off. Then the entries are numbered by him, one of which is retained by him, and the others sent down by the messenger to the landing-waiter, who compares them, and keeps one, which comes back with the ship's books when complete; the other he initials, and returns by the messenger, who makes it up with the landing-surveyor's entries at the end of the day.
12. The entries are made by the party to whom the goods are consigned? Yes, or by his Custom House Agent.
13. There are two copies of the ship's papers, one copy is given to the landing-waiter, and the other to Mr. Mackenzie to tick off as the entries are made by the agents, or parties to whom the goods are consigned—what is your duty after that? I have to check the books after the cargo is discharged, to see that the landing-waiter's book is correct, and everything accounted for according to the manifest.
14. You have the entire control of the books? Yes; not the gaugers books or red books, but the blue landing books, and the tide waiters' books.
15. Does Mr. Mackenzie hand you the manifest again? No. When the ship's papers are sent up by the landing-waiter I go and take the manifest off the file. They take the manifest when the ship's papers are sent down. I just go and take it off the file.
16. You examine that against the entries? Yes, and see that the ship is entirely cleared.

Mr. Thomas
Fancourt.
1 Nov., 1858.

- Mr. Thomas Fancourt.
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17. What other duty have you to discharge? To make out the quarterly return of the shipping inwards.
 18. What is this return? The number of ships inwards, their tonnage, the number of men, where from, the nation to which they belong, and so forth. A very voluminous return that is.
 19. What other duties have you? That is all.
 20. With respect to ships going outwards what duties have you? I sign the outward papers, in order that the clearing clerk may see that all the inward cargo is properly discharged and accounted for.
 21. Have you any check upon the cargo that goes out? No, nothing. I merely sign the outward documents as a proof that the inward cargo is discharged.
 22. What is the character of the documents you sign? Statement of content outwards.
 23. That is the ship's manifest outward—a document like that? (*Handing the "Louisa's" content outward to witness.*) Yes.
 24. This document is not signed by you? No.
 25. Should it be signed by you? Yes.
 26. How can you account for that? I cannot.
 27. Ought it to be signed by you? It ought.
 28. Is it allowable for any other person to sign it? No, I am the only person to do so.
 29. That document having been passed without your signature it is wrong? Yes, it is wrong.
 30. Has it ever happened before that you have not signed a ship's content outwards? It has not.
 31. Has this paper been left unsigned by special leave? I do not know whether the Collector has given leave to the clearing clerk to do so.
 32. What is the next step with this content after you have signed it? When a vessel is ready for clearing the agent goes to the clearing clerk, who gives him all the entries that have been passed for the vessel, who copies them in the manifest, and calls them over with the clearing clerk, and sees that all the entries are correct.
 33. Having seen that, does he take the declaration? Mr. Maddocks should take that, if he is in the way.
 34. If he is not, who should do so? The clearing clerk, or any gentleman in the room.
 35. Down to the lowest clerk in the room, if Mr. Maddocks is not there? No; they do not generally go to the lowest clerk in the room; if Mr. Maddocks is not there either the clearing clerk, or the clerk who is doing Mr. Maddocks' duty, who is generally the next to him, does it.
 36. In this case the clearing clerk did it? Yes.
 37. Mr. Manton, in taking this declaration of content outward without seeing your signature upon it, acted irregularly? Yes.
 38. You consider it quite unprecedented? Quite unprecedented.
 39. Can you account for it at all? Not at all. I signed one document for that vessel to clear, that was on the 2nd September, but the next day I found that that one was destroyed.
 40. You consider that a very great check is lost by your not being allowed to sign the content outward? Yes, because he cannot know whether the content inward is discharged or not.
 41. Are you aware that the "Louisa" cleared out again on the 7th October? Yes; but I did not sign the papers.
 42. Will you examine that paper—(*handing witness the "Louisa's" content of the 7th October*)—is your signature to that? No, it is not.
 43. That was another most irregular step, was it not? Yes.
 44. It seems that on this occasion Mr. Manton passed it without your signature? Yes, and there was no rummage certificate.
 45. Why did you not sign it? It was not presented to me. I did not know that the "Louisa" was cleared until the next morning.
 46. Was it then presented to you? Yes, but I would not sign it, for I had not the rummage certificate, and I had not the Post Office certificate. It was half past three when they came up to enter that vessel inward—I forget the date. The Collector has on several occasions where vessels have come up late allowed them to be entered, but not without the Post Office certificate, and the papers have not been given up to the ticking-off clerk till that document has been produced.
 47. In this case the vessel was reported inwards, no Post Office certificate was produced, but she was cleared out and sent away? Yes.
 48. Was that highly irregular? Yes. I should have looked out to have got the documents before I would have signed the paper.
 49. Has the Collector ever allowed a vessel to come in and go out again without producing the Post Office certificate? No; I never knew an instance of it.
 50. It seems that Mr. Manton took the declaration of the master also? Yes.
 51. In doing that did he also act irregularly? I do not know what instructions the Collector has given him; he may have instructions to clear vessels after hours.
 52. Are you employed in the discharge of any other duties? No; I think that is quite enough, and rather more than I can accomplish sometimes.
 53. Does any body exercise any check upon you in the discharge of your duties? No.
 54. You are employed as a check upon others? Yes; to check the landing and tide-waiters' books.
 55. How long have you been acquainted with Customs establishments? Ever since 1831.
 56. Where have you been employed since that time? I was eight or nine years in the St. Catherine Docks in London, where, I may say, I was almost connected with the Customs; although I was not in the service of the Crown, I had a great deal to do with the Customs there.
 57. What class of duty did you perform there? I was a sort of clerk—landing-clerk and warehouse-clerk in the Dock Company's service.

58. Where the duties analogous to those of tide-waiter or landing-waiter in the Customs? No.
59. Were you ever employed in the Customs in England? No.
60. When did you come to this Colony? I have been in this Colony about eleven years and a-half, and about eleven years in the Customs.
61. In what capacities have you been employed here? For five years as an extra tide-waiter, and about six years as a clerk in the Long Room.
62. You signed the outward content of the "Louisa" proving the correctness of the cargo inwards? Yes; I signed that on the 2nd.
63. Did you get the rummage certificate for the stores? Yes, for the inward cargo; it was merely for the stores of the vessel. The landing-waiter looks for the cargo, the tide-surveyor looks out for the stores—that rummage certificate was for the stores.
64. What does the rummage certificate declare? The quantity of stores on board.
65. You require that in every case? Yes.
66. No vessel is allowed to proceed to sea without it? No.
67. Who generally procures the rummage certificate? The agent who clears the vessel, (Mr. Stewart, in this instance,) and sometimes the tide-surveyor; it is usual, and I may say a general rule, so soon as the papers are sent in by the landing-waiter complete as to the final discharge of the vessel, I send the tide-surveyor a printed notice, informing him that the books are in my hands, and that the vessel is ready for rummaging. This is always done where no tide-waiter has been placed on board the vessel.
68. Do you think the tide-surveyor could have gone on board and searched the vessel in the short period that elapsed between the time that you asked for the rummage certificate and that at which the agents produced it? I do not know where the vessel was lying.
69. The vessel was lying at Grafton Wharf? No, he could not; but he might have had information, perhaps, from the agent of the vessel in the morning, and might have gone round some time during the day and got the particulars.
70. At what time did you ask for the rummage certificate? When Mr. Stewart came up to ask me to sign the papers.
71. What did he say when you asked him for the rummage certificate? He went to the tide-surveyor and brought it up.
72. Who signed the rummage certificate? I can shew the very document. (*The witness produced the same.*)
73. For all you know, the officer may have rummaged the vessel properly? Yes.
74. There is nothing to make you suspect that he did not? No.
75. Who was the tide-surveyor? Mr. Collier.
76. You have been shewn the outward clearance of the "Louisa," which you say you did not sign? Yes.
77. Did you sign any outward clearance for the "Louisa" on the 2nd September? Yes, I did; when the rummage certificate was produced I signed it, and asked Mr. Stewart whether he was going to clear out that day, and he said he was not.
78. To whom did you give the clearance? To Mr. Stewart. I wrote the words "jerked inwards," put the date and number of the vessel for this year, and what stores there were.
79. Are you aware what became of that certificate? No. Mr. Manton next day asked me to sign another one, and said the first had been destroyed, as there was some mistake. That might have been the case, and if so, I think it better to tear a paper up and write another than to allow an error to remain, or to be effaced by scratching it out.
80. That clearance certificate is not forthcoming—Mr. Manton said it was lost or destroyed? Yes, destroyed.
81. You signed a second? Yes.
82. Where is that? I do not know.
83. You are quite sure you signed it? Yes; I signed one on the third.
84. And this now before the Board, purporting to be that document, is not that document? My signature is not on this document; the stores were filled in in the document I signed.
85. In the document you signed the stores were filled in—here it is said, stores "Nil"? Yes, that is filled in in "Nil."
86. When these clearance papers are signed by you are they given to the captain? No, to the agent.
87. Then the agent takes them? And gets entry from Mr. Manton for all the outward cargo, and then he copies them into the manifest; it is filled up by the agent, and Mr. Manton sees that it corresponds with the back of the entry.
88. After you sign the content outwards you hand the paper to the agent, who then fills it with the goods going to leave the port, and afterwards the captain makes the declaration? Mr. Manton signs at the bottom first.*
89. Then the captain makes the declaration in the presence of Mr. Maddocks, or of the clearing clerk? Yes, or whoever is acting for him, and then the clearance is made out for the vessel.
90. What does that clearance state? The clearance states on the face of it the whole of the bonded goods shipped, the bond mark, the number of gallons, and so forth; not the free goods, only the bonded and drawback goods.
91. Who gives that clearance to the captain? Mr. Manton; but the clearances are generally signed, if the Collector is in the way, by the Collector himself.
92. Where are they generally signed? In the Collector's room; in his absence Mr. Maddocks signs them; or, if he is very busy, the clearing clerk.

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* Initials at the bottom under the cargo, and also under the stores, if any from bond. This is a proof to the gentleman who takes the declaration that all is correct, and nothing more can be added afterwards without fresh initials.

- Mr. Thomas Fancourt. 93. Are they ever signed on board the vessel? They are signed on board steamers on Saturday afternoons, or late in the evening.
94. Is it usual to sign them on board? Yes.
- 1 Nov., 1858. 95. Is it usual to sign them on board other vessels? No.
96. Then it would be irregular if Mr. Manton signed a clearance on board? It has been very seldom, if ever, done. If a captain had not a mate on board, and could not come to the office, at the last moment, perhaps, a clerk might go down and take his declaration.
97. The "Louisa" returned to port the second week in October, and was reported inward to you? Yes.
98. Had you all the papers you required? Yes, with the exception of the Post Office certificate.
99. Have you ever had that since? No. I sent a messenger to the captain† ten minutes after the vessel had reported, and when he returned he said the captain had gone up about it.
100. Did you jerk the outward papers? She had nothing on board; she came in in ballast. The only document deficient was the Post Office certificate.
101. The only document that came back was the clearance from New Caledonia? Yes.
102. Had you the usual rummage certificate from the tide-surveyor on that occasion? No; I did not know she had cleared till I went down the next morning.
103. On the occasion of the "Louisa" coming back the second time what was the date? The 7th October.
104. When did she enter inwards? That was the date.
105. At what time? About half-past three o'clock in the afternoon.
106. She came in here at what hour? I do not know.
107. When did she clear out again? She cleared out the same day.
108. At what time? I do not know at what time she cleared out.
109. By looking at that (*handing the inward report*) can you tell? She reported at half-past three. I cannot tell at what time she cleared out; but she had not cleared out when I left at 4-10. "Without any rummage certificate or Post Office certificate." That is my memorandum.
110. The tide-surveyor, as I understand you, did not give you a rummage certificate on that occasion? No; I had no rummage certificate.
111. Who was the tide-surveyor? Sometimes Mr. Bremer, sometimes Mr. Collier.
112. Can you say which officer was acting at this time? I cannot say.
113. Can you ascertain by referring? Yes.
114. Is it not required, in all cases, that these documents, the rummage and Post Office certificates, should be produced before a vessel is cleared outwards? Yes.
115. And to clear out without these papers is highly irregular? It is wrong.
116. Do you find that the work of the different officers passing through your hands is performed in a proper manner? I find a good many mistakes at times.
117. What do you mean by mistakes? Errors I find in going through the ships' books and papers; I find many discrepancies that I have to send back to the landing-waiter to get rectified.
118. Will you describe some of these discrepancies? In discharging a cargo of twenty or thirty thousand bags of sugar there may be errors in the addition of the weights sometimes.
119. Do you think ordinary precaution is taken to make out these papers correctly? Not always.
120. There is no negligence on the part of any of the officers whose work is checked by you? Yes, sometimes.
121. Have you ever met with any impediment in the performance of your duty, or noticed any irregularity you have thought necessary to bring under the notice of your superior officer? I have, on several occasions; for instance, I have sent down books to one or two landing-waiters with questions, and they have returned them without making any comments.
122. Would not that be rather a neglect of duty? Yes. I am authorised to do a particular duty, and if anything appears to be wrong I have to inquire into it.
123. And when you have done so the parties whom you have addressed have not taken notice of your questions? No, not all of them.
124. Then they did not properly perform their duty? But I took care that it was done.
125. Then, in many cases they have been negligent? Yes; that was negligence, certainly.
126. Is there any other irregularity you have noticed? No.
127. Have you had to bring irregularities of that or of any other character under the notice of your superior officer? Yes, of Mr. Garling.
128. What particular irregularities? Those I have referred to—where there has been an omission of duty on the part of the landing-waiter, and he has sent back his books without altering them.
129. Can you mention any particular landing-waiters? Mr. Hindmarsh and Mr. Passmore, particularly.
130. Did Mr. Garling pay any attention to your representation? No, he did not. He altered them himself in one or two instances.
131. Then he spoke to the officers themselves? He might have done, and they might have given him satisfaction, when they did not give it to me.
132. He did not tell you what action he had taken? He is my superior officer, and as long as he initials anything that is sufficient for me.
133. When you made these applications to him the correction was applied? Yes.
134. Have you found him, generally speaking, willing to support you in carrying out your duty? Not in all cases.
135. Can you mention a particular case in which you think he did not? There was a case a day or two ago with respect to some sugar, where he did not support me: I sent down a book

† To Mr. Stewart, the agent, not the captain.

book to a landing waiter to be corrected. He said it was right. I insisted it was wrong. He then took the book, found the calculations were wrong, and gave instructions that the book was to be altered or explained. It was referred by me to the Collector, and he gave the instructions.

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- 136. As you wished? As I wished.
- 137. Are there any other cases where Mr. Garling did not support you in your duty? There are two or three cases, but I took no memoranda at the time.
- 138. You have no great complaints to make? No, no very serious complaint.
- 139. What do you think of the way in which the business of the department is carried on—is it carried on in a loose manner? In some cases. With respect to the export duty, I think the landing-waiters have had to sign documents that they knew nothing about. Export orders stating that certain goods have been shipped are signed by them when they know nothing about the matter.
- 140. Do you know why they have signed them? The practice was introduced by Mr. Barnes a great many years ago, and I think it was a very ridiculous thing; for the landing-waiters cannot see the goods that are shipped. The officers who go in charge ought to be decent, respectable, trustworthy men, and they should be responsible. How is a landing-waiter to know that a keg of tobacco has been taken out of Pollard's Bond, and shipped on board a vessel at Bradley's Head, when he is stationed at a wharf in Sydney?—How is he to know that it has not been put on board some coaster?
- 141. Have you any other fault to find with the department? The drawbacks, I think, are hardly satisfactory. I think the money should not be paid until a certificate is produced from the port of landing. If the vessel were going to Adelaide, Melbourne, or New Zealand, there would be a little delay certainly, but the inconvenience would be slight. Of course, if goods were going to the South Sea Islands, or any of those places, you could not get a certificate without a great deal of delay; but an officer should go in charge of goods to the vessels in those cases.
- 142. Are you at all conversant with the practice at home—do you know whether a cancelling certificate is required for goods shipped out of bond? The goods go in charge of an officer who has a pricking note; they are all conveyed in lighters, which are all licensed; and there are officers with every vessel at home. I have seen ships go up from Gravesend with four or five officers on board into the docks—in London they are very particular in the tide department; and I have known them to have two officers on board even in the docks, where they are so very strict. They remain on board till the ships are finally discharged.
- 143. Do they when goods are shipped from a bonded store, before the bond is discharged require a cancelling certificate in England? I do not know.
- 144. Is there anything else you have to notice with respect to the loose manner in which the business is carried on? No, I do not know of anything. I think the ship's stores should be all placed under seal as soon after a vessel arrives as possible.
- 145. For what object would you put them under seal? So that they should not have the use of them.
- 146. Are not ships' stores sealed up when ships come in? No. It would be almost impossible when a ship comes in here for a tide-surveyor to see what were the ship's stores, but after a certain time they should be put under seal, and served out by the tide-surveyor a little at a time, say once a week, and then sealed up again until his next visit; this is the method in England, and works well; there is no fear of stores being taken on shore then.
- 147. Does the tide department come much under your notice? No; all I have to do with the tide is to receive the rummage certificate and tide-waiters' books.
- 148. Then you cannot form an opinion whether the duties of that department are performed properly or not? No.
- 149. You have no reason to complain of irregularity in that department? No, not under existing practice.
- 150. Who is the senior tide-surveyor? Mr. Bremer.
- 151. Do you think he is competent to perform his duties? I should not like to say.
- 152. Have you ever seen him tipsy? No.
- 153. Have you ever seen him incapable to discharge his duty? No; he is an out-door man, and I see very little of him.
- 154. You are a check upon him in a certain way? I check his duties—that is for rummage of stores.
- 155. Then you are in a position to say whether he is competent to fulfil his duty? I mean that I do not see him.
- 156. You check his work? I check his work where a rummage is given.
- 157. Is he competent to discharge his duty? I should hardly like to answer that question.
- 158. Does he satisfactorily discharge the duty that comes under your notice? He always has done so.
- 159. Do you think he discharges the duty that comes before you faithfully and efficiently? I think he does.
- 160. You would not like to give an opinion with regard to his efficiency? No, I should not, for I have little to do with him further than the rummage certificate is concerned.
- 161. Are not your duties of a most important character, as a check upon the whole working of the landing department? Yes.
- 162. In fact every vessel going out has her papers passed through you to the Collector? Yes; the papers are examined by me first.
- 163. By Mr. M'Levie: Did you know after the "Louisa" sailed that she had cleared without your certificate? Yes, I knew after.
- 164. Did you bring that fact to the notice of the Collector? Yes, I did, the next day.
- 165. She cleared without going through the proper forms? Yes, without the rummage certificate.

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166. Do you know whether any steps were taken in the matter by the Collector? No, I do not.
167. You said, in answer to a previous question by the Chairman, that you frequently discovered mistakes in the accounts brought before you? Yes, in the landing-books.
168. Can you say whether these errors are made frequently in favor of the importer, or whether they are in favor of the revenue? I cannot say. Sometimes we have errors in one way, sometimes in the other. I have kept no account of that. I should not like to say whether the balance is in favor of one or of the other.
169. Did any of these mistakes ever appear to you to be of a suspicious character? No, I have no reason to say that.
170. With respect to the men employed as export officers, how is that duty taken—is it performed by supernumeraries as well as by those on the establishment? There are four men employed in that duty.
171. Is it confined to those four men? When we are very busy extra tide-waiters are taken on.
172. Do you think this class of men should be entrusted with such important business? Some of them might.
173. As a class? I think so. There are some very decent men among the extra tide-waiters; but I should not like to speak for all.
174. Are there any of them of a class you would not like to trust with so important a duty? Yes, there are many of them.
175. You know them to be employed in that duty? They take their turn, but there are four permanent men.
176. Do you not think it would be a check upon the out-door officers if they were compelled to wear an uniform? They do at home.
177. Do you not think it would be a check upon their conduct here? Yes, it might.
178. Particularly these men who are employed as export officers? I do not think the extra tide-waiters are put upon a proper footing—they have nothing to depend upon but what they earn when they are employed, and then they are paid by the day. At home they are put into classes, and receive certain salaries, and then are paid by the day when they are employed. I think there are three classes—the first receiving £50 a-year, the second £40, and the third £30; and I think that is the fairest way. When I was an extra tide-waiter I was sometimes for seven or eight weeks without earning a penny-piece. At home, too, the tide-waiters are put on board vessels by the Customs boats; here they sometimes have to pay as much as three or four shillings to be put on board a ship.
179. *By Mr. Browne:* You were speaking about the irregularity in the payment of drawback of goods exported—has it ever come under your notice that goods upon which drawback has been claimed have never paid duty at all? I never heard anything of the sort; I do not say there is any irregularity as far as the drawback is concerned; but I think it would be a better system to have a certificate signed by the Collector of Customs at the port of discharge before the money is paid.
180. Upon the last occasion of the “Fanny Fisher” coming in here with sugar, was all her cargo discharged correctly? There was a good deal of trouble over that. I do not know what voyage it was. The tide-waiter on board of her had two sets of books to make out; they were both wrong, and he was dismissed.
181. Was there not an actual deficiency of thirty-seven tons, which never paid duty? I never heard; it was all arranged to the satisfaction of the Collector.
182. What was the error in the books? The tide-waiter’s books did not correspond with the cargo.
183. Was it a deficiency? It was short, if I remember rightly; I know there was a good deal of trouble and bother with that vessel.
184. Do you know the name of the tide-waiter? Alder. I know the Collector dismissed him instantly. What the error was I do not recollect, but I know it was settled to the Collector’s satisfaction. I think I made a memorandum to that effect in the books.
185. You say when the “Louisa” came in on the 7th October she did not enter inwards till about half-past three in the afternoon? I think about that.
186. Is not that unusually late? I have taken them up as late as four. I give every facility possible to the public.
187. After the vessel had left the harbour in the previous month, was not some suspicion entertained by you, and among other officers? Yes, there was. I heard it first from Mr. Collier. I was going down stairs when Mr. Collier asked me if the “Louisa” had cleared out. I said, No; I had signed the papers, but Mr. Stewart had told me she was not going to clear out that day. I went and found she had cleared.
188. Were you aware when she made her entry at half-past three o’clock on the 7th that she had actually been in port from the night of the 6th? No, I was not aware of that.
189. You were not called upon to sign an outward clearance on her content that day? No.
190. He never asked for that? No. That is the inward report (*handing in a paper.*)
191. When that inward report was brought to you, there was no rummage certificate attached to it? No, for the vessel was entering then.
192. Would you have cleared out that vessel without a rummage certificate? Vessels have cleared out sometimes without a rummage certificate.
193. Under the peculiarly suspicious circumstances connected with this vessel, would you have cleared her without a rummage certificate? I would not have cleared her without a rummage certificate, for I had not the Post Office certificate.
194. Has Mr. Manton instructions to clear vessels after dark? That I cannot say.
195. Is it at home customary to clear foreign vessels after hours? I do not think it is. At London I have known steamers to be cleared at ten or eleven o’clock at night, but I will not be certain about other vessels.

197. Does Mr. Manton receive extra pay for clearing vessels? If he stops after hours he is paid.

198. Is there any scale of fees? I think not. I think it is just left to the generosity of the parties. I think he receives 7s. 6d. on Saturdays from the steamers for clearing them.

199. Why did you refuse to sign the document that was brought to you on the morning of the 3rd September? I did sign the document on the 3rd September. I said I had signed one the day before; he said that was destroyed, and I then signed another.

200. This one produced is not the one? My name would be attached if it were.

201. You say you were employed in the St. Catherine's Docks Office? Yes.

202. Did not the Dock Office perform all the Customs duties appertaining to all vessels loading and discharging in the docks? Yes.

203. Would you, as a clerk in the docks, become conversant with the way in which Custom House business in the Port of London was managed? I should with the out-door duty, but not the in-door duty.

204. Where have you gained your experience as to the system to be adopted in this Colony? I have known a good deal of the system at home, having been in the docks so many years. My father was in the London Docks and St. Catherine's for fifty years.

205. Are there any printed rules in this Colony for the guidance of the in-door or out-door officers? I have never seen any.

206. You act merely by the usual routine which you found in force when you came into the department? Yes.

207. You have nothing to guide you as to whether you are exceeding your duty or not? We have got no rules at all. At home there are rules for the landing-waiters, clerks, tide-waiters, and all sorts.

208. You said, in answer to Captain McLerie, that of the extra export officers some were people of reputable character, and some were not so—not trustworthy? Some of them are very old men. I did not say they were not trustworthy. I know nothing of their private characters.

209. What do you think of the permanent officers—are they any better? They do not come under my eye at all. I should not like to say anything about them.

210. Is there much drunkenness in the Customs Department? I do not know of any in-doors. I do not know what there is out.

211. Having been connected with the landing of goods for many years, do you think one officer could possibly remove and see on board one vessel in the course of a day the number of packages enumerated in that content? No; I know I could not; I am satisfied of that; I do not believe it is possible.

212. What is your impression with regard to this affair altogether—do you think these goods were ever put on board? I should not like to say either one way or the other. I am quite satisfied one officer could never see them put on board in one day.

213. Is Mr. Manton the proper officer that takes these warrants when they are first presented? No.

214. Before these warrants are taken by him is any process gone through in the presence of the warehouse-keeper or any other officer of the department? They go to the warehouse-keeper, Mr. Nash; he sees that they correspond with his book, and puts his initials to them; then they go to Mr. Maddocks, who receives the bonds for his signature to be attached to them.

215. Then, when he has taken the bonds and initialled them ——? Then he is at liberty to number them and sign his name.

216. Who numbers them? They are numbered by Mr. Manton, and signed by him.

217. On being signed? They go to Mr. Nash. One copy is retained in the Long Room, and three copies go down to Mr. Nash, one of which he retains in his own room, and two are sent by the export officer to ship the goods—one he brings back and gives to Mr. Nash, and the other goes to the clearing clerk.

218. They are made out in quadruplicate? Yes.

219. Would the warehouse-keeper be justified in issuing an order to the locker to discharge goods from bond unless he saw Mr. Maddocks' signature to these? He might not notice that, seeing that they were signed by the clerk. If they were signed by Mr. Manton that would be satisfaction for him, for Mr. Manton is the responsible party, therefore Mr. Nash would have nothing to do with that.

220. When the papers come back to Mr. Nash are they expected to be completed on the back the same as we now see them? Yes. They are delivered over to the officer, who gets them signed by the mate; he then signs them himself, then the landing-waiter signs (which I think is very foolish), then they come back to Mr. Nash, and one goes to Mr. Garling, for the landing-waiter to sign, and then he sends them in to Mr. Manton.

221. Mr. Garling's duty, I believe, is to supervise all the out-door duty—would that be the first time that he would become cognizant of goods being exported, when the document was brought back in this complete form? Mr. Garling would not know anything about the export entries at all.

222. You say one copy comes back to him? They are made up with his entries.

223. Did you not say one comes back to Mr. Garling? They are made up with his day's entries.

224. He would not know about these goods being exported, unless he checked them the next day? He does not check them.

225. Who does check them? Mr. Manton.

226. If Mr. Manton thought proper to be corrupt he could, in conjunction with the export officer, pass anything out of the port without any other officer knowing anything about it? It could be done.

227. Is it usual for parties shipping bonded goods to acquaint Mr. Garling that they are about to do so? Not bonding goods—drawback goods. I think where vessels are taking in

- Mr. Thomas Fancourt.
1 Nov., 1858.
- large quantities of bonded goods there ought to be an officer on board to enter them in a book as they are shipped.
228. Do you not think that officer should follow the vessel out of port? Yes, he ought to see her out.
229. Is that ever done? It has not been done lately.
230. Who is the last officer of Customs that leaves a vessel going out of port? The tide-surveyor, because he rummages the vessel as to her quantity of stores.
231. Where does he leave the vessel? Alongside the wharf, or it may be in the stream.
232. Does he never follow her out to sea? No.
233. Then there is apparently no difficulty in landing goods after the tide-waiter leaves? No.
234. Under present arrangements a vessel might land goods at any part of the harbour after dark? It might be done with the greatest ease.
235. *By Mr. Browne*: Who appoints the tide-waiter to the ship? The tide-surveyor.
236. Is that discretion left in the hands of the tide-surveyor or Mr. Garling? The tide-surveyor or Mr. Garling appoints the landing-waiter to the different vessels, and the placing of officers on board ship is the tide-surveyor's duty. I think officers ought to be placed on board all these export ships; that would be a check. He should keep a book in which should be entered all the goods put on board, and if that book were to go to the clearing clerk he would see that everything was accounted for in the book.
237. Do you know whether the "Louisa" was boarded on the day after arrival, on the 7th? That I cannot tell.
238. Who produced that paper to you? Mr. Stewart, the agent.
239. You admitted her inwards without the Post Office certificate? Yes; he was to get it that afternoon. I sent a messenger, and he brought word that the captain had gone up for it; but I have never seen it.
240. *By the Chairman*: Is a vessel generally entered in the same day she arrives? Generally within twenty-four hours, sometimes a little over.
241. Is she boarded directly she arrives? Yes, by the tide-surveyor.
242. Where is she boarded? Perhaps at Bradley's Head, or off the Cove.
243. If she comes in at night when is she boarded? Not till morning.
244. Then she could land goods all night? There is no one to check it; no officer is appointed for night duty; there is no coast guard; there used to be at Watson's Bay, but that was done away.
245. *By Mr. Browne*: The actual clearance certificate which is attached to the content is a printed form with a seal? Yes.
246. Is a duplicate of that kept in the Custom House? Yes; we have a declared copy; it is the duplicate that is sent away.
247. Where is the original of this? This is the original; this is the clearance.
248. Is there no duplicate certificate of clearance retained in the Custom House but merely the content? Yes.
249. Are they allowed to be put away in that slovenly manner? They ought to be made fast with a piece of tape or twine.
250. Whose duty would that be? These papers, after Mr. Manton is done with them, go to Mr. Mowle, the clerk who takes the entry for drawback, and he makes the entry at last. I dare say these have been cut adrift, and had out for use; they are always made up, or should be.
251. Is it usual for the landing-waiters to sign the certificates of goods exported in any other beat than the particular beat to which they are appointed? Sometimes they do.
252. Would it be correct for an officer stationed at Walker's Wharf to sign a certificate of goods shipped at the Grafton Wharf? It would not be correct—at least I do not see that there would be any offence; as it is a useless practice altogether, the officer who ships the goods should be held responsible.
253. Do you think any landing-waiter having his senses about him would sign certificates in this wholesale way? He is obliged to sign it. It was introduced by Mr. Barnes.
254. Do you mean that Mr. Bramwell was obliged to sign this without knowing anything about the goods? It is the order; it is a complete farce; the officer who goes in charge is the responsible party.
255. *By Captain McLerie*: You know the Chilian Bonded Store? Yes.
256. Who are the proprietors of it? Mr. William Stewart, I think.
257. Have you ever heard of any person else being connected with that store? No, never.

Mr. Frederick Garling called in and examined:—

- Mr. Frederick Garling.
1 Nov., 1858.
1. *By the Chairman*: What is your office in the Customs? Landing Surveyor.
2. What is your duty? To superintend the out-door department, to keep a check on the daily receipts and collections, and generally to supervise the out-door officers.
3. You say you keep a check on the daily receipts—what sort of supervision do you exercise? I have copies of the day's warrants and see that they balance with the cash received the day before. I have one set of the entries given to me, and see that the duties agree with the cash received and put to the credit of the Government by the cashier.
4. You control the out-door business, do you? Yes.
5. To whom do you account for the out-door business? To no one but the Collector; he is my superior officer, as head of the department.
6. What officers have you under you? More particularly the landing-waiters.
7. How many? There are nine.
8. Have you any others under you? All the out-door officers generally. They are all under me, inasmuch as I am second officer in the department.

9. Would the tide-surveyors be under you? Yes.
10. Are they under your orders? Yes.
11. Bound to obey you? Yes—though their duties are distinct from mine, they having the immediate supervision of the tide-waiters, boarding and measuring vessels, &c.
12. Is the Inspector of Warehouses under you also? Since his appointment, which is a new one, I have never interfered with that branch of the business.
13. Does he receive orders from you? I consider he is bound to do so.
14. Is it definitely understood? No, it is not.
15. The tide-surveyors, Mr Collier and Mr. Bremer, are under you? Yes—though, as I have said before, their duties and mine are distinct.
16. They have boatmen under them? Yes, they are immediately under them, and the tide-waiters also.
17. Does the tide-surveyor report to you, or straight to the Collector? Straight to the Collector.
18. He can communicate with the Collector without going through you? Yes.
19. Are you employed to discharge any other duties besides out-door duty and that of checking the accounts? Nothing particularly.
20. In checking the accounts of collection do you point out mistakes to the Collector, or report to the Government? To the cashier. If I find any alteration required, I compare them with his books to see where the entry is wrong.
21. Do you certify to the accounts at all—is your certificate required at the Audit Office? Yes, I suppose so; I always have certified, but I have never received any orders from the Colonial Government since the department was handed over to them. We had printed instructions from the Board of Customs at Home, which we have acted up to as far as the work will admit of it.
22. Have you a copy of these printed instructions? No.
23. Can you supply them? Yes.
24. Will you be good enough to supply them to-morrow? Yes. In fact all the officers, excepting, I think, the tide-waiters, had printed instructions from the Board.
25. Do you report your acts in the exercise of your duty to the Collector at all? No, I cannot say I do.
26. How does the Collector exercise any control over your out-door duty? He never does; but there are many points arise which we have to discuss and arrange together.
27. Does he know anything of what you do? Yes; I suppose he must be aware that the duties are carried out according to our instructions.
28. How does he know if you do not report? We make no daily report, I mean.
29. How would your conduct in the discharge of your duty come under his notice? Unless reported officially I do not suppose it would in any way.
30. Is he at all cognizant of what you do out of doors? No.
31. Do you make any return to him? Only of the stations of the different officers, so that if he wants any information he knows where each officer is stationed.
32. You do not make any return of the amount of business done in the week or day? No.
33. There is no official record of what you do? No.
34. In fact you act independently of the Collector? Out of doors I may say I do.
35. Do you remember the clearance of the "Louisa" on the 2nd September? No. As I said before, I have no supervision over the in-door department; there are none but clerks in-doors.
36. You remember the fact that the "Louisa" was cleared on the 2nd September? Yes.
37. Was there anything unusual about the clearance that led you to examine the outward papers? No. I saw the outward papers some days afterwards. The only unusual thing was the hurry in which it was done, being all done in one day; that was unusual; but in case of emergency it may be done.
38. You mean issuing all these bonded goods from the store, putting them on board, and clearing on the same day? Yes; it was very unusual.
39. Did you examine the clearing papers? No.
40. Are these the clearing papers? (*Referring to the papers of the "Louisa" before the Board*) Yes.
41. I want you to examine them, and ascertain whether there were not issued that day from the store for the "Louisa" as many as 296 packages of dutiable goods? I have a memorandum of the goods, and, from what I understand, the whole of them were not shipped upon that particular day. I make three hundred packages; and, from my experience of dray loads, I take them to be thirty-four dray loads. (*The witness handed in the memorandum referred to.*)
42. Do you think it possible that that quantity of goods could be put on board on the same day? I think they could, but I almost doubt whether they could by one officer, coming from different stores. If they all came from one store I can imagine that it might be done.
43. If they all came from one store do you think they could have been put on board by one officer in one day? I think so. I do not know how many drays were on. Personally I had no superintendence in this particular case.
44. How many years have you been in the discharge of your present duties? About ten years as landing-surveyor, but I joined the department as landing-waiter in 1827.
45. You have had pretty good experience of how many loads a given quantity of goods will make? Yes.
46. You think it impossible that goods amounting to three hundred packages, or thirty-four dray loads, should be issued from five different stores and put on board a vessel in one day? I have my doubts; I think it very improbable; it would depend a great deal on the number of drays.
47. Assuming that thirty-four drays were employed, do you think they could have been loaded

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- loaded by one officer in one day? I have my doubts about it, but I cannot say, because I do not know the number of drays employed.
48. Do you think all this business could have been done, in addition to the passing of the usual entries and going through the other routine which is necessary before goods issue from a store? Yes, decidedly, because all this business is done when they enter the goods outwards.
49. Is there not a routine of business that will take some time? Yes.
50. Is it possible, when there is this routine business to get through, and export warrants to be made out, added to the work done by these drays, that all that could be done in one day? Yes.
51. Could one export officer have carried out the whole of this business of shipping these goods, and in addition have obtained these export warrants from the Custom House? Yes.*
52. I think you said just now the drays could not have been loaded? I do not think they could, but I think the warrants could have been issued in one day.
53. Could the two duties have been performed by one man in one day? I doubt it. The papers do not necessarily come before me.
54. Did you examine the outward papers on this occasion? I have seen them once since.
55. Were they in proper form, and all the requirements of the Customs complied with? Yes.
56. Is the signature of the jerker to them? That is in-doors; I am not conversant with the routine in-doors.
57. Is it not your duty to check the out-door business? Yes. This did not come before me in any way.†
58. You had no check upon the clearance? No.
59. And yet you superintend the whole business of the out-door department? Yes; but the preparation of the clearance papers is part of the in-door work.
60. At the same time that some of your officers discharge duties and you know nothing about it? There is something more to —
61. Will you answer my question—you told me you were responsible for the whole of the out-door business, and yet some of your officers discharge duties and you know nothing about it? They do, as far as signing these documents as to the goods being shipped; but they themselves cannot know it. The landing-waiter cannot possibly, or very seldom, see them shipped, and he signs what he does not know of. It is one of the forms introduced by the Inspector General when he came here, to carry out, as far as possible, the London practice.
62. Does the officer, in shipping goods, discharge duties of which you know nothing? His signing these warrants —
63. Of which you are never informed? No.
64. Does it ever come under your notice? No.
65. In discharging these duties with whom do they co-operate? The shipping officers—the mate or captain of the ship, who gives a receipt.
66. Who checks that duty, do you? No; but without these receipts the clerk will not clear the vessel when the papers are brought to him.
67. Then virtually there are some of the officers under you who act independently of you? The only way they do so is in signing these entries.
68. The export officers are under your superintendence, are they not? Yes.
69. Are you informed whenever they are employed? No; the tide-surveyor puts them on duty; it is his duty.
70. The tide-surveyor is under you? Yes.
71. Are the export officers under the tide-surveyor in looking after the goods? Yes, in their capacity as export officers.
72. Does the tide-surveyor name an export officer to carry a certain amount of goods to a ship? Yes. In this case the export officer ought to have informed the tide-surveyor of all he had to do, and then he would have placed an officer on board.
73. Who issues the export warrant to the export officer? The warehouse-keeper. When he gets this warrant he (the tide-waiter) ought to send word to the tide-surveyor; but in this case the export officer undertook to do this without giving him notice.
74. Did you examine these papers on the 3rd September? I do not think it was the 3rd. I have seen them once since, but they do not generally come under my notice.
75. On the day after the sailing of the "Louisa" did you examine them? I do not think it was the following day; I know I have seen them once.
76. When you examined these papers were they signed, and the proper declarations taken? They were just in the state they are in now.
77. Were you apprised of the fact of so large a quantity of goods being about to be shipped in a vessel for the South Sea Islands? No, I was not.
78. Is it not usual to acquaint you? No. The shipping officer ought to have acquainted the tide-surveyor more particularly, because with an excessive quantity like this we put an officer on board, and retain him till the ship is outside the Heads; but he omitted to do so in this case.
79. It is not usual to acquaint you? No.
80. Mr. Nash does not think it necessary to communicate with you, who are the head of the out-door department, when he wants to communicate with the export officers? No; it would be useless and unnecessary, and impede public business, as my duties take me away from the office nearly all day.
81. He communicates directly with one of your subordinates? Yes; he gives the goods to the export officers.
82. Who names the export officers to do any duty? We have four officers, and the ware-
house-

* I have already said that I think not.

† Nor is it necessary for these papers to come before me in any way.

- house-keeper gives them to any one that is unemployed; and if there is none, he acquaints the tide-surveyor, who puts the first officer on that is for duty.
83. Then it depends upon the export officer or tide-waiter whether he asks for further assistance in shipping goods or not? Yes.
84. You do not know that goods are going to be shipped? Yes; if applied to for an officer to accompany them.
85. Does the tide-surveyor know what goods are going to be shipped? No; unless he is informed by the export officer.
86. Unless informed by his subordinate? Yes.
87. When the "Louisa" returned to port, was it not stated that it was in consequence of the mate having died at sea? Yes; so I have understood.
88. Have you any means of knowing whether that was the fact? I have no means at all of forming an opinion on that point.
89. Have you examined at any time, or caused to be examined, the books of the storekeeper at Walker's Bond? No; the Inspector of Warehouses is in charge of that branch.
90. It is not your duty to examine the books? Not since his appointment.
91. Had you taken upon yourself to examine them before Mr. Still was appointed? Yes.
92. What is your general opinion of the way in which they are kept? I have always found them correct when stock is taken.
93. How often is stock taken in these warehouses? I do not know how often Mr. Still takes it.
94. How often used it to be taken? About once a year.
95. With respect to the store books at Walker's Bond, did you ever examine them? I have not done so for some time.
96. Did you ever examine them and find anything irregular? No.
97. Did you not, on the 26th of October, examine them to discover a supposed irregularity in the export of cigars per "Chectah" in March last? No; I have not been there.
98. Did you ever order them to be examined? I do not recollect at this moment. I think I have some recollection of what you refer to. Mr. Brown, who was a locker, said there was a discrepancy; I did not go myself, but I referred to the books in Mr. Nash's room, and found that Mr. Brown was wrong; I found that the date was correct, and that the delivery was on the day the locker made it.
99. What is the rule with respect to boarding vessels inward—where are they generally boarded? Generally off the Fort.
100. Whose duty is it to look out for vessels? The tide-surveyor's.
101. Does he send a tide-waiter on board? Yes.
102. It is entirely in his department? Yes—boarding ships and putting officers on board.
103. Where are they boarded? I have nothing to do with that particular branch.
104. I thought you said the tide-waiters were under you—do you not control their movements in any way? Yes.
105. If a vessel came in at night would a tide-waiter be sent off at night? No, I do not think he would, except under particular circumstances.
106. When would that vessel be boarded? I fancy not till the following morning.
107. I suppose we shall get more of the detail of boarding vessels from the tide-surveyor? You will get it direct from him.
108. With respect to vessels leaving —? That is the tide-surveyor's duty.
109. Which tide-surveyor? They take it week about.
110. Is there any regulation existing respecting when vessels ought to be boarded coming in, and when they are to be left going out? No, I am not aware that there are.
111. Is there no regulation as to how far they should be accompanied by a tide-waiter? No.
112. Can you give the Board any information with respect to the certificates required to be furnished by vessels coming in and vessels going out? No; that is done in the Long Room; I have no supervision in the in-door branch.
113. What do you look after in your position as comptroller? I see that the landing-waiters do their duty, and check all their gauging.
114. You do not superintend the whole of the duty of the landing-waiters and tide-surveyors? Not the tide-surveyors. My instructions tell me to superintend the landing-waiters, check the gauging, and see to the examination of goods landing.
115. Do you exercise an entire check over the landing-waiters? Yes.
116. You know everything they do? Yes; I am round to the wharfs every day where vessels are discharging.
117. You can give the Board no information about rummaging certificates or clearance? No; that is entirely the tide-surveyor's business.
118. Have you ever been employed in England in connection with the Customs? No. We have had instructions from home.
119. You cannot speak of the practice at home? No; I cannot say I have personally any knowledge of the London practice.
120. If an export officer and a locker combined together to cheat the revenue, could they do it? Yes, I think they could.
121. Do you exercise any check upon that? If an officer choose to be dishonest, I do not see how it is possible to check it.
122. Is there no means of checking collusion between the export officer and the locker, in the in-door department? I do not know that there is.
123. Do you remember the "Fanny Fisher" coming in here in January last? She has been here so often that I cannot say.
124. With a cargo of sugar? She always brought sugar.
125. In the case when Alder was put on board as tide-waiter—do you remember that? Yes, I think so. He has misbehaved on board so many vessels that I cannot remember that particular occasion.

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126. Do you remember a case where there was a great discrepancy? There always was in every ship he was put on board of, and I was very glad when I got rid of him.
127. Have you any record with respect to the bad behaviour of Mr. Alder on this occasion—you say he misbehaved himself? When I said he misbehaved, it was because he never could be depended upon.
128. What steps did you take? I reported him to the Collector, and he was dismissed.
129. He was not dismissed every time? He was dismissed and put on duty again on account of some one interceding for him, and afterwards he was finally dismissed.
130. Is there any record of his dismissal? I think the tide-surveyor would have it.
131. It is your business you say to look after the tide-waiters—would you report it, or the tide-surveyor? In this case I think I did.
132. Do you recollect reporting this case? I cannot say in this particular instance, for that vessel has been here so often.
133. Could you, by referring to papers, bring to memory the circumstances of Mr. Alder's case? I think I could.
134. Do you remember that at any time there was a large deficiency of sugar—thirty-one tons of sugar supposed to have been taken away from the "Fanny Fisher"—and no record made in Mr. Alder's book of the circumstance? I do not remember it at this moment.
135. Do these circumstances occur so frequently that you cannot remember them? Not such a discrepancy as that.
136. Do you remember what step was taken on the occasion by Colonel Gibbes with a view to obtain a correct account? I have not a recollection of that particular case.
137. Was any person prosecuted on that occasion for the removal of the goods? I do not remember; I think I should have remembered if it had been so.
138. Surely an important discrepancy like this is not easily forgotten—it ought to impress itself upon your mind, ought it not? Yes; but at this moment I cannot recollect what steps were taken, nor can I remember whether it was for that Alder was dismissed.
139. Do you remember that a merchant did take away more than thirty tons of sugar from the "Fanny Fisher" without paying duty? I cannot remember at this moment.
140. Would Mr. Fancourt refresh your memory on the subject? Yes, I suppose he would, for he jerks these books.
141. Do you remember the occasion of Mr. Alder being dismissed? At this moment I cannot recollect what it was for.
142. The tide-waiter keeps a book of this sort (*handing a book to witness*) does he not, on board? Yes.
143. Who checks it? He delivers it to Mr. Fancourt, and he jerks it.
144. Mr. Fancourt would find out his error? Yes.
145. What is the landing-waiter's duty? He takes the weights, and adds them up, to see if they are correct; and the final jerking is done by Mr. Fancourt—that is his particular duty.
146. Who was the landing-waiter on this particular occasion—could you tell by the look of the book? The landing-waiter's book is endorsed on the outside. (*The witness referred to the book.*) This is Mr. Warburton's.
147. Is not the landing-waiter directly responsible for the landing of the cargo? No; the tide-waiter and landing-waiter here do the gauging; in England they do not; here it is nearly their principal duty. There are gaugers in England.
148. The whole collection of the revenue for imported dutiable dry goods is dependent upon the honesty of the tide-waiter? Yes, such as coffee and sugar; but tobacco, cigars, wine, and spirits, the landing-waiters have to do.
149. *By Mr. Browne:* You say that the landing-waiters are liable for the correctness of all dutiable goods, such as tobacco, spirits, and —? Tobacco, cigars, and spirits are under his immediate superintendence, but the sugars he cannot attend to.
150. Is tobacco weighed at the wharf before it goes into bond? Generally, if the scales can be depended upon.
151. Has it not more often to go into store without being weighed? Then he goes to the store and does it there, instead of at the wharf. It is always advisable, when he can do it, to do it on the wharf.
152. Would a landing-waiter be authorised to sign export warrants for goods shipped at a wharf not in his own beat? Yes, for it is merely a form; they sign for what they do not, and cannot, see done.
153. There is a heavy duty now upon sugar, is there not—£5 a-ton? Yes.
154. Can you not charge your memory with the circumstances attending the case of the "Fanny Fisher"? I really cannot, of that particular case you refer to.
155. They so often occur, do they? Not such a one as that; but I really cannot remember the particular case.
156. Would not this (*the tide-waiter's book*) shew that there were 32 tons deficient? There seems to be a correction here of 32 tons 15 cwt. 7 lbs.
157. Would the Government lose that amount of duty? If these books were not jerked they would, but the object of jerking is to correct.
158. If in jerking the books there is found to be a deficiency of 32 tons of sugar, who would be made responsible for it—would the Government lose the duty on it? No; because it would be discovered in the jerking.
159. Who would be called upon to pay it? The importer, I suppose.
160. Supposing the importer were insolvent. Do you know whether the duty has ever been paid on that sugar? No; I am unprepared to answer without referring, but I could ascertain it on my return to the office.
161. You cannot remember such a large deficiency? I confess I do not at this particular moment.

162. Are there frequently discrepancies in weights in weighing sugar? Not anything like Mr. Frederick Garling that.
163. Was Mr. Alder a regular tide-waiter? No; he was one of the extra men, employed when he was wanted.
164. You are not aware of any prosecution having taken place against the person who landed this sugar without paying duty? No, I am not; I will refer when I return, but at present I cannot explain.
165. The Custom House does not open till nine o'clock? No.
166. At what time does it open for the entry of export goods—are they taken at once? Yes.
167. What length of time would it take to pass entries for these 296 packages, and to get the proper documents through till they reached the bonded warehouse-keeper? I should say it could be very soon done.
168. Has it not all to be checked in the warehouse-keeper's books? Yes.
169. Would not that take some time? Not a very long time.
170. Has not every separate shipment to be made upon different entries? Yes; all of which the parties may have prepared the previous day, and then they would merely have to be checked in the morning.
171. Supposing there were half-a-dozen, would not that take considerable time? It would, some little time.
172. If none of these goods were taken on board the vessel till after one o'clock, do you think between that time and the time it started it would be possible to put these goods on board? I should think it would not, if they were not taken down till after one o'clock.
173. *By Mr. McLerie:* The subordinate officers of the out-door department are under your control? The tide-waiters are more particularly under the tide-surveyor.
174. Then you are merely a link in the chain of responsibility? Yes.
175. Do you keep any record of any omission or inaccuracy on the part of these officers? No.
176. For offences that the Collector would not consider deserving dismissal is there no punishment by fine? Suspension for a few days, or a week, or deduction of pay for a time.
177. For any trifling offence, such as being half-an-hour late for duty, does the Collector ever resort to the infliction of a fine? No, except mulcting a day's pay, which amounts to a fine.
178. There is no record kept of these offences and their punishment? I do not think there is; I am not sure.
179. Of officers under your control? These suspensions take place by the Collector.
180. If you bring the offence of any officer under you under the notice of the Collector, is there no record kept? I am not aware that there is.

TUESDAY, 2 NOVEMBER, 1858.

Present:—

CAPTAIN WARD, R. E., IN THE CHAIR.

H. H. BROWNE, Esq.

J. M'LERIE, Esq.

Mr. Charles Smith.

Mr. Thomas Fancourt called in and further examined:—

1. *By Mr. Browne:* I think you told us yesterday that it is your duty to jerk the landing-waiter's blue landing books? Yes.
2. The books that come from the landing-waiters? Yes, the blue landing books.
3. Did you jerk the books of the "Fanny Fisher" on her arrival in the month of December? Yes.
4. When you examined those books did they come up as a matter of course after the vessel was discharged? Yes.
5. When you examined them did you discover any deficiency? I discovered a great number of errors.
6. Did you discover any deficiency? I cannot tell, for some of the tide-waiters' books—some of the former books—were destroyed. There were two sets of books given to the tide-waiter. I could not make head or tail of the tide-waiter's books; in fact the landing-waiter had to make out another book.
7. Was there any great discrepancy between what ought to have been discharged and what was discharged? I do not think there was any discrepancy. There were a great number of errors in the addition, as you will see. I think this is the first book (*examining the book*).
8. Will you refer to these warrants, and tell us what portion of the cargo was bonded and what portion duty was paid upon? The whole of it paid duty.
9. At once? At different times—ten tons, twenty tons, fifty tons, and so on.
10. What is the object of the hundred tons bond taken? I made a mistake here and turned over two entries for one. I see that 100 tons were for bond.
11. What was that for? 100 tons were for bond.
12. Is that the only lot for bond? Yes.
13. Who was that bonded by? Henry Fisher, in the Exchange warehouse.
14. Tell us what went into bond? 134 tons 16 cwt. 24 lbs. went into the Exchange Bond.
15. How could 134 tons go into bond when there were only 100 tons in the warrant? It does

Mr. Thomas Fancourt.

1 Nov., 1858.

- Mr. Thomas Fancourt. does not matter how much goes into bond, because it cannot be delivered out of bond without duty being paid.
- 2 Nov., 1868. 16. 134 tons went into bond on a warrant for 100 tons? Yes.
17. When was the post entry passed—was it after you had jerked the ship? Yes.
18. What was the object of the post entry? There was an entry passed for 20 tons, but instead of 20 tons being landed there were 54 tons 11 cwt. 3 qrs. 19 lbs. The entry for 20 tons was the last passed.
19. Who passed that entry for 20 tons? Mr. Fisher.
20. Who passed the entry for 34 tons? Mr. Robertson, of the bank.
21. Why was Mr. Robertson called upon to pay the post entry? I cannot tell that. It was paid through Church & Gifford, the agents.
22. Was it not discovered that these 34 tons had been removed without payment of duty; and was not the other cargo held back that belonged to Mr. Robertson, till the Government was satisfied with the duty on 34 tons? Not that I am aware of. It must have been done by the Collector.
23. Is it a common practice in jerking a sugar ship to find that where a warrant is issued for 20 tons, 54 tons have been issued? Frequently we have entries for 5 tons, and 10 tons are issued; that is the object of the post entry being issued. It is a very rare occurrence that so large a quantity is delivered before the duty is paid.
24. That discovery would not have been made till you jerked the ship? The landing-waiter ought to know that.
25. Did he report that? No, not till the books came in.
26. Was no discovery made till the books were jerked? No; the books were in such a dreadful state.
27. If you had not jerked the books correctly, would not the Government have lost to that amount? A great deal depends upon my jerking.
28. Supposing you had not checked them properly? The Government would have lost the duty.
29. *By the Chairman:* There is no check after you? No. A tide-waiter may make a mistake in his addition, and perhaps the landing-waiter does not go through the tide-waiter's books to make up his additions.
30. *By Mr Browne:* Who was the landing-waiter of that wharf? Mr. Warburton.
31. Does not Mr. Warburton keep a book of the discharge of the cargo? He cannot; a landing-waiter cannot stand at the ship's side.
32. Does he take no record of the discharge of ships? No; he takes it from the tide-waiter. It is the duty of the landing-waiter to see to the tide-waiter's book every night.
33. If the landing-waiter had done his duty, and seen the books you found so erroneous every night, could this fraud have occurred? There is no fraud, because the duty is paid.
34. Could that irregularity have occurred if the landing-waiter had looked through the books? No.
35. Were the mistakes so glaring as to be perceptible to you at once? The books will shew themselves. Where alterations have been made in the additions, the additions have been wrong.
36. Might not that be intentional? I do not suppose the man did it intentionally.
37. Was he not a drunkard? He was a terrible drunkard; he was dismissed.
38. Had he not been dismissed before and reinstated? I rather think he was; I will not be certain. At every page there is an error in the book.
39. Did Mr. Warburton, before that book came to you, make any official report to you, or did it come to your knowledge that this irregularity existed—or were you the first to discover it? I was the first to discover it.
40. With a grossly negligent landing-waiter any amount of fraud might be committed, provided the jerker did not strictly do his duty? Yes, because all these books pass through my hands; I am the last.
41. Is not the landing-waiter the officer primarily responsible—do not the warrants go to him? Yes.
42. Is he not primarily responsible for the due discharge of the ship's cargo? Yes.
43. Is it not his duty to examine the tide-waiters' books day by day? Yes; the books ought to be given into his hands at the end of the day. With a sugar cargo the book is more important than with a London cargo, in which there is a variety of goods.
44. Is it not his duty to initial it? It has never been done, but I dare say the practice had better be brought forward.
45. Is not the practice at home so? No, because there are perhaps a couple of tide-waiters with the ship, and the ships there discharge so rapidly that no one or two men could take an account of the cargo.
46. You do not know whether Mr. Fisher was called upon for any explanation as to the reason why he carted the sugar away to his own store? No.
47. Did you know he was in difficulties? I heard he was.
48. Had he not become insolvent when that post entry was passed? I should not like to answer that question, because I am not aware.
49. If these books had not come into your hands and been jerked by you, the Government would never have come into the receipt of £150? The Government might lose a great deal if the books were not jerked by me, for many of these men are not fit to discharge a cargo.
50. When you find a discrepancy of this kind to whom do you report it? To Mr. Garling; he is the head of the out-door staff.
51. Do you remember reporting this to Mr. Garling? Yes; and it was brought under the notice of the Collector. I was with the Collector several days before we could bring the thing to a proper state.

52. What was the necessity of being in with the Collector several days in a simple thing of that kind? Because he was particular in going through the ship's cargo and accounts. Mr. Fisher sent in his account, and there was our account. Mr. Thomas Fancourt.
53. Do you mean that Mr. Fisher denied that he had landed more than his proper quantity? I think he did. 2 Nov., 1858.
54. You were satisfied he had got more than his proper quantity? I really almost forget the circumstances now; it is twelve months ago, and it is almost impossible to charge one's memory. The books were in such a state that I took the precaution, after I had been with the Collector, to make this memorandum for my own safety. I should not like to speak positively as to what occurred twelve months ago.
55. Mr. Garling seemed to remember nothing about it? He must remember something of it, for he is the first person I go to with these matters; he is the head over the landing-waiters.
56. He distinctly told us he did not remember anything about it—he remembered the man being dismissed, but whether it was in consequence of this affair he could not tell? I remember having a great deal of bother over these books.
57. Mr. Robertson eventually passed this entry and completed it? Yes.
58. Whether he was coerced you do not know? That was through Mr. Gifford. I know nothing of those private matters. I think, if I remember right, that the first books of the tide-waiter were destroyed, for they could be made nothing of, they were in such a dreadful state.
59. Was not the process of sealing with a cord formerly adopted, so that no defacement, or erasure, or abstraction, should be made? So that no leaves should be taken out, they used to be stamped; there was a ship stamped on the corner.
60. How long has that course been broken through? Perhaps eighteen months or a couple of years. They had the same sort of books, and a seal stamped with sealing wax, and all the leaves were numbered and initialled. There is a great deal more difficulty with sugar ships than with others.
61. How much sugar did the "Fanny Fisher" actually enter inward with? 4,012 bags.
62. How many did she discharge? 4,010 bags were landed altogether; that makes 2 short, for which I issued this notice to the captain to account for them.
63. How many bags would there be in 34 tons? About 550 bags.
64. Those 550 bags would go away without payment of duty? Yes.
65. What really is the duty of the landing-waiter? The duty of the landing-waiter is to see that everything is landed according to the declared copy of the manifest sent to him.
66. *By the Chairman*: Speaking about the capacity of the tide-waiters to discharge this duty? A great many of them are useless; they cannot add up a dozen figures.
67. I see there are 27 tide-waiters—how many of them are useless? I dare say half of them; it gives me no end of trouble. In fact as to sugar-books I can't bear the sight of them.
68. Who has the appointment of the extra tide-waiters? I believe the Collector appoints them. I suppose, like most of the officials, he is bored to death by recommendations; I suppose they all have a fair share of worry in their way. It requires a good smart man to add up a sugar-book, especially to check them over afterwards in the state they are sent in. I have taken them home many a time and sat up till twelve o'clock at night to do them.
69. *By Captain M'Levie*: In reply to a question yesterday you said that on one occasion you did not receive that amount of assistance from Mr. Garling that you had a right to expect, with reference to a sugar account—was that in this case? No, that was in another case; that was all rectified. I never trouble the Collector if it is possible to do otherwise. I go to the head of the department outside, and it is his duty to insist upon the landing-waiters answering all questions sent to them.

Mr. James Collier called in and examined:—

1. *By the Chairman*: What position do you hold in the Customs? Second tide-surveyor. Mr. J. Collier.
2. What is your duty? To board ships, make out the reports, keep an import journal of the arrival of ships, lists of passengers, measure, rummage, and place tide-waiters on board ships and attend to them while on duty, and various other duties. 2 Nov., 1858.
3. Are you answerable for the unloading of goods liable to duty? No.
4. Are you answerable for goods not liable to duty? No; that comes under the supervision of the landing-waiters that have charge of the ships.
5. To whom are you responsible for the discharge of your duties? I expect to the Collector of Customs.
6. Directly, or through any other officer? Not through any other officer.
7. Does Mr. Garling exercise any control over you? No.
8. How do you inform the Collector of the duty you discharge? We have no way of informing him.
9. Your books are always open to his inspection? Yes.
10. Would they give him sufficient information? Yes.
11. Quite sufficient to enable him to see everything you had done? Yes.
12. Do you remember the clearance of the "Louisa" on the 2nd September? I know she was about to clear out on the 2nd, but on the 3rd I found she had cleared out.
13. Were you on duty on the 3rd, or was Mr. Bremer? We were both on duty.
14. Do you not take duty week about? Yes—that is in boarding.
15. You are on duty for other purposes? Yes; if he is boarding I may be measuring, rummaging, and so on; we merely take alternate weeks as far as boarding goes.
16. You say on the 3rd of September you heard the "Louisa" had cleared? Yes.
17. Did you hear she had cleared the night before? I think she was about to clear the night before, but I did not know what cargo she had.

- Mr. J. Collier. 18. Did you hear on the 3rd that she had cleared on the 2nd? Yes.
19. Did you examine the clearance papers? Yes.
- 2 Nov., 1848. 20. Was there anything unusual about the clearance that led you examine her? I heard a report that she had gone out with a large quantity of spirits, and was induced to examine the clearance, which I found in Mr. Mowle's drawer, who examines the papers and documents connected with ship's clearance. I found that the usual declaration had not the clearing clerk's signature; the captain had signed it, but the clerk had not witnessed it.
21. Will you examine that paper—(*the content outward*)—if you look there you will see a signature to the declaration of the captain? Yes. It did not bear the signature of "C. H. Manton" at the time I saw it. I saw it on the morning of the 3rd September, between ten and eleven o'clock.
22. Could you say whether that was the particular paper you saw, without the signature? I would not swear to it.
23. Then that signature may have been added after the 3rd by Mr. Manton? Yes; and here are also his initials, which it did not bear at the time, if this is the document I saw; but I will not say it is.
24. When ought these initials to be put? These should have been put before the captain took his declaration; it should have been examined by the clearing clerk, and then the captain should sign and declare that that was a true statement of the cargo outward.
25. Then the content outward which you got from Mr. Mowle was irregularly executed? I should say so, for it should bear his signature.
26. It was no clearance at all? No. This should bear another signature, the signature of Mr. Fancourt, which I do not see to it.
27. The omission of that signature is highly irregular? It is; for without his signature we should not suppose it was a correct document. He puts his signature to these documents to shew that all entries were passed for the cargo inward, and that she was at liberty to clear; and without that a ship is not allowed to enter into a fresh manifest.
28. When you found that the document which you got into your hands from Mr. Mowle on the 3rd September was irregular, what steps did you take? I showed the documents to Mr. Garling. Afterwards I met the reporter of the *Herald*, and I asked him why he had not reported the cargo of the "Louisa" outward in the same way as that of the "Bella Vista" and two or three other vessels which had also cleared on the 2nd? He said he could not get the papers; he was then sent for the papers to Mr. Garling, and I have never seen them since.
29. Did Mr. Garling take any steps with regard to the papers you put in his hand? I am not aware that he did; I have not heard.
30. Are you aware whether the irregularities regarding the execution of that paper were ever brought to Colonel Gibbes' notice? I do not think they were, unless Mr. Garling has told him. The papers I know have been inquired for since that time, but I am not aware whether he told the Collector of Customs.
31. When the "Louisa" was about to clear out with so large a quantity of dutiable goods, was it not the duty of Mr. Nash, or some other officer of the in-door department, to warn you of it, in order that you might put an officer on board? It is the duty of the export officer to do so—the established tide-waiter.
32. The export officer in this case was Mr. Newton? Yes.
33. Did he inform you? No, he never came near me. I did not know she had taken a package of spirits until the next morning.
34. You did not know what was asserted to be on board the vessel until the day after she sailed? No.
35. Is it the general practice to put an officer on board when spirits are shipped? If she is going to the Islands, or is a suspicious ship. That is left to our discretion by the Collector, as we are visiting the ships.
36. Is it the duty of the export officer to inform you when spirits are shipped? Yes, they have invariably done so.
37. Mr. Newton's omission in this case was very extraordinary? Yes; for if he had acquainted me or Mr. Bremer that this quantity of spirits was going on board we should have been prepared.
38. By examination of the content, can you say the quantities shipped on the 2nd of September? Everything was shipped on that day, with the exception of 50 cases of claret, 4 half-tierces of tobacco, and 5 hogsheds of rum, which were shipped on the 27th of August.
39. According to a memorandum handed in by Mr. Garling, there were about 34 loads (*The Chairman handed the memorandum to the witness*)? That is my memorandum. As nearly as I can guess, there would be about three hogsheds to a load, and 25 cases would be a good load.
40. Do you think it possible that quantity of goods could have been shipped on that day? No, I feel certain it could not have been done, judging from the time it has taken to ship goods in other vessels, and from the time it would take to go through the mere official forms. It would be difficult to get even two officers to do that amount of work.
41. The whole of these goods, as far as the papers go, are stated to have been shipped by one export officer? Yes.
42. Supposing he had taken them all from one store, could he have shipped them in one day? I think it would have been a good day's work.
43. As it appears, he took them from five different stores—could he have done it? No. I calculate that at ten o'clock he would get the certificates and the warrants, which would have to be examined by Mr. Nash. This would occupy some time, so that he would not begin operations before eleven; then if he went to Walker's store for eight half-tierces of tobacco, and to Lamb's for two hundred cases of gin, he would then go down to ship them at the Grafton Wharf—that would occupy him till one o'clock; then he must come back to Gilchrist's for twenty-eight hogsheds of rum, then to Pollard's for whisky, then to the Chilian Bonded Store

Store for the quarter-casks of brandy, and the hogsheads—I do not see how he could do it; Mr J. Collier. I think it is impossible.

44. You are aware that the "Louisa" came in again on the 7th of October? I believe ^{Mr J. Collier,} 2 Nov., 1853, she did.
45. Do you remember at what time of the day she came in? In the morning when I arrived at the Custom House I found Mr. Bremer had got the papers—he was the boarding officer. I sent up to Mr. Stewart's office for the Port de France, New Caledonia, clearance; I wanted to compare it with another one we had there, because I consider that that clearance would shew whether he cleared out for the Navigator Islands, or to come direct to Sydney. I have not seen that since to compare it with one I have—that was the "Spec's." (*The Chairman handed the witness the "Louisa's" clearance, in French.*) I cannot read that. It appears he cleared out for the Navigators, then why did he come to Sydney? It appears that in New Caledonia they are very particular in giving particulars of the clearance; it states whether the ship is going to the Navigators, or to what other part of the world.
46. He gave a reason for coming to Sydney? He did give a reason—I believe that he lost the mate, but I never knew he shipped one.
47. Assuming that reason to be true, I suppose it would be a just reason for coming to Sydney? I think not; I think a man would be a foolish man to come back twelve or fourteen hundred miles to ship a mate, when he could get the same kind of mate that he took there.
48. The mate he took was a colored man? Yes; he could get plenty. He stated that he was very sick himself, but he did not seek for much medical comfort here.
49. Did he go away the same day? The same night. I passed him about three o'clock, as I was going to the "City of Sydney"; I had to measure a vessel up above, and was intending to visit the ship, but, from reasons, I did not go.
50. You say Mr. Bremer took the papers of the vessel? He had the papers from Mr. Stewart on the morning of the 7th; I found him with the papers, and sent to the Chilian store for that document, and it was sent immediately—rightly it belongs to us—it should be taken in charge by the officer boarding, and should not go out of his hands again till it is handed up to the chief clerk.
51. When the "Louisa" cleared out the second time, did she clear out in a regular manner? I do not know what instructions the Collector of Customs might have given, but I think, under the circumstances, it was very extraordinary that there should be such a hurry to clear out a vessel in ballast, and I believe there was no certificate of rummage, for, although it was my week of rummage duty, I did not go on board, not knowing she was going out.
52. Did you see her outward content (*handing it to witness*) on her clearing out the second time? No; I have not seen this before. I think I saw this inward one, where there were two cases of claret of the original quantity taken.
53. Is that document you now see regularly executed—the jerker's certificate, and so forth? No; that does not bear Mr. Fancourt's signature, which it should have; with the exception of that, I think it is all right; here is the captain's signature.
54. The declaration is properly taken? It is, apparently.
55. Are you aware whether that declaration was taken on board, or at the wharf, or at the Custom House? I cannot say, for I was not aware she was about to clear that day.
56. You referred to the inward papers just now; are these (*handing papers to witness*) the papers of the "Louisa"? Yes; I think I have seen them before, but not with the memorandum on.
57. What memorandum—the memorandum in pencil? Yes; I am referring to that.
58. Are these papers regular? The papers may be regular enough, but what Mr. Fancourt says here is correct,—she had no Post Office certificate, no rummage certificate, and had not complied with the forms of the port; for she had no right to report inward without a Post Office certificate.
59. Ought the Post Office and rummage certificates to be attached to the clearance papers? Yes; she should have a Post Office certificate before she can be rummaged at all.
60. Did you put yourself in communication with Mr. Ross, the Custom House officer at Broken Bay, on either of those occasions? I did; on the 4th September I wrote a letter, but had no opportunity of sending it to him till the Monday.
61. What did you communicate? I gave him a copy of the cargo, and said I had suspicions that the cargo would be run on the coast. I think it was about the 6th September I sent my letter to him, requesting that he would keep a good look out, and pointing out the different places where he might visit, for I had a suspicion of the man; I knew the man well.
62. What man are you referring to? King; he knows the port of Broken Bay, and I had a suspicion the cargo might be run there. I have sent to Mr. Ross twice since upon the same matter; he has written up to me to say the vessel has not been there.
63. Was any information conveyed to you by Mr. Ross beyond his stating that the vessel had not been there? Mr. Ross and Mrs. Ross told me that Mr. Stewart had been there, which I had heard previously to their coming up to Sydney. I heard he had gone there with two horses, had lost his way, and when he arrived at Broken Bay had requested Mr. Ross to take a letter over to Brisbane Water for Captain King. Mr. Stewart said that he wanted to return to Sydney as he had the keys of the store in his pocket, and as the Collector of Customs was very much interested in the matter he knew he would take the letter over. Mr. Ross, hearing that the Collector was interested in it, took the letter to Captain King, and brought him back again at twelve o'clock. He afterwards came up in a fishing boat, and arrived in Sydney on the same night.
64. Referring back to the "Louisa"—the time she returned to port do you know whether your colleague rummaged the ship or not? No; it would be my rummage.
65. You are certain he did not? No; we were both under the stern of the ship, but, for reasons,

Mr. J. Collier. reasons, I did not go to the ship; I saw Mr. Crook going to the ship, and expected some information which would be got better by my not going on board. I thought it might be got from sailors on board.

2 Nov., 1853.

66. Were you called upon to give a rummage certificate on the second occasion? No. On the morning after the vessel cleared Mr. Bremer received a note from Mr. Stewart asking him to give a rummage note for the vessel, but she had then left the port; I said, "Do not do it for she has now left the port," and he objected to give it.

67. Was it ever given? No. It should have been my rummage. I told him I would not give it, and should recommend him not to do it.

68. Was Mr. Stewart aware that the vessel had not been rummaged? I imagine so.

69. After he required the certificate? Yes, the following day. It ought to have been given before the clearance was signed.

70. Do you find it difficult to perform your duties afloat to your satisfaction? We cannot carry them out satisfactorily, for the duties are very arduous. We had a clerk in the office, but he has been taken away, and that throws a great deal of clerical duty on my shoulders. The measurement of ships is almost enough for one man to do.

71. Are you efficiently supported in the discharge of your duties? Yes; I have no complaint to make on that score.

72. Do you ever find it necessary to neglect your own duties to discharge those of your colleague? I must say, with respect to ship measurement under the Merchant Shipping Act of 1854, that he has not attended to that; I take the whole of that with my other duties.

73. Why do you? I do not know; I have done it.

74. That is a matter of favor to him? Yes.

75. Is he capable of discharging the duty of measuring ships? Not at present.

76. Why not? He does not pay that attention to it which he might do. We have had to measure ships for years, but this is a new Act.

77. You think at present he is incapable of discharging that duty? He is.

78. How long has he been in the Customs service? I think ten or eleven years.

79. How long has it been his duty to measure ships? He measured under the former Act for some few years.

80. How long has the new Act been in force? Since 1854.

81. Has he never discharged this duty under that Act? He has measured one ship, I think—not more than one or two.

82. You said just now that you neglected going on board the "Louisa" on the day of her return to port, the 7th October—what reason had you? I saw Mr. Crook, the Harbour Master, going on board with one of the natives in his boat, and I thought my going might be the means of preventing him, for I had reason to believe he had gone on board to get information from the natives as to what had become of the cargo, and I believe if the vessel had remained we should have got the information; but I heard from Mr. Crook, afterwards, that they would not admit the boy on board the ship.

83. You think the reason for clearing out in ballast was to hide —? Yes. I think if the crew had remained in port we might have had some information.

84. Is it not your belief, from the manner in which the thing was done, that Mr. Manton must have connived at it? I do not know what instructions he might have received.

85. Do you think he could have received instructions to clear out the vessel without Mr. Fancourt's signature? No, nor could the Collector have known that the vessel had all these spirits on board, or he would never have permitted her to clear out after hours.

86. Have you any reason to suppose that your actions with reference to the "Louisa" have been watched and reported to the parties interested? Yes. I could not stir in any part of the Custom House but I have been suspected. I have seen persons looking over my shoulder when I have been taking the copy of the goods. I have no doubt the news was conveyed to the parties immediately. On the 3rd of September they knew within ten minutes of my having the documents in my hands. When I got the papers from Mr. Mowle I believe Mr. Stewart was informed within ten minutes.

87. Who do you think informed Mr. Stewart? I think Mr. Rogers, clerk to Mr. Nash.

88. What reason have you to suppose Mr. Rogers informed him? I have found him looking over my shoulder when I have been examining this book, which I do frequently, to see what spirits any vessel may be taking.

89. What book are you referring to? The warehouse book of exports and imports—a book kept in the warehouse-room.

90. Did Mr. Rogers look over your shoulder to see what extracts you were taking? I fancied so.

91. Any body else? Mr. Manton knew I had the documents in my possession.

92. Was any body but Mr. Rogers in a position to inform Mr. Stewart? Mr. Manton could.

93. Any body but Mr. Rogers and Mr. Manton? I do not think it.

94. It must have been either from one or the other that information was conveyed to Mr. Stewart? I cannot say so, though I was constantly watched by those parties; I will not say they did convey it.

95. You have not suspected any other persons of watching you? No; I think those are the two parties.

96. Is it part of your duty to board ships, or to send to tide-waiters to board them? No, to board ships myself.

97. Where do you board them? Sometimes at the Quarantine Ground, sometimes between the Heads, Bradley's Head, or Pinchgut. If a vessel is towed up by a steamer I do not go below.

98. If a vessel comes up late at night do you board her at once, or wait till morning? Our instructions are, that we are not to board after sun-down. Some years ago, when we took up the mail, I have boarded as late as eleven at night.

Mr. J. Collier.

99. If a vessel comes in after sun-down when is she boarded? In the morning.
100. At sun-rise? No, not at sun-rise; not at all times.
101. What time, then? Seven or eight o'clock, sometimes as late as nine if they are 2 Nov., 1868. coasters; if they are foreign ships earlier than that.
102. Have not these vessels during the night an opportunity of landing goods? Yes; but we do not rummage stores till after they report inwards, and they are allowed twenty-four hours.
103. If you put a tide-waiter on board to take care that the hatches were not broken, would not that be a great security? If the man did his duty that would be a preventive.
104. A competent officer put on board would prevent the landing of goods during the night? Yes; but we should require a great staff of officers to do that; under the present system we have not sufficient to do that.
105. That would be a check; at present there is no check to landing goods at night? No, not with the coasters. We put officers on board the foreign ships, who remain during the night—all foreign vessels with dutiable goods, such as vessels from London and the States.
106. Even they could land goods on the first night they came in, if they came in after sun-down? That could not be prevented.
107. Not by putting an officer on board? A vessel may come in at twelve or one in the morning, and we are not supposed to put an officer on board then.
108. Might we not have a revenue cruiser outside the Heads to put revenue officers on board vessels? That might do for the pilots as well.
109. You think that would be a proper precaution? I think so; but then it depends entirely on what class of vessels you are going to put them on—whether you will put them on coasters as well as foreign vessels.
110. On every vessel coming into the port—would not that be a very proper precaution? You could not carry that out; you would want 150 officers. As to coasters, I believe there are nineteen out of twenty that do not bring one article of dutiable goods.
111. Then it would not pay to put them on coasters? No.
112. With respect to ships going out, when do the Custom House officers leave sight of a vessel going outward? The officer is supposed to leave in the pilot-boat.
113. Is that the practice? It is the practice, generally, I believe; I believe that is the instruction.
114. Whose duty is it to see it carried out? We give instructions, and expect the officers to follow them up. We place an officer on board as soon as a ship commences to take in cargo, and he remains on board till the ship goes out of the heads.
115. Was that practice carried out with the "Louisa"? No; because I did not know she had anything dutiable on board; she passed the entries on the 2nd and cleared out on the 2nd. The clerk, Mr. Rogers, might not have had time to copy the entries into the export book, and if I had gone to the book I should not have known from that that she had taken no spirits in.
116. They might not have been posted up on that day in the warehouse-keeper's book? I cannot answer that question. I have since made inquiries when the entries are passed. I asked Mr. Rogers and Mr. Nash the question when the entry is passed for goods outwards; they said they enter it in this book as soon as the entry is passed, but whether it has been the practice before I cannot say.
117. You say that with regard to all foreign vessels it is the practice to put an officer on board, and for him to remain on board till the vessel goes out to sea? Yes.
118. You see that carried out as far as you can? Yes.
119. With respect to Mr. Bramwell—is he under your orders? No; under the supervision of Mr. Garling, the landing-surveyor.
120. Do you know where Mr. Bramwell was on the day the "Louisa" went out? I believe his station at that time was at Lamb's, Botts' and Walker's wharfs—three wharfs.
121. Are you aware that he signed the export warrant? I heard he did.
122. Is that his signature? Yes. (*Handing the warrant to witness*).
123. Was it unusual to get his signature to that warrant? The landing-waiters do sign for each other, but I am surprised that Mr. Bramwell, an old officer, should have signed for so large a quantity of spirits unless he had some authority for doing so, for he is generally a cautious man.
124. Do you know where he was on that day? No, I do not; I might have seen him that day, but I do not recollect whether I saw him at the wharf or not.
125. Do you remember whether he was at the adjoining wharf that day? That I cannot say.
126. Have you opportunities of observing the conduct of your colleague, Mr. Bremer, in the discharge of his duties? We are very often together.
127. What is your opinion with respect to the manner in which he discharges his duty? He can discharge his duty well.
128. I thought you said he could not discharge his duty with respect to measuring ships? Yes.
129. Does he discharge his duty well excepting that? Yes.
130. *By Mr. Brown:* By this clearance on the 7th it appears that the vessel cleared for the Navigator's Islands? Yes.
131. Are you aware by report that she went from here to Hobart Town? My attention was drawn to the passenger list by the names of Mr. King and Mr. Stewart, who I heard had arrived from Hobart Town in the "Tasmania." When I saw Captain Clinch I said, "Who is this King you have on board." He said, "Mr. Stewart went down with me with twenty half-tierces of tobacco, and this Captain King was with the "Louisa" at Hobart Town." They had a suspicion there that the "Louisa" was about to smuggle on the coast, and the moment the tobacco was shipped the Customs placed an officer on board. Captain King had taken his passage in the Tasmania, but, in consequence of the mate not having a certificate of competence, he was obliged to remain in charge of the "Louisa."

- Mr. J. Collier. 132. Is it usual for vessels clearing out for the South Sea Islands to go to Hobart Town, or other places? Not in that way. We often find vessels clearing out from Guam, but afterwards we do not expect to see them at Hobart Town. I think it a very suspicious circumstance.
- 2 Nov., 1858. 133. Particularly as she shipped goods from the "Tasmania"—it would have saved freight if they had gone by the "Louisa"? I know it was removed into the Chilian Bonded Store. A party signing the bond is, I believe, now in Sydney.
134. Who is that? A Mr. Brown. I believe a person of the name of Brown signed the bond for the export of twenty tierces of tobacco, and I have reason to believe that he is a man of straw, not a merchant settled in town. Mr. James Stewart is a Custom House Agent, brother to Mr. William Stewart, and I should like to know why he employed Mr. Gifford to pass the entries when he could do it himself.
135. This tobacco is assumed to have been bonded in the Chilian Bond by Young and Co.? Young and Co. would be the original bonders. I believe Leigh's was the store in which it was first bonded—Young and Co. would bond it there—and it was afterwards removed to the Chilian Bond and shipped from there.
136. Have you been a landing-waiter? Yes.
137. Were you in the habit of signing certificates for the export of goods that were not shipped at wharfs within your beat? I might have done that. I consider it a very bad system. It was adopted by Mr. Barnes. It was practised more frequently formerly than now for drawbacks. At one time we took a certificate and notice to shew that goods were about to be shipped for drawback, but we have no such thing now, but we have what is called a drawback officer—Mr. Russell; he ships the goods, but no landing-waiter sees them; he has to certify that the goods are shipped, and to sign the drawback debentures for the money. He makes himself responsible for some thousands of pounds.
138. *By the Chairman*: Is it not the case that when a merchant ships goods for which there is no certificate the landing-waiter signs? I do not think so, for many have lost their drawback by not giving the required notice.
139. Is it not the fact that the landing-waiter takes the testimony of the merchant, and upon that signs the certificate for the drawback? I do not know.
140. *By Mr. Browne*: When you were landing-waiter did you consider yourself responsible for the due discharge of the cargoes of ships within your beat? When I was a landing-waiter I have had twelve large vessels to discharge myself—at the time of the California Gold Fields—and every landing-waiter at that time had an equal number. Therefore it was impossible for each of us to superintend one ship.
141. You were, therefore, altogether dependent upon the officers on board the ships? Yes. I have had to attend to Towns', Ebsworth's, Smith's, and Moore's wharfs.
142. You were perfectly dependent upon the correctness of the tide-waiters? Yes, and so it is now; the landing-waiter must depend solely upon the officer on board.
143. What is the class of people employed as extra tide-waiters? Some are very good men, others are equally bad. When I say they are bad, I mean that they are not up to their duties.
144. Are they sober and correct? I think I may say I have got a sober lot now; we have had several who have not been so. The captains here are too liberal.
145. Some tide-waiters have tumbled overboard, and been drowned? I think some have tumbled overboard, but I do not know whether it was from drunkenness or missing their footing.
146. Are they, as a whole, a class of officers that ought to be entrusted with these important duties? We have many very good men, but unfortunately our tide branch has been very much culled out; we have had a number of additional lockers appointed, and they have been taken from among the tide-waiters; all the best men have been taken away by Mr. Still, and I am sorry to say we have such men recommended to us to be taken on as have been rejected by every other office; I do not think that is right.
147. Who recommends them? Various parties. The Collector has frequently said his department is a refuge for the destitute; and I consider that it is so.
148. Have any regulations been issued for your guidance since the Colony took over the department? No.
149. How do you know what the routine duties are, or how would you instruct a new officer in a particular routine of duty? We have tide-waiters' instructions.
150. Printed? Yes. They have been issued to each tide-waiter.
151. Issued by yourself? Yes. They set forth the duty they are expected to do, and the way in which the ship's cargo is to be discharged—the weight of sugar, and how to take the weights.
152. Do you think that by any accident such a mistake as the one we have been inquiring into this morning could possibly occur, namely, that under a warrant for the delivery of 20 tons of sugar 57 tons could have been delivered, without the concurrence of the tide-waiter? There must have been a good deal of carelessness there.
153. Something more than carelessness—would it not be something like 400 or 500 bags? It depends upon what port they were from.
154. Mauritius? They are large bags, 1 cwt. 3 qrs.—it would take a good number of bags to make that difference.
155. Did any irregularity of that kind come under your notice with reference to the "Fanny Fisher's" last voyage from Mauritius? I have heard something about that; I had notice respecting it from the Collector of Customs that the officer was to receive no pay until his books were corrected.
156. Do you know what became of that man—his name was Alder? He was dismissed, I think, at that time.
157. Was he a sober man? No; he was one of those men we were very glad to get rid of.
158. You are aware that the discovery was only made when the jerker came to examine the books.

books after the discharge of the whole cargo? I think it was; it ought to have been discovered before. Mr. J. Collier.

159. Should not the landing-waiter have discovered it? Certainly; it is part of his duty to check the tide-waiter's book before it is sent to the jerker. 2 Nov., 1853.

160. *By Captain M'Levie*: I think, in reply to one of the questions, you said you had heard the Collector of Customs remark more than once that his department was a refuge for the destitute? Yes.

161. What is your inference? I am only speaking as far as the tide branch goes.

162. Do you infer from that that people are thrust upon the department without any examination by Colonel Gibbes? A recommendation is sent to the Collector, who then, if there is a vacancy, sends the officer down to the tide-surveyor to be placed on duty.

163. It is a mere recommendation, not an appointment? It is not an appointment, but it is tantamount to that. It comes down—I cannot say from what quarter—but the Collector feels that he is bound to take the party on. These men are thrust upon us, and they take as much training as really good men.

164. Do they undergo any examination as to their fitness for the office before they are taken on? They go under instruction by the side of an experienced officer, put no examination. The rule in the home establishment is, that they shall not be under 20, nor over 35 years of age.

165. Do you not think it would be an advantage to the department if such a regulation existed here? Yes. At home they also undergo examination by a Board of medical men, and have to procure a certificate from a magistrate that

166. You think it would be a good regulation to establish here, that there should be an examination as to their mental and physical ability, and that no man should be taken on above a certain age? Yes.

167. Do you not think it would be an advantage, and that it would act as a check on the officers in the junior grades of the service, if they were compelled to wear a uniform? I think a uniform would be a very good thing here. It is adopted in the case of tide-waiters at home; but they are paid so much a day; we only pay our tide-waiters when they are employed. I have recommended to the Committee of the Assembly now sitting that the men should have fixed pay, and that only fourteen should be employed. We have now twenty-seven, who have not more than half employment. I think we might give them half pay, so much a day, when off duty, and that when on duty they should have the pay of a clerk.

168. Do you not think it an objectionable practice to allow the captains of ships to feed the tide-waiters—might it not tend to collusion between them and the officers of the ship? It might.

Mr. Charles Henry Manton called in and examined:—

1. *By the Chairman*: You are a clearing clerk at the Customs? Yes.
2. Do you remember the clearing of the "Louisa" on the 2nd September? Yes.
3. At what hour was she cleared? About five.
4. Where was she cleared? At the Grafton Wharf.
5. Was Captain King present when you took the declaration? He was.
6. Are you authorised to clear vessels after hours? Yes.
7. By whom? The Collector.
8. Have you the authority with you? Not to clear that particular vessel. I have his verbal authority to clear vessels after hours.
9. You were not specially authorised in this instance? Not when she cleared out in the first instance, but afterwards. I have not it in my pockets.
10. On the 7th October? I forget the date.
11. The second time she cleared? Yes.
12. Do you receive any fees for clearing out vessels after hours? Yes.
13. What fees? That depends upon the hours at which vessels clear. After four o'clock and up to five, half-a-guinea, and if later, a guinea. I have had less than that; it depends upon the hour.
14. Is it regulated by the Collector? No; I do not know that the Collector knows how much I receive.
15. Have you a right to demand anything of the captain, or do you settle the matter with him? I cannot say that I have a right to demand it, but I think they must know I do expect it if they are after hours.
16. Does what he shall give rest with the captain, or is it according to regulation? It is according to regulation; I have always understood it to be so.
17. According to the scale you have just mentioned? According to the scale I have just mentioned. I clear the Melbourne steamers every Saturday afternoon, at three o'clock, and as they are regular I get seven shillings and sixpence. That is once a week.
18. Did you clear the "Louisa" again on the 7th October? Yes; the second time I did.
19. Was she cleared then after hours? She was cleared then, I think, between four and five; I cannot exactly say.
20. Was it after hours? It was; to the best of my knowledge and belief, it was between four and five.
21. In clearing on the first occasion, that is, on the 2nd September, did you get the jerker's certificate as to the correctness of the inward cargo? I did not require a jerker's certificate; I get his memorandum—his initials.
22. Did you not require his memorandum, or initials, upon the content outward? I did.
23. Where is it? (*Handing the content to the witness.*) It is not on the manifest. Owing to some error in the manifest, it was destroyed.

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24. Who destroyed it? I cannot say that it was destroyed; but, at all events, that one was substituted for it, owing to some mistake in it.
25. What was done with the other manifest? I cannot say; I left it with the agent.
26. Did you take the captain's declaration in any other manifest? Yes, and on that also.
27. Did you witness it? I did—I did not witness it—on the other copy?
28. On the other copy? I cannot say that I did; I think the mistake was made out before the declaration was taken, and this one I did not witness till the day after; I forgot it at the time, having many papers to sign.
29. When was the mistake upon the other manifest found out, the one not forthcoming? When the ship was being cleared.
30. On the same day? On the same day.
31. When you found out the mistake, what did you do with the manifest? I did not take it at all; I left it with the agent; it was of no service to any one.
32. Who was the agent? Mr. Stewart.
33. You immediately prepared the other? I did not prepare it; the agent prepared it.
34. You initialled it as being correct in every respect? Yes.
35. When you had neglected getting the jerker's certificate to it? On the second.
36. That was irregular? I cannot say so; it was the same as the former.
37. Are you not required to get the jerker's initials upon the manifest when the captain takes the declaration? Yes.
38. And on that which is for office record? Yes.
39. Then, the not getting his initials on this was irregular? I will grant that it was irregular.
40. When you cleared out the "Louisa" on the second time did you get the jerker's certificate upon that manifest? No, I did not.
41. That was another irregularity? That was another irregularity. I think I saw the agent talking with the jerker, and it struck me that everything was completed. She entered out the same stores as she had reported in, and it was therefore a mere matter of form to say "this ship is jerked outwards."
42. Is it not required to have the jerker's initials on the manifest? Yes; but it often happens that I do the jerker's business myself.
43. Do you ever give the jerker's certificate on the top of the manifest? The jerker's initials I put often.
44. With his sanction? Sometimes in his absence, at other times when I have cleared out a ship overtime; and I have not exactly arranged to give the jerker half the fees for overtime ———
45. I ask you, do you put the jerker's initials with his sanction? Yes.
46. Have you ever got his permission to do so? Yes.
47. Can you shew any authority for it? Yes.
48. You can establish that statement? I can.
49. What proof have you? I can bring any gentleman in the Customs to shew that I do his duty, and with the Collector's approbation.
50. It will be necessary that you should, in order to establish your regularity in respect to this case, shew that you have authority from the Collector and from Mr. Fancourt to do this? I will grant that it was irregular in this instance; I did not have the jerker's permission in that case.
51. Where does the jerker generally initial? He is not very particular in what part.
52. If you are allowed to discharge the jerker's duty with respect to this ———? I grant that it was irregular in this case. I knew the ship was jerked; all I wished to be satisfied of was, that the ship had been jerked inward, and I was satisfied of that.
53. Do you intend to bring forward any proof that you had authority to discharge the jerker's duty? Every gentleman in the Custom House can establish that, and many merchants in Sydney.
54. Did you get any rummage certificate from the tide-surveyor on the occasion of the vessel coming in on the 7th October? No, I did not.
55. Was not that irregular? Upon the same rule that Mr. Fancourt in some cases does not require a rummage certificate; I believed it was not necessary in this case.
56. Is it ever not required by Mr. Fancourt? I believe so.
57. Do you know it as a fact? No, I do not; I know that many times when I have done his duty myself, I have thought it not necessary to have a rummage certificate.
58. Did you ever know Mr. Fancourt to think it unnecessary to have a rummage certificate? I have known him to jerk a ship without a certificate.
59. Can you establish that statement? That is a well known fact to every body nearly.
60. It is only when you have discharged Mr. Fancourt's duty that a rummage certificate is dispensed with? I cannot say what he has done when he has done his duty.
61. Do you generally, when you discharge Mr. Fancourt's duty, dispense with a rummage certificate? Generally, when I do Mr. Fancourt's duty, I leave the papers so that on his return he can examine them, and, if I mistake not, he gets the certificate to make them complete, as a matter of form, if not of utility.
62. Who gave authority to clear the "Louisa" on the second occasion in the irregular manner in which she was cleared? The Collector.
63. Will you produce that authority? Yes; I have not it here.
64. What does the authority say—to what extent is it? It was in a letter from the agent of the vessel to the Collector. I think I could tell it almost by heart. He says—"The Shipping Master has ruled that the return of the 'Louisa' back to Sydney terminates the voyage, and that a new set of articles is required; therefore, owing to the great loss already sustained by the 'Louisa,' I request that permission may be given to clear the vessel over-hours. Yours, &c., J. STEWART." In the corner is written—"Permission granted. J. GIBBES."

65. That is not a permission to clear it irregularly? No; when the Collector gives permission to the clearing of a ship after hours it is understood that she is to be cleared regularly.
66. Do you ever take signatures to export bonds? Frequently.
67. Did you take the signature in the case of the "Louisa" when she went out on the first occasion? Yes.
68. What bonds did you take? I could not say what bonds—for all the goods that were passed on the 2nd September.
69. You do not know how many bonds? Two, I think.
70. Do you know what you did with them? I put them with the rest of the bonds.
71. Where were they? It was not on the day that the ship cleared; it was early in the morning, and I put the bonds along with some other papers I had in my desk. I think four days after that the bonds were put by with the rest in a drawer behind my seat, by myself.
72. You tied them up in a bundle with the bonds? Yes.
73. Did you put them together with the other bonds—did you tie them up? I put them in the drawer.
74. Did you lock them up? No, they are never locked up.
75. Neither night nor day? Neither night nor day.
76. In whose charge are those bonds? In the charge of the messenger, I suppose; I cannot say for certain. They are left as lumber in the Long Room.
77. Is any person presumed to be answerable for the custody of the bonds? I can only say from what I have heard, the cashier.
78. Is it the general impression in the Long Room that he is answerable for the custody of the bonds? Yes.
79. Then if you and the messenger put away these bonds between you, how is Mr. Maddocks answerable? I do not know that the messenger touched them.
80. You say they were in charge of the messenger? I suppose he has them as he has every thing else in his charge that is in the room—in the same way that the books in this room are in charge of the messenger of this office.
81. These bonds were never given to Mr. Maddocks? These bonds were never given to Mr. Maddocks.
82. Can you tell us what bonds they were? No, I cannot; they were for goods taken in on the 2nd.
83. Cannot you tell the number and amount? No, I cannot; the entries will speak for themselves.
84. Cannot you tell from memory? I do not recollect.
85. You do not remember the number of the bonds? To the best of my memory there were two.
86. Who signed them? I did, of course.
87. Who were the bondsmen? James Stewart and William Stewart.
88. Do you know for what amount? No; for three times the value I suppose, as in all other bonds.
89. Do you know what goods were contained in the bonds? No; I could tell by looking at the entries. (*The witness examined the same*) "Fifty cases claret, four half-tierces of tobacco."
90. Could you describe what was in one bond and what in another? No.
91. You could not tell for what each separate bond was taken? No.
92. You could not tell for what each separate bond was taken, nor for what amount? No. I have taken as many as twenty entries in one bond, or seen them taken in one or two bonds.
93. When an export entry is taken out for goods for which bonds have been taken, is it not usual for the officer who takes the bonds to initial the export entry? Yes.
94. Did you initial the export entry with respect to these two bonds? No.
95. Was not that irregular? I do not think it was, because the initials are merely to shew who the party was that took the bond.
96. Then these initials were not on? No, for I took the bonds myself. I could not pass the entry without the bonds were passed, and as I took them myself that was sufficient.
97. Is it not usual for Mr. Maddocks to initial the export entries? It is an understood thing that it is his duty; it is considered so to be.
98. When you were discharging his duty for him, was it not your duty to initial them? Not if I was doing my own duty also; I would not think it necessary.
99. Why not in your case if you were performing Mr. Maddocks' duty? Because it would not be Mr. Maddocks' duty.
100. When that export entry came before you for signature in the form in which you have signed it, you knew the bonds had been taken? Yes, I knew the bonds had been taken.
101. You considered it therefore unnecessary to put your initials to it? Yes.
102. Have you ever seen these bonds since? Never.
103. Did this export entry (*handing witness the export entries*) go from you to the warehouse-keeper? The entry goes from me to the agent: the agent takes it to the warehouse-keeper.
104. And he names the export officer? And he names the export officer.
105. *By Mr. Browne*: When you were down upon the Grafton Wharf on the afternoon of the vessel's sailing did you see Mr. Bramwell there? No, I do not recollect seeing him; I am sure I did not.
106. Is it usual to clear vessels on board, or on the wharf? Not usual; but I have often done it. For instance, I clear the Melbourne steamers every Saturday on board.
107. You would consider it not necessary to take any greater precaution when you were clearing a vessel that had a large quantity of dutiable goods on board than if you were clearing the Melbourne steamer? In what respect greater precaution?
108. In seeing that everything is regular and correct? I should clear it in a straightforward manner, the same as any other vessel.

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109. Do you consider that this with all the irregularities you admit—? I do not see any irregularity at all.
110. Why did you take the bonds—why did not Mr. Maddocks? Because he was not there to take them at the proper hour.
111. At what hour did you take them? Just at nine o'clock.
112. Just as the Custom House opened? Yes.
113. And Mr. Maddocks was not at the office at nine? He was not there.
114. Is it not customary when you take them to put them on Mr. Maddocks' desk, so that he may check the export entry? I do not remember doing so before; I have generally laid them on one side. I frequently take them when Mr. Maddocks is making up his cash in the afternoon, when he is present in the Custom House.
115. You say you signed this clearance at the Grafton Wharf, but think you did not fill it up till the next day? I did not say any such thing. I beg your pardon for having to contradict you.
116. What did you do—take the declaration and issue the clearance? Yes.
117. When did you fill up your attesting signature? I think the next day Mr. Garling said to me, "You have not taken the declaration?" I said, "I beg pardon, I have taken the declaration;" and I signed it then.
118. What was the error in the content at the time of clearing—was that found out at the time you were at the Grafton Wharf? I think it was nothing more than a mistake in the marks and numbers.
119. You returned that to Mr. Stewart? I think so.
120. Where was the other one made out? It was made out there.
121. On board the ship? On board the ship.
122. You say Mr. Fancourt signed the content outward of the "Louisa" on the 2nd September? Yes.
123. He did not sign that paper at all? (*Referring to the content outward before the Board.*) No, not that.
124. Is this the paper you signed on the 3rd? Yes; I took the declaration on the 2nd, but I signed this in the presence of Mr. Garling on the 3rd.
125. Did you sign this, or the other one? This.
126. Did you not bring a paper also to Mr. Fancourt to sign on the 3rd? Yes; that paper I gave Mr. Fancourt, if I mistake not, to sign, and he would not sign it.
127. Was that declaration taken on board the ship—the one on the 7th October? Yes.
128. *By the Chairman:* The vessel was cleared out by you on board? By me on board.
129. On both occasions? On both occasions.
130. *By Mr. Browne:* What fee did you get on either of these occasions? A guinea on either, or both.

FIRST EXAMINATION.

Explanation and remarks to questions.

No. 17.—Steamers sometimes clear at 3, 5, and 12 o'clock, P.M.; when they clear at 5, or after, the fee I received was double, being fifteen shillings; this scale was made by the Custom House Agents, Messrs. Metcalfe & Co. Sometimes the steamers had a great deal of dutiable and drawback goods on board, almost on every occasion.

No. 26.—I obtained the captain's declaration on the manifest which was returned to the Agent, and also on the one now in the hands of the Board.

No. 36.—The jerker's initials are merely to shew that the vessel has discharged her inward cargo; if the jerker neglects to get a Post Office certificate when the vessel reports in, it is irregular.

No. 38.—The jerker's initials are required on only one copy (the record copy), the copy now in the hands of the Board on which Mr. Fancourt refused to put his initials.

No. 39.—Mr. Fancourt refused to initial the fresh copy after I explained the circumstances of the case, therefore, I was obliged to dispense with it. Mr. Fancourt's initials are merely to shew that the ship was jerked inwards. Mr. Maddocks' initials are to shew that the bond is taken for the goods to be shipped. I therefore felt quite justified in passing the entries as the bonds were taken by myself, and also in dispensing with Mr. Fancourt's initials, as he could not dispute that the vessel was jerked, as a remark to that effect is always made in the ships' *inward papers*.

No. 41.—The vessel came in in ballast, therefore she required no jerking. I saw her inward manifest, and knew what stores she had on board. If Mr. Fancourt allowed her to report in without a Post Office certificate he was the responsible party—that is, however, a common occurrence.

No. 50.—To prove that I have done Mr. Fancourt's duty, *vide* certificate sent by me to the Board.

No. 52.—Wrong in a matter of form only.

No. 54.—Rummage certificates are not required when a ship reports in.

No. 56.—Rummage certificates have only lately been introduced by Mr. Fancourt, merely as a matter of form. Mr. Fancourt generally gives the particulars of stores supposed to be remaining on board, so that Mr. Collier may fill up a blank form without actually knowing the same to be correct.

Nos. 57, 58, and 59—I have seen Mr. Fancourt give the particulars on a slip of paper; I have known him frequently to clear a ship without a rummage certificate—*vide* all the ships' papers in the Custom House a short time back, and you will see that no rummage certificates were given.

No. 61.—I dispense with the rummage certificate, but leave the papers open so that Mr. Fancourt may get one afterwards from Mr. Collier.

No. 62.

No. 62.—The vessel was cleared in a proper manner.

No. 68.—The bonds taken by me were for all goods shipped on the 2nd September, with the exception of the bond for eight half-tierces tobacco, which was taken by Mr. Maddocks—as a proof of which *vide* Mr. Maddocks' initials on the entry.

No. 74 and 75—I never saw the drawer containing the bonds locked up; it might have been at night but never was in the daytime.

No. 76.—The agents and the public get the bonds without asking for them; they used to be kept close to Mr. Maddocks, but Mr. Mowle had them removed to the back of my seat.

No. 86.—I witnessed the bonds given by Mr. W. and Mr. J. Stewart.

No. 88.—I know that the amount taken on each bond was for three times the amount of duty on the goods for exportation.

No. 98.—Mr. Maddocks' initials are shewn to inform the party who passes the entries that the bond is given, but when the party who passes the entry takes the bond no initials are required.

No. 102.—I never saw the bonds after Mr. Llewellyn examined them.

No. 108.—The irregularities mentioned were matters of form only. The clearance of the "Louisa" was a true and correct one, to the best of my knowledge, with the exception of a rummage certificate. In the above I allude to the second clearance; the first clearance was also correct. If Mr. Fancourt's initials are not on the record copy, it is owing to that gentleman's disagreeable manners, for I can look upon it in no other light, for no person with the smallest spark of sense can point out what object it would be to anyone to have a copy of the "Louisa's" manifest; it could not be made use of in any shape or way. Mr. Fancourt must have been laboring under a mistake when he said that he initialled two copies, and that the one now in your hands is neither of the two; such could not have been the case, for how could the captain's signature come there the day after the ship went to sea? If there was anything suspicious about the "Louisa" it was the duty of Mr. Collier to board her on the evening of the sixth when she came in, but, as it was, he never went near her, not even on the seventh. Captain Crook was equally to blame, especially as he made himself so very busy about the matter. I feel bound to make these remarks in justice to myself, and I cannot allow the evidence of Mr. Powell to pass unnoticed. I have always understood that a Custom House Agent is bound to do his duties in a proper manner, that is, according to the regulations of the Home Service. Under the circumstances this question will arise to me, how Messrs. Metcalfe and Co. can justify themselves to clear vessels over hours, when they say it is contrary to the regulations; the agents are the first to break through these regulations. I will say nothing about drawbacks, or the recently appointed party to superintend that duty, or hint at whose recommendation he was established. I should not have mentioned anything about the agents had it not been for Mr. Powell's evidence, by which many may suppose that nothing irregular is done through his office. I beg to remind the Board that I had too much work to do in my seat, having had to clear all ships foreign and coastwise, with the exception of steamers coastwise, make a return of the same, and also having had to keep Export Blue Book Return. The duties of my seat are now performed by two individuals.

No. 114.—The entries were checked by me.

No. 115.—The clearance was complete in every respect; the record copy only wanted my attesting signature.

No. 124.—Mr. Fancourt says he signed the second copy on the 3rd, in the morning, about 11 or 12 o'clock, which is incorrect; Mr. Collier had the papers on the 3rd in the morning (early); late in the day the reporter asked for them, and I sent him to Mr. Collier, and that gentleman sent him to Mr. Garling; Mr. Garling then brought the papers to me, and said, you have not taken the declaration, &c., &c.: this proves that Mr. Fancourt has made a false statement, because the documents in question were only in the hands of those two gentlemen (Mr. Garling and Mr. Collier) until a late hour in the day.

THURSDAY, 4 NOVEMBER, 1858.

Present:—

CAPTAIN WARD, R. E., IN THE CHAIR.

H. H. BROWNE, Esq.,

J. M'LERIE, Esq.

James Hartwell Williams, Esq., called in and examined:—

1. *By the Chairman:* You live near Dawes Point? Yes.
2. The stores on Walker's Wharf are in your possession? Yes.
3. Do you recollect Mr. Newton, the export officer, asking your permission, on or about the 3rd September, for eight half-tierces of tobacco to be taken out of your store? No; I have no recollection as to the quantity.
4. Do you remember application being made to you for any tobacco on or about the 3rd of September? An application was made by my storekeeper to let it go out. I will state the circumstances:—Upon the 3rd of September I had a large auction sale upon my wharf; and in consequence of the great number of people that would probably be there, and the great variety

J.H. Williams,
Esq.

2 Nov., 1858.

Mr. C. H.
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2 Nov., 1858.

- J.H. Williams, Esq.**
4 Nov., 1858.
- variety of articles upon the wharf, which was covered with goods, I had given orders that no bonded goods should be delivered that day. At about half-past nine to ten o'clock, as far as I recollect the hour, the storekeeper came to me, and said that the export officer had sent him to me to ask if I would allow seven or eight half-tierces to go out of bond, as the ship was waiting for them, and the parties would be put to great inconvenience if they did not get them that day; in fact, that the ship had cleared, and was ready to sail the day before, I think.
5. Did he mention the name of the ship? I am not positive about that. I at first refused; but, on reflection, I felt that, as a bonded storekeeper, I ought not to detain a ship for any purposes of my own, called him back, and said he could deliver the tobacco, and I saw it going out of the store myself.
 6. Do you know what tobacco he did deliver? No, but I can trace. There is no doubt in my mind about the fact I have stated.
 7. You have no doubt the tobacco was delivered from your store on the 3rd of September? I am quite certain.
 8. Who was the locker who issued it? I do not know; I had nothing to do with him.
 9. Do you know the export officer who took it? No; and I should not have known the day even, had it not been for the circumstance that I had given orders that no goods should be issued from the bonded store that day—a most unusual thing, a thing I never did before—and their coming to me to make this request.
 10. You have no doubt it was on the 3rd of September this happened? I could swear to it.
 11. Do you know anything more respecting that circumstance? I know nothing more.
 12. Do you find that the Custom House officers stationed at your wharf attend to their duty? I had occasion several months ago to complain to the Collector, not only of neglect of duty, but absolute violation of duty, as I consider it, on the part of the locker.
 13. Will you state the circumstances? I found that the men on the wharf were supplied with spirits; indeed, I was obliged to discharge my foreman in consequence, not exactly for being intoxicated, but so nearly approaching it as to become almost worthless. I was satisfied it must be obtained in the store, for the people are not allowed to leave the wharf. And, moreover, I was told by the wharfinger that he had found the locker asleep in his office, while the bonded warehouse was left open. It was such an irregularity that I considered it my duty to call the attention of the Customs authorities to the matter.
 14. How long ago was this? It must have been eight or nine months.
 15. What was the locker's name? Paget.
 16. Did the Customs authorities take notice of your report? They did take notice of it, in a very different way from what I expected they would have done. I said to the Collector, these are things known to me, but points I should find difficulty in proving; I do not wish to be called upon to prove them, but I wish you to have your eye upon this man, to see whether these charges are just. It was understood at the time that I was not to be called upon to prove them. The Collector communicated with the Treasurer, Mr. Jones, and I said the same thing to Mr. Jones, that my simple object was to have attention directed to the matter. However, things proceeded so far that I received a note from the Collector to say that I should be called upon to prove the charges brought against Paget, the locker, and the consequence was that hours of my time upon three or four days, and of my salesman's time, were occupied at the Custom House in the investigation. I considered that I proved the charges, at least, so proved them, that although Mr. Jones said he should not discharge the man immediately, he should be removed to another store, and be allowed three months to find another situation, which seemed to me quite irregular, for either he was guilty or not guilty. There seemed such a spirit of combination at the time throughout the whole Customs department—I do not mean to include Colonel Gibbes or the higher officers—that a threat was made that my salesman, who gave the principal evidence in the matter, should be prosecuted for perjury. We were quite prepared to meet the charge, but it was dropped.
 17. Is it your opinion that much alteration is required in the management of the Customs Department, for the due protection of the revenue and of the honest trader? I can hardly say, for my bond is chiefly confined to the custody of my own goods; but my impression is that many of the arrangements, especially of the outside department, are not proper.
 18. You refer to the out-door officers? Yes, the tide-waiters and lockers. I have been here some twenty years, and formerly they were more under my eye than at present, and I believe that many of them are men altogether unsuitable.
 19. Have you formed any opinion of your present locker, Mr. Brown? He is removed.
 20. Have you been able to form an opinion of his conduct? No; I have hardly seen him. I seldom go into the bonded store myself. I make the storekeeper responsible for what he does in the matter. I am satisfied that my own bonded store has been much better conducted since that inquiry took place than it was previously.
 21. You are satisfied that much reform is necessary in the out-door business of the Customs? I hardly know so much of the character of the officers now as when I was nearer the Custom House. My impression, as a general thing, is that they have not been proper appointments.

William Watts called in and examined:—

1. *By the Chairman*: You are storekeeper at Walker's Wharf? Yes.
2. Now in the possession of Mr. Williams? Yes.
3. Have you brought any books with you? Yes.
4. Will you let the Board see them? Yes. (*Witness produced the books.*)
5. You place two books before the Board—what is the smaller one? The cash and delivery book.
6. And the larger one? The stock book.
7. What is the object of the cash and delivery book? To make entries of the goods as delivered, without specifying the numbers on the packages, and also of the money received for store rent and charges.
8. And the larger book? Specifies the numbers of the packages and the stock delivered each particular day.
9. Is there any account shewing the stock on hand? This will shew it.
10. Have you an entry in your book, on the 3rd of September, of eight half-tierces of tobacco marked N 442? Yes.
11. You have against it the rent you received? Yes.
12. To whom did you deliver these eight half-tierces? To the export officer.
13. Who was he? Edward Newton.
14. At what time of day did you deliver them? About ten o'clock, as near as I can tell.
15. On whose account were they said to be exported? W. Stewart.
16. Are you certain it was on the 3rd September these goods were delivered? Yes.
17. What makes you particularly remember it besides the record of the book? We had a large auction sale that day, to take place on the 3rd, and Mr. Williams instructed me the evening previous, or early in the morning at breakfast, not to deliver anything, and when the officer came I refused to deliver them till he went to Mr. Williams and got permission. That is one thing that impresses it upon my memory; the other is, there is the certificate, and there is where I calculated the rent upon the back of it (*producing the same.*) I calculated the store rent up to the 3rd.
18. Was the store rent paid without any demur? Yes.
19. Who paid it? Mr. Newton.
20. Does the export officer pay you the rent? In general, because I do not give the goods up without the rent—the drayman, or the export officer, or whoever comes for them.
21. Then he acted in that capacity for Mr. Stewart? Yes.
22. On the back of the certificate I see you have made a memorandum of the store rent due? Yes.
23. Was that made at the time? Yes.
24. In the presence of Mr. Newton? Yes.
25. And he then and there paid the Bill? Yes.
26. Where was Mr. Brown at that time? In the bond.
27. Had Brown then given you instructions to deliver the goods? Yes.
28. Those instructions were given the same day? Yes.
29. You are quite sure he did not give instructions overnight? Yes.
30. Was Mr. Brown aware at the time that the goods were being removed? Mr. Brown was there seeing them removed. He was not present when I made the bill out.
31. After you had made the bill out you went down and, with Mr. Brown, delivered the goods to Mr. Newton? Yes.
32. Did they say where they were going to? For exportation, that was all. I cannot speak positively whether the vessel was mentioned or not.
33. Did you examine the export warrant at all that day—did you see who was the agent who prepared the warrant? I cannot say that I did. It was not my custom to examine them; I may have done it sometimes.
34. You did not notice it in that particular case? No.
35. *By Mr. Browne*: What description of tobacco was it—of good or inferior quality? I think the last time we sampled it it was rather inferior.
36. Was the entry in the delivery book made at the time? Yes.
37. Shewing the amount you received for store rent, £6 15s. 4d.? Yes.
38. Do you know how it was paid, whether by notes? I received altogether £6 17s.; there was £6 15s. 4d. for the charges, 1s. 6d. the usual fee paid to the men for loading it, that left 2d., and as I had no change I received £6 17s.
39. How was it paid—in notes, money, or cheque? It was in cash, in notes I think, not a cheque.
40. Were these the only goods you delivered from bond that day? That was all.
41. These you would not have delivered unless you had received express orders from Mr. Williams? No; in consequence of the orders he had previously given not to deliver anything.
42. You do not know whether Newton made any remark to the effect that the vessel was waiting for these goods? He said they were for exportation, and he must have them out, for the vessel was going out.
43. Do you remember who was the drayman that came for them? Two draymen came for them; one, I believe, was one O'Brien.
44. The other you do not know? The other I do not know.
45. Did you ever see any of the tide-surveyors on the wharf, either Mr. Collier or Mr. Bremer? I have seen Mr. Collier.
46. Not Mr. Bremer? I do not know him.

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Mr. Henry Anderson called in and examined :—

- Mr. Henry Anderson.
4 Nov., 1858.
1. *By the Chairman*: You are a landing-waiter, I think? Yes.
 2. Were you stationed at the Flour Company's and the Grafton Wharf on the 2nd of September last? Yes.
 3. Was it not the export officer's duty to report to you any large quantity of dutiable goods shipped at either of those wharfs on that day? Yes.
 4. Did Mr. Newton report to you his being about to ship a large quantity of goods on board the "Louisa" that day? He did not.
 5. Do you remember the "Louisa" being alongside the Grafton Wharf on the 2nd September? I recollect the "Louisa" being either there or in the stream, but I could not say positively whether she was alongside the wharf or not.
 6. Did you notice at all what goods went on board the "Louisa" that day? No; I could not tell.
 7. Did Mr. Newton apply to you that day to sign the export warrants for the shipment of certain dutiable goods? No; he could not have applied to me, for this reason, if I had seen him I would have signed it at once.
 8. Do you think that 34 dray loads could have been shipped from that wharf, on board the "Louisa," without your knowledge? Hardly thirty-four, I think.
 9. Do you think half that number could? I think half that number would have been noticed either by one or other of us.
 10. Who is the other you refer to? Mr. Carron.
 11. You are quite certain that 34 dray loads of goods were not shipped that day on board the "Louisa?" I could not say.
 12. It is possible? They might have been shipped, as far as I know of.
 13. If you had been asked to have signed for the shipment of 296 packages that day on board the "Louisa," without seeing them, would you have done so? I would, if I had seen the mate's signature and the export officer's, for he is the one we look to.
 14. You look to the export officer? Yes.
 15. You would have signed, having seen his signature, whether you had seen the goods go on board or not? Yes.
 16. You do not even require to be cognizant that the goods have been shipped, except in so far as you receive the testimony of the mate and the export officer to that effect? We do not require to see it, unless we have a doubt, which we sometimes may have.
 17. If the goods had been shipped from Towns' Wharf would you have been justified in signing the warrant after having seen the signature of the mate, as well as that of the export officer—I am assuming that Towns' Wharf would not have been within your beat? If I went down to that wharf on any business, and the officer there was out of the way, if the export officer came to me and shewed me the mate's signature, I would have no hesitation in signing.
 18. Suppose you had been at the Custom House, and not at the wharf, and the export officer had come to you and asked you to sign the export warrant, would you have done it, having seen the signature of the mate and export officer? There is a rule to that effect.
 19. Then the custom is, that wherever an export officer can catch a landing-waiter he is authorized to get his signature, and the landing-waiter is authorized to grant it? No, not that, but as I tell you, if I went on the wharf and did not find the landing-waiter there, or an export officer came to me when I was there, I should have no hesitation in signing it, if I saw the mate's signature and the export officer's.
 20. Suppose the export officer found you elsewhere, not on the wharf, and he said he had not been able to obtain the signature of the landing-waiter to the warrant, would you then sign it? Yes, I think I would, if I knew the man. I cannot give answer.
 21. Let me put it to you another way: Do you think Mr. Bramwell's having signed that warrant in this way irregular? Not at all irregular; I would have done the same thing for him.
 22. Was he at your wharf that day? He came there, I believe, after we left.
 23. On the 2nd September? On the 2nd September.
 24. Can you form any idea what brought him there? I can form an idea. He came down there a little after four o'clock—about ten minutes after; we had little or nothing doing; I had no ship at that time myself, and I recollect I left at sharp four, instead of waiting till half-past four or five; he came down there after his hour was up, upon some business of his own, and I suppose met the export officer and signed the warrant.
 25. Then do you know as a fact that he signed upon the wharf? I do not.
 26. He signed after hours? He signed then. I would do the same thing myself.
 27. He did sign after hours that day? I believe it was four o'clock or so, or after four o'clock.
 28. Did you not say just now that he came down to the wharf? I am not talking of what I know for a fact.
 29. *By Mr. Browne*: Where were you during the whole of the 2nd—were you very far away from the neighbourhood of the Grafton Wharf any portion of the day? There is a long beat there; I could not say exactly where I was, for I was all about that day; we had a vessel up the length of Barker's Wharf, and we had to pay attention to the whole of those wharfs.
 30. You said you had no ship that day yourself? I had no ship discharging that day.
 31. Therefore you would not be fixed to any particular spot? I was moving about the whole of my beat.
 32. Were you at any time during the day on the Grafton Wharf? I must have been on the Grafton Wharf two or three times perhaps.
 33. Then, if during any of the time you were on the Grafton Wharf you had seen two hundred or three hundred packages of dutiable goods being shipped on board a vessel, would you

you not naturally have staid to see where they were going? I would have staid to see where they were going, if I had seen them.

Mr. Henry
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34. If goods to that extent had come down, would it have been possible for you not to have seen them? It was possible I might not have seen them, for I might have been at other places at the time.

35. Considering the time that would be occupied in discharging from the drays and shipping three hundred packages of goods, some of them large, bulky articles, could they have been all put on board a vessel without your seeing something of them while passing and repassing during the day? I think it is possible; I might have been on the beat in the morning and in the afternoon, and they might have been shipped during the day.

36. Would it not have taken quite the whole day to have got these packages on board ship? How many packages?

37. Two hundred and ninety-six packages? It would have taken a long while.

38. There were a large number of hogsheads of brandy and rum—they could not have been handled? No.

39. Have you reason to believe they were shipped? I have no cause to think otherwise.

40. If the shipping officer, Mr. Newton, had wished to find you, could he not have found you, or Mr. Curran? He could before four o'clock.

41. Is it customary to ship dutiable goods after hours? They get them out of the bonded store perhaps before four o'clock, and then take them on board; the officer is then obliged to stay alongside the vessel till they are taken aboard, and the mate will not sign till they are below hatches, nor will the officer put his signature to it.

42. Is not the officer of Customs supposed to be a check upon the mate or captain, and not the mate to be a check upon the Custom House officer? The mate receives them on board, and the export officer makes them delivered on board.

43. You attend the discharging of a vessel as a landing-waiter, do you not? Yes.

44. What control or check have you over the discharge of that vessel, or any one vessel that may be discharging a sugar cargo, for instance, to know that the cargo is discharged in accordance with the warrants you receive? There is a tide-waiter on board who keeps all the tallies.

45. Do you take any steps to check the tide-waiter's tallies? Yes, every day; perhaps every half-hour I just go and look on.

46. Is it the duty of the landing-waiter to check the tide-waiter's books at least once a-day? He can do it once a-day, or twice a-day, if he chooses.

47. He should do it once? That I do not know; I never received instructions.

48. You act upon your own responsibility and judgment? Yes.

49. If a tide-waiter sanctioned the discharge from a ship of 57 tons of sugar, on a warrant for the discharge of 20 tons, do you consider that the landing-waiter ought to have discovered that before the ship was discharged, or when she was discharged? I never knew such a case.

50. If it did occur would you have detected such an error? I could not say that I would, but I would do my best towards it.

51. Will you look at these books? (*Tide-waiter's books relative to discharge of "Fanny Fisher."*) Are these books regular or irregular—what do you think of these books? I prefer not to answer the question.

52. Being a landing-waiter in the service you are bound to answer a question affecting the particular duty of a landing-waiter. What objection have you to answer it? I see the tide-waiter's book is kept in a very bad manner.

53. I want to know whether the landing-waiter ought not to have discovered that before it came into the hands of the jerker at the Customs, if he had done his duty? I have got three vessels at the wharf now —

54. Answer the question, Yes or No, and then give us an explanation afterwards? He might have discovered it. I have generally made it a practice myself to get the books at the dinner-hour, when I am not disturbed, and to check one or two of the tallies.

55. Are not the additions there totally incorrect? Yes. I would check not only the additions but the tallies, it is so much easier afterwards.

56. The landing-waiter is supposed to be the responsible officer, is he not? He is.

57. It is his duty to check the tide-waiter's book, and see that the goods are delivered according to the warrants? Yes.

58. Do not the warrants come to the landing-waiter? Yes, and he hands them over to the tide-waiter.

59. What is the class of persons employed as tide-waiters, generally? I have found them all very decent, the whole of them.

60. All sober, steady men? All sober, steady men, so far as I know.

61. You think them a proper class of persons to be employed in that capacity—I am speaking of the extra tide-waiters? I have not had much experience as a landing-waiter.

I am the sixth landing-waiter, and have been but a year in that office; but those that I have had to do with I have always found very efficient, excepting one or two.

62. Young men, are they? Some of them are old men.

63. Have you known any of them to have tumbled overboard from any of your ships, and been drowned? No.

64. Such things have happened, have they not? I do not know.

Mr. James Powell called in and examined:—

- Mr. J. Powell. 4 Nov., 1858. 1. *By the Chairman:* You are a Custom House Agent? Yes.
2. How long have you been so? I have been an Agent for the last five months only, but I have been connected with Customs business about eighteen years.
3. In what capacity? I was in the employ of the London Dock Company thirteen years.
4. How long have you been connected with the Customs here? About six years, as clerk to Mr Metcalfe.
5. The Board wish you to describe the successive steps taken, with reference to the Customs, from the first entry of a vessel into port till she is finally leaving it again? I am sorry I have not had time to get the necessary papers together. I could have made it much more clear if I had them; but I think I can explain. The first step would be (in making the report inward) to produce the clearance from the last port of departure, then to make two fair copies—one on a printed form, and there should also be a landing-waiter's copy, which is a written one, which is ultimately forwarded to the Audit Office. It is then necessary to procure the Post Office certificate, and to proceed to the entering clerk and hand in the papers; he would require the production of the ship's register, and would then enter the vessel in the books. The declaration should then be taken by the Chief Clerk, and the printed form handed over to the clerk who has charge of that particular duty, for the purpose of passing entries for the cargo.
6. What is the next step? We will suppose the cargo of the ship to be duly discharged, the papers are then sent in to the jerker for examination, and the vessel should be rummaged by the tide-surveyor to ascertain that the report of stores is correct.
7. In rummaging is it his business to check the amount of stores stated? Yes, to ascertain that the stores are correctly stated. The rummage should extend to the cargo. There might be dutiable goods remaining on board, perhaps a cask of rum.
8. Should he sound the cask of rum? He would not gauge it, but he would sound it, and get an approximate estimate within a few gallons of the contents.
9. It would be his duty to ascertain that? As nearly as possible.
10. Assuming that the vessel had gone through the regular process of discharging her cargo, and had been correctly jerked and rummaged, she now proceeds to take her cargo outwards of bonded or other goods? I think it would be better to confine myself to the ship first. I now proceed with the ship clearing outwards. The outward manifest would be handed to the jerker for the purpose of examination; the jerker, upon finding that the inward cargo was properly disposed of, would sign his name, and the papers would then be handed to the clearing clerk with the manifest outward of the vessel; he having examined the outward cargo, and checked it with his entries, would cause the declaration of the captain to be taken by the chief clerk, after which he proceed to make out the clearance, which having been done the Collector would sign it; the ship would then be allowed to proceed upon her voyage.
11. Would the document require any signature of the jerker? I have already stated it would require the signature of Mr. Fancourt, the jerker, before the clearing clerk could act upon it.
12. Would you describe how goods under bond are exported? We should prepare four export entries for each parcel of goods; having first given the necessary bonds, they would be initialled by the warehouse-keeper, to prove the fact of the goods being in bond, they would then be taken to the chief clerk, who should initial each set of entries, to prove that the bonds had been duly given, they should be then handed to the clearing clerk, for the purpose of being numbered and passed, after which they should be returned to the warehouse-keeper, who would then issue his warrant to the export officer, whose duty it would be to obtain the goods from the bond and see them shipped. The export officer would have the goods delivered to him by the locker, he would then convey them to the ship, obtain the receipt of the chief officer, and also of the landing-waiter upon the station, return one of the documents to the clearing clerk in order to clear the vessel outward, and one to the warehouse-keeper, to enable him to write the goods off in his books. I think I have already stated the practice of clearance outward. It would be necessary for the clearing clerk, having these documents, to see that they were properly manifested, and that all the necessary signatures were obtained before he allowed the outward report to leave his hands, or the declaration to be taken.*
13. Are you acquainted with the Customs practice in London? Mostly with the water-side practice, that is, the out-door practice.
14. Is it the practice there to clear out foreign going vessels after hours? I never knew any foreign vessel excepting tidal steamers to be cleared after hours; it would be almost impossible, for before she leaves the Docks she has to be cleared, and then drops down to Gravesend, and the clearance is put on board there.†
15. The reason that they do not clear is, that they have not time to do the necessary business? I

* Four documents are required. One copy is retained by the clearing clerk when he numbers the document; this copy, which bears no endorsement, is afterwards bound with others and kept in the Long Room. Another copy (which is also unendorsed,) is forwarded to the Audit Office. The two other copies, or warrants, which bear the signatures of the locker, export officer, mate, and landing-waiter, are given, one to the clearing clerk to clear the ship, after which it is put away with the the ship's papers; the other warrant is kept by the warehouse-keeper as voucher for the delivery.

† By clearing after hours, I mean such a clearance as that of the "Louisa," where one officer combined the duties of five other officers, without their knowledge, in violation of established routine. I have frequently cleared vessels after hours; almost every Saturday this occurs; but every signature is obtained, and the necessary documents produced preparatory to the clearance, before the hour of closing. The advantage in clearing later under these circumstances is very great, enabling vessels to receive free goods much later than they otherwise could. The clearance is always made at the Custom House, and not on board the ship, with rare exceptions. One case I remember where the clearance was made or given on board. There was an object to serve. This alone, I think, is sufficient to shew how undesirable such a practice is. I have referred specially to the steamers in my evidence.

- I never heard of such an application being made. Officers are specially appointed to clear Mr. J. Powell foreign steamers in England leaving with the night tide. No application is requisite.
16. Do you consider it an objectionable practice to clear out foreign going vessels after 4 Nov., 1858. hours? Except steamers, unless very good reason could be shewn.
17. You think it very likely to lead to fraud? Yes; the absence of the principal officers would leave the door open to fraud.
18. In fact, officers like the jerker, and other necessary officers, would be absent after hours, and then the duty would fall on subordinates? Yes; the clearing officer would act as Collector, as jerker—in fact as everything, where he has such power.
19. That leaves very large responsibility in the hands of one officer? It leaves the whole responsibility in his hands, and places all other parties connected with the vessel in a very precarious condition. For instance, the jerker may have post entries unpaid against the vessel, or goods to be accounted for, and would be secure if the papers passed through his hands in a proper manner. If the clearing clerk takes upon himself to clear the vessel without the knowledge of the jerker, that officer is entirely at fault.
20. What authority has the clearing clerk to act for the jerker, even after hours? He has no authority whatever to act for the jerker. If a vessel is cleared after hours and the jerker does not happen to be present, his part of the duty is neglected.
21. You think the clearing clerk should not clear vessels without seeing the jerker's signature? Undoubtedly not; for then no check can be exercised upon the inward cargo.
22. Is it customary for agents to sign bonds for goods about to be exported to the South Sea Islands? I should sign perhaps for Tahiti or New Caledonia, but not so vaguely as the South Sea Islands. I do not think an Agent would like to sign a bond either for Tahiti or New Caledonia; certainly not for a large sum. He would feel that where there was no Custom House he would be placing himself in jeopardy.
23. Do you know whether it is the practice at home to see that the bonds are carried out in their integrity—is it incumbent upon the parties to shew that the goods have been landed? I do not think it is necessary to produce a certificate to shew that the goods have been landed. We never give a certificate now, not even to English vessels arriving at this port, as to the discharge of dutiable goods.
24. Has the Collector ever given orders to prevent the Custom House Agents from signing bonds? I believe he did give an order in the case of Mr. Metcalf. He had signed a bond some years since which caused him much trouble; and, in order to protect him and other agents, the Collector issued the order that in future they should not sign bonds over £200.
25. Do you know whether it has ever been broken through? It has never been broken through in our office, except to ports where there is a Custom House—say New Zealand, Melbourne, or Tasmania.
26. Has it been broken through in the case of the "Louisa"? If the parties acknowledge the rule as we did it certainly has been broken through, if it be a rule. We always considered it a protection not to sign the bonds, and therefore accepted it as a rule.
27. Who took that bond? Mr Maddocks.
28. Has he taken it contrary to the existing regulations? There is great difficulty to say what are fixed regulations in the Customs here. There are no minutes. A rule may be made to-day and broken a few days hence.
29. The instructions given are not in writing? Never in writing* unfortunately; I think it would be very much better if they were. You should have something like fixed practice to act upon.
30. You cannot say whether that—(referring to taking of bond)—has been given against or in accordance with the regulations? I cannot, for I do not know what the regulations are. At home we have Treasury Minutes or Board's Orders for everything, and we know how to act; here we have merely verbal instructions, which may be altered from time to time.
31. Do you sign such bonds in practice? I would not sign such a bond as that.
32. Do you in practice sign any bonds from Tahiti or New Caledonia? I have signed small bonds for Mr. Drentler under £100. I would not object to sign under £200 for persons I knew, if the goods were going to places of which I knew something of the trade.
33. What is the practice with regard to landing-waiters signing the export warrants for goods that are shipped? They should be signed by the landing-waiter on the station, but they rarely are; the first landing-waiter the export officer gets generally signs.
34. If the export officer at the Grafton Wharf were to ask a landing-waiter at the Custom House to sign would he be justified in doing so? It has been done; I cannot say it is the practice, but it is common to do it.
35. Is it allowed? It is certainly allowed.
36. Recognised by the Collector? I do not know whether the Collector has known it, but it has been done for years.
37. Has it been recognised throughout the department as allowable? Yes; I have seen landing-waiters asked to sign papers, and they have signed at once.
38. Do you think that in this case Mr. Bramwell was to blame in signing that paper, when he belonged to an entirely different wharf, and had no knowledge of the goods? I think it was a very injudicious step.
39. In what way? So large a quantity of goods being shipped at a place where he could have no control over them.
40. You think the quantity of goods should have excited suspicion? Yes: if it had been a box of tobacco or a case of cigars he might have signed the papers without further consideration.

41.

* Minutes are and have been made in writing from time to time, but, no record having been kept of them, they cannot be referred to, and are useless.

- Mr. J. Powell. 41. Do you think the extraordinary amount of goods said to be taken on board for one day could not have failed to draw his attention? It is an extraordinary amount of goods; I never
 4 Nov., 1858. knew such an amount of dutiable goods to be shipped in one day. I cannot conceive a person shipping so many goods to discharge his duty properly.
42. You think there is no excuse for the landing-waiter? Except that it has been the practice.
43. Do you not think that if he had been a man of reasonable intelligence his suspicion would have been excited? I will not say his suspicion should have been excited, but I think he should have known something of the business before he signed.
44. Had the quantity of goods not been extraordinary he would have been justified according to the existing regulations? According to the existing regulations he would have been justified, but nevertheless I think it very wrong.
45. *By Mr. Browne*: Is it not intended as a check upon the export officer that the landing-waiter, as his superior officer, should certify? Yes, upon the same principle as the searcher in England in signing shipping bills; but no searcher would betray his position by signing shipping bills he knew nothing about.*
46. *By the Chairman*: Do you know that Mr. Barnes gave orders that these men should sign? Mr. Metcalfe has told me so, and he told me that in one case the landing-waiter refused, and Mr. Barnes insisted.
47. What was the objection? Because he did not know the goods were on board. He told Mr. Barnes, and Mr. Barnes insisted, and said if he did not know they were on board he should have known, as they were on his station.
48. He insisted he should sign, although he did not know? Yes; and he gave him the alternative of being declared incompetent for his position if he did not know what was going on on his station. Of course this is only from Mr. Metcalfe's statement to me.
49. What is the general impression with regard to Mr. Barnes' order—was it understood that the landing-waiters should sign for goods whether they saw them shipped or not? My impression of the matter is, that Mr. Barnes intended this should be something more than a mere form; he wished to establish the practice as it existed in England; he meant that the ships should be searched, and that the landing-waiter or searchers should know everything that went on on their stations.
50. Do you think their position enables them to watch? I think two men are not sufficient to keep a proper supervision over the vessels at the wharfs in Darling Harbour, which extend a mile and a-half.
51. You think the landing-waiters cannot see to all the goods shipped? I think not.
52. Was Mr. Barnes aware of that? The extent of the wharfs was not so great in Mr. Barnes' time.
53. There are nine landing-waiters now upon the establishment—do you think they can look after all the vessels? I speak more especially with reference to the officers in Darling Harbour, when I say they cannot look after it.
54. Then, to get their signature to the document to mean what it implies is impossible? Yes, with two it is quite impossible.
55. Is there assistance sufficient obtainable in the whole staff of the Customs to discharge all the duties—are nine officers sufficient? They have to attend to all the import duties and to gauge †
56. Is it practicable with the present staff to obtain the signature of the landing-waiters to the export warrants, and at the same time for them to see that the goods have been shipped? No, I do not think it is.
57. Then it is of no use to insist upon these documents being signed by these landing-waiters? I think the propriety of doing so still exists, but I do not think there is a sufficient staff to carry it out. I think a better system might be devised.
58. As it is impossible that nine landing-waiters can see to the shipment of all goods exported as well as the discharge of vessels, is it right to require them to sign these documents? I think it better they should not sign at all than incur the responsibility. If I were a landing-waiter I should very respectfully decline to sign, except I knew something of the shipment.
59. They ought not to be required to sign under existing circumstances? I think not; still the necessity for the check exists.
60. Will you examine these two clearances of the "Louisa," one on the 2nd of September, and the other the 7th October, to see whether they are regular? Here is an irregularity in the warrants. I see the goods were not re-gauged at the time they were taken out of bond; I see they have been delivered out at the same gauge as they went in. It is very unusual for any exporter to be satisfied to pay for the same amount of liquid as at the time of importation.

61.

* The duties of landing-waiter and searcher are combined at this port. The landing-waiter in England has only import ships to attend; the searchers, export ships. The searchers' duty has until lately been performed by the landing-waiters. As an illustration of this, I may refer to the shipment of goods for drawback, which have been always under the control of the landing-waiter, who has signed the documents, not as landing-waiter, but *searcher*. The searcher in England does not see all the goods shipped, yet he signs; his being on the station gives him an opportunity of looking after the file-waiters, who take an account of the goods received, and forward their books, which are carefully examined previous to the clearance being given. It is also the practice of searchers to examine goods occasionally, to see that the contents are duly entered; the exporter attending to open or close packages.

† This answer has an appearance of evasion. I did not feel myself at liberty to give any opinion as to the working of the department. In answer to question 57, I have stated that a better system might be devised. I beg to state, in addition, that I am of opinion that there is a great want of system throughout the Customs' Department; and also that, with better organization, all the duties required could be performed in a much more satisfactory manner with numerically the same staff.

61. Is it usual to re-gauge? The order is to re-gauge, because they might not otherwise detect a fraudulent deficiency. Mr. J. Powell.
62. There seems to have been unnecessary haste? It looks like it to me I also notice that Mr. Newton has acted as clerk in the matter. These documents are very carelessly got up; there is no value, no master's name; and five months after they have been bonded the exporter is content to take the same gauge out of bond that was put in. No prudent merchant would take goods out of bond the same as they went in without re-gauging, because there might have been a fraudulent abstraction of liquid. I see one of these warrants bears no date, value, or master's name. 4 Nov., 1858.
63. Whose handwriting is that in? The agent's, but I see the export officer, Mr. Newton, acts as clerk, in a manner; he has endorsed these documents, which is a very unusual circumstance.
64. Whose duty is it to make these endorsements? The locker's duty.
65. He endorses them when he delivers the goods? When he delivers them, and the export officer signs for the receipt of them.
66. *By Mr. Browne*: Is there any other omission or irregularity in the clearance? It is not signed by the jerker.
67. It ought to have had the jerker's initials before the contents were filled up? Before the paper was handed to the clearing clerk.
68. Do you know whether it is customary in this port to clear vessels on board the vessels themselves when they are foreign bound? They have never, within my own knowledge, cleared during the time I have been in the Custom House, on board the vessel, except the Melbourne steamers, and those only on Saturday, by special order from the Collector; and that is merely a permission to clear with free goods—not with bonded goods. It is a great convenience to shippers of fruit to ship at the last moment.*
69. Is there any other irregularity in that clearance of the 2nd? Nothing else.
70. Look to the clearance of the 7th; take it in conjunction with the entry of that vessel on the same day, and see whether these papers are correct? This is the clearance. A copy of this should have been written. The Post Office certificate seems not to have been obtained; I notice a memorandum of Mr. Fancourt's to that effect.
71. Is it usual to allow a vessel to enter inwards without a Post Office certificate? I have two or three times got Mr. Fancourt to allow a vessel to be entered before the captain got the Post Office certificate, but nothing has been done beyond entering the vessel.
72. You would not allow a vessel to clear again without having it? I would not allow her to land a package, or do anything. I think it would be very foolish to do so. There is no rummage certificate with this paper; I do not know whether you have it; you should have a clearance from Mr. Venour, of the Shipping Office, which should be with every clearance, and the rummage certificate also.
73. That is an informality? It will be if it is not here; the Shipping Master's certificate and the rummage certificate should be with the outward papers.
74. Should similar certificates be attached to the clearance of the 7th also? Yes, the same documents would be required in both cases.
75. Does that bear the jerker's certificate also? (*Handing the clearance*) That has not been jerked.
76. With an informal entry at half-past three o'clock in the evening, a clearance at five o'clock, without the jerker's certificate, or the Shipping Master's certificate of her having shipped a crew, would not the whole of that clearance on the 7th of October be irregular and informal? Yes.
77. Are there any rules of practice that have been adopted that would justify the clearing clerk clearing the vessel on this occasion with this informal paper? None.
78. I now come back to the question of the Chairman with respect to the certificate of the landing officer—if I clearly understood you, you thought it was a necessary certificate? I think so; most essentially necessary.
79. It is a similar one to that obtained from the searchers at home? Yes; and similar to that obtained here for obtaining goods before drawback is allowed.
80. Is it the practice to seek for a landing-waiter ———? We have nothing to do with that; the export-officer attends to it.
81. They come to you in that shape, complete? Yes. The clearing-officer should not sign the documents unless every entry is correct.
82. Mr. Bramwell is an old landing-waiter? Yes; he is an old Liverpool officer.
83. Would he not, on the face of this document, observe this irregularity? I think not; I think it is very likely he signed it without knowing what he signed.
84. You think he did not look to the quantity of goods? I doubt whether he thought about it, or looked at the papers; he merely signed them as a matter of course.
85. As far as the public or the revenue is concerned, would you consider it would be better to prevent an officer from signing a certificate, unless he saw the goods shipped? I would not do so; the signature being that of a subordinate †
86. Are not the export officers of a lower grade than the landing officers? They are of a lower grade; they are, generally, men of very low average ability.
87. Do you refer to the extra tide-waiters? The same remark will apply to the permanent tide-waiters.
88. Are they persons who should be entrusted with the shipment of some £2,000 or £3,000 worth of dutiable goods without the presence of a superior officer? I think not. This clearance

* See note to question 14.

† I would not abolish the signature of the searcher, because I consider it implies the supervision of a superior over the acts of a subordinate officer.

Mr. J. Powell. clearance (referring to the "Louisa's" clearance on the 7th October) has not been initialled to shew that the pilotage has been paid; therefore, for aught we know, no pilotage was paid; but the whole system of collecting pilotage is a very bad one.

4 Nov., 1858. 89. Who is the clerk who takes the pilotage? Mr. Mackenzie; he is a junior clerk in the department. I think it very strange that there should be two cashiers in the department

90. Mr. Mackenzie ought to have initialled that paper, to shew that he had received the pilotage? Yes; it should bear his initials

91. *By the Chairman*: Ought not the export officer, in the case of shipping these goods on the 2nd of September, to have applied to the landing-waiter on the station before he had applied to any other to sign the warrant? Yes; he should have gone to one of the landing-waiters stationed there; there are two on that station close to the wharf at which the "Louisa" received cargo.

92. *By Mr. Browne*: Do you think it possible for one officer to have put all these goods on board in one day? His signature is to the document; but I never got such a day's work done; if I could only get a quarter of the work done in one day I should think myself very fortunate. Sometimes I find a whole day is wasted with a few half-tierces of tobacco; but perhaps a powerful stimulant was applied.

Mr. William Munday called in and examined:—

Mr. W.
Munday.

4 Nov., 1858.

1. *By the Chairman*: Do you remember on the 2nd of September delivering sundry cases of gin from Lamb's Wharf? I do.

2. Do you remember what number you delivered? 200 for exportation, and 50 for removal to the Chilian Bond.

3. At what time did you deliver the goods for exportation? Four dray loads before one o'clock, and four after two o'clock.

4. At what time did you deliver the goods for the Chilian Bond? I believe in the afternoon.

5. At the same time that you delivered the goods for exportation? No; the goods for exportation I delivered to one officer, and the others to another.

6. Who was the officer to whom you delivered the goods for removal? I am not positive; I think his name is Robertson.

7. Who was the export officer in the other case? Mr. Newton. Two loads were taken to the Chilian Bond: the drays take twenty-five in a load.

8. *By Mr. Browne*: Is it customary to take out a transfer order for goods and a delivery order at the same time for export for the same person? I could not account for that in any way; if a proper officer comes and brings an order from the Customs, knowing the signature to be genuine I deliver the goods.

9. When did you sign that paper for the cases of gin attached to the warrant? On the 2nd.

10. Will you look at that paper? (*Handing the witness the export warrant*) It was the 2nd.

11. Who filled up the paper on the back? I did.

12. Is it usual for the locker to do so? Yes.

13. It is not usual for the export officer to fill up the back of the warrant? No; I never knew him to do it; all the time I have been there I have done it myself.

14. Is it customary to regauge spirits before exportation? It is.

15. Is that practice seldom deviated from? I believe it is. I am some times told that I do what some officers do not, and I am blamed for keeping them waiting. I say, "It is my duty to regauge." The cask might be half empty, and I never allow spirits to be shipped without dipping and calculating the contents.

16. Who was the export officer who came for the gin? Mr. Newton.

17. Did he take all the four drays together? The way he did it was this: I delivered the gin at the stores, and I am always very particular in respect to the duty of the Customs to see every thing done with my own eye, and in this case I saw every case of gin put on, and every case marked E 56 r. I know this because I had two lots, and the others were marked E 56 2½, and I made this alteration to shew the difference between the two; one lot was 500 cases, and the other 1,000.

18. Did all the four loads go together with Mr. Newton? No; one was loaded at a time, and he sent the drays away.

19. He did not go with each dray? No; he went with the fourth dray; where the others went I could not say. I think he sent three away from the wharf.

20. Do you remember the name of the draymen who took them away? I know the men well by sight. O'Brien took some of the goods, I believe.

21. Another man took some of the goods? Three other men—the goods for exportation.

22. Do you think you could give the names of these? I am afraid I could not; sometimes I hear the men's names mentioned, but there are so many draymen who come about the wharf that I could not say. O'Brien I have known the last six years.

23. Did he come for any? I am not certain whether he took any for the exportation order. He took some of the goods that day, but whether he took part of the export, and part of the removal, I cannot say. Two or three of the men were men who often draw goods for Mr. Stewart. I may also mention, as I am here, that the officer wanted me to send the goods on, and said he would go first, which I refused. I said it was my place not to do such a thing as that, but to deliver the goods to him according to my warrant. He said it was too strict, and in every way possible trying to impede the shipping of goods. I said I would not do as he wished, and if he did not like to take them according to rule he might leave the goods. I was obliged to do so, for I had had to take the matter before the Police Office.

24. With reference to this same officer? No—might it be through the instigation of this officer—the manner in which he demanded them; therefore, I was determined to be very particular.

- 25. Do you think the last dray load was away before three o'clock? The last dray load was away by three.
- 26. You know pretty well, I suppose, how long it would take to remove and tranship a large quantity of goods? I do.
- 27. Do you think it possible for one officer to remove and tranship in one day 296 packages, consisting of such goods as those described in this manifest? I think no officer in the department, or any other person out of it, could perform it in the time this was done in. I have done a great deal of export duty—for I at one time acted as export officer—and I never could do it. I was, I believe, as active as any one, and I could not remove such a quantity of goods from the various bonds to the Grafton Wharf, or any other. It might be done, if the officer sent away the drays without going with them.
- 28. *By the Chairman*: Could you ship half the quantity of goods in a day? I might do perhaps half.
- 29. Even if you removed the goods from five different wharfs? Yes, if there were no delay at the stores, and sometimes there is a great deal of delay. The delay at Lamb's Wharf on this occasion would be from about half-past eleven till one, and the delay after dinner from two till about three.
- 30. *By Mr. Browne*: You have been an export officer? I have acted as an export officer.
- 31. When you acted in that capacity to what officer did you take the certificate to be signed? Generally to the landing-waiter of the wharf where the vessel was lying upon which the goods were shipped; but if I could not find him I would go to another, and I have occasionally gone from Darling Harbour down to Pinchgut and got a warrant signed that should have been signed by the landing-waiter at the Flour Company's Wharf. I never received any other instructions.
- 32. Would you do so where a large quantity of dutiable goods were shipped, as was said to have been the case with respect to the "Louisa"? I should not think there was anything wrong, seeing that the signatures were right; but if the quantity were so large it might require some consideration. The landing-waiter signs on the strength of the export officer's signature; he takes his word for the shipment of the goods. I never put goods on board without the chief mate's signature, and if there were no chief mate I got the master's signature.

Mr. W. Munday.
4 Nov., 1858.

MONDAY, 8 NOVEMBER, 1858.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

II. H. BROWNE, Esq. | J. M'LERIE, Esq.

Mr. William Cathcart Still called in and examined:—

- 1. *By the Chairman*: What is your position? I am Inspector of Warehouses in the Customs.
- 2. What is the nature of the duty you discharge? The general superintendence of the warehouse branch of the department.
- 3. Have you the regulating of the books that are kept by the lockers? I have the supervision of those books.
- 4. Are they regulated by you, or do you merely check them—is the way the books are kept ordered and directed by you? They follow on the system that was organised when I joined, but I have likewise supplemented those books by others.
- 5. Do the lockers' books shew every thing that is taken into the warehouse? Yes.
- 6. And every thing that goes out? Yes.
- 7. In the case of a transfer from one warehouse to another, is there any means of checking that—the goods go to the warehouse to which the order purports they are to be transferred? In the first place, a manuscript application is made to the Collector by the owner of the goods to remove his goods from one warehouse to another; upon that a locker's warrant for the delivery is issued, and these two papers are then put in the hands of the removing officer; he then goes to the warehouse where the goods are deposited, and shews the locker's warrant for delivery. That paper is retained by the first locker, and the second endorses on the back of the application having received the goods; he then enters the transaction in his stock book and journal; the removing officer then takes back this endorsed application to the warehouse-keeper in the Custom House.
- 8. If it is never taken back—supposing it is destroyed while the goods are *in transitu*, what check is there then? Such a case could occur, but I have not heard of such an occurrence. Ultimately it would be sure to be found out, in this way: we take stock every six months, for the purpose of selling what we term "overtime goods"—that is, goods that have been three years in bond. All these goods are then put up for sale; the list of them is under my direction, and if I find the goods are not in bond I report accordingly.
- 9. That might not be found out for three years? It might not be found out for some time.
- 10. Is there any other more immediate check? I should say the owners of the goods would look out for that—they have to pay the removing officer.
- 11. Supposing the owner of the goods is interested in smuggling the goods away, is there any check then? As I said before, such a thing can occur, but it would be found out ultimately.
- 12. When the transfer order is granted does the warehouse-keeper record it in his books in any way? Not until it is returned by the removing officer, and then he debits the new store.
- 13. He does not make a journal entry, debiting and crediting each store? I am not aware that he does before the issue of the transfer warrant. The application is taken down to the bond to be acted on one day, and Mr. Nash would debit the new store next morning.

Mr. W.C. Still.
8 Nov., 1858.

- Mr. W. C. Still. 14. If he received the warrant? If the application were returned endorsed.
15. If he does not get it, what then? He cannot make any entry.
- 8 Nov., 1858. 16. He does not make any entry of having granted the warrant? Not that I am aware of; but we have a check in this way—all these goods are under bond to be produced when required.
17. I ask whether there is any immediate check? There is nothing but what I have stated.
18. When goods are transferred from one bond to another are they sent in charge of a tide-waiter, export officer, or any Customs officer? There are four senior tide-waiters paid as export officers who do the export duty; one of these is sent, if unemployed, but if an extra tide-waiter is sent it is at the merchant's expense.
19. Do you always send an officer to accompany the goods removed? One is supposed to be always sent. They are not under my direction, I beg to inform the Board.
20. Do they take these warrants? They are in possession of these two warrants.
21. Have you ever known a case where an officer has not gone with a cart? I cannot state positively; but I am under the impression that they do not follow every load.
22. Could you show me the transfer warrants? Yes. I produce an application for the removal of goods, and a removal order. (*The witness produced the same.*)
23. To whom does this application for the removal of goods first go? It is directed to the Collector; he endorses permission, or his clerk in his absence.
24. In this case it appears that Mr. Llewellyn signs for him? Yes.
25. Has that the initials of Mr. Nash? Yes.
26. Mr. Llewellyn passes it to Mr. Nash? No; the agent, or party presenting the application, takes it down to Mr. Nash's room, and gets a removal order made by Mr. Nash, or his clerk, and then it is put in the hands of the removing officer.
27. Does the Collector, or Mr. Llewellyn, take any record of having granted the application? No. In fact when I joined the office the applications were signed by junior clerks of the department. I stated to the Collector that the lockers did not like to act upon documents with these signatures, and I left him to infer that they should be addressed to me, I having control of the warehouses; although sometimes re-addressed to me, I do not see, in reality, one in six, and know nothing about them until the removal has taken place.
28. There is nothing on the face of this to shew that the export officer or tide-waiter accompanies the goods from one store to another? It is so, and has been the practice for years. My initials are here that the goods have been delivered. I see that the entry accords with the figures in the locker's book, and initial every paper that goes through the officer's hands.
29. There is nothing on the face of these documents to shew that the export officers receive all the goods? The receiving locker endorses on the application to remove the goods he receives, and this the removal officer hands to Mr. Nash, the warehouse-keeper.
30. Looking at this you do not know what officer took these fifty cases of gin from one warehouse to the other? No, there is nothing on the documents; but although I wish the locker to put the name, it has not always been done. There is a very loose practice in these matters, and I believe some of the removing officers will not shew the application to endorse to the delivery locker, but merely the order; they consider that the delivery locker has nothing to do with endorsing the application.
31. Suppose an inquiry were instituted with reference to some dutiable goods being transferred from one store to another, and it were desired to ascertain what export officer accompanied the goods, how could that be discovered? Without one locker had been more particular than another, and he had recorded it on the back of the removal order, it could not be discovered.
32. There is no order to that effect? I am not aware that there is any order from the Collector to that effect.
33. Suppose an order were given to remove goods from one store to another, and the officer did not take them to that store, but to some other place, and then destroyed the order, how could it be ascertained by what officer the goods were sent? I have no doubt that in some cases such a thing could occur.
34. Unless you kept a record? In some cases the more particular lockers may do so.
35. Does the locker's stock book shew to whom the goods are delivered? Not invariably.
36. It is made out in that form? (*Referring to the order produced.*) It is.
37. If the order does shew it, it is because the locker takes the extra precaution for his own protection? Yes.
38. When the goods get to the store to which they are to be transferred that receipt is given by the locker? The receiving locker.
39. He is assumed to enter it in his books? Yes, he enters it in two books.
40. What are the two books? The stock book, and the locker's journal, which I have introduced since I joined, and which states the date of actual receipt; formerly the date of the warrant only was entered in the stock book. (*The witness produced the stock book, and the locker's journal of receipts and delivery.*) This book (*the latter*) checks the other, and is balanced every Friday. The locker makes out a weekly account of whatever is done.
41. The locker having given a receipt he is supposed to enter it in two books? Yes.
42. What check is there that he enters it at all? My check; every paper he receives he shews to me.
43. Suppose he tears it up? If he does not shew the warrant there is no check.
44. You do not know whether a warrant has ever been torn up? I can only check what is placed before me.
45. You have no means of finding whether it has been torn up? No; it depends altogether upon the integrity of the officer.
46. If there were a book kept in the central office in the warehouse-keeper's department, there would be a check? The warehouse-keeper has a registry, or book, but that is merely a duplicate of the locker's stock book.

47. Then there is properly no check? No other than I have stated. Mr. W. C. Still.
48. Can you inform the Board whether there was a removal order issued for the transfer from Lamb's Wharf to the Chilian Wharf on 2nd September for 50 cases of gin? Yes. I 8 Nov., 1853. think the order I have handed in is that order.
49. Can you shew us by the books of the Chilian Bond whether that gin ever came into bond? I beg to hand in a transcript of the work of that bond from the commencement, and I find that on the 2nd 50 cases of gin were received from Lamb's. (*The witness handed in the same.*)
50. Are you aware whether they are there now? I cannot positively say; if they have been delivered of course the books will shew; but they were removed on that day to the Chilian.
51. They were received in? Yes.
52. That is, they were supposed to be received? They are recorded in the books of entry, and initialled by me.
53. Do you know whether it is the custom for goods to be issued for export and removal on the same day to the same owner? It is the custom.
54. Is the practice at all likely to be abused? I do not think the practice can well be altered; it might interrupt business. There might be two distinct parties, one shipping goods and the other wishing to remove on the same day, and it might cause inconvenience if the practice were altered.
55. When the same person wishes to ship and transfer would you allow that also? I never heard of any refusal in cases of that nature.
56. Do you not think this privilege is liable to be abused? I cannot say that.
57. You have seen the working of the business, and ought to be able to judge? I think if proper precautions were taken, both with regard to export and removal, the thing could be done safely enough; but I consider the present system very lax.
58. Both the transferring and the exporting? Yes, by the same party on the same day.
59. Can you shew by your books what day in the month of September it was upon which eight half-tierces of tobacco were issued from Walker's Bond for export, W Stewart being the shipper? (*The witness referred.*) I see by Walker's journal that there is an export on the 2nd September of eight half-tierces of tobacco. I have not Walker's store-book here, but I think I have the export warrant.
60. Is that entry in the handwriting of the locker? It is in the handwriting of the locker for that bond.
61. Are you aware whether these eight half-tierces were issued on the 2nd? I cannot tell farther than from seeing that entry in the book, and from the warrant having been placed before me, which accorded with the entry in the book. Here is the warrant to the export officer for the delivery, and here is the entry in the journal. (*The witness handed in the locker's warrant for delivery, "8½ tierces of tobacco for New Caledonia, William Stewart."*)
62. I see in this case the locker's warrant for delivery is signed by the clerk to the warehouse-keeper, Mr. Rogers? Mr. Rogers generally makes out the locker's warrant for delivery.
63. There is no signature in this warrant as to the export officer receiving these goods? No, but he has two papers besides that—two warrants filled up by the agent; that is merely the locker's warrant to shew me for the delivery of the goods. I see that, and then put my initials to it when entered in his stock-book.
64. For any check you have, these eight half-tierces of tobacco might have been issued on the 3rd? They might. It depends upon the integrity of the officer, and whether he makes faithful record of his work.
65. Would it be quite correct for a delivery warrant to be issued on the 2nd, and the goods to be issued on the 3rd? It would not be irregular; it might not be convenient for the parties to ship on that day.
66. Did you examine the books of the storekeeper at Walker's Bond? I did.
67. What did you see? I found that the goods had been apparently delivered on the 3rd.
68. You say "apparently"—have you from this book any doubt that they were delivered on the 3rd? I have no reason to doubt it was a correct entry.
69. The entries were made regularly? Yes; the books were kept in a clear business-like style.
70. Since this case of the "Louisa" has been brought before the public, and under the notice of the Government, have you examined the Chilian Bond? I have counted the packages.
71. Have you re-gauged any of the casks? I am now seeing to the re-gauging as they disappear, and when they have all disappeared I shall have the re-gauge of all the goods, and be able to find whether the quantity is deficient. I have found no deficiency in the number of packages.
72. You say when they all disappear? That is, as they are removed; they go out slowly. The parties are allowed three weeks to remove the goods.
73. The license is taken away from the store? The license is taken away, but we must allow time for the removal of the goods, and the Collector of Custom has allowed three weeks.
74. Then, by the time the whole of the goods are issued you will be able to tell whether the proper stock is in bond now? Yes.
75. To state whether the whole stock of the bond has been delivered over? Yes, I shall be able to give that information.
76. With respect to the construction of that bond, is it as well constructed for the security of goods as any other? As regards the security of the goods, I think equally so.
77. As regards the security for the public revenue? When the store was applied for it required alterations to make it secure; these I pointed out; my suggestions were attended to, and I consider, as regards its safety from being broken into, it is equal to any other store.
78. In what respect is it deficient as compared with other stores? I do not think it is so. The entrance is badly arranged, and the mode of getting goods up to the upper flats is very inconvenient.

- Mr. W. C. Still. inconvenient. I believe it is my duty to report only as to the security of the stores; but I think I should be inclined to go beyond my duty if an application were made for a similar store, on account of what I call the scanty working room—I mean in the shifting the goods from place to place. When goods come to us in any quantity we cannot get them immediately into the store, and they lie about the doorway until we are prepared to take them in, of course under the supervision of the locker.
- 8 Nov., 1858.
79. Have you noticed anything irregular about the store? Nothing as regards the bonded store in connection with the goods there.
80. Is it usual to issue spirits from bond without re-gauge? In some cases the merchant pays on the original entry; in others he has the spirits re-gauged, and then pays on the quantity found by the locker.
81. If the spirits are issued for export is it the duty of the locker to re-gauge? When I joined, goods that had been three months in bond were dipped before they were exported, but I have reduced the period to a month. If the spirits have not been in a month we take the same quantity as landed, but if over a month we dip, and endorse the quantity on the warrants.
82. Do you not think it desirable that all goods should be re-gauged on issue, whatever time they may have been in store? It is my own opinion that they should be.
83. What is to prevent a cask from being half-emptied before the issue if the owner of the goods and the locker connive? There is nothing to prevent, if they enter into collusion.
84. Could you tell, from looking at this export warrant, (*referring to the cargo supposed to be shipped by the "Louisa" on the 2nd September,*) whether any of these spirits should have been re-gauged, and whether the re-gauges are stated on the backs of them? Yes; the rum should have been re-gauged.
85. Had that been in a month? Yes, more than a month—from March, 1858.
86. Is the re-gauge written on the back? It does not appear; the locker has put the total quantity in words at length; he may have taken the dips, and, from the bare space on the warrant, may have condensed the items.
87. Is that regularly made out? The quantities should appear; it is not altogether regular to put it in that way.
88. Whose duty is it to make the re-gauge? The locker's.
89. Who was the locker on this occasion? Mr. Dickenson was temporarily in charge on that day.
90. Who is Mr. Dickenson? An extra tide-waiter. In the absence of a locker I am obliged to take any one I can find. I find that Mr. Hunt, at Pollard's, on another warrant has made the same kind of entry as Mr. Dickenson.
91. Do you think in either of these cases the lockers performed their duty, as far as the export warrant shews? I should have preferred seeing the actual gauge mentioned.
92. Whose duty is it to fill up the backs of these certificates? The locker's.
93. Can you tell whether, in these cases, the locker performed his duty? He signs his name, and is answerable for that particular duty; it is always done, as far as I can learn, by him. I am not aware that it is done by the export officer, except in an extreme case.
94. Is the handwriting on the back of the order for the eight half-tierces of tobacco that of the export officer or of the locker? I cannot say.
95. If it is in the writing of the export officer would it be irregular or regular? I think irregular; it should be in the writing of the locker; he signs his name. It might occur, when there was a great press of business, that to expedite it and to assist the locker, the export officer might put down the dips and strength.
96. You think in some cases it would be justifiable? In some cases; still it should be done by the locker if possible.
97. As regards the Chilian Bond, is it not the fact that one of the floors is used as a dwelling floor? I am not aware of it.
98. The centre floor is the bonded store, is it not? There are three floors, and the two upper are bonded.
99. Then no one lives on the third floor? No.
100. On the second? No; that is full of goods; that is the principal store.
101. You are not aware that any one lives there? I am not.
102. Are there any bedrooms in the front of the second floor? At the top of the landing there is a compartment where the locker sits, and in which Mr. Stewart and his partner lunch at one o'clock. I am not aware that it is used for any other purpose.
103. Could these parties get there at night? There is nothing to prevent their being locked in at night. We do not command the main entrance; the entry to the bond is on the second flat. I may mention that on one occasion the locker was detained there till very late, to superintend an operation of re-packing some spirits and blending them in a vat. I gave permission to Mr. Stewart to have this done upon the landing, for, from what I could understand, I believed it would be done in the usual hours; and I did not till the following morning know that the locker had been detained till eight at night. I have gauged the casks that were blended, and found no deficiency.
104. Is there without the intervention of the locker any access to this place where they take lunch? Yes.
105. Can they get there at all times of the night? Yes; if they wish to go.
106. Have they the means of getting into the store? Not into the bond; they can get into their private store below, and the outer compartment of the second floor.
107. Is it your opinion that the bond is secure? Yes, sufficiently secure—that is the bond itself.
108. You mean secure against fraud, do you not? Yes.
109. *By Mr. Browne:* I see a foot note to the account you have handed in, in which you say, referring to the exports by the "Louisa," on the 2nd September, "Two of these hogsheds were returned to bond same day according to the locker's memo., and finally delivered for shipment on 1st September?" That is the account I had from the locker.

110. Could a locker adopt such a course without any documents passing through the warehouse-keeper's and your hands? That is a matter not at all uncommon; we frequently find goods sent from the warehouse too late to ship—shut out—and they must be brought back to a place of safety; sometimes they are brought back to the Queen's Warehouse, and sometimes to the bond from which they were delivered, and shipped on a subsequent day. Mr. W. C. Stull
8 Nov., 1858.
111. Has the export officer shipped a portion and brought a portion back? Yes.
112. This was not a very large number of packages—five hogsheads of rum, and four half-tierces of tobacco, out of which two hogsheads were returned—does that appear in the locker's journal, or how did you get the information? There was a memorandum on the back of his warrant, and likewise in the stock book.
113. Have you the stock book here? Yes. (*The witness referred to the book.*) I find there is a memorandum to this effect, "Returned to the bond, and delivered again the 1st September."
114. Refer to M 547? "Two hog-heads returned to bond, and delivered again the 1st September"; when too late for being shipped is what we call "shut out," or "short shipped."
115. Would it be regular for a locker to certify that these goods were exported on the 27th or 28th, when a portion of them were not actually exported till the 1st September? It would not be regular, but the entry is filled up on the first delivery, the locker assuming that the goods are to be shipped then.
116. *By the Chairman*: Does he ever see that export warrant after he has signed it? No.
117. *By Mr. Browne*: Have you found any difficulty in carrying out your duties since you have been appointed Inspector of Warehouses? The difficulty I find is that I am only partially recognised as Inspector of Warehouses in the Customs Department.
118. What difficulty do you find—are you anxious to check what you consider a lax system, and is that the reason of their objecting to your interference? Matters that should have been, I consider, referred to me, have not come to me at all. I am passed over, and these matters go either to the Collector of Customs or to the Landing Surveyor, and I think that injures my authority in the warehouses, and in the eyes of the portion of the public connected with our transactions.
119. You consider that every matter connected with the receipt and delivery of goods should in some way come under your cognizance? I think so. The export officer does not come under my cognizance at all; from the moment the goods leave the warehouse I have nothing to do with them.
120. When the regular export officers are engaged, and an extra tide-waiter, who is paid by the merchant, is employed, by whom is he selected? I believe there is a rule that these officers should be employed in turn, but I am not aware whether that rule is strictly carried out in the Customs.
121. You have nothing to do with the selection? No.
122. Some other officer of the Customs selects them? Seemingly.
123. Are the men who are employed as established tide-waiters men of good repute and respectable, generally speaking? I hardly like to say anything to affect any man's character, but there are among them some very indifferent persons.
124. Do you think any single export officer could in the course of one day take from five different bonded stores, and place on board a vessel, 296 packages of goods, some of them of a bulky nature, such as hogsheads or puncheons of rum, and half-tierces of tobacco? I think such a quantity might be taken out of so many bonds and put on board ship, but I think no one officer could do so conformably to his proper duty.
125. You spoke a little while ago about Mr. Stewart and his partner—whom do you mean by his partner? Perhaps I may have been hurried into mentioning a partner, but I spoke merely on assumption.
126. Do you know that he has partner? Perhaps the Committee will allow me to withdraw the expression.
127. You have said "Mr. Stewart and his partner"—to whom did you refer as his partner? When I say partner I mean the people who seem to be working with him.
128. Whom have you seen lunching there besides Mr. Stewart? I have not myself been present when they lunched.
129. Who was working with Mr. Stewart that led you to suppose he was a partner? I always understood that Mr. William Gibbes was his partner.
130. Do you know whether Mr. William Gibbes was his partner or not? I do not know. I merely judge from the circumstance of Mr. William Gibbes having applied for that bond in the first instance, and its being granted in his name. I took my instructions from him, and measured the bond.
131. How do you mean "took instructions"? Mr. William Gibbes applied by name for this bond, and after I had measured it and made my report, and his name approved of by the Government, his name was withdrawn, and another application was sent in, in the name of William Stewart. I then conjectured there must be a connection between them.
132. *By the Chairman*: Have you seen Mr. Gibbes exercising any kind of authority in that store that would lead you to suppose he had an interest in the business? Yes.
133. What sort of authority? When Mr. Stewart has been away I have occasionally spoken to Mr. Gibbes about matters affecting the bond, and he has attended to me.
134. Did he appear to be recognized as one of the partners? Apparently so.
135. *By the workmen*: By the workmen.
136. You have no doubt in your own mind that he was a partner in the bond? I cannot but think, from what I have observed, that he is connected with the business.
137. *By Mr. Browne*: Were any goods bonded in that store for merchants in town, or were they principally used in the business of the free store below? The goods bonded there are principally removals from other warehouses.
138. For their own business? Some of them are used by themselves, but other parties also pay duty and take goods out.
139. They are not all used in their own business? Not all.

Mr. William Noble Davidson called in and examined:—

- Mr. W. N. Davidson.
8 Nov., 1858
1. *By Mr. Browne:* You are the engineer of the "Black Swan" steamer, belonging to Mr. Edge Manning? Yes.
 2. Do you remember where and how that vessel was employed on the 2nd of September last? She was running to Manly Beach in the afternoon.
 3. After she returned from Manly Beach did she perform any other duty that day? Yes; we towed a vessel to sea.
 4. What vessel was it? I heard it was the "Louisa;" I am not positive.
 5. Was she a schooner? Either a schooner or a brig.
 6. Where did you take her from? From the Grafton Wharf.
 7. Had she any pilot on board that you are aware of? Not that I am aware of. I think not.
 8. Did anybody belonging to the vessel go down in the steamer and return in the steamer? Nobody went down in the steamer; some parties returned from on board of the vessel.
 9. Do you know who they were? No, I do not.
 10. You would not recognise them again? I think not.
 11. Do you know Mr. King by sight—the master of the schooner? No.
 12. Do you know Mr. Stewart at all by sight? I have seen Mr. Stewart. I saw a Mr. Stewart—I do not know whether he is the individual you mean—come out of the "Tasmania" the other day.
 13. Did you see him on board the "Louisa"—did he return in the "Black Swan"? I could not say. There were either three or four gentlemen came on board us down at Bradley's Head, who came out of the schooner or brig, and remained on board till we went outside with the vessel, and came up to the Phoenix Wharf with us; but who or what they were I could not say.
 14. The captain, I suppose, would know them? I think not; but he will be here in a short time.
 15. Did you tow the vessel some distance outside the Heads? No; we took her outside of the Floating Light, you may say almost out of the South Head, but not the foremost point of North Head; we did not go quite that distance with her.
 16. Did you go past the Floating Light by the eastern or western passage? The western passage.
 17. You came straight from Manly Beach, took hold of the vessel, and towed her out? Yes. We left the Phoenix Wharf about half-past six, took her in tow, and got down there about eight o'clock.

Mr. George Norton Russell called in and examined:—

- Mr. G. N. Russell.
8 Nov., 1858.
1. *By the Chairman:* I think you are an established tide-waiter? Yes.
 2. You sometimes do the duty of export officer? I do two or three duties.
 3. What other duties? I am appointed to a responsible situation as drawback officer: I am very cautious about that. Next, when I am not doing anything, I am ordered to move spirits from bond to ships for export; in fact, I wish never to be idle.
 4. From whom do you generally receive warrants for goods that are about to be removed? From the warehouse-keeper and Mr. Rogers, his clerk.
 5. Do you let the tide-surveyors know before shipment? Always when I have anything of importance for shipment—for instance, nine or ten hogsheads of dutiable goods—if they wish them to send an officer on board.
 6. In that case is anybody generally put on board? I wait till they are put on board between decks. When I get them out of the store I do not let any dray go by itself, but wait till they are all loaded, and accompany the goods; and I see them put between decks before I receive a receipt from the chief officer.
 7. You make it a point to accompany every dray? Every dray. I consider myself bound to do so; the responsibility is very great.
 8. What is the greatest number of drays you have accompanied in a day? Three or four.
 9. Do you think it possible that any export officer could see thirty-four dray loads shipped in one day? I never did it. It might be done if he did not accompany the drays.
 10. Supposing he accompanied them? He cannot; they may be puncheons, they may be hogsheads, perhaps tierces or half-tierces of tobacco; then there may be two or three officers waiting in the store for goods—I have to take my turn—then the goods have to be broken out.
 11. Under the most favorable circumstances, do you think he could ship thirty-four dray-loads in a day from five different stores? To the best of my belief I could not do it, and I believe there is not a more active man in doing business than I am. I do as much as I can.
 12. Do you think you could put three hundred packages on board a ship in one day? I might in cases of brandy, if I got them out of one store; but if I could not take them altogether; I would take the first portion to the ship and wait till I had them on board, and then come for the remainder.
 13. If they consisted of hogsheads of rum, half casks of whisky, half-tierces of tobacco, and so on, could you then ship three hundred? I could not; it is impossible to be done.
 14. When you have the goods put on board, and the signature of the mate, what do you do to get the signature of the landing-waiter? After having shipped the goods, got the mate's signature to the warrant, and signed my own name, I immediately take it to the landing-waiter.
 15. What landing-waiter? The landing-waiter belonging to the wharf the ship is at.
 16. What do you do when you cannot find him? I wait till I find him. The landing-waiters stick to their duty at their own wharf. I never have occasion to look for an officer.
 17. Then you have never been obliged to get the signature of any landing-waiter but the one at the wharf? Not to my knowledge. It has only lately come out that no landing-waiter

- waiter is required to sign. I do not think it is a binding thing to sign because he sees my name to it. How can he tell I am an honest man?
18. You always think it your duty to get the signature of your own landing-waiter—you never get the signature of any other? No.
19. Have you ever applied to any landing-waiter to sign for the shipment of goods that he has not seen shipped? I cannot say on my oath that I have not, but to the best of my belief I have not.
20. When you have acted as export officer, has any landing-waiter signed for goods that he has not seen shipped? That I cannot say; but I never found it difficult to get the signature of the proper landing-waiter on the wharf.
21. When goods are shipped after hours, and the landing-waiter is not there? Then I take the warrants home and put them up in my desk.
22. What do you do with them ultimately? When I meet the proper officer of the wharf, I tell him the goods have been shipped, and he signs for them.
23. That is not till the next day? No.
24. You say that when a large amount of dutiable goods are to be shipped you inform the tide-surveyor, and he is to put an officer on board if he chooses? Yes; they put one on board foreign vessels going away, or to the islands, except it is a ship going to a port where there is a Custom House.
25. When you tell him is it his practice to put an officer on board? He always does so when he is informed, if he considers it necessary.
26. *By Mr. Browne:* You have had considerable practice in the Customs Department, having been a good many years employed in it? Yes.
27. Would you consider it a regular course of proceeding for a vessel with an enormous quantity of spirits on board to proceed to sea after dark? I never heard of such a thing; it is not customary, except with steamers.
28. Do you think it would be possible to pass the entry, ship them, and clear them out in one day, with due regard to regularity and the protection of the revenue? I consider that if I had done that work in two days I should have done right well.
29. *By Mr. M'Levie:* Does the landing-waiter at the wharf generally satisfy himself that the goods are shipped before he signs the export warrant, or takes your word for it? He takes my word for it; he never satisfies himself, for he is always perfectly satisfied with my signature; he is not present at the shipment of the goods.
30. When you lay before him a warrant for the shipment of goods, does he go and satisfy himself that the goods are shipped, or merely take your word? He takes my word. I must say, for the number of years I have been in the Customs, my word has never been misdoubted.
31. How many years have you been in the service? Fifteen or sixteen years.

Mr. G. N.
Russell.

8 Nov., 1858.

Mr. John Kidd called in and examined:—

1. *By the Chairman:* You are in the Customs Department as landing-waiter? Yes.
2. How long have you been in the Customs? Nearly twenty years.
3. In that capacity? No.
4. How long as landing-waiter? Since my return from England; I think about seven years—six or seven.
5. Is it your duty to sign warrants for goods exported from your station? It has ever been the custom since the regulation was instituted by Mr. Barnes. I never sign those for the export of goods except on the wharf from which the goods are shipped. I ever set my face against it.
6. Has the practice of signing been sanctioned in the department by any superior authority? I cannot reply to that. I think that when Mr. Barnes first instituted that rule the understanding was that only for the wharf from which the goods were exported you were supposed to sign for. I never did otherwise myself; I adhered to that as closely as possible.
7. You were never found fault with for refusing to sign except on those occasions? Yes, once.
8. By whom? By Mr. Garling, some twelve months since. That was under peculiar circumstances. I was then stationed at Campbell's Wharf, in company with Mr. Rolleston. Mr. Rolleston was absent that day, and there were some export warrants which required to be signed as they were wanted to clear the vessel. Mr. Garling insisted upon my doing it. I declined, and brought the matter before the Collector, who quite approved of my not signing; at the same time he told me that although justified in declining I might do it by signing for Mr. Rolleston, and he said I could not be found fault with, because I had reported it to him.
9. Would you consider it justifiable for a landing-waiter to sign for goods shipped at the Grafton Wharf when he himself was the landing-waiter at Walker's Wharf? On the same principle that I say I never did, I should think, of course, that he would not. I know I would not do it.
10. Then you think he was not justified in doing it? It remains for you to decide that.
11. Does Colonel Gibbes expect one landing-waiter to sign for goods shipped at another's wharf? I could not tell, excepting from this case I mentioned that occurred lately.
12. Suppose a large quantity of dutiable goods had been shipped at your own wharf, would you sign for those goods without seeing that they were actually on board? It would be hardly possible for me to do so, for I invariably pay such attention to these things that I can always do it with a clear conscience; and another thing I do—when I see an undue quantity of dutiable goods for export I always make application to the Custom House for a tide-waiter to be placed on the craft while being loaded, and then, on the strength of that officer's guarantee, as well as my own knowledge of the affair, I always sign with confidence.

Mr. J. Kidd.

8 Nov., 1858.

Mr. J. Kidd. 13. Then you satisfy yourself that the goods are on board before you sign? Yes, I always do. I am very scrupulous in these matters.

8 Nov., 1858. 14. *By Mr. Browne*: When vessels are discharging cargo at the wharf at which you are landing-waiter, what supervision do you exercise over the tide-waiter's books, particularly with reference to sugar ships? I am always in attendance every afternoon; I look at the weights and scales, because I cannot always be there, as I have various things to call my attention off.

15. I am not speaking of the weights and scales—what examination do you make of the tide-waiter's books to see that he discharges the cargo in accordance with the warrants that come down? I am always in attendance, and see that he puts down each lot weighed. Generally speaking cargoes of sugar, coffee, and rice, are discharged by putting so many bags in the scale at a time, and I see that the officer takes the proper weights. I make it an almost undeviating rule that, for form's sake, I look through the officer's book and see that the proper tallies are made, and the signature and date put to it.

16. Would you consider that a landing-waiter was attending to his duty if a tide-waiter permitted thirty-seven tons of sugar more to be delivered from a vessel than there was a warrant actually sent down for? I think it possible the tide-waiter might do that without the cognizance of the landing-waiter, because he cannot be always there.

17. Supposing the vessel were discharged and the landing-waiter had forwarded his books of the vessel complete to the jerker at the Custom House, would you consider the landing-waiter had done his duty if upon examination by the jerker he found thirty-seven tons of sugar had not paid duty? I hardly understand the question.

18. Do you not, when a vessel has discharged her cargo completely, as landing-waiter transmit your own book to the tide-surveyor for the purpose of being transmitted to the jerker in the Long Room to check the cargo? Yes.

19. If you had forwarded the books of a sugar ship which on being jerked shewed that thirty-seven tons of sugar had not paid duty, would you consider you had done your duty in a proper way? If the jerker found out the discrepancy I should participate in the blame.

20. Should not any landing-waiter have discovered that discrepancy long before it reached the jerker's hands? (*The landing-waiter's books with reference to the discharge of the "Fanny Fisher" were handed to the witness.*) I think the error ought to have been found out before it went to the jerker.

21. Is Mr. Warburton a landing-waiter now? He was for some time, but I think latterly he has been disrated. He performed the duty of landing-waiter under the denomination of coast-waiter.

22. Has he been promoted, or the contrary? Latterly, through some circumstances—I do not know what—he has unfortunately been disrated. He is now, I believe, junior locker.

23. *By Mr. M'Levie*: Are not the duties of a locker equally responsible with those of a landing-waiter? I should think almost more so.

Mr. David Nash called in and examined:—

Mr. D. Nash. 1. *By the Chairman*: What is your position in the Customs? I am warehouse-keeper.

8 Nov., 1858. 2. What are your duties? I keep the stock-book and record of all the goods in the warehouses.

3. All goods received and issued? Yes. I also have to compare, by this stock-book, all entries previous to paying duty, and to write delivery orders out. (*The witness produced the stock-book.*)

4. Do you keep any other book besides the stock-book? There is a registry of aggregate quantities and balances every quarter.

5. When an export warrant is made out for the shipment of goods out of the country, I believe it comes to you? Yes.

6. What is your duty when you get that warrant? I first refer to the stock-book, and see that the numbers and weights correspond.

7. When they do correspond, what is the next step? The warrant is initialled and forwarded to the Long Room by the agent to the chief clerk, whoever he may be—Mr. Maddocks or Mr. Llewellyn—for the purpose of certifying as to the proper bond having been given, and then to the export clerk for signature, and then back to me, to make out the delivery order.

8. Is not the entry passed first? No.

9. Do you keep any record of the delivery order? There is one filed in the office, but I make no record in my book until the warrant is returned and endorsed by the landing-waiter and the parties concerned.

10. Shewing that the goods have been actually shipped? Yes.

11. Have you anything more to do with the export of these particular goods till the warrant comes back? No.

12. Do you inform the tide-surveyor that the goods are going to be shipped? No. Our room is convenient to him, and we keep a book for the purpose of entering all particulars for export and home consumption too; he can look at that at any moment.

13. Is it ever expected of you to warn the tide-surveyor that a certain quantity of dutiable goods are to be shipped, and that he had better put an officer on board? I have never done it.

14. Whose duty is it? The tide-surveyor's.

15. It is not your duty to inform the tide-surveyor? No.

16. When you have issued the delivery order to the export officer, and he has taken it to the locker, and the goods have been shipped, what check have you upon the export officer bringing that export order back to you? We make an entry of them, and if they are not returned we can ascertain the fact by the locker's delivery-book.

17. Where do you make it? In a daily book we keep.

18. What is the character of the entry? A fair copy of the warrant, and all particulars, Mr. D. Nash. for the locker and shipping officer to sign.
19. Where is that book? In the office. 8 Nov., 1858.
20. When spirits are issued from store upon your delivery warrant, is it usual to re-gauge them? If the owners make application they can have them re-gauged.
21. Is it not usual, whether they enter an application or not? For exportation they do generally, if they have been in any length of time.
22. Not for purchase or home consumption? For home consumption there is a requisition form. They can have it re-gauged at any time previous to paying duty.
23. To come back to the Custom House business in connection with the warrants; after you have prepared the export warrant and delivery order to whom do you deliver them? To the export officer.
24. What export officer do you generally give them to? I have no choice—to any who may be disengaged; I generally call the one that is handiest.
25. Then you lose sight of that particular business till the documents come back to you at the Custom House? Yes.
26. What do you do when the documents are returned to you? They are compared with the book; one is filed and put with the ship's papers, the other is bound for the warehouse-keeper.
27. Are they written off in this book? Yes.
28. Is there any other entry made in any of your books? (*Vide Addenda.*)
29. Have you no books shewing the amount of goods you have in store? I have, in gallons. I keep the weekly stock.
30. You have nothing to shew what is in each warehouse? I have not, but the lockers have; they keep an account of the number of packages.
31. When you give a transfer delivery order from one locker to another, have you no book in which you credit the locker who delivers, and debit the locker who receives? I enter it in the journal.
32. Have you no debtor and creditor account? No; they are all in one journal.
33. If you were required to give a return of dutiable goods in charge of each locker you could not give it? Not without referring to the locker's book.
34. You could not state the amount of goods in charge of each locker? Yes; by referring to my book.
35. But you would have to pick it out of this book and several others, and then to compare it with the locker's book, so that you could not tell without a week's work? More than that.
36. How long would it take you to shew that the lockers had been properly charged and properly relieved? I dare say a month.
37. Then if you wanted to check any particular locker's book it would take a month? Not one locker's book, but all. Each locker keeps a double entry.
38. The locker has a sort of account of what he receives and what he delivers? Yes: he balances it up every week.
39. Have you any book which shews how much each locker is debited and credited with each month? Not of each store.
40. Then you could not give the balance in hand? Not in any particular store.
41. Without picking them out and comparing this book with the locker's book? No.
42. Do you keep any debit and credit account with ships? Yes.
43. When a ship comes in with a certain amount of dutiable goods on board, do you charge her with those goods? I enter them in this book.
44. Have you any ledger in which you enter them? No.
45. When a ship discharges, do you debit—? Only in this book.
46. Do you not think it is desirable to keep a sort of journal in your office, in which you could at once debit and credit every thing you receive and issue, like a merchant's journal? We do keep such a register for the whole of the stores, which is balanced every quarter. The register shews the aggregate quantities delivered and landed.
47. That is not with respect to particular stores or individuals? No; the whole.
48. Would it not be better to have a journal, in which you could at once charge the locker at each store with the goods he receives, and credit him with those he delivers? I am afraid we could not do it with our staff of officers.
49. In the meanwhile you have no check upon the lockers by which you could verify their accounts within a month? Not the whole of them; we might check the accounts of one in a couple of days perhaps.
50. By picking the items out of this book? Yes.
51. *By Mr. Beome:* When is the entry made in this book which you call the Locker's Daily Delivery Book—who is this written up by? Mr. Rogers.
52. When is it written? At the time the export warrant goes out. It might have been some time after.
53. This is supposed to shew the names of the different bonds in which goods are lodged, the persons who export them, and the export officers and lockers of the different stores, at the time of the departure of the warrants? Yes.
54. Would you, in your capacity as warehouse-keeper, give these seven warrants to one export officer, without considering whether he was capable of performing the duty in the course of the day? If the shipper were to ask it; otherwise I should think it too-much.
55. Did the shipper in this case request you to give all these warrants to Mr. Newton? I think it was the clerk, Mr. Rogers, who gave them.
56. This seems to have been the only account of the export that took place on the 2nd September? Yes.
57. This is the book the tide-surveyors have access to? Yes.
58. Are you sure that entry was made on the day the entry was passed, or was it made after it? It must be made the same day; no doubt about it.

- Mr. D. Nash. 59. Is this made at the time the warrant has been returned stating that the goods have been shipped? Yes.
- 8 Nov., 1858. 60. Do you believe that by any possibility all these goods—300 packages—could have been shipped between ten and four by one man? It would depend upon what the packages were.
61. These are heavy packages? Yes.
62. On this very day was there not a transfer taken out for transferring some gin from Lamb's store to this very store? Yes.
63. If you had it in evidence that none of this gin was delivered before twelve, and a large portion of it between two and three o'clock, do you think by any possibility it could be shipped by one man? It is a very short time to do it in.
64. How is that information obtained in that column (*referring to the book*)? It is put down by the shipping officer, at the time of the return of the warrant.
65. Who is the shipping officer? In this case Mr. Newton was.
66. Then this which purports to be a faithful record of the proceedings in the shipment of goods is dependent upon the honesty or dishonesty of the shipping officer? We have it countersigned by the locker.
67. The entry as to time—that is supposed to be a check, is it not? Yes.
68. Is that any check upon the delivery of these goods on board the "Louisa"? I do not see that it is possible.
69. Do you look at the book every day? Yes, but not so closely as to say the time put down.
70. When you saw so large a shipment of spirits and tobacco to New Caledonia in one day, would you take no notice of it to give information? I have had very much larger shipments than that, and taken no notice.
71. *By the Chairman*: Is not this intended to be a check upon the export officer? Yes.
72. How does it happen that you allow him to fill up the time that he returns himself, when it is supposed to be a check on the time he returns his warrant? I do not know that there is much difference whether he fills it up or we fill it up for him. It is mostly the afternoon before we receive any of the export warrants back.
73. Do you think it right to allow him to enter up the time—if we have it recorded as a matter of fact that he did not return the warrant by the time he states there, will not that false record be owing to your negligence? I think he must have put down that when he came in at four o'clock.
74. He could not have made that false record without you allowed him to, could he? We are so busy then.
75. Answer that question—could he have done that without your allowing him to have the book? The book is open.
76. The book is under your charge? It is.
77. You allow it to remain open? Yes.
78. That book is a farce as a check upon the time of the export officer returning the warrant, is it not? I do not know.
79. If you do not know the time he returns it, is it any use as a check? I think it is.
80. What check is it? We should detect it if they put down the wrong time, for one or other of us would look at the book.
81. How would you detect it? By looking at the book.
82. What object would you have in looking at the book unless your attention was drawn to it at the time? I frequently look at it myself when they are taking goods away.
83. If he chose to defraud the revenue, and, in order to protect himself, put down the wrong time, there is no opportunity of finding it out unless you were —? We could not tell whether he had been that time occupied or not. The time was put down for the purpose of bringing them to task if they delayed too long.
84. I come back to the old question—if he chose to put down the wrong time, you would not find him out unless for some cause you were to look at the book? I might, for I frequently look.
85. You do not systematically look—always look to it? No.
86. *By Mr. Browne*: This purports to be the number of warrants as passed in the Long Room? Yes.
87. What has become of the warrants between 1,310 and 1,316? Our numbers of warrants do not run consecutively. The British entries are not sent out.
88. Is not this the number of the entry upon the warrant? Yes.
89. What has that to do with the British entry? 1,310 to 1,316 may be the number of entries of British goods.
90. These warrants are numbered with reference to the warrants in the Long Room, and not with reference to any consecutive numbers in your book? No.
91. Do you think it possible that a man could ship 200 cases of gin, 50 of claret, and 28 hogsheads of rum between ten and twelve o'clock, besides going to two different bonded stores and getting them out? I should say he would have enough to do, to do that.
92. Is this copied in by Mr. Rogers? Yes.
93. Is this Mr. Rogers' handwriting? Yes.
94. Are these figures in his handwriting? No; I rather think they are mine.
95. You do not remember whether the shipper particularly requested you to give these warrants to Mr. Newton? No; not at this time.
96. Who passed the entries? Mr. James Stewart.
97. He is a Custom House Agent? Yes.
98. Can you find any entry in this book shewing the transfer of fifty cases of gin from Lamb's store to the Chilian Bond on that same day? I think some person came and asked me if 50 cases were removed that same day.
99. Is it usual to take out a removal order by the same person at the same time they would take

- take out a shipping order from the same store? I do not recollect any occurrence of the same kind. It could be done.
100. There would be no objection? No.
101. Might it not lead to irregularity? This was done by two different officers.
102. Who was the officer who removed the 50 cases of gin? I think he is called Doctor Smithwick.
103. When you grant an order for the removal of bonded goods from one bond to another, what record do you make when you issue the order to the locker to deliver the goods to the export officer? I note it in the margin of the stock book.
104. Then you issue the order at once? Yes.
105. When do you record it? Not until it is returned and receipted.
106. If that order never came back to you, what record have you of the removal of the goods at all? I can scarcely answer you.
107. Supposing the export officer should tear up the removal order, how would you detect his fraud? I certainly should know nothing about it then. I make no note of it then.
108. When would be the nearest time such a fraud would be detected—if the export officer removed these 50 cases to his own residence instead of to the Chilian Bond, when would it be detected? When we took stock.
109. When do you take stock? Frequently, since Mr. Still's appointment. An overtime sale could not be longer than three years.
110. It might not be detected for three years? Not if the goods had been just bonded, so that they would have to remain three years.
111. You make no entry whatever of issuing these orders—you issue them as so much blank paper, with the understanding that they come back endorsed? Of course I keep a look out.
112. *By the Chairman:* You cannot recollect every order if you do not record it? These removals I could.
113. You trust your memory? Yes.
114. *By Mr. Browne:* This book has reference only to goods exported; the export officers have nothing to do with goods for home consumption? No.
115. You say it is not unusual to give this large number of goods to one export officer? I think that by referring to the book you will see that some have had as many again, but it would not be the bulk of goods.
116. You do not say in this book where the goods are exported to? No.
117. Then the tide-surveyors, by looking over this book, would not know whether the goods exported by the "Louisa" were exported to a place where there was no Custom House? They would know by the name of the ship.
118. Where would they know that? There are always entries to refer to—they are filed in the Custom House.
119. *By the Chairman:* Who fills in the time of departure? Mr. Rogers.
120. What else does Mr. Rogers fill in of this? All the particulars of the entry.
121. Then you have nothing to do with this book? No, except that it is kept in my office as a general check.
122. Which is your book? The journal, making out delivery orders, and the stock book.
123. The stock book is altogether in your handwriting? Yes.
124. Does Mr. Rogers make out all the export orders? Yes.
125. Who makes out the transfer orders? Myself, and I make out the orders for home consumption.
126. *By Mr. Browne:* Is there any book by which the name of the officer transferring goods can be ascertained? It is named on the receipt; the locker writes, "Delivered in charge of Mr. So-and-so, so many cases."
127. Is there any record on either the merchant's application or the transfer warrant, to shew the officer who transferred these 50 cases of gin from Lamb's Bond to the Chilian Bond? No; I see it is omitted there.
128. In any case it would remain with the locker to put down to whom he delivered the goods? Yes.
129. If you desired to find out what officer conducted the transfer of those 50 cases of gin how would you do it? I could ascertain by referring to the locker, but he should put on the face of the removal order to whom he delivered them.
130. Is that regulation an established one? I cannot say that it is, but it should be the case.
131. It is an understanding? Yes.
132. There is no check kept upon him that he does do so? No.
133. Did you observe anything about the export warrants in the case of the "Louisa," on the 2nd of September, when they were returned to you? I did not receive them; it was Mr. Rogers received them.
134. What is your opinion of the manner in which Mr. Rogers performs his duty? He is middling now. I think that he committed many errors some time ago. He was rather embarrassed a little while ago, pecuniarily.
135. Do you think this a book properly kept (*referring to the Registry*)? I think it is middling.
136. I will refer to the case of the "Victoria," in which a large amount of dutiable goods appear to have been issued from a bonded store —? From Larmour's bonded store?
137. There seems to be no record of the time of the issue of the warrant or the time of its return, from what store it was issued, or to whom it was issued—do you consider that regular? No.
138. That is a decided omission? Yes.
139. In the case of the "John Bunyan" there is no record from what store it was issued, to whom it was issued, or where the vessel was lying? No.

- Mr. D. Nash. 140. That is irregular too? Yes.
- 8 Nov., 1858. 141. Would you say that this man was an efficient public servant after seeing this book? This is dirty; so many have access to it.
142. I am not speaking of the dirt—I ask if the entries are correct? Some of them are not.
143. Do you consider that Mr. Rogers discharges his duty when he leaves entries incomplete in this way? He has a large family—
144. Do you think he discharges his duty? I think it speaks for itself.
145. Do you defend that book as a proper record? I cannot.
146. Do you not think it a very important book? Yes.
147. And very slovenly kept? It certainly is.
148. Do you not think the way in which this book is left open for the export officers to enter their own transactions in leaves the door open for great fraud? I will be more particular and see what time they do put down.
149. Do you think they should be allowed to put it down at all? They have to sign it.
150. When you issue these warrants is there any record made of the time they are issued? No. (*Vide Addenda.*)
151. When a transfer warrant comes to your hand, do you ever see a record of the time the dutiable goods left one store and the time they reached another? It is so now; but not till lately.
152. Then until lately there would have been plenty of time for an officer to change goods off a dray? It was possible.
153. It was a fraud very easy of execution? I do not think it.
154. *By Mr. McLerie:* Are these books ever examined by any other officer of your department but yourself? No.
155. The books of your branch of the Customs Department are never looked at by any superior officer of Customs? No.

ADDENDA.

In reference to question 28, the answer should have been *Yes*, as the entry is written off in Stock Book and Register, as well as the Locker's Daily Delivery Book.

In reference to question 150, the answer should have been *Yes*, as a record of the time is noted in the Locker's Daily Delivery Book immediately the warrants are issued to the export officer.

Mr. Edward Rogers called in and examined:—

- Mr. E. Rogers. 1. *By the Chairman:* You are a clerk, under Mr. Nash, in the Customs? Yes.
- 8 Nov., 1858. 2. It is your duty to keep this register book, is it not? Yes.
3. What is the object of this book? The object is to enter in it the locker's order for the shipment of goods, the time the export officer leaves, and the time he returns.
4. Who enters the time they leave? I do.
5. And the time they return? Themselves.
6. When they enter the time they return is that any check upon them, if they are allowed to write what time they choose? No; I generally know the time they do return, because I generally go up to the book to see.
7. In this particular case, on the 2nd September, did you ascertain as a fact that the warrants were returned at the time stated? I have no watch. He returned them the day he took the goods and signed for them.
8. Did he return them at this hour (*pointing to book*)? He put down this hour, and as near I could state, having no watch at that time.
9. Are you quite certain all these warrants were returned that day? Quite certain.
10. Signed by the lockers and export officer? Yes.
11. And the landing-waiter? Yes.
12. Would you be surprised if you heard one of those orders was not executed till the day after? It very often happens that when they cannot finish the export that day they keep it in a portfolio till it is finished and then enter it the following day.
13. But it is entered as returned at 12 o'clock of the 2nd? There is no column for remarks.
14. There is one for the time—this column is meant for the hour? It does not say so.
15. It is intended to record the time? But not the date.
16. You examined this at the time? I went up and saw him sign the book.
17. On the 2nd of September? Yes, when he got the warrants, but as to this one—the one you say was not done till the following day—
18. Which one is that? I cannot say.
19. Which one are you not sure of? I only allude to the one you mentioned.
20. Which one is that—which one do you say was not returned till the following day? I do not say so; I only referred to the one you spoke of; you said that one you pointed to was given to him on the 2nd September out of Walker's.
21. Was it returned on the 2nd September—was there any one of these not returned on the 2nd September? I cannot tax my memory.
22. Were there any of them returned on the 2nd September? To the best of my belief the whole, but as to this particular one I cannot say.
23. Which one do you refer to? This one out of Walker's, for eight half-tierces of tobacco.
24. Why could you not say that before? I did say so.
25. You said the one I alluded to? You pointed to this one at the time. It very often happens, as I said before, that the export officer gets a quantity to do for one agent, and if he does not do the whole he puts them in a portfolio and does the others the next day.
26. Did you give these warrants to Mr. Newton? Yes.

27. *By Mr. Browne*: At whose request? The agent's, Mr. James Stewart. Mr. E. Rogers.
28. Would you consider that Mr. Newton could be capable of shipping three hundred packages in one day, and returning them at the hour you state as having been put on board? 8 Nov., 1854.
I should think not.
29. Do you think if he has stated he shipped these goods at the hour stated in this column, he has stated what is true or untrue? Untrue.
30. Who appoints the export officers for this particular duty? They attend in the morning, and the senior officer is taken, and the next to him, and so on.
31. You said just now that the agent tells you which to give them to? I say that when an agent has a number of export warrants for one ship he requests that one export officer should do the whole.
32. You gave them all to Mr. Newton, at the request of Mr. Stewart? He is the senior officer, with the exception of Mr. Russell.
33. *By the Chairman*: Did you see the export orders when they were returned? Yes; they were brought to me, and I put them on the file.
34. Did you observe any thing unusual about them? Nothing.
35. Was there any re-gauge marked upon them? No.
36. Is not that unusual? It is according to the time the spirits are in bond.
37. There are 15 quarter-casks of whisky placed in bond on the 17th June; is there any re-gauge upon that? They are often re-gauged.
38. Can you tell by looking at the back of that whether that is a re-gauge? It has been re-gauged, or it would not have the Customs locker's signature.
39. Does not the locker sign as having issued the goods? Yes, but not in that way; he says "delivered."
40. Is there any re-gauge upon that one for 28 hogsheads of rum? No.
41. That was irregular, then, was it not? Yes. Mr. Dickson was acting for the locker.
42. Has Dickson in that case re-gauged? No.
43. When the warrant was brought back to you by the export officer, Mr. Newton, did you observe that? No; but it is not always necessary to re-gauge.
44. Do you observe this export warrant referring to 31 hogsheads 14 quarter-casks of brandy—there is no statement of the ship on board which it was received? That statement is on the face of the warrant.
45. But there is none at the back? No.
46. Where the captain signs there is no receipt from the ship? The face of the warrant shows the ship.
47. The face of the warrant does not shew what ship received it? No.
48. Is not that warrant made out irregularly—is it incomplete? No; I can shew many warrants in the same way.
49. Has that warrant been completed? It has, with the exception of putting in the name of the ship, which is shewn on the face.
50. Is it usual to omit on the back of these warrants the name of the ship receiving the goods? There are many of them do not state it.
51. Have you been in the habit of visiting the Chilian Bond during the day? I have been there before the "Louisa" ever came in. Mr. Stewart was an old clerk in the Custom House, and I believe I have bought a case of ale; that is all. I have been in the habit of visiting. I knew one of the partners, Mr. Gibbes, when he was a boy.
52. Have you ever gone there for lunch, or to get drink? Yes.
53. Have you been in the habit of visiting Dixon's tobacco shop? I have known him ever since I have been in the Colony.
54. Have you ever gone there during office hours? No, I have not.
55. Have you been there often? Where?
56. At Dixon's? Two or three times in a week. I generally call at night and take home a cigar or two, which I purchase.
57. *By Mr. Browne*: You say you have known Mr. Stewart's partner, Mr. Gibbes, ever since he was a boy? Yes.
58. Is he a partner? It is reported so.
59. Have you ever known him act in that capacity? Whenever I have passed I have seen him in the store.
60. Do you think he has any interest in it? I cannot say; I can only speak from what has been reported.
61. Is that entry perfect (*referring to Larmour*)? Yes, because Thos. Jamison is landing-waiter, locker, and export officer.
62. Where? At Waterview Bond.
63. Therefore it requires nothing at all? No.
64. Nobody has any check upon him at all? No, except Mr. Garling or Mr. Still.
65. *By the Chairman*: Is it necessary in his case to record the bond from which it is issued and to whom it is issued? No.
66. How do you get this information? From the returns of his warrants; he returns warrants similar to this.
67. How does he get his warrant? From us.
68. Why is not that required? Because he may take the warrants and not act upon them for two or three days.
69. Why is the time in this entry not entered—the shipment of 115 cases of Geneva, shipped by Mr. Smithwick, and delivered by locker King—why is there no return of the time at which the warrant was returned, or the locker issued the goods? That is not correct. One is my omission, the other not.
70. Is that a correct book? No.

Mr. E. Rogers.

Explanation of Evidence.

8 Nov., 1858.

- No. 3.—In reply, for locker's order read "warrants."
 No. 12.—Though it is entered at 12 o'clock, the book was not signed till the following day, the Customs being closed.
 No. 14.—The column states at the top for the "hour or time."
 No. 17.—On taxing my memory, he did not sign till the following day, the Customs being closed when he came back.
 No. 19.—Captain Ward pointed to the eight half-tierces from Walker's.
 No. 24.—I said, the one you pointed to.
 No. 26.—I recollect Mr. Nash gave one in the afternoon to Mr. Stewart.
 No. 28.—I have known (as I stated) export officers having a number of warrants to execute to load the dray at one bond, and proceed to another, and so on; meeting them at the wharf, in this manner, it is quite possible.
 No. 33.—The file stood in the front of my desk, and when the officer came in he put them on for the landing waiter's signature, and then took other warrants that were ready, and during the day I was frequently up in the Long Room, on other duty.
 No. 41.—The locker was in duty bound to re-gauge them.
 No. 43.—As I before stated, I was frequently in the Long Room on duty, and considered warrants placed on my file as given to me.
 No. 44.—The warrants now in use have been recently introduced; the former ones, at the back, are blank, and are used by some of the agents to this day. The face of the warrant states the ship, and warrants can be found before my time receipted in this manner.
 No. 50.—I have known instances where the mates have refused to sign any more.
 No. 51.—I have bought a case and cask of ale. I went to order them, and then to pay for them. In answer to a question put by Captain Smith, I have known Mr. Gibbes since he was a boy. I did not say one of the partners.
 No. 52.—To this I said, distinctly, No. When the Chilian Bond first opened, Mr. Still asked me when it was required would I have any objection to go and deliver any thing that might be wanted. I did so for some days, when he took the vouchers, and a locker was appointed.
 No. 53.—I have known Mr. Dixon about seventeen years, when he was a client of my brother's, of the firm of Carr, Rogers, and Owen.
 No. 58.—I answer this question merely from hearing conversation of agents talking about the Chilian Bond opening. I know nothing of Mr. Gibbes' business transactions.
 No. 65.—Mr. Jamison signs the export register.
 No. 68.—The vessel not being ready to take them.
 No. 69.—I was on other duty in the Long Room when Mr. Smithwick returned, and I have frequently reprimanded him for it.
 No. 70. In answer to this question, I would add, the blanks are quite immaterial, because, in a great measure, it is only a recapitulation of the left-hand side of the register; in fact, the old export register had nothing of the kind, and the present one was brought into use by Mr. Stewart. As to being able to verify the time, it is impossible; I have no watch, nor is there any clock in the room.

Custom House,
13 December, 1858.

W. E. ROGERS.

P. S.—I would add, in reference to export officers taking so many export warrants, that Mr. Russell, during my being in Mr. Nash's office, (lately appointed as drawback officer), took warrants for fifty-six half-tierces of tobacco to ship on board the "Freak," belonging to Captain Smith; these were out of different bonds, and at the request of Messrs. Metcalfe and Co. This is not a single instance.

The uncleanness of the export register may be accounted for, first, from the class of men signing; secondly, that, at times when they signed it it was frequently wet weather, and, wet as they were, went up to the register to attach their signature, and time.

W. E. R.

Mr. W. E. Rogers,
Sir,

Custom House, Sydney,
14 December, 1858.

We, the undersigned Custom House Agents, &c., beg to testify to the attention we have always received at your hands in the execution of your duties as respects the export warrants, &c., and to the general convenience and dispatch in shipping goods, and other business generally connected with the warehouse department.

N. GIFFARD. P. J. COHEN.
R. T. FORD. M. BAYLEY.
J. M. ALLAN. HY. M'CREA.

Mr. Robert McCue called in and examined:—

- Mr. R. McCue. 1. *By the Chairman:* You are master of the "Black Swan"? I was.
 2. Did you tow the "Louisa" out on the 2nd of September? Yes.
 3. About what time? I should say it might be a few minutes past six when I left the wharf, and about half past six when I took her in tow.
 4. Did you take her from the wharf? Yes.
 5. Do you know the captain of the "Louisa"? No.
 6. You are sure it was the "Louisa"? I am not sure, further than that Mr. Manning told me to go there and tow the "Louisa" out. I went there and hailed the captain; he was all ready. I hailed the "Louisa."
 7.

8 Nov., 1858.

7. Did you hail her as the "Louisa"? Yes. Mr. R. McCue.
 8. And the captain answered? Yes. 8 Nov., 1858.
 9. Did you see any one on board you knew? No; there were three gentlemen came on board me just after I got round Bradley's Head.
 10. Who were they? I do not know. I took them on board just as we got round Bradley's Head. I have several occasions to know it was the 2nd—I thought it was the 3rd—but on overhauling, I found it was the 2nd.
 11. What time did you leave the "Louisa"? It might be a quarter to eight or eight o'clock.
 12. In what position? She was standing away to the eastward, with the wind about north-east.
 13. Did you go beyond South Head? Beyond South Head, abrcast North Head.
 14. She stood away to the eastward? About south-east.

WEDNESDAY, 10 NOVEMBER, 1858.

Present:—

CAPTAIN WARD, R. E., IN THE CHAIR.

H. H. BROWNE, Esq.

J. M'LERIE, Esq.

Mr. John Crook called in and examined:—

1. *By Mr Browne*: You are Harbour Master of Sydney? Yes. Mr. J. Crook.
 2. Do you remember the "Louisa," Captain King, arriving on the 7th October? Yes, very well. 10 Nov., 1858.
 3. She arrived here in the night of the 6th? About five o'clock in the morning I got up and saw a strange vessel up Darling Harbour, off the Gas Works, and wondered what vessel it could be. I know it was a strange vessel because there was no vessel there in the evening; I took the glass and saw it was the "Louisa." When I came to the office they reported that they knew nothing of her, only that she was a vessel from New Caledonia; I told them to enter her as the "Louisa." I went down the harbour, and about two o'clock went on board the vessel to see her log-book, to see where she had been, as I thought she had been away a short time for a trading voyage. When I went on board there was a man in charge, who said he was put there by the owner, Mr. Stewart, and no person was allowed to go on board. I said I wanted to come, officially, to see the log-book, to see where the vessel had been. He said, "I cannot let you see anything—you may come on board, but none of the crew may come." I said, "Could you not let me go to the captain, to see the log-book?" and he said, no, the captain had gone on shore with the rest of the crew, to ship them to go away. I saw the royal-yard hoisted as far as it could go, for some signal, for it is very unusual to see the royal-yard of a vessel in that way. That attracted my attention. He said the captain had gone on shore with the whole of the crew to ship them. I went on shore, and on my way I saw a couple of the Water Police. I said to them, "That vessel is off to-night, there is a screw loose, you had better look out for her"; one of them said, "She can't go." I said, "I tell you she is going to-night, I am sure she is by the movements of the vessel." After I went on shore the "City of Sydney" was going away; we had a boat going down by her, and I went to see the boat well secured. Afterwards I went to the vessel again to see the captain and the log-book. I had a black boy with me from Captain Smith, and the man on board refused to let me go on board; he said the captain was not there.
 4. Had you not, previous to this, seen Captain King go on board? Yes
 5. They denied his being on board? Yes, and the man was on board all the time.
 6. Of that you are certain? Yes; for I talked to Captain King on the Quay, and told him I was coming. The man refused to let me go into the cabin. A native of one of the islands, who knew what I wanted, nodded, as much as to say he was there; but I could not go down.
 7. Did that vessel, either on the 2nd of September or the 7th October, apply for a pilot when she was leaving? No; we had no orders about the vessel at all. The only way I knew she was going was by taking men to re-ship, and, by seeing the royal-yard up, I thought something was wrong
 8. Do you know whether she paid pilotage on either of those occasions? There is no record in the office; there would be if she had a pilot.
 9. She is not exempt from taking a pilot going to New Caledonia? No; the master is exempt for a coasting voyage, but not for a foreign voyage.
 10. Do you know anything of a man named Newton, employed in the Customs Department as export officer? I know him very well—when I say very well, he lives a few doors from me.
 11. Is he a man of good repute? Oh dear no! far from that; he is a drunkard; many a time I have been going to tell the Collector; but then it was after hours I have seen him.
 12. Does he lead a disreputable life? Yes, very; he never ought to have been in the place.
 13. He has lived near you? He has lived near me these ten years; and ever since he has been in the Customs Department he has been in the same way, only it was after hours I saw him. I suppose they could not take any notice because I had not seen him in time.
 14. You have had opportunities of observing many other officers of Customs in your trips round the wharfs? Yes.
 15. Are they generally a sober steady set of men? No; many of them are rather addicted to drink, I am sorry to say.

- Mr. J. Crook. 16. Do you know the tide-surveyors, Collier and Bremer? Bremer I have seen groggy many times, but Collier, I think, is a very steady man.
- 10 Nov., 1858. 17. Did you see Mr. Bremer on the occasion of the wreck of the "Catherine Adamson"? I saw him then, but I did not see him groggy. I was not there late; but I have seen him here in Sydney very groggy. I have seen him go on board ships.
18. Topsy? Yes. The other day I saw one of the crew of his boat lying drunk in the street, and the man had an axe in his hand; I went and reported that to Mr. Collier.
19. Then by repute he is not a sober man, or a man likely to secure control by good example? Mr. Bremer is not at all; but Mr. Collier is a different man altogether—he seems a very excellent man.
20. You did not see anything of the "Louisa" on the 2nd September, when she was going away? No. I saw her going out on the evening I went on board, at eight o'clock at night, in tow of one of the small steamers; I would have stopped her then, but I had no authority to do it.
21. Did you consider that her movements altogether, from the 2nd of September to the 7th October, were of a suspicious character? Decidedly so. I thought so from the beginning.
22. You know some little of the Island trade? Yes.
23. Do you think such a cargo as she took on board, consisting of so large a quantity of spirits and tobacco, was likely to be marketable in New Caledonia? I should think it would; but I understand she never sold anything there—never sold a pound of tobacco there—only a cask of porter, at 6s. a dozen.
24. How did you learn that? From _____, who has just come from New Caledonia. He landed a few casks that sold for a trifle; I went to Captain _____ and ascertained that.
25. Captain _____ would have known if he had landed this enormous quantity—three hundred packages of dutiable goods? Yes. They were making fun of him there, to know what the fellow was to do; they thought him a fool to go there to sell a few bottles of beer, and his oil casks.
26. Do you think there would have been any necessity for him to have borne up from New Caledonia to Sydney, when bound to the Navigator's Islands, in consequence of his mate having died? I do not think he took a mate; there was not a white man on board but himself. The man he called the mate when he went away, was a native of Vavou.
27. The crew were all Kanakas? Every one.
28. *By the Chairman*: You have spoken of having seen Mr. Bremer drunk? Yes.
29. Can you recollect any specific date? No; I could not tell the date, but I have seen him frequently.
30. You have seen him on many occasions decidedly drunk? Yes, many times; I was on board a ship once when he insulted the captain on board.
31. *By Mr. Browne*: What ship was that? I forget the name of the ship. The captain asked me who he was afterwards, and I told him he was a gentleman belonging to the Customs.
32. Have you ever known any tide-waiter fall over from a ship and be drowned? I did once. I have known tide-waiters not to be on board ships many times. I have gone down to the wharf, I suppose for weeks, of a morning at five o'clock and met them coming down. I asked one of the captains did not these men sleep on board, and he said, "Oh! no; they go away every night."
33. *By the Chairman*: Is that the general practice? The general practice.
34. Of all the tide-waiters? Almost every one; there are one or two exceptions, but very few.
35. Do they leave the ships with the hatches open? Yes, they have always done that; I have never seen them do anything else; for in the morning when I have gone on board the master has joked and said, "We have made a good run to-night, Crook." I think within a month they have been all on board their ships every night.
36. That is since the case of the "Louisa" has been "blown"? Yes.
37. You do not mean before that? No.
38. *By Mr. Browne*: From your knowledge of the harbour, do you think the absence of some protection from the Heads would afford facility for running goods? Yes. I think there ought to have been a place at the Heads always. In my opinion, a great deal is smuggled between Sydney and the Heads. There is nothing to stop them from doing it down below.
39. There is no protection whatever? No. There was very good protection when the Water Police were there; they boarded every ship, night and day.
40. You think that protection should not have been removed? I think not. There is nothing now to prevent vessels taking on board dutiable goods in Sydney and anchoring at Watson's Bay or the Quarantine Ground, and running them. The other day I was coming through the Argyle Cut, and I saw a dray going with six or seven large tierces of tobacco. I asked the drayman where the Custom House officer was, and he said he was Custom House officer. I said, "Where are you going, my man?" He said, "I am going up there." He did not tell me at first; but afterwards he said he was going to the Argyle Store, and I stopped and saw that he did go there.
41. A good deal is trusted to the honesty of the draymen and boatmen? The drayman seems to be the man that does it all, I think. The old drayman that took the goods up to the "Louisa" says he often takes goods with no Customs officer.
42. *By the Chairman*: Have you ever had opportunity of observing Mr. Garling in the performance of his duty? I think Mr. Garling is a steady man.
43. Do you think he looks after the subordinate officers? He is generally up at the other end of the harbour.
44. Up Darling Harbour? Up Darling Harbour. He seems to be up about the wharfs there; I do not see him much at this place.
45. Is it his duty to look after the tide-waiters? No; I think it is Mr. Bremer's.
46. *By Mr. Browne*: You know King, who commanded the "Louisa"? Very well.

47. Is he a man of good repute? No; he ran away with a vessel once before (a whaler), Mr. J. Crook, and left the captain on shore on this island, some years ago.
48. Has he not twice? I do not know. He got a certificate only four days before he went 10 Nov., 1858. to New Caledonia.
49. *By the Chairman:* Did you, on or about the 26th September, meet Mr. Llewellyn near the Treasury, and tell him that no bonds had been taken for the goods on board the "Louisa"? Yes; I told him I had heard no bonds had been taken, and he had better look out for himself, to see to put them on guard. I thought it best to let him know what I had heard in the town. Mr. Llewellyn seemed very uneasy, and said he would go immediately and see.

Mr. Richard Kelly called in and examined:—

1. *By the Chairman:* What is your position? Eighth clerk in the Customs.
2. Do you remember having examined any bonds with regard to the "Louisa," in Mr. Llewellyn's room? Yes; I have seen the bonds.
3. By whom were they executed? If you will allow me to explain:—On Monday, the 27th of September, I was sitting in the room with the chief clerk, Mr. Llewellyn, when he brought over two files of bonds and left them on my table, and at the same time produced a small slip of paper which I knew to be a list of dutiable goods; he said, "I wish you to see the bonds," and I checked over the bonds with the lists and found the bonds were given for all the items on that bit of paper; I saw the bonds were there given for all the dutiable goods.
4. Do you remember by whom the bonds were executed? To the best of my knowledge, by William Gibbes, William Stewart, and James Stewart, agent.
5. In whose presence? At this time it was not a public question, and we looked at them just to see that the bonds were there.
6. What induced Mr. Llewellyn to examine the bonds? Mr. Llewellyn said he had been met by a Government officer in the street, who said that certain parties had been running goods without giving bonds, and then, to satisfy himself, he got these files in and brought them to my table.
7. Did you examine them, and find that for every portion of dutiable goods assumed to be sent by the "Louisa" bonds had been given? I did not see the manifest; but, from the extract, I found —
8. Did Mr. Llewellyn take the extract from the warehouse-book or from the manifest? I do not know; it was a slip of paper in red ink. I think he told me afterwards he had got it from the *Herald*.
9. And you checked the bonds from the statement of the manifest in the *Herald*? I checked the bonds with the paper Mr. Llewellyn produced, which I considered was taken from the *Herald*.
10. How many bonds were there? To the best of my belief there were three, but I would not swear, but there might be four; I would almost swear there were three; I am sure there were three, but there might have been four.
11. You are quite sure there were not less than three? To the best of my belief there were three bonds.
12. In whose presence had they been executed? They purported to be executed in the presence of Charles Manton.
13. Were any of them executed in the presence of Mr. Maddocks? I could not say. I merely satisfied myself that the bonds were there.
14. Could you tell me whether that (*handing a bond*) was one of the bonds? Yes; I do believe that to be one of the bonds.
15. That is executed in the presence of Mr. Maddocks? Yes. I know some of them were executed by Charles Henry Manton—I think most of them.
16. Did you examine the amount? I read the amount, but did not make any extract. I merely satisfied myself that the bonds were all there.
17. You did not examine them to see whether they were made out according to regulations? No; I only saw the name of the ship and who signed the bonds, and then satisfied myself they were bound.
18. What did you do with the bonds? I did nothing with them; they were on the table, and Mr. Llewellyn called in the head messenger, and said, "Here are the bonds; give them to Mr. Maddocks; be careful of them," or something of that sort. Wilkinson took them out I suppose to Mr. Maddocks. The bonds were made into two large lots, so that they could not fall out, unless they were extracted.
19. The messenger took them out of the room? Yes

Mr. R. Kelly.
10 Nov., 1858.

William Norman Llewellyn, Esq., called in and further examined:—

1. *By the Chairman:* Whom do you consider the officer answerable for the safe custody of the bonds—is it the messenger or Mr. Maddocks? The cashier. May I be allowed to explain: In 1844 I was appointed to do the duty of chief clerk, which I did. I took the bonds, and they were kept in a cupboard under my desk; there was no other place supplied—no iron chest—for the purpose of keeping them.
2. Were they kept locked up? Yes, always.
3. Are they kept locked up now? Yes, I believe so.
4. Who has charge of the bonds now? I believe the messenger, Henry Falconer, an old man.
5. He now has charge of them? He had: what I have now I take charge of, and what the Collector takes he keeps.

William N. Llewellyn, Esq.
10 Nov., 1858.

MINUTES OF EVIDENCE TAKEN BEFORE THE BOARD APPOINTED TO INQUIRE

William N.
Llewellyn,
Esq.

10 Nov., 1858.

6. When you have been in the habit of sending for bonds, did you send the messenger for them? On this occasion I think I asked Mr. Maddocks for them.
7. Generally, what is the practice? I should send the messenger to bring them out of the drawer.
8. Would the messenger go to the drawer and get them out? Yes.
9. Is the drawer accessible to him? I presume so.
10. If Colonel Gibbes wants them does he send the messenger for them? Yes.
11. And he goes directly to the drawer? Yes.
12. Practically, are they recognised as being in the custody of the messenger? I presume they are, that being the case.
13. I wish to know whether the messenger or Mr. Maddocks, according to the practice of the Customs, could be fairly held to be responsible? When I did the duty I was responsible.
14. You say the messenger is sent to the drawer, and to lock them up if he chooses? Yes.
15. The messenger is practically responsible for the bonds? As you put it in that light it may be so.
16. How can Mr. Maddocks be responsible for papers put in a drawer without his leave and without his knowledge? At this time he took the bonds.
17. I am talking about the bonds being sent for by Colonel Gibbes and yourself? I do not think you could hold Mr. Maddocks responsible under those circumstances.
18. Then, practically, you do not consider Mr. Maddocks responsible for the safe custody of these bonds? I do.
19. How do you, if he does not know when they are taken from his custody? Not under those circumstances. The Collector —
20. Are they taken from his custody without his knowledge? They must be taken for the use of the office: I may want some information from the bonds. We never dreamt of bonds being taken; we never before heard of such a thing.
21. *By Mr. Browne*: What did you do with these bonds after you had requested Mr Kelly to examine them in your room? I told the messenger to take them back to Mr. Maddocks.
22. You furnished Mr. Kelly with a memorandum by which he examined them? Yes.
23. How did you make that memorandum, or what did it contain? Merely the packages.
24. Taken from where? From the newspaper. I took it in the evening.
25. Supposing that in the course of the day Mr. Manton thought proper to take bonds instead of Mr. Maddocks, whose particular duty it is to take bonds, and had kept those bonds in his own drawer for four or five days, could Mr. Maddocks be responsible for those bonds? I should think not; but they were on the file when I saw them.
26. Could Mr. Maddocks know any thing of the existence of these bonds at all? Not at all.
27. If the messenger has access to this drawer, could not any person anxious to extract the bonds for the purpose of prosecution withdraw them? Yes.
28. Could Mr. Maddocks be responsible for that? No.

H. Falconer.

Henry Falconer, Messenger to the Customs Department, called in and examined:—

1. *By the Chairman*: It is generally the practice to place export bonds in your charge, is it not? I do not take them away until they have the two signatures to them, and then I tie them and put them on the file, and every month I tie them up and put them away.
2. Where do you put them? In a drawer, or else they are locked up in the room below.
3. Do you lock up that drawer? Yes.
4. Often? Pretty well every time I have them; but till the bonds are signed with two signatures I must not take them away.
5. When they are put away in a drawer do you lock the drawer at once? Yes.
6. Where do you keep the key? Sometimes in my pocket, sometimes in a bit of a desk.
7. Where is that? Up-stairs in the Long Room.
8. Is it in Mr. Maddocks' desk? No.
9. How long does it remain there? Till the morning; then I take it out. I cannot keep the drawer locked, for every body goes to it; people want to see the lists.
10. Then you do not keep the drawer always locked? No.
11. Throughout the day you do not keep the drawer locked? If I am sent out I have the bonds on the top of the place; so that if anybody called for them they could receive them.
12. Or take them away and examine them? They would not take them away out of the place.
13. Suppose they did take them away, could you find them out—if one were taken away for a quarter of an hour would you miss it? I cannot say I would.
14. Is it your business to see whose signature is at the bottom of the bond? It is my business to see the signature here. (*Pointing to the left side, at the bottom of the bond.*)
15. You never give the key, after you have locked the drawer, to Mr. Maddocks? Mr. Maddocks I have nothing to do with. When I have the two signatures here, and his name is signed to it, or any body that takes the bond, then I can tie it on my file.
16. You think with regard to these bonds you have nothing to do with Mr. Maddocks? Nothing to do with him.
17. *By Mr. Browne*: Do you remember Mr. Manton giving you any bonds on the 2nd or 3rd of September? I do not, and it is a very strange thing to me if Mr. Manton took any bonds, and if he signed them it was his business not to do so, but to give them to Mr. Maddocks, and then I ought to have received them from Mr. Maddocks to put them on my file.
18. You do not remember his giving you any? No, I declare it.
19. *By the Chairman*: You said that the key with which you locked the drawer you put at night into a desk? I put it away; sometimes I take it away with me.
20. When you put it away do you put it in a desk? No, in a bit of a hole I have got there.

21. *By Mr. Browne*: You, according to the colonial phrase, plant it? I do not know H. Falconer.
about planting it.
22. *By the Chairman*: You put it in a hole in the wall? We have holes with slides, and 10 Nov., 1858.
I put it in one of them.
23. Does any body know where you put it? I have been there a great many years, and it is a thing I have never been asked for.
24. Does any body know where you put that key? I cannot say anything about that.
25. *By Mr. Browne*: Do you sleep on the premises? No.
26. Has not the messenger and office-cleaner access to the place? There is a messenger belonging to the office—a person to take care of it—but I am only a messenger.
27. If they have access to that room, and to the slide, they could open the drawer, could they not? They could do that, certainly.
28. *By Mr. M'Levie—(handing bond to the witness)*: Look at that bond, and see if that has ever been put on the file by you? Yes, that has been on the file; I can tell that by the holes at the side.

Mr. Stewart Mowle called in and examined:—

1. *By the Chairman*: What is your position in the Customs? Fourth clerk. Mr. S. Mowle.
2. Is it your duty to take charge of the clearances after they have passed through the usual process of clearing the ship? Yes. 10 Nov., 1858.
3. Did you get the clearance and content of the "Louisa" on the 2nd of September, when she cleared? I could not answer that question.
4. You do not know? No; I imagine I did, for I delivered the paper to Colonel Gibbes?
5. Did not the Collector come to you and ask for them on the morning of the 3rd? I am not aware that he did; he may have done so.
6. When you get these papers, do you examine them, or merely put them away? I have to compare the entries for drawback with the content outward.
7. If there are no goods for drawback? I then merely put the papers together, and place them in the drawer.
8. Are they not sealed together? They are tied.
9. Look at these—*(handing the witness the papers of the "Louisa" pinned together)*—would they be put away in that state? No, they would not, generally; but when there are very few papers I do not tie them up.
10. You do not examine whether there are any documents wanting, such as the shipping officer's certificate, or anything of that kind? I generally do; but I do not know that I am called upon to do so; I merely require the drawback; that is my particular duty.
11. It would not be your duty to see whether these papers were irregular? I have done so, but I do not know that it is my duty.
12. Who gives these papers to you? Mr. Manton; he puts them in my drawer; I do not know when he puts them in; I keep an account with him, an outwards book, and see that I have every ship's papers.
13. Would not that book shew when you got the papers? No, it would not.
14. Mr. Manton puts them in your drawer, and as you find them there you enter them in your book? No. I go to the lower end of the room where he sits; he has an account of the vessels cleared, and I take an account of them too, that I may write off the drawbacks.
15. Is your drawer open? Yes.
16. Are none of the public documents locked up? I have no keys whatever.
17. No keys to your desk? No keys whatever.
18. Is that the pilotage book? *(Referring to a book produced by the witness)* Yes.
19. Do you keep that? I do not.
20. *By the Chairman*: Can you state whether the pilotage of the "Louisa" was paid on the 2nd of September, and the 7th of October? The gentleman who takes the pilotage, and who keeps the pilotage book, authorised me to say that the "Louisa" cleared out after time on the 2nd September, and again on the 7th October; thus in both cases the pilotage was credited on the following day.
21. Whose signature is that on the top of the paper? Mr. Mackenzie's.
22. Should not that signature be always upon the content outwards? It should, except in the case of a steamer.
23. Should the clearing clerk see that that signature is upon it before he clears a vessel out? Yes; otherwise he would be liable for it.
24. It would be a neglect of duty on his part if he were to clear out a vessel without seeing that the pilot dues are paid? No doubt; every charge ought to be correct before a ship is cleared.
25. Will you examine the content outward of the "Louisa" of the 7th October. *(The witness examined the same.)* Is there any signature upon that showing that the pilotage has been paid? No.
26. When Mr. Manton cleared out the vessel upon that occasion, then he did it irregularly? It appears that the vessel cleared out before the pilotage was paid. It is Mr. Manton's business to see that the document is completed in every way.
27. Is it the jerker's business to see that signature? The outward papers do not go the jerker at all; they come to me. I mistake, he does look at them to see that the ship has been jerked inwards; but it does not concern the jerker at all whether the pilotage has been paid.

TUESDAY, 23 NOVEMBER, 1858.

Present:—

CAPTAIN WARD, R. E., IN THE CHAIR.

H. H. BROWNE, Esq. | J. M'LERIE, Esq.

Mr. Edward Newton called in and examined:—

Mr. Edward
Newton.
23 Nov., 1858.

1. *By the Chairman:* The Board, before they ask you any questions, wish to inform you that you are not bound to answer any put to you, if you think it better for your own case not to do so, but that whatever you do answer they may make use of in any way they please. You have done the duty of tide-waiter? I have.
2. And occasionally of export officer? Yes; I have been export officer for some time; it is the same as tide-waiter.
3. As permanent tide-waiter? Yes, it is one and the same thing.
4. Do you remember the case of the "Louisa" clearing out on the 2nd September? I do.
5. You were employed then as export officer to put on board that ship a certain amount of dutiable goods? I was.
6. Will you describe to the Board all the circumstances connected with your discharge of that duty, commencing with the time the warrant was given to you? I commenced on the 27th of August, and I took out of the Chilian Bond 3 hogsheads of rum, and on the same date I took out 2 hogsheads of rum and 4 half-tierces of tobacco which I brought back again, there being no person on board fit to take them in; I brought them back and re-banded them.
7. *By Mr. Browne:* All of them? No; I shipped three, the first load that went down, but after that I went with two more of the same mark and 4 half-tierces of tobacco, which I brought back again. That was two loads. On the 2nd September I shipped from Gilchrist's Bond 28 hogsheads of rum, and on the same day I shipped out of Walker's Bond 8 half-tierces of tobacco; on the same date I shipped 200 cases of Geneva; on the same date again, 15 quarter-casks of whisky, 50 cases of claret, 31 hogsheads of brandy, and 14 quarter-casks ditto. That is all.
8. *By the Chairman:* On the 2nd September who was the officer of the Customs who gave you the export warrants to carry those shipments into execution? Mr. Rogers, if I recollect aright; I will not be positive whether it was Mr. Rogers or Mr. Nash; sometimes I get warrants from one, sometimes from the other; I rather think it was Mr. Rogers.
9. When you got the warrant what did you do? I went to the different bonds.
10. Which bond did you go to first? To Gilchrist's Bond first.
11. What did you take from there? 28 hogsheads of rum.
12. Did you take that to the ship? I went with the last load.
13. What did you do with the 28 hogsheads? They went to the ship. I did not go with each load, but I went with the last.
14. How many loads were there? About seven loads; sometimes three, sometimes four in a load.
15. You accompanied the last load of rum to the ship? I did. I then went to Walker's Bond for eight half-tierces of tobacco, which made two loads, and I went down with both of them to the ship.
16. After that what did you do? I went to Lamb's for 200 cases of Geneva.
17. And what did you do with them? I went with the last load.
18. How many loads were they? Eight; five-and-twenty cases in each load.
19. What did you do next? I went to Pollard's for 15 quarter-casks of whisky.
20. How many loads did they make? Two.
21. Did you accompany both of them? I did.
22. After Pollard's, what did you do? I went to get the warrants out of the Chilian Bond for the 50 cases of claret, 31 hogsheads and 14 quarter-casks of brandy, which had been sent down without my accompanying them, for I had left the warrants with the locker. I asked him if he would be so good as to get them dipped while I was getting these articles out of the other bonds. I took the warrants in the morning to get them dipped, and asked the locker if he would be so good as send them down and I would meet them.
23. Was the locker in attendance on that bond in the morning? Yes, at the Chilian in the morning — No, he was not; at least I do not think he was in the morning; but I gave the warrants to him.
24. Where did you give the warrants to him? In the Custom House.
25. If he could not be in attendance at the bond in the morning, where would be the advantage of giving them to him? Because he might dip them; because he opened at one o'clock.
26. Then you intended him to dip them after one? Yes.
27. Did you accompany them to the ship? No; they had gone down while I was shipping the other things.
28. Who sent them down? The locker.
29. Who did the locker send them by? By drays.
30. Who accompanied the drays? Nobody, but I saw them on the wharf when I went to get my warrant signed, and saw them all on board.
31. Then, if I understand you right, these 31 hogsheads and other goods from the Chilian Bond were sent from the bond to the wharf unaccompanied by any officer of Customs? Yes.
32. And they were sent down by Mr. Brown? Yes, at my request.
33. What was the next order you accomplished that day? There was no more.
34. How many loads did these 31 hogsheads and 14 quarter-casks of brandy make? Four in a load of the hogsheads, and six of the quarter-casks. The 50 cases of claret made one load; it was in one-dozen cases.

35. What time was it these several orders were given into your hands by Mr. Rogers or Mr. Nash, as the case might have been? About ten o'clock. Mr. Edward
Newton.
36. Were they all given you at one and the same time? Yes, all on the 2nd of September, with the exception of five hogsheads and four half-tierces. 23 Nov., 1868.
37. How long did it take you to execute the order for 28 hogsheads of rum? About half an hour, for they were not re-gauged; they had only just come into bond, and they were rolled out, and loaded, and away they went*.
38. Eight half-tierces of tobacco? They did not take five minutes.
39. I think you accompanied them to the wharf? Yes.
40. It must have taken more than five minutes to accompany them? The delivery of them I understood you to refer to. That must have been about half an hour.
41. What time were you at Walker's Bond in the morning? Between ten and eleven, I think.
42. Was there anything going on on the wharf? No.
43. No auction going on? No.
44. No business at all going on that day? Yes, there was.
45. Did the storekeeper refuse to give you out the goods when you asked him? No.
46. Did he make any objection? No.
47. Having seen these on board you had to come back for 200 cases of Geneva? Yes.
48. You say you saw the last of them on board only? Yes.
49. What time did you see the last of them on board? I cannot say exactly; it must have been between twelve and one; I should say somewhere about that.
50. When you saw the last case on board? Not the last case, the last load—directly I got on the wharf.
51. Did you take the whole of these cases before dinner? Yes.
52. They were all sent at one and the same time? Yes, the drays all followed down. I stood there and kept tally.
53. How long did it take you to execute that order? About an hour, I suppose; it might have been more.
54. From that you went for 15 quarter-casks of whisky? I did. That was after dinner—after two o'clock.
55. You say you accompanied the last load of that? I accompanied both of them.
56. How long did you take to do that? Somewhere about half an hour.
57. Then you came to the 31 hogsheads of brandy——? I came to the Chilian Bond then, to inquire whether the whole of them had been sent; because I had seen, each time I had been down with other goods, these on the wharf, and they were being taken in as quickly as possible; and I had then, immediately after I had shipped the 15 quarter-casks of whisky out of Pollard's, to go back to the Chilian and get two sets of warrants, because the hogsheads and quarter-casks were in one set of warrants. I got them back from the locker, took them down, and saw everything on board the ship.
58. By the time you came to the Chilian Bond these goods had been sent away? Yes, very nearly. I think there was about one load; I was a good bit behind it, and it got down there just before me.
59. Having got these several cases on board, what did you next do? I went to the landing-waiter's office on the Flour Company's Wharf, to get the warrants signed.
60. What time was that? About ten minutes after four.
61. Who is the landing-waiter of the wharf? Mr. Anderson, and some one else. Mr. Anderson was then, I know.
62. Did you find him there? No.
63. What did you do then? I went round to the Hunter River Wharf, which he had charge of likewise, to see if I could find him there. I did not find him, but I found Mr. Bramwell there.
64. What did you ask him to do? If he would be so good as to sign these warrants. He looked at them, and said yes, he would.
65. Did he sign them then and there? He signed them there and then. He asked me if they were all the goods in the ship; I said yes, because I had signed the warrants myself previously.
66. What time did you find him there? At from five to ten minutes past four—perhaps it might have been a quarter past four.
67. It has been stated to the Board that it is the duty of the export officer to follow drays to the ships—as far as I understand, you did not follow all the drays to the ship? I did not, but that is often done to hurry business on. It would take a dozen export officers to follow every dray.
68. When you say it is very often done, by whose authority is it done? I am not aware of any particular authority.
69. Has Colonel Gibbes ever given you authority to leave the drays? No.
70. Has Mr. Garling? No.
71. Has Mr. Collier? Mr. Collier has nothing to do with me.
72. Then your superior officers, Colonel Gibbes and Mr. Garling, never gave authority to leave the drays? No.
73. Did you see the goods into the ship too, because it has been stated that that is your duty? I did.
74. Who was on board at the time? Captain King.
75. What crew had he? Well, I am sure I did not take particular notice of them.
76. How many of the goods did you see into the ship's hold? I saw the whole of them. There might have been a stray package I would not absolutely swear to.

77.

* This is not true: they had been in bond since 23rd June.

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77. You said you were continually backward and forward? Yes, I was continually backward and forward as they were taking them in.
78. How then could you be there to see what they put in? I saw them at the last.
79. Did you count the packages? No; I say I cannot say to one or two packages.
80. How could you tell they were in the ship's hold if you did not count them—there were 350 packages altogether? I could count the hogsheads where they were stowed away without going into the hold.
81. Did you count the packages so as to check them against the export warrants? I did not.
82. Then when you say you saw them into the hold, you mean you took a cursory view after they were supposed to be put in? After they were put in, not supposed to be put in; the captain would not have signed my warrants without.
83. You think the certificates of the captain were sufficient to convince you the goods were there—that makes you certain the goods were in the ship? Yes; I am quite certain.
84. Did the "Louisa" go out that day? I am sure I do not know; I had nothing more to do with her; I do not know when she went out.
85. Did you notice any time you were there how many men were employed putting these things on board? There were a great number.
86. Were they black or white men? There were some black, but there were a great number of shore laborers.
87. Could you mention one? No, I could not; they were all strangers to me. I did not pay any attention to them; there was a great number, I know; they were getting the goods in as fast as I could bring them down—indeed quite as fast.
88. When you took these out, had you to pay the warehouse-keeper the warehouse fee for rent? I did not, if I remember, in that case—I would not be positive.
89. Did you in any one case pay the fee? I cannot say; I do not frequently. There was some talk about it some time ago, but the Collector said the officers might do as they thought fit.
90. Do you remember whether you paid the fee in the case of the 8 half-tierces of tobacco you took from Walker's Bond? I think I did.
91. Whom did you pay it to? To the storekeeper.
92. What rent did you pay? I am sure I cannot say.
93. You pay the rent for another man, do you not? Yes.
94. At some period then you are paid back, are you not? No; I did not pay it out of my own pocket.
95. How did you pay it? With their money, and I got a bill. When I go back I say here is the bill, there is the change. Suppose it comes to five shillings and the Custom House Agent gives me £10—I do not know what it will come to—I give him the bill and change back, to save him the trouble of sending his clerk to pay it.
96. When you had these warrants put into your hand, did you inform Mr. Collier or Mr. Bremer that a large quantity of export goods were about to be shipped in the "Louisa"? No.
97. We have been told by the tide-surveyor that it is the duty of the export officer to do so—why did you not do so on this occasion? Because as I mentioned to Mr. Collier I had done it so often that I was completely tired, for he never had put an officer on board any of the vessels, but when this case occurred he blamed me for it; that was the reason I told Mr. Collier.
98. You took upon yourself to disobey orders because you were dissatisfied with Mr. Collier? I never was ordered to do so.
99. Is it not a regulation of the Customs that you should do so? I am not aware that it is. I never was ordered to do so.
100. Did you not think it a safe precaution to take when you knew you could not accompany the drays to the ship? Being all done in one day I had not time to go to the Custom House if I had felt inclined. I was running about all day long.
101. You considered it unnecessary to take the precaution? I did.
102. It has been proved to us very circumstantially that the eight half-tierces of tobacco did not leave Walker's Bond till the 3rd of September—have you any proof to bring that they left it on the 2nd? Yes.
103. What proof? The drayman.
104. Who is the drayman? O'Brien. I do not know whether he knows the date exactly or not, but he has other means of proving that it was on the 2nd.
105. Would you like him to be examined? Yes.
106. Have you any other proof besides O'Brien's evidence? No, any more than the locker. I could not have shipped them on the 3rd—at least he delivered them to me on the 2nd, so what could I have done with them?
107. But it is stated that he delivered them on the 3rd—have you any proof they were delivered on the 2nd? Yes, the locker and the drayman.
108. Will you warn O'Brien to give evidence in this case—we will examine him on Thursday if you bring him? Yes, I will bring him.
109. Mr. Watt has told us that you paid him the rent up to the 3rd inclusive? So I believe. I am given to understand that; but he is quite wrong.
110. He has brought testimony to the fact—can you bring anything to prove that you did not? Yes, just what I said just now.
111. That you did not pay him rent to the 3rd? I paid him rent on the 2nd. I will not say what I paid him, because I cannot; it is impossible; but I paid him the rent on the 2nd, and took the tobacco out on the 2nd.
112. Mr. Anderson has told us that he was continually about the Grafton Wharf on the 2nd September—did you ever see him? I cannot say whether I did or not; very likely I did, and took no notice of him.
113. You did not think it desirable to ask him to sign the export warrants? He was not there when they were completed.

114. As they were completed—some of them were completed during the day? I could not wait for that; I wanted him to sign all at the end of the day.
115. You could not get him to sign them as they were done? That was impossible.
116. What made it impossible? I had not time; the drays were waiting.
117. Not time to hand the papers to him? No, not for him to sign.
118. Have you ever shipped such an amount of dutiable goods in one day? Yes.
119. On what occasion? The 20th of August, 1857, the day before the "Dunbar" was lost.
120. It appears from evidence we have received that these export warrants are very incorrectly made out. We find there has been no re-gauge in any one case—did you see any re-gauge on that day? No, they were not re-gauged.
121. It is not your duty? I have nothing to do with it, unless I am in the bond as acting locker. The lockers never re-gauge them, I believe, unless they are requested to do so, for export; at least that is only a surmise of my own.
122. It has been proved to us very circumstantially that four loads of gin left Lamb's Wharf after dinner and four before. You have stated that the whole left before dinner—can you prove that by any evidence? I would not be positive about that; it is impossible for me to recollect exactly the time I took them. When I am constantly shipping goods every day from different places, it is impossible for me to recollect the exact time.
123. You very carefully just now read to the Board off a piece of paper, in order that you might make no mistake, the time at which you had shipped the different parcels of goods? I put no time at all, I only put down the quantities.
124. You have stated very circumstantially the order in which you executed these different warrants? Yes.
125. Now, it has been very circumstantially stated to us, with respect to the order for the gin, that you had not finished executing that order before three o'clock in the afternoon? That is very easily proved. Mr. Macrae, at Pollard's, will prove that I went to Pollard's after that for 15 quarter-casks of whisky.
126. I say the whole of the gin had not left Lamb's Wharf before three o'clock? Mr. Macrae will prove that I went to Pollard's after that.
127. You might have left the gin behind and then gone to Pollard's? No; Mr. Mundy would not have allowed the gin to leave without me.
128. Can you prove that the whole of the gin left Lamb's Wharf before one o'clock? No; it might have been between one and two, or half-past two. Sometimes they work between one and two.
129. Then you are not certain whether the last case of that gin left Lamb's Wharf before or after two o'clock? I will not be positive. I know that after I left there I went to Pollard's for 15 quarter-casks of whisky, which I accompanied myself.
130. In two dray loads? Yes.
131. After that you had to go to the Chilian Bond? Yes, for the warrants for the claret and brandy.
132. You told us just now that you had shipped more dutiable goods in one day than these you say you shipped on the 2nd September? Yes.
133. We have examined the register-book and find they were all shipped from one bond? Yes.
134. But the goods said to be shipped on board the "Louisa" were from five different bonds? Yes.
135. Have you ever shipped from five different bonds so many as you say you shipped on the 2nd September? I do not remember that I did.
136. In the case you referred to, the whole came from one store? Yes.
137. Therefore you might have accompanied every dray by simply making one journey? No.
138. On that occasion did you accompany all the drays to the ship? I did not accompany one till the last. I sent tickets down to Mr. Lloyd at the steam-boat wharf, and when I went down I had my memorandum, and I took off his tickets, and found them all correct.
139. When you were taking the gin from Lamb's Wharf did you ask Mr. Munday to let the drays follow you? No, for he would not.
140. Did you not ask, and he refuse to let the drays follow you? Very likely he might, for he has refused me often, but when I stopped there they were in my charge, and I sent them on.
141. Then you had to remain there till the last dray left? Yes.
142. And after that you had to go to other stores? Yes, to Pollard's for 15 quarter-casks.
143. You reside near Mr. Crook's, do you not? I do. (*The witness was directed to refer to the register.*)
144. Is that your signature? Yes.
145. What does it mean—that you have shipped these goods? Yes.
146. Does it mean that you shipped by a particular time? No, that is nothing—the time.
147. They were given you at one and the same time? Yes.
148. You enter the time you return yourself, do you not? Yes.
149. Are these your figure? Yes.
150. You say you returned the warrant for 200 cases of gin at twelve o'clock? Yes.
151. You returned the warrant for 50 cases of claret by twelve o'clock—is that correct? No, that is completely nominal, for they all came in at once. I might just as well have put five o'clock to it.
152. Give the thing a proper name—do you mean by nominal false? They are not right; they should all have been five o'clock.
153. You put down twelve when you meant five? Yes.
154. We are to understand that the whole of these warrants were returned to the Custom House at five o'clock? They were not returned to the Custom House; I gave them to Mr. Stewart to clear the vessel with, a little before five, and he returned them to me the first thing the following morning, and it was the following morning I put this down.

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155. *By Mr. Browne:* You say Mr. Stewart returned the warrants to you the next morning—what for? For me to sign this book and give them to Mr. Manton.
156. *By the Chairman:* Is it not your duty to return the export warrants to Mr. Rogers or Mr. Nash? Yes, but it was too late.
157. Is it your duty to give them to Mr. Stewart, the Custom House Agent? It is frequently done when they want to clear a vessel.
158. By whose authority? I do not know; I have done it frequently.
159. With anybody's knowledge except your own—with Mr. Garling's knowledge? I do not know whether it was with Mr. Garling's knowledge or not, but I have frequently done it.
160. Has anybody authorised you to do it? No, not that I am aware of.
161. *By Mr. Browne:* Did you give these warrants the next day to Mr. Manton? Yes.
162. At what time in the morning? Between nine and ten o'clock—a little after nine.
163. Should not these warrants have remained with the content of the ship? No; one set goes to Mr. Nash, and one set to Mr. Manton—at least one half-set.
164. Then Mr. Manton had no set till the next morning? Yes; he could not have cleared the vessel without them.
165. Then, must he have given them back to Mr. Stewart? He gave them back to Mr. Stewart. I got them from Mr. Stewart the next morning.
166. What did you do then? I signed the book with them, and gave one half-set to Mr. Nash, and one half-set to Mr. Manton.
167. Is it usual for the export officer to endorse the bonds he takes warrants from? Yes.
168. Have you not endorsed some of these? I endorsed them all.
169. Have you not written on the back of them that which properly belongs to the locker? That is very likely. (*The witness examined the warrants.*)
170. Two are endorsed by him? Merely filled up, not signed.
171. The back of the warrant is filled up by yourself? Yes; but signed by the Customs locker.
172. You say you went first to the Chilian Bond, or found the locker of the Chilian Bond, and told him to get the goods out—the rum and some of the things—and send them down to the ship? Yes.
173. You saw him in the Custom House? Yes.
174. Is not he the locker of Walker's Bond too? He was; he is one of the export officers, not a locker.
175. He had charge of two bonds at that time? Yes; Walker's in the beginning of the day up till one o'clock, and the Chilian from one till three, or four.
176. What opportunity would he have of delivering these goods from the Chilian Bond between nine and one o'clock—would he not be at Walker's Wharf? He had not.
177. What time did you go back to the Custom House to the locker after the warrant you spoke of? About half-past three, or a quarter to four. That was the last I did.
178. I thought you said you went to Pollard's last? That was the last place I shipped from; but then I came back for the warrants to the Chilian.
179. You never saw any part of the goods that left the Chilian Bond go towards the ship? No, I do not think I did see any.
180. If there had been no crew on board this vessel till one o'clock in the day, do you think all these packages could have been taken on board? Quite easy.
181. I say if there was no crew? There was a crew—I do not mean to say there was a crew, they were shore laborers. Some might have been part of the crew.
182. Mr. Mundy tells us that the time taken at Lamb's Bond in delivering the gin was from half-past eleven until one, and from two until three—is that the case? No; there might have been some after dinner, I would not be positive of that—after two o'clock. It did not take till three o'clock or anything like it; I must have been at Pollard's at three.
183. Is Pollard's open all day long? Yes.
184. You must have been at Pollard's at three, and gone to the Flour Company's Wharf, and then been back at the Chilian Bond at half-past three? Half-past three—no.
185. At half-past three you said you were at the Chilian Bond looking after the warrants? About that time.
186. How long does it take to break out hogsheads of brandy and load them? In some cases a week to take out twenty; sometimes not half an hour to take out half a hundred.
187. Is it at the discretion of the export officer to have the goods re-gauged? We have nothing to do with that.
188. How was it that some of the goods were not gauged? They had just come into bond.
189. In this case they had been three months? Three months is the given time.
190. *By the Chairman:* One has been in from 11th April, and there is no re-gauge for it—is it three or four months that is the time? Three, I have always been told; but that I have nothing to do with; that is out of my line altogether.
191. Did you never communicate with Mr. Garling when you were going to ship a large quantity of spirits? No.
192. Does any one in the Custom House know whether you have gone upon any duty during the day? Yes; Mr. Nash and Mr. Rogers. If any one wants to inquire for any export officer, Mr. Rogers refers to the book to see where he has gone.
193. All the other out-door officers might be perfectly ignorant of your shipping any quantity of dutiable goods at all—that is the custom, is it? Yes. I do not know anybody we could let know, except we were to go to a tide-surveyor and get an extra tide-waiter put on.
194. *By Mr. McLerie:* At the time you shipped the large quantity of gin from Kirchner's you said you sent a ticket down of each case, and kept a copy yourself? Yes; because they were small cases, and I was frightened of their getting lost.
195. For what purpose was the ticket—was the ticket brought back? No; it was left with Mr. Lloyd, who was the managing man down there at the Melbourne steamers' wharf; and when

when I went down with the last load I had a memorandum, and asked him to call over his tickets.

196. Did you adopt the same precaution in shipping the goods by the "Louisa"? There was no one to receive them except the captain. This was a different thing, being at the Company's wharf and office.

197. There was a captain and mate on board to acknowledge the shipment? I could not have done it, when I come to think, because I was not at the different bonds at the time; but I was in the case of Kirchner's.

198. You mean to say that, in the case of shipping the "Louisa's" goods, they left the store whether you were present or not? Yes.

199. You did not adopt any check to satisfy yourself whether the goods went down? I did not, till I went down to the wharf at last.

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Mr. Michael George Brown called in and examined:—

1. *By the Chairman*: You are employed as a locker at Walker's and the Chilian Bonds? Yes.

2. Walker's Bond is open till one? Till a quarter to one.

3. And the Chilian Bond — ? From one till four.

4. Do you remember delivering eight half-tierces of tobacco from Walker's Bond on or about the 2nd or 3rd of September? I do.

5. What date was this? This question was asked before, and I was bound to say I could not tell—that was in the presence of a former Board, consisting of the Colonial Treasurer, the Crown Solicitor, and Colonel Gibbes—without reference to the books. I have referred to the books, and found that I delivered them on the 2nd of September.

6. Having looked at the books, are you sure you did deliver them on the 2nd? I have no reason to doubt it; I have heard a great deal of conversation from that time to this, but I have no earthly reason to suppose this is wrong.

7. Have you any other means of refreshing your memory besides the book? I know when I arrived at the Chilian Bond that day I found goods waiting to go in there, in charge of an officer named Smithwick, one of the extra officers employed to remove goods from store to store; I know that on the very day I delivered this tobacco I found these goods waiting for me—shewn to be on 2nd September by removal orders.

8. Are there any other circumstances which impress the date strongly upon your memory? I think not, just now.

9. At what time of the 2nd was it that you delivered these eight half-tierces? It is impossible for me to state what time.

10. About what time? I can only say between half-past nine and a quarter to one.

11. Was anything going on on the wharf that day when they were delivered? Not that I am aware of.

12. Any auction? I remember an auction going on, but not that day.

13. Was any objection made by Mr. Williams as to delivering these tierces when the export officer applied for them? Not that I am aware of.

14. Nor by Mr. Watt? I know of none.

15. As soon as the export-officer came they were at once delivered? I believe they were delivered in the usual way.

16. It has been stated by Mr. Williams, and also by Mr. Watt, that there was an auction on the wharf that day; that application was made by the export-officer for the discharge of these eight half-tierces; that he declined to issue them till the storekeeper had appealed to Mr. Williams, and then that Mr. Williams finally consented to give them out? I remember the storekeeper made that very remark that you now make, but that was some days after the delivery; when the matter was discussed, he said he was assured it was on the 3rd—he said, I recollect Mr. Newton calling upon me, and asking me to deliver them, and I objected.

17. I ask you whether you remember the auction being on the wharf at the time these eight half-tierces were delivered? I do not. I remember the auction.

18. Do you remember delivering goods that day? I do not believe I delivered a single package that day.

19. You issued a large amount of dutiable goods on the 2nd of September, did you not? Yes; I delivered 31 hogsheads and 14 quarter casks of brandy from the Chilian Bond on that day.

20. And 50 cases of claret that had been restored? I recollect delivering the claret, but I cannot say whether it was that day from memory.

21. Did you re-gauge any of the goods you delivered from the Chilian Bond? I did not.

22. Why not? The fact was, the order came in such a manner that it prevented me—it would have prevented the shipment if I had. I re-gauge when time allows; but when a large order comes we cannot re-gauge, otherwise we should shut out the shipment of goods.

23. Where did you get the orders with reference to the issue of dutiable goods from the Chilian Bond? From the export officer.

24. Where was he? Are you aware of the position and situation of the Chilian Bond?—the bonded store is on the first floor.

25. Where was the export officer? He came to me on the first floor, on a level with the bonded store.

26. At what time in the morning or afternoon? I cannot say—it was in the course of the afternoon.

27. In the course of the afternoon he came with the warrants—you are quite sure of that? Quite sure.

28. Did he stay with you while you issued the goods on this occasion? I can only say he delivered

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delivered the warrants to me, and then went below to receive the goods. I consider it my duty to put them down, and when they are through the trap they are in his charge, and I have nothing more to do with them.

29. Did he stay while they were discharged from the upper to the lower store? I believe he did.

30. When you deliver to his charge you deliver to his own custody? Most assuredly.

31. When I say custody I mean into his presence? It is just possible he may have left them.

32. Did you hand over cask after cask and case after case in to the custody of Mr. Newton or of the draymen? I do not know the draymen in the matter. When the export officer receives goods from me he delivers the warrant to me, and then goes down to the lower floor.

33. When you deliver a cask, to whom do you hand it? To the officer.

34. Was Mr. Newton present on the occasion of the delivery of these? I know he was there when he handed me the warrant, and at the beginning of the delivery; but I can tell you this, that it is the practice to receive a large quantity of goods from a bonded store, and send a portion to the wharf without the actual presence of the export officer; but he sees them delivered on board ship.

35. Is it the practice of the lockers to deliver out of bond to any one else than the export officer? To none other.

36. Did you deliver these to Mr. Newton? Yes.

37. Are you quite sure of that? Yes; but I should like you to understand that it is just possible that I did not catch sight of Mr. Newton every cask I delivered.

38. Are you confident Mr. Newton never left you when the goods were being delivered? I believe he did.

39. Did he leave you for half an hour? My presence—I cannot say. It is my duty to see the goods broken out from the tiers, and during that time he may go God knows where. I consider they were all put into Mr. Newton's charge when—

40. When the goods were put on the drays to be taken away, did you take care to see that Mr. Newton was there? I have stated how the Chilian Bond is situated; we cannot see a dray; we lower the goods on to the floor below through a trap door.

41. After having delivered them, you do not know whether Mr. Newton, Mr. Stewart, or the drayman took them? I know after they were delivered Mr. Newton came to receive the warrant—it being signed.

42. After the goods leave the trap door you cannot tell where they go to? I cannot; they might be rolled into the next door for aught I know.

43. When do you sign the warrants? At the completion of the delivery.

44. The export officer brings them to you? He brings them to me before I deliver at all.

45. On what authority did you neglect to re-gauge these dutiable goods? Nothing more than to facilitate the business of the merchant.

46. You did it on your own responsibility? To some extent, certainly.

47. Entirely, as I understand you? I never received orders to re-gauge for exportation.

48. In the absence of orders you exercise your own discretion? Yes.

49. There are no printed orders? No; I have never received any.

50. Then the lockers have no instructions but verbal ones? I have heard that lockers' instructions are in circulation, but I never received any. I think you said just now that Mr. Williams' storekeeper states that he delivered this tobacco on the 3rd. I have made a memorandum here that I find a discrepancy of this kind has arisen before, of which I can give you the dates. With regard to Walker's books, they shew a delivery on the 12th April, where the locker's books shew a delivery on the 9th. I want to shew you, gentlemen, that this discrepancy may have arisen, and, I believe, has arisen, on the part of Mr. Watts, although I believe he has not manhood enough to admit his error.

51. How do you propose to shew this, for it may have been an error in your books? It may be so, but I think not.

52. Is there anything to shew who was right and who was wrong in the entry? I have not gone to that extent; but I can do so, I think.

53. Then you cannot establish anything in your favor? It will shew if an error has arisen on his part before he is just as likely to commit an error now.

54. Is there anything, then, that will help you? I feel perfectly safe in the case, and therefore have nothing further to study than to give satisfaction to you. There is another matter I would call attention to—the date on that warrant of eight half-tierces of tobacco. When the order is presented to me with the warrants for delivery, without questioning whether it is to be delivered that day, I enter on each of the warrants the actual date on which it is delivered to me. It does happen sometimes that these orders are delivered to me to-day, and perhaps the goods are not required until to-morrow. I want to shew that, although the goods are not actually delivered, they shew the date on which I receive the order.

55. Do you enter in your locker's book the date on which you deliver the goods, or that on which you receive the order? The date of actual delivery.

56. Always? Always.

57. So that if that export order contained one date, your book might shew another? Yes. Twenty half-tierces of tobacco were delivered for exportation on the "Tasmania," on warrant 239, dated 16th September, delivery being actually made on the 15th.

58. That shews, either on your part or on the part of some other officer of Customs, that an error as to the date was made? I should like to know how the error could have arisen with me. I can scarcely admit that an error could be brought home to me in that case. I called the attention of Mr. Still to it, and I think you will find a star upon the warrant, to shew that although the goods were delivered, by permission, on the 15th, yet the warrant bore date 16th.

59. *By Mr. Browne:* You are sure Mr. Newton did not give you the warrant for the delivery

delivery of these goods on the morning of the 2nd before you delivered the tobacco from Walker's Bond? I feel satisfied I did not receive the warrant till I arrived at the store.

60. Which would be about one o'clock? Yes.

61. At what time did you begin to deliver them—immediately? I believe so. We were very busy on that occasion, and goods came before and after; I mean removals, some of which were waiting when I arrived.

62. Would it not take some time to deliver these goods? It would.

63. An hour, or half-an hour? That would depend on where and how they were stowed.

64. An hour? I should say so, at least.

65. Did you not see Mr. Newton at all in the morning until he came to Walker's Bond? I might have seen him, but I do not believe I spoke to him.

66. Do you think it likely that Mr. Newton would pay the rent of the tobacco up to the 3rd if it was delivered on the 2nd? Yes. I have been acting as export officer for four or five years, and I have paid on the 2nd rent due on the 5th or 7th.

67. Would you pay on the 2nd rent for goods up to the 3rd—when the goods were to be delivered on the 2nd, would you pay in advance the store rent? Most assuredly, for if they are in store two days of the week they charge the entire week's rent; and thereby I would call your attention to the statement of Mr. Wilkinson, of Kirchner's store, who says,—“It is a common practice to date either before or after delivery, in order to make the rent account good.”

68. What does that mean? They do actually charge a week's rent for two days' storage, so that they may leave the goods five days after if they please.

69. *By the Chairman*: Whose letter is that? Those are memoranda of my own. This person would come forward and state this. I mean Wilkinson.

70. Is that the practice at Walker's store? I find it is the practice at Walker's to charge a week's rent though only three or four days of the week has passed.

71. That is the point you would have to establish? I think I could shew it.

72. *By Mr. Browne*: You think the charging of rent up to the 2nd is no criterion—would it be so on the 2nd? I cannot say.

73. Does not the 3rd of September fall on Friday? I cannot say.

74. That would not be the end of the week? It might be the end of the week of storing, and I believe it must be their practice.

75. *By Mr. Browne*: Mr. Watts says he received the money, and credited it in the cash-book on the 3rd? It must be that Mr. Watts has made a serious error, that has been the cause of all this trouble; and it appears that he has neither the manliness, the honor, nor the honesty to acknowledge his error.

76. *By Captain Ward*: But Mr. Williams backs up Mr. Watts' statement, and shews, from certain circumstances that occurred, that the tobacco must have been removed on the 3rd? I do not know Mr. Williams in the matter, but circumstances may have caused his mind to be led astray.

77. Mr. Williams has distinctly told us that an auction sale was to be held on his wharf on the morning of the 3rd, and he had given orders that no goods should be delivered on that day, but that in consequence of the application of the export officer for the delivery of these goods he had consented? I think you will find, in reference to an inquiry touching that little matter, that Mr. Williams himself told the three gentlemen at the Custom House, or at his wharf—Mr. Campbell, the Collector of Customs, and the Crown Solicitor—that he knew nothing whatever of the matter; that he did not remember a single item, date, or day, or any thing else. I went to the Collector of Customs to ask him why I was suspended, and he told me that —

78. *By Mr. Browne*: You said you were busy at the Chilian Bond before the delivery of these goods on the 2nd, and for some days after? I believe we were.

79. Do you know that in the statement copied from your books it appears that only one package was delivered from that bond for ten days before? It may be so, but I can account for that. The store was in a very deranged state, and I complained to Mr. Still, day after day, that they would not stow the goods; hogsheads of rum were lying on their bilges.

80. Do you mean that they had not been bedded? Yes.

81. There were no skids for them to lie upon? Yes; and not only that, but they were merely rolled into the store, and I had sometimes to climb over three or four to gauge a particular cask at the back. The matter was made up with Mr. Still and Mr. Stewart.

82. Did not all the goods from that bond pass into the duty-paid store before they got into the cart? Yes.

83. Then they might as easily be taken into the store as out of the store? Just so; and in rolling the package it would be just as easy to roll it to the right as to the left; still it was not my duty to complain of the store in such a matter.

84. You think the store was not properly conducted? In my opinion a bonded store should not be in a free store at all. The export officer might receive goods at the door, and do any thing he pleased with them.

85. *By the Chairman*: Could the merchant, while the goods were being delivered, after they had left you, and before they had reached the cart, do anything he pleased with them? Not without the knowledge of the export officer.

86. *By Mr. Browne*: When did you take in the fifty cases of gin that came from Lamb's store? I believe on the very day we delivered the brandy.

87. Did you take them before or after? They would be taken in at intervals.

88. They would have to go into the free store? Yes, before they could possibly be taken up into bond, and there is the danger; many tricks might be played there if the parties were disposed to do so.

89. Did you ever find any discrepancies in the re-gauges? None whatever. Since I have left the store I have heard reports of hogsheads being found filled with water; but I am happy

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happy to say that the locker informs me that there has been nothing of the kind. Such rumours have, however, reached me, and have led me to ask the present officer "How do you get on with your re-gauging?" And I do not believe there will be found to be any deficiency more than can be accounted for by ordinary causes.

90. *By Mr. McLerie*: Do you recollect Mr. Newton, on the morning he gave you this delivery order, saying anything about getting the goods ready by dipping? Possibly he may have asked the question, but I do not recollect. If it had been a store that had been open all day he might have said, "I cannot call for all these goods till the afternoon, will you have them dipped ready for me?" but I could not have dipped them to have delivered them after I had received the warrant from him.

91. The time would not have allowed you to dip them on the same day, after receiving the warrants from him? No; in fact the store only opened at one o'clock, and then generally the men lost an hour in going to dinner. I beg to state that Mr. Still signed the warrant for eight half-tierces tobacco on the morning of the 3rd September, which he does only a day after actual delivery; that he remained with me long enough to measure the whole of Walker's bonding warehouse on various floors, and must have seen a delivery if such had taken place; he remained with me from about half-past ten until a quarter to twelve, which fact he must admit. Having never received orders to re-gauge, I do not consider it necessary to do so for the Islands, but always do so when goods are entered to go coastwise. I have rolled the casks out of store, and, after sounding and examining them, if no leakage or loss appears, they are allowed to pass. Mr. Nash, warehouse-keeper, will tell you that it often occurs so when goods are going to South Sea Islands, or to California, or elsewhere, in cases of emergency. Mr. Still has told me to use my own discretion in his absence, and has given me credit for having done so in a more important case than this omission. I allude to a vating affair, where I had to remain and close the store below after all persons had left, using the Queen's lock on the outer door. The locker is allowed to deliver bonded goods to the export officer with the usual order, without regard to date, and therefore I should be justified in delivering on the 3rd, and could have no object in entering any other date, if such was the date of delivery.

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

C. Robertson,
Esq.
23 Nov., 1858.

1. *By the Chairman*: You are Manager of the Union Bank, are you not? Yes, I am.

2. Had you not, some time in January last, to make a post entry in reference to a certain quantity of sugar brought by the "Fanny Fisher"? Yes: When the sugar was sold, I wished at first to clear out a hundred tons and to pay the duty; that was all I wanted at first, but Mr. Giffard came up and told me that some sugar had been taken away from the ship's side, and that they would not deliver it unless I paid the duty for that also. I went down to see Colonel Gibbes, and he told me it was the case. I said I did not consider I had any right to pay for what I had not received.

3. Then, were you actually made to pay £173 for the duty on this sugar before you were allowed to get your own? Yes. I said I had no right to pay it. They would not allow me to take more than a hundred tons. I wished to get the whole that was there belonging to the Union Bank. I objected to pay the duty upon what was taken away by somebody else from the ship's side.

4. What proceedings did you take upon it? There was some conversation between Mr. Giffard, Mr. Garling, and myself. We were allowed to pay duty on a hundred tons first, and then we paid duty upon the whole; but I protested against it at the time. We had a lien upon the sugar; it belonged to a bank in the Mauritius.

5. Have you had to pay £173 for duty on sugar which you never received? Yes; we did not get the sugar at all.

6. How is it supposed that that sugar was got away without payment of duty? It was stated to me that there was some drunken officer on board who had allowed it to go away, and that the man had been dismissed. I said that was no satisfaction to me.

7. How was it you did not call upon Mr. Fisher, to whom the sugar was consigned, to pay the duty? There was a very good reason for that.

8. Was he insolvent? He was insolvent to all intents and purposes, but had not surrendered, although he did so very shortly after. My object was to get the sugar before it fell into the hands of the official assignees.

9. Why did you not call upon the original owners to pay the duty? Because they would have turned round and said it was our fault in not seeing that the sugar was there.

10. Did you speak to Mr. Garling about it? I did; but I suppose the Customs authorities were only too well pleased to have a hold of the sugar; they were interested in getting payment of the duty.

11. All the satisfaction you received was that Colonel Gibbes said the tide-waiter was dismissed, and you must bear the loss? Yes.

Mr. John Bramwell called in, and, having been cautioned as previous witnesses, was examined:—

Mr. John
Bramwell.
23 Nov., 1858.

1. *By the Chairman*: You are a landing-waiter, are you not? Yes.

2. Do you remember signing some export warrants for dutiable goods said to be shipped on board the "Louisa," on or about the 2nd September last? Yes.

3. Where were you when you signed those warrants? On the Hunter River Steam Wharf.

4. At what time did you sign them? A little after four o'clock. It was about four o'clock when I left Lamb's Wharf, and it took, I suppose, about five minutes to walk there.

5. Who applied to you to sign them? Mr. Newton.

6. Did you examine the warrants? No; no further than seeing the signatures of the proper officers attached.

7. Did you examine the goods stated in the warrants to have been shipped? No; it has never been the practice of the landing-waiters at this port to do so.
8. Is it your usual practice to sign warrants without observing what goods are stated. Yes. It often happens that goods are shipped in the stream, sometimes as low down as Bradley's Head, or even at Watson's Bay, and it would, therefore, be impossible for me to examine them. If the receipt of the master or mate is on the back of the warrant as having received the goods, and if there are the signatures of the locker and of the export officer, I sign the warrant. We find by the warrant that the bond has been taken.
9. Are you not aware that it is the practice of some landing-waiters to sign only for goods delivered at their own wharfs? There are very few (none, I think,) who would refuse to sign if the warrants with the proper signatures were produced.
10. Mr. Kidd is a landing-waiter, is he not? Yes
11. Does he usually sign for other wharfs than his own? I am not aware that he refuses to do so. (*For further particulars see Addendo.*)
12. You have no objection to sign for any wharf, according to what you consider the existing regulations? If I see the documents properly signed, I do not hesitate to sign at any time.
13. Without seeing who the export officer is? They are all the same to me; they are all duly appointed.
14. And without making inquiry where the vessel is going to? Yes; we never make any distinction.
15. *By Mr. Browne:* What regulations are you governed by in the discharge of your duty as landing-waiter? We had instructions from the Board of Customs at the time we were under the Home Government.
16. Have those instructions never been cancelled? We have never had new instructions.
17. You consider yourself bound by those instructions? Yes. Mr. Barnes made an order as to the signing of these export orders.
18. In what way were the orders of Mr. Barnes promulgated? Verbally. Before he gave the order we did not sign, and he ordered us to sign whether we saw the goods or not, though we remonstrated.
19. Is not the landing-waiter in the same position as a searcher at home? No. He is called a landing-waiter and searcher, but the searchers at home are separate officers. They are placed at the entrances of the different docks, and have no import duties to attend to at all. There is a depôt, and the export officer in taking goods to a ship calls at the depôt to give notice to the searcher, whose duty it then is to visit the vessel, and examine the goods before they go on board. The tide-waiter then takes charge of them, and before the ship can clear the entries are forwarded from the searcher, and the book of the tide-waiter is sent in at the same time.
20. How do you understand this nineteenth regulation to the landing-waiter—"You are carefully and without delay to examine all shipping bills delivered to you, taking care that the same, when regularly marked off and signed by you, be delivered to the landing-surveyor previously to the clearance of each vessel, in order that the same may be examined with the manifest and clearance of such vessel, before the clearance is granted by the Collector and Comptroller?" The 19th article referred to alludes only to bills or warrants, and *not* to goods.
21. Is not this warrant a shipping bill? Yes
22. It is part of your duty, according to the nineteenth article of the regulations, to sign that shipping bill, and deliver it to the landing-surveyor? That is in England, where the searcher is entirely an export officer; the landing-waiter here has to attend to import duties.
23. Do you not think that Mr. Barnes, in issuing the regulation referred to, intended to carry out this nineteenth article? I do not know; I dare say he did.
24. Do you not think it was intended that the landing-waiter, being an officer high up in the Customs, should sign this document, as the proof of the officers' signatures, and to complete the document, as some security to the revenue, seeing that the export officer was in a lower position? But there are not sufficient landing-waiters to perform this duty; they could not possibly do it and attend to their import duties.
25. Is it not equally important that the revenue should be protected in the export of dutiable goods as in their import? Yes.
26. Does it not open a way to fraud if the exporting of dutiable goods is left entirely in the hands of an export officer? Yes.
27. Do you, as an old officer of Customs, having been in that department in Liverpool, and for some years in this port, consider that you could conscientiously perform your duty, and sign for 296 packages of dutiable goods shipped in one day from five different bonds? It depends upon the particular sort of packages—case wines or spirits could easily be shipped in one day—and, according to the rules of the service, I feel that I did; as the export bills do not shew when the delivery commences, they are not signed as completed till all are on board.
28. Then what is the object of having Custom House officers at all? Where there is a large quantity of goods shipped for exportation it is necessary that a tide-waiter should be placed on board to protect the revenue, and then the searcher or landing-waiter has little difficulty to examine into such matters. If an officer had been placed on board in this case it would, or could not have happened.
29. Would it not be better that it should be the work of one person? Yes. It is better to separate the export from the import business, as the landing-waiter has often other duties to attend to; for instance, he may have 150 or 160 casks of spirits to gauge and get into bond before four o'clock.
30. Then, if I understand rightly, everything is to be sacrificed to the import duty; that is, to be the primary duty? Yes; our duty as landing-waiters is that of an import officer.
31. You feel clear in your conscience for having signed these documents? Yes.

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32. Although it is presumed that none of these goods went on board? If I presumed they were not on board, I would not have signed the warrants, as I did not see a single package.
33. Will you tell me in what way, and under what regulations, the landing-waiters receive extra payment? There is an order of the Board.
34. In whose hands is that? In the hands of the Collector, and it ought to be in these regulations. In working over-time the landing-waiters are allowed a shilling an hour for every hundred pounds they receive.
35. Are the other officers' fees stated? I do not know anything of the in-door department.
36. Did you ever in the Port of Liverpool know vessels, with the exception of steamers foreign bound, to be allowed to clear after hours? Yes; packets carrying mails I have known to clear till twelve at night.
37. Are not a large number of landing officers now employed in the Customs of recent appointment? Yes.
38. In what way do they become acquainted with the duties of their office? They are not placed under any instructions; they have to find out in the best way they can. There is no probation here as at home; there you have to serve three months, and then to be certified as a qualified person.
39. Then there are no rules here? No; the officers must learn in the best way they can from others.
40. We have had an instance before us of an officer allowing fifty-seven tons of sugar to come out under a warrant for twenty? The post entry in that case would be too large. At home the officer is not allowed to give a merchant credit for more than five tons, and he has then to amend his entry.
41. Did you see the "Louisa" when she was here? No, only once; I was never on board.
42. Do you know Mr. Dixon, the tobacconist? Yes.
43. Were you at his place at the time of the departure of the tobacco? No.
44. Nor he at yours? No.
45. You had no communication with him about it? None at all.
46. *By the Chairman:* You say there are instructions from the Treasury in the Customs; are they accessible at all times to every officer? No; they are generally given to the officers when they are appointed; they come out with their commissions.
47. But now they are appointed by this Government? There are no instructions issued now.
48. Then the practice that used to prevail has, since the establishment of Responsible Government, been departed from? There are only tide-waiters' instructions; there are no landing-waiters' instructions accessible to me.
49. What instructions ought there to be accessible to the officers? There ought to be tide-surveyors', landing-waiters', tide-waiters', lockers', and even scale-porters' instructions.
50. These ought to be accessible, but what are really accessible? I am not aware of any.
51. If a tide-waiter wanted to read up his instructions are they accessible? I think the tide-waiters have them.
52. Have the lockers? I do not think they have.
53. *By Mr. Browne:* Is it the landing-waiter's duty to check the tide-waiter's books when goods are landed? It is the tide-surveyor's; the landing-waiter has to go over the book when it is perfected, before he makes up his own book, and then he sends in all to the jerker—the manifest, warrants, and books.
54. Do you think he would be wanting in his duty if he sent in incomplete accounts to the jerker? Yes. In England we have to pay for queries. There is a query book kept at the office, and whenever an error is committed it is entered in the query book, which has to be signed by the officer, and there is a fine imposed for every query.
55. Is that a reputable sort of book? (*Handing witness, Mr. Warburton's book of the discharge of the "Fanny Fisher."*) No, a very bad book indeed; the landing-waiter has copied the weights from the tide-waiter's book without checking the additions.
56. Do you consider that there are any means of preventing the landing of goods in this harbour after they have been put on board ship? The Customs have no means of prevention; the Water Police may have.
57. If the Water Police go down the harbour no farther than Sydney Cove they could not prevent it? No.
58. From your knowledge of the harbour, do you think goods could be landed with impunity? I do. At Liverpool, London, and all the large ports in England, there are row-guards, and the tide-surveyors take turn for night duty, and board all ships as they arrive.
59. Did you notice that these warrants were incomplete—that they had no re-gauges? I do not think there were any re-gauges; if the goods have been in only a short time it is not necessary to re-gauge.
60. Are you quite sure that the certificates were carefully filled up? They were all filled up correctly, and bore the signatures of each of the officers, and of either the master or mate of the vessel.
61. From your knowledge of the time occupied in the shipment of goods, do you think it possible that any one could ship 296 packages between the hours of twelve and four? It seems a great many; the officer could not follow every load.*

* For reference see answer to No. 27.

ADDENDA.

Memo. to question No. 11.

Since my examination, however, I find that Mr. Kidd, like the rest of the landing-waiters, has followed the usual practice. This was in the case of the "Tasmania" for twenty half tierces of tobacco, as a proof of which I have forwarded to the Board the warrant bearing his signature.

I am induced to write this addition to my evidence in consequence of Mr. Kidd having stated that he had *never* signed a warrant for goods shipped from any other wharf than that on which he was stationed. This warrant above referred to bears a later date to that signed by me for the shipment on board the "Louisa." I have no hesitation in saying that if I made search I could find plenty more signed by Mr. Kidd under similar circumstances.

Mr. John Bramwell.
23 Nov., 1858.

Memo. to question No. 19.

The shipping of goods would be very much delayed if the landing-waiter had to examine all dutiable packages, as the export officer might call several times at the landing-waiter's office and not find time there. He might be in the bonded stores on the wharf, or at some of the other bonds through the City, engaged in his duty as gauger, which is also a distinct appointment at home.

THURSDAY, 25 NOVEMBER, 1858.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, Esq., | J. McLERIE, Esq.

Mr. Charles Manton called in and further examined:—

1. *By the Chairman:* As you have not been present during the whole of this inquiry, I may state to you that the Board have examined a great number of witnesses, and in the evidence taken there has been a great deal that seems to bear against you, and we therefore wish to give you an opportunity of justifying your conduct. In your peculiar position it is right to tell you, you are not bound to answer the questions that may be put to you, but whatever answers you do make may be used against you. The Collector of Customs, in the first place, has given evidence that the Post Office certificate ought to be invariably taken from a vessel before she reports inwards? Yes; that is correct.
2. When the "Louisa" came in the second time, you did not get the Post Office certificate? I had nothing to do with it; that was the jerker's duty.
3. You jerked the papers outward on that occasion for the jerker? I did not say I jerked the papers outward; I said, she reported the same quantity of stores outward that she reported inward.
4. I think you said you acted on that occasion for the jerker, and jerked the inward papers? I only knew that she reported so many stores inwards when she came in from New Caledonia, and the same quantity were reported out, and nothing more.
5. Did you not inform the Board that the jerker's initials were not on the content outward, and therefore it was not necessary for you to put your initials as clearing officer also? I do not think I said so.
6. You are aware the jerker's initials were not on the papers? Yes.
7. What made you clear the vessel without his initials? I said I thought the vessel had been jerked, having seen the agent with Mr. Fancourt. (*The Chairman read from Mr. Manton's former evidence, question 41, and the answer thereto.*) That is all right.
8. You acted in that case for the jerker, did you not? I acted for the jerker.
9. And in acting for the jerker carried out the jerker's duty without knowing that the Post Office certificate had been delivered? When she reported in, exactly.
10. In that case you acted irregularly as a jerker? Yes, as a jerker.
11. Because, in fact, you jerked the ship's papers without receiving the Post Office certificate? I did. It is the jerker's duty to receive the Post Office certificate before he allows the vessel to enter.
12. Colonel Gibbes also says he does not allow Custom House Agents to sign bonds above £200? I never knew such to be the regulation.
13. In the present case you did take a bond above £200 from a Custom House Agent? Yes.
14. You never knew that was the regulation? Never. There were no instructions at all given. If it had been fifteen or thirty thousand pounds I should have taken it just in the same way.
15. It seems to be the custom also that when vessels come in there should be a rummaging certificate, and the jerker does not sign the content outward again until he receives that certificate: Did you receive the rummaging certificate of the "Louisa" on the 7th October? No, I did not on the second occasion of her clearing out; I did not on many occasions. As I said in my former evidence, it is a mere matter of form, and is not required. I have known the jerker, when clearing ships outward, give the quantity of stores and the list of goods he supposes the vessel has on board to the tide-surveyor, who makes out his certificate accordingly.
16. It has also been stated to us by a good many witnesses that it is very irregular to clear out vessels on board the ships themselves; that clearing out on board is never allowed, except in the case of steamers, and not even in the case of steamers when there are dutiable goods? It is a common occurrence.
17. Does not the body of the declaration say, "Taken before me at the Custom House, "Sydney"? It does.
18. But you took it on board the ship, not at the Custom House? It has been the custom ever since I have known any thing of the business.
19. Are there no regulations for these things? No, none at all.
20. The evidence we have taken shews that it is highly irregular—the evidence of Colonel Gibbes, Mr. Llewellyn, and Mr. Collier? I know it ought to be taken at the Custom House, but

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but it always has been customary to take a declaration on board a ship. Why there should be any exception in the case of a steamer or any other vessel I cannot tell. A steamer carries bonded goods as well as any other vessel

21. It has been stated to us by Mr. Maddocks that in taking the bonds for the "Louisa" you acted irregularly, unless Mr. Mowle was absent from his place in the Custom House—your evidence went to shew that Mr. Maddocks was absent, but in that case Mr. Mowle should have taken the bonds? Mr. Mowle could not have been there, for I never remember taking a bond when Mr. Mowle was there.

22. You are not sure, as I understand you, but you think he could not have been there? He may have been in the Custom House.

23. You took no pains, am I to understand, to ascertain whether he was there? I did not look over the Custom House to see if he was there. He was not in the room.

24. Mr. Maddocks says, that if you took any bond during his absence it was your duty to put it on his table, that he might check it? I never knew him to jerk one before, or to check them in any way.

25. Did you put the bonds on his table? No, I did not; I put them in my desk, as I said before.

26. You kept them there some days? I kept them there some days.

27. Then it appears from the evidence that Mr. Maddocks received no information from you that bonds were taken for the "Louisa" till the bonds were asked for, some three weeks after? I never spoke to him on the subject, and I never had any other occasion

28. It has also been stated that the clearing clerk is responsible for goods placed on board—did you see all these goods placed on board? No, certainly not; I initial that. All the entries are passed as shewn in the manifest.

29. But on the manifest is stated everything shipped on board; and at the bottom of that statement it is usual for the clearing clerk to attach his initials? I only put my initials underneath the goods, so that no more goods could be put in afterwards

30. Are you not responsible? Certainly not. How can I be responsible for goods I never saw in my life?

31. I do not think we obtained a satisfactory explanation from you as to the way the first content outward was destroyed? I have nothing further to say on the subject. I said there were some mistakes made in the marks and numbers, or something of that sort. I know there was some colonial tobacco stated to be foreign tobacco. I expected to have been able to have produced that manifest; for I saw Mr. Stuart afterwards and spoke to him about it, and he said, fortunately he had not destroyed the original; he promised to let me have it from time to time, but unfortunately he has gone away, and I have seen no more of him.

32. On the second occasion of the "Louisa" going out you applied to Mr. Fancourt for his initials to the content outwards after the "Louisa" had gone? Yes. About half-past 3 the agent applied for the vessel to be jerked outward. At that hour I thought Mr. Fancourt had jerked her out, having seen him with the agent.

33. Having the next day applied to Mr. Fancourt for his initials, he refused to give them you, no rummage certificate having been given? Yes. I knew it was a matter of form. On many occasions Mr. Fancourt takes the particulars of stores to one of the tide-surveyors, and says, "These are the particulars of the goods," and he fills in his certificate accordingly. I have not the slightest doubt that if I had asked one of the tide-surveyors to do so he would have done it at once, but I left it to the jerker. I cleared the "Staghound" without Mr. Fancourt's initials; he reported it to the Collector, and the Collector justified me in having done so, on the ground that I knew the stores the vessel had reported in, and knew the cargo to be lauded.

34. Have you never received any written regulations with reference to your duty? Nothing at all.

35. Are any accessible to you if you want to receive any instructions as to the carrying out of your duty? No.

36. Have you ever asked for any? No. When I have had promotion I have been taught my duty by the clerk who had been doing it before me.

37. If I understood you, you have nothing to do with seeing goods in the ship's hold? No.

38. *By Mr. Browne*: Do you give any security? £100.

39. What is the condition of your bond? I really cannot recollect. It is something about not entering into any other business, I believe.

40. Not with reference to the performance of your duties? Nothing of that sort.

41. Mr. Collier has stated to us that on the morning of the 3rd he obtained these papers from Mr. Mowle, and that on examining it he found the initial on the bottom of the content, which now appears to bear your signature, was not there—was that true? Not to my recollection.

42. He says he examined the papers and found no declaration had been taken? That is false.

43. There was no attesting signature? That was a clerical error; I believe it was on the former manifest, and that was destroyed. I do not recollect omitting it.

44. Who did you get these warrants from on the afternoon of the 2nd? From the agent.

45. Do you remember the time? Between four and five o'clock.

46. Did you give them up to anybody else the next morning? Back to the agent again.

47. What was that for? He took care of the rest of the papers; he had the whole of the papers. I was going home, and had no pocket to put them in.

48. On the night of the 2nd you gave them back to Mr. Stewart again to be given to you in the morning? Yes.

49. Is that the regular course? Yes, it is always done on every occasion.

50. Do you know he gave them to some other people before they came to you again? Yes, I do.

51. Do you know who had them? He gave them to the export officer to bring them to me.

52. Do you know that he gave them to the export officer so that the export officer might write up the book? I know no more than that the export officer brought them to me in the morning. Mr. Charles Manton.
53. You gave them to Mr. Stewart that afternoon after you had cleared the ship? Yes. 26 Nov., 1858.
54. I think you told us that on neither occasion you went down with the vessel? Went down where?
55. In the vessel? I never made such a remark; no such query was put to me.
56. Did you go down with her? I did.
57. On the first or second occasion? On the first occasion.
58. Have you any objection to state who accompanied you? Yes; I would rather not state who accompanied me.
59. Some persons did accompany you? Yes.
60. Is that the document you gave on board? (*handing to witness the clearance obtained for New Caledonia*) Yes, that is the document.
61. Where did you attach the Custom House Seal? On board the ship.
62. Do you carry the seal out of the office with you? Yes.
63. Is that regular? Yes; I have always done so.
64. And taken the declaration as if it were taken at the Custom House? Yes.
65. Do you know whether Mr. Collier was called upon on the morning of the 8th to give a rummage certificate and declined to do so? I do not know anything about it.
66. I think you stated you had an authority that you would put in, shewing that you had been particularly authorised by the Collector to clear that vessel on the 7th? Yes, I have it, but not with me now. I understood you to say I should have to produce it at court.
67. It appears that you performed the duty of the Collector, of Mr. Maddocks, of the jerker, and your own duty as clearing clerk, and we want your authority for performing these duties, which you have stated you can produce? I scarcely know how I could produce it; it is known to almost every merchant.
68. It simply rests upon your statement as it now stands, others contradict it? I would rather not place myself under a compliment; I would rather let it rest upon the merits of the case.
69. Will you produce the authority you have for clearing the steamers? I will produce witnesses.
70. You must have some written authority? No; I have no other than verbal authority for performing these duties. I could produce witnesses to prove that I have done all these duties in one day—that I have done the duty of jerker, clearing clerk, import clerk, export clerk, and cashier.
71. It will go for nothing in your defence, without you can shew you have done it with the consent of the Collector? This letter of the Collector's shews that permission was granted to clear the vessel over-time.
72. Will you give in that? Yes.
73. Have you any other written authority? I do not know that I have.

SECOND EXAMINATION.

Explanations and remarks on my second examination before the Board.

No. 9.—If I had acted with the jerker's full consent there would have been nothing to shew to me that the Post Office certificate was wanting; it was the jerker's duty to have one before he allowed the ship to *report in*.

No. 12.—Mr. Maddocks took bonds signed by Captain Fairclough, of the "Freak," Captain Smith's vessel, together with Messrs. Metcalfe and Co., for about fifty-six half-tierces tobacco; these fifty-six half-tierces for the South Sea Islands the amount for these bonds ought to be about (£6,000,) six thousand pounds.

No. 16.—These witnesses have cleared out steamers and sailing vessels after hours, if the witnesses have done the clearing clerk's duty. Four nights in the week coasting steamers clear at 11 o'clock at night with bonded goods. Some of the Melbourne steamers clear at six p.m., with (100) one hundred tons refined sugar for drawback, and forty or fifty hhds. spirits under bond: this shews that witnesses have told an untruth, or are ignorant of the matter.

No. 20.—The object in going on board is to take the declaration of the captain; as for Mr. Collier, he never took a declaration in his life, and knows nothing about clearing a ship. If Mr. Collier were to attend to his duties at an earlier hour, and look after vessels that come in on Sundays, he would find more to do than to make false statements.

No. 21.—I have known the junior clerk to take bonds when Mr. Maddocks has been present.

Nos. 22 and 23.—Mr. Mowle comes to the office and puts his name down in the Appearance Book, and then leaves the office after—this used to be a daily occurrence.

No. 24.—If Mr. Maddocks initials the entry, he would then check the bond—not without.

No. 26.—My object in keeping the bond was because I saw Mr. Collier look at the "Louisa's" papers, and take them away with him; and, thinking there might be something wrong, I put the bonds by in my desk for security—or rather kept them there for security: after that Mr. Llewellyn and Mr. Kelly had them.

No. 28.—The party who made such a statement must be an ignorant person.

No. 42.—The declaration was taken, but I forgot to witness it.—(Clerical error.)

No. 43.—Destroyed or returned to the agent; it was useless to any one.

No. 46.—I returned the entries to the agent after clearing the ship—not in the morning.

Mr. Charles
Manton.

No. 53.—The afternoon of the 2nd September.

No. 67.—The fact of the Collector allowing me to clear after hours is proof that I have his authority to do his duty. To shew that I have done Mr. Maddocks', see ships' papers before my suspension, and it will be seen that I have taken ten declarations to Mr. Maddocks' five.

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I beg to state to the Board, that no erasures were made by me on the "Louisa's" clearance.

C. H. MANTON.

Mr. William Warburton called in and examined:—

Mr. William
Warburton.

25 Nov., 1858.

1. *By the Chairman:* What is your position in the Customs? I am acting as locker at present.
2. In the course of the inquiry we have been entrusted with, certain evidence has been taken which reflects in some manner upon you, and we have called upon you to ask for an explanation. You are not, however, bound to give any answer which you think it better to withhold? I shall give any explanation I can.
3. About a year ago I think you discharged the duty of landing-waiter? Yes.
4. Have you been disgraced? Yes.
5. Does disgracing imply lower pay or lower responsibility? I was dismissed at first, and then restored again as locker.
6. What caused your dismissal? It occurred in connexion with some sugar belonging to the Sugar Company. The Sugar Company were allowed to ship their sugar according to their own cart-notes. A cart-note came with the dray, describing the sugar and weights, and I shipped it, and they received the drawback accordingly; but their agent, Mr. Metcalfe, passed the drawback warrant, and when that drawback warrant came to me I found that he called it what it was not. I examined part of the sugar, when I found that one differed from the other. I examined as much as I could at the time, for I had a great distance to walk—up to the other end of the harbour—and to attend to all the vessels there. At all events I examined a good deal of the sugar, and found it a refined sugar. Mr. Metcalfe called it ten tons of refined and eighty tons of raw sugar. The cart-note called it all refined. The ship wanted to clear out, and I did not like to detain her. Being a responsible officer, and giving security for £500, I thought I might allow the ship to clear, and the mistake might be corrected the next day; so I signed the warrant for which the Sugar Company's Agent called; and as soon as they found out the mistake they signed for the difference of duty.
7. Did you sign for the shipment of this sugar without knowing that it had been shipped? I examined it as much as I could; I examined portions of it. It had never been weighed by the export officer, or supposed to be weighed by the export officer, but was shipped by the Sugar Company at their own weights, and they furnished me with a ticket—so many bags of sugar, so much.
8. Was it not your duty to check the shipment? I did; I counted the bags whenever I could.
9. You did not check the descriptions of sugar? I did not find any raw sugar there; it was all refined. The warrant being passed for raw sugar, I knew the revenue could be at no loss, the sugar being refined; because the duty on refined sugar is more than that on raw sugar. Therefore I wished them to correct themselves, when I saw that the Government was safe, and that at any time with the Collector's consent they could be allowed what they had a right to.
10. You certified to what you knew was not the case? Yes. I was satisfied so far as the cart-notes* and what I examined, but it might be in such a large shipment as that that there would be raw sugar shipped without my knowing it; and I could not examine it all.
11. That led to your removal? Yes.
12. Were you dismissed by order of the Government, or of the Collector? Yes, by the Government.
13. You were subsequently reinstated by the same authority? Yes, as acting locker.
14. Do you remember being landing-waiter in the case of the "Fanny Fisher," about twelve months ago? Yes.
15. There was a large quantity of sugar landed then, was there not? Yes.
16. That was your book, (*book handed to witness*) was it not, kept by you on that occasion? There have been two or three books made on this occasion—two or three issued to the tide-waiter; they are wrong.
17. Was it not your duty to check the tide-waiter's books before they went in to the jerker? Yes. I corrected it and gave it back to the tide-waiter two or three times; he made out two or three sets, and they were all incorrect; his books were wrong. He was dismissed.
18. Did you report him? Yes, to the Landing Surveyor, Mr. Garling.
19. What did Mr. Garling do? By Mr. Garling he was brought before the Collector, and the Collector dismissed him.
20. Did Mr. Fancourt discover the error, or did you? I discovered errors two or three times; and after I had corrected them as far as I could I sent the books in.
21. *By Mr. Browne:* Is not your own book wrong that you sent in to the jerker? It might be.
22. *By the Chairman:* Was it wrong or not? I did not find it wrong, nor has it been shewn to me wrong yet.
23. You see it has been corrected by the jerker? (*The witness examined the book.*) I do not see where it is wrong; I do not see the error.†

24.

*The practice was, and I believe is, to take the cart-notes as correct.

† I must here explain that I speak of this book as being correct after the jerker and myself had made the corrections. If he found any further errors since then I am not aware of it.

Mr. William Warburton.
25 Nov., 1858.

- 24. *By Mr. Browne*: What do you make the amount landed—how many bags? I almost forget about it now.
- 25. *By the Chairman*: Were you brought before the Collector for the errors in that book? I was not. This was written up when the tide-waiter's book came in. I had to go to the Custom House, and this book was made out in the presence of the jerker. I had to make out three books. They were all wrong, in consequence of the mistakes made by the tide-waiter.
- 26. Your books were wrong? Yes, my books were wrong, as they were sure to be. The jerker and myself had to go over the whole and find out where the sugar went, and the number of bags.
- 27. Where did they go? They were in bond. There were more in bond than the tide-waiter had an account of in his book—in the Exchange Company's Bond. That was one mistake that occurred.
- 28. That was not where the thirty-seven tons of sugar went to? The tide-waiter allowed that to go without even an entry being passed.
- 29. And without paying duty? Yes; but the duty was paid afterwards by post entry.
- 30. You knew nothing about that? I knew nothing of the sugar being landed without warrant, for my instructions to the tide-waiter were, that as soon as the warrant was completed, and the quantity of sugar in the warrant was landed, he was to stop, but he did not do so.
- 31. Did you bring that under the notice of Mr. Fancourt? Yes.
- 32. Mr. Fancourt tells us it was never discovered till he came to jerk the books? I say it was discovered before he came to jerk the books. I knew very well the tide-waiter had landed more sugar than I had a warrant for. (*The Chairman referred to Mr. Fancourt's evidence, questions 24 to 27 inclusive*) I had no occasion to report it to Mr. Fancourt at all; he was not my superior officer.*
- 33. Was it not your duty to check the tide-waiter's books every night? No.
- 34. Not once a day? No. I never check the books. I go and see what he is doing. I could not take his books away; I should disturb him in his work. I could not take his books till they were complete. I would see how he was going on, and ask if everything was going on right.
- 35. How do you check his work? After the ship is cleared out, she is jerked by the tide-surveyor, and the tide-waiter brings his books.
- 36. You do not think of checking his books until the ship is cleared out? No. There was an order against it; that was Mr. Jeffrey's order, and at one time Mr. Dean, the landing-waiter, was severely reprimanded by him for taking the tide-waiter's book during the hours of discharge.
- 37. Then the whole responsibility of delivering a ship's cargo rests with the tide-waiter? Yes. I mean in sugar ships.
- 38. *By Mr. Browne*: What is the duty of the landing-waiter? The landing-waiter has, may be, three or four ships at a time; he gauges spirits, measures spirits, takes the strength, makes up the ship's books, and so forth.
- 39. Makes up the ship's books, whether right or wrong? Not whether right or wrong. He has a right to examine them, and get them made correct. I examined them, and found they were wrong, and gave them back to the tide-waiter to make them correct.
- 40. How long had you been a landing-waiter before you were dismissed? I suppose I have been six or seven years now.
- 41. Did you ever receive any instructions? Never.
- 42. How did you learn your duty? I learnt it of my own accord.
- 43. Are there any regulations? No. I learnt even gauging. I got two or three lessons in gauging from one party and learnt the rest myself.
- 44. In other portions of the duty of landing-waiter you used your own discretion? Yes. I learnt from other landing-waiters and their books, as well as I could.
- 45. Have you seen the printed instructions? No.
- 46. You do not know that under the printed instructions it is the duty of the landing-waiter to see carefully everything that is landed? He does that as far as it is in his power.
- 47. You tell us you have never done that? When I have time; but if I am gauging, or employed upon more important business, the tide-waiter looks after it.
- 48. Do you think it more important to gauge a spirit cask or to allow thirty tons of sugar to go over the ship's side? I consider that it is of no use having a tide-waiter if he cannot be entrusted with weighing twenty or thirty tons of sugar. The landing-waiter cannot do everything.
- 49. Have you ever seen any of the tide-waiters drunk? Well, I do not know.
- 50. You must know, surely? I might have seen it; I dare say I have.
- 51. Was not the tide-waiter of this ship, the "Fanny Fisher," a notorious drunkard? I think I have seen him the worse for liquor, but I would not go so far as to call him a notorious drunkard. On that occasion, it seemed to me that he must have drunk something, or that there was something else the matter with him; I think the man was rather out of his mind—not in his sound senses.
- 52. You now discharge the duty of locker? Yes.
- 53. When casks of spirits are brought to you from a ship do you ever have them gauged in your presence? No, I never gauge them without an order.
- 54. You receive the gauge upon the statement of the landing-waiter? Yes.
- 55. Does the warehouse-keeper, who is a check upon you for the warehousing of these goods, gauge? No.

* Mr. Passmore, the landing-waiter stationed with me at the time, will, I am sure, corroborate my statement, and I beg to refer to him, as he assisted me in setting the books right before the jerker saw them or could be aware that any mistake occurred.

- Mr. William Warburton.
25 Nov., 1858.
56. Then you receive a certain amount of what is supposed to be spirits, but it may be water or spirits? Yes.
 57. When landing-waiter did you put no cart-note of the hour of the day you sent off spirits to be stored in bond? I do not know that I did.
 58. As locker, do you take note of the time of the day at which goods are shipped? No. I have taken notice of it latterly, since these mistakes have been made.
 59. What have you taken notice of latterly? When an export officer takes away any thing for exportation I notice the time by a note on the back of the warrant.
 60. Since the "Louisa" has been talked about Yes.
 61. How have you learnt your duty as a locker? I have been acting as locker these fifteen years*.
 62. Did you ever get any regulations for that? No.
 63. You use your own discretion in that as well? Yes.
 64. *By the Chairman:* When you issue spirits from bond, as a locker, do you ever gauge them? If for exportation, I do.
 65. Always? Yes, always.
 66. If they have only been a fortnight in your charge do you gauge them then? No. If they are more than a month in bond I re-gauge them.
 67. Then, if they have been in less than a month the casks may go out empty, or nearly so? No.
 68. You never start the bung? Yes, I sometimes start the bung to see if it is correct.
 69. Do you gauge it then? Never without it is in more than a month. We used not to do.
 70. You invariably start the bung, do you not? Yes, if I have any doubt of the cask having leaked, or any thing the matter.
 71. Otherwise you do not feel called upon to do so? Not within a month, if I see nothing wrong with the cask.
 72. If you are applied to for samples, whose authority do you require to deliver them? The warehouse-keeper's. He puts it on the back of the certificate.
 73. Not the Collector's? No.
 74. Mr Kidd, who is a landing-waiter, considers himself answerable for his landing books being correct—in that he differs from you? I suppose so. I dare say he has made as many mistakes I have done.

Mr. John De Courcy Bremer called in and examined:—

- Mr. J. De C. Bremer.
25 Nov., 1858.
1. *By the Chairman:* You act as tide-surveyor? Yes; I am first tide-surveyor in Sydney.
 2. In the investigation we have been directed to undertake regarding the Customs Department, we have had evidence which bears, in some cases, unfavorably upon you, and we have therefore thought it right to call upon you to make you aware what it is, that you may answer if you think fit. Do you measure ships? Yes, occasionally I measure ships. I was the measuring officer before Mr. Collier came. In his absence I measure vessels now. I measured some vessels when he was absent on medical certificate. I can measure ships as well as Mr. Collier.
 3. Do you measure them now? Not within the last month or two.
 4. Have you done so till the last month or two? No, I think not till within the last six months.
 5. What has made you cease measuring during the last six months? Because, generally speaking, Mr. Collier took that office upon himself.
 6. Voluntarily? Not voluntarily, of course; we both had the same instructions and the same duties; but he took the measurement of vessels, which I, of course, did not interfere with, and in fact I consider him the measuring officer of the port, as far as that goes.
 7. You say you are perfectly capable of measuring ships? Yes.
 8. Under the new Act? Yes.
 9. You would be prepared to undergo an examination? Yes, if called upon.
 10. It has been stated to us that on some occasions you have been the worse of liquor? (*The Chairman quoted the evidence of Mr. Crook, questions 16 to 20*) I think you have a confusion in that matter. The man groggy in the streets did not belong to my boat. The men in my boat do not drink at all. However, what you have read to me appears to me to imply drunkenness all through with regard to myself. These are charges you are preferring against me individually. Perhaps you would be good enough to tell me who are the informants.
 11. That is the evidence of Mr. Crook, the Harbour Master; I meant to have told you so. I will read some more of this (*read questions 28 to 30*)? I rebut these charges at once. I say there is no foundation for it. In the first place, I should like to know the names of the captains to whom I have been discourteous at any time. I have always treated them with great consideration, I believe more than they actually desired. In the execution of my duty I believe I have acted with integrity to the Government and credit to myself. However, since these charges are brought—drunkenness is the first charge—I rebut that; I say it is false.
 12. I may state to you the object of the Board in reading this evidence. This will go before the Government. I do not say at present I shall be able to form a decided opinion that you have been drunk, because perhaps the evidence is insufficient; but still there is evidence to cause the Government to make further inquiry, and keep a supervision over your conduct. Therefore, I think it right to tell you what has been stated, and we take your denial for what it is worth.

13.

* What I mean here is, that I have had a good deal of practice as locker, having been frequently employed in that capacity during the last 15 years.

13. *By Mr. Browne*: Do you remember being applied to by anybody for a rummage certificate on the morning of the 8th of October, after the "Louisa" left? Yes.
14. Who applied to you? Mr. Stewart. I was astonished that the vessel was gone. A note was written to me by Mr. Stewart, saying he wanted to see me; he wanted a rummage certificate, which I refused, of course.
15. You were not aware that the vessel was going to sea? No.
16. We were told, by Mr. Collier I think, that when he came to the Custom House in the morning you had the papers of the "Louisa." Had you the papers of the "Louisa" on her arrival from New Caledonia, on the morning of her entering inwards? Yes.
17. From whom did you get them? Mr. Stewart.
18. At what time in the day? About half-past nine o'clock.
19. Were there any papers deficient? I got nothing but the French clearance. Mr. Stewart told me the captain had left the ship, which my coxswain had told me in the morning.
20. You got nothing but the New Caledonian clearance? I think Mr. Smith was in the office and saw the clearance. At all events there was some conversation between Mr. Collier and myself relative to the extraordinary trip this vessel had made.
21. Would you get the Post Office certificate? No; I only take the usual clearance on board the vessel.
22. What became of the New Caledonian clearance—it did not go back to Mr. Stewart? No; it was sent up to the chief clerk; it was sent up-stairs. I wanted to see it afterwards, and I understood the Collector got it.
23. You sent it up-stairs to the chief clerk? Yes, in the usual course.
24. Is it your duty, as tide-surveyor, to board vessels having tide-waiters on board? Yes.
25. When you visit vessels having tide-waiters on board, do you do so during the night as well as day? Yes; sometimes it may be late in the evening, but not actually very between two or three o'clock in the morning I have not done it. (*Vide appendix.*)
26. When you visit do you initial the books? Yes.
27. Have you ever found any of the tide-waiters actually intoxicated? No.
28. Are they a good set of people? We have good and bad. As far as the books go, I should say they are not men addicted to drink so much.
29. You say there are good and bad? They are too old. Some are old enough to be my grandfather, I was going to say.
30. *By the Chairman*: In boarding a vessel coming in, would you send a tide-waiter to board her at the Heads, or when she came to the wharf? The tide-waiter goes on board in the usual course; they ship off from the Circular Quay.
31. Where did you board the ship "La Hogue"? Where one can pick her up; I may have other vessels to board.
32. When a vessel is going out where is she finally left—alongside the wharf or outside the Heads? We generally put an officer on board if she is going to the Islands with spirits on board, and if the pilot-boat goes out it brings the officer back.
33. Does the tide-waiter always go with the vessel outside the Heads? Yes. He leaves when the pilot leaves the vessel.
34. Is that a recent regulation? No. Officers have had to walk up from Watson's Bay.
35. Was there a tide-waiter placed on board the "Louisa" when she went out on the 2nd September? At the time she took those goods on board I think not. I did not know anything about the vessel at all.
36. *By Mr. Browne*: Is it not your duty to know something about her? No. It was only afterwards that I knew the goods were shipped. The vessel lay in Sydney Cove: she was purchased, almost immediately filled full of goods, and taken away. Of course it is impossible that any one officer could go among all the various craft bound to different ports in the Colonies and the Islands. It would take, I assure you, not two tide-surveyors, but four.
37. Were you aware the "Louisa" was about to clear out on the 2nd? No. I beg respectfully to state, that I knew no more of the vessel than I have stated.
38. On the 2nd of September were you aware the "Louisa" was taking on board dutiable goods? No, I was not. I had no notice from the office. They should have given us such notice.

Mr. J. De C.
Bremer.
25 Nov., 1858.

APPENDIX.

MEMO.

Having carefully read over the enclosed evidence, I see no alterations requisite, excepting only the question No. 24, viz. :—" Yes, sometimes it may be late in the evening, " but not actually on every one; but also, sometimes, between two or three o'clock in the " morning I have done it, but not lately." This is what I stated, or words to that effect.

As regards Nos. 9, 28, 30, which the tenor of my letter addressed to Captain Ward, 26th November, 1858, bears reference, I have not as yet the honor to receive any reply. I also beg respectfully to enclose a note from the Collector of Customs, as regards the mention of my name in his evidence.

J. DE COURCY BREMER.

Custom House, Sydney,
14 December, 1858.

To Captain Ward, R. E.,
&c., &c., &c.,
Colonial Secretary's Office.

Mr. J. De C.
Bremer.

Custom House,
13 December, 1858.

25 Nov., 1858.

My dear Sir,

I perceive by the abstract of my evidence before the Board of Inquiry on the 8th instant, published this morning in the *Herald* newspaper, I am made to say, "One person had reported Mr. Bremer for being drunk, &c." Now, I never said anything of the kind. As far as I recollect, I mentioned no name, (though I could give it), but I stated that a tide-waiter had been so reported, and that when I made inquiry about it the master of the vessel explained that he had been in a fit.

I am, my dear Sir,

Yours truly,

J. de Courcy Bremer, Esq.

J. GIBBES,

Mr. George O'Brien called in and examined:—

Mr. George
O'Brien.

25 Nov., 1858.

1. *By the Chairman*: You act as carter sometimes, do you not, in taking goods from bonded warehouses to ships? Yes, on many occasions.
2. When you are taking dutiable goods on board ships the export officers generally accompany you? They do generally; but if there are eight or ten dray-loads from one bond, he generally stops there till they are all delivered, and then goes with the last.
3. You were employed in taking goods on board the "Louisa"? Yes.
4. On the 2nd of September? I have no recollection of the day of the month. I know I carted some, and employed a great many drays to cart the rest.
5. What stores did you get the goods from? Some from Pollard's, I think, some from Walker's, some from Lamb's, some from Gilchrist's, and some from the Chilian Bond.
6. Did you get all these goods out in one day? Yes.
7. In what order did you get them out—which store did you go to first? I cannot say whether it was Gilchrist's or Walker's.
8. Can you recollect which you went to last? No, I could not. I was in a bustle all day. There was only one dray of mine; all the others were strange drays.
9. How many men were employed in the work? There were six drays at one place—I think at Lamb's; and I think three drays at Gilchrist's, two at Pollard's, and two employed in getting tobacco out of Walker's. I do not know what number were employed at the Chilian Store.
10. Were you employed at all these stores? No; I had a load out of each of these places. I had a load of tobacco out of Walker's, and I think I had two loads out of Lamb's, two out of Gilchrist's, and one out of Pollard's.
11. What did you do with all those loads? They were all delivered at the what-do-ye-call-it wharf, to go on board the "Louisa."
12. Where did you put them? Landed them on the jetty.
13. To whom did you hand them over? The captain or mate.
14. Was any Custom House officer there? I did not see any one. We put them on the jetty, and went back as fast as we could. We were only paid by the load.
15. Did Mr. Newton accompany you at any time? He did the first load.
16. From Walker's? I cannot say from what store. He came with the first load, and then came back and stopped there, and let the drays go on with the rest.
17. When you took away the tobacco from Walker's Bond was there an auction going on on the wharf? There might have been an auction of timber, but I did not see any bill.
18. Was there any objection about getting the tobacco out that day? Not that I know of. Mr. Newton went to Mr. Watts and got the tobacco.
19. What makes you sure you got the tobacco out that day? Because it was all done in one day, and there was none the next day.
20. Are you sure you took any tobacco from Walker's Wharf that day? I took eight half-tierces. I took one load myself, and had another dray along with me. Mr. Newton came with those two loads himself.
21. When did you finish your work that day? About four o'clock. The bond was closed at four.
22. What bond? All the bonds in Sydney close at four.
23. Which bond were you at last? I do not know; I kept no day nor date, as I told Mr. Campbell before.
24. Did you not tell Mr. Campbell you were three days carting goods to the "Louisa"? Yes; we were carting goods down two days previous, but only a few loads.
25. Where did you get them from? Some stores from the Chilian Bond.
26. Did you take any back to the Chilian Bond? We took down two loads previous to this to the vessel, and whether the parties were drunk, or whatever the cause, Mr. Newton would not deliver them, but brought them back to the Chilian Bond again.
27. Did you transfer any goods from Lamb's Bond to the Chilian Bond that day? Yes. I recollect now there was a removal to the Chilian Bond that day. A heavy day's work was done.
28. *By Mr. Browne*: Did you do that? No, I did not take that myself.
29. Where the wharf begins and where the vessel lies is some hundred yards, is it not? Yes. We just threw them on the end of the jetty. She was lying at the other end of the jetty.
30. Whether they went on board the ship or not you do not know? No; I never looked after them; the officer has to do that.
31. Did you cart some of these goods before and some after dinner? I think we did. It was all done in two turns. There were eight drays.

32. Did you go after dinner for some of the rest? I might have gone for some of the rest, but I did not. I think it must have been either before or after dinner, for they generally stop from one to two o'clock; but I believe they might keep open between one and two.
33. *By the Chairman:* Do you not remember telling Mr. Campbell you took the eight half-tierces the day after the busy day? No; I told Mr. Campbell I delivered nothing for the "Louisa" the day after the bustling day.
34. Did you cart any tobacco after that day? Not a bit, to my knowledge. I have carted a box or half-tierce of tobacco from some bond, but not for the Stewarts.
35. *By Mr. M'Levie:* I thought you were very correct in all your dealings, Mr. O'Brien, and kept a memorandum of all the work you did? No.
36. Did you never do so? Yes; I have a book I kept.
37. Have you your book with you? Yes. I do not think you will be able to make it out. (*The witness handed the book to Mr. M'Levie.*)
38. I see here is an entry of the 27th October—where is the page before this? I lighted my pipe with that. I do not keep these things after I am paid.
39. Have you not more than one dray? Yes, I have two—one is a spring van.
40. Who drives the other? A man named Jack Sheppard, a namesake of the celebrated man.
41. Where was Jack Sheppard? He was out with a load of furniture to Waverley that day.
42. How many loads did you say you took down to the Grafton Wharf with one dray that day? Six or seven I suppose, or eight; it might be more.
43. With your own dray? With my own dray.
44. You do not recollect what stores you took them from? I said before I took some from Lamb's, some from Walker's, some from Pollard's, and some from the Chilian Bond.
45. In fact you took some from each place? Yes. Mr. Stewart requested me to get drays to get the work done, and wherever I found an idle dray to put goods on it and pay them.
46. Do you not recollect any fellow-draymen you employed? No; I do not know a dozen draymen in Sydney. I know the drivers of them, but I never took their names.

Mr. George
O'Brien.
25 Nov., 1858.

WEDNESDAY, 1 DECEMBER, 1858.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

J. M'LERIE, Esq.,

| H. H. BROWNE, Esq.

Mr. William Almond, again called in, stated:—

About the 17th or 18th November I was passing Messrs. A. and E. A. Levy's stores, when Mr. Levy said to me, "How is it, Mr. Almond, that my Geneva bonded in your stores runs so large in quantity, and so high in proof?" I said, "I am not aware your cases are larger than others; you are at liberty to see Mr. Campbell's certificates." He said, "Parties refuse my certificates; they say the cases are so much larger than they can buy elsewhere; they tell me that if I bond my spirits at other bonds I can get them of whatever quality and strength I like." I replied, "If such is the case, rather than lend myself to such a course I would lose the best customer we had." He said, "I have no intention of leaving you, but I thought it best to make this known." A considerable quantity of gin is now in Campbell's Stores, of which the lowest measurement may be stated as $3\frac{3}{4}$ gallons, and the highest $3\frac{1}{2}$ gallons. There may be gin in the Colony measuring $3\frac{1}{2}$, but we never received any under $3\frac{1}{2}$, except one batch of three hundred cases, at $3\frac{1}{2}$. The Campbell's Wharf Bonded Stores are the most extensive in point of business in the Colony. It has been told me by two or three parties who have regularly bonded with us that they have written home on several occasions to ask that their cases might be sent out not to exceed $3\frac{3}{4}$, but that they have not gained their object, as the lowest they have received has been $3\frac{1}{2}$.

Mr. W.
Almond.
1 Dec., 1858.

1. *By the Chairman:* Then the inference the Board must draw is, as I understand you, that cases of gin come out containing $3\frac{3}{4}$ gallons, and are passed through the Customs as containing only $3\frac{1}{2}$? I could not say that, because that would be bringing a direct charge of fraud, and I should not like to do that. I can say that we never received them of the latter quantity; they never came under our notice.
2. With respect to the spirits taken into your bond, have you ever observed any discrepancy between the gauge on entering and on leaving your bond? I could mention several instances: On Thursday last we had a dipping order sent down for five and a half casks of brandy; that brandy had been in the store I think eighteen months, and the casks contained a gallon more than when they came in. There was another case of some rum re dipped for Messrs. Macintosh and Hurst a fortnight ago; it had been there about twelve months, and one cask contained four gallons more than when it came in.
3. What was the size of the cask? About sixty gallons; it was rather a large size.
4. Were not all the casks over the amount? I think that was the largest.
5. Are these discrepancies of frequent occurrence? Very frequent indeed now. It is a very usual thing indeed, when we have a re-gauge, for the lockers to clap on a gallon on a cask, either in gauge or quality.
6. To what do you attribute these discrepancies? To the gauger, no doubt.
7. To the inaccurate gauging of the landing-waiter, in the first instance? Yes; there can be but one cause.
8. Is there any special landing-waiter employed in this duty, or are they all engaged in their turn? They are removed every three months. It is always possible to tell who gauged these

Mr. W.
Almond.
1 Dec., 1858.

these casks by referring to the Custom House book; every shipment is signed at the bottom by the landing-waiter.

9. Are these re-gauges ever pointed out to the Collector? I cannot say that.
10. When the locker becomes aware of them does he point them out? It is the locker who detects the discrepancy, and the re-gauge order is carried to the Custom House, and given to the warehouse-keeper, Mr. Nash.
11. He ought, then, to be aware of it? It is not possible for him to avoid it.
12. Do you know whether these discrepancies have ever been brought to the notice of the Collector by the warehouse-keeper? I cannot say; it is not possible for me to know. It has been mentioned to Mr. Still very frequently.
13. *By Mr. Browne*: When goods are sent out for exportation do you have them always re-dipped before they go out? Yes, always.
14. Would it not be highly irregular to have goods shipped without their being previously dipped? No doubt; it is a law of the Customs that they shall be dipped before they go out.
15. *By the Chairman*: Did you ever find a re-gauge come exactly the same as the original gauge? Very frequently. In three months we are supposed to lose a gallon from a cask by evaporation, but our stores are very damp, and it is very common for us to have goods two years in bond without losing a gallon.
16. *By Mr. Browne*: What class of men are employed as landing-waiters? I should not like to be personal; there is a great difference in them.
17. Are they men who understand the business of gauging? Some of them.
18. Some do not? I believe not.
19. Are they sober men? There are very great exceptions; that is one great fault, and I believe the foundation of the other.
20. They are men of intemperate habits? There is great temptation to that.
21. Are the tide-waiters who have charge of the vessels respectable, steady men generally? There are a great number of them very inefficient.
22. Do you know whether they are in the habit of remaining on board ship at night, or whether they leave? That I cannot say.
23. Do you think they are, as a class of men, likely to assist in protecting the revenue? I have no proof that they do otherwise—that they would endeavour to rob the Government.
24. Do you think, from their manner and conduct, that, as a class, they are likely to protect the revenue? I have no right to say otherwise.
25. Do you ever see the tide-surveyors round at your wharf—Mr. Bremer or Mr. Collier? Yes, they are very frequently round, almost every day.
26. Are these gentlemen both sober men? I never saw Mr. Collier the worse for liquor in my life. I have known him now a long time.
27. What have you to say of Mr. Bremer? I never saw him what I should call very—it is rather a delicate sort of thing.
28. *By the Chairman*: Have you seen him the worse for liquor? I have seen him what they call fresh—I have never seen him so that he could not fulfil his duty.
29. *By Mr. Browne*: Have you seen him tipsy? I would not say that.
30. *By the Chairman*: Do you think the re-gauge of thirty-one hogsheads and twelve quarter-casks of brandy would turn out the same as the original gauge? I should think it an impossibility. It would of course depend upon the time they had been in bond; but even supposing they had been in only a week, I should say it was an impossibility.
31. This brandy, according to the statement on the warrant, had been in from the 11th April to the 2nd September, and the quantity when it came out is stated to be 2,068 gallons, precisely the same as when it went in? It is an impossibility—the thing is ridiculous.
32. *By Mr. Browne*: On the very face of it it shews it is a fraud? Yes.
33. *By the Chairman*: I see from another warrant that five hogsheads of rum, containing 276 gallons, went into a bonded store on the 19th March, and that on the 28th August they came out containing precisely the same quantity—is that possible? It is quite impossible.
34. That last re-gauge, from the statement on the back of the certificate, purports to have been made by Mr. Brown? I do not believe the statement. The thing is an impossibility.
35. Then, twenty-eight hogsheads of rum went in on the 23rd June, and came out in September, in both instance the casks containing 1,576 gallons—is that equally impossible? Yes; it is ridiculous.
36. *By Mr. Browne*: It bears fraud on the face of it? Yes; they might have made an allowance of half-a-dozen gallons, or something of that kind.
37. *By the Chairman*: Do you ever think it a necessary precaution for yourself to have spirits re-gauged before you, previously to taking them into your store? We have never done it.
38. You always require them to be re-gauged before they go out? Not always.
39. When spirits are transferred from one store to another, do you take them in without re-gauging? We never take them in without, for our own satisfaction. As an instance, I may mention that the Union Bank some time ago held a very large quantity of certificates from Mr. Henry Fisher; they were to be transferred to our store, and I refused to take them in unless they were re-gauged; because, if they had afterwards been found to be deficient, it might have been said that they were correct when they were delivered to us from the Exchange Bond. We charged sixpence a cask for the re-gauge.
40. Do you remember whether there was any great discrepancy? I cannot recollect.
41. Is it the locker or yourself who requires the re-gauge? It is immaterial to the locker; it is for our own protection, that the parties may not make a claim upon us.
42. It is not required by the Customs regulations? No.
43. When these transfers are made does an export officer generally accompany the cart? Yes.

44. Have you noticed that he does generally accompany the cart? I have never noticed anything to the contrary; he is supposed not to allow the goods to go out of his sight.
45. *By Mr. Browne:* When you remove goods from one store to another is there any fee or charge to be paid to the Government? The officer has 10s. 6d. a day.
46. The officer who accompanies the dray? Yes.
47. To whom do you pay that? To the officer himself.
48. Who appoints the men to perform that duty? I can hardly say who appoints the men. The Custom House Agent makes the application for the removal of the goods, and I rather think he applies to Mr. Garling for the officer.
49. In all cases of removal of goods the proprietor of the goods pays the officer who accompanies the cart? Yes.
50. Do you know whether these officers who are paid for the removal of goods are in the receipt of regular pay from the Customs, or whether they are dependent upon this occasional employment? I think there are three regular export officers, and when these are employed they are not paid by the proprietor of the goods; but, if these are all engaged a chance man is put on, and he is paid as I have stated.
51. *By the Chairman:* I see here a certificate signed by Mr. Hunt, the Custom House locker, from which it appears that 137 gallons of whisky went in to Mr. Pollard's store on the 22nd June, and left on the 2nd September; the whisky was in quarter-casks, and is stated to have been re-gauged by Mr. Hunt? Mr. Hunt has always borne a very good name; but I cannot believe it is possible. There might have been eight, nine, or ten of them the same, but for the whole of them to have been so seems impossible. That might have been an extraordinary case.
52. Then we come to another, signed by Mr. Dickinson, acting locker: 28 hogsheads of rum were stored at Gilchrist's on the 23rd June, and taken out on the 2nd September; they went in 1,576 gallons and came out 1,576 gallons—does that look at all like a re-gauge? If that is the fact it is an advantage to persons to bond at any other stores rather than at ours. It is very extraordinary such a thing never came under my notice. I doubt very much if some of our acting lockers are able to re-gauge a cask.
53. You think they do not know how to gauge? I think so from what I have heard of them. We have been fortunate enough to have had very good lockers with us.
54. *By Mr. Browne:* Do you think it would at all add to the respectability of the officers, and to the protection of the revenue, if all Custom House officers, of whatever grade, were obliged to use a distinguishing uniform? No; I cannot say I do. I think there has been a great oversight on the part of the Government as regards the export officers. I look upon theirs as the most responsible situation in the Custom House, and the office should be filled by honorable men, who should be well paid, and be under a bond. A locker, who has not one-twentieth part of the opportunity of doing wrong that the export officers has, gives a bond, but the export officer, who, as he goes through Sydney streets with goods can do what he likes, has not one shilling's responsibility.
55. Are not men of a very common class appointed? Yes; and you ought to have the very best men for export officers.
56. *By the Chairman:* Is it the duty of the landing-surveyor to check the landing-waiters in their gauges? Yes; I imagine the landing-waiters to be under the superintendence of the landing-surveyor.
57. Have you seen the landing-surveyor generally check the landing-waiter? Yes.
58. Have you had much opportunity of seeing him at work? The only times I can see him are when he comes down to the wharf.
59. And you have seen him check the landing-waiter? Yes.
60. *By Mr. Browne:* Where do the landing-waiters keep their hydrometers and other instruments? In their boxes.
61. Is any attempt made to test them periodically by any standard hydrometer? That is part of Mr. Garling's duty. Mr. Still has the superintendence of the lockers, and he tests their instruments every now and then.
62. You do not know whether Mr. Garling tests the landing-waiters' instruments? I have seen him do it; if the instruments of the landing-waiters and of the lockers do not agree it is apt to cause very great confusion.
63. May not an error occur in consequence of a twist in the callipers of a gauging rod? Yes.
64. And these rods require testing from time to time? Yes. They being under the landing-waiter's charge he is supposed to keep them in proper order.
65. Do you know whether they carry their own hydrometers and gauging instruments? They each have their own, and carry them from one wharf to another. There is one great evil which I think ought to be remedied—I refer to the landing-waiters having to leave the wharf. If a ship discharges at our wharf it is not of much consequence, but if it is at Gilchrist's, or some others, the landing-waiter has to leave the wharf in order to examine spirits or tobacco.
66. Could not that be done by the proper locker if the landing-waiter were taken away? Yes; but it is not the duty of the locker.
67. Sometimes your wharf is left for a day together without a landing-waiter at all? Not only our wharf, but others.
68. Do you think it is a convenience to have bonded stores scattered about the centre of the town? I think it is a very bad thing.
69. Should not bonded stores be in the vicinity of sufferance wharfs, so that they might be handy for the reception of goods from ships? Bonded stores should be waterside premises.
70. Do you know how many bonded stores there are in Sydney? I think there are twenty-five.
71. The majority of these are in the town, are they not? The majority.

Mr. W.
Almond.
1 Dec., 1858.

Mr. W.
Almond.

1 Dec., 1858.

72. *By Mr. M^r Lerie*: How are packages of dutiable goods bonded—how are they marked? They run alphabetically.
73. How is it done? The Customs give us the mark for each shipment.
74. Are you confined to any color in marking the casks? No; we are compelled to use paint according to the color of the head of the cask; if it is a white head we use black paint, if black, white.
75. These marks could easily be removed without disfiguring the cask? It would be very difficult.
76. Do you know anything of the Customs Department in London? No.
77. You are a practical cooper I believe? Yes.
78. Do you not think if the Customs mark were put on by a branding iron that would be a better arrangement? That would not answer, because we could not see the marks, and it is necessary that in our stores everything should be marked very distinctly.
79. Is it not the practice in the Port of London to mark the casks with a scribe? Yes; but the vaults in the docks in London are very different places from our bonded stores here; besides, the brandy casks heads are almost covered with scribe marks.
80. Would it not be possible to make some mark of a more indelible kind than that of paint? I do not know any other plan that could be adopted, unless a branding iron were used, in the same way as it is used for stamping a number on a brandy cask; but that would be very indistinct, and would give immense labor and trouble; besides, the mark might be obliterated by painting over after the cask was taken out and duty paid.
81. Would it not be as easily done before duty was paid as after—would it not be an easy thing to commit a fraud upon the revenue by painting them over when the goods were *in transitu*? Yes, decidedly.
82. Would it be as easy to do this if the cask were branded as it is now? No, because if an attempt were made to remove the brand, a large depression would be left upon the head of the cask. There is one thing I should like to see remedied in the Customs: I refer to the landing of goods. I think the power should be in the hands of the landing-waiter to prevent too many goods being landed in one day. The Collector says he has not the power to stop it. I will give an instance: yesterday was a half holiday; the "Esperanza" was lying at Russell's Wharf, near the Steam Company's Wharf, with 104 quarter-casks for us, and the captain would insist upon landing them all, which put us to an expense of 25s., and kept the locker all the day, as the store was open. I may have 500 cases of gin upon the quay, and two other shippers may have two or three hundred each, and all the parties may demand the privilege of landing the goods on the same day.
83. At what rate do you pay the locker when he is kept over-time? Two shillings an hour.
84. Is that one shilling for every hundred pounds of salary? They have not all the same salaries, but they are paid the same.
85. As the locker had to stay yesterday, it being a half holiday, what had you to pay him? I should refuse to pay him, as it was not our fault that he was kept, but the fault of the Government in allowing the goods to be landed.
86. Is this an extra fee under a Custom House order or notice? I think it is a perquisite allowed by the Government to the landing-waiter.

Mr. William Cathcart Still was again called in, and addressed by the Chairman, as follows:—

Mr. W. C. Still. The Board have reason to believe that cases of gin are sent to this Colony and are sold on the understanding that they contain less than they actually do, whereby the revenue is defrauded. For instance, cases are said to contain $3\frac{1}{2}$ gallons, when they measure nearly four gallons and are sold as four gallons, so that the duty upon a half a gallon is lost to the Colony. The Board wish you look through the different warehouses, and to prepare a statement shewing the average quantity contained in those cases stated to be $3\frac{1}{2}$ gallons.

FRIDAY 3 DECEMBER, 1858.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, Esq., | J. M. M^r LERIE, Esq.

Mr. Loftus Dickinson called in and examined:—

Mr. Loftus
Dickinson.

8 Dec., 1858.

1. *By the Chairman*: You have acted, I believe, as Customs locker? Yes.
2. Did you not act as locker on the 2nd September, and deliver 28 hogsheads of rum to be shipped on board the "Louisa"? Yes.
3. Is that your signature on the back of that? (*Handing a warrant to the witness.*) Correct.
4. Did you re-gauge those spirits when they were issued? No.
5. Why did you not? Mr. Newton told me there was no occasion to do so, as they were going to the Islands, and I having been there only three days thought it was not necessary to do so, as he was superior to me in years in that department.
6. How long were you acting locker at this particular bond? I was there about eight or nine days, but this was just as I took charge. Mr. ——— was there, and Mr. Still or Mr. Nash told me to take the keys and go to Gilchrist's Bond. I think it was a few days after that Mr. Newton came and gave me that warrant which I acted upon. He said there was no necessity to re-gauge it.

7. You were not aware of the regulation of the Customs, that after spirits had been in bond one month they should be re-gauged before issued for exportation? No, I was not aware of it.
8. At what time did you issue these 28 hogsheads of rum? It was between nine and twelve. Mr. Newton has entered his name in the Customs book as having shipped them by twelve, consequently, as I went to the bond at nine, it must have been between nine and twelve.
9. Are you certain, from your own knowledge, that you did issue them between nine and twelve? I will swear it.
10. You do not depend upon what Mr. Newton has written in the book? No. I think they went away by three dray loads at a time.

Mr. Loftus
Dickinson.
3 Dec., 1858.

Mr. Gualter Soares called in and examined:—

1. *By the Chairman*: What is your situation in the Customs? I am a locker.
2. It appears from some papers that have been sent to us that on the 6th of November you, at a very late hour in the night, took part in removing Mr. Stewart's goods from his house for the purpose of taking charge of them yourself? That is not quite the fact.
3. Did you not assist? In the first place, if you will allow me to enter into particulars, about fifteen months ago Mr. James Stewart, who had been living previously with his mother at Balmain, took a house at Pymont; his mother assisted to furnish his house; and I saw the goods across in boats.* I believe I was one of the last who saw Mr. Stewart in Sydney; it was on a Saturday morning.
4. On the 6th November? About that date, as nearly as I can recollect. He was to have been with me at twelve o'clock, but he did not come. I waited till half-past one, although on Saturdays we are allowed to leave at a quarter to one. I then went to Mr. William Stewart's store, where I saw a gentleman who said they were expecting him there, and he thought he was behaving very strangely. I waited there some time, and then went over to Balmain, where I reside. From Balmain I went over to Pymont, where I heard his mother was, and found her at his house. I asked her if she had seen her son James. She said she had seen him in the morning, when he seemed to be in a great hurry, and said he was going away. When she asked him what were his intentions, he said he had to act, and not to talk; he said he wished to return her the furniture he had had from her fifteen months before, and that any little addition he had made she was welcome to also. My mother-in-law, Mrs. Stewart, asked me if I would assist some of these things over. It was a late hour in the evening when I got them across, and for that reason I had difficulty in getting a dray, and, as my house was nearer to the place where the furniture had been left than Mrs. Stewart's, I had them taken to my own house.
5. At what hour were you doing this? I commenced at four o'clock, but I did not remove all the furniture; a good part was removed subsequently, without my supervision, for auction, some two or three days afterwards.
6. Were you not employed at eleven o'clock at night in helping to remove Mr. Stewart's furniture? Decidedly I was, but it was not Mr. James Stewart's.
7. Till what hour were you employed in removing the furniture? I dare say before I got home it might have been eleven.
8. You assisted generally to remove the whole of the furniture? No; I did assist to remove part, but the rest, I am informed, was afterwards sent to be sold by auction. It was wholly given to Mrs. Stewart before I put a hand upon it.
9. Given that day? Yes; but even so, the articles given were very small; the whole of them, or nearly so, belonged to Mrs. Stewart.
10. How do you know that? Because I was the party who forwarded them to Pymont about fifteen months ago. I lived close to Mrs. Stewart at Balmain.
11. Did you not know that Mr. Stewart was under suspicion of having been connected with a fraud upon the Customs? No, not Mr. James; I heard it reported of Mr. William Stewart. I may state that I am a connection of theirs, and that we were on terms of the greatest intimacy, but I never suspected anything wrong in their business transactions, neither did they ever make me acquainted with the nature of them; as a relation they might naturally look upon me as one of the first to be questioned on the subject, and as an officer of the Customs, my knowledge of anything illegal in their affairs could be of little service to either of us.
12. Had you not heard suspicions expressed that Mr. James Stewart was also connected with the Customs fraud? I had not.
13. Although it was the 6th November? I believe it was.
14. And at least a week after this Board had commenced sitting? I do not know when the Board commenced sitting; I was not aware that a Board was sitting until some time after.
15. Did you not notice in the paper that a Board was sitting to inquire into the subject of the Customs' frauds, in which Mr. Stewart was implicated? No. The first intimation I had was when the reward was offered in the paper, and if I am correct that was on the Monday or Tuesday after I last saw my brother-in-law. That I had heard of suspicions I do not deny, but that the Board was sitting I was not aware.
16. You took part of the furniture? Yes, temporarily, because my own house was more convenient, on account of the lateness of the hour, the carter refusing to take them further.
17. Did you not think you were compromising your position as an officer of Customs in assisting Mr. Stewart? No. I was assisting my mother-in-law—the furniture belonged to her.
18. The furniture did not all belong to her until that day? Some small part of it, but by far the greater part was hers.

Mr. G. Soares.
3 Dec., 1858.

19.

* One of the boats belonged to a man of the name of Maurice Bullivant—the other is, I believe, since dead; but I have forgotten his name.

- Mr. G. Soares. 19. Some was given to her that day? Yes; but I am not aware I removed any of that.
20. He was to have met you, and you missed him? Yes
- 3 Dec., 1858. 21. And you had heard it remarked that it was rather curious he was absent? Yes
22. And all this excited no suspicion in your mind as to Mr. Stewart's behaviour? None whatever; at this very moment I am not aware of anything at all with respect to Mr. James Stewart.
23. *By Mr. M'Levie*: Did any person speak to you about the furniture on the night you were removing it? Yes; a person of the name of Dixon, a stationer.
24. A stationer? I mean to say a tobacconist. He asked me if the goods were mine. I said, "No—is it yours?" He said no. I replied, "If it is not do not interfere with me." He said Mr. Stewart owed him money—that he had robbed him.
25. Are you sure nothing passed between you and Mr. Dixon but that? No; to the best of my belief that was pretty nearly what passed. He asked if Mr. Stewart was in the house, and I said he was not.
26. Did Mr. Dixon make any remark about Mr. Stewart's absence? Mr. Dixon said he would find him if he was to be found in the Colony. I said I had no idea that he was out of the Colony. From his remarks, I believe he thought I was harbouring him in my house. I said I was not, and that I should be very glad to find him myself.
27. Do you remember that Mr. Dixon said, as Mr. Stewart owed him a large sum of money he thought the furniture belonged to him? No, he did not.
28. Did you not say, "That remains to be proved to whom the furniture belongs?" No; he did not make that remark; the expression he used was, that he did not care a curse about the furniture—he did not suppose it was worth much. He said Mr. Stewart had cheated him to a considerable amount; and I said if Mr. Stewart had done so he had proved himself to be very smart.
29. *By the Chairman*: Did Mr. Dixon give you the impression that he believed Mr. Stewart was absenting himself from the Colony, or hiding himself? I believed that he thought Mr. Stewart was trying to keep out of his way.
30. Not out of the way of the authorities? No.
31. *Mr. M'Levie*: If you thought the transactions were not of an extraordinary kind, what could have induced you to engage in the removal of these goods at so late an hour? You must be aware that as a Government officer I had not time to engage in such matters in the middle of the day. Saturday is the only day I have; and on this occasion by the time I reached Pymont, after going to Balmain, it was late.
32. You admit having had from one o'clock? I did not leave till half-past one; I then went to the store Mr. Stewart occupied, from there I went to Balmain, and thence to Pymont, and you must be aware that would take some little time.

Mr. William Cathcart Still again called in, made the following statement:—

Mr. W. C. Still. Circumstances having arisen to warrant the suspicion that a portion of the goods supposed to have been shipped in the "Louisa" had been forwarded to Parramatta, I proceeded to that town on Monday, the 29th November, and, accompanied by Chief Constable Drury, and, empowered by a "Writ of Assistance," examined the spirit stores on the premises of Mr. Williams: the spirit stores are three in number, and are separate portions of the premises. On proceeding through the second one, containing a mixture of goods, my attention was attracted to two blocks of Geneva. One of these blocks, the largest, had the *Key* brand; the other, consisting of seven cases, with an empty one lying near, bore the *same private marks and brands as those delivered to the "Louisa."* On a closer inspection I found that two of the full cases and the empty one had a Customs bond mark in chalk, G 548; the bond mark of the "Louisa's" Geneva was E 562. The bond mark not tallying with the private marks aroused my suspicions, and I considered it my duty to place these cases under seizure until I communicated with Sydney. I accordingly placed the seizure mark upon them, and placed them under the surveillance of the Chief Constable. Mr. Williams admitted, after I had made the seizure, that he had bought these goods, originally ten cases in all, from Mr. William Gibbes of Sydney, about the 20th September last, to assist him (Mr. Gibbes) in business; he stated that he also bought two hlds. of brandy at the same time, and that it was the only transaction he had with Mr. Gibbes. In the third store I examined a number of cask goods, consisting of wines and spirits, and I took notes of the different marks and Nos. on the packages. I then returned to Sydney. On examining the Customs books I found the marks on the packages in the third store to agree, but the *chalk bond mark* on the Genevas did not agree with the *private marks and brands*. Cases of Geneva are still in bond and bear an entirely different *private* mark and brand; the private marks and brands on the seized goods correspond with the "Louisa's" goods. I find that Mr. Stewart paid duty on 14th September on 15 cases of G 548, (a portion of a lot removed from Gilchrist's to his bond,) and the placing that bond mark on a different batch of spirits gave rise in my mind to a suspicion that all was not right. I therefore felt justified in returning to Parramatta to confirm the seizure, and I left the goods in charge of the Chief Constable at the Police Office, where they are now. To strengthen my suspicion that these are a portion of the "Louisa's" goods, I found on my second examination, when brought into the light, that one of the cases has actually a sufficiently legible bond mark scribed with some sharp instrument, *namely, E 562—the bond mark of the "Louisa's" goods.* I may mention that Mr. Williams offered no impediment to my examination of his premises, but, on the contrary, lent me his own cart to remove the cases to the Parramatta Police Office. I am of opinion, from Mr. Williams' manner throughout, that he purchased those goods from Mr. Gibbes believing them to have been properly cleared from the Customs.

Police Office, Parramatta,
2nd December, 1858.

Mr. W. C. Still
3 Dec., 1858.

Received into my charge from the Chief Inspector of Distilleries and Inspector of Warehouses the following cases of Geneva, seized by him as smuggled goods at Mr. Williams' Spirit Stores, on Monday, 29th November, 1858:—

Five full cases, and one ullage case of three bottles, marked L.Z., and branded J.D.K.Z. with anchor.

One full case, marked and branded as above, with a scribe mark E. 562 on same side.

One empty case, marked and branded same as first five cases particularised.

Three of the above cases have the following chalk mark—G. 548.

The fourth bottle of the ullage taken by the Inspector to Sydney to test the strength of the liquor.

GEORGE DRURY,
Chief Constable.

WEDNESDAY, 8 DECEMBER, 1858.

Present:—

CAPTAIN WARD, R. E., IN THE CHAIR.

H. H. BROWNE, Esq.,

J. M'ERIE, Esq.

Mr. William Augustus Hunt called in and examined:—

1. *By the Chairman:* You are the locker at Pollard's Bond? Yes
2. An issue of dutiable goods took place from that bond on the 2nd of September? Yes.
3. Do you remember what that issue was? Fifteen quarter-casks of whisky.
4. Did you re-gauge them? I did not.
5. Why not? These casks had not been very long in bond, and they were all full. The same morning I had received an order for some of the same lot, and on gauging them I found they were all full.
6. These fifteen quarter-casks had been in above a month, had they not? I cannot say.
7. If they had been in bond above a month would it have been your duty to re-gauge them? Yes.
8. Is it a standing order in the Customs that you are to re-gauge all goods issued from bond that have been in bond above a month? No.
9. Is there any order at all of that kind existing? There was an order issued some time ago, that if spirits were issued after they had been in bond three months they should be re-gauged.
10. If these spirits had been in bond above three months — ? I should have re-gauged them.
11. We have not the papers with us, because they have gone to the Attorney General with reference to the trial; but if we should find, when they come back to us, that these spirits had been bonded above three months, we are to understand that you ought to have re-gauged them, and if you did not you neglected your duty? Sometimes I have had casks in bond six months, and they have lost nothing. I did not, therefore, think it necessary to re-gauge them.
12. What are your instructions—is it left to your own discretion? There is no order at all; we can do it if we like.
13. You re-gauge whenever you like, or omit to do so when you like? Yes; but we generally do it lately.
14. What do you mean by lately? The last two or three months.
15. Under what circumstances? For export.
16. Quite independent of the time the goods have been in bond? Yes.
17. At what time were these goods applied for from Pollard's Bond? The officer came there after dinner, I think.
18. Who was the officer? Mr. Newton, I think.
19. Did you issue them to him? Yes.
20. Did you see him take them away? He took away both loads.
21. Followed both? Yes.
22. *By Mr. Browne:* Do you know at what time of the day—after dinner? I should say about three o'clock, because we had to break them out; we had to break out a good many casks before we came to that particular lot.
23. Did Mr. Newton come to you with the order some time before you could deliver them? Yes; he came there at two o'clock, when we broke them out and delivered them about three.
24. Did he tell you not to mind gauging them, or anything of that sort? No.
25. Nothing of that kind? No. Some of these casks had been in the Chilian Bond, and I have received an order from Mr. Still to re-gauge every thing that goes out of that bond, and they have not lost more than half a gallon even now.
26. *By the Chairman:* Are you aware whether Mr. Newton, the export officer, was ever dismissed from the Customs? No, he was not, that I know of; he has been suspended.
27. Do you remember what he was suspended for? He made some report against some of the lockers about samples.
28. How long ago? I do not exactly know.
29. Six months ago? About that time.
30. Was the report inquired into? I do not know.
31. You do not remember what the report was? He accused some of the lockers of delivering some samples without an order from him.

Mr. W. A.
Hunt.

3 Dec., 1858.

- Mr. W. A. 32. *By Mr. Browne:* Have you ever held any other appointment in the Customs except
 Hunt. that of locker? Tide-waiter.
33. Have you ever been an export officer? No; only an extra tide-waiter.
- 8 Dec., 1888. 34. Did you do any export duty when you were an extra tide-waiter? I think I attended
 once to the export of goods during the whole time.
35. How did you learn your duty as a locker? After I was taken off the ship I was
 instructed by one of the landing-waiters in gauging; that was the only instruction I had.
36. Was that the sum total of your instruction as a locker? That was all.
37. Were there no rules given you for your guidance? No.
38. *By the Chairman:* Were you examined in book-keeping? No.
39. Did you get any instruction how to keep the locker's book? No.
40. Has Mr. Garling, in the capacity of surveyor of warehouses, ever visited your bond?
 Before Mr. Still was appointed he did occasionally.
41. Did he examine your books? No.
42. Did he ever record his visit in the book? No.
43. Did he ever initial the book at all? No.
44. He made no record of the time at which he visited you? No.
45. How long have you been a locker? About five years.
46. How many times during that period has Mr. Garling visited your bond? Sometimes
 three times a week; sometimes every day in the week.
47. *By Mr. Browne:* Are any dutiable goods gauged or weighed at the bond? Very
 often.
48. What goods are? Tobacco is generally weighed at the store, and gin is always weighed
 at the store—case spirits.
49. Who does that? It is under the locker's supervision, and he has to give the account to
 the landing-waiter when it is finished.
50. The landing-waiter is not obliged to be present when it is being done? He has been
 sometimes present.
51. Not always? It is not necessary.
52. When these goods are received from the ship, how are they received into bond before
 they are gauged or weighed—is there any shipping note? Certainly; we receive cart-notes.
53. Anything from the landing-waiter? From the landing-waiter we receive a cart-note;
 that is only lately.
54. How long ago was that practice commenced? Within the last seven months.
55. Before that nothing was received? No.
56. Who introduced that form? Mr. Still, I think.
57. When goods are received at the store, are they immediately weighed, and an account
 taken, or are they allowed to remain some time till a convenient opportunity occurs for doing
 it? The landing-waiter can insist upon its being done at once.
58. How do you send the report to the landing-waiter? He either calls for it or I send
 a slip of paper by one of the working men in the store.
59. With that, he enters it in what is called his red book? Yes; and then I have to sign
 for so many packages received into bond.
60. With reference to cases of gin, are they all marked? They ought all to be marked.
61. Does not the practice exist of marking the stacks, just the front of the stacks, without
 marking each individual case? That is a very common practice.
62. Is that a proper practice—when the front row is taken away, is the back row marked
 the same? Perhaps they are marked as they are delivered.
63. As they go out, instead of as they come in? Yes.
64. Is that a frequent case? Yes; because at the time the men stow them they do not
 know the bond mark.
65. The bond mark in Mr. Nash's book? Yes.
66. That comes afterwards? Yes, and if they do not know the bond mark they cannot mark
 the cases.
67. There are some goods in the bond you now have charge of that are not marked at all?
 No, there are none in the bond I now have charge of.
68. Does such a thing exist in any of the bonds? Yes.
69. That they are not marked at all? Yes.
70. If these cases got out into consumption without being marked with the bond mark there
 would be no check on them? We would have to send to Mr. Nash for the right bond mark.
71. You do not understand me. If these cases, by any fraud on the part of the persons
 connected with the bond, got into consumption, there would be no check to trace them as
 having been goods that had not paid duty? But the lockers would have no right to let
 persons into the bonds.
72. When you examine a batch of gin how do you examine it—suppose, for instance, that I
 have put five hundred cases of gin into the bonded store of which you are in charge, without
 their having been gauged or marked, will you describe what course you adopt before the
 certificates are issued to me for these cases? Before the cases leave the wharf the landing-
 waiter takes a bottle out, sees what it holds, and returns it again; then I see how many
 bottles are in each case, and nail the case up again, and send in a return of how many bottles
 there are in a case.
73. Then you do not measure the liquor at all? No.
74. Does the landing-waiter send up a memorandum to you that he has measured one bottle?
 No; sometimes he comes up himself and measures a bottle, if he has not done it on the wharf.
75. One bottle? Or perhaps half-a-dozen.
76. Then, when you send down the particulars to him as having received the cases, does he
 fill up the contents and strength? Yes.
77. If five hundred cases are placed in one bond, how many cases would be examined to
 ascertain.

- ascertain the quantity? We open one case and put the others through the scale, and if they weigh as much as the one that has been opened they are correct.
- 78. The measuring is dependent on one bottle out of fifteen? Or perhaps half the case.
- 79. Has Mr. Still lately examined any gin in your store? No.
- 80. What store are you at now? The Chilian.
- 81. Is that the only store you have charge of now? Yes.
- 82. Is that cleared out yet? There are about thirty packages in it altogether now.
- 83. *By the Chairman:* What sort of book does the locker keep—when the gin is sent up, and the landing-waiter comes to see how much gin there is, how do you enter that in the book? So many cases. I do not enter the contents; I am not answerable for the capacity or contents of the cases or casks.
- 84. *By Mr. Browne:* In marking cases, when they go out of bond, are they marked in paint or scraped with iron? With paint.
- 85. Then, if I understand you right, many would go out with the paint fresh? Yes.
- 86. So that any one outside could wipe off the marks? Yes.
- 87. Is that the case when they go out for export—do they go out in the same way? Yes; but when the paint is fresh put on they generally throw a little sand on it to dry it.
- 88. If gin was sent out for export would that course be adopted—they would be painted and then a little sand thrown over it before they went out? Yes.
- 89. *By the Chairman:* Are there two locks to each bond—the Government lock and the private lock? Yes.
- 90. Who supplies the Government lock? The Customs.
- 91. Is it bought by the Customs? Yes.
- 92. And selected by the Customs? Mr. Still, I believe, chooses the lock.
- 93. Has it ever been the habit of the warehouse-keeper to purchase the lock on account of the Customs and furnish the keys? Yes.
- 94. These locks are often supplied with duplicate keys, are they not? They are generally supplied with duplicate keys.
- 95. You are quite certain of that? I bought some locks for Mitchell's Bond, and I got two keys.
- 96. Are you certain the warehouse-keepers in some cases supplied the Government locks? I could not swear to it, but I believe it has been the case in the olden time.
- 97. What do you mean by the olden time? Two years ago.
- 98. *By Mr. Browne:* How long have you been at the Chilian Bond? About a month.
- 99. Do you consider that bond a secure and proper bond? Yes; I do not know any way you could get into it; it seems to be well protected.
- 100. Have not the goods that go into bond to go through a free store? Yes; they have to go down a trap.
- 101. Is that right? They have not to go far into the store; the trap is just by the door.
- 102. Suppose you were up above, could you tell whether the goods went into the store or went on to a dray? You could not see them go on to a dray.
- 103. Does it not offer facility for fraud? Yes, if they were so inclined.
- 104. *By the Chairman:* Do you ever consider it your duty to re-gauge spirits when they are sent up by the landing-waiter to bond? Yes.
- 105. Do you regularly re-gauge them? No, not regularly.
- 106. You do not consider yourself answerable for the spirits in the cask? It does not do to be always knocking about a cask—it spoils it.
- 107. You are not expected to re-gauge them? No. If we suspect any deficiency, or see any leakage, we re-gauge them for our own satisfaction.

Mr. W. A. Hunt.
 8 Dec., 1858.

Colonel J. G. N. Gibbes, Collector of Customs, called in and further examined:—

- 1. *By the Chairman:* We have gone through the evidence, and there are certain points which we think bear upon the way in which you have conducted the department, and which we think it right to examine you upon. For that object we have asked you to attend again, and we leave it to you to give your answers as you like. The first point the Board wish to examine you upon is with respect to the Treasury Regulations, which you said were withdrawn some time ago. At what period were these Treasury Regulations withdrawn? In 1853 or 1854.
- 2. Were they withdrawn by letter? Yes.
- 3. Have you the letter in your office? Yes, no doubt.
- 4. Perhaps you can produce it? It is not loose, it is bound up in a book.
- 5. Will you give us a copy, so that we may judge of the tenor of that letter in making our report? Yes.
- 6. Perhaps you can tell us its tenor? It was merely to the effect that the department being turned over to the Colony we should send back the books of instructions to the Board of Customs.
- 7. Did you understand from the recal that you were no longer to conform to the spirit of those instructions as regards your duty to the Colony? No, certainly not. I cannot form any opinion why they withdrew them; but although they were withdrawn we continued to carry on the business in the same form—perhaps they were as good as any that could be made.
- 8. You considered it your duty to carry out the practice directed in these instructions even after they were withdrawn? Oh! certainly. They were not withdrawn on account of the Board of Customs supposing them in any way defective.
- 9. Did you consider that the withdrawal meant that you should return every copy, and that you should not keep any for your guidance? Yes, every copy. Perhaps hardly any but myself had a second copy.

Colonel J. G. N. Gibbes.
 8 Dec., 1858.

- Colonel J. G. N. Gibbs.
8 Dec., 1858.
10. Are the instructions, a copy of which you sent to me, in compliance with my application, the same as those that were withdrawn? Yes. There are some trifling alterations in the renewed instructions, which I think I mentioned. The new instructions are, perhaps, ten or twelve years old.
11. In the main these instructions are still in force? Yes, they are so far in force that we act in accordance with them as far as we can.
12. There are many parts of these instructions that, although they were issued for officers in the Colony, any one may see are perfectly unsuitable, and cannot be performed by them; for instance, in Article 2 it is said, "You will also receive herewith copies of our instructions to the Comptroller at your port." Have you any copies of the instructions referred to here? I sent you some, I think.
13. None with reference to the Comptroller of the port? No. The orders are almost all obsolete; they are running back—I cannot tell you to what years. Although they say they sent them, they did not send them.
14. Then you have no further instructions to lay before us than those you have already sent? No; I should say not.
15. For instance, there are no instructions for the Comptroller of the port as to how he is to behave? I do not think I have any, but perhaps I might have an old copy. There has been no Comptroller here since Mr. Cooper went—about 1845, I think.
16. *By Mr. Browne*: What we want to understand is, whether these ordinances did provide a course of proceeding for entering, clearing, and so forth? No.
17. *By the Chairman*: Here is a book, entitled "The Laws of the Customs for the United Kingdom of Great Britain and Ireland, and the British Colonial Possessions abroad," marked with the Royal Arms, by Robert Ellis, Long Room, Custom House, London? I remember the name.
18. Here is a long article upon the final clearance of vessels, in which it says all vessels will be cleared in the following manner:—"First, that on the ship's content being delivered by the master of the vessel to the searcher appointed to clear vessels, the searcher do proceed in all respects according to the 73rd section of the 6th Geo. IV, c. 107, and file the cockets together, and attach with a seal a label to the file, and compare the particulars endorsed on the cocket with the marks, numbers, and packages in the content, and attest the correctness thereof by his signature on the label and on the content, as required by the said Act?" All that is English, and not Colonial.
19. Do you adopt the principle? Yes.
20. This is the clearance outward of the "Louisa" on the 2nd September, which was sent to us from New Caledonia for our inspection—has that practice been adopted with respect to that clearance? Yes; this is the content outward, and this is the certificate, and that is all that is necessary to go with a vessel from hence.
21. Where are the cockets or shipping bills? We have none. Our export entries are similar to the cockets, or shipping bills, in England, but we do not send them, whereas in England they do; that has never been the practice in the Colony at all.
22. *By Mr. Browne*: Is it not the practice with ships going to England? No. A London ship goes from here with a very small number of papers; she has a content outward, a similar certificate to this, a passenger list, and then a certificate of produce.
23. *By the Chairman*: This book speaks of the instructions as applicable to British and Colonial possessions abroad? So I see; but I have been in two British possessions, and they have never adopted the practice.
24. You never have adopted it either in the West Indies or here? No, I have not, nor, to the best of my belief, is it adopted anywhere in the Colonies.
25. *By Mr. Browne*: Would not the shipping bill be necessary in clearing? No: an export warrant is a shipping bill.
26. You would attach nothing to a London clearance? Nothing.
27. If I remember, when I commanded a ship there was a certificate, even if I had only wool and tallow on board? There was a certificate of produce—that is quite a different thing. Wool, tallow, and horns are entered in a long form, called a certificate of produce, that shews everything not liable for duty in England.
28. What would be the certificate of dutiable goods for a London ship? Just the same as this, nothing more. In fact I may say it is an unusual thing for a London ship to take dutiable goods from here except as stores.
29. Sometimes they take wines? Principally Colonial wines. I do not remember.
30. *By the Chairman*: Here is a copy of instructions issued by the Commissioners of Her Majesty's Customs to landing-waiters and searchers in the British possessions abroad, and it says with respect to the outward department, "You are carefully, and without delay, to examine all shipping bills delivered to you, taking care that the same, when regularly marked off and signed by you, be delivered to the landing-surveyor previously to the clearance of each vessel, in order that the same may be examined with the manifest and clearance of such vessel before the clearance is granted by the Collector and Comptroller?" That is just what I have stated already. These are the export warrants.
31. That shews the landing-waiter is bound carefully to examine them, and not to sign them merely as a matter of form, and to deliver them to the landing-surveyor? The landing-waiter never signs these documents at all here.
32. Did not Mr. Bramwell sign them in the case of the "Louisa"? Yes—oh! yes; but that you have already had explained—how and why he signed them.
33. *By Mr. Browne*: Is not that the identical regulation which Mr. Barnes thought proper to enforce? I apprehend it is; but upon my word I do not know.
34. *By the Chairman*: That regulation requires the landing-waiters carefully to examine all shippings bills and export warrants? Yes, it would appear so; but then the Government must give us landing-waiters to do it. I consider that it is very unfair the way such things are treated.

treated. I am not alluding to the Board of course. The Legislature will not pay for people, and yet they expect the work to be done as if our officers were as numerous in proportion to the extent of work as they are in England, where no expense is spared.

35. I understand from your evidence that your impression is that Mr. Barnes cancelled that Treasury order, and you considered the landing-waiters should sign as a matter of form? Yes, he did.

36. Then, in effect, Mr. Barnes' instruction was to cancel that Treasury order? Yes.

37. That is the tenor of your former evidence? Yes: he wished to have the order carried out as far as it could be.

38. When Mr. Barnes came to the Colony he found that the landing-waiters did not sign the shipping bills, or export warrants, and he gave an order that they should? Yes.

39. Was that order given with a view of carrying out the Treasury regulation, or not? That it is impossible for me to say. Mr. Barnes never explained himself upon any point. I called upon him to give written orders for any change, and he declined to do so, saying he had full power from the Board to carry out his instructions.

40. What view did you take of that order? I considered it an excessively absurd one, and told him so. It was pointed out to him that it was utterly impossible, with our strength, that the landing-waiters should see to the shipment of goods; he said, never mind, but let them sign it to make the document complete. Somebody has given evidence, I believe, that when Mr. Barnes was questioned upon the subject, about the landing-waiter not having seen it, he said he ought to have seen it. Now I venture to assert that it is not true, whoever said it, for Mr. Barnes was too old an officer; he had gone through all the different grades at home and abroad, and would know that with our landing-waiters, in point of numbers, it was impracticable. Therefore, I am certain that assertion is not correct.

41. If I understand you right, Mr. Barnes required the landing-waiter to sign that bill whether he saw the goods shipped or not? Yes, he did, expressly.

42. Did he give the order verbally? Yes.

43. Do you consider yourself justified in obeying a verbal order? I do not know. This man was sent out with full powers to inquire into the working of the department, and to make any change he considered necessary. I was bound to obey his orders, for I received a letter from the Board of Customs telling me that Mr. Barnes was to come here as a Surveyor-General, and that I was to attend to any orders he issued.

44. Did you ask him to give you an order in writing, and did he refuse? I did—Mr. Llewellyn remembers that.

45. Under those circumstances, did you not think it was necessary to get the sanction of the Treasury to have that order of Mr. Barnes carried out? I did not.

46. When it seems to be opposed to the order of the Treasury? I did not. The thing generally worked well enough, and I did not think it necessary to look into little minute points.

47. You did not report that order for the information of the Board of Customs? No. I suppose he reported it himself.

48. At what date did Mr. Barnes come here? I think either at the end of 1844 or the beginning of 1846.

49. And ever since that time this order of his has been carried out? Yes.

50. Mr. Fancourt has stated to us that he brought under your notice, on the 8th October, the fact that the "Louisa" had cleared out on the 7th without a rummage certificate—what steps did you take upon this irregularity being reported? I could not answer, for I do not remember his having done so; if he said he did, I dare say he did, but I considered there was nothing to rummage—the vessel was in ballast.

51. The evidence that we have taken, not only of Customs officers but of those connected with the Customs, generally goes to shew that a rummage certificate was indispensable? I do not think it was; but if it was, Mr. Collier, the officer for the week, should have procured it.

52. You do not remember the circumstance of Mr. Fancourt reporting it to you? No.

53. Therefore, you do not remember what action you took upon it? No.

54. You have in your evidence justified Mr. Manton in acting for Mr. Maddocks, in taking bonds on the morning of the 2nd September, and also for taking the clearing declaration in the evening—do you not think Mr. Manton, after having done those two acts as deputy for two other officers, should have reported his doing so to those officers? I should think he ought. I presume that after having taken the bonds in the morning he would acquaint Mr. Maddocks. It is the practice, that if one clerk is absent his duty is not to stand still, but another clerk is to do it; and, although the Board lay much stress upon these bonds, and much surprise is expressed that a junior clerk should take a bond, I ask, what is taking a bond? "Signed, sealed, and delivered, before me, John Gibbes or John Styles." There is no more difficulty or more responsibility whether a bond is taken by a junior clerk or by myself.

55. We do not think there is more responsibility in witnessing a bond, but there is great responsibility in seeing that the parties signing that bond are solvent parties? We never do call upon them to justify, and if we did Mr. Manton could as easily call upon them to justify as I could; he could say, I do not know you, and I cannot pass this bond without you shew you are competent to pay the penalty of it. But business could never go on here, in an extensive place like this, if we called upon all sureties to shew their banker's books.

56. Then of what use are these bonds at all? They are of use, because if the parties cannot pay in pocket they must in person.

57. Suppose they are men of straw, and decamp directly afterwards? I have never known such a case. Generally speaking, one of the parties is a person we can place reliance upon, and the other is not. It is the fashion among merchants here to get one of their clerks to sign.

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N. Gibbes.

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Colonel J. G. N. Gibbes. 58. *By Mr. Browne:* Is it not the fact that both parties who signed the bonds in the case of the "Louisa" are absent from the Colony? Yes, so I understand; they are not forthcoming.

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59. In this case the bonds must be about £9,000? They must, of course.

60. But the bonds are a nullity because the men are not within the jurisdiction of the Court, and perhaps are not in funds to pay if a judgment were obtained against them? I will admit it is a very peculiar case, and perhaps Mr. Manton ought to have been more careful than he was; but no one had any conception of what was going to be done.

61. *By the Chairman:* You consider it is not necessary to take any precaution with respect to the solvency of the parties who sign bonds? I do not say it is not, but it never has been done.

62. You have never considered it necessary to make regulations on that head? No.

63. You said just now that Mr. Manton should have reported his having acted as deputy for Mr. Maddocks in taking the bonds in the morning, and in taking the declaration in the evening? No; I do not consider he had any body to report to for taking the declaration in the evening; nor do I know that there was any necessity for it unless there were suspicious circumstances.

64. How can the responsibility of any one officer be maintained, for instance, Mr. Maddocks' responsibility for taking bonds, if you justify Mr. Manton in taking them without reporting it? I think he should have reported it to Mr. Maddocks when he came.

65. He took the declaration for Mr. Maddocks after hours, and he did not report it to him? I do not think it was necessary to report that to Mr. Maddocks. That should have been reported, if at all, to me. I will take the opportunity of stating, with regard to question 125 of my former evidence, that I wished it to be understood that the clearing clerk had a general authority from me to clear vessels after hours, or when the closing hour of business was three o'clock. That was principally to meet the requirements of large London ships. I certainly do not advocate the clearing of such ships after hours, since the hour of clearing was changed to four o'clock; and though no revocation of that general authority was made, I never intended he should clear a vessel after dark, or even after five o'clock, or away from the Custom House, and of course not under extraordinary or suspicious circumstances. I did not understand such intimation was given as is stated, that officers might attend, and in proof of it I wrote to the Minister of Finance to know if I might attend myself.

66. Are you alluding to statements made in the papers? Yes. The reporter has given it in the *Herald* that at the opening of the proceedings it was intimated by the Board that officers under suspension might attend the matter all through, if they thought proper.

67. The declaration Mr. Manton took for Mr. Maddocks in the evening, you say it was his duty to report, not to Mr. Maddocks, but rather to you? Yes; I am the party who should sign the clearance, and if there was any thing extraordinary he should have reported to me.

68. Did he report it to you? No.

69. Mr. Manton, I see, is an officer of only five and a half years' service, and receives a salary of £250 per annum—do you think a junior officer should be entrusted with so important a duty? I do not see any objection. I am the officer to take declarations, and I consider the shipmasters should come to me; but they generally make them before Mr. Maddocks, more for their own convenience than for any other reason. They make their declaration to the content outward, and then, when the whole thing is completed, it is brought to me for signature. For ships for Europe I almost invariably sign.

70. The declaration appears to me a very important document, inasmuch as it lets the ship out of the custody of the Customs—do you think that release should be given by such a junior officer as Mr. Manton? I can see no objection; he is perfectly master of his business as clearing clerk, however short the time he has been there—I think it is five years and a-half.

71. Would it not be better to entrust it to a more responsible officer—say Mr. Llewellyn or Mr. Mowle? I should have no objection; but you must take away some other duty.

72. This is a very important duty? I do not think it is.

73. Not giving the final release? If a man makes his declaration that that is true, what more can you do. Why were Custom House oaths abolished? Because it was known that nineteen out of twenty were false.

74. I am speaking of allowing a man to make a declaration before every paper of the ship was complete? I quite agree to that being wrong.

75. Should not such an important release be entrusted to an officer senior to Mr. Manton, or more responsible? I do not consider it, as I have said, necessary; but there could be no objection to the duty being given to a higher officer.

76. You think an officer in Mr. Manton's position quite sufficient for that duty? I do.

77. *By Mr. Browne:* Do you not think the facilities that have been allowed to exist for taking these declarations and passing these vessels before a junior clerk have induced persons not to come to you, because they might think you would be more particular in matters that would not be taken notice of by a junior officer? Such may be the case. I have often, I repeat, inquired why the masters were not brought to me to sign the declarations, and have desired it to be done; but there has always been some obstacle—perhaps I have been told I was not in the office at the time, or something of that sort.

78. In this case of the "Louisa," we will assume fraud is contemplated—Mr. Manton takes the bonds, passes the entry, performs the duty of jerker, performs the duty of yourself as the clearing officer in taking the declaration, taking it, not at the Custom House, but on board the vessel, and afterwards proceeding down the harbour in her—If these facilities were not placed in this young man's hand, could that vessel have had the facility of going she had? No; if more than one person were employed. I do not recollect now, but I think, so far, that he could not have done the jerker's duty; I think there was a rummage certificate.

79. No, there was not on the second occasion? I am speaking of the first. As to the second occasion I can see nothing in it.
80. They contend that the content was initialled by the jerker, and that that paper was destroyed. The document now has no initial of the jerker, and when it was brought to the jerker the day following the sailing of the vessel, it was not initialled by him? Mr. Fancourt was quite right in his conduct, and Mr. Manton quite wrong.
81. *By the Chairman:* Under the system by which Mr. Manton was allowed to do the duty of these several officers, would it not be possible for him to clear out vessels without taking any bonds at all, and without its ever coming to your knowledge that he had done so? I think he might.
82. For instance, he cleared out the "Louisa" on the 2nd September, and no officer of Customs knew till the 27th whether Mr. Manton had taken any bonds at all, and even now some doubt seems to hang over the fact whether he did so or not? He must have taken them, because they were seen by two of the clerks—the chief clerk and the eighth clerk, Mr. Kelly. They saw them together on the file.
83. Ships may have been cleared out by him in this way for which no bonds exist? Yes, it may be so.
84. Does not the circumstance that that was not found out shew some want of organization in the Customs Department? Yes. These things will arise. I cannot look to the whole of the department, and such things as you allude to might take place.
85. Some check should be established by which it could be found out whether an officer takes bonds? That I admit.
86. Mr. Llewellyn and many others have stated that there are no written instructions for the guidance of the officers? No, there are not.
87. They say instructions issued one day are cancelled the next. Mr. Powell says it is very difficult to know what the instructions are, because they are issued one day and cancelled the next? Mr. Powell should have said in what way and under what circumstances I have no knowledge of it. I may issue an order, sometimes written, and, finding it works badly, I may revoke it. I could not say what these orders are.
88. However, there are no written instructions for the guidance of officers? No; the practice has been when a new clerk comes—but, in fact, we have not had many new clerks since the withdrawal of these instructions—he is put under a course of instruction, so to speak, that is to say, he is shewn his duty by another clerk.
89. *By Mr. Browne:* Do you not think that if written or printed instructions were issued for the guidance of the clerks in the Long Room, and the out-door officers, much of the time and difficulty you complain of would be saved—such rules not to be altered without urgent necessity? I do not conceive it would make any difference. The routine of the out-door department is perfectly well known without any further instructions, either written or printed. It is not for the officers, but the Custom House Agents that the difficulty arises. I mean that they have had instructions for years.
90. They say they have had no instructions, and it appears that many regulations which you consider exist they say they have never heard of. The lockers say they have no instructions? There are none necessary for the lockers; it is a most simple business.
91. The lockers have no instructions with regard to re-gauging—there is no rule as to when they ought to re-gauge—it is left to their discretion? They are certainly bound to re-gauge if the owner requires it.
92. But I am speaking of the security of the Customs. It seems to be an understood regulation among some of the officers that spirits issued after being in bond over three months should be re-gauged—others say one month—but the lockers say it is left to their discretion to carry out that regulation? That, of course, would rest with Mr. Still.
93. There is no Customs regulation with respect to that? I think not.
94. We are told by many of the landing-waiters that have been examined, some of whom were not originally appointed from home, that they have had no instructions for their guidance, excepting what they have picked up when they were tide-waiters, and that they are obliged to use their own discretion with respect to the discharge or loading of ships? That may be perfectly true, but they never need be at any loss, for they may go to the landing-surveyor, who is an officer of thirty years standing.
95. The landing-surveyor says he has all the officers under his control, and yet knows nothing whatever of the duties they perform; he does not know what they do from one day to another, and they seem to be perfectly independent of him in the performance of their duty? That is his look-out.
96. *By the Chairman:* You stated in your evidence that you heard nothing of the suspicious regarding the "Louisa" till you were informed of it from the Finance Minister—do you not think some officer of the department should have brought the suspicious circumstances under your notice? I think those who were aware of them should have done so. I did not mean that there was not a breath stirring about it; but it was from that very circumstance that there was some talk about it. I told William Stewart that although I thought it not necessary the "Louisa" should be reported, still he had better report her, and on that occasion she was reported. So little had I heard of it, that when Mr. Campbell's note came begging me to walk up there, and shewing Mr. Smith's letter —
97. In fact you could not have heard much of it, for you let the "Louisa" go away so easily —? It was all rumour. We could not have done anything.
98. Could you not have kept back the clearing papers? On my own responsibility —
99. You need not have given her facility for going out at night? No. I believe an application was made, which I sanctioned, I am told; I do not remember it. She had no cargo to land, no cargo to take in, and therefore I saw no difficulty in the case.
100. It is stated that it is very easy for vessels coming in after dark to land any amount of dutiable goods—to "run" them? So they might.

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101. Do you not think that ought to be provided against? I do not know how.
102. By putting an officer on board when ships come in? How can it be done?
103. Could they not be put on board at the Heads, or within range of the harbour? That would depend upon whether they could board or see her. I think it would be by no means a bad plan; but I do not think it would altogether answer the purpose expected.
104. Why not?
105. Could not the officer board the vessel with the pilot? Yes, if Custom House officers were kept at the Heads; but there is no place for them.
106. Have you ever pointed out the necessity of boarding vessels as soon as they come in? I think they should be boarded in the morning; but it is impossible my two tide-surveyors could board all vessels at night.
107. Have you represented the necessity of boarding vessels at all hours? I have never given such an order at night, for it would be out of the question for them to do it. I do not think I have. I originally recommended the establishment of a station at Watson's Bay of an officer and boat's crew. That establishment was formed, and remained a considerable length of time; but after a certain period there were only two men allowed for the boat; economy was the order of the day, and that, as I conceive, injudicious economy has been the cause of the failure of my department. Some time after a Water Police boat was established, and this boat had five or six men and an inspector; and I then recommended the Government to discontinue the other boat, which cost about £500 a-year. Since that the Water Police boat has been abolished, and now Watson's Bay is open to anything.
108. During the time the boat was at Watson's Bay did the officer board vessels at all hours? Certainly not; he did not do the boarding duty.
109. You never considered it important to press upon the Government the necessity of boarding vessels? If I had done so I know I should have been refused.
110. *By Mr. Browne:* At the time of the existence of the revenue cutter "Prince George" was not every vessel that came in at night boarded? I should say certainly not; she lay in Farm Cove for weeks and weeks together. I know she was very rarely at the Heads.
111. *By the Chairman:* We have had it stated in evidence that about January last Mr. Alder was employed as a tide-waiter, under Mr. Warburton as landing-waiter, to discharge some sugar from the "Fanny Fisher"; that Mr. Alder made out his books wrongly; that Mr. Warburton copied from them, and was not capable of taking charge of a sugar ship; and that Mr. Robertson came to you with respect to paying duty for sugar he had not received? I dismissed the tide-waiter; that is the only thing I recollect. Mr. Robertson was, I think, a Bank Director here, and had advanced money on the "Fanny Fisher's" cargo, but I cannot recollect what was stated at the time; all I know is that the whole of the duty was paid. I do not remember the circumstances. (*The Chairman briefly stated the circumstances.*)
112. If Mr. Robertson had not paid the duty, the sugar would have gone with Mr. Fisher into the Insolvent Court, and the Government would have lost the revenue upon the 37 tons taken away without paying the duty? I should say not, for I should say we could have laid hold of the "Fanny Fisher." The sugar must have been landed from the ship; and if landed without payment of duty we could have seized.
113. It was allowed by the officers of Customs, Alder and Warburton, and was not discovered till the matter came before Mr. Faneourt. Under those circumstances, could you have come upon the ship? Not if it was landed upon due entry.
114. Entry was passed for twenty tons, and fifty-seven tons were landed? The captain had no business to land so much, but it was the duty of the officer to say "stop"; but Alder was a worthless fellow. All these things are laid at my door. But as regards the appointment of Mr. Alder, he was sent to me by Sir Charles Fitz Roy to be appointed. He had been a clerk at Government House, and the Governor General sent him to me.
115. Ordering you to appoint him? Asking me to do so. The tide-waiters' appointments are supposed to belong to the Collector; and Mr. George Fitz Roy wrote on his father's account, giving this man a most excellent character. He was taken as a clerk into the Long Room; and then he either misconducted himself or got into difficulties, and after that was made a tide-waiter.
116. It has been stated to us by a great many that half of these acting tide-waiters are drunken fellows, and cannot add up a dozen figures? I do not think that. That there are some such I have every reason to believe; but I think it is a libel upon them to say that anything like one-half are men of that description. There might be out of the twenty-five perhaps five of that class.
117. The evidence upon this point is strong. Both Mr. Powell, and Mr. Williams, the late American Consul, say they are disreputable and drunken characters? If so, why are they not reported to me? Mr. Williams did report one, and he was tried and dismissed. There was a man the other day—one of Mr. Robert Campbell's appointments—dismissed by me; but they are all *my* tide-waiters.
118. It having been represented to us that nearly half are drunken or disorderly fellows, who cannot add up a dozen figures, how do you justify their retention in the service? I cannot justify it, but by referring to how I am pestered if I turn them out. There is one man whom I believe to be as honest and sober as any man in the country, but he is a stupid, thick-headed fellow. He committed a blunder, and I dismissed him; but a gentleman in the Government pleaded so strongly on his behalf, that as it was only a blunder he had committed I reinstated him; but at the same time I gave orders that he should not be put upon any responsible duty. Drunkenness, if not reported to me—and people will not report—I cannot deal with. I have heard of cases over and over again; people come to me and say—"Did you hear so and so?" and when I ask—"Did you see it?" they are sure to say "No." "Will the parties who saw it come forward?" "No." Then I say, "What is the use of your making such observations to me?" This has been the case for years past,

and

and I never have seen these people in the state described. I do not often leave my office; they are all out of doors, and I never do see them. Colonel J. G. N. Gibbes.

119. In transferring spirits from one bond to another, it is shewn there is no check upon a transfer; for instance, although the export officer should follow the cart he does not? Then he should be dismissed. 8 Dec., 1858.

120. There is no check upon him? There surely ought to be, for the officer who delivers the goods must see that the cart follower is there; and when they are delivered, the officer who receives them must also see whether he is with the cart or not.

121. Mr. Newton, the export officer, has told us that he hardly ever follows the carts? The deuce he has! what is he there for?

122. Yet he never has been reported, has he? No.

123. It has also been stated that drays in going from one bond to another may spend any time on the road without being called to account, until very lately? There again that would depend upon the officer attending the cart; if there were no cart follower they might do what they pleased.

124. It has also been shewn that if an export officer in transferring dutiable goods from one store to another chooses to tear up the transfer warrant, and to take up the goods into the town for consumption, the loss of the goods will not be found out till stock is taken at the end of three years, and that the officer who is party to the fraud cannot be found out at all? I do not understand you.

125. The export officer is intrusted with a transfer warrant to transfer spirits from store to store? Yes.

126. It is open to him to take these goods into town, to give them to any body, and to tear up the transfer warrant, without being detected: At the end of three years the stock will be found to be deficient, but there will be no means of bringing home the crime to the person who committed it? I should think it would not be likely to remain undiscovered any length of time. If a merchant, Mr. A., takes out a removal order from Lamb's to Macnamara's, or any other bond, he having purchased those goods, would naturally look after them to see that they were removed.

127. Suppose I am a fraudulent merchant, and bribe the export officer to take my goods home to my own stores, there is no trace in the Customs' books of the officer who committed the fraud? I should think it could be traced.

128. Mr. Nash, the warehouse-keeper, states that it is impossible to trace it, because it is not entered in the books? Then it ought to be. As a matter of course, when an officer is wanted application is made to the warehouse-keeper, Mr. Nash, and he gives the order immediately for an officer, or rather sends to the tide-surveyor to appoint an officer, and he should book who that officer is.

129. *By Mr. Browne*: He does not record in any book in his office that he has issued a warrant for the transfer of dutiable goods from one store to another; until he gets that warrant back he makes no entry in any book? I see they stand in the old entry, and are not written off.

130. If the goods get into consumption there is no record, nor would the deficiency be discovered till the stock was taken? That might easily be obviated. All I can say in regard to it is, that I doubt whether such a thing has occurred, unless it be in the case under consideration. Some check should certainly be put upon that; and I must say I wonder that Mr. Nash, who is really an excellent and attentive officer, should not have had such a check, even for his own safety.

131. It appears that the extra tide-waiters are often employed to transfer these goods? We have no other means.

132. All this responsibility of transferring goods is entrusted to the tide-waiters? I imagine the tide-surveyors would guard against sending improper persons; but I would ask who were the landing-waiters, from Mr. Kidd downwards, but extra tide-waiters? The lockers, who or what were they? Who was Mr. Collier but a tide-waiter? What were three out of four of the established tide-waiters, but extra tide-waiters? If a tide-surveyor puts on a man of disreputable character to do this duty he does wrong; but at the same time, if one of these men is sent to relieve a tide-waiter, who is engaged on board ship, not much is gained, as he would have to perform the duty of the established tide-waiter on board the ship.

133. It is stated that there is no check upon the gauging of a landing-waiter: For instance, a landing-waiter may undergauge a cask, that would be re-gauged after it had been in bond a month, and the revenue would be defrauded to the amount of the first mistake? There is no check upon that either in England or anywhere else, that I am aware. I think most of our landing-waiters are very good, but they had very bad instruments some years ago, and when the new system of warehouses occurred we had the good luck to get new instruments for all the lockers.

134. Does not the fact of there being no check throw a great temptation in the way of landing-waiters to undergauge? I do not take that view of it myself; I do not think my landing-waiters would do it. There might be a check by having the goods gauged by the lockers directly they go into bond.

135. That is not required at present? It is not, but it could be.

136. We are told that the landing-waiters consider they are insulted by the lockers if a cask is re-gauged? The idea is a silly one. I should be very willing to give an order that it should be always done; it would prevent the disputes that arise afterwards when the casks are going out and they are re-gauged. When there is a difference between the re-gauge and the original gauge the locker says it is the landing-waiter who has made the error, but I think the landing-waiters are as good guagers as any of the lockers, taking them as a body.

137. Do you not think a check of that sort should be established? I should be very glad to see it, but I do not think it necessary, in an economical point of view, for I think the labor entailed would be greater than the advantage gained by it, for, in my opinion any error in the

Colonel J. G. the inward gauge is very trifling indeed, and very infrequent. I have no hesitation in saying, if it can be done, it were better to be done; but I think you will find the lockers could not do it.

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138. Do you think it would be desirable to put on sufficient lockers to do it? Yes, I think it would.

139. So as to be able to do it on every occasion? Yes.

140. You think it would protect the revenue? Yes. I do not know that there is any loss that way, but I think it might be desirable to have additional strength to do that.

141. It appears that the warehouse-keeper or his clerk, Mr. Rogers, issues the export warrant to the export officer, and leaves the export officer to inform the tide-surveyor, so that he may put a tide-waiter on board to see the goods shipped. It appears to be rather an insufficient check to allow the export officer to be the officer to report to the tide-surveyor that dutiable goods are going to be shipped when he is the officer to be checked? The tide-surveyor's and Mr. Rogers' offices are close together, and therefore it would be a very simple thing for the latter to give notice to the former officer.

142. Do you not think Mr. Nash should do it? Yes, I think so.

143. In such a case as this of the "Louisa," where there were warrants for goods said to be shipped upon which the duty would amount to some £3,000 or £4,000, do you not think this should have been done? Yes; and I think the hasty manner in which the business was conducted was another reason why it should have been done.

144. The warehouse-keeper also tells us that if he wished to check the stock of any locker he has no ledger of his own to shew what he has in hand; that he would have to pick out what he had in any particular store, and that it would, probably, take him a month to ascertain it—do you think that a proper arrangement? No, I do not; but I think there is no use in the office of Inspector of Warehouses if that officer cannot give an account.

145. He can look at the particular locker's book, but he has nothing by which to check that book—do you not think there ought to be a single ledger kept, to shew what each locker ought to have? Yes.

146. *By Mr. Browne:* Should not the warehouse-keeper be able to tell what should be the contents of every store, in order that an officer might be sent at any time to examine the store? I think it desirable; but our forms are the same as at home, and they have nothing of the sort there.

147. *By the Chairman:* If a suspicion were entertained of a particular bond, it would be of no use to say lock up that bond and see what you have there, for you could not ascertain what the locker was chargeable with? There are documents which he must enter in a book; nothing can go in or out without a document to shew the transaction. Great stress is laid upon the existing lockers' books, which were originally introduced by Mr. Weekes: to these you can go at any time at the end of a week, and see exactly all goods entered inwards for the warehouse, and those entered outwards, you can then deduct the one from the other and at once see the balance.

148. If the locker does not keep the check himself, what check have you? The papers; the orders go into the warehouse-keeper, and although the locker may not keep the documents, as there are duplicates, Mr. Nash keeps them.

149. Mr. Nash has told us that he could not tell what any one locker had under a month; he could tell the gross quantity in bond, but not the quantity in any one particular bond? All the books are kept here that are kept elsewhere.

150. Do you think these books are sufficient? According to your statement now it appears they are not: I shall speak to Mr. Nash upon the subject. I have consulted many mercantile men in Sydney with reference to the introduction of a system of double entry into the Customs, but they have said it is impracticable.

151. You think some check is necessary, and that you should be able at any moment to know what any one locker has? Yes, I think it very necessary; I will inquire and see whether anything can be introduced. I believe that the warehouse-keeper could, with a little application, tell you at once what ought to be in any store.

152. It appears that the clerk to the warehouse-keeper, who is described by Mr. Nash as very inefficient, has the entire duty of issuing all the export warrants—do you consider that Mr. Nash properly discharges his trust when he lets Mr. Rogers perform this important duty? It does so happen that Mr. Rogers is an inefficient man, and that gives Mr. Nash double work; but he never reported him as incompetent.

153. Do you consider Mr. Rogers as incompetent? I do not consider him a competent man. He was sent to me temporarily by Sir Charles Fitz Roy till a vacancy was opened in the Shipping Master's Office; but when the new office came before the Council they would not vote the salary; therefore, unfortunately, he remained with me. He was sent to me for three months, and has remained. He has a wife and nine or ten children. His conduct has never been brought before me; but he certainly is not a useful man. What can I do with him?

154. Mr. Crook gives Mr. Newton a very bad character—what is your opinion of him? I have no means of knowing the private characters of the people under me, but, from all I hear, his character is very bad; although I was informed yesterday it was not altogether the man's own fault, but his wife's. I am told that he gives way to drinking at night, though I fancy no one has seen him intoxicated by day. A dreadful instance of the effects of this habit occurred some time since, when he knocked out the eye of one of his children, a fine girl of fourteen.

155. Have you ever heard of Mr. Bremer being drunk? I have heard people say that he was a man who drank; but nobody came to me and said they had seen him drunk.

156. You never heard it reported—it was never reported to you that he had been drunk on board ship? That is what I complain of; nobody will come forward to prove a statement of the kind. I will take the opportunity of mentioning, because I think it is only right to do so, that I have seen Mr. Bremer in my room in such a state of excitement that I have hesitated,

hesitated, and argued the point with myself whether the man was right or not; and by remaining a short time, until he had cooled down a little, I was convinced he was sober. He is of so excitable a temper that at such times nine out of ten men would charge him with drunkenness. Still, I will not say that he does not get drunk on board. I am, however, sorry to say that captains will not come forward in such cases. One man some time since was charged with being drunk on board, and I ordered him to be dismissed, when the captain of the vessel on board which he had been employed came forward and said the man was in a fit. I could not discharge a man for being in a fit, although it might unfit him to perform his duty.

Colonel J. G.
N. Gibbs.
8 Dec., 1858.

157. Are clearances ever issued to ships with erasures of that character upon them—(*handing the clearance of the "Louisa."*) You will see that a large amount of dutiable goods entered as cleared out have been scratched out: that document was sent to us by Capt. Smith, with a letter, stating that this was the clearance of the "Louisa" which had been returned by the authorities at New Caledonia. I wish to know whether it is possible these erasures were made here? No; the entries upon an inward manifest are scratched off, and that might have been done so at New Caledonia, only that some parts are not erased. If that were done subsequently to the document being drawn out, and left the Customs in that state, nothing could be so irregular.

158. We have received a letter stating that the clearance was delivered at New Caledonia in that state—what would you infer from that? I do not know what to infer. Is that from any official authority?

159. It has not been communicated directly to us, but through Mr. Smith; they sent that clearance to him, and said it arrived in that state. Would you infer that these goods had been duly shipped, and had been got rid of before the vessel reached New Caledonia? I do not know what to infer from such a document as this.

160. That is executed by Mr. Manton, is it not? Yes.

161. It bears his signature and the Customs seal? Yes.

162. He would not be authorised to issue that clearance with this erasure? Nothing could be more irregular than that, for if it were shewn that the goods were marked off as being short shipped, and were initialled by the party, you would know what it meant; but I do not know what to make of this. If this is the work of an official authority at New Caledonia, I should take it that the goods marked off were landed, and these 200 cases of Geneva, and 50 cases of claret were unaccounted for. All I can say is, that this is a most disgraceful document.

163. *By Mr. Browne:* In your copy of the regulations, the 19th article, it is stated—"You are not to pay the salary of any landing-waiter until the controller shall have certified, at the foot of the Collector's account of salaries and incidents, that the 'blue books' for all ships discharged by such landing-waiter in the quarter for which his salary is due have been delivered in, and that no post entries are outstanding, nor are you to pay the salaries of any other persons employed at your port until the several books kept by them have been duly posted up to the end of the quarter." I believe the landing-surveyor now does the duty of controller to a certain extent? Yes.

164. Are you furnished by him with a certificate to that effect before you pay? No; I never have required him to give it. I may have been to blame, but the practice is not adopted at home. I was for six years collector in England, and I never had such a certificate before me, although I had both a controller and landing-waiter.

165. Have you brought under the notice of the local authorities, since the withdrawal of the instructions by the English Board, the necessity of having fresh regulations? No.

166. Do you not think, in a large and important department like yours, printed regulations for each branch would be beneficial? I think it would, but it is only now and then that some unfortunate occurrence, like the present, brings these matters into notice. During the twenty-five years I have been here very few casualties have occurred.

167. Mr. Manton, in his last examination stated that, when he cleared the "Louisa" on board, at the Grafton Wharf, he gave the content and export warrant back again to Mr. Stewart, and that Mr. Stewart gave them back to Mr. Newton on the morning of the 3rd, so that he might write up the locker's book in Mr. Nash's Office, that afterwards he returned them to Mr. Manton, who gave them to Mr. Mowle,—would that be a regular course for the clearing officer to adopt? No. Mr. Stewart has nothing to do with the papers.

168. What object could Mr. Stewart have in giving them to Mr. Newton? I do not know.

169. Mr. Manton had no right to give them to any one but to Mr. Mowle? No; they had no business to leave the office that I see.

170. Mr. Newton informed us that, on the morning of the 3rd, he wrote up in the locker's book, in Mr. Nash's office, the time at which he put these different articles on board, and returned the warrants to Mr. Nash. Some of these entries appear to have been made as early as twelve o'clock on the previous day, although it is quite clear that Newton was not in possession of the warrants to enter up the book till the morning of the 3rd—did he perform his duty properly in writing in the book what was clearly untrue? Most assuredly not.

171. Should not Mr. Rogers or Mr. Nash, to a certain extent, see that the entries in that book are correct—it is intended as a check upon them, is it not? Yes, certainly.

172. Do you know whether any authority has passed the Custom House for the sale of this vessel, the "Louisa"? I do not know, but I can inform you on my return to the office. Mr. Rucker, who has charge of that department, and whose time is fully engaged, would have reported it to me; he is an efficient, active officer, and has plenty to do in connection with the sale and transfer of vessels.

William Cathcart Still, Esq., again called in and examined :—

The witness produced particulars of examination of cases of Geneva.—*Vide Appendix.*

- Mr. W. C. Still. 1. *By the Chairman* : Have you any knowledge of Mr. Newton having been suspended from his duty as export officer? He was suspended in the month of August last, in consequence of a charge brought by me against him of falsehood and attempt to intimidate one of the lockers under me. The matter was reported to the Collector of Customs, and I have here a copy of my report, which will make the Board acquainted with the circumstances. (*The witness handed in the same.*) My report was referred to Mr. Garling, to report upon it; he did so, and the following is the concluding portion of the Collector's decision in the matter, addressed to me :—" I consider the conduct of Mr. Newton extremely irregular. He had no right whatever to ask for, or procure samples at the request of the exporter. If the person exporting wished to have them, he should have obtained a sampling order. Mr. Newton's explanation, too, in regard to the three samples from fifty casks at Pollard's, is completely swept away by Mr. Hunt's shewing that there never were fifty casks of wine in that bond at one time. Under all these circumstances I consider that it is desirable that Mr. Newton should be suspended, and the matter reported to the Government, and he is suspended accordingly." He was suspended for five days, and I never heard that he was reported to the Government. Two days after this suspension expired he was put in charge of this important delivery of goods. On the 27th he commenced this business. It created some surprise in the department that he should have been put to his duty again without any further inquiry.
2. *By Mr. Browne* : He commenced performing his duty in connection with the "Louisa" on the 27th? Yes.
3. *By the Chairman* : What do you know of what led to his restoration? I think some influence must have been used.
4. What kind of influence, and by whom exerted? I have seen him constantly at the Chilian Bond, and on one occasion I ordered him away. I reminded him that it was one of my instructions to allow of no lounging about the bonded stores, especially on the part of the tide-waiters.
5. Do you know of any influence having being exerted? I do not.
6. But you consider that some influence must have been used? Yes.
7. *By Mr. Browne* : Mr. Hunt, in his examination this morning, has told us that case gin is usually received into the stores without being marked, and that frequently the bond-mark is not put on until it goes out either for exportation or payment of duty? The bond-mark is ordered to be put on cases as speedily as possible, and it should be so, but sometimes, if we have a very large batch, and are busy at the bond, we have to stow them at once, and then, when we get the bond-mark, we mark the front rows, and cannot get to those at the back, but when they go out it is usual to chalk the marks on the cases.
8. Mr. Hunt states that not unfrequently they are marked with paint as they are going out, and that a little sawdust is then thrown upon the fresh paint? That may be done, because the marks would be liable to be obliterated when the paint is fresh. When an order comes we have to deliver the goods at once, and if they are in a back row they may not have been marked.
9. He also states that the landing waiter when sending up a cart note with gin, takes a sample of it, and when the locker has examined and weighed the cases, he sends a memorandum of the strength and quantity by one of the men in the store to the landing-waiter, to enter the whole batch in his red book? The measurement of these cases is taken in two ways, sometimes by the landing-waiter on the wharf, but it often happens that the case is taken to the store in the neighbourhood of the wharf, and is then examined by the locker; the rest then go through the scale; those that are right are put on one side, and by that means it is found what are full cases and what light; the landing waiter takes that account from the locker, and that finishes the operation. The book is then signed by the locker.

APPENDIX.

PARTICULARS OF EXAMINATION OF CASES OF GENEVA.

21-2 G

WAREHOUSE.	No. of Cases.	Original or Landing Measurement.	Strength.	Duty.	Measurement on examination by Inspector.	Strength.	Duty.	Difference of Duty in favor of the Revenue.	Difference of Duty against the Revenue.
		Each Case. @ 3 $\frac{1}{2}$ Galls.		£ s. d.	Each case. @ 3 $\frac{1}{2}$ Galls.		£ s. d.		
Gilchrist's	342		15.5 u.p.	505 15 0		14.7 u.p.	510 11 3	4 16 3	
Campbell's	500	" 3 $\frac{1}{2}$ "	16.4 "	744 11 7	" 3 $\frac{1}{2}$ "	16.4 "	777 5 0	32 13 5	
Do.	97	" 3 $\frac{1}{2}$ "	16.2 "	143 1 7	" 3 $\frac{1}{2}$ "	14.6 "	151 9 8	8 8 1	
City Bond	446	" 3 $\frac{1}{2}$ "	15.7 "	669 15 0	" 3 $\frac{1}{2}$ "	16.1 "	666 10 11	.....	3 4 1
Do.	497	" 3 $\frac{1}{2}$ "	15.6 "	760 6 3	" 3 $\frac{1}{2}$ "	15. "	765 14 5	5 8 2	
Lloyd's	489	" 3 $\frac{1}{2}$ "	16.1 "	719 14 1	" 3 $\frac{1}{2}$ "	15.5 "	724 16 3	5 2 2	
Do.	493	" 3 $\frac{1}{2}$ "	15. "	764 3 2	" 3 $\frac{1}{2}$ "	15.7 "	757 18 2	.....	6 5 0
Argyle	241	" 3 $\frac{1}{2}$ "	17.2 "	373 13 9	" 3 $\frac{1}{2}$ "	15.0 "	384 2 6	10 8 9	
Do.	995	" 3 $\frac{1}{2}$ "	12.5 "	1,649 16 3	" 3 $\frac{1}{2}$ "	14.9 "	1,604 15 4	.....	45 0 11
Leigh's	99	" 3 $\frac{1}{2}$ "	16.4 "	150 0 0	" 3 $\frac{1}{2}$ "	16.4 "	150 0 0		
McNamara's	981	" 3 $\frac{1}{2}$ "	14.5 "	1,520 5 4	" 3 $\frac{1}{2}$ "	15.7 "	1,526 9 5	6 4 1	
Do.	497	" 3 $\frac{1}{2}$ "	14.5 "	770 4 5	" 3 $\frac{1}{2}$ "	15.3 "	763 0 4	.....	7 4 1
Moore's.....	97	" 3 $\frac{1}{2}$ "	17.5 "	145 2 6	" 3 $\frac{1}{2}$ "	14.8 "	152 8 2	6 5 8	
								£79 6 7	£61 14 1

THURSDAY

INTO CHARGES AGAINST CERTAIN OFFICERS OF THE CUSTOMS DEPARTMENT.

THURSDAY, 9 DECEMBER, 1858.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, Esq.

J. McLERIE, Esq.

Mr. Thomas King Cranmer called in and examined:—

- Mr. T. K. Cranmer.
9 Dec., 1858.
1. *By Mr McLerie*: You are a mariner? Yes.
 2. You were engaged at one time as first mate of the brig "Louisa"? Yes.
 3. On what day were you engaged, and by whom? On the 28th August, by Captain Riddel.
 4. Was he at that time in command of the "Louisa"? He was; he took command on the evening of the 27th, and I joined him on the morning of the 28th August.
 5. How long did you remain on board? Until the 2nd September. On the evening of the 1st I received my notice to quit the vessel, and on the 2nd of September I was settled with to the 1st inclusive.
 6. Were any reasons given for discharging you? No more than that Captain King had engaged another person, not knowing of my being there. He had engaged a mate of his own. He said he was sorry, and that had he known previously of my being there he would have retained me.
 7. Who gave you notice to quit? Mr. Stewart, I believe.
 8. Were you paid wages for the five days you were on board? Yes, by Mr. Stewart.
 9. Which Mr. Stewart do you mean? I do not know; he is a tall gentleman, with black whiskers. I know both of them, but not by name.
 10. It was one of the two brothers Stewart, of Circular Quay? Yes; that is where I was settled with.
 11. What duties did you perform on board the "Louisa" during the five days you were acting as first officer? I received cargo on the 28th.
 12. Cargo of what description? Spirits; at least it was supposed to be rum. I received five hogsheads on the 28th—on Saturday.
 13. Did you sign for five hogsheads? No; I asked for the receipts usually signed by the mate, and the Custom House officer said it was not necessary to sign them. Mr. Stewart was on the quay at the time.
 14. Would you know the marks upon the casks? No; I could not say in the hurry. Mr. Stewart came down as they were got off the drays; he asked where was the captain—why was he not on board. I said they had only just arrived, and I was getting them on board as fast as I could myself, with the help of a man named Brown, the black cook, who was the only other person on board. That was between twelve and one on Saturday.
 15. Do you know the name of the Custom House officer who shipped them? No; I know the man by sight; he is a tall man, and had a stick.
 16. What state was he in? He appeared to me, from the manner he went on, and what he said to me, to be half drunk. He came jawing to me, and we had one or two words on the quay. I asked him what he had to do with us; he interfered with me in my duty.
 17. Do you think if the brands of the hogsheads were mentioned now you would recollect them? I do not think I should. I think it was R or M.
 18. Was any paper shewn you? No. I saw a paper in the Custom House officer's hands.
 19. Would you know the paper if you saw it again? No; it was folded up and he held it in his hand.
 20. What cargo was next taken in? On Monday I received nine dray loads of empty beer hogsheads—ten hogsheads on each dray. There were ninety I am certain, and I think there were more. I think I received some on Saturday afternoon after the rum. They were shipped as empty casks, and the receipts for them I delivered to Captain King on the Tuesday.
 21. Did you stow them away yourself? I stowed them all myself, every thing in the hold.
 22. How were they stowed with respect to the rum you had shipped on the previous day? The rum I stowed as far as I could possibly get it aft. There was a bulk-head aft where a cabin for second passengers had been fitted up for five or six to sleep in, and the rum was stowed against that bulk-head. I levelled part of the ballast to make a level floor for it. Being Saturday, Captain Riddel told me to stow them as close as I could, and to cover them up. I covered them with these empty puncheons, I think, on Saturday afternoon.
 23. What other cargo did you take on board? Nothing, except some coal—some ship's stores at that time.
 24. After stowing these empty hogsheads, what room was there in the vessel for further cargo? There was no more room than just merely under the main-hatch—just in the way of the main-hatch. The casks for the water I stowed under the fore-hatch; they were all ready for being filled. There could be no passage fore-and-aft. They were stowed in two tiers; there were from fifteen to twenty tons of shingle, blue-stone ballast, and a quantity of old sails and other old lumber.
 25. This was on the 28th you shipped these goods? Yes; the 29th was Sunday. On Monday I shipped the empty casks, and on Tuesday Captain King took charge; on Wednesday I spoke to him on board.
 26. Did he give you notice to leave on Tuesday? I think on the night previous the two Messrs. Stewarts and Mr. Gibbes came down.
 27. Anybody else? There was another party; there were four altogether, and Captain King was formally installed in charge of the vessel. They dismissed Captain Riddel, and, at the same time, informed me they were very sorry my services were not required.
 28. You say *they*, whom do you mean? Mr. Stewart.
 29. Who were the parties present? The two Messrs. Stewart, Captain King, Mr. Gibbes, and

and some other party; I have seen the party before, and would know him if I saw him again, but his name I never heard.

30. What kind of person was he? Apparently he was a foreigner.

31. Was he dark or light complexioned? Light.

32. Was there anything peculiar about his features—had he a moustache? Yes.

33. At what time did you get notice to leave? That evening; they told me my services would not be required. That was the second time I saw Captain King; he came round in the morning and took a survey of the ship; I went aft to see who he was; he asked me whether I was mate of the vessel; I said I was; he then asked me if the captain was on board, and I said he was not. In the evening he came to take possession. I said, as he would have to take charge I would have to give up my receipts of the cargo; he replied, yes, I had better do so, and told me to come down the next morning.

34. What was the last time you were on board? Between ten and eleven on the 2nd; she was then about to haul away from the Grafton Wharf.

35. At that time was she ready for sailing? Yes; she was making preparations to haul off. There was no cargo, and no appearance of cargo, alongside of her.

36. Did you see any change in the stowage of the vessel? No; the hatches were apparently as I had left them.

37. Was there any tobacco shipped at all? There was no tobacco shipped by me; not any to my knowledge. In the cabin there were two 4-dozen cases of beer or porter; but the captain said they were not cargo—they were merely sent for ship's use. I got an inventory from Captain Riddel at the time I was there of all the articles on board; and I examined the vessel through with the inventory, and found all correct. This inventory I delivered to Captain King.

38. *By Mr. Browne:* Who did you leave on board as the ship's company when you left? I saw none, with the exception of Brown, the black cook, who had been with me all the time. He assisted me in stowing the cargo; and his was all the assistance I had, with the exception of two or three day laborers, who on Monday assisted in stowing the cargo.

39. From your knowledge of the stowage of a ship, do you think it would have been possible, from the time you left the ship until she sailed, to have discharged the empty casks from her, and to have taken in 296 packages of goods, consisting of puncheons, hogsheads, and cases? It was almost physically impossible, if they had worked night and day; even if they had worked on the 3rd and 4th it would have taken all night to have discharged the cargo of ballast, and she was in good sailing trim when I saw her—not to say deep, but in light trim.

40. You saw no drays come down with packages of goods to the wharf before you left? None; no appearance of any.

41. *By the Chairman:* You are quite sure there was no tobacco shipped? I never received any; I never saw any.

42. If four half-tierces of tobacco had been shipped would you have seen them? I must have seen them, for I was in every part of the ship.

43. Did you see any officer of the Customs at any part of the time you were shipping these goods? On the 28th an officer of the Customs brought down five hogsheads of rum.

44. Was there any landing-waiter on the wharf? Not that I saw.

45. What sort of man was the export officer? A tall man, with a stick.

46. What colored hair and whiskers? I really could not say. I would know the man in a moment if I saw him.

47. Have you been in the Colony since your discharge? I have been to Rockhampton.

48. When did you go to Rockhampton? Perhaps a fortnight or three weeks after.

49. You came back a few days ago? I have been back three weeks.

50. Did you hear any reason given for Captain King being put in the place of Captain Riddel? No, I did not hear any definite reason when he joined. On the evening of the 28th the two Mr. Stewarts came on board and inquired for Captain Riddel he was not on board, and they asked who I was. I told them I had been shipped as mate along with Captain Riddel. They waited for some time, and at last left an order that he was to come to the office on Monday morning before nine o'clock, as they wanted to see him particularly. I reported the same to the captain; but it appeared that he did not go to the office, and on Wednesday evening the Stewarts were down with Captain King to unship him.

51. Where is Captain Riddel now? I believe I saw him a week or ten days ago in Sydney. He was formerly in the schooner "Gazelle"; he had been down in the "Gazelle" to New Zealand.

52. What mate was shipped instead of you? The party represented to me as mate was a Kanaka, a black man. When I went down to see Captain King on Thursday morning I asked him where was his mate. He said, turning round to the black man, "This is the party I have engaged." There was no white man on board, with the exception of Captain King. There was a little boy, who had come down a few days before to engage as cabin boy, but Captain King said he did not require one.

53. Did you see the "Louisa" again after eleven o'clock on the 2nd? No.

54. When you saw her she was ready to haul off? Yes; I bent the sails myself.

55. Were the hatches fastened down? No. It is not usual with ships going down in ballast trim.

56. *By Mr. Browne:* There was no Custom House officer placed on board the ship? Not any. I remember Mr. William Stewart brought a man on Saturday evening to take charge of the ship as watchman. I saw a strange man walking about when I came out of the cabin, and I asked him what he was; he said he was going to be watchman.

57. *By the Chairman:* Have you anything further to state to the Board? When Mr. James Stewart was waiting to see Captain Riddel he told me that he had had a long ride to Brisbane Water, to see Captain King; he said he felt very tired, as he had not had any rest.

Mr. T. K. Granmer. 58. *By Mr. Browne*: He did not say where they were going, or what they were going to do? Captain Riddel I think did not know himself. He was shipped as it were all in a hurry. He was mate in the barque "Monarch," along with Captain Morrison, and when she arrived in port, as soon as she dropped her anchor the Stewarts went down and brought him up to take charge of the "Louisa." On the evening of the 27th, Captain Riddel, who had known me previously, sent for me, and on the following morning I went on board, took charge of her, and remained until I was dismissed.

9 Dec., 1858.

FRIDAY, 17 DECEMBER, 1858.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, Esq.,

J. McLERIE, Esq.

Mr. W. C. Still. William Cathcart Still having been called in before the Board, hands to the Chairman three letters, written by himself, each the distinct report of a separate seizure of dutiable goods included in the ostensible cargo of the brig "Louisa," when she cleared from the Port of Sydney for the South Sea Islands, on the 2nd of September last. The Board determine to forward these reports to the Government.

17 Dec., 1858.

R. Mint, Sydney,
17 December, 1858.

Thomas Waldeck Smith, called in and examined, states:—

T. W. Smith. I am a licensed victualler, and, following that calling, reside at the Burnbank Hotel, in Balmain. I had a transaction with Mr. Stewart, respecting the sale to him of some land, for which the price I asked was three hundred pounds. Mr. Stewart came to my house at Balmain about it. The Mr. Stewart that I mean is Mr. William Stewart of Macquarie-place, as appears by this card, which he left with me, having on it that name and address. He asked me if I would dispose of the land I had to sell for less than three hundred pounds. I told him that I could not let it go for less. He inquired of me whether it would make any difference to me if I should only get paid for the land partly by stores and partly by cash, saying that, as I was in the public line of business, perhaps it would make no difference to me to take spirits, &c., from his store; and that he would supply me on reasonable terms. He said, I will give you a list of my prices; and he wrote the memorandum of prices I now shew the Board on the back of the card on which is his address. The writing in pencil is what he then wrote:—"28 O.P. Rum, 13s. 6d.; U.V. Brandy, 25s.; Geneva, 50s." This was about the price of the spirits at that time. The price of the brandy I thought rather high, and he altered it. The price also he asked for the gin was rather above the ordinary rate. I told Mr. Stewart that I should require that a portion of the payment for the land should be made to me in cash, in order to satisfy the claim of Messrs. Stenhouse and Hardy thereon; their claim being one hundred and nine pounds, or thereabouts. I arranged to sell the land to Mr. Stewart, and did so sell it. The conveyance of it was made out to his mother, Mrs. Stewart, at his (Mr. Stewart's) desire, he stating that he wished to build his mother a homestead. The conveyance was completed at the office of Messrs. Stenhouse and Hardy. All that Mr. Stewart paid over to me for the land in cash was one hundred and nine pounds. He has not completed the order I gave him on this account, and I am still not settled with by him for the land referred to. In consequence of the above bargain with Mr. Stewart, I ordered from him, at the Chilian Store, the following goods:—ten cases of Geneva, one hogshead of rum, one quarter cask of brandy, four cases of sherry, five cases of pale brandy, three hogsheads of porter, one quarter cask of port wine, and, I think, but am not sure, two casks of ale. The ten cases of gin were delivered to me on the 14th of September, and the one hogshead of rum on the 13th of October. Some of these goods have been seized by Mr. Still, but the rum and brandy had been both previously consumed, having been disposed of by me by retail in the ordinary course of my business. The gin was not used, except one case only. These cases of gin and the cask which had contained the brandy were yesterday seized on my premises by Mr. Still. The arrangement for the sale of the land above mentioned—as to the mode of payment—was made in September last. I cannot fix upon any exact date. Mr. Stewart came to my place backwards and forwards about the matter several times. The thing was finally arranged, and the conveyance made out for him and executed on the 13th of October last. The first conversation Mr. Stewart had with me about the purchase of this land occurred after the 2nd September last. I have not, and have not had, any written contract with Mr. Stewart as regards the arrangement agreed upon between us, by which I was to receive a portion only of the payment for the land in cash; but Mr. Stenhouse can prove that what I have stated was the understanding between Mr. Stewart and myself at the time of making this arrangement—that I was to take in payment for the land a certain sum in money and the rest in stores. Mr. Stenhouse asked me if I was satisfied as to that arrangement, in the presence of Mr. Stewart; and Mr. Stewart told me that he would send me the goods I required to complete the arrangement on the following day. The position that I am now in is this, that I have conveyed away my land, and have not received on its account all that for which I have parted with it. I went to the Chilian Stores and saw Mr. William Gibbes there, and it was to him I spoke about the goods ordered by me, in consequence of my transaction with Mr. Stewart as regards the sale of my land. I spoke to him, as he seemed to be the gentleman who

who was in charge. I said I would not give him an order until I first saw the invoice of the goods I had already received, and knew how my account stood. I saw Mr. Gibbes a week after that at my residence, and he then told me that he had looked over the account as to what had been supplied to me, and he thought that there was a balance still in my favor of about sixty pounds. I told him to send me some more rum to settle the account, and he promised to do so. He said, "What sort of rum was it that you had." I told him that it had been very good. He asked me whether he could see the cask, and whether I would let him look at the brand so that he might send me more of the same. The cask he alluded to was then standing empty in my store, and I turned it up accordingly and shewed him the head of it. He said, "I know the brand; that's good rum; I'll send you some more of it." I went to his store—the Chilian Store—after that again, and he wanted me to give further orders, saying, "We shall not press you for the cash, if you give us an order; you had better take samples of what is in the store and choose for yourself." But this I did not do. This last conversation took place within the last fortnight. I have also, subsequently to this conversation, and within the last fortnight, seen Mr. W. Gibbes at Pochlman's Hotel, and I there reminded him that he had not sent me what I wanted, meaning the hogshead of rum I had ordered of him. He replied, "You had better come down and see me when I am at the store, I cannot attend to business here." When I went about what I was to receive from Mr. Stewart on the first occasion, it was Mr. Gibbes who answered me, and I always considered him to be concerned in the business of the Chilian Store, and that when Mr. Stewart was not in, if I saw Mr. Gibbes it was all the same. In Mr. Stewart's absence I did not doubt but that Mr. Gibbes was his representative, and acting for him. I had every reason to consider that he was his partner, and did so consider him, especially as he knew the nature of the arrangement between me and Mr. Stewart consequent upon the sale by me to him of the land. The hogshead of rum which I last ordered would have nearly settled the outstanding account between me and Mr. Stewart. Mr. Gibbes, at the store, when I went there, told me I could sample what was in the store, and could have what I liked, on as much credit as I required. I declined to take advantage of that offer until I should have a proper account with particulars furnished me as to what had been already sent to me. The brandy cask and the cases are, as respects their marks and brands, in precisely the same state as when they came to me, and have not been altered by me in any way. I drew off the one case of gin. The empty case was taken away by Mr. Still, along with the brandy cask and the other cases.

T. W. Smith.
17 Dec., 1858.

THOS. W. SMITH.

Signed before the Board, on 20th December, 1858.

E. W. WARD.

MONDAY, 20 DECEMBER, 1858.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, Esq.

J. M'LERIE, Esq.

Richard Prosser called in and examined:—

1. *By the Chairman:* You were shipped on board the "Martha," of Sydney, a Colonial ketch? Yes.
2. In what capacity? Cook and seaman.
3. And you signed articles on what date? I think last June or July.
4. When was the last time you sailed in the "Martha"? It must be five or six weeks ago since we left Sydney.
5. Can you recollect the date at all? No.
6. Who commanded her then? Henry Camroux.
7. Do you recollect the day of the week you left? Yes, on Saturday.
8. Was it as far back as six weeks? It must be very near hand six weeks.
9. Where did you sail for? We sailed then, as we supposed, for the Manning River.
10. Cleared out for the Manning River? Yes.
11. What did you take on board? General cargo, besides spirits and provisions for passengers.
12. What passengers had you on board? When we first left the wharf we had a lady named Stewart, and family, and also a little boy named George Macdonald.
13. Did he ship with the Stewarts? No; he came on board to look after the children, as servant to Mrs. Stewart.
14. Was there a Mr. Stewart on board also? Not when we left the wharf, till we came below Bradley's Head, when Mr. Stewart came in a waterman's boat.
15. Did he seem to be the husband of the lady? Yes.
16. Do you know him by sight? Yes.
17. What kind of looking man is he? A stout set man, rather tall, full face.
18. Has he whiskers? Yes, I think so.
19. Did any other passengers come on board? No.
20. Did you ever see Mr. Stewart on business here? No.
21. Do you know where his place of business was? I have heard it was in Macquarie-place; I saw boxes on board marked "William Stewart, bonded store warehouse, Macquarie-place."
22. And you knew him personally? Yes.
23. What amount of spirits had you on board? Very near a dozen cases of different sorts.
24. How much in each case? I dare say they might hold two dozen bottles.
25. *By Mr. Browne:* No bulk spirits? No, only cases.

R. Prosser.

20 Dec., 1858.

- R. Prosser. 26. *By the Chairman*: You say when you left Sydney you cleared out for the Manning River? Yes.
- 20 Dec., 1858. 27. Did you go to the Manning River? We did afterwards.
28. What did you do first when you got outside the heads? When we got out the captain asked Mr. Stewart where he should steer for, and he said to the eastward. We were caught in a heavy snow-storm on Sunday, and the captain said, "I must return to Sydney unless I know where I am going to." Mr. Stewart said, "No, for God's sake don't return to Sydney, go to any other port but that;" and he came to the conclusion that we should go to Howe's Island.
29. Mr Stewart told him to go to Howe's Island? Yes.
30. From that, are you under the impression that Mr. Stewart chartered the vessel? No more than that he was engaged on that trip to go to Howe's Island. The captain had so much to take him on board, that was all.
31. Did you go to Howe's Island? Yes.
32. How many days were you going there? Three days. We sighted the island, then had a heavy gale from the eastward, and did not get sight of the island again for four or five days; it took us four days to get up to the island again, after we sighted the island. From the time we first fell in with the "Louisa" we were eight or nine hours until we left.
33. You met the "Louisa" there? Yes.
34. Was she anchored there? No, sailing about.
35. Did you make for her? No. Mr. Stewart had a private signal that he ordered to be shewed. The "Louisa" thought we were a cutter belonging to the "Herald," and made off from us, till we shewed the private signal, and they then bore down upon us. They told us to go to the lee of the island, where we could discharge what we had on board belonging to Mr. Stewart. We went under the lee of the island, hove to, and transhipped from the one vessel to the other the whole of Mr. Stewart's goods, and the passengers—Mr. and Mrs. Stewart and the children; the boy came back again.
36. Where is that boy now? I am not able to say; I will try to find out to-day.
37. How did you know the "Louisa"? I have worked on board of her myself, before she belonged to the Stewarts.
38. Did you board her? Yes; I went on board for a drink of water, when we were passing the goods out of the boat.
39. You were quite satisfied it was the "Louisa"? Yes.
40. Did you read her name on the stern? It was painted out; there was no name to be seen.
41. Neither on the bow nor stern? No, neither on one or the other. I knew the vessel, from having seen her so many times before.
42. Did Mr. Stewart have any conversation on the way down with the captain, or any one else, that you overheard? No, not that I heard, more than passing remarks about Sydney.
43. Did you suspect anything at that time? No.
44. When you got to the "Louisa" did you hear any conversation between the mate and Captain Camroux? Yes; after we left Howe's Island —
45. Who was the mate of the "Louisa" when you got on board her? Mr. Nicholson
46. Was there anybody else? A Mr. Stewart.
47. In what capacity was Stewart? As captain.
48. Which Stewart was it? I do not know his christian name, but William Stewart's brother was on board as commander of the vessel.
49. Who was the mate? Mr. Nicholson was chief mate.
50. When you parted with the "Louisa," did you take the mate on board? He came on board the "Martha" to go to the Manning River.
51. Did you hear any conversation between Mr. Nicholson, the mate of the "Louisa," and the captain of the "Martha"? Yes; he asked if we knew what lay the "Louisa" was upon. Captain Camroux said, "No." "Well," he said, "if I were you I would run the stuff for the "Louisa." Mr. Camroux said, "No, I will have nothing to do with it." Captain Camroux then asked what the "Louisa" had on board, and he said, about £13,000 worth of tobacco.
52. Did you hear any more conversation with them? No more than that he asked Camroux's opinion where he thought the vessel could run it best. They were talking of different topics of that kind, but nothing further concerning the "Louisa."
53. Did you hear the mate say any other name the "Louisa" took? Yes; the "Mary Ann"; he said they told several vessels they called her the "Mary Ann," and that they had it painted on a board ready to be put over the stern when required.
54. Do you know where Nicholson is now? I have heard that he has gone to Hobart Town, but I am not certain.
55. Have you seen him lately? Yes; the day we came in with the "Martha."
56. How long ago? A week last Saturday.
57. Do you think you could find him? No. I have heard he has gone to Hobart Town; his wife and family reside there.
58. Did you hear Nicholson say that Stewart had given him any money? Yes; he gave him £50 to pay his expenses to Hobart Town.
59. In addition to his wages as mate? Yes.
60. I suppose he was fully paid off when he left the "Louisa"? Yes.
61. And this £50 was given to him afterwards? Yes. He had £12 a month when he shipped on board the "Louisa," but the month was not quite expired, and he had no wages coming to him, but Mr. Stewart gave him £50 as a settlement of his claim.
62. *By Mr. Browne*: Did they say anything about what they mistook you for when they first sighted you? Yes; they said they mistook us for a cutter belonging to the "Herald," for there was a large full rigged ship to leeward of us, and they thought the "Herald" was down; they kept away. I guessed something; I thought all was not right, for Mr. Stewart said to the men,

- men, "Do not any of you know that vessel"? I heard the captain say no, and the mate and the other men said no; but when I came on deck I said, "That is the old 'Louisa,' of Sydney." He said, "Are you perfectly sure of that?" and I said, "A blind man could see her; I worked on board her." He then hoisted an ensign at the peak, and the "Louisa" hoisted the first distinguishing pennant, and then they came down upon us. When he was satisfied he hailed us and told us to go to Howe's Island. I heard the conversation with Captain Stewart: our captain was asking when he left, and he said he left Jervis Bay on Thursday as we left Sydney on the Sunday.
63. Was Captain King on board the "Louisa"? No.
64. Then Mr. Nicholson was in command of the vessel? No; he was navigating the vessel for Captain Stewart.
65. Did you hear what took the "Louisa" to Jervis Bay? To try to run the stuff; they expected a ketch there—at least I heard Nicholson say they expected a small vessel to run the tobacco on the coast.
66. You heard Nicholson say that? Yes.
67. Was Captain King on board when the "Louisa" went into Jervis Bay? That I could not say.
68. What became of the "Louisa" after you had put all the things on board? When we made away from them she was hove-to at the island; she made no attempt to get underway while we were in sight.
69. *By the Chairman*: Did you hear Mr. Stewart say anything to the boy? Yes; he said, "You will never see Mr. or Mrs. Stewart again, for they will never come to Sydney any more."
70. Did you talk to the boy? Yes, often.
71. Did he let out anything? No; he was too wide awake. I tried to get out about the previous voyage, as I heard they had been at the same game before; but he was too wide awake. Some captain came for the boy when we arrived and took him over to Mrs. Stewart, at Balmain.
72. How long have you been in these Colonies? It is about seven years altogether since I first came out, but I have been home since.
73. How did you first come out? As boatswain to Hobart Town, and then I came to Sydney in the barque "Chamois."
74. Have you been in any of Mr. Dunbar's ships? Yes; I was boatswain of one about twelve months ago—the "Duncan Dunbar."
75. Under Captain Neatby? Yes.
76. Where was the "Martha" loaded before you sailed for Howe's Island? At the Commercial Wharf.
77. At what time of the day or night did she take in cargo? She first commenced to take in Mr. Stewart's cargo about six in the evening, and continued till about seven; that was the ship's company alone; there was work done after that, but not by us.
78. What did the cargo consist of? Spirits; that was all we took.
79. Any furniture? No furniture came on board during the night.
80. Where did the spirits come from? Out of Mr. Allen's stores.
81. Were they put on board by Custom House officers? No; by only the chief mate of the ketch and me.
82. Did you see a Custom House officer there at all? There was no Custom House officer there then. There was a man came on board that the little boy told me was a Custom House officer; he was a shortish man, rather full in the face. I was down below; and about one o'clock I poked my head through the hatchway to see what was the matter, as I heard a noise on deck, and saw a deal of things come on board; they were put in the hold the next day; they were clothes belonging to Mrs. Stewart.
83. Where did this officer come from? Balmain.
84. How do you know? Because I saw the boat go in that direction.
85. Did you hear his name? I have heard his name mentioned by the boy.
86. Do you think you would know his face again? I think I should.
87. Was he dark or light complexioned? He looked rather darkish when I saw him by the glimmer of the light.
88. Had he any moustache? No; I cannot say whether he had or not.
89. *By Mr. Browne*: Had you any cargo at all for the Manning? Yes.
90. You took in the Manning River cargo before you started on Mr. Stewart's expedition? Yes.
91. Where is the "Martha" now? I believe she sailed this morning.
92. For the Manning again? Yes.
93. When this Custom House officer came on board was Mrs. Stewart on board? No. She did not come on board before the Saturday morning.
94. Was he aware of that? I think he was, because he sent some clothes down to her. It was Saturday morning we sailed; he came on board on Friday night.

R. Prosser.
20 Dec., 1858.

Mr. Thomas Waldeck Smith again called in.

The statement made by him before the Board at their last meeting, having been read over, was signed by him. He was then further examined:—

- Mr. T. W. Smith.
20 Dec., 1858.
1. *By the Chairman*: Since Mr. Still made the seizure over at your public house, have you seen Mr. Gibbes, or any person connected with the Chilian Store? No; I have not.
 2. Have you had any communication with him? No; not with him, or any one connected with the Chilian Store.
 3. *By Mr. Browne*: The parties have made no communication to you? No.
 4. You have not applied to them, notifying that the goods sold by them have been seized? I have not, but I called upon Mr. Richardson, the auctioneer, by whom the land was to have been sold, the other day—Mr. Stewart's mother had told him to sell the land at the time of the sale of Captain Perry's land—and told him that I should take steps to regain the land by course of law.
 5. This was the land to which you referred when you were before examined? Yes; it was put into Mr. Richardson's hands to sell on account of Mr. Stewart's mother. Mr. Stewart mortgaged the land on the same day he got it from me to Messrs. Stenhouse and Hardy.
 6. Do you not intend to give the parties at the Chilian Bond notice that the goods received from them have been seized? I have put the matter into Messrs. Stenhouse and Hardy's hands. I told them I would spend the value of the land, £300, but I would see myself righted, as it was a dishonest transaction; and I wished them to apply to the Court, to see if I could obtain the land back.

20 DECEMBER, 1858.

Mr. Manton.
20 Dec., 1858.

Mr. Manton was called in and asked before the Board, consisting of Captain Ward and Captain Browne, if he was prepared now to name the gentlemen who were on board the steamer on the occasion of her towing out the "Louisa" on the evening of 2nd September; and he answered, that those gentlemen were the two Mr. Stewarts, Mr. W. Gibbes, and himself—We left the Grafton Wharf in the "Louisa," and went on board the steamer near Bradley's Head.

TUESDAY, 28 DECEMBER, 1858.

Present:—

J. M'LERIE, Esq., IN THE CHAIR.

H. H. BROWNE, Esq.

Mr. John Williams called in and examined:—

- Mr. John Williams.
28 Dec., 1858.
1. *By the Chairman*: The Board have received a letter from your solicitors, Messrs. Duns-mure and Stafford ———? Yes, that was at my request.
 2. Requesting that you may be examined "with reference to your purchase of some cases of gin from Mr. William Gibbes, suspected to be a part of the cargo alleged to have been shipped by the 'Louisa' in September last"—you attend here for that purpose? I have come here for that purpose.
 3. Will you put the Board in possession of all the facts connected with this transaction? It will be necessary to preface my statement by shewing in what manner I have become acquainted with Mr. Gibbes. I have been an hotel-keeper for a number of years, and Mr. Gibbes having been a frequenter of hotels, from time to time, I have had a good deal of his patronage, both at Petty's Hotel and at Parramatta, where I now reside. He has always shewn me the greatest friendship, as it were; he has been very liberal, and always paid me honorably. I always looked upon him as an independent gentleman, connected in no way whatever with business, until, I think, some time in August last, or early in September, when he accosted me in George-street, near the Café, and after asking me how business was going on in Parramatta, he said he understood I had entered into the wholesale wine and spirit trade, and asked me if I could not give him a turn. I asked him if he had entered into our line of business, and I understood him to say, Yes. I assured him that I was not in want of any stock, that I had rather overstocked my store in Parramatta, and that business was so dull I could not get rid of stock. Two or three times subsequently I came in collision with him in the streets, and he asked me whether I did not intend to look down at their stores in Macquarie Place, and he said he thought he would be able to serve me as well and as reasonably as any person in Sydney could. I again told him that I really was so full of stocks that I had no desire to purchase, but that at some future time, if I required, I would give him a call. Some time in September I was down at the Custom House, paying duty upon some goods, and on turning round the corner of Wilkinson's fence—the corner fence opposite the Chilian Bond—Mr. Gibbes hailed me, and beckoned. I was in a great hurry, being anxious to get away by the afternoon train, and wished to catch the omnibus at Pitt and Hunter streets. He came across and said, "As you are so close you will come and see what we can offer you, "I think you will give us a turn." I went over, and there were three or four gentlemen there. I was still anxious if possible to have caught the train. I recollect that Mr. Gibbes spoke to one gentleman, but who he was I cannot tell, and he came out and said, "Will you not take some brandy? here is a sample of it, it is very good and very reasonable."
 4. Said to you, or to the gentleman? To me.
 5. Who offered the sample? Mr. Gibbes. I tasted the sample and asked him the price; he told me it was 18s. a gallon; I said I was very full of brandy, but as an old friend I would

would take two hogsheads of brandy; he then asked me if I would take some rum, and I told him I had so many certificates by me, and found it so slow to move off—only by retail in Parramatta—that I could not do so; they offered me inducements by naming the price; I said, "I cannot take them, for I have no use for them, they would only be dead stock."

Mr. John
Williams.
28 Dec., 1858.

6. *By Mr. Browne*: You say they did? Mr. Gibbes I mean; he was the only party who spoke to me, but several gentlemen were standing by—three or four. He then offered me some gin; I looked at the brand; I said, "I have a quantity of gin, I do not require it, I have a quantity of a better brand, the key brand;" this was the anchor and JDKZ; he said, "To induce you to buy we will sell you this gin at 46s. 6d.,—I think, I am not sure—46s. or 46s. 6d.; I did not think it anything like a bargain, because my stock on hand did not cost me more than sixpence or a shilling more a case; I gave him a very small order—I said I would take five cases; he said you had better take ten; I said, "Well send up ten," and I hurried off and caught the train. He also offered me some cigars, and wanted me to take a case, but I declined to do so.

7. Was there any invoice with them? I got an invoice afterwards.

8. Have you that invoice with you? I am sorry I have not, but these letters (*producing a number of letters*) will explain the transaction.

9. Have you any objection to lay those letters before the Board? None whatever. (*The Witness handed in the same. Vide Appendix.*)

10. Were the five cases of gin taken from your cellar by the Inspector of Warehouses part of the ten you allude to? Yes, part of the ten I purchased from Mr. Gibbes.

11. *By Mr. Browne*: When did you receive this gin? I can tell you by reference to this letter. (*The witness read letter No. 1—Sept. 17th, 1858.*) On the 18th I received this note. (*The witness read letter No. 2—Sept. 18th.*) On the 20th I received this. (*Witness read letter No. 3—Sept. 20th.*)

12. Have you had any other communications with Mr. William Gibbes since then? I have, several. I had no communication after that until I wrote to Mr. Gibbes myself. Having purchased these goods more as a compliment than anything else, I called at the office the first time I came to town after receiving them, and tendered my cheque; I said it was the practice to allow some discount off, and in consequence Mr. Gibbes spoke to some gentleman who was there; I waited outside, but they took the account into the office and brought it back to me receipted for the discount, and handed a cheque for my signature, which I gave.

13. By whom was that receipt signed? It is signed, "Stewart & Co." I regret very much I have not brought it with me, but I did not think of it till I was in the omnibus on my way to the train.

14. Had you any doubt, when making these arrangements with Mr. Gibbes that you have now spoken of, that he was a principal in the business, and interested in the sale of these goods to you? I believed him to have been interested, otherwise I should not have bought them. I bought them from mere compliment; I was not in want of stock, as Mr. Still and those who have seen my stock well know. Mr. Still came to me one afternoon, or rather the Chief Constable came to me, and told me there was a gentleman in the front parlour who wished to see me. He introduced himself as Inspector of Distilleries, and said he wished to inspect my stocks. I showed him through the cellar, and three different stores I had; in looking over the gin he said—"Mr. Williams, I am afraid I shall have to take this gin from you. I am an officer appointed by the Government to search for goods the Government have been defrauded of. I think these are some of the goods, and I must take them away." He asked me where I got them—

15. *By the Chairman*: Did he say anything on seizing them before he asked the question? No; he asked me questions before he seized, and called the Chief Constable's attention to something on one of the cases, which I understood to be the card bearing the address of Stewart & Co., Chilian Stores. It was then he said he was afraid he should have to take them away to the Police Office, and asked me where I got them. I told him I bought them from Mr. William Gibbes. I requested he would not be hasty, but would make himself certain these were the goods he was in quest of, for it would be rather an unpleasant thing to see my goods taken across the street to the Police Office, and I assured him they would be as safe in my stores as in the Police Office. I told him the Chief Constable would certify that; the Chief Constable said something to him, and afterwards he seemed perfectly willing to leave them; he asked for chalk, and put the broad arrow on seven cases, six full and ullage, and one empty. One bore the chalk mark of G 548; this case Mr. Still put on one side, and did not put the broad arrow on that. He told me he would let me know to-morrow evening—that was the following evening—whether the goods were those he was in search of or not. The following evening I saw Chief Constable Drury, and he brought me over a note to read, in which he was instructed by Mr. Still to consider these goods as still under his surveillance. I remarked to Drury that it seemed a strange affair that Mr. Gibbes should induce me to purchase goods of this description under the garb of friendship, and I still had my doubts about it, and would see Mr. Gibbes on the subject. I did so. On the 2nd December Mr. Still came from Sydney by the first train in the morning, and said he wished to see the goods again, and if he had any doubt in the matter that he would give me the benefit of the doubt. I took him into the stores, and he had Constable Wade with him, and told Constable Wade to remove the goods over to the Police Office. I told Mr. Still then that I hoped he was perfectly satisfied of what he was doing—that I had seen Mr. Gibbes, and Mr. Gibbes had assured me that these goods had duty paid upon them on the 14th September; that, not being satisfied with that, I had got an agent to make the necessary inquiry at the Custom House whether such was the case or not; that the agent sent a clerk, and on his return certified to me that the duty was paid on the 14th September for this particular mark, and I concluded that I felt perfectly satisfied Mr. Still might have been mistaken. Therefore, when he was removing the goods, I asked him to be particular, and to be certain what he was doing, as it was a matter very unpleasant to me. He said, "I have a duty

Mr. John Williams. "duty to perform." I said, "You have a very unpleasant one. I give you every credit for what you are doing, but, if I am not misled by the intimation I received yesterday that these are not the goods you are in search of, but the goods the duty was paid upon on the 14th September, you have not a right to remove them." Mr. Still assured me that he was satisfied with what he was doing, and he would run all risks, and that he was acting under the direction of the Board. I then rendered him every assistance in my power by horse and cart and the help of my son, as I did not wish to call in the servants to hear and see what was wrong. I even then felt confident the goods would be restored to me; but as they were going on to the dray or cart, my son observed another case bearing a chalk mark, G 548—

23 Dec., 1858.

16. A similar chalk mark to what Mr. Still had seen on the former day? Yes. I called Mr. Still's attention to it, and subsequently saw another with the same mark, G 548. I said to Mr. Still, "This appears to be a strange thing—three cases out of the lot bearing this mark. Are you still satisfied these are the goods you are in quest of?" He said, "Mr. Williams, I will take these." He then directed the constable to take the empty case to put on the dray with the others that bore the chalk mark with the broad arrow. There is one part I omitted in my answer. I understood, when I made my first observation to Mr. Still, that he could seize these cases as contraband, having no bond mark. The goods were removed to the Police Office, and I heard no more about them until I came down to Sydney. In the interim I wrote this letter to Mr. Gibbes. (*Witness read letter No. 4, Dec., 1st.*) Subsequently I received a note from Mr. Gibbes, dated 4th December. (*Witness read letter No. 5.*) I saw Mr. Gibbes personally on the 2nd, relative to my letter of the 1st December, and he still assured me that the goods were proper, and that I ought to take proceedings immediately to recover them back. I went to Mr. Dunsmuir and acquainted him with the matter, and he said there was no occasion to move in it, and that, if the goods were not those they were in search of, they would be restored to me ultimately, and no blame would be attached to me. After having been assured that the G 548 cases had had duty paid upon them by the agent, Mr. Cohen, that I sent in to inquire, I felt perfectly content; but, before I left town, I met him again, and he asked me if I had heard anything further—that there was a report—he said that he had heard for certain that there was one of these cases bore the mark of E 562, which corresponded with the mark on the goods supposed to have been exported by the "Louisa." I was quite indignant, and said I was quite sure it was a falsehood, for I saw the others go away which bore the mark of G 548, except those which bore no mark at all. I said I was quite sure it was the case, and that when I returned I would go to the Police Office and see whether it was so. When I went back to Parramatta I was detained some time in conversation with Mr. McDougal, and when I went over, not knowing that Mr. Still or any other person was there, I asked for the Chief Constable; Mrs. Wade said she did not know that he was in, but if I would walk up to his office I might see him. I did so, and I smelt a strong smell of gin, and saw Mr. Still and another person measuring a case of gin. Constable Wade was present. I remarked to Mr. Still that I was not aware he was there, but I was very glad to see him, for I wanted to know when he would release the gin. Mr. Still said he was afraid it would be some time first. I said, what brought me over was, that I had heard a report in Sydney that one of the cases bore the contraband mark of E 562. Mr. Still made no observation to me, and took no notice of what I said. I then asked what he was doing. I said, "I am acquainted with what you are doing, but, at all events, you are filling up those bottles fuller than I ever received"; he was filling up from another case that ultimately proved to bear this contraband mark; he was taking them out of the ullage case which bore no mark. I remarked that I had not seen bottles filled so full before, and the assistant who was with him said, "Yes, they are too full, Mr. Still," and Mr. Still gave directions to turn some of the gin out. I do not know what the object was. I always pay an agent to clear my goods, and therefore I did not understand his object. Mr. Still went away, and I told Mr. Drury what I had heard in Sydney, and Drury said, "It is the case; one of these cases is marked with the "Louisa" mark, E 562." I said, "It is very strange Mr. Still did not let me know that; I made the observation and he said nothing about it." He said "Perhaps Mr. Still wishes to be still upon this matter, and not to say too much." I said, "Have you any objection to shew me the case?" and he said, "Not the least;" and after looking at it some time I found a very faint mark could be traced as being E 562, but it appeared to have been scratched on in a great hurry with a piece of sandstone rather than chalk. In consequence of that I wrote this letter to Mr. Gibbes. (*Witness read letter No. 6, December 10th.*) In reply to this letter, I received the following (*Witness read letter No. 7, December 11th.*) and subsequently I received, by private hand, another, dated the same evening, which ran as follows (*Witness read letter No. 8, dated Saturday night, December 11th, 1858.*) I then wrote to Mr. William Gibbes, under date December 12th (*Witness read letter No. 9.*) I then wrote to the Collector of Customs, stating the whole circumstances of the case. (*Witness read letter No. 10, dated December 13th.*) To that letter I received this answer (*Witness read letter No. 11, dated Custom House, Sydney, 15 December, 1858.*) After this I addressed another letter to Mr. William Gibbes; it is dated the 27th, but I wrote it on the 26th. (*Witness read letter No. 12, December 27th.*)

17. You have had no reply to that? I have not.

18. These letters embrace all the correspondence you had with Mr. Gibbes and with the Collector of Customs, on the subject of this seizure? Yes.

19. Have you seen any officer of the Customs personally upon this subject? None but Mr. Still. Mr. Still admits the justice of my remarks; he says that at the time of leaving my store he did not see the mark; but upon greater scrutiny, and in a stronger light, he saw it, and called the attention of the constable.

20. Was the mark so faint (E 562) that it might have escaped your attention when in your store? Unless looking closely for it. Mr. Still says he thinks they have attempted to erase the marks.

21. In Mr. Gibbes' letter of 4th December he states that he had reported to the Government that you had said you had not purchased the goods from him, but through his introduction—is this statement of Mr. Gibbes correct or not? He had no authority from me to make such a statement.
22. Is that statement true or not—that you did not purchase the goods from him? I consider I purchased the goods from Mr. Gibbes; he was the only person I had any dealing with.
23. Was the name of any other person mentioned in the transaction? None whatever, not until I received the receipt signed "Stewart & Co."
24. *By Mr. Browne*: You had no other object but to please Mr. William Gibbes, who had been an old customer of yours? No.
25. The prices you paid were the full market prices of the day? They were the highest market prices of the day; I could not get the same money for the gin now, and the brandy I could get for a much lower price. I gave them what they asked.
26. You never saw the Collector of Customs on the subject? No; that letter is the only correspondence I had with him; I never spoke to Colonel Gibbes in my life.
27. I suppose the brandy you have sold in the course of business? Yes; the brandy was sold in the course of a few days.

Mr. John
Williams.

28 Dec., 1858.

APPENDIX.

No. 1.

Sydney, September 17, 1858.

My dear Sir,

Your ten cases of Geneva were forwarded by steamer this noon, but I regret to say that the brandy was too late in going down, and will be forwarded by steamer to-morrow (Saturday) one o'clock.

John Williams, Esq.,
Parramatta.

Yours truly,
W. GIBBES.

No. 2.

Sydney, Saturday, September 18, 1858.

My dear Sir,

Your brandy left per steamer at mid-day, and will arrive all safe, I trust. With kind regards to your young ladies,

Believe me,
Yours truly,
W. GIBBES.

No. 3.

Sydney, September 20, 1858.

My dear Sir,

I forgot to send you the re-gauge of the brandy, and therefore enclose you a memo.

John Williams, Esq.,
Parramatta.

In haste,
Yours truly,
W. GIBBES.

No. 4.

Parramatta, December 1, 1858.

Dear Sir,

After the assurance I have had from you to-day of the goods in question being legal and duty paid, there must be some unwarrantable delay in releasing them on the part of Mr. Still. They were seized on Monday, and I was in the first instance directed to take them over to the Police Office as contraband goods; but reasoned that such a proceeding would be greatly detrimental to my interest and reputation here *undeservedly*, and gave my pledge to keep them secure in my store until decided, which was agreed to by Mr. Still after putting the broad arrow on them, and placing them under the surveillance of Mr. Drury, the Chief Constable *here*, with a promise to report on the following morning (*Tuesday*.)

In consequence of the branding of these goods, my *son* in my absence could not open the stores (where they were secured) to the public to-day; and to-night's post has not brought any order to the Chief Constable to release them, who has just shewn me Mr. Still's letter, in which he states to the C. C., "you are to consider these seven cases as still under "your surveillance,"—consequently my business must in a manner be suspended during to-morrow.

The matter is *abroad here*, greatly to my damage; having purchased the goods through you, is the only excuse I can offer for troubling you to ascertain for me on what grounds they are so long detained from release.

W. Gibbes, Esq.

I am, dear Sir,
Yours truly,
JOHN WILLIAMS.

No. 5.

Mr. John
Williams.

No. 5.

December 4, 1858.

28 Dec., 1858.

My dear Sir,

Your letter has not come to hand. I have written to the Government stating, upon your authority, that you did not say to Mr. Still that you bought these goods *from me*, but, through my introduction, from Mr. Stewart, and that you had furnished me with the bond mark of the gin, from which I have proved that the gin sold to you on 16th September was paid duty on two days before. My letter will be laid before the Treasurer on Monday morning, at nine o'clock, and, if not exceedingly inconvenient to you to come to Sydney, I shall be very glad to see you in the early part of the day.

I am, my dear Sir,
With kindest regards to your family,
Yours truly,

J. Williams, Esq.

W. GIBBES.

Can you be here by half-past 9? Try.

No. 6.

Parramatta, December 10, 1858.

W. Gibbes, Esq.

Dear Sir,

Circumstances have transpired since I returned home this evening, the meaning of which I do not understand; but as I consider you responsible to me, I do not think I am justified in withholding from you any report for a single post.

It was my intention to have addressed a letter to the Collector of Customs to-night, to inquire the cause of the detention of the gin, after it had been published that the contraband gin was marked E 562, whereas the gin I bought from you was G 548, and that the contraband gin was cleared for export on September 2nd, and the gin I had was duty paid on the 14th September; but, as I told you, amongst other reports that came to my ears to-day, that it was alleged one case bearing the mark E 562 was seized from me with the others, I went over to the Police Office half an hour after I returned home, to ask permission of the Chief Constable to allow me to inspect the cases, so as to satisfy myself. The C. C. not being in, I was directed by Mrs. Wade (the lock-keeper's wife) to the C. C.'s office, where I should find Mr. Wade. On proceeding there I was surprised to see Mr. Still and another there measuring gin. I asked the reason, but Mr. Still said he had his reason, and a duty to perform, but did not explain. I asked him when were the goods going to be released, &c., &c. He said he could not tell, but no harm could happen me. Again I remarked, I could not understand why I had received no communication whatever from the authorities; again, that I had heard in Sydney that one case was marked E 562, and had been seized from me—that I had come over to satisfy myself. Mr. Still did not *openly*, as I think he ought to have done, tell me that the case he was then measuring the contents of, and filling up from another, the ullage one of C 548—(N. B. A broken bottle was in the one filling up, and it was replaced with another, to make the quantity right, and a second one from the ullage case for filling up)—was marked E 562, or give me any other reason. In the meantime the Chief Constable came in, and was surprised to see what was going on. Mr. Still and his assistant having left, I asked permission to examine the cases, as I had heard there was a case bearing the contraband bond mark, E 562.

Mr. Drury at once told me it was so, and pointed to the case which had been opened and filled up just before.—(N. B. I had called the attention of Mr. Still and his assistant, who remarked that the bottles were never filled to the cork, and he emptied some out of each bottle again. I offered to allow any of my key brand to be examined, to shew that the bottles they were filling were too full, but I did not understand, nevertheless, what the scrutiny was for.) However, on Mr. Drury pointing out to me the mark on that particular case, I could discern a faint thin mark, like as if scratched on in a hurry with a piece of soft sandstone, E 562. I never remember seeing a proper bond mark thus (a writing E), but always with, as in print, E. This attracted my serious attention, and it cannot be denied but it is evident such a mark, if to serve any purpose, could have been scratched on in an instant, either before or after the cases left my store. I think Mr. Still ought to have pointed it out to me, if he seized on that mark, *there and then*. He professed to seize for having no bond mark: this is all I complain of Mr. Still. I think Mr. S. ought to have pointed this out to me at the time of removal, when all three of us—(my son, constable Wade, and myself)—turned all the cases over, and saw no such mark. It is to me a singular thing that this one case should bear this imperfect mark so suddenly; however, should this turn out to be one of the cases in search of, it will alter my opinion of the matter altogether.

As things wear the aspect they do, I shall address a letter of full particulars to the Collector of Customs as soon as possible, but which is impossible for me to do to-night, as I think it right to inform you first, you being responsible to me, that you may detect if there is any trickery in this.

Yours, &c.,

J. W.

No. 7.

My dear Sir,

I have received your letter, and am surprised at its contents, and will send it to the Government. I am at a loss to understand your statement; but although a Mr. Abbot exported some gin, E 562, early in September, great numbers of cases of such bond mark have been paid duty upon.

I am, my dear Sir,

Yours always,

W. GIBBES.

Sydney, December 11, 1858.

No. 8.

No. 8.

Sydney, Saturday night,
December 11, 1858.Mr. John
Williams.

28 Dec., 1858.

My dear Sir,

I wrote you hurriedly this morning to acknowledge receipt of your letter, and now have to tell you that, if you choose to dilly-dally over your affairs, and to risk the loss of your reputation and business, I cannot help you.

As to any responsibility attaching to me, there is none; but, nevertheless, as an old friend, who has always treated me with great kindness, I shall be most happy to render you every assistance in my power in placing you right with the Government and the public; but unless you write I cannot move in the matter.

You sought my advice; I gave it sincerely, and you have as yet rejected it.

Instead of writing to the Government *you keep addressing me*: I cannot help you, except by information, with which I have endeavoured to supply you.

As to the case of seizure itself, if there is anything wrong, or any rascality has been perpetrated, I can solemnly assure you I am perfectly ignorant of it; I know nothing of Mr. W. Stewart's affairs, and can only again advise you to lose no time in addressing the Government—by to-night's post, if possible.

With kind regards to your family,

I am, my dear Sir,

Yours truly,

W. GIBBES.

John Williams, Esq.,
Parramatta.

Please to start the bearer back in time for the train.

No. 9.

Parramatta, December 12, 1858.

Dear Mr. Gibbes,

I am in receipt of both your letters, and will, if convenient to you, see you at the stores to-morrow (Monday) morning, at 10 o'clock, and explain to you anything in my letter of the 10th unintelligible to you.

In the meantime I remain,

Yours truly,

J. W.

No. 10.

Williams' Hotel, Parramatta,
December 13, 1858.

Sir,

On the _____ day of December Chief Constable Drury came into my office, and said there was a gentleman in the coffee-room wishing to see me; on entering I saw Mr. Still, who said, "I am the Inspector of Distilleries, and wish to inspect your stores." I said I would be happy to shew them to him, and took them all over the cellar and stores, where he carefully examined every article; on examining my stock of gins, he inquired where I got a particular lot from; I told him I bought them from Mr. Gibbes; he (Mr. Still) then called the Chief Constables' attention to the cards on the cases, (viz., W. Stewart & Co., Chilian Stores,) and said, "Mr. Williams, I am afraid I must seize these cases as contraband goods, and send them over to the Police Office." I requested he would not do that, as the fact would be injurious to my business and reputation; he said it was, he knew, a very unpleasant business, but he had a duty to perform; that a fraud had been perpetrated on the Government, in which Mr. Stewart was implicated, and he had no alternative. I told him I bought and paid legitimately for them, and as far as being concerned, I did not even know Mr. Stewart. I asked him if he was sure they were any of the goods; he said if they were not he would seize them as contraband, having *no bond mark* on them. I assured him of their perfect safety in my stores, in which assurance the Chief Constable acquiesced, and Mr. Still asked for chalk, put the broad arrow on seven cases, and agreed to leave them in my stores until he satisfied himself, and promised if they were right to write the next day and let me know. There were in all 8 (eight) cases—an empty one, an ullage, and 6 (six) full ones. There was a chalk mark perceptible on the empty one, which Mr. Still threw on one side, and did not mark it with the broad arrow. On inquiries from the Chief Constable the following evening, he read a note to me he had received from Mr. Still, in which that officer directed him to consider the goods still under his surveillance, &c. On the morning of the 2nd December Mr. Still came to Parramatta by the first train, and asked me to let him see the goods again, and that if there were any doubt he would give me the benefit of it; he had Constable Wade with him, and directed him to remove the seven cases to the Police Office, leaving the one (empty) with mark G 548 behind; my son helped Constable Wade to load the horse and cart, and when out in open light he saw a mark in chalk on another case, which was G 548, same as the one left out, and called Mr. Still's attention to it. I then instructed my son and Constable Wade to examine every case carefully, and take down the marks; three were taken down as G 548, the empty one included—5, no marks perceptible. I then asked Mr. Still if he was not mistaken, as I understood he seized the goods as having *no bond mark*; that I had seen in merchants' free stores cases gin no mark, either in paint or chalk, to indicate any particular bond; also that I had a case with sundries in, from Sydney, just the same, and that I had been assured *duty had been paid* on the gin that I had from Stewart on September 14th. But Mr. Still said he must remove them and run the risk, and ordered them to the Police Office. I offered my store keys rather than such should be done, but it was denied, and it was removed, and the empty case then Mr. Still directed to be taken with them. I then applied to Mr.

21—2 K

Gibbes

Mr. John
Williams.
23 Dec., 1858.

Gibbes, through whom I purchased the goods, to satisfy me, as I did not understand the proceedings. He assured me that the goods taken from me duty was paid on, on the 14th September, and that he believed the seizure to be illegal, and advised me to apply for their release, or proceed for the recovery of them *by law*. This I did not do, believing every hour might bring an order from the Government to release them. On the 10th December, when in Sydney, I gave a description of the marks on the cases in question to a Custom House Agent, who sent his clerk to inquire if duty had been paid on such gin, and he returned with an answer he had, on September 14. Subsequently I saw him (the agent) again, and he told me he had heard that there was one case marked with the "Louisa" bond mark, viz., E 562; this I indignantly repudiated, stating I had, with my son, Constable Wade, and in the presence of Mr. Still, carefully examined every case as it went on the dray. Subsequently I was spoken to by many friends in town that the report was all over the place that the goods were traced to me, and in one instance that a 14-ton boat had been seized on the Parramatta River, with the goods from me, which I consider is most injurious to my reputation as an upright and honest tradesman. Shortly after my arrival in Parramatta I proceeded to the Police Office, to tell the Chief Constable what I had heard, and to ask him to let me see the cases, as I felt very certain that the report that one of them bore the mark E 562 was a fabrication. Mrs. Wade, the constable's wife, directed me to Mr. Drury's office, where I saw Mr. Still and another, and Constable Wade, with a case of gin open, and measuring its contents. I remarked that I did not know Mr. Still was there, and that I was glad to see him, as I wished to know if he could give me any information when the gin would be released. He said he could not tell me. I then observed what brought me over was in consequence of a report I had heard in Sydney that there was one of the cases marked E 562, which I thought was impossible, after the scrutiny of four of us on the goods leaving. Mr. Still did not reply, and I concluded it was a false report. On observing that they were filling the gin bottles up to the cork, and taking two bottles from another case—one to replace a broken bottle, the other to fill up the remainder of the case they were measuring—I asked Mr. Still what he was doing, (for I was ignorant, and still am.) He said, only his unpleasant duty; that no harm could come to me, and he had told the Board his opinion, and stated the ready and willing manner I satisfied all his questions. After the cases were headed up, Mr. Still and his assistant left; I then told Mr. Drury what I had heard. He said it was so, and that Mr. Still made him give a receipt for that particular case on the morning they were removed from my stores. I said it was impossible, as Constable Wade, my son, myself, and Mr. Still handled them all over, and saw no such mark. He (the C. C.) then pointed it out to me. It was the case they had been measuring; I could trace a very faint mark, thus, E 562—apparently neither paint nor chalk, but as if scratched on with a piece of sandstone in a great hurry. So struck was I with it, that I could not help remarking my belief that it had been scribbled on after leaving my stores, and the time of the Chief Constable's attention being drawn to it and his receipt demanded. If such is a Government bond mark, and one by which goods are to be seized, no honest man's goods are safe, whenever a dishonest one may defraud the Government; and if such marks are to bear evidence, then any informer may easily enter the stores of any merchant, and in an instant, whilst his eye is off such person, he may brand one or more at his will, to serve his ends to obtain reward. It has occurred to me, that the locker in whose custody the cases E 562 were, should be called upon to inspect this case at once, and to affirm, or not, if it is one in question. I have received no word from the Government, or any one else, as to the detention of the cases; yet I have been assured that many other cases, bearing that mark, has duty paid upon them. I look upon this case, as regards myself, as a very great hardship, not knowing how to answer my friends about it; and as I consider my business and reputation is suffering severely through the reports which have now become quite public, and exaggerated, and by which I appear branded as a smuggler. Should I be out of place in addressing you upon this subject, may I beg of you to lay my communication before the proper authorities, that I may at once understand the position in which I am placed with respect to the Government, and thus afford me the means of acquainting my friends and customers with the true merits of the case, as it is now a fortnight since the goods were seized, and I have not as yet heard anything in reference to them.

I have the honor to be, Sir,

Your obedient servant,

JOHN WILLIAMS.

To

Colonel Gibbes,
Collector of Customs.

No. 11.

Custom House,
Sydney, 15 December, 1858.

Sir,

I beg leave to acknowledge the receipt of your letter of the 13th instant, and to say that I have called on the Inspector of Warehouses for his report on the extraordinary circumstance related by you of one of the cases of gin seized by him having left your store without any mark upon it, and a scratched mark being afterwards found thereon; and so soon as I get his explanation I shall forward your letter to the Government.

Beyond that I can take no steps, as the seizure has never come into my custody, nor have I any report of the grounds on which it was made.

I am, Sir,

Your very obedient Servant,

J. GIBBES,

Collector.

To

Mr. Williams,
Williams' Hotel,
Parramatta.

No. 12.

No. 12.

Parramatta,
December 27, 1858.

Mr. John
Williams.
28 Dec., 1858.

W. Gibbes, Esq.
Dear Sir,

Notwithstanding your assurances that you could prove the gin purchased by me, (and seized by Mr. Inspector Still as contraband), had duty paid thereon, September 14th, I have now to inform you that, notwithstanding my protest on these grounds, the authorities have decided otherwise, and have taken the goods to Sydney.

I will be examined to shew how I became possessed of them, and if you are still so sure of their seizure being illegal, I consider, under the circumstances which induced me to purchase them, you should shew to the Board satisfactory proof of the same, and at once exonerate my character more satisfactorily than by my own representations alone, otherwise I have no alternative but to conclude that I have been most shamefully imposed upon, and will take the necessary steps to acquit myself to the public of (if any) supposed participation in the disgraceful fraud which has been committed on the Revenue. In the meantime,

I remain,
Yours faithfully,
JOHN WILLIAMS.

159, late 325, Castlereagh-street,
Sydney, December, 1858.

Sir,

As Solicitors for Mr. John Williams, of the "Wool Pack Inn," Parramatta, we have the honor to request that Mr. Williams may be examined by you with reference to his purchase of some cases of gin from Mr. William Gibbes, suspected to be a part of the cargo alleged to have been shipped by the "Louisa" in September last.

This application is made on his behalf in consequence of certain rumours having reached his ears relative to his conduct in the transaction.

We have the honor to be,
Sir,

Your most obedient Servants,
DUNSMURE & STAFFORD.

To

The Chairman of the Board of Inquiry
Upon the late Custom House Frauds.

George McDonald called in and examined:—

1. *By the Chairman*: How old are you? Fourteen.
2. Where are you living? Up in Kensington-street.
3. You are an orphan, are you not? I have no father nor mother.
4. Do you know Mr. James Stewart, Custom House Agent? Yes.
5. How long is it since you first knew him? About ten weeks—two months and a fortnight.
6. How did you first become known to him, or he to you? My sister was coming from Brisbane Water, and she fell in with Captain King in a ketch, and he got her a place at Mr. Stewart's.
7. Did Mr. Stewart put you on board the "Louisa"? No; I went on board first the day before, and they said they did not want me.
8. What day was that? On Tuesday I went first.
9. You went on board the "Louisa" the day before she sailed? Yes; and they said they did not want me. Mr. Stewart told me to call the next morning, and they kept me then.
10. What did you do on board? I was helping the man to cook.
11. What sort of crew had they? A black crew.
12. Not all black, were they? Every one, except the captain and me.
13. How many were there, do you recollect? I think ten; there were thirteen of us altogether.
14. Including the captain and yourself? And the cook.
15. What sort of black was the cook? An American.
16. What were the other ten? Kanakas.
17. What time did you go on board on the day the "Louisa" sailed? About eight or nine.
18. In the morning? Yes.
19. Where did you go on board? At the Grafton Wharf.
20. Was she ready for sailing then? No; she had not the casks on board.
21. What casks? Empty casks.
22. How many did she take on board after you went on board in the morning? I do not know; I think there were forty the morning I filled them.
23. Filled them with what? Water from the tank-boat.
24. Was any other cargo taken on board that day? I think a man came down with a dray load of goods.
25. One dray load? I cannot say whether it was only one.
26. Were there twenty? I cannot say whether there that many, for I was below taking care of goods.
27. What sort of goods were they? I saw some cases come.
28. Do you know what casks of tobacco are? I saw some half casks on board the "Martha."
29. Did you see any cases like that going on board? No, I did not see any of them; they might have been on board before I went.

G. McDonald.
28 Dec., 1858.

- G. McDonald. 30. Did you see any drays about the wharf? Yes; coming to a vessel going to the Fitz Roy Gold Fields.
- 28 Dec., 1858. 31. Did you see any dray loads for the "Louisa"? One dray from the grocer's.
32. When did the crew ship—that day? The day before we sailed.
33. Are you sure of that? Yes.
34. You are quite sure of that? Yes.
35. Did they come down altogether? They came down that morning; they went on board the day before, but I do not know whether they stopped then.
36. You went on board at half-past nine in the morning? The first morning.
37. The second morning? I went about the same time.
38. Were the black crew there then? Yes, they were there then; but I do not know whether they had stopped there the night before.
39. Did they leave the ship after you went on board? I do not know.
40. Did you see Mr. Stewart on board before you sailed that day? In the evening I did, the two Mr. Stewarts and I think Captain Gibbes.
41. Any one else? I do not know who the other was; there was some person else; they were down in the cabin.
42. You knew those three gentlemen by name—the two Mr. Stewarts and Captain Gibbes? I knew them by seeing them.
43. How far did they go in the vessel? They went down to the Heads with her, and came back in the steamer.
44. Was any Custom House officer on board? I do not know.
45. You do not know whether the other person was a Custom House officer or no? No, I do not.
46. What time did you leave the harbour that night? At six o'clock we hauled away from the wharf; the steamer took us in tow then.
47. The gentlemen you have named, and some one else, left the vessel outside the Heads and returned to Sydney in the steamer? Yes.
48. Where did the "Louisa" go to then? Straight to New Caledonia.
49. How long were you making the passage? Three weeks I think.
50. Where did you touch at New Caledonia? In Port de France.
51. Had you any sickness going down? One.
52. Who? The mate.
53. Who was the mate? A black man.
54. One of the Kanakas? Yes.
55. Did he get better? He died on the passage up, when we were off Sydney, the day before we reached the harbour.
56. He was taken sick on the passage down and remained sick till the day before you came into Sydney Harbour, and then he died? Yes.
57. What was done with his body? It was thrown overboard.
58. How long did you remain at Port de France? A week; we went in on Monday and sailed on Tuesday in the following week.
59. What cargo was landed there? Some cases; I only saw some cases going on shore, for I was down below.
60. How many? I cannot say.
61. What kind of cases? Square cases—brandy, or something.
62. Were they small square cases? Yes.
63. You do not know what they contained? No.
64. How many of them were there—one or two boat loads? Yes. When we went out of port, going down, we went alongside a small island and landed some empty casks.
65. How many? Forty, I think.
66. Was that all you saw landed from the vessel? That was all I saw.
67. Do you know what a rum cask is? Something like a beer cask.
68. Did you see any casks of that kind landed at Port de France? I do not know whether there were any of them landed.
69. Did you see any of them landed? No.
70. You only saw empty casks landed? There might have been some full.
71. How long were you in discharging cargo? They began at eight, and left off at four. We went to one wharf and left it at twelve o'clock, and then went down the harbour and discharged the rest.
72. What did you do after the "Louisa" came into Port Jackson? I left her that night.
73. Where did you go to then? To my uncle's.
74. How long did you remain at your uncle's? A day.
75. Where did you go to from there? To Mr. James Stewart's.
76. Where did he live? At Pyrmont.
77. Was this the same Stewart with whom your sister lived? Yes. I left, and then went to Mr. Soares'.
78. How long did you remain with Mr. Stewart? About a week or two.
79. Who is Mr. Soares? A Custom House officer.
80. How long did you remain at Mr. Soares'? Three weeks or so—I don't know.
81. Where did you go when you left him? On board the "Martha."
82. Who sent you on board the "Martha"? Mr. Soares sent me down with a boat with some cases and some things for Mrs. Stewart.
83. Did you go on board the "Martha" with those cases? Yes.
84. Did you come ashore? No; I stopped on board the same night, and next morning went away.
85. Did you know you were going away next morning? No.
86. When did you know first that you were not going on shore again? Just as they were hauling away.

87. Who told you then? My sister, who came with Mrs. Stewart to the vessel.
 88. What did your sister tell you? She did not say anything, only "good bye."
 89. Did she tell you where you were going? No; no one knew where they were going.
 90. You went on board with some cases, did you? Yes, for Mr. Stewart.
 91. Did you see Mr. Stewart on board that night? Yes.
 92. Any one else? Some man on deck.
 93. What man? I think it was Mr Soares.
 94. What makes you think it was him? Because it sounded like his voice.
 95. You did not see Mr. Soares? No
 96. You heard him when you were below? Yes.
 97. And you think it was him from his voice? Yes.
 98. When did the "Martha" sail? The next morning, Saturday morning, the 6th November, I think it was.
 99. Was Mr. Stewart on board when she sailed? No, only Mrs. Stewart and the children.
 100. When did Mr. Stewart come on board? He met us at the Heads in a boat.
 101. What kind of boat, a waterman's boat? Yes.
 102. What time was this in the morning? About nine or twelve. I cannot say what time.
 103. It was in the morning? Yes, before dinner.
 104. Where did you go to in the "Martha"? To Howe's Island.
 105. How long were you between Sydney and Howe's Island? Two weeks, I think.
 106. When you arrived at Howe's Island what took place? Mr. Stewart got some things put on board the "Louisa."
 107. You found the "Louisa" there? Yes; she was waiting for us.
 108. How do you know she was waiting? Because Mr. Stewart was looking for her.
 109. What did you put on board her from the "Martha"? Cases of flour and spirits.
 110. Anything else—preserved meat or anything? Yes, there was, in the cases.
 111. How long did you remain by the "Louisa"? About two hours.
 112. Who left the "Martha" to go on board the "Louisa"? Mr. Stewart, Mrs. Stewart, and the children.
 113. Did they want you to go? They wanted me to go, and I would not.
 114. You returned in the "Martha" to Sydney? Yes.
 115. You are quite sure as to the time the mate died—it was the day before the "Louisa" came in to Sydney? Yes, I think it was the morning of the day we came in to Sydney.
 116. *By Mr. Browne:* Did you see anybody else on board the "Louisa" at Howe's Island? Mr. William Stewart and Captain Nicholson. Nicholson came on board the "Martha" and went with us to the Manning, and then came to Sydney and left for Hobart Town.
 117. Did you see anything of Mr. Stewart's brother? I saw William Stewart on board the other vessel.
 118. And it was James Stewart that went down in the "Martha"? Yes.
 119. You did not go on board the "Louisa," did you? No.
 120. What sort of cases did you bring down from Mr. Soares' house? A case of clothes and things—a barrow load.
 121. Did either of the Mr. Stewarts come to Mr. Soares' house during the fortnight you were there? No.
 122. You did not see Captain King on board the "Louisa" at Howe's Island? No; they said he had left her outside, and gone away in another vessel and come to Sydney.
 123. *By the Chairman:* Were the same crew on board the "Louisa" at Howe's Island as those who went away on the first voyage? Yes, except the captain and mate. There was a white mate and white captain.
 124. Who was the mate? Nicholson.
 125. He left and came up with you? Yes.
 126. Have you seen the Stewarts since? No.
 127. Have you seen old Mrs. Stewart since you came back? Yes, once.
 128. Did you call upon her, or did she send to you? She sent to me. Some captain came to me and took me to Mrs. Stewart.
 129. For what purpose? I do not know for what purpose; he said she wanted to see me.
 130. Did you see her? Yes. She did not ask me any questions; she wanted me to stop there.
 131. Where are you living now? You will always find me where I was this morning—at the "Wheat Sheaf."

G. McDonald.

28 Dec., 1858.

THURSDAY, 27 JANUARY, 1859.

Present:—

CAPTAIN WARD, R. E., IN THE CHAIR.

H. H. BROWNE, Esq.

JOHN McLERIE, Esq.

John Garvan, having been called in and examined, makes the following statement:—

I am one of the messengers of the Customs Department, and am employed, with another messenger, to take from the Custom House all entries to the landing-waiters of the different wharfs, and also to keep account of the time when I do so take any particular entry. I and the other messenger go alternately on this duty—first one and then the other—during the day. The times when the entries are so taken out are, half-past eleven, a quarter to one, two o'clock, and three o'clock. I know the book produced by the Chairman; it is mine, and is kept in order to shew at what time of the day the landing-waiter receives the entries. From this book it will be seen that several entries (beginning with that numbered as 1311) were given to witness, for delivery to the landing-waiter on the Circular Wharf;

John Garvan,
27 Jan., 1859.

John Garvan, I had them to deliver at a quarter to 1, p.m., on the 2nd of September last; the entry numbered 1311 was one of the entries handed to me for delivery at a quarter to one o'clock. I have no doubt but that I did take out and deliver the entries—noted in this book as having been so taken out—to the landing-waiters, at a quarter to one o'clock on the above mentioned day. I took them from the Long Room of the Custom House, and got them from three different clerks—from the Export Clerk, from the Import Clerk, and from the Cashier. These entries are generally laid out ready for me—some on the desk, some perhaps left in the drawer. I ask the clerks for them. The Import Clerk always lays out his for me on the corner of his desk. I get them, if they are not laid out for me, when I ask for them—all those ready to go out up to that particular time. I have sometimes left behind me an entry which has been passed. I take out every entry when made out, except, perhaps, the last entry of the day. I observe the item 1311, entered in this book under the date of the 2nd of September last. It was given to me at a quarter to one o'clock on that day. The book is kept by me, and receipted by the landing-waiter, and I believe the other messenger keeps a similar book. These numbers are those belonging to all the entries which were taken out by me at a quarter to one o'clock on the day referred to. All the entries here noted in my book I took to Mr. Ormsby on that occasion. There are entries taken by me which do not appear in the book as having been received by landing-waiters; in the absence of those officers, weighers, and messengers, on the wharfs would initial and receive such entries, but would not sign my book.

James Powell, having been called in and further examined by the Board, makes the statement hereafter following:—

J. Powell,
27 Jan., 1859. The Chairman having informed him that copies of all the export entries passed at the Customs on the 2nd September last have been obtained by the Board; and that of these they are informed that numbers 1314 and 1315 were made out by the firm in which Mr. Powell is a partner,—requests, on behalf of the Board, that Mr. Powell will oblige by stating at what hour the entries, numbers 1314 and 1315 went out? In reply to this, and to other questions, Mr. Powell states:—I am afraid I cannot exactly say whether numbers 1314 and 1315 went out before or after one o'clock. They were certainly passed after twelve o'clock, and I have every reason to believe that they did pass after one. The firm with which I am connected generally pass drawback entries in the afternoon, when there is more time to attend to them. I am unable to see any data on these drawback entries which would lead me to infer at what time these entries were given. I think it looks strange that the free entry, 1313, should have been passed before the bonded one for the same wharf. I examine the messenger's book produced; I see there an export entry, No. 1311, having reference to free goods, which is said to have been taken out by the messenger at a quarter to one. In connection with the fact of that entry in this book, I feel no hesitation in saying that I must have passed 1314 and 1315 after one o'clock. The entry 1313 is a free entry, and must have been passed after one o'clock. That is my belief. Number 1316 (for the eight half-tierces of tobacco) must consequently have been passed after one o'clock, p.m., on the 2nd. At a quarter to one o'clock, number 1311 was the last entry passed as regards its number; therefore, 1316 must, of course, have passed after that time.

Charles Nicholson, having been called in and examined, makes the following statement:—

C. Nicholson,
27 Jan., 1859. I was for some time in the service of the Hobart Town Government, as master of the Colonial schooner "Beacon." A short time since the brigantine "Louisa" came to Hobart Town, and I was at that place at the time of her arrival there. I was employed on board the "Louisa," being engaged as mate by Captain King, for a trading voyage to the Islands. I shipped in the "Louisa" accordingly, and sailed in her from Hobart Town, on Saturday, the 23rd of October last. The "Louisa" at that time had some cargo on board—some tierces of tobacco having been transhipped on board from another vessel after I joined. I sailed from Hobart Town in the "Louisa" under the command of Captain Logan, as Captain King intended to leave, on account, as it was stated, of ill health. The Custom House officers, however, would not allow Logan to clear out the vessel in his own name. Mr. Darch, of the Customs there, would not sanction such an arrangement unless the ship's papers and documents were made out afresh in Logan's own name. Captain King accordingly sailed from Hobart Town in the "Louisa" in reality as a passenger—the actual command being in the hands of Mr. Logan, formerly chief mate. I found Logan on board the "Louisa" when I joined her at Hobart Town, but do not know how long he had been there. The "Louisa," after leaving Hobart Town, first fell in with a schooner called the "Pilot," bound for Melbourne. Captain King was put on board the schooner, and the "Louisa" afterwards sailed on and went to Jervis Bay. She anchored in that bay, and remained there about eleven hours. She anchored late in the evening, and got away on the following morning. The "Louisa" had no communication with any vessel before she came into Jervis Bay after parting from the "Pilot." At Jervis Bay she communicated with a small fore-and-aft schooner called the "Spec." The nature of that communication was the reception on board the "Louisa" of Mr. William Stewart, who had with him in the "Spec" a quantity of ship's stores, which were placed on board the "Louisa." The "Louisa" landed nothing at Jervis Bay, and did not hold any communication with the shore at all. The "Louisa," when Mr. William Stewart and the stores were on board, went away to Howe's Island. During the passage of the "Louisa" to Howe's Island she fell in with only one vessel—the "Aladdin," a whaler from Hobart Town. Captain Macarthur, in command of that vessel, came on board, and was told that the "Louisa" was the "Mary

"Mary Anne" from Hobart Town, bound for the Feejees. The name of "Mary Anne" C. Nicholson, was, as I think, the name that Mr. William Stewart purposed to call the "Louisa" if she met any other vessel—so I was given to understand. That was the only time the name was so given, but I believe the "Louisa" was to have been again so called had she met other vessels. After the "Louisa" had made Howe's Island we found the "Martha," ketch, near that spot. On board the "Martha" was the other Mr. Stewart, having with him his wife and two children, and some more ship's stores. I left the "Louisa" off Howe's Island, and proceeded in the "Martha" to the Manning River. From the Manning River I afterwards came on in the "Martha" to Sydney. The reason I left the "Louisa" was, because Mr. Stewart told me that he was going on a long cruise, where nobody would find him, and that he might possibly be away for two or three years. I did not feel at all disposed to join in any such cruise as that, and told him so. He agreed to allow me to leave, and could not have very well helped himself, for I would not have stopped. I cannot tell where they meant to go. My own idea is that Mr. Stewart purposed to go to the North Pacific, to California, China, or some such place; for he asked me whether I had any charts of the North Pacific. I did ask him where he was bound, and he told me he did not know; not liking perhaps to tell me, because I was leaving. Up to the time that I left the "Louisa" no tobacco had been taken out of her. The "Martha" brought no tobacco to the "Louisa," but brought cases of spirits for ship consumption. The tobacco on board the "Louisa" was all put on board at Hobart Town. It was done openly, everything seeming to be perfectly fair and above board. Captain King left the "Louisa" under a plea of sickness. It was at first not quite a sure thing that Logan would feel himself competent to take charge of the vessel; if he did not do so, Captain King intimated to me that the command would be offered to me. There was nothing at all in the manner in which I was shipped that would lead me to suppose that there was anything wrong. When out at sea, from what I saw I began to have some suspicions. After Captain King left, Captain Logan went by a letter of instructions. By this he was directed to go to Jervis Bay on the 6th of November, and, if no vessel should there be found, he was to go out again to sea and stand in again on the 8th. This struck me as something unusual and suspicious. I believe the "Spec" was bound to Kiama. No spirits were brought down in her by Mr. William Stewart—only biscuits and beef. We ran rather short of spirits before we arrived at Howe's Island. When I saw Mr. James Stewart and his wife come up to meet us in the "Martha" I was confirmed in all my previous suspicions. Two boats came off from Howe's Island before the "Martha" came up to us, and I heard Mr. William Stewart say that the pigs were too dear there, and that he would not purchase any, but would buy some at Norfolk Island. Mr. Logan and myself were the only two white men belonging to the "Louisa." The rest were all men of colour, and (except the cook, who was a negro,) all of them Kanakas. I believe the cook had been with the "Louisa" for two voyages. The "Louisa" had nothing on board besides the transhipped tobacco but stone ballast. I was told that Mrs. Stewart was the sister-in-law of Mr. William Stewart. Captain Logan was only appointed to the command of the "Louisa" at Hobart Town by Captain King; his name was not in the ship's papers as captain, and that was why Captain King had to sail out from Hobart Town with him in the "Louisa." Mr. Stewart was in Hobart Town at the time that the "Louisa" was there, but he did not come on board whilst I was on board. He was coming off one day when Captain King met him, and they both returned to the shore.

Remarks of COLONEL GIBBES on perusal of his Second Evidence.

Page 108,	reply to Question 26,—	If considered wrong, it would long ago have been noticed by the Commissioners.
" 108,	"	29, I do not remember an instance.
" 108,	"	30, There never were shipping bills, whatever there may be now, in any Colony that I am acquainted with.
" 109,	"	35, I am not aware of any <i>Treasury</i> Order on this subject; but he changed the system, and as he had authority to issue orders, they were carried out.
" 109,	"	45, I have already said there is no <i>Treasury</i> Order.
" 109,	"	47, Every change and circumstance <i>was</i> reported.
" 109,	"	51, I still think it was necessary, but understood that Mr. Collier <i>did</i> give a rummage certificate, and the Board have got it.
" 110,	"	59, I think this is wrong.
" 110,	"	61, And those who know the nature of business here will agree with me. In the case of the "Fair Barbadian," Mr. Dunlop was competent, but he left the Colony, and the bond was never satisfied.
" 110,	"	69, <i>After the words</i> "I do not see any objection"—I do not see that it is so very important a duty. This was one case in a thousand, and unforeseen; but as it turned out bad, vast stress is laid upon it.
" 111,	"	81, But Mr. Manton was never intended by me to do all these duties.
" 111,	"	82, And, if I am rightly informed, Mr. Crook also.
" 111,	"	89, I will beg to ask if at the time these occurrences took place the clerks in the Colonial Secretary's Office, the Treasury, or Immigration Office, had any printed instructions?
" 111,	"	91, <i>After</i> "requires it" for duty.
" 111,	"	93, Except that if a merchant requires a cask of brandy from bond without a regauge he must pay on the original gauge. If he thinks there has been waste, the locker is bound to regauge.
" 111,	"	96, <i>After</i> "Mr. Smith's letter," What then?
" 111,	"	97, <i>After</i> "any thing" on the second occasion.
" 111,	"	99, But I believe she went out at 5 o'clock, which is not night.
" 112,	"	110, I have made inquiry, and find I was right, and that it was Capt. Roche's practice.
" 113,	"	123, But there always is one appointed.
" 114,	"	145, But I think that book should be kept by the Inspector of Warehouses, who appears to have very little to do, and Mr. Nash is over-worked.
" 114,	"	149, At any rate each locker can at any time tell what is in his own bond, by the new mode of book-keeping.
" 115,	"	172, The "Louisa" has not been sold, according to my Register Books.

Explanation in answer to the first part of Mr. Still's Evidence, as printed in page 116, and sent to me for that purpose.

Question 1. I have no recollection of having said I should report Mr. Newton's conduct to the Government, but as Mr. Still quotes my Minute, without doubt I did.

Nevertheless I changed my opinion as to the necessity of so doing, in consequence of the merchant whose goods were taken out of Bond coming forward and assuring me that it *was* at his request that Mr. Newton applied for the samples he particularly wished to have, not being aware that a sampling order was necessary; and on further inquiry, it did not appear to me that Mr. Newton had attempted to *intimidate* the locker.

According to English practice, established tide-waiters and lockers are of the same grade.

I therefore considered that suspension from duty and from pay for five days was sufficient punishment for the offence.

Question 2. When an officer is suspended for a fixed period, he returns to duty at the end of that time.

Mr. Newton was suspended on the 21st August, and returned to duty on the 26th of that month.

There are only four established tide-waiters, who are the real export officers.

Mr. Russell is permanently employed for drawback goods; Mr. Brown was acting as a locker, and Mr. Newton was therefore the first for turn on the 27th.

He was consequently, I presume, appointed to take down to the "Louisa" the five hogsheads of rum, and four half-tierces of tobacco on that day; a "most important delivery" in one day.

But whether important or not important, had Mr. Still at that time any suspicion about the "Louisa"?

If he had, I believe him to be the only official person of any standing who was of that way of thinking, until some time after the departure of that vessel.

Why then should not Mr. Newton have been appointed on the 27th August to do the duty required?

6. I cannot close these remarks without expressing my surprise that when Mr. Still gave the answer he did to the sixth question he was not called on to shew why he considered some influence was used with me to procure the restoration of Mr. Newton, and by whom; for no one did intercede for him, except the gentleman alluded to—a Mr. Gilfillan.

Since writing the above, I find that, at the request of Mr. Powell, Mr. Newton was put on export duty at his request, on the 26th, to convey a box of tobacco to the "Anna Lange," there being no other officer at liberty.

J. GIBBES, Collector.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

CUSTOMS DEPARTMENT.

(APPENDIX TO THE REPORT OF THE BOARD OF INQUIRY INTO CHARGES AGAINST CERTAIN OFFICERS OF, IN CONNEXION WITH THE "LOUISA.")

Ordered by the Legislative Assembly to be Printed, 11 February, 1859.

(Appendices 2, 3, 4, 7, 8, 9, 18, and 26, exhibit merely the usual routine forms of the Customs Department, and are not printed.)

APPENDIX 5.

Sydney, 23 November, 1858.

Sir,

Herewith I enclose, for your perusal, the clearance of the "Louisa" on the 2nd September last, which document was forwarded to me by my correspondent at Port de France, who advises me that the clearance paper in its present form was received by the authorities at that port; you will perceive that the pen is run through all the bonded goods, with the exception of 50 cases claret and 4 half-tierces of tobacco (but I am advised that it was only 4 kegs of tobacco) that were landed there, the master of the "Louisa" having stated that he had sold the rest of the cargo at the Feejees.

I will feel obliged by your returning this clearance to me in time for me to forward it per "Spec" to the French Authorities, from whom it was received.

I am, &c.,
CHS. SMITH.

To the Chairman of the
Board of Inquiry on
Schooner "Louisa."

Port of Sydney, New South Wales.

These are to certify to all whom it doth concern, that F. King, Master or Commander of the "Louisa," burthen seventy-four tons, mounted with no guns, navigated with nine men, British-built, and bound for New Caledonia and South Sea Islands, having on board,—

3.	Two hundred cases Geneva	781 $\frac{3}{4}$ galls.	} From
542	Thirty-one hhds. and fourteen q. casks Brandy	2,068 "	
559	Eight half tierces Tobacco	3,101 lbs.	
442	Five hhds. Rum	276 galls.	
547	Twenty-eight hhds. Rum	1,576 "	
562	Fifty cases Claret	100 "	
506	Four half tierces Tobacco	1,554 lbs.	
563	Fifteen q. casks Whisky	437 galls.	

Warehouse under bond. Sundry free goods as per manifest annexed.

hath here entered and cleared the said vessel according to law.
Given under my hand at the Custom House, at the Port of Sydney, in the Colony of New South Wales, this second day of September, one thousand eight hundred and fifty-eight.
CH. H. MANTON,
pro Collector of Customs.

True copy of "Louisa's" manifest,
E. W. WARD.
2 Feb., 1859.

General Clearance
(Long.)

CUSTOMS DEPARTMENT.

Port of Sydney, New South Wales.

Content in the "Louisa," King, master, for New Caledonia and South Sea Islands.
74 tons, 2 guns, 9 men, built of Sydney.

Mark and Number of Packages.	SHIPPER.	QUANTITY AND DESCRIPTION OF GOODS.	CONSIGNEES.
S 506 Z 558 M 547 W 562 Q 362 E 552 D 559 N 442	W. Stewart	20 cases Salad Oil, Bth.	} Order.
	"	50 " Pickles, "	
	"	13 " Sardines, "	
	"	12 " Cottons, "	
	"	3 kegs Nails "	
	"	4 pkgs. Hardware "	
	"	56 kegs Tobacco, N. S. W.	
	"	50 cases Claret, U. B.	
	"	4 half-tierces Tobacco.	
	"	5 hhds. Rum.	
	H. Abott	28 " "	1
	"	15 quarter casks Whisky.	
	"	200 cases Geneva.	
	W. Stewart	31 hhds. Brandy.	
	"	14 quarter casks Brandy.	
	"	8 half tierces Tobacco.	
		C. H. M.	

Produced before me at the Custom House, Sydney, }
this 2nd day of September, 1858.

F. J. KING.

CH. H. MANTON, for Collector.

APPENDIX 6.

Sydney, 24 November, 1858.

Sir,

I do myself the honor to enclose two letters and a certificate for your inspection, and I beg that you will, after examining them, please to return them to me (Custom House.)

I could, no doubt, produce certificates from nearly all the Officers of Customs to the same effect as the above, but I decline to put myself under any obligation, and will, therefore trust myself to your good judgment.

The evidence I have given I am willing to give again on oath.

I have, &c.,

Captain Ward,
&c., &c., &c.,
Mint.

CH. H. MANTON.

My dear Manton,

If you will have the goodness to come aboard the "Louisa," at the Grafton Wharf, at a quarter past four o'clock this evening, and there receive her manifest, &c., and clear her, I shall esteem it a *very great favor*, and pay you £1 1s. for your trouble.

Your's truly,

W. STEWART.

September 2, 1858.

Please let me have a reply.

W. S.

Custom House,
25 November, 1858.

I hereby certify that Mr. Manton has on more than one occasion acted for me during my absence, with my consent and approval.

THOS. FANCOURT,
Jerker.

To the Collector of Customs.

7 October, 1858.

Sir,

I have the honor to state, that the Shipping Master has ruled that the voyage of the "Louisa"—(which has put into this port under difficulties, which have been explained to you,)—terminates here, as far as the articles of the crew are concerned, and that she cannot go to sea without a fresh set of articles being signed. This decision has been come to at a late

late hour, and as great loss has already accrued from bringing the vessel so far out of her track, I have to request that you will give permission for the vessel to be cleared at the Customs after hours this day.

I have, &c.,

J. STEWART.

Permission granted,

J. GIBBES, Collector.

7 October, 1858.

Custom House, Sydney,

1 December, 1858.

Sir,

I respectfully beg to inform you that I questioned Mr. Fancourt this morning, in the Long Room, relative to some evidence given by him with regard to the jerking of the "Louisa's" manifest; and he stated, in the presence of Mr. Mowle, that he could not swear to the same being true.

I have, &c.,

CH. H. MANTON.

To Capt. Ward,
&c., &c., &c.,
R. Mint, Sydney.

Custom House, Sydney,

20 December, 1858.

Sir,

According to Mr. Fancourt's evidence, the Rummage Certificate for the "Louisa" must have been given by Mr. Collier on the afternoon of the 2nd September; if such is the case, Mr. Collier ought to know what goods were on board at that time. As I feel positive that the ship was not rummaged, I write this merely to shew that the certificates in question are not genuine articles, and also to prove that the amount of stores supposed to be remaining on board are furnished by Mr. Fancourt, so that blank forms may be filled up by the Tide Surveyor.

I have, &c.,

CH. H. MANTON.

To
The Chairman of the Board of Inquiry
on the "Louisa."

APPENDIX 10.

George O'Brien :—I am a cart proprietor, and drive a cart myself. Mr. Stewart employed me to take goods out of different bonded stores and take them to the Grafton Wharf. I remember taking down on one occasion, in two loads, eight half-tierces of tobacco, from Walker's Bonded Stores to the wharf, in company with Mr. Newton, the Custom House Officer. This was, I think, between eleven and twelve in the morning. I do not remember on what day it was. My instructions were to deliver the goods on the wharf, to be shipped on board the "Louisa." A previous load I delivered I saw put on board a ship, I believe the "Louisa," but although I unloaded this tobacco on the same spot I did not see it shipped. I took down a load from the Chilian Bond, consisting of four half-tierces of tobacco and three hogshheads of spirits to the "Louisa," to be shipped, but as there was no one to receive them I brought them back to the store. Mr. Newton was with me all the time, and I brought the load back by his directions. On another day I, with my own drays and hired ones, took about thirty loads from the following bonded stores, namely, Gilchrist's, Lamb's, the Chilian, and Pollard's Bonds, to the Grafton Wharf. Some goods, consisting of red cases (I believe of gin) taken from Lamb's Bond, were removed to the Chilian Bond. The Custom House Officer did not go with every load. He accompanied me the first time, on this thirty load day, to shew me where to leave the goods. Mr. Newton was the Custom House Officer I speak of. I do not remember on what particular days these different loads, or numbers of loads, were taken, but I am almost certain that the eight half-tierces of tobacco were not taken on this last-mentioned day; it may have been on that day, but if it were not it was on the day previous. I am certain that it was not after this bustling day, because I did not after that day deliver any tobacco at the Grafton Wharf for the "Louisa," for Mr. Stewart. I do not know the names of any of the draymen I employed on this occasion, nor do I think my man docs. My man's named John Sheppard.

GEORGE O'BRIEN.

APPENDIX 11.

Sydney, 27 October, 1858.

My dear Sir,

Referring to our conversation yesterday respecting the case of smuggling now under investigation, I find that Lamb, Parbury, & Co. sold, on the 31st August, 250 cases gin to William Stewart, and not 200 as supposed. I instructed the superintendent of Lamb's Bonded Stores to give me every information respecting the removal of this gin. His report is enclosed, and perhaps may assist in the investigation now being instituted.

I remain, &c.,

WALTER LAMB.

The Honorable
Robt. Campbell, M.L.A.

[Enclosure.]

CUSTOMS DEPARTMENT.

[Enclosure.]

Lamb's Wharf,
27 October, 1858.

Dear Sir,

I have made every inquiry respecting the 250 cases Geneva purchased by Stewart, and the deliveries, I find, were as follow :—

E—200 Cases delivered on an Export Order to be shipped per "Louisa." H. Abbott is the name of the person by whom the export was nominally made—Newton was the Export Officer, and I believe a man named O'Brien was the drayman employed. 100 cases went in the morning, and the remainder in the afternoon of the 2nd September.

„— 50 Cases delivered on a Removal Order, also on the afternoon of the 2nd September, to the Chilian Bond. The officer's name I do not know, nor can I discover who the carter was.

Walter Lamb, Esq.

I am, &c.,
JOHN F. PAIGE.

APPENDIX 12.

DESCRIPTION and Quantity of Goods removed from Bond for Export per "Louisa," with the Duty value thereof

BOND MARK.	DESCRIPTION.	QUANTITY.	DUTY VALUE.
Z 568	4½ tierces tobacco	1,554 lbs.	155 8 0
N 442	8 do. do.	3,101 „	310 2 0
X 506	50 cases claret	100 gallons	10 0 0
E 562	200 „ Geneva	665¾ proof gallons	332 16 7
W 562	28 hhds. rum	2,124 „	743 8 0
Q 562	15 quarter-casks whisky	528 „	184 16 0
B 559	31 hhds. brandy	1,717 „	858 10 0
B 559	14 quarter-casks brandy	375 „	187 10 0
M 547	5 hhds. rum	291 „	101 17 0
TOTAL DUTY VALUE.....£			2,884 7 7

APPENDIX 13.

Custom House, Sydney,
26 November, 1858.

Sir,

I have the honor to address you with reference to the charges brought against me in your examination yesterday; I therefore have the honor to request you will cause me to be furnished copies of the information, stating parties names, time, place, and date, in order I can call such witnesses in my defence as may be necessary.

I have, &c.,

Captain Ward, R.E.,
&c., &c., &c.,
Colonial Secretary's Office.

J. DE COURCY BREMER.

APPENDIX 14.

MEMO.

It is reported by the Inspector General of Police to the Government that the Messrs. Stewart, mixed up in the frauds upon the Customs, have clandestinely left the Colony; and that Mr. Soares, a locker in the Customs, has permitted their furniture and effects to be removed to his charge, which shews that he was cognizant of their intention. Intimate, therefore, to the Collector that Mr. Soares be called upon to explain the charge, and to submit his report as speedily as possible; for the fact of an officer being privy to such a transaction, and intended to defeat the ends of justice, demands the immediate notice of the Government.

Rr. C.

To Mr. Lane.

10 Nov., 1858.

The Collector of Customs.—To be returned.

11 Nov.

Urgent. H. L.

Inspector of Warehouses requested, in writing, to send for Mr. Soares, the locker, at 9-40 A.M.

J. GIBBES, Collr.

11 Nov., 1858.

Mr.

Mr. Soares not having, he says, received any earlier notice, was not in attendance until one o'clock, when he was examined by the Landing Surveyor and myself, and made the accompanying statement.

J. GIBBES, Collr.
FREDK. GARLING, L. Sur.
11 November, 1858.

Mr. Soares states, that of Mr. Wm. Stewart and his affairs he knows very little. He does not know whether he has left the Colony or where he is. As to the furniture, the greater part of it does not belong to Mr. Jas Stewart, but is the property of his mother, who lent it to him when he took a house at Pymont.

Further, that he, Mr. Soares, is the person who had the furniture conveyed from Balmain to Pymont, by the direction of Mrs. Stewart.

On Saturday last, the 6th inst., he saw Mr. James Stewart, about 9 o'clock A.M., at the premises in Macquarie-place, since which time he has neither seen or heard anything of him.

He proceeds to say that he was not, and is not, aware, that there is any charge against Mr. J. Stewart. That when he went home on Saturday, he found Mrs. Stewart, senior, at Mr. James' house; she told him that James Stewart had gone away without giving her any intimation of what he was going to do.

At the same time she said, that he told her he should no longer occupy the house, and that she could take away not only the furniture that was her own, but that which was his also; and that if there was more than she required she could sell it.

He, Mr. Soares, therefore, assisted in removing the furniture to her house, but from the lateness of the hour was obliged to take a part of it to his own until a more convenient opportunity offered of conveying it to hers; which, however, he has not yet done. His (Mr. Soares) wife is Mrs. Stewart's daughter, and he considered it a duty he owed to her to assist her in every way he could, as he had done on every previous occasion that he was called on to do.

He can safely assert that Mr. Wm. Stewart had no interest in the furniture alluded to.

He may add, that he himself had no control whatever over the furniture, and therefore merely acted as he was requested by Mrs. Stewart, senior; it was, consequently, not by his authority or permission that it was moved.

G. SOARES.

Having received this report without any comment from the Collector, I desire to know whether Colonel Gibbes has any observations to make upon it.

The Collector of Customs.

12.

H. L.

Rt. C.

12 Nov.

MEMO.

When the Collector's answer is returned, let the papers relating to Mr. Soares be sent to the Board of Inquiry sitting upon Customs Frauds, for a report upon his conduct.

Rt. C.

14 Nov.

To Mr. Lane.

Capt. Ward, Chairman.

12 Nov.

H. L.

I did not consider that any observations from me were necessary. Agreeably to the order of the Minister of Finance, I called on Mr. Soares to explain his conduct in the charge brought against him by the Inspector General of Police, and his answer is the statement sent in.

It is impossible for me to know whether that statement is true or false.

If the former, I do not see any peculiar impropriety of conduct on his part.

He forms by marriage a part of the family of the Stewarts; and as neither of those men have as yet been convicted, he appears to consider that the Government had no lien on their goods, and thus took charge of them on account of their mother.

If, on the other hand, his statement is false,—if he knew beforehand that those men had left the Colony clandestinely, to avoid the consequences of the alleged acts of smuggling on their part, and that their property was liable to be attached, I should say that his conduct would be perfectly unjustifiable.

J. GIBBES, Collr.

12 Nov., 1858.

CUSTOMS DEPARTMENT.

APPENDIX 15.

Custom House, Sydney,
185 .

SIR, I beg to inform you, that the Books of the Ship
from , are in my hands, and that the vessel is now ready
for rummaging.

TO THE
TIDE SURVEYORS,
SYDNEY.

A. B.
Customs' Jerker.

[This document is sent to the Tide Surveyor, who, after rummaging the ship *Inwards*, sends the accompanying certificate to Jerker, who files it, and jerks the papers. The master then notifies his intention to load, and proceeds to do so. When ready for sea the Tide Surveyor again boards the vessel, and ascertains that the *stores* are correct, and the vessel is cleared,—the former rummaging certificate being filed with the Inward papers kept in the office; but, as I before said, does not go with the vessel, having nothing to do with the *Outward cargo*.]

J. G.

NEW SOUTH WALES.

PORT OF SYDNEY,

THIS is to Certify, that I have carefully rummaged the
Ship
Master, from
and have left on board no Goods subject to duty, except such as are specified underneath.

Dated day of 185 .

C. D.
Tide Surveyor.

Rummage Certificate.

APPENDIX 16.

(No. 166.)

Customs, Sydney,
26 October, 1858.

Sir,

I have the honor to transmit herewith, for the information of the Honorable the Minister of Finance, copy of an order which I have considered it necessary to issue for the protection of the Landing-waiters of this department—or rather the revocation of a former order which should never have been given.

I have, &c.,
J. GIBBES,
Collector.

The Secretary to the Treasury,
&c., &c., &c.

To be referred to the Board of Inquiry just appointed.

Captain Ward,
28th,
H. L.

Rt. C.
27 Oct.

In the year 1846, instructions were given by Mr. Barnes, Acting Surveyor General of Customs, that all Export Warrants, or rather Delivery Orders, should be signed by a Landing-waiter as a matter of form, to make the document perfect, according to the English practice—even though they might not have seen the goods shipped—and that system has ever since been carried out:—the Landing-waiter depending on the three signatures of the Locker as to delivery, the Chief Officer or Master of the vessel as to the receipt of the goods on board, and the Export Officer as to their shipment.

Such a course is suitable to London, Liverpool, and other large ports at home, where there are many Landing-waiters at the same wharf, and generally one to every ship.

Here we have nine Landing-waiters to twenty-three sufferance wharfs,—one of those having charge of Walker's, Lamb's, and Willis' at the same time (all wharfs of great business, and separated from each other); one, of Towns', Moore's, Ebsworth's, and Smith's; and two, the whole range of Darling Harbour, from the Grafton Wharf to the Albion Wharf, including the three steamer wharfs, and all others on that line.

It must therefore be evident, that, except in a few instances, the Landing-waiters cannot see, or attend to the shipping of goods under bond, and that it is consequently most unjust to make them responsible for that which they neither do or can see,—and I hereby revoke that order, except in such cases as the shipping of any goods under bond may have taken place in their presence.

J. GIBBES,
Collector,
Custom House, Sydney.

FOR THE

APPENDIX

CUSTOMS DEPARTMENT.

APPENDIX 17.

Custom House, London,
20 March, 1852.

Sir,

With reference to the Board's Circular Letter of the 18th instant, apprizing you of the arrangements which have been made for the transfer to the Colonial Governments of the Establishments heretofore under the control and superintendence of this Board,—

I am commanded to direct you, upon the transfer taking place, to call in the Commissions and Instructions issued by the Board to the several officers in your Port and Survey, and to transmit the same, together with those issued to yourself, to the Board, for the purpose of being cancelled.

A true Copy,
J. GIBBES, Collector.

I am, &c.,
F. GARDNER.

Custom House, 9 December, 1858.

APPENDIX 19.

The Tide-surveyor will please withhold Mr. Alder's pay for the last month until he makes up his books of the "Fanny Fisher." He has had three sets of books issued, and his account is still incorrect.

It is of no use boarding him on a sugar ship in future.

FRED. GARLING,
Landing Surveyor.
December 30, 1857.

To the Tide Surveyors.

Mr. Alder having kept an irregular account of the delivery of the cargo of sugar *ex* "Fanny Fisher," on which vessel he was boarded as a tide-waiter, and having failed to rectify the error when called upon to do so, being at the time in a state of intoxication, and highly impertinent to the Landing Surveyor he is hereby dismissed from the Department.

J. GIBBES,
Collector.

The Tide Surveyors of Customs.

Custom House, Sydney,
6 January, 1858.

APPENDIX 20.

A RETURN of Dutiable Articles exported to the South Sea Islands, Guam, and other Eastern Ports, from 1st January, 1856, to 1st November, 1858.

	Gallons of Brandy.	Gallons of Rum.	Gallons of Gin.	Gallons of Geneva.	Gallons of Whisky.	Gallons of Liqueurs.	Gallons of Brnd. Spirits.	Gallons of Wine.	Gallons of Ale and Porter.	Pounds of Tea.	Pounds of Tobacco.	Pounds of Cigars.	Pounds of Snuff.	Cwts. of Raw Sugar.	Cwts. of Refined Sugar.	Cwts. of Molasses.	Pounds of Coffee.	Pounds of Chicory.	Ounces of Gold Bar and Dust.	Pounds of Opium.
1856.																				
South Sea Isles	1,242	3,065	459	1,908	...	937	18	3,989	2,088	30,108	91,588	2,903	...	532	238	...	5,600	...	...	...
Bombay	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Calcutta	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madras	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Singapore	375	...	281	...	...	...	...	540	...	...	115	707	...	...	...	...	...	...	...	...
Callao	...	...	...	...	...	...	...	...	...	...	10,230	384	...	...	...	...	...	...	...	...
Mauritius	245	...	...	225	...	...	...	...	...	...	261	1,802	...	...	...	...	...	...	...	...
Manila	...	...	...	...	...	...	...	764	...	...	...	...	...	...	...	...	...	...	...	...
Hong Kong	...	57	...	35	...	...	...	312	...	...	...	...	...	...	...	...	...	...	1,232	...
Guam	260	239	...	...	...	...	...	80	...	210	350	18	...	...	...	...	...	...	...	...
Guam	...	...	...	...	...	...	...	475	...	160	580	...	...	...	...	...	...	...	...	...
TOTAL, 1856	2,142	3,361	740	2,168	...	937	18	6,196	2,088	30,658	103,124	6,443	...	532	248	...	7,392	...	...	...
1857.																				
South Sea Isles	542	2,219	296	2,281	54	212	...	5,821	2,324	2,683	55,714	3,325	114	420	160	6	532	...	...	...
Bombay	443	...	...	...	...	...	...	28	...	...	...	1,560	...	...	...	...	...	...	...	...
Calcutta	899	329	...	128	...	...	...	81	...	...	...	7,186	...	...	...	...	...	...	...	1,516 11
Ceylon	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Madras	...	...	...	...	...	...	...	...	...	...	373	190	...	...	...	...	...	...	...	2,389 7
Singapore	...	...	60	83	...	506	...	...	...	...	...	...	...	...	...	...	...	...	...	3,287 17
Batavia	...	...	...	...	...	309	...	...	...	...	225	501	...	...	...	...	...	...	...	586 9
Mauritius	...	...	...	...	...	150	...	6,114	...	...	...	...	...	...	...	...	...	...	...	698 14
Hong Kong	...	...	206	...	...	66	...	794	95	...	212	6,612	100	...	...	...	...	...	...	...
Guam	...	...	...	...	...	60	...	60	...	...	202	1,075	...	...	...	...	...	...	...	898 16
TOTAL, 1857	1,884	2,548	592	2,497	54	1,274	31	6,787	5,533	2,633	58,726	20,392	214	422	160	6	532	...	...	9,277 14
1858.																				
South Sea Isles	5,777	3,905	830	3,450	116	984	...	20,023	3,302	3,192	91,420	7,598	126	843	68	14	8,315	896	...	...
Calcutta	...	...	...	35	...	...	...	...	...	...	...	2,400	...	...	...	...	...	...	...	...
Java	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Singapore	8	...	...	...	...	...	...	...	...	...	264	...	...	...	...	...	...	...	...	...
Callao	...	...	...	...	106	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mauritius	...	48	...	...	...	...	...	...	350	...	83	...	...	...	...	...	...	...	...	...
Hong Kong	2,820	257	530	...	...	120	...	...	...	...	9,271	...	...	...	...	...	...	...	...	...
Guam	13	927	18	...	...	37	...	...	...	...	1,698	1,821	18	...	10	...	...	...	...	1,225 10
TOTAL, 1858	8,618	5,137	1,378	3,608	221	1,141	...	20,501	4,412	3,918	99,443	23,841	143	4,697	68	14	8,815	896	...	3,120 10 132

RECAPITULATION.

TOTAL	Gallons of Brandy.	Gallons of Rum.	Gallons of Gin.	Gallons of Geneva.	Gallons of Whisky.	Gallons of Liqueurs.	Gallons of Brnd. Spirits.	Gallons of Wine.	Gallons of Ale and Porter.	Pounds of Tea.	Pounds of Tobacco.	Pounds of Cigars.	Pounds of Snuff.	Cwts. of Raw Sugar.	Cwts. of Refined Sugar.	Cwts. of Molasses.	Pounds of Coffee.	Pounds of Chicory.	Ounces of Gold Bar and Dust.	Pounds of Opium.
1856...	2,142	3,361	740	2,168	...	937	18	6,196	2,088	30,658	103,124	6,443	...	532	248	...	7,392	...	...	...
1857...	1,884	2,548	592	2,497	54	1,274	31	6,787	5,533	2,633	58,726	20,392	214	422	160	6	532	...	...	...
to 1st Nov. 1858	8,618	5,137	1,378	3,608	221	1,141	...	20,501	4,412	3,918	99,443	23,841	143	4,697	68	14	8,815	896	...	3,120 10 132
TOTAL	12,644	11,046	2,680	8,273	275	3,352	49	33,484	15,033	37,209	259,293	50,676	357	5,651	476	20	16,739	896	12,398	4 132

Custom House, Sydney,
15 November, 1858.

J. GIBBES,
Collector.

CUSTOMS DEPARTMENT.

APPENDIX 21.

My dear Ward,

Although I do not think that such an occurrence as you described would ever be likely to occur, in regard to a cart follower tearing up the removal order, and going off with the goods, &c., I wish to acquaint you that I have issued such an order, and made such arrangements as will make a step of that kind impracticable.

Very truly yours,

J. GIBBES.

10 December, 1858.

2 September, 1858.

To the Collector of Customs.

Sir,

I have the honor to request permission to remove the undermentioned cases of Geneva from Lamb's to the Chilian Bond, I having purchased them:—

^E Fifty cases Geneva, ex "Isabella C. Jones," Woodburn, Master, from London, 24th June, 1858, warehoused by Lamb, Parbury, & Co.

I have, &c.,

J. STEWART.

Permission granted, under the supervision of the proper officer.

W. N. LEWELLYN,

(For Collector.)

To Inspector of Warehouses.

2 September, 1858.

Received the within named fifty cases Geneva into Chilian Bond.

M. G. BROWN,

Acting Locker.

2 September, 1858.

REMOVAL.

No. 38.

3/9/58. 2/9/58.

Error,

W. N.

Port of Sydney, New South Wales.

To the Locker at Lamb's,

DELIVER the undermentioned Goods, warehoused by Lamb and Co., the 24th day of June, 1858, ex "Isabella C. Jones," Woodburn, Master, from London.

Mark and Number.	Description of Package and Goods.	By whom Duty Paid, and when.
E 562.	Fifty cases Geneva at 3 ² / ₂	To be removed to the Chilian Bond.
S. B. $\frac{2}{163}$		2 September, 1858.
M. C. 29		D. NASH, Warehouse-keeper.

APPENDIX 22.

(No. 162.)

Customs, Sydney,

25 October, 1858.

Sir,

I beg leave to acknowledge the receipt, on Saturday the 23rd instant, of your letter of the 22nd instant, No. 1,098, stating that the Honorable the Treasurer declined to receive the overture of Mr. Stewart to enter into fresh bonds to replace those alleged to have been abstracted from the Custom House, and calling upon me to report all the circumstances within my knowledge, or which I can ascertain from inquiry respecting the abstraction of those bonds.

2. In reply, I beg say that I had, previously to the receipt of your letter, caused the fullest search to be made for the missing documents (two in number) without success, and made every inquiry into the circumstances of the case, without being able to obtain any clue to the manner in which the abstraction had taken place.

3. All export bonds have hitherto been in the custody of the Cashier—before whom they were executed—and were, or ought to have been, locked in a drawer in the inner part of the Long Room.

4. This room, however, is considered by the public as public property, and is therefore open, after the regular hours of business, to the reporters for the newspapers; to Custom House Agents, their clerks, and others; and as the head messenger is frequently absent on duty at that time, or assisting to clear the offices below, it is almost impossible to know who does enter the room; but this much I have learnt, that since the discovery of the loss of these bonds, the clerk performing Mr. Manton's duty during his absence on leave, has found,

on

on three several occasions, the desk or drawers of that seat open, when he had himself securely locked them before he left the house.

5. Some years back I had a correspondence with the editors of the leading newspapers, in consequence of my refusing admission to their reporters after 3 o'clock, against which they remonstrated, and, in the end, I gave the point up, although some of the ship's papers had every now and then been missed from the room.

6. I have now directed all export bonds to be executed before myself when I am present—when not (which is seldom the case) before the chief clerk, Mr. Llewellyn, with whom they are always to be lodged, his room not being open to the public unless he is there, and locked when away.

The Secretary to the Treasury,
&c., &c., &c.

I have, &c.,
J. GIBBES,
Collector.

(No. 169.)

Customs, Sydney,
27 October, 1858.

Sir,

I have the honor to transmit herewith a letter addressed to me by Mr. J. H. Maddocks, second clerk and Cashier in this department, dated the 23rd instant, in vindication of his conduct in respect to the loss of certain export bonds for the goods entered outwards by the schooner "Louisa," King, master, for New Caledonia, which were or ought to have been in his custody.

2. Mr. Maddocks has attempted, I think injudiciously, to cast the blame of this transaction on to the shoulders of his fellow-clerks.

3. In the 4th paragraph of his letter he says, "Mr. Manton cleared the 'Louisa' at 'after hours'"; that is to say at five o'clock p.m.

4. Such practice generally has been with my authority, following that of England, where vessels bound foreign are cleared up to ten and eleven o'clock at night, officers being appointed expressly for that purpose.

5. Mr. Maddocks, in the 5th paragraph, says that his initials on the export entry is the proof that bond has been entered into.

6. For this there is, as far as I am aware, no general or special order; and it must have been an arrangement made by himself with the clearing clerk; but I think a very good one.

7. In the 6th paragraph he says he found two entries initialled for the bond which he himself sent to me; also, a third initialled, but no bond; and goes on to say "the other 'entries are not initialled,'" which proves that I never received any bond or bonds for them.

8. But Mr. Maddocks is mistaken, as there were but three bonds for the whole cargo; one which he himself found on the file for five hogsheads rum and four half-tierces of tobacco; one for the eight half-tierces of tobacco, which is not forthcoming, and one for the remainder of the cargo, which is also missing.

9. In the 7th paragraph Mr. Maddocks says, "I am charged with the loss of certain 'bonds, but there is no proof that more than one is missing.'" Here again I think he is mistaken, as I have reason to believe there were three, as above stated.

10. In the 9th paragraph Mr. Maddock says, "I am charged with losing them, but 'have had nothing to do with the bonds and papers of the 'Louisa' since she cleared"; but assuredly he ought to have had, for he must have known that his predecessors, Mr. King, Mr. Llewellyn, and Mr. Webb, always kept the export bonds themselves in a press or drawer in the cashier's own compartment in the Long Room, and did not intrust them to the care of one of the messengers to stow away in a drawer remote from his own seat.

11. In the 10th paragraph Mr. Maddocks says, "the bonds are not left in my charge 'after they have been executed.'" But they should have been; for although they might of necessity be handed to a messenger to file or tie together, they are of too much importance to be left altogether in his charge, and should have been brought back to his (Mr. Maddocks') desk.

12. In the 12th and 13th paragraphs Mr. Maddocks says, "the agents and public 'have access to these bonds, and are allowed within the railing of the Long Room, &c.'" Without doubt the parties mentioned do intrude on the inner part of the Long Room, and do gain access to the different papers deposited therein, but not with my consent; and Mr. Maddocks and the other clerks know that I have repeatedly given orders that they should not be permitted so to intrude, and if they have been it must have arisen from want of firmness on the clerks occupying seats therein.

13. Mr. Maddocks in the 14th paragraph says, "I have to request that you will 'cause inquiry to be made as follows:—

" 1st. What right had some of the entries to be passed without my initials?

" 2nd. For what purpose had Mr. Llewellyn the 'Louisa's' bonds and papers in
" his possession?

" 3rd. Who declared to those bonds for the entries not initialled and now missing,
" and by whom were they signed?

" 4th. At what date had Mr. Llewellyn the 'Louisa's' bonds and papers in his
" possession?"

14. I have made these inquires, and beg to say that Mr. Llewellyn, the Chief Clerk in this department, who stands in much the same light towards me as Mr. Lane does to the Colonial Treasurer, would be perfectly justified in examining these bonds and papers, and having returned them to the custody of Mr. Maddocks, he was no longer responsible for them. His explanation is appended.

15. The first and third questions will be answered by Mr. Manton, who has been absent with leave.

16. Having now commented on the different paragraphs of Mr. Maddocks' letter, I hope I may be excused for adding a few remarks in regard to his career in this department.

17. He entered as junior clerk in the year 1841.

18. He has with diligence and attention worked his way up to the highest seat but one of the eleven clerks in this Custom House.

19. He has been faithful and diligent in the discharge of his duties, and may, perhaps, have relaxed more than was advisable in the strict keeping of these important documents, from the circumstance that the putting in suit an export bond is of so rare occurrence that during the twenty-four years I have had charge of the Customs in this Colony, only one export bond has been sued for, and that many years ago.

20. I therefore trust that the Government will take into consideration Mr. Maddocks' long services, and the circumstance that a Custom House is unlike any other public office, being open at all times to all comers, and that they will not visit him with their serious displeasure for one act of carelessness.

21. With regard to the abstraction of the bonds themselves, I have no opinion to offer. It is a most extraordinary occurrence; because they could not be worth one farthing to any person except the exporter, and he volunteered to replace them by fresh bonds if the Government wished it.

To

The Secretary to the Treasury,
&c., &c., &c.

I have, &c.,

J. GIBBES,
Collector.

Submitted,

28, H. L.

Refer this to the Board of Inquiry upon Customs matter.

Rt. C. 28 October.

Captain Ward, Chairman.

28, H. L.

Waverly,

23 October, 1858.

Sir,

I beg to acknowledge having received, on the afternoon of Wednesday, the 20th instant, a notification from you, informing me that you were under the necessity of suspending me from office until further orders, in consequence of my not producing certain bonds for goods shipped on board the "Louisa" for New Caledonia, which you consider a serious neglect of duty.

2. I respectfully submit, that when the whole of the circumstances and facts are revealed, my suspension will be considered as a harsh proceeding towards me.

3. The facts of the case, so far as I am cognizant, are these.

4. The "Louisa" was cleared by Mr. Manton on the 2nd September, after office hours; the cargo consisted principally, if not altogether, of goods under bond.

5. On the 20th instant the "Louisa's" manifest was in your possession; you required the bonds, and sent the messenger to me for them. I handed to the messenger the only bond I could find; before doing so I asked for the "Louisa's" manifest and entries, in order to ascertain whether any other bonds had been given; my initials on the entries are the proofs.

6. I found two entries initialled for the bond I sent you; I also found a third entry bearing my initials, but could find no bond for this entry; the other entries are not initialled, which proves that I never received any bond or bonds for them.

7. I am charged with the loss of certain bonds, but there is no proof as yet that more than one bond is missing.

8. I was informed by you that Mr. Stewart was prepared to prove that bonds had been given for all goods shipped on board the "Louisa."

9. I was also informed by you that Mr. Llewellyn and Mr. Kelly had seen these bonds, and I heard Mr. Llewellyn further state that he had had them in his possession, that he had also had the "Louisa's" manifest, and compared the bonds with the entries, and the entries with the manifest. In fact, that he examined the papers of the "Louisa" and found everything correct. The question now is, what has become of the missing bonds? I am charged with losing them, but have had nothing to do with the bonds or papers of the "Louisa" since she cleared.

10. On this charge I am suspended.

11. The bonds are not left in my charge. After they are executed and signed, I hand them to the messenger, who places them on a file; the bonds remain on this file from the 1st to the last of the month, for reference. This has always been the practice. This file is locked up by the messenger at the close of the day. In the morning the messenger again places the file on the top of the drawers in which it is kept; these drawers stand within the railing of the Long Room, but are out of my sight; consequently, a bond, or bonds, might at any time be abstracted from the file without my knowledge.

12. The agents and the public have access to these bonds, and all other documents in the Long Room.

13. The agents, captains of vessels, merchants' clerks, and others, are allowed within the railing of the Long Room. I have on several occasions broughtt his before your notice, as I thought it ought not to be allowed.

14.

14. Having now furnished you with all the particulars I am in possession of with respect to the "Louisa," I have to request you will cause inquiry to be made as follows, viz. :—

- 1st. What right had some of the entries to be passed without my initials?
- 2nd. For what purpose had Mr. Llewellyn the "Louisa's" bonds and papers in his possession?
- 3rd. Who declared to those bonds for the entries not initialled, and now missing, and by whom were they signed?
- 4th. At what date had Mr. Llewellyn the "Louisa's" bonds and papers in his possession?

15. As this matter has now become a public notoriety, I consider it will be but common justice on your part to lay this my statement of facts before the proper authorities.

I remain, &c.,

The Collector of Customs,
&c., &c., &c.

J. H. MADDOCKS.

To the Chief Clerk for explanation.

J. GIBBES,

Collr.

25 Oct., 1858.

Custom House, Sydney,

28 October, 1858.

Sir,

In explanation to Mr. Maddocks' questions respecting myself, I beg to state,—

1st. That Mr. Maddocks' initials are not required when the bonds are taken by another party.

2nd. That I took the bonds for goods shipped in the "Louisa" on the 2nd September, owing to Mr. Maddocks' absence from his seat.

I have, &c.,

The Collector of Customs,
Sydney.

CH. H. MANTON.

In reference to the explanation given by Mr. Maddocks in allusion to the missing bonds, I beg to state that my reason for examining the clearance of the "Louisa," and the Export Bonds for the dutiable goods shipped on that vessel, was that I was told by a Government Officer that no bonds had been given. Under these circumstances, I thought it my duty to see these documents, and I found that bonds had been given for all the packages enumerated in the outward manifest.

These bonds are filed in bundles of about fifty each, tied together with tape, two of these bundles (August and September) were examined in my room by myself and Mr. Kelly on Monday, the 27th September, after which I directed the messenger to take them back to Mr. Maddocks, who, I understand, found one of the bonds in question and gave it to the Collector.

I enclose Mr. Kelly's statement.

W. N. LLEWELLYN.

26 October, 1858.

MEMO.

The Export Bonds for the dutiable goods of the "Louisa's" cargo, King, master, for New Caledonia, were examined by Mr. Llewellyn in my presence on the 27th ultimo, and then given by him to Wilkins, the Head Messenger, to deliver to Mr. Maddocks, the Cashier, in the Long Room.

Custom House, Sydney,
27 October, 1858.

R. KELLY.

My dear Ward,

I have no wish to hurry Mr. Palmer, who has enough to do with his own branch of the public service, but it is now a fortnight since my evidence was taken, and I have not received a copy of it for examination and amendment.

I have spoken to Campbell this morning, and he said you ought to procure clerical assistance, for of course all other witnesses are entitled to have copies, and I do not see how the Board can Report till the whole of the evidence is returned. I could have wished to have seen two merchants of standing joined with the Board, from their knowledge of our system; or, if not, then such persons as Mr. Metcalfe and Mr. Thornton,—and I have to request that one or both of these gentlemen may be examined.

I send you Mr. Stewart's bond, and will see about such instructions as may be obtainable, but all our books of instructions were withdrawn by the Board of Customs in 1853.

Very truly yours,

10 November, 1858.

J. GIBBES, Collector.

15 November, 1858.

My dear Colonel,

The Board will, as you desire, examine Mr. Thornton and Mr. Metcalfe, if they consent to give evidence. You should let me know the points on which you desire their evidence, and it might be better for you to be present at the time and suggest questions.

Your

Your evidence will be sent you. As regards that of other witnesses I will put the question to the Board for their decision.

Yours truly,
E. W. WARD.

P.S.—The clerical assistance you suggest would hardly hasten our proceedings. The evidence is written out faster than I can read it.

16 November, 1858.

My dear Ward,

I have received your note of yesterday, and beg to thank you for agreeing to my suggestion of calling such persons as Mr. Metcalfe and Mr. Thornton to give evidence, if they are disposed to do so, but such a course will be of little effect, unless the previous proceedings of the Board are open to inspection.

Without reading all the evidence taken, it would be useless for me to put questions to those gentlemen; in fact I should have no questions to put, not having had time to attend and learn the object of the inquiry.

You will perhaps pardon me for saying, that from the manner in which questions were occasionally put, some of the witnesses were confused and lost all self-possession, thus giving answers very different from what, had they had time to reflect, they would have done (at least so they tell me). Independent of which, many of those questions shewed a perfect want of knowledge of the usages of Customs Establishments; and thus it was that I expressed my regret that there were no mercantile men members of the Board, and that such men as were, or had been, Custom House Agents, should not have been examined as to the working of the Customs Department here and elsewhere.

You are kind enough to say that copy of my evidence shall be sent to me, but that as regards that of other witnesses you will put the question to the Board for their decision. I, however, venture to ask, whether they have not a sort of right to correct or amend their evidence, agreeably to the practice of Committees of the Legislative Assembly—and, if not a right, whether it should not be allowed as an act of courtesy.

Very truly yours,
J. GIBBES.

Proposed to reply:—That as Collector had opportunity afforded him of attending during the inquiry, the Board do not feel called on to allow him the perusal of the whole of the evidence taken before them. That the Board will forward the evidence of each officer of Customs for his perusal, and for correction of verbal or grammatical errors; that no other correction will be admitted in the body of this evidence. The Board, however, will admit an explanation, as an appendix, to be added to the evidence.

For opinion of—
Capt. Browne.
Capt. M'Lerie.

E. W. W.
H. H. B.
J. M'L.

Monday, 22 November, 1858.

My dear Ward,

I have this moment received your note of the 19th instant.

I had previously put under cover to the Board my evidence; but having corrected errors, and made amendments at some considerable length (in the same way as I have always been allowed to do by Committees of the Legislative body) and you say that such will not be admitted by this Board, I must now retain it for a few days to take a copy of it, with its alterations, for future reference.

Very truly yours,
J. GIBBES.

The Board had no objection to explanation of evidence by way of Appendix on the opposite margin. They do, however, object to alteration of replies so as to give them another and an opposite meaning. There appears no answer necessary to this as Colonel Gibbes asks for none.

E. W. W.
H. H. B.
J. M'L.

22 Novr.

My dear Ward,

At the request of Mr. Bramwell, I send you one of the copies of the export entry for 20 half-tierces of tobacco by the "Tasmania" steamer for Hobart Town, from which it will be seen that Mr. Kidd, the landing-waiter on the Circular Quay, signed as landing-waiter for goods from the Patent Slip Wharf in Darling Harbour, when in his evidence he stated (Mr. Bramwell says,) that he never did, or would sign for goods shipped at any other wharf than his own.

The same with regard to Mr. G. N. Russell, the export officer on that occasion.

As far as I can understand, Mr. Kidd was told by the Board that Mr. Bramwell had signed the export warrants of the "Louisa," although he (Mr. B.) was attached to Botts' Wharf, and asked if he (Mr. Kidd) would have done so; to which he made answer as above, thereby

CUSTOMS DEPARTMENT.

thereby condemning Mr. Bramwell for doing that which he and Mr. Russell had both done a short time previously, and leading the Board to suppose that he (Mr. B.) had stepped out of his way, and done that which other landing-waiters would not have done.

Be so good as to return the warrant.

Very truly yours,
J. GIBBES.

9 December, 1858.

D.—*Exportation from Warehouse.* Sydney, 15th day of October, 1858.
On the "Tasmania," Bsh. Ship, Clinch, Master, for Hob. Town. Warehoused by Young & Co., in Chilian Warehouse, the 24th day of June, 1858, ex the "Bride," a Bsh. Ship, Liddell, Master, from London.

ALEX. BROWN.

PER WALTER CHURCH, AGENT.

MARKS & Nos.			VALUE.
H	25, 396	7918 E.	£411
563 §	24, 400		
	23, 396		
	22, 397		
	21, 402		
	20, 401		
	19, 400		
	18, 394		
	17, 375		
	16, 394		
	15, 408		
	13, 395		
	12, 391		
	11, 394		
	10, 387		
	9, 399		
	30, 389		
	7, 404		
	6, 398		
	5, 398		
	7918		
		Twenty half-tierces md. Tobacco. Seven thousand nine hundred and eighteen lbs...	
		D. N. 239	
		S. M. M. Bond taken.	

Entered Outwards,
day of

1858. } Patent Slip Wharf.

G. GREEN EMMOTT.

FOR EXPORTATION.

Port of Sydney.

RE-GUAGED and DELIVERED the undermentioned Goods to the Export Officer and Landing Waiter, the day of 185 .

Mark and No.	Bung.	Wet.	Full.	Ullage.	Tempera- ture.	Indication	Strength.	
							O. P.	U. P.
H 563								
Twenty (20) Hlf. tierces Tobacco, as within named.								

Received on board the Ship "Tasmania,"
MASON, Chief Officer.

Number of Gallons. 20 Hlf. tierces.
M. G. BROWN,
Customs' Locker.

Shipped the above, G. N. RUSSELL.
M. G. Brown, Export Officer.
JOHN KIDD, Landing Waiter.

APPENDIX 23.

Sydney, 4 December, 1858.

To the Collector of Customs.

Sir,

1. I have the honor to acknowledge the receipt of your communication of yesterday's date, wherein you say, "I have received a letter from the Inspector of Warehouses, notifying that he has made seizure of seven cases of gin in the cellar of Mr. Williams, hotel-keeper at Parramatta, who informed him (he says in his Report) that he (Williams) had purchased them from you."

2. And further calling upon me for an official explanation of the circumstances attending the sale of the gin.

3. Firstly,—Sir, I never made sale of any gin to anybody, never having had any to sell or any interest in the sale of any.

4. Secondly,—Feeling an interest in the welfare of Mr. W. Stewart, with whom I was likely, towards the end of the present year, to enter into a partnership, if he should be able to succeed in forming a business, I introduced Mr. Williams as an old acquaintance, and as a buyer, to Mr. Stewart, who fixed the prices, sent away the goods, and received the money.

5. Thirdly,—I beg to state that Mr. Williams has been here, and denies the truth of Mr. Still's statement in reference to the use made of my name in his Report.

6. Mr. Williams authorises me to say that when Mr. Still asked him where he got the gin, he replied that he purchased it from Mr. Stewart, of the Chilian Bonded Stores, through Mr. W. Gibbes' introduction. Mr. Still asked him when it was bought, and was told on 16th September—when Mr. Still immediately rejoined, "then the goods are contra-band, and I must place the broad arrow on them." Mr. Williams then said, "I am sure this is a mistake, as I know from the long acquaintance I have had with Mr. W. Gibbes that he would never stand quietly by and allow Mr. Stewart to sell me contra-band goods."

7. After such a conversation it is impossible to believe that Mr. Still could have misunderstood Mr. Williams' statement, unless his zeal to establish a wished for state of things had overcome his discretion.

8. Under these circumstances, and bearing in remembrance the extraordinary rumours which have been for weeks propagated through the city, and which, altho' emanating from some ignorant "informer," are nevertheless believed—reflecting upon me as having been mixed up in some alleged smuggling transactions of Mr. Stewart's. I cannot refrain from saying that Mr. Still should have been more particular in wording his Report—the expressions "buying from" and "buying through an introduction" are so different in their meaning that I am forced to believe that Mr. Still's Report has been studiously worded without regard to truth, and do not hesitate to say that Mr. Still, actuated by motives of no very high order, has mis-stated the expressions of Mr. Williams as regards myself.

9. Referring to your requirement for an explanation of the seven cases of gin, I beg to state that Mr. Williams has just furnished me with the bond mark, viz., G 548, and, on reference to Mr. Stewart's stock book, I find that of these 48 cases 41 were duty paid, 6 exported, and 1 removed during the months of July and November, as under,—

G 548	} 48 cases. Warehoused by W. Stewart, 16 June.	15 July	5	Exported by Prout.
		5 August	3	Duty paid by W. Stewart.
		20 "	6	" "
		26 "	3	" "
		28 "	1	Exported "
		31 "	10	Duty paid "
		14 September ...	15	" "
		27 October.....	4	" "
		12 November.....	1	Removed.
			—	48

10. On comparing this memo. with the "locker's journal" at the Chilian Bond, and with the "Warehouse-keeper's Register" at the Custom House, I find it to be correct.

11. You will perceive that 15 cases were paid duty upon by W. Stewart on 14th September, and his ledger shews that 10 of these were purchased by Mr. Williams on 16th and delivered on 18th to the Parramatta steamer.

12. I understand from Mr. Williams that the cases remained on the wharf for two days after delivery before being forwarded to him, and that since that he has disposed of only three cases, and left the address as having been sold by Mr. Stewart upon the remaining cases up to this date.

13. I may state also that, on reference to Mr. Stewart's ledger, Mr. Williams paid a higher price for his purchase than could be obtained for similar goods at the present time.

14. Trusting that this statement and explanation may be forwarded to the Government without delay, and that the latter will be satisfactory to you.

I have, &c.,
W. GIBBES.

I enclose a note from Mr. Williams, dated 1st December; also a card shewing how the goods were addressed. Please to mark the note before forwarding.

W. G.

Parramatta,

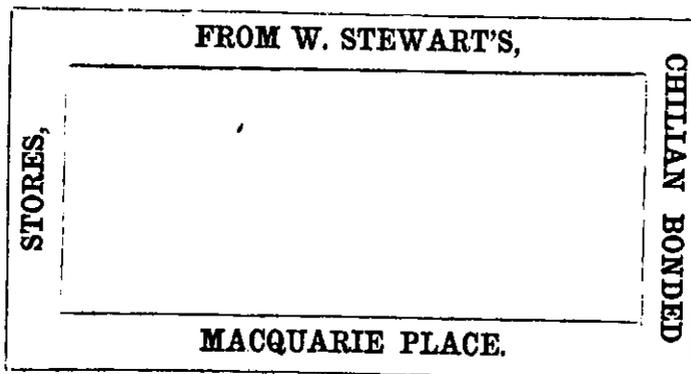
W. Gibbes, Esq.

Parramatta, December 1, 1858.

Dear Sir,

After the assurance I have had from you to-day of the goods in question being legal and duty paid, there must be some unwarrantable delay in releasing them on the part of Mr. Still. They were seized on Monday, and I was, in the first instance, directed to take them over to the Police Office as contraband goods; but reasoned that such a proceeding would be greatly detrimental to my interests and reputation here, undeservedly, and I gave my pledge to keep them secure in my store until decided, which was agreed to by Mr. Still, after putting the broad arrow on them, and placing them under the surveillance of the Chief Constable, Mr. Drury, of this place. In consequence of the branding of these seven cases gin, my son, in my absence, could not open the stores (where they were secured) to-day to the public; and to-night's post has arrived, but has brought no order to the C. C. to release them, who has just been here and shewn me Mr. Still's letter to him, in which he states to the C. C., "You are to consider these seven cases as still under your surveillance." Consequently my business must be, in a measure, suspended during to-morrow. The matter is abroad here greatly to my damage. Having purchased these goods through you is the only excuse I can offer for troubling you to ascertain for me on what grounds they are so long detained from release.

I am, &c.,
JOHN WILLIAMS.



(No. 191.)

Customs, Sydney,
6 December, 1858.

Sir,

I have the honor to transmit herewith, copy of a letter which I addressed to Mr. William Gibbes on the 3rd instant, after receiving the notification from the Inspector of Warehouses of his having seized seven cases of gin at Parramatta, together with his reply thereto, which I received this day.

The Secretary to the Treasury,
&c., &c., &c.
Submitted,
8.

I have, &c.,
J. GIBBES,
Collector.

The Board of Inquiry into Customs frauds,
9.
Re-submit,
C. C.
Received 13th, 10 Dec.
E. W. W.

Custom House, Sydney,
3 December, 1858.

Sir,

I beg leave to acquaint you that I have received a letter from the Inspector of Warehouses, notifying that he has made seizure of seven cases of gin in the cellar of Mr. Williams, hotel-keeper at Parramatta, who informed him (he says in his report) that he (Williams) purchased them from you.

I have to request that you will favor me with the particulars of this transaction, in order that I may ascertain that the duty has been paid upon them.

William Gibbes, Esq.,
&c., &c., &c.

I have, &c.,
J. GIBBES,
Collector of Customs.

To
The Collector of Customs.
Sir,

Sydney, 7 December, 1858.

Since sending my letter of explanation yesterday, and which refers to "gin" seized by Mr. Still, I have read a portion of evidence published by the Board of Inquiry, and learn therefrom that Mr. W. Stewart was not the owner or shipper of any "gin" on board the "Louisa."

The

The only "gin" so shipped appears to bear mark E 562, and to have been the property of, and shipped by, a Mr. H. Abbott.

Begging to call your immediate attention to this,

I have, &c.,
W. GIBBES.

(No. 193.)

Customs, Sydney,
10 December, 1858.

Sir,

The enclosed letter, received on the 8th instant, should have been forwarded on that day, but was overlooked; and I now beg to transmit it, as being connected with Mr. Wm. Gibbes' letter of the _____ of this month.

The Minister of Finance,
&c, &c., &c.

I have, &c.,
J. GIBBES, Collector.

The Board of Inquiry into Customs' Frauds, 15th.

H. L.

Captain Ward, R.E.

[Should have been enclosed in Collector of Customs' Letter, No. 199.]

Williams' Hotel, Parramatta,
December 13, 1858.

Sir,

On the 29th day of November, Chief Constable Drury came into my office and said there was a gentleman in the coffee-room wishing to see me. On entering I saw Mr. Still, who said, "I am the Inspector of Distilleries, and wish to inspect your stores." I said I would be happy to shew them to him, and took him all over the cellar and stores, where he carefully examined every article. On examining my stock of gins, he enquired where I got a particular lot from. I told him I bought them from Mr. Gibbes. He (Mr. Still) then called the Chief Constable's attention to the cards on the cases, (viz. W. Stewart and Co., Chilian Stores), and said, "Mr. Williams, I am afraid I must seize these cases as contraband goods, and send them over to the Police Office." I requested he would not do that, as the fact would be injurious to my business and reputation. He said it was, he knew, a very unpleasant business, but he had a duty to perform—that a fraud had been perpetrated on the Government, in which Mr. Stewart was implicated, and he had no alternative. I told him I bought and paid legitimately for them, and as far as being concerned, I did not even know Mr. Stewart. I asked him if he was sure they were any of the goods. He said if they were not he would seize them as contraband, having *no bond mark* on them. I assured him of their perfect safety in my stores, in which assurance the Chief Constable acquiesced, and Mr. Still asked for chalk, put the broad arrow on seven cases, and agreed to leave them in my stores until he satisfied himself; and promised if they were right to write the next day and let me know. There were in all (eight) 8 cases, an empty one, an ullage, and six full ones. There was a chalk mark perceptible on the empty one, which Mr. Still threw on one side and did not mark it with the broad arrow. On inquiries from the Chief Constable the following evening, he read a note to me he had received from Mr. Still, in which that officer directed him to consider the goods still under his surveillance, &c.

On the morning of the 2nd December Mr. Still came to Parramatta by the first train, and asked me to allow him to see the goods again, and that if there were any doubts he would give me the benefit of it. He had Constable Wade with him, and directed him to remove the seven cases to the Police Office, leaving the one (empty) with mark G 548 behind. My son helped Constable Wade to load the horse and cart, and when out in the open light he (my son) saw a mark in chalk on another case, which was G 548, same as one left out, and called Mr. Still's attention to it. I then instructed my son and Constable Wade to examine every case carefully, and take down the marks. Three were taken down as G 548, the empty one included; five, no marks perceptible. I then asked Mr. Still if he was not mistaken, as I understood he seized the goods as having *no bond mark*; that I had seen in merchants' free stores cases of gin with no mark either in paint or chalk to indicate any particular bond; also that I had a case with sundries in just the same; and that I had been assured duty had been paid on the gin I had from Stewart and Co. on September 14th. But Mr. Still said he must remove them and run the risk, and ordered them to the Police Office. I offered my store keys rather than such should be done, but it was denied, and the goods were removed, and the empty case *then* Mr. Still directed to be taken with them. I then applied to Mr. Gibbes, through whom I purchased the goods, to satisfy me, as I did not understand the proceedings. He assured me that the goods taken from me duty was paid on, on the 14th September, and that he believed the seizure to be illegal, and advised me to apply for their release, or proceed for the recovery of them by law. This I did not do, believing every hour might bring an order from the Government to release them. On the 10th December, when in Sydney, I gave a description of the marks on the cases in question to a Custom House Agent, who sent his clerk to inquire if duty had been paid on such gin, and when he returned with an answer, *it had*, on the 14th September. Subsequently I saw him (the Agent) again, and he told me he had heard that there was one case marked with the "Louisa" bond mark, viz., E 562. This I indignantly repudiated, stating I had, with my son and Constable Wade, and in the presence of Mr. Still, carefully examined every case as it went on the dray. Subsequently I was spoken to by many friends in town that the report was all over the place that the goods were traced to me; and in one instance that a

14-ton boat had been seized on the Parramatta River with the goods from me—which I consider most injurious to my reputation as an upright and honest tradesman.

Shortly after my arrival in Parramatta, I proceeded to the Police Office to tell the Chief Constable what I had heard, and to ask him to let me see the cases, as I felt very certain of the report that one of them bore the mark E 562 was a fabrication. Mrs. Wade, the constable's wife, directed me to Mr. Drury's office, where I saw Mr. Still and another, and Constable Wade, with a case of gin open and measuring its contents. I remarked that I did not know Mr. Still was there, and that I was glad to see him, as I wished to know if he could give me any information when the gin would be released. He said he could not tell me. I then observed what brought me over was in consequence of a report I had heard in Sydney that there was one of the cases marked E 562, which I thought impossible after the scrutiny of four of us on the goods leaving my stores. Mr. Still did not reply, and I concluded it was a false report. On observing that they were filling the gin bottles up to the cork, and taking two bottles from another case, one to replace a broken bottle, the other to fill up the remainder of the case they were measuring, I asked Mr. Still what he was doing (for I was ignorant, and still am); he said only his unpleasant duty, that no harm could come to me, and he had told the Board his opinion, and stated the ready and willing manner I satisfied all his questions. After the cases were headed up, Mr. Still and his assistant left. I then told Mr. Drury what I had heard. He said it was so, and that Mr. Still made him give a receipt for that particular case on the morning they were removed from my stores. I said it was impossible, as Constable Wade, my son, myself and Mr. Still handled them all over, and saw no such mark. He (the Chief Constable) then pointed it out to me; it was the case they had been measuring. I could trace a very faint mark, thus, E 562, apparently neither paint nor chalk, but as if scratched on with a piece of sandstone in a great hurry. So struck was I with it that I could not help remarking my belief that it had been scribbled on after leaving my stores, and the time of the Chief Constable's attention being drawn to it, and his receipt demanded. If such is a Government bond mark, and one by which goods are to be seized, no honest man's goods are safe whenever a dishonest one may defraud the Government; and if such marks are to bear evidence, then any informer may enter easily the stores of any merchant, and in an instant, whilst his eye is off such person, he may brand one or more at his will to serve his ends to obtain reward. It has occurred to me that the locker in whose custody the cases E 562 were should be called upon to inspect this case at once, and to affirm or not if it is really one in question. I have received no word from the Government, or any one else, as to the detention of the cases, yet I have been assured that many other cases bearing that mark has had duty paid upon them.

I look upon this case as regards myself as a very great hardship, not knowing how to answer my friends about it; and as I consider my business and reputation is suffering severely through the reports which have now become quite public and exaggerated, and by which I appear branded as a *smuggler*. Should I be out of place in addressing you upon this subject, may I beg of you to lay my communication before the proper authorities, that I may at once understand the position in which I am placed with respect to the Government, and thus afford me the means of acquainting my friends and customers with the true merits of the case, as it is now a fortnight since the goods were seized, and I have not as yet heard anything in reference to them.

Colonel Gibbes,
Collector of Customs.

I have, &c.,
JOHN WILLIAMS.

Custom House,
14 December, 1858.

Sir,

Having received a letter from Mr. Williams of Parramatta, relative to the seizure made by you, of certain cases of gin on his premises, in which he insinuates that subsequent to the removal thereof a mark has been forged upon one of them, I request that you will have the goodness to report the circumstances attending their removal, to enable me to lay the matter before the Government.

Mr. Williams states that the case alluded to was, together with the others, thoroughly examined by himself, his son, Constable Wade, and yourself, preparatory to removing them, and that it bore no mark whatever; but that now there is a scratched mark apparently done with a piece of sandstone.

It is a pity that the cases were not at once removed to the Queen's Warehouse when seized, according to the practice of the service, as no such difficulty could have arisen.

I have, &c.,
J. GIBBES,
Collector.

To Inspector of Warehouses,
&c., &c., &c.

(Enclosed in Collector's letter, No. 199.)

Customs, Sydney,
14 December, 1858.

Sir,

In reply to your letter of this day's date, I beg respectfully to state, that as nothing has occurred to alter the state of things, since the date of the Minister's letter on the subject of my withholding further information concerning the seizure made by me at Mr. Williams', Parramatta, I am under the impression that I may still decline entering into a detail of the particulars relative to such seizure.

Officers of Revenue are subjected to unpleasant remarks in the discharge of their duties. In the present instance an insidious insinuation appears to be thrown out, which will prove to be groundless.

I have, &c.,

W. CATHCART STILL,
Inspector of Warehouses.

The Collector of Customs,
&c., &c., &c.

(No. 199)

Customs, Sydney,
16 December, 1858.

Sir,

I beg leave to transmit, herewith, a letter which I have received from Mr. Williams, of William's Hotel, Parramatta, from whom certain cases of gin were seized by the Inspector of Warehouses, in which he represents, that on the removal of those cases from his premises, they were thoroughly examined by himself, his son, and Constable Wade, in the presence of Mr. Still; and that one of them was found to contain no mark of any kind upon it;—but which case, when subsequently seen by him at the Police Office, was found to have been opened, and to have scratched upon it with some gritty substance, a particular bond mark, viz., $\frac{F}{102}$, which he alleges must have been forged.

I referred the matter to the Inspector of Warehouses, as seizing Officer, for his report, but as it appears that he has been placed in a position perfectly independent of the Head of his Department, he declines to obey the order given to him.—Enclosed is his letter.

I have, &c.,

J. GIBBES,
Collector.

The Secretary
to the Treasury,
&c., &c., &c.

The Board of Inquiry into alleged Frauds in Customs Department.

17th H. L.

Capt. Ward, R.E.

Sydney, 45 Hunter-street,
21 December, 1858.

Captain Ward, R.E.,
Chairman of the Board
investigating into the
Customs Department.

Sir,

At the request of Mr. T. W. Smith, of the Burnbank Hotel, Balmain, we beg to inform you that on the 13th October last he executed a Conveyance to a Mrs. Maria Stewart (the mother of Mr. William Stewart, late of Macquarie-street, Sydney,) of 1a. 1r. 29p. of land at the corner of Balmain and Wharf-streets, Balmain, and that the terms of purchase were £109 in cash, and the remainder in goods, some of which (we were informed) had been already supplied.

We have, &c.,

STENHOUSE & HARDY.

Hanoverian Consulate,
6 Macquarie Place,
Sydney, Decr. 21, 1858.

To the Chairman of the Board of Inquiry
upon Customs Department.

Sir,

I have the honor to state that I have read in this morning's paper the report of the evidence of Mr. Thomas Waldeck Smith, as authorised to be published by you, and containing the most audacious falsehoods as regards his statement of his pretended intercourse with me.

I am ready and willing to appear before the Board, at any time that I may be favored with an invitation, to refute the slanders of this man.

Had the Board done me the honor of requesting my attendance at an earlier period, so as to have enabled me to be present at the time of the malicious attacks which have been made upon me in my absence, I am inclined to believe that greater justice would have been done me; and I do not hesitate to say, that a larger amount of truth might have been elicited than is likely to accrue from the "assumptions" of Mr. Still, or the outrageously false evidence of Mr. Thomas Waldeck Smith.

Waiting the desire of the Board,

I have, &c.,

W. GIBBES,

(Reply.)

23 Dec.

Sir,

In reply to your communication of this day, offering to give evidence before the Board of Inquiry into the Customs, I have the honor to inform you, that should the Board require your evidence to throw light on points which they are called on to investigate, they will avail themselves of your offer. In the meantime any information you may desire to communicate, if forwarded to me, shall be laid before them.

Parramatta,

CUSTOMS DEPARTMENT.

19

Parramatta, December 30, 1858.

To the Chairman of the Board of Inquiry into
the late Frauds on the Customs Revenue.

Sir,

Had I had an opportunity of seeing my evidence before the Board for correction, as I understood was to have been forwarded to me, I should have pointed out that the receipt was not signed by Mr. Gibbes, but that Mr. Gibbes took the bill inside (meaning the office) and brought it out to me receipted, less discount for cash.

The receipt, you will perceive, is signed,—

Received per cheque,
W. STEWART.

September 22nd, 1858.

I herewith enclose the receipt as delivered to me.

CHILIAN BONDED AND FREE STORES.

Sydney, September 20th, 1858.

Mr. John Williams,

Dr. to W. STEWART.

1858.		£	s.	d.
Sept. 16th.	To two hhds. dark } E C.V. Brandy } 524			
	No. 3— 57 Galls. } " 4— 56 " } Re-gauge.			
	<u>113 Galls. @ 18/- 3/4 Gall.....</u>	101	14	0
	To 10 cases of Geneva, J.D.K.Z., @ 46/6.....	23	5	0
E. E.		£ 124	19	0
	Less Discount.....	2	10	0
	Received by Cheque, W. STEWART. Sept. 22nd, '58.	£ 121	9	0

Sir,

In reply to your letter to the Board of Inquiry on the Customs Department, enclosing a communication from you to the *Sydney Morning Herald*, which it is understood you desire may be authorised by the Board to be published in the same manner as other evidence relating to the same subject which as appeared in the paper, I am requested by the Board to inform you, that the evidence which has been published was taken by a Reporter of the Press during the proceedings of the Board, which were open to the public; that the Board do not consider themselves responsible for the matter contained in it, except so far as they may have become so by having offered no objection to its publication.

As regards your letter, the Board will offer no objection should the Editor of the *Herald* desire to publish it; but they cannot undertake any further responsibility with regard to it.

I may add, that any communication which you may make to the Board which can be considered as evidence shall be attached to their proceedings, and forwarded with their Report to the Government. If, however, you prefer to make a statement before it, they will appoint an early day to receive it.

E. W.

No. 6, Macquarie Place,
Sydney, 6 January, 1859.

To the Chairman of the
Board of Inquiry on Customs Department.

Sir,

I have the honor to state, that I received your letter authorising me to communicate through you with the Board.

I did not mean to avail myself of your kindness, as I thought it would be possible yet that I might induce the Board to examine me.

Since then the enclosed libellous article has appeared in the *Sydney Morning Herald*, based upon the evidence authorised by you to be published; the proprietor of that journal has returned me the enclosed document with a refusal to publish.

I am placed in a most disadvantageous position—the Board will not allow me to rebut the false evidence given against me—and the Press declines to allow me space to vindicate my character from the malicious charges brought by itself. Under the circumstances I have the honor to appeal to the justice of the Board, and to request that the enclosed papers may be laid before the Board, and that my statement may be authorised to be published with the Evidence.

I have, &c.,

W. GIBBES.

[Enclosure.]

[Enclosure.]

" This brings us to another part of the case, in which we regret to find a relative of the Collector of Customs very deeply concerned. An advertisement appeared in our journal, under date December 9th, signed by WILLIAM GIBBES. In this he states that he had never issued even *one* order in MR. STEWART'S Bond, until placed in charge of Mr. S's attorney, on 9th November, either to mark, stow, gauge, break out, or indeed any thing else. That up to that period he had never *entered* the Bond more than once, and that was with Mr. Still, about a month after the license was granted, and when he was about taking stock. That he never purchased or sold any goods, and that he had never received a farthing of his (MR. STEWART'S) money.

" The evidence of MR. WALDUCK SMITH and the statement of MR. WILLIAMS, of Parramatta, shew that MR. GIBBES was an active agent in the transactions of the Chilian Store at a date previous to that stated in the advertisement. There are several letters given signed by MR. GIBBES himself, which state that he had forwarded parcels of spirits to MR. WILLIAMS, of Parramatta. We quote one for its brevity :—

" " I forgot to send you a regauge of the Brandy, and therefore enclose you a memo."

" This is dated September 20th, 1858. MR. GIBBES accompanied the "Louisa" to the Heads on her celebrated voyage. The conclusion which is inevitable from all the facts of the case is, that he was in the confidence of the STEWARTS; that he was the agent by whom they carried on a contraband trade.

" Every right-minded person must deeply regret to see a person in the position of MR. GIBBES, not only violating the law, but compromising a venerable parent, whose character has ever been high, and who has served honorably for more than forty years. Were the public inclined to take malignant pleasure in exaggerating particular facts, it is possible that Colonel GIBBES would not be unscathed. He has been deficient in that penetration which such an office requires; but he has been shamefully deceived and betrayed.

" It must, however, be recollected that Colonel GIBBES has had forced upon him persons utterly incompetent—that the system of patronage in the Government has almost compelled the head of a department to pass over irregularities, and to retain in the public service men whom he has known to be untrustworthy or unfit. The evidence given by Colonel GIBBES upon this point will require most careful consideration, when we decide upon the reforms demanded by this branch of the public service."—*Sydney Morning Herald*, 3 January, 1859.

To the Editor of the Sydney Morning Herald.

Sir,

In your leader of to-day you put your readers "*upon their guard*," telling them that the evidence taken before the Board of inquiry is *ex parte*, and not upon oath.

In the face of such warning you have pleased to advert to me as being, from all the facts (?) of the case, "*very deeply concerned*,"—"in the confidence of the Stewarts"—and, "their agent for carrying on a contraband trade;" also, as having violated the law, and compromised my father.

I have to state, for your better information, that had the evidence been taken upon oath you would have had a very different statement of FACTS to publish, and the most of which you have yet to learn.

You have condemned me in the strongest terms upon the unsworn evidence of a Mr. Smith and Mr. Williams, (both interested, altho' in different ways), and you refuse to publish my note to Mr. Smith, inviting him to repeat his evidence upon oath.

Mr. Smith states that he saw me at the Chilian Stores prior to my visit to his house; and subsequently, several times, that I solicited his orders—offered him many samples, and an extensive credit. Also, that I was cognizant of his transaction with Mr. W. Stewart about the land.

Now, Sir, fortunately I have two witnesses to disprove the larger portion of above falsehoods.

Mr. Smith called at Chilian Stores some time in *November*—after I was placed in charge, and when I was *not in town*—and left word with a gentleman then present, and the storekeeper, that he wanted to give an order, but would not do so until the former one was completed, and would call again next day; this was written down by the gentleman referred to, and given to me on my arrival, I looked at Mr. Stewart's ledger and saw that Mr. Smith owed him £163 4s., and concluded that some portion of the goods had not been delivered. Mr. Smith did not call again, and after a day or two Mr. Tompson advised me to call upon Mr. Smith, and get payment of his account, as he would require the money for costs of Mr. Stewart's defence. I waited upon Mr. Smith at his house, and saw him then for the *first time*, told him the nature of my visit, and desired to know what portion of his order had not been forwarded? He then stated that Mr Stewart had purchased some land from him for £300,—£109 of which was cash to Stenhouse and Hardy—account in ledger £163 4s., leaving a balance still due to him of £27 11s. Is this Mr. Smith's £60?—Vide his evidence. I doubted his statement, and asked who held the deeds. He replied, Mrs. Stewart, and that he was sorry for it, for the land was worth £1,000. He also said that Stenhouse and Hardy drew the deeds, and referred me to them for confirmation of his statement. He then asked to be supplied with a hhd. of rum, to liquidate his balance, and he would pay cash for any difference. I told him if I found it all right about the land, and, therefore, that Mr. Stewart was still in his debt, I would send him a hhd. rum, X 568, of which there were many in bond, provided Mr. Tompson authorised me. I left, and waited upon Stenhouse and Hardy, and learnt that the sale was made, and I now assert that this was my first knowledge of the arrangement. Is it likely that I should run over to Balmain after a man I did not know, nor even his residence, to obtain payment of an apparent debt (for

(for there is no credit given him in the ledger, except for a former account), and then to his lawyers, if I had any previous cognizance of the circumstances ?

Mr. Tompson was immediately made acquainted with the result of my *only visit* to Mr. Smith, but gave no directions to send the rum. I next saw Mr. Smith at the Café door, when he asked me for a guinea subscription to Regatta, and reminded me that I had not sent the rum, to which I replied, No, and went away with some friends.

Since that date I have *never seen* Mr. Smith any where, and have ascertained from the storekeeper and men that he has never once been to the stores. When were the solicitations made for orders? Where were the samples offered? As to the *credit*, I am strictly prohibited from selling, except for *cash prior to delivery*, and have sold nothing upon credit—then why offer credit to an unknown person? As to Mr. Smith's veracity upon other points of his evidence, but which does not concern me—he says that he bargained for the sale of land, and purchase of spirits in part payment, *early in September*. Certain persons should have good memories! I find on reference to Mr. Stewart's ledger that Mr. Smith, on 18th September, purchased some goods, for which he paid cash, £31; and that he did not enter into the land arrangement, or give the order for the spirits, until 8th October following. Facts are stubborn things, and dates and figures the most stubborn of all FACTS!

Mr. Smith probably imagined that by getting his spirits seized he would be able to recover his land, which he fancied he sold too cheap, and now values at £1,000. Permit me here to say that Mr. Walduck Smith's letter addressed to you, in this morning's paper, reminds me of the rejoinder of the school boy, when his companion called him a liar, viz., "You're another!"

Now for Mr. Williams, who has labored so hard to try and prove that he did not know Mr. Stewart—who says in his letters to me, copies of which he published, that he *only troubles me*, because he bought the goods *through me*; but in his evidence that he bought *from me*. Again, in his letter to the Government, in the first page, he says he bought the gin *from me*; and afterwards *through me*!

On the occasion of my calling Mr. Williams across the pavement, I introduced him to Mr. W. Stewart and his brother, in the presence of other parties, who are prepared to prove it. Mr. W. Stewart fixed the price of the brandy, and asked Mr. Williams to have some gin; the price named was 47s., which Mr. Williams thought too high; and Mr. Stewart said, if you will take ten cases you shall have it for 46s. 6d., at which he closed. About a week afterwards I met Mr. Williams going towards the Parramatta steamer, when he regretted he was not near a Bank that he might draw a cheque, and save himself the trouble of going so far as the Chilian Stores—but he should expect an allowance as discount for the cash; I told him I could not take his cheque or say anything about discount; I afterwards mentioned this to Mr. Stewart, and in the evening Mr. Williams went down to Mr. Stewart's office—both the Mr. Stewarts were present. Mr. Williams asked for 2½ per cent. discount; Stewart said, I will make it even money, say £121 10s.; are you satisfied?

The account stood thus	...	...	...	...	...	£124	19	0
Less discount, 2½ per cent.	...	...	...	...	...		3	2
						£121	16	7

Mr. Williams rejoined, perfectly, that it was a very liberal and handsome allowance; he was then asked what Bank he would draw upon; a cheque-book was handed to him, and he drew a cheque *at the office desk* with the cheque resting upon the cover of the Stock Book of the Bond, and received a receipt from Mr. W. Stewart's *own hands*; the butt of the cheque is still there.

In Mr. Williams' evidence, where does he infer that he drew the cheque?—outside the door? or where else? Does Mr. Williams not remember drinking brandy and water with, and having samples of rum offered by, Mr. Stewart on this occasion? Did he not, whilst Mr. Stewart sat upon a beer cask near the door, ask him if he had any low class rums, at about 2s. 6d. a gallon, and was answered in the negative? So much for Mr. Williams' dealing with me! Now for my "part of the play." I wrote the three short notes published by Mr. Williams, only as to a friend whose interest I should gladly look after, and feeling that he had purchased the goods—not particularly wanting them—through my introduction, and from kindness towards me, possibly thinking he was doing me a favor.

No one else has received any notes from me; no one out of the 150 persons whose names are entered in Mr. Stewart's Ledger ever purchased from me, or can shew my receipt for money, *prior to the 9th November*.

That I went down the harbour in the "Louisa" I am free to admit. I received an invitation to do so, to have a cruise, a blast of fresh sea air, some brandy and water and cigars. I have been out to sea in many vessels on their homeward passage—think it very agreeable, and do not perceive any particular wickedness therein.

I deny that my letters to Mr. Williams state that I have forwarded parcels of spirits to him, as stated by you, and there was no necessity to send a reguage to him, but I did so, in consequence of introducing him, and being desirous to shew him that he was fairly dealt with.

I submit, Sir, that even if the Government should by any possibility convict Mr. Stewart of having done something wrong, I have nothing to do with it, unless you mean to say that my three short notes in the interest of a friend, and my acceptance of a passage down the harbour on board the "Louisa" constitute a crime.

I emphatically deny that I have ever acted as Mr. W. Stewart's agent in any transaction whatever, or that I have even violated the law in the slightest form, and I therefore call upon you to retract the expressions contained in the last four paragraphs of your leader.

You refer to a seizure of the gin sold by Mr. Stewart to Mr. Williams. The one case to which you allude *does not* bear upon it the bond mark of the goods exported by "Louisa." The parties moving in these transactions seem to be ignorant that the Excise Laws are not in force in N. S. Wales; and, therefore, when an article has been paid duty upon, the owner is allowed to do with it in the Colony whatever he pleases.

Possibly you will learn now, for the first time, that nearly all the holders of duty paid gin erase the bond mark so soon as the packages reach their stores, and no one can seize them with success; and there is nothing to prevent any person from placing upon his duty paid casks of spirits, or even empty casks, the export bond marks of the "Louisa's" brandy or rum.

Probably neither you or the public are aware that late in the month of August last I offered, by letter, to sell to the Government an armed clipper vessel of 112 tons, ready to go to sea in an hour, for the express purpose of protecting the revenue, and that my offer was rejected by the Minister of Finance as unnecessary!

In conclusion, Sir, after publishing so libellous an attack upon me, I trust you will see the justice of placing this communication before the public in to-morrow's issue.

I am, &c.,

Sydney, Jany. 3rd, 1859.

W. GIBBES.

APPENDIX 24.

(Private.)

117, Kent-street, North,
14 December, 1858.

Sir,

On reading the abstract of the Collector of Customs' evidence given before you as Chairman of a Board now sitting upon that department, and published in the *Herald* of the 13th inst., he states there is no check upon the landing-waiter's gauge here, *nor is there in London, or any where else.* If the above is a correct report, the Collector must be ignorant of the duties of the Inspectors of Gaugers in England, who invariably visit the gaugers two or three times in the course of the day, and not only sees the casks, but invariably tries a few of them, and I have seen an Inspector of Gaugers when he has discovered an error go over each cask in a tier of fifty. All the Dock Companies have also their own gaugers, whose duty is to follow after the Customs guager, and they usually try one cask in five, and any error detected is rectified previous to the goods being stored and the books sent in. The landing-waiters also when weighing tobacco, sugar, &c., &c., always have a check clerk, who sits in the same box with them, and the weight of every tally is compared. In the East India Company's stores, the landing-waiters, who are always of the 1st class, are never allowed to weigh the most trifling article, except in the presence of the check clerk.

I am, &c.,

To

Captain Ward, R. E.

J. L. DEANE.

Custom House, Sydney,
27 November, 1858.

Gentlemen,

I beg to call your attention to certain incidents which I had omitted to mention during my recent examination by your Honorable Board, viz., that on the morning of the 3rd September I received an official visit from Mr. Still, who then examined such delivery orders as were used on the day previous, and initialled the order for 8 half-tierces of tobacco, thereby shewing that they were delivered on the previous day, 2nd September; and further, that he remained with me long enough to examine and measure the whole of Walker's Bonding Warehouses, and, therefore, if any deliveries had been made on that morning, his attention must have been directed to it.

Now, as that gentleman will admit that he saw no appearance of bonding business, nor did he see any export officer on that occasion, I trust that the above facts will suffice to shew that no deliveries were made on that day, as a public auction was being held on the wharf, and that I left the store at a quarter to one o'clock; therefore the date of delivery made by the storekeeper must be his error and not mine. You will also find on inquiry, that it is the practice at Walker's to charge rent for the entire week, though only three days of actual occupation had taken place, which may account for the discrepancy of date.

Now, gentlemen, I, having been some thirteen years attached to the Customs Service in its various grades, and that during such period the Collector of Customs and his various officers will admit that no single instance of complaint or error has ever been made against me, and, therefore, gentlemen, I trust that whatever may have occurred, you will at least give me credit for having done no wrong.

Having delivered only on the proper order and to the proper officer, which, during business hours, I am bound to do.

Trusting that the above-named truths will meet with your satisfaction.

I beg, &c.,

The Chairman and Gentlemen
of Board of Inquiry.

MICHAEL GEORGE BROWN,
2nd Tide-waiter, H. M. Customs.

APPENDIX 25.

NOUVELLE CALEDONIE.

PERMIS DE DEPART DE LA COLONIE.

Le Sieur (1) King, Capitaine du Brig Goélette Anglais "Louisa," s'étant conformé aux arrêtés locaux, et n'ayant suscité contre lui aucune réclamation, il lui est permis de quitter la Colonie (2) avec son navire, pour se rendre aux Navigateurs.

Tenu de se présenter à (3) bord du Stationnaire, et de ne recevoir aucun passager qui ne soit muni de son permis de départ.

Port de France, le 27 Septembre, 1858.

Vu (5) Le (4) Maitre de Port—
Vu le Commandant particulier de la Calédonie, J. CUTARY. G. DUTRUC.

ARRETE DU 11 MAI, 1856.

(1) Si c'est pour un bâtiment, le Sieur [nom], Capitaine de [espèce du bâtiment et nom]. Si c'est pour un colon, nom et profession, &c.

(2) Si c'est pour un Capitaine, mettre avec son bâtiment.

(3) Pour un bâtiment—à bord du stationnaire, au bureau de l'inscription maritime, et de ne recevoir aucun passager qui ne soit muni de son permis de départ. Pour un colon—au bureau de l'état civil et au bureau de l'administration.

(4) Maitre de Port ou Commissaire de Police.

(5) Pour un colon, à l'état civil.

APPENDIX No. 27.

Colonial Architect's Office,
Sydney, 24 January, 1859.

Mr. Speer presents his respectful compliments to Captain Ward, and begs to submit to him, as Chairman of the Customs Inquiry Committee, a Memorandum of Mr. Speer's views as to the mode in which the business of that Department might with advantage and increased efficiency be conducted. There is little of novelty or originality professed to be set forth in this paper. It is, in fact, but the result of Mr. Speer's experience of the Service in other parts of the world, with a few modifications suggested by the pending Inquiry, and late events roughly thrown together, but in as concise, explicit, and consecutive a manner as Mr. Speer was able to command. It may possibly assist the Committee, in connexion with the other information before them, in fully understanding the working and practice of the Customs Department, and in framing, should they desire to do so, a Code of Regulations and Instructions for the guidance of its Officers, if, indeed, it be not too late for the consideration of the Committee. And Mr. Speer ventures to hope that the having offered it will not be imputed to him as presumptuous or intermeddling.

[Forwarded by the Board with the other papers attached to their Report to the Treasurer of Finance and Trade.]

E. W. W.

1 Feb., 1859.

MEMORANDA for the regulation of the practice of the Customs Department.

It is a trite but true axiom, that the best preventative to smuggling is to be found in so arranging the rates of duties that the evasion of the law shall not present a sufficient temptation to incur the penalties attached to detection. Introduction.

The point at which a rate of duty will cease to afford a sufficient inducement to the smuggler to exercise his vocation must necessarily vary at different times and places; but it must always be in the ratio of the probable gain to the chances of detection and the penalties attached to discovery. Whilst these chances must of necessity be increased or lessened accordingly as the appliances of the Customs are more or less ample and sufficient, and the regulations and practice more or less perfect.

This much being premised, it appears to the writer that, with a view to the prevention of smuggling, and of rendering the Customs regulations and practice as perfect and as efficient as possible, something like the following system might with advantage be adopted:

A revenue station to be established at some convenient spot at the mouth of the harbour. It should command a good and extensive view of the neighbourhood, both land and sea; a branch of the Customs to be stationed here acting in a double capacity,—in a capacity analogous to what is called a coast guard, and in a capacity similar to that of tide-waiters; a sufficient staff of officers to meet the ordinary requirements of the port capable of acting in this double capacity to be maintained; proper boats, to enable these officers to carry out their duties, to be provided, and a constant look-out, both day and night, to be kept from the station. This branch of the Customs service might be called (for instance) the coast guard, and each boat should be under the directions of a superior officer, who might be named (for example) the coast captain; and the whole of the establishment should be subject to the superintendence of a chief, or head, who might be called (in illustration) the Coast Guard Inspector. Revenue Station

Upon the approach of a vessel a coast guard-boat, properly manned and commanded by a coast captain, having on board besides the rowers a coast guard officer to act in the capacity of tide-waiter should board such vessel. In the event of there being two or more vessels to be boarded two or more of these officers would be taken in the boat; and if should Duty of coast guard on approach of vessel.

should be the duty of the coast captain to ascertain the usual* particulars with respect to such ship and her voyage. The coast guard-boats might also be employed in surveillance of the coast and harbour at such times and seasons as the officer in charge of the station might deem necessary and expedient. On obtaining the particulars mentioned, the coast captain should record the same in a book to be kept for that purpose; and from this book the officer in charge, (viz., the Coast Guard Inspector), ought to make a daily (or perhaps more frequent) report to the Collector—thus keeping that officer early and fully informed in respect of the various vessels arriving at the Port.

The coast captain would then, on behalf of the Customs, place a tide-waiter in charge of every ship he boarded. And it should be the duty of such tide-waiter to remain on board the ship, either until she was about to leave the port, or until she had discharged her inward cargo.

On a vessel commencing to take in outward cargo a tide-waiter might also be placed on board in charge (by the tide-surveyor, or superintendent of tide-waiters at the wharfs,) whose duty it would be to take care that all goods entered outwards for exportation were *duly shipped*, and not otherwise disposed of, or smuggled on shore again. The tide-waiter would attend to and supervise the shipment of all merchandize, but more particularly of all dutiable or ex-warehouse goods intended for exportation. These latter he would receive charge of from the export officer escorting them from the warehouse. And the latter officer would thus be relieved from the duty of superintending the shipment of these goods, and, consequently, be at liberty to turn his attention to other matters.

The tide-waiters must of necessity be provided with sleeping accommodation on board the ship—at least, space should be afforded them for that purpose, although, whatever bedding they required ought to be their own. It would, probably, be useless to *prohibit* these officers from eating and drinking at the expense of the vessel, but they ought not to be allowed to *demand* any food as of right. And they should be *most strictly* instructed not to receive anything whatever by way of fee, perquisite, gratuity or present, under pain of *dismissal* for the first discovered offence.†

The tide-waiter to remain on board, and not to leave the ship under any pretence whatever without the permission of his superior officer, until such time as the vessel is under way ‡

Report and
Entry.

It is the duty of the master or commander of every vessel (except men-of-war and Government transports) to proceed to the Custom House as soon as possible after arrival in port, and there to make a report, in writing, embracing certain particulars§ as to the name, voyage, cargo, &c., of the ship. And it is the duty of the importer or consignee of any goods, merchandize, &c., (except in the case of Government stores of any description, which are landed under permit granted on the back of the certificates or documents accompanying them,) to pass entries for the same at the Custom House, within a given number of days prescribed by law. Entries thus passed may either be for "Free Goods," for goods "for Duty," or for goods "for Warehousing," as the case may be.

How Report to
be made.

The Report of the Ship to be made in duplicate, setting forth the full particulars of the marks, numbers, and description of goods and packages; one copy to remain in the Long Room, as the Collector's Record, and the other to be transmitted to the landing-surveyor.

On the receipt by the landing-surveyor of the duplicate report, he is to prepare what is technically called a "Blue Book," in which the discharge of the ship is to be subsequently shewn by the landing-waiter; and, likewise, in the case of goods for warehousing, a "Red Book," in which a detailed statement of such goods is to be also made by that officer.

The landing-surveyor will then appoint a landing-waiter to the ship—that is to say, an officer whose duty it is to attend to the general superintendence of her discharge; and the surveyor will record these particulars in a book to be kept for that purpose.

Report and
Clearance Out-
wards.

The master of every vessel desiring to leave the port is required by law, in the first instance, to "Report Outwards." This he should not be permitted to do until he has obtained the landing-waiter's "Rummage Certificate" with respect to his inward cargo. It is usual, in cases where a ship might be in danger of capsizing from her lightness were she compelled to discharge the whole of her inward previous to taking in outward cargo, or ballast, to grant her what is called a "Stiffening Order"; that is to say, an authority for taking in sufficient goods or ballast to stiffen the ship. But this does not do away with the necessity of producing a rummage certificate previous to entering the vessel outwards.

The ship having been entered outwards, "Bills of Entry Outwards" for all goods intended to be exported must be passed, as heretofore described. And this having been done and the goods duly shipped, the master of the vessel, or his agent, must prepare, in duplicate, a "Content Outwards," setting forth the marks, numbers, and description of packages, and nature of the goods comprising the whole cargo. The duplicate contents should then be submitted to the landing-waiter, who, checking the same by his copy of the "Bills of Entry "Outwards," and assuring himself of his own knowledge, as well as by the testimony of the tide-waiter, that the goods therein mentioned have been duly shipped, according to law, should certify the original "Content," and transmit it to the Collector, as being the document on which the "Clearance" of the vessel is to be granted. And the Collector, or other proper officer appointed by him for that purpose, having in his turn checked the content by his
copies

* These particulars it is unnecessary to state here in detail, as they are well known to every one acquainted with the Customs Regulations usually in force.

† MEMO—Tide-waiters being a low paid class of officers, as well as frequently an inferior class of persons, it seems desirable that as little responsibility should be devolved upon them as possible, whilst the strictest practicable supervision should be exercised over them.

‡ The writer sees that it is proposed to keep the tide-waiter on board the vessel until she is leaving the Heads. This, under the proposed system, would seem unnecessary.

§ These particulars are too well known for it to be necessary to state them.

copies of the "Bills of Entry Outwards," and having satisfied himself that the same is correct, will make out and deliver to the master of the ship a "Certificate of Clearance," on the receipt of which the vessel is at liberty to depart the port at the convenience of the master.

The landing-waiter should also, previous to the clearance of any ship, obtain from the tide-waiter in charge all the documents relative to her outward voyage, and, after comparing and checking them, as well as the "bills of entry," with the "content outwards," transmit the whole, made up and certified by himself, to the landing-surveyor, for his examination, and to be retained by that officer as the "Out-door" or "Waterside" record of the clearance.

Bills of Entry Inwards for merchandize should be passed in triplicate, and in the case of goods "to be warehoused," in quadruplicate. The original, or bill of entry, should be written in words at length, but the copies may be made in figures. Bills of Entry Inwards.

The bill of entry, on being examined and verified, and the duties, if any, on the goods therein specified duly checked, is to be signed *by or for* the Collector, and the copies attested by the initials of the officer performing this duty. The bill of entry, thus signed, becomes the "Warrant" for the delivery of the goods. One of these copies should be retained by the Collector, as his record of the transaction, and from which he makes the proper entry in his Cash Book, in cases where duties are paid; and the other, together with the warrant, are to be forwarded to the landing-surveyor, who, retaining the copy to enable him to check the Collector's Cash Account, transmits the warrant* to the landing-waiter in charge of the ship, as his authority for authorizing the discharge of the goods therein named, and permitting them to be landed; whilst in the case of goods for warehousing a copy must be forwarded to the warehouse-keeper for his information, and to enable him to make the necessary entry in his ledger.

With respect to goods ex-warehouse for home consumption at a period subsequent to the discharge of the ship, the bill of entry must likewise be made out in triplicate, as before described. In this instance the entry ought, however, in the first place to be presented to the warehouse-keeper, in order to enable that officer to ascertain that the goods therein described are actually in bond, having been duly and properly warehoused; and he should attach his initials to the bill of entry, in proof of this being the case. The entry may then be presented to the Collector, who, having ascertained and collected the duty, will dispose of the copies in the manner before pointed out, transmitting the warrant, in this instance, to the warehouse-keeper. That officer, on the receipt of the warrant, will make out and address to the locker at the bond wherein the goods are warehoused, a "Delivery Note for Home Consumption," authorizing the delivery of the goods therein mentioned to the importer or his agent. And it would probably be a satisfactory regulation, that this party should, on receipt of the goods, sign the "Delivery Note," as a certificate of having so done.

Should a re-gauge, or re-weight, &c., be desired or necessary, an application to that effect must be made to the Collector, who will exercise his discretion in directing a proper officer to attend for that purpose.

Free Goods.—The free goods by each ship may be included in a "General Entry" passed by the agent of the ship, should he see fit. Such entry must however contain the marks, numbers, and description of package, of all goods so entered. The several descriptions of merchandize are likewise to be kept separate and distinct, and are on no account to be blended. For instance—it would be highly irregular to include in one item, and under one term, packages of linen and cotton goods with those of ironmongery, &c.; and the approximate values are in all cases to be given. These particulars are necessary for the preparation of the Statistical Return of Imports and Exports—the value of which can scarcely be over-rated in the consideration of questions affecting the finance and trade of any country.

"Bills of Entry Outwards" must likewise be made out in triplicate, and disposed of in the same manner as pointed out in respect of "Bills of Entry Inwards"—the warrant, signed *by or for* the Collector, being forwarded to the landing-waiter, as his authority for allowing the goods to be shipped. Bills of Entry Outwards.

In the case of goods for exportation which had *previously paid duty*, and which are then "*for Drawback*," the exporter or his agent should, at the time of passing the "Outward Entry," obtain from the Collector or other proper officer a "Certificate of Drawback." This document will be granted after due reference by such officer to the "Entry Inwards," and payment of duty on the goods, ascertaining as far as practicable, by the identity of the marks, numbers, description of packages, and ship in which imported, that they are the same in both cases; viz., that the articles on which drawback is claimed are those which had previously been duly entered and paid duty inwards. And it will be the business of the exporter or his agent to obtain the certificate of the landing-waiter and of the tide-waiter in charge of the vessel, on the Certificate of Drawback, that the goods therein mentioned have been duly shipped. The amount of drawback mentioned in the certificate will then be payable at the Custom House, within twenty-four hours after the clearance of the ship.

In respect of goods ex-warehouse for exportation, the bill of entry outwards should be made out in quadruplicate, as it is necessary that the landing-waiter should be furnished with a copy thereof, in order to keep him duly informed as to all goods shipped on board the vessels under his charge, and as the warrant must be transmitted to the warehouse-keeper; that officer will then grant a "Delivery Note for Exportation," addressed to the locker at the Bond where the goods are warehoused, authorizing him to deliver the same to the export officer. The export officer should be under the directions of

* MEMO.—In the transmission of these as well as all other official documents, it would perhaps be as well that they should be sent through regular Customs Messengers, and not through the importer or his agent.

of the warehouse-keeper, and should be sent by him with the delivery note, to receive charge of the goods from the locker. It ought to be the duty of the export officer to superintend the transit of the goods to the ship; and on delivery, the locker should accompany them with a document setting forth the particulars of the marks, numbers, and description of packages and merchandize thus delivered. This document might be called a "Transire;" and the export officer having attended the goods to the ship, and given them over to the tide-waiter in charge, should obtain that officer's signature to the transire, in proof of having so done. And the export officer should return this document so signed to the locker.

Duty of Collector

The Collector exercises a general supervision over the affairs of the whole department; but his more immediate province is to superintend the in-door portion of the business. He is to satisfy himself that all vessels report in accordance with the law; that entries for all goods are duly and regularly passed; that the duties thereon are strictly paid; that such duties are duly carried to the credit of the Crown in his daily cash-book; that all *bonds* whether in respect to goods for warehousing, for exportation, or otherwise, are not only given, but are *sufficient*; and he is by virtue of his office the arbiter of all disputes and differences that may arise in any branch of his department.

In respect of any differences occurring in the out-door or water-side department, all representations for redress should be made to the Collector, through the landing-surveyor, warehouse-keeper, coast guard inspector, or tide-surveyor, depending upon the branch of the service in which the difference may arise. And the Collector should invariably obtain the report of one of these officers (namely, the superior officer of the branch in which the difficulty originates,) previously to deciding upon any matter brought before him.

Duty of Landing-surveyor

The Landing-surveyor is the second superior officer of the Customs. His duty is to supervise the whole of the out-door or water-side department; and, in the absence of an Inspector of Warehouses—which officer the writer does not look upon as necessary—to superintend the general warehousing arrangements. It is also a very important part of his duty to *check* the receipts and disbursements of the Collector.

He issues Blue and Red Books for every vessel about to discharge; he appoints the landing-waiter to each ship; he authorises, fixes, and decides tares, gauges, weights, &c.; and he is the referee, in the first instance, (whose decision may frequently obviate an appeal to the Collector,) in all differences arising out of such matters in this his immediate department.

Duty of Landing-waiter

On receiving the Collector's Warrant for the landing of any goods, the landing-waiter should compare that document with the Report or Manifest of the ship, and, on finding it to correspond as regards marks, numbers, and description of packages and goods with the report, it should be the duty of that officer to* issue to the tide-waiter on board a Delivery Note, or Order, specifying these particulars, signed by himself. And this document would be the authority to the tide-waiter for allowing such goods to be landed.

As it is impossible for the landing-waiter, unless the staff of these officers was very much increased, personally to superintend the discharge of every ship throughout the day, it is clear that he must place much reliance upon the diligence and integrity of the tide-waiters. But the landing-waiter, as the higher paid and more responsible officer, should exercise a constant supervision from time to time over the unloading of every ship within his charge. And on no account should any dutiable goods, or goods for warehousing, be suffered to be removed from the wharf without his presence and permission.

The landing-waiter should be constantly in attendance during business hours, either in his box or engaged in passing from place to place in general superintendence of the unloading of the different ships under his survey.

As a general rule, *no goods whatever* should be allowed to be removed from the wharf without his permission. And in the case of *free goods*, the landing-waiter should satisfy himself, by such inspection and examination as he deems requisite, that they really are what they purport to be in the warrant, and are not made the vehicle for smuggling dutiable articles.

In respect of goods for duty, or for warehousing, the landing-waiter should take care that they are gauged,† weighed, or measured, accordingly as they may be rated for duty, either by himself, or in his presence, and to his satisfaction, previous to their removal from the wharf.

In the case of goods to be warehoused, the landing-waiter, on ascertaining the gauge, weight, or measure of the goods, should make out, sign, and deliver to the officer (an export officer would probably perform this duty) whose province it is to accompany the goods to the warehouse where they are to be bonded, a Transire in duplicate, setting forth the marks, numbers, description of packages, and quantity and description of goods. And the officer thus in charge on delivering the said goods to the locker at such bond, should obtain that officer's signature to the Transire, in proof of having so done, and leaving the duplicate with him to enable him to make the necessary entries in his books, return the original transire to the landing-waiter, for the purpose of being preserved with the Blue Book, and other entries of the ship, as a voucher for the disposal of the goods.

And

* MEMO.—The writer believes that the suggestion here made is contrary to present practice at this Port, where, he understands, the "Warrant" itself is sent on by the landing-waiter to tide-waiter, as his authority for permitting the goods to be landed. But, as he has before remarked, the tide-waiter is not only a low paid officer, but frequently an inferior class of person to the landing-waiter, and consequently it is undesirable to devolve any more responsibility than can be avoided on the former officer, whilst it would seem equally just and advantageous to throw as much responsibility as practicable upon the better paid official. And it is in this view that this suggestion, which, to a certain extent, would act as a check on the tide-waiter, is made.

† At this Port, where there are no regular gaugers and weighers, it is understood that the landing-waiter performs these duties himself.

And on the final discharge of a vessel it should be the duty of the landing-waiter to make up the *Blue and Red Books issued for such ship, wherein should be contained a detailed statement, made in a given form and manner, of the various entries passed, and of the unloading and landing of the entire cargo, with the mode in which it was disposed of, as either being "Free," "Duty paid," or "Warehoused." And the landing-waiter should transmit these books, so made up, and accompanied by the various entries and †documents appertaining to them, and to the discharge of the vessel—the Blue Book, to the Landing-surveyor, and the Red Book, to the Warehouse-keeper, for the purpose of being examined and jerked.

And on the whole cargo being unladen, it should be the duty of the landing-waiter to search and rummage the ship thoroughly, granting a Rummage Certificate when satisfied that all her merchandize is discharged. And no vessel should be allowed to enter outwards until a rummage certificate is produced to the Collector or other proper officer from the landing-waiter in charge. Rummage Certificate.

It is the duty of the locker to remain in charge, during business hours, of the bond or store at which he is stationed, and in which goods are to be warehoused, for the security of the duty due thereon to the Crown. Every bond is secured by what is technically called a Crown Lock, provided by Government, as well as by another lock, the property of the proprietor. Hence a bonded store cannot be opened without the sanction of both the Crown and the proprietor. The Warehouse-keeper is, by virtue of his office, custodian of the Crown keys; and they ought to be delivered to him by the locker every evening when the bond closes for the day, and obtained from him when wanted in the morning. Locker's duty.

It should be the duty of the locker to receive charge of, from the officer who accompanies them from the wharf, all goods that are to be warehoused for payment of duties. There should be with these, as has been before stated, a transire, signed by the landing-waiter in charge of the ship, and setting forth the fullest particulars as to the marks, numbers, quantity, quality, and description of the goods. The locker should satisfy himself, so far as practicable, that the goods he receives correspond with those mentioned in the transire, and he should then enter the particulars thereof in a ledger, or book to be kept by him for that purpose. And he should notify to the warehouse-keeper, on the morning following the receipt of any goods, on a document which might be called a "Warehouse Receipt," the fullest particulars in his possession with respect to them.

From the warehouse receipt the warehouse-keeper would fill in, in the general warehouse ledger, the full particulars as to gauge, quantity, measure, weight, &c., of the goods, having previously only made a skeleton entry of the marks, numbers, and number and description of packages from his copy of the bill of entry inwards. But previous to doing so he should check the same by the Red Book, which, as before stated, is to be transmitted to him by the landing-waiter. And, in the event of his discovering any discrepancy, he is to call upon that officer and the locker for an explanation thereof, reporting any matter that may appear to him unsatisfactory, for the information and decision of the Collector.

As regards goods ex-warehouse for home consumption—on receipt of the warehouse-keeper's delivery note the locker will deliver the same to the party therein named, causing him to sign the delivery note by way of receipt, and writing off the goods with all the particulars thereof in his ledger. The ledger will thus at any moment present the exact balance of goods on hand.

In the case of goods ex-warehouse for exportation, the locker will, on receipt of the warehouse-keeper's delivery note, deliver the same to the export officer who is to accompany them to the ship, sending with them a transire setting forth the particulars of the marks, numbers, quantity, quality, and description of goods. And the export officer having delivered the said goods to the tide-waiter on board the exporting ship, will obtain his signature to the transire, and return that document to the locker. And the locker will write off the same in his ledger, as in the case of goods for home consumption.

The locker should also retain and file, by way of vouchers, all delivery notes, transires, and other documents which may relate to the receipt and delivery of goods passing under his charge, as these may be necessary to substantiate the correctness of the entries in his books.

Whether or not it might be advantageous to place the Bonding Warehouses of the Colony upon a similar footing to that on which they are in England, namely, as though they were the property of Government (in reality they are the property of large public companies), and under its entire control, is a question it is not proposed here to enter into. But at once assuming the continuance of the present system it must be obvious to every one, that previous to any building being authorised as a warehouse by the Collector, it should be well ascertained that it is a place of indubitable security, without any †communication whatever with any other place or building. Warehousing.

To effect this, whenever application is made to have any building declared a bonding warehouse, it should, in the first instance, be carefully inspected by the landing surveyor, and warehouse-keeper, assisted, if they deem it necessary, by the professional advice of an architect, and it should be *only* on the joint certificate of these officers that the Collector should authorise or license any building as a bonded warehouse.

The

* The Blue Book should account for the discharge and disposal of the whole cargo of the ship, giving a minute detail of quantities, except in the case of warehoused goods, the detailed statement of which are given in the Red Book.

† The Delivery Notes issued to the tide-waiter should be returned by him to the landing-waiter on the final discharge of the ship, and preserved by the latter officer with the Blue Book.

‡ NOTE:—From the evidence before the Committee of Inquiry it would appear that this point had not been sufficiently attended to here.

The Bonds should, moreover, as much as possible, be kept in the neighbourhood of the wharfs, and not suffered to extend, as they do at present, far through the city.

Because, it is obvious that, when this is the case, a greater portion of time is consumed by the officer whose duty it is to escort the goods between the ship and the warehouse, and *vice versa*, than is necessary; whilst, at the same time, enlarged facilities are afforded for evading the law, or smuggling.

On the entry of goods to be warehoused, simultaneously with the passing of the Bill of Entry Inwards, the law requires that bond* should be given to Her Majesty in a penalty of three times the amount of the duties due on the goods, that such duties shall be duly paid, or the goods cleared for exportation, or otherwise accounted for within a period of three years from being so warehoused. And it seems to the writer that this bond *should be a good and sufficient bond*, with good and sufficient sureties, and not a mere matter of form, as would appear to be the opinion of some parties examined before the Committee of Inquiry now sitting.

On goods being taken from the warehouse for home consumption the duties thereon are at once paid; and on the whole of the goods for which a bond is given being cleared, either by payment of duties or for exportation, the bond thereby becomes cancelled. In respect of goods ex-warehouse for exportation a similar bond to that above-mentioned is to be given, with the same penalty attached, and conditioned that the goods shall be duly landed at the port for which they are cleared, or otherwise satisfactorily accounted for. And this bond, the writer is also of opinion, should be a good and sufficient one.

It should also be incumbent on the exporter of any ex-warehouse goods to obtain and produce to the Collector, within a given time, a certificate of the due landing of such goods either at the port for which they were cleared, or at some other. At a British port the Collector of Customs will grant such a certificate, and at a foreign port the British Consul, if there be one, will do so, and if not, a certificate of the landing of the goods might be obtained either from the local Foreign authorities, or from two respectable British merchants residing at the place. But the Collector should possess the discretion of dispensing with such certificate in cases where it may appear to him that after due endeavour it was impossible to obtain one.

Warehouse-keeper's duties.

The duties of the warehouse-keeper have been almost sufficiently described in going through other parts of the subject. He is the head of the Warehousing Department, subject of course to the general control of the Collector, and by virtue of his office, the custodian-in-chief of all warehoused goods; he keeps the keys of the various warehouses, which should be delivered to him every afternoon by the locker, when the business of the day is over, and obtained from him again in the morning for the purpose of opening the bonds.

Warehouse-keeper's Ledger.

It is his especial duty to keep a book called a *Ledger*, in which on the one side are recorded the particulars of all goods warehoused, whilst on the other is a statement of the manner in which they are disposed of or accounted for, as being either for Home Consumption, for Exportation, or otherwise, as the case may be.

According to the present practice of this port, if the writer understands correctly, it would be difficult to ascertain, at any given time, from the Warehouse-keeper's Ledger, the precise balance of goods on hand in the various warehouses. Now, this is decidedly an imperfection in practice of a very grave character, opening a door, as it does, to serious evasions of the law.

To remedy this, the writer would suggest that a *separate heading* should be opened in the warehouse-keeper's ledger for every bond or warehouse, in the same manner as in merchant's books, a *separate account* is opened for every individual or matter in respect of which business is transacted. Under the head of each particular warehouse would be entered on the one side a minute account of all goods received therein, and on the other a statement of all goods delivered therefrom, as either for home consumption, for exportation, or as otherwise disposed of, as the case might be. The balances shewn, therefore, at any given time, by the warehouse-keeper's ledger, would be a complete check upon the different warehouses, as well as upon the ledgers kept thereat by the various lockers.

It has been already shewn that on receiving his copy of the Bill of Entry Inwards, in respect of any goods to be warehoused, the warehouse-keeper makes a *skeleton entry* of the same in his ledger setting forth *only* the marks, numbers and description of packages, and nature and description of goods, and that he fills in the particulars as to gauge, quantity, measure, weight, &c., not until he has obtained the locker's warehouse receipt for the same.

It has also been shewn that on receiving the Collector's warrant for the delivery of any goods for home consumption he issues a delivery note for the same to the locker, writing off the said goods in his ledger, and that the locker delivers the goods on this authority.

It has further been seen that on being presented with the Collector's warrant for goods ex-warehouse for exportation, he acts in a somewhat similar manner; the locker in this case delivering the goods into the charge of the export officer for shipment. Thus it will be apparent that the balances shewn at any time by the warehouse-keeper's ledger will, if these rules be attended to, represent the exact quantity of goods on hand in the various warehouses, and form a complete check upon the ledgers kept by the different lockers.

In conclusion of this portion of the subject, it is thought that it might be advisable, as well for the security of the revenue as the satisfaction of importers, that the warehouses should be overhauled and stock taken of the goods therein, say every six months.

The

* MEMO.—The writer here states in reference to the Imperial British Possessions Act, 8 and 9 Vic., cap. 93—not having had an opportunity of seeing the local Act—but they are no doubt similar, at any rate in spirit and intention.

The writer is not in a position to know how the cash accounts of the port are kept, Cash Accounts. and therefore can scarcely give an opinion upon the subject; but if they are kept in the usual manner—in the mode laid down by the Imperial Board of Customs some years ago—that is to say, if a separate cash-book be appropriated to each description of revenue, as for instance, "Import Duties," "Tonnage Duties," "Light Dues," &c., the balances being shewn at the end of every day, or every week, as may be decided on, in a book called a Cash Balance Book, and which stands in the place of a ledger, then, perhaps, it would be difficult to suggest any improvement in the mode of keeping. For the double entry system has been considered *cumbersome* and *unadapted* to the peculiar nature of the Customs accounts by gentlemen fully conversant with the subject, and well able to form an opinion thereon.

It is presumed that the accounts of Imports and Exports, of "Vessels Entering Statistical Returns. Inwards," and "Clearing Outwards" (technically known as the A, B, C, D, E, and F accounts), of "Vessels registered at the Port, lost, or broken-up" during the year; of "Transfers of Property," and "Endorsement of changes of Master," as well as all other accounts are kept in the usual manner; and in this case the writer does not see much room for an improved mode of account.

A. T. S.

Sydney, 24 January, 1859.

APPENDIX No. 28.

List of Letters and Reports received by the Board from the Inspector of Warehouses, and subsequently transmitted to the Minister of Finance and Trade.

Date.	Subject of Letter or Report.
2nd December, 1858.—	Respecting seizure of cases of Geneva at Parramatta, sold by Mr. William Gibbes of Chilian Bond, to Mr. John Williams of Woolpack Inn.
8th December, 1858.—	Respecting receipt of an insulting letter by Inspector of Warehouses from Mr. William Gibbes, which the Inspector conceives is intended to intimidate him in his public capacity, and he, in consequence, calls upon the Board to move the Government to protect him in the discharge of his duties.
15th December, 1858.—	Reporting seizure of cases of Geneva and an empty brandy quarter-cask at Mr. Smith's, Balmain, which can be identified as portion of the goods removed from Bond for exportation per the "Louisa"
18th December, 1858.—	Enclosing separate detailed reports of seizures of the "Louisa's" goods in four different quarters.
21st December, 1858.—	Reporting seizure of cases of Geneva belonging to the "Louisa's" goods at the Café, George-street, ascertained to have been purchased by M. Chevall from the Chilian Stores, through the agency of a broker, M. Beursac.
5th January, 1859.—	Reporting seizures in five different parts of the City, on the 4th instant, of the "Louisa's" goods.
13th January, 1859.—	Report of visit to Maitland, and discovery of certain empty packages which can be identified as originally forming portion of the goods removed from for exportation, per the "Louisa."

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

NAVIGATION OF THE RIVER HUNTER.

(STATEMENT OF SUMS EXPENDED FOR IMPROVEMENT OF.)

Ordered by the Legislative Assembly to be Printed, 15 February, 1859.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 4 February, 1859, That there be laid upon the Table of this House :—

“ A Statement of all money expended each year up to the 31st
 “ December, 1858, out of the £40,000 appropriated by 19 Vic.
 “ No. 40 for making improvements in the Navigation of the
 “ River Hunter, and to the Ports of Newcastle and Morpeth,
 “ distinguishing payments of salaries and allowances, and
 “ specifying the names of the principal officers so paid, and the
 “ amount received each year up to the 31st December, 1858.”

(*Mr. Flood.*)

A. STATEMENT of all money expended each year, up to 31st December, 1858, out of the £40,000 appropriated by 19 Victoria, No. 40, for making Improvements to the Navigation of the River Hunter and Ports of Newcastle, and Morpeth.

YEAR.	PARTICULARS.	PERIOD.		RATE.	AMOUNT.	TOTAL.
		FROM	TO			
1856..	SALARIES. E. O. Moriarty, Surveyor and Engineer.....	1 March ..	31 December	£750 per annum	625 0 0	6,141 4 1
	WORKS OF IMPROVEMENT .....	.....	.....	.....	4,516 4 1
1857..	SALARIES. E. O. Moriarty, Surveyor and Engineer.....	1 January ..	31 December	£750 per annum	750 0 0	7,780 12 7
	J. T. Strong, Assistant Draughtsman.....	142	days	25s. 6d. per day	181 1 0	
	J. W. Russell, Assistant Superintendent for the construction of the New Steam Dredge, "Hunter"	24 November	31 December	£300 per annum	30 16 8	
	Crew of the old Steam Dredge whilst employed on the Hunter River	April	September	.....	1,092 3 11
	WORKS OF IMPROVEMENT .....	.....	.....	.....	5,726 11 0
1858..	SALARIES. E. O. Moriarty, Surveyor and Engineer.....	1 January ..	9 October ..	£750 per annum	580 12 10	18,294 17 4
	J. T. Strong, Assistant Draughtsman.....	8	days	25s. 6d. per annum	10 4 0	
	J. W. Russell, Assistant Superintendent for the construction of the New Steam Dredge, "Hunter"	1 January ..	24 December	£300 per annum	294 7 0	
	W. Anderson, Clerk of Works, superintending construction of Wharf at Newcastle	3 December	31 December	£250 per annum	19 9 9	
	W. J. Boyce, Master of the Steam Dredge "Hunter"	5 November	30 November	£250 per annum	17 7 2	
	Crew of the New Steam Dredge "Hunter"	1 December	31 December	.....	139 2 10
	WORKS OF IMPROVEMENT .....	.....	.....	.....	17,233 13 9
TOTAL EXPENDITURE to 31 December, 1858					£	32,216 14 0

Audit Office,
Sydney, 12 February, 1859.

W. C. MAYNE,
A. G.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

WOLLONGONG HARBOUR.

(REPORT OF ENGINEER-IN-CHIEF OF HARBOURS UPON.)

*Ordered by the Legislative Assembly to be Printed, 16 February, 1859.*THE ENGINEER-IN-CHIEF FOR HARBOURS, &c., to THE UNDER SECRETARY FOR LANDS
AND PUBLIC WORKS.*Wollongong Harbour.*

SIR,

I do myself the honor to forward, for the consideration of the Honorable the Secretary for Lands and Public Works, Plans of the Harbour of Wollongong and of the adjacent coast, on one of which I have delineated such works as will, in my opinion, be found sufficient for the accommodation and protection of the shipping employed in the trade of that Port.

As will be observed, on reference to a general plan of the coast, Wollongong is situated near the centre of a bight or indentation, the northern extremity of which is formed by Port Hacking Heads, and the southern by Point Bass, the chord line being about 38 miles, the versed sine about 8 miles.

The Harbour consists of a small basin, excavated out of the rock in a slight indentation of the coast on the north side of Wollongong Head, by which, and by a short pier, it is partly sheltered on the south and south-east sides; on the west and north-west it is bordered by dangerous reefs of rocks. To the east, north-east, and north, the Harbour is quite exposed, and although partially protected on the south and south-east sides by the headland and pier above-mentioned, yet when gales of wind set in from these quarters the heavy seas which run round the headland sweep with such force on to the adjoining reefs as to produce considerable agitation in the waters of the Basin, rendering it at such times quite unsafe for vessels of even the smallest class to lie therein, and on these occasions the trade of the Port is almost entirely interrupted. In moderately calm weather the rise and fall of the water in the Basin is from 18 inches to 2 feet, increasing at times to as much as 4, or even 5 feet; and the instances are numerous when from this cause steamers and other craft have sustained considerable damage from coming in violent collision with the side walls of the Basin, or with each other—these facts, I think, point to the necessity for first undertaking such works as will have the effect of tranquillizing the waters within the present Basin.

Mooring chains have been laid down across the mouth of the Harbour for the convenience of vessels entering or leaving the Basin—the rocky nature of the bottom and the immediate proximity of reefs rendering it unsafe to attempt anchoring.

The mean depth of water within the Basin is about 9 feet; but at the entrance there is only 5 feet 6 inches of water—a ledge of rock, on which the cofferdam (formerly used in its excavation) had been placed, the ledge having been allowed to remain after the cofferdam was taken away. In designing the accompanying plans for the improvement of Wollongong

Harbour, I have had regard to the nature and extent of its present and probable trade, as well as to its natural features.

The present trade of Wollongong may be classed under two distinct heads,—first, the agricultural, pastoral, and passenger; second, the mineral trade—and this classification is likely to hold good. For these two branches of trade different descriptions of vessels are required and used, and a different amount of harbour and wharf accommodation will require to be provided. The agricultural, pastoral, and passenger trade is at present conducted almost entirely in steamers, which, calling at Wollongong on their passages up and down the coast, remain but a short time during each visit; for the accommodation of these steamers, therefore, a small extent of wharf or quay would be sufficient, it being only necessary that their access to the Harbour should be rendered safe and easy at all times, that they should be enabled to lie alongside the wharf in any weather in safety, and be subject to as little delay as possible, whilst embarking or discharging their passengers and goods: these objects would be sufficiently obtained by the extension of the present Pier, the formation of the proposed Breakwater on the western side, and the deepening of the entrance to the Basin.

For the proper working of the coal trade, more extended wharf frontage will be required, and as there is every reason to anticipate a large increase in the export of coal, I have made provision for far greater accommodation than is now wanted.

The works which I have marked on the accompanying plan are as follows:—

- 1st. The extension of the present Pier for a distance of 55 feet, which will take it into 13 feet water, forming a projection, or jetty, at its head, in order to check the in run of the waves along its face; the whole to be executed in heavy masonry.
- 2nd. The deepening of the entrance to the Basin, by removing the ledges of rock to a depth of 10 feet at low water of spring-tides.
- 3rd. I propose depositing the stone removed from the Basin upon the narrow reef which, it will be observed, projects from the rocks on the west side; this will answer the purpose of clearly marking out what is at present a hidden danger, and of producing still water within what may be termed the Inner Harbour; the head and sea slopes of this work will require to be pitched; a passage is left between the inner end of this breakwater and the rocks, in order to allow as free action as possible to the littoral currents, and thus avoid any danger of silting up.

The width of the entrance to the Inner Harbour would be 280 feet. With the execution of these works I feel assured that the water within the Inner Harbour and Basin would be rendered perfectly calm, as any slight swell that did enter would be expended on the opposite sandy beach. These works would, I consider, be sufficient for the trade carried on by steamers, both present and prospective.

For the proper accommodation of the coal trade additional facilities will be required, and I may perhaps here observe that I have been informed, and believe, that the Wollongong coal is peculiarly well adapted for steaming purposes, and that a large export trade may be anticipated; on this account I would propose the formation of an Inner Basin, opening into the present one; the site presents every facility for its execution, being an extensive level ledge of sandstone rock, soft in texture, and easily worked. The dimensions I have marked on this Basin—namely, 300 feet long, 100 feet wide, and 10 feet deep—need not be arbitrarily adhered to, but might be modified or extended to answer any reasonable demands the increase of trade should be found to require. The dimensions I have mentioned would be sufficient, with the space which will be available in the Outer Basin, to accommodate from 1500 to 2000 tons of shipping, and an export trade (if proper appliances shall be used for the shipment of the coal) of from 800 to 1000 tons per diem. With the stone excavated from the Inner Basin I propose constructing a Pier of about 500 feet in length. This Pier will afford great shelter in rough weather to the Outer Harbour, and will tend still further to tranquillize the waters of the Inner Harbour and facilitate the entrance and departure of vessels. In fixing upon the position for this Pier I have taken advantage of the reef, which at this point runs out nearly to the head of the Pier, so that while affording considerable shelter, and serving, as it will, to mark the reef, it will not in any sensible degree contract the entrance or increase the difficulty of beating out or in against adverse winds.

The

WOLLONGONG HARBOUR.

3

The Pier Head will require to be constructed of heavy masonry, to enable it to resist the shocks of the waves; the sea face and top of the Breakwater adjoining the head will require to be pitched or paved in the ordinary manner for such works with large blocks of stone.

Of the works above enumerated, the first to be undertaken as being of the most pressing importance should be the deepening of the present Basin, and the deposition of stone removed therefrom on the western Breakwater, in conjunction with which the extension of the present Pier Head can be carried out. The excavation of the New Basin, and the formation of the Outer Breakwater, can then be gone on with.

In the consideration of the general arrangements as well as details of the plan, I have been favored with many most valuable suggestions by His Excellency the Governor General, with whom I have had the honor, as well as the advantage, of personally inspecting the place, and of observing and discussing those various local circumstances which it is so necessary carefully to attend to, in order to form sound opinions on these subjects.

I have, &c.,

THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS.

E. O. MORIARTY.

ESTIMATE of Cost of proposed Works.

OUTER BASIN.

Excavation in rock for deepening present Basin, 3,465 c. yds., at £1	...	£3,465	0	0
Masonry in new end of Pier,— (50×8×18) + (25×6×18) + (40×6×18) = 526 c. yds., at £3		1,578	0	0
Stone pitching in head of Breakwater,— 170 ft. × 11 ft. = 208 sq. yds., at £2	... ..	£416	0	0
Stone in Breakwater, 7,180 tons, at 4s.	... ..	1,436	0	0
Mooring posts, rings, dolphins, &c....	... ..	100	0	0
		<u>1,952</u>	<u>0</u>	<u>0</u>
Add for Contingencies 10 per cent.	... ..	699	10	0
TOTAL	... ..	<u>£7,694</u>	<u>10</u>	<u>0</u>

INNER BASIN.

Excavation in made ground for Basin,— 100 yds. × 34 yds. × 2.22 yds. = 7,548 c. yds., at 2s. 6d.	£943	10	0	
Excavation in made ground for entrance to Basin,— 20 yds. × 13.33 yds. × 2.22 = 59 c. yds., at 2s. 6d.	7	7	6	
Excavation in rock for Basin,— 100 yds. × 34 yds. × 4.05 yds. = 13,702 c. yds., at 7s.	4,795	10	0	
Excavation in rock for entrance to Basin,— 20 yds. × 13.33 yds. × 4.05 yds. = 1,607 c. yds., at 7s.	562	9	0	
	<u>6,309</u>	<u>0</u>	<u>6</u>	
Masonry in Basin walls, 254 yds. × 1 yd. × 1.33 yds. = 338 c. yds.				
Masonry in entrance walls, 40 yds. × 1 yd. × 1.33 yds. = 54 "				
	392 c. yds., at £3	1,176	0	0
Cofferdam at entrance to Basin	£400	0	0	
Clay puddle	100	0	0	
Pumping, including cost of 10-horse power engine...	1,200	0	0	
Mooring posts, rings, dolphins	100	0	0	
	<u>1,800</u>	<u>0</u>	<u>0</u>	
Add for Contingencies 10 per cent.	928	10	0	
TOTAL	<u>£10,213</u>	<u>10</u>	<u>6</u>	

NORTH

WOLLONGONG HARBOUR.

NORTH BREAKWATER.			
Depositing stone block in body of Breakwater, 21,051 tons, at 3s.	...	£3,157	3 0
Pitching sea face, 3 ft. thick, 2,005 sq. yds., at £2	... £4,010	0 0	
Pitching back, 2 ft. thick, 300 sq. yds., at £1	... 300	0 0	
Pitching top convex, 2½ ft. thick, 700 sq. yds., at £1	... 700	0 0	
		<u>5,010</u>	<u>0 0</u>
		8,167	3 0
Add for Contingencies 10 per cent.	... ..	816	14 4
		<u>8,983</u>	<u>17 4</u>
TOTAL	... ..	£8,983	17 4

RECAPITULATION.

Outer Basin	... ..	£7,694	10 0
Inner Basin	... ..	10,213	10 6
North Breakwater	... ..	8,983	17 4
		<u>26,891</u>	<u>17 10</u>
TOTAL	... ..	£26,891	17 10

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

PILOT SERVICE.

(REPORTS RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 27 January, 1859.

RETURN to an *Order* made by the Honorable the Legislative Assembly,
New South Wales, dated 12 January, 1859, That there be laid
upon the Table of the House,—

“ The Reports forwarded by the Pilot Board to the Government
“ in 1857* and 1858, relative to the improvement of the Pilot
“ Service.”

(*Mr. Williamson.*)

* The Report of 1857, having been already printed, by order of the Assembly, dated 4 November, 1857, is not included.

PILOT SERVICE.

REPORT of the Steam Navigation and Pilot Board, upon the Pilotage System.

IN attention to the Treasury letters of the 10th June, and of 22nd and 26th July, we have now the honor to report that, having given the subject matter therein alluded to our best consideration, we have arrived at the conclusion that the only thoroughly efficient system of pilotage to be introduced, which is likely to provide properly for the growing requirements of the port, is by the establishment of pilot vessels to cruise outside the heads.

In arriving at this conclusion we have carefully reviewed the evidence taken before the Light, Pilot, and Navigation Board, in October last; and, considering that the weight of evidence, given by men of considerable experience and nautical ability, is in favor of sailing vessels, and that our own view in this matter is unchanged, we have no hesitation in recommending the adoption of this scheme for the consideration of the Government.

It is admitted by every one that the present system is not only faulty in principle, but also ineffectual in its operation; and, as a return to the system of competition would place the Pilots so completely beyond the sphere of control, it is not advisable to adopt it.

The question, therefore, resolves itself into two propositions, namely,—the establishment of sailing vessels to cruise outside the heads, and the adoption of six-oared whale-boats, and employment by the Government of sufficient crews to man them; and, as the expense of the annual maintenance of each system would be nearly equal, with the exception of the first cost of the sailing vessels, we propose giving preference to the sailing vessels, as ensuring the attendance of Pilots in pilot's-water, which could not be effected under any other arrangement. We, therefore, recommend that two vessels be obtained, of not less than seventy tons burthen, and that they be manned and maintained at the following expense, viz. :—

For each vessel, including the cost of provisions,—

One Master, at per annum	£250
One Mate, at £15 per month	180
Five Seamen, at £10 „	600
One Boy, at £7 „	84
	£1,114

or, £2,228 for the two vessels.

That, for rendering assistance for the supply of Pilots for outward-bound vessels, a whale-boat, with four men and a coxswain, be attached to the establishment.

The coxswain of this boat, as also the crew, should reside at Camp Cove, in the neighbourhood of the life-boat station, in whose charge the life-boat should be; and they will thus form the nucleus of the crew required for manning her whenever required in cases of shipwreck or accident.

The annual cost for the support of the whale-boat would be as follows :—

One Coxswain, at per annum	£120
Four Men, at £108 per annum	432
	£552

The number of Pilots to be permanently maintained should be six. The three senior Pilots should receive an annual salary of £400, and the three junior £350, subject to a deduction of $2\frac{1}{2}$ per cent., to form a fund for the relief of the families of Pilots which may require assistance, in consequence of the loss of life or of injury which may be sustained by any of the Pilots when engaged in the discharge of their duties.

The

The masters of the pilot-boats should be licensed to act as Pilots, and when called upon to exercise their functions as such they should be entitled to receive for each vessel of less tonnage than 500 tons the sum of £2 10s., and for any above that tonnage £5, such sum to be deducted from the salary of the Pilot who ought to have been in attendance to have taken charge of the vessel so piloted; but in the event of no neglect existing on the part of the Pilot, no deduction shall be made.

In making this suggestion the Board have not thought it necessary to enter into any question of detail, as they anticipate that it will take probably the end of the year before the vessels can be provided, which will afford ample time for making the measure in all its minor arrangements complete, so as to secure an efficient discharge of the duties appertaining to the service in question.

The appointment, however, of coxswain of the whale-boat must be at once made, and who must be placed in charge of the life-boat now about to be stationed at Camp Cove.

In carrying out this arrangement the Government will be called upon to expend out of the funds collected under the "Pilotage Amendment Act of 1858," about £3,000 for the purchase of the vessels, and the total annual cost for the maintenance of the Sea Pilots after this outlay may be estimated at the following rates, (which it is anticipated will leave a large balance available towards the upholding of the Lights, out of the tonnage duty to be collected under the Act before-mentioned.)

1858.

Cost of building 2 Vessels at £1,500 each.....	£3,000
Maintenance of 5 Pilots, at £640 each per annum, from 22 July to 31 December	1,420
One Coxswain, at £10 per month, for three months	30
	£4,450

1859.

Maintenance of 2 Pilot Vessels, at £1,114 each.	£2,228
Four crew of whale-boat, at £108 each.....	432
Coxswain, at	120
Stores, Repairs, Sails, &c., £200 each Vessel..	400
Three pilots, at £400 each	1,200
„ „ at £350 each	1,050
Cost of Whale-boat	50
Fuel and Light, £50 each Vessel	100
Extra Pilotage	200
	£5,780

Harbour Pilot.

Deputy Harbour Master and Harbour Pilot ...	300
2 Men, at £108 each	216
	£516

HARBOUR PILOTS.

The Board propose that the Sea and Harbour Pilots be kept distinct, and that, as at present, the Harbour Pilot should take charge from the Sea Pilot whenever the vessel is brought as near as practicable to the intended place of anchorage, and that the Sea Pilot also take over the vessel in like manner when removed by the Harbour Pilot for the purpose of proceeding to sea.

We propose that a Deputy Harbour Master, to act as Harbour Pilot for the removal of vessels proceeding to sea, be maintained at a salary of £300 a-year, and that he be allowed a boat and two men, at a salary of £108 a-year each, to be paid out of the collections under the Act.

The

PILOT SERVICE.

The amount received for removals we recommend should be paid over to the Mud Pilots, whom we would propose to license as such, and limit in the first instance to *three*, with power to increase that number should circumstances require it.

These Mud Pilots should be obliged to maintain at their own expense a boat and two men ; they should be licensed and be removable in manner similar to all other Pilots.

They should receive payment for whatever vessels they might remove, in accordance with the scale of charges provided by the Act.

They should be subject to the orders of the Harbour Master, or his Deputy, as to the removal, anchorage, or berthing of vessels ; but they might in other respects be entitled to seek for employment without interference on the part of the Government, or Harbour Authorities.

H. H. BROWNE, Chairman.
W. S. DELOITTE.
BENJN. DARLEY.
G. K. MANN.
S. NORTH.

*The Office of the Steam Navigation and Pilot Board,
15 September, 1858.*

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

RAILWAY CHARGES FOR GOODS AND PASSENGERS.

(PETITION IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 11 January, 1859.

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

The Petition of the undersigned Merchants, Traders, and other Inhabitants of the Hunter District, in the said Colony,—

HUMBLY SHEWETH :—

That, notwithstanding that it is universally admitted that Railways must be regarded as one of the great means for the prosperity of this Colony, the scale of charges hitherto fixed for goods and passenger traffic upon those already formed has been too high to allow of their becoming so extensively useful as their great capabilities permit; and that these charges have as much militated against the revenue which might be derived from them as they have against their general utility—the loss in revenue on the Great Northern Line, from this cause, being estimated, from clear data, at many thousand pounds a year.

That a comprehensive and liberal Railway policy, embracing a principle of low freights and fares, is now of the first importance to this country; and that while experience has shewn that cheap transit charges promote even the direct returns, the latter are secondary to those other great results which Railways may produce, and which in this Colony would so largely increase the general revenue, to the advantage of every portion of the community.

That there is good reason to believe that Railway management in this Colony is susceptible of much improvement; and that the appointment of a Minister solely responsible for their control, including that of internal communications generally, would be in many respects a valuable alteration, and would sensibly stamp the importance of the subject as a national question.

That your Petitioners therefore pray :—

First,—That your Honorable House will be pleased to cause the revision of the principle of charges for Goods and Passengers by Railway, so as to effect a liberal reduction therein; and

Secondly,—That the principle of Railway management may be altered, by vesting it in a Minister solely responsible for their control, including that of internal communications generally.

And your Petitioners will pray.

[Here follow 808 Signatures.]

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

CONSTRUCTION OF RAILWAYS.

(SCHEDULE OF PRICES IN PROPOSED CONTRACT.)

Ordered by the Legislative Assembly to be Printed, 23 February, 1859.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 15 February, 1859, 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 Schedule of Prices, and all other documents
“alluded to in the P. S. to Captain Martindale’s letter to Sir
“S. M. Peto, and dated 11 August, 1858.”

(Mr. Flood.)

CONSTRUCTION OF RAILWAYS.

The SCHEDULE of PRICES upon which the Estimates for the extensions now sanctioned are founded.

GREAT RAILWAY. EXTENSION.

Date 18 .

FORM OF TENDER.

I hereby propose to execute the whole of the _____ required in the construction of that portion of the Great Railway comprised in Contract No. _____ commencing at or near to _____ and being a length of _____ or thereabouts, in strict accordance with the plans and specification, at the following prices:—

	s.	d.	
EXCAVATION from cuttings taken to embankment, at per cubic yard ...	2	9	
Ditto from road approaches taken to embankment, not exceeding a quarter of a mile lead, at per cubic yard ...	2	6	
Ditto from side cuttings to embankment, not exceeding three runs, at per cubic yard ...	1	9	
Ditto extra for any additional run, at per cubic yard ...	0	3	
Ditto from side ditches, including forming of mound alongside the ditch at per cubic yard ...	2	0	
Ditto, if rock, taken to embankment, at per cubic yard ...	5	6	
BRICKWORK, in mortar, to piers to bridges, wing walls, foundations, &c., at per cubic yard ...	60	0	
Ditto in cement to ditto, at per cubic yard ...	65	0	
Ditto in mortar to culverts, all sizes, at per cubic yard ...	60	0	
Ditto in cement to ditto, at per cubic yard ...	65	0	
Excavation in foundations to bridges, culverts, &c., at per cubic yard ...	2	6	
Ditto if rock to ditto, at per cubic yard ...	4	0	
TIMBER (iron-bark) in bridges, including the fixing of all iron work, at per cubic foot ...	4	6	hewn
IRON WORK, including bolts, nuts, and straps, at per lb. ...	6	0	sawn
	0	6	

The prices in the preceding Schedule include all labor, materials, scaffolding, and workmanship of every kind necessary for the full and perfect completion of the works, and to the entire satisfaction of the Engineer-in-Chief.

NAME—JOHN WHITTON.

To The Railway Commissioners.

ADDRESS—

SCHEDULE of PRICES upon which work has lately been done.

GREAT SOUTHERN RAILWAY.

EXTENSION—LIVERPOOL TO CAMPBELLTOWN.

Date 18 .

FORM OF TENDER.

I hereby propose to execute the whole of the works required in the construction of that portion of the Great Southern Railway comprised in Contract No. 4, commencing at 4 miles south of Liverpool, and being a length of 8 miles or thereabouts, in strict accordance with the plans and specification, at the following prices:—

	s.	d.	
EXCAVATION from cuttings taken to embankment, at per cubic yard ...	2	5	
Ditto from road approaches taken to embankment, not exceeding a quarter of a mile lead, at per cubic yard ...	2	5	
Ditto from side cuttings to embankment, not exceeding three runs, at per cubic yard ...	1	8	
Ditto extra for any additional run, at per cubic yard ...	0	3	
Ditto from side ditches, including forming of mound alongside the ditch at per cubic yard ...	2	0	
Ditto, if rock, taken to embankment, at per cubic yard ...	4	6	
BRICKWORK, in mortar, to piers, to bridges, wing walls, foundations, &c., at per cubic yard ...	50	0	
Ditto in cement to ditto, at per cubic yard ...	55	0	
Ditto in mortar to culverts, all sizes, at per cubic yard ...	55	0	
Ditto in cement to ditto, at per cubic yard ...	60	0	
Excavation in foundations to bridges, culverts, &c., at per cubic yard ...	2	6	
Ditto if rock to ditto, at per cubic yard ...	6	0	

TIMBER

CONSTRUCTION OF RAILWAYS.

3

TIMBER (iron-bark) in bridges, including the fixing of all iron work, at per cubic foot	}	s.	d.
...		6	0
IRON WORK, including bolts, nuts and straps, at per lb.	}	s.	d.
...		4	4
		0	6½

The prices in the preceding Schedule include all labor, materials, scaffolding, and workmanship of every kind necessary for the full and perfect completion of the works, and to the entire satisfaction of the Engineer-in-Chief.

NAME—WM. RANDLE.

To
The Railway Commissioners.

ADDRESS—

SCHEDULE of PRICES upon which work has lately been done.

GREAT SOUTHERN RAILWAY.

EXTENSION—LIVERPOOL TO CAMPBELLTOWN.

Date 18

FORM OF TENDER.

I hereby propose to execute the whole of the works required in the construction of that portion of the Great Southern Railway comprised in Contract No. 3, commencing at or near to Liverpool, and being a length of 4 miles or thereabouts, in strict accordance with the plans and specification, at the following prices:—

EXCAVATION from cuttings taken to embankment, at per cubic yard	...	s.	d.
Ditto from road approaches taken to embankment, not exceeding a quarter of a mile lead, at per cubic yard	...	2	4½
Ditto from side cuttings to embankment, not exceeding three runs, at per cubic yard	...	2	2
Ditto extra for any additional run, at per cubic yard	...	1	7½
Ditto from side ditches, including forming of mound alongside the ditch, at per cubic yard	...	0	3
Ditto, if rock, taken to embankment, at per cubic yard	...	1	6
BRICKWORK, in mortar, to piers, to bridges, wing walls, foundations, &c., at per cubic yard	...	3	9
Ditto in cement to ditto, at per cubic yard	...	50	0
Ditto in mortar to culverts, all sizes, at per cubic yard	...	55	0
Ditto in cement to ditto, at per cubic yard	...	50	0
Excavation in foundations to bridges, culverts, &c., at per cubic yard	...	55	0
Ditto if rock to ditto, at per cubic yard	...	2	6
TIMBER (iron-bark) in bridges, including the fixing of all iron work, at per cubic foot	...	6	0
IRON WORK, including bolts, nuts, and straps, at per lb.	...	4	4
		0	6½

The prices in the preceding Schedule include all labor, materials, scaffolding, and workmanship of every kind necessary for the full and perfect completion of the works, and to the entire satisfaction of the Engineer-in-Chief.

NAME—WM. RANDLE.

To
The Railway Commissioners.

ADDRESS—

GREAT SOUTHERN RAILWAY.

EXTENSION—LIVERPOOL TO CAMPBELLTOWN.

SPECIFICATION.

Contract No. 4.

1. This Contract commences in a field numbered 16 on the working plan, in the Parish of Minto, in the County of Cumberland, and terminates in a field numbered 37, in the Parish of St. Peter, in the same County, being a distance of eight miles.

2. The work for which Tenders are to be made, and to which this Specification refers, comprises all materials and labor for the full and proper completion of all the earthwork, brickwork, and timberwork required in constructing a single line of Railway, in accordance with the plans and this specification, and to the entire satisfaction of the Engineer-in-Chief.

3. The earthwork, brickwork, and timberwork will be let in one Contract—the Contractor stating a price for the earthwork and brickwork per cubic yard, the timberwork per cubic foot, and iron straps, bolts, &c., per pound, at which he will execute the work, finding all materials and labor—the work being paid for the net measurement as executed.

4.

4. The Contractor shall at all times proceed with the work at such a rate, and employ as many men, horses, wagons, barrows, and all other materials, as are in the opinion of the Engineer adequate for the due completion of this Contract; and the Engineer shall have the power of immediately dismissing any agent or workman, and of having removed off the line of Railway any materials, plant, or implements, which in his opinion are insufficient for the purpose intended, or at variance with the meaning and intention of this Specification—the cost of the removal of any such plant, materials, or implements, to be paid for by the Contractor.

5. The Commissioners will give to the Contractor possession of the land at as early a period as possible after the signing of the Contract; and although the land inside the fences of the Railway may be used for the purpose of carting materials, &c., on to the line, all damage that may be done to any land not actually the property of the Commissioners must be paid for by the Contractor; but should such damage not be at once paid, such an amount as shall appear reasonable shall be paid by the Commissioner, and deducted from any money that may be due to the Contractor for work done under this Contract.

6. The works will be set out for the Contractor, but he must satisfy himself of their accuracy, as no work incorrectly set out or improperly executed will be paid for by the Commissioners.

7. Should the Engineer be at any time dissatisfied with the mode of proceeding, or at the rate of progress of the works, or any part thereof, he shall have full power to make use of all labor or materials which he may deem necessary, the costs of such labor and materials to be deducted from any money that may be then due, or become due, to the Contractor; and should the Contractor fail to proceed in the execution of and to complete the works in the manner and at the rate of progress required by the Engineer, his Contract shall be considered void so far as relates to the works remaining to be done; and all sums of money that may be due to the Contractor, together with all implements in his possession, and all sums of money named as penalties for the non-fulfilment of the Contract, shall be forfeited to the Commissioners, and the amount shall be considered as ascertained damages for breach of Contract.

8. All measurements of works shall be made according to the actual dimensions, notwithstanding any general or local custom to the contrary.

9. The Contractor shall on or before the 1st day of December, 1857, complete the whole of the works comprised in this Contract.

10. The plan, which is drawn on a scale of two chains to an inch, shews the course of the line, the centre *red* line represents the line of the stakes which are driven down at intervals of one chain. These stakes are in the centre for a double line of Railway, but as the present line is only for a single way the actual working centre will be 5 feet 6 inches on the east side of the stakes, and shewn by a blue line on the working drawings and cross sections.

11. The section, which is drawn to the same horizontal scale as the plan, and a vertical scale of 20 feet to an inch, represents the surface of the ground (in black), and is taken along the centre line shewn on the plan in *red*. The upper or blue line represents the upper surface of the rails when laid; the lower or red line represents the level of the bottom of the ballasting, or formation level of both cuttings and embankments, and is two feet below the blue line.

12. The other plans, sections, and drawings, represent generally the form and dimensions of the several works; where any discrepancy exists between the dimensions as indicated by the scale and those marked in figures, the figures are to be considered as correct, and to be taken in all cases in preference to the measurements by the scale attached; and if there should likewise be any discrepancy between the figures or dimensions, or the form of construction, or the material, as indicated in the drawings and the dimensions, and material given in the specification, the directions of the specification shall be adopted; and in all cases of defective description, or of any ambiguity, the explanation given by the Engineer shall be considered correct, and shall be binding upon the parties. Also, anything contained in the drawings, or in the specification, shall be equally binding as if it were contained in both.

13. No addition, deduction, or alteration shall in any way vitiate or set aside the Contract, but shall be ascertained and valued by the Engineer, and added to, or deducted from, the contract sum accordingly.

14. The drawings referred to in this Contract are the following, viz. :—

- No. 1. General plan.
- 2. Longitudinal section.
- 13. Drawing of viaduct.
- 14. Do. of bridge.
- 15. Do. of viaduct.
- 16. Do. of viaduct.
- 17.)
- 18. } Do. of bridges.
- 19. }
- 20. Cross sections of cuttings and embankments.
- 6^a Drawing of culverts.

15. Where the Railway is in cutting a ditch three feet wide at the top, one foot at the bottom, and one foot deep, shall be made on the highest side of the ground to be occupied by the Railway; on the lower side it will not be necessary to have any ditch. The drains are to be made to fall into the ditches or water-courses at present existing for the drainage of the adjoining lands, or into the diverted channels, as the case may be; and whenever the fall of the drains, or that of the diverted channels, shall be so great as to endanger the stability of the sides or bottoms of such drains, the same to be protected by pitching; and whenever it may be considered desirable to carry the water from such drains down the slopes of the cuttings, a pitched drain shall be constructed on the slopes; but these matters will be considered as contingent expenses, and paid for at a price to be agreed upon during the progress of the works.

16. A ditch similar to the one described on the top of the cuttings to be formed at the foot of the embankments, on the higher side only.

EARTHWORK.

17. The excavations to be made of the depth shewn on the longitudinal section by the red line, being an average depth of two feet (2 feet) below the level of the upper surface of the rails, as indicated by the blue line.

18. The bottom of the cuttings to be slightly convex, being one foot nine inches below the level of the rails in the centre, and two feet three inches at the sides, having a fall from the centre to each of the side drains.

19. The cuttings to be sloped as shewn on the cross sections, and at a batter of one to one, to be nineteen feet wide at the bottom, that is to say at formation level; the sides as the excavation proceeds to be uniformly trimmed or dressed to the specified inclination, proper battering rules being used and provided by the Contractor for this purpose.

20. The excavations shall at all times be kept free from water, and so conducted as always to afford the utmost facilities to the escape of the water, by casting and keeping properly cleaned out ditches on each side of the excavations, and also by pumping, if necessary, and directed by the Engineer.

21. At the foot of each slope a drain of uniform depth below the rails, as shewn on Drawing No. 20, shall be made along each side of all the excavations on this Contract, the cost being included in the price for earthwork.

22. The Contractor must deposit the earthwork from the cuttings either to the embankments named for its reception, or to such other place of equal lead that may be directed by the Engineer during the progress of the works.

23. The term earthwork is to be understood to comprise soil, sand, gravel, clay, marl, shale, &c.; and no extra will be allowed to the prices under the head of earthwork, excepting for what is generally known as rock.

24. The earthwork must be well panned for such distance as may be required, not exceeding three yards, round all brickwork to piers, abutments, and wing walls, for the full depth of the embankment, and over all culverts where directed to do so, without any extra charge beyond the price stated in the schedule for earthwork.

25. The quantities stated in the longitudinal section are placed there for the Contractor's guidance, to enable him to determine the length of lead; but the quantities paid for will be the actual measurement of the work as executed, whether in excess or diminution of the quantities marked upon the section.

CONSTRUCTION OF RAILWAYS.

BRICKWORK.

26. The bridges are to be built in English bond, of the form and dimensions shewn upon the drawings: the bricks used to be well-shaped, sound, hard burnt bricks.

27. The mortar used to be of the best quality, and mixed in such proportions as shall from time to time be directed.

28. The price stated in the Schedule for excavation for foundations is also to include the keeping the foundations free from water, and filling in and well ramming round the brickwork to the level of the original surface of the ground, as the work proceeds.

29. The brickwork to the foundations shall in no case be commenced without an order from the Engineer; and when the excavation shall be ready to receive the brickwork the Contractor must give notice to the Engineer to that effect.

30. The culverts to be built with brick, in mortar, of the form shewn on Drawing No. 6^a. The materials and workmanship to be of the best description; the earth must be well rammed round the brickwork, and to the height of the top of the culvert when finished.

31. The brickwork to the culverts must not be commenced until the foundations have been approved by the Engineer.

32. All centering, scaffolding, tools, &c., of all kinds, must be provided by the Contractor at his own cost, and be included in the price stated in the Schedule.

CARPENTER.

33. The timber for the bridges to be iron-bark, squared, perfectly sound, straight, and well-seasoned, and to be framed as shewn on the drawings; great care must be taken in framing the work and in fitting the ironwork, which must be done with the greatest accuracy.

34. The sleepers on the bridges must be secured to the main beams with jagged spikes, ten inches long, four being driven through each sleeper, two to each beam.

PAYMENTS.

35. Payments will be made once in every month, as the work proceeds, in the proportion of 75 per cent. of the work actually executed, and the remaining 25 per cent. will be paid after the Engineer shall have certified that the whole of the works have been completed to his satisfaction.

JOHN WHITTON, C. E.

*Railway Office,
Sydney, July, 1857.*

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

CONSTRUCTION OF RAILWAYS.

(SCHEDULE OF PRICES IN PROPOSED CONTRACT.)

Ordered by the Legislative Assembly to be Printed, and appended to the Return to the Address on the above subject, 3 March, 1859.

MEMO. of the Dates to the Accounts connected with the Schedule of Prices referred to in the proposed Contract for construction of Railways by Sir S. M. Peto & Co.

Schedule of Prices upon which the Estimates for the Extensions now sanctioned are founded.—August 1857.

Schedule of Prices upon which work has lately been done; No. 3 Contract, Liverpool to Campbelltown.—30th June, 1857.

No. 4 Contract, Liverpool to Campbelltown.—24th September, 1857.

Sample Specification.—July 1857.

Trial Sections of the Lines.—1857.

B. H. M.

2 March, 1859.

*Railway Branch,
Department of Internal Communication,
Sydney.*

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

RAILWAYS IN NEW SOUTH WALES.

(CORRESPONDENCE RELATIVE TO CONSTRUCTION OF.)

Ordered by the Legislative Assembly to be Printed, 27 January, 1859.

THE CHIEF COMMISSIONER FOR RAILWAYS to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

(Confidential.)

*Railway Department,
Sydney, 10 April, 1858.*

MY DEAR MR. ROBERTSON,

Will you permit me to draw your attention to the enclosed extract from the daily papers, relative to the tenders for the construction of the Victorian Railways.

You will see that Sir Samuel Morton Peto & Co. tendered to construct the whole of Railways, on terms, both as regards amount of charges and time of completion, to be agreed upon; and that their tender was not received, it not having been framed in accordance with the instructions issued by the Government of Victoria.

I conclude from these facts that Sir S. M. Peto & Co. are willing, upon fair terms, to enter upon the construction of Railways in Australia; and I think it would be a great advantage to this Colony to obtain such eminent contractors to carry on the works.

As the extensions at present contemplated amount to only about 70 miles, involving an expenditure of about £820,000, and as this may be spread over two, or, if necessary, three years, I imagine the firm I have named above would, from the magnitude of its operations, find no difficulty in undertaking the works, and that they would be disposed to take New South Wales Debentures in payment upon equitable terms.

Other advantages, as regards the construction of yet further Railways, would arise from a firm of such standing being once engaged in making lines in this Colony.

Should the Government desire, it I could by this mail place myself in communication with Sir M. Peto, with the view of ascertaining, for the information of the Government, how far the firm would be disposed to entertain the views I have here expressed.

I am, &c.,
B. H. MARTINDALE.

THE HONORABLE
THE SECRETARY FOR
LANDS AND PUBLIC WORKS.

[Enclosure.]

"MERCANTILE AND MONEY ARTICLE.

"Saturday Evening.

"In another part of our columns will be found a full report (copied from the *Argus*) of the opening of the tenders for the Victorian Railways. There were 92 tenders altogether for the several portions of these works—three of which were for the entire works, and were made by the following contractors:—Messrs. Randle and Holmes, £7,010,324 19s. 1½d., cash; Messrs. J. Musson and Co., £5,816,223, cash or debentures, and Messrs. Cornish and Co., £5,449,202 8s. 2d., cash or debentures. A tender delivered in by Mr. Gabrielli, on behalf of Sir Samuel Morton Peto and Co., was not received, it not having been framed in accordance with the instructions issued by Government. The *Argus* says:—The whole of the tenders were, at the conclusion of the ceremony of opening, entrusted to the charge of Captain Pasley, Mr. Darbyshire, and Mr. Ligar, in order that a careful analysis of the schedules of prices may be arrived at before the acceptance or rejection of them can be determined on. The following is a copy of the tender delivered in by Mr. Gabrielli:—

"A. Gabrielli, Esq.

"Dear Sir,—As you are about to proceed to Australia, we beg to state that we are willing to authorise you, on our behalf, to agree that we shall construct the whole of the Railways upon such terms, both as to amount of charges and time of completion, as may be mutually settled by engineers employed by the Government of the Colony and by ourselves, with power, in the event of difference between us, to refer the same, as was done in the case of our contracts in Canada, to the decision of Robert Stephenson, Esq., M.P., or, if preferred, to any other engineer of high standing, to be agreed upon between the Government of Victoria and ourselves.

"We deem it right to add that we have already constructed upwards of 600 miles of railway for the province of Canada, upon a similar arrangement, and also for French, Austrian, and Sardinian Railway Companies; and, further, that we have already entered into the like contracts to execute the Railways required in Algeria, and with the Government of Portugal, for the construction of its great arterial chain of Railway.

"We are, dear Sir, yours very faithfully,

"(For partner and self)

"S. MORTON PETO."

"9, Great George-street, Westminster,
"London, 13th January, 1858."

THE CHIEF COMMISSIONER FOR RAILWAYS to SIR S. MORTON PETO & Co.

Railway Department, Sydney,

10 April, 1858.

MY DEAR SIR MORTON,

By our daily papers—an extract from one of which I enclose—I learn that the tender of your firm, made through Mr. Gabrielli, offering to construct the whole of the Victorian Railways, on such terms, both as to amount of charges and time of completion, as may be agreed upon, was not received, as it was not framed in accordance with the instructions issued by the Victorian Government.

I conclude from the fact of your having tendered that your firm are willing to enter upon the construction of Railways in Australia, upon terms fair to all parties.

This Colony is not disposed to undertake at present the construction of lines of Railway on the extensive scale proposed in Victoria, at any rate if the works are to be paid for by loans; but, at the same time, there is a strong feeling in favor of such extensions being proceeded with, as there is reason to believe will prove within a few years self-supporting.

The Estimates for the year 1858, which are now before the House, contain a provision for extensions of about seventy miles in length, at an estimated cost of about £820,000, including land and rolling stock. I enclose for your information an extract from the Estimates.

My object in now placing myself in communication with you is to ascertain whether your firm would feel disposed to enter upon the construction of these extensions (supposing them to be sanctioned by the Legislature), and if so, upon what terms; and whether your firm would accept in payment the debentures of this Colony.

I need hardly observe that the peculiar position of this country, in having scarcely a navigable river, and in being destitute of good roads, renders it a matter of certainty that as the population increases Railways will be still further extended.

I am at present preparing a Report upon the condition and working of the existing lines, of which I shall do myself the pleasure of sending you a copy when printed.

I make this communication to you respecting the construction of Railway works in this Colony with the entire concurrence of the present Government.

I am, &c.,

B. H. MARTINDALE,

Chief Commissioner for Railways.

SIR S. MORTON PETO & Co.,
9, Great George-street, Westminster.

P. S.—To prevent the possibility of any misunderstanding, I think it right to inform you that the custom of this Government is to call for tenders by public competition; and that this would probably be done, should the Legislature sanction the proposed extensions. Should you therefore think fit to enclose a sealed offer, I am authorized to state it would not be opened until the time named for opening any other tenders that might be sent in.

It is contemplated that the proposed expenditure of about £820,000 would be spread over two, or even three years if necessary.

THE CHIEF COMMISSIONER FOR RAILWAYS to THE SECRETARY FOR LANDS AND
PUBLIC WORKS.

(Confidential.)

Railway Department,

Sydney, 10 April, 1858.

MY DEAR MR. ROBERTSON,

In reference to the draft of my letter to Sir S. M. Peto of to-day's date, and the postscript added by the Government at the Council to-day, it appeared to me on consideration that the two militated the one against the other.

Failing to see you, I called upon Mr. Campbell, and, with his sanction, instead of transmitting my letter to England, I have written to Mr. Gabrielli, at Melbourne, a copy of which letter I enclose.

The idea in my mind in writing to Sir M. Peto was to get Railway works well and rapidly carried on, and to obviate any difficulty as regarded obtaining the necessary funds.

It appeared to me extremely probable that Sir M. Peto & Co. might be disposed to undertake, on fair terms, the construction of the very necessary extensions at present contemplated, and to receive payment in debentures—of which they would have many ways of disposing not so easily accessible to Government—and that, could favorable arrangements be made with them, the two objects would be accomplished that I had in view.

But I look upon this method of carrying out works as irreconcilable with public competition; nor do I think such competition really advantageous to the Public Service in a new country for such extensive works as Railways.

I submit for your consideration the propriety of laying before the Legislature some such plan as that I have suggested for carrying out the extensions now proposed, and obtaining their sanction to communicate with Sir M. Peto and Co., on the understanding, that if their offers are fair, and they are disposed to take debentures in payment, the work shall be entrusted to them to carry out.

I am &c.,

B. H. MARTINDALE.

THE CHIEF COMMISSIONER FOR RAILWAYS to A. GABRIELLI, ESQ.

(Private and Confidential.)

Railway Department,

Sydney, 10 April, 1858.

SIR,

Having seen by the daily papers that you were authorised by Sir S. Morton Peto & Co. to enter into agreements on their behalf relative to the construction of Railways in Victoria, I have the honor to request you will be so good as to inform me whether you have such powers from Sir S. Peto & Co. as would enable you to enter into arrangements on their behalf for the construction of Railways in this Colony.

I have, &c.,

B. H. MARTINDALE,

Chief Commissioner for Railways.

A. GABRIELLI, ESQ.
Melbourne.

A. GABRIELLI, ESQ., to THE CHIEF COMMISSIONER FOR RAILWAYS.

Melbourne, 18 April, 1858.

SIR,

In reply to your favor, 10th instant, I beg to inform you that I am authorised to undertake, on behalf of Sir Morton Peto & Co., the making of the Railways in New South Wales on the same terms as proposed to the Government of Victoria.

I beg at the same time to observe, that the amount here to be expended on Railways was about eight millions, sterling, and that it would not answer Sir Morton Peto's purpose to undertake any works in these parts unless the amount was commensurate to the outlay for the deplacement of numerous and efficient staff and plant to be imported from England.

Should your Government entertain Sir Morton Peto's proposal, I would undertake the negotiation of a loan on equitable terms for the Government, and proceed to Sydney to that effect.

As I intend to leave this for Europe by the next Overland Mail, I will be very happy to hear from you as soon as practicable.

I have, &c.,

B. H. MARTINDALE, ESQ.,
Sydney.

A. GABRIELLI.

THE CHIEF COMMISSIONER FOR RAILWAYS to THE SECRETARY FOR LANDS AND WORKS.

(Confidential.)

Railway Department, Sydney,

26 April, 1858.

SIR,

In reference to my letter to you of the 10th instant, and your Minute thereon of the same date, herewith enclosed, relative to the construction of Railways in this Colony, I have the honor to transmit a copy of a letter from Mr. Gabrielli, dated 18th instant, in reply to the enclosed communication from me, dated 10th instant, written to that gentleman in compliance with your Minute above named.

As a Mail leaves for Melbourne to-morrow I can communicate further with Mr. Gabrielli by that opportunity, in compliance with his request, should I, in the meantime receive the instructions of the Government.

I have, &c.,

THE HONORABLE
THE SECRETARY FOR LANDS AND WORKS.

B. H. MARTINDALE.

THE COLONIAL SECRETARY to THE CHIEF COMMISSIONER OF RAILWAYS.

29 April, 1858.

MY DEAR CAPTAIN MARTINDALE,

Mr. Robertson and I have agreed that my accompanying Memo. contains the substance of what should be written to Mr. Gabrielli.

I hope you found the Campbell Town Line all right.

Yours, &c.,

CAPTAIN MARTINDALE, R. E.,
&c., &c., &c.

CHARLES COWPER.

Acknowledge and thank him for his communication, but say that his speedy return to England prevents our entering into any negotiation with him.

The intimation, also, that Sir M. Peto will only be prepared to make a contract for a very large amount interposes another and insuperable obstacle in the way of making any arrangement.

The Government is prevented by a previous agreement from negotiating for a Loan through him.

C. C.

THE CHIEF COMMISSIONER FOR RAILWAYS to A. GABRIELLI, Esq.

*Railway Department,
Sydney, 30 April, 1858.*

SIR,

Having laid your letter of the 18th instant before the Government, I have the honor to inform you that your immediate departure for Europe, and your intimation that it would not answer Sir Moreton Peto's purpose to undertake works in these parts, except on a very large scale, preclude the Government from entering into any negotiations with you.

Thanking you for your offer of visiting Sydney, if necessary,

I have, &c.,

A. GABRIELLI, Esq.,
Melbourne.

B. H. MARTINDALE.

A. GABRIELLI, Esq., to THE CHIEF COMMISSIONER FOR RAILWAYS.

Sydney, 21 June, 1858.

SIR,

Referring to the letter I had the honor to address you, in reply to yours, April 10th, I beg to state that, having delayed my departure for Europe, I have been able more fully to consider the purport of your inquiries, and I beg now to submit for your consideration the following proposal on behalf of Sir Samuel Morton Peto and partners.

Sir Samuel Morton Peto and partners will undertake to construct the whole of the Railways required by the Government of this Colony upon such terms, both as to amount and as to terms of completion, as shall be mutually agreed between the Commissioner for Railways, or any other agent appointed by the Government, and themselves, with power, in the event of any difference arising between Sir S. M. Peto and partners and the Government of this Colony, to refer the same to Mr. Robert Stephenson, or, if preferred, to any other engineer of high standing, to be agreed upon between the Government and themselves.

I beg also to state that Sir M. Peto and partners will be prepared to receive in payment for their contracts New South Wales Debentures bearing interest at five per cent. per annum, redeemable in twenty-five years, at a fixed price to be mutually agreed upon at the time of the Contracts being finally signed.

As a period of four months must elapse from the date of my departure before the final arrangements with Sir M. Peto and partners can be effected, supposing that the Government desires that the works should proceed without delay, I would submit for your approval the name of a respectable contractor who will immediately begin the works under your direction on behalf of Sir S. M. Peto & Co.

Sir Samuel Morton Peto's high standing as Railway Contractor will no doubt be sufficient guarantee that all works entrusted to his firm will give full satisfaction to the Government of this Colony.

They have constructed, on the same terms as those I have now the honor to submit for your consideration, the whole of the Canadian Railways (more than 600 miles,) many lines for English companies, and some of the most important lines on the Continent of Europe.

I beg to add that, as I intend to leave by the next Overland Mail, I shall feel grateful if you will favor me with an early reply, to enable me to make the necessary arrangements in case my proposal should be favorably entertained by H. M. Government.

I have, &c.,

CAPTAIN MARTINDALE, R.E.,
Chief Commissioner for Railways,
New South Wales.

A. GABRIELLI.

A. GABRIELLI, ESQ., to THE CHIEF COMMISSIONER FOR RAILWAYS.

Sydney, 23 June, 1858.

SIR,

Referring to my letter 21st instant, and the conversation I had the honor of having subsequently with the Railway Board, I beg further to state, that Sir Samuel Morton Peto and partners will undertake to construct the whole of the Railways at present contemplated in New South Wales at the schedule of prices stated in the Railway Estimates prepared by the Government Engineer, and approved by the Commissioners for Railways and the Government, with the understanding that every three months during the period of the contract the schedule of prices for labor shall be fixed according to the prevailing rates, and in case of any difference arising as to the prevailing rates, then the rates to be determined by arbitration.

I beg further to state, that it will be necessary for the Government to allow Sir Samuel Morton Peto and partners six months time, from the 11th July next, finally to accept the contract. In the meantime the arrangement proposed in the fourth paragraph of my letter 21st instant can be carried out if required.

I have, &c.,

A. GABRIELLI.

CAPTAIN MARTINDALE, R.E.,

Chief Commissioner for Railways,

New South Wales.

THE CHIEF COMMISSIONER FOR RAILWAYS to THE SECRETARY FOR LANDS AND WORKS.

Railway Department,

25 June, 1858.

SIR,

In reference to my letter of the 10th of April last, on the subject of entrusting the construction of the Railways in New South Wales to an eminent English firm, I have now the honor to submit, for the consideration of the Government, two further letters from Mr. Gabrielli, dated 21st and 23rd instant, together with the following observations thereon, in which my colleague, Captain Ward, concurs.

2. The Government will perceive that Mr. Gabrielli, as agent for Messrs. Peto & Co., states that they will undertake to construct the whole of the Railways at present contemplated in New South Wales at the schedule of prices stated in the Railway Estimates prepared by the Government Engineer, and approved by the Commissioners for Railways and the Government, with the understanding that every three months during the period of the contract the schedule of prices for labor shall be fixed according to the prevailing rates, and in case of any difference arising as to the prevailing rates, then the rates to be determined by arbitration.

3. As Mr. Gabrielli does not feel authorised finally to accept, on account of Messrs. Peto & Co., a contract on the conditions proposed, he desires that a period of six months from the 11th proximo may be granted for reference to that firm, and in the meantime he proposes to submit, for the approval of the Commissioners, the name of a respectable contractor who will immediately begin the works under their direction, on behalf of Sir S. M. Peto & Co.

4. It appears to the Commissioners that the following advantages will attend the acceptance of these proposals:—

The value of labor remaining the same, the extensions proposed will be completed at a cost not exceeding the amounts stated in the estimate of 1858, exclusive of the sum assumed for land.

The lines will be well and speedily executed by persons thoroughly competent to undertake the work.

English capital and enterprise will be introduced, which cannot but favorably affect the development of the resources of the country.

5. The Commissioners feel that until a further sum for the construction of Railways has been voted by the Legislature, it would not be possible to return a definite answer to Mr. Gabrielli's proposals; and being fully impressed with the advantageous character of his offers, they would strongly urge on the Government the expediency of obtaining, without delay, the decision of Parliament with regard to the sum proposed for Railway extensions in the estimates

estimates of the year; and they further request that they may be authorised—having due regard to the sum voted—to provisionally accept Mr. Gabrielli's proposal, and to enter into a definite contract with whomsoever may be selected by Mr. Gabrielli, and approved by them, pending his reference to Messrs. Peto & Co. to act for that firm, it being understood that the person so selected and approved shall find sufficient security at his risk for the performance, on the conditions proposed by Mr. Gabrielli, of a portion of the Railways to be defined by the Commissioners, and shall be liable in all respects for the fulfilment of such portion as a principal party in the contract.

6. The Commissioners have further to suggest, that in any contract made a clause should be inserted that whenever the price of labor shall exceed a limit to be hereafter fixed, the Government shall have the power of stopping the works until the price of labor shall fall to or below the limit so fixed.

I have, &c.,

B. H. MARTINDALE.

THE HONORABLE

THE SECRETARY FOR LANDS AND WORKS.

A. GABRIELLI, ESQ. to THE CHIEF COMMISSIONER FOR RAILWAYS.

Sydney, 2, Church Hill,

9 August, 1858.

SIR,

I have acquainted you with Mr. Wright's reply. I since made an appointment with Mr. Gibbons, which he did not keep; and having just ascertained that he is in the actual employment of Messrs. Randle and Wright, I feel a delicacy in courting another interview. From information I have gathered, I do not think that there is at present any party in the Colony to whom I could entrust the works you require; and also, that there is not even plant in the Colony to begin the three extensions; nor do I consider that it will be prudent in the interest of the Government and Sir Morton Peto to make applications at random, which may be again fruitless.

Under these unforeseen circumstances, and having in view the desirability of putting the Government in possession of Sir Morton Peto & Co's. reply at an earlier date than the time stipulated, I will reduce the time to four months, but, should steam communication be interrupted, to five months from the 11th instant.

I conceive that the Government will not be put to inconvenience by this apparent delay, inasmuch as the details, plans, and sections, will naturally exhaust some portion of it, whilst the remainder will be more than compensated for by the extensive resources of Messrs. Peto & Co. for its speedy completion.

I beg to remind you, that in the letter I had the honor to receive from you in Melbourne, which has formed the basis of our negotiations, you inquired "whether I was prepared to undertake to construct the Railways of this Colony, on behalf of Sir M. Peto & Co., on the same terms as those proposed by them to the Government of Victoria," thence I am at a loss to account for the deviations since insisted on, which entirely alter the spirit of the terms alluded to.

My business compels me to leave by this Mail, nor do I see that my remaining here would remedy the difficulties I have to contend against at present.

The time being so limited prior to my departure, I should feel obliged by your modifying the agreement, herewith enclosed, in such way as to relieve me from the necessity of commencing the works until the receipt of Sir M. Peto & Co's. reply, as I have come to the conclusion, for the reasons above stated, that it will be impossible for me to make a satisfactory arrangement to that effect.

I trust that this alteration in the present agreement will not in any way prejudice the ultimate object to be obtained, namely, that this Colony should reap the benefits of Messrs. Peto & Co's. great experience and capability of giving to your public works that impetus they so fully require, coupled, as it will be, by the introduction of a large number of industrious immigrants, and with the advantageous financial arrangement proposed.

I have, &c.,

A. GABRIELLI.

THE CHIEF COMMISSIONER

FOR RAILWAYS.

THE CHIEF COMMISSIONER FOR RAILWAYS to A. GABRIELLI, ESQ.

*Railway Branch,
Department of Internal Communication,
Sydney, 11 August, 1858.*

SIR,

In reply to your letter of the 9th instant, I have the honor, by direction of the Government, to observe, in the first place, that the negotiation to which you have referred as opened with you by my letter of the 10th April, was terminated by my letter to you of the 30th April last, in which you were informed that the intimation contained in your letter of the 18th April of your own immediate departure for Europe, and of the improbability of Sir S. Moreton Peto and partners considering it worth their while to undertake the construction of such comparatively small works as those at present contemplated in this Colony, precluded further negotiation.

Upon your voluntary visit to Sydney, however, in June last, you re-opened the matter; and your letters of the 21st and 23rd of that month contain the basis upon which you were then prepared to treat.

Those letters were transmitted for the favorable consideration of the Government by the Commissioners for Railways on the 25th of the same month, since which time both the Government and the Commissioners have had repeated interviews with you, at which the entire subject was fully discussed.

These interviews resulted in the drawing up of a formal agreement, which on the instant was read, discussed, revised, and agreed to, as revised by the Government, the Commissioners, and yourself, subject to the condition of the Legislature approving of the principle of contracts being made without public competition.

It is to be regretted that your inability to find a contractor, as agreed upon, to whom you could entrust the works required, until the ratification of the agreement by Sir S. M. Peto and partners, has prevented the agreement being completed and carried out.

The time and labor bestowed on this matter cannot, however, be considered as entirely wasted, because it has shewn the willingness of the Government to enter upon negotiations with Sir S. M. Peto and partners for the construction of the Railways at present sanctioned for this Colony; and because it elicited last night from the Legislative Assembly the all but unanimous expression of its opinion, that in contracts for the construction of Railways the principle of public competition might be departed from.

The Government will now endeavour to make arrangements for the construction of a small portion of each line of Railway sanctioned—say about 20 miles in all—by parties now on the spot, and, should Sir S. M. Peto and partners without delay send a person to the Colony fully authorised to act on their behalf, the Government will be prepared to negotiate with him for any length now sanctioned, and not at the time of his arrival contracted for.

The absence of navigable rivers and of passable roads in this Colony render Railways a matter of necessity as arterial communication. The questions for consideration are, the time to be occupied in, and the system best adapted for, their construction; and, although the Government can make no contracts for the construction of Railways beyond the limits at present sanctioned by Parliament, they look forward to further extensions, and are prepared to discuss freely and receive proposals for their construction.

I enclose, for your information, copies of the letter of the Commissioners for Railways to the Government, dated 25th June last, of the agreement already referred to, and of the resolution of the Legislative Assembly of last night. Of the remaining correspondence, you have, I presume, the original, or copies.

A copy of this communication, and of the entire correspondence, will be forwarded direct to Sir S. M. Peto and partners.

Wishing you a prosperous voyage to England.

I have, &c.,

A. GABRIELLI, ESQ.

B. H. MARTINDALE.

THE CHIEF COMMISSIONER FOR RAILWAYS to SIR S. M. PETO & Co.

*Railway Branch,
Department of Internal Communication,
Sydney, 11 August, 1858.*

GENTLEMEN,

I have the honor, by direction of the Government of this Colony, to transmit for your information, copy of a correspondence between the Commissioners for Railways and Mr. Gabrielli, together with other papers relating thereto.

By these you will perceive that a negotiation was entered into with the view of placing the construction of Railways in this Colony in your hands should you have felt disposed to undertake the work.

The negotiation terminated without any definite agreement being entered into, because Mr. Gabrielli was not authorised to accept any contract on your behalf, and was unwilling to do so, and was also unable, in accordance with the proposed agreement, to find a local contractor to proceed with the works on your behalf, until the proposed agreement, which you will find among the accompanying papers, could be laid before you by him for your acceptance or refusal.

The correspondence will shew to your firm the willingness of this Government to enter into arrangements with you for the construction of Railways in the Colony; and the negotiation has been the means of eliciting from the Legislative Assembly an all but unanimous expression of its opinion, that in contracts for the construction of Railways the principle of public competition might be departed from.

The Government, in consideration of the trouble Mr. Gabrielli has given himself in the matter, are desirous that he should be the bearer of their views to you, the nature of which will be found in my letter to that gentleman dated this day, and transmitted to you herewith, together with other papers.

It would be useless for me to dilate upon the openings presented by the mineral resources and unoccupied lands of this Colony for the employment of capital and skilled labor; but I may say that, from the comparative absence in this country of navigable rivers and good roads, Railways must, sooner or later, form its arterial communications; and the question is not so much whether Railways will be wanted as the time to be occupied in their construction, and the system under which, and the means by which they shall be made.

I beg to forward, for your acceptance, copies of my two Reports on the Internal Communications of this Colony, as they may afford some information.

I have, &c.,

B. H. MARTINDALE.

P. S.—I am directed by the Government to enclose for your information the schedule of prices upon which the estimates for the extensions now sanctioned are founded, the schedule of prices upon which work has lately been done, a sample specification, and the trial sections of the lines; the works upon which however, it is anticipated, will be reduced in the execution. I am to request you will be so good as to consider these papers as strictly confidential documents, sent for your information only, and I am to add they are such as the Government would transmit to no person in whom they did not place the highest confidence.

ARTICLES OF AGREEMENT made, entered into, and concluded this _____ day of August, A.D., 1858, between Antony Gabrielli, at present of the City of Sydney, gentleman, of the one part, and the Commissioners for Railways, incorporated by an Act of the Government and Legislative Council made and passed in the 18th year of the reign of Her Majesty Queen Victoria, intituled, "An Act to make provision for the construction of Railways in the Colony of New South Wales," of the other part.

WHEREAS Her Majesty's Government of New South Wales have determined to make and construct lines of Railway extending from the present Southern and Northern Lines to Penrith, Picton, and Singleton, being in the whole a distance of 68 miles, or thereabouts: And whereas the said Antony Gabrielli is the Agent in this Colony of the firm of Sir M. Peto and Company, of London, Railway Contractors, and is desirous, on behalf of the said firm, of contracting for the construction of the whole of the said Railway works, but is unable to enter into a final contract on behalf of the said firm without further communicating with them on the subject: And whereas, in order to secure to the said firm the option of entering into a contract with the Commissioners for Railways for the construction of the said Railways, and to prevent any delay in the execution of the works, he has proposed to Her Majesty's Government to enter into this contract in his own name for the making and constructing of the whole of the said Railways, according to the specifications and drawings already prepared,

or which shall be prepared, by the Engineer-in-Chief for Railways, and signed by such Engineer, and approved and signed by the Commissioners for Railways, and subject to and in accordance with the conditions and stipulations to be annexed to such specifications to the satisfaction of the Commissioners or Commissioner for Railways for the time being, at the prices to be set forth in a Schedule to be prepared and signed by the said Engineer-in-Chief, and approved and signed by the said Commissioners for Railways, and forwarded by the said Commissioners for Railways to the said firm of Sir S. M. Peto and Co., subject, nevertheless, to the provisions hereinafter contained for the determination of this Contract: And whereas the said A. Gabrielli has agreed to pay into the hands of the Colonial Treasurer within three days after the execution of these presents the sum of £5,000 to remain as security for the due performance in all respects of this contract on the part of the said A. Gabrielli: And whereas it has been agreed by Her Majesty's Government to grant to the said A. Gabrielli remission orders to the extent of 80 per cent. of the amount usually allowed in aid of emigration, according to the Emigration Regulations, in respect of all laborers and artizans who may be brought out to this Colony by the said A. Gabrielli for the purpose of executing the said works:

Now these presents witness, that the said A. Gabrielli, for himself, his executors and administrators, doth hereby covenant and agree with the Commissioners for Railways that he the said A. Gabrielli, his executors or administrators, shall and will well and substantially, and in the best and most workmanlike manner, with the best materials of their respective kinds, to the satisfaction of the Commissioners or Commissioner for Railways for the time being, or of such person or persons as may be appointed to superintend the works on behalf of the Commissioners for Railways, and, in case there shall be any difference of opinion as to the quality of the materials or workmanship, the said A. Gabrielli, his executors, administrators, is to be bound by the decision of the said Commissioners, or their officer; and with all reasonable expedition make, execute and complete—such completion to be certified by the said Engineer-in-Chief, or other officer of the Commissioners duly appointed for the time being—lines of Railway from the present Southern Line to Penrith and Pieton, and from the present Northern Line to Singleton, a distance in the whole of 68 miles or thereabouts, according to the maps or plans of the same in the office of the Commissioner for Railways, with all works whatsoever, whether temporary or permanent, which shall be described or referred to in the specifications and drawings to be prepared as aforesaid, or which may reasonably be inferred therefrom; and that he or they shall and will forthwith commence the said works and proceed with the same to the satisfaction of the said Commissioners or their officer, and will complete the whole of the said works before the 31st day of December, 1860; and further, that he the said A. Gabrielli shall and will at all times appoint and employ constantly upon the works competent and responsible persons, to be approved by the Commissioners, as foremen or agents of the said A. Gabrielli, to whom applications may be made, and directions given, on all matters touching the works hereby contracted for, and in all matters arising out of this contract. And the Commissioners for Railways do hereby, for themselves and their successors, covenant, promise, and agree with and to the said A. Gabrielli, his executors and administrators, that they, the said Commissioners for Railways, will well and truly pay to the said A. Gabrielli, for the works executed under this contract, the prices mentioned in the said schedule to be prepared as aforesaid for the several works to be done and executed; such payments to be made either in cash or Government Debentures, at the option of the said Commissioners for Railways, the Debentures being valued and taken by the said A. Gabrielli at the rate of £95 for every £100. And it is further agreed between the said parties, that if at any time during the continuance of this contract the price of labor shall increase to the extent of 15 per cent. above the price mentioned in the said schedule of prices, the said A. Gabrielli shall be at liberty, upon his proving to the satisfaction of the Commissioners for Railways that the price of labor has so increased, to discontinue the said works for such period as he shall think fit, not exceeding in the whole the period of six months. And it is further agreed between the said parties, that in case and so often as any dispute or difference shall arise between the Commissioners for Railways and the said A. Gabrielli, his executors or administrators, concerning or relating to the works hereby contracted for, or any of them, or any covenant or engagement, matter or thing, herein or in the said specifications contained or to be contained, or the construction hereof (excepting always any question as to the quality of the materials or workmanship of any of the works, on which questions the decision of the Commissioners for Railways for the time being is to be final and conclusive), the subject of every such dispute shall be referred to the arbitration and award of two arbitrators, one to be chosen by the said Commissioners for Railways, and one by the said A. Gabrielli, his executors or administrators; and in case either party shall refuse to name an arbitrator within seven days after notice in writing shall have been given by the other party requiring him or them to do so, then at the expiration of the said seven days, the arbitrator appointed by the party giving such notice shall be at liberty to proceed alone; and such arbitrators as first above-mentioned shall have power to appoint an umpire, and the award or determination of the person or persons to whom the reference shall be made shall be final and conclusive on all parties: Provided always, and it is hereby declared and agreed, that if the Commissioners for Railways shall within a period of eight months from the 11th day of August instant, receive a notice in writing from the said firm of Sir S. M. Peto & Co., or from the said A. Gabrielli, to the effect that the said firm declines to adopt this contract, or to enter into a contract with the Government or the Commissioners for Railways, for the completion of the works hereinbefore mentioned upon the terms of this contract, then at the expiration of three months from the day on which such last-mentioned notice shall have been received, this contract shall cease and determine.

In witness whereof, the said A. Gabrielli has hereunto set his hand and seal, and the Commissioners for Railways have set and affixed their corporate seal, the day and year first above written.

SIR S. M. PETO to THE CHIEF COMMISSIONER FOR RAILWAYS.

5, Great George-street, Westminster,
16 November, 1858.

SIR,

We have had the honor to receive your communication of the 11th August, in reference to the construction of the proposed Railway Extensions in New South Wales, which you submit to us for acceptance on the terms therein specified.

We have since its receipt given our best exertions, in connexion with our esteemed friend Thos. Brassey, Esq., to gain the necessary information, and form such arrangements, as we trust will by the next mail enable us to reply definitely to your kind consideration of our house.

I am, &c.,

S. MORTON PETO.

THE CHIEF COMMISSIONER FOR RAILWAYS,
Sydney, New South Wales.

A. GABRIELLI, ESQ., to THE CHIEF COMMISSIONER FOR RAILWAYS.

London, 16 November, 1858.

DEAR SIR,

The Mail *via* Southampton did not arrive in time for Sir M. Peto to reply to your official letter, 11th August, before this. By this Mail you will receive their reply, to which I may add that I am confident that their proposal will be ultimately satisfactory to the interests of your Department, and to the Colony at large. They have decided to send by the next Mail a qualified agent, with full powers to treat with you; and I have no doubt that you will use your best endeavours to secure to the Colony the services of these able and efficient contractors, who have given during many years unmistakeable proofs of their abilities to perform every work they have undertaken, almost in every country and every clime.

Mr. Brassey, one of the most successful and able contractors, will join Sir M. Peto & Betts, and his co-operation will add to strengthen the combination.

Please to have the kindness to present my respects to the Honorable Mr. Cowper and Mr. Robertson, and thanking you for all the trouble I may involuntarily have given you,

Believe me, &c.,

A. GABRIELLI.

CAPT. MARTINDALE, R.E.,
Sydney.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

CONSTRUCTION OF RAILWAYS IN N. S. W.

(CORRESPONDENCE RELATIVE TO WITH SIR S. M. PETO.)

Ordered by the Legislative Assembly to be Printed, 10 February, 1859.

SIR S. MORTON PETO to THE CHIEF COMMISSIONER FOR RAILWAYS.

9, Great George-street,
Westminster, December 12, 1858.

SIR,

Referring to our letter of the 16th ultimo, in reply to yours of the 11th August, we have the honor to inform you that we have decided to accept your proposition to enter into arrangements with our firm for the construction of Railways in your Colony.

We have appointed an Agent, who will leave England for Sydney by the Mail following that which takes this letter, with full powers to treat with you on our behalf.

We have, &c.,

(for Brassey, Betts, and self.)

S. MORTON PETO.

To CAPTAIN MARTINDALE,
Chief Commissioner for Railways,
Sydney, New South Wales.

A. GABRIELLI, ESQ., to THE SECRETARY FOR LANDS AND WORKS.

9, George-street, Westminster,
London, 17 December, 1858.

SIR,

I have the honor to inform you that Messrs. Peto, Brassey, and Betts have communicated by this mail to Captain Martindale their intention to accept your Government offer to undertake the construction of New South Wales Railways, and they have made arrangements to send out by the next mail a qualified agent with a staff and full powers to enter with your Government into negotiations, which I hope will prove satisfactory.

I am now maturing a combination for raising a large amount in case your Government would decide on further extensions, the result of which I will communicate to you by next mail.

I have, &c.,

A. GABRIELLI.

THE HONORABLE
THE SECRETARY FOR LANDS AND WORKS,
Sydney, New South Wales.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

RAILWAY CONSTRUCTION.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 28 January, 1859.

THE HONORABLE J. MONTEFIORE, ESQ., to THE HONORABLE C. COWPER, ESQ.

O'Connell-street,

23 December, 1858.

MY DEAR COWPER,

It is one week to-day since I landed, and I have as yet received no reply to the very important Railway proposal I placed in your hands. In ordinary courtesy to the great financiers who, when good enough to meet my views, requested something like an answer by the January Mail, I shall feel it my duty, if I do not hear from you before you go to the House to-day, to place the proposed scheme before the public, which has as yet been communicated to yourself only, as the head of the Government.

Yours, &c.,

JACOB L. MONTEFIORE.

THE HONORABLE

CHARLES COWPER, ESQ.,

&c., &c., &c.

THE HONORABLE C. COWPER, ESQ., to THE HONORABLE J. MONTEFIORE, ESQ.

Sydney, 23 December, 1858.

MY DEAR MONTEFIORE,

Your note of to-day has taken me by surprise, no Railway proposal having been placed in my hands by you. The conversations which we have had since you returned to the Colony upon the subject of a loan have been of rather an indefinite character, and, as I understood, only preliminary to a proposal which you were to make provided the Government were prepared to consider the matter. I did not learn from you, however, that you were duly authorised to negotiate for such a loan, or to fix any terms for the advance of money by any party in England; on the contrary, if I do not mistake, you informed me that you had no such authority, and that you were in a similar position in reference to the Railway project.

So far as I have had the opportunity, amidst my numerous pressing engagements, I have made my colleagues acquainted with what passed between us; and I intended that at the earliest moment we had for the purpose, we should determine whether any good result could arise, by the Government entertaining propositions which, even if assented to, would be binding upon no one. Before a formal reply could be given, it would be necessary that you should communicate to me in writing what your proposals are; and I can only assure you that if you will do so, they shall be carefully considered and determined upon without delay. I regret that you should be under the impression that any want of attention has been shewn to your communication; but I thought, and still think it doubtful, whether the matter, as presented for consideration, is so urgent that Parliament should be requested to consider it in a hurried Session like the present.

The Government cannot possibly have any objection to your placing your proposals before the public; and after Mr. Donaldson's allusion to them the other evening in the Assembly, the information would probably be interesting.

Yours, &c.,

CHARLES COWPER.

THE HONORABLE

J. MONTEFIORE, ESQ.,

&c., &c., &c.

[On the same day the following letter was placed in the hands of Mr. Cowper by Mr. Montefiore.]

Angel Court, Throgmorton-street,

London, 14 October, 1858.

TO THE HON. J. L. MONTEFIORE.

DEAR SIR,

I have seen Baron Lionel de Rothschild, and he told me that he had examined the project of a Loan which I submitted to you and to him as the best means of raising the amount required for the construction of Railways in New South Wales. He also mentioned that he had the pleasure of seeing you in Paris, and that he then repeated to you that his house would be willing to undertake such loan, and to contract for the whole of it, subsequently to proper sanction being given by the Legislature, supposing that at the period of contract the terms and conditions could be mutually agreed on. Failing agreement in them, that his house would undertake to try and dispose of the amount of stock created by the Colony on commission, supposing that the conditions of this last arrangement could be agreed on.

Beyond a general assurance of good will, a willingness to take the loan on contract if terms could be agreed on, and a willingness to offer his services to dispose of it on commission if the first combination could not be carried out, he would not proceed at present; but I am sure that what he has said is quite sufficient to justify you, if your views are favorable to such a means of extending the already high credit of New South Wales, and finding the amount required for executing the great public works so indispensably required in the Colony, to exert your influence to promote the speedy enactment of such Legislative measures as will enable some one in this country to whom the Colony may delegate the power, to conclude an arrangement for a loan within the margin and terms to be confidentially communicated to such agent. He would then be in a position to negotiate a loan, and of course if he could not come to terms with Messrs. N. M. Rothschild & Sons he could apply elsewhere; but I am convinced that if his views and those entertained by the Colonial Legislature are reasonable, that there is a great chance of coming to an understanding; while from their expressed goodwill, still more from the advantage the Colony could not fail to derive from any of its financial affairs being committed to such hands, I am sure his first application should be to them. From what Baron L. de Rothschild said, I feel justified in stating that he feels no objection to your stating publicly his willingness to undertake the loan, supposing the terms can be mutually agreed on. At this distance of time, with all the contingencies that may or may not arise, I do not think he could reasonably be expected to say more: but I have little doubt but that he would have been willing to proceed at once to the discussion of details had it been possible to pursue the matter at this moment.

I shall be glad to hear from you on the subject, and offer my services to do anything in my power to aid the realization of a project so eminently calculated to benefit the interests of New South Wales, if it can be carried out.

With every assurance of regard and esteem,

I remain, &c.,

S. W. WALEY.

THE HONORABLE J. MONTEFIORE, ESQ., to THE HONORABLE C. COWPER, ESQ.

Thursday, [23 December, 1858.]

MY DEAR COWPER,

The letter of my Cousin being rather vague, I think it well to write a few explanatory lines, which you can use publicly. In enclosing to me the letter I handed you this afternoon, my Cousin writes privately—"I had a long interview with Baron Lionel this morning, and the result is my enclosing the accompanying letter. He said he had assured you of his willingness to undertake the loan, and that he could not go further at *this moment*, as it would be so long before anything definite could be concluded. I asked if you might publicly state so much. He said, Yes. If I might write you a letter which might be publicly quoted, in whole or in part, stating what he said. He replied, Yes. If he would like to see it before I sent it. He said it was unnecessary, he could trust to my repeating his words accurately. I accordingly drew up the enclosed letter, and keep a copy. I think it ought to be sufficient to enable you to make some progress in the matter

"matter. Baron Lionel asked me to see him before next mail, when I will write again and report progress. I feel sure that the scheme is practicable, and that if we were in a position to treat, at this moment it could be settled off hand; that on most points we should agree, and most probably should not fail in those which would become matters of discussion.

"This being my view, and not apprehending any change in monetary affairs for, say six months, I think that the thing can be done, if your Legislature give power to conclude it, and if they are satisfied with a reasonable figure, say 91 or 92, considering the novelty and magnitude of the affair. But Rothschilds are right not to come to details now; their expressed willingness to try and come to terms at the earliest moment the negotiations can be *definitively* made, seems to me satisfactory and enough." So much for my Cousin's letter, and I further enclose you sketch of the plan to which he alludes in his business letter, as being the one upon which they were willing to treat—the blanks* which I have filled up are the points of discussion with an authorised Attorney of the Government. Entreating most earnestly your attention to the affair.

*Blanks indicated by brackets.

In haste,

Most truly,

JACOB L. MONTEFIORE.

THE HONORABLE

CHARLES COWPER, ESQ.,

&c., &c., &c.

(Enclosure referred to)

PROJECT of a Loan for the Government of New South Wales.

New South Wales is the oldest, and, taking all into account, the most important of all the British Australian Colonies. Its capital, Sydney, is undoubtedly the first city in Australia. New South Wales is exceeded in population by Victoria, (capital, Melbourne), the great gold producing Colony, but certainly not in wealth and real productiveness. The population is about 330,000. The yearly expenditure, including interest on debt, about £1,200,000. The yearly revenue about £1,150,000. The apparent deficit arises from large Educational grants. The comparatively small revenue results from the taxation being hardly half what it is per head in Victoria. It is proposed to make Railways. The State will make them, and, of course, increase taxation in order to provide for their cost, or, if made by loan, in order to meet the interest on such loan. The whole system of Railways to be made would cost £8,000,000; but it is only proposed now to make so much of the Railway from Sydney to Melbourne as lays within New South Wales territory. This will cost about £4,000,000; the rest of it, laying within Victorian territory, is in course of construction by the Victorian Government. Of this £4,000,000, £2,000,000 will be wanted shortly, and £2,000,000 in about three years. It is with respect to those last two amounts that the following plan is submitted. It may be stated that the total present debt of New South Wales consists of about £3,000,000 of 5 per cent. debentures, payable off, at par, at various dates, extending to about 30 years. Its credit has always stood highest of all the Australian Colonies, and these debentures are readily saleable, in moderate amounts, in London at about par—(price, Sept. 20, 1858, 100½ ex-dividend paid 1 July.) The 6 per cent. debentures of the Victorian Government are quoted 110, and the Town Bonds of Melbourne (equally Victorian Government, 6 per cent. securities) 105. The Victorian Government proposes to raise its share of the costs of the Railway from Melbourne to Sydney in 6 per cent. bonds, not to be issued to the public under 105, and has contracted with the local Banks for the sale of a portion of these bonds. It is evident that the issue of such bonds in lots fully paid up from time to time, is an unskilful financial operation, and it is to avoid this and other plans open to various objections that the present scheme is proposed. A loan of £2,000,000 in 5 per cent. debentures, payable off at par at the rate of £50,000 a-year on and after 20 years from the period of issue, to be issued to the public in commission at a price not below [92 to 93, 94,] commission, and all charges not to exceed [1¼] per cent., or to be contracted for at [91 to 92,] with a proviso not to be issued to the public more than [2] per cent. higher than the Government contract price, the exact amount of the margin to be left to the contractor. Interest and principal to be paid in London (and Sydney). No other debentures to be issued for three years from the period of this loan otherwise than to renew debentures falling due at the time. £2,000,000 more to be issued and offered to the contractor of the first £2,000,000, (not necessarily at the same price). The instalments to be spread over a-year, but parties to have power to anticipate them at per cent. The bonds to bearer, with coupons, to be exchangeable for inscribed stock, with dividend warrants at the option of the holder, who also can retransfer the bonds to bearer in each case at a fixed charge to be paid as a fee. The inscribed stock not to be paid off while inscribed, but to become subject and entitled to be paid off when retransferred into bonds. In point of fact this would leave the option of being paid off or not with the holders. The power of inscribing the stock would add to its market value, and lead to its being permanently placed. The plan pursued for French stock and shares would furnish the method of carrying out this idea. The loan would be made by authority of the Legislature, and the interest would be secured on the Revenue, and all the Government lands of the Colony; there would be a party in London duly empowered to negotiate it.

THE HONORABLE J. MONTEFIORE, ESQ., to THE HONORABLE C. COWPER, ESQ.

Friday Morning,

24 December, 1858.

MY DEAR COWPER,

I find that I omitted to write yesterday that after seeing Rothschilds I obtained another interview with Sir Moreton Peto, who came up to London to meet me, and who authorized me to state that so soon as he was informed that the Government were surveying the *whole* line to Albury with the intention of opening it for contract, he would send out his own surveyor, who should be prepared, on the day the Government advertised for tenders for the whole line, to submit one under engagement to complete it in six years, and further, that if the bounties of £10 per head were altered, as proposed by the Committee of the Legislative Council, he would send out his own staff of navvies, &c.

Yours, &c.,

JACOB L. MONTEFIORE.

THE HONORABLE

CHARLES COWPER, ESQ.,

&c., &c., &c.

THE HONORABLE C. COWPER, ESQ., to THE HONORABLE J. MONTEFIORE, ESQ.

Wivenhoe, 27 December, 1858.

MY DEAR MONTEFIORE,

I have read attentively the letter from Mr. Waley which you handed to me on Thursday afternoon, and the notes which you have since addressed to me in reference to the subject of my last communication; I have also conferred with my colleagues upon the propriety of bringing before Parliament in the present Session, as you desire, a measure for raising a loan for the purpose of speedily completing the Railway between Sydney and Albury.

We have carefully considered the matter, and are of opinion that there is nothing in the correspondence with which you have favored me which proves that it would be expedient for the Government to alter the intention which had been formed before your arrival, to confine this, the closing Session of the existing Parliament, as far as possible to the consideration of the Estimates for 1859.

The great questions of a loan of some millions, and the construction of Railways upon the scale contemplated by you, appear to us to involve considerations of such magnitude that they ought unquestionably to be reserved for the judgment of the new Assembly.

In the meantime I trust no change of an unfavorable character will occur either in the money market, or as regards the willingness of Railway Contractors of high reputation and capital to direct their attention to these rising Colonies.

I remain, &c.,

CHARLES COWPER.

THE HONORABLE

J. MONTEFIORE, ESQ., M.L.C.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY AND PARRAMATTA RAILWAY.

(ACCOUNT OF OVER-PAYMENTS TO CONTRACTOR.)

Ordered by the Legislative Assembly to be Printed, 19 January, 1859.

THE CHIEF COMMISSIONER FOR RAILWAYS to THE UNDER SECRETARY FOR LANDS AND
PUBLIC WORKS.

*Railway Branch,
Department of Internal Communication,
Sydney, 6 January, 1859.*

SIR,

With reference to B.C. minute of the 11th ultimo, on the subject of certain frauds represented to the Secretary for Lands and Public Works as having been traced in the formation of the Railway from Sydney to Parramatta, I have the honor to report that from measurements of four cuttings, the results of which are appended, it appears that, taking the price paid for earthwork at 3s. 9d. per cubic yard, as fixed by the Board minute of the 28th December, 1853, a sum of £9,097 6s. must have been paid to the Contractor for 48,519 cubic yards of excavation not actually performed.

There can be little doubt but that a further investigation would lead to the discovery of further discrepancies between the amount of work performed and the amount paid for.

I have, &c.,

THE UNDER-SECRETARY
FOR LANDS AND PUBLIC WORKS.

B. H. MARTINDALE.

No. of Cutting.	Quantity actually excavated.	Quantity paid for on Engineer's Certificate.	Quantity paid for in excess of quantity actually excavated.
	c. yds.	c. yds.	c. yds.
9	8,050	9,984	1,934
10	13,837	17,444	3,607
15	41,282	58,314	17,032
19	64,854	90,800	25,946
	128,023	176,542	48,519

48,519 c. yds. @ 3s. 9d. = £9,097 6s. 3d.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

SYDNEY AND PARRAMATTA RAILWAY.
(CORRESPONDENCE RELATIVE TO RE-MEASUREMENT OF EARTHWORK.)

Ordered by the Legislative Assembly to be Printed, 15 February, 1859.

THE CHIEF COMMISSIONER FOR RAILWAYS to THE SECRETARY FOR LANDS AND
PUBLIC WORKS.

*Railway Department,
Sydney, 23 November, 1857.*

SIR,

Shortly after assuming the direction of the Railway Department in this Colony I found that there was not that cordial co-operation existing between the Engineer-in-Chief, Mr. Whitton, and one of his subordinates, Mr. Brady, that is necessary in every branch of the Public Service.

Mr. Brady was at the time General Manager and Locomotive Superintendent, as well as Resident Engineer, on the Great Southern Line, and as the matter was not so urgent as others that pressed upon my attention, I allowed it to stand over for a time.

When, however, I commenced an examination into the condition of the Traffic Department, I found that Mr. Brady's services in the mixed capacity above named were unnecessary, and I had reason also to be dissatisfied with the management. The Commissioners, on my recommendation, removed him; but, in consideration of his past services, and of his experience and ability, determined to employ him as an Assistant Engineer only.

To do this it was necessary to place Mr. Brady under the immediate orders of Mr. Whitton, as the Commissioners held the head of each branch of the department immediately responsible to themselves for the proper conduct and employment of all their subordinates.

I found, however, that Mr. Whitton was unwilling to be thus responsible for Mr. Brady; and, on further inquiry learned, that, from an examination of some of the railway accounts, Mr. Whitton felt unable to place the necessary trust in Mr. Brady.

It was impossible to continue to employ Mr. Brady, without such an investigation as should shew how far this feeling was just; and some questions were, therefore, put to Mr. Brady on the 22nd September last, in reference to the accounts of the Sydney and Parramatta Railway; the replies to which were not satisfactory.

The inquiry has since been pursued, and the general result is as follows:—

- 1st. The earthwork on the Sydney and Parramatta Line was let at per cubic yard.
- 2nd. The work done was never measured on the ground to ascertain the quantity that should be paid for.

3rd. Yet certificates were given to the Board that the accounts were made out from actual measurement.

4th. In defence of this, Mr. Brady alleges, that by the expression "actual measurement" was meant "measurement from drawings"; that Mr. Wallace, by personal examination, satisfied himself the work charged in the accounts was done, and that though he (Mr. Brady) was entrusted with the compilation of accounts, and signed them with Mr. Wallace, yet he was only a subordinate, and cannot be held responsible.

The Commissioners are of opinion that actual measurement cannot be understood to mean measurement from plans and sections, as stated by Mr. Brady; and that the Engineers could not properly satisfy themselves what amount of work should be paid for without measurement.

It further appears, that for bridges and culverts, &c., the contractor made an estimate in detail of the quantity of work to be done, and, after adding one-tenth for contingencies, agreed to do each particular service for the total amount.

But it does not appear that any measurements were taken to ascertain that the amount of work shown in drawings and in estimates was done, or to deduct a proportionate sum from the contractor in cases where it was not done, although additions were allowed when additional work was done. Generally it appears that the amount of the original tenders was paid, and that there are no records of measurement having been taken to ascertain if the work had been actually done.

Mr. Brady states, in explanation, that Mr. Wallace satisfied himself the work was done, and then felt justified in certifying the accounts were made from actual measurement.

The explanation is not satisfactory to the Commissioners, and they have no means of ascertaining how far Mr. Brady and Mr. Wallace were justified in the course they pursued.

They have therefore to request that the late Directors of the Sydney and Parramatta Railway Company may be called on to furnish a reply to the following questions:—

Were the Directors aware that by "actual measurement" their Engineers simply meant measurement from drawings, or were the certificates passed under the impression that the work had been actually measured?

Had the Directors any understanding with the Engineers that, provided they were satisfied with the work, it was a matter of indifference whether the quantity contracted for was done or not? or did the Directors give the Engineer power to commute one description of work for another, at prices to be arranged between Contractor and Engineer, as less excavation in rock to be paid for in place of more in soil, &c., &c., and *vice versa*; and that the amount of the original tender, as shewn on the original drawing, might be certified for and paid?

How far would the Directors consider Mr. Brady responsible for the accounts he compiled and certified to during Mr. Wallace's stay in the country?

There is reason to apprehend that large sums have been paid to Mr. Randle under these circumstances which he would never have obtained under a more efficient system; and it becomes a question whether, however laborious the task may be, the work on the Sydney Railway should not be re-measured, to see what this excess has been.

I have, &c.,

B. H. MARTINDALE,
Chief Commissioner.

THE HONORABLE
THE SECRETARY FOR
LANDS AND PUBLIC WORKS.

Request the Chief Commissioner to have the work on the Sydney Railway re-measured forthwith, and write to the late Directors requesting answers to the questions suggested.

T. A. M.
Nov. 28, 1857.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE CHIEF COMMISSIONER
FOR RAILWAYS.

*Department of Lands and Public Works,
Sydney, 30 November, 1857.*

SIR,

In acknowledging the receipt of your letter of the 23rd instant, respecting the result of an inquiry into certain accounts of the Sydney and Parramatta Railway, I am directed by the Secretary for Lands and Public Works to request that you will have the goodness to cause the work in question to be re-measured forthwith, as suggested by you.

2. I am at the same time to inform you, that the late Directors of the Sydney and Parramatta Railway Company have been furnished with a copy of the questions contained in your letter, above referred to, with a request that they will have the goodness to furnish answers thereto.

I have, &c.,

MICHL. FITZPATRICK.

THE CHIEF COMMISSIONER FOR RAILWAYS.

F. L. S. MEREWETHER, ESQ., to THE SECRETARY FOR LANDS AND PUBLIC WORKS.

Forbes-street, 19 December, 1857.

SIR,

I have the honor to acknowledge the receipt of your letter of the 30th ult., requesting replies to certain questions which have arisen in connexion with an investigation into the accounts of the Sydney and Parramatta Railway.

On the receipt of that letter I communicated with those of my colleagues on the late Railway Board who were in Sydney, and went with them to the office of the Railway Commission, to ascertain the precise meaning of some of the questions which were not clearly understood. Having obtained the required explanations, and having referred to the documents deposited in that office, I beg now to send the following replies:—

1. The Directors understood by measurement, "actual measurement on the ground," and the certificates were passed by them under the belief that the works had been so measured.

2. The Directors had no understanding with the Engineers that, provided they were satisfied with the work, it was a matter of indifference whether the quantity contracted for was done or not, nor did the Directors give the Engineer power to commute one description of work for another, at prices to be arranged between the Contractor and the Engineer. The Directors expected, and understood, that no work would be certified for but such as had been done in accordance with the contracts approved and authorized by the Board.

The Directors recognized no divided responsibility as respects the works or accounts of works, but their dependence was placed on the Engineer-in-Chief (Mr. Wallace) alone. He was held answerable for every thing connected with the business of his office, and his certificate only was acted upon or received by the Board; but, as a subordinate officer, Mr. Brady is undoubtedly responsible for the correctness of his own work, and must thus be answerable for accounts compiled and certified to by himself whilst acting under Mr. Wallace.

I have, &c.,

THE HONORABLE THE SECRETARY
FOR LANDS AND PUBLIC WORKS.

FRANCIS L. S. MEREWETHER.

Will the Engineer-in-Chief suggest the measures he considers advisable to carry out the instructions of the Secretary for Lands and Works?

B. H. M.

Transmitted to Engineer-in-Chief, 1/12.

1/12.

It will be almost impossible to measure up the *whole* of these works, but there will be no difficulty with regard to the earthworks, which form the great bulk of the work, except the cutting first beyond the Cleveland tunnel, which has been used for ballast as well as for embankment.

J. WHITTON,

Dec. 3/57.

THE

This may be forwarded
to the Chief Commis-
sioner of Railways.
B. C. 22 Dec., 1857.
M. F.

See letter of Secretary
for Lands and Works,
23 Nov.

THE CHIEF COMMISSIONER FOR RAILWAYS to THE SECRETARY FOR LANDS AND
PUBLIC WORKS.

*Railway Department,
Sydney, 29 December, 1857.*

SIR,

In reference to your letter of the 30th ultimo, on the subject of re-measuring the works on the Sydney and Parramatta Railway, I have the honor to inform you that the pressure of work in this department leaves no hope that the measurement can be effected without extra assistance for a considerable time to come; I have, therefore, to request your permission to employ extra assistance for this purpose, for which a sum of about £600 will be required, which, if sanctioned, can be defrayed from savings on the vote for the extension from Liverpool to Campbelltown.

Approved,
C. C., 1 Jan., 1858.

To Chief Commissioner
of Railways, 6th Jan.,
1858.

Ask the Commissioner
for Internal Communi-
cation to have the good-
ness to forward the other
papers.

M. F.
B. C. 14 Dec.

It is proposed to take advantage of the re-measurement to make a plan of the line which does not now exist, shewing the property purchased by the Government.

I have to add that the Commissioners have dispensed with Mr. Brady's services from the 31st instant.

I have, &c.,

B. H. MARTINDALE.

THE HONORABLE THE SECRETARY
FOR LANDS AND WORKS.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE CHIEF COMMISSIONER
FOR RAILWAYS.

*Department of Lands and Public Works,
Sydney, 6 January, 1858.*

SIR,

With reference to your letter of the 30th ultimo, requesting permission (in consequence of the pressure of work in your department) to expend the sum of £600 in employing extra assistance for the purpose of re-measuring the works of the Sydney and Parramatta Railway, I am directed to inform you that the Secretary for Lands and Public Works has been pleased to sanction the expenditure of this amount for the purposes stated, the same to be charged to the savings on the vote for the extension of the Railway from Liverpool to Campbelltown.

2. I am likewise to convey to you the approval of the Secretary for Lands and Public Works to your suggestion of taking advantage of this re-measurement to make a plan of the line shewing the property purchased by the Government.

I have, &c.,

MICHL. FITZPATRICK.

THE CHIEF COMMISSIONER
FOR RAILWAYS.

Request Engineer-in-Chief to recommend some competent person for this temporary duty, together with the salary he considers should be allowed.

It would probably be advisable to measure a short portion first of the line, and to compare it with the accounts, to see if any action at law could be taken against the late Contractor, or Engineers, for fraudulent accounts.

B. H. M.

7/1. To Mr. Whitton.

7/1

For the purpose of assisting in the measurement of the earthwork on the Sydney Railway, and of making a complete survey of the land taken for the works between Sydney and Parramatta, I recommend the Commissioners to engage Mr. E. Micklethwait, at a salary of £500 per annum, with the usual allowance for expenses when his duties require that he should be absent all night from his usual place of residence.

J. W.

Jan. 8, '58.

Resolved,

Resolved, that Mr. Randle be acquainted that fresh measurements of the work executed by him on the line from Sydney to Parramatta have been ordered by the Government to be made, under the impression that proper measurements have never been taken, and with a view to legal proceedings, should such be advised; and that the Commissioners desire to give him the opportunity of attending in person, or by deputy, at the measurements, should he wish to do so. The measurements will commence on the 4th proximo, and Mr. Randle is requested to acquaint the Commissioners if he desires to be represented.

Acquaint Engineer-in-Chief; and that Mr. Micklethwait may be employed temporarily upon this duty from the 4th proximo, at the rate of remuneration named—the entire expense incurred not to exceed the sum of £600 sanctioned by the Government.

B. H. M.

21/1. To Mr. Whitton. 20/1. E. W. W.
20/1.

I would suggest to the Commissioners whether it would not be advisable, previous to giving notice to Mr. Randle, to have a section taken of the line from Sydney to Parramatta, so as to shew in which of the cuttings the probable deficiency in quantities is most likely to exist.

J. W.
 Jan. 21/58.

The Commissioners concur in this suggestion—the Engineer-in-Chief to proceed as suggested at once—defer writing to Mr. Randle.

B. H. M.
 21/1.

Engineer-in-Chief.

22/1. E. W. W.
 To Mr. Whitton. 21/1.
 J. W. 22nd '58.

It has been represented to me that certain frauds have been found in formation of Railway to Parramatta.

I allude to the measurement of the works, &c.
 Please ascertain from the Chief Commissioner.

JOHN R.
 11 Dec

1. Engineer-in-Chief for report as to what Mr. Micklethwait has done in this matter, and at what cost, and precisely how the matter now stands.

2. There must be some other papers, appointing Mr. Micklethwait temporarily, with, I think, some further remarks on them also by me.

B. H. M.
 15/12.

1. Engineer-in-Chief.
 2. Record Clerk.
 3. See previous page; Board Min. of 20-1.

1. To Mr. Whitton. 16/12/58.—B. M.

A section has been taken from Sydney to Parramatta, shewing the line of the existing rails, and also the level of the formation of the earthworks previous to ballasting. The formation level of the the earthworks as originally contemplated, or as shewn on the working sections, is also marked on this section for the greater portion of the distance.

Cross sections have been taken of every cutting at one chain apart, about one-half of which are plotted.

The quantity of excavation in the Petersham cutting has been taken out roughly, and shews that the quantity paid for is about 15,000 yards more than actually executed.

The cost of preparing sections, &c., up to the present date has been:—

Salary	£114	6	1
Chainmen's Wages	51	1	0
	£165	7	0

J. W.
 17/12/58.

SYDNEY AND PARRAMATTA RAILWAY.

Mr. Whitton informed me yesterday he could let me have the results of three or four more sections,—I should be glad to have them early.

To Mr. Whitton,
21/12.

B. H. M.
21/12.

Measurements have been made of the following cuttings :—

No. of Cutting.	Quantity actually executed.	Quantity paid for on Engineer's Certificate.	Quantity paid for in excess of quantity actually executed.
9	c. yds. 8,050	c. yds. 9,984	c. yds. 1,934
10	13,837	17,444	3,607
15	41,282	58,314	17,032
19	64,854	90,800	25,946
	128,023	176,542	48,519 @ 3s. 9d.

£9,097 6s. 3d. paid for work not executed.

J. W.
4/1/59.

THE CHIEF COMMISSIONER FOR RAILWAYS to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

Railway Branch,
Department of Internal Communication,
Sydney, 6 January, 1859.

SIR,

Seen—
John R., 8 Jan.

With reference to B. C. Minute of the 11th ultimo, on the subject of certain

frauds represented to the Secretary for Lands and Works as having been traced in the formation of the Railway from Sydney to Parramatta, I have the honor to report, that from measurements of 4 cuttings, the results of which are appended, it appears that, taking the price paid for earthwork at 3s. 9d. per cubic yard, as fixed by the Board Minute of the 28th December, 1853, a sum of £9,097 6s. must have been paid to the Contractors for 48,519 cubic yards of excavation not actually performed.

There can be little doubt but that a further investigation would lead to the discovery

of further discrepancies between the amount of work performed, and the amount paid for.

I have, &c.,

B. H. MARTINDALE.

John R., 14 Jan.
I should like a copy of this letter for Parliament.

Copy taken.

Returned to the Chief Commissioner.

B. C., 18 Jan.

THE UNDER SECRETARY
FOR LANDS AND WORKS.

No. of Cutting.	Quantity actually excavated.	Quantity paid for on Engineer's Certificate.	Quantity paid for in excess of quantity actually excavated.
9	c. yds. 8,050	c. yds. 9,984	c. yds. 1,934
10	13,837	17,444	3,607
15	41,282	58,314	17,032
19	64,854	90,800	25,946
	128,023	176,542	48,519 @ 3/9=£9,097 6s. 3d.

1. Refer to Solicitor.

2. Request the Engineer-in-Chief to see me upon this.

B. H. M.
19/1.

1. To Mr. Barker.
24/1/59.

2. Communicated with Mr. Whitton.

J. W.
24/1/59.

Verbal

Verbal instructions given to Engineer-in-Chief on the 24th ultimo, to prosecute inquiries in compliance with the instructions of the Secretary for Lands and Works.

B. H. M.
9/2/59.

Request Engineer-in-Chief to report what has since been done.

B. H. M.
9/2/59.

On receiving the Commissioner's verbal instructions on this matter, I wrote on the same day, the 24th, to Mr. Micklethwait, who had made the previous measurements, to leave the work he was then engaged upon on the Northern Railway, and return immediately to Sydney, to proceed with the measurement of the earthworks on the Sydney Railway. He arrived here on the 29th, and has since been engaged on that work exclusively.

J. W.
9/2/59.

THE CHIEF COMMISSIONER FOR RAILWAYS to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Department of Internal Communication,
Sydney, 9 February, 1859.*

SIR,

In reference to the questions to be asked by Mr. Flood to-day, respecting the works upon the Sydney and Parramatta Railway, I have the honor to transmit herewith several papers relative thereto, as will shew the entire steps taken in this matter; and to suggest, for the consideration of the Honorable the Secretary for Lands and Public Works, that the same should be laid before Parliament.

I have, &c.,

THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS.

B. H. MARTINDALE.

The Commissioner for Railways will please cause the papers to be prepared for Parliament.

JOHN R.
9 Feb.

B. C. 9 Feb. M. F.

Papers transmitted accordingly.

B. C. B. H. M.
14/2

1858.

Legislative Assembly.
NEW SOUTH WALES.

GREAT WESTERN RAILWAY.
(CONTRACT FOR PROCLAIMED PORTION OF.)

Ordered by the Legislative Assembly to be Printed, 17 December, 1858.

THE COMMISSIONER FOR INTERNAL COMMUNICATION to THE SECRETARY FOR LAND
AND PUBLIC WORKS.

*Department of Internal Communication,
Sydney, 22 November, 1858.*

SIR,

In reference to your B. C. Minute of the 28th ultimo, requesting to be furnished with a copy of the contract entered into with the Contractor for the proclaimed portion of the Great Western Railway, I have now the honor to transmit a copy, signed by Mr. Gibbons.

You will, however, perceive that this is not a perfect document, as it is not signed by the Commissioners, nor by the proposed sureties, who have not yet been accepted by the Government; but I considered it my duty to transmit it as early as possible, even though incomplete.

In the meantime the works are being proceeded with upon such terms as practically ensure the Government against loss.

I enclose also a letter from Mr. Gibbons, praying that these papers may not be laid upon the Table of the House, and stating that such a course, if persisted in, is calculated to do him irreparable injury.

It is my duty to inform you that, in the opinion of the Engineer-in-Chief, in which I entirely concur, the publication of these papers would be calculated not only to injure the Contractor, but also materially to increase the cost to the public of the Northern and Southern extensions.

I have, &c.,

THE HONORABLE THE SECRETARY FOR
LAND AND PUBLIC WORKS.

B. H. MARTINDALE.

[Enclosure.]

KNOW all men by these presents, that we, John Gibbons, of the City of Sydney, in the Colony of New South Wales, Railway Contractor, William Randle, formerly of Sydney, but at present of Melbourne, in the Colony of Victoria, Contractor, and George Randle, of the same place, Contractor, are held and firmly bound to the Commissioners for Railways, incorporated by an Act of the Governor and Legislative Council of the said Colony, made and passed in the eighteenth year of the reign of Her present Majesty Queen Victoria, intituled, "An Act to make provision for the construction by the Government of Railways in the Colony of New South Wales," in the sum of Five Thousand Pounds of lawful money of Great Britain, to be paid to the said Commissioners for Railways, or to their certain attorney, successors, or assigns, for which payment to be well and truly made we bind ourselves, and each of us, our, and each of our heirs, executors, and administrators, and every of them, jointly and severally firmly by these presents. Sealed with our seals, dated this twentieth day of November, in the year of our Lord one thousand eight hundred and fifty-eight.

Whereas the above bounden John Gibbons hath proposed to contract with the Commissioners for Railways to make, execute, and complete, the whole of the works mentioned in the specification hereunto annexed, and the plans or drawings therein respectively referred to, in accordance with the said specification and plans, and subject to the stipulations and conditions annexed to the specification, at or for the prices mentioned in the tender also hereunto annexed and signed by the said John Gibbons, and hath also proposed to execute all

GREAT WESTERN RAILWAY.

the three-rail iron bark fencing required on the portion of the Penrith Railway extension defined in the specification hereunto annexed for the price and at the rate of one hundred and fifty pounds per mile, such fencing to be done according to such specification, and to the satisfaction of the Commissioners. And whereas the Commissioners for Railways have agreed to accept the said tenders of the said John Gibbons, and to enter into a contract with him for the execution and completion of the whole of the said works, upon his entering into this obligation, and the said William Randle and George Randle becoming his sureties for the due performance of such contract: Now the condition of the above-written bond or obligation is such, that if the above-bounden John Gibbons, his executors or administrators, shall find and provide all such materials as shall be necessary for the making, executing, and completing of the whole of the works mentioned and described in the said specification, and the drawings and plans therein respectively referred to, in accordance with the said specification and drawings; also for the said fencing; and if he or they shall in the best and most workmanlike manner make, do, and execute and complete the whole of the said works mentioned in the said specification, in accordance with the said specification and the plans therein referred to, to the satisfaction of the said Commissioners, and if he shall well and substantially erect and complete the whole of the said fencing, and well and truly do, observe, perform, and fulfil all the stipulations and conditions, matters, and things mentioned in the said specification to be by him done, observed, performed and fulfilled, then this obligation to be void, otherwise to be and remain in full force and virtue.

JNO. GIBBONS. [L.S.]

Signed, sealed, and delivered, by the said }
 John Gibbons, in the presence of }
 JOHN RAE.

Sydney, October 13th, 1858.

Sir,

I hereby offer to execute the whole of the works comprised in Contract No. 1 of the Great Western Railway, in accordance with the plans and specification, at the prices stated in the enclosed schedule.

I am, Sir, &c.,
 JNO. GIBBONS.

The Chief Commissioner for Railways.

Sydney, 13th October, 1858.

Sir,

I beg to offer to execute all the 3-rail iron bark fencing on the Penrith Railway extension at the rate of £150 per mile.

I am, Sir, &c.,
 JNO. GIBBONS.

To the Chief Commissioner for Railways.

GREAT WESTERN RAILWAY.

EXTENSION—PENRITH.

October 13th, 1858.

FORM OF TENDER.

I HEREBY propose to execute the whole of the Works required in the construction of that portion of the Great Western Railway comprised in Contract No. I, commencing at or near to Parramatta, and being a length of $8\frac{1}{4}$ miles, or thereabouts, in strict accordance with the plans and specification, at the following prices:—

		£	s.	d.
EXCAVATION from cuttings taken to embankment.....	at per cubic yard	0	2	7½
Ditto from road approaches taken to embankment, not exceeding a quarter of a mile lead	" "	0	2	7½
Ditto from side cuttings to embankment, not exceeding three runs	" "	0	1	9
Ditto extra for any additional run	" "	0	0	3
Ditto from side ditches, including forming of mound alongside the ditches	" "	0	2	0
Ditto, if rock, taken to embankment	" "	0	4	9
BRICKWORK, in mortar, to piers, to bridges, wing walls, foundations, &c.	" "	2	15	0
Ditto in cement to ditto	" "	3	0	0
Ditto in mortar to culverts, all sizes	" "	2	15	0
Ditto in cement to ditto	" "	3	0	0
Excavation in foundations to bridges, culverts, &c.	" "	0	3	0
Ditto if rock to ditto	" "	0	6	0
TIMBER (iron-bark) in bridges, including the fixing of all iron work	at per cubic foot	0	5	0
Ditto Memel or Riga	" "	0	5	0
IRON WORK, including bolts, nuts, and straps	at per lb	0	0	6½

The prices in the preceding Schedule include all labor, materials, scaffolding, and workmanship of every kind necessary for the full and perfect completion of the works, and to the entire satisfaction of the Engineer-in-Chief.

JNO. GIBBONS,
 Bligh-street.

To the Railway Commissioners.

GREAT WESTERN RAILWAY.—SPECIFICATION.

CONTRACT, No. 1.

1. This Contract commences by a junction with the Great Southern Railway near to the existing Parramatta Station, at a point marked A on the proclaimed plan, part No. 1, in the parish of Saint John and County of Cumberland, and terminates at the Black Town Road in a field, No. 40 (on the proclaimed plan part No 2), in the parish of Prospect; being a distance of 8 miles, 25 chains, and 64 links.

2. The work for which Tenders are to be made, and to which this specification refers, comprises the providing of all materials, labor, scaffolding, tools, implements, and every other thing requisite and necessary for the full and proper completion of all the earthwork, brickwork, timberwork, and ironwork required in constructing a single line of Railway, in accordance with the plans and this specification; and to the entire satisfaction of the Commissioners for Railways.

3. The earthwork, brickwork, timberwork, and ironwork, will be let in one contract, the Contractor stating a price for the earthwork and brickwork, per cubic yard, the timberwork, per cubic foot, the wrought iron ~~staps~~ bolts, &c., per pound, at which he will execute the work, finding all materials and labor—the work being paid for on the net measurement as executed.

4. The Contractor shall at all times proceed with the work at such a rate, and employ as many men, horses, wagons, barrows, and all other materials as are in the opinion of the Commissioners, or their engineer, adequate for the due completion of this contract; and the Commissioners, or their engineer, shall have the power of immediately dismissing any agent or workman employed by the Contractor, and of having removed off the line of Railway (or any land belonging to the Commissioners) any materials, plant, or implements which in their or his opinion are insufficient for the purpose intended, or at variance with the meaning and intention of this specification. The cost of the removal of any such plant, materials, or implements, to be paid for by the Contractor.

5. The Commissioners will give to the Contractor (or Contractors) possession of the land at as early a period as possible after the signing of the contract, and although the land inside the fences of the Railway may be used for the purpose of carting materials, &c., on to the line, all damage that may be done to any land not actually the property of the Commissioners must be paid for by the Contractor, whether such damage be caused by the carting of materials or the straying of cattle, in consequence of the destruction by the Contractor or his workmen of the original fences, or of the fences alongside the Railway erected by the Commissioners, or by any other cause connected with the construction of the works; but should such damage not be at once paid, such an amount as shall appear reasonable shall be paid by the Commissioners, and deducted from any money that may be due to the Contractor for work done under this contract.

6. The works will be set out for the Contractor, but he must satisfy himself of their accuracy, as no work incorrectly set out, or improperly executed, will be paid for by the Commissioners.

7. Should the Commissioners be at any time dissatisfied with the mode of proceeding, or at the rate of progress of the works, or any part thereof, they shall have full power to make use of all labor or materials which they may deem necessary, the cost of such labor and materials to be deducted from any money that may be then due, or may hereafter become due to the Contractor; and should the Contractor fail to proceed in the execution of and to complete the works in the manner and at the rate of progress required by the Commissioners, his contract shall be considered void so far as relates to the works remaining to be done, and all sums of money that may be due to the Contractor, together with all implements in his possession, and all sums of money named as penalties for the non-fulfilment of the contract, shall be forfeited to the Commissioners, and the amount shall be considered as ascertained damages for breach of contract.

8. All measurements of works shall be made according to the actual dimensions, notwithstanding any general or local custom to the contrary.

9. The Contractor shall, on or before the first day of October, 1859, complete the whole of the works comprised in this contract.

10. The plan, which is drawn on a scale of two chains to an inch, shews the course of the line, the centre *red* line represents the line of the stakes which are driven down at intervals of one chain. These stakes are in the centre for a double line of Railway, but as the present line is only for a single way, the actual working centre will be 5 feet 6 inches on the south side of the stakes, and shewn by a blue line on the working drawings and cross sections.

11. The section which is drawn to the same horizontal scale as the plan, and a vertical scale of 20 feet to an inch, represents the surface of the ground (in black), and is taken along the centre line shewn on the plan in *red*.

The upper or blue line represents the upper surface of the rails when laid; the lower or red line represents the level of the bottom of the ballasting or formation level of both cuttings and embankments, and is two feet below the blue line.

12. The other plans, sections, and drawings, represent generally the form and dimensions of the several works; where any discrepancy exists between the dimensions as indicated by the scale and those marked in figures, the figures are to be considered as correct, and are to be taken in all cases in preference to the measurements by the scale attached; and if there should likewise be any discrepancy between the figures, or dimensions, or the form of construction, or the material, as indicated in the drawings, and the dimensions and material given in the specification, the directions of the specification shall be adopted, and in all cases of defective description, or of any ambiguity, the explanation given by the engineer

engineer shall be considered correct, and shall be adopted subject to the approval of the Commissioners, whose decision shall be final and binding upon the parties. Also anything contained in the drawings, or in the specification, shall be equally binding as if it were contained in both.

13. No addition, deduction, or alteration shall in any way vitiate or set aside the contract; but any addition, deduction, or alteration shall be measured and allowed for according to the schedule of prices attached to the bond, or at a price to be agreed upon at the time.

14. The drawings referred to in this contract are the following:—

- No. 1. Working Plan.
2. „ Section.
3. Cross Section Cuttings and Embankment.
5. Brick Culverts.
6. Viaduct.
7. Do.
8. Bridge over Church-street.
9. Bridge over Marsden-street.
- „ Do. O'Connell-street.
10. Pitt Row.
11. Viaduct.
12. Do.
13. Do.
14. Do.
15. Bridge.
16. Viaduct.
17. Timber culvert.
18. Viaduct.
19. Do.
20. Do.

15. Where the Railway is in cutting, a ditch three feet wide at the top, one foot at the bottom, and one foot deep, shall be made on the highest side of the ground to be occupied by the Railway; on the lower side it will not be necessary to have any ditch. The drains are to be made to fall into the ditches or watercourses at present existing for the drainage of the adjoining lands, or into the diverted channels, as the case may be; and whenever the fall of the drains or that of the diverted channels shall be so great as to endanger the stability of the sides or bottoms of such drains, the same to be protected by pitching, and whenever it may be considered desirable to carry the water from such drains down the slopes of the cuttings, a pitched drain shall be constructed on the slopes; but these matters will be considered as contingent expenses, and paid for as provided in clause 13.

16. A ditch similar to the one described on the top of the cuttings to be formed at the foot of the embankments, on the higher side only.

EARTHWORK.

17. The excavations to be made of the depth shewn on the longitudinal section by the red line, being an average depth of two feet (2 feet) below the level of the upper surface of the rails, as indicated by the blue line.

18. The bottom of the cuttings to be slightly convex, being one foot nine inches below the level of the rails in the centre, and two feet three inches (2 feet 3 inches) at the sides, having a fall from the centre to each of the side drains.

19. The cuttings to be sloped as shewn on the cross sections, and at the batter stated on the longitudinal section, to be 19 feet wide at the bottom, that is to say, at formation level; the sides as the excavation proceeds to be uniformly trimmed or dressed to the specified inclination; proper battering rules being used and provided by the contractor for this purpose.

20. The excavations shall at all times be kept free from water, and so constructed as always to afford the utmost facilities to the escape of the water, by casting and keeping properly cleaned out ditches on each side of the excavations, and also by pumping, if necessary, and directed by the Commissioners or their engineer.

21. At the foot of each slope a drain of uniform depth below the rails, as shewn on drawing No. 3, shall be made along each side of all the excavations on this contract, the cost being included in the price for earthwork.

22. The Contractor must deposit the earthwork from the cuttings, either to the embankments named for its reception or to such other place of equal lead that may be directed by the Commissioners or their engineer during the progress of the works.

23. The term earthwork is to be understood to comprise soil, sand, gravel, clay, marl, shale, &c.; and no extra will be allowed to the prices under the head of earthwork excepting for what is *generally known as rock*.

24. The earthwork must be well panned for such distance as may be required, not exceeding three yards, round all brickwork to piers, abutments, and wing walls, for the full depth of the embankment, and over all culverts where directed to do so, without any extra charge beyond the price stated in the schedule for earthwork.

25. The quantities stated on the longitudinal section are placed there for the Contractor's guidance, to enable him to determine the length of lead; but the quantities paid for will be the actual measurement of the work as executed, whether in excess or diminution of the quantities marked upon the section.

BRICKWORK.

26. All brickwork required on this contract is to be built in English bond, in the form and of the dimensions that may be hereafter furnished. The bricks used to be well-shaped, sound, hard-burnt bricks.

27. The mortar used to be of the best quality, and mixed in such proportions as shall from time to time be directed. All lime used shall be stone lime—no shell lime shall be used for any purpose whatever for works on this contract.

28. The price stated in the Schedule for excavation for foundations is also to include keeping the foundations free from water, and filling in and well ramming round the brickwork, to the level of the original surface of the ground, as the work proceeds.

29. The brickwork to the foundations shall in no case be commenced without an order from the Commissioners or their engineer; and when the excavation shall be ready to receive the brickwork, the Contractor must give notice to the engineer to that effect.

30. The culverts to be built with brick in mortar, of the form shewn on drawing No. 5; the materials and workmanship to be of the best description; the earth must be well rammed round the brickwork, and to the height of the top of the culvert when finished.

31. The brickwork to the culverts must not be commenced until the foundations have been approved by the Commissioners or their engineer.

32. All centering, scaffolding, tools, &c., of all kinds, must be provided by the Contractor at his own cost, and be included in the price stated in the Schedule.

CARPENTER.

33. The timber for the bridges to be ironbark, Memel, or Riga, as may be directed by the Commissioners or their engineer, to be squared, perfectly sound, straight, and well seasoned, and to be framed as shewn on the drawings; great care must be taken in fitting the ironwork, which must be done with the greatest accuracy.

34. The sleepers on the bridges must be secured to the main beams with jagged spikes, 10 inches long, four being driven through each sleeper, two to each beam.

PAYMENTS.

35. Payments will be made once in every month, as the work proceeds, in the proportion of 90 per cent. of the work actually executed, and the remaining 10 per cent. will be paid when the whole of the works have been completed to the satisfaction of the Commissioners.

36. The Contractor must give approved security to the amount of 10 per cent. on the total estimated cost of the works embraced in this contract.

JNO. GIBBONS.

JOHN RAE—Witness.
20 November, 1858.

*Railway Department,
Sydney, October, 1858.*

GREAT WESTERN RAILWAY—PARRAMATTA TO PENRITH.

SPECIFICATION FOR FENCING.

The fencing to be sound ironbark three-rail fencing, with posts not less than 7 feet 6 inches long and 6 inches by 2½ inches scantling, to be sunk 2 feet 6 inches into the ground, the earth well rammed and securely and firmly fixed. The rails to be 9 feet 10 inches long and 7 inches by 2 inches scantling, and fitted into the posts in the manner shewn on the drawing; the posts to be charred 3 feet in height. The fencing to be commenced and proceeded with at an uniform rate, as soon as possession of the land can be obtained by the Commissioners, and to be completed on or before the 1st April, 1859.

The Contractor to find all materials and labor for fixing the fencing complete.

Payments will be made monthly, on the engineer's certificate being approved and passed by the Commissioners, in the proportion of 90 per cent. of the work actually fixed, and the remaining 10 per cent. when the whole of the work shall have been completed to the satisfaction of the Commissioners.

JNO. GIBBONS.

JOHN RAE—Witness.
20 November, 1858.

*Railway Department,
Sydney, October, 1858.*

MR. J. GIBBONS to THE CHIEF COMMISSIONER FOR RAILWAYS.

Sydney, 16 November, 1858.

SIR,

My attention having been called to a motion of the Legislative Assembly, passed on the 10th of August last, requiring all contractors' schedules to be laid on the Table of the House, I humbly submit that such a course, if persisted in, is calculated to do me irreparable injury, as must be obvious to all business men; and I have to request that, if this can be avoided, you will be pleased to give me that protection necessary for every contractor.

I remain, &c.,

To THE CHIEF COMMISSIONER
FOR RAILWAYS.

JNO. GIBBONS.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

EXTENSION OF RAILWAY TO WINDSOR.

REPORT FROM THE SELECT COMMITTEE

ON

EXTENSION OF RAILWAY TO WINDSOR;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

5 January, 1859.

SYDNEY :

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

1859.

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1858.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

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

8. Extension of Railway to Windsor:—Mr. Smith moved, pursuant to *amended* notice,—
- (1.) That a Select Committee be appointed to consider and report upon the expediency of making a Railway to Windsor, diverging from the proposed Parramatta and Penrith line; with power to call for persons and papers. ~~██████████~~
- (2.) That such Committee consist of Mr. Dalley, Mr. Oakes, Mr. Parkes, Mr. Robertson, Mr. Scott, Mr. Suttor, Mr. White, Mr. Thornton, Mr. R. Tooth, and the Mover.
- Mr. Robertson moved the Previous Question.
- Debate ensued.
- Previous Question put—That this Question be now put.
- The House divided.

Ayes, 27.

Nocs, 9.

* * * * *

And Mr. Gordon having required that the Committee, if granted, be appointed by Ballot,—

Question (1)—That a Select Committee be appointed to consider and report upon the expediency of making a Railway to Windsor, diverging from the proposed Parramatta and Penrith line; with power to call for persons and papers,—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. Dalley, Mr. Scott, Mr. Oakes, Mr. Parkes, Mr. Robertson, Mr. Suttor, Mr. Thornton, Mr. White, and Mr. R. Tooth.

VOTES No. 73. TUESDAY, 10 AUGUST, 1858.

11. Extension of Railway to Windsor:—Mr. White, on behalf of Mr. Smith, moved, pursuant to notice standing in the name of Mr. Smith eighth on the Notice Paper for to-day, That the undermentioned Papers be referred to the Select Committee now sitting on Extension of Railway to Windsor, viz.:—
- (1.) Petition from the inhabitants of the Town and District of Windsor, praying for an extension of a branch line of Railway to the District of Windsor, *ordered to be printed* on the 9th April last.
- (2.) *First* and *Second* Reports from Captain Martindale, R. E., Chief Commissioner for Railways, on the Internal Communications of New South Wales.
- Question put and passed.

VOTES No. 81. TUESDAY, 24 AUGUST, 1858.

14. Extension of Railways to Picton, Penrith and, Singleton:—Mr. Smith moved, pursuant to notice, That the Report from the Chief Commissioner for Railways, in reference to the Extension of Railways to Picton, Penrith, and Singleton, ordered to be printed on the 17th instant, together with the plan shewing the proposed extension from Parramatta to Penrith, laid upon the Table of this House on the same day, be referred to the Select Committee now sitting on "Extension of Railway to Windsor." Question put and passed.

(Further Proceedings stopped by Prorogation.)

1858-9.

VOTES No. 7. FRIDAY, 17 DECEMBER, 1858.

9. Extension of Railway to Windsor:—Mr. Smith moved, pursuant to notice,—
- (1.) That a Select Committee be appointed to consider and report upon the expediency of making a Railway to Windsor, diverging from the proposed Parramatta and Penrith line, with power to call for persons and papers, and that all the Proceedings of the Committee of last Session upon this subject be referred to such Committee.
- (2.) That such Committee consist of Mr. Dalley, Mr. Scott, Mr. Oakes, Mr. Robertson, Mr. Suttor, Mr. Thornton, Mr. White, Mr. R. Tooth, Mr. Plunkett, and the Mover.
- Question put and passed.

VOTES No. 12. WEDNESDAY, 5 JANUARY, 1859.

- Extension of Railway to Windsor:—Mr. Smith, as Chairman, brought up the Report from, and laid upon the Table the Evidence taken before the Select Committee appointed, on the 17th ultimo, to consider and report upon the expediency of making a Railway to Windsor, diverging from the proposed Parramatta and Penrith line; with power to call for persons and papers, Ordered to be printed, together with the Appendix and Minutes of Proceedings

[The following text is extremely faint and largely illegible. It appears to be a list or index of items, possibly related to a collection or inventory. The text is organized into several columns and rows, with some entries appearing to be numbered or categorized. Due to the low contrast and resolution, specific words and numbers cannot be accurately transcribed.]

1858-9.

EXTENSION OF RAILWAY TO WINDSOR.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 17th December, 1858, "to consider and report upon the expediency of making a Railway to Windsor, diverging from the proposed Parramatta and Penrith Line; with power to call for persons and papers;" and to whom at the same time were referred "all the Proceedings of the Committee of last Session upon this subject," have agreed to the following Report:—

Your Committee have examined several witnesses who have resided for a lengthened period in the district of the Hawkesbury, and who are intimately acquainted with the capabilities of that fertile tract of country. These gentlemen are unanimously of opinion that the present productions of this district would be considerably increased, and the attention of its inhabitants directed to the growth of many other articles than those now raised by them, if railway communication were established between Sydney and Windsor.

From the evidence given by the Commissioner for Railways and the Engineer-in-Chief, it appears that no complete survey has yet been made of any line of railway to Windsor, but that a line of about 13 miles in length, diverging from a point on the Parramatta and Penrith line, near the Blacktown Road, and running to the Town of Windsor, has been roughly surveyed by a party of the Royal Sappers and Miners.

Judging from the results of this survey, the Commissioner for Railways and the Engineer-in-Chief consider that the extension to Windsor could be executed at a moderate cost,—the estimate of the first named officer being £108,000, including an assumed sum for the purchase of land, and of the latter about £7,000 per mile, exclusive of rolling stock and land.

The Commissioner for Railways has prepared a careful estimate* of the probable revenue derivable from a line to Windsor, which shews that this extension might reasonably be expected to yield a return of more than five per cent. upon the cost as assumed by him, viz., £108,000.

* Vide Appendix B to evidence given by Capt. Martindale, on 22 December, 1858.

Your Committee are further informed by Captain Martindale that the only available routes for a railway to the western interior, as yet known to the railway officials, are those *via* the valley of the Grose River, and *via* Penrith and the present line of road over the Blue Mountain Range; but that the survey of the valley of the Grose River is still incomplete, and that four or five months must yet elapse ere the work will be sufficiently advanced to enable him to report upon the comparative merits of these two routes.

Until it has been determined which will be the most advisable route, it is of course impossible to say whether an extension to, or near to, Windsor would be a branch line or form a portion of the Great Western Railway.

Your Committee are, however, of opinion that, even if it be ultimately determined to carry the Great Western Railway *via* Penrith, it will still be advisable to construct a branch line of railway to Windsor, in order that the metropolis may be brought into railway communication with an adjacent† district acknowledged to be of great fertility, and capable of yielding large supplies of dairy, farm, and garden produce, so essential to the health and comfort of the inhabitants of an extensive city.

† Vide Separate Appendix A Nos. 1 and 2

THOS. WHISTLER SMITH,
Chairman.

Legislative Assembly Chamber,
Sydney, 5 January, 1859.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 5 AUGUST, 1858.

MEMBERS PRESENT:—

Mr. Smith,	|	Mr. Parkes,
Mr. Dalley,	|	Mr. White,
Mr. Scott,	|	Mr. Oakes.

Mr. Smith was called to the Chair.

Committee deliberated as to their course of procedure.

At the request of the Chairman, the members of the Committee *then present* suggested the names of certain persons capable of giving evidence valuable for the purposes of the inquiry, and the Clerk took a list of such names, as a datum to direct the Committee in their future selection of witnesses.

After further deliberation, it was *Resolved*:—

“That the Chairman do move in the House that the undermentioned Papers be referred to the Committee, viz:—

“(1.) Petition from the inhabitants of the Town and District of Windsor, praying for an extension of a branch line of Railway to the District of Windsor, ordered to be printed on the 9th April last.”

“(2.) *First* and *Second* Reports from Captain Martindale, R. E., Chief Commissioner for Railways, on the Internal Communications of New South Wales.”

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

THURSDAY, 12 AUGUST, 1858.

MEMBERS PRESENT:—

T. W. Smith, Esquire, in the Chair.

Mr. White,	|	Mr. Parkes,
Mr. Suttor,	|	Mr. Oakes,
	|	Mr. Scott.

By direction of the Chairman, Resolution of the House referring to the Committee, on the 10th instant, certain Papers moved for, under a Resolution agreed to by the Committee at their last meeting,—read by the Clerk.

Mr. *George Bowman*, Mr. *Thomas Tebbutt*, Mr. *Joshua Cope*, Mr. *Richard Ridge*, and Mr. *John Dawson*, severally examined.

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

WEDNESDAY, 18 AUGUST, 1858.

MEMBERS PRESENT:—

Mr. Smith,		Mr. Parkes.
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Captain Martindale, R. E., was in attendance as a witness, but a Quorum of the Committee was not present.

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

THURSDAY, 19 AUGUST, 1858.

MEMBERS PRESENT:—

T. W. Smith, Esquire, in the Chair.

Mr. Dalley,	|	Mr. Parkes,
	|	Mr. White.

Mr. *J. M'Donald*, Mr. *Edward Powell*, J. P., Mr. *J. Cunningham*, and Mr. *G. M. Pitt*, severally examined.

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

FRIDAY, 20 AUGUST, 1858.

MEMBERS PRESENT:—

T. W. Smith, Esquire, in the Chair.

Mr. Dalley,	|	Mr. Suttor,
	|	Mr. White.

Captain *J. L. Scarvell*, J. P., examined.

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

THURSDAY,

THURSDAY, 26 AUGUST, 1858.

MEMBERS PRESENT:—

T. W. Smith, Esquire, in the Chair.

Mr. White, | Mr. Parkes.

Mr. Edward Barton, Civil Engineer, and
Sergeant Henry Quodling, examined.

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

THURSDAY, 2 SEPTEMBER, 1858.

MEMBERS PRESENT:—

T. W. Smith, Esquire, in the Chair.

Mr. Suttor, | Mr. White.

Mr. J. Whitton, Engineer-in-Chief, examined.

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

THURSDAY, 9 SEPTEMBER, 1858.

MEMBERS PRESENT:—

Mr. Smith, | Mr. White.

Captain Martindale, R. E., was in attendance as a witness, but a Quorum of the Committee was not present.

[Adjourned.]

[Further Proceedings stopped by Prorogation.]

1858-9.

THURSDAY, 23 DECEMBER, 1858.

MEMBERS PRESENT:—

Mr. Smith, | Mr. Plunkett,
Mr. Dalley, | Mr. White.

Mr. Smith was called to the Chair.

By direction of the Chairman, Resolution of the House on 17th instant appointing the Committee, and referring thereto "all Proceedings of the Select Committee of last Session upon this subject,"—read by the Clerk.

Motion then made (Mr. Dalley) and Question—"That these Proceedings be now adopted as part of the Proceedings of this Committee"—agreed to.

The Chairman then laid before the Committee—

1. Letter from Mr. W. P. Wilshire to the Chairman, dated 12th ultimo, covering a Sketch of proposed Line of Railway for crossing the Blue Mountain Chain through the Kurrajong District, and thence to Bathurst.
 2. Hypothetical Section of a proposed Line of Railway for crossing the Blue Mountain Chain through the Kurrajong District, and thence to Bathurst,
- and stated that he had requested the Clerk to summon Captain Martindale and Mr. Wilshire before the Committee, as witnesses, for this day.

Captain Martindale, R.E., Commissioner for Railways, examined—

And the witness during his examination having handed in a Plan shewing four proposed Lines of Railway into the Hartley country,—

Committee examined the same, and it was Resolved:—

"That this Plan be lithographed, and form 'Separate Appendix B' to the Proceedings of this Committee."

Mr. W. P. Wilshire then examined,—

And Captain Martindale, who, by permission of the Committee, was present in the room during the examination of Mr. Wilshire, having stated his willingness to cause an examination to be made of that particular part of the country indicated in the two Plans transmitted by the witness to the Chairman, so as to ascertain its practicability for railway purposes, provided no such examination had been already made.

Committee thereupon Resolved:—

"That the two Plans transmitted by Mr. Wilshire be forwarded to Captain Martindale, with a request that he will, in accordance with his statement made this day to the Committee, cause the particular part of the country indicated therein to be examined, with a view to ascertain its practicability for Railway purposes."

Committee then deliberated, and it was Resolved:—

- "1. That sufficient evidence has now been taken for the purposes of this inquiry."
- "2. That the Chairman do, at his earliest convenience, convene a meeting for the purpose of considering a Draft Report."

[Adjourned.]

WEDNESDAY, 5 JANUARY, 1859.

MEMBERS PRESENT :—

T. W. Smith, Esquire, in the Chair.

Mr. Plunkett, | Mr. Scott.

Committee deliberated, and it was *Resolved* :—

“ That the Letter of the 17th July last to the Chairman, from Messrs. T. Tebbutt, J. Dawson, and H. Day, transmitting two Returns of Agriculture in the Police Districts of Windsor, for the years ending 31st March, 1857, and 31st March, 1858, respectively, be printed, together with the said Returns. (*Vide Separate Appendix A, Nos. 1 and 2.*)”

The Chairman then laid before the Committee a Draft Report.

Report read 1°

Committee considered, and *verbally* amended the same.

Report read 2°

Motion then made, and *Question*,—“ That this Draft Report, as *verbally* amended, be the Report of the Committee,”—*agreed to.*

Chairman requested to Report the same to the House.

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1858.

Legislative Assembly.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

EXTENSION OF RAILWAY TO WINDSOR.

THURSDAY, 12 AUGUST, 1858.

Present:

MR. OAKES,
MR. PARKES,
MR. SCOTT,MR. SMITH,
MR. SUTTON,
MR. WHITE.

T. W. SMITH, Esq., IN THE CHAIR.

George Bowman, Esq., called in and examined:—

1. *By the Chairman:* You are a very old resident at Richmond? The oldest in that part of the world; it is upwards of sixty years since I went there.
2. You have, I believe, considerable property in that neighbourhood? I have, at Richmond and Prospect.
3. You are well acquainted with the district and its resources? Generally so.
4. A petition was presented to the House by me on the 9th April last, from the inhabitants of Windsor, praying for railway extension to that district—that petition is before you, and you may there see the statistics enumerated? Yes: I see the quantity of hay, straw, wheat, maize, and potatoes, is stated.
5. At the present time it appears, from these statistics, and from the police statistics also, that the produce of the Windsor district is nearly confined to grain, straw, maize, and potatoes? We grow wheat, maize, oats, barley, potatoes, and, I think, the general products of the Colony. I believe no part of the Colony is more capable of producing almost every product of the soil than the basin of the Hawkesbury, and that very abundantly. All that we require is labor, cheaper and better; our labor is not so good as it ought to be, and this produces a very careless system of cultivation.
6. Do you think that if the communication with Sydney were cheaper and more expeditious this productiveness would be increased? Yes; it is the great cost of bringing produce to market that prevents a great deal of land from being under cultivation.
7. At present the whole of the land available for cultivation is not under crop? It is not. A great deal of the land formerly in cultivation is not now under crop; but, besides this, there is a great deal of new land that might be brought under cultivation.
8. At present arable land is lying fallow, and there is much that never has been cultivated? There is an immense quantity of land between Windsor and Parramatta which, if we had a cheaper method of bringing produce to market, would be brought under cultivation.
9. In a district so fertile and so near to Sydney, in the event of the establishment of railway communication, the farmer, I apprehend, would no longer confine his attention to the present articles of produce, but would grow green stuff in large quantities, and dairy produce, for the Sydney market? I imagine they would grow many articles which they cannot send to market now, because they would not pay the expense of transport; for instance, green stuff would not pay.
10. It would by railway? It would if we had a quick and cheap communication.

G. Bowman,
Esq.
12 Aug., 1858.

G. Bowman,
Esq.

12 Aug., 1858.

11. And vegetables might also be sent? Yes. The great drawback is the distance, and the time occupied in taking produce to market.
12. What is the average time occupied on the road in the carriage of goods? From three to four days. It depends upon the weather. From North Richmond to Sydney and back occupies fully four days.
13. Two days each way? Yes; many try to do two journeys a-week, but it is very distressing to the teams.
14. The length of the journey prevents the carriage to Sydney of what may be termed perishable produce? Yes, and prevents the production of it also.
15. You are clearly of opinion, from your long acquaintance with the district, that the productiveness of the district would be considerably increased were a railway established between Sydney and Windsor? Yes, that is my opinion. If the labor which is now consumed upon the roads in the transit of our produce could be expended upon the lands, the lands would be made more productive.
16. At the present time do the farmers lose much of their time by the necessity laid upon them of becoming their own carriers? Yes; many of them are their own carriers, and many become carriers for others; that being occasionally more profitable than cultivating their lands.
17. The circumstance of their being their own carriers is not only a serious tax upon their time, but, I imagine, in no degree improves the farmer's habits? I fear not—indeed when men make two journeys in a week they generally travel on the Sabbath.
18. Not only so, but I presume they frequently acquire habits upon the road from which they might, but for those journeys, remain free? No doubt when they congregate on the road carriers are much more likely to take intoxicating drinks than when they are at home.
19. In fact, they lose both time and health by becoming their own carriers? Just so.
20. Do you think the greater part of the Windsor farmers are their own carriers—either themselves or members of their families? A great number of them are, either themselves or their sons; I could not say the proportion of them. Not only are they carriers for themselves, but those who have teams find it more profitable to go up and down the country as carriers than to cultivate their land.
21. Are the farmers of the Hawkesbury, upon the whole, a thriving race? I think they are, those who are steady.
22. Their system of farming is rude, I believe? Very rude; it requires improvement, but from the great price of labor they are obliged to do their work as quickly as possible, and they do not pay the attention to the culture of produce they would do if there were cheaper labor, and a quicker mode of getting their produce to market.
23. Do you know what is the average cost per ton of the carriage of produce from Windsor to Sydney? I am not so well acquainted with the price from Windsor as from Richmond. From Sydney to Richmond, I believe it is from £2 10s. to £3 per ton. I have very little carriage in this part of the country, my property being principally on the Hunter, where part of my family reside, and consequently the most of my carriage there.
24. You think that is about the current rate? I think I was charged from 2s. 6d. to 3s. per cwt. for the carriage of some goods; my consumption is not great.
25. You are not aware what is the cost of the carriage of produce—how much per ton is charged for the carriage of hay, straw, and wheat? No. When I send in produce I send by my own team. I do not suppose I have hired a team to take in produce for many years.
26. The rates of carriage vary with the season, I suppose? Yes, and with the state of the roads.
27. Are you at all conversant with the mountain country between Richmond and Bathurst? I have been over the present line of road to Bathurst, but I have never been from Richmond to Bathurst direct over the Mount Tomah Road; many people do, however, travel that way; it is a bridle road, and a stock road.
28. The general impression appears to be, that the most eligible line of road from Parramatta to Bathurst would be through the valley of the Grose? I am informed that that is the best line of country to go; I will not speak positively myself.
29. You are not acquainted with the mountain country? No; I have never been further than the first range of the Blue Mountains. My property is in the northern country.
30. I believe a very considerable quantity of fat stock from the north and north-western country comes through Richmond to Sydney? Yes; indeed all that comes from the north or north-west comes through Richmond; some comes by Bell's Line, but the greater quantity comes the Bulga Road.
31. Do you not think the greater portion of this stock so arriving at Richmond, and intended for the Sydney market, would be sent by railway, if a railway were in existence? I think the greater portion would. The less travelling our cattle gets the better; their condition for killing is very much deteriorated by the travelling from Richmond to Sydney, there being little or no grass after leaving Richmond.
32. And the neighbourhood of Windsor—when I speak of Windsor, I mean the Hawkesbury country generally surrounding Richmond and Windsor—is favorable to the resting of stock prior to its being slaughtered? Yes; grass paddocks might be had there.
33. It is much more favorable than the neighbourhood of Sydney? Yes; it is a very rich country as compared with Sydney.
34. If slaughtering operations were extensively carried on in that neighborhood, somewhere near the Hawkesbury, would it become the custom to grow artificial grasses and food for the grazing of cattle previous to slaughtering? No doubt lucerne and clover, and grasses that would answer for the feed of stock, would be grown much more than at present.
35. What I mean is this, that if large slaughtering establishments were formed in the neighbourhood of Windsor and Richmond, and it became the custom to slaughter there, and to send the meat to Sydney by railroad, whether, in order to supply the stock with food during the

the short time that elapsed between the arrival of the cattle and their slaughter, artificial food could, and would, be raised in quantities sufficient to meet the demand? It could be raised in any quantity, but whether it would be I cannot say. No doubt anything for which a market could be found could, and would be raised, as grazing would be a good market without extra labor as carriage.

G. Bowman,
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36. In this way, I presume, it might be fairly anticipated that an additional source of revenue to the railway would be derived? Yes; the settlers would be engaged in raising produce, and in occupying their teams more profitably than in the carriage of produce.

37. I refer to the carriage of meat to Sydney market? No doubt the railway would be made use of very generally in that way.

38. And the meat would arrive in Sydney in much better condition than it does at present? No doubt the extra driving to Sydney, and their being so long without food before they are slaughtered, must injure the meat. They have not been without food, generally speaking, up to the time of their arrival at Richmond.

39. *By Mr. Suttor*: You are acquainted with the country between Parramatta and Windsor? Yes; particularly about Windsor, Richmond, and thence to Prospect.

40. Do you know the contemplated line of road to Penrith? I do not, but I know there is a line marked through my farm at Prospect.

41. In the event of its being formed, where should the Windsor line branch off? Between South Creek and Richmond, after passing Rouse's fence about a mile.

42. That would be going too much to the north of Penrith? By going up to Toongabbee, and then by Quaker Hill Estate, crossing the Eastern Creek about Alcock's farm, and thence direct to the South Creek through Clydesdale and Rouse's farm, you have a level line of country.

43. What would be the distance from where the branch line would branch off to Windsor? About four miles; it is level country into Windsor. I do not suppose there would be six feet of cutting anywhere.

44. Is the country level from where you speak of to Penrith? Not so level as to Windsor or Richmond, but it is more level than any other line I am aware of.

45. Then the Penrith line should go there, whether the branch line were made or not? Yes; there is less engineering work necessary, and, consequently, there would be less expense. By crossing the South Creek one bridge would do for the whole district.

46. If the line should be carried out to Penrith, the additional branch to Windsor would not be more than four miles? Four miles, because I do not suppose it would go into the heart of the town, but to the edge of it—that is, if it went from Rouse's farm—and would be a level country nearly all the way from Toongabbee to Windsor, Richmond, and Penrith. I may mention, that by crossing South Creek about Rouse's farm, and then branching into Windsor, the valley of the South Creek, which is very deep and flooded in high floods near Windsor, would be avoided by crossing that creek at or near Rouse's farm, where the valley is narrow, and not so deeply flooded as it is near to Windsor.

47. *By Mr. White*: Supposing the line to Bathurst is not carried on by the valley of the Grose, do you think there is sufficient population and produce in Windsor, Richmond, and its neighbourhood, to pay for the outlay of money? I think there is no part of the country more likely to pay for the formation of railroads.

48. What would be the increase in the quantity of land under cultivation, which would be caused by the formation of a railway—would it be doubled? I do not think it would be doubled.

49. There is a good quantity of land on the opposite of the river which might be brought into cultivation? Yes. There is also good land up towards Mount Tomah, but I have not been near it. I have been a few miles up the Grose.

50. *By Mr. Suttor*: The population might double itself? Yes.

51. *By Mr. White*: Has the population in that neighbourhood increased very much within the last twenty years? Yes, within the last twenty years, but not within the last ten.

52. Do you think it would not be long in doubling, or even trebling itself, if it had a railway? Population would increase, but I do not know whether it would double itself.

53. Is there not land sufficient to support double the present population? I would not say, not being acquainted with the country towards, that is, beyond the mountains.

54. Still a railway would open a great deal of land not now used? A great deal. There is a great deal of good land on the Bulga road, but the difficulty of getting at it is great.

55. *By Mr. Oakes*: You have spoken of the slaughtering of cattle—do you think that the driving of cattle upon a hard road for forty miles, from Richmond to Sydney, injures them very much? I certainly do.

56. Do you think it injures them as much as the whole of the previous portion of their journey? I should think it injures them more, for there are few paddocks where there is any grass between Richmond and Sydney, and, consequently, neither food nor rest for the cattle.

57. Have you any further information to afford the Committee? I might mention that the country from Parramatta—passing through part of Toongabbee, and following that valley by Quaker Hill, and continuing nearly a west line—would cross the South Creek at Mr. Rouse's farm, the whole distance, with one or two exceptions (slight rises), is level to Richmond, and from midway between the South Creek to Riekaby's Creek or chain of ponds near Richmond; the country to Windsor, about four miles, and to Richmond, about three miles, is almost a perfect level, and that to Penrith, seven or eight miles, is almost as level, there being only a few slight rises near Penrith.

Mr. Thomas Tebbutt called in and examined:—

Mr. Thomas
Tebbutt.

12 Aug., 1853.

1. *By the Chairman:* You are a very old resident in the Windsor district? Yes; I have resided there fifty years, and forty-five in the borough of Windsor.
2. You have, I believe, been principally engaged in commercial pursuits in the Windsor district? I have, until lately.
3. From your residence there, and your business connections, you must have become intimately acquainted with the district and its resources? Pretty much so, but not so much as when I was in business. I have been in a bad state of health, and have not, in consequence, been about so much as formerly; but I am still pretty well aware of what is doing in a business way.
4. You are aware that a petition to the House was presented by me in the early part of this Session from the inhabitants of Windsor, praying for the extension of the line from Penrith to Windsor? Yes.
5. The petition states certain facts; the first refers to population, and that is estimated at 8,500 souls—do you think the population has increased since the census was taken in 1856, or the reverse? I should think it has increased, but I am not prepared to say that it has increased by a very large number.
6. The inhabitants of the Hawkesbury consist, in a large proportion, of families? In a large proportion of families. In the little towns of Richmond and Pitt Town there are many families, but in the country, among the settlers, they are nearly all so.
7. From the absence of openings in the district, are not a large number of the young men in the habit of seeking their fortunes in the outlying districts? Yes; they get stations and go away.
8. Many of the young men also become carriers? A great many.
9. The population, you think, is increasing? I think so; it certainly must be, but I am not prepared to say to what extent.
10. Do you think, in the event of fuller employment being found at home by an improvement in the means of tillage, and the growth of a greater variety of produce, many of these young men who now seek their fortunes in other districts would be tempted to remain at home? Yes; many, if they had the means of establishing homes for themselves, would prefer remaining in the district to going a distance off.
11. Would you consider the system of tillage now adopted in the neighbourhood of Windsor one of high cultivation, or the reverse? I think there is great room for improvement with regard to tillage. There are some farms very nicely cultivated, but a good many are not so.
12. At the present time, as it appears from the statistics in your petition, and also from those from the Police Office, the products are confined chiefly to wheat, hay, and maize? They are principally confined to those articles, but of late the farmers have substituted one thing for another; there is a good deal of lucerne grown, and a good deal of hay—lucerne has taken the place of maize and wheat in some degree; the farmers get very good crops of lucerne, and, at certain periods, when it sells for a good price, they bring it plentifully to market, but when the price is very low it will not pay them to bring it down.
13. Do you not think if you had a railway to Sydney farmers would raise a great variety of produce to which they do not now turn their attention in consequence of the high cost of carriage and the time consumed on the road? No doubt of it; they would raise anything that could be carried to Sydney. At a moderate cost for carriage, many things would be raised that they do not attend to now—many things besides crops. I believe if there were a railway a good deal could be done in making bricks and sending them to Sydney. I know of some now that I could buy at £2 7s. 6d. a thousand, which I am pretty sure would sell for £5 and upwards here. A great deal of stone and timber could also be sent.
14. You have some very fine iron-bark forests, have you not? Yes; a little this side of Windsor we have some very fine timber.
15. In order to supply the wants of a large city like Sydney, to use the common term, green-stuff of all kinds is required, and the Windsor district, I apprehend, would produce a very large supply? Any quantity could be grown there; crops of all kinds, if any attention be paid to the ground, will grow there—crops such as I have not seen anywhere else.
16. Would the growth of this green-stuff be a remunerative occupation to farmers, in the event of their having the means of sending their produce to market cheaply? Yes; it sells very high at times even there, and it would sell well here if it could be cut and sent at once to market, but it does not pay if it is long on the road, as it becomes heated, and spoils; but if it could be conveyed to Sydney in a short time, as it would be by railway, it would certainly pay very much better.
17. You think it would be grown extensively, and that a large supply would be sent to Sydney? Yes; they can grow any quantity of lucerne, Cape barley, and oats, which would be sent down as green-stuff.
18. Sorghum saccharatum, I imagine, could be grown to perfection? I should think so, from what I have seen, but I have not had much experience with reference to it. I think the same ground that would grow maize would be suitable for that. I have not seen any growing on ground that I should call good, but I have seen it in a few gardens on the hill in our town, and it grew pretty strong there; but on ground where they grow wheat and maize I think it would produce a fine crop.
19. Up to the present time it has not, I believe, been the practice to apply manure to the alluvial lands of the Hawkesbury? No; very little has been done in that way.
20. The system of tillage is not what is called first-rate—it is a rough style of farming, capable of very great improvement? I think so.
21. Do you think, if there were the means of cheap and expeditious transit, the system of tillage would be improved? I think it would; the settlers would do all they could to obtain a good crop if they could get it down to market; at present so much time is occupied by the settlers who have teams in taking their grain and produce to market that it puts them out of heart,

22. The condition of the farmers would be very considerably benefited by being relieved from the necessity of carrying their produce to market themselves? Yes.
23. Are you aware what is the present cost of carriage between the Hawkesbury district and Sydney? I think the charge to Windsor to storekeepers is about £2 a ton; it was more, but I think just now that there is a complaint of times being bad—they do not require so much carriage, and it is a little cheaper.
24. Are you aware what is the cost of carriage to market of hay and straw per ton? I cannot say, but I believe the charge is greater for taking goods down than for bringing them up; because, when the carriers go to Sydney they must come back again, and they would have to return empty if they had no goods to bring.
25. Generally speaking, do the farmers carry their own produce to market? Generally speaking; but there are people in Windsor who buy the produce of farmers, and take it down to Sydney.
26. Is that custom of bringing produce to Windsor to sell increasing? I should say not, for when I was in business I should think I bought three times as much as all that is bought now.
27. Are you at all acquainted with the district of the Lower Hawkesbury, towards Wiseman's Ferry? I do not know much of it; I have been to Wiseman's Ferry only once.
28. All the produce from that part is now brought by water to Sydney? No; some comes up to Windsor, and is sold there; some of it goes round to Sydney by water.
29. Do you think if you had a railway at Windsor the farmers down the river would bring their produce to Windsor to be sent by railway to Sydney? I think they would till you get far down the river, because the navigation of the river is very bad; it is a long way to sea; there is then a dangerous coast, and a long time elapses before the produce gets to market and the farmer receives his returns. If there were a railway I think a large quantity of produce would be sent down by it.
30. From as far down as Wiseman's Ferry, I presume? I would not say so far as Wiseman's Ferry, but a good part of the way down—a good deal from Macdonald's River.
31. Poultry, pigs, and dairy produce would be sent in great quantities if you had cheap transit? A large quantity could be sent, but it would not pay to bring them up in carts, owing to the distance.
32. From the districts more immediately surrounding Windsor that kind of produce could be sent in large quantities? Yes, they could send a very large quantity of produce from within five or six miles of Windsor.
33. *By Mr. Scott:* Are you one of the parties who signed the petition? Yes.
34. The petition states that there are fourteen thousand acres yielding agricultural produce? Yes.
35. How much more land is there fit for cultivation, and which would be under crop if you had a railroad? I think at present there is a considerable quantity more than is stated in the petition. I am not aware how the information in the petition was obtained, further than that I suppose it was from the police; but I have had some conversation with one of the gentlemen now present, Mr. Ridge, who has taken a great deal of trouble in collecting information, and who has consulted with me, as being an old resident, and knowing all the farms, and either the original or present owners, and from reference to maps, we are of opinion there must be a considerable quantity over what is stated there.
36. That is, absolutely in cultivation? Yes.
37. How much more is fit for cultivation, supposing you had easy and cheap means of transit? I could not say; but I think it would never be very large, as the greater part of the land near the river has been taken up, and the cultivation could not be much extended, because the high land at the back is not productive. There is land at what they call Kurryjong—North Richard—and land on the north side of the river, a considerable distance back, whence a large quantity of produce could be brought in, but I could not say what quantity.
38. Then, in your opinion, the railroad is to depend upon these 14,000 acres? I think this land might at least be put down at 20,000 acres, and there would be an increase upon that, but I am not prepared to say a very large one.
39. You say you could "supply the wants of Sydney and of the Colony generally": what description of produce could you supply the Colony, irrespective of Sydney, with? The articles with which chiefly we supply the Colony is maize. A large quantity of this goes to Melbourne; but, with regard to wheat, I do not think we have such a large quantity. We certainly send a great deal to Sydney, and our people make the most of it, by moving it about, for a great number send down their wheat, and at the end of the year we see them bringing back flour.
40. What I wish to know is, whether there are any articles particularly produced in your district? Not in particular: the chief article is maize.
41. If this railway were established, could you send fruits and various other perishable articles? We could send a great deal of fruit.
42. Of what kinds? Oranges, peaches, apples, pears, and the usual descriptions.
43. Which you do not send now? I have scarcely ever known it to be done.
44. You state that about £2 a ton is what you pay from Sydney to Windsor, and I suppose it is about the same from Windsor to Sydney? The charge for the carriage of hay is more than that, and also for green-stuff, but in bringing back goods they charge less, because they regard the money for goods brought back as clear profit.
45. Have you at all calculated what it would cost you by a railroad, if one were established between Windsor and Sydney? I have not, but I think it could be done for something like 14s. or 16s.: I think it could be very well done for that.
46. How many four-horse coaches are there running between Windsor and Parramatta? Two. One arrives in Windsor at eleven o'clock, and returns to Parramatta at two, and the other leaves at two in the morning with the mail, and returns at ten at night.

- Mr. Thomas Tebbutt. 47. That is to say, two coaches leave Parramatta and Windsor every day? Yes.
48. I think you stated that the back hills are unproductive? A large quantity of the land is unproductive.
- 12 Aug., 1858. 49. Have you any minerals of any kind, such as ironstone? Nothing of that kind.
50. Or limestone? No; our lime comes up from Broken Bay—it is shell lime.
51. *By Mr. Suttor*: Do you think there is any likelihood of any private company undertaking this work—the branch line from from Penrith? No; our people are greatly against a private company.
52. *By Mr. White*: What is the general value of agricultural land at Windsor? From £38 to £50 an acre: a great deal has been sold at the latter price.
53. If subdivided into smaller portions it would fetch a higher price? I have a great deal that I could sell now at £50, if I would take it.
54. *By the Chairman*: Have you anything further to state to the Committee? One thing I would beg to remark, that if there should be a branch line from the line going from Parramatta to Penrith, from my knowledge, although it is not so great as that of some of the gentlemen here, there is plenty of level ground over which it can come with very trifling engineering difficulties; and another point, which is really a great matter, that there is timber of the first quality for the purpose on the line nearly all the way.

Mr. Joseph Cope, of Windsor, called in and examined:—

- Mr. J. Cope. 1. *By the Chairman*: You reside at Windsor? Yes.
2. And have resided there for some time? I have, from my childhood.
- 12 Aug., 1858. 3. You are thoroughly acquainted with the district and its resources? Yes, I believe so.
4. You are aware that a petition has been sent from Windsor, praying for the extension of railway communication to that district? Yes; I am one of the petitioners.
5. It contains certain statistics, and among other things it states that the quantity of land under cultivation is about fourteen thousand acres? I have been listening to what the other gentlemen have said, and the four witnesses now present have made an estimate of the land in cultivation, and I have no hesitation in saying that the land under cultivation is at least twenty thousand acres. Very little but alluvial land is under cultivation. These statistics have been taken by the police, who go round to the farmers, and they are not very careful in making them.
6. *By Mr. Suttor*: That includes the Windsor Police District? Yes.
7. Does that include any of the land at Kurryjong? No; a great number of the farms at Kurryjong have gone out of cultivation of late years. There is very little cultivation now in Kurryjong compared with what there used to be ten years ago; it is used more for grazing. In fact it does not pay parties there to carry their produce to market.
8. *By the Chairman*: Besides the land at Kurryjong which is out of cultivation, there is land also, I believe, on this side of Windsor in the same state? Yes; between Windsor and Parramatta there is a great deal of land of a better character than much that is now cultivated; for instance, there is land about Pennant Hills which could be brought into cultivation.
9. Your petition states that hay, straw, grain, and potatoes, a large amount of poultry, pigs, fruit, and dairy produce, are sent to Sydney: I believe the principal productions of your district are hay, wheat, and maize? Hay and maize; not so much wheat is grown as formerly.
10. Do you not think, in the event of your having a cheap and expeditious means of transit, that the products of the district would be considerably multiplied? I think they would. I have no doubt in my own mind that they could. I agree with what Mr. Tebbutt says, that there has been no system of tillage—it does not deserve the name of a system. There is no rotation of crops, and no manure is used. I have no doubt that the time now employed upon the roads could be more profitably employed in carrying out improved modes of culture.
11. You think if a market were opened farmers would be tempted to improve their means of tillage, and would grow various kinds of produce? I have no doubt they would.
12. At the present moment the high price of carriage, and the length of time consumed on the road, prevents the farmers from turning their attention to the production of any other articles than those named? It compels them to take refuge in them, and none but the best of their lands are cultivated.
13. From the productiveness of your district and its proximity to Sydney, if you had a railroad you could raise a large quantity of green-stuff, poultry, pigs, and dairy produce? I think a great deal of dairy produce could, and would be raised; the land is especially adapted for it—that is, supposing the market to be the same as it is now.
14. I take it that to supply the wants of a town like Sydney a large quantity of dairy produce is always required? Yes; but at the present moment we have to pay two shillings a pound for cheese at Windsor.
15. You have no dairy farmers? No.
16. Your system of farming is very rude? Very rude; through the imperfect means of transit, and the high price of labor, you cannot carry out any but the rudest system of culture.
17. Nearly all the farmers there are men of families? The far greater portion of them; it is hard to find a house without a troop of infantry.
18. In the present state of farming there is no temptation to young men to remain in the district? There is no opening for them. I know if there is a farm likely to fall out of lease there are immediately a dozen applicants for it.
19. With a better demand for produce and improved tillage there would be more openings? With better means of transit there would be more business done, and, no doubt, some of the land at present not worth cultivating would be brought into cultivation.

Mr. J. Cope.

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20. I believe you are a squatter in the interior? Yes.
21. Do you not consider that it would become a very general practice to slaughter near Windsor or Richmond cattle and sheep intended for the Sydney market, and to send the meat to Sydney by rail? I think it likely, or, if that were not done, I think sheep would be sent alive on the rail.
22. And bullocks would probably be slaughtered at Richmond? Probably bullocks might be slaughtered at Richmond.
23. Is it not very injurious to bullocks to drive them from Richmond to Sydney? It is; but the fact is, that after they leave the squatters hands there they never taste a mouthful if they live for a fortnight. I believe that some of the cattle slaughtered in Sydney nearly die of starvation.
24. That of course must be very injurious to the meat? Any man going by the butchers' shops must see that from the appearance of the meat.
25. You think if the cattle were slaughtered at Richmond the meat would be better? It would be fresher and more wholesome.
26. Is the country around Richmond and Windsor favorable for the resting of stock? Yes; and convenient paddocks could be easily provided.
27. If need were, green-stuff could be grown? It could, but I do not say it would.
28. These things would grow up with an altered state of circumstances? Yes.
29. Of course the river affords an abundant supply of water? The district is well watered independently of the river.
30. I believe you are well acquainted with the mountain district? I have spent a great many days in explorations over it.
31. Do you think you are sufficiently well acquainted with the country to express an opinion as to the line the Great Western Railway will probably take? Yes.
32. Have you traversed the country alone, or with a professional man—a surveyor? I have been with one professional man; never with but one.
33. Which, in your opinion, is the most suitable road? I think if you had a railroad to Bathurst you must go up the valley of the Grose, and have a tunnel at the head. There is nothing original in that theory; it was propounded by Sir Thomas Mitchell thirty years ago.
34. How far is the head of the Grose from Hartley? I should say not more than five miles.
35. Would this tunnel be five miles long? No; but I cannot say exactly what would be its length: I have never examined the locality, but I was informed by a professional gentleman that he thinks about three-quarters of a mile would be sufficient.
36. Is the valley of the Grose circuitous or tortuous? I have not been in the Grose; my information is derived from the professional gentleman I have referred to, and from two men whom I procured to accompany him; they stated that it is rather circuitous.
37. Your observations have been confined to the ranges? Yes; to the exploration of Bell's Line.
38. *By Mr. White*: I think Bell's Line was taken to Mount Tomah? Yes.
39. *By the Chairman*: Do you think much timber would be sent by this railway to Sydney? Yes, I think a good deal would be sent. There is a good deal of iron-bark in the neighbourhood of Windsor, and stringy-bark is to be had within an obtainable distance of Kurryjong.
40. Do you consider that in the event of a railway being established from Sydney to Windsor, farmers from the Lower Hawkesbury would send their produce by it? I have considered that subject, and I think I may state pretty confidently they would; they would prefer sending it by the railway to sending it by coasters, which are liable to be weather-bound, and to be delayed.
41. The risk of damage by the sea voyage is considerable, is it not? Yes; in fact, the the damage is sustained, for corn sent by sea is never delivered at Sydney in such good condition as that sent by way of Windsor. It is well known corn that goes by coasters never catches as much money as corn conveyed by teams.
42. Of course it is quite impossible for these people to send poultry, pigs, fruit, and dairy produce to Sydney? I should think it was out of the question.
43. Would you not think that if a cheap kind of screw steamer were employed in collecting produce up and down the river it would be the means of drawing produce to Windsor to be forwarded to Sydney by the railroad? No doubt of it.
44. The loss of time is very great to the farmer from the present mode of shipping produce? Yes.
45. And the risk of damage is considerable? Yes.
46. *By Mr. Scott*: I think you stated that Kurryjong is now almost out of cultivation? Almost.
47. What is the reason of that? I imagine that it does not pay parties to bring their produce to Sydney, which must be regarded as the only market.
48. By dray? By dray.
49. If a railroad were carried out, could, and would this part of the district be brought into cultivation? I think it would: there are many hundreds of acres adapted for vine and orchard purposes, and there are considerable tracts—some thousands of acres—of very rich brush land, I should imagine equal to Illawarra, which does not at present pay to meddle with.
50. Which would be brought into cultivation if the railroad were established? Yes.
51. How many thousand acres should you say? I would speak very confidently as to ten or twelve thousand acres.
52. Making about 30,000 acres altogether? I speak within bounds when I say that.
53. *By Mr. White*: That is including Kurryjong? Taking Kurryjong alone, by Mount _____, where there is very fine land, and not a stick has been felled, there is a great deal of land, amounting to some thousands of acres.
54. *By Mr. Scott*: Have you at all calculated what number of passengers would go by this branch

Mr. J. Cope. branch line? No; there is a gentleman here, Mr. Ridge, who is better qualified to answer that question than I, having been a coach proprietor for many years.

12 Aug., 1858. 55. With respect to cattle and sheep, is there great traffic in that respect there? Yes; all the stock which comes from the northern district to Sydney market comes to Richmond by the Blacktown Road.

56. And you think this stock would proceed to Sydney by rail? I think it is likely it would.

57. What is your reason for supposing it would? The cattle could be kept in better condition; they would not deteriorate so much as they would by being driven.

58. Are there not cattle coming down Campbelltown direction? I should say two-thirds of the cattle come to Sydney by Richmond.

59. And the others by Campbelltown? No, by the Bathurst Road; I do not think a drove comes down the Campbelltown Road once in three months. They go to Port Phillip from that side.

60. *By the Chairman*: That traffic is likely to be increased? Yes.

61. For the cattle from the northward the Richmond route is likely to be the most favorable? Yes; they can take no other way; it must be taken for granted that the supply of stock for Sydney market must come to Richmond.

62. *By Mr. Scott*: Do you think the parties would send either the live animals or the meat by rail instead of by the road? I make no doubt of it myself.

63. What additional traffic would that give to the railroad—have you at all calculated? I should say, upon the average, 500 head of cattle per week come that way; and in average seasons the sheep must amount to from 1,500 to 2,000.

64. What is paid for driving these animals from Windsor to Sydney? Not much, generally speaking, a drover gets so much for driving a large lot. It is just as they make the bargain—from one pound up to two pounds for driving them to Fullager's.

65. So much for the whole lot? Yes.

66. They would have to pay more by the Railway? Yes, I should presume they would have to pay more than they do at present.

67. Do you think the better condition in which they would arrive at the Sydney market would counterbalance the difference of cost? I do. I think they could be kept in better condition by remaining in the neighbourhood of Richmond till they were slaughtered.

68. What additional resources would the railroad be the means of developing? It would lead to an improved mode of cultivation, and to the raising of dairy and other produce for the supply of the Sydney market. The district of Kurryjong would be a fine district for the vine.

69. *By Mr. White*: It would also induce population? It would, and I have no doubt a superior class of residents would occupy Kurryjong, which has a bad name at present.

70. *By Mr. Scott*: Have you any ironstone or coal? Coal has been found at South Creek, and at Richmond we have ironstone.

71. What quality of coal? I believe pretty good; it has never been worked, but specimens have been obtained.

72. *By the Chairman*: The climate of Kurryjong is, I believe, most salubrious? Yes, that is a well established fact, and I have no doubt it would be taken up by a superior class of residents if there were the means of transit, and that would induce better cultivation. I believe it would become a vine growing district.

73. It is a very picturesque district? Yes; there are many beautiful sites for gentlemen's residences, now in a state of nature. Medical gentlemen generally testify to its salubrity. With reference to what I have stated about taking the railway up the valley of the Grose, I must beg to assure the Committee that I have no interest in that locality; my only object is to have a railroad that would take me to my station at the Macquarie, and I should be happy to see a good line anywhere, and I do not think a better could be found. Bell's Line, for one reason, I believe to be the easiest got over, is that it was the main road of the blacks from the Hartley District; you can find their tracks now.

74. Have you any further suggestions to offer to the Committee?

Mr. Richard Ridge called in and examined:—

Mr. R. Ridge. 1. *By the Chairman*: You have been resident in Windsor many years? Yes.

2. And are, I believe, a native of the district? Yes.

12 Aug., 1858. 3. You are intimately acquainted with the district and its resources? Yes.

4. You were one of the petitioners for the extension of railway communication to Windsor? Yes.

5. You took part in getting up the statistics furnished in the petition? Yes, I did; but I have, since the petition was sent, made further inquiries, and I am convinced there is a greater quantity of land than that stated in the petition actually in cultivation.

6. You are in the habit of traversing the district? Yes.

7. At the present time do you think all the land is under cultivation that might be placed under cultivation? No, I am quite sure it is not.

8. And of the land that has been under cultivation much is now lying fallow? Yes, there is a great deal in paddocks.

9. We are told that there is much unbroken land that might be brought into cultivation? Yes, a great deal might be brought into cultivation.

10. Your district at present produces principally hay and maize? Hay, maize, wheat, and potatoes.

11. But the principal products are hay, maize, wheat, and straw? Yes, a great deal of straw; in fact, we supply Sydney with straw for bedding; nearly all for that purpose comes from our district.

12. Do you not think that, in addition to these articles, farmers might raise a variety of productions if they had the means of cheap and easy transit to Sydney? Yes; we could even supply fresh milk if we had a railway. Mr. R. Ridge.
12 Aug., 1858.
13. From the nature of your soil, you would be able to supply Sydney with an abundance of green-stuff and dairy produce? Yes; and fruit also, I think.
14. The inhabitants of Windsor are, I believe, a thriving class? Yes.
15. They are nearly all old residents, are they not? Yes.
16. At the present time there is a want of employment for many young men, is there not? Yes.
17. And they are compelled to seek employment beyond the district? Yes, or in carrying, and other pursuits.
18. In many cases are not the farmers their own carriers? Yes; but there are carriers who purchase hay and grain and bring it to Sydney.
19. But the majority bringing their own involves a loss of time to them? Yes.
20. That, of course, affects the productiveness of the district, as, if they were at home spending their labor upon their farms, instead of wasting their time upon the road, their products would be increased? Yes; and they are obliged to be away at the time when it is most important for them to be at home.
21. In many other points of view is it not prejudicial to them to be so long and so often upon the road? Yes, I think it is.
22. I believe you are thoroughly well acquainted with the coach and passenger traffic between Windsor and Parramatta? Yes.
23. You have been for some time a coach proprietor? For the last eighteen years.
24. Can you favor the Committee with the number of passengers who travel by that road? I can state the amount I have earned by the two coaches I am connected with, running between Parramatta and Windsor. In 1856 I received £3,163 5s. In addition to these coaches there is one running between Richmond and Parramatta, which I estimate earns at least £1,000, which will give £4,163 5s. between Windsor and Richmond and Parramatta. The passenger traffic being less in 1857 than 1856 was on account of the three floods.
25. Do you know the number of passengers conveyed by the Windsor coaches annually? I have not an account of the number, but as the fare is 6s. each way, that may easily be calculated. The amount received in 1857 was £2,686 4s. 6d., and the other coach, I suppose, would earn about £900—amounting together to £3,586 4s. 6d.
26. Who were the principal passengers between Windsor and Richmond and Parramatta? People from all parts of the Colony,—from the Hunter—from Port Phillip: those who came on business, and those who came on pleasure to see the country.
27. Do many come for pleasure? We should have more, but the coaches start at an unsuitable hour. The mail starts at two in the morning, and cannot leave Sydney till a quarter to six in the evening.
28. Do you not think the number of persons who would travel for pleasure, and for the purpose of seeing the country, would be very considerably increased if they had the means of getting to Windsor by rail? I believe the number would increase fourfold. The gentlemen who have now come down have come in their own conveniences.
29. Do you not think the farmers resident in the district would more frequently visit Sydney if they could do it cheaply and expeditiously—if they could leave home in the morning and return in the evening? As far as their convenience is concerned, they could better afford to pay 10s. to go by rail than they could pay 6s. to go by coach; because they could have their breakfast at home in the morning and return to tea in the evening.
30. They would avoid detention and loss of money? Yes.
31. They would, in point of fact, move about much more than they do now? Yes. If they come to Sydney now they have not time to attend to their business without stopping in Sydney for the night, which is attended with expense.
32. Do not the present inconveniences of travelling prevent farmers from bringing their wives and children to Sydney? Yes.
33. The expense is so great, and the inconvenience is also so great? Yes.
34. You think, from the nature of your district—its salubrity and picturesqueness—you would have a large number of visitors if you had a railroad? I believe so; the majority of the people who come are very much pleased, and say they would like to come down frequently, only there is so much trouble to get down.
35. You know the river down to Broken Bay? Yes.
36. The character of its scenery is highly picturesque? Yes.
37. So much so that it would become a favorite trip with the Colonists if there were means of easy transit? Yes. Lady Franklin says it is the most beautiful place she has ever seen, on the Colo River.
38. Are you aware what is the present cost of carriage from Sydney to Windsor? I think the carriage from Windsor to Sydney is about £2 a ton for heavy goods, such as maize, wheat, and potatoes; for hay and straw it is from £3 to £3 10s.; about £3 is the average.
39. How much from Sydney to Windsor? £2 for back carriage.
40. For the most part your farmers are their own carriers? Yes, the majority of them are.
41. At the present time your produce does not stop at the Parramatta terminus? No; it would not pay to unload and send them by the railway for that short distance.
42. In point of fact, the present Parramatta line is of very little service to the Windsor district? No, very little; some of the passengers travel by steamer, and some by rail; if the rail was extended to Windsor it would have the passengers the whole of the distance.
43. So far as goods and produce are concerned, it is of very little use to the residents at Windsor? I never heard of goods being sent by the railway.
44. The railway, therefore, derives no advantage from the traffic of your district? Not from the goods traffic.

- Mr. R. Ridge. 45. But if you had a railway from Windsor, or near to it, of course the whole of the produce would come by it? Yes, I believe the whole of the produce would come by the rail. I believe people in Windsor would purchase it and send it down.
- 12 Aug., 1858. 46. Your roads are not very good? No, very bad; it is one of the worst roads in the country; in dry weather we have dust and sand, and in wet weather the road is muddy and heavy. I believe they picked all the hills in the olden times on purpose for roads.
47. Do you think your population will increase very much if you have a railway? Yes, I believe it will, very much. I think crown lands town allotments would realise a very high price.
48. In your district, at Kurryjong, are there very many sites suitable for country residences? Yes; I believe there is not a place in New South Wales better suited for orchards than Kurryjong.
49. The statistics furnished by the police are, you think, under the mark? I believe they are a sheer matter of form altogether; they simply state what is actually under cultivation at the time they are made. If land has been lying idle for six months that would not be put down. In the Richmond and Cornwallis bottoms there are, I think, 7,000 acres of arable alluvial land; in Pitt Town bottoms, from the junction of Eastern Creek to Cordeaux's Creek about 4,000 acres; from the upper part of the Wilberforce district to opposite Cordeaux's about 3,000; from Ebenezer Church to Colo 2,500 acres, and on the Colo River 1,200 acres—making in all 18,370 acres. I do not include in this, Kurryjong, North Richmond, Box Hill, nor from Colo River to the Macdonald, nor the Macdonald.
50. Do you think settlers on the Lower Hawkesbury would send their produce to Windsor for transmission to Sydney by railroad, in the event of a railway being formed? Yes, I believe they would nearly all send their perishable articles, which they cannot now send to market at all. I believe it would pay a steamer to run from St. Alban's to Windsor twice a week.
51. How far is it from St. Alban's to Windsor? I think about fifty miles.
52. Do you think from as far down the river as that the whole of the produce would come to Windsor? Yes; I think the whole would come if there were a railroad.
53. *By Mr. Scott*: I think you stated the fares from Richmond and Windsor to Parramatta, and back, amounted to about £4,000 a-year? Yes.
54. That would give about 260 or 270 passengers a week? I have not calculated.
55. I think you said that the traffic would be increased fourfold—do you think there would be a thousand passengers a week, to and fro? Yes, I think so.
56. In this petition it is stated that about 13,000 tons of produce are annually sent to Sydney; do you think that would increase fourfold too? I do not know. I have not made a calculation; it would, no doubt, be very much increased.
57. I include the Kurryjong? I believe you might put down the quantity of land at 20,000 acres; and if that were under cultivation it would realise one ton per acre; besides that, there would be the up-carriage, and there is also another kind of carriage, which has not been included: If there were a great rise in the price of produce in Sydney market, parties would send up and sell, and if the price fell they would send it back again.
58. That would give increased traffic to the rail? Yes.
59. One of the witnesses has stated something about coal having been found in the district; do you know anything about that? I believe there is coal.
60. Do you know whether it is good coal or not? On the Colo River I found coal.
61. Do you know the thickness of the seam? No; the coal was washed down into the water.
62. If coal were found there would it go by vessels or by the rail, do you think? That I am not able to say.
63. Do you really think, from your knowledge, that the produce from the Macdonald would support a small steamer? Yes. I think it supports some five or six small craft at present. There would also be the passenger traffic.
64. *By Mr. White*: You think the Macdonald and Lower Hawkesbury together would support a steamer? Yes.
65. *By Mr. Scott*: Have you calculated what additional freight this small steamer would give to the railroad from Windsor? I think there would be sufficient freight to keep the steamer going twice a-week. It is a very good place for maize.
66. Do you think they would send their maize by the rail? Yes. I think there would be stores at Windsor where it could be kept, and when the price justified it, it would be sent to market.
67. Do you know what small craft charge for carrying maize to Sydney? I think about eight-pence a bushel.
68. Could a small steamer and railroad carry it at that rate? I believe they could; but there would be this advantage in the case of the railroad, that it could be carried to market by a certain day; now it may be detained a fortnight on the way. A small coaster might be wind-bound, or unable to get into Sydney by the prevalence of a southerly wind.
69. At all events, if goods did not go, do you think passengers would go? I think both would go; and I believe that people would rather give 1d. a bushel for carriage by road than 8d. a bushel for water carriage.
70. *By the Chairman*: Is not maize liable to injury in the holds of small craft? Yes; and if sent too green it spoils altogether.
71. Your coasters are much smaller than those which trade up the Hunter? I think some of them carry from eight hundred to a thousand bushels.
72. As a class they are small? I think they are.
73. *By Mr. Suttor*: In consequence of the roads being so bad, is there likely to be any competition with the railroad, or would it insure the whole traffic? I think it would.
74. The roads are getting so bad that carriers would not be likely to compete with the railroad? No.

75. *By Mr. Scott:* Can you furnish the Committee with any reason for supposing that the traffic would be increased fourfold in the event of a railway being established? People who now come to Sydney once in three months would, perhaps, come once a month, and try to do their business in one day, as it is very expensive to have to stop in Sydney all night. I believe, also, that a great number of persons would visit the district who now never look at it. At present, if a wedding party wish to come up, it costs about £10 for a carriage there and back.

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Mr. John Dawson called in and examined:—

1. *By the Chairman:* You are, I believe, a storekeeper in Windsor? A storekeeper and farmer.
2. Have you lived long in the district? About eight years.
3. You are in daily intercourse with the inhabitants there? Yes, a good deal.
4. And have traversed the district? In different parts about the locality of Windsor.
5. Do you think at the present moment the resources of the district are fully developed? Not by any means; not nearly so.
6. At the present time your productions are diminutive in number? There is much less produce raised than might be if we had cheap and quick communication.
7. And you might raise many kinds of produce for which you have now no market? A great deal to which attention has not been directed. For instance,—Kurryjong would supply Sydney with potatoes, which at present would cost more for carriage than to get them from Tasmania.
8. Kurryjong has a very salubrious climate? It has.
9. And the district might become a favorite resort? Yes, to those who had accumulated a little competence. They might get from fifty to one hundred acres, and turn their attention to the cultivation of fruit, and vines, and dairy produce, for which the place is well adapted.
10. These matters are now nearly neglected in that district? Yes.
11. In fact, from the high cost of carriage, the products of Kurryjong have much fallen off? It is almost entirely shut off. There is scarcely anything grown but a few potatoes to supply the towns of Richmond and Windsor, and a few other things of that sort.
12. At present, I believe, what are called "bottoms" or "flats"—alluvial lands—are principally cultivated, not the back-lying lands or mountainous parts? The poor lands are not under cultivation; the attention of the people has been confined almost entirely to flooded lands, which are very rich and productive.
13. Even these flooded lands are not cultivated in the best manner, are they? I do not think (excepting, perhaps, maize) the crops produced are more than half what they might be with a better state of cultivation and a rotation of crops. If a better attention were paid to the matter, I believe that on these rich flats the farmers might keep at least one-third of their land under two crops a year.
14. You are acquainted with the cost of carriage between Windsor and Sydney? Yes.
15. The cost from Richmond, I suppose, is about the same? About the same; the difference is trifling.
16. What do you now pay from Sydney to Windsor? About £2 a ton for the carriage down. I have two teams on the road almost regularly, so that I do not pay much myself. A shilling a bushel has been the average for grain for several years; hay and straw has been from £3 to £4; in fact straw pays very badly at £4.
17. Poultry, pigs, fruit, and dairy produce, of course are taken at varying rates? There can scarcely be said to be a rate, for people engaged in that traffic generally bring in their own. There are a great many poultry dealers who visit the district.
18. A district like yours could, I suppose, produce an enormous quantity of those articles? A very large quantity could be raised. If we had the means of sending them to market more quickly, it would add materially to the quantity of dairy produce and pigs sent to Sydney. At present very few pigs come alive, as from Illawarra; those that do come are corn fed pigs, in the shape of bacon.
19. Do you send poultry to Sydney? A very large quantity of poultry is sent. I have no means of knowing the number, but there are five or six parties at least, including Richmond and Kurryjong, perhaps half a score, regularly engaged in coming to Sydney with poultry.
20. Fruit and dairy produce could also be sent? Yes; but there is nothing done in dairy farming at present; a great deal of dairy produce could, however, be raised. For instance, fresh butter has been selling cheaper at Windsor than the Illawarra butter this winter.
21. Upon the whole your farmers confine their attention principally to the staple productions of the district? Yes.
22. They have not thought much of the little accessories of secondary products? No; they have been a great deal neglected. The holdings of the majority of the farmers are small—about thirty acres—and they confine their attention to wheat and maize particularly.
23. I take it that it is the holders of small farms who can, with the best hope of success, raise these little things if they have a market for them? No doubt their attention would, if they had a market, be more directed to them. They would be impelled to it, by various reasons, for, under existing circumstances the farmer has nothing to send to market more than once or twice a year, and if he could, in addition to the cultivation of his crops—having a few cows, as most of them might have who are situated on the river where there are bank paddocks—produce dairy produce, he would have a source of revenue coming in week by week, which would be a great advantage.
24. Have you much business with the residents on the Lower Hawkesbury? As far as twenty or twenty-five miles below Windsor I have.
25. At present their produce goes by water? Chiefly.

Mr. John Dawson.
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- Mr. John Dawson.
- 12 Aug., 1853.
26. Do you think this would come down by railroad, if a railroad were established? I have no doubt of it.
27. Do the people complain much of their present means of transit? They do, and they frequently sustain great loss. A case came under my own notice the other day: a party was indebted to me, and, anxious to turn a little of his produce to account, he sent down a shipment of maize to Sydney; it was too green when shipped, and the result was that it was entirely lost.
28. From their isolated position, the people on the river seldom travel? Very seldom; if they get as far as Windsor, that is the extent of their travelling.
29. Do you think if there were a small steamer in connection with the railway it would be the means of increasing the passenger and goods traffic on the line? Yes: in the event of a branch being carried to Windsor my impression is that we should have a grain market established at once, and that parties having grain would come and see the party to whom they sold, that they would not deal through the medium of a second party. Now the settler puts his grain in the hands of the party in charge of the boat, and has to receive the returns he chooses to bring.
30. And has to trust to him to buy the supplies? Yes, for which a commission is charged, and frequently a commission is received from the party from whom the purchase is made.
31. Of course the maintenance of a steamer to feed the railway would be a private undertaking—do you think private enterprise would soon set a steamer afloat? I think there is no doubt about it; but, under any circumstances, the corn grown would find its way to market through Windsor. Most of the cultivation on the Hawkesbury is much nearer to Windsor than to the Heads; it is principally between Windsor and the Colo, within thirty miles of Windsor.
32. Is there much arable land under cultivation on the Colo? Yes.
33. Do oranges flourish on the Lower Hawkesbury? Yes, they are very productive.
34. It is a very beautiful river, and has highly picturesque scenery? Yes.
35. Do you think, in the event of the railway being opened to Windsor, the passenger traffic would be greatly increased? It must of necessity greatly increase. At present there is no traffic but what comes immediately from the neighbourhood of Windsor; we should then have the intermediate traffic. Parties now living at Box Hill and other places on the road cannot trust to the coaches, and proceed on their own horses, or in their carts or gigs. There would be a very large intermediate traffic at once secured; and, of course, people travelling to and from Sydney upon business would travel much more frequently if they could do so more cheaply and expeditiously. For instance, I confine my journeying to Sydney at present to once a month; but the journey would not be a consideration to me if I could come and return in a few hours. It now involves a loss of two days.
36. I presume, too, that under the present system for the most part only the heads of families travel—that the wives and families remain at home? To a great extent. If there were greater facility and less expense the traffic would greatly increase.
37. I think, too, we might fairly anticipate that a number of pleasure seekers would travel from Sydney to Windsor by train, and then proceed down the river by steam? Possibly, if a steamer were plying, they would be glad to see the river as far as the steamer went.
38. *By Mr. Suttor*: Have you ever seen a system of irrigation carried on upon the Hawkesbury? No.
39. Not even upon a small scale? No.
40. Do you not think the amount of produce might be increased by a system of that kind? In dry seasons no doubt it might, and perhaps in average seasons it would. No doubt if a higher state of farming obtained, the quantity of produce raised would be very much increased. I do not think our district raises an average yield of wheat above twenty bushels to the acre, and I believe our rich lands would produce double that quantity.
41. *By Mr. White*: A higher state of farming is not likely to obtain at the present price of labor? Not unless an incentive were given by a better and quicker return.
42. *By Mr. Suttor*: Do you know to what depth you would have to sink in the flats of the Hawkesbury for fresh water? No; but as the people are living contiguous to the river there is no necessity to bore for water, unless some system of irrigation were adopted.
43. *By the Chairman*: Fruit of all kinds flourish in your district? Yes.
44. *By Mr. Scott*: Do you think freight from Windsor to Sydney would be cheaper by rail than by dray? Yes.
45. How much cheaper do you think? If I remember rightly, the basis of the Railway Commissioners' calculation was sixpence per ton per mile, and if the distance be thirty-six miles, that would be eighteen shillings—say twenty-shillings a ton, up and down.
46. What did you mean by stating that Kurryjong only raised a few tons of potatoes to supply the town of Windsor, when your petition states that the Windsor district sends 200 tons of potatoes annually to Sydney? The farmers in our locality grow about two crops of potatoes a year, and these are chiefly sent to Sydney, but the small settlers, who have not the means of taking them to Sydney, sell them in Windsor.
47. You send yours wholesale to Sydney? Yes; but the quantity grown is comparatively small.
48. I think you stated that the charge for the carriage of grain from Windsor to Sydney is about a shilling a bushel? Yes.
49. What do you suppose would be the cost by rail? I judge that would be from 5½d. to 6d. a bushel; one hundred bushels now costs £5, the same quantity at 5½d. would be £2 5s. 10d.
50. What is the distance from St. Alban's to Windsor? About fifty-five miles.
51. What would be the charge per bushel if the grain were sent to Windsor by a steamer? It would not be more than 3d., probably 2d. would suffice, because sailing boats would bring it for 3d.

52. Then you think the Macdonald people would prefer sending it to Windsor, and thence by rail, to sending it to Sydney by sea at 8d. a bushel? Yes; it would be to their interest to do so, as it would arrive at market in a better condition.

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53. Have you ever made an estimate of the probable amount of produce that would be carried by railway from Windsor to Sydney—bullocks, grain, hay, corn, and other produce from Kurryjong, Lower Hawkesbury, and other places? I have made a calculation that we have at the present time from 18,000 to 19,000 acres of land in cultivation, and this land, as it has been already shewn by other witnesses, would be greatly increased by Kurryjong and the high lands about Windsor, which are generally denominated valueless, being brought into cultivation. People would, no doubt, by the application of artificial manure, gradually increase the quantity of this land. But, supposing we have some 18,700 acres, which I believe we have now under cultivation, within the limits of the Windsor district—I think we have not less than 10,000 acres under maize crop from year to year, about 6,000 acres under wheat, 1,000 under oats and barley, 1,200 under hay, and about 500 under potatoes. Of grain, maize alone, taking 50 bushels as the average, we should have 500,000 bushels; of wheat, taking the average at 20, 120,000; of barley and oats, at 50, 50,000; giving a total of 670,000 bushels: 1,200 acres of hay, at 30 cwt. to an acre—which is not more than the land is capable of yielding of oaten hay, the yield of lucerne is much more—1,800 tons; 500 tons of potatoes; straw, from the breadth of wheat land under crop, would yield at least 3,000 tons for market purposes. The grain being brought to market at a charge of sixpence per bushel, which I think the settler would not grumble about, but would be very well satisfied with, would amount to £16,750; hay, straw, and potatoes, which would together amount to 5,300 tons, at 20s a ton, would amount to £5,300; dairy produce, poultry, &c., I estimate at about £1,250. I estimate the up-carriage at about 3,000 tons—this is the quantity stated in the petition, and I think it is quite within the mark. Cheaper carriage would also cause a great increase in the quantity of building materials, sawn stuff, slates, and a great many other articles, that I think would make an increase of 3,000 tons. I calculate, also, that we have, under existing circumstances, 600 tons of goods a year coming through Windsor to get to Bathurst and the western country, which does not go through Penrith. Many of the carriers engaged in that trade, residing near Windsor, bring the goods round by that course. That says nothing whatever of the passenger traffic, which has been already referred to by Mr. Ridge.

54. In this estimate have you included the Lower Hawkesbury and Macdonald? All the grain producing district, including the Lower Hawkesbury; the Macdonald is not included.

55. What would that give you additional? I have no idea what land is under cultivation there.

56. Have you anything you would wish to add? In the event of Windsor not being favored with a branch line, supposing the Penrith line were not to come nearer than within a distance of eight miles, I am under the impression that our produce would still find its way down by the road; that it would be as cheap to the settlers to bring it down to Sydney as to drive it the distance that would be required. For, if a station is not nearer than eight miles from Windsor, perhaps the average distance that teams would have to come, taking Wilberforce, Freeman's Reach, and Richmond bottoms, and on to the Nepean, would be twelve miles. That would involve the loss of a third of the time that would be consumed in going on to Sydney; and when to that is added the expense of the carriage by rail, and the slight difference in price, from not delivering it to the actual purchaser, I think it would be more to the interest of the settler to bring it on than to send it by rail. The question seems to me to be whether this amount of traffic shall be secured to the Government or lost, for this £25,000 or £30,000 would hang upon a branch line being carried to Windsor, or not.

THURSDAY, 19 AUGUST, 1858.

Present:—

Mr. SMITH,	|	MR. WHITE,
Mr. DALLEY,	|	MR. PARKES.

T. W. SMITH, Esq., IN THE CHAIR.

John McDonald, Esq., called in and examined:—

1. *By the Chairman:* You reside at Pitt Town, near Windsor? Yes.
2. You have lived there a great number of years, have you not? Yes, I think upwards of forty years.
3. And for some time you have followed agricultural pursuits in that district? Yes, a good deal for these last twenty or thirty years.
4. I believe you are one of the petitioners who signed a petition which was presented by me in the early part of this Session, a copy of which is before you? Yes.
5. In this petition you state that your population at the last census was, in round numbers, about 8,500—do you think the population of the district has increased since then? Decidedly; it has increased a good deal, I should think.
6. *By Mr. Dalley:* To what extent, do you think? Perhaps twenty per cent.
7. *By the Chairman:* The population principally consists of men with families? Yes, small farmers.
8. The petition further states that about 14,000 acres of land are under cultivation in your district—do you think that quantity is in excess of the actual number of acres under cultivation,

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Esq.

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- vation, or otherwise? I think there are more. I speak from my own local knowledge of the parish of Pitt Town, where I reside.
9. The census was taken in the year 1856—since that time has the quantity of land under cultivation increased? Yes, it has a good deal increased.
10. Is there much land in the district adapted for cultivation, independently of that now under tillage? It is principally arable land. I do not think there are more than three or four hundred acres of land which is not fit for cultivation; that is in the parish of Pitt Town. The parish of Pitt Town contains about ten square miles under tillage, and produces on an average, in fair seasons, probably 40,000 bushels of wheat, 13,000 bushels of barley, 40,000 bushels of maize, 2,000 tons of hay, and the same of straw and chaff, and about 100 tons of potatoes.
11. It is principally with Pitt Town you are acquainted? Yes.
12. But you are generally acquainted with the remainder of the Windsor Police District? I am not particularly acquainted with it, but I know it.
13. Judging from your general knowledge of the district, do you think there is much more land which could be put under cultivation? Yes; I am quite sure a great deal more land might be put under tillage.
14. *By Mr. Dalley*: Good rich land, fit for all agricultural purposes? Yes. I have said nothing about what are called second crops, which are sometimes very productive. For several years past I have carted from Sydney, monthly, about ten tons of goods, and sent to Sydney about the same quantity of agricultural produce from my own establishment.
15. *By the Chairman*: Are you acquainted with the Kurryjong District? I have been there.
16. Are you aware whether the cultivation of that district has fallen off of late? I do not know, I am sure. I should rather doubt that it has fallen off. They are not subject to floods there as we are.
17. *By Mr. White*: How much of the Pitt Town lands are alluvial, subject to the overflowing of the waters? I should think above eight square miles in the parish of Pitt Town.
18. About three-fourths? More than that I think. All the small farms are principally flooded, more or less.
19. *By the Chairman*: Practically, you know little of the Kurryjong? Very little.
20. *By Mr. White*: The land is not so rich at the Kurryjong as on the opposite side of the river? No. If we had cheap carriage to Sydney we should cultivate a great deal more land.
21. It is the want of carriage that causes you to cultivate only the richest land? We cultivate some of the high land, but not much.
22. *By Mr. Dalley*: Can you give us any calculation of the increased price you have to pay for goods in consequence of the high rate of carriage? Carriage is high, and has been.
23. What is carriage from Sydney? I do not know exactly; perhaps between £2 and £3 a ton.
24. Is carriage down at the same rate? About the same.
25. *By the Chairman*: Judging from your petition, it appears that your principal products at the present time are hay, straw, and grain? Hay, straw, grain, fat pigs, bacon, hams, horses, potatoes, oranges, and vegetables.
26. The great bulk of your production consists of hay, straw, wheat, and maize? Yes. We used to send down a great deal of tallow, hides, salt beef, and salt pork; but we have not done much lately in that line.
27. In the event of your having a cheaper and more expeditious means of transport to market, I take it the productions of your district would be much multiplied? Yes.
28. A great deal more land would be thrown into tillage, and a better system of husbandry introduced? Yes.
29. The system of husbandry as yet has not been first rate? No; they are getting better now than they were; the farmers are paying more attention to their land.
30. The farmers would not then confine their attention to wheat and maize, but would apply themselves to the growth of green-stuff for the Sydney market? Yes; and the sugar-cane also.
31. The *Sorghum Saccharatum*, you mean? Yes. I tried some of it last season, and it seems to answer very well. Stock are very fond of it; in fact everything is fond of it, even the children.
32. It would thrive well on the alluvial land of your district? Yes.
33. That is an article for which there is likely to be a large demand in the Sydney market? Yes. I have a small quantity of it in this season, and I have machinery which I intend to convert into a sugar-mill.
34. You could also send to Sydney, with profit to yourselves, large quantities of fruit? Yes; oranges and grapes. One thing we could send that would benefit Sydney much, that is hard metal for the streets; there is plenty to be got between Parramatta and Windsor; and timber for building purposes.
35. Your present export of live stock—of poultry and pigs, would be greatly increased? Yes; fattened calves and milch cows would go down also.
36. The length of time now spent on the road prevents, in great measure, your settlers from devoting their attention to these articles? Yes; and also deters them from making many trips to Sydney to market; they put it off as long as they can, and make one trip perhaps do for a month or two. If we had a railway we should go much oftener to Sydney.
37. And the time spent by your farmers on the road, in carrying produce to market, also tends to operate injuriously upon their farms? Yes; the labor is lost from the farm, and also there is the loss by wear and tear and breakages; when the roads are bad, there is great breakage and loss of cattle.

38. The difficulty of communication prevents them in fact from tilling their farms as properly as they otherwise might do, and from raising a variety of crops? Yes. J. M'Donald, Esq.
39. You are clearly of opinion then that if you had a railway your system of tillage would be much improved, and your productions multiplied and increased? No doubt of it. I think if the rail branched off at Minchinbury, and ran from there to Windsor, a distance of about ten miles, through a level country, that would secure the principal traffic on Bell's Line, and also the Bulga Road, the Colo River, the Macdonald River, the Lower Hawkesbury, the Great Northern Road, Wollombi, Singleton, Jerry's Plains, and the Upper Hunter; it would secure a great deal of that traffic, which would then come to Windsor. 19 Aug., 1856.
40. *By Mr. White*: The fat stock from the Northern District generally come that way now? Yes; most come by the Bulga Road, Richmond way; a good deal comes Wiseman's Ferry way.
41. *By the Chairman*: At present the greater part of the produce of the Lower Hawkesbury is water borne in small coasters, is it not? Yes; but it would come by the rail if we had one. There would be lighters built to bring it up the river.
42. Or probably a cheap kind of screw steamer? Yes.
43. At present the farmers on the Hawkesbury seldom leave their farms—they entrust their produce to the captains of the coasting vessels, who bring it to Sydney, sell it, and bring them back what goods they require? Yes, that is exactly how it is.
44. But you think if you had a railway the produce and the people themselves would come to Sydney? Yes. They are rather in a wild state down there; the young people seldom go from home; more land would be thrown into cultivation, and it would raise the price of Crown Lands, and also of town lots; there would be an immense traffic if you had a railway to Windsor.
45. At the present time I apprehend that for the most part the families of the settlers do not visit Sydney very frequently—the passenger traffic is confined to the heads of families? It is, chiefly.
46. The expense is too great? Yes, and the journey too long.
47. Then the passenger traffic would be much increased if there were a railway? Yes, very much.
48. Not only would the settlers themselves come oftener to Sydney, but their families would sometimes accompany them? Yes. Where a person now goes one journey in a month to Sydney, perhaps he would go five or six. I know for myself that whenever I have anything to do in Sydney I put it off till I have a good many things to do together.
49. If you come now you must spend a night in town? Yes.
50. Therefore it would be cheaper to the settlers even to pay a higher fare by railway, when they could come and return the same day, than to pay a lower coach fare and spend a night in Sydney? Yes.
51. They would gladly pay a higher fare by railway than they now pay by coach? Yes.
52. I think you said the cost of carriage from Windsor to Sydney is about £3 a ton? From £2 to £3.
53. If there were a cheaper means of conveying goods to Windsor, do you think more goods would be sent there—that the inhabitants would purchase more freely in Sydney? Yes, I think so.
54. They would purchase many things with which they now dispense on account of the cost of carriage? Yes; the cost of carriage increases the value of the goods, and of course the buyer has to pay for that.
55. I believe you have been a large importer of agricultural implements? I have imported agricultural implements many years ago.
56. Generally speaking they are not used throughout the district? They are introducing them now.
57. But hitherto they have not been much in vogue? No, but they begin now to find the benefit of them.
58. At the present time your settlers do not avail themselves of the line of railway running as far as Parramatta, to bring their produce to Sydney? No, they go right through; they find it would not answer to unload and put it on the trains; besides, the hay is not prepared exactly for that, it requires to be trussed in a proper manner.
59. Do you think they would continue to do the same thing if the railway were made to Penrith, without a branch to Windsor? Yes.
60. A railway to Penrith alone would derive no advantage from the products of your district? I think not. I think it is about twelve miles from Windsor to Penrith.
61. And a very bad road? Yes.
62. *By Mr. White*: Have you any idea of the total cost of carriage to the district, up and down, for the year, by the present mode of traffic? I could not speak to that.
63. You have no statistical return which would give an idea of it? No. Those who hire teams pay between £2 and £3 a ton to Sydney.
64. *By the Chairman*: What price per hundredweight do you think your settlers could afford to pay for the carriage of hay and straw, and what price per bushel for wheat and other grain, by train, taking into consideration the freedom from risk of damage and the saving of time? I think they could pay from £1 to £1 10s. a ton for hay and straw.
65. And for grain how much per bushel? I think about sixpence or seven-pence a bushel.
66. Those rates would be considerably less than you now pay by teams? Yes, a hundred per cent., perhaps.

Edward Powell, Esq., J.P., called in and examined:—

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1. *By the Chairman*: You reside in the Richmond District? Yes.
2. And are engaged in agricultural pursuits in that part of the country? Yes.
3. You are intimately acquainted with the district and its resources? I have never kept any account of the quantities of goods that go backwards and forwards, but no doubt it is immense. There is a large area of land in cultivation, from Windsor up to the Nepean—say ten miles in length, with an average of nearly two miles in width, all under cultivation.
4. Your petition states that there are at the present time 14,000 acres under cultivation in the entire Windsor Police District, do you think that number less or more than the number of acres actually under crop? I should think from Windsor upwards there are about twenty square miles under crop.
5. Perhaps I may remind you that the Police District of Windsor is bounded by the southern boundary of Ham Common and by the Grose River? I would not go above the Grose. I should say there are about twenty square miles under cultivation.
6. You mean from the Grose down to the Macdonald River? From the Grose down to Windsor and all Wilberforce; but I think there are twenty square miles exclusive of Wilberforce.
7. On the eastern side of the river? The south side.
8. The side nearest Sydney? Yes.
9. You are principally acquainted with the Richmond District? Yes.
10. That is, I believe, exceedingly fertile—the flats between Windsor and Richmond? Yes; it is all flooded land.
11. At present the attention of your farmers appears to be principally confined to the growth of hay, wheat, straw, and maize? Yes; those are the principal products.
12. Do you not consider that the farmers there could and would profitably turn their attention to many other productions if they had the cheap and expeditious means of transport to market that a railway would afford? I can speak for myself that it would be a great advantage. I had part of my wheat spoiled last year. I did not send it to market early; the floods came and I could not send it, and I had to keep it so long that the weevil got into it, and I had to feed the stock with it.
13. *By Mr. Dullcy*: How much did you lose? About three hundred bushels. Some of the bags remained good, and the weevil could not get in; but wherever the mice cut the bag, the weevil got in and destroyed the grain.
14. *By the Chairman*: When the roads are bad the expense and difficulty of conveying produce to market are very great? Yes; it will sometimes kill the horses to get it to market.
15. Your district is eminently calculated to produce green-stuff, is it not? I should say it will grow anything that can be produced in the same latitude. The ground is extremely rich.
16. Poultry and pigs could also be reared in very large numbers? Yes.
17. Do you grow fruit in any quantity? Yes. I suppose I send from ten to twelve tons of grapes to market every year. The rail would answer me very well for fruit.
18. But at the present time I understand that your farmers do not turn their attention to the growth of these subsidiary articles for sale? No; the market is too far for any kind of green crops.
19. But if you could send these things quickly to Sydney they would be found profitable? Yes. We could compete then with, and perhaps supersede, the gentlemen round about Sydney in growing green crops.
20. What are you now paying for the conveyance of goods from Sydney to Windsor? I do not pay anything myself; I have my own teams, but they often load back with goods; the price is £2 a ton to Windsor now, and £2 10s. to Richmond.
21. Are you acquainted with the Kurryjong district? Yes, I know a little of it; I have a piece of land there.
22. It is not at the present time fully cultivated, I believe? No; a great deal of the land there has gone out of cultivation. It is a part of the country where the soil wants manuring; it soon wears out.
23. Do you think it would come into cultivation again if you had a railway to Windsor? No doubt some of it would. There is new land that would come under tillage.
24. The present system of tillage in the district generally is not good, is it? No, it is anything but good.
25. The farmers have depended on the richness of the soil, and have not resorted to artificial means of improving it? I do not know of any one in our locality that has ever helped the soil at all. All that we have to do when the soil begins to fail is to allow the plough to go a little deeper, and then we have fresh earth.
26. Farmers have not attended much to the rotation of crops—they grow the same things from year to year? Yes, it is generally so.
27. You know the plant *Sorghum Saccharatum*—does it grow well with you? Yes, it grows very well; but I do not think it will answer to grow it for sugar at the present price of labor.
28. As green-stuff would it not pay well? Yes.
29. Lucerne also pays very well, does it not? Yes; I am laying down a good deal of it. In short, we must turn our attention to something else than wheat.
30. I take it that the growth of green-stuff of all kinds, and of fruit, and the rearing of poultry and pigs, would pay you better than the growth of wheat? Maize has answered us better.
31. I mean, supposing you had the means of conveying them to Sydney cheaply and expeditiously? We shall grow all we can if we have a railway.
32. Your farmers are generally their own carriers at present? Yes.

33. By acting in that way they lose much of their time? Yes; there is a great deal of time lost.
34. Which prevents them from giving proper attention to their farms? Yes, certainly; if they had not to go on the roads they could keep their farms in better order.
35. And make them produce more? Yes.
36. You think if you had a cheap and expeditious means of transit to Sydney the products of the district would be much increased? Yes; because there would be more encouragement.
37. Do your farmers and their families at present travel much backwards and forwards between Windsor and Sydney—I am not alluding to those who drive their own teams; do the people of the Windsor district travel much to Sydney? I should think not; only when they are compelled.
38. Do you think they would travel more if they had the means? I have no doubt they would, for where I come once to Sydney I should come five times.
39. At the present time the families scarcely ever leave home to come to Sydney? No; there are many families who, if you go to their houses, will hide themselves for want of seeing a little of the world.
40. A considerable quantity of fat stock comes through Richmond to the Sydney market? Yes; the bulk of the stock comes through there.
41. Are you in a position to speak positively of the quantity of stock arriving by that route? No.
42. The neighbourhood of Richmond or Windsor would be a very favorable position for large slaughtering yards? Yes.
43. There is abundance of room and water for cattle while they are kept prior to being slaughtered? Yes; there is plenty of ground to feed on.
44. And, if need be, green-stuff could be raised in any quantity for their maintenance? Yes.
45. That is, supposing it became the custom hereafter to keep stock for a short time before slaughtering. I am aware it is not the custom now, but if it should become so your district would present many facilities for that pursuit? It would; and I have no doubt cattle will be fattened in our district after some time.
46. Your roads at the present time are not good? No; it is very hard to keep the earthen roads in repair.
47. Do you think you could send much timber to Sydney market? Not exactly from our locality; it would come from further this way—Blacktown way; there is plenty of timber there.
48. In a part of the district which is near where the line would run from Windsor to Parramatta? Yes.
49. Ironbark? Yes.
50. Are you at all acquainted with the mountain country? No.
51. Have you never been across to Hartley, along Bell's Line? I was once to Hartley; but I went the Penrith way.
52. Have you been in the valley of the Grose at all? No; but in my opinion a line can never be carried from Penrith to Hartley; it is a congregation of mountains and gullies all the way.
53. *By Mr. White:* Can you tell me what the carriage of the district costs? I cannot.
54. Do you think it costs the district £10,000 a-year? I cannot say. I know immense quantities of goods and produce come up and down. The present line to Parramatta, even if it went up to Rooty Hill, would be altogether immaterial to us; it might as well be in the moon for us. When we get to Parramatta we think we are at home nearly, and we do not like to unload.
55. *By the Chairman:* You think if a line were made from Parramatta to Penrith only, your settlers would not make use of it? We could not. I should also think, that if there is ever a line to Bathurst it will have to go by way of the Grose: there is no other way.

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Mr. John Cunningham called in and examined:—

1. *By the Chairman:* You reside at Richmond? No, at Clarendon.
2. Some few miles from Windsor? A few miles.
3. You have lived for some time in the district? Yes.
4. And you are well acquainted with it? Yes.
5. Are you engaged in farming pursuits? Yes.
6. You are one of the petitioners who signed the petition which I presented in the early part of the Session? Yes.
7. Your petition states that your population amounted at the last census to 8,500—do you think it has increased since then? I do not know to what extent, but it has increased.
8. The petition further states, that you had at that time 14,000 acres of land under cultivation—do you think there is more or less than that? I think there is more, from the calculations I have been able to make.
9. Will you state to the Committee the basis upon which you found your calculations? The number of farms on the Windsor side, Richmond Bottoms, and Cornwallis. I have got the statistics from a gentleman who went through all the farms, and I know they are correct.
10. These have been carefully prepared? Yes; I have gone through them, and I can say they are correct. Richmond Bottoms and Cornwallis, about 7,500 acres; Pitt Town District, 4,000 acres; Wilberforce, about 3,000; from Wilberforce to Colo, 2,500; Colo River, about 1,300—I am not able to certify that that is exactly correct, but I think it is; of the Kurryjong I am not able to give a correct estimate; from the Grose to Weena Creek there are about one hundred farms, with about 5,000 acres under cultivation; from Windsor to Parramatta I have not got.

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11. Is there much arable land, or land fit for cultivation, in your district which is not now under tillage? Under the improved system of cultivation, which will be brought into practice if we have a Railway, I think there will be one-fifth more land; the number of dairies and gardens that would spring up there would increase it by one-fifth. In fact in my possession now I have land which it would not pay me to cultivate; but if I could put the produce on a railway I could put twenty or thirty acres more under cultivation.
12. At the present time the farmers confine themselves to the staple articles, hay, straw, and wheat? - Yes.
13. Are you acquainted with the carrying trade? I have been in that trade for the last seven years, and I have sent about five tons a month to Bathurst for the last five years; and from Windsor to Sydney I sent down, up to the 1st of last January when I left Windsor, four tons a week, and brought four tons back.
14. What is the price of carriage from Windsor to Sydney? I have got agreements for twelve months, at £2 a ton.
15. Do you charge grain at per ton? No; that is taken by the bushel. But this is the up carriage I am speaking of at £2 a ton; to cart hay we get £4 a ton.
16. It is £2 from Sydney to Windsor? Yes.
17. Downwards how much is charged for hay? From £3 to £4 a ton.
18. And for straw? Straw is very seldom carted to town lately; we mostly buy it outright, but the rate of carriage for it is about £3 to £4.
19. How much for wheat? One shilling per bushel.
20. And maize? I have not carted any maize down to Sydney for a long time. It is about the same price as wheat.
21. These articles at present form the staples of your district? Yes.
22. I think you said that if you had more expeditious and cheaper means of communication the farmers could and would grow many articles to which they are now prevented from turning their attention? Yes.
23. They could raise large quantities of green-stuff? Yes; they could almost supply the city with green-stuff and dairy produce.
24. As well as pigs and poultry? Yes.
25. Is the population of the Hawkesbury a travelling population—do they move much up and down to Sydney? They are not accustomed to moving about very much. There are many persons who would come to Sydney a great deal oftener than they do, but they dread coming down by the coach. We come to Sydney as little as we can.
26. The wives and families of the farmers in that district scarcely ever leave home? Very seldom.
27. Do you, in the event of your having a railway, anticipate that there will be a much greater passenger traffic than there is now by the coaches, independently of the number of people who would visit the district from Sydney? Yes; I think there would be a much greater number of passengers by the rail.
28. The people would not only travel more frequently, but in greater numbers? Yes.
29. Do you think your settlers would avail themselves of the line from Parramatta to Penrith, in the event of your not having a branch line to Windsor? I think they would not. I have made a calculation that at present the carriers of Windsor and Richmond cart monthly about fifty tons of goods from Sydney to the Bathurst country; and it would not pay us to take it by rail to Penrith, and then to come around home to get forage and all that sort of thing for the rest of the journey. I think, therefore, they would still keep their teams on the old road.
30. I believe a great many of the Bathurst carriers are Windsor farmers? Yes.
31. That being the case, if you had a railway to Windsor, those people amongst you who are Bathurst carriers would, I apprehend, take their loading by train to Windsor, and start from Windsor with their teams to Bathurst? Exactly; so that while the horses were resting they would be getting the goods up from Sydney.
32. Your district is a very good district for carriers, because they have the means of rearing horses and feeding them and laying in cheap supplies of forage? Yes; the land is so rich round there that we can always grow green-stuff and forage for horses, which relieves the carriers from the heavy expenses incurred on the Bathurst Road.
33. So that in this way you think the railway to Windsor would have a source of traffic independently of your home traffic? Yes.
34. Your district is very well adapted for breeding cart horses? Yes. The Richmond and Windsor carriers take about half the goods that go to Bathurst now.
35. Do you know the Lower Hawkesbury, towards the Macdonald? I do not know a great deal about it. I know there is some good land, but what quantity I cannot say.
36. Do you think the settlers there would all send their produce to Windsor, if there were a railway, to be sent to Sydney by the rail, in preference to sending it by the coasters? Yes. I have been making a calculation that there are sent from the Windsor district to Penrith to go to Bathurst five hundred bushels of grain a-week lately, and all that would go by the train if it were near enough.
37. You think the train might depend upon that produce as a means of revenue? Yes, because that is the best market for produce, and has been these two years.
38. Maize is liable to injury, is it not, by being sent by coasting vessels? Yes.
39. At times, from the bad state of the roads between Parramatta and Windsor, your traffic is very much impeded, and the settlers sustain serious loss? Yes.
40. Do you know much of the Kurryjong district? Yes, I have been all through it. I lived there for about twelve months some thirteen years ago, and latterly I have been through it.
41. The amount of land under cultivation there has fallen off of late? Yes.
42. Do you think the farms there would be resumed in the event of your having a railway to Windsor?

- Windsor? Yes, I do. I think if we had facilities of getting to market, all the land that is available would be turned to account.
43. Is not the Kurryjong district favourably situated for vineyards, and for the growth of potatoes? Yes; I think at the present time the Kurryjong district sends to market from seventy to a hundred tons of potatoes annually.
44. Are you acquainted with the mountain road from Richmond to Hartley? Yes; I have been travelling that road these last seven years.
45. Have you ever traversed the valley of the Grose? No; I have never been up the Grose.
46. Do you think you are in a position to say which would be the most favorable line of railway to Bathurst? It would be very difficult to say. I have never been up the Grose, nor yet on Bell's Line; but I think if they take a railway to Penrith with a view of reaching Bathurst, it will be a failure; they would never surmount the mountains. I think it must be by the Grose and across Bell's Line, or otherwise to the right, by Mount Tomah.
47. In either case starting from near to Richmond? Yes; between Richmond and Penrith.
48. Have you made any estimate of the gross sum paid by your settlers for the carriage of produce to market, and the carriage of goods back from Sydney to your district? I have not.

Mr. John
Cunningham.

19 Aug., 1853.

Mr. George Matcham Pitt called in and examined:—

1. *By the Chairman*: You live near Richmond? Yes, in Upper Richmond.
2. And you have lived there a very long time? Yes; it is my native place.
3. You have been engaged in agricultural pursuits there, and have also lived in Sydney? Yes.
4. You are well acquainted with the district, and have travelled through all parts of it? Yes; I think I am in a position to say I am well acquainted with it.
5. *By Mr. Dalley*: You are now engaged in business as a cattle auctioneer? As a general auctioneer; but my business is principally with cattle.
6. *By the Chairman*: You signed the petition now on the table? I did.
7. The petition states that your population was 8,500, in round numbers, at the date of the last census—do you think it has increased since then? I do not think it has increased much.
8. At the present time there is not much opening for young men in the district? I mean that the population has not much increased, if you take the district altogether. The Kurryjong at one time was almost depopulated, when the gold fields were first discovered, and many have never returned.
9. There was not much temptation for young men to remain, I suppose? I do not know that. I got the gold fever as well as the rest, but there was a great temptation to me to stop.
10. You have not as much land under cultivation as you had in former years? I do not cultivate much for my own use.
11. I am speaking of the general cultivation of the district? I think there is no falling off in our district.
12. Is there not much land that could be profitably cultivated if you had a railway? If the rail was against my door it might make a difference; but still there must be a difference in the price of labor before I could cultivate profitably. I could not afford to cultivate now for sale by paid labor, nor could any other man.
13. *By Mr. White*: It is something like paying five shillings to raise half-a-crown? Not quite so bad as that; but it never paid me at all, only when I held the handles of the plough myself.
14. *By the Chairman*: At the present time your farmers convey their own produce to market? I should say nine-tenths of them do.
15. If these farmers were spared the time they now spend on the roads they could pay more attention to their farms? Yes.
16. They could improve their position and increase their productions, by devoting the attention of themselves and families to other than the staple articles? Yes. There is not a shadow of doubt in any reasonable man's mind that the railroad is a very great advantage; but one thing they want, to increase the productiveness of the land, and it is a thing which has never been attended to in this country, is a system of watering the land by irrigation. If we had that we should be one of the first countries under the sun. I believe our soil is so rich that it will produce almost any cereal that grows in the same latitude.
17. *By Mr. Dalley*: Do you think these statements in the petition are correct? I looked them over, and thought they were correct. I was not a party to making them up, but I depended on those who did.
18. *By the Chairman*: At the present time you are principally engaged in the sale of stock? That takes up a great part of my time now.
19. I believe the greater portion of the fat stock from the north-west and north country comes through Richmond? Yes.
20. Both by Bell's Line and the Bulga Road they come through Richmond? Yes.
21. The Sydney market is now principally supplied from the northern and north-western country? Yes.
22. The fat stock from the southward principally goes to Port Phillip? It does.
23. But all the stock from the north-westward and northward comes through Richmond to Sydney? Nearly all. Some lots come by Wiseman's Road.
24. *By Mr. White*: There is no feed on that line? There never is.
25. *By the Chairman*: Are you able to state the number of cattle and sheep that come to Sydney in this way? At a rough calculation, I think it takes about six hundred bullocks a week to supply Sydney market, and I think four hundred of the six hundred come through Richmond.

Mr. G. M. Pitt.

19 Aug., 1853.

- Mr. G. M. Pitt. 26. How many sheep? The number of sheep varies. The man who keeps the toll bar told me that the year before last 105,000 passed through; last year, 75,000; and this year, 19 Aug., 1858. about 35,000 for the half year. With some trouble I think I could make it up from the book.
27. Will you furnish the Committee with a return of the number of sheep and cattle that come to Sydney through your district? Ycs, the number of sheep that cross the ferry, but not the cattle. The man told me that all the cattle belonging to certain butchers are booked, but those that are paid for in money are not. I asked the toll-keeper, and he said eight hundred a month, but that, in my opinion, is incorrect. I made a calculation of what passed through my own hands, and they averaged two hundred a week, or nearly so, and I have only a branch of the business.
28. I apprehend the ferryman's return will be rather under than over the mark? He will tell you the number of sheep pretty accurately.*
29. You are getting a bridge now made across the river? The people of Richmond are; I have nothing to do with it.
30. That of course will facilitate the transmission of stock by that route? Yes.
31. *By Mr. Dalley*: Do not a good many horses come that way? Not a great many?
32. Can you give us any idea of the number? I do not think more than three hundred horses a year come that way.
33. *By the Chairman*: Do you not think that if you had a railway to Windsor, or some point near the town of Windsor, the fat stock now arriving at Richmond would be slaughtered and sent to Sydney by railway? No. I do not think it would keep in summer time.
34. *By Mr. Dalley*: Do you think these fat stock would be put on the train to come to Sydney? No; the bullocks are too wild.
35. The sheep would? Yes; I think it would answer very well to send all the sheep by the rail.
36. *By the Chairman*: Do you find Richmond a good place for resting stock until they are wanted for slaughter? I cannot say that it is altogether. The only pasture land near Richmond is a large common, presided over by trustees, and they go so far that they would almost impound the stock that walk over it without feeding. There is no place there, without you take paddocks near Kurryjong, or paddocks on the Blacktown Road.
37. Is not the road from Richmond to Sydney a very bad road for driving cattle? No; it is one of the best they can go—only for the bad fences which they get through.
38. I am speaking of the want of feed? You will get none unless you pay for it. There are paddocks where you can put them, if you pay for them.
39. *By Mr. White*: Is there much for the cattle to eat in them? Some are tolerably well grassed. Rooty Hill and Pye's, at Eastern Creek, are both good paddocks, besides several others.
40. *By the Chairman*: Is not the rapid driving the cattle are now subjected to from Richmond to Sydney very injurious to the meat? Certainly.
41. Is it not the practice to drive them fast from Richmond to Sydney? It is among the drivers employed; but if you employ the stockmen that bring them down, they will take them just as quietly as on any other part of the road.
42. *By Mr. White*: Have you been up the valley of the Grose? I have.
43. Have you crossed the range at the top which they call the Darling Causeway? I have never been up to the sources of the river, but I was up the valley in years gone by. I and others started at twelve o'clock and walked till the sun went down, and returned the next day. That is all I know of the valley of the Grose.
44. It is very rough up the valley? Very.
45. You have been along Bell's Line? Yes, many a time.
46. There is some very good land there all the way up to Mount Tomah? I cannot say it is very good.
47. It would answer for vineyards. I think Mount Tomah itself, if it is not too cold, is one of the finest places I ever beheld for vines. The eastern slopes of the Kurryjong hills would be equal to anything in the world for vineyards.
48. Do you think a road could ever be taken that way? Capital would do wonders. I think it is possible a road could be made there.
49. There was a road made there by Bell? Yes, and it has been improved upon since.
50. It is not a very bad line after you pass Mount Tomah? The only fault is that the stones are too loose for the cattle travelling.
51. *By the Chairman*: You have a general knowledge of the mountain country? Yes.
52. Judging from the lay of the country, which do you think will be found to be the most eligible line for a railway? I am not skilled in engineering; but I do not think it is possible at all to make a railroad over the Penrith line, because there is a gradual ascent for several miles. I think the highest point is about Blackheath.
53. Do you think a line would be practicable in the valley of the Grose and its neighbourhood? Yes, it is possible; but it would cost a considerable sum.

FRIDAY,

* I find, on inquiry, he is not prepared to furnish a correct return of the number of sheep.

ON EXTENSION OF RAILWAY TO WINDSOR.

FRIDAY, 20 AUGUST, 1858.

Present:—

Mr. SMITH,	|	Mr. WHITE,
Mr. DALLEY,	|	Mr. SUTTON.

T. W. SMITH, Esq., IN THE CHAIR.

Captain Scarvell, J.P., called in and examined:—

1. *By the Chairman*: You live near Windsor? I live near Windsor; yes.
2. You have lived there for a great number of years? Yes; I have lived there almost 30 years—29 years.
3. You are a magistrate of the territory? I am.
4. You are well acquainted with the district? I cannot say I am very well acquainted with the district; I have been a great home stayer. I am pretty well acquainted with the wants of the district in that part.
5. I believe you are one of the gentlemen signing a petition praying for railway extension to Windsor? I am.
6. In this petition you state that your population at the time of the last census was 8,500? If it is there I have no doubt it is correct; I don't keep these things in my head.
7. Do you think your population has increased since then? I think it has. I see there appears to be more trade going on in Windsor, and a great number of immigrants have arrived since then.
8. Your population consists principally of farmers, does it not? Yes; I think they are principally farmers.
9. The petition further states, that about 14,000 acres of land are under cultivation? I could not speak to these particulars of my own knowledge. If it is here in this petition I am perfectly satisfied it is correct, as far as the leading facts having been placed before me.
10. It appears by this petition that the principal products of your district are at the present time hay, maize, wheat, and straw? And potatoes.
11. Do you think these productions would be increased in the event of your having a cheaper and quicker way of carrying your produce to Sydney? I think so, because many small settlers have not the means of conveying their goods to market, and are obliged to sell to forestallers and carriers, and consequently sell at a much lower rate than they would get at the Sydney market if there were an easy means of transit. Indeed I am well satisfied they would rather send their goods to market than sell them to the parties they are obliged to do now. There are a great number of that sort of small farmers.
12. Many of your farmers are carriers, are they not? A great many of them.
13. If they were enabled to transport their produce to the Sydney market by railway, they would save the time they now occupy on the road, and they would have more time to devote to their farms? Undoubtedly they would.
14. In that way the farms would be more productive? Yes; there would be a greater inducement to cultivate more largely. They would get better prices for their produce, and that would be an inducement to them to extend their cultivation.
15. The Committee have been informed that this district is favorable for dairy produce—the rearing of poultry and live stock of that description? I don't think there is so much done in dairies as formerly since the establishment at Wollongong. I have no doubt if there was a demand for dairy produce they would turn their attention again to it, particularly the small men.
16. At the present time the dairy farms have decayed in your district? These farms do not pay so much as formerly. In former years there was a great deal of butter made there.
17. You could also grow large quantities of vegetables if you could convey them to market cheap? Undoubtedly. There is no inducement to small farmers to keep up gardens for vegetables now. If there was quick conveyance they would find it profitable to do so.
18. And to grow fruit also? Yes; I should say so.
19. I gather from your evidence that you conceive if there was a railway to Windsor the productions of the Windsor district would be considerably multiplied and increased? They would, I am satisfied.
20. Do the inhabitants of Windsor travel much to Sydney, backwards and forwards? Only as necessity obliges them.
21. I presume their wives and families seldom leave home—it is only the heads of families and sons who travel? I could not speak positively as to that. It is not within my own knowledge. I believe they would visit Sydney much more frequently if there was a cheap and quick conveyance.
22. They would no doubt do so? Yes, I think so.
23. And the passenger traffic, as regards the district itself, would be much increased? There is some data which I have at home that would enable me to answer the question. I think the mail contractor—he himself derives a profit or rather an income from passengers by his coach of £60 a week—that is one individual. I think I should be correct in saying there would be a large passenger traffic.
24. Much larger than that which now exists? Yes.
25. I presume you would also expect to see a larger number of visitants from Sydney on your having a railway? Yes; I think we should. For this reason, the locality is very much liked by persons who visit there. The site of the town itself is pleasing; I have heard many persons who visit Windsor for a short time complain of the want of sufficient accommodation. Now, if a railway was established, offering that quick and cheap mode of travelling, I am satisfied a great number of persons in Windsor would take advantage of that circumstance, and prepare accommodation for persons wishing to reside there for a few days.

Capt. Scarvell,
J.P.
20 Aug., 1858.

Capt. Scárvoll, J.P. At present there is only one inn I am aware of, and that is an inn of rather confined accommodation—M. Quade's is the only place there now.

20 Aug., 1858. 26. Do you think that much additional land would be placed under cultivation in the event of your having a railway? I think there would be many persons who pay attention to other things just now who would turn their attention to cultivation if there was a ready and cheap way of getting their produce to market. That is the great drawback, and prevents the carrying on of agriculture to a much greater extent than at present. Unless parties have conveyances of their own and appliances to deposit their goods in the Sydney market they are completely in the hands of the forestallers and carriers, because they must sell it there for what they can get.

27. You consider that the resources of your district are not by any means fully developed at present? I consider by no means so at present. I do believe if a railway were established it would be the means of developing the resources of the district to a greater extent than anything that could be established.

28. You mean that if you had a railway that what you call second-rate land would pay to be brought under cultivation? I think it would, if the farmers paid that attention to the dressing of the land which they should. There is a great deal of land near Windsor not paying in consequence of the slovenly way it is now done. It would be an inducement to farmers to cultivate properly.

29. The system of tillage at present is not good? Very slovenly. I have no doubt they would soon get into a better system when they found it was more to their interest to do so. I do not know anything that would more conduce to that end than a railway.

30. Do you think a railway would change the whole character of the district in the course of a few years? I really think it would.

31. Are you acquainted with the Lower Hawkesbury? No, not at all.

32. Do you think that the farmers on the Lower Hawkesbury would send their produce to Windsor for transmission to Sydney if you had a railway? The greater part of the produce of the lower part of the Hawkesbury comes up in boats to Windsor, and the farmers are obliged to sell it to parties who make it part of their business to act as carriers, and they must take what they can get offered by these persons. If a railway were established I feel satisfied that instead of selling it to the forestallers they would take advantage of the railway—leave their boats at the wharf, and come down by railway and sell their produce.

33. You think that their produce would come down by railway and not by water? I think so.

34. There are many drawbacks by carriage by water? Yes: the exposure of a short sea voyage; then the uncertainty of the weather, and risk of damage from length of time: these are great objections to water conveyance.

35. *By Mr. Dalley*: The goods are obliged to be trusted to captains of small vessels, who are entrusted with the disposal of them? Some are very small, and go to sea at very great risk. If caught in a westerly wind they may be blown off the coast, which has happened more than once or twice.

36. *By the Chairman*: You think a railway might depend on their produce? Yes.

37. The produce principally consists of maize on the Lower Hawkesbury? I am expressing my opinion now with the idea that the railway terminus should be in some convenient part of Windsor, so that there would be no expensive or long cartage to take place, as it is at present from the Parramatta terminus.

38. The produce of the Lower Hawkesbury consists principally of maize, does it not? Maize and wheat. I think they grow more maize than anything else.

39. Maize is especially liable to injury on a sea voyage? I could not say whether it is more so than wheat; I don't know that it is.

40. Now, with respect to return goods from here to Windsor? I believe there is a vast number of tons go by the carriers every week; I think I might be safe in saying it reaches nearly 50 tons a-week.

41. Fifty tons a-week, you think? Yes; there's Woods, Havclins,—I think there are four carriers, who have two waggons each on the road. These waggons carry from two to three tons, and go twice a week.

42. *By Mr. Dalley*: That would be about 48 tons? Besides that there are drays—as many as a dozen—that belong to different parties. Then this is to be taken into consideration—that a great deal of the goods go into the interior, to Bathurst and Goulburn.

43. *By the Chairman*: Many of your farmers are Bathurst farmers? They are residents of the town, but they hire themselves to carry goods to Bathurst.

44. Are you aware what is the present cost of carriage from Sydney to Windsor? I think £2 per ton.

45. Are you acquainted with the rates charged for carrying produce from Windsor to Sydney? I think it fluctuates a good deal for heavy wheat; they pay sometimes 1s. per bushel. The charge per ton is about £2. For hay they pay sometimes as high as £5 per ton.

46. The charges vary with the state of the roads? Yes; they vary with the state of the roads. There is an established rate for weight. They make a difference as to the quality of the goods they have to carry. I think wheat is charged by the bushel. I never sent any myself.

47. One shilling a bushel? Yes.

48. And maize? About the same.

THURSDAY, 26 AUGUST, 1858.

Present:—

MR. PARKES, | MR. SMITH,
|
MR. WHITE.

T. W. SMITH, ESQ., IN THE CHAIR.

Edwin Barton, Esq., called in and examined:—

1. *By the Chairman*: You are attached to the department of the Commissioners of Railways? E. Barton,
Esq.
Yes.
2. As a surveyor? As Assistant Engineer.
3. Are you the surveyor by whom the proposed line from Parramatta to Penrith has been surveyed? No; I have not been engaged upon that line until the last few days, when I staked out about four miles. I have had nothing to do, with that exception, with the work between Parramatta and Penrith. 26 Aug., 1858.
4. Have you been engaged in the survey of the proposed extension from the Parramatta and Penrith line to Windsor? No; I do not know anything of either the Penrith or Windsor line.
5. I believe you have been employed in surveying the Blue Mountain country, with the view of discovering the most practicable route for a railway from the County of Cumberland to the western interior? Yes.
6. When did you commence that survey? In September last year.
7. With an efficient party? With a party of sappers.
8. Is your survey of the mountain country so far completed that you are able to furnish the Committee with information as to the route it is most probable the line will take from the County of Cumberland to the western interior? The survey is complete, with the exception of the survey of the Grose River, which would go from near Richmond to Hartley. There are five miles of that portion of the work done. Owing to its being the winter time, and the consequent flooded state of the river, we were obliged to abandon the work, which will be proceeded with about the middle of next month, and will occupy perhaps three months.
9. At what part of the country did you commence the survey? At Bathurst.
10. And you then worked towards Sydney? To Penrith the line is surveyed.
11. The line from Bathurst to Penrith is surveyed? It is.
12. You have also tried a line to Windsor, have you not? To the head of Grose River.
13. Towards Windsor? Towards Windsor.
14. For what distance along the Bathurst Road would the proposed lines to Penrith or to Windsor be one and the same? I have tried from Bathurst three different lines. The one line by the Fish River, Solitary Creek, Piper's Flat, Lithgow's Valley, Darling's Causeway, the ridge upon which the present Western Road is constructed, between Penrith and Mount Victoria and to Emu Plains,—that is the mountain line.
15. The line you have described to the Committee is practicable? It is practicable.
16. Would it be an expensive line? For perhaps half the distance the works would be rather heavy, but I have not gone into the question of expense yet.
17. How would you ascend from the valley at Hartley to the Mountain range? By Lithgow's Valley, and one of the tributaries of Brown's River, on to the range dividing Dargin's Creek from Brown's River.
18. Brown's River falls into the River Lett? No, into the River Cox.
19. Where is Lithgow's Valley? Lithgow's Valley is a little north of Bowenfels.
20. Then you would ascend the mountains to the north of Mount Victoria? Yes. The reason for so doing is that the low country at that point is so much higher than the Vale of Clwyd, and the mountain level remaining almost the same.
21. You would still have to cross the deep valley of the River Lett? No, that I leave to the south; from Lithgow's Valley I go to Piper's Flat, which is in the north-east direction.
22. Have you a map of the country? I have. (*Witness referred to Sir Thomas Mitchell's three-sheet map.*)
23. The route you have now described crosses Cox's River? Crosses Cox's River very near its source.
24. It keeps entirely to the head of the River Lett? It crosses Dargin's Creek, which is a tributary of the River Lett.
25. You cross a deep gully before you cross Dargin's Creek? There is a valley by Dargin's Creek which, by making the line a little longer, might be avoided.
26. That is one line—will you describe to the Committee the second? The second line is by the Fish River, and Solitary Creek, to the junction of Antonio's Creek.
27. To that point then it is similar to the one you have described? Yes. From that point following the course of Antonio's Creek for a short distance, and crossing the main dividing range near the point where Plumley's line of road intersects it, and following the course of one of the tributaries of Cox's River to the valley of the Cox, and the valley of the Cox to its junction with the River Lett, and the River Lett, by Hartley to Darling's Causeway; from Darling's Causeway the course of the railway would be taken to near Richmond.
28. How far is Darling's Causeway from the head of the Grose? It is at the head—a range dividing the waters of the Grose from those of the River Lett.
29. You spoke of a third line from Bathurst? The other line would be to Piper's Flat common with the first line I described, and crossing the Middle River and the Clarence hilly ranges to Darling's Causeway. That is a line to avoid a tunnel which would be necessary on the line I described last.
30. You have now described three lines of railway, the first is a line of railway from Bathurst to Penrith? Yes.

- E. Barton,
Esq.
26 Aug., 1858.
31. The second is a line of railway from Bathurst to Darling's Causeway? Yes.
 32. And the third is a line from Bathurst to Darling's Causeway? Yes.
 33. But the first line you have described from Bathurst to Penrith also runs very near to Darling's Causeway? It runs on the summit of Darling's Causeway throughout its whole length.
 34. That line then would not be available in the event of a railway being carried to Windsor and not to Penrith? It would not.
 35. Either of the two lines you have described as running from Bathurst to Darling's Causeway would be available for a line of railway from Bathurst to Windsor? Yes.
 36. Of these three lines, so far as the country between Bathurst and Hartley is concerned, which do you consider the most favorable? The one by Piper's Flat is the longest; the other one would require a tunnel through the main dividing range. It is a question of expense—I think with the exception of the tunnel, they are about equal; one is as favorable as the other.
 37. As far as Hartley the three lines are about equal? Yes; the Piper's Flat line being the longest.
 38. That is the line you have laid out from Bathurst to Penrith? The line from Bathurst to Penrith.
 39. Then the two lines you have described from Bathurst to Darling's Causeway, so far as the country between Bathurst and Hartley is concerned, are equally favorable with, if not more favorable, than the line from Bathurst to the top of Darling's Causeway, and thence to Penrith? I could not answer that question without going into the matter of the estimate, the cost of the tunnel, and the crossings of Cox's River. The gradients would be favorable.
 40. You are not then in a position fully to answer the question, which is the best line from Bathurst to Hartley, using the latter town as the name of the district? With the exception of the tunnel through the dividing range, the line by Antonio's Creek is the most favorable.
 41. The most favorable of the three? Yes.
 42. Is the line from the top of Darling's Causeway to Penrith a favorable or an unfavorable line? With the exception of the descent from the top of Lapstone Hill to Emu Plains it is favorable, for a mountain country.
 43. But upon it of course there would be very many steep gradients? The gradients are not unfavorable from the top of Lapstone Hill to the head of Lithgow's Valley.
 44. The head of Lithgow's Valley is near to Darling's Causeway? Yes; the descent at the Penrith end would be about one in thirty-five, and there would be a similar descent to Lithgow's Valley, from the range which I described before.
 45. What is the highest point? Blackheath—3,475 feet above Emu Plains.
 46. From that point it would descend towards Lithgow's Valley? It would descend each way towards Lithgow's Valley and Penrith.
 47. Are there many so steep gradients as one in thirty-five? Only the two I have named.
 48. From the point at Blackheath to Lithgow's Valley are the gradients steep? Not with the exception of the one from the mountain into Lithgow's Valley; that would be about one in thirty-five.
 49. What would its length be? About four miles.
 50. What would the length be of the equally steep gradient to which you have alluded on the Penrith side? About two miles and three quarters.
 51. In ascending from Lithgow's Valley to Blackheath you would have a gradient of one in thirty-five, four miles in length? Yes.
 52. Descending to Penrith you have a gradient of one in thirty-five, two miles and three quarters in length? Yes.
 53. With the exception of those two gradients, are there many others which, although not so steep, are steep? The gradients have not been laid down on the sections; I am merely giving them roughly. I think from the top of Lapstone Hill they would be tolerably favorable.
 54. *By Mr. White:* You have not taken a section of the country? I have taken a section, but laying down the gradients is a matter done in the office; I have not yet done it.
 55. *By the Chairman:* Do the two lines you have described, from Bathurst to Darling's Causeway, that is, the lines you have described as the second and third, come to the River Lett at the same point? Yes, to the Lett valley.
 56. Under Darling's Causeway? Then under Darling's Causeway.
 57. Darling's Causeway divides the Lett valley from the valley of the Grose? It does.
 58. Are you aware of the respective altitudes of the valleys of the Lett and of the Grose at this point? About the same.
 59. Then a tunnel through Darling's Causeway to connect the two would be about the level? Yes.
 60. What would be the length of that tunnel? About a mile.
 61. Through sandstone rock? Through sandstone.
 62. Would the tunnelling through sandstone be a very expensive process? Much would depend upon the position of the tunnel and depths of working shafts; it would be the least expensive of any rock tunnelling.
 63. Is there not an instrument lately invented by which the cost of tunnelling has been very much reduced? I believe so.
 64. It is now used on the Sardinian railways? I believe so.
 65. You are not practically acquainted with the nature of that instrument? No; I have not seen it, but I have noticed that such an instrument is at work.
 66. It is used, I believe, in the mountainous country of Italy, which, I believe, resembles in many respects the country of which we are speaking? Yes.
 67. I believe by this instrument the cost of tunnelling has been reduced considerably? I believe so.
 68. Having through this tunnel entered upon the valley of the Grose, you would then be on

a level, I presume, or not very much higher than the Windsor country, I presume? About 2,500 feet above it.

E. Barton,
Esq.

69. But the descent from thence to Windsor, following the valley of the Grose, would of course be gradual? It would be gradual.

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70. Are you aware of the distance of the valley of the Grose from the confluence of the river with the Hawkesbury? Not from measurement, but from my judgment, having travelled it on foot, I should think about forty-five miles.

71. There is then a rise of 2,500 feet in forty-five miles? Yes.

72. *By Mr. White*: It is a very rough country, is it not, going down the bed of the Grose? Yes; the longitudinal levels are very gradual, but the cross levels are very broken and steep.

73. *By the Chairman*: The valley of the Grose is of course rather tortuous? It is.

74. How far down the valley of the Grose from its head have you surveyed? No distance at all from the head, except over Darling's Causeway into it.

75. You are about to undertake the survey of the valley of the Grose from that point to the confluence of that river with the Hawkesbury? Yes.

76. In what time do you expect to have that completed? About December next.

77. You say you have walked up the valley of the Grose from the confluence with the Hawkesbury to its head? I walked from Darling's Causeway down the Grose to its confluence with the Hawkesbury.

78. You have, then, a general idea of the valley? Yes.

79. And of its capabilities? I could not speak of its capability for the purpose of a railway till the traverse lines have been completed.

80. Is it a wide or a narrow valley? It varies very much; at the head it is rather wide; it narrows towards the Hawkesbury, where it is more circuitous.

81. *By Mr. White*: It is more of the nature of a mountain ravine than of a river? It is.

82. *By the Chairman*: Do you know the other line of railway that has been thought of from Darling's Causeway to Windsor? That known as Bell's Ridge, or Bell's Line; I have tried it, but it is not practicable.

83. That is, I suppose, from the top of Darling's Causeway to Windsor? Darling's Causeway joins the ridge on the same level, and from that junction the line would follow the ridge to near Windsor.

84. When you speak of Windsor, you do not, of course, speak of the town of Windsor merely, but of the district? Yes.

85. *By Mr. White*: The worst portion of Bell's Line lies between Mount Tomah and the town of Richmond? I think the worst portion is Mount Tomah itself, and that portion to the east end of the mountain known as Kurryjong Range.

86. *By the Chairman*: No other line is available from Hartley to Windsor than that line by the valley of the Grose? No, I think not.

87. You are not aware of any other? It depends a good deal upon what gradients are used. The line to Penrith might be available to Windsor by following the valley of the Hawkesbury.

88. That would come into Penrith? Yes, run through Penrith.

89. Would it be possible to avoid the steep descent of Lapstone Hill by keeping along the ridge of the mountains, and descending gradually towards Windsor? That is the way in which I have got my descent. The gradient I have got is one in thirty-five, the corresponding descent of the existing road is about one in twelve.

90. At what point near Penrith do you come out? Near the mouth of the gully known as Wallaby Gully, a little north of the township of Emu.

91. And to gain the gradual ascent you take a detour to the southward, and then turn round to the westward? Yes.

92. And then to the north-west? I join the main ridge near the Pilgrim Inn—Wascoe's.

93. Do you not think it possible to accomplish a better descent by taking a north-easterly course from Wascoe's towards Windsor? I have tried a descent from Springwood, by a range dividing the waters of the Nepean River from those of Grose. I had levelled six or seven miles of that, and found that it would only give a gradient of one in thirteen, so it was abandoned.

94. You do not at the present time consider yourself to be in a position to say whether the line from Darling's Causeway to Penrith, or the line from the head of the Grose to Windsor, the better line over the mountains? The Grose line would be much the better line if the natural bends of the river will allow of curves of the requisite radii. No doubt it would be much better for the gradients.

95. The valley of the Grose is entirely a sandstone country? Entirely.

96. Would it afford a supply of good timber, suitable for railway purposes? Near Govett's Leap there is some splendid blue gum, which would be available for railway purposes.

97. Is the valley called Govett's Leap a portion of the Grose valley? Yes.

98. There is no timber nearer Windsor? Not very much.

99. The Grose near the head is, I suppose, a mountain torrent—it is not a river always running? I should imagine it is; when I was there, which was at the end of the last dry summer, there was always water, even at the head.

100. It is a narrow river all the way down? With the exception of the portion at Govett's Leap, there is rather an extensive flat there.

101. The valley of the Grose has been surveyed five miles upwards from the confluence of the river with the Hawkesbury? Four or five miles.

102. By a detachment of sappers and miners, under your command? Yes.

103. *By Mr. White*: Merely taking sections? Merely taking sections, and fixing the position of levels by traverse lines.

104. *By the Chairman*: So far as that survey has proceeded is it favorable or the reverse? Favorable.

- E. Barton, Esq.
26 Aug., 1858.
105. Are these men still engaged in the work? No; they will be engaged in it as soon as the river is sufficiently low to permit of the work being proceeded with.
106. The spring and summer months are the best adapted to the survey of this valley? Yes, it is the only time when it could be done.
107. Are you aware that it is the intention of the Commissioners to push on the survey rapidly during the spring and summer? Yes, I believe it is.
108. Do you think that by the month of December you will be in a position to furnish the Committee with full information with respect to the adaptability of the Grose valley for a railway line? By that time I shall be able to furnish more reliable information with respect to the Grose valley; it is merely from a cursory tour down it that I now speak.
109. *By Mr. White:* It has been supposed that it would be impossible to form a railway from Penrith to Bathurst that would be practicable without an auxiliary engine? I think it would be quite practicable; a gradient of one in thirty-five is quite practicable; far worse gradients are being worked.
110. Without a stationary engine? Yes. I believe in America there are gradients of one in twenty-two.
111. *By the Chairman:* Have you any further information you wish to afford the Committee? I have not.

Sergeant Henry Quodling called in and examined:—

- Sergeant H. Quodling.
26 Aug., 1858.
1. *By the Chairman:* You are a sergeant in the Royal Engineers—the Sappers and Miners? Yes.
2. Now stationed at Parramatta? Yes.
3. You have been engaged, I believe, upon the proposed line from Parramatta to Penrith? Yes.
4. And also upon the proposed extension from a point upon that line to Windsor? Yes.
5. In what capacity have you been so engaged? As senior non-commissioned officer of the detachment of engineers.
6. What have been your duties? They have been generally to superintend the work; occasionally to lay out portions of the line; to test the work by plotting; to test the levelling; also the value of one portion of the levelling with another; to attend to the accounts; and to hold the correspondence of the detachment.
7. By whom was the line from Parramatta to Penrith laid out? There have been several trial surveys made—one from Fairfield—and some deviations from that line also were laid out; there have been innumerable trial surveys made.
8. By whom? The Sappers and Miners.
9. Under whose command? Partly under Captain Hawkins, when we had an officer, and for a considerable time under mine.
10. You are aware that a line has been finally adopted as the most advisable line from Parramatta to Penrith? That is not the case decidedly; a portion of the line as far as the Blacktown Road has been laid out.
11. Will you look at the plan now before the Committee—this is a plan laid upon the table of the Legislative Assembly by the Government, and shews the extension of the Great Western Railway from Parramatta to Penrith—up to what point has this line been finally approved of? (*The witness referred to the plan.*) To the point at which it is proposed to turn off to Windsor. That (*referring to the plan*) is one point where it has been proposed to deviate, but there is an improved line to which I intend to direct Mr. Whitton's attention, as I think it would save some extensive cuttings.
12. Up to the point at which upon this plan the branch to Windsor diverges, the Parramatta and Penrith line has been finally adopted? Yes.
13. It is yet uncertain whether the line from that point to Penrith may or may not be marked out to the northward of the route marked upon the plan? Yes; it is a modification of this line (*referring to plan*).
14. Following for a short distance the branch to Windsor? Yes.
15. Have you been employed upon the survey of that proposed branch line to Windsor? Yes.
16. What is the distance from that point to the terminus at Windsor? I cannot speak from memory precisely; I should think from twelve to thirteen miles.
17. What is the character of the line? A very excellent line could be obtained, and has been marked off; and I think some improvement might be made even upon that.
18. If the Parramatta and Penrith line were continued a little along that branch line to Windsor, a better point of divergence for the Windsor line could then be discovered? Yes.
19. Making a still better line than that now marked out? Yes; it would be preferable for crossing lands liable to be flooded.
20. Will you describe to the Committee the course this proposed line would take to Windsor from that point? It will run nearly parallel to the Blacktown Road into the Eastern Creek, and then take the western side in a general way past Mr. David Pye's, now Mr. Hay's place, on by Mr. Schofield's, thence to the north of Mr. Blackwell's house, and by a place known as the Frenchman's—this is a very vague description, consequent upon my not having a plan to refer to—thence by Collis', and by Mr. Fitzgerald's boiling down establishment—that diverges far to the westward to avoid the low land in the valley of the South Creek—and terminates at the large open space in front of Windsor Church.
21. You speak of the line you describe as an excellent line? Yes.
22. What do you mean by the term "excellent"? I think there are excellent gradients with no sharp curves whatever. The direction of the line is good, equally so with the Penrith line.

23. Through what kind of country would it pass—is it thickly or thinly timbered? In parts the timber is pretty thick, but it is being cleared pretty fast—there is a good description of timber for splitting, fencing, and shingling. Sergeant
H. Quodling.
24. Is there much good timber on the line for railway purposes? Yes, in abundance—the very best description of timber I should think for the purpose. 26 Aug., 1858.
25. What is the character of the soil generally? The soil generally is not very good I think.
26. As adapted to railway purposes? So far as I am acquainted with it, I think there is plenty of clay for bricks, but I saw very little appearance of stone; there are parts where a sort of gravel might be obtained which would be admirable for roads.
27. For ballasting? No, it is too expensive for ballasting, owing to its extreme hardness, and consequent expense in breaking.
28. You think, upon the whole, this would be a cheap and good line? Yes.
29. Does it pass through much cultivated country? No, not much.
30. It would not then pass through much valuable land? No, I should not think it would, except in the neighbourhood of the town of Windsor.
31. The greater part of the line would pass through land of no particular value? Yes. I do not know that it passes through much Government land.
32. But even if it be private land it is not of much value? No.
33. *By Mr. Parkes:* Do you understand the qualities of soil for agricultural purposes? No.
34. Can you judge of the quality of soil when you see it an uncultivated state? No.
35. *By the Chairman:* Have any other lines been tried to Windsor diverging from the Parramatta and Penrith farther along the line from Rope's Creek or Rooty Hill? No; a line was started from near Hughes' (a publican's) place, on the Western Road, but at that time it was started from the line that was laid out from Fairfield to Penrith.
36. What distance would that line be to Windsor? This line would meet the line I have just described.
37. It would be about the same distance then from Hughes' place? No; it would be some three or four miles further.
38. That would be a longer branch to Windsor than the line of which you have already spoken? The lines are almost identical, from their junction, near the crossing of the Blacktown Road, with the Eastern Creek.
39. Has there been no line from Rope's Creek to Windsor? No.
40. Nor from South Creek to Windsor? No.
41. Nor from the country between Rope's Creek and South Creek to Windsor? No.
42. The two lines of which you have spoken are the only two lines you have tried? Yes; and they to a certain extent were identical.
43. To your knowledge no trial surveys of any kind have been made to Windsor? I am not aware of any but those made by the Royal Engineers.
44. Have you been employed upon the survey of the valley of the Grose? No; Mr. Barton.
45. The sappers who have commenced the survey of that are not under your command? They are to a certain extent.
46. You have not been actually in command of them in the field? No.
47. Were you employed upon the Fairfield line? Occasionally; at every opportunity I could get I was out with the men.
48. Are you aware why that was abandoned? I am not aware of the reason beyond this—that this is by far the preferable line—the line north of the Western Road, leading westward to Penrith.
49. When you say preferable do you mean cheaper? Yes.
50. It also runs through Parramatta town? It runs through the town of Parramatta.
51. The proposed line to Windsor has been entirely done by yourself and the party under your command? Yes.
52. *By Mr. Parkes:* When were you first engaged upon this service? We have been employed upon it at different periods of time during the last two years. My instructions were to find the best line from Fairfield to Penrith, and then from some point on that line to branch into Windsor.
53. And since then from some other point, as shown in this chart? Yes. When it was thought desirable to bring the line through Parramatta I was instructed to get as good a line as I could.
54. That work has been accomplished by you and the party under your command? Yes.
55. The line now in contemplation has been marked out by you? Yes.
56. Have any estimates been formed of the cost of that line? No; that is no part of my duty.
57. Has the quantity of work been estimated—the earth work, bridges, and description of bridges? An approximate estimate.
58. The details upon those points are in the possession of the Railway Commissioners? Yes.
59. From which an estimate could be formed? Approximately.
60. *By the Chairman:* Have you any further information to give the Committee? I am not aware that I could afford any.

THURSDAY, 2 SEPTEMBER, 1858.

Present:—

MR. SMITH,

MR. SUTOR,

MR. WHITE.

T. W. SMITH, Esq., IN THE CHAIR.

John Whitton, Esq., Engineer-in-Chief, called in and examined:—

J. Whitton,
Esq.

2 Sept., 1858.

1. *By the Chairman:* You see before you the chart, laid upon the Table of the House, shewing the proposed railway extension from Parramatta to Penrith? Yes.
2. Upon that chart, at a point a little on the Parramatta side of the eighth mile, is marked a short line indicating the proposed branch to Windsor? There is.
3. Will you inform the Committee if that is a point determined upon after mature consideration and proper survey, or a point which it is supposed from casual observation to be the best from which a line to Windsor can be formed? It is not done from working surveys—it is merely a trial line; but, before the working plans are made, the whole of the country will be examined thoroughly. These are plans got up only sufficiently to shew that a railway could be made from Parramatta to Windsor for a certain amount of money; but deviations will no doubt be made in the execution.
4. Do I understand that this line from Parramatta to Penrith is not ultimately determined upon as the best line? The general line is determined; but, in making the working drawings, deviations may be made with a view to reduce the cost of the work.
5. Then the line diverging to Windsor from a point on the Parramatta and Penrith line is simply a trial line? Yes; the whole of the country has been levelled by the Sappers, and these are the lines laid down from their levels as the best line that can be got, with the most favorable gradients and the least work; but in making the working surveys the cost, if possible, will be reduced.
6. You have spoken of the whole of the country—do you mean on the Parramatta and Penrith line? I mean the whole country between Parramatta and Penrith; levels have been taken for a considerable width.
7. Have you received a report from the party by whom this trial survey has been made of the extension to Windsor? No; I have received no report. I have had the whole of the plans, and have been over the country myself.
8. Judging from the plans, and from your personal observation of the country, what is your opinion of that line? With regard to the cost?
9. Yes? The cost will be a little over £7,000 a mile for the branch.
10. *By Mr. Sutor:* Including rails and all? Yes; but exclusive of the rolling stock and land.
11. *By the Chairman:* What is the distance? Thirteen miles and a-quarter.
12. This line I believe does not run through any valuable land? No, it does not.
13. The line appears to run through properties each large in extent? Yes; assuming the properties to be as described on the plan; but they may have been divided and resold to many owners.
14. I should imagine that where the line runs through a very large property the proprietor would almost give, free of cost, the small piece of land that would be required for the purpose of the railway? That has sometimes been done, but rarely.
15. *By Mr. White:* It would be likely to benefit rather than to deteriorate the estate? The passing of a railway through a large property does increase its value in all cases.
16. *By the Chairman:* I could imagine that a small farmer would demand some compensation, but in a large estate I should think the proprietor would not demand a very considerable sum? It is very difficult to say; sometimes they demand large sums, but occasionally they make a present of the land, although the latter is a rare occurrence.
17. However, the land through which the line would pass is not the most valuable? No.
18. What would be the probable cost of the land, should you think? Very small, I should think. The land required would be from ten to twelve acres per mile.
19. Is there any timber on the line suitable for railway purposes? Yes, there is very good timber.
20. The earth work is not extensive? Very light.
21. Are there any bridges? Yes, a few over creeks.
22. None of any importance? None of any importance.
23. The figures upon which your estimate is based have been, I suppose, submitted to careful revision? Yes; careful estimates have been made from the trial sections, and any alteration that might be made in the work would be to reduce the cost.
24. The cost per mile you have named to the Committee is, therefore, the maximum cost? Yes; assuming that there be no very sudden increase in the price of labor, which might materially affect the cost of the works.
25. Your estimate is based on the present cost of labor? It is.
26. What is the total length of the line from the point at which it diverges from the Penrith and Parramatta line to Windsor? Thirteen miles and a quarter.
27. Have trial surveys been made of any other lines diverging from the Parramatta and Penrith line? Yes, one between Rope's and South Creek, running up the valley of South Creek to Windsor. The land there is very low, and subject to floods; but it would be about a mile shorter than the one branching off at the Blacktown Road.
28. What are the objections to that line? The objection was, that the line would run through low lands in the valley of the South Creek, and be subject to floods.
29. Would the earth work be heavier, or lighter, than on the line you first described? I think the earth work would be a little lighter, but very little. The earth works on the other line

- line are very light. There are few cuttings of more than from eight to ten feet, except at the junction with the Penrith line; but that, I think, we shall avoid by a slight deviation.
30. Are the gradients easy? Very easy; the worst is one in eighty.
31. You are now speaking of the line diverging from the Parramatta and Penrith line, near Blacktown Road? Yes.
32. Reverting to the line to Windsor running from the Parramatta and Penrith Road, at a point between Rope's and South Creek, I understood you to say that the earth work would be lighter upon that road than upon the road first named, but that the line would run through low land liable to flood? I think so; but I am speaking from memory. I believe I abandoned that line principally for the reason that there were high floods at South Creek, and that this would be the more direct line to Parramatta and Sydney.
33. A survey has been made of a line to Penrith and Windsor, diverging from the Parramatta and Liverpool line, near the Fairfield station? Yes.
34. *By Mr. White:* Do you not consider trial surveys of that description a great loss of labor? I do. I think if a practical man were sent over the country he would be able to settle pretty nearly the proper line.
35. Is not the proper plan first to decide where a line shall go, and then to take sections? Yes; and by walking over a country a professional man would see where a line was practicable. It appeared to be desirable to have a station in Parramatta, and after that the object was to determine which would be the cheapest and shortest line to Penrith, and I have no doubt that the line adopted is the best.
36. A man accustomed to read the features of a country can easily determine? Yes.
37. *By the Chairman:* The line from Parramatta to Penrith, running through Parramatta, has been adopted in preference to that from Fairfield? Yes.
38. Do you consider for sufficiently good reasons? I do. It will be much less expensive, in the first instance; it accommodates Parramatta, which the other would not do, and is a more direct line.
39. Upon the map before us we see a third line marked out, running from Parramatta and Liverpool line to Windsor and Penrith, at a point nearer Parramatta than the Fairfield station? Yes.
40. By whom was that plan marked out? By Captain Hawkins, I believe, for the sappers to level.
41. Has that been altogether abandoned? It has.
42. Is your estimate for a double or a single line? A single line altogether, single earth works, and single permanent way.
43. In the event of the Bathurst line being ultimately carried through Windsor, the line could be enlarged so as to form a double line? Undoubtedly; but I think single lines will do for this Colony for the next fifty years. I can see no advantage in making a line with double earth works and single permanent way, as it increases the first cost, and there is a consequent loss of interest on the money so expended, and if the bridges are timber, probably by the time the double line is required they are rotten.
44. I presume, also, that on a future day the line can be enlarged so as to be a double line, as cheaply as if it were originally made so? Yes, and more cheaply; every thing being arranged for a double line, the additional works can be executed without the least difficulty.
45. You would have the assistance of the existing line for carrying earth? Yes; and all the materials for the construction of the permanent way and bridges.
46. Are you conversant with a survey made of the Blue Mountain country to Bathurst? I am not. The whole of the trial sections will come before me, but I have not yet examined them.
47. You are not prepared to say which would be the most favorable route to Bathurst, that running from Penrith to Hartley, or that running from Windsor to Hartley? No, I am not.
48. Is the description of earth on the proposed extension to Windsor favorable to brick-making? I think there is good clay in that district which could be used for that purpose, but timber would be the cheapest to use there.
49. *By Mr. Suttor:* What do you suppose would be the cost of tunnelling—it has been proposed to tunnel for about a mile and a quarter at the head of the Grose? That involves so many questions that it is impossible to say; it will depend upon the strata to be tunnelled through—it may be granite sandstone, or clay.
50. It is sandstone, and could be worked only at the two ends? In England, the cost of tunnelling varies from £40 to £120 a yard. I should say a single tunnel through sandstone here would cost from £60 to £80 a yard.
51. *By the Chairman:* Would you require a shaft to tunnel through a mile and a quarter? If the work were required to be performed rapidly you must have a shaft.
52. I suppose it is the cheapest material through which to tunnel? Yes.
53. As cheap as clay? Better than clay; tunnelling through clay is frequently more expensive and tedious.
54. Has there not been some new machine invented by which the cost of tunnelling has been decreased? Yes; I have heard of it, but have not seen it.
55. It is employed in Sardinia, is it not? Yes; and I believe it was also employed in America.
56. In recent reports of proceedings in the Sardinian Parliament, I think I have seen allusions to the machine as being in use? There is one in use in that country.
57. I suppose the country in which it is used is something like the Blue Mountain country? Yes, and probably more difficult. The works on the line to Bathurst will of course be heavy, but there will be nothing at all impracticable in them.
58. At what time is the survey of the valley of the Grose to be completed? I think it may be completed about December next, or the beginning of the next year.
59. So soon as that is completed you will be in a position to say which you consider the

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most favorable line to Bathurst? I shall go over the whole of the trial lines which appear practicable, and then decide which is the most economical line.

69. About what time do you think you will be in a position to afford the information to the Committee? Probably about next April or May.

61. Not before then? I do not think so.

62. We should not require to know which would be the most favorable line through to Bathurst, but which would be the most favorable line to Hartley? If that were all that might be decided probably in a month after the completion of the surveys.

63. Is Mr. Barton to be employed in the continuation of the survey? Yes.

64. Every exertion is to be made during the coming spring and summer to complete the survey of the valley of the Grose? Yes.

65. *By Mr. White:* It is a very rough place to survey? I believe it is.

66. *By the Chairman:* Have you been up the valley of the Grose? I have not; but I intend to do so should the trial sections appear favorable.

67. At the present time the people of Windsor do not use the Parramatta railway? Not much for goods traffic; having travelled from Windsor to Parramatta it is scarcely worth while to unload the drays and send the goods by railway to Sydney, as the teams would have to wait for the return loading.

68. Do you think it probable they would use the Penrith and Parramatta line unless they had a branch line to Windsor? I do not think they would.

69. Then the extension of the line to Windsor would have the effect of throwing into the Parramatta and Penrith line the Windsor traffic? Yes; and, although the traffic on the branch might not be sufficient to justify the making of the line, still the additional traffic which would pass over the main line might make the branch remunerative.

70. We have it in evidence that the Windsor district is not cultivated to its fullest extent, but that, in the event of a cheap and easy transit to market being established, the products would be increased? I have no doubt they would; the land in that neighbourhood appears to be very favorable for agricultural purposes, and I have no doubt the value of property would be considerably increased.

71. I suppose you are now tolerably well acquainted with the County of Cumberland? Tolerably well.

72. Do you know any other district in the County of Cumberland equal to Windsor? I think I have not seen any land in Cumberland equal to that about Richmond and Windsor.

73. There is a quantity of good land lying in a small compass? Yes; it appears to be very fine land.

74. Are you aware if there be any quarries of metal suitable to the repair of Sydney streets? Not on the extension to Windsor, but on the extension to Penrith, at Prospect Hill.

75. *By Mr. White:* It is not far off to the quarries at Pennant Hills? No; a communication might be made with them. A branch might also be laid down to the Prospect quarries, which are not more than a mile and a-half from the Penrith line.

1858-9.

THURSDAY, 23 DECEMBER, 1858

Present:—

Mr. SMITH,
Mr. WHITE,

Mr. DALLEY,
Mr. PLUNKETT.

T. W. SMITH, Esq., IN THE CHAIR.

Captain B. H. Martindale, R. E., Commissioner for Railways, called in and examined:—

1. *By the Chairman:* You are aware that during the last Session we examined Mr. Whitton with regard to the progress that had been made in the surveys for railways towards Penrith and Windsor? I am aware that Mr. Whitton was examined, but I know nothing of the nature of his examination.
2. Since that time, September 1858, has any thing been done with regard to the survey of the line diverging from the Parramatta and Penrith line to Windsor? Nothing.
3. Then the only survey of that line that you have at present is the one made by the sappers and miners some time since? Yes.
4. Have you received a report upon that survey? No.
5. Has not a report been made? I am not aware of any report having been made.
6. A rough plan has been made, has it not? The line has been laid down on a plan, and the sections have been laid down, but there has been no report received—at least I have received no report.
7. Neither verbally nor in writing? I have had conversations with Mr. Whitton and Sergeant Quodling about the line; I have talked the matter over with them, discussing the question as to the probable expense of the line—whether it would pay to make it, and whether the best line had been selected; in fact, discussing the question generally.
8. From the tenor of your conversations with Mr. Whitton and Sergeant Quodling, what is your opinion as to the proposed branch line from the Parramatta and Penrith line to Windsor, as to its expensive or inexpensive character? I believe an inexpensive line could be constructed.
9. *By Mr. White:* A single or a double line? Either. The country is favorable.
10. What would be the probable expense per mile for a single line? The total estimated cost is £108,000 for 13½ miles, or about £8,000 a mile, including an assumed sum for land.
11. *By Mr. Plunkett:* Do you find that the claims for land are generally extravagant or otherwise? As a rule they are high; many of them are very high.
12. Do you not think that in many instances these properties are benefited instead of being deteriorated? Under the former Act that benefit was allowed for in determining the amount of compensation to be paid; but it is not so under the new Act, as the land is to be paid for without any reference to any alteration in its value arising from the railway. The Committee are, I presume, aware that claims are not paid as made; the land taken is valued, and, if necessary, recourse is had to arbitration.
13. *By the Chairman:* In point of fact there has been no more work done upon the line leading from the proposed point of divergence on the Parramatta and Penrith line than had been accomplished last September? Nothing more has been done.
14. And the opinion you now give the Committee as to the inexpensive character and probable cost of the line is founded upon information you have obtained from Mr. Whitton and Sergeant Quodling? Yes; and any deviation from the present line will be in diminution of the estimated cost, and not in excess of it—not taking the land into consideration.
15. I believe the land through which this proposed line would run is not very valuable? I can give no opinion as to the value of the land.
16. Have trial surveys also been made to Windsor from South Creek or from Rope's Creek? I think not; but I know that a very large part of that country has been explored at different times.
17. At the time it was contemplated to run the Western line from Fairfield to Penrith it was intended to run a branch to Windsor diverging from Eastern Creek or South Creek? I am aware that a line was surveyed from Fairfield to Penrith; but if it had been adopted the whole western traffic would have had to pass over a longer mileage to reach Sydney, although the actual line to be constructed might have been a little shorter.
18. We have also been told that a line along either of these valleys would be over country liable to floods and rather soft? That is so.
19. But the proposed line from the Parramatta and Penrith line would be over a hard, firm, and sound country? Over a very good country.
20. As at present advised, you are inclined to think that will be the best line to Windsor? Yes, as at present advised; but the Committee are aware that if the line to Bathurst should be taken along the valley of the Grose it might affect the direction of the line to Windsor.
21. In speaking of the line diverging from the eighth milestone on the Parramatta and Penrith line to Windsor as the best, you speak of it presuming that it will be merely a branch to Windsor? Yes.
22. A more available line might be adopted—a better or more suitable line—if it be found that the line to Windsor is not to be a branch line, but a portion of the Great Western Trunk Railway? There might be—without speaking positively.

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23. Will you inform the Committee what progress has been made in the survey of the valley of the Grose River since we last assembled? The sappers are now at work in the Grose Valley, but I have no very recent report of the progress made. The last I heard was, that they were cutting a path for themselves to work along. They will not leave the Grose now—weather permitting—till the survey is completed.*

24. When do you expect it to be completed? In three or four months perhaps; but it depends a great deal upon the weather, and the difficulties the parties may have to encounter. I cannot name any certain time.

25. When we last met we were led to believe that the work might be completed by the month of December? The rain prevented the sappers entering the valley till about a month or six weeks ago.

26. Do I understand that nothing has been done towards the survey of the valley of the Grose River beyond the clearing of a pathway? Nothing when last I heard.

27. When did you last hear? About a fortnight or three weeks ago. Mr. Barton is to proceed to the Grose on Saturday next, to inspect the parties at work.

28. Has the party been under his orders, or acting under the orders of a non-commissioned officer? Under Mr. Barton's general instructions, but under the immediate superintendence of non-commissioned officers.

29. *By Mr. Plunkett*: What has the party been doing? The last I heard of the parties was that they were cutting a pathway along the valley of the Grose, to bring necessaries along. It is a very rugged tract of country—everything has to be carried on men's backs.

30. I perceive by the evidence of Mr. Whitton and Mr. Barton that, knowing all these obstructions were to be met, they calculated with some certainty that about this time the survey of that line would be completed—has anything particular occurred, that was unforeseen, to obstruct the operations, since they were examined? The Sappers have been employed making the working surveys for the Western and Southern lines for some time past. Once or twice during that time I have inquired when the parties could resume work in the valley of the Grose, and have been informed that it was not yet fit for men to enter. It is a valley that becomes flooded with the rains, and cannot, therefore, be entered for some time after rain. Mr. Whitton probably anticipated getting the men earlier into the valley than was found practicable.

31. *By the Chairman*: Have you traversed the valley of the Grose yourself? I have not. I intended to have done so last week, but was prevented by other duties.

32. Have you visited the Kurryjong district? No; I intended to have gone there after visiting the Grose, but I was prevented.

33. We were informed by Mr. Barton that three railway lines had been surveyed from Bathurst to the Hartley country, either of which were available, and that from Hartley to the County of Cumberland probably two routes would be found available, one running from a point near Hartley to Penrith, and the other passing through a tunnel under Darling's Causeway, and opening out on the valley of the Grose, down that valley to Windsor? I believe the probable lines to Bathurst might at present be reduced to two, one running in the general direction of the main road, and *via* Darling's Causeway, Piper's Flats, and the Fish River, to Bathurst—the other by the valley of the Grose, through a tunnel under the Causeway, and then by Piper's Flats and the Fish River, to Bathurst.

34. That we were prepared to expect, from the nature of Mr. Barton's evidence. At the time he was examined he seemed to consider that the line by the present main road and the line by the Grose would be the only two available routes over the mountains to Hartley? That is the present opinion.

35. And from Hartley to Bathurst he thought there might be two? The Fish River line is considered the best.

36. Have you traversed the proposed line, running nearly parallel with the existing main road? I have been over the mountain road itself, and have ridden over part of the country traversed by the proposed line.

37. Do you think it a practicable line? Yes. There is a bad gradient up this side of the Blue Mountains, and a bad gradient on the other side. Those are the two main objections to that line.

38. From those objections the line by the Grose River would be free if a tunnel were carried through Darling's Causeway? It would.

39. To what objections would the Grose line be open? It is a question whether the character of the valley admits of the necessary curves for a railway, without the construction of an undue number of bridges, involving heavy expense.

40. Of what description would the works along the valley of the Grose be—would there be many bridges to make? I understand that the Grose is a very tortuous stream, running at the bottom of a ravine, and if it should prove necessary constantly to cross and recross the stream the expenditure would be large. I understand, too, that the waters rise very high in the Valley of the Grose in times of flood. The question between a line by the Grose and by the present main road will be, to a certain extent, a question of comparative expense.

41. *By Mr. White*: The Grose is the receptacle for the waters from a large amount of mountain country—in fact, a mountain torrent? It is.

42. *By Mr. Plunkett*: Will the survey that is now making set the question as to the expense of these respective lines at rest? It will; it is the last trial survey necessary to be made in order to decide the direction of the main line to Bathurst.

43. *By the Chairman*: Is there not a new boring machine now used for tunnels, the use of which might facilitate the making of the tunnel through Darling's Causeway? I have read of it, but I have never seen it at work.

44. It is used in Sardinia? Yes.

45.

* While revising this evidence, I have received a report that ten miles of track has been made, and about four miles of survey completed.

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45. Are you aware of the cost? I am not.
46. The tunnel through Darling's Causeway would be, I believe, a mile and a quarter in length? Thereabouts.
47. There is nothing impracticable in a tunnel of that length? Nothing.
48. It would be through sandstone rock, would it not? Yes.
49. The Blue Mountain country is all of sandstone formation? Yes.
50. Have you any chart or tracing of the valley of the Grose with you? Here is a small tracing showing the different lines that have been surveyed, and which it is proposed to survey. (*The witness produced the same. Vide separate Appendix B.*)
51. On this chart there are four lines marked across the mountains into the Hartley country? Yes.
52. Will you describe those lines, and what has been done with each of them? I would suggest to the Committee that it might save their time were I to hand in a memorandum giving general information with respect to these lines. (*The witness handed in the same. Vide Appendix A*)
53. It appears from the memorandum you have handed in that the proposed railway to Bathurst must be taken up the Grose valley, or along a line following as nearly as possible the present line of road over the mountains? To the Darling Causeway—Yes.
54. But you are not yet able to say which of those lines should be adopted? No.
55. At what time do you expect to be able to decide that point? As soon as the survey of the Grose is completed, and the information obtained worked out.
56. *By Mr. Plunkett*: Can you not give any idea of the time? I cannot. I am told it is a most impracticable country to work in.
57. Could you say six months? If I were to fix a time I might very probably be wrong; but the Committee may depend on this, no time will be lost in getting the work completed. The parties will not leave the valley now, if weather permits, until the survey is finished.
58. *By the Chairman*: In the early part of your evidence you said that, should the route by the Grose be adopted, the Windsor line might thus become the main line to the western interior, and that it might then be thought advisable to run the line to Windsor by a different route from that now deemed most advisable for a mere branch line? Possibly it might.
59. Why so—why would not the line you now propose for a branch line answer equally well as the trunk line? A shorter line, or a better line, might be found to connect the main line and the Grose valley. Questions would then arise as to how far such shorter or better line would be sufficient for Windsor, or how far it might be worth while to make a circuit for the convenience of Windsor, or to have a short branch to Windsor. It would be the Commissioner's duty to lay before the higher authorities information on these and similar questions, and the exact line to be followed would, I presume, be determined by the Legislature.
60. *By Mr. Plunkett*: What is the general principle acted upon in England and elsewhere with respect to trunk lines—is it to go in the nearest possible way, without deviations, to great towns, or to make bends? To go wherever there is a probability of making a railway pay.
61. *By the Chairman*: I imagine that in this instance the best plan would be to go round by Windsor? Possibly.
62. And for this reason, amongst others, that so soon as the line is made to Windsor you have your terminus in the midst of a populous district? That would of course be a consideration.
63. You have, I believe, visited the Windsor country? Yes.
64. You are aware that it is a very extensive farming district of a very fertile character? Yes.
65. In a petition presented by me in the early part of last Session the produce of the district is enumerated? I have seen the petition.
66. They describe their produce as consisting of "not less than 2,250 tons of hay, 1,125 tons of straw, 244,832 bushels, or about 6,120 tons of grain, 200 tons of potatoes, besides an incalculable quantity of poultry, pigs, fruit, dairy, and other produce;" and the witnesses examined by the Committee all considered the quantity of produce here stated as short of the actual quantity raised; but without going beyond these figures, at what do you estimate the probable revenue of a branch line of railway from Windsor to the Parramatta and Penrith line, at your present rates of carriage? Premising that the estimate I am about to give is only approximate, I estimate the traffic on that branch at £11,000 a year.
67. Taking as your data the quantity of produce named in the petition? Yes; and judging of the passenger traffic by the passenger traffic on the existing line.
68. What would be the working expenses of the branch line? The working expenses, reckoning them at £1,200 a mile, would be £15,600 a year for the branch itself.
69. Giving credit to the Windsor branch for the cost of conveying the Windsor produce and passengers to Sydney, what would be the revenue derived from it? The estimate I made for the Windsor branch, taking it in connection with the main line, was about £24,500 a year; and the working expenses £17,800, including the additional cost of working the main line. That would leave a net income of £6,700 a year, giving 5·7 per cent interest on a capital of £108,000.
70. It would pay that rate of interest, even supposing neither the produce of the district nor the passenger traffic increase? The estimate is calculated on the statements contained in the petition from Windsor, as far as the goods traffic is concerned; and as regards passengers, it is based on the existing passenger traffic along the present line, and must of course only be taken for what it is worth.
71. Any excess of produce raised in the Windsor district and conveyed by railway over that now raised and conveyed by the road would be an additional source of revenue to the line? Yes. The Committee would perhaps wish that the actual estimate I have made should be handed in, so that those gentlemen who have local knowledge may judge whether it is a fair estimate or not. (*The witness handed in the same. Vide Appendix B.*)

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72. I think we might very reasonably anticipate a considerable increase in the goods traffic and in the passenger traffic also? I have taken the passenger traffic tolerably high. The goods traffic I have no doubt would increase. There is this to be said in favor of a branch to Windsor, that at present the Windsor traffic does not travel by railway; it is not worth the while of the carriers to unload at Parramatta; but there is no question that if there was a railway to Windsor the traffic would all be conveyed by railway.

73. Then, in a financial point of view, you think the formation of this line would be beneficial to the existing line? Certainly. If I were the chairman of a company owning the Sydney and Parramatta line I should have no hesitation in recommending the company to make the Windsor branch; but I should not recommend, with the present traffic, a separate company to make the branch itself.

74. You think the proprietors (either the Government or a company) of the existing line would be amply repaid for the cost of constructing the branch line? Leaving aside the political question of the Government making branch lines at all, I think it would pay the public to make a branch line to Windsor; if the Main Western line should not pass sufficiently near it to secure the traffic.

APPENDIX A.

The whole of the country between Bathurst and the Nepean, or Hawkesbury, has been explored—to the north as far as the Turon River, Capertee, the Wolgan, and the Colo Rivers; and to the south as far as Lowe's Hill, the sources of Antonio's Creek, and Lowther Park (on the main dividing range,) the Cox and the Warragamba Rivers; and also from the confluence of the Wollondilly with the Cox, *via* the Wollondilly, or Burragorang, and the Nattai Rivers, to Picton.

Two lines have been surveyed from Bathurst to Piper's Flats near Walerawang,—one, *via* the Fish River and Solitary Creek, to a common point (A) on Piper's Flats; the other by Green Swamp, Redbank, the range dividing the Winburndale Creek and the Turon River waters from the Fish River, through Gowe's Gap, in the main range, to the same point in Piper's Flats.

From Piper's Flats a line has also been surveyed, *via* the head of the Cox River, Kangaroo Creek, the range dividing the Colo River waters from the Cox and Middle River waters, to Dargan's Creek, near its intersection with Bell's Track.

Also, from Dargan's Creek, *via* the Darling's Causeway, to Mount Victoria, thence, *via* the range dividing the waters of the Grose River from the Cox, to Penrith.

From the common point (A) in Piper's Flats, a line has been surveyed, *via* the Middle River, Coerwal, Lithgow's Valley, to Dargan's Creek, to join the Darling's Causeway line previously described.

From near Coerwal, passing through the Clarence Hill Range, and by Mount Clarence, following up the valley of the River Lett to the Darling's Causeway, and through the Darling's Causeway, into the head of the Grose River.

From the Fish River line, at a point near where the Antonio's Creek joins Solitary Creek, a line has been surveyed, *via* Antonio's Creek, crossing the main dividing range, where it is intersected by the "Middle," or Plumley's Line of Road, and following the valley of the Cox River down to its junction with the River Lett, and the valley of the Lett up to join the line surveyed from Coerwal into the Grose (already described) near Collet's old Public House.

Bell's Line has been surveyed from Bowenfels to Richmond, and the Western Road, from Penrith to Bathurst.

B. H. M.

APPENDIX B.

Estimate of probable Receipts and Expenditure on the Windsor Branch Line.

RECEIPTS.

Passenger Traffic:—

	Passengers.	Miles.	Rate $\frac{1}{2}$ mile.	Receipts $\frac{1}{2}$ Month.	Receipts $\frac{1}{2}$ annum.
1st Class ...	230	$\times 13$	$\times 3\frac{1}{2}$ d.	= 43 12 1	
2nd Class ...	444	$\times 13$	$\times 3$ d.	= 72 8 0	
3rd Class ...	2,720	$\times 13$	$\times 2$ d.	= 294 13 4	

£410 8 5 $\times 12$ = 4,925 1 0

Horses, Carriages, and Dogs (say) 400 0 0

Goods:—

	Tons.	Miles.	Rate $\frac{1}{2}$ mile.	Receipts $\frac{1}{2}$ annum.
1st Class ...	3,375	$\times 13$	$\times 3$ d.	= 548 8 9
2nd Class ...	9,320	$\times 13$	$\times 6$ d.	= 2,090 0 0
Poultry, Pigs, Fruit, &c. (say) ...				1,000 0 0

4,577 8 9 = 4,577 8 9

Miscellaneous (say) 1,000 0 0

Say ... £11,000 0 0

EXPENDITURE.

Working expenses, 13 miles; at £1,200 per annum ...	15,600 0 0
Interest on £108,000, at 5 per cent. ...	5,400 0 0
	21,000 0 0

Annual deficit £10,000 0 0

But, taken in connection with the Main Line, the result would be very different:—

Traffic on Branch, as above	Receipts p annum.	11,000	0	0
Additional Passenger Traffic, Main Line:—				
Passengers.	Miles.	Rate p Mile.	Receipts p Month.	
1st Class ... 115	\times 22	\times 3 $\frac{1}{2}$ d.	=	36 17 11
2nd Class ... 222	\times 22	\times 3d.	=	61 1 0
3rd Class ... 1,360	\times 22	\times 2d.	=	249 6 8
				347 5 7 \times 12 =
Horses, Carriages, and Dogs (say)				4,167 7 0
Goods, as above				350 0 0
Poultry, Pigs, Fruit, &c. (say)				6,054 2 6
Miscellaneous (say)				1,500 0 0
				1,500 0 0
				24,571 9 6
	Say ...			£24,500 0 0

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EXPENDITURE.

Working Expenses, as above	15,600	0	0
Additional on Main Line	2,200	0	0
Interest, as above	5,400	0	0
	23,200	0	0
Estimated Receipts	24,500	0	0
Balance, Cr.	£1,300	0	0

B. H. M.

N.B.—The amount of grain annually transported from Windsor to Sydney is stated to be 244,832 bushels, or 6,120 tons, giving 40 bushels to the ton. Taking the distance by railway at 35 miles, and the charge at 6d. per ton per mile, the railway charge per bushel would be 5 $\frac{1}{2}$ d.

William Pitt Wilshire, Esq., called in and examined:—

1. *By the Chairman*: You reside in Sydney? Yes.
2. Are you a surveyor by profession? No, not by profession.
3. An amateur? I do not even profess to be an amateur. I have read a good deal and inquired about such matters.
4. You are acquainted with the Kurryjong district? Yes.
5. You desire to submit to the Committee a plan for a proposed line of railway through the Kurryjong district? I marked two lines on this plan, but that near Mount Tabrag I am satisfied is impracticable, and I have wholly abandoned it. Here is a plan of the lines which, omitting the above-named, I think would be worth consideration. (*The witness produced the plan referred to.*)
6. The line which you have marked on the chart submitted to the Committee is not a line actually surveyed by you, but one that you conceive might be found to be practicable—is that the case? I have not surveyed it, but it is a line I am thoroughly acquainted with. I had stock running there for many years, but not at present, and I am thoroughly acquainted with the country. All the ranges are low on this side of Weeny Creek. There is not a mountain on the whole line until Tomah is reached, which is about 6 miles westerly beyond my plan.
7. I perceive that this proposed line crosses the Hawkesbury to the north of Windsor, runs through the Wilberforce Common, crosses the Currency and Billong Creeks, then goes on across Weeny Creek to a place called Bilpin, about 7 miles from Mount Tomah? Yes.
8. What is the other chart you have? The other is a mere hypothetical section, not from any survey. (*The witness produced the same.*)
9. *By Mr. Dalley*: Drawn from your knowledge of the country more than anything else? Not exactly. I took the height of Mount Tabrag from a letter published in a newspaper, but I have since been informed that the elevation of Bilpin shewn here is 1,700 feet instead of 1,500 feet. However, a difference of 200 feet in that position would not affect the practicability of the line, even if my information on that point be found correct.
10. *By the Chairman*: The plan and section you submit to the Committee are both in a certain degree hypothetical—not tested by actual surveys? Not tested by actual surveys with a view to ascertain their practicability for a railway.
11. You speak of your intimacy with the Kurryjong district—the climate, I believe, is most salubrious there? It is a very fine climate.
12. And, in the event of there being ready communication with Sydney, it is likely to become a place of residence with those desiring a country home? Yes.
13. It is well adapted for such a purpose? Yes; it is well adapted for sanatoriums for invalids.
14. The scenery is picturesque, as well as the climate salubrious? Yes, very much so.
15. Have you lived at the Kurryjong? I lived there for twelve years.
16. Do you hold property there? Only a life interest in a small property.
17. In a memorandum you have given to me you speak of large quantities of timber, especially blue gum and sassafras? Yes; in the country immediately above the Kurryjong.
18. Is that timber growing in localities from which it could be conveyed to the railway? It cannot be conveyed unless the railway goes in the direction I say, because there is a very steep mountain; which is the great obstacle now. They cannot bring the timber, except in small quantities; the road is too bad.

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- W.P. Wilshire, Esq.
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19. Could it be taken to a railway running up the Grose valley? No; it would be utterly impossible, I believe.
20. There is a range between the Kurryjong and the valley of the Grose, is there, or between it and the valleys in which you have seen this timber growing? I see there are ranges indicated by the chart, but I very much doubt whether a road could be made fit for carrying timber on those ridges. I know from personal observation, and from general report, that the country is very much broken about the Grose valley—the water courses are very tortuous, and it is intersected with ravines, rocks, and sandy tracts, that are very obstructive for railways.
21. Do none of the valleys in which this timber grows fall into the Grose valley? It not only grows in the valleys, but in the highest elevations. Some of the valleys fall into the Grose, others do not; there is a fall on the other side where there are large quantities of timber.
22. Could not this timber be brought to Richmond? They do bring it in small quantities. It now supplies the districts of Richmond and Windsor only.
23. In the event of there being a railway from Richmond to Sydney, would it not pay to cart it to Richmond and send it by train to Sydney? The cartage is a very serious thing; they have to pay five shillings a hundred to cart it to Richmond or Windsor, and, when you have to pay the railway afterwards, I doubt whether it would pay.
24. Is there much good land in the Kurryjong? The Kurryjong itself is very fine land indeed; but there is a large quantity of land not located—six or eight thousand acres have been granted above the mountain but abandoned, owing to the badness of the mountain road; only one or two old men are left in charge. I have come to the conclusion that there is a large quantity of valuable land that would be available if roads be formed and bridges constructed.
25. The Kurryjong, I believe, has rather gone back than improved of late—a number of farms have been allowed to become fallow? In some parts, but they go on clearing and improving other parts, so as to avail themselves of new land.
26. You think the Kurryjong would support a very large population had they the means of conveying produce cheaply to the Sydney market? No doubt about it. It is very fine land.

ADDENDUM.

1. I am acquainted with the laws of motion as applied to railway travelling, and the principles on which that motion is regulated by curves and gradients. I am aware that sharp curves are frequently unavoidable in striking through mountainous districts, and that the motion must be checked in such localities—only a walking pace being admissible in some cases. Any mountain ranges may be penetrated by railways; but the cost must be considered. In all such configurations of country the watercourses are tortuous, and to follow such courses in the construction of railway lines must necessarily involve great outlay of money, by reason of deep side cuttings, tunnelling, and throwing viaducts across the tributaries, and they frequently have their sources in a *cul de sac*. This especially applies to the Grose River. It will, therefore, be found economical to abandon such watercourses, and resort to the spurs branching through, and in connexion with, the mountain systems. These spurs are frequently many miles in length, with only slight undulations along their summits. In the line I have suggested, I have availed myself of about 20 miles along one of these spurs projecting from Mount Tomah to Weeny Creek; and the same principle may be pursued to reach the plateau of the western country lying beyond that point.

2. Cheap wood bridges, such as those of Germany, possess advantages over iron in a climate where contraction and expansion rapidly alternate.

3. Unless the plan of operations herein indicated be followed out, the construction of railways will be limited, if not wholly impossible, from the great cost, and the advantages derivable therefrom in great measure lost to the Colony.

W. P. WILSHIRE.

SEPARATE APPENDIX.

A.

Windsor, July 17th, 1858.

Dear Sir,

In reply to your letter of date the 15th, we beg to furnish you with such statistical information as we can, of a reliable nature, also to enclose our Police Office Return of agricultural proceeds for the years 1856 and 1857. In comparing the returns of the two years you will perceive a great difference, explicable by the visitation of a flood; you may, therefore, base your calculations upon the proceeds of the former year as the average yield. So that the Police Return will be—of grain about 336,000, instead of 244,833, as stated in the petition to His Excellency alluded to by you. Upon re-perusing the petition you will find the other statements to be such as we verily believe to be true, so that our immediate position is one (without reference to the impetus which a rail will give, and the new character of interests arising therefrom,) which should, in justice, give us no ordinary claim to the best consideration of the House.

The country between Windsor and Parramatta presents no engineering difficulties, and is well supplied with excellent timber for the purpose.

We beg, dear Sir, to subscribe ourselves,

Yours faithfully,
THOS. TEBBUTT.
JOHN DAWSON.
HENRY DAY.

To

Thomas Whistler Smith, Esq., M. P.

No. 1.
RETURN of Agriculture in the Police District of Windsor, for the Year ending 31 March, 1857.

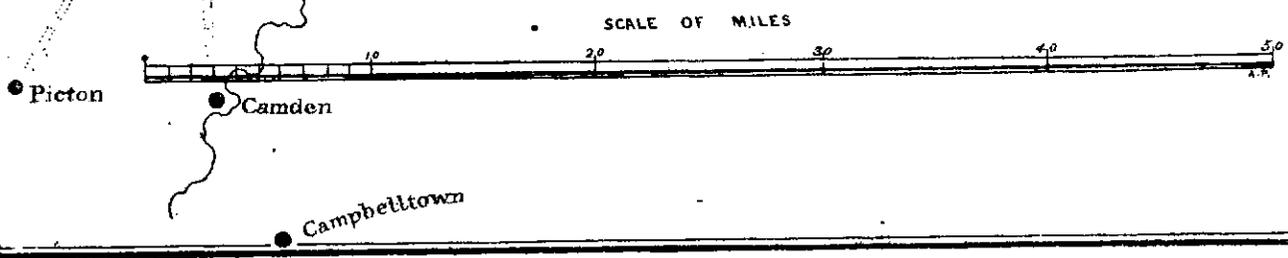
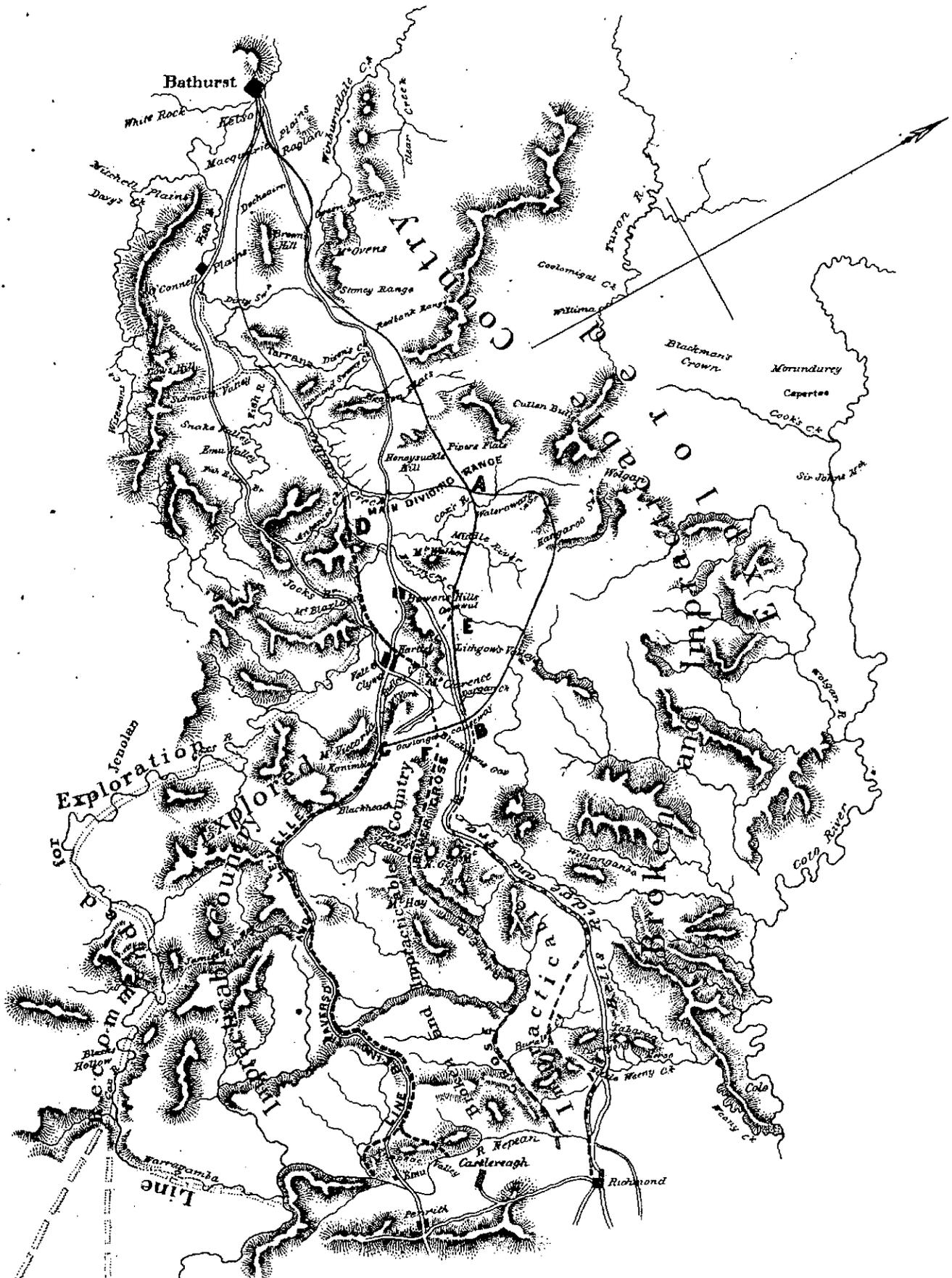
1857. GENERAL RETURN OF CROPS. — COUNTIES.	CROPS.												ACRES. IN CROP.	PRODUCE.										
	WHEAT.		MAIZE.		BARLEY.			OATS.			RYE.	POTATOES.		SOWN GRASSES.	WHEAT.	MAIZE.	BARLEY.	OATS.	RYE.	POTATOES.	HAY.			
	For grain.	For hay.	For grain.	For green food.	For grain.	For green food.	For hay.	For grain.	For green food.	For hay.											Wheat.	Barley.	Oats.	Sown grasses.
Cumberland	a.	a.	a.	a.	a.	a.	a.	a.	a.	a.	a.	a.	Total.	b.	b.	b.	b.	b.	cwt.	tons	tons	tons.	tons.	
Cook	4,144	5	2,851	10	126	58	7	126	4	1,362	9	60	9,138	71,857	111,273	4,325	3,528	40	2,186	4	6	1,175	972	
Hunter	2,360	..	2,418	..	18	..	..	89	..	178	..	30	5,093	37,939	91,670	550	2,300	..	1,218	..	..	209	..
GENERAL TOTAL.....	196	..	490	..	1	..	..	38	..	..	..	1	726	3,460	19,470	25	..	40	..	..	..	..	..
	6,700	5	5,759	10	145	58	7	258	4	1,540	9	91	14,957	113,256	222,418	4,900	6,638	40	3,444	4	6	1,384	972	

No. 2.
RETURN of Agriculture in the Police District of Windsor, for the Year ending 31 March, 1858.

1858. GENERAL RETURN OF CROPS. — COUNTIES.	CROPS.												ACRES IN CROP.	PRODUCE.										
	WHEAT.		MAIZE.		BARLEY.			OATS.			RYE.	POTATOES.		SOWN GRASSES.	WHEAT.	MAIZE.	BARLEY.	OATS.	RYE.	POTATOES.	HAY.			
	For grain.	For hay.	For grain.	For green food.	For grain.	For green food.	For hay.	For grain.	For green food.	For hay.											Wheat.	Barley.	Oats.	Sown grasses.
Cumberland	a.	a.	a.	a.	a.	a.	a.	a.	a.	a.	a.	a.	Total.	b.	b.	b.	b.	b.	cwt.	tons	tons	tons.	tons.	
Cook	2,126	52	3,223	15	48½	38½	..	142½	2	1,201	..	35	7,126	23,017	89,880	1,245	4,101	..	1,743	41	..	1,091½	539	
Hunter	1,506	49	2,607	..	30	..	3	76	..	214	..	22	4,527	17,224	76,765	587	1,400	..	1,426	..	6	201	47	
GENERAL TOTAL.....	163	..	354	..	..	..	..	..	..	..	..	..	507	1,800	11,600	..	..	..	..	..	..	..	..
	3,785	101	6,184	15	73½	38½	3	218½	2	1,415	1	57	12,160	42,041	178,245	1,832	5,501	30	3,169	86	6	1,292½	586	

B

SKETCH referred to in CAPTAIN MARTINDALE'S Evidence.



1858-9.

Legislative Assembly.

NEW SOUTH WALES.

TELEGRAPHIC COMMUNICATION.

(DESPATCHES RELATIVE TO—BETWEEN EUROPE AND AUSTRALIA.)

Ordered by the Legislative Assembly to be Printed, 30 March, 1859.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 22 March, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ Copies of any Despatches which he may have received from
 “ Her Majesty’s Government on the subject of Electric
 “ Communication between Australia and Europe, and of any
 “ answers returned to the same; also, of any correspondence
 “ on the same subject between the Government of this
 “ Colony and the Governments of the other Australian
 “ Colonies.”

Mr. Hay.)

TELEGRAPHIC COMMUNICATION.

No. 1.

LORD STANLEY to GOVERNOR SIR W. T. DENISON, K.C.B.

(Circular.)

Downing-street,
29 May, 1858.

SIR,

I transmit, for your information, the copy of a letter from Mr. Lionel Gisborne, relative to a project which he has in view for effecting a telegraphic communication, by way of India, with Australia. I also annex copies of a correspondence between this department and the India Board on the subject; and I shall be glad to be favoured with any remarks which may occur to you on a question which, it is almost superfluous to add, promises to be of the utmost importance to the interests of the Colony under your Government.

I have, &c.,
STANLEY.

GOVERNOR

SIR W. T. DENISON, K.C.B.,
&c., &c., &c.,
New South Wales.

[Enclosure 1 in No. 1.]

Downing-street,
8 April, 1858.

Sir,

I am directed by Lord Stanley to transmit to you, for the consideration of the Commissioners for the affairs of India, the enclosed copy of a letter from Mr. L. Gisborne on the question of a telegraphic communication, by way of India, with Australia. Mr. Gisborne's plan is, 1st., to endeavour to obtain from the Indian Government a contract for the line from Tenasserim (where it could join the Indian telegraphic system) to Penang and Singapore.

2nd. From thence, with the aid of a subsidy of which he states that he has already obtained the promise from the Dutch Government, to carry it (without aid from England or from any Colony) to the north coast of Australia.

3rd. To induce the Governments of the various Australian Colonies to carry it on down the east coast to Moreton Bay, and thence to Melbourne.

Each part of this plan is dependent for success on the success of the rest.

I am to request that you will express Lord Stanley's opinion that the execution of this project, if it can be successfully carried into effect, would confer great benefits on Australia and the Empire, and that on this ground his Lordship begs to recommend it to the consideration of the Commissioners for the affairs of India, with whom, however, it must rest to decide on its feasibility and also its expediency, so far as regards India. Should they find sufficient grounds to authorise the execution of the Indian part of the work, Lord Stanley will be prepared to recommend the plan to the Australian Governments, but without the concession of exclusive privileges or the expectation of assistance from Imperial Funds, neither of which objects, it is to be observed, are asked for in the proposal in the shape in which it is at present submitted.

I am, &c.,
H. MERIVALE.

Sir G. Clerk, K.C.B.

[Sub-Enclosure.]

6 Duke-street, Adelphi, (W. C.),
20 March 1858.

My Lord,

On the 12th of October last I addressed a communication to Her Majesty's Colonial Minister upon the question of telegraphic communication with Australia.

Your Lordship favoured me with an interview upon this matter, during the course of this morning.

The two points I am desirous of calling your Lordship's attention to are:—

1. That the Indian Government should give an assurance that they will execute a telegraphic line between their possessions in the Continent of India and Singapore.

2. That when such an assurance is given, your Lordship will communicate to the Australian Government the project I have had the honor to submit, and will place me in a position to negotiate the execution of it through the Australian Government.

I have, &c.,
LIONEL GISBORNE.

The Right Honorable
Lord Stanley.

[Enclosure

[Enclosure 2 in No. 1.]

India Board,
24 May, 1858.

Sir,

The Commissioners for the affairs of India have communicated with the Court of Directors of the East India Company on the subject of your letter of the 8th ultimo, recommending, by order of the Secretary of State for the Colonies, to the consideration of this Board a plan proposed by Mr. Lionel Gisborne for a telegraphic line to Australia—one portion of the plan being that the Government of India shall, at their own cost, carry the line from the Continent of India to Singapore; and I am instructed to transmit to you, for the information of Lord Stanley, a copy of a letter, dated the 18th instant, which the Board have received from the India House, and a copy of a Despatch on the subject, which will be sent to the Governor General of India in Council by the mail of the 25th.

I am, &c.,

GEORGE CLERK.

Herman Merivale, Esq.,
&c., &c., &c.

[Sub-Enclosure.]

East India House,
18 May, 1858.

Sir,

The Court of Directors of the East India Company have had under consideration Sir George Clerk's letter of the 13th ultimo, with its enclosed letter from the Colonial Office, and its accompaniment regarding a scheme proposed by Mr. Lionel Gisborne for effecting telegraphic communication, by way of India, with Australia—one of the proposals connected with the project being, that the Indian Government should give an assurance that they will execute a telegraph line between their possessions on the Continent of India and Singapore.

2. In considering this important proposition, the Court have, with the Board, assumed that the main object of the undertaking is to connect Australia with England by means of the telegraph. The first obvious step towards the attainment of that object is the completion of telegraphic communication between this country and India, and it appears to the Court that it would be premature to adopt measures in regard to a line beyond India, while the question as to the manner in which the European line of telegraph is to be extended to India is still undecided.

3. Having made these preliminary observations, the Court desire me to state, that it would afford them much pleasure to promote the project now brought to their notice in such a manner as should be consistent with the interests of India. The Court would observe, however, that the section which it is proposed should be executed by the Government of India would be an extensive and difficult undertaking, and they are unable to pass a judgment upon its feasibility or cost, without a previous survey of the coast, and without a report by the local authorities upon the question. They accordingly propose at once to invite the consideration of the Government of India to the subject.

I have, &c.,

J. D. DICKINSON.

The Secretary
of the Indian Board.

COPY of a letter from the Court of Directors of the East India Company to the Governor General of India in Council.

May, 1858.

1. We forward in the packet copy of a letter, and of its enclosures, which has been received from the Board of Commissioners for the affairs of India, and of our reply thereto, regarding a scheme proposed by Mr. Lionel Gisborne for effecting telegraphic communication, by way of India, with Australia.

2. You will observe that one of the proposals is that the Government of India should undertake the construction of a line from the point on the eastern coast of the Bay of Bengal, where the Indian system terminates, to Singapore. We desire, therefore, that you will take such steps as may enable you to form a judgment upon the cost and feasibility of this section, and report your opinion to us as soon as practicable.

No. 2.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.
(Circular.)

Downing-street,
27 July, 1858.

Sir,

With reference to my predecessor's circular Despatch of the 29th May, forwarding for any remarks which might occur to you, copies of communications which had passed between this Office and the Commissioners for the affairs of India, relative to a plan proposed by Mr. Lionel Gisborne for laying down a telegraphic line of communication, by way of India, between this country and Australia, I transmit herewith, for your information, copies of a further correspondence which has passed upon the subject.

Mr. Gisborne,
8 June, 1858.
C. O. to India
Board, 23 June,
1858.
India Board,
17 July, 1858.
C. O. to Mr.
Gisborne.

I have, &c.,

E. B. LYTTON.

GOVERNOR SIR WILLIAM DENISON, K.C.B.,
&c., &c., &c.

[Enclosure

[Enclosure 1 in No. 2.]

Downing-street,
22 June, 1858.

Sir,

8 June, 1858.

With reference to your letter of the 24th ultimo, I am directed by Secretary Sir Edward Bulwer Lytton to transmit to you, for the consideration of the Commissioners for the affairs of India, the enclosed copy of a letter from Mr. Lionel Gisborne, submitting some remarks on the subject of the conclusion signified on the subject of that part of his proposed line of telegraphic communication from England to Australia, which lies between the Continent of India and Singapore.

Sir George Clerk.

I am, &c.,

H. MERIVALE.

[Sub-Enclosure.]

6, Duke-street, Adelphi,
8 June, 1858.

My Lord,

I have the honor to acknowledge your Lordship's letter of the 3rd instant, enclosing correspondence with the Board of Control and H. E. I. Co., upon the subject of telegraphic extension to Australia.

Mr. Dickinson in his letter of the 18th of May, states—after acknowledging the importance of the project and the desire of the H. E. I. Co. to see it carried out—"The Court would observe, however, that the section which it is proposed should be executed by the Government of India would be an extensive and difficult undertaking, and they are unable to pass a judgment upon its feasibility or cost without a previous survey of the coast, and without a report by the local authorities upon the question. They accordingly propose at once to invite the consideration of the Government of India to the subject."

I would observe that the proposed communication between the continent of India and Singapore is not difficult, and that there exists all the information upon the subject necessary to decide the feasibility and cost. The chart sent herewith shows that detailed soundings, &c., exist the whole way between Rangoon and Singapore, and there exists at the Hydrographical Office most detailed charts of the places where it is proposed to land the cable. My estimate for the whole line between Tenasserim and Singapore is under £150,000, and I am prepared to find a responsible contractor to execute it for that sum, *at his own risk*, as far as laying the cable and handing it over to the H. E. I. Co. in an efficient working state.

I am unaware of any length of cable laid in a sea where, judging from the charts and the reports of mariners, such remarkable facilities exist as in the reach between Tenasserim and Singapore.

I had the honor of informing Lord Stanley at the interview he favoured me with, that the concession granted by the Netherland Government was limited in time for carrying out its provisions, and that I am under engagement to that Government to send without delay to Australia to negotiate the extension of the telegraph within that Colony.

A reference of the Singapore section to the Governor General in India will delay the question for many months, and, I respectfully submit, without any practical object being attained towards prosecuting the Australian project.

The Dutch Government, with the same charts and information before them as the H. E. I. Co. have access to, admitted the feasibility and importance of the *whole* question, and gave the necessary facilities for carrying out their link. It appears that your Lordship's department are prepared to recommend the same course to the Australian Colonies; all I ask is that the H. E. I. Co. shall, when the whole project is ripe, undertake to carry out the portion which specially comes under their control.

Should the Court consider the Singapore telegraph of such importance *per se*, as to warrant them to have it carried out at *once*, I am prepared to undertake it through responsible contractors; but my proposition to Lord Stanley was that the Court should decide upon doing their section when the remainder of the Australian line was finally in hand, his Lordship remarking most truly in his letter of the 8th of April, 1858, that "each part of this plan is dependent for success on the success of the rest."

What I am desirous of obtaining is an assurance from Her Majesty's Government, or the Honorable Court, to the Australian Authorities that the Singapore section shall not remain unmade as a link in the Australian and China Telegraph.

I have, &c.,

LIONEL GISBORNE.

The Right Honorable
The Earl of Carnarvon.Downing-street,
July, 1858.

Sir,

17 July, 1858.

With reference to my letter of the 22nd ultimo, in which you were informed that a copy of your further letter of the 8th June, relative to the execution of that part of your proposed line of telegraphic communication from England to Australia which lies between the Continent of India and Singapore, had been referred for the consideration of the Commissioners for the affairs of India, I am directed by Secretary Sir E. Bulwer Lytton to transmit, for your information, a copy of the answer which has been returned on the subject by that Board.

I am, &c.,

CARNARVON.

Lionel Gisborne, Esq.

[Enclosure

TELEGRAPHIC COMMUNICATION.

[Enclosure 2 in No. 2.]

India Board,
17 July, 1858.

Sir,

With reference to the communication which you made to this Board on the 22nd ultimo, I am desired by the Commissioners for the affairs of India to transmit, for the information of the Secretary of State for the Colonies, a copy of a letter, dated the 14th instant, which has been received from the Court of Directors of the East India Company respecting the plan of Mr. Lionel Gisborne for a telegraphic line between England and Australia, by way of Rangoon and Singapore.

I am, &c.,

GEORGE CLERK.

H. Merivale, Esq.

[Sub-Enclosure.]

East India House,
14 July, 1858.

Sir,

I have laid before the Court of Directors of the East India Company Sir George Clerk's letter of the 26th ultimo, transmitting copy of a letter which has been addressed by Mr. Lionel Gisborne to the Colonial Office, in consequence of that department having forwarded to him a copy of my letter of the 18th May, regarding his scheme for telegraphic communication with Australia by way of India.

2. The Court were given to understand by the enclosures to Sir George Clerk's letter of the 13th April, that the main object of Mr. Gisborne's scheme was to establish telegraphic communication between Australia and this country, and that a part of his plan was to "obtain from the Indian Government a contract for a line from Tenasserim to Penang and Singapore."

3. The Court desire me to state that, notwithstanding Mr. Gisborne's statement as to the easy nature of that part of the undertaking, they do not feel in a position to enter into arrangements for the execution of a work of this description without a previous communication with the Government of India, with the view of obtaining the report of their Superintendent of Electric Telegraphs, or of some competent officer upon the subject, and it did not appear to them that the time employed in obtaining a reply to that reference could delay the completion of a work, which is to form the continuation of one to India, for the construction of which arrangements have not yet been made.

4. As, however, it appears from Mr. Gisborne's letter now under notice that the concession granted to him by the Netherlands Government is limited in time, and is conditional upon an assurance that the link between Rangoon and Singapore will not be left undone, the Court cannot hesitate to express their opinion, that when measures have been matured for making such remaining portions of the line as may be required to complete the telegraphic communication between this country and Australia, it would be the duty of the Indian Government to take steps for the simultaneous construction of that part of the line which lies within its jurisdiction.

I have, &c.,

J. D. DICKINSON.

The Secretary, India Board.

No. 3.

SIR W. DENISON to THE SECRETARY OF STATE FOR THE COLONIES.

(No. 138.)

Government House,
Sydney, 28 September, 1858.

SIR,

I have the honor to acknowledge the receipt of a Circular Despatch, dated 29 May last, from your predecessor, transmitting a letter from Mr. Lionel Gisborne, relative to the establishment of telegraphic communication, *via* India, between England and Australia, together with copies of other correspondence on the same subject.

I brought the subject under the consideration of my Executive Council, and I forward herewith the Minutes of the Proceedings with relation to it; by which it will be seen that the Council, while fully appreciating the advantages to be derived from the establishment of a line of telegraph between England, India, and Australia, are not at present prepared to express an opinion upon the scheme submitted by Mr. Gisborne.

I have, &c.,

W. DENISON.

THE RIGHT HONORABLE

SIR E. BULWER LYTTON, BART.

TELEGRAPHIC COMMUNICATION.

[Enclosure in No. 3.]

PROCEEDINGS of the Executive Council with respect to Telegraphic Communication with Australia, via India.

Extract from Minute No. 58-35, dated 30th 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.

HIS EXCELLENCY the Governor General lays before the Council a Despatch from the Right Honorable the Secretary of State for the Colonies, forwarding the copy of a letter from Mr. Lionel Gisborne, relative to a project which he has in view for effecting a telegraphic communication with Australia, via India, and also copies of a correspondence which has passed between the Colonial Office and the India Board on the subject.

2. In this Despatch Lord Stanley expresses a wish to be favored with the views of His Excellency the Governor General upon Mr. Gisborne's project, which is stated to be as follows:—

- 1st. To obtain from the Indian Government a contract for the line from Tenasserim—(where it could join the Indian telegraphic system)—to Penang and Singapore.
 - 2nd. From thence, with the aid of a subsidy, of which it is stated that a promise has been already obtained from the Dutch Government to carry it, (without aid from England or from any Colony), to the north coast of Australia; and,
 - 3rd. To induce the Australian Colonies to carry it on down the east coast to Moreton Bay, and thence to Melbourne.
3. The Council cannot fail to perceive the great advantages which would accrue to this, and the Australian Colonies generally, from the establishment of such a communication as that proposed by Mr. Gisborne; but, until more fully informed as to the details of his scheme—the success of which appears to be dependent on a good many contingencies—they are not in a position to express any opinion as to its feasibility, nor are they prepared to pledge the Colony to co-operate with him in the undertaking. If, however, it be again submitted to them in a more matured state, it shall have their most careful consideration.

A. ORPEN MORIARTY,
 Clerk of the Council.

No. 4.

SIR W. DENISON to THE SECRETARY OF STATE FOR THE COLONIES.

(No. 157.)

Government House,
 Sydney, 27 October, 1858.

SIR,

I have the honor to acknowledge the receipt of your Circular Despatch, dated 27th July, enclosing copies of further correspondence between the Commissioners for the affairs of India and the Colonial Office, on the subject of the plan proposed by Mr. Lionel Gisborne for laying down a telegraphic line of communication between England and Australia, by way of India.

From this it would appear that the Indian Government is prepared to take steps for the construction of that part of the line which lies within its jurisdiction, when measures have been matured for making the remainder.

It will now be for Mr. Gisborne to develop his plan, and to enable the Government to submit his schemes to the Legislatures of the different Australian Colonies.

A line of electric telegraph will be, in the course of a few weeks, completed between Sydney, Melbourne, and Adelaide. Preparations have been made for extending this across Bass' Strait to Hobart Town, in Tasmania; so that any line carried down either the east or west coast to Sydney, or to Adelaide, will communicate with all parts of these Colonies.

Until, however, Mr. Gisborne submits the details of his scheme, it is, of course, impossible that the Governments of the Australian Colonies can express any opinion upon it.

I have, &c.,

W. DENISON.

THE RIGHT HONORABLE
 SIR E. BULWER LYTTON, BART.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

TELEGRAPHIC COMMUNICATION.

(LETTER RELATIVE TO ESTABLISHMENT OF BETWEEN ENGLAND AND AUSTRALIA.)

Ordered by the Legislative Assembly to be Printed, 30 March, 1859.

C. PEEL, ESQ., to THE COLONIAL SECRETARY.

*Red Sea and India Telegraph Company, (Limited),
62, Moorgate-street, E. C.,
London, 15 January, 1859.*

SIR,

I am instructed by the Directors of the Red Sea and India Telegraph Company, (Limited), to submit for your information the following statement of the steps which have been taken to promote the establishment of telegraphic communication between England and the Australian Colonies, and at the same time to solicit the assistance of your Government in the promotion of that most important work.

2. This Company was originally formed nearly two years ago, for the purpose of constructing a telegraph, in the first instance, to India, and eventually to Australia and China; and circulars to this effect were forwarded at the time to the principal firms in Sydney and Melbourne.

3. The first portion of this comprehensive scheme is now in active progress, Her Majesty's Government having granted an unconditional guarantee of $4\frac{1}{2}$ per cent. for 50 years on the capital required to complete the line from Alexandria to Kurrachee, in Seinde, where it joins the Indian telegraphic system. The cable is in course of manufacture, and will, it is hoped, be laid, and in full operation, by the end of the present year.

4. Mindful of the ulterior object, which they have always had in view, the Directors had no sooner secured the co-operation of Her Majesty's Government in the Indian line, than they submitted to the Treasury a proposition for the extension of the telegraph system of the Indian Government from Singapore to Australia and China.

5. At the same time they have ventured, solely upon public grounds, to urge upon Her Majesty's Government the expediency of keeping the whole communication between this country and the Colonies in English hands, by the establishment of a direct line from Falmouth to Alexandria, the advantages of which over the course at present adopted are too obvious to require further comment.

6. The Directors are most anxious to see this principle adopted and carried into effect, either by themselves or by some other body enjoying the confidence of the Imperial and Colonial Governments, as they feel convinced that it is only by a cordial co-operation with these authorities that the whole system of telegraphic communication with the Eastern Hemisphere can be placed upon a satisfactory basis.

7. They are aware that numerous schemes for a telegraph to Australia have been propounded, both by public companies and by private individuals, whose independent action, so far from promoting the object in view, has considerably complicated the question, and thereby retarded its final settlement.

8. They have themselves abstained from making any appeal to the public on the subject, and the object of this communication is to place your Government in possession of the present state of the telegraph question as regards this company, with a view to preventing the possible adoption of any incomplete scheme before the final decision of the Home Government is made known.

9. I am further instructed to solicit the favor of your communicating to the Directors the general views of your Government upon this subject; and informing them at the same time whether—in the event of this most important work being entrusted to the Red Sea and India Telegraph Company—it would be willing to assist the undertaking, either by granting a guarantee upon the capital required, or in any other manner which may be considered most conducive to the interests of the Colony.

10. A copy of this communication has been transmitted to the First Lord of the Treasury, the Secretary of State for the Colonies, and the Secretary of State for India.

I have, &c.,

CH. PEEL,

Secretary.

THE HONORABLE

THE SECRETARY TO THE GOVERNMENT
OF NEW SOUTH WALES,
Sydney.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

ELECTRIC TELEGRAPH.

(NAMES AND SALARIES OF OFFICERS ATTACHED TO DEPARTMENT.)

Ordered by the Legislative Assembly to be Printed, 4 February, 1859.

A STATEMENT of the Names of the Persons employed in the Superintendence of the Construction of the Electric Telegraph, and in working the same, with the amount of Salary paid to each, from its commencement to the 31st December, 1858.

Number of Voucher.	NAME.	SERVICE.	AMOUNT.		
			£	s.	d.
	1857.				
3	H. Steel.....	Salary as Inspector, 8th to 30th June, 1857.....	19	3	4
4	F. H. O'Beirne	Do. do. do.	19	3	4
5	Henry M. Lay	Do. 15th to 30th June, 1857 ...	13	6	8
8	Do.	Do. 1st to 31st July, 1857	25	0	0
10	H. Steel.....	Do. do. do.	25	0	0
12	F. H. O'Beirne	Do. do. do.	25	0	0
14	H. Steel.....	Do. 1st to 30th August, 1857 ...	25	0	0
15	F. H. O'Beirne	Do. do. do.	25	0	0
16	H. M. Lay	Do. do. do.	25	0	0
			201	13	4
21	H. M. Lay	Salary as Inspector for September, 1857	25	0	0
24	H. L. Steel.....	Do. do.	25	0	0
27	F. H. O'Beirne	Do. do.	25	0	0
31	H. Steel.....	Do. October, 1857	25	0	0
36	H. M. Lay	Do. do.	25	0	0
44	F. H. O'Beirne	Do. do.	25	0	0
			150	0	0
54	H. M. Lay	Salary as Inspector for November, 1857	25	0	0
73	H. Steel.....	Do. do.	25	0	0
76	F. H. O'Beirne	Do. do.	25	0	0
			75	0	0
	1858.				
24	Salaries	Main Office, January, 1858	70	9	4
28	Richd. Hipsley	Salary as Telegraph Clerk, January, 1858	7	16	0
			78	5	4
36	Salaries	Chief Office for February, 1858.....	96	12	4
37	H. M. Lay	Advance of Salary, 1st March to 30th June, 1858	100	0	0
71	E. C. Cracknell.....	Salary as Asst. Superintendent for March, 1858	41	13	4
			238	5	8

ELECTRIC TELEGRAPH.

Number of Voucher.	NAME.	SERVICE.	AMOUNT.
			£ s. d.
72	Salaries	Main Office for March, 1858	33 13 4
73	Richd. Flynn	Do. do.	3 0 0
			<u>36 13 4</u>
101	E. C. Cracknell	Salary as Asst. Superintendent for April, 1858	41 13 4
102	Salaries	Main Office do.	33 13 4
106	Wages	Messengers, from 29th March to 30th April, 1858	3 10 9
			<u>78 17 5</u>
118	E. C. Cracknell	Salary as Asst. Superintendent for May, 1858...	41 13 4
119	Salaries	Main Office do.	68 3 4
127	Chas. Kraegen	Salary as Instrument Fitter	12 7 0
			<u>122 3 8</u>
145	E. C. Cracknell	Salary as Asst. Superintendent for June, 1858...	41 13 4
146	Salaries	Chief Office do.	42 3 4
147	Do.	Kelly & Gibson, Clerk and Messenger, June, 1858	11 0 0
148	Do.	Robert Pizey, Telegraph Clerk, June, 1858	6 13 4
149	Do.	Richd. Hipsley do. do.	12 10 0
150	Do.	James Mackel do. do.	12 10 0
151	Do.	Edward Moggridge do. do.	0 12 6
			<u>127 2 6</u>
173	E. C. Cracknell	Salary as Asst. Superintendent for July, 1857...	41 13 4
175	Salaries	Chief Office do.	42 3 4
177	Do.	Do. do.	2 7 6
178	Kelly & Gibson	Salary as Clerk and Messenger for July, 1857...	11 0 0
179	R. Pizey	Salary as Telegraph Clerk do.	6 13 4
180	Richd. Hipsley	Do. do. do.	12 10 0
181	Jas. Mackel	Do. do. do.	12 10 0
185	H. M. Lay	Do. do. do.	25 0 0
			<u>153 17 6</u>
206 to 211	Salaries	Telegraph Clerks, for August, 1857	57 14 4
212	E. C. Cracknell	Salary as Asst. Superintendent, for Aug., 1857	41 13 4
213	Salaries	Chief Office, for August, 1857	42 3 4
214	Wages	Messengers do.	1 10 0
215	Do.	Do. do.	6 4 9
			<u>149 5 9</u>
216	Salaries	Main Office, for September, 1858	48 16 8
217	Kelly & Gibson	Salary as Clerk and Messenger, do. ..	11 0 0
218	Assistants in office	Do. do.	1 10 0
219 to 224	Salaries	Telegraph Clerks, do.	106 13 4
247, 248	H. M. Lay	Salary for August and September, 1858	50 0 0
			<u>218 0 0</u>
270	G. Lamont	Wages as Messenger, Albury, June, 1858	6 13 4
275	Do.	Do, do, July, 1858	6 13 4
277 to 279	Wages	Messengers, Albury, July, 1858	5 8 6
285 to 293 and 295	Salaries	Telegraph Clerks, for October, 1858	172 7 6
			<u>191 2 8</u>

ELECTRIC TELEGRAPH.

Number of Voucher.	NAME.	SERVICE.	AMOUNT.
			£ s. d.
315	Salaries	Telegraph Station, South Head, November, 1858	11 0 0
316	John O'Donnell.....	Salary, Inspector, November, 1858	12 10 0
317	J. J. Rutter	Do. Telegraph Clerk, November, 1858	16 13 4
318	J. Watson	Do. Inspector, do.....	12 10 0
319	H. M. Lay	Do. Telegraph Clerk, do.....	25 0 0
320	W. Hoskins	Do. Junior Telegraph Clerk, do.....	4 6 8
321	Jos. Chidgey	Do. do. do.....	4 6 8
322	W. Wilson.....	Do. do. do.....	6 13 4
324	Richard Hipsley	Do. do. do.....	12 10 0
325	J. Mackel	Do. do. do.....	12 10 0
326	J. C. Byng.....	Do. do. do.....	16 13 4
327	Robt. Pizcy	Do. do. do.....	6 13 4
328	Salaries	Main Office do. do.....	52 13 4
329	E. C. Cracknell.....	Salary as Asst. Superintendent for do.....	41 13 4
330	C. J. Smith	Do. Inspector, do.....	9 11 8
331	C. Mooney	Do. do. do.....	2 1 8
332	Thos. Gardiner	Do. Messenger, do.....	3 9 4
341	H. M. Lay	Do. Telegraph Clerk, Oct., 1858.....	25 0 0
348	A. Westpalin	Wages, Messenger, Sept. 25 to Oct. 30, 1858 ...	5 0 0
374	E. C. Cracknell.....	Salary as Asst. Superintendent, Dec., 1858	41 13 4
375	C. J. Smith	Do. Inspector, do.....	12 10 0
376	J. J. Rutter	Do. Telegraph Clerk, do.....	16 13 4
377	H. M. Lay	Do. do. do.....	25 0 0
379	Edward Moggridge ..	Do. do. do.....	10 1 7
382	S. J. Watson	Do. Inspector, do.....	12 10 0
384	J. Chidgey	Do. Junr. Telegraph Clerk, do.....	4 6 8
385	W. Hoskins	Do. do. do.....	4 6 8
386	W. Wilson.....	Do. do. do.....	6 13 4
387	C. Mooney	Do. Inspector, do.....	12 10 0
388	J. Mackel	Do. Telegraph Clerk, do.....	12 10 0
389	H. Gibson	Do. do. do.....	5 13 9
390	Richd. Hipsley	Do. do. do.....	12 10 0
391	H. Byng	Do. do. do.....	16 13 4
392	Wages	Messengers do.....	0 17 6
393	Salaries	Main Office do.....	52 13 4
			<hr/>
			527 18 10
			<hr/>
35	C. Wills	Line Overseer, 22nd to 27th February, 1858 ...	3 12 0
43	C. Mooney	Do. 1st to 13th March, 1858	7 4 0
44	M. Healy	Do. 2nd to 13th do.....	6 12 0
54	Do	Do. 15th to 23rd do.....	4 4 0
66	C. Wills	Do. 1st to 27th do.....	14 8 0
105	C. Mooney	Do. 1st to 27th do.....	9 12 0
107	C. Wills.....	Do. 29th March to 1st May, 1858 ...	9 18 0
108	C. Mooney ...	Do. do. do.....	24 0 0
116	Do.	Do. 3rd to 22nd May, 1858.....	14 8 0
152	Do.	Do. 24th May to 30th June, 1858 ...	26 8 0
174	Do.	Do. 1st to 30th July, 1858	21 12 0
226	Do.	Do. 1st to 30th September, 1858.....	41 12 0
323	Do.	Do. 1st to 25th November, 1858.....	17 12 0
			<hr/>
			201 2 0
			<hr/>

RECAPITULATION

CONSTRUCTION ...	{ Amount paid for Salaries—Construction, 1857	426 13 4
	Do. do. of Line Overseers, 1858	201 2 0
	Do. half Salary of Asst. Superintendent, 1858	250 0 0
		<hr/>
Amount paid for Salaries for working Line, 1858.....		1,671 12 8
		<hr/>
		£2,549 8 0

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

ROAD VOTE FOR 1858.

(SCHEDULED STATEMENT OF DISTRIBUTION.)

Ordered by the Legislative Assembly to be Printed, 28 January, 1859.

General Direction of Road.	LINE OF ROAD.	Length in Miles.	TO WHOM MONEY ISSUED.	AMOUNT.
	MAIN TRUNK LINE.			
	From 5th Milestone, Western Road, to Albury	380	Commissioner of Main Roads	19,000 0 0
		380	<i>Miles, at £50 per mile.</i>	£ 19,000 0 0
	SECONDARY ROADS.			
1	<i>Goulburn to Queanbeyan :-</i> From Goulburn towards Queanbeyan ..	30	Commissioner of Main Roads	420 0 0
	Queanbeyan towards Goulburn ..	30	Bench of Magistrates, Queanbeyan	420 0 0
2	From Braidwood towards Goulburn	30	Bench of Magistrates, Braidwood	420 0 0
3	<i>Marulan to Braidwood :-</i> From Marulan towards Braidwood by } Bungonia	30	Commissioner of Main Roads	420 0 0
	Braidwood towards Marulan by } Bungonia	30	Bench of Magistrates, Braidwood	420 0 0
4	From the Cross Roads to Campbelltown ..	9	Campbelltown Road Trust	126 0 0
5	<i>Campbelltown to Picton, (by Menangle)</i> From Campbelltown towards Picton ..	5	Campbelltown Road Trust	70 0 0
	Picton towards Campbelltown, } by Menangle	14	Bench of Magistrates, Picton	196 0 0
6	<i>Campbelltown to Appin</i>	10	Campbelltown Road Trust	140 0 0
7	<i>Appin to Wollongong :-</i> From Appin towards Wollongong	2	Campbelltown Road Trust	28 0 0
	Wollongong towards Appin	22	Bench of Magistrates, Wollongong	398 0 0
8	<i>Wollongong to Kiama :-</i> From Wollongong towards Kiama	10	Bench of Magistrates, Wollongong	140 0 0
	Kiama towards Wollongong	15	Bench of Magistrates, Kiama	210 0 0
9	<i>Kiama to Shoalhaven :-</i> From Kiama to Crooked River	12	Bench of Magistrates, Kiama	168 0 0
	Crooked River to Shoalhaven	10	Bench of Magistrates, Shoalhaven	140 0 0
		259	<i>Miles, at £14 per mile.</i>	£ 3,626 0 0
	ROADS NOT HITHERTO CLASSED.			
	From Campbelltown to Great South } Road, near Narellan	5	Campbelltown Road Trust	70 0 0
	Kiama and Mount Brandon Road	4	Bench of Magistrates, Kiama	56 0 0
	Botany and Mudbank Road	4	Trustees of Road	56 0 0
	From Wagga Wagga to Main South Road	25	Bench of Magistrates, Wagga Wagga	350 0 0
	Bringelly Road from Carne's Hill, on } Great South Road, to Penrith	20	{ Messrs. Siddington, Bell, and Keyes, (now } Messrs. Bell, Jamison, and R. Harris. }	280 0 0
	From Appin to top of Rixon's Pass, } by the old Bulli Road	12	{ Messrs. John Bray, John Armstrong, } and John Cawley	120 0 0
	<i>Shoalhaven to Moruya :-</i> From Shoalhaven to Durras Water	70	Bench of Magistrates, Shoalhaven	700 0 0
	Durras Water to Moruya Ferry ..	35	Bench of Magistrates, Moruya	350 0 0
	Eden to Bega	35	{ Police Magistrates, Eden, Messrs. King, } Dawson, and M'Gregor	350 0 0
	Braidwood to the Clyde River ..	31	{ Braidwood and Clyde River Road Com- } mittee, (now Bench of Magistrates, } Braidwood)	434 0 0
				£ 2,766 0 0
	ROADS BEYOND THE SETTLED DISTRICTS.			
	From Queanbeyan to Cooma	70	Bench of Magistrates, Cooma	700 0 0
	Cooma to Bombala	54	Bench of Magistrates, Bombala	540 0 0
	Eden to Bombala	60	Bench of Magistrates, Eden	600 0 0
		184	<i>Miles, at £10 per mile.</i>	£ 1,840 0 0
			Carried forward	£ 27,232 0 0

ROAD VOTE FOR 1858.

General Direction of Road.	LINE OF ROAD.	Length in Miles.	TO WHOM MONEY ISSUED.	AMOUNT.	
	Brought forward.....£			27,232 0 0	
	SPECIAL ITEMS.				
SOUTHERN—continued.	Roads, District of Oakes and Burarorang For the repair of the Collector Road	.....	Bench of Magistrates, Picton	100 0 0
	Road from Pambula to Merimbula	.....	Commissioner of Main Roads	500 0 0
	Road from Howaka to the Bega Road	.....	Messrs. J. J. Grealley, B. Carraker, S. Corrington, and Police Magistrate, Eden	100 0 0
	Completion of repairs to the Camden Bridge	.....	Messrs. J. J. Grealley, B. Carraker, S. Corrington, and Police Magistrate, Eden	200 0 0
	Road, Nelson's Bay, Bondi, and Coogee.	.....	Colonial Architect	107 10 8
	Approaches to the Menangle Bridge	.....	Messrs. Bennett and Dixon	100 0 0
	Roads from Binalong to Bowning, Burrowa, and Murrumburra	.....	Dr. Douglass, Sir W. Macarthur, Mr. Taber	200 0 0
	From Shoalhaven to the Crossing Place at Endrick River towards Braidwood, including the approaches on both sides	.....	Bench of Magistrates, Binalong	50 0 0
	Allowance to the Keeper of the Punt at George's River	.....	Bench of Magistrates, Shoalhaven	400 0 0
	Warp for Ferry, George's River	.....	Surveyor General	35 0 0
	Blocks, &c., for Punt, at Ferry, George's River	.....	Ditto	28 17 4
	Road, Bega to Kangaruitla	.....	Ditto	10 10 0
			Messrs. King, Gowiz, Juggers, and Darcy	300 0 0	
				2,126 18 0	
			TOTAL, SOUTHERN	£ 29,358 18 0	
		MAIN TRUNK LINE.			
		From Morpeth to Armidale	230	Commissioner of Main Roads	11,500 0 0
		230	Miles, at £50 per mile	£ 11,500 0 0	
	SECONDARY ROADS.				
1	Newcastle to Maitland :—				
	From Newcastle towards Maitland	9	Warden, District Council, Newcastle	126 0 0	
	Remainder of distance	9	Maitland Road Trust	126 0 0	
2	Maitland to Paterson :—				
	From Maitland towards Paterson	9	Maitland Road Trust	126 0 0	
	Remainder of distance	3	Warden, District Council, Paterson	42 0 0	
3	Paterson to Gresford	16	Warden, District Council, Paterson	224 0 0	
4	Singleton to Jerry's Plains	20	Warden, Patrick's Plains District Council	280 0 0	
5	Jerry's Plains to Merton	16	Bench of Magistrates, Muswellbrook	224 0 0	
6	Merton to Merriwa	36	Bench of Magistrates, Merriwa	504 0 0	
7	Merriwa to Cassilis	43	Bench of Magistrates, Cassilis	602 0 0	
		161	Miles, at £14 per mile	£ 2,254 0 0	
	ROADS NOT HITHERTO CLASSED.				
NORTHERN.	From Raymond Terrace to Hinton	8	{ Messrs. Richard Sadleir, John Pearce, John Newman, and J. A. Portus }	200 0 0	
	From Hinton Ferry to Paterson :—				
	From Paterson to Dun's Creek	4	Warden, District Council, Paterson	56 0 0	
	Dun's Creek to Hinton Ferry	6	Maitland Road Trust	84 0 0	
	From Raymond Terrace to Stroud :—				
	From Raymond Terrace towards Stroud	16	Bench of Magistrates, Raymond Terrace	160 0 0	
	Stroud towards Raymond Terrace	16	Bench of Magistrates, Stroud	160 0 0	
	From Raymond Terrace to Clarence Town :—				
	From Raymond Terrace towards Clarence Town	8	Bench of Magistrates, Raymond Terrace	80 0 0	
	From Clarence Town towards Raymond Terrace	8	Bench of Magistrates, Clarence Town	80 0 0	
	Road, Hinton to Clarence Town	16	Bench of Magistrates, Clarence Town	224 0 0	
	From Clarence Town to Chichester	23	Bench of Magistrates, Dungog	350 0 0	
	„ Dungog to Forsterston	6	{ Messrs. W. Hanna, A. Hooke, H. Campbell, and C. Lean }	60 0 0	
	„ Morpeth to Raymond Terrace	.....	„ E. C. Close and J. A. Portus	400 0 0
	„ Grafton to Tenterfield	.....	Bench of Magistrates, Tenterfield	500 0 0
	„ Scone towards Wybong Creek, to include the Pass over the Range between Dartbrook & Cuen	15	Bench of Magistrates, Scone	150 0 0	
	Gloucester to Tinonee	30	Bench of Magistrates, Wingham	300 0 0	
	Tinonee to Cundletown	10	Bench of Magistrates, Wingham	100 0 0	
	Tinonee to Wingham	8	Bench of Magistrates, Wingham	80 0 0	
Wingham to Cundletown	15	Bench of Magistrates, Wingham	150 0 0		
From Main North Road near Black Creek, via Glendon, to same Road near Singleton	12	{ Messrs. Bernard McClusky, John Johnstone, John Lumley, (now Messrs. McClusky, W. Rotton, and James Galvin }	120 0 0		
			3,254 0 0		
		Carried forward.....£	17,008 0 0		

ROAD VOTE FOR 1858.

General Direction of Road.	LINE OF ROAD.	Length in Miles.	TO WHOM MONEY ISSUED.	AMOUNT.
	Brought forward.....£			17,008 0 0
	SPECIAL ITEMS.			
NORTHERN—continued.	Roads, District of Brisbane Water	.....	Warden, District Council, Gosford	300 0 0
	Repair of Roads in the McDonald River District	.....	Police Magistrate, Wollombi	100 0 0
	Repair of Road, Mangrove Creek	.....	Warden, District Council, Gosford	60 0 0
	From Christmas Creek to the Township on the M'Leay River	.....	Bench of Magistrates, M'Leay River	30 0 0
	Port Macquarie to Rolland's Plains	.....	Bench of Magistrates, Port Macquarie	100 0 0
	Port Macquarie towards New England	.....	Bench of Magistrates, Port Macquarie	150 0 0
	For the repair of the Moonbi Pass	.....	Commissioner of Main Roads	150 0 0
	Repair of Road near Hexham Railway Station	.....	{ John Eales, Esq., Revd. Mr. Boulton, and J. Inches, Esq. }	200 0 0
	Boat for Ferry at Kempsey	.....	Bench of Magistrates, Macleay River	25 0 0
	Warp for Ferry at Kempsey	.....	Bench of Magistrates, Macleay River	24 0 0
	Bridge, Kingdon Ponds, Scone	.....	Bench of Magistrates, Scone	100 0 0
	Wiseman's Ferry-Boat and Travelling Expenses of Mr. J. Cuthbert	.....	Mr. J. Cuthbert	27 15 0
	Repair of Punt at Blackman's Point, Port Macquarie	.....	Harbour Master	56 18 0
	Repair of Bridge near Railway Station, Maitland	.....	{ J. Chambers, Esq., and Police Magistrate, Maitland }	20 0 0
	Repair of Landing Place, Raymond Terrace	.....	Colonial Architect	60 0 0
	Repair of Road from Bendemeer to Bundarra	.....	{ Messrs. E. G. Clerk, S. H. Darby, and T. Cooper }	200 0 0
	Armidale to Grafton:—			
	Repair of Road from Armidale towards Grafton	.....	Bench of Magistrates, Armidale	250 0 0
	Repair of Road from Grafton towards Armidale	.....	Bench of Magistrates, Grafton	250 0 0
	Repair of Bridges on line of Road between Maitland and Paterson	.....	Warden, District Council, Paterson	50 0 0
	For the erection of a Bridge at Stony Creek, on mail line of Road between Maitland and Paterson	.....	Maitland Road Trust	50 0 0
	Repair of Bridges on the Road from Morpeth to Dungog	.....	Bench of Magistrates, Clarence Town	100 0 0
	For the purchase of the Punt at the Paterson Ferry	.....	Mrs. Lydia Phillips	185 0 0
	For the erection of a Bridge at Four-Mile Creek	.....	{ Joseph Chambers, Esq., and Police Magistrate, Maitland }	20 0 0
				2,508 13 0
	TOTAL, NORTHERN			£ 19,516 13 0
	MAIN TRUNK LINE.			
	Sydney to Wellington	210	Commissioner of Main Roads	10,500 0 0
		210	Miles, at £50 per mile	£ 10,500 0 0
	SECONDARY ROADS.			
1	Bowenfells to Mudgee	80	Commissioner of Main Roads	£ 4,000 0 0
2	Bathurst to Carcoar:—			
	From Bathurst towards Carcoar	14	Warden District Council, Bathurst	196 0 0
	Carcoar towards Bathurst	16	Bench of Magistrates, Carcoar	224 0 0
3	Carcoar to Canowindra	34	Bench of Magistrates, Carcoar	476 0 0
4	Parramatta to Windsor:—			
	From Parramatta towards Windsor	12	Parramatta Road Trust	168 0 0
	Remainder of distance	7	Windsor Road Trust	98 0 0
		83	Miles, at £14 per mile	£ 1,162 0 0
	ROADS NOT HITHERTO CLASSED.			
	From Bathurst to Sofala	27	{ Police Magistrate, Bathurst—Messrs. Francis, Suttor, and Walford }	378 0 0
	Blacktown Road, from the Main Western Road near Prospect to Richmond	19	Richmond Road Trust	190 0 0
	From Richmond to the Great Western Road, near Bowenfells (Bell's Line):—			
	From Richmond towards Bowenfells	25	Richmond Road Trust	250 0 0
	Bowenfells towards Richmond	20	Bench of Magistrates, Hartley	200 0 0
	From Windsor Ferry to Willerforce	4	Windsor Road Trust	40 0 0
	From O'Connell's Plains to Fish River	17	(Not yet named)	170 0 0
	From Parramatta to Bedlam Ferry	10	{ Messrs. C. Blaxland, J. S. Farnell, and J. Shepherd }	100 0 0
	From Pennant Hills Wharf to the Road from Parramatta to Kissing Point	5	{ Messrs. C. Blaxland, J. S. Farnell, and J. Shepherd }	50 0 0
	From Kissing Point towards Field of Mars Common	3	{ Messrs. C. Blaxland, J. S. Farnell, and J. Shepherd }	30 0 0
	From Castlhill to the Road from Parramatta to Kissing Point	7	{ Messrs. J. Bellamy, J. Dungate, and J. Harrison }	70 0 0
				1,478 0 0
			Carried forward	£ 17,140 0 0

NORTHERN—continued.

WESTERN.

ROAD VOTE FOR 1858.

General Direction of Road.	LINE OF ROAD.	Length in Miles.	To whom MONEY ISSUED.	AMOUNT.
			Brought forward.....£	17,140 0 0
	SPECIAL ITEMS.			
WESTERN—continued.	Approaches to Bedlam Ferry on the south side of the river.....	....	Mr. B. C. Rodd.....	100 0 0
	From Blue's Point to Lane Cove.....	....	{ Sir W. W. Burton and Messrs. Minnes, } Mooney, and Burrows.....	135 0 0
	For the repairs to the bridge Eastern Creek.....	....	Penrith Road Trust.....	100 0 0
	Mr. Bennett's expenses on account of the Carcoar, Cudgegong, and Evans' Plains Bridges.....	....	Police Magistrate, Carcoar.....	150 0 0
	Approaches to the Court House, Windsor.....	....	Commissioner of Main Roads.....	39 7 3
				Bench of Magistrates, Windsor.....	36 0 0
				560 7 3
			TOTAL, WESTERN.....£	17,700 7 3
	MAIN TRUNK LINE.			
MORETON BAY ROADS.	Brisbane to the Gap leading to Drayton.....	90	Government Resident, Moreton Bay.....	4,500 0 0
	SECONDARY ROADS.			
	Ipswich to Spicer's Peak.....	48	Government Resident, Moreton Bay.....	672 0 0
	SPECIAL ITEMS.			
	Approach to the Wharf at Maryborough.....	....	Public Works Committee, Maryborough.....	200 0 0
	Ipswich to Warwick.....	....	Government Resident, Moreton Bay.....	500 0 0
	Brisbane to Ipswich.....	....	Government Resident, Moreton Bay.....	500 0 0
	Wide Bay to Gayndah:—			
	From Maryborough towards Gayndah.....	....	Public Works Committee, Maryborough.....	250 0 0
	Gayndah towards Maryborough.....	....	Bench of Magistrates, Gayndah.....	250 0 0
				1,700 0 0
			TOTAL, MORETON BAY.....£	6,872 0 0

EPITOME.

SOUTHERN:—

MAIN TRUNK LINES	19,000 0 0
SECONDARY	3,626 0 0
ROADS NOT HITHERTO CLASSED	2,766 0 0
BEYOND THE SETTLED DISTRICTS	1,840 0 0
SPECIAL ITEMS	2,126 18 0
	£ 29,358 18 0

NORTHERN:—

MAIN TRUNK LINES	11,500 0 0
SECONDARY	2,254 0 0
ROADS NOT HITHERTO CLASSED	3,254 0 0
SPECIAL ITEMS	2,508 13 0
	£ 19,516 13 0

WESTERN:—

MAIN TRUNK LINES	10,500 0 0
SECONDARY	{ 4,000 0 0 1,162 0 0
ROADS NOT HITHERTO CLASSED	1,478 0 0
SPECIAL ITEMS	560 7 3
	£ 17,700 7 3

MORETON BAY:—

MAIN TRUNK LINES	4,500 0 0
SECONDARY	672 0 0
SPECIAL ITEMS	1,700 0 0
	6,872 0 0

BALANCE.. .. .	73,447 18 3
	6,552 1 9
TOTAL VOTE	£ 80,000 0 0

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

ROADS AND BRIDGES OF THE COLONY.

(RETURNS RELATIVE TO CONSTRUCTION AND REPAIRS OF.)

Ordered by the Legislative Assembly to be Printed, 19 January, 1859.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 October, 1858, That there be laid upon the Table of this House,—

Returns shewing :—

“ (1.) All sums of money appropriated for the construction or
“ repairs of Roads and Bridges, in the several Districts of the
“ Colony, from the 1st July, 1856, to the 30th June, 1858.

“ (2.) The names of the different Wardens, Road Trusts, or
“ other persons entrusted with the expenditure of the said
“ several sums of money; and the names of the different dis-
“ tricts and places in each on which such moneys have been
“ expended.

“ (3.) The balance of any moneys unappropriated still in the
“ hands of the Government and not applied to such purposes.”

(*Mr. Gordon.*)

ROADS AND

RETURN of Moneys appropriated for the Construction or Repairs of Roads

PARTICULARS OF APPROPRIATIONS			TOTAL
GENERAL HEAD OF SERVICE.	DISTRIBUTION.	AMOUNT.	
Main Leading Thoroughfares within the Settled Districts, 1854	Moreton Bay Roads .....	.....	2,690 10 9
	Bellengarry, across Rolland's Plains	500 0 0	
Main Leading Thoroughfares beyond the Settled Districts, 1854	Gosford to Maitland, over Broken Back Bridge	300 0 0	
	District of Tenterfield	375 0 0	
	Amount undistributed	1,445 1 11	2,620 1 11
Roads and Bridges generally, 1855 ..	Breakfast Creek Bridge	250 0 0	
	Roads and Bridges, Tamworth	450 0 0	
	Roads at Kurrajong	100 0 0	
	District of Tumut	120 0 0	920 0 0
Miscellaneous Roads, 1855	Bulga Mountain Road .....	.....	300 0 0
Roads on which Tolls have been established, 1856	Amount undistributed .....	.....	2,332 1 10
	Saltpan Creek to Cross Roads	275 0 0	
Great Southern Road, 1856	Cross Roads to Cowpasture Bridge	375 0 0	
	Cross Roads to Campbelltown	63 0 0	
	Campbelltown to Picton by Menangle	105 0 0	
	Campbelltown to Appin	70 0 0	
	Appin to Wollongong	14 0 0	
	Amount undistributed	2,509 8 3	3,411 8 3
Great Western Road, 1856	Parramatta to Eastern Creek	225 0 0	
	Emu Ferry to Eastern Creek	137 10 0	
	Emu Ferry to Pulpit Hill	750 0 0	
	Parramatta to Windsor	84 0 0	
	Amount undistributed	974 19 9	2,171 9 9
Great Northern Road, 1856	Maitland to Singleton	475 0 0	
	Newcastle to Maitland	63 0 0	
	Maitland to Paterson	59 10 0	597 10 0
Moreton Bay Roads, 1856	District of Moreton Bay .....	.....	2,900 0 0
Roads and Bridges generally, 1856 ..	Bridge over the Peel, Tamworth	170 0 0	
	Chichester, Clarence Town, Dungog, and Seaham	460 0 0	
	Road over the Moonbi Pass	500 0 0	
	District of Albury	100 0 0	
	District of Wollombi	400 0 0	
	Bombala to Eden	500 0 0	
	Shoalhaven to Ulladulla	380 0 0	
Amount undistributed	2,559 16 4	5,069 16 4	
Miscellaneous Roads, 1856	Braidwood and Clyde River Road	331 10 3	
	Sydney to Wollombi	420 0 0	
	Illawarra Road	750 0 0	1,501 10 3
			24,514 9 1

BRIDGES.

and Bridges of the Colony, from the 1st July to the 31st December, 1856.

PARTICULARS OF PAYMENTS.				BALANCE UNDRAWN OR UNAPPLIED AND CANCELLED.	BALANCE RESERVED.
TO WHOM ISSUED.	DATE.	AMOUNT.	TOTAL UNDER EACH HEAD.		
J. C. Wickham	26 July, 1856	.....	2,690 10 9		
W. H. Freeman, Warden, P. Macquarie	{ 17 Oct., ..	250 0 0	} 477 0 0	23 0 0	
J. Moon, Warden, Gosford	{ 11 May, 1857	227 0 0			
Grafton and Tenterfield Road Committee	{ 22 Sept., 1856	.....	300 0 0		
{ Alexander Dawson; amount expended in excess of the Vote for 1856	{ 27 May, 1857	.....	375 0 0		
	{ 31 Oct., 1856	20 14 3	} 1,445 1 11		
	{ 30 Nov., ..	704 18 1			
	{ 31 Dec., ..	719 9 7			
			2,597 1 11	23 0 0	
J. C. Wickham	31 July, ..	.....	250 0 0		
Scott, Durbin, and others	5 Sept., ..	.....	450 0 0		
J. Towns and others .....	.....	.....	100 0 0		
Bench of Magistrates, Tumut	9 July, ..	.....	120 0 0		
			920 0 0		
J. Browne and another	{ 26 Aug., 1857	100 0 0	} 300 0 0		
	{ 23 Oct., ..	200 0 0			
Alexander Dawson	{ 30 Sept., 1856	306 16 6	} 2,332 1 10		
	{ 31 Oct., ..	419 19 3			
	{ 30 Nov., ..	900 6 0			
	{ 31 Dec., ..	1,305 0 1			
				275 0 0	
Narrellan Road Trust	28 Oct., ..	.....	375 0 0		
Campbelltown Road Trust	17 Dec., ..	.....	63 0 0		
{ Bench of Magistrates, Picton	{ 13 Nov., ..	70 0 0	} 105 0 0		
{ Campbelltown Road Trust	{ 17 Dec., ..	35 0 0			
Bench of Magistrates, Appin	13 Oct., ..	.....	70 0 0		
Bench of Magistrates, Appin	13 Oct., ..	.....	14 0 0		
Alexander Dawson	{ 31 July, ..	679 10 10	} 2,509 8 3		
	{ 31 Aug., ..	990 3 11			
	{ 30 Sept., ..	473 10 2			
	{ 31 Oct., ..	228 8 5			
	{ 30 Nov., ..	70 14 0			
	{ 31 Dec., ..	58 0 11			
			3,136 8 3	275 0 0	
Parramatta Road Trust	22 Oct., ..	.....	225 0 0		
Penrith Road Trust	16 Sept., ..	.....	137 10 0		
Alexander Dawson	{ 31 Aug., ..	537 17 0	} 750 0 0		
Parramatta Road Trust	{ 30 Sept., ..	212 3 0			
Alexander Dawson	{ 22 Oct., ..	.....	84 0 0		
	{ 31 July, ..	825 19 0	} 974 19 9		
	{ 31 Aug., ..	149 0 9			
			2,171 9 9		
Alexander Dawson	31 July, ..	.....	475 0 0		
			63 0 0		
			59 10 0		
			597 10 0		
J. C. Wickham	{ 2 Sept., ..	1,000 0 0	} 1,900 0 0	1,000 0 0	
	{ 15 Dec., ..	900 0 0			
Tamworth Road Trust	16 Mar., 1857	.....	170 0 0		
Bench of Magistrates, Dungog	{ 11 Mar., 1856	250 0 0	} 460 0 0		
Alexander Dawson	{ 21 April, 1857	210 0 0			
	{ 31 Aug., 1856	.....	500 0 0		
Alexander Dawson	6 Dec., 1856	.....	400 0 0	100 0 0	
William Hubbard and others	16 Jan., 1857	.....	500 0 0		
W. H. Wason and others	24 April, ..	.....	380 0 0		
Alexander Dawson	{ 31 July, 1856	1,237 7 0	} 2,559 16 4		
	{ 31 Aug., ..	105 8 5			
	{ 30 Sept., ..	528 19 3			
	{ 31 Oct., ..	688 1 8			
			4,969 16 4	100 0 0	
George Barney	{ 16 Aug., ..	200 0 0	} 331 10 3		
	{ 8 Sept., ..	131 10 3			
George Barney	{ 4 July, ..	150 0 0	} 400 0 0	20 0 0	
	{ 5 Sept., ..	150 0 0			
George Barney	{ 29 Nov., ..	100 0 0	} 100 0 0	650 0 0	
	{ 3 Dec., ..	.....		
			831 10 3	670 0 0	
TOTAL		£	22,446 9 1	2,068 0 0	

W. C. MAYNE,
Auditor General.

RETURN of Moneys appropriated for the Construction or Repairs of Roads

PARTICULARS OF APPROPRIATIONS.			TOTAL.
GENERAL HEAD OF SERVICE.	DISTRIBUTION.	AMOUNT.	
Main Trunk Line	From Saltpan Creek to the Cross Roads	550 0 0	
	From Cross Roads to Cowpasture Bridge	750 0 0	
	Cowpasture Bridge to Goulburn	8,000 0 0	9,300 0 0
Secondary Roads, Settled Districts	From Goulburn to Gunning	385 0 0	
	From Gunning to Yass	385 0 0	
	From Goulburn towards Queanbeyan	420 0 0	
	From Queanbeyan towards Goulburn	420 0 0	
	From Braidwood to the Junction of the Queanbeyan Road	420 0 0	
	From Marulan towards Braidwood by Bungonia	490 0 0	
	From Braidwood towards Marulan	420 0 0	
	From the Cross Roads to Campbelltown	126 0 0	
	From Campbelltown towards Picton	70 0 0	
	From Picton towards Campbelltown	500 0 0	
	Campbelltown to Appin	140 0 0	
	From Appin towards Wollongong	28 0 0	
	From Wollongong towards Appin	266 0 0	
	From Wollongong towards Kiama	140 0 0	
	From Kiama towards Wollongong	196 0 0	
Kiama to Shoalhaven	238 0 0	4,644 0 0	
Other Roads, Settled Districts	Bridge over Mount Hunter Creek	300 0 0	
	Road from Campbelltown to Narellan	300 0 0	
	Bringelly Road	300 0 0	
	Collegdor Road (Horse Flat)	500 0 0	
	Cook's River Dam and Roadway	300 0 0	1,700 0 0
Roads beyond the Settled Districts	From Yass to Bogolong	220 0 0	
	From Bogolong to Mondarlow	630 0 0	
	From Mondarlow to Kyeamba	360 0 0	
	From Kyeamba to Albury	600 0 0	
	From Queanbeyan to Cooma	710 0 0	
	From Eden to Bombala	2,000 0 0	4,520 0 0
Special Items	For Black Springs, G. S. Road	500 0 0	
	For Tarcutta Hill	300 0 0	
	From Tumut towards Gundagai	300 0 0	1,100 0 0
	Carried forward	£	21,264 0 0

SOUTHERN ROADS — 1857.

ROADS AND BRIDGES.

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and Bridges of the Colony, from the 1st January, 1857, to the 30th June, 1858.

PARTICULARS OF PAYMENTS.				BALANCE UNDRAWN OR UNAPPLIED AND CANCELLED.	BALANCE RESERVED.
TO WHOM ISSUED.	DATE.	AMOUNT.	TOTAL UNDER EACH HEAD.		
Liverpool Road Trust	15 July, 1857	275 0 0	550 0 0		
	12 Dec., "	275 0 0			
Narellan Road Trust	15 July, "	375 0 0	750 0 0		
	26 Sept., "	375 0 0			
Alexander Dawson	13 Jan., "	600 0 0	8,000 0 0		
	8 April, "	600 0 0			
	6 May, "	600 0 0			
	5 June, "	600 0 0			
	2 July, "	600 0 0			
	17 " "	600 0 0			
	22 Aug., "	600 0 0			
B. H. Martindale	8 Sept., "	600 0 0			
	11 " "	975 0 0			
	26 " "	1,000 0 0			
	14 Oct., "	1,225 0 0			
			9,300 0 0		
B. H. Martindale	14 Oct., 1857	275 0 0	385 0 0		
	17 Nov., "	110 0 0			
Bench of Magistrates, Yass	15 July, "	192 10 0	385 0 0		
	25 May, 1858	192 10 0			
B. H. Martindale	17 Nov., 1857	198 12 2	420 0 0		
Warden, Qucanbeyan	5 Dec., "	221 7 10			
Bench of Magistrates, Braidwood	15 July, "	210 0 0	420 0 0	210 0 0	
	15 " "	210 0 0			
B. H. Martindale	18 Nov., "	210 0 0	490 0 0		
Bench of Magistrates, Braidwood	15 Dec., "	210 0 0			
Campbelltown Road Trust	15 July, "	63 0 0	126 0 0		
	2 Oct., "	63 0 0			
Campbelltown Road Trust	15 July, "	35 0 0	70 0 0		
	8 Sept., "	35 0 0			
Bench of Magistrates, Picton	15 July, "	250 0 0	500 0 0		
	8 Sept., "	250 0 0			
Campbelltown Road Trust	15 July, "	70 0 0	140 0 0		
	7 Jan., 1858	70 0 0			
Campbelltown Road Trust	15 July, 1857	14 0 0	28 0 0		
	7 Jan., 1858	14 0 0			
Bench of Magistrates, Wollongong	15 July, 1857	133 0 0	266 0 0		
	12 Dec., "	133 0 0			
Bench of Magistrates, Wollongong	15 July, "	70 0 0	140 0 0		
	12 Dec., "	70 0 0			
Bench of Magistrates, Kiama	15 July, "	98 0 0	196 0 0		
	10 Mar., 1858	98 0 0			
Bench of Magistrates, Shoalhaven	15 July, 1857	119 0 0	238 0 0		
	10 May, 1858	119 0 0			
			4,434 0 0	210 0 0	
Bench of Magistrates, Camden	15 July, 1857	.....	300 0 0		
Campbelltown Road Trust	15 " "	150 0 0			
	8 Aug., "	150 0 0	300 0 0		
Messrs. Liddington, Bell, and Lowe	15 July, "	150 0 0			
	2 Mar., 1858	150 0 0	500 0 0		
B. H. Martindale	15 Dec., 1857	.....		
Trustees, Cook's River Road	15 July, "	.....	300 0 0		
			1,700 0 0		
Bench of Magistrates, Yass	15 July, 1857	110 0 0	220 0 0		
	25 May, 1858	110 0 0			
Bench of Magistrates, Gundagai	15 July, 1857	315 0 0	630 0 0		
	22 Mar., 1858	315 0 0			
Bench of Magistrates, Wagga Wagga	15 July, 1857	.....	180 0 0	180 0 0	
H. Atkins, P. M., Albury	28 Apr., "	100 0 0			
Bench of Magistrates, Cooma	5 Mar., 1858	250 0 0	355 0 0	250 0 0	
	15 July, 1857	.....		
Bench of Magistrates, Eden	15 " "	500 0 0	2,000 0 0	355 0 0	
	25 Feb., 1858	500 0 0			
Bench of Magistrates, Bombala	15 July, 1857	500 0 0			
	20 May, 1858	500 0 0			
			3,735 0 0	785 0 0	
Bench of Magistrates, Gundagai	15 July, 1857	250 0 0	500 0 0		
	22 Mar., 1858	250 0 0			
Bench of Magistrates, Wagga Wagga	15 July, 1857	.....	150 0 0	150 0 0	
	15 " "	150 0 0			
Bench of Magistrates, Tumut	11 Nov., "	150 0 0	300 0 0		
	11 Nov., "	150 0 0			
			950 0 0	150 0 0	
Carried forward		..... £	20,119 0 0	1,145 0 0	

PARTICULARS OF APPROPRIATIONS.			TOTAL.	
GENERAL HEAD OF SERVICE.	DISTRIBUTION.	AMOUNT.		
	Brought forward	£	21,264 0 0	
WESTERN ROADS—1857.	Main Trunk Line, West	Parramatta to Eastern Creek	450 0 0	
		Eastern Creek to Emu Ferry	550 0 0	
		Emu Ferry to Bathurst.....	8,000 0 0	
				9,000 0 0
	Secondary Roads	<i>Bathurst to Frederick's Valley :—</i>		
		Bathurst towards Frederick's Valley	140 0 0	
		Remainder of distance	224 0 0	
		<i>Frederick's Valley to Wellington :—</i>		
		Frederick's Valley towards Wellington.....	448 0 0	
		Wellington towards Frederick's Valley.....	826 0 0	
<i>Bathurst to Carcoar :—</i>				
Bathurst towards Carcoar.....		196 0 0		
Carcoar towards Bathurst.....		224 0 0		
Carcoar to Canowindra		448 0 0		
Bowenfels to Mudgee.....	1,600 0 0			
Other Roads, Settled Districts	<i>Parramatta to Windsor :—</i>			
	From Parramatta towards Windsor	168 0 0		
	Remainder of distance	98 0 0		
			4,372 0 0	
Roads Beyond Settled Districts..	Black Town Road	300 0 0		
	Main Street, Mudgee.....	400 0 0		
	From Parramatta to Tarban Ferry	140 0 0		
			840 0 0	
	Bridge at Molong		100 0 0	
NORTHERN ROADS—1857.	Main Trunk Line, North	From Morpeth to Black Creek	1,950 0 0	
		Black Creek to the Gap at Murrurundi.....	8,000 0 0	
				9,950 0 0
	Secondary Roads	<i>Newcastle to Maitland :—</i>		
		From Newcastle towards Maitland	126 0 0	
		Remainder of distance	126 0 0	
		<i>Maitland to Paterson :—</i>		
		From Maitland towards Paterson	119 0 0	
		Remainder of distance	35 0 0	
	Paterson to Gresford.....	282 0 0		
	Carried forward	£	688 0 0	
	Carried forward.....	£	45,526 0 0	

ROADS AND BRIDGES.

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—Continued.

PARTICULARS OF PAYMENTS.				BALANCE UNDRAWN OR UNAPPLIED AND CANCELLED.	BALANCE RESERVED.
TO WHOM ISSUED.	DATE.	AMOUNT.	TOTAL UNDER EACH HEAD.		
Brought forward		£	20,119 0 0	1,145 0 0	
Road Trust, Parramatta	15 July, 1857	225 0 0	450 0 0		
	27 Oct., "	225 0 0			
Road Trust, Penrith	15 July, "	275 0 0	550 0 0		
	5 Oct., "	275 0 0			
Alexander Dawson	13 Jan., "	600 0 0	8,000 0 0		
	8 April, "	600 0 0			
	6 May, "	600 0 0			
	5 June, "	675 0 0			
	2 July, "	600 0 0			
	17 July, "	600 0 0			
B. H. Martindale	22 Aug., "	600 0 0			
	8 Sept., "	675 0 0			
	11 Sept., "	1,000 0 0			
	26 Sept., "	1,000 0 0			
	14 Oct., "	300 0 0			
	13 Nov., "	750 0 0	9,000 0 0		
Warden, Bathurst	15 July, "	70 0 0	140 0 0		
	6 Nov., "	70 0 0			
Bench of Magistrates, Orange	15 July, "	112 0 0	224 0 0		
	28 Jan., 1858	112 0 0			
Bench of Magistrates, Orange	15 July, 1857	224 0 0	448 0 0		
	28 Jan., 1858	224 0 0			
Bench of Magistrates, Wellington	15 July, 1857	413 0 0	826 0 0		
	19 June, 1858	413 0 0			
Warden, Bathurst	15 July, 1857	98 0 0	196 0 0		
	6 Nov., "	98 0 0			
Bench of Magistrates, Carcoar	15 July, "	112 0 0	224 0 0		
	8 Sept., "	112 0 0			
Bench of Magistrates, Carcoar	15 July, "	224 0 0	448 0 0		
	8 Sept., "	224 0 0			
B. H. Martindale	13 Nov., "	1,600 0 0		
Road Trust, Parramatta	15 July, "	84 0 0	168 0 0		
	27 Oct., "	84 0 0			
Road Trust, Windsor	15 July, "	49 0 0	98 0 0		
	14 Sept., "	49 0 0			
			4,372 0 0		
Road Trust, Parramatta	15 July, "	150 0 0	300 0 0		
	20 Feb., 1858	150 0 0			
Bench of Magistrates, Mudgee	15 July, 1857	200 0 0	400 0 0		
	31 Dec., "	200 0 0			
Messrs. Shephérđ, Devlin, and Drinkwater	15 July, "	70 0 0	140 0 0		
	9 Oct., "	70 0 0			
			840 0 0		
Bench of Magistrates, Molong	15 July, "	50 0 0	100 0 0		
	31 Dec., "	50 0 0			
Road Trust, Maitland	15 July, "	975 0 0	1,950 0 0		
	20 Feb., 1858	975 0 0			
	13 Jan., 1857	675 0 0			
	8 April, "	675 0 0			
Alexander Dawson	4 May, "	675 0 0	8,000 0 0		
	6 June, "	600 0 0			
	2 July, "	600 0 0			
	17 July, "	600 0 0			
	22 Aug., "	500 0 0			
	8 Sept., "	600 0 0			
B. H. Martindale	11 Sept., "	900 0 0			
	26 Sept., "	1,000 0 0			
	14 Oct., "	1,000 0 0			
	13 Nov., "	175 0 0			
Warden, Newcastle	15 July, "	63 0 0	126 0 0		
	20 Feb., 1858	63 0 0			
Road Trust, Maitland	15 July, 1857	63 0 0	126 0 0		
	20 Feb., 1858	63 0 0			
Road Trust, Maitland	15 July, 1857	59 10 0	119 0 0		
	20 Feb., 1858	59 10 0			
Warden, Paterson	15 July, 1857	17 10 0	35 0 0		
	12 Dec., "	17 10 0			
Warden, Paterson	15 July, "	141 0 0	282 0 0		
	12 Dec., "	141 0 0			
Carried forward		£	688 0 0		
Carried forward		£	44,381 0 0	1,145 0 0	

PARTICULARS OF APPROPRIATIONS.			TOTAL.
GENERAL HEAD OF SERVICE.	DISTRIBUTION.	AMOUNT.	
	Brought forward	£	45,526 0 0
NORTHERN ROADS—1857.—Continued.	Secondary Roads—continued ..	Brought forward	688 0 0
		Singleton to Jerry's Plains	336 0 0
		Jerry's Plains to Merton	192 0 0
		<i>Merton to Merriwa:—</i>	
		From Merton to Merriwa	490 0 0
		From Merriwa to Cassilis	420 0 0
			2,126 0 0
		From Morpeth to Raymond Terrace	150 0 0
		From Raymond Terrace to Stroud	200 0 0
		From Hinton to Clarence Town	224 0 0
Other Roads, Settled Districts..		From Chichester to Clarence Town	350 0 0
		From Hinton Ferry to Paterson	600 0 0
		For Repairs to Bridge at Muswellbrook	75 0 0
		Roads District of Brisbane Water and Maitland	340 0 0
		Roads Macdonald River	100 0 0
		Roads Mangrove Creek	60 0 0
			2,099 0 0
		<i>Murrurundi to Armidale:—</i>	
		For the Road beyond the Gap	500 0 0
		Main Road in the vicinity of Tamworth	330 0 0
Roads beyond the Settled Districts		For the Moonbi Pass	500 0 0
		Road from Walcha to Stroud	400 0 0
		Tenterfield to Grafton	500 0 0
		Armidale to Grafton	500 0 0
			2,730 0 0
MORPTON BAY ROADS—1857.	Main Trunk Line, Moreton Bay..	From Brisbane to the Gap leading to Drayton	4,350 0 0
	Secondary Roads	From Ipswich to Spicer's Peak	630 0 0
	Roads beyond the Settled Districts	From Ipswich to Warwick	500 0 0
			5,480 0 0
Roads and Bridges generally—1857..		Cooma to Bombala	200 0 0
		Parramatta Road, City Boundary to Longbottom Gate	387 10 0
		Liverpool Road, from Ireland's Inn to Saltpan Creek	375 0 0
		Richmond to the Widgee Road near Bowenfels	100 0 0
		Road from M'Grath Hill to Pitt Town	100 0 0
		Merimbula to Maneroo	250 0 0
		Repair of seven miles of the Shoalhaven Road	100 0 0
		Roads, Gold District of Sofala	150 0 0
		For the Moonbi Pass	100 0 0
		Bridge at Camden	245 12 9
	Amount unexpended on 30th June	30 17 3	
			2,039 0 0
REPAIRS TO ROADS AND BRIDGES DAMAGED BY THE RECENT FLOODS—1857.	Western Districts	Denison Bridge	700 0 0
		Roads and Bridges generally	684 13 6
		Cornwallis Bridge	100 0 0
		Roads and Bridges generally	1,036 7 2
	Northern Districts	District of Maitland	700 0 0
		Northumberland Bridge	400 0 0
		Dennis Creek Bridge	50 0 0
		Road, Morpeth to Raymond Terrace	100 0 0
		Raymond Terrace to Morpeth	100 0 0
		Cottage Bridge	51 3 0
Moreton Bay District	District of Dungog	80 0 0	
	District of Clarence Town	120 0 0	
	Brisbane Ferry Road	250 0 0	
	Undistributed Amount	627 16 4	
			5,000 0 0
	Carried forward		65,000 0 0

ROADS AND BRIDGES.

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—Continued.

PARTICULARS OF PAYMENTS.				BALANCE UNDRAWN OR UNAPPLIED AND CANCELLED.	BALANCE RESERVED.
TO WHOM ISSUED.	DATE.	AMOUNT.	TOTAL UNDER EACH HEAD.		
Brought forward		£	44,381 0 0	1,145 0 0	
Brought forward		£	688 0 0		
Warden, Patrick's Plains	15 July, 1857	168 0 0	336 0 0		
	12 Dec., "	168 0 0			
Bench of Magistrates, Muswellbrook	15 July, "	96 0 0	192 0 0		
	23 Mar., 1858	92 0 0			
	24 June, "	4 0 0			
Bench of Magistrates, Cassilis	15 July, 1857	245 0 0	490 0 0		
	31 Dec., "	245 0 0			
Bench of Magistrates, Cassilis	15 July, "	210 0 0	420 0 0		
	31 Dec., "	210 0 0			
			2,126 0 0		
Messrs. C. C. Close, and others	15 July, 1857	75 0 0	150 0 0		
	19 Dec., "	75 0 0			
Bench of Magistrates, Raymond Terrace	15 July, "	100 0 0	200 0 0		
	2 Nov., "	100 0 0			
Bench of Magistrates, Clarence Town	15 July, "	112 0 0	224 0 0		
	28 Nov., "	112 0 0			
Bench of Magistrates, Dungog	15 July, "	175 0 0	350 0 0		
	30 Oct., "	175 0 0			
Road Trust, Maitland	15 July, "	300 0 0	600 0 0		
B. H. Martindale	20 Feb., 1858	300 0 0			
	5 Dec., 1857		75 0 0		
Warden, Gosford	15 July, "	170 0 0	340 0 0		
	3 Feb., 1858	170 0 0			
Police Magistrate, Wollombi	15 July, 1857	50 0 0	100 0 0		
B. H. Martindale	29 June, 1858	50 0 0			
Warden, Gosford	15 July, 1857	30 0 0	60 0 0		
	3 Feb., 1858	30 0 0			
			2,099 0 0		
B. H. Martindale	13 Nov., 1857		500 0 0		
Bench of Magistrates, Tamworth	15 July, "	165 0 0	330 0 0		
	19 June, 1858	165 0 0			
B. H. Martindale	19 Nov., 1857	250 0 0	500 0 0		
	13 Nov., "	250 0 0			
C. H. Green, J.P., Stroud	3 Oct., "		400 0 0		
Bench of Magistrates, Tenterfield	15 July, "	250 0 0	500 0 0		
	31 Dec., "	250 0 0			
B. H. Martindale	2 Dec., "		500 0 0		
			2,730 0 0		
J. C. Wickham	28 Mar., 1857	875 0 0	4,350 0 0		
	13 July, "	1,675 0 0			
	20 Oct., "	1,780 18 7			
J. Buchanan	6 Oct., "	19 1 6			
J. C. Wickham	20 Oct., "		630 0 0		
Bench of Magistrates, Warwick	15 July, "	250 0 0	500 0 0		
	30 Dec., "	250 0 0			
			5,480 0 0		
Bench of Magistrates, Cooma	14 Sept., 1857	200 0 0	200 0 0		
Sydney Road Trust	28 July, "	387 10 0	387 10 0		
Sydney Road Trust	28 July, "		375 0 0		
Joseph Cope, and others	7 Aug., "		100 0 0		
J. L. Scarvall	8 Sept., "		100 0 0		
James Manning and H. Wren	11 Nov., "		250 0 0		
Bench of Magistrates, Kiama	14 Sept., "		100 0 0		
Bench of Magistrates, Sofala	14 Sept., 1858		150 0 0		
B. H. Martindale	22 Aug., 1857		100 0 0		
Alexander Dawson	Aug., "	214 14 0	245 12 9		
	Sept., "	30 18 9			
				30 17 3	
			2,008 2 9	30 17 3	
B. H. Martindale	24 Sept., 1857	700 0 0	1,484 13 6		
	30 Oct., "	630 0 0			
Henry Hall, Windsor	15 Apr., 1858	154 13 6			
B. H. Martindale	19 Nov., 1857	100 0 0	1,000 0 0		
	24 Sept., "	1,000 0 0			
	15 Apr., 1858	32 18 3			
	23 Mar., "	3 8 11			
Road Trust, Maitland	23 Oct., 1857	700 0 0			
Road Trust, Maitland	9 Feb., 1858	400 0 0			
Road Trust, Maitland	21 Nov., 1857	50 0 0	2,637 10 2		
C. C. Close, and others	26 Oct., "	100 0 0			
Bench of Magistrates, Raymond Terrace	19 Feb., 1858	100 0 0			
J. E. Stacey	18 Nov., 1857	51 3 0			
Bench of Magistrates, Dungog	30 Oct., "	80 0 0			
Bench of Magistrates, Clarence Town	21 Nov., "	120 0 0			
J. C. Wickham	20 Oct., "		250 0 0		
				627 16 4	
			4,372 3 8	627 16 4	
Carried forward		£	63,196 6 5	1,803 13 7	

PARTICULARS OF APPROPRIATIONS.			TOTAL.
GENERAL HEAD OF SERVICE.	DISTRIBUTION.	AMOUNT.	
	Brought forward	£	65,000 0 0
Miscellaneous Roads—1857	Botany and Mudbank Road	1,200 0 0	
	Bathurst to Wellington	572 0 0	
	Roads and Bridges in the Wollombi District	1,200 0 0	
	Road from Morpeth to Hinton Ferry	1,500 0 0	
	Completion of the Randwick and Coogee Road	450 0 0	
	Continuation of George's River Road to Bulli	1,000 0 0	
	Completion of the Road from Braidwood to the Clyde ..	6,172 12 0	
	Main Road Warland's Flat	1,000 0 0	
	Repairs to the Bathurst Road	1,000 0 0	
	Road between Binalong and Bowning	100 0 0	
Road between Binalong and Burrowa	100 0 0		
Road between Binalong and Murrumburra	100 0 0		
	TOTAL FOR 1857	£	79,394 12 0
SOUTHERN ROAD—1858.	Main Trunk Line	From 5th milestone Western Road to Albury	5,265 0 0
	Special Items	Repairs of the Collector Road	150 0 0
		Panbula to Merrimbula	200 0 0
		Approaches to Menangle Bridge	200 0 0
		Road, Nelson's Bay, Bondi, and Coogee	100 0 0
			650 0 0
WESTERN ROAD—1858.	Main Trunk Line	Sydney to Wellington	5,200 0 0
	Special Items	Repairs to Bridge at Eastern Creek	100 0 0
		Repairs to Bridge at Carcoar	150 0 0
		Approaches to Court House, Windsor	36 0 0
			286 0 0
NORTHERN ROADS—1858.	Main Trunk Line	Morpeth to Armidale	2,893 6 8
	Secondary Roads	Merton to Merriwa	136 10 0
		Merriwa to Cassilis	163 10 0
	Roads not hitherto classed	Hinton to Clarence Town	56 0 0
		Clarence Town to Chichester	87 10 0
		Morpeth to Raymond Terrace	400 0 0
		Grafton to Tenterfield	200 0 0
	Special Items	Bridge, Kingdon Ponds, Scone	100 0 0
		Repair of the Moonbi Pass	150 0 0
		Road near Hexham Railway Station	200 0 0
			450 0 0
Moreton Bay Roads, 1858 :—			
Main Trunk Line	Brisbane to the Gap leading to Drayton		1,087 10 0
Roads, Bridges, and Ferries generally	Repairs to Ferries, Boats, &c.		56 8 4
	TOTAL up to 30th June, 1858	£	17,009 5 0

ROADS AND BRIDGES.

11

—Continued.

PARTICULARS OF PAYMENTS.				BALANCE UNDRAWN OR UNAPPLIED AND CANCELLED.	BALANCE RESERVED.
TO WHOM ISSUED.	DATE.	AMOUNT.	TOTAL UNDER EACH HEAD.		
Brought forward		£	63,196 6 5	1,803 13 7	
Road Trustees	{ 7 Aug., 1857 1 Nov., .. 19 Jan., 1858	{ 300 0 0 300 0 0 600 0 0	{ 1,200 0 0		
Bench of Magistrates, Orange	{ 13 Aug., 1857 1 Dec., ..	{ 286 0 0 286 0 0	{ 572 0 0		
B. H. Martindale	29 Oct., ..	{ 600 0 0 600 0 0	{ 1,200 0 0		
Road Trust, Maitland	8 Sept., ..	1,500 0 0	1,500 0 0		
Road Committee	{ 22 May .. 24 Sept., ..	{ 200 0 0 250 0 0	{ 450 0 0		
Undrawn up to 30th June, 1858				1,000 0 0	
G. Barney, S.G.	{ 7 April, .. 22 Oct., ..	{ 256 5 0 160 8 8	{ 416 13 3		
Road Committee	21 Sept., ..	2,000 0 0	2,000 0 0		
W. E. King	{ 12 Jan., 1858 10 Mar., ..	{ 1,500 0 0 1,500 0 0	{ 3,000 0 0		
Undrawn up to 30th June, 1858				755 18 9	
B. H. Martindale	{ 15 Dec., 1857 17 Nov., ..	{ 1,000 0 0 1,000 0 0	{ 2,000 0 0		
Bench of Magistrates, Binalong	{ 14 Sept., .. 14 Sept., .. 14 Sept., ..	{ 100 0 0 100 0 0 100 0 0	{ 300 0 0		
			12,638 13 3	1,755 18 9	
		£	75,834 19 8	3,559 12 4	
B. H. Martindale	{ 9 Apr., 1858 15 Apr., .. 29 Apr., ..	{ 2,000 0 0 448 15 0 408 2 6	{ 5,265 0 0		
B. H. Martindale	{ 14 May, .. 14 June, .. 2 Mar., ..	{ 408 2 6 2,000 0 0 100 0 0	{ 2,516 2 6		
J. J. Grealey and others	28 Apr., ..	50 0 0	50 0 0		
Sir W. Macarthur and Dr. Douglass	24 Apr., ..	200 0 0	200 0 0		
E. Bennett and another	{ 3 Feb., .. 2 June, .. 25 Jan., ..	{ 100 0 0 100 0 0 100 0 0	{ 300 0 0		
			5,915 0 0		
Penrith Road Trust	24 Apr., ..	137 10 0	137 10 0		
B. H. Martindale	{ 9 Apr., .. 15 Apr., .. 14 May, .. 29 May, .. 30 June, ..	{ 1,000 0 0 1,400 0 0 400 0 0 400 0 0 2,000 0 0	{ 5,337 10 0		
Penrith Road Trust	7 Jan., ..	100 0 0	100 0 0		
Bench of Magistrates, Carcoar	19 Jan., ..	150 0 0	150 0 0		
Bench of Magistrates, Windsor	2 Mar., ..	36 0 0	36 0 0		
			5,623 10 0		
B. H. Martindale	{ 16 Mar., .. 1 Apr., .. 15 Apr., ..	{ 1,000 0 0 1,000 0 0 125 0 0	{ 2,833 6 8		
Bench of Magistrates, Cassilis	{ 29 Apr., .. 14 May, .. 17 June, .. 17 June, ..	{ 354 3 4 354 3 4 136 10 0 163 10 0	{ 300 0 0		
Bench of Magistrates, Clarence Town	1 Apr., ..	56 0 0	56 0 0		
Bench of Magistrates, Dungog	5 Mar., ..	87 10 0	87 10 0		
C. C. Close and J. A. Portus	{ 23 Mar., .. 24 Apr., ..	{ 200 0 0 200 0 0	{ 400 0 0		
Bench of Magistrates, Tenterfield	{ 28 Apr., .. 17 May, ..	{ 125 0 0 75 0 0	{ 200 0 0		
Bench of Magistrates, Scone	24 Apr., ..	100 0 0	100 0 0		
B. H. Martindale	1 Apr., ..	150 0 0	150 0 0		
J. Eales and others	23 Mar., ..	200 0 0	200 0 0		
			4,326 16 8		
J. C. Wickham	{ 6 Jan., .. 30 Mar., .. 16 Apr., ..	{ 500 0 0 300 0 0 287 10 0	{ 1,087 10 0		
Sundry Petty Expenses	{ 17 Feb., and 8 Mar., 1858	{ 56 8 4	{ 56 8 4		
		£	17,009 5 0		

W. C. MAYNE,
Auditor General.

1858.

Legislative Assembly.
NEW SOUTH WALES.

ROADS OF NEW SOUTH WALES.

(CLASSIFICATION OF FOR 1859.)

Ordered by the Legislative Assembly to be Printed, 21 December, 1858.

* CLASSIFICATION of ROADS in NEW SOUTH WALES, for the year 1859, with proposed EXPENDITURE.

CLASS.	LENGTH IN MILES.		PROPOSED EXPENDITURE.		TOTAL.
			Out of £30,000 provided in Estimates for Roads other than Main Roads.	Specially provided in Estimates.	
Sydney, or Metropolitan Roads.					
4	7	Road from Sydney to South Head. (Upper South Head Road)...	70		
4	5	{ " Sydney to Upper South Head. Road (Lower South Head Road) }	50		
4	1	" Upper to Lower South Head Road. (Point Piper Road)	10		
4	1	" " " (Glenmore Road)...	10		
4	1	" Lower South Head Road to Darling Point	10		
4	4	" Sydney to Coogee Bay (Randwick Road)	40		
4	3	" Randwick Road to Upper South Head Road, at Waverly	30		
4	6	" Randwick Road to Long Bay, Botany, and return road	.....	3,600	
4	4	" Sydney to Botany Bay... ..	40		
4	5	" Sydney to Cook's River Dam. (Newtown Road)	50		
5	6	" Cook's River Dam to Rocky Point	42		
5	8	" Rocky Point Road, near Dam, to George's River	56		
4	1	" Sydney to Glebe Point... ..	10		
4	3	" Main Western Road to Balmain Point	30		
4	9	{ " Main Western Road, via Canterbury and Saltpan Creek, to George's River }	90		
5	19	" St. Leonard's to Pitt Water	133		
4	2	" Manly Cove to Pitt Water Road. (Northerly)	20		
4	2	" Manly Cove to Pitt Water Road, at Balgowlah	20		
4	15	" St. Leonard's to Pennant Hills... ..	150		
4	4	" Onion's Point to road from Parramatta to Bedlam Ferry	40		
			901	3,600	
				901	
					4,501

* NOTES:—

The Classification of Roads is not made alone with reference to their relative importance, but has been influenced by the extent of repair required and the amount of money recently expended upon them.

Where the Road Tolls pass to the Consolidated Revenue, Parliament will be asked to vote the respective amounts for the repair of such Roads.

ROADS OF NEW SOUTH WALES.

CLASS.	LENGTH IN MILES.	Northern Roads.	PROPOSED EXPENDITURE.		TOTAL.
			Out of £30,000 provided in Estimates for Roads other than Main Roads.	Specially provided in Estimates.	
1	230	{ Main Northern Road from Morpeth, <i>via</i> Maitland, Singleton, Musclebrook, Scone, Murrurundi, and Tamworth to Armidale. }	.....	11,500	
		Special Works on Main Northern Road ... ..	.....	11,350	
4	18	Road from Newcastle to Maitland	180		
5	10	" Newcastle to Maitland and Gosford Road.	70		
5	17	" Stockton to Raymond Terrace	119		
5	5	" Stockton and Raymond Terrace Road to Saltash	35		
4	31	" Raymond Terrace to Stroud.	310		
5	100	{ " Stroud, <i>via</i> Gloucester, Tinonee, and Cundle, to Port Macquarie	700		
.....	90	{ " Gloucester, <i>via</i> Nowendoc, to Port Macquarie and Armidale Road ... ..	.....	
5	8	" Tinonee to Wingham (<i>via</i> Taree Punt.)	56		
5	5	" Raymond Terrace and Stroud Road to Seaham	35		
5	8	" Seaham to Clarence Town	56		
4	34	{ " Raymond Terrace and Stroud Road, <i>via</i> Clarence Town and Dungog, to Chichester River	340		
5	9	{ " Clarence Town to half-way house on Raymond Terrace and Stroud Road	63		
5	6	" Dungog to Fosterton	42		
5	15	" Dungog to Stroud	105		
4	8	" Raymond Terrace to Hinton	80		
4	10	" Hinton to Paterson	100		
5	4	" Raymond Terrace and Hinton Road to Seaham	28		
4	10	" Raymond Terrace to Maitland	100		
4	4	" Raymond Terrace and Maitland Road to Morpeth	40		
5	6	" Raymond Terrace to Hexham	42		
5	53	" East Maitland to Gosford	371		
3	12	" East Maitland to Paterson	180		
5	16	" Paterson to Gresford	112		
4	5	" West Maitland to East Maitland and Paterson Road	50		
4	29	" Main Northern Road near West Maitland to Wollombi.	290		
.....	11	" Wollombi Road to Congewai ... ..	.....	
5	29	" Wollombi to Warkworth	203		
5	37	" Wollombi to Wiseman's Ferry	259		
4	7	{ " Main Northern Road, near Anvil Creek, to Glendon Brook	70		
4	4	" Anvil Creek and Glendon Brook Road to Stanhope	40		
5	14	{ " Main Northern Road, near Black Creek, to Cesnock, on Wollombi Road.	98		
.....	12	{ " Main Northern Road, near Black Creek, <i>via</i> Glendon, to Main Northern Road near Singleton ... ..	.....	
3	12	{ " Main Northern Road, near Munnimba Brook to Warkworth	180		
5	10	" Warkworth Road to Broke, Wollombi Brook	70		
3	72	" Singleton, <i>via</i> Jerry's Plains, to Merriwa	1,080		
5	49	" Merriwa to Cassilis	343		
5	15	" Musclebrook to Merton	105		
5	15	" Scone towards Wybong Creek.	105		
.....	25	{ " Main Northern Road at Quirindi, <i>via</i> Currabubula, to Tamworth ... ..	.....	
.....	40	" Tamworth to Nundle ... ..	.....	
.....	120	" Tamworth, <i>via</i> Barraba and Bingara, to Warialda ... ..	.....	
.....	55	" Main Northern Road at Bendemeer to Bundarra. ... ..	.....	
5	60	" Armidale to Glen Innes	420		
.....	113	" Armidale, <i>via</i> Byron, to Frazer's Creek ... ..	.....	
5	130	" Port Macquarie, <i>via</i> Walcha, to Armidale	910		
5	43	" Port Macquarie to Kempsey	301		
4	82	" Kempsey to Armidale	820		
5	135	" Grafton to Armidale	945		
5	120	" Grafton to Tenterfield	840		
5	70	" Grafton to Casino.	490		
5	40	{ " Lawrence (Clarence River) to Grafton and Tenterfield Road	280		
			11,063	22,850	
				11,064	
					33,913

ROADS OF NEW SOUTH WALES.

3

CLASS.	LENGTH IN MILES.	Western Roads.	PROPOSED EXPENDITURE.		TOTAL.
			Out of £30,000 provided in Estimates for Roads other than Main Roads.	Specially provided in Estimates.	
1	210	{ Main Western Road from Sydney, via Parramatta, Penrith, Hartley, and Bathurst, to Wellington... .. }	.....	10,500	
		Special Works on Main Western Road ... ..	.....	11,550	
5	4	{ Road from Main Western Road to Parramatta River, at Bedlam Ferry }	28		
4	10	{ " Parramatta to Bedlam Ferry }	100		
4	1	{ " Parramatta and Bedlam Ferry Road to Pennant Hills Wharf }	10		
4	5	{ " Parramatta to Kissing Point }	50		
4	3	{ " Kissing Point towards Field of Mars Common }	30		
5	7	{ " Parramatta and Kissing Point Road to Castle Hill }	49		
2	19	{ " Parramatta to Windsor... .. }	475		
4	4	{ " Windsor to Pitt Town }	40		
5	8	{ " Parramatta and Windsor Road to Pitt Town }	56		
5	20	{ " Pitt Town to Wiseman's Ferry... .. }	140		
5	6	{ " Pitt Town to Churchill's Wharf }	42		
5	4	{ " Windsor to Wilberforce }	28		
5	10	{ " Wilberforce to Kurrajong }	70		
3	5	{ " Windsor to Richmond }	75		
3	19	{ " Main Western Road near Prospect to Richmond. (Blacktown Road) }	285		
5	12	{ " Main Western Road near Penrith to Richmond }	84		
5	35	{ " Richmond to Main Western Road near Bowenfells. (Bell's Line) }	245		
5	9	{ " Bell's Line to Colo River. (Comleroy Road)... .. }	68		
4	15	{ " Main Western Road near Penrith to Bringelly Road... .. }	150		
5	10	{ " Penrith, via Regentville and Mulgoa, to Greendale }	70		
4	29	{ " Hartley, via Fish River Bridge, to O'Connell Plains. (Lockyer's Line) }	290		
1	80	{ " Main Western Road, at Bowenfells, to Mudgee ... .. }	.....	5,400	
5	50	{ " Mudgee to Cassilis }	350		
5	14	{ " Mudgee Road to Rylstone }	98		
5	21	{ " Mudgee to Louisa Creek }	147		
5	5	{ " Mudgee and Louisa Creek Road to Richardson's Point }	85		
5	16	{ " Green Swamp to Bathurst and Sofala Road }	112		
2	27	{ " Bathurst to Sofala }	675		
5	15	{ " Sofala to Mudgee Road... .. }	105		
4	17	{ " Sofala to Tambaroora }	170		
5	35	{ " Bathurst to Ophir }	245		
5	40	{ " Bathurst to Tambaroora, via Kelloshiel and Lower Turon }	280		
2	29	{ " Bathurst to Carcoar }	725		
4	34	{ " Carcoar to Canowindra }	340		
4	31	{ " Carcoar to Cowra }	310		
5	15	{ " Bathurst to Caloola, via Queen Charlotte's Vale }	105		
4	20	{ " Bathurst to Rockley }	200		
5	30	{ " Rockley to Tuena }	210		
5	29	{ " Bathurst, via O'Connell Plains, to Fish River Creek }	203		
5	12	{ " Orange to Ophir }	74		
4	23	{ " Orange to Stony Creek... .. }	230		
5	16	{ " Stony Creek to Burrendong }	112		
5	27	{ " Stony Creek to Wellington }	189		
5	54	{ " Wellington to Dubbo }	378		
			7,683	27,450	
				7,683	
					35,133

CLASS.	LENGTH OF MILES.	Southern Roads.	PROPOSED EXPENDITURE.		TOTAL.
			Out of £30,000 provided in Estimates for Roads other than Main Roads.	Specially provided in Estimates.	
1	380	{ Main Southern Road from the Main Western Road, at the fifth mile-stone from Sydney, <i>via</i> Liverpool, Camden, Berrima, Goulburn, Yass, and Gundagai, to Albury ... .. }	.....	20,500	
		Special Works on Main Southern Road ... ..	.....	*
4	6	{ Road from Main Western Road, near Parramatta, to Main Southern Road. (Dogtrap Road) }	60		
4	5	{ " Main Western Road, near Parramatta, <i>via</i> Smithfield, towards Cabramatta... .. }	50		
4	15	{ " Main Southern Road, near Landsdowne Bridge, to Penrith and Bringelly Road. (Orphan School Road) }	150		
4	3	{ " Liverpool to Orphan School Road }	30		
2	10	{ " Main Southern Road to Campbelltown }	250		
3	18	{ " Campbelltown, <i>via</i> Menangle, to Main Southern Road at Picton }	270		
2	5	{ " Campbelltown to Main Southern Road near Narellan... .. }	125		
4	30	{ " Campbelltown, <i>via</i> Appin, Broughton's Pass, and Mount Keera, to Wollongong and Kiama Road... .. }	300		
4	11	{ " Broughton's Pass, <i>via</i> Pheasant's Nest, to Main Southern Road }	110		
4	17	{ " Appin, <i>via</i> Rixon's Pass, to Wollongong and Bulli Road }	170		
4	9	{ " Wollongong to Bulli }	90		
4	36	{ " Wollongong to Kiama }	360		
5	6	{ " Wollongong and Kiama Road to Cordeaux River }	42		
5	4	{ " Kiama to Mount Brandon }	28		
5	3	{ " Kiama to Saddleback Range }	21		
4	25	{ " Kiama, <i>via</i> Geringong and Shoalhaven, to Nowra }	250		
5	4	{ " Geringong to Broughton's Creek }	28		
5	120	{ " Nowra, <i>via</i> Ulladulla, Bateman's Bay, and Moruya, to Boatalley }	840		
5	40	{ " Nowra, <i>via</i> the Sassafrass Range, towards Braidwood... .. }	280		
4	10	{ " Main Southern Road at Carne's Hill towards Bringelly }	100		
5	7	{ " Main Southern Road to Cobbitty }	49		
5	18	{ " Picton, <i>via</i> the Oaks to Burragorang }	126		
4	8	{ " Main Southern Road near Mittagong to Bong Bong }	80		
5	12	{ " Bong Bong to Main Southern Road, near Black Bob's Creek }	84		
5	10	{ " Marulan to Bungonia }	70		
	35	{ " Bungonia to Braidwood and Goulburn Road }			
5	30	{ " Goulburn to Taralga }	210		
5	20	{ " Goulburn to Windellama }	140		
	60	{ " Goulburn to Braidwood }			
3	31	{ " Braidwood to Clyde River }	465		
	35	{ " Braidwood towards Nowra }			
5	60	{ " Goulburn and Braidwood Road, <i>via</i> Bangalore Gap, Lake George, and Bungendore, to Queanbeyan }	420		
5	124	{ " Queanbeyan, <i>via</i> Cooma, to Bombala }	868		
4	50	{ " Bombala to Merimbula }	500		
5	10	{ " Bombala and Merimbula Road to Bega }	70		
5	45	{ " Bombala and Merimbula Road, at Cathcart, to Eden... .. }	315		
5	6	{ " Eden and Cathcart Road, <i>via</i> Pambula, to Merimbula Road }	42		
5	3	{ " Pambula to Merimbula }	21		
5	60	{ " Goulburn, <i>via</i> Binda, to Tuena }	420		
5	20	{ " Goulburn and Binda Road to Wceho }	140		
5	30	{ " Yass to Boorrowa }	210		
5	30	{ " Main Southern Road at Bowning, <i>via</i> Binalong and Cunningar, to Murrumboola }	210		
4	20	{ " Gundagai to Tumut }	200		
4	15	{ " Main Southern Road to Adelong }	150		
5	25	{ " Main Southern Road at Tarcatta to Wagga Wagga }	175		
			8,519	20,500 8,512	29,019

* It has not yet been ascertained what bridges and special improvements may be necessary on the Main Southern Road, and, therefore, the Estimate represents only the rate at £50 per mile, with two special items.

ROADS OF NEW SOUTH WALES.

5

CLASS.	LENGTH IN MILES.	Moreton Bay District Roads.	PROPOSED EXPENDITURE.		TOTAL.
			Out of £30,000 provided in Estimates for Roads other than Main Roads.	Specially provided in Estimates.	
1	90	Main Road from Brisbane, viz Ipswich, to Drayton Gap ...		5,000	6,700
2	48	Ipswich to Spicer's Peak	1,200		
4	50	Maryborough to Gayndah	500		
			1,700	1,700	

SUMMARY of proposed Distribution of £30,000 provided in Estimates for Roads other than Main Roads.

Sydney or Metropolitan Roads	£901
Northern Roads	11,063
Western Roads	7,683
Southern Roads	8,519
Moreton Bay Roads	1,700
Balance	134
TOTAL	£30,000

GENERAL SUMMARY OF PROPOSED EXPENDITURE.

Sydney, or Metropolitan Roads	£4,501
Northern Roads... ..	33,913
Western Roads	35,133
Southern Roads... ..	29,019
Moreton Bay Roads	6,704
Balance of £30,000	134
Special Grants to minor Bridges and Roads, not classified, as per Estimates... ..	5,000
Bridges on other than Main Roads and Ferries, as per Estimates	2,280
TOTAL	£116,680

NOTE:—The amount per mile proposed to be expended on each class of Roads is as under:—

1st Class	£50 per mile.
2nd Class	25 "
3rd Class	15 "
4th Class	10 "
5th Class	7 "

1858-9.

Legislative Assembly,

NEW SOUTH WALES.

MAIN NORTHERN ROAD.

(ESTIMATE PROPOSED FOR CERTAIN BRIDGES.)

Ordered by the Legislative Assembly to be Printed, 8 March, 1859.

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

The Petition of the undersigned Inhabitants of the Town of Singleton, the Village of Camberwell, and others interested in the Extension, with economy, of Railways to the North-western interior,—

HUMBLY SHEWETH :—

That your Petitioners, as landholders, by grant, by purchase, or by lease, or otherwise as householders, are entitled to the consideration of the Representatives of the Colony, where their interests are likely to be affected by official power guided by official cupidity.

That your Petitioners see with concern in the estimated expenditure of the Department of Lands and Public Works for the present year the sum of £22,850, as an item devoted to the improvement of the Main North Line of Road.

That among the items of that item are the following :—

For the construction of a Bridge over Falbrook	...	...	£2,300
Ditto ditto Foybrook	...	...	300
Ditto ditto at Apple-tree Flat	...	...	200
Ditto ditto Sandy Creek	...	...	450
Ditto ditto Murrurundi	...	...	1,300
Bridges over Creeks to Murrurundi Gap	...	...	600
Ditto ditto Bendermeer	...	...	1,200
To divert Road to meet Bridge at Falbrook	...	...	300
Making a Total of	...	...	£6,650

That your Petitioners are particularly desirous of drawing the attention of your Honorable House to the first and last sums above quoted, as compared with the others.

Your Petitioners, therefore, respectively solicit the attention of your Honorable House to the following facts :—

1st. That a bridge at Falbrook, seven miles in a north-westerly direction from the Singleton crossing of the River Hunter, is unnecessary until the bridge for Railway extension is thrown across the river at that point. If bridges are to be built over the minor drains

of the country they should be built *consecutively* as the Railway requires them. To build bridges over Falbrook, or Foybrook, at present, if it is the intention of the Government to carry on the Railway to the interior, would be an unwarrantable waste of public means.

2nd. That the Village of Camberwell, bounded on the west by the waters of Falbrook, is a Government township, planned and marked out by Mr. Surveyor White some twenty years ago; that the allotments of the township adjoining the *leading* thoroughfares of the country, which pass through it, realised high prices as sites for inns, hostleries, stores, &c., and the Government of the day, benefited by these prices. The Petitioners, therefore, venture to hope that the Honorable House will bear out their view, that it is *scarcely* fair to the parties who *have made these improvements to change the line of road* then determined by authority, before inquiring whether official influence, to enhance the value of private property, has not had much to do with the contemplated change of road line, and the situation of the bridge, for which the sum of £2,600 is placed on the Estimates of the current year now before you.

Your Petitioners consequently pray that your Honorable House will not pass the sum of £6,650, placed on the Estimates of this year by the Minister of Lands and Public Works, for the purpose of building bridges which will be thoroughly useless to the country when Railway extension reaches the several points referred to in the Petition

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

[Here follow 94 Signatures.]

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

ROAD FROM APPIN TO WOLLONGONG.
(STATEMENT OF SUMS EXPENDED UPON.)

Ordered by the Legislative Assembly to be Printed, 15 February, 1859.

RETURN to *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 14 December, 1858, That there be laid upon the Table of this House :—

“ A Return of all moneys voted or appropriated to repair or
“ improve the Road leading from Appin to Wollongong from
“ 1st January, 1851, to 31st December, 1857 ; also, a Return,
“ shewing in detail all moneys expended during the same
“ period.”

(*Mr. Flood.*)

ROAD FROM APPIN TO WOLLONGONG.

A RETURN of the APPROPRIATION and EXPENDITURE on Account of the Road leading from Appin to Wollongong, from 1st January, 1851, to 31st December, 1857.

YEAR.	PARTICULARS.	AMOUNT.	TOTAL.
APPROPRIATION.			
1851	} Out of the General Road Votes for these Years	100 0 0	
1852		217 0 0	
1853		217 0 0	
1854		217 0 0	
1855		217 0 0	
1856		217 0 0	
1857		294 0 0	
TOTAL APPROPRIATION		£ 1,479 0 0	
EXPENDITURE.			
1852	Constructing Fig-tree Bridge	21 12 0	
"	" Bridge at Mr. Jenkins' Gate	20 0 0	
"	" Guien's Bridge	70 0 0	
"	" Bridge on Judge Terry's Flat	40 0 0	
"	" five Log Bridges on Gerard and Lindsay's Flats, and clearing away rubbish from Fig-tree Bridge after a flood	42 0 0	
"	" a Bridge on Lang's Farm	10 0 0	
1853	Repairing two Bridges at Mullet Creek	3 0 0	
"	" a Bridge on the Road from Dapto to Wollongong	1 1 0	
"	Opening the Watercourses on the Road through Jenkins' Flat	10 0 0	
"	Repairs to Road south of Dapto Church	5 0 0	
"	Repairing 98½ rods of the Road leading from Dapto to Wollongong	78 3 0	
"	" Dam at Mullet Creek	10 0 0	
1854	" 6 Miles of the Road between Appin and Wollon- gong, via Broughton's Pass, at £30 per mile ..	180 0 0	
"	Building Wall and repairing a portion of the Road up Mount Keera	22 0 0	
"	Repairing the Bridges, &c., on the Road between Dapto and Wollongong	42 10 0	
1855	" and Draining Road near Wollongong	50 0 0	
"	" Road at Charcoal Creek	25 0 0	
"	" Dapto Road	15 0 0	
"	" Road at Fig-tree Bridge	21 17 6	
"	" the Approaches to Fig-tree Bridge, &c.	2 0 0	
"	" the Road between Appin and Broughton's Pass ..	56 0 0	
1855 &	" Drains and making Bridges and Culverts on the Road from Wollongong to Macquarie River ..	342 16 6	
1856	" Road on Mount Keera ..	75 0 0	
1857	" Bridge at Broughton's Pass and Approaches thereto	20 0 0	
"	" Mountain Road	75 0 0	
"	Constructing four small Bridges on the Road between Appin and Broughton's Pass	14 0 0	
1858	Repairing Road two miles beyond Appin towards Wollongong ..	28 0 0	
"	Repairs generally to the Road between Appin and Wollon- gong	96 0 0	
TOTAL EXPENDITURE		£ 1,376 0 0	
Add portion of 1853 Appropriation, not applied for, cancelled			103 0 0
			£ 1,479 0 0

Audit Office, Sydney,
9 February, 1859.

1858-9.

Legislative Assembly.
NEW SOUTH WALES.

BILLABONG DAMS.

(REPORT UPON FROM THE COMMISSIONER OF CROWN LANDS.)

Ordered by the Legislative Assembly to be Printed, 23 March, 1859.

THE COMMISSIONER OF CROWN LANDS, MURRUMBIDGEE, to THE CHIEF COMMISSIONER
OF CROWN LANDS.

*Murrumbidgee District,
Crown Lands Office,
Deniliquin, 1 March, 1859.*

SIR,

In conformity with instructions received from you, I do myself the honor to forward a Report upon the formation of Dams for retaining water supply on the Billabong Creek.

In your letter of instructions you inform me that the Honorable the Secretary for Lands and Public Works hopes that I may be able to suggest some scheme which will be acceptable to all parties. It is quite impossible to devise any such code of regulations. There has now been so much private feeling enlisted on the subject that the mere approval of one person would ensure the opposition of others. When persons have been actually tried for riot, and when cross-actions for false imprisonment and civil actions for damage are all in progress at once, it is quite impossible even to hope that any private arrangements can be carried out. The scheme which I have proposed may have the negative success of completely pleasing none—the best proof of its fitness.

I have not allowed any portion of my recommendation to become known. Would the Honorable Secretary allow them to be published, and see fit to act upon them, I think something might be done towards allaying the disturbances in the district.

I have, &c.,

CHARLES G. N. LOCKHART,

THE CHIEF COMMISSIONER OF CROWN LANDS,
Sydney.

Commissioner of Crown Lands.

*Murrumbidgee District,
Crown Lands Office,
24 February, 1859.*

Sir,

The Billabong Creek, in the Murrumbidgee Pastoral District, takes its rise in the Hume River Ranges, about sixty miles north-east from Albury, and after a course of two hundred and forty miles nearly west, and equi-distant between the Hume and the Murrumbidgee Rivers, at a village known as Moulamein, falls into the Edward, an anabranch of the Hume River.

The upper portion of the Billabong watershed, say for eighty miles from its source, is merely fair grazing land, but the lower portion is very superior pastoral country. On it ordinary sheep are fattened in two months, and oxen in from eight to twelve. In fact, the lower Billabong is altogether used as fattening pasture for the Victorian market. It thus affords an excellent market for store stock from the Northern Districts, gives a quick and highly remunerative return to the local station holder, and enables him at any time to dispose of his stock should pasturage or water fail. The greater number of the runs on the Lower Billabong are fenced in.

27 Stations.—
2,134 square miles.
165,000 sheep.
8,680 cattle.

In Appendix marked A is a Return of stations on the Billabong, names of occupants, their area and estimated grazing capabilities. This grazing capability would be very much greater were there any permanent supply of water. In many cases heavy losses have occurred from the failure of water supply in the creek; and although by merely taking in stock to fatten the runs are more easily cleared in the event of scarcity than when there are breeding herds, yet the want of a safe supply of water is a serious drawback to the prosperity of the district. I may mention that for a period of seven years after the Hume River was settled, the Billabong Creek did not flow across the Port Phillip and Sydney road, only thirty miles from its source. In other seasons the creek runs down perhaps only sixty, eighty, or one hundred miles. I am only aware of its having run down its whole course three times since the year 1846. I would beg leave to call particular attention to this partial flow of the creek. This circumstance led to the formation of dams by each settler in succession, as stations were taken up from above downwards. It is impossible that dams could have been built *before* the stations were occupied, but as each station was taken up, so soon was a dam erected on it, to save that water which otherwise would have run waste. The first stations on the Billabong were formed about the year 1838—the whole creek was taken up by the year 1846. The dam on Mr. De Saily's Coree Station, which prominently figured in the late disputes, I know to have been in existence in 1849, at which period there was as large a supply of water retained as there is now in it.

It is a matter which admits of no doubt that from the very first a system of damming has obtained on the Billabong Creek; as also, that had such not been the case, the Colony of New South Wales would have been many hundreds of thousands of pounds poorer, and the risk and expense of travelling would have been greatly increased.

At the same time it is very clear that the custom of erecting dams may be very much abused. In order to secure a full supply, the dam may be elevated too high, throwing water out of the bed of the creek and wasting it. There may be no care taken of the surplus water. The neighbouring run may be seriously damaged by malice or by carelessness. It appears to be a case where the Legislature or the Executive may fairly interfere, and establish a simple code of regulations by which the interests of individuals may be protected, and the supply of water economised. A precedent for this interference on the part of the Government is to be found in the Gold Field Regulations. To encourage enterprise, to protect the industrious, and to preserve order, it has been found absolutely necessary to regulate the water supply by codes of Regulations, in the first place emanating from the Executive. In like manner I consider that for pastoral purposes dams, to retain water, may be erected under certain regulations, which having been duly complied with, the pastoral occupant should be as effectually protected as is the miner in his water right.

Arms. Picks, shovels,
mining tools.

It would also appear to be advisable, for the sake of public order, that these regulations should be as speedily as possible drawn up. The example of large bands of armed men successfully enforcing their views of justice by destroying the ostensible property of others, is at least a very dangerous one, especially in the interior, where the civil power is of course physically weak.

It appears to be plain, that if a proper system of damming were once introduced—a system by which the water would reach from dam to dam—very little rain would suffice to keep up the supply at each station. Any water over and above the daily consumption and evaporation poured into the creek at its source *should* find its way along the creek to the Edward River. This could not, of course, be practically realized, but should be kept in view as the model possibility. No code of regulations can at once realize the full benefit to be ultimately obtained from them. Those that are agreed upon must therefore be most rigidly enforced.

7 Stations—395 square
miles. 3,500 sheep. 1,440
cattle.

In drawing up special regulations for persons wishing to erect dams on the Billabong Creek, it is necessary to remember that there is a great difference in the cross sectional area of that creek *above* and *below* the junction of the Columba therewith. The Billabong, as it proceeds from its source across the vast alluvial plain, gradually decreases in volume. During the first 40 miles of its course its cross section may average 80 feet by 14, the channel having amply supplied waterholes. But from thence down to the junction of the Columba, the section is merely that of a canal, about 40 feet wide by 8 feet deep. There are no waterholes or natural reservoirs, and on this portion of the creek dams are of greater necessity than on any other. The stations included are from 9 to 15—in Appendix A—that is from Mohonga to Cockiejetong inclusively. Without dams I do not think that three months supply of water could be depended upon.

Below the junction of the Columba, the area of the cross section increases considerably. The Columba is a channel, by which, and by the Yanko, the overflow of the River Murrumbidgee is carried into the Billabong, scouring out and deepening its channel, and forming deep and tolerably lasting waterholes.

Above the junction of the Columba Creek there are erected a considerable number of dams, and, as they are built disproportionately high to the very low banks, they have wasted a large amount of water, by turning it out on to the plains to find its way back to the creek, as it best may, after great losses by evaporation and absorption. To this cause do I chiefly attribute the loss of water complained of by station holders on the lowest part of the creek, and to prevent which waste all regulations should tend. In fact, it should be made evident that it is a matter of favour to obtain liberty to dam a channel common to all, and which favour can only be granted on certain stringent conditions.

5 Stations—471 square
miles. 40,000 sheep.
7 Stations—833 square
miles. 66,000 sheep.

The dams below the Columba Creek have not *wasted* so much water as those above, although they have, of course, *retained* much more. The water has not been turned out on to the plain, but it is complained of, and I think correctly, that after the water is raised to a certain height, much is lost by percolation through the alluvium. Stations numbered 16, 17, 18, 19, 20, were thus plentifully supplied with water hitherto, whilst the holders of the stations on the remainder of the lower creek were occasionally reduced to great straits,
and

and in last spring cut down these dams and also the frame work of one another's dams. In doing this considerable numbers of armed men were assembled, apparently with the purpose of overawing any idea of resistance. None of the dams above the Columba Creek were removed. Picks, shovels, mining tools.

In the case of *all* dams on the creek I have observed that the escapes for overflow of water are merely cut into the soil, or anabranches are used. These anabranches are again dammed when the creek begins to run sluggishly, throwing, in some instances, broad shallow streams of water out on to the flats. One condition which, I think, should be insisted on, is, that these escapes should all be made of timber, zinc, sheet iron, or similar substance, in order to guard against absorption, or the washing out of huge gulphs of soil into the sluggish running Billabong to fill up its waterholes. These escapes must be built on a specified section, so as to allow the surplus water to escape rapidly with a full stream. I have no doubt that parties interested will complain greatly of the expense of this condition, but I trust their representations will be taken no notice of. The supply of water which is secured to them allows of their accumulating rapid fortunes, and this condition is necessary in order to allow every one to have a chance of obtaining a share of the scarce water supply.

I would also propose that the Yanko and the Columba, two tributaries to the Billabong, should be proclaimed as water frontage for Governmental purposes. I have already recommended that this step should be taken, for the protection of the public, as well as of those settlers who so handsomely subscribed, and expended £9,000 in introducing the Murrumbidgee by the Yanko and Columba to the Billabong. My book, containing copy of my letter being at Tumut, I cannot at present refer to the date; what I foresaw, however, has already happened. *Non*-subscribers have dammed the Columba Creek, so as to give their own runs full supply of water, and have prevented it running on to the Billabong. One dam placed to divide the water, at the cost of the subscribers, has been cut away in order to serve a private purpose. I append a sketch of the two creeks referred to. Appendix B.
(Not printed.)

I, of course, cannot say in what manner it will be proper to proceed in giving effect to any code of regulations which the Government may consider proper; I presume that a Bill will be necessary—laying down certain principles, and under which authority will be conveyed to the Executive to publish local regulations, which will have the advantage of being amendable from time to time. I have therefore stated shortly the contents of the various clauses of the Bill as they appear necessary to me, and local regulations at more length.

It will be observed that I recommend that no dam should be erected without the written consent of some officer appointed to grant the same; that such officer should have power to remove any dam erected without such consent, and that any offences may be summarily disposed of before a Bench of Magistrates—in fact, much the same regulations as are in force on the Gold Fields. It will also be necessary for the officer appointed to have power to enforce the due fulfilment of conditions, and therefore to enter upon and inspect any dams or escapes. This demands the existence of a certain fitness on the part of the officer employed for the proper exercise of this discretionary power; if such fitness does not at any time exist, a remedy is obvious. There is a very much greater power entrusted to Commissioners on the Gold Fields, who have been very successful in their administrative duties in most instances. It will also be observed, that I propose the employment of a ranger on the Billabong Creek and its tributaries; this person might also be sworn in as special constable. The expense would be light, and, taking into consideration the increased rent placed on squatting runs, may be probably acceded to. This ranger might also act as sheep inspector.

In arriving at these conclusions, I have been greatly assisted by information afforded to me by Mr. District Surveyor Adams. He proposes that a survey of the section and cross-section of the creek on each run should be made, at an expense of about £2 per mile, and that thereon a certain fixed quantity of water should be allotted to each run. Though practically expensive, no doubt this would be the most correct principle to proceed upon. I am afraid however that it is too artistic for the rough-and-ready style of squatting pursuits. I append a copy of Mr. Adams' communication. I gather from Mr. Adams that above the Columba Creek the fall in the Billabong is 2 feet 6 inches per mile, and below the Columba that the fall is about 1 foot 6 inches. By a section of the Yanko which I have seen, the fall along that tributary averages 1 foot per mile; along the Columba it will be about 1 foot 6 inches. Appendix C.

I have also received from Mr. W. A. Broadribb a printed prospectus, which has received the approval of five station holders. These proposed regulations are in the spirit of fairness, and I have had no difficulty in adopting them where not inconsistent with the general principles laid down by me as above. The one grand feature which I would advise should be insisted on is in them completely ignored: There must be no escape water from a dam allowed to run through alluvial soil; it should be carried off quickly in an artificial lead, to supply the station immediately below. When once the water has run through, *then* the dams may be allowed to be heightened, but to be again on a certain day opened up to the fixed maximum height. Appendix D.

In furnishing this report and the heads of proposed regulations, I do myself the honor to state, that I shall not be in the slightest degree mortified should they be rejected in toto. The subject admits of so many different views, according to the personal interests of parties concerned, that it is not at all probable that my proposals will meet with any general approval. The water privileges are too valuable to be lightly parted with; some will think they are unjustly shortened, others will think that too great privileges are yet left to dam holders; I may safely say, however, that I am impartial in the matter, which no one who obtains audience from the Honorable Secretary on the subject can be.

I should feel much obliged if this report and the proposed regulations could be published, for the satisfaction of those gentlemen whom I have consulted on the matter.

I have, &c.,

CHARLES G. N. LOCKHART,
C. C. L.

The Chief Commissioner of Crown Lands,
Sydney.

APPENDIX A.

RETURN shewing Stations and Occupants on Billabong Creek; Areas and Capabilities.

No.	STATION.	OCCUPANT.	AREA. Square Miles.	GRAZING CAPABILITIES.		REMARKS.
				Sheep.	Cattle.	
1	Yarra Yarra	P. Keogh	100	....	2,560	Watered naturally.
2	Billabong	J. C. Whitty	80	....	2,080	Watered naturally.
3	Carabobola	Elliot Heriot	35	8,000	..	Watered naturally.
4	Round Hill	John Sherwin	50	10,000	..	Watered naturally.
5	Walla Walla	John Sherwin	50	....	1,600	Watered naturally.
6	Piney Range	Simmons & Murphy	20	....	500	Watered naturally.
7	Walbundrie	Kidston Brothers ..	20	....	500	Watered naturally.
8	Bulgundrie	Thomas Gibson	50	6,000	..	{ Watered naturally—sometimes very scarce.
9	Mohonga	Robert Rand	80	....	800	{ Dam carried away by a fresh—now repairing.
10	Burrangong	Money John	50	6,000	..	{ Dam—access to those of No. 11—very scarce.
11	Gunanbill	David B. Jones	75	10,000	..	{ Dam—7½ feet water—3 miles back in extent.
12	North Berodgerie ..	John D. Atkins	50	6,000	..	{ 2 Dams. 1.—5½ feet water, 2 miles back; 2.—2 feet water, 1 mile back.
13	Clear Hill	Thomas Herbert....	40	....	640	{ 2 Dams, each 7½ feet water; 2½ miles back.
14	Noweronie	Hugh Glass	80	6,000	..	{ All stock on this Station once died. Dam on back creek.
15	Cockiejetong	John Broughton	50	7,000	..	{ Stock has had to be removed more than once. Dam 6½ feet water, 2½ miles back.
16	Yathong	William Broughton	25	4,000	..	{ Columba joins Dam. 3½ feet water, 2½ miles back.
17	Jereldery	James Kennedy	120	10,000	..	Dam, 3½ feet water, 1½ miles back.
18	Coree	De Saily Messrs. ..	136	14,000	..	{ Dam twice destroyed by holders below. 6½ feet water, 4½ miles back.
19	Curranbunganan N.	John Brougham	70	6,000	..	{ Dam destroyed, but in course of re-erection.
20	Curranbunganan S.	Patrick Brougham..	70	6,000	..	{ Dam destroyed—has now again 3 feet of water.
21	Coonargo	John & James Tyson	86	7,000	..	{ Occupied by Ransthron. Watered by destruction of Dams above.
22	Coonargo	Kaye & Butchart ..	100	8,000	..	{ Some little water from Dams destroyed above.
23	Wanganella	Broadribb W. A. ..	140	10,000	..	{ Dam destroyed, but no water escaped—very scarce.
24	Zara	Vaughan & Wild ..	90	5,000	..	Water very scarce.
25	Caroonboon	Ricketson J. & H. ..	185	16,000	..	{ Dam which was in course of erection destroyed—water scarce.
26	Windouran	James Ashcroft	112	7,000	..	Lowest Station on creek. No water.
27	Nyang	Macbean Lachlan ..	120	13,000	..	{ No water in Billabong. Watered for 19 miles by Edward.
			2,134	165,000	8,680	

APPENDIX C.

Albury, 15 February, 1858.

Dear Sir,

In reference to the Billabong dams, and as far as my profession is concerned, I see but one plan of settling the disputes, and that is by allowing each settler to retain a certain measurement of water.

This can only be arrived at by having a section and cross sections of the whole of that part of the creek made where dams are required, from which sections it will be easy at any time to see the height that would be required to retain the given quantity. The settler having retained his quantum, it would then rest with him to economise it. Cost of survey, &c., £2 per mile.

As I have a very great objection to interfering with any matters that are more properly within the province of the Commissioner, I should not allude to any of the other plans suggested; however, if you wish to have my concurrence in what you recommend, you could send me a sketch of it, so that I could say I was in communication with the Commissioner.

I enclose a list of the dams above Coonargo.

I shall not report on the dams until this day week, so that if you wish to communicate by return of post you will have time.

I remain, &c.,

P. ADAMS.

Chas. Lockhart, Esq.,
Commissioner of Crown Lands.

APPENDIX D.

WE, the undersigned, Settlers and Stockholders, having stations on the Billabong Creek under lease or license from the Government of New South Wales, do hereby severally, for ourselves and our respective executors and administrators, mutually agree to, and with each other respectively, our respective executors and administrators, in the manner following:—

First.—That any settler on the Billabong Creek may be at liberty to erect dams across that creek of the height of four feet each dam above the level of the bed of the creek where the said dams are erected, and no more; provided there shall be a distance of, at least, four miles in a straight line between each dam. And also provided, that in no instance shall the water be forced to flow over the banks of the creek, or out of the main channel, except on any part where an anabranch is used for the purpose of a race, and does not exceed the distance of one half mile from its effluence to its junction with the main stream.

Second.—That in consequence of the narrow formation of the Billabong Creek between the Mohango Station and Mr. John Broughton's (now Broughton and Walker's) station, inclusive on the said creek, the occupants between these two stations shall be allowed to erect dams three miles apart, and the same height as before mentioned, provided that in no instance shall the water be forced to flow over the banks of the creek on either side, or out of the main channel, except in any part where an anabranch is used for the purposes of a race, and does not exceed the distance of one half mile from its effluence to its junction with the main stream.

Third.—When and so often as the water has in any season run through the whole course of the creek to its junction with the back water of the Edward River, then each party shall be at liberty to raise his dam or dams eighteen inches higher; when every dam so raised shall be full, then the party whose dam shall be full shall be at liberty to raise his dam eighteen inches still higher, and so on in the same ratio from time to time, always under the restriction that the water in no instance shall be forced by these means over the banks of the creek on either side, or out of the main channel, except in any part where an anabranch is used for the purposes of a race, and does not exceed the distance of one half mile from its effluence to its junction with the main stream.

Fourth.—These increased heights shall be reduced every year to the level of the water in each dam on the 1st of April; but in the event of the water having lowered in any dams so reduced between the 1st of April of each year and the time the water flows to each dam, then, when water begins to flow, the dam shall be further reduced to the level of the water, but not below the original four feet.

Fifth.—With reference to the first clause, it is further agreed that a creek frontage shall be construed to mean both sides; and when one side only is licensed to any party, two miles of creek frontage shall reckon as one; also, that no party shall be confined to the exact four miles between any two dams, provided that in the extent of his creek frontage the average distance shall not be less than four miles.

In witness whereof the said parties have hereunto set their hands, the twenty-ninth day of December, one thousand eight hundred and fifty-eight.

ROBERT DUN & CO., Couargo.
WM. A. BRODRIBB, North Wanganella.
PATRICK BROUGHAM, North Curragunung.
F. & GEORGE DESAILLY, Coree.
WILLIAM BROUGHTON, Yathong.

An Act to regulate the erection of Dams, for the purpose of retaining water in watercourses only occasionally running in Pastoral Districts of the Colony.

WHEREAS it is expedient to regulate the manner in which dams shall be erected, for the purpose of retaining water in watercourses only occasionally running in the pastoral districts of the Colony: Be it therefore enacted, &c., &c.

1. Interpretation clause of technical term. if necessary.
2. The Executive to have power to make rules and regulations for this purpose for any particular district or watercourse, if necessary, with power to amend the same, or repeal previous ones. Rules to be laid before Parliament and published in *Gazette*.
3. Officers may be appointed with authority with all necessary assistance to remove any dam not erected in conformity with the regulations, to make orders as to the altering or completing of any dam, and to prosecute for any breach of regulations.
4. Such officer or person appointed under his hand and seal may enter upon any enclosure for the purpose of examining any dam.
5. Any person obstructing such officer in the execution of his duty, or neglecting to obey any order to alter, complete, or uphold any such dam, such order being under the hand and seal of such officer, may be fined not exceeding £50 at the nearest Court of Petty Sessions.
6. Any person not being such officer or his assistant, who shall injure or destroy any dam shall be guilty of misdemeanor, and, at the discretion of the Judge, may be fined not more than £500, or imprisoned for any period not to exceed two years.

Local Regulations (proposed) to be observed in damming watercourses in the Murrumbidgee District.

I.—BILLABONG CREEK.

1. Any occupant of station on the Billabong Creek wishing to erect a dam thereon, or to be continued in occupation of any dam already existing, must obtain the written consent of the officer appointed to grant the same.
2. Below the junction of the Columba with the Billabong Creek such dams may be erected across the channel of the said creek, for the purpose of retaining water of a height not more than four feet above the general level of the creek, for one half-mile below the spot where the said dam is erected.
3. There shall only be one such dam for each four miles of creek frontage held by the said applicant, to be measured as the crow flies.
4. Above the junction of the Columba with the Billabong Creek such dams may be erected across the channel of the said creek, for the purpose of retaining water of a height not more than five feet above the general level of the creek, for one half-mile below the spot where the said dam is erected.
5. There shall be only one such dam for each three miles of creek frontage held by the said applicant, to be measured as the crow flies.
6. The term "creek frontage" shall be construed as meaning that both sides of the creek are occupied by the applicant. Where only one bank of the creek is held by the applicant, two miles of such frontage shall be held as equal to one mile of "creek frontage."
7. In no case shall any water be turned out of the ordinary channel of the creek by any dam erected. Where necessary, side embankments shall be formed for the purpose of confining the water within the ordinary channel of the creek.
8. For the purpose of providing for the free escape of surplus water from all such dams, a sluice or floodgate shall be provided at each such dam at the level of the water, as set forth in clauses 2 and 4; such sluice escape or floodgate shall be at least 24 feet in width, with sides at least 4 feet high; bottom and sides to be water-tight, if built of timber, the same shall be sawn timber properly fitted.
9. No dam shall be allowed to turn any surplus water through or over soil, until the sluice or flood escape be running off full.
10. When in any season the River Murrumbidgee has run by the Yanko, or by the Columba, or by both, through the Billabong Creek to the Edward River for four clear days; or when in any season the Billabong Creek has run through its whole course for four clear days, notice to that effect shall be served in succession, from the lowest station upwards, upon each occupant through whose frontage the said creek may have flowed, by the officer appointed for that purpose, or by his assistant. Upon the receipt of such notice, all sluice escapes or floodgates may be closed, with the proviso that no water be forced out of the channel of the main creek, nor shall any depth of water greater than 7 feet below the junction of the Columba, nor greater than 6 feet above the said junction, be retained in any such closed dam.
11. All sluice escapes or floodgates shall be re-opened on the 1st day of September in each year, so as to reduce the height of water in each dam to the original maximum level, as set forth in clauses 2 and 4.
12. Should it at any time before the 1st day of September in any year appear advisable to the occupant of any run to open the sluice escape or floodgate of any of his dams, 12 hours notice at least before it is opened shall be given to the occupant of the dam next below.

BILLABONG DAMS.

7

II.—COLUMBA AND YANKO CREEKS.

1. No permanent dams shall be erected on these tributaries to the Billabong Creek.
2. Temporary dams may be erected with the sanction of the officer appointed for that purpose, on the following conditions :—
 - (1.) That the head of water shall not be more than three feet. Measurements and distances as on the Billabong Creek below the junction of the Columba.
 - (2.) No such dam shall be erected in any year until the water has run for one clear calendar month into the Billabong Creek.
 - (3.) All such temporary dams shall be removed on the 1st day of August in each year, and the site levelled to the ordinary level of the creek, so that no impediment shall exist to the flow of the water into the Billabong.

III.—OTHER WATER COURSES.

1. Any persons wishing to obtain the privilege of continuing dams already in existence, or to erect others, shall furnish particulars of the site—the depth of water proposed to be retained—the natural flow of the creek—to the officer appointed to grant such permission; when, if no objection of a public nature exists, they will obtain permission to occupy or erect such actual or proposed dam, under conditions as to the escape of surplus water.
-

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

MR. WILLIAM WEAVER.

(CORRESPONDENCE WITH THE EXECUTIVE GOVERNMENT.)

Ordered by the Legislative Assembly to be Printed, 16 February, 1859.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 17 December, 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
 “ between the Executive Government and the late Colonial
 “ Architect, Mr. William Weaver, relating to a Report and
 “ the Evidence taken before a Select Committee of the
 “ Legislature, appointed on the 7th August, 1855, to
 “ inquire into and report upon the present state of the
 “ Colonial Architect’s Department; also, Copies of all
 “ Correspondence touching the resignation of Mr. Weaver
 “ as Colonial Architect.”

(*Mr. Flood.*)

SCHEDULE.

I.—Correspondence relating to Coghlan's Fraud in Erection of Dead House.

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MR. WILLIAM WEAVER.

I.—CORRESPONDENCE RELATING TO COGHLAN'S FRAUD IN ERECTION OF DEAD HOUSE.

No. 1.

W. ELYARD, ESQ., to THE CROWN LAW OFFICERS.

(No. 895.)

*Colonial Secretary's Office,
Sydney, 7 December, 1855.*

GENTLEMEN,

Referring to the Report of the Committee of the Legislative Council on the Colonial Architect's Department, of which a copy is enclosed, and in which allusion is made to an over-payment of £140 to the Contractor for building a Dead House, I am directed by His Excellency the Governor General to inform you, that it appears to His Excellency that the first person to be punished in this case is the Contractor himself, that is, that he should be called upon, and made, to render back the amount which he has received beyond that to which he was fairly entitled. Mr. Coghlan is the Contractor referred to, and His Excellency thinks that legal steps should *at once* be taken to compel him to disgorge his ill-got gains.

2. But His Excellency requests that you will report your opinion as to the best mode of dealing with Coghlan.

I have, &c.,

W. ELYARD.

THE HONORABLE
THE ATTORNEY GENERAL, and
THE SOLICITOR GENERAL.

No. 2.

*PROCEEDINGS of the Executive Council, on the 10th December, 1855, with respect to
a Report on the Colonial Architect's Department.*

Minute No. 55-44.

His Excellency the Governor General lays before the Council an Address, dated the 27th ultimo, from the Legislative Council, in which they transmit a copy of the Report of the Select Committee appointed to inquire into the state of the Colonial Architect's Department, and request that His Excellency will take immediate steps for carrying into effect the recommendations therein contained.

2. The only recommendations either stated or implied in this Report are—

1st. The dismissal of the Chief Clerk, for reasons which, though not alleged in the Report, may be inferred from statements made by some of the witnesses examined by the Committee.

2nd. That the Government will, so far as it has the means, put a stop to the numerous abuses which (according to the Report) are proved to exist in the Department.

These abuses are also left to be inferred; and—

3rd. That until the Department can be reorganized no public works but such as are absolutely required shall be undertaken.

3. With respect to the first point, the Governor General gives the Council to understand that he has already answered the Address, by apprising the Legislative Council of his intention to institute a proper inquiry into the charges preferred against Mr. Chapman, the Chief Clerk, and this, perhaps, is the only answer that the Address demands at present.

4. The Council, however, find it stated in the Report and Evidence, that in one particular instance which came under the cognizance of the Committee, namely, the erection of the Dead House near the Old Water Police Office, an overcharge of about £140, out of £167, was made by the Contractor, and paid on certificates from Messrs. Corby and Kemp.

The

The Council, therefore, advise that the whole of the papers be transmitted to the Honorable the Attorney General, in order that he may take such steps as he may deem proper, as well for the recovery of the amount fraudulently obtained by the Contractor, Mr. Coghlan, as for the punishment of those who may have participated in the fraud.

MICHL. FITZPATRICK,

Clerk of the Council.

Executive Council Office,

Sydney, 15 December, 1855.

55-293

No. 3.

W. ELYARD, Esq., to THE ATTORNEY GENERAL.

(No. 962.)

Colonial Secretary's Office,

Sydney, 28 December, 1855.

SIR,

Referring to my letter, No. 895, of the 7th instant, addressed to yourself and the Solicitor General, respecting an over-payment of £140 to the Contractor for building a Dead House; I am now directed by His Excellency the Governor General, under the advice of the Executive Council, to transmit to you the whole of the papers connected with this matter, in order that you may take such steps as you may deem proper, as well for the recovery of the amount fraudulently obtained by the Contractor, Mr. Coghlan, as for the punishment of those who may have participated in the fraud.

2. The Colonial Architect has been requested to furnish you with any papers in reference to this matter in his possession, and such information as you may require.

I have, &c.,

THE ATTORNEY GENERAL.

W. ELYARD.

No. 4.

W. ELYARD, Esq., to THE COLONIAL ARCHITECT.

(No. 667.)

Colonial Secretary's Office'

Sydney, 28 December, 1855.

SIR,

The whole of the papers which were in this department connected with the construction of the Dead House, near Campbell's Wharf, having been transmitted to the Attorney General, in order that steps may be taken for the recovery of the amount fraudulently obtained by the Contractor, Mr. Coghlan, and the punishment of those who may have participated in the fraud, I do myself the honor to request that you will furnish that officer with any papers which may be in your possession with reference to this matter, and such other information as he may require.

I have, &c.,

THE COLONIAL ARCHITECT.

W. ELYARD.

No. 5.

THE CIVIL CROWN SOLICITOR to THE COLONIAL ARCHITECT.

(No. 56-62.)

Civil Crown Solicitor's Office,

Sydney, 27 February, 1856.

SIR,

Referring to my conversation with you a few days ago on the subject of the offer of £70 made by Mr. Coghlan in settlement of the action which has been brought by the Government against him to recover the over-payment of £140 made to him for building a Dead House, when you stated your inability to offer any advice thereon,—I do myself the honor to inform you, that having submitted this matter to the Attorney General, he has stated that he cannot advise therein without knowing whether the excavations and works, claimed in deduction of the amount sought to be recovered were or were not made, and whether the charges now made for them be reasonable; and I am instructed by the Attorney General to request that you will, with as little delay as possible, furnish me with your Report thereon.

I have, &c.,

W. W. BILLYARD,

THE COLONIAL ARCHITECT.

Civil Crown Solicitor.

No. 6.

No. 6

THE COLONIAL ARCHITECT to THE CIVIL CROWN SOLICITOR.

(No. 56-88.)

*Colonial Architect's Office,
Sydney, 28 February, 1856.*

SIR,

In reply to your letter of yesterday's date, respecting the value of excavations and works claimed in reduction of the amount conceded to be over-paid to Thomas Coghlan for erecting a Dead House at Campbell's Wharf, I do myself the honor to state that, as these works were performed previous to my taking office, and whilst I was absent from Sydney; and as moreover there is now no officer in the department who has any knowledge of the matter, I am unable to afford you any information on the subject.

Mr. E. T. Blackett, the late Colonial Architect, and Mr. Richard Lambeth, late Clerk of Works—the gentlemen who were in office at the time—are, I conceive, the proper persons to apply to respecting these works.

I have, &c.,

WM. WEAVER,

THE CIVIL CROWN SOLICITOR.

Colonial Architect.

No. 7.

W. ELYARD, Esq., to THE COLONIAL ARCHITECT.

(No. 76.)

*Colonial Secretary's Office,
Sydney, 17 March, 1856.*

SIR,

With reference to your letter of the 28th ultimo, No. 88, addressed to the Civil Crown Solicitor, relative to the Dead House near Campbell's Wharf, I am directed by the Governor General to inform you, that in his opinion you are bound to give every information in your power with relation to that matter; and His Excellency is not pleased that you have declined to do so.

2. Mr. Dawson has however, in conjunction with Mr. Trickett, been instructed to measure the work at the Dead House, and Mr. Coghlan will be allowed an opportunity of waiting upon those gentlemen, to point out the excavations for which he claims payment.

I have, &c.,

W. ELYARD.

THE COLONIAL ARCHITECT.

No. 8.

THE COLONIAL ARCHITECT to THE COLONIAL SECRETARY.

(No. 56-60.)

*Colonial Architect's Office,
Sydney, 19 March, 1856.*

SIR,

With reference to your letter of the 17th instant, No. 76, relative to my letter to the Civil Crown Solicitor on the subject of the Dead House near Campbell's Wharf, informing me that it is my duty to give every information in my power with respect to that matter, and that His Excellency the Governor General is not pleased that I have declined to do so,—

2. I do myself the honor to point out that the information required of me by the Civil Crown Solicitor was as to the quantity and value of excavations and works alleged by Coghlan to have been performed by him. I beg to state that I am, and have been, quite willing to afford to the Government all the information which it is possible for any person to arrive at subsequently to the completion of the works; but as I am aware that a portion of Coghlan's claim is for excavations made and filled in before the actual commencement of the building, and on a different site to that which it at present occupies, I conceive it to be out of the power of any person who was not present to measure it before filling in to be able to state what quantity of work was so performed, or what would be a fair allowance for it. This work was performed, as I stated to Mr. Billyard, before my entering upon office, and during my absence from Sydney; and as moreover there is no officer now in the department

who had any supervision over it, it appears to me to be impossible for me, or any other person, to afford the information required, excepting the persons under whose directions the work was done, and to whom I referred the Civil Crown Solicitor.

THE HONORABLE
THE COLONIAL SECRETARY.

I have, &c.,
WM. WEAVER,
Colonial Architect.

No. 9.

W. ELYARD, ESQ., to A. DAWSON, ESQ.

(No. 75.)

*Colonial Secretary's Office,
Sydney, 17 March, 1856.*

SIR,

I am directed by His Excellency the Governor General to inform you that certain papers connected with the Dead House near Campbell's Wharf, have been transmitted to Captain Ward, R. E., with a request that, in conjunction with you, Mr. Trickett may be instructed to measure the work at that building.

2. Mr. Coghlan, who was the Contractor for the erection of the Dead House, will be requested by the Civil Crown Solicitor to attend on the survey on such day as Mr. Trickett and yourself may appoint for the purpose; in the event, however, of Mr. Coghlan's refusal to attend, the measurement is to proceed.

A. DAWSON, ESQ.

I have, &c.,
W. ELYARD.

No. 10.

W. ELYARD, ESQ., to CAPTAIN WARD, R. E.

(No. 44.)

*Colonial Secretary's Office,
Sydney, 17 March, 1856.*

SIR,

With reference to previous correspondence respecting the Dead House near Campbell's Wharf, I am directed by His Excellency the Governor General to transmit to you the enclosed papers connected with this matter, and to request that, in conjunction with Mr. Dawson, to whom a communication on the subject has been addressed, Mr. Trickett may be instructed to measure the work at the Dead House.

2. Mr. Coghlan will be requested by the Civil Crown Solicitor to attend on the survey on such day as Mr. Trickett and Mr. Dawson may appoint for the purpose; in the event, however, of Mr. Coghlan's refusal to attend, the measurement is to proceed.

CAPTAIN WARD, R. E.,
&c., &c., &c.

I have, &c.,
W. ELYARD.

No. 11.

W. ELYARD, ESQ., to THE CIVIL CROWN SOLICITOR.

(No. 217.)

*Colonial Secretary's Office,
Sydney, 17 March, 1856.*

SIR,

With reference to the case of the Attorney General *v.* Coghlan, for the recovery of an over-charge for the Dead House near Campbell's Wharf, I am directed by His Excellency the Governor General to inform you that Mr. Dawson, in conjunction with Mr. Trickett, to whom all the papers connected with this case have been transmitted, has been desired to measure the work at the Dead House, and to request that you will call upon Mr. Coghlan to attend the survey, for the purpose of pointing out to those gentlemen the whole of the work for which he claims payment, on such day as they may appoint.

2. In the event of Mr. Coghlan's refusal to attend the measurement is to proceed, and the action brought for the difference between the amount paid to him and that really due.

THE CIVIL CROWN SOLICITOR.

I have, &c.,
W. ELYARD.

No. 12.

REPORT of the Board appointed to measure Work at the Dead House.

Sydney, 28 March, 1856.

SIR,

In obedience to the instructions contained in your letters of the 17th instant, No. 110 A, and requesting us to measure the work at the Dead House, and stating that Mr. Coghlan would be requested by the Civil Crown Solicitor to attend on the survey, on such days as we may appoint for the purpose;—

2. We have now the honor to inform you that we have measured the said works in the presence of Mr. Coghlan, and found that the measurements and valuations of the extra works to the building, as well as the provision of a deal table and drain, to agree nearly with the estimate formerly made by Mr. Trickett, as stated in his evidence before the Select Committee of the Legislative Council on the Colonial Architect's Office, on the 4th September, 1855. But with regard to the excavation made for this building, upon a site that was originally fixed upon by the Colonial Architect, and afterwards abandoned and the excavations filled up, there is a great discrepancy in the measurements of Mr. Trickett and the extent of the work made out by Mr. Coghlan. The measurements of Mr. Trickett were taken from information given him by Mr. Lambeth (who was formerly a Clerk of Works in the Colonial Architect's Office, and who put the building in hand), and amounts to $14\frac{3}{4}$ cubic yards, whilst the measurement taken upon Mr. Coghlan's evidence amounts to $41\frac{1}{2}$ cubic yards; but as Mr. Coghlan is the only person from whom we could obtain any information on this subject we are inclined to believe, from a careful examination of the ground, and the features it probably presented when the building was commenced, that his statement is somewhat exaggerated, and in corroboration of this opinion we would beg to refer to the evidence of Mr. Blackett, the late Colonial Architect, before the Select Committee of the Legislative Council, in which that gentleman states that the extra excavations is not more than thirty-five yards altogether. Mr. Blackett has also informed us, since our inspection of the work, that his measurement is ample, and no more ought to be allowed Mr. Coghlan for the work.

3. Another item of extras claimed by Mr. Coghlan is for the removal of a heap of rubbish from the site of the present building—amounting, by his statement, to 40 cubic yards; but from information obtained from Mr. Blackett this work is very much over-estimated. It appears, however, that some such rubbish was removed by Mr. Coghlan, and for which we would recommend that an allowance be made to a fair extent.

4. We have endeavoured to gain every information upon this subject from persons in the Colonial Architect's Office, and from Mr. Lambeth, but with the exception of the foregoing information from Mr. Blackett, and the evidence of Mr. Coghlan, we have been unable to gain sufficient information upon which to form a correct estimate of the work actually performed.

5. Under the circumstances above stated we would recommend that the following items of extra work be allowed Mr. Coghlan, which we consider to be a fair and just remuneration for all and every description of work performed by him, viz. :—

EXTRAS IN FOUNDATIONS.	£	s.	d.
$9\frac{3}{4}$ yards excavating, @ 6s.	2	18	8
2 perches of stone work, @ 80s.	8	0	0
Deal Table and Drain, as per estimate of Mr. Trickett	20	11	8
Excavating on first site, 25 cubic yards, @ 6s.	7	10	0
Clearing away rubbish from present site, 10 yards @ 3s. ...	1	10	0
	<hr/>		
	£40	10	4
	<hr/>		

We have, &c.,

ALEXR. DAWSON,
J. TRICKETT.THE HONORABLE
THE COLONIAL SECRETARY.

No. 13.

W. ELYARD, Esq., to THE CIVIL CROWN SOLICITOR.

(No. 245.)

*Colonial Secretary's Office,
Sydney, 3 April, 1856.*

SIR,

With reference to my letter No. 217 of the 17th ultimo, apprising you of the appointment of a Board for the purpose of measuring the work at the Dead House, near Campbell's Wharf, I am now directed by His Excellency the Governor General to transmit to you the Report of the Board, from which it would appear that Mr. Coghlan, the Contractor, is indebted to the Government to the extent of £126 9s. 8d., and to request that proceedings may be at once instituted for the recovery of this amount.

2. I have the honor to enclose all the papers connected with this case, and to request that they may be returned when done with.

I have, &c.,

W. ELYARD,

(for the Colonial Secretary.)

THE CIVIL CROWN SOLICITOR.

No. 14.

THE CIVIL CROWN SOLICITOR to THE COLONIAL SECRETARY.

(No. 56-123.)

*Civil Crown Solicitor's Office,
Sydney, 13 June, 1856.*

SIR,

Referring to your letter of the 3rd April last, No. 245, transmitting Report of the Board appointed for the purpose of measuring the work at the Dead House, and instructing me to proceed against Mr. Coghlan for the recovery of £126 9s. 8d., I do myself the honor to inform you, that Mr. Coghlan has paid me £86 12s. 6d. in discharge of this claim, which sum the Attorney General thought should be accepted under the circumstances disclosed in the accompanying statement. I have paid the amount into the Colonial Treasury.

I have, &c.,

W. W. BILLYARD,

Civil Crown Solicitor.

THE HONORABLE

THE COLONIAL SECRETARY.

Attorney General v. Coghlan.

(Extra work at Dead House.)

Since this matter was laid before the Attorney General for the consideration of Coghlan's proposal to pay £70 in discharge of this action, a survey of the work has, by direction of His Excellency the Governor General, been made by Mr. Dawson and Mr. Trickett, from whose report (sent herewith,) it would appear that the over payments to Coghlan amount to £126 9s. 8d., being £13 10s. 4d. less than the amount for which the action was brought.

Mr. Martin (Coghlan's Attorney) has now increased his offer to £86 12s. 6d., which he arrives at, as follows:—

Coghlan claims for the table *alone* £34, which he states was the price agreed on between him and the Colonial Architect, and refers me to Corby's evidence, p. 47, Report Committee Legislative Council, questions 15, 16, and to Kemp's evidence, p. 51, questions 12 to 22 in support of his statement, and to Mr. Weaver's examination, p. 4, 9, Nos 82 to 88, from which it appears that the table was valued by him and two of his officers at £35.

For the drain, cess-pit, and piping he claims £15, and refers me to Corby's evidence, p. 47, questions 12, 13, 14, and to question 12 of Kemp's evidence, p. 51, and to the certificate of the Colonial Architect, p. 60, that the rates were the most reasonable for which the works, &c. could be procured at the time they were stipulated for.

For

For these two items then Coghlan claims	£49 0 0
The amount allowed by the Board for these items is £20 11s. 8d.	
He states also that he is prepared to prove that £15 is the fair value of the drain.	
The next item is for excavating. The quantity claimed by Coghlan, and admitted by the Board, is 39 $\frac{3}{4}$ yards. The price claimed per yard is 10s.; the price allowed by the Board is 6s., at the rate claimed is.....	17 7 6
The next item is for stone-work, which is admitted by the Board ...	8 0 0
Then there is the item for clearing away rubbish, for which Coghlan claims 40 yards at 3s.—the Board allowing only 10 yards at 3s. With respect to this charge, Coghlan refers to Mr. Weaver's evidence, p. 4, and to his certificate, p. 60. The claim under this head is	6 0 0
	<hr/>
	80 7 6
The total amount of charge for Extras was	167 0 0
	<hr/>
Amount now offered by Coghlan	86 12 6
being less than the amount found due on the report of the Board by the sum of	39 17 2
	<hr/>
Amount now sought to be recovered	£126 9 8
	<hr/>

Assuming that Coghlan is correct with respect to his claim for the table and drain, the difference between the amount claimed and that admitted will then be only £11 8s. 10d.

Under these circumstances, and looking generally to the evidence contained in the Legislative Council Report, and considering that the witnesses will no doubt give the same evidence before a Jury which they have already given to the Council, it is submitted for the Attorney General's consideration whether it will not be advisable to accept Coghlan's offer.

Should it be rejected, he has determined to pay the amount into Court.

I am of opinion, under all circumstances, it is better to take the sum now offered, £86 12s. 6d., than to continue the proceedings for the difference.

J. H. PLUNKETT,
Attorney General.
May 21, 1856.

II.—CORRESPONDENCE RESPECTING MR. WEAVER'S RESIGNATION OF THE OFFICE OF COLONIAL ARCHITECT.

No. 1.

THE COLONIAL ARCHITECT to THE COLONIAL SECRETARY.

(No. 55-316.)

Colonial Architect's Office,
Sydney, 17 October, 1855.

SIR,

I do myself the honor to transmit a communication received from the Manager of the Australian Joint Stock Bank, referring to the state of my Public Advance Account with that institution. In forwarding this letter, I beg to state that on the 11th instant I applied to the Auditor General, in the usual form, for an advance of £2,000 to be placed to my credit in this Bank, to enable me to pay wages, &c., of the parties employed on the roads. This sum had not been paid in at the date of Mr. Wrench's letter; and the account has been overdrawn, as therein shewn, in consequence of several urgent claims being presented in the interval.

2. The regulation which requires that the amount of unadjusted accounts must not exceed £1,000 at the time of applying for a further advance was, on this occasion, not only complied with, but the final quarterly adjustment has been made, and the vouchers furnished.

3. As the delay between the application for an advance and its payment into the Bank frequently extends to a week, and sometimes more, it has often been necessary either to overdraw my account at the Bank or to suspend payment of any claims that might be presented in the meantime; this latter course would be productive of serious inconvenience. Although making every exertion to keep the Bank in funds for the purpose, I have frequently been compelled to overdraw, and have been held personally responsible by the Bank for the amount paid in excess; to this however the Manager now objects, unless the Govern-

ment will identify the account as a public one, and pay interest on every overdraft which may arise. I beg therefore to suggest that instructions may be given for expediting payment of my advances, and that I may be authorised to comply with Mr. Wrench's request.

THE HONORABLE
THE COLONIAL SECRETARY,
&c., &c., &c.

I have, &c.,
WM. WEAVER,
Colonial Architect.

[Enclosure in No. 1.]

Australian Joint Stock Bank.
Sydney, 16 October, 1855.

Sir,

I have the honor to call your attention to your public account with this Bank, which at present is £440 2s. 1d. overdrawn, and to request that you will please make early arrangements for causing an amount to be paid in to put it in cash.

As I notice that this account is frequently on the wrong side, I must beg your especial attention to the matter, for, although this Bank is desirous of treating all Government accounts with liberality, we cannot undertake to make such repeated and large advances without the sanction of the Government identifying the debt as contracted on their behalf, and also subject to the current rate of interest.

The three months for which I agreed to work your account free of interest having long since expired, I beg now to withdraw from that arrangement,

Wm. Weaver, Esq.,
Colonial Architect.

And remain, &c.,
E. WRENCH,
Manager.

No. 2.

THE COLONIAL ARCHITECT to THE COLONIAL SECRETARY.

(No. 55-317.)

Colonial Architect's Office,
Sydney, 17 October, 1855.

SIR,

I do myself the honor to transmit a communication received from the Auditor General, referring to an application for an advance of £2,000 for "Roads," made by me on the 11th instant; and in doing so I beg to bring under the notice of His Excellency the Governor General the system under which advances of this kind have been made to me, to enable me to pay wages, and other claims against this Department, as authorized by your letter of the 16th September, 1854, No. 299.

2. The advances, which are therein limited to £2,000 each, are applied for by me from time to time, as required. The rule laid down is, that at the time of each application the unadjusted accounts shall not amount to more than £1,000; the final adjustment being made quarterly, within fourteen days after the expiration of each quarter.

3. From the enclosed letter and personal communication on the subject with the Auditor General, I find he considers it necessary that, in making future applications for such advances, I should state the *specific purposes* to which it is intended to appropriate the sum asked for. I have already pointed out to the Auditor General the utter impossibility of forming even an approximate estimate of the number and nature of the claims that may be made against my Department within any given time, these claims being of necessity very numerous and constantly fluctuating.

4. It will, I conceive, be apparent that it is impossible for me to foresee, more especially with regard to works in the interior, the number and amount of the accounts that will be presented to me; and the restrictions required by the Auditor General will entirely defeat the original object in making these advances, which was to enable the head of this Department to meet promptly all claims within a certain limit, namely, £150 each, and thereby remove the source of a great deal of dissatisfaction amongst tradesmen and others, which previously existed.

5. Considering that the regulation proposed by the Auditor General would involve a large amount of labor, could not be carried out within any degree of accuracy, and would, moreover, tend greatly to impede the works in the Department, I beg to request that officer may be instructed to dispense with it, and that advances for public works may be made as heretofore.

THE HONORABLE
THE COLONIAL SECRETARY.

I have, &c.,
WM. WEAVER,
Colonial Architect.

[Enclosure

[Enclosure 1 in No. 2]

(No. 795.)

Audit Office, Sydney,
16 October, 1855.

Sir,

I have the honor to inform you that the sum of £2,000 last applied for by you is now payable at the Colonial Treasury, and to request that in all future applications you will have the goodness to explain the circumstances under which the advances are asked for.

The Colonial Architect.

I have, &c.,
JOHN STIRLING.

[Enclosure 2 in No. 2.]

(No. 299.)

Colonial Secretary's Office,
Sydney, 16 September, 1854.

Sir,

The acting Auditor General having been instructed to prepare a Warrant for the advance to you of £3,000, to enable you to pay wages and other claims against your Department, I am directed by the Governor General to request that you will, on or before the 30th instant, render to the Audit Office satisfactory accounts of this and any previous outstanding advances.

2. As the expenditure of considerable sums of public money passes through the hands of the Colonial Architect, I am directed to acquaint you that your successor will be required to give security to the Government, himself in a £1,000 and two sureties in £500 each; and to request that you will invite Mr. Weaver to submit for approval the names of his proposed sureties

3. In conclusion, I have the honor to transmit to you a Paper of Regulations to be observed by the Colonial Architect with respect to the disbursement of public moneys entrusted to him, which you will have the goodness to hand over to Mr. Weaver, when he receives charge of the Department, for his future guidance.

The Colonial Architect.

I have, &c.,
W. ELYARD.

No. 3.

W. ELYARD, Esq., to THE COLONIAL ARCHITECT.

(No. 553.)

Colonial Secretary's Office,
Sydney, 25 October, 1855.

SIR,

With reference to your letter of the 17th instant, No. 55-317, enclosing one from the Acting Auditor General, stating that £2,000 last applied for by you for the repair of roads is now payable at the Colonial Treasury, and requesting that in all future applications you will state the circumstances under which the advances are asked for,—I am directed by His Excellency the Governor General to inform you that, for the reasons stated by you, it will be unnecessary to enter into the explanation required by the above officer, of which he has been duly apprised. I am however to point out, that you will be held responsible that the payments do not in any case exceed the amount voted for the work.

THE COLONIAL ARCHITECT.

I have, &c.,
W. ELYARD.

[Enclosure in No. 3.]

Colonial Secretary's Office,
Sydney, 25 October, 1855.

Sir,

With reference to your letter of the 16th instant, No. 795, apprising the Colonial Architect that £2,000 applied for by him for the repair of roads is now payable at the Colonial Treasury, and requesting that in all future applications he will state the circumstances under which the advances are asked for,—I am directed by His Excellency the Governor General to transmit the copy of a letter received from that officer, and to inform you that, for the reasons therein stated, it will not be necessary to enter into the explanation in question. It has however been pointed out to the Colonial Architect, that he will be held responsible that the payments do not in any case exceed the amount voted for the work.

The Acting Auditor General.

I have, &c.,
W. ELYARD.See Enclosure
in No. 2 of the
Schedule (2).See No. 2 in the
Schedule (No. 2.)

No. 4.

W. ELYARD, ESQ., to THE COLONIAL ARCHITECT.

(No. 552.)

*Colonial Secretary's Office,
Sydney, 25 October, 1855.*

SIR,

The Acting Auditor General having submitted accounts of disbursements made by you, and forwarded to his office in adjustment of advances made to you from the Colonial Treasury, I am directed to inform you that the above officer has been apprised that the Governor General cannot sanction items in excess of the estimate; I am at the same time to point out to you that you have no right to order works to be executed without special authority, and to warn you, that if you direct the execution of works upon your own responsibility you will have to pay for them.

I have, &c.,

W. ELYARD.

THE COLONIAL ARCHITECT.

No. 5.

THE COLONIAL ARCHITECT to THE COLONIAL SECRETARY.

(No. 55-340A)

*Colonial Architect's Office,
Sydney, 6 November, 1855.*

SIR,

I do myself the honor to acknowledge the receipt of your letters of the 25th ultimo, Nos. 552 and 553, relative to disbursements made by me on account of works carried out in this Department, in the first of which I am instructed that His Excellency the Governor General cannot sanction items in excess of the estimate, and pointing out that I have no right to order works to be executed without special authority, warning me also, that if I direct the execution of works upon my own responsibility I shall have to pay for them; the second of your communications apprising me that I shall be held responsible that the payments do not, in any case, exceed the amount voted for the work.

2. Having given these instructions my best consideration, I take leave to submit, for His Excellency's consideration, that the having to apply for special authority for very many works which are continually occurring will of itself defeat the usefulness of the Department, and will be productive of a delay which, in many cases, must prove most injurious, and even mischievous, and tend generally to impede the working of the Department.

3. Referring to that portion of your letter which holds me responsible that the expenditure on the various works shall not in any case exceed the *sum voted*, and informs me that the Governor General cannot sanction items in excess of the *estimate*, I feel bound to point out that, practically, it will be found impossible to carry out this instruction, inasmuch as no one can foresee what changes of circumstances or fluctuations in the labor market may occur between the framing of an estimate and the execution of a work, or even during its progress, to effect its cost; but bearing in mind that the *estimate* as originally made by myself is liable to be altered and reduced to any extent by the Legislature, the difficulty is increased to an utter impossibility. The instruction itself, moreover, amounts to requiring from me a guarantee of every estimate that is framed, which is more than is required of professional men in any other part of the world, much less in a country where the labor market has, during the current year, varied little less than fifty per cent.

4. Feeling, therefore, that it would be idle for me to profess to conform to these instructions, that it is utterly impossible satisfactorily to carry on the work of the Department under them, and that they amount in effect to a withdrawal of that confidence which must be accorded to the head of this department, I regret to have to request that His Excellency will be pleased to relieve me of a responsibility which, under such circumstances, I am not prepared for, and to accept my resignation of the appointment I now hold.

I have, &c.,

WM. WEAVER,

Colonial Architect.

THE HONORABLE

THE COLONIAL SECRETARY,

&c., &c., &c.

No. 6.

W. ELYARD, ESQ., to THE COLONIAL ARCHITECT.

(No. 586.)

*Colonial Secretary's Office,
Sydney, 7 November, 1855.*

Sir,

The Governor General having had under his consideration your letter of the 29th ultimo, addressed to the Auditor General, respecting the sums expended by you on certain works, therein referred to, in excess of the amounts provided for them by the Public Works Loan Act, I am directed to inform you that your explanation is very unsatisfactory.

2. His Excellency desires me to state, that you are not authorized to plunge the Government into expenses for which no provision is made; and in the case of the Bathurst Bridge, you should at once have made known the effect which the increased cost of the timber would have produced, so that a vote could have been taken for the amount, or the work stopped.

3. His Excellency instructs me also to inform you, that the fencing for the other buildings alluded to in your communication should have appeared on the Estimates, and, if not provided for, should not have been executed.

4. In conclusion, I am to intimate to you that the Governor General will not look over such carelessness for the future.

I have, &c.,

THE COLONIAL ARCHITECT.

W. ELYARD.

[Enclosure 1 in No. 6.]

(No. 788.)

*Audit Office, Sydney,
13 October, 1855.*

Sir,

I do myself the honor to inform you that, inclusively of the accounts received from your office this morning, the expenditure for the following works exceeds the provision made for them by the Act 18 Victoria, No. 35, viz. :—

Bridge, Macquarie River, Bathurst	£568 18 7
Bridge, Paddy's River... ..	196 13 6
Watch House, Balmain	18 9 7
Watch House, Darlinghurst	96 10 9
Watch House, North Shore	49 0 9

and to request that you will have the goodness to explain, at your earliest convenience, in what way these expenses have been provided for.

I have, &c.,

Wm. Weaver, Esq.,
Colonial Architect.

JOHN STIRLING.

[Enclosure 2 in No. 6.]

*Colonial Architect's Office,
Sydney, 29 October, 1855.*

Sir,

In reply to your letter of the 13th instant, No. 788, with reference to the expenditure on certain works enumerated therein, I do myself the honor to state, with reference to the first item—the Bridge over Macquarie River, Bathurst—the outlay has exceeded the Votes; this excess has arisen from the timber having cost considerably more than was estimated. At the time the estimate was prepared every information it was possible to obtain was procured, a large per-centage was left for contingencies, and every precaution taken to avoid exceeding the sum available; it was found, however, in this, as in many other cases of works in the interior, that circumstances, which it was impossible to foresee, occurred during the progress of the Bridge. The work being well advanced, the workmen under engagement, and all other arrangements made, it was not possible to stop it without great loss and inconvenience, but every practicable reduction has been made to keep the outlay within the narrowest limits.

An excess has also occurred in the case of the Bridge over Paddy's River. This arises entirely from an accident, a considerable portion of the sawn timber having been destroyed by bush fires whilst awaiting removal from the saw-pits, and it consequently had to be replaced.

As regards the other works enumerated by you, according to the account kept in this office, the sums properly chargeable to the respective Votes for the buildings are as follows:—

				Amount granted.
Watch House, Balmain	£1,167	8	4	... £1,200
Ditto, Darlinghurst	1,856	5	9	... 2,150
Ditto, North Shore	1,202	4	7	... 1,200

In addition to these amounts there are expenses for fencing at the buildings, as follows:—

Watch House, Balmain.....	£51	1	3
Ditto, Darlinghurst	138	18	3
Ditto, North Shore	99	7	6

These expenses, it is considered, should be defrayed out of the Vote of £1,500 for repairs to Buildings and Fencing—Police, within Settled Districts.

I have, &c.,

WM. WEAVER,
Colonial Architect.

The Acting Auditor General.

No. 7.

W. ELYARD, ESQ., to THE COLONIAL ARCHITECT.

(No. 588.)

Colonial Secretary's Office,

Sydney, 12 November, 1855.

SIR,

Having laid before the Governor General your letter of the 6th instant, No. 55-340A, respecting the execution of works in your Department, I am directed to inform you that His Excellency considers you have taken a wrong view of the circumstances connected with your present position, and of the effect of his instructions, as communicated to you by my letters of the 25th ultimo, Nos. 552 and 553.

2. The Governor General does not at all propose to bind you down to the accuracy of your estimates. He well knows that circumstances may often occur which will put all calculation at defiance; but he does expect, and will always insist upon the strict adherence of the Colonial Architect to these general rules, without which that officer's responsibility to the Government becomes a farce; and His Excellency cannot permit you, without any authority from him, to exceed upon any particular work the amount which has been voted for that work by the Legislative Council.

3. His Excellency directs me also to state, that the proper course for you to pursue on such occasions is to report the causes of such anticipated excess, and to take his instructions thereupon. You would thus become exonerated from all responsibility, which would then rest upon His Excellency.

4. By acting as you have done, you have committed the Government to an outlay upon various works beyond the amount sanctioned by the Council; and this is a degree of confidence which the Governor General is not disposed to place in any individual.

5. With regard to the concluding paragraph of your letter, tendering your resignation of the office of Colonial Architect, I am commanded by His Excellency to inform you that he has no wish to retain your services; but before he can accept of your resignation he must be fully satisfied as to the position of all the public works under your charge, and the state of the accounts; for, I am to add, the Governor General cannot permit an officer to saddle the Government with heavy responsibilities, and then to evade his fair share of these by resigning his office.

I have, &c.,

THE COLONIAL ARCHITECT.

W. ELYARD.

No. 8.

THE COLONIAL ARCHITECT to THE COLONIAL SECRETARY.

(No. 352.)

Colonial Architect's Office,

Sydney, 29 November, 1855.

SIR,

In attention to your letter of the 12th instant, No. 588, informing me that before His Excellency the Governor General can accept my resignation he must be fully satisfied as to the position of all the public works under my charge,—

2. I do myself the honor to transmit, for His Excellency's information, a return shewing all the works now in progress, their state, the funds provided, and the expenditure incurred in each case.

3. With reference to the state of my accounts, I would suggest that this may be more readily arrived at by a reference to the Audit Office. I may however state, that I have strictly complied with the regulations of that Department, having adjusted my accounts to the end of last quarter within the prescribed time.

4. With reference to the former portion of your letter, I regret to find I have misunderstood the effect of His Excellency's instructions, and that I have not pursued a proper course in completing works, in one or two instances involving an expenditure in excess of the Votes, without specially reporting the same to the Government, a course which I should have been most willing to follow had I been aware that it was His Excellency's wish. In carrying on to completion the works referred to, I merely exercised a discretionary power which I was aware had been acted upon by my predecessor in similar cases.

5. I refer with pain to the last paragraph of your letter, for I much regret to think that His Excellency the Governor General should consider me capable of resigning my office for the motive therein attributed, and I beg you will assure His Excellency that I am quite prepared to bear all and any amount of responsibility that properly attaches itself to me during my occupation of this, or any other office. I would here take leave to suggest that it would be most desirable, to prevent further misconception, that the extent of that responsibility should be more defined than it is at present.

6. As, however, I can no longer carry on the duties of the Department to my own satisfaction, I shall be glad to be relieved of them at the earliest convenient period.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.

WM. WEAVER,
Colonial Architect.

No. 9.

W. ELYARD, ESQ., to THE COLONIAL ARCHITECT.

(No. 617.)

*Colonial Secretary's Office,
Sydney, 1 December, 1855.*

Sir,

In acknowledging the receipt of your letter of the 29th ultimo, No. 352, respecting the public works under your charge, I am directed by the Governor General to inform you, with reference to the last paragraph of your communication, that His Excellency hopes to be able to relieve you from your duties before long.

I have, &c.,

THE COLONIAL ARCHITECT.

W. ELYARD.

No. 10.

W. ELYARD, ESQ., to THE COLONIAL ARCHITECT.

(No. 103.)

*Colonial Secretary's Office,
Sydney, 31 March, 1856.*

SIR,

I am directed to inform you that His Excellency the Governor General has been pleased, with the advice of the Executive Council, to appoint A. Dawson, Esquire, to the situation of Colonial Architect from the 1st April next, and to request that you will have the goodness to deliver over to him the charge of your Department, Office Books, &c., on the above date.

I have, &c.,

WILLIAM WEAVER, ESQ.

W. ELYARD.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

VACCINATION.

(REPORT OF MEDICAL ADVISER FOR 1858.)

Ordered by the Legislative Assembly to be Printed, 22 March, 1859.

THE MEDICAL ADVISER TO THE GOVERNMENT to THE COLONIAL SECRETARY.

Parramatta, 10 March, 1859.

SIR,

I do myself the honor to furnish, for the information of the Government, the general Return of the number of persons vaccinated at the different Government Vaccine Institutions during the year 1858, distinguishing the age and sex.

2. The total number of successful vaccinations amounts to eleven hundred and seventy-four, being less than one-third of the number vaccinated in 1857, and less than two-thirds of the number vaccinated in Sydney alone in one quarter (the last) of that year. Dr. Rutter vaccinated eighteen hundred persons in the last quarter of 1857.

3. I annex in the margin the numbers vaccinated in each year since 1853 inclusive, by which it appears that the average annual number of persons vaccinated is a little over two thousand; and as the average number of children annually born has been over ten thousand, it is clear that, so far as public vaccination is concerned, four-fifths of the community are left unprotected; and, as these are probably of the classes most liable to infection, it is equally clear that if small-pox were introduced so as to become epidemic, a very fearful tribute of lives would be exacted, not less perhaps than five thousand in Sydney alone; for small-pox spares none but the vaccinated, and of the number attacked twenty per cent. die, and a large percentage of the survivors bear traces all their lives, either in disfiguring scars—the least dangerous result—or in blindness, or in internal injury.

4. It is impossible to contemplate such a probability without feeling that strict preventive means are necessary. A little has been done this year (1859) by the re-appointment of Vaccinators in Parramatta, Windsor, and Goulburn; but as the number of births is annually increasing, it is not likely that these three appointments will do much more than keep up the present proportion of protection.

5. The average cost per case of the vaccinations, including Sydney, is four shillings $4s. 9\frac{1}{2}d.$ and nine-pence half-penny, varying from a little under half-a-crown at Newcastle to a little over twelve shillings at Bathurst.

1853.....	2,885
1854.....	1,842
1855.....	961
1856.....	1,523
1857.....	3,640
1858.....	1,174
	<hr/>
	6)12,028
	<hr/>
	2,004 $\frac{1}{2}$
	<hr/>

6. A philanthropic wish has been expressed, and an attempt has been made, to introduce a Bill for compulsory vaccination; and there can be little doubt that such a measure would be of great service in the towns, where small-pox is most to be expected and dreaded. In country districts, where population is thinly scattered, it would be difficult to enforce; but then small-pox does not so easily spread where there is little communication.

7. If I may venture to propose a plan in the meantime, it would be to change the mode of payment from a fixed sum to a payment per successful case. Let one Vaccinator be appointed to a district, say one in every principal town; by appointing only one he would be assured of a sufficient number of cases. Vaccination cannot be successfully carried on except when there is a sufficient number of children to allow choice of cases. It is not every vesicle which is fit to reproduce the disease, but a choice enables the Vaccinator to ensure success.

8. If a retaining fee of five pounds a year were given to each Vaccinator, to cover postage, advertisements, &c., and then if half-a-crown per case were given by the Government, I believe that a much larger amount of protection would be given for the same money, and that the cost per case would not be so large as it is now.

9. If this plan were adopted, and Vaccinators appointed in Liverpool, Camden, or Campbelltown, Braidwood, Queanbeyan, Yass, &c., to the south; Singleton, Murrurundi, Tamworth, Armidale, &c., to the north,—it is probable, nay certain, that a very large amount of vaccinations—the arrears of former years—would be performed even in the first year, and provision should be made accordingly. The expense might be considerable, but there would be something to shew for it, and, if proper precautions were taken, the payments would be in proportion to the safety of the Colony from an invasion of small-pox.

I have, &c.,

R. GREENUP,
Medical Adviser to the Government.

THE HONORABLE
THE COLONIAL SECRETARY.

GENERAL RETURN of Persons Vaccinated at the GOVERNMENT VACCINE INSTITUTIONS, from the 1st January to the 31st December, 1858.

DISTRICT.	1 MONTH AND UNDER 1 YEAR.						1 YEAR AND UNDER 5 YEARS.						5 YEARS AND UNDER 10 YEARS.						10 YEARS AND UNDER 15 YEARS.						ADULTS.					TOTAL OF ALL AGES.							
	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.	Males.	Females.	TOTAL.	Successful.	Unsuccessful.	Unascertained.							
Sydney	168	207	375	375	..	..	98	83	181	181	..	..	37	21	58	58	..	..	9	10	19	19	..	..	..	4	4	4	..	..	312	325	637	637	..	..
Brisbane.....	31	13	44	37	4	3	19	18	37	22	7	8	..	1	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	50	32	82	60	11	11
Newcastle	78	60	138	132	6	..	34	41	75	74	1	..	11	5	16	16	..	..	2	..	2	2	..	..	..	..	..	..	..	125	106	231	224	7	..	
Maitland	37	31	68	67	1	..	21	24	45	45	..	..	1	7	8	8	..	..	..	..	..	..	..	..	..	..	..	..	..	59	62	121	120	1	..	
Wollongong	11	19	30	30	..	..	9	12	21	21	..	..	3	4	7	7	..	..	2	2	4	4	..	..	1	5	6	6	..	..	26	42	68	68	..	..
Bathurst.....	10	9	19	11	4	4	7	8	15	8	..	7	2	2	4	1	..	3	..	1	1	1	..	..	1	1	2	2	..	..	20	21	41	23	4	14
Newton & Ashfield*..	4	4	8	..	..	..	7	6	13	13	..	..	4	4	8	8	..	..	3	9	12	12	..	..	..	1	1	1	..	..	18	24	42	42	..	..
TOTALS.....	692	387	102	38	13	1,222

From January 1st to March 31st only.

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

BUSINESS OF SOAP BOILING IN SYDNEY.

(PETITION FROM CERTAIN SOAP BOILERS.)

Ordered by the Legislative Assembly to be Printed, 3 February, 1859.

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

The humble Petition of the undersigned Soap Boilers in the City of Sydney,—

SHewETH :—

That whereas an Act was passed by the Legislature of New South Wales, in the year of our Lord 1849, intituled, No. 42, "*An Act to amend the Law relating to the licensing of Slaughter Houses within the City and Suburbs of Sydney, and for the prevention of other nuisances within the same,*" in which it is declared that from and after the first day of January, 1860, the business of soap boiling shall not be carried on in the City of Sydney.

Your Petitioners humbly desire to represent to your Honorable House that they know of no just grounds on which this law should be enforced, the manufacture of soap being of a most healthy nature, and no complaints ever having been made against the calling which are not amply provided for in other enactments.

That no inconvenience has ever arisen to the Citizens on account of this calling.

That soap boiling has not been prohibited in London, Liverpool, Glasgow, or Dublin, nor in any other towns of Great Britain or Ireland.

That if the law be put in force against it, and the manufacture be removed from the City, a great loss will be sustained by the manufacturers; that the manufacture of soap for export will be greatly retarded, inasmuch as the price will be greatly enhanced in consequence of the additional carriage of tallow and other commodities which enter into the manufacture of soap, to the works out of town, and the carriage of the manufactured articles back again; besides which, they will have to keep up two establishments—one in the City and one out of it.

Your Petitioners humbly pray your Honorable House to take the foregoing allegations into your consideration, and repeal that portion of said Act that refers to soap boiling, or render your Petitioners such relief as your Honorable House shall deem meet.

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

[*Here follow 5 Signatures.*]

1858-9.

Legislative Assembly.

NEW SOUTH WALES.

ORDNANCE RETURNS.

Ordered by the Legislative Assembly to be Printed, 24 February, 1859.

No. 1.

A RETURN of all Moneys which have been received by, or are now payable to, Her Majesty's War Department, in respect of Lands, Tenements, or Buildings vested in the Principal Officers of Her Majesty's Ordnance in New South Wales, under the provisions of the Act of Council 4th Victoria, No. 2.

DESCRIPTION OF PROPERTY.	NAMES OF OCCUPIERS.	RENT PER ANNUM.	AMOUNT RECEIVED.
		£ s. d.	£ s. d.
MILITARY BUILDINGS AND LANDS.			
Moreton Bay.....	Colonial Government		
Parramatta			
Windsor.....			
Liverpool			
Bathurst		0 3 0	0 3 0
Newcastle			
Pinchgut Island.....			
Dawes' Battery			
Victoria Barracks			
Brigade-Major's Quarters.....			
			£ 0 3 0

Military Store Office,
Sydney, 17 February, 1859.

PERCIVAL WILKINSON,
Asst. Military Storekeeper.

A RETURN of all Lands, Messuages, Tenements, and Buildings vested in the Principal Officers of Her Majesty's Ordnance, in the Colony of New South Wales, pursuant to the provisions of the Act of Council 4th Victoria, No. 2.

DESCRIPTION OF PROPERTY.	CONTENTS OF LAND.			WHERE SITUATED.			DATE OF DEEDS OF GRANT.	PURPOSES FOR WHICH AUTHORIZED.
				Parish.	Town.	County.		
	A.	R.	P.					
Part of Goat Island.....				Petersham	Cumberland	30 Jan., 1844	Magazine and Stores.
Lands	1	2	34	Brisbane.....	Stanley	Stanley	21 July, 1843	
	0	1	9	St. Luke	Liverpool	Cumberland	4 Aug., 1843	
	0	0	13	St. John.....	Parramatta.....	ditto		
	0	1	31½					
		0	3	30	St. Matthew	Windsor.....	ditto	
	0	0	16	St. Phillip	Sydney	ditto	30 Jan., 1844	
Pinchgut Island				Alexandria.....	ditto	30 Jan., 1844	For the Harbour Defences.
Land on which Dawes' Battery is erected	7	2	11	St. Phillip.....	Sydney	ditto	31 July, 1844	
Lands	14	3	24	Bathurst	Bathurst.....	Bathurst.....	18 Dec., 1844	For Military purposes.
	7	1	18	St. John.....	Parramatta.....	Cumberland	30 Jan., 1846	Sites for Military Barracks.
	16	1	25	Newcastle	Newcastle	Northumberland	5 June, 1847	
	29	2	17	Alexandria.....	.....	Cumberland	31 July, 1850

ORDNANCE RETURNS.

Military Store Office,
Sydney, 17 February, 1859.

PERCIVAL WILKINSON,
Asst. Military Storekeeper.

1858.

Legislative Assembly.
NEW SOUTH WALES.

FORT MACQUARIE AND GARDEN ISLAND.
(OCCUPATION OF BY NAVAL AUTHORITIES.)

Ordered by the Legislative Assembly to be Printed, 10 December, 1858.

SCHEDULE.

Correspondence relative to occupation of Fort Macquarie by Naval Authorities.

No.		PAGE.
1.	Colonial Secretary to Captain Erskine, R.N., enclosing Copy of Despatch from Secretary of State (with two enclosures). 16 June, 1851	2
2.	Brigade Major to Colonial Secretary, forwarding copy of Correspondence between the Senior Naval Officer and Colonel Bloomfield. 4 December, 1856	3

Garden Island—Occupation of.

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FORT MACQUARIE AND GARDEN ISLAND.

CORRESPONDENCE RELATIVE TO OCCUPATION OF FORT MACQUARIE BY NAVAL
AUTHORITIES.

No. 1.

THE COLONIAL SECRETARY to CAPTAIN ERSKINE, R.N.

*Colonial Secretary's Office,
Sydney, 16 June, 1851.*

SIR,

I am desired by the Governor General to transmit herewith, for your information, the accompanying copy of a Despatch, with its enclosures, which His Excellency has received from the Secretary of State, and in which, at the instance of the Lords of the Admiralty, His Lordship directs the use of Fort Macquarie to be reserved for Her Majesty's Naval Service. The necessary directions have accordingly been given, in order that the instructions of Earl Grey may be acted on.

I have, &c.,

E. DEAS THOMSON.

CAPTAIN ERSKINE, R.N.,

H. M. S. "Havannah,"

Senior Naval Officer

on the Australian Station.

[Enclosure 1 in No. 1.]

Military.—No. 45.

*Downing-street,
11 November, 1850.*

Sir,

Referring to the instructions which I addressed to you under date of the 21st of November in last year, No. 30, Military, relating to the transfer to the Colony of New South Wales of the Barracks and all Military Buildings and lands, I transmit herewith for your information copies of a letter and of its enclosure which I have received from the Board of Admiralty, conveying the request of the Lords Commissioners that in any arrangements which may be made with a view to carry into execution my instructions above referred to, the use of Fort Macquarie, between Sydney Cove and Farm Cove, may be secured to Her Majesty's ships for depositing their stores, &c., for such ships as may require them to refit at Port Jackson.

I have to instruct you to make arrangements accordingly for securing Fort Macquarie and its enclosure to the Naval Department.

Although I scarcely apprehend the Fort Macquarie will, under these instructions, have been transferred to the Colonial Government, yet I must remind you that Her Majesty's Government have, under my instructions above mentioned, expressly reserved to themselves the power of resuming possession of any of the buildings which it has been proposed to transfer. In other respects you will, I doubt not, be fully aware of the importance in the interest of the Colony of affording to the Naval Department of Her Majesty's Service every encouragement to form establishments at Sydney.

I have, &c.,

GREY.

Governor Sir Charles A. Fitz Roy,

&c., &c., &c.,

New South Wales.

[Enclosure 2 in No. 1.]

Admiralty, 4 November, 1850.

Sir,

My Lords Commissioners of the Admiralty having been informed that it is in contemplation to transfer the forts and buildings in New South Wales, at present in charge of the Ordnance Department, into the hands of the local Government, I am commanded by their Lordships to request you will state to Earl Grey that Fort Macquarie, at the point of land which separates Sydney Cove from Farm Cove, is most advantageously situated for the use of Her Majesty's ships and vessels refitting at Port Jackson, and, in the event of any considerable augmentation of the Naval Force in that quarter of the world, might be indispensable for Her Majesty's Naval Service.

By

By the permission of the Commanding Royal Engineer, the enclosure in question has hitherto been made use of by Her Majesty's ships refitting at the port, and from its proximity to the anchorage and the immediate vicinity of the stone pier from which the shipping procure their requisite supplies of water, My Lords consider that it would be for the interests of Her Majesty's Service to retain the use of the Fort in question for Naval purposes, and to secure to the Crown possession of the property, with a view to the construction of a Naval Depot, should such be required hereafter.

By the accompanying copy of a letter from the Colonel of Engineers on the spot, it appears that, in a defensive point of view, the occupation of the Fort by the Naval Department would be desirable, and, under these circumstances, though My Lords are unwilling, at the present moment, to incur any expense for the maintenance of the Fort and tenure of the enclosure, they request that Earl Grey will, in any arrangements that may be made, bear in mind the requirements of the Naval Service, and secure to Her Majesty's ships the use of the Fort, as heretofore, for depositing stores, &c., when occasion may require them to refit at Port Jackson.

Herman Merivale, Esq.,
&c., &c., &c.

I am, &c.,
W. A. B. HAMILTON.

[Sub-Enclosure.]

Royal Engineer's Office,
Sydney, 11 May, 1850.

Sir,

In reply to your letter of the 10th instant, in which you hint that the possession of Fort Macquarie would be very advantageous to Her Majesty's Naval Service in this quarter of the globe, for purposes of refitting, &c., and call for my opinion with reference to its eligibility for that purpose, in comparison with its utility as a defence,—

I have the honor to observe, that, as there appears to be a great probability that the protection of Sydney harbourward will be thrown almost entirely upon the Navy, the occupation of Fort Macquarie by that branch of Her Majesty's Service would be desirable even in a defensive point of view, and there can be no question whatever that it would be a great accommodation in the way of affording refitting facilities.

Captain Erskine,
Senior Naval Officer,
Australian Station.

I have, &c.,
F. BADDELEY, R.E.,
Lt.-Colonel.

No. 2.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

Brigade Office, Sydney,
4 December, 1856.

SIR,

I have the honor to enclose a copy of a correspondence that has taken place between the Senior Naval Officer and the Colonel Commanding the Troops, on the occupation of Fort Macquarie by the Royal Navy; and I am instructed to state that Colonel Bloomfield begs most strongly to recommend that a suitable situation may be provided by the Colonial Government to enable the Navy to form an Establishment, to meet the exigencies of the Service, in lieu of Fort Macquarie, as the Fort is part of the Scheme of the Inner Defences of Port Jackson, consequently it would be improper that so essential a post should be left without a Garrison.

I have &c.,
THE HONORABLE
THE COLONIAL SECRETARY.
&c., &c., &c.

AUGUSTUS. F. JENNER,
M.B.

[Enclosure 1 in No. 2.]

Her Majesty's Ship "Juno" at
Sydney, 29 November, 1856.

Sir,

I beg leave to acknowledge the receipt of your letter dated November 28, in which you express a desire that I should not press for the occupation of Fort Macquarie at present, and giving me two reasons why the reversion of the Fort to the Navy would be attended with inconvenience to the Military Department.

I would not trouble you with any further communication on the subject, were it not that great inconvenience will be suffered by Her Majesty's ships, should they be altogether deprived of that spot of ground, to carry out the operations indispensably required in course of service at the Head Quarters of the Station, and which was so positively secured to the Navy by Earl Grey's letter of November, 1850.

Your

Your first objection implies a permanent retention of Fort Macquarie, which was never contemplated, and, in fact, expressly guarded against by the terms of Captain Fitzgerald's letter. It can therefore hardly be expected that I should acquiesce in an arrangement which has a tendency to cripple the resources of the Navy on this distant Station.

In requesting you to take this case again into your consideration, I disclaim all intention of pressing the claims of one Service to the prejudice of another. The grant of any other situation convenient for forming an establishment would meet the exigencies of the Naval Service equally well, and would, I conceive, meet the sanction and approval of My Lords Commissioners of the Admiralty, if secured as fully as Fort Macquarie is at present.

I have, &c.,

STEPHEN G. FREEMANTLE,
Captain and Senior Naval Officer in Australia.

Colonel H. K. Bloomfield,
Commandant,
&c., &c., &c.,
Brigade Office.

(True Copy.)

AUGUSTUS F. JENNER,
M. B.

[Enclosure 2 in No 2.]

Brigade Office,
Sydney, 28 November, 1856.

Sir,

I have the honor of acknowledging the receipt of your letter of the 27th instant, requesting to be informed when it will be convenient to restore Fort Macquarie to the Naval Department; and, in reply, I beg to state that it will be particularly inconvenient to the Army Branch of the Service to hand over the building, &c., for the following reasons:—

1st. The Fort is part of the scheme of the Inner Defences of Port Jackson; and, secondly, the Fort is garrisoned by the Royal Artillery, and relieves the Victoria Barracks, now in a very crowded state, of a certain portion of those for whom additional accommodation would be required.

I trust under these circumstances you will not press your claim for possession at present.

I have, &c.,

H. K. BLOOMFIELD, Col.
Commanding Troops.

Captain Freemantle,
Senior Officer, Royal Navy,
Port Jackson.

(True Copy.)

AUGUSTUS F. JENNER,
M. B.

[Enclosure 3 in No. 2.]

Her Majesty's Ship "Juno," at
Sydney, 27 November, 1856.

Sir,

I beg leave to call your attention to a letter from my predecessor, Captain Fitzgerald, dated October 18th, 1854, relating to the temporary occupation by a detachment of the 11th Regiment of Fort Macquarie; and to request that you will have the goodness to inform me when it will be convenient to restore the Fort to the Naval Department, agreeably to the letter of Her Majesty's Secretary of State for the Colonies, dated 11th November, 1850.

I have, &c.,

STEPHEN G. FREEMANTLE,
Captain and Senior Naval Officer in Australia.

Colonel H. K. Bloomfield,
Commandant,
&c., &c., &c.,
Brigade Office.

(True Copy.)

AUGUSTUS F. JENNER,
M. B.

GARDEN ISLAND.—OCCUPATION OF.

No. 1.

THE COLONIAL SECRETARY to THE SENIOR NAVAL OFFICER.

Colonial Secretary's Office,
Sydney, 8 December, 1856.

SIR,

With reference to the correspondence that has passed between you and the Colonel commanding the Troops, respecting the occupation of Fort Macquarie by the Royal Navy, I am directed to point out to you that it would be a serious inconvenience to the Military to be compelled to hand over the Fort to the Navy at present, and that such an arrangement would, in time of war, be altogether incompatible with the system which has been pursued for the defence of the Harbour.

I

I am directed to add, that the Government will gladly make any arrangements for the convenience of the Navy which you may think advisable, and to suggest that a part, or the whole, of Garden Island, might be given over for the use of the Navy, in lieu of Fort Macquarie.

I have, &c.,

CAPTAIN FREEMANTLE, R. N.,
Senior Naval Officer.

W. ELYARD.

No. 2.

THE SENIOR NAVAL OFFICER to THE COLONIAL SECRETARY.

*Her Majesty's Ship "Juno," at
Sydney, 9 December, 1856.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 8th instant, with reference to the occupation of Fort Macquarie, in which, on the part of the Government, you suggest that a part, or the whole, of Garden Island, should be given over for the use of the Navy, in lieu of Fort Macquarie. I beg leave to inform you, in reply, that I am perfectly willing to acquiesce in the proposal of the Government, of course with the understanding that Garden Island is to be secured to the Naval Department in the same manner as the Fort now is; and therefore I think it desirable that there should be no division of Garden Island, but that the Naval Authorities will be bound not to erect any buildings or works on that part of the island which might be required hereafter for adding to the Defences of the Harbour.

This arrangement must be considered as subject to the approval of My Lords Commissioners of the Admiralty, without whose sanction I feel myself unauthorised to act finally.

I have, &c.,

THE HONORABLE

STEPHEN G. FREEMANTLE.

HENRY WATSON PARKER, M.P.,
&c., &c., &c.,
Colonial Secretary.

MEMO.

Colonel Barney should perhaps see this, as well in his capacity of Surveyor General as having charge practically of the Fortifications.

Yes.

J. H.

M. F.

15 Dec., 1856.

Blank cover, 16 December, 1856.

M. F.

COLONEL BARNEY'S REPORT.

I see no objection to the occupation of Garden Island for Naval purposes. The portion of the island that may possibly be required hereafter for the Defences is the elevated ground at the northern end of the island. This part, therefore, I think, should not be built upon by the Navy.

GEO. BARNEY,

18 Dec., 1856.

No. 3.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE PRINCIPAL UNDER SECRETARY.

*Department of Lands and Public Works,
Sydney, 22 December, 1856.*

SIR,

In returning to you the accompanying papers on the subject of the proposed substitution of Garden Island for Fort Macquarie for the use of the Navy, I am directed to apprise you, for the information of the Honorable the Colonial Secretary, that Colonel Barney, R. E., to whom the papers were referred, as well in his capacity of Surveyor General as having charge practically of the Fortifications, states that the portion of the

island which may possibly be required hereafter for Defences is the elevated ground at the northern end of the island; this part, therefore, he is of opinion, should not be built upon by the Navy.

THE UNDER SECRETARY,
Colonial Secretary's Office.

I have, &c.,
MICHL. FITZPATRICK.

No. 4.

THE PRINCIPAL UNDER SECRETARY to THE SENIOR NAVAL OFFICER.

Colonial Secretary's Office,
Sydney, 31 December, 1856.

SIR,

With reference to your letter of the 9th instant, in which you express your willingness to acquiesce in the proposal of the Government to substitute Garden Island for Fort Macquarie for the use of the Navy—the Naval Authorities binding themselves not to erect any buildings or works on that part of the island which might be required hereafter for adding to the Defences of the Harbour,—I am directed to transmit the enclosed copy of a communication from the Secretary for Lands and Public Works, from which it appears that the portion which may possibly be required hereafter for that purpose is the elevated ground at the northern end of the island, and to remark that it is not imagined that there will be any wish on the part of the Navy to erect buildings on that spot.

See No. 3 in
Schedule.

CAPTAIN FREEMANTLE, R. N.,
Senior Naval Officer.

I have, &c.,
W. ELYARD.

No. 5.

THE SENIOR NAVAL OFFICER to THE COLONIAL SECRETARY.

Her Majesty's Ship "Juno," at
Sydney, 5 January, 1857.

SIR,

I have to acknowledge the receipt of your letter, dated 31st ultimo, enclosing a report from the Department of Public Works relative to Garden Island, and, should the proposed transfer be carried into effect, I will take proper precautions that the portion of the island therein described shall be reserved for the purpose of any Military Defences which may hereafter be projected. At the same time, I beg leave to call your attention to my not having as yet received any direct intimation that Garden Island has been *bona fide* handed over to the Royal Navy, on the same footing as Fort Macquarie, which I shall be glad to be furnished with at your convenience, in order that the transaction may be submitted to My Lords Commissioners of the Admiralty, for their consideration and sanction.

I have, &c.,
STEPHEN G. FREEMANTLE.
THE HONORABLE
HENRY WATSON PARKER, M. P.,
&c., &c., &c.,
Colonial Secretary.

No. 6.

THE PRINCIPAL UNDER SECRETARY to THE SENIOR NAVAL OFFICER.

Colonial Secretary's Office,
Sydney, 10 January, 1857.

SIR,

In acknowledging the receipt of your letter of the 5th instant, relative to the portion of Garden Island being substituted for Fort Macquarie for the use of the Navy, I am directed to inform you, with reference to my communication of the 31st ultimo, that the portion of the above island which is not likely to be required for the purpose of any Military Defences that may hereafter be projected will be reserved by the Government for the use of the Navy, on the same footing as Fort Macquarie was reserved for a like purpose.

CAPTAIN FREEMANTLE, R. N.,
Senior Naval Officer.

I have &c.,
W. ELYARD.

No. 7.

THE PRINCIPAL UNDER SECRETARY to THE UNDER SECRETARY FOR LANDS AND
PUBLIC WORKS.

*Colonial Secretary's Office,
Sydney, 10 January, 1857.*

SIR,

In acknowledging the receipt of your letter of the 22nd ultimo, I am directed to state, for the information of the Secretary for Lands and Public Works, that the Senior Naval Officer has been apprised, in reply to a communication from him of the 5th instant, of which I enclose a copy, that the portion of Garden Island not likely to be required for any Military Defences that may hereafter be projected, will be reserved by the Government for the use of the Navy, on the same footing as Fort Macquarie was reserved for a like purpose. See No. 5 in Schedule.

I have, &c.,

W. ELYARD.

THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS.

No. 8.

THE PRINCIPAL UNDER SECRETARY to THE SENIOR NAVAL OFFICER.

*Colonial Secretary's Office,
Sydney, 28 August, 1857.*

SIR,

Referring to the correspondence which took place last year between your predecessor and this Office relative to the substitution of such portion of Garden Island as may not be required for military defences, for Fort Macquarie, as a place for the deposit of stores for such vessels of the Royal Navy as may require to refit at Port Jackson,—I am directed to forward herewith the copy of a Despatch from the Secretary of State, covering the copy of a communication from the Secretary to the Lords Commissioners of the Admiralty, and notifying his concurrence in their Lordships' approval of the arrangement above alluded to.

I have, &c.,

W. ELYARD.

CAPTAIN LORING, R. N.,
H. M. Ship "Iris,"
In command of the Australian Station.

[Enclosure 1 in No. 8.]

(No. 65.)

*Downing-street,
2 June, 1857.*

Sir,

I have to acknowledge the receipt of your Despatch No. 43, of the 28th February, with copies of a correspondence which had passed between the Senior Naval Officer on the Australian Station and the local authorities, respecting the substitution of Garden Island for Fort Macquarie as a place for the deposit of stores for such vessels as may require to refit at Port Jackson.

The enclosed is a copy of the reply from the Secretary to the Lords Commissioners of the Admiralty, to whom your Despatch was referred, and I concur in their Lordships approval of the arrangements.

I have, &c.,

H. LABOUCHERE.

Governor Sir Wm. Denison, K.C.B.,
&c., &c. &c.,
New South Wales.

[Enclosure 2 in No. 8.]

Admiralty, 25 May, 1857.

Sir,

Having received and laid before My Lords Commissioners of the Admiralty your letter of the 23rd instant, enclosing copy of a Despatch from the Governor of New South Wales, with copies of a correspondence which had passed between the Senior Naval Officer on that Station and the local authorities, respecting the substitution of Garden Island for Fort Macquarie as a place for the deposit of stores for such vessels as may require to refit at Port Jackson, and requesting to be informed whether My Lords concur in this arrangement,—

I am commanded by their Lordships to acquaint you, for the information of Mr. Secretary Labouchere, that they approve of the arrangements.

I am, &c.,

W. G. ROMAINE.

H. Merivale, Esq.,
Colonial Office.

No. 9.

No. 9.

THE PRINCIPAL UNDER SECRETARY to UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Secretary's Office,
Sydney, 28 August, 1857.*

SIR,

Referring to my letter of the 10th January last, I am directed to enclose, for the information of the Secretary for Lands and Public Works, a copy of a Despatch from the Secretary of State, communicating the approval of the Home Authorities to the substitution of Garden Island for Fort Macquarie as a place for the deposit of stores for such vessels of the Royal Navy as may require to refit at Port Jackson.

See enclosures
to No. 8.

I have, &c.,

THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS.

W. ELYARD.

No. 10.

THE SENIOR NAVAL OFFICER to THE GOVERNOR GENERAL.

*"Iris," at Sydney,
26 August, 1857.*

SIR,

I have the honor to acquaint you that I have received a letter from My Lords Commissioners of the Admiralty, approving of the arrangements made by Captain Freemantle, of H.M.S. "Juno," relative to the substitution of Garden Island in lieu of Fort Macquarie for Naval purposes.

As in delivering over Garden Island to the Naval Authorities it has been stipulated that "buildings or works are not to be erected on that part of the island which might be required hereafter for adding to the Defences of the Harbour," I think it advisable that certain boundaries should be agreed upon between myself and the Commandant of the Troops within which no Naval building shall be erected.

And as for many reasons it is desirable that the full advantage of the insular character of the place should be secured to the Naval Service, I think it advisable that it should be distinctly understood that no person can be permitted to land or remain on Garden Island contrary to the regulations of the Senior Naval Officer, except for Military purposes connected with the Defences of the Harbour.

I have &c.,

HIS EXCELLENCY

SIR W. DENISON, K. C. B.,
Governor General,
New South Wales.

W. LORING,
Captain in Command
of the Australian Station.

No. 11.

THE PRINCIPAL UNDER SECRETARY to THE SENIOR NAVAL OFFICER.

*Colonial Secretary's Office,
Sydney, 31 August, 1857.*

SIR,

In acknowledging the receipt of your letter of the 26th instant, respecting the substitution of Garden Island for Fort Macquarie, for Naval purposes,—

I am directed to inform you, that a reference has been made to the Secretary for Lands and Public Works, with a view to a report being obtained from Colonel Barney, R.E., on the subject of the marking off the portion of the island that may possibly be required for works of defence.

2. With respect to your remark on the subject, I am directed to state that it will of course be in your power to make any such regulations as you may think proper as to landing on the island, &c.

I have &c.,

CAPTAIN LORING R.N.

H.M. ship "Iris,"
In Command of the Australian Station.

W. ELYARD.

No. 12.

THE PRINCIPAL UNDER SECRETARY to THE UNDER SECRETARY FOR LANDS AND
PUBLIC WORKS.

*Colonial Secretary's Office,
Sydney, 29 August, 1857.*

SIR,

Referring to my letter of the 28th instant, I am directed to enclose, for the information of the Secretary for Lands and Public Works, a copy of a communication from Captain Loring, of H.M.S. "Iris," in command of the Australian Station, on the subject of the substitution of Garden Island for Fort Macquarie for Naval purposes; and to state that the Governor General thinks that arrangements had better be made to mark off the portion of the island which may probably be required for works of defence. See No. 10 in Schedule.

2. I am further to request that you will invite Mr. Secretary Hay to cause Colonel Barney to be instructed to report upon the subject.

I have, &c.,
W. ELYARD.

THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS.

Ask Colonel Barney to report, as requested.

M. F.
B. C. 1 September.

COLONEL BARNEY'S REPORT.

Sydney, 10 November, 1857.

Sir,

With reference to the instruction conveyed by your B. C. of 1st September last, on the subject of marking off the portion of Garden Island which it appears necessary should be reserved for Defences,—

I have now the honor to enclose a tracing of Garden Island, taken from a plan prepared by the officers of H. M. S. "Herald," upon which I have marked a line, A B, and to suggest that the portion of the island to the northward of that line be reserved for Defences. At the same time it occurs to me that Government should hold the power of resuming the whole island, should circumstances arise to render such a course necessary.

I have, &c.,
GEO. BARNEY,
Lieut.-Col.

This may perhaps be approved, and the line marked on the ground approved.

JOHN R.
23 March.

Returned to Colonel Barney for this purpose.

M. F.
B. C. 24 March, 1858.

Line marked on the ground, and Captain Loring, commanding H. M. S. "Iris," supplied with a copy of the tracing.

G. B.
4 May, 1858.

No. 13.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE PRINCIPAL UNDER
SECRETARY.

*Department of Lands and Public Works,
Sydney, 8 May, 1858.*

SIR,

In reference to your letter of the 29th August last, No. 293, respecting the substitution of Garden Island for Fort Macquarie for Naval purposes, and the marking off of a portion thereof, which may probably be required for works of defence,—

I am now directed to inform you that, under the suggestion of Colonel Barney, R.E., the Secretary for Lands and Public Works has approved of that portion of Garden Island

lying north to a line marked A and B in the enclosed tracing, being reserved for purposes of defence:

2. Colonel Barney, I am to add, reports, that the line alluded to has been marked on the ground, and a copy of the tracing supplied to Captain Loring, of H. M. S. "Iris."

I have, &c.,

THE PRINCIPAL UNDER SECRETARY.

MICHL. FITZPATRICK.

No. 14.

THE PRINCIPAL UNDER SECRETARY to THE SENIOR NAVAL OFFICER.

*Colonial Secretary's Office,
Sydney, 12 May, 1858.*

SIR,

Referring to my letter of the 31st August last, I am now directed to inform you that it appears, from a communication received from the Department of Lands and Public Works, that the line shewing the portion of Garden Island which is to be reserved for purposes of defence has been marked on the ground, and that a copy of the tracing shewing such line has been supplied to you by Colonel Barney, R. E.

I have, &c.,

CAPTAIN LORING, R. N.,

W. ELYARD.

H. M. Ship "Iris,"

In Command of the Australian Station.

COTTAGE ON GARDEN ISLAND.—ERECTION OF.

No. 1.

THE SENIOR NAVAL OFFICER to THE GOVERNOR GENERAL.

*"Iris," at Sydney,
15 April, 1858.*

SIR,

[*Extract.*]

In exchanging Fort Macquarie for Garden Island, for the use of Her Majesty's Ships on this Station, I find much inconvenience owing to there being no cottage or guard-room to shelter the people whom I find it necessary to leave there at night. At Fort Macquarie the tower over the gateway answered this purpose very well.

I request that you will take this subject into your favorable consideration, and bring it to the notice of your Executive Council, in order that a sum of money may be placed at my disposal for the purpose of erecting a small cottage or guard-house on the island.

I have, &c.,

HIS EXCELLENCY

WILLIAM LORING,

SIR W. DENISON, K. C. B.,

Captain in Command

&c., &c., &c.,

of the Australian Station.

Governor General,

New South Wales.

No. 2.

THE PRINCIPAL UNDER SECRETARY to THE SENIOR NAVAL OFFICER.

*Colonial Secretary's Office,
Sydney, 27 April, 1858.*

SIR,

[*Extract.*]

With reference to your letter of the 15th instant, I am directed by the Colonial Secretary to inform you, that His Excellency the Governor General has brought under the notice of the Executive Council the following matters which have been submitted for the consideration of the Government in your communication:—

2. In the first place, you expressed a wish that sufficient means might be placed at your disposal for the erection of a small cottage or guard-house on Garden Island, for the accommodation

accommodation of working parties, and the men you have found it necessary to leave in charge of the forge and other stores landed from the "Iris" during her stay in port; this accommodation having formerly been provided in the tower at Fort Macquarie, but necessarily withdrawn when the Fort was required for Colonial purposes, and Garden Island used in lieu thereof.

3. These questions having been duly considered by the Government, I am directed to inform you, in respect to the first of them, that a sum of £200 will be placed upon the Supplementary Estimate for 1858 to be submitted to the local Legislature, for the purpose of erecting the necessary building on Garden Island.

CAPTAIN LORING, R. N.,
H. M. S. "Iris,"
In Command of the Australian Station.

I have, &c.,
W. ELYARD.

No. 3.

THE PRINCIPAL UNDER SECRETARY to THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS.

*Colonial Secretary's Office,
Sydney, 27 April, 1858.*

SIR,

I am directed to request that you will move the Honorable the Secretary for Lands and Public Works to cause a sum of £200 to be placed on the Supplementary Estimate for 1858 for the erection of a cottage on Garden Island for the accommodation of Naval working parties, and the man whom Captain Loring has found it necessary to leave in charge of the forge and other stores landed from H. M. Ship "Iris" during her stay in port.

I have, &c.,
W. ELYARD.

THE UNDER SECRETARY
FOR LANDS AND PUBLIC WORKS.

No. 4.

THE UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to THE PRINCIPAL UNDER SECRETARY.

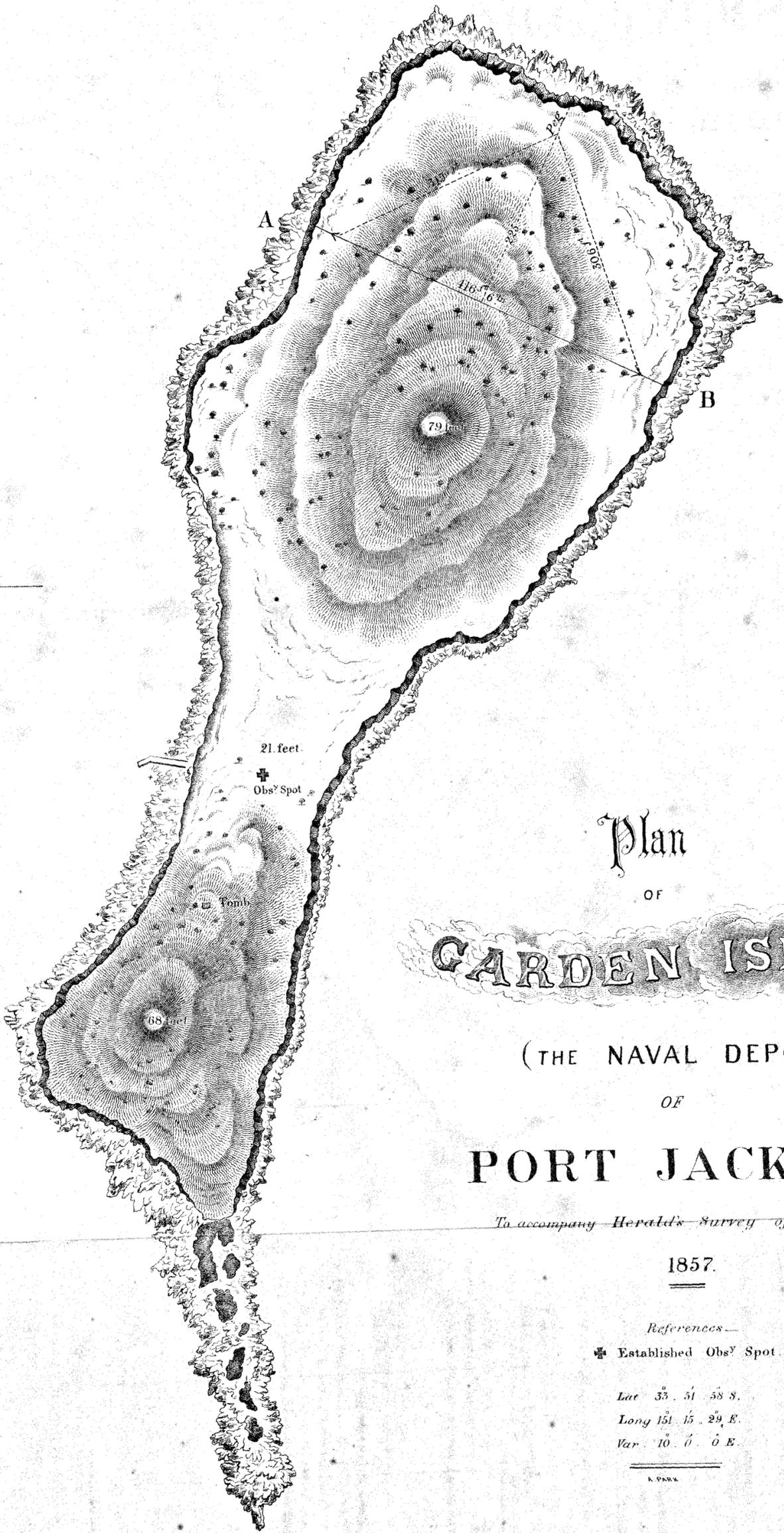
*Department of Lands and Public Works,
Sydney, 30 April, 1858.*

SIR,

In acknowledging the receipt of your letter of the 27th instant, I am directed to inform you, that the Honorable the Secretary for Lands and Public Works has been pleased to cause the sum of two hundred pounds to be placed on the Supplementary Estimates for 1858, for the erection of a cottage on Garden Island, for the accommodation of Naval working parties, &c., in accordance with the request contained in your letter above alluded to.

I have, &c.,
MICHL. FITZPATRICK.

THE PRINCIPAL UNDER SECRETARY.



Plan
OF
GARDEN ISLAND

(THE NAVAL DEPÔT)

OF

PORT JACKSON

To accompany Herald's Survey of the Port.

1857.

References—

✚ Established Obs? Spot.

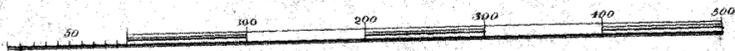
Lat 33 . 51 . 58 S.

Long 151 . 15 . 29 E.

Var 10 . 0 . 0 E.

A. P. N. N. N.

Scale of Feet.



1858-9.

Legislative Assembly.
NEW SOUTH WALES.

WYNYARD SQUARE.

(PETITION FROM LANDED PROPRIETORS, &c.)

Ordered by the Legislative Assembly to be Printed, 29 March, 1859.

To the Honorable the Members of the House of Assembly, in Parliament assembled.

The Petition of Landed Proprietors and Residents in the vicinity of Wynyard Square, in the City of Sydney,—

RESPECTFULLY SHEWETH,—

That about ten years ago several of your Petitioners became purchasers of land in that locality from the Government, at a public sale, for which land they paid very high prices.

That several of your Petitioners have also erected large and costly buildings thereon.

That at such time when your Petitioners became purchasers as aforesaid, a plan was exhibited, by which it was shewn that it was intended to form a public square in front of several of the allotments so offered for sale.

That several of your Petitioners were thereby induced, not only to purchase, but to give high prices for these allotments so situated in Wynyard Square.

That, notwithstanding so many years have elapsed, and notwithstanding some verbal promises by a former Government to carry out the first intentions to form a public square in the place named, and notwithstanding the rights of the purchasers in respect hereof, the ground has not been formed into a public square even up to this time, and not only so, that by reason of it having been for some time past the depository for the street sweepings and other filth, it has become a public and dangerous nuisance, and has very much depreciated the value of property in the vicinity.

Your Petitioners, therefore, humbly pray that your Honorable House will take these grievances into your consideration, and render your Petitioners that justice in the premises which all the facts of the case may upon due inquiry be found to entitle them to.

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

[Here follow 39 signatures.]
