

NEW SOUTH WALES.

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# VOTES

AND

## PROCEEDINGS

OF

# THE LEGISLATIVE ASSEMBLY,

DURING THE SESSION

OF

**1859-60;**

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

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IN FOUR VOLUMES.

VOL. II.

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**Legislative Assembly.**  
**NEW SOUTH WALES.**

**VOTES AND PROCEEDINGS.**

SESSION 1859-60.

**VOL. I.**

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1859.

Legislative Assembly.

NEW SOUTH WALES.

# REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

(REPORT OF, FOR THE YEAR 1858.)

*Ordered by the Legislative Assembly to be Printed, 5 October, 1859.*

THE REGISTRAR GENERAL to THE HONORABLE THE COLONIAL SECRETARY, reporting on the Registration of Births, Deaths, and Marriages, for the Year ending 31st December, 1858.

*Registrar General's Office,  
Sydney, 30 September, 1859.*

SIR,

I do myself the honor to submit to you, for presentation to Parliament, my Annual Abstracts of Births, Deaths, and Marriages registered in New South Wales during the year 1858, by which it will be seen that 13,802 Births, 2,992 Marriages, and 5,883 Deaths were entered in the Registers.

The result of the year's registration, therefore, has been the addition of 25,669 new names to the national records.

## BIRTHS.

2. The natural increase of the population by the excess of births over deaths in the year was 7,919, or at the rate of 2.562 per cent. on the estimated population; this is rather more than 1 per cent. in excess of the annual average increase of England and Wales.

The number of births exceeded by 1,299 the number of births registered in the previous year.

3. There were 330 illegitimate births, one case of triplets, and 122 of twins registered. (See Table at foot.)

	ILLEGITIMATE.		TRIPLETS.		TWINS.	
	Males.	Females.	Males.	Females.	Males.	Females.
Sydney .....	42	35	....	....	11	23
Hamlets .....	23	12	....	....	11	17
Country Districts.....	114	104	3	....	96	86
Total.....	179	151	3	....	118	126
	330		3		122	

## REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

4. The quarters births during the last three years were as follows :—

QUARTERS.	1856.	1857.	1858.
31st March .. .. .	.....	2,891	3,179
30th June .. .. .	2,183	3,062	3,392
30th September .. .. .	3,169	3,280	3,704
31st December .. .. .	3,194	3,250	3,527
Totals .. .. .	8,546	12,503	13,802

5. The number of births registered on solemn declaration, after the expiration of sixty days, under the provisions of section XXII of the Registration Act, was as follows, viz. :—

Sydney .....	208
Hamlets .....	116
Country Districts .....	516
Total.....	840

## MARRIAGES.

6. The Marriages in 1858 were 2,992, shewing an increase of 90 on the marriages celebrated during the previous year; of this number 118 were celebrated by the District Registrars, viz. :—

In Sydney .....	10
Hamlets .....	4
Country Districts .....	104
Total .....	118

I have here to notice what has been adverted to in previous reports, viz.,—the necessity for a revision of the Marriage Law, with a view to check the irregularities which the defects in the form of Marriage Certificate prescribed by the Act are found, if not to encourage, yet to conceal and to make difficult of detection. I allude to the marriages of minors, without the proper consent of parent or guardian, as required by law.

Upon the face of the certificate there is no evidence of the age of the parties; and if the Minister or Registrar neglects the endorsement of consent (provided by Section XII of the Marriage Act), in cases of persons under *twenty-one* years of age, the grossest irregularities may go undetected.

The continuance of this state of things is already productive of many evils, and cannot fail of engendering further mischief.

## DEATHS.

The Deaths registered during the year were 5,883, viz., 3,644 males and 2,239 females. This is at the rate of 1.90 per cent. on the estimated population, and is rather in excess of the mortality of the previous year, which was 1.67 per cent.

The quarterly deaths registered during the three years, 1856 to 1858, were as follows, viz. :—

QUARTERS.	1856.	1857.	1858.
31st March .. .. .	* 187	1,448	1,561
30th June .. .. .	1,136	1,047	1,334
30th September .. .. .	997	1,078	1,376
31st December .. .. .	1,186	1,273	1,612
Totals .. .. .	3,506	4,846	5,883

\* Registration commenced 1st March, 1856.

8. The infantine mortality was as follows, viz. :—

Under two years ..... 2,209, or 37·54 per cent.

Two to five years ..... 433, or 7·86 per cent.

Together ..... 2,642, or 44·90 per cent. on the total deaths.

The following Table shews the comparative per centage of deaths of children under five years on the total mortality in the City of Sydney, the Metropolitan, and Country Districts respectively, viz. :—

AGES.	SYDNEY.		HAMLETS.		COUNTRY.	
	Number.	Per cent. on Total Deaths.	Number.	Per cent. on Total Deaths.	Number.	Per cent. on Total Deaths.
Under two years .. .. .	683	41·46	409	52·77	1,117	32·27
Two to five .. .. .	166	10·07	77	9·93	190	5·48
Total under five .. .. .	849	51·54	486	62·70	1,307	37·76
Five and upwards .. .. .	798	....	289	....	2,154	....
Total Deaths .. .. .	1,647	....	775	....	3,461	....

9. The variations in the infantile mortality in the three years are shewn below, viz., per centage of deaths of children under two years on total deaths :—

DISTRICTS.	1856.	1857.	1858.
Sydney .. .. .	36·44	38·67	41·46
Hamlets .. .. .	46·93	52·87	52·77
Country .. .. .	29·24	31·14	32·27

It will be observed that there is an increase of nearly three per cent. in the infantile mortality in Sydney, and a little over one per cent. in the Country Districts, whilst the Hamlets shew a very slight and almost inappreciable decrease.

The larger proportion of deaths under two years in the Hamlets, as compared with the City and Country Districts, can only be accounted for by a greater preponderance of infantile life in the suburbs of the City.

To avoid the high rents and the close and unhealthy atmosphere of the crowded dwellings within the boundaries of the City, the laboring population are driven to seek more healthy, if not more commodious, habitations in the Suburbs, where they can bring up their families.

10. If we compare the causes of death in the two years 1857 and 1858, in Sydney we find that whilst there is no very marked difference in the proportional fatality of diseases of the sporadic class, diseases of the zymotic class (i. e. epidemic or contagious) were much more fatal in 1858 than in the previous year.

In 1857, the mortality from zymotic causes was 11·46 per cent.; in 1858, it was 20·52.

The number of children under five years who died from zymotic diseases in 1857, was 97; in 1858, it was 225; and of this number 138 were under two years, whilst only 75 died under that age the year before.

Scarlatina, diarrhoea, dysentery, and remittent fevers, yielded the heaviest crop mown down under this class of diseases; and they were unusually fatal in the four latter months of the year.

11. Table H. 3, in the Appendix, gives the mortality in each Ward of the City, but as the population is uncertain, it would be useless entering into any calculations as to the topographical mortality which the Table exhibits.

When the next Census is taken, many interesting deductions may be drawn, and important facts be brought to light connected with the mortality returns generally.

12. I shall not pursue the inquiry further on the present occasion; the Tables are sufficiently clear and copious to afford all the information that may be interesting or useful, and when the results of two or three more years registration are brought forward, the sanitary condition of the Colony at different seasons, and in different localities, will be capable of more satisfactory illustration.

I have, &c.,

CHRIS. ROLLESTON,  
Registrar General.

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## APPENDIX TO REGISTRAR GENERAL'S REPORT.

## A.

TABLE shewing the number of BIRTHS, MARRIAGES, and DEATHS, Registered in the Colony of New South Wales, during the Year ended 31st December, 1858.

	BIRTHS.			MAR- RIAGES.	DEATHS.		
	Males.	Females.	Total.		Males.	Females.	Total.
SYDNEY .....	1,152	1,114	2,266	996	894	753	1,647
HAMLETS .....	937	836	1,773	178	397	378	775
SYDNEY AND HAMLETS .....	2,089	1,950	4,039	1,174	1,291	1,131	2,422
	5,037	4,726	9,763	1,818	2,353	1,108	3,461
GRAND TOTAL .....	7,126	6,676	13,802	2,992	3,644	2,239	5,883

## B.

TABLE shewing the POPULATION, with the Number of BIRTHS, MARRIAGES, and DEATHS, Registered in each District of the Colony of New South Wales, during the year ended 31st December, 1858, classified in Ten Divisions.

DISTRICTS.	POPULA- TION, 1856.	BIRTHS.			MAR- RIAGES.	DEATHS.		
		Males.	Females.	Total.		Males.	Females.	Total.
I. NORTHERN.								
1. Leichhardt .....	328	....	....	....	2	15	5	20
2. Port Curtis .....	287	9	5	14	2	10	3	13
3. Gayndah .....	1,309	21	12	33	6	32	3	35
4. Maryborough .....	669	21	20	41	8	16	5	21
5. Brisbane .....	5,844	149	162	311	67	69	38	107
6. Ipswich .....	4,358	172	170	342	63	63	27	80
7. Warwick .....	1,362	38	46	84	22	22	6	28
8. Drayton .....	1,457	39	43	82	22	33	11	44
9. Dalby .....	678	33	32	65	7	19	4	23
10. Surat or Condamine .....	415	2	1	3	2	6	1	7
TOTAL.....	16,907	484	491	975	201	275	103	378
II. NORTH EASTERN.								
1. Tabulam .....	1,283	30	27	57	6	14	3	17
2. Grafton .....	1,069	30	45	75	18	14	12	26
3. M'Leay .....	952	36	42	78	25	18	5	23
4. Port Macquarie and .....	2,652	20	20	40	10	6	10	16
5. Wingham .....		82	85	167	18	23	7	30
6. Port Stephens .....	1,222	31	19	50	8	6	4	10
7. Dungog and .....	2,582	48	35	83	6	9	7	16
8. Clarence Town .....		31	31	62	4	8	10	18
9. Paterson .....	2,399	57	39	96	17	14	14	28
10. Raymond Terrace .....	4,007	96	78	174	15	33	12	45
11. Maitland and .....	15,290	403	364	767	158	174	114	288
12. Morpeth .....		46	41	87	10	26	13	39
13. Patrick's Plains .....	3,419	96	99	195	47	38	27	65
14. Merton and Muswellbrook .....	1,028	37	16	53	5	16	2	18
15. Scone .....	1,100	30	22	52	5	11	4	15
16. Murrumbidgee .....	921	37	26	63	9	14	8	22
TOTAL.....	37,934	1,110	989	2,099	361	424	252	676
III. NORTH MIDLAND.								
1. Tenterfield .....	675	14	13	27	4	7	....	7
2. Wellingrove .....	1,091	27	33	60	15	19	6	25
3. Armidale .....	3,895	132	124	256	48	43	13	56
TOTAL.....	5,661	173	170	343	67	69	19	88
IV. NORTH WESTERN.								
1. Tamworth .....	2,985	52	61	113	29	38	13	51
2. Warialda .....	1,040	26	27	53	8	12	3	15
3. Wee Waa .....	374	8	8	16	2	8	2	10
4. Cassilis .....	761	21	12	33	5	9	1	10
5. Dubbo .....	1,626	20	13	33	10	12	2	14
6. Molong .....	1,446	31	32	63	2	21	4	25
TOTAL.....	8,232	158	153	311	56	100	25	125



## B.—continued.

DISTRICTS.	POPULATION, 1856.	BIRTHS.			MARRIAGES.	DEATHS.		
		Males.	Females.	Total.		Males.	Females.	Total.
V. METROPOLITAN.								
1. City of Sydney .....	53,358	1,152	1,114	2,266	996	894	753	1,647
2. Balmain, Estimated at.....	3,500	88	76	164	34	44	34	78
3. Glebe, &c. do. ....	6,000	194	170	364	20	82	74	156
4. Chippendale do. ....	5,532	248	227	475	47	100	98	198
5. Paddington do. ....	6,000	137	138	275	17	61	73	134
6. Concord do. ....	2,000	73	47	120	10	25	16	41
7. St. George do. ....	2,600	120	109	229	34	49	56	105
8. St. Leonard's do. ....	2,591	77	69	146	16	36	27	63
TOTAL.....	81,581	2,089	1,950	4,039	1,174	1,291	1,131	2,422
VI. EAST MIDLAND.								
1. Newcastle .....	4,530	171	169	340	64	58	32	90
2. Wollombi .....	1,519	40	43	83	8	5	3	8
3. McDonald River .....	723	13	16	29	3	6	2	8
4. Gosford .....	1,884	43	48	91	5	15	15	30
5. Windsor .....	5,770	124	140	264	50	71	23	94
6. Richmond .....	2,661	90	92	182	14	30	14	44
7. Penrith .....	4,804	120	113	233	39	40	23	68
8. Parramatta .....	9,908	206	196	402	78	145	82	227
9. Ryde .....	1,355	52	43	95	11	26	15	41
10. Liverpool .....	2,495	70	63	133	20	157	19	176
11. Campbelltown.....	7,827	59	64	123	25	33	14	47
12. Camden, and .....		116	117	233	38	32	34	66
13. Picton .....		36	15	51	7	19	8	27
TOTAL.....	43,476	1,140	1,119	2,259	362	637	289	926
VII. WEST MIDLAND.								
1. Carcoar.....	2,943	56	57	113	23	33	19	52
2. Hartley.....	2,273	38	50	88	22	17	12	29
3. Bathurst and .....	12,005	243	240	483	94	136	55	191
4. Sofala .....		49	51	100	22	55	15	70
5. Orange .....	2,041	56	43	99	23	9	12	21
6. Wellington and .....	1,993	25	33	58	13	25	8	33
7. Tambaroora.....		26	25	51	7	24	5	29
8. Mudgee .....	4,208	149	126	275	67	71	29	100
9. Rylstone .....	997	24	31	55	5	11	2	13
TOTAL.....	26,460	666	656	1,322	276	381	157	538
VIII. SOUTH EASTERN.								
1. Wollongong .....	4,506	134	128	262	45	32	17	49
2. Kiama .....	3,883	131	118	249	43	28	21	49
3. Berrima .....	2,227	71	56	127	20	15	17	32
4. Shoalhaven and .....	3,322	59	65	124	25	15	13	28
5. Ulladulla .....		12	15	27	5	6	3	9
6. Broulee.....	1,207	37	29	66	10	11	6	17
7. Eden.....	1,251	31	37	68	11	12	9	21
TOTAL.....	16,396	475	448	923	159	119	86	205
IX. SOUTH MIDLAND.								
1. Braidwood .....	3,045	112	102	214	35	41	23	64
2. Cooma .....	2,009	58	42	100	23	19	9	28
3. Bombala .....	1,273	28	21	49	18	5	9	14
4. Goulburn.....	7,028	201	170	371	71	77	53	130
5. Albury .....	2,015	50	38	88	24	27	9	36
6. Gundagai .....	966	29	31	60	7	12	6	18
7. Tumut .....	1,467	55	52	107	30	19	10	29
8. Yass .....	4,099	89	59	148	44	37	15	52
9. Queanbeyan.....	2,622	74	59	133	25	22	16	38
10. Binalong .....	1,854	60	56	116	12	27	12	39
TOTAL.....	26,408	756	630	1,386	289	286	162	448
X. SOUTH WESTERN.								
1. Deniliquin and .....	725	18	13	31	18	12	1	13
2. Moama .....		4	7	11	2	3	3	6
3. Moulamein .....	299	8	7	15	1	6	....	6
4. Balranald .....	694	10	12	22	3	10	4	14
5. Wagga Wagga .....	1,416	35	31	66	23	31	7	38
TOTAL.....	3,134	75	70	145	47	62	15	77

## B.—continued.

DIVISIONS.	POPULATION, 1856.	BIRTHS.			MARRIAGES.	DEATHS.			EXCESS OF BIRTHS OVER DEATHS.
		Males.	Females.	Total.		Males.	Females.	Total.	
I. NORTHERN .....	16,907	484	491	975	201	275	103	378	597
II. NORTH EASTERN .....	37,934	1,110	989	2,099	361	424	252	676	1,423
III. NORTH MIDLAND .....	5,661	173	170	343	67	69	19	88	255
IV. NORTH WESTERN .....	8,232	158	153	311	56	100	25	125	186
V. METROPOLITAN .....	81,581	2,089	1,950	4,039	1,174	1,291	1,131	2,422	1,617
VI. EAST MIDLAND .....	43,476	1,140	1,119	2,259	362	637	289	926	1,333
VII. WEST MIDLAND .....	26,460	666	656	1,322	276	381	157	538	784
VIII. SOUTH EASTERN .....	16,396	475	448	923	159	119	86	205	718
IX. SOUTH MIDLAND .....	26,408	756	630	1,386	289	286	162	448	938
X. SOUTH WESTERN .....	3,134	75	70	145	47	62	15	77	68
TOTAL, NEW SOUTH WALES....	266,189	7,126	6,676	13,802	2,992	3,644	2,239	5,883	7,919

## C.

## MARRIAGES—1858.

	SYDNEY.		HAMLETS.		COUNTRY DISTRICTS.		TOTAL MALES.	TOTAL FEMALES.	TOTAL MARRIAGES
	Males.	Females.	Males.	Females.	Males.	Females.			
Church of England .....	<sup>16</sup> 221	<sup>37</sup> 221	<sup>18</sup> 115	<sup>27</sup> 115	<sup>96</sup> 670	<sup>119</sup> 670	130	183	1,006
Roman Catholics .....	<sup>73</sup> 277	<sup>151</sup> 277	<sup>2</sup> 12	<sup>6</sup> 12	<sup>133</sup> 515	<sup>205</sup> 515	208	362	804
Presbyterians .....	<sup>50</sup> 411	<sup>119</sup> 411	<sup>22</sup> 22	<sup>3</sup> 22	<sup>33</sup> 338	<sup>70</sup> 338	83	192	771
Wesleyans .....	<sup>2</sup> 22	<sup>2</sup> 22	<sup>1</sup> 8	<sup>3</sup> 8	<sup>20</sup> 146	<sup>20</sup> 146	23	25	176
Primitive Methodists .....	<sup>1</sup> 7	<sup>2</sup> 7	<sup>1</sup> 1	<sup>1</sup> 1	<sup>6</sup> 6	<sup>6</sup> 6	1	2	14
Independent .....	<sup>25</sup> 25	<sup>25</sup> 25	<sup>11</sup> 11	<sup>11</sup> 11	<sup>21</sup> 21	<sup>2</sup> 21	3	2	57
German Lutheran .....	....	....	....	....	10	10	....	....	10
Baptist .....	<sup>9</sup> 9	<sup>1</sup> 9	<sup>5</sup> 5	<sup>1</sup> 5	<sup>7</sup> 7	<sup>2</sup> 7	3	4	21
Christian Israelite .....	....	....	....	....	1	1	....	....	1
Unitarian .....	<sup>5</sup> 5	<sup>5</sup> 5	....	....	....	....	....	....	5
Hebrew .....	<sup>1</sup> 9	<sup>1</sup> 9	....	....	....	....	1	1	9
Registrars' Offices .....	<sup>1</sup> 10	<sup>2</sup> 10	<sup>4</sup> 4	<sup>1</sup> 4	<sup>5</sup> 104	<sup>14</sup> 104	8	17	118
TOTAL .....	<sup>144</sup> 996	<sup>315</sup> 996	<sup>24</sup> 178	<sup>41</sup> 178	<sup>292</sup> 1,818	<sup>432</sup> 1,818	460	788	2,992

N.B.—The smaller figures denote those signing with marks.

## APPENDIX TO REGISTRAR GENERAL'S REPORT.

## D 1.

SUMMARY of DEATHS of MALES, Registered in NEW SOUTH WALES, from 1st January to 31 December, 1858.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases.....	169	51	36	31	17	304	30	6	6	15	18	6	9	14	9	10	9	8	7	2	2	..	..	1	..	6	462	12.67
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	258	16	8	4	1	286	10	5	1	3	8	17	14	21	28	37	22	17	8	7	3	3	2	..	..	9	501	13.74
3. Of Nervous System .....	246	42	20	9	7	324	10	4	9	6	10	16	21	36	31	14	28	17	11	5	2	3	1	..	..	2	550	15.09
4. Of Respiratory System ..	81	26	12	10	2	131	14	10	10	46	41	38	48	41	55	29	29	28	16	10	8	1	1	..	..	7	563	15.45
5. Of Circulatory System ..	2	..	..	1	..	3	2	4	2	4	10	13	12	14	11	12	7	8	5	1	..	1	..	..	..	4	113	3.10
6. Of Digestive Organs .....	124	96	13	7	7	247	8	4	3	10	9	8	14	14	16	15	17	6	7	4	3	1	..	..	1	2	391	10.72
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	2	1	3	4	4	5	1	3	4	3	4	2	..	..	..	..	..	..	36	.98
8. Of Generative Organs ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
9. Of Locomotive Organs ..	..	..	..	..	1	1	1	1	1	..	..	3	2	2	2	3	4	2	1	..	..	..	..	..	..	1	24	.65
10. Of Integumentary System	1	..	..	..	..	1	..	..	..	..	..	1	..	1	2	1	..	..	..	1	..	..	..	..	..	1	8	.21
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	14	39	41	47	38	39	22	8	6	4	258	7.08
12. External Causes .....	23	7	16	11	9	66	26	13	26	29	57	45	48	41	45	40	19	28	8	6	5	..	..	..	..	44	546	14.98
Unspecified .....	14	15	5	1	1	36	4	4	2	5	4	8	20	21	15	17	8	..	..	..	..	..	..	..	..	48	192	5.26
Total from all Causes ..	918	252	110	74	45	1399	105	51	62	119	160	159	192	210	215	181	161	158	108	85	61	48	26	9	7	128	3644	99.93

## D 2.

SUMMARY of DEATHS of FEMALES, Registered in NEW SOUTH WALES, from 1st January to 31st December, 1858.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases .....	158	82	36	23	22	321	38	14	9	10	14	5	7	6	6	4	5	3	1	1	..	1	1	..	..	1	447	19.96
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	236	30	5	5	2	278	10	2	4	5	11	11	12	12	10	7	13	7	2	3	1	..	..	..	..	..	388	17.32
3. Of Nervous System .....	182	48	13	8	6	257	13	9	4	11	13	9	14	10	11	4	6	8	6	..	3	..	..	..	..	2	380	16.97
4. Of Respiratory System ..	56	19	19	9	7	110	4	5	11	32	36	19	30	19	16	11	8	4	1	1	1	1	..	..	1	310	13.84	
5. Of Circulatory System ..	3	..	..	..	..	3	3	3	5	1	3	2	3	7	8	5	3	2	2	..	2	..	..	..	..	..	52	2.32
6. Of Digestive Organs ....	95	95	10	1	2	203	10	4	2	5	2	4	10	4	9	8	2	3	2	1	..	..	..	..	..	4	273	12.19
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	2	1	..	..	..	..	..	..	..	..	..	4	.17
8. Of Generative Organs ..	..	..	..	..	..	..	1	..	4	11	15	15	7	8	5	2	1	..	..	..	..	..	..	..	..	..	70	3.12
9. Of Locomotive Organs ..	..	..	1	..	..	1	1	3	1	..	2	1	..	..	..	..	..	..	1	..	..	..	..	..	..	1	11	.49
10. Of Integumentary System	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	6	15	17	15	8	12	4	1	1	..	81	3.61
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
12. External Causes .....	12	11	15	11	3	52	17	9	8	6	7	9	17	8	4	8	3	1	1	3	1	..	1	..	..	3	158	7.05
Unspecified .....	5	7	2	3	1	18	2	2	5	4	1	1	7	3	4	3	1	..	..	..	..	..	..	..	..	13	65	2.90
Total from all Causes ..	747	292	101	60	43	1243	99	51	53	85	104	77	107	77	75	55	48	43	35	24	16	14	6	1	1	25	2239	99.94

## D 3.

SUMMARY of DEATHS of BOTH SEXES, Registered in NEW SOUTH WALES, from 1st January to 31st December, 1858.

CAUSES OF DEATH.	Under 1 year.																								Total at all Ages.		Per centage on Total Deaths of the year.	
	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.		
1. Zymotic Diseases .....	327	133	72	54	39	625	68	20	15	25	32	11	16	20	15	14	14	11	8	3	2	1	1	1	7	909	15.45	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	494	45	13	9	3	564	20	7	5	8	19	28	26	33	38	44	35	24	10	10	4	3	2	..	9	889	15.11	
3. Of Nervous System .....	428	90	33	17	13	581	23	13	13	17	23	25	35	46	42	18	34	25	17	5	5	3	1	..	4	930	15.80	
4. Of Respiratory System ..	137	45	31	19	9	241	18	15	21	78	77	57	78	60	71	40	37	32	17	11	9	2	1	..	8	873	14.83	
5. Of Circulatory System ..	5	..	..	1	..	6	5	7	7	5	13	15	15	21	19	17	10	10	7	1	2	1	..	..	4	165	2.80	
6. Of Digestive Organs ....	219	191	23	8	9	450	18	8	5	15	11	12	24	18	25	23	19	11	9	5	3	1	..	1	6	664	11.28	
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	2	1	3	5	4	5	3	4	4	3	4	2	..	..	..	..	..	40	.67	
8. Of Generative Organs ....	..	..	..	..	..	..	1	..	4	11	15	15	7	8	5	2	1	..	1	..	..	..	..	..	..	70	1.18	
9. Of Locomotive Organs ....	..	..	1	..	1	2	2	4	2	..	2	4	2	2	2	3	4	2	2	..	..	..	..	..	2	35	.59	
10. Of Integumentary System	1	..	..	..	..	1	..	..	..	..	..	1	..	1	2	1	..	..	..	1	..	..	..	..	1	8	.13	
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	20	54	58	62	46	51	26	9	7	4	339	5.76
12. External Causes .....	35	18	31	22	12	118	43	22	34	35	64	64	65	49	49	48	22	29	9	9	6	..	1	..	47	704	11.96	
Unspecified .....	19	22	7	4	2	54	6	6	7	9	5	9	27	24	19	20	9	..	1	..	..	..	..	..	61	257	4.36	
Total from all Causes ..	1665	544	211	134	88	2642	204	102	115	204	264	236	299	287	290	236	209	201	143	109	77	62	32	10	8	153	5883	99.92

## E 1.

SUMMARY of DEATHS of MALES, Registered in SYDNEY, from 1st January to 31st December, 1858.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases .....	37	15	19	16	12	99	13	2	2	9	10	4	4	5	1	2	3	1	1	..	..	..	..	..	..	156	17.44	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	58	9	2	..	..	69	1	1	..	2	3	2	3	4	3	5	3	9	1	1	2	..	..	..	..	114	12.75	
3. Of Nervous System .....	81	10	3	5	3	102	4	1	1	..	3	3	4	6	3	2	6	..	2	2	1	..	..	..	..	140	15.66	
4. Of Respiratory System ..	23	11	3	5	1	42	5	1	2	19	16	17	16	14	11	4	7	5	2	2	2	..	..	..	..	166	18.56	
5. Of Circulatory System ..	1	..	..	..	..	1	1	1	..	3	4	2	2	4	2	5	1	..	2	1	1	..	..	..	..	29	3.24	
6. Of Digestive Organs ....	40	45	6	3	3	97	4	..	1	5	5	3	4	1	1	2	4	1	1	1	1	..	..	..	..	131	14.65	
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	1	2	2	1	..	..	..	..	..	..	8	.89	
8. Of Generative Organs ....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
9. Of Locomotive Organs ....	..	..	..	..	..	..	1	..	..	..	..	..	..	1	1	1	2	1	1	..	..	..	..	..	..	8	.89	
10. Of Integumentary System	..	..	..	..	..	..	..	..	..	..	..	..	..	1	2	..	..	..	..	..	..	..	..	..	..	3	.33	
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	3	6	3	2	3	2	..	..	..	21	2.34	
12. External Causes .....	4	1	..	1	..	6	5	..	2	6	9	9	3	8	7	8	1	3	1	..	..	..	..	..	..	70	7.83	
Unspecified .....	3	3	2	..	..	8	1	..	1	..	..	..	8	..	..	1	1	..	..	..	..	..	..	..	28	48	5.36	
Total from all Causes ..	246	94	35	30	19	424	35	6	9	44	50	42	44	44	38	31	32	25	16	8	8	3	2	..	..	33	894	99.94

## E 2.

SUMMARY of DEATHS of FEMALES, Registered in SYDNEY, from 1st January to 31st December, 1858.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases .....	52	34	16	13	11	126	19	5	5	5	4	3	4	5	1	2	1	1	..	..	..	1	..	..	..	182	24.17	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	55	8	1	2	1	67	2	..	1	..	2	3	5	3	6	3	8	3	..	1	..	..	..	..	..	104	13.81	
3. Of Nervous System ....	60	18	5	5	2	90	6	4	2	5	5	3	7	2	4	2	1	2	2	..	2	..	..	..	..	137	18.19	
4. Of Respiratory System ..	14	7	3	4	3	31	..	1	6	11	15	4	11	6	7	4	2	2	1	..	..	..	..	..	..	101	13.41	
5. Of Circulatory System ..	..	..	..	..	..	..	1	1	3	1	..	1	..	4	2	1	..	..	1	..	..	..	..	..	..	15	1.99	
6. Of Digestive Organs ....	35	48	6	1	1	91	2	1	..	..	..	1	3	2	1	2	..	..	1	..	..	..	..	..	..	105	13.94	
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	1	.13	
8. Of Generative Organs ....	..	..	..	..	..	..	1	..	1	3	3	3	1	..	2	2	..	..	..	..	..	..	..	..	..	16	2.12	
9. Of Locomotive Organs ..	..	..	..	..	..	..	1	..	..	..	1	..	..	..	..	2	..	..	..	..	..	..	..	..	1	3	.39	
10. Of Integumentary System	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	7	9	5	2	5	..	1	1	..	30	3.98
12. External Causes .....	4	2	3	3	2	14	2	2	1	3	2	3	2	2	1	2	2	..	..	..	..	..	..	..	..	36	4.78	
Unspecified .....	4	2	..	..	..	6	..	..	..	3	..	1	..	..	1	1	1	..	1	..	..	..	..	..	10	23	3.05	
Total from all Causes ..	224	119	34	28	20	425	34	14	19	32	32	22	33	24	25	19	15	15	15	6	4	6	..	1	11	753	99.96	

## E 3.

SUMMARY of DEATHS of BOTH SEXES, Registered in SYDNEY, from 1st January to 31st December, 1858.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Percentage on Total Deaths of the year.		
1. Zymotic Diseases .....	89	49	35	29	23	225	32	7	7	14	14	7	5	10	2	4	4	2	1	..	..	1	..	..	..	..	338	20.52	
<i>Sporadic Diseases.</i>																													
2. Of Uncertain Seat .....	113	17	3	2	1	136	3	1	1	2	5	5	8	7	14	8	11	12	1	2	2	..	..	..	..	..	218	13.23	
3. Of Nervous System .....	141	28	8	10	5	192	10	5	3	5	8	6	11	8	9	4	7	3	2	2	3	..	..	..	..	..	277	16.81	
4. Of Respiratory System ..	36	18	6	9	4	73	5	2	8	30	31	21	27	20	18	8	9	7	3	2	2	..	..	..	..	..	267	16.21	
5. Of Circulatory System ..	1	..	..	..	..	1	2	2	3	4	4	3	2	8	4	6	1	..	3	..	..	..	..	..	..	..	44	2.67	
6. Of Digestive Organs ....	75	93	12	4	4	188	6	1	1	6	5	4	7	3	2	4	4	1	2	..	1	..	..	..	..	..	236	14.32	
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	2	2	2	1	..	..	..	..	..	..	..	9	.54	
8. Of Generative Organs ....	..	..	..	..	..	..	1	..	1	3	3	3	1	..	2	2	..	..	..	..	..	..	..	..	..	..	16	.97	
9. Of Locomotive Organs ..	..	..	..	..	..	..	2	..	..	..	1	..	..	1	1	1	2	1	1	..	..	..	..	..	..	..	1	11	.66
10. Of Integumentary System	..	..	..	..	..	..	..	..	..	..	..	..	..	1	2	..	..	..	..	..	..	..	..	..	..	..	3	.18	
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	10	15	8	4	5	2	1	1	..	51	3.09	
12. External Causes .....	8	3	3	4	2	20	7	2	3	9	11	12	5	10	8	10	3	3	1	..	..	..	..	..	..	..	2	106	6.43
Unspecified .....	7	5	2	..	..	14	1	..	1	3	..	1	8	..	1	1	2	..	1	..	..	..	..	..	..	38	71	4.31	
Total from all Causes ..	470	213	69	58	39	849	69	20	28	76	82	64	77	68	63	50	47	40	31	14	12	9	2	1	1	44	1647	99.94	

## F 1.

SUMMARY of DEATHS of MALES, Registered in HAMLETS, from 1st January to 31st December, 1858.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases.....	39	11	10	4	2	66	12	3	1	1	3	1	..	1	2	..	..	1	1	..	..	..	..	..	..	..	92	23.17
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	28	1	4	3	..	36	3	..	..	..	..	..	..	2	4	3	3	1	..	..	..	..	..	..	..	1	53	13.35
3. Of Nervous System .....	41	14	5	1	2	63	1	..	..	..	1	1	2	1	2	1	4	2	..	..	..	1	..	..	..	1	80	20.15
4. Of Respiratory System .....	11	5	3	2	1	22	..	1	1	7	6	2	8	6	4	2	2	..	2	..	..	1	..	..	..	..	64	16.12
5. Of Circulatory System .....	..	..	..	..	..	..	1	..	..	..	..	..	1	..	1	1	..	..	..	..	..	..	..	..	..	..	3	.75
6. Of Digestive Organs .....	24	16	1	2	..	43	..	..	..	1	..	..	..	1	1	2	2	3	..	1	..	..	..	..	..	..	54	13.60
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	1	..	..	..	1	..	1	..	1	..	..	..	..	..	..	..	..	..	4	1.00
8. Of Generative Organs .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
9. Of Locomotive Organs .....	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	.25
10. Of Integumentary System .....	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	.25
11. Old Age.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3	3	2	..	2	2	1	..	..	13	3.27
12. External Causes .....	2	..	2	1	..	5	4	2	..	..	3	..	3	3	3	4	..	1	..	..	1	..	..	..	..	..	29	7.30
Unspecified .....	1	1	..	..	..	2	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	3	.75
Total from all Causes ..	146	48	25	13	5	237	21	6	3	9	13	6	15	14	17	14	12	11	6	3	1	4	2	1	..	2	397	99.96

## F 2.

SUMMARY of DEATHS of FEMALES, Registered in HAMLETS, from 1st January, to 31st December, 1858.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases .....	37	16	10	3	6	74	12	..	1	..	..	..	..	..	3	1	2	..	1	..	..	..	..	..	..	94	24.86	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	26	6	2	2	..	36	..	..	..	..	2	..	2	2	1	1	2	1	..	..	..	..	..	..	..	47	12.43	
3. Of Nervous System .....	43	17	1	1	3	65	3	..	2	1	2	1	1	2	1	1	2	..	..	..	..	..	..	..	1	79	20.89	
4. Of Respiratory System .....	8	4	2	2	..	16	1	1	1	7	4	4	10	4	2	2	2	..	..	..	..	..	..	..	..	54	14.23	
5. Of Circulatory System .....	1	..	..	..	..	1	2	..	..	..	1	..	1	1	1	1	..	1	..	..	..	..	..	..	..	8	2.11	
6. Of Digestive Organs .....	27	23	..	..	..	50	3	..	..	..	..	1	2	..	3	1	..	..	1	..	..	..	..	..	..	61	16.13	
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	1	.26	
8. Of Generative Organs .....	..	..	..	..	..	..	..	..	5	..	2	1	..	2	..	..	..	..	..	..	..	..	..	..	..	10	2.64	
9. Of Locomotive Organs .....	..	..	..	..	..	..	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	.52	
10. Of Integumentary System .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	2	1	2	1	1	..	..	..	..	8	2.11
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	2	1	2	1	1	..	..	..	..	8	2.11
12. External Causes .....	3	1	1	1	..	6	1	..	..	..	1	1	..	..	..	1	..	..	1	..	..	1	..	..	..	11	2.91	
Unspecified .....	..	1	..	..	..	1	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	1	3	.79	
Total from all Causes ..	145	70	16	9	9	249	22	2	4	13	13	8	16	11	12	7	7	3	2	4	2	1	..	..	2	378	99.93	

## F 3.

SUMMARY of DEATHS of BOTH SEXES, Registered in HAMLETS, from 1st January to 31st December, 1858.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases .....	76	29	20	7	8	140	24	3	2	1	3	1	1	5	1	2	1	1	1	1	1	1	1	1	1	1	186	24.00
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	54	7	6	5	..	72	3	..	..	..	2	..	2	4	5	4	5	2	..	..	..	..	..	..	..	1	100	12.90
3. Of Nervous System .....	84	31	6	2	5	128	4	..	2	1	3	2	3	3	3	1	4	2	..	..	..	1	..	..	..	2	159	20.51
4. Of Respiratory System .....	19	9	5	4	1	38	1	2	2	14	10	6	18	10	6	4	4	..	2	..	..	..	1	..	..	118	15.22	
5. Of Circulatory System .....	1	..	..	..	..	1	3	..	..	..	1	..	1	1	1	2	..	..	1	..	..	..	..	..	..	11	1.41	
6. Of Digestive Organs .....	51	39	1	2	..	93	3	..	..	1	..	1	2	1	4	3	2	3	..	2	..	..	..	..	..	115	14.83	
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	1	..	..	1	..	1	2	..	1	..	..	..	..	..	..	..	..	5	.64	
8. Of Generative Organs .....	..	..	..	..	..	..	..	..	..	5	2	1	..	2	..	..	..	..	..	..	..	..	..	..	..	10	1.29	
9. Of Locomotive Organs ..	..	..	..	..	..	..	..	1	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	3	.38	
10. Of Integumentary System	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1	.12
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	5	4	4	1	3	2	1	..	..	21	2.70	
12. External Causes .....	5	1	3	2	..	11	5	2	..	..	4	1	3	3	3	5	..	1	..	2	..	..	..	..	..	40	5.16	
Unspecified .....	1	2	..	..	..	3	..	..	..	..	..	..	1	..	..	1	..	..	..	..	..	..	..	..	1	6	.77	
Total from all Causes....	291	118	41	22	14	486	43	8	7	22	26	14	31	25	29	21	19	14	8	7	3	5	2	1	..	4	775	99.93

## APPENDIX TO REGISTRAR GENERAL'S REPORT.

11

## G 1.

SUMMARY of DEATHS of MALES, Registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1958.

CAUSES OF DEATH.	Under 1 year.																								Total at all Ages.	Per centage on Total Deaths of the year.		
	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.				
1. Zymotic Diseases .....	93	25	7	11	3	139	5	1	3	5	5	1	5	8	6	8	6	6	5	2	2	...	1	...	6	214	9.09	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	172	5	2	1	1	181	6	4	1	1	5	15	11	15	16	29	16	7	7	6	1	3	2	...	8	334	14.19	
3. Of Nervous System .....	124	18	12	3	2	159	5	3	8	6	6	12	15	29	24	11	18	15	11	3	1	2	1	...	1	330	14.02	
4. Of Respiratory System ..	48	10	6	3	...	67	9	8	7	20	19	19	24	21	40	23	20	23	12	8	6	1	1	...	5	333	14.15	
5. Of Circulatory System ..	1	...	...	1	...	2	...	3	2	1	6	11	9	10	9	6	6	8	3	1	...	...	...	...	3	81	3.44	
6. Of Digestive Organs .....	60	35	6	2	4	107	4	4	2	4	4	5	10	12	14	11	11	4	6	3	2	1	...	1	206	8.75		
7. Of Urinary Organs .....	...	...	...	...	...	...	...	...	1	1	3	2	3	5	...	2	1	1	2	...	...	...	...	...	24	1.01	...	
8. Of Generative Organs .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
9. Of Locomotive Organs .....	...	...	...	...	1	1	...	1	1	...	...	2	2	1	1	2	2	1	...	...	...	...	...	...	...	1	15	.63
10. Of Integumentary System ..	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	1	4	.17	
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
12. External Causes .....	17	6	14	9	9	55	17	11	24	23	45	36	42	30	35	28	18	33	32	42	36	34	18	7	6	4	224	9.51
Unspecified .....	10	11	3	1	1	26	3	4	1	5	4	8	12	21	15	15	7	24	7	6	4	...	...	...	42	447	18.99	
Total from all Causes ..	526	110	50	31	21	738	49	39	50	66	97	111	133	152	160	136	117	122	86	74	52	42	22	8	7	92	2353	99.94

## G 2.

SUMMARY of DEATHS of FEMALES, Registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1858.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.	
1. Zymotic Diseases .....	69	30	10	7	5	121	7	9	3	5	10	2	3	1	2	1	2	2	1	...	...	...	1	...	1	171	15.43	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	155	16	2	1	1	175	8	2	3	5	7	8	5	7	7	3	3	3	2	2	1	...	...	...	...	237	21.39	
3. Of Nervous System .....	79	13	7	2	1	102	4	5	...	5	6	5	6	6	6	6	5	6	4	...	1	...	...	...	1	164	14.80	
4. Of Respiratory System .....	34	8	14	3	4	63	3	3	4	14	17	11	9	9	7	5	4	2	...	1	1	1	...	...	...	155	13.98	
5. Of Circulatory System .....	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	29	2.61	
6. Of Digestive Organs .....	33	24	4	...	1	62	5	3	2	4	2	2	3	2	3	3	3	2	1	...	...	...	...	...	...	4	107	9.65
7. Of Urinary Organs .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	.18	
8. Of Generative Organs .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	44	3.97	
9. Of Locomotive Organs .....	...	...	1	...	...	...	...	...	3	3	10	11	6	6	3	...	1	...	1	...	...	...	...	...	...	6	.54	
10. Of Integumentary System .....	...	...	...	...	...	1	...	2	1	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
12. External Causes .....	5	8	11	7	1	32	14	7	7	3	4	5	15	6	3	3	3	1	1	3	5	6	4	...	...	43	3.88	
Unspecified .....	1	4	2	3	1	11	2	2	5	1	1	...	6	3	3	3	...	...	...	...	...	...	...	...	...	...	...	
Total from all Causes ..	378	103	51	23	14	569	43	35	30	40	59	47	58	42	38	29	26	25	18	14	10	7	6	...	12	1108	99.95	

## G 3.

SUMMARY of DEATHS of BOTH SEXES, Registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1858.

CAUSES OF DEATH.																													
	Under 1 year.		1 to 2.		2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Per centage on Total Deaths of the year.
1. Zymotic Diseases .....	162	55	17	18	8		260	12	10	6	10	15	3	8	9	8	9	8	8	6	2	2		1	1	..	7	335	11.12
<i>Sporadic Diseases.</i>																													
2. Of Uncertain Seat .....	327	21	4	2	2		356	14	6	4	6	12	23	16	22	19	32	19	10	9	8	2	3	2	..	..	8	571	16.49
3. Of Nervous System .....	203	31	19	5	3		261	9	8	8	11	12	17	21	35	30	13	23	21	15	3	2	2	1	..	..	2	494	14.27
4. Of Respiratory System .....	82	18	20	6	4		130	12	11	11	34	36	30	33	30	47	28	24	25	12	9	7	2	1	..	..	6	488	14.09
5. Of Circulatory System .....	3	..	..	1	..		4	..	5	4	1	8	12	12	12	14	9	9	10	3	1	2	1	..	..	..	3	110	3.17
6. Of Digestive Organs .....	93	59	10	2	5		169	9	7	4	8	6	7	15	14	19	16	13	7	7	3	2	1	..	..	1	5	313	9.04
7. Of Urinary Organs .....	..	..	..	..	..		..	..	1	1	3	3	3	5	1	2	1	2	1	3	2	..	..	..	..	..	..	26	75
8. Of Generative Organs .....	..	..	..	..	..		..	..	3	3	10	11	6	6	3	..	1	1	..	1	..	..	..	..	..	..	..	44	1.27
9. Of Locomotive Organs .....	..	..	1	..	1		2	..	3	2	..	..	..	3	2	1	1	2	2	1	1	..	..	..	..	..	1	21	60
10. Of Integumentary System .....	1	..	..	..	..		1	..	..	..	..	..	..	..	..	..	1	..	..	1	..	..	..	..	..	..	1	4	11
11. Old Age .....	..	..	..	..	..		..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
12. External Causes .....	22	14	25	16	10		87	31	18	31	26	49	41	57	36	38	33	19	25	8	9	4	40	22	7	6	4	267	7.71
Unspecified .....	11	15	5	4	2		37	5	6	6	6	5	8	18	24	18	18	7	..	..	..	..	..	..	..	..	45	558	16.12
Total from all Causes ..	904	213	101	54	35		1307	92	74	80	106	156	158	191	194	198	165	143	147	104	88	62	49	28	8	7	104	3461	99.94



## H 1.

TABLE, shewing the actual number of DEATHS of MALES and FEMALES, from various causes, Registered in SYDNEY, during each of the Twelve Months from 1st January to 31st December, 1858, together with the per centage of the Total Deaths of the Year from each Disease to the Aggregate Deaths of the entire Class to which such Disease belongs.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.		
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.				
<b>I.—ZYMOTIC.</b>																														
1. Small Pox .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
2. Measles .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
3. Scarlatina .....	1	4	1	1	1	1	1	2	4	3	3	5	1	1	3	3	9	4	12	9	6	5	10	6	54	45	29	7.39		
4. Hooping Cough .....	1	1	1	1	1	1	1	3	1	1	2	1	1	1	1	1	1	1	2	1	1	1	1	2	4	12	23	6.80		
5. Croup .....	1	1	2	1	1	1	1	1	3	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	19	32	5.02		
6. Thrush .....	2	3	2	2	5	3	2	2	1	1	2	1	1	1	1	1	1	1	3	3	2	2	4	11	19	32	51	15.08		
7. Diarrhoea .....	4	3	1	3	6	4	2	2	1	1	2	1	1	2	1	1	2	1	2	2	5	5	5	29	29	26	55	16.27		
8. Dysentery .....	1	1	1	1	...	...	...	...	1	1	...	...	...	...	...	...	...	...	1	1	1	1	...	...	...	6	2	13	3.84	
9. Cholera .....	...	...	...	...	...	...	...	...	...	...	2	1	2	5	2	1	...	...	...	...	...	...	...	...	...	...	...	...		
10. Influenza .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
11. Ague .....	1	2	2	1	2	2	1	2	1	2	1	4	3	...	2	3	4	1	...	...	...	...	...	...	...	4	17	23	40	1.18
12. Remittent Fever .....	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
13. Typhus .....	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
14. Erysipelas .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
15. Syphilis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
16. Hydrophobia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Monthly Totals of the Class	11	20	9	9	16	15	7	9	10	9	14	13	13	12	6	10	14	9	21	17	15	25	20	34	156	182	338	99.93		
<b>II.—OF UNCERTAIN OR VARIABLE SEAT.</b>																														
17. Inflammation .....	1	...	...	...	...	...	...	...	...	...	...	2	1	...	2	1	...	1	...	1	1	2	...	...	...	4	7	11	5.04	
18. Haemorrhage .....	1	1	1	...	1	...	2	...	1	1	2	...	1	2	1	1	2	2	...	1	3	1	1	1	9	16	25	11.60		
19. Dropsy .....	1	1	...	1	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	1	...	...	...	...	...	3	...	3	1.37	
20. Abscess .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
21. Mortification .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	1	1	48	...
22. Purpura .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	2	91	...
23. Scrofula .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	2	...
24. Carcinoma .....	...	...	...	...	1	1	...	...	...	...	...	...	1	...	...	...	2	...	1	...	2	1	...	1	1	6	5	11	5.04	
25. Tumour .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	1	...
26. Gout .....	...	...	...	...	1	1	1	...	3	3	4	1	...	...	...	...	1	1	...	2	...	3	...	3	9	10	18	28	12.84	
27. Atrophy .....	...	2	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
28. Debility .....	5	6	6	8	4	9	4	1	1	4	5	2	3	3	4	1	5	1	6	3	4	3	8	9	55	50	105	48.16		
29. Malformation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
30. Sudden Death .....	...	...	2	1	2	...	...	...	1	1	3	1	...	...	...	...	2	...	3	...	1	2	2	...	16	8	21	9	9.63	
Monthly Totals of the Class	7	9	10	10	8	14	9	2	6	10	13	8	7	5	9	5	11	5	12	7	10	14	12	15	114	104	218	99.93		
<b>III.—OF THE NERVOUS SYSTEM.</b>																														
31. Cephalitis .....	...	...	...	...	2	1	...	...	...	...	2	1	2	...	1	...	...	...	1	...	...	1	1	...	1	1	2	2	72	...
32. Hydrocephalus .....	1	3	...	...	1	2	...	1	...	...	2	1	...	2	1	1	...	...	...	...	...	...	...	...	...	...	13	10	23	8.30
33. Apoplexy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7	7	14	5.05
34. Paralysis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	8	13	4.69
35. Convulsions .....	9	6	7	5	6	7	7	6	8	9	10	7	4	6	7	3	3	4	4	5	12	8	4	7	76	73	149	53.79		
36. Tetanus .....	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	2	...
37. Chorea .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	5	10	3.61
38. Epilepsy .....	...	...	2	1	...	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	2	...
39. Insanity .....	...	1	1	...	1	1	...	...	...	...	2	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	5	2	7	2.32
40. Delirium Tremens .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
41. Brain, Disease of .....	3	1	2	5	1	3	2	...	1	2	5	1	...	4	2	3	1	3	1	3	2	1	2	26	24	50	50	18.05		
42. Spine, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	3	6	1.08
Monthly Totals of the Class	13	16	12	14	11	14	9	8	4	13	22	11	8	12	12	7	7	8	14	8	19	12	9	14	140	137	277	99.97		
<b>IV.—OF THE RESPIRATORY ORGANS.</b>																														
43. Laryngitis .....	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	2	...
44. Quinsy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	24	13	37	13.85
45. Bronchitis .....	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	4	5	2.99
46. Pleurisy .....	1	...	...	...	1	...	...	...	...	...	1	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	13	10	23	8.61
47. Pneumonia .....	1	...	2	1	1	...	1	1	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	2	...
48. Hydrothorax .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	3	8	2.99
49. Asthma .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
50. Phthisis, or Consumption .....	6	3	7	3	7	6	7	1	5	10	6	4	4	2	7	6	7	3	3	3	6	2	8	4	73	47	120	44.94		
51. Lungs, Disease of .....	8	2	1	2	1	...	5	4	6	3	11	4	1	1	...	...	3	1	5	5	1	...	...	...	...	...	46	23	68	25.46
Monthly Totals of the Class	17	5	10	6	9	7	13	7	14	14	28	17	15	6	10	11	14	4	9	11	16	8	11	5	166	101	267	99.95		
<b>V.—OF THE ORGANS OF CIRCULATION.</b>																														
52. Pericarditis .....	...	...	1	...	...	...	...	...	1	1	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	3	3	6	13.63
53. Aneurism .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6	6	12	32.72
54. Heart, Disease of .....	3	2	2	1	1																									

## APPENDIX TO REGISTRAR GENERAL'S REPORT.

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## H 1.—continued.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
VII.—OF THE URINARY ORGANS.																													
73. Nephritis .....	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	11.11	
74. Ischuria .....	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	2	22.22	
75. Diabetes .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
76. Cystitis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
77. Stone .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
78. Stricture of Urethra .....	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
79. Kidneys, &c., Disease of .....	1	...	...	...	...	...	1	...	...	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	3	...	3	33.33	
Monthly Totals of the Class .....	3	...	2	...	...	...	1	...	...	...	...	...	...	...	1	2	...	...	...	...	...	...	...	...	8	1	9	99.99	
VIII.—OF THE ORGANS OF GENERATION.																													
80. Childbirth .....	...	...	...	1	...	...	...	1	...	3	...	2	...	...	...	1	...	1	...	...	...	1	...	...	...	10	10	62.50	
81. Paramenia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
82. Ovarian Dropsy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
83. Organs of Generation, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Monthly Totals of the Class .....	...	1	...	1	...	...	...	...	...	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	6	6	37.50	
IX.—OF THE ORGANS OF LOCOMOTION.																													
84. Arthritis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
85. Rheumatism .....	...	...	...	...	...	1	...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
86. Joints, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	6	2	8	72.72
*89. Caries .....	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	1	2	3	27.27
Monthly Totals of the Class .....	...	...	1	...	...	1	...	...	...	...	...	1	...	1	...	...	2	...	1	...	...	2	...	1	...	8	3	11	99.99
X.—OF THE INTEGUMENTARY SYSTEM.																													
87. Carbuncle .....	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	33.33
88. Phlegmon .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
89. Ulcer .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
90. Fistula .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
91. Skin, Diseases of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Monthly Totals of the Class .....	...	...	...	...	...	1	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	3	...	3	99.99
XI.—OLD AGE.																													
92. Old Age .....	...	1	1	...	...	3	3	6	3	1	...	4	...	5	3	2	2	...	2	5	6	2	1	1	21	30	51	100.00	
Monthly Totals of the Class .....	...	1	1	...	...	3	3	6	3	1	...	4	...	5	3	2	2	...	2	5	6	2	1	1	21	30	51	100.00	
XII.—EXTERNAL CAUSES.																													
93. Intemperance .....	1	...	1	3	2	...	1	4	1	1	1	4	3	1	...	...	...	...	2	1	1	1	...	...	13	15	28	26.41	
94. Starvation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
95. Violent Deaths .....	5	5	4	...	5	4	4	3	3	...	3	...	...	...	4	1	3	1	4	...	...	...	...	...	51	18	69	66.09	
96. Sunstroke .....	3	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Monthly Totals of the Class .....	9	6	5	3	7	4	5	7	5	2	4	4	5	1	4	1	3	1	6	2	9	2	8	3	70	36	106	99.99	
UNSPECIFIED.																													
Monthly Totals of the Class .....	...	2	...	...	9	6	6	2	4	2	2	1	...	...	2	2	2	...	8	1	5	3	10	4	48	23	71	100.00	

## H 2.

TABLE shewing the actual number of DEATHS of MALES and FEMALES, in each Class, Registered in SYDNEY, during each of the Twelve Months from 1st January to 31st December, 1858, together with the average per centage of the Total Deaths of the Class.

CAUSES OF DEATH.	JAN.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS DURING 12 MONTHS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
1. ZYMOTIC DISEASES.. .....	11	20	9	9	16	15	7	9	10	9	14	13	13	12	6	10	14	9	21	17	15	25	20	34	156	182	338	20.32	
<i>Sporadic Diseases.</i>																													
2. OF UNCERTAIN SEAT .....	7	9	10	10	8	14	9	2	6	10	13	8	7	5	9	5	11	5	12	7	10	14	12	15	114	104	218	13.23	
3. OF NERVOUS SYSTEM .....	13	16	12	14	11	14	9	8	4	13	22	11	8	12	12	7	7	8	14	8	19	12	9	14	140	137	277	16.81	
4. OF RESPIRATORY SYSTEM...	17	5	10	6	9	7	13	7	14	14	28	17	15	6	10	11	14	4	9	11	16	8	11	5	166	101	267	16.21	
5. OF CIRCULATORY SYSTEM...	3	2	4	1	1	1	3	...	2	2	...	2	3	1	...	...	1	1	2	2	6	1	4	2	29	16	44	2.67	
6. OF DIGESTIVE ORGANS.....	23	19	18	8	17	18	8	8	10	12	9	4	11	4	3	4	2	4	6	1	9	9	15	14	131	105	236	14.32	
7. OF URINARY ORGANS .....	3	..	2	...	...	...	1	...	...	...	...	...	...	..	...	1	2	...	...	...	...	...	...	...	...	8	1	9	.54
8. OF GENERATIVE ORGANS...	...	1	...	2	...	...	...	1	...	3	...	3	...	1	...	2	...	1	...	...	...	2	...	...	...	...	16	16	.97
9. OF LOCOMOTIVE ORGANS ...	...	...	1	...	...	1	...	...	...	...	1	...	1	...	...	...	2	...	1	...	2	1	...	1	8	3	11	.66	
10. OF INTEGUMENTARY SYSTEM	...	...	...	...	...	...	1	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	3	...	3	.18
11. OLD AGE.....	...	1	1	...	...	3	3	6	3	1	...	4	...	5	3	2	2	...	2	5	6	2	1	1	21	30	51	3.09	
12. EXTERNAL CAUSES .....	9	6	5	3	7	4	5	7	5	2	4	4	5	1	4	1	3	1	6	2	9	2	8	3	70	36	106	6.43	
UNSPECIFIED .....	...	2	...	...	9	6	6	2	4	2	2	1	...	...	2	2	2	..	8	1	5	3	10	4	48	23	71	4.31	
TOTAL FROM ALL CAUSES .....	85	81	72	53	78	83	65	50	58	68	93	67	65	47	49	45	60	33	81	54	97	79	90	93	894	753	1647	99.94	



## H 3.

TABLE shewing the DEATHS of MALES and FEMALES, Registered in each WARD of the CITY, from 1st January to 31st December, 1858, distinguishing those under 5 years of Age.

WARDS.	UNDER 5 YEARS OF AGE.			ABOVE 5 YEARS OF AGE.			AGES UNSPECIFIED.		TOTAL.		GRAND TOTAL.
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Males.	Females.	
1. Gipps .....	70	78	148	61	45	106	6	4	137	127	264
2. Bourke .....	52	43	95	127	61	188	11	3	190	107	297
3. Brisbane .....	51	52	103	35	35	70	4	2	90	89	179
4. Macquarie .....	34	24	58	17	22	39	1	...	52	46	98
5. Cook .....	52	49	101	34	21	55	4	1	90	71	161
6. Fitzroy .....	61	77	138	49	42	91	1	1	111	120	231
7. Phillip .....	54	53	107	84	67	151	4	...	142	120	262
8. Denison .....	50	49	99	30	24	54	2	...	82	73	155
TOTALS.....	424	425	849	437	317	754	33	11	894	753	1,647

## I 1.

TABLE shewing the actual number of DEATHS of MALES and FEMALES, from various causes, Registered in the HAMLETS, during each of the Twelve Months from 1st January to 31st December, 1858, together with the per centage of the Total Deaths of the Year from each Disease to the Aggregate Deaths of the entire class to which such Disease belongs.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
I.—ZYMOTIC.																													
1. Small Pox .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
2. Measles .....	1	...	1	...	...	...	4	...	3	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...		
3. Scarletina .....	1	3	...	...	...	...	1	1	1	1	...	...	3	1	...	...	...	...	...	...	...	...	...	...	...	...	...		
4. Hooping Cough .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
5. Croup .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
6. Thrush .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
7. Diarrhoea .....	3	5	...	...	...	...	3	3	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
8. Dysentery .....	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
9. Cholera .....	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
10. Influenza .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
11. Ague .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
12. Remittent Fever .....	...	...	1	...	...	...	1	3	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
13. Typhus .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
14. Erysipelas .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
15. Syphilis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
16. Hydrophobia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Monthly Totals of the Class	8	10	10	10	2	5	13	7	4	8	2	4	8	9	3	4	4	8	7	9	15	8	16	12	92	94	186	99.95	
II.—OF UNCERTAIN OR VARIABLE SEAT.																													
17. Inflammation .....	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	1	...	...	2	...	...	2	2	4	4.00	
18. Haemorrhage .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
19. Dropsy .....	...	...	...	...	...	...	...	...	3	1	...	1	...	4	1	...	1	1	1	...	...	...	...	...	...	...	...		
20. Abscess .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
21. Mortification .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
22. Purpura .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
23. Scrofula .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
24. Carcinoma .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
25. Tumour .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
26. Gout .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
27. Atrophy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
28. Debility .....	5	...	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
29. Malformation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
30. Sudden Death .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Monthly Totals of the Class	5	...	4	5	...	4	5	4	6	3	4	3	9	3	3	3	1	3	5	3	6	6	5	10	53	47	100	100.00	
III.—OF THE NERVOUS SYSTEM.																													
31. Cephalitis .....	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
32. Hydrocephalus .....	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
33. Apoplexy .....	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
34. Paralysis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
35. Convulsions .....	5	7	4	1	4	3	1	6	1	7	2	4	5	4	5	3	5	3	1	2	6	5	4	5	43	50	93	58.49	
36. Tetanus .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
37. Chorea .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
38. Epilepsy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
39. Insanity .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
40. Delirium Tremens .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
41. Brain, Disease of .....	3	3	2	3	1	2	1	2	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
42. Spine, Disease of .....	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Monthly Totals of the Class	10	10	7	6	5	5	4	10	4	9	10	7	5	5	6	6	6	5	5	3	11	6	7	8	80	79	159	99.95	
IV.—OF THE RESPIRATORY ORGANS.																													
43. Laryngitis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
44. Quinsy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
45. Bronchitis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
46. Pleurisy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
47. Pneumonia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
48. Hydrothorax .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
49. Asthma .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
50. Phthisis, or Consumption .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
51. Lungs, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		
Monthly Totals of the Class	3	2	5	5	6	5	2	7	9	3	9	5	7	8	6	3	4	1	3	5	5	5	5	5	64	54	118	99.95	

## APPENDIX TO REGISTRAR GENERAL'S REPORT

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## I 1.—continued.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
V.—OF THE ORGANS OF CIRCULATION.																													
51. Pericarditis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
52. Aneurism .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
53. Heart, Disease of .....	...	...	...	1	...	...	...	1	...	...	...	1	...	...	...	...	...	...	1	...	...	1	...	1	...	...	...	...	
Monthly Totals of the Class .....	...	...	...	1	...	...	...	1	...	...	1	1	...	...	...	...	...	...	1	...	...	2	...	1	2	3	8	11	99.99
VI.—OF THE DIGESTIVE ORGANS.																													
54. Teething .....	1	13	7	7	6	1	1	4	3	1	1	2	1	...	...	...	3	1	1	2	2	1	5	27	44	71	61.73		
55. Gastritis .....	1	1	2	1	1	...	...	1	...	2	...	...	...	...	...	...	1	1	1	1	...	...	...	10	7	12	10.42		
56. Enteritis .....	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	1	1	1	1	...	...	...	...	...	...	...	...	
57. Peritonitis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
58. Tabes Mesenterica .....	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
59. Worms .....	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
60. Ascites .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
61. Ulceration .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
62. Hernia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
63. Colic or Ileus .....	...	1	...	...	1	1	...	...	...	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	
64. Intussusception .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
65. Stricture, Intestinal .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
66. Hematemesis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
67. Stomach, &c., Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
68. Pancreas, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
69. Hepatitis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
70. Jaundice .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
71. Liver, Disease of .....	1	...	...	1	...	...	...	...	...	...	...	...	...	...	1	...	1	...	1	...	...	...	...	...	1	4	2	6	5.21
72. Spleen, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	2	...	2	1.73	
Monthly Totals of the Class .....	4	15	11	11	7	8	2	1	5	3	3	3	3	3	4	...	3	4	3	3	4	2	5	8	54	61	115	99.94	
VII.—OF THE URINARY ORGANS.																													
73. Nephritis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
74. Ischuria .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
75. Diabetes .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
76. Crystitis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
77. Stone .....	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	20.00	
78. Stricture of Urethra .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	20.00	
79. Kidneys, &c., Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	2	1	3	60.00
Monthly Totals of the Class .....	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	2	...	1	...	4	1	5	100.00	
VIII.—OF THE ORGANS OF GENERATION.																													
80. Childbirth .....	...	...	...	2	...	...	...	...	...	1	...	...	...	1	...	3	...	1	...	1	...	...	...	...	...	9	9	90.00	
81. Puerperia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
82. Ovarian Dropsy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
83. Organs of Generation, Disease of .....	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	10.00	
Monthly Totals of the Class .....	...	1	...	2	...	...	...	...	...	1	...	...	...	1	...	3	...	1	...	1	...	...	...	...	...	10	10	100.00	
IX.—OF THE ORGANS OF LOCOMOTION.																													
84. Arthritis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
85. Rheumatism .....	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
86. Joints, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
86. Caries .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	2	66.66
Monthly Totals of the Class .....	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	...	1	...	...	...	1	2	3	99.99
X.—OF THE INTEGUMENTARY SYSTEM.																													
87. Carbuncle .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
88. Phlegmon .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
89. Ulcer .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
90. Fistula .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
91. Skin, Diseases of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Monthly Totals of the Class .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
XI.—OLD AGE.																													
92. Old Age .....	...	2	2	...	...	1	2	1	2	...	...	...	3	1	...	...	3	1	1	...	...	2	...	...	...	13	8	21	100.
Monthly Totals of the Class .....	...	2	2	...	...	1	2	1	2	...	...	...	3	1	...	...	3	1	1	...	...	2	...	...	...	13	8	21	100.
XII.—EXTERNAL CAUSES.																													
93. Intemperance .....	...	...	...	...	...	2	...	...	...	...	1	...	...	...	...	1	...	3	...	1	...	2	...	...	...	6	...	6	15.00
94. Starvation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
95. Violent Deaths .....	3	1	1	3	3	1	1	1	1	...	3	...	...	1	...	1	...	3	...	1	...	2	...	...	...	4	10	29	12.50
96. Suicide .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class .....	3	1	1	3	3	1	3	1	1	...	4	...	...	1	1	1	3	...	2	1	4	...	...	4	2	29	11	40	100.00
UNSPECIFIED.																													
Monthly Totals of the Class .....	...	...	1	1	...	...	1	...	...	1	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	3	3	6	100.00

## I 2.

TABLE shewing the actual number of DEATHS of MALES and FEMALES, in each Class, Registered in HAMLETS, during each of the Twelve Months from 1st January to 31st December, 1858, together with the average per centage of the Total Deaths during the Twelve Months.

CAUSES OF DEATH.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS DURING 12 MONTHS.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
1. ZYMOTIC DISEASES .....	8	10	10	10	2	5	13	7	4	8	2	4	8	9	3	4	4	8	7	9	15	8	16	13	92	94	186	24.00
<i>Sporadic Diseases.</i>																												
2. OF UNCERTAIN SEAT.....	5	...	4	5	...	4	5	4	6	3	4	3	9	3	3	3	1	3	5	3	6	6	5	10	53	47	100	12.80
3. OF NERVOUS SYSTEM .....	10	10	7	6	5	5	4	10	4	9	10	7	5	5	6	5	6	5	5	3	11	6	7	8	80	79	159	20.51
4. OF RESPIRATORY SYSTEM.....	3	2	5	5	6	5	2	7	9	3	9	5	7	8	6	3	4	1	3	5	5	5	5	64	54	118	15.22	
5. OF CIRCULATORY SYSTEM.....	...	...	...	1	...	...	1	...	...	1	1	1	...	...	...	...	...	...	1	...	2	1	2	3	8	11	14	1.41
6. OF DIGESTIVE ORGANS.....	4	15	11	11	7	8	2	1	5	3	3	3	3	3	4	...	3	4	3	3	4	2	5	8	54	61	115	14.83
7. OF URINARY ORGANS .....	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	2	...	1	...	4	1	5	0.64
8. OF GENERATIVE ORGANS .....	...	1	...	2	...	...	...	...	1	...	...	...	1	...	3	...	1	...	1	...	...	...	...	...	10	10	1.29	
9. OF LOCOMOTIVE ORGANS .....	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	...	1	...	...	...	1	2	3	0.38
10. OF INTEGUMENTARY SYSTEM	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	1	...	1	0.12
11. OLD AGE .....	...	2	2	...	1	2	1	2	...	...	...	...	3	1	...	...	3	1	1	...	2	...	...	...	13	8	21	2.70
12. EXTERNAL CAUSES .....	3	1	1	3	3	1	3	1	1	...	4	...	...	1	1	1	3	...	2	1	4	...	4	2	29	11	40	5.16
UNSPECIFIED .....	...	...	1	1	...	...	1	...	1	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	3	3	6	0.77
TOTAL FROM ALL CAUSES...	33	41	41	44	24	29	33	31	31	30	33	23	36	31	23	19	24	24	27	27	48	32	44	47	397	378	775	99.93

## J 1.

TABLE shewing the actual number of DEATHS of MALES and FEMALES, from various causes, Registered in COUNTRY DISTRICTS, during each of the Twelve Months from 1st January to 31st December, 1858, together with the per centage of the Total Deaths of the Year from each Disease to the Aggregate Deaths of the entire Class to which such Disease belongs.

	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.	
DISEASES.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
I.—ZYMOTIC.																													
1. Small Pox	...	...	...	...	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	...	1	...	1	1.25
2. Measles	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Scarlatina	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Hooping Cough	1	1	1	...	2	2	...	3	1	1	2	1	4	3	6	1	1	1	3	1	...	...	1	1	1	15	16	32	4.16
5. Croup	1	1	1	...	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	9.35
6. Thrush	1	1	1	1	2	2	1	1	2	1	1	1	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	17
7. Diarrhoea	8	5	6	3	5	3	5	3	2	2	4	5	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	64
8. Dysentery	9	3	4	8	5	9	5	2	4	4	5	6	3	1	4	3	1	1	3	2	...	...	...	...	...	...	...	...	16.62
9. Cholera	1	...	2	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	26.23
10. Influenza	...	...	...	...	...	...	...	...	1	3	1	3	...	4	3	3	4	5	...	5	5	...	...	...	...	...	...	...	...
11. Ague	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
12. Remittent Fever	1	4	3	...	1	2	2	1	1	2	1	4	1	4	2	...	...	...	...	...	...	...	...	...	...	...	...	...	10.90
13. Typhus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
14. Erysipelas	...	2	1	...	3	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
15. Syphilis	1	...	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16. Hydrophobia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	23	16	18	12	23	20	11	9	12	13	17	14	12	20	18	9	10	10	17	12	16	13	37	23	214	171	385	99.91	
II.—OF UNCERTAIN OR VARIABLE SEAT.																													
17. Inflammation	3	5	4	...	2	3	...	...	...	...	2	1	2	2	...	...	...	...	1	3	2	2	2	1	2	19	18	37	6.47
18. Hemorrhage	4	1	...	...	2	1	4	...	2	2	...	...	2	1	2	3	...	3	1	3	1	2	2	1	35	34	69	5.95	
19. Dropsy	2	2	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
20. Abscess	...	...	...	...	...	...	...	1	...	1	...	1	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
21. Mortification	1	...	1	...	1	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
22. Purpura	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
23. Scrofula	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
24. Carcinoma	1	...	...	1	3	1	...	...	4	...	1	2	...	3	2	2	...	1	...	...	...	...	...	...	...	...	...	...	...
25. Tumour	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
26. Gout	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
27. Atrophy	1	3	2	...	1	1	3	2	1	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
28. Debility	13	15	13	13	13	16	10	12	18	7	16	13	23	11	16	16	13	9	13	9	14	13	18	16	180	150	330	57.79	
29. Malformation	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
30. Sudden Death	3	...	1	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	28	28	23	15	24	22	22	17	30	16	27	20	35	18	31	20	26	17	22	16	30	22	36	27	334	237	571	99.94	
III.—OF THE NERVOUS SYSTEM.																													
31. Cephalitis	...	...	1	...	1	...	...	...	...	...	...	...	1	...	...	...	...	1	1	1	...	...	...	...	...	...	...	...	...
32. Hydrocephalus	3	3	4	...	...	2	1	1	1	1	...	...	...	...	...	...	...	1	1	1	1	...	...	...	...	...	...	...	...
33. Apoplexy	6	3	8	2	5	1	6	2	3	1	3	3	3	3	2	6	2	4	1	1	1	...	...	...	...	...	...	...	...
34. Paralysis	2	2	...	...	2	2	...	...	1	4	1	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
35. Convulsions	6	9	6	8	19	9	12	5	9	10	4	5	8	9	17	10	11	7	15	4	11	8	18	11	136	85	231	46.75	
36. Tetanus	2	2	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
37. Chorea	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
38. Epilepsy	1	...	...	1	1	...	1	...	...	1	...	...	...	...	1	...	...	1	2	...	...	...	...	...	...	...	...	...	...
39. Insanity	...	...	...	1	3	1	2	...	2	...	1	4	...	2	1	2	2	2	...	...	...	...	...	...	...	...	...	...	...
40. Delirium Tremens	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
41. Brain Disease of	3	...	4	1	2	...	2	1	4	...	4	2	...	...	4	3	5	2	4	1	6	2	2	3	40	15	55	11.13	
42. Spinal Disease of	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	25	17	27	14	33	14	25	12	24	16	18	10	17	15	36	19	27	12	28	7	38	12	32	16	330	164	494	99.94	

## J 1.—continued.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
<b>IV.—OF THE RESPIRATORY ORGANS.</b>																													
42. Laryngitis .....	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	1	...	...	...	...
43. Quinsy .....	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
44. Bronchitis .....	3	1	3	...	2	1	7	...	1	2	10	4	11	6	17	6	9	6	7	3	4	5	3	2	7	36	113	23-15	
45. Pleurisy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
46. Pneumonia .....	4	2	6	1	3	...	1	1	3	3	6	4	7	3	9	5	7	9	9	3	3	2	4	3	62	36	98	20-08	
47. Hydrothorax .....	3	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
48. Asthma .....	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
49. Phthisis, or Consumption .....	11	1	8	7	14	4	5	5	10	5	4	5	5	4	6	5	21	5	6	4	2	9	13	10	112	64	176	36-00	
50. Lungs, Disease of .....	3	1	3	...	...	...	...	...	4	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Monthly Totals of the Class .....	26	5	22	10	21	5	23	8	22	10	30	13	30	18	41	18	44	24	30	8	20	19	24	17	333	155	468	99-96	
<b>V.—OF THE ORGANS OF CIRCULATION.</b>																													
51. Pericarditis .....	2	1	...	...	...	...	...	...	1	...	...	...	...	...	...	...	2	...	1	...	...	...	...	...	...	...	...	...	
52. Aneurism .....	1	...	...	...	3	...	1	1	1	...	1	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	
53. Heart, Disease of .....	0	2	1	2	4	...	5	1	9	4	4	2	3	3	11	1	6	2	5	4	5	2	7	...	...	...	...	...	
Monthly Totals of the Class .....	3	3	1	2	7	...	6	2	11	4	5	2	3	3	12	1	9	2	6	4	5	2	8	4	81	29	110	99-98	
<b>VI.—OF THE DIGESTIVE ORGANS.</b>																													
54. Teething .....	14	5	4	10	10	2	3	2	4	1	1	4	1	...	3	3	2	1	2	...	7	3	7	8	56	39	65	30-35	
55. Gastritis .....	3	3	2	1	...	1	2	3	2	...	3	1	3	...	2	...	...	...	...	...	3	2	2	1	24	14	38	12-14	
56. Enteritis .....	4	...	3	...	...	2	1	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
57. Peritonitis .....	...	4	...	1	2	1	1	1	4	1	1	...	...	2	2	3	...	1	2	1	...	1	...	...	...	...	...	...	
58. Tabes Mesenterica .....	...	3	1	...	1	...	...	...	...	...	1	1	1	1	1	1	...	...	...	...	1	...	...	...	...	...	...	...	
59. Worms .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
60. Ascites .....	...	1	...	2	1	1	...	...	...	...	2	...	...	...	...	...	1	...	...	...									

## J 2.

SUMMARY OF DEATHS OF BOTH SEXES, Registered in COUNTRY DISTRICTS, from 1st JANUARY to 31st December, 1858.

CAUSES OF DEATH.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUG.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE ON TOTAL DEATHS DURING 12 MONTHS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
1. ZYMOTIC DISEASES .....	23	16	18	12	23	20	11	9	12	13	17	14	12	20	18	9	10	10	17	12	16	13	37	23	214	171	385	11.12	
<i>Sporadic Diseases.</i>																													
2. OF UNCERTAIN SEAT .....	28	28	23	15	24	22	22	17	30	16	27	20	35	18	31	20	26	17	22	15	30	22	36	27	334	237	571	16.49	
3. OF NERVOUS SYSTEM .....	25	17	27	14	33	14	25	12	24	16	18	10	17	15	36	19	27	12	28	7	38	12	32	16	330	164	494	14.27	
4. OF RESPIRATORY SYSTEM...	26	5	22	10	21	5	23	8	22	10	20	13	30	18	41	18	44	24	30	8	20	19	24	17	333	155	488	14.10	
5. OF CIRCULATORY SYSTEM...	8	3	1	2	7	...	6	2	11	4	5	2	3	3	12	1	9	2	6	4	5	2	8	4	81	29	110	3.17	
6. OF DIGESTIVE ORGANS ...	24	14	17	20	22	10	13	10	14	3	13	8	14	3	20	7	19	6	11	6	17	9	22	11	206	107	313	9.04	
7. OF URINARY ORGANS .....	...	...	...	...	2	...	4	...	...	...	4	...	3	1	3	...	1	...	2	...	3	1	2	...	24	2	26	.75	
8. OF GENERATIVE ORGANS...	...	5	...	1	...	4	...	8	...	3	...	2	...	5	...	4	...	6	...	2	...	3	...	1	...	44	44	127	
9. OF LOCOMOTIVE ORGANS ...	3	...	3	...	1	...	1	...	1	2	...	...	...	1	1	...	2	2	...	1	...	...	3	...	15	6	21	.60	
10. OF INTEGUMENTARY SYSTEM	...	...	...	...	...	...	1	...	...	...	...	...	1	...	...	...	...	...	1	...	...	...	1	...	4	...	4	.11	
11. OLD AGE .....	15	3	21	5	26	3	8	3	22	2	28	6	18	2	20	7	14	5	18	1	19	3	15	3	224	43	267	7.71	
12. EXTERNAL CAUSES .....	48	18	49	1	28	11	28	7	33	6	30	12	30	11	30	13	35	5	42	5	41	12	53	10	447	111	558	16.12	
UNSPECIFIED.....	15	4	16	7	7	1	15	3	13	1	6	3	18	5	12	6	12	1	10	4	9	2	8	2	141	39	180	5.20	
TOTAL FROM ALL CAUSES.....	215	113	197	87	194	90	157	79	182	76	178	60	181	102	224	104	199	20	187	65	198	98	241	114	2353	1108	3461	99.95	

## K.

TABLE of BIRTHS and DEATHS occurring at Sea, Registered in the Colony of NEW SOUTH WALES, from 1st January to 31st December, 1858.

WHERE REGISTERED.	BIRTHS.			DEATHS.		
	Males.	Females.	Total.	Males.	Females.	Total.
Sydney .....	19	17	36	82	33	115
Brisbane .....	11	8	19	4	1	5
Newcastle .....	...	...	...	1	...	1
TOTALS .....	30	25	55	87	34	121

## L.

RETURN of the REGISTRATION DISTRICTS, with the names of the persons holding the office of DISTRICT REGISTRAR.

## METROPOLITAN DISTRICTS.

1. Sydney ..... The Registrar General.
2. Balmain ..... Heber Going Loten, schoolmaster.
3. O'Connell Town, Glebe, &c. (now called Glebe and Newtown) .... } Charles Alfred Newman, do.
4. Chippendale (now called Redfern and Botany) ..... } Henry Robinson Smith.
5. Paddington and Alexandria ..... George Warburton.
6. Concord ..... William Henry Maybury.
7. St. George ..... Henry Briggs.
8. St. Leonard's ..... Robt. D. Ward, surgeon.

## L.—Continued.

## COUNTRY DISTRICTS.

9. Albury .....	Henry Sherman Elliott, C.P.S.	50. Mudgee .....	J. W. Allpass, schoolmaster.
10. Armidale .....	Edward Baker.	51. Murrumbidgee .....	Henry Wheeler, Postmaster.
11. Bathurst .....	James Beuzeville.	52. Muswellbrook and Merton .....	J. B. Haskeu, schoolmaster.
12. Balranald* .....	Charles Alexander Sinclair, C.P.S.	53. Newcastle .....	John Burrowes, schoolmaster.
13. Berrima .....	J. Evelyn Liardet, C.P.S.	54. Orange .....	W. T. Evans, C.P.S.
14. Binalong .....	Jeremiah Hough.	55. Parramatta .....	Percy Simpson, J.P.
15. Bombala .....	Thomas Fox, C.P.S.	56. Paterson .....	B. Newbury, surgeon.
16. Brisbane .....	Revd. Robert Creyke.	57. Patrick's Plains .....	A. L. Forbes, schoolmaster.
17. Braidwood .....	John Gurney, C.P.S.	58. Penrith .....	G. T. Clarke, J.P.
18. Broulee .....	W. Stewart Caswell, P.M.	59. Picton .....	W. R. Antill.
19. Camden .....	John Benson Martin, C.P.S.	60. Port Curtis .....	J. S. Powe.
20. Campbelltown .....	Thomas Fisher.	61. Port Macquarie .....	Frederick Becke, C.P.S.
21. Carcoar .....	Hugh Mortimer Rowland, M.D.	62. Port Stephens .....	Henry Skillman.
22. Cassilis .....	John Morris, C.P.S.	63. Queanbeyan .....	Charles E. Newcombe, P.M.
23. Clarence Town .....	David Farquhar.	64. Raymond Terrace .....	William Gloag.
24. Cooma .....	John James Ryall.	65. Richmond .....	Richard Griffiths.
25. Coonabarabran (Dubbo) .....	Campbell J. Pegus, C.P.S.	66. Ryde .....	G. M. Pope.
26. Dalby .....	F. W. Roche.	67. Rylstone .....	W. W. Armstrong, C.P.S.
27. Deniliquin .....	Edward T. Lindsey, C.P.S.	68. Scone .....	James Smith, P.M.
28. Drayton .....	G. H. Loveday, C.P.S.	69. Shoalhaven .....	James Aldcorn, J.P.
29. Dubbo .....	John Scully, C.P.S.	70. Sofala .....	Thomas Corbett.
30. Dungog .....	Thomas Cook, J.P.	71. Surat (now called Condamine) .....	Henry Bennett.
31. Eden .....	P. J. Murray, P.M.	72. Tabulam (now called Richmond River) .....	Charles Moore, C.P.S.
32. Gayndah .....	Matthew Airey, C.P.S.	73. Tambaroora .....	Thomas Paten.
33. Gosford (now called Brisbane Water) .....	Thomas Cade Battley, C.P.S.	74. Tamworth .....	John McDonald, C.P.S.
34. Goulburn .....	William Chatfield, J.P.	75. Tenterfield .....	E. O'Connell.
35. Grafton .....	W. C. B. Wilson.	76. Tumut .....	Henry Hilton.
36. Gundagai .....	David Smith, C.P.S.	77. Ulladulla .....	John Done, schoolmaster.
37. Hartley .....	Robert Rygate, surgeon.	78. Wagga Wagga .....	Allan B. Morgan, M.D.
38. Ipswich .....	William Hendren.	79. Warralda .....	G. H. Johnson.
39. Kiama .....	W. D. Meares, C.P.S.	80. Warwick .....	Jonathan Harris, schoolmaster.
40. Leichhardt .....	George Scrope Hammond, C.P.S.	81. Wee Waa .....	C. E. Smith, P.M.
41. Liverpool .....	Jeremiah Linde Jones, R.N.	82. Wellingrove .....	James Martin.
42. M'Donald River .....	J. Pescud.	83. Wellington .....	A. A. Davies, C.P.S.
43. M'Leay River .....	W. H. Thornton, J.P.	84. Wingham (now called Manning River) .....	Jasper Creagh, C.P.S.
44. Maitland .....	Daniel Carter.	85. Windsor .....	William Walker, solicitor.
45. Maryborough .....	W. Richardson, schoolmaster.	86. Wollombi .....	James Biscoe.
46. Moama .....	M. A. McKenna, C.P.S.	87. Wollongong .....	G. P. Lambert, M.D.
47. Molong .....	Andrew Ross, M.D.	88. Yass .....	John Stiles, C.P.S.
48. Morpeth .....	John Keating.		
49. Moulamein .....	Otto Linser, M.D.		

\* Now removed to "Lang's Crossing Place."



1859-60.

Legislative Assembly.

## NEW SOUTH WALES.

## REGISTRATION OF BIRTHS, DEATHS, &amp; MARRIAGES.

(FOURTH ANNUAL REPORT FOR THE YEAR ENDING 31st DECEMBER, 1859).

*Ordered by the Legislative Assembly to be Printed, 26 June, 1860.*

THE REGISTRAR GENERAL to THE HONORABLE THE COLONIAL SECRETARY.

*General Registry Office,  
Sydney, 8 June, 1860.*

SIR,

I do myself the honor to transmit herewith, for presentation to Parliament, the abstracts of Births, Deaths, and Marriages registered in New South Wales during the year 1859. The ten districts which will be found grouped in the first division in table B (*see Appendix*) form the new Colony of Queensland, and the returns from that division of districts consequently embrace the eleven months ending 30th November only.

2. The Table at foot shews the numbers registered in each quarter of the year, distinguishing males and females. The births numbered 14,415; the deaths numbered 5,642; and the marriages numbered 3,295, or 6,590 persons married. These form an addition of 26,647 new names to the national records.

The

(A.)

TABLE shewing the number of BIRTHS, MARRIAGES, and DEATHS registered in the Colony of New South Wales during each Quarter of the Year ended 31st December, 1859.

Quarters ended—		BIRTHS.			MARRIAGES.	DEATHS.		
		Males.	Females.	Total.		Males.	Females.	Total.
Sydney.	31st March.....	356	289	645	243	237	157	394
	30th June.....	293	292	585	232	175	145	320
	30th September.....	306	294	600	244	181	100	281
	31st December.....	282	266	548	234	201	210	411
	Total, Sydney .....	1,237	1,141	2,378	953	794	612	1,406
Suburban.	31st March.....	233	220	453	52	107	92	199
	30th June.....	226	229	455	60	85	74	159
	30th September.....	226	223	449	53	62	48	110
	31st December.....	224	232	456	51	119	104	223
	Total, Suburban .....	909	904	1,813	216	373	318	691
Country Districts.	31st March.....	1,207	1,146	2,353	520	671	382	1,053
	30th June.....	1,293	1,189	2,482	507	555	293	848
	30th September.....	1,404	1,334	2,738	579	516	258	774
	31st December.....	1,350	1,251	2,601	520	585	285	870
	Total, Country Districts.	5,254	4,970	10,224	2,126	2,327	1,218	3,545
GRAND TOTALS ..		7,400	7,015	14,415	3,295	3,494	2,148	5,642



Increase of the  
population by  
excess of births  
over deaths.

The natural increase to the population by the excess of births over deaths was 8,773, or, estimating the gross population at the middle of the year in round numbers at 350,000, at the rate of 2·506 per cent.

The increase in the previous year was 7,919, or 2·562 per cent.; and in 1857 it was 7,657, or 2·552 per cent. The rate of increase was therefore smaller last year than in either of the two previous years.

3. Looking to the actual number of births, deaths, and marriages registered, we find that the births and marriages exceeded the number registered in the previous year; whilst the number of deaths has decreased. The births were 613 and the marriages were 303 more in number; whilst the deaths were 241 less in number.

Annual rates of  
births, deaths,  
and marriages,  
as compared  
with England  
and Wales.

The annual rates of the year 1859 were, of births 41·18, of deaths 16·12, and of persons married 18·82 to each 1,000 persons living. These rates, as compared with the average of England and Wales, shew an excess of 8·43 children born and 2·49 persons married to 1,000 living, whilst the mortality was 6·34 below the average of the Mother Country; or, giving the results in another shape, there were of the estimated population in the Colony last year, as compared with the average of England and Wales, viz.:—

	New South Wales.	England and Wales.
Born .....	1 in 24	1 in 31.
Died .....	1 in 62	1 in 45.
Married .....	1 in 53	1 in 61.

Queensland  
Returns for  
December.  
Appendix B.

I have not made any allowance in the foregoing calculations for the registrations wanting in the first division of Districts for the month of December, because their effect would be barely appreciable, the average monthly returns from the Queensland Districts being—births, 89; deaths, 28; and marriages, 19, only.

### BIRTHS.

Ratio of births  
in the City,  
Suburbs, and  
Country Dis-  
tricts.  
Proportion  
of males to  
females.

4. The births in Sydney were in the ratio of 1 in 25 of the estimated population, in the Suburban Districts 1 in 23, and in the Country Districts 1 in 24.

The number of males born to the number of females was in the proportion of 105 boys to 100 girls; in 1858 it was 106 boys to 100 girls.

Marked (B.)  
Comparative  
Table of births  
from 1857 to  
1859.

The subjoined Comparative Table gives the births in each year from 1857 to 1859, arranged quarterly for the City and the Suburban and Country Districts respectively. The year 1856, being a broken year, is excluded.

The curious may, from the facts exhibited in this Table, be able to deduce conclusions as to the effect the seasons have upon the fecundity of the population. The Returns do not embrace children still-born.

5.

(B.)

TABLE shewing the Number of BIRTHS registered in the Colony of New South Wales during each of the Quarters of the Years 1857, 1858, 1859, in the City, Suburban, and Country Districts respectively.

	31 March.	30 June.	30 September	31 December.	Total.	Rate per 1,000 living.
Sydney .....						
{ 1857..	526	641	553	552	2,272	40·50
{ 1858..	524	631	604	507	2,266	38·90
{ 1859..	645	585	600	548	2,378	39·33
TOTAL .....	1,695	1,857	1,757	1,607	6,916	.....
Suburban .....						
{ 1857..	394	445	450	427	1,716	52·02
{ 1858..	400	408	474	491	1,773	47·86
{ 1859..	453	455	449	456	1,813	43·58
TOTAL .....	1,247	1,308	1,373	1,374	5,302	.....
Country Districts						
{ 1857..	1,971	1,996	2,277	2,271	8,515	40·37
{ 1858..	2,245	2,353	2,636	2,529	9,763	42·49
{ 1859..	2,353	2,482	2,788	2,601	10,224	41·23
TOTAL .....	6,569	6,831	7,701	7,401	28,502	.....

## REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

3

5. The ratio of births registered to the estimated population has fluctuated but little. It was 4.16 to 100 living in 1857, 4.24 in 1858, and 4.12 in 1859. Fluctuation of births in the three years.

There is reason to believe that the slight decrease observable in the ratio of births for last year is due to remissness on the part of parents in the City of Sydney (during the last quarter of the year more particularly) to register the births of their children within the prescribed period (60 days). Presumed remissness of parents in Sydney to register births.

This assumption is borne out by the figures in the Table, where a decrease is (B.) noticeable in the number of births registered in Sydney during the last quarters of both 1858 and 1859.

The deficiency of 1858 was brought up by the increase in the first quarter of 1859, but the Registers for 1860 do not shew a corresponding increase, and from this circumstance I am inclined to believe that the decrease is attributable to negligence on the part of parents, and not to any actual falling off in the number of births.

6. Taking the three years together, the second and third, or Summer quarters, exceed the first and fourth, or Winter quarters, in the number of births, viz. :— Excess of births in the Summer as compared with the Winter quarters.

In Sydney, by .....	312
In the Suburbs, by .....	60
In the Country Districts, by .....	562
Together.....	934

In Sydney the second quarter is the highest and the fourth quarter the lowest in point of numbers.

In the Suburban Districts the fourth quarter is the highest and the first quarter the lowest; whilst in the Country Districts the third quarter is the highest and the first quarter the lowest.

The natural inference from the total results would seem to be that in this Colony the cooler season is more prolific in births than the warm season of the year, or the reverse of England, where the Summer season is found to be the most fruitful.

7. The Table below shews the number of illegitimate children, the number of twins, Marked (C.) and the number of triplets registered during the year.

The number of children born out of wedlock was 465, or 3.225 per cent. on the total births; in 1858 the proportion was 2.390 per cent.; and in 1857 it was 2.335 per cent. Whether the gradual increase is attributable to improved Registration, or to the deterioration of morals in the community, I have not sufficient data to enable me to determine. Proportion of children born out of wedlock.

Comparing our state with that of the Mother Country, we are not justified in taking a gloomy view of the question. Comparison with England and Wales.

The

(C.)

TABLE shewing the number of CHILDREN born out of Wedlock, Triplets, and Twins, during the Year 1859.

	ILLEGITIMATE.		TRIPLETS.		TWINS.	
	Males.	Females.	Males.	Females.	Males.	Females.
Sydney.....	44	61	....	....	26	21
Suburban.....	21	20	....	....	18	10
Country Districts .....	149	170	1	2	60	70
TOTAL .....	214	251	1	2	104	101
	465		3		205*	

\* 1 still-born not registered.

The proportion of children born out of wedlock in England and Wales fluctuates very materially in different counties, and it is by no means the highest in the populous cities where it might be looked for.

Illegitimate  
births in  
London.

For instance, in the City of London (where the illegitimate births may possibly not all be registered) the proportion is about 4·0 per cent. of the births, whilst in the County of Cumberland the proportion exceeds 10·0 per cent.; the average of England and Wales being somewhere between 6·0 and 7·0 per cent.

Illegitimate  
births in the City  
of Sydney and  
Suburbs.

In the City of Sydney last year the proportion was 4·41 per cent., and in the Suburbs 2·20 per cent.; or if we class the two together, we reduce the metropolitan proportion to 3·48, or a little below that of London; whilst in the Country Districts 3·12 per cent. only of the births are registered as illegitimate.

Triplets.

The case of triplets, noted in the Table, occurred in the District of Goulburn.

### MARRIAGES.

Proportion of  
marriages cele-  
brated by the  
different religious  
denominations.

8. 3,295 Marriages were registered during the year, and of this number 1,074 or nearly one-third—32·60 per cent.—were celebrated according to the rites of the Church of England; 820, or 24·90 per cent., according to the rites of the Roman Catholic Church; 889, or 27·00 per cent., by the Presbyterians; 212, or 6·43 per cent., by the Wesleyans; 140, or 4·25 per cent., by other Denominations; and 160, or 4·85 per cent., by the District Registrars.

With reference  
to the marriages  
celebrated by  
civil contract.

Of the marriages performed by civil contract, 3 only were celebrated in Sydney, and 7 in the Suburban Districts, whilst 150 were celebrated by the Registrars in the Country Districts. This fact goes to prove very clearly that where the services of the Church are available persons are by no means satisfied to substitute the civil ceremony; for it may fairly be assumed that the excess of marriages by civil contract in the Country Districts is owing entirely to the paucity of ministerial visitations, and not to any objection to, or want of proper appreciation of the religious ceremony.

Marked (D.)

9. The Table below shews the number of marriages celebrated in each quarter of the years 1857 to 1859, in the City, Suburbs, and Country Districts, respectively.

Decrease in the  
number of mar-  
riages in Sydney.

The decrease in the number of marriages celebrated in Sydney is a very noticeable feature in the Return; it seems to bear remarkable evidence of the pressure of the times upon the industrial classes.

Marriages a test  
of the goodness  
or the badness of  
the times in  
England.

At Home the Marriage Registers are found to be a certain barometer of the condition and prospects of the people; and there is reason to believe that a similar degree of prudence and foresight regulates the habits of the people of New South Wales; indeed, the figures before us would seem to prove that the same influences do produce the same effects: when people

(D.)

TABLE shewing the number of MARRIAGES registered in the Colony of New South Wales during each Quarter of the Years 1857, 1858, 1859.

	31 March.	30 June.	30 September	31 December.	TOTAL.	Rate per 1,000 living.
Sydney .....	1857.. 266 1858.. 232 1859.. 243	258 290 232	251 263 244	272 221 234	1,047 996 953	18·66 17·10 15·76
TOTAL .....	741	770	758	727	2,996	
Suburban .....	1857.. 50 1858.. 49 1859.. 52	44 46 60	48 39 53	38 44 51	180 178 216	5·45 4·80 5·19
TOTAL .....	151	150	140	133	574	
Country Districts	1857.. 435 1858.. 456 1859.. 520	403 482 507	424 478 579	413 402 520	1,675 1,818 2,126	7·94 7·91 8·57
TOTAL .....	1,411	1,392	1,481	1,335	5,619	

people are well off, and employment is plentiful, they marry—when the times are bad, they refrain from marriage.

We know that in the City of Sydney, during the last two years, labor has not been so plentiful, nor have wages ruled so high, as they were during the six previous years, and we see the effect in the diminution of marriages, from 18·66 per 1,000 in 1857, to 15·76 per 1,000 in 1859; or, in other words, out of 1,000 persons living in 1857, 37 were married; in 1858, 34 were married; and in 1859, only 31 were married.

Effect of the pressure of the times upon the marriages in Sydney.

Had the marriages proceeded in the same ratio to the population as we find them in 1857, there should have been 1,128 marriages instead of 953.

Any serious check to the prosperity of the community is thus seen to repress the natural increase of the population.

10. In the Suburban Districts, whilst the number of marriages exceeded the rate of Suburbs. 1858, they did not reach the standard of 1857. But in the Country Districts, where labor has maintained a more equable rate, it will be seen that the marriages have increased both in the number and in the rate per 1,000.

Country Districts.

11. I must not forbear to notice the remarkable difference between the numbers of males and females who signed the Registers with marks.

Proportion of males and females signing the Registers with marks.

Table C, in the Appendix, shews that, out of 6,590 persons married, no fewer than 1,770, or 26·86 per cent. signed with marks; of these 687, or 38· per cent., were males, and 1,083, or 62· per cent. were females.

There can be no question that many women who make their marks are deterred by timidity from writing their names, and that they are influenced by timidity to a greater degree than men. Hence in great measure arises the apparent educational inferiority amongst them.

Greater timidity of females to be allowed for.

12. Referring to the Returns of the Registrar General of England, and comparing them with ours, I find that they shew the proportion of 41 in 100 women to our 33, and 29 in 100 men to our 21, who make crosses instead of writing their names in the Marriage Registers. Deplorably defective as the state of education amongst us is, we have reason to congratulate ourselves on the favorable comparison with the Mother Country which this universally admitted test of the state of primary education affords.

Comparison with England and Wales.

It is to be regretted that the defects in the form of Marriage Certificate preclude the possibility of extending our inquiries into the relative ages of persons married, the number of minors married, and the number of re-marriages.

Certain defects in the form of Marriage Certificate noticed.

These and other inquiries which cannot be pursued would be interesting, as tending to illustrate the social condition and habits of the people.

13. In the 13th and 14th paragraphs of my Second Annual Report presented to Parliament, bearing date 16 August, 1858, reference was made to the defects in the form of Marriage Certificate, as well as to one or two other defects in the laws affecting marriages, requiring attention.

Further pointing out defects in the form of Marriage Certificate, and the evils arising therefrom.

The chief ones were,—

1st—As to the uncertainty of what was intended by the law to entitle a man to be registered as an “*ordinarily officiating Minister of Religion*,” for celebrating marriages; and

(See Registration Act, 19 Victoria, No. 34, Sec. 11.)

2nd—The want of check to the solemnization of irregular marriages.

With regard to the first:—Questions have arisen as to the power of the heads of certain denominations to erase the names of their Ministers from the annual list; and also as to the right to refuse to place upon the Register the names of persons calling themselves Ministers of Religion, but having no recognised standing or places of worship. It is desirable that both these questions should be determined.

As to the right of heads of denominations to erase names of Ministers from Register.

With regard to the second:—The marriage of young people *under age* without the proper consent of parents or guardians has been the subject of frequent complaint, and the defects in the Certificate render the detection of these irregularities (where they are wilfully committed) almost impossible. An amendment of the Form of Certificate is necessary to correct this evil, and I again commend the subject to the attention of the Government.

As to marriages of young persons under age without consent.

Vide Appendix M., 2nd Annual Report.

14. There is another point which I think it proper to notice at the same time; it relates to the civil contract.

With reference to marriages before Registrars.—Amendment in the law proposed.

As the law stands no notice is necessary of an intended marriage before the Registrar. Provided the intended wife is declared "*ordinarily to reside*" in the Registrar's District, he has no right to refuse to proceed with the ceremony on the spot in the presence of two witnesses. This summary method of proceeding is contrary to the recommendation of the Select Committee of the Legislative Council on the Marriage Laws, presented to the House in 1853,—and, I believe, opposed to the practice in every other country where the civil contract is made binding. It is very desirable that, to prevent the abuse of the privilege, not less than ten days' notice should be required, and publicity given of the intention of the parties to be married before the Registrar, so that the Registrar himself may have the opportunity of inquiring, and parents and friends of objecting, in cases of minority or other supposed disabilities.

Notice of ten days proposed to prevent irregularities.

### DEATHS.

15. The number of deaths registered in 1859 was 5,642, viz., 3,494 males and 2,148 females, which was a smaller number by 241 than was registered during the previous year. This is a satisfactory feature in the returns; it implies a lower rate of mortality than has been observed since the registration system came into operation.

Comparative rates of mortality for three years.

The annual rates of mortality of the three complete years were—1857, 1·615 per cent., or 1 in 62; 1858, 1·810 per cent., or 1 in 55; 1859, 1·612 per cent., or 1 in 62—on the estimated population at the middle of each year.\*

The range of the mortality in England and Wales in 18 years was from 2·077 (1 in 48) to 2·512 per cent. (1 in 40), the average rate being 2·246 per cent.; and during those 18 years there were two epidemics of cholera, and one of influenza.

The average in New South Wales during the three years was 1·679 per cent., or 1 in 59.

Comparative mortality of males and females.

16. The mortality of males was as 162 to 100 females, and it is somewhat remarkable how little fluctuation is observable in the proportional number of deaths of the sexes. In 1857, it was 162 to 100; in 1858, it was 163 to 100; in 1859, it was 162 to 100.

Proportion of males and females per Census.

By the Census of 1856, the proportion of males to females was 55·2 males to 44·8 females.

If we assume the sexes to have maintained this proportion, we arrive at the conclusion that the mortality amongst males is over three per thousand greater than it is amongst females; the average rate for the three years, 1857 to 1859, being about 19 per thousand males to about 16 per thousand females. But, as in the five years preceding the Census of 1856 we gained an increase of 44 females to every 1,000 males, so it is reasonable to assume a greater proportional increase for the current 5 years, and therefore the comparison may not in reality prove quite so unfavorable to the male sex, as our assumption shews it to be.

Proportion in England and Wales compared with Sydney.

In England and Wales the actual proportion of deaths is 103 males to 100 females, whilst out of equal numbers living the proportion of deaths of males is as 108 to 100 females.

Local analysis of Death Returns deferred till the results of next Census are known.

17. Although Table B, in the Appendix, gives the number of deaths registered in each District of the Colony, it would be premature to attempt to deduce conclusions as to the comparative rates of mortality in the ten different divisions into which the Colony has been distributed.

If we were to take the Census of 1856 as the basis of calculation the results would be unsatisfactory, and possibly very erroneous, since we know not what displacement of the population may have occurred since; I shall wait, therefore, until the results of the Census of 1861 are known, to make a local analysis of the Mortality Returns in the Country Districts.

18.

\* The uncertainty as to the overland migration of the people between this Colony and Victoria and South Australia, renders it impossible to arrive at the *actual* population. It has been estimated, for the purpose of these calculations, upon the basis of the average annual increase of the five years preceding the census of 1856, which gives in round numbers for the middle of 1857, 300,000; for the middle of 1858, 325,000; and for the middle of 1859 about 350,000, including Queensland. Probably these estimates are rather under than over the true quantity, but they are near enough for our present calculations.

## REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

7

18. At foot will be found a Comparative Table shewing the deaths in Sydney, the Suburbs, and Country Districts respectively, for the years 1857 to 1859, arranged quarterly. Marked (E.)

It is satisfactory to notice a decrease in the mortality of the City and Suburbs in each quarter of the year 1859, as compared with the previous year, whilst in the Country Districts there is observable a slight increase in the numbers of the two first quarters of the year only. Decrease in Metropolitan Mortality.

In Sydney there were 241 fewer deaths registered, which implies the difference between 28.28 in 1858, and 23.25 in 1859, or a decrease of 5.03 per 1,000 living, whilst as compared with 1857 the decrease is barely appreciable, being no more than 0.22 per 1,000. Decrease in the City Returns.

In other words, the deaths in the three years were—

In 1857 as 1 in 43.

1858 as 1 in 35.

1859 as 1 in 43.

The average of the three years being 25.00 per 1,000 living, or 1 in 40.

It is a somewhat singular coincidence that the decrease in the deaths in the Suburban Districts (84) should exactly balance the increase in the Country Districts (84), leaving the decrease in Sydney (241) that of the Colony at large.

19. In the Suburban Districts the decrease in the rate of mortality was from 20.92 in 1858 to 16.61 in 1859 or 4.31 per 1,000 living. Suburban mortality.

The fluctuation in the three years was as follows :—

In 1857, 1 in 52 died.

1858, 1 in 48 died.

1859, 1 in 60 died.

The average of the three years being 18.83 per 1,000, or 1 in 53.

If we throw the deaths of the City and Suburbs together, the rates exhibited in the following Table shew the Metropolitan mortality, viz. :— Metropolitan average of Mortality for three years.

YEAR.	ESTIMATED POPULATION.	DEATHS.	RATE PER 1,000 LIVING.	RATIO.
1857	89,081	1,943	21.81	1 in 46.
1858	95,280	2,422	25.42	1 in 39.
1859	102,060	2,097	20.54	1 in 49.

The

(E.)

TABLE shewing the number of DEATHS registered in the Colony of New South Wales during each Quarter of the Years 1857, 1858, 1859, in the City of Sydney, Suburban and Country Districts respectively.

		Estimated Population.	31 Mar.	30 June.	30 Sept.	31 Dec.	TOTAL.	Ratio per 1,000 g.
Sydney .....	1857	56,096	343	275	291	408	1,317	23.47
	1858	58,238	453	401	299	494	1,647	28.28
	1859	60,462	394	320	281	411	1,406	23.25
	TOTAL.....		1,190	996	871	1,313	4,370	
Suburban .....	1857	32,985	197	130	120	179	626	18.97
	1858	37,042	212	181	157	225	775	20.92
	1859	41,598	139	159	110	223	691*	16.61
	TOTAL.....		668	470	387	627	2,092	
Country Districts ....	1857	210,919	908	642	667	686	2,903	13.76
	1858	229,720	856	762	900	903	3,461	15.06
	1859	247,940	1,053	848	774	870	3,545	14.29
	TOTAL.....		2,867	2,252	2,341	2,359	9,909	

\* In a Parliamentary Paper, dated 17th February, 1860, the mortality of the Hamlets for the year 1859 is put down as 692. The correction is owing the discovery of an entry of the same death in two districts.

Comparison with  
London.

The average of the three years is 22·59 per 1,000 living, or 1 in 45; and this is 2·12 per thousand or about *one quarter per cent.* below the annual average rate of the Metropolitan District of London for the ten years from 1845 to 1854.

Country mor-  
tality.

20. In the Country Districts the mortality has not exhibited the same degree of fluctuation as has been noticed in the Town and Suburban Communities. Comparing the Country with the Metropolitan mortality we find a very considerable decrease in the rates exhibited.

Proportion of  
rural deaths in  
three years.

For the three years the proportion of deaths to the estimated population in the Country Districts was as follows, viz. :—

In 1857—13·76 per 1,000, or 1 in 73.

1858—15·06 per 1,000, or 1 in 66.

1859—14·29 per 1,000, or 1 in 69.

The average being 14·37 per 1,000 persons living, or 1 in 69;—that is 8·22 per 1,000 below the Metropolitan mortality, and 10·63 below that of the City of Sydney.

Reasons for the  
excess of mor-  
tality in Sydney  
over the Rural  
Districts.

When it is considered that the great public institutions for the sick and infirm in Sydney are open to the whole Colony, and that numbers are attracted from all parts by the comfort and attention, if not by the prospects of recovery which they afford,—when the mortality on shipboard, from accidents in the harbor, and from other exogenous sources are taken into account, and when we think on the evils arising from crowded dwellings, improper ventilation, unwholesome exhalations, impurities of all kinds, vice, filth, drunkenness and its concomitants—indigenous evils which prevail in no trifling degree in this naturally healthful city of ours,—the wonder is that the difference between the urban and rural mortality is not greater than the returns shew it to be.

Comparison with  
England and  
Wales.

21. The annual rate of mortality per cent. in the Town and Country Districts of England, during the six years 1850 to 1855, fluctuated between 2·228 and 2·816, with a mean of 2·562 per cent., for the Town Districts; and between 1·888 and 2·062, with a mean of 2·001 per cent. for the Country Districts, the difference being 0·561, or rather more than *one-half* per cent. in favor of the Country Districts; whilst in New South Wales the average for the three years was 2·259 per cent. in the Metropolitan Districts, and 1·437 per cent. in the Country Districts, the difference being 0·822, or a little over *three-quarters* per cent. in favor of the Country Districts.

These results are both interesting and instructive, they serve to some extent as a test of the accuracy of our own Registration, and they shew us that the same laws of health and disease have corresponding force at Home and at the Antipodes.

Infantile  
mortality.  
Marked (F.)

22. We come now to notice the mortality amongst children, and more particularly amongst the infantile population. The Table, at foot, exhibits the number and per centage of deaths under two years and under five years for each of the three years, 1857 to 1859, in the City, Suburbs, and Country Districts respectively; and here the most prominent feature attracting attention will probably be the apparently excessive number of deaths of infants under two years in the Suburbs, as compared with the City and Country Districts.

Taking

(F.)  
COMPARATIVE TABLE shewing the Infantile Mortality, for the Years 1857, 1858, and 1859.

	1857.				1858.				1859.			
	Under 2 years.	2 and under 5 years.	Total under 5 years.	Total Deaths.	Under 2 years.	2 and under 5 years.	Total under 5 years.	Total Deaths.	Under 2 years.	2 and under 5 years.	Total under 5 years.	Total Deaths.
Sydney .....	508	78	586	1,317	683	166	849	1,647	559	117	676	1,406
Per centage of Total Deaths.	38·57	5·92	44·49	..	41·46	10·07	51·54	..	39·75	8·32	48·08	..
Suburban .....	331	33	364	626	409	77	486	775	378	63	441	691
Per centage of Total Deaths.	52·87	5·27	58·14	..	52·77	9·93	62·70	..	54·70	9·11	63·82	..
Country Districts	904	165	1,069	2,903	1,117	190	1,307	3,461	1,129	198	1,327	3,545
Per centage on Total Deaths.	31·14	5·68	36·82	..	32·27	5·48	37·76	..	31·84	5·58	37·43	..
TOTALS..	1,743	276	2,019	4,846	2,209	433	2,642	5,883	2,066	378	2,444	5,642
	35·96	5·69	41·66	..	37·54	7·36	44·90	..	36·61	6·69	43·31	..



## REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

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Taking the mean of the three years, the deaths of infants under two years in proportion to the total deaths would appear to range higher by 13.52 per cent. in the Suburbs than they do in the City, and 21.70 per cent. higher than they do in the Country Districts. But we must not assume from these figures that there is a greater sacrifice of infant life in the Suburban Districts than in the City as many persons have supposed, and to prove this we have only to look to the number of births and to compare the deaths with them.

23. The following statements are presented with the view of disabusing the public mind as to the erroneous impression that has got abroad, and of placing the facts in their true light.

Apparent excess of suburban over urban and rural deaths under two years.

Showing the relative proportions of deaths to births in the Urban, Suburban, and Rural Districts.

TABLE 1.—CITY OF SYDNEY.

Years.	Births.	Deaths under two years.	Per cent.
1857.....	2,272	508	22.35
1858.....	2,266	653	29.14
1859.....	2,375	559	23.50
	6,916	1,750	25.30

TABLE 2.—SUBURBS.

Years.	Births.	Deaths under two years.	Per cent.
1857.....	1,716	331	19.29
1858.....	1,773	409	23.07
1859.....	1,813	378	20.85
	5,302	1,118	21.08

TABLE 3.—NEW SOUTH WALES, exclusive of Sydney and Suburbs.

Years.	Births.	Deaths under two years.	Per cent.
1857.....	8,515	904	10.62
1858.....	9,763	1,117	11.44
1859.....	11,224	1,129	11.04
	28,502	3,150	11.02

These figures demonstrate the fallacy of the notion, that more than half the children born die before they reach the age of two years. Doubtless the mortality of infants during the first year of their existence is great—it is so in all countries; but we see by the foregoing tables that, taking the deaths of children up to two years of age, the average annual mortality of the three years little exceeds 25 per cent. of the annual births in the City; 21 per cent. in the Suburbs, and no more than 11 per cent. in the Country Districts.

Fallacy of popular impression demonstrated.

24. Tables D in the appendix afford us the means of ascertaining the number of Infants who die before they reach the age of twelve months, and it may be satisfactory to compare the mortality in New South Wales in this point of view with what it is found to be in Victoria.

Child Death—or number of infants who do not survive the age of twelve months.

For the purpose of this comparison I shall throw the City and Suburbs together, so as to make only two divisions, viz. :—

## METROPOLITAN AND COUNTRY.

	BIRTHS.		TOTAL.	DEATHS UNDER ONE YEAR.		TOTAL.
	Males.	Females.		Males.	Females.	
Metropolitan .....	1,990	1,998	3,988	322	293	615
Country .....	4,276	4,239	8,515	393	301	694
1857 .....	6,266	6,237	12,503	715	594	1,309
Metropolitan .....	2,089	1,950	4,039	392	369	761
Country .....	5,037	4,726	9,763	526	378	904
1858 .....	7,126	6,676	13,802	918	747	1,665
Metropolitan .....	2,146	2,045	4,191	353	306	659
Country .....	5,254	4,970	10,224	473	370	843
1859 .....	7,400	7,015	14,415	826	676	1,502



## DEATHS UNDER ONE YEAR TO EVERY 100 BIRTHS.

	Males.	Females.	Total.
Metropolitan .....	16.18	14.66	15.42
Country .....	9.19	7.10	8.15
1857 .....	11.41	9.52	10.47
Metropolitan .....	18.76	18.92	18.84
Country .....	10.44	8.00	9.26
1858 .....	12.88	11.19	12.06
Metropolitan .....	16.45	14.96	15.72
Country .....	9.00	7.44	8.24
1859 .....	11.16	9.63	10.42

Greater risk in  
infancy to male  
over female life.

25. It is remarkable to trace through the foregoing figures evidences of the greater risk to which male life is exposed, even in the first year of existence. Taking the mean of the three years, it appears that out of every 100 males born in the Colony, nearly 12 (11.81) die within the year; whilst of every 100 females born only about 10 (10.11) die.

Chances in favor  
of infant life in  
the rural over  
urban districts.

The greater chances in favor of children born in the Country surviving the first year of their existence are also very clearly exemplified in the figures before us. Taking the mean of the three years, we find that out of every 100 children born 16.66 die in the Metropolitan Districts, whilst only 8.55 die in the Country Districts.

It is quite possible that in some of the widely-extended districts of the interior registration may not have attained the same publicity and perfection it has done in and near the Metropolis, yet a careful examination of the returns from the several districts leaves no grounds for supposing that any important omissions can have occurred, or that any serious neglect of the Registration Law can have escaped the observation of the District Registrars.

Infantile mor-  
tality in Victoria

26. In the Colony of Victoria the Returns of the three years 1855 to 1857, shew the following rates of mortality under one year to every 100 Births, viz. :—

	Males.	Females.	Total.
Melbourne and Suburbs .....	20.84	19.24	20.05
Country .....	14.60	12.36	13.50

By comparison with these figures Infant Life in New South Wales would seem to be more cared for, or subject to fewer casualties.

Marked (G.)

Comparative  
Table of mor-  
tality classified  
nosologically.

27. Subjoined is a Table shewing the relative rates of mortality from the different classes of diseases arranged according to the original classification of the Registrar General of England, the nosology being identical with that employed in Victoria.

Dr.

(G.)

TABLE shewing the Per-centage of Fatality of the several Classes of Diseases on the Total Deaths in the City of Sydney, in the Suburban and Country Districts respectively.

CAUSE OF DEATH.	SYDNEY.		SUBURBAN DISTRICTS.		COUNTRY DISTRICTS.	
	Total Deaths of the class.	Per-centage on Total Deaths of the 12 months.	Total Deaths of the class.	Per-centage on Total Deaths of the 12 months.	Total Deaths of the class.	Per-centage on Total Deaths of the 12 months.
1. Zymotic Diseases .....	303	21.55	199	26.79	609	17.17
<i>Sporadic Diseases.</i>						
2. Of Uncertain Seat .....	223	15.86	110	15.91	695	19.60
3. Of Nervous System .....	262	18.63	124	17.94	482	13.59
4. Of Respiratory System .....	179	12.73	78	11.28	393	11.08
5. Of Circulatory System .....	43	3.05	8	1.15	107	3.01
6. Of Digestive Organs .....	174	12.37	98	14.18	284	8.01
7. Of Urinary Organs .....	6	0.56	1	.14	30	.84
8. Of Generative Organs .....	15	1.06	7	1.01	60	1.69
9. Of Locomotive Organs .....	6	0.42	2	.29	17	.48
10. Of Integumentary System ..	6	0.42	1	.14	10	.28
11. Old Age .....	45	3.20	20	2.89	216	6.09
12. External Causes .....	108	7.68	41	5.93	525	14.81
Unspecified .....	34	2.41	2	.29	117	3.30
TOTALS .....	1,406	99.94	691	99.94	3,545	99.95

## REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

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Since this classification was adopted, Dr Farr has elaborated the English Tables and produced seventeen divisions instead of twelve, but it does not seem desirable to introduce a more elaborate classification in these Colonies where the primary causes of deaths are in many instances unknown, and where the immediate cause of death is often recorded without the guarantee of a Medical Certificate.

The largely increasing number of Medical Certificates received during the last year, and still coming in, affords satisfactory evidence of the importance attached by the Profession to the attainment of reliable information as to the causes of death; and it is hoped that the Members of the Profession, both in town and country, will kindly co-operate with the Registrars in their endeavours to perfect the Returns in this important respect.

28. Before closing our inquiry into the Death Returns, I would wish to illustrate the effect upon life produced by the warm and cool seasons respectively, and I do this by the means of the subjoined Table, which exhibits the rates of mortality for the three years, 1857 to 1859, in the summer and winter seasons; we can hardly be said to have any Spring and Autumn quarters, for we generally jump at once from cold weather to hot, and from hot weather to cold. The Tables in the Appendix will afford any one interested in pursuing this inquiry further the means of making the most minute and varied analysis.

Seasons—effect  
of warm and cool  
seasons on Death  
Rate exemplified.  
Marked (H.)

I shall content myself with merely placing the Table before you in its present shape, shewing the effect of the warm and cool seasons upon the rates of mortality in the Metropolitan and Country Districts.

It will be seen that the deaths in the warm season average about seven per 1,000 higher in the Metropolitan Division, and about two per 1,000 higher in the Country Division, the average difference over the whole Colony between the Winter and Summer rate being 3.56 per thousand.

29. The question of relieving the Central Office of the duty of registering births and deaths has been adverted to on former occasions, and a Bill to effect this object was prepared with official sanction, but no further steps have been taken to carry out the intention.

With reference  
to the establish-  
ment of Sub-  
registry Districts  
in the City.

There are inconveniences attaching to the registering of births and deaths at the central office, looking at the question officially, but the inconvenience to the public is still greater, so much so that I am afraid it in some measure prevents the attainment of perfect accuracy in the registration for the City; I allude more particularly to the non-registration of births, for the detection of which the same facilities are not afforded by the law as are available for the detection of any omission to register a death.

Inconvenience  
attaching to  
registration in  
the central office.

The system being now so successfully established, it is very desirable that every means should be adopted to secure the most perfect accuracy, and I have reason to believe that the establishment of two or more sub-registry offices in the city would, by affording greater

Success of system  
of registration,  
and proposals for  
improving same.

(H.)

TABLE shewing the Per-centage of Deaths to the Estimated Population in the Summer and Winter Season of the Years 1857-8-9.

	SUMMER SEASON. 1st October to 31st March.		WINTER SEASON. 1st April to 30th September.		MEAN.
	Deaths.	Rate per 1,000.	Deaths.	Rate per 1,000.	
Metropolitan .....	1,127	25.30	816	18.32	
Country Districts ..	1,594	15.11	1,309	12.41	
N. S. W. 1857 ....	2,721	18.14	2,125	14.16	16.15
Metropolitan .....	1,384	29.05	1,038	21.79	
Country Districts ..	1,799	15.65	1,662	14.46	
N. S. W. 1858 ....	3,183	19.58	2,700	16.61	18.09
Metropolitan .....	1,227	24.04	870	17.04	
Country Districts ..	1,923	15.51	1,622	13.08	
N. S. W. 1859 ....	3,150	18.00	2,492	14.24	16.12

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greater facilities to the public, and by rendering omissions more easy of detection, tend very much to ensure the attainment of this object.

Number of  
Returns,  
Registrars, and  
Districts.

30. The Returns (exclusive of the Queensland division) were collected from 79 districts, and there are the same number of District Registrars. A nominal list of these will be found in the Appendix, marked L.

The Returns from the several Registrars are sent in quarterly, and undergo a careful examination. Should any omissions or discrepancies be discovered, reference is made back for the correction of the error, or for explanation. This entails a very heavy correspondence.

Sub-division and  
re-arrangement  
of Districts.

31. The sub-division of districts (found inconveniently large) is occasionally called for, and during the course of last year a general re-arrangement of the boundaries of the several districts was made with a view to bring the Electoral, Police, and Registry Districts into unison with each other, and this unanimity it is intended to maintain as closely as circumstances will admit.

Urging the  
transfer of  
Church of  
England  
Registers.

Public incon-  
venience repre-  
sented.

32. It is well that I should take the present opportunity of urging again the necessity of securing for the use of the public the Church of England Registers of Baptisms, Marriages, and Burials, at present in the possession of Mr. James, the Deputy-Registrar of the Diocese of Sydney. Urgent representations have been repeatedly made as to the inconvenience attending their present custody; they are acknowledged to be records of great value, and yet they are only accessible to the public as a favor to be granted or refused at the option of the custodian.

Mr. James'  
claims.

The claim advanced by Mr. James, as compensation for the care and attention bestowed in the collection and arrangement of the Records, and for his labor in the compilation of the Indices, is generally considered, by those who have acquainted themselves with the circumstances under which the Records have been preserved, both just and reasonable; and any one who will take the trouble to compare the records of other religious denominations collected by the Government with those of the Church of England will acknowledge the very superior manner in which Mr. James has discharged his self-imposed duties, and even on this account, irrespective of other considerations, might be disposed to look favorably upon the question of remuneration which alone stands in the way of the transfer of the Records to the proper custody of the Registrar General.

I have, &c.,

CHRIS. ROLLESTON,  
Registrar General.

## APPENDIX TO REGISTRAR GENERAL'S REPORT.

## A.

TABLE shewing the Number of BIRTHS, MARRIAGES, and DEATHS registered in the Colony of New South Wales during the Year ended 31st December, 1859.

	BIRTHS.			MAR- RIAGES.	DEATHS.		
	Males.	Females.	Total.		Males.	Females.	Total.
Sydney .....	1,237	1,141	2,378	953	794	612	1,406
Suburban Districts .....	909	904	1,813	216	373	318	691
Metropolitan .....	2,146	2,045	4,191	1,169	1,167	930	2,097
Country Districts .....	5,254	4,970	10,224	2,126	2,327	1,218	3,545
GRAND TOTALS .....	7,400	7,015	14,415	3,295	3,494	2,148	5,642

## B.

TABLE shewing the POPULATION, with the Number of BIRTHS, MARRIAGES, and DEATHS registered in each District of the Colony of New South Wales during the Year ended 31st December, 1859, classified in Ten Divisions.

DISTRICTS.	POPULA- TION, 1856.	BIRTHS.			MAR- RIAGES.	DEATHS.		
		Males.	Females.	Total.		Males.	Females.	Total.
I. NORTHERN.								
1. Leichhardt—Rockhampton.....	328	5	8	13	5	5	2	7
2. Port Curtis.....	287	8	6	14	5	3	3	6
3. Gayndah.....	1,309	18	15	33	8	14	3	17
4. Maryborough.....	669	22	19	41	13	8	6	14
5. Brisbane.....	5,844	193	168	351	78	68	39	107
6. Ipswich.....	4,558	134	120	254	50	52	33	85
7. Warwick.....	1,362	42	49	91	16	12	3	15
8. Drayton.....	1,457	55	47	102	22	27	4	31
9. Dalby.....	678	28	30	58	8	13	7	20
10. Surat or Condamine.....	415	10	10	20	2	5	2	7
* TOTAL.....	16,907	505	472	977	207	207	102	309
II. NORTH-EASTERN.								
1. Tabulam.....	1,233	30	28	58	6	22	5	27
2. Grafton.....	1,069	69	66	135	39	22	11	33
3. M'Leay.....	962	46	43	89	20	19	5	24
4. Port Macquarie and.....	2,652	{ 31	22	53	18	9	4	13
5. Manning.....		{ 83	82	165	19	24	20	44
6. Port Stephens.....	1,222	29	25	54	4	4	5	9
7. Dungog and.....	2,582	{ 42	45	87	11	13	8	21
8. Clarence Town.....		{ 26	26	52	8	6	3	9
9. Paterson.....	2,399	73	55	128	7	15	6	21
10. Raymond Terrace.....	4,007	88	85	173	14	18	21	39
11. Maitland and.....	15,290	{ 362	330	692	151	150	90	240
12. Morpeth.....		{ 115	102	217	18	30	27	57
13. Patrick's Plains.....	3,419	97	93	190	34	40	17	57
14. Merton and Muswellbrook.....	1,028	28	22	50	17	13	4	17
15. Scone.....	1,100	31	31	62	19	14	9	23
16. Murrumbidgee.....	921	27	34	61	19	11	6	17
TOTAL.....	37,934	1,177	1,089	2,266	404	410	241	651
III. NORTH MIDLAND.								
1. Tenterfield.....	675	24	17	41	13	16	4	20
2. Wellingrove.....	1,091	33	47	80	10	8	9	17
3. Armidale.....	3,895	120	113	233	63	62	26	88
TOTAL.....	5,661	177	177	354	86	86	39	125
IV. NORTH-WESTERN.								
1. Tamworth.....	2,985	79	74	153	40	61	21	82
2. Warialda.....	1,040	39	32	71	15	23	3	26
3. Wee Waa.....	374	17	11	28	2	11	2	13
4. Cassilis.....	761	19	23	42	8	11	5	16
5. Dubbo—Coonabarabran.....	1,626	38	29	67	15	16	6	22
6. Molong.....	1,446	22	21	43	6	18	9	27
TOTAL.....	8,232	214	190	404	86	140	46	186

\* The Northern Division now forms the Colony of Queensland, and the Returns embrace the period of Eleven Months only, viz., from 1st January to 30th November inclusive.

## B—continued.

DISTRICTS.	POPULATION, 1856.	BIRTHS.			MARRIAGES.	DEATHS.		
		Males.	Females.	Total.		Males.	Females.	Total.
V. METROPOLITAN.								
1. City of Sydney .....	53,358	1,237	1,141	2,378	953	794	612	1,406
2. Balmain, Estimated at .....		95	70	165	30	33	25	58
3. Glebe, &c. do. ....		197	187	384	37	67	74	141
4. Chippendale do. ....		229	212	441	50	97	74	171
5. Paddington do. ....		143	156	299	37	64	49	113
6. Concord do. ....		65	60	125	15	25	14	39
7. St. George do. ....		116	137	253	30	59	52	111
8. St. Leonard's do. ....		64	82	146	17	28	30	58
TOTAL.....	81,581	2,146	2,045	4,191	1,169	1,167	930	2,097
VI. EAST MIDLAND.								
1. Newcastle .....	4,530	179	165	344	74	75	55	130
2. Wollombi .....	1,519	37	46	83	11	9	10	19
3. McDonald River.....	723	22	15	37	5	3	1	4
4. Gosford .....	1,884	37	45	82	7	13	17	30
5. Windsor .....	5,770	125	105	230	51	56	37	93
6. Richmond .....	2,661	90	80	170	12	32	13	45
7. Penrith .....	4,804	121	103	224	44	35	25	60
8. Parramatta.....	9,908	203	207	410	85	134	89	223
9. Ryde .....	1,355	44	51	95	19	36	17	53
10. Liverpool .....	2,495	59	55	114	18	133	15	148
11. Campbelltown, .....	7,827	49	53	102	32	16	23	39
12. Camden and .....		120	128	248	26	30	24	54
13. Picton .....		36	42	78	11	10	8	18
TOTAL.....	43,476	1,122	1,095	2,217	395	582	334	916
VII. WEST MIDLAND.								
1. Carcoar .....	2,943	58	68	121	23	34	10	44
2. Hartley .....	2,273	61	57	118	14	21	11	32
3. Bathurst and .....	12,005	237	251	488	138	158	71	227
4. Sofala .....		52	63	115	17	39	13	52
5. Orange .....	2,041	49	49	98	33	20	9	29
6. Wellington and .....	1,993	40	36	76	9	16	9	25
7. Tambaroora .....		31	29	60	10	17	4	21
8. Mudgee .....	4,208	139	123	262	79	80	28	108
9. Rylstone .....	997	21	26	47	11	14	3	17
TOTAL.....	26,460	688	697	1,385	334	397	158	555
VIII. SOUTH-EASTERN.								
1. Wollongong .....	4,506	139	119	258	57	25	27	52
2. Kiama .....	3,883	125	119	244	52	29	23	52
3. Berrima .....	2,227	61	61	122	33	15	19	34
4. Shoalhaven and.....	3,322	82	82	164	20	23	25	48
5. Ulladulla .....		18	15	33	5	2	3	5
6. Broulee .....	1,207	32	36	68	14	11	5	16
7. Eden .....	1,251	36	36	72	21	19	7	26
TOTAL.....	16,396	493	468	961	202	124	109	233
IX. SOUTH MIDLAND.								
1. Braidwood .....	3,045	145	130	275	64	59	29	88
2. Cooma .....	2,009	61	52	113	18	13	9	22
3. Bombala .....	1,273	28	22	50	19	8	2	10
4. Goulburn .....	7,028	190	169	359	111	75	52	127
5. Albury.....	2,015	46	63	109	34	27	12	39
6. Gundagai .....	966	28	21	49	10	14	7	21
7. Tumut .....	1,467	74	61	135	30	24	8	32
8. Yass .....	4,099	99	59	158	39	30	17	47
9. Queanbeyan .....	2,622	78	71	149	29	31	20	51
10. Binalong .....	1,884	62	60	122	22	38	11	49
TOTAL.....	26,408	811	708	1,519	376	319	167	486
X. SOUTH-WESTERN.								
1. Deniliquin and .....	725	17	17	34	6	8	4	12
2. Moama.....		6	4	10	..	1	....	1
3. Moulamein .....	239	1	3	4	..	5	6	11
4. Balranald .....	694	6	6	12	7	13	1	14
5. Wagga Wagga .....	1,416	37	44	81	23	35	11	46
TOTAL.....	3,134	67	74	141	36	62	22	84

## B—continued.

DIVISIONS.	POPULATION, 1856.	BIRTHS.			MARRIAGES.	DEATHS.		
		Males.	Females.	Total.		Males.	Females.	Total.
I. NORTHERN.....	16,907	505	472	977	207	207	102	309
II. NORTH-EASTERN .....	37,934	1,177	1,089	2,266	404	410	241	651
III. NORTH MIDLAND .....	5,661	177	177	354	86	86	39	125
IV. NORTH-WESTERN .....	8,232	214	190	404	86	140	46	186
V. METROPOLITAN .....	81,581	2,146	2,045	4,191	1,169	1,167	930	2,097
VI. EAST MIDLAND .....	43,476	1,192	1,095	2,217	395	582	334	916
VII. WEST MIDLAND .....	26,460	688	697	1,385	334	397	158	555
VIII. SOUTH-EASTERN .....	16,396	493	468	961	202	124	109	233
IX. SOUTH MIDLAND .....	26,408	811	708	1,519	376	319	167	486
X. SOUTH-WESTERN .....	3,134	67	74	141	36	62	22	84
TOTAL, NEW SOUTH WALES.....	266,189	7,400	7,015	14,415	3,295	3,494	2,148	5,642

## C.

## MARRIAGES—1859.

	SIDNEY.		HAMLETS.		COUNTRY DISTRICTS.		TOTAL MALES.	TOTAL FEMALES.	TOTAL MARRIAGES.
	Males.	Females.	Males.	Females.	Males.	Females.			
Church of England .....	<sup>14</sup> 173	<sup>17</sup> 173	<sup>14</sup> 105	<sup>24</sup> 105	<sup>183</sup> 796	<sup>230</sup> 796	<sup>211</sup> ....	<sup>271</sup> ....	1,074
Roman Catholics .....	<sup>51</sup> 214	<sup>111</sup> 214	<sup>4</sup> 25	<sup>10</sup> 25	<sup>208</sup> 581	<sup>316</sup> 581	<sup>263</sup> ....	<sup>437</sup> ....	820
Presbyterians .....	<sup>52</sup> 483	<sup>116</sup> 483	<sup>2</sup> 25	<sup>5</sup> 25	<sup>69</sup> 381	<sup>113</sup> 381	<sup>123</sup> ....	<sup>234</sup> ....	859
Wesleyans .....	28	28	<sup>6</sup> 26	<sup>5</sup> 26	<sup>28</sup> 158	<sup>44</sup> 158	<sup>34</sup> ....	<sup>49</sup> ....	212
Primitive Methodists .....	<sup>1</sup> 8	<sup>6</sup> 8	<sup>1</sup> 3	<sup>3</sup> 3	<sup>2</sup> 8	<sup>3</sup> 8	<sup>4</sup> ....	<sup>8</sup> ....	19
Independent .....	20	<sup>1</sup> 20	<sup>3</sup> 21	<sup>3</sup> 21	<sup>5</sup> 34	<sup>7</sup> 34	<sup>8</sup> ....	<sup>11</sup> ....	75
German Lutheran .....	....	....	4	4	7	<sup>1</sup> 7	....	<sup>1</sup> ....	11
Baptist .....	10	10	....	....	<sup>2</sup> 11	<sup>2</sup> 11	<sup>2</sup> ....	<sup>2</sup> ....	21
Unitarian .....	3	3	....	....	....	....	....	....	3
Hebrew .....	11	11	....	....	....	....	....	....	11
Registrars' Offices .....	3	<sup>1</sup> 3	<sup>3</sup> 7	<sup>3</sup> 7	<sup>39</sup> 150	<sup>66</sup> 150	<sup>42</sup> ....	<sup>70</sup> ....	160
TOTAL.....	<sup>118</sup> 953	<sup>251</sup> 953	<sup>33</sup> 216	<sup>50</sup> 216	<sup>536</sup> 2,126	<sup>782</sup> 2,126	<sup>687</sup> ....	<sup>1,083</sup> ....	3,295

N.B.—The smaller figures denote those signing with marks.

## D 1.

SUMMARY of DEATHS of MALES, registered in NEW SOUTH WALES, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.					Total under 5 years.					Total under 10 years.					Total under 20 years.					Total under 30 years.					Total under 40 years.					Total under 50 years.					Total under 60 years.					Total under 70 years.					Total under 80 years.					Total under 90 years.					Total at all Ages.	Percentage on Total Deaths of the year.
	1 to 2.	2 to 3.	3 to 4.	4 to 5.	5 to 10.		10 to 15.	15 to 20.	20 to 25.	25 to 30.		30 to 35.	35 to 40.	40 to 45.	45 to 50.		50 to 55.	55 to 60.	60 to 65.	65 to 70.		70 to 75.	75 to 80.	80 to 85.	85 to 90.		90 to 95.	95 to 100.																													
1. Zymotic Diseases .....	199	110	45	15	25	394	27	12	8	17	20	23	19	14	15	27	6	9	9	2	4	2	...	...	...	5	613	17.54																													
<i>Sporadic Diseases.</i>																																																									
2. Of Uncertain Seat .....	236	26	9	4	6	281	6	7	6	8	21	21	28	48	41	55	35	24	11	7	2	1	1	...	...	11	614	17.57																													
3. Of Nervous System .....	237	52	13	8	2	312	7	6	2	7	21	23	21	26	27	26	11	18	13	9	4	3	...	...	...	3	539	15.42																													
4. Of Respiratory System .....	41	22	7	8	1	79	12	5	7	23	46	37	33	35	27	24	19	33	11	5	7	...	...	...	8	413	11.82																														
5. Of Circulatory System .....	...	1	...	...	2	3	2	2	4	4	9	10	14	17	14	10	7	9	1	3	1	...	...	...	1	111	3.17																														
6. Of Digestive Organs .....	89	72	7	4	2	174	6	4	5	7	12	8	14	13	11	15	17	9	4	6	...	...	...	...	...	305	8.72																														
7. Of Urinary Organs .....	1	2	...	...	...	3	1	2	1	1	3	3	1	1	5	5	...	3	1	1	1	...	...	...	...	33	.94																														
8. Of Generative Organs .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...																													
9. Of Locomotive Organs .....	...	1	...	2	...	3	...	4	...	...	1	...	1	3	1	...	2	...	1	...	...	...	...	...	...	16	.45																														
10. Of Integumentary System .....	3	...	1	...	...	4	...	...	...	...	...	...	2	1	3	1	1	1	1	...	...	...	...	...	...	14	.40																														
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	30	40	43	32	33	15	9	6	...	210	6.01																													
12. External Causes .....	11	15	8	8	5	47	25	36	21	46	50	37	36	44	41	36	19	17	7	12	6	2	1	...	2	31	516	14.76																													
Unspecified .....	9	3	5	2	2	21	1	2	1	4	5	7	8	7	8	9	6	5	1	1	...	...	...	...	24	110	3.14																														
Total from all Causes ..	826	304	95	51	45	1321	87	80	55	117	188	169	177	209	193	208	125	158	99	90	57	42	19	9	8	83	3494	99.94																													

## D 2.

SUMMARY of DEATHS of FEMALES, registered in NEW SOUTH WALES, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Percentage on Total Deaths of the year.	
1. Zymotic Diseases .....	170	89	32	26	17	334	34	18	8	16	18	11	9	11	6	8	6	8	4	2	1	1	...	...	3	498	23.18	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	206	31	7	10	3	257	7	2	5	8	13	11	17	19	23	19	10	9	6	3	1	...	...	...	4	414	19.27	
3. Of Nervous System .....	185	28	15	4	6	238	4	5	4	10	11	6	10	7	9	4	8	3	5	1	1	...	1	...	2	329	15.31	
4. Of Respiratory System .....	23	18	10	10	6	67	15	2	17	24	19	21	27	14	7	10	5	1	2	3	1	1	...	...	1	237	11.03	
5. Of Circulatory System .....	3	...	...	...	...	3	5	2	2	2	2	5	4	11	3	1	3	2	1	...	1	...	...	...	...	47	2.18	
6. Of Digestive Organs .....	70	77	12	2	3	164	6	10	3	5	13	5	8	13	9	4	3	3	4	...	...	1	...	...	...	251	11.68	
7. Of Urinary Organs .....	...	...	...	...	...	...	...	...	...	1	2	...	1	1	...	...	...	1	...	...	...	...	...	...	...	6	.28	
8. Of Generative Organs .....	...	...	...	...	...	...	...	4	14	...	20	17	14	9	3	...	...	...	...	...	...	...	...	...	1	82	3.81	
9. Of Locomotive Organs .....	...	...	...	...	...	...	2	...	...	...	2	...	2	...	1	1	...	1	...	...	...	...	...	...	...	9	.41	
10. Of Integumentary System .....	1	1	...	...	...	2	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	3	.14	
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	8	12	12	16	11	6	3	1	...	71	3.30	
12. External Causes .....	15	11	8	8	4	46	18	4	8	10	4	5	11	5	12	8	3	8	4	1	1	...	1	...	9	158	7.35	
Unspecified .....	3	5	1	2	1	12	4	...	1	3	2	1	2	3	...	2	2	...	...	...	...	...	...	...	11	43	2.00	
Total from all Causes ..	676	260	85	62	40	1123	93	45	52	93	106	82	105	93	73	57	43	43	39	22	22	14	8	3	1	31	2148	99.94

## D 3.

SUMMARY of DEATHS of BOTH SEXES, registered in NEW SOUTH WALES, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Percentage on Total Deaths of the year.	
1. Zymotic Diseases .....	369	199	77	41	42	728	61	30	16	33	38	34	28	25	21	35	12	17	13	4	5	3	...	...	...	8	1111	19.69
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	442	57	16	14	9	538	13	9	11	16	34	32	45	67	64	74	45	33	17	10	3	1	1	...	...	15	1028	18.22
3. Of Nervous System .....	422	80	28	12	8	550	11	11	6	17	32	29	31	33	36	30	19	21	18	10	5	3	1	...	...	5	865	15.38
4. Of Respiratory System .....	64	40	17	18	7	146	27	7	24	47	65	58	60	49	34	34	24	34	13	8	8	1	2	...	...	9	650	11.62
5. Of Circulatory System .....	3	1	...	...	2	6	7	4	6	6	11	15	18	28	17	11	10	11	2	3	2	...	...	...	...	1	158	2.80
6. Of Digestive Organs .....	159	149	19	6	5	338	12	14	8	12	25	13	22	26	20	19	20	12	8	6	...	...	...	...	...	...	556	9.85
7. Of Urinary Organs .....	1	2	...	...	...	3	1	2	1	2	5	3	2	2	5	5	...	3	2	1	1	1	...	...	...	...	39	.69
8. Of Generative Organs .....	...	...	...	...	...	...	...	4	14	20	17	14	9	3	...	...	...	...	...	...	...	...	...	...	...	1	82	1.45
9. Of Locomotive Organs .....	...	1	...	2	...	3	...	6	...	...	3	...	3	3	2	1	2	1	1	...	...	...	...	...	...	...	25	.44
10. Of Integumentary System .....	4	1	1	...	...	6	...	...	...	...	...	...	2	1	3	1	2	1	...	...	...	...	...	...	...	...	17	.30
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4	38	52	55	48	44	21	12	7	...	251	4.98
12. External Causes .....	26	26	16	16	9	93	43	40	29	56	54	42	47	49	53	44	22	25	11	13	7	2	2	...	2	40	674	11.94
Unspecified .....	12	8	6	4	3	33	5	2	2	7	7	8	10	10	8	11	8	5	1	1	...	...	...	...	...	35	153	2.71
Total from all Causes ..	1502	564	180	113	85	2444	180	125	107	210	294	251	282	302	266	265	168	201	138	112	79	56	27	12	9	114	5642	99.97



## APPENDIX TO REGISTRAR GENERAL'S REPORT.

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## E 1.

SUMMARY of DEATHS of MALES, registered in SYDNEY, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per-centage on Total Deaths of the year.
1. Zymotic Diseases .....	48	35	15	6	7	111	9	3	4	5	8	7	6	3	2	7	..	2	2	1	...	...	...	...	...	170	21.41
<i>Sporadic Diseases.</i>																											
2. Of Uncertain Seat .....	64	8	4	1	..	77	..	3	2	3	9	5	4	4	3	4	4	3	3	5	..	..	..	..	..	129	16.24
3. Of Nervous System .....	55	20	4	4	1	84	4	2	..	3	10	4	6	9	10	5	3	2	3	1	3	..	..	..	1	150	18.89
4. Of Respiratory System .....	11	6	2	1	..	20	3	2	2	6	13	10	8	9	11	6	5	7	1	2	..	..	1	..	106	13.35	
5. Of Circulatory System .....	..	..	..	1	1	3	1	1	2	1	2	5	3	4	5	2	1	2	1	1	..	..	..	..	..	32	4.03
6. Of Digestive Organs .....	19	26	4	2	1	52	2	2	2	1	4	3	5	2	1	2	6	2	2	..	..	..	..	..	84	10.57	
7. Of Urinary Organs .....	..	..	..	..	..	..	1	..	1	..	..	1	..	..	..	1	..	1	..	..	..	..	..	..	5	..	62
8. Of Generative Organs .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
9. Of Locomotive Organs .....	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	12
10. Of Integumentary System .....	2	..	1	..	..	3	..	..	..	..	..	..	1	..	..	1	..	..	..	..	..	..	..	..	5	..	62
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	4	5	3	4	4	..	..	21	..	2.64
12. External Causes .....	1	1	1	1	1	5	4	5	4	8	8	5	3	8	8	6	3	4	..	2	1	..	..	..	74	..	9.32
Unspecified .....	1	..	1	..	..	2	..	1	..	1	..	1	1	..	1	1	1	..	..	..	..	..	..	8	17	..	2.14
Total from all Causes ..	201	96	32	15	11	355	24	20	17	28	54	41	37	39	41	35	24	27	15	15	8	4	1	..	9	794	99.95

## E 2.

SUMMARY of DEATHS of FEMALES, registered in SYDNEY, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Percentage on Total Deaths of the year.	
1. Zymotic Diseases .....	42	27	12	7	6	94	7	1	1	2	6	4	3	3	1	4	1	2	2	1	..	..	..	..	1	133	21.73	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	42	6	3	4	..	55	..	1	2	1	5	4	2	5	6	6	2	4	1	..	..	..	..	..	..	94	15.35	
3. Of Nervous System .....	61	8	5	3	3	80	1	1	2	3	4	2	5	3	4	3	1	1	1	..	1	..	..	..	1	112	18.30	
4. Of Respiratory System ..	6	3	2	..	1	12	3	1	3	10	4	11	12	5	3	2	3	1	1	2	..	..	..	..	..	73	11.92	
5. Of Circulatory System ..	2	..	..	..	..	2	1	2	1	..	1	1	..	1	1	1	..	1	1	..	..	..	..	..	..	11	1.79	
6. Of Digestive Organs ....	28	31	5	1	1	66	3	3	1	1	8	2	..	2	1	..	1	1	1	..	1	..	..	..	..	90	14.70	
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	1	1	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	3	..	4.9
8. Of Generative Organs ....	..	..	..	..	..	..	..	..	1	3	5	2	1	2	1	..	..	..	..	..	..	..	..	..	..	15	..	2.45
9. Of Locomotive Organs ....	..	..	..	..	..	..	..	2	..	..	1	..	1	..	..	1	..	..	..	..	..	..	..	..	..	5	..	8.1
10. Of Integumentary System ..	..	1	..	..	..	1	..	..	..	..	..	..	..	1	..	..	1	..	2	2	3	9	3	1	..	1	..	16
11. Old Age .....	..	..	2	2	1	..	..	..	..	..	..	..	..	..	..	1	2	2	3	9	3	3	1	..	..	24	..	3.92
12. External Causes .....	4	..	2	2	1	9	5	..	1	1	1	..	1	4	1	4	3	..	3	..	..	..	..	..	2	34	..	5.55
Unspecified .....	..	1	..	1	..	2	..	..	1	1	1	..	1	1	..	1	..	1	..	..	..	..	..	..	9	17	..	2.77
Total from all Causes ..	185	77	29	18	12	321	20	11	13	23	36	27	30	23	21	18	11	13	8	6	10	4	3	1	..	13	612	99.94

## E 3.

SUMMARY of DEATHS of BOTH SEXES, registered in SYDNEY, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Per-centage on Total Deaths of the year.	
1. Zymotic Diseases .....	90	62	27	13	13	205	16	4	5	7	14	11	9	6	3	11	1	4	4	2	...	...	...	...	1	303	21.55	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	106	14	7	5	...	132	...	4	4	4	14	9	6	9	9	10	6	7	4	5	...	...	...	...	...	223	15.86	
3. Of Nervous System .....	116	28	9	7	4	164	5	3	2	6	14	6	11	12	14	8	4	2	4	1	4	...	...	...	2	262	18.63	
4. Of Respiratory System ..	17	9	4	1	1	32	6	3	5	16	17	21	20	14	14	8	8	8	2	4	1	...	...	...	...	179	12.73	
5. Of Circulatory System ..	2	...	...	...	1	3	2	3	3	1	3	6	3	5	6	2	2	2	1	1	...	...	1	...	...	43	3.05	
6. Of Digestive Organs ....	47	57	9	3	2	118	5	5	3	2	12	5	5	4	2	2	6	3	1	...	...	1	...	...	...	174	12.37	
7. Of Urinary Organs .....	...	...	...	...	...	...	1	...	1	1	1	1	1	...	1	...	1	...	...	...	...	...	...	...	...	8	...	56
8. Of Generative Organs ....	...	...	...	...	...	...	...	...	1	3	5	2	1	2	1	...	...	...	...	...	...	...	...	...	...	15	...	1.06
9. Of Locomotive Organs ....	...	...	...	...	...	...	...	3	...	...	1	...	1	...	...	1	...	...	...	...	...	...	...	...	...	6	...	4.2
10. Of Integumentary System	2	1	1	...	...	4	...	...	...	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...	6	...	4.2
11. Old Age .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	6	7	6	13	7	3	1	...	45	...	3.20
12. External Causes .....	5	1	3	3	2	14	9	5	5	9	8	6	7	9	12	9	3	7	...	2	1	...	...	...	2	108	...	7.68
Unspecified .....	1	1	1	1	...	4	...	1	1	2	1	1	2	1	1	1	2	...	...	...	...	...	...	...	17	34	...	2.41
Total from all Causes ..	386	173	61	33	23	676	44	31	30	51	90	68	67	62	62	53	35	46	23	21	18	8	4	1	...	22	1406	99.94

## F 1.

SUMMARY of DEATHS of MALES, registered in SUBURBAN DISTRICTS, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Percentage on Total Deaths of the year.	
1. Zymotic Diseases .....	36	24	7	4	9	80	5	2	..	1	1	2	..	2	1	1	1	2	..	1	..	..	..	..	..	99	26.54	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	30	6	2	..	1	39	2	..	..	1	2	1	2	..	1	1	3	1	1	..	..	..	..	..	..	54	14.47	
3. Of Nervous System .....	48	9	1	..	..	58	1	..	..	..	..	4	1	..	1	3	..	1	1	3	..	..	..	..	..	73	19.57	
4. Of Respiratory System ..	9	4	4	1	..	18	..	..	..	2	5	4	8	3	1	1	1	1	2	..	..	..	..	..	..	45	12.06	
5. Of Circulatory System ..	..	..	..	..	..	..	..	..	..	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	2	.53	
6. Of Digestive Organs .....	24	16	2	1	..	43	1	1	..	..	1	..	3	..	..	1	1	1	..	..	..	..	..	..	..	51	13.67	
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1	.26	
8. Of Generative Organs .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
9. Of Locomotive Organs ..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	
10. Of Integumentary System	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	.26	
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	.26	
12. External Causes .....	3	1	..	..	..	4	5	4	2	2	2	1	1	2	2	2	2	3	3	2	2	2	..	1	..	13	3.48	
Unspecified .....	1	..	1	..	..	2	..	..	..	..	..	..	..	..	2	2	..	2	..	1	..	..	..	1	..	31	8.31	
Total from all Causes ..	152	60	17	6	10	245	14	7	2	6	11	12	16	9	6	9	5	11	7	6	3	2	..	1	..	1	373	99.94

## F 2.

SUMMARY of DEATHS of FEMALES, registered in SUBURBAN DISTRICTS, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Percentage on Total Deaths of the year.	
1. Zymotic Diseases .....	41	19	5	5	3	73	6	2	3	2	2	2	..	1	2	..	3	1	..	..	1	..	..	..	2	100	31.44	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	28	2	1	1	2	34	2	..	..	3	2	1	3	3	1	1	..	2	1	1	..	..	..	..	2	56	17.61	
3. Of Nervous System .....	32	5	..	2	2	40	..	..	..	1	2	2	3	1	1	1	..	2	1	1	..	..	..	..	..	51	16.03	
4. Of Respiratory System ..	1	4	1	2	1	9	2	..	3	2	2	2	4	5	2	2	1	..	1	..	..	1	..	..	..	33	10.37	
5. Of Circulatory System ..	1	..	..	..	..	1	..	..	..	..	..	1	..	2	1	1	..	1	1	..	..	..	..	..	..	6	1.88	
6. Of Digestive Organs .....	15	15	4	..	1	35	1	1	1	2	..	1	2	1	1	1	..	1	..	..	..	..	..	..	..	47	14.78	
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	3	2	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	7	2.20
8. Of Generative Organs .....	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1	.31
9. Of Locomotive Organs ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	7	2.20
10. Of Integumentary System	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	1	.31
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	1	..	3	1	1	..	..	..	7	2.20
12. External Causes .....	3	..	..	..	1	4	1	..	..	1	2	1	..	..	..	..	..	1	1	..	3	1	1	..	..	..	10	3.14
Unspecified .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total from all Causes ..	121	45	11	8	11	196	12	3	7	14	12	11	13	11	8	3	7	3	5	4	2	3	..	..	4	318	99.96	

## F 3.

SUMMARY of DEATHS of BOTH SEXES, registered in SUBURBAN DISTRICTS, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.	1 & under 2.	2 & under 3.	3 & under 4.	4 & under 5.	Total under 5 years.	5 & under 10.	10 & under 15.	15 & under 20.	20 & under 25.	25 & under 30.	30 & under 35.	35 & under 40.	40 & under 45.	45 & under 50.	50 & under 55.	55 & under 60.	60 & under 65.	65 & under 70.	70 & under 75.	75 & under 80.	80 & under 85.	85 & under 90.	90 & under 95.	95 & under 100.	Total at all Ages.	Percentage on Total Deaths of the year.	
1. Zymotic Diseases.....	77	43	12	9	12	163	11	4	3	3	3	4	..	3	3	1	4	3	..	1	1	..	..	..	..	2	199	28.79
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	58	8	3	1	3	73	4	..	..	4	4	2	5	3	2	2	3	1	3	1	1	..	..	..	..	2	110	15.92
3. Of Nervous System .....	80	14	1	..	3	98	1	..	..	1	2	4	4	1	2	2	1	2	1	2	3	1	..	..	..	..	124	17.94
4. Of Respiratory System ..	10	8	5	3	1	27	2	..	3	4	7	8	13	5	3	1	1	1	1	2	3	1	..	..	..	..	78	11.28
5. Of Circulatory System ..	1	..	..	..	..	1	..	..	..	..	..	1	1	3	1	1	1	1	1	..	..	1	..	..	..	..	8	1.15
6. Of Digestive Organs .....	39	31	6	1	1	78	2	2	1	2	1	1	4	1	1	2	1	2	1	..	..	..	..	..	..	..	98	14.18
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	3	2	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	1	0.14
8. Of Generative Organs .....	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	7	1.01
9. Of Locomotive Organs ..	..	..	..	..	..	..	..	..	..	3	2	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	2	0.29
10. Of Integumentary System	1	..	..	..	..	1	..	..	..	..	..	..	..	1	..	1	..	..	..	..	..	..	..	..	..	..	1	0.14
11. Old Age.....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	4	3	5	3	3	..	1	..	..	20	2.89
12. External Causes .....	6	1	..	..	1	8	6	4	2	3	4	2	1	2	2	2	2	1	1	..	..	..	..	..	..	1	41	5.93
Unspecified .....	1	..	1	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	0.29	
Total from all Causes ..	273	105	28	14	21	441	26	10	9	20	23	23	29	20	14	12	12	14	12	10	5	5	..	1	..	5	691	99.95

## APPENDIX TO REGISTRAR GENERAL'S REPORT.

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## G 1.

SUMMARY of DEATHS of MALES, registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1859.

CAUSES OF DEATH.		Under 1 year.																								Total at all Ages.		Percentage on Total Deaths of the year.		
		1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100 and upwards.	Total at all Ages.				
1. Zymotic Diseases .....		115	51	23	5	9	203	13	7	4	11	11	14	13	9	12	19	5	5	7	1	3	2	...	..	5	344	14.78		
<i>Sporadic Diseases.</i>																														
2. Of Uncertain Seat .....		142	12	3	3	5	165	4	4	4	4	10	15	22	44	37	50	23	20	7	2	2	1	1	...	..	11	431	18.52	
3. Of Nervous System .....		134	23	8	4	1	170	2	4	2	4	11	15	14	17	16	18	8	15	9	5	1	3	...	..	2	316	13.57		
4. Of Respiratory System ..		21	12	1	6	1	41	9	3	5	15	28	23	17	23	15	17	14	25	8	3	7	...	1	...	8	262	11.25		
5. Of Circulatory System ..		...	1	...	...	1	2	1	1	2	3	7	5	10	12	9	8	6	7	...	2	1	...	...	...	...	1	77	3.30	
6. Of Digestive Organs .....		46	30	1	1	1	79	3	1	3	6	7	5	7	11	10	12	10	6	4	6	...	...	...	...	...	...	170	7.30	
7. Of Urinary Organs .....		1	2	...	...	...	3	...	2	...	1	3	2	...	1	5	4	...	2	1	1	1	1	...	...	...	27	1.16		
8. Of Generative Organs ..		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
9. Of Locomotive Organs ..		...	1	...	2	...	3	...	3	...	...	1	...	1	2	1	...	2	1	...	...	...	...	...	...	...	14	60	...	
10. Of Integumentary System ..		...	...	...	...	...	...	...	...	...	...	...	...	1	1	3	...	1	1	1	...	...	...	...	...	...	8	34	...	
11. Old Age .....		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	23	32	38	26	27	15	8	*6	176	7.56	...	
12. External Causes .....		7	13	7	7	4	38	16	27	15	36	40	31	32	34	31	28	16	11	7	9	5	2	1	...	230	411	17.66	...	
Unspecified .....		7	3	3	2	2	17	1	1	1	3	5	6	7	7	7	8	5	5	1	1	...	...	...	...	...	16	91	3.91	...
Total from all Causes ..		473	148	46	30	24	721	49	53	36	83	123	116	124	161	146	164	96	120	77	69	46	36	18	8	873	2327	99.95	...	

\* One death is recorded at Richmond at the advanced age of 116 years.

## G 2.

SUMMARY of DEATHS of FEMALES, registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.	Total at all Ages.	Percentage on Total Deaths of the year.	
1. Zymotic Diseases .....	87	43	15	14	8	167	21	15	4	12	10	5	6	7	3	4	2	5	2	1	1	..	..	..	..	..	265	21.75
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	136	23	3	5	1	168	5	1	3	4	6	6	12	11	16	12	8	5	3	2	..	..	..	..	..	2	264	21.67
3. Of Nervous System .....	92	15	10	1	..	118	3	4	2	6	5	4	2	3	4	1	5	3	3	1	..	..	..	1	..	1	166	13.63
4. Of Respiratory System ..	16	11	7	8	4	46	10	1	11	12	13	6	10	7	2	8	1	..	1	1	1	..	..	1	..	1	131	10.75
5. Of Circulatory System ..	..	..	..	..	..	..	4	..	1	2	1	3	4	8	1	1	2	2	..	..	1	..	..	..	..	..	30	2.46
6. Of Digestive Organs .....	27	31	3	1	1	63	2	6	1	2	5	2	6	10	7	3	3	1	3	..	..	..	..	..	..	..	114	9.36
7. Of Urinary Organs .....	..	..	..	..	..	..	..	..	..	..	1	..	..	1	..	..	..	..	1	..	..	..	..	..	..	..	3	2.4
8. Of Generative Organs ..	..	..	..	..	..	..	..	..	3	8	13	14	13	6	2	..	..	..	..	..	..	..	..	..	..	1	60	4.92
9. Of Locomotive Organs ..	..	..	..	..	..	..	..	..	..	..	1	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	3	2.4
10. Of Integumentary System ..	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	2	1.6
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	5	10	6	6	7	3	2	1	..	40	3.28
12. External Causes .....	8	11	6	6	2	33	12	4	7	8	2	3	7	4	8	5	3	5	3	1	1	..	1	..	..	7	114	9.36
Unspecified .....	3	4	1	1	1	10	4	..	..	2	1	1	1	2	..	2	1	..	..	..	..	..	..	..	..	2	26	2.13
Total from all Causes ..	370	138	45	36	17	606	61	31	32	56	58	44	62	59	43	36	26	26	27	12	10	7	5	2	1	14	1215	99.95

## G 3.

SUMMARY of DEATHS of BOTH SEXES, registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1859.

CAUSES OF DEATH.	Under 1 year.																								Total at all Ages.	Percentage on Total Deaths of the year.		
	1 to 2.	2 to 3.	3 to 4.	4 to 5.	Total under 5 years.	5 to 10.	10 to 15.	15 to 20.	20 to 25.	25 to 30.	30 to 35.	35 to 40.	40 to 45.	45 to 50.	50 to 55.	55 to 60.	60 to 65.	65 to 70.	70 to 75.	75 to 80.	80 to 85.	85 to 90.	90 to 95.	95 to 100.				
1. Zymotic Diseases .....	202	94	38	19	17	370	34	22	8	23	21	19	19	16	15	23	7	10	9	2	4	2	...	...	5	609	17.17	
<i>Sporadic Diseases.</i>																												
2. Of Uncertain Seat .....	278	35	6	8	6	333	9	5	7	8	16	21	34	55	53	62	36	25	10	4	2	1	1	...	13	695	19.60	
3. Of Nervous System .....	226	38	18	5	1	288	5	8	4	10	16	19	16	20	20	19	13	18	12	6	1	3	1	...	3	482	13.59	
4. Of Respiratory System ..	37	23	8	14	5	87	19	4	16	27	41	29	27	30	17	25	15	25	9	4	8	...	1	...	9	393	11.08	
5. Of Circulatory System ..	..	1	..	..	1	2	5	1	3	5	8	8	14	20	10	9	8	9	..	2	2	..	...	...	1	107	3.01	
6. Of Digestive Organs ....	73	61	4	2	2	142	5	7	4	8	12	7	13	21	17	15	13	7	7	6	..	...	...	...	...	284	8.01	
7. Of Urinary Organs .....	1	2	..	..	..	3	..	2	..	1	4	2	..	2	5	4	..	2	2	1	1	1	...	...	...	30	8.4	
8. Of Generative Organs ..	..	..	..	..	..	..	..	..	3	8	13	14	13	6	2	..	..	..	..	..	..	...	...	...	1	60	1.69	
9. Of Locomotive Organs ..	..	1	..	2	..	3	..	3	..	..	2	..	2	2	1	..	2	..	2	..	..	...	...	...	...	17	4.7	
10. Of Integumentary System ..	1	..	..	..	..	1	..	..	..	..	..	..	1	1	3	..	2	1	..	1	..	...	...	...	...	10	2.8	
11. Old Age .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	28	42	44	32	34	18	10	7	...	216	6.09
12. External Causes .....	15	24	13	13	6	71	28	31	22	44	42	34	39	38	39	33	19	16	10	10	6	2	2	...	2	37	525	14.81
Unspecified .....	10	7	4	3	3	27	5	1	1	5	6	7	8	9	7	10	6	5	1	1	..	...	...	...	...	18	117	3.30
Total from all Causes ..	843	286	91	66	41	1327	110	84	68	139	181	160	186	220	189	200	122	146	104	81	56	43	23	10	9	87	3545	99.94

## Н 1.

TABLE, shewing the actual number of DEATHS of MALES and FEMALES, from various causes, registered in SYDNEY during each of the Twelve Months from 1st January to 31st December, 1859, together with the per centage of the Total Deaths of the Year from each Disease to the Aggregate Deaths of the entire class to which such Disease belongs.

[illegible]

## APPENDIX TO REGISTRAR GENERAL'S REPORT.

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## H 1—continued.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.				
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.						
VII.—OF THE URINARY ORGANS.																																
73. Nephritis .....	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	25.00			
74. Ischuria .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
75. Diabetes .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
76. Cystitis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	12.50				
77. Stone .....	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	12.50				
78. Stricture of Urethra .....	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	4	50.00				
79. Kidneys, &c., Disease of .....	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	100.00				
Monthly Totals of the Class .....	...	...	...	...	1	3	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	1	1	...	...	...	5	3	8			
VIII.—OF THE ORGANS OF GENERATION.																																
80. Childbirth .....	...	1	...	2	...	...	...	...	...	1	...	2	...	2	...	1	...	1	...	1	...	2	...	1	...	...	14	14	93.33			
81. Paramenia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
82. Ovarian Dropsy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
83. Organs of Generation, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	6.66			
Monthly Totals of the Class .....	...	1	...	2	...	...	...	...	...	1	...	3	...	2	...	1	...	1	...	1	...	2	...	1	...	...	15	15	99.99			
IX.—OF THE ORGANS OF LOCOMOTION.																																
84. Arthritis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	5	6	100.00	
85. Rheumatism .....	...	1	...	1	1	1	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
86. Joints, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
85. Caries .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Monthly Totals of the Class .....	...	1	...	2	...	...	...	...	...	1	...	3	...	2	...	1	...	1	...	1	...	2	...	1	...	...	...	15	6	100.00		
X.—OF THE INTEGUMENTARY SYSTEM.																																
87. Carbuncle .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
88. Phlegmon .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
89. Ulcer .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	1	4	66.66	
90. Fistula .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	2	33.33		
91. Skin, Diseases of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Monthly Totals of the Class .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	1	6	99.99	
XI.—OLD AGE.																																
92. Old Age:—	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
Monthly Totals of the Class .....	2	...	2	3	2	2	1	1	2	2	3	2	1	...	2	3	2	3	...	2	2	1	2	5	21	24	45	100.00				
XII.—EXTERNAL CAUSES.																																
93. Intemperance .....	1	...	2	1	...	1	...	...	...	...	1	2	1	...	2	1	...	1	...	...	...	...	...	...	...	...	...	1	8	7	15	13.88
94. Starvation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	4	5	4.42	
95. Violent Deaths .....	6	2	5	...	8	4	...	1	4	1	11	3	10	...	5	3	...	2	5	2	3	1	7	3	64	22	86	79.63				
96. Sunstroke .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	2	1.85	
Monthly Totals of the Class .....	7	2	8	2	8	6	1	1	4	1	12	5	11	...	7	4	...	4	6	2	3	1	7	6	74	34	108	90.98				
UNSPECIFIED:—																																
Monthly Totals of the Class .....	1	...	1	...	1	2	1	2	2	2	1	...	1	2	...	...	...	1	...	...	...	2	2	6	7	17	17	34	100.00			

## H 2.

TABLE, shewing the actual Number of DEATHS of MALES and FEMALES, in each Class, registered in SYDNEY, during each of the Twelve Months from 1st January to 31st December, 1859, together with the average per centage of the Total Deaths of the Class.

Deaths of the Class.																														
CAUSES OF DEATH.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS DURING 12 MONTHS.		
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.				
1. ZYMOTIC DISEASES.....	26	16	19	10	16	12	14	10	17	14	6	5	12	6	9	4	7	6	10	10	11	16	23	24	170	133	303	21.55		
<i>Sporadic Diseases.</i>																														
2. OF UNCERTAIN SEAT.....	16	5	12	6	13	10	9	11	8	5	5	8	7	5	9	2	11	7	13	13	15	11	11	11	129	94	223	15.86		
3. OF NERVOUS SYSTEM.....	15	11	13	12	13	4	10	7	12	8	10	8	18	4	19	7	9	10	8	13	14	12	9	16	150	112	262	18.63		
4. OF RESPIRATORY SYSTEM...	9	5	9	6	12	5	8	4	8	7	8	6	11	9	6	4	11	3	13	16	8	3	3	5	106	73	179	12.73		
5. OF CIRCULATORY SYSTEM...	3	1	3	...	3	2	1	3	1	2	3	1	...	...	7	1	4	...	2	...	3	1	2	...	32	11	43	3.05		
6. OF DIGESTIVE ORGANS.....	8	14	4	7	7	7	9	8	7	10	10	5	5	5	5	4	5	2	4	10	10	5	10	13	84	90	174	12.37		
7. OF URINARY ORGANS.....	...	...	...	1	3	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	1	1	...	...	...	5	3	8	0.56	
8. OF GENERATIVE ORGANS.....	...	1	...	2	...	...	...	...	...	1	...	3	...	2	...	1	...	1	...	1	...	2	...	...	...	1	...	...		
9. OF LOCOMOTIVE ORGANS.....	...	1	...	1	1	1	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	1	5	6	0.42	
10. OF INTEGUMENTARY SYSTEM	...	...	...	...	...	...	2	...	...	...	...	1	1	...	...	...	...	...	1	...	...	...	...	...	...	...	1	5	6	0.42
11. OLD AGE.....	2	...	12	3	2	2	1	1	2	2	3	2	1	...	2	3	2	3	...	2	2	1	2	5	21	24	45	3.20		
12. EXTERNAL CAUSES.....	7	2	8	2	8	6	1	1	4	1	12	5	11	...	7	4	...	4	6	2	3	1	7	6	74	34	108	7.68		
UNSPECIFIED.....	1	...	1	...	1	2	1	2	2	2	1	...	1	2	...	...	1	...	...	...	...	2	3	6	7	17	17	34	2.41	
TOTAL FROM ALL CAUSES.....	87	56	71	50	79	51	56	47	61	52	55	46	67	33	64	31	50	36	57	67	69	55	73	88	791	612	1403	99.94		



## APPENDIX TO REGISTRAR GENERAL'S REPORT.

## H 3.

TABLE, shewing the DEATHS of MALES and FEMALES, registered in each WARD of the CITY, from 1st January to 31st December, 1859, distinguishing those under 5 Years of Age.

WARDS.	UNDER 5 YEARS OF AGE.			ABOVE 5 YEARS OF AGE.			AGES UNSPECIFIED.		TOTAL.		GRAND TOTAL.
	Males.	Females.	Total.	Males.	Females.	Totals.	Males.	Females.	Males.	Females.	
1. Gipps .....	54	57	111	51	28	79	....	3	105	88	193
2. Bourke .....	32	29	61	163	61	224	1	1	196	91	287
3. Brisbane .....	37	37	74	31	14	45	1	1	69	52	121
4. Macquarie .....	18	27	45	23	17	40	1	1	42	45	87
5. Cook .....	49	43	92	41	27	68	2	....	92	70	162
6. Fitzroy .....	62	38	100	36	41	77	1	1	99	80	179
7. Phillip* .....	55	59	114	49	56	105	1	4	105	119	224
8. Denison .....	49	30	79	36	36	72	1	1	86	67	153
TOTALS.....	356	320	676	430	280	710	8	12	794	612	1,406

\* In Health Table, October, 1859:—Deaths under 5 years—Phillip Ward—For 5 males 8 females, read 6 males 7 females.

## I 1.

TABLE, shewing the actual number of DEATHS of MALES and FEMALES, from various causes, registered in the SUBURBAN DISTRICTS, during each of the Twelve Months from 1st January to 31st December, 1859, together with the per centage of the Total Deaths of the Year from each Disease to the Aggregate Deaths of the entire class to which such Disease belongs.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
I.—ZYMOTIC.																												
1. Small Pox .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
2. Measles .....	1	5	1	...	4	...	1	1	1	1	1	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
3. Scarlatina .....	...	...	1	...	1	1	1	...	2	3	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
4. Hooping Cough .....	...	...	...	1	1	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
5. Croup .....	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
6. Thrush .....	...	...	...	...	1	1	1	1	1	1	1	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...
7. Diarrhoea .....	1	...	...	3	1	1	1	1	1	1	1	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...
8. Dysentery .....	5	...	...	...	4	...	4	...	5	3	1	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...
9. Cholera .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
10. Influenza .....	...	...	...	...	1	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
11. Ague .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
12. Remittent Fever .....	...	...	1	...	...	1	...	...	2	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
13. Typhus .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
14. Erysipelas .....	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
15. Syphilis .....	...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
16. Hydrophobia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class.	9	14	8	5	11	9	10	14	12	7	3	3	6	4	...	4	1	2	11	3	15	18	13	17	92	100	199	99.95
II.—OF UNCERTAIN OR VARIABLE SEAT.																												
17. Inflammation .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
18. Haemorrhage .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
19. Dropsy .....	...	...	1	1	2	1	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
20. Abscess .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
21. Mortification .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
22. Purpura .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
23. Scrofula .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
24. Carcinoma .....	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
25. Tumour .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
26. Gout .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
27. Atrophy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
28. Debility .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
29. Malformation .....	3	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
30. Sudden Death .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class.	3	4	4	6	10	5	5	10	5	5	2	1	1	1	1	3	1	5	6	4	11	8	4	54	56	110	99.98	
III.—OF THE NERVOUS SYSTEM.																												
31. Cephalitis .....	...	...	1	...	...	...	...	...	1	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
32. Hydrocephalus .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		

## APPENDIX TO REGISTRAR GENERAL'S REPORT.

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I 1.—continued.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.				
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.						
IV.—OF THE RESPIRATORY ORGANS.																																
42. Laryngitis					1										1	1	1			1						3	2	5	641			
43. Quinsy										1																2	1	3	384			
44. Bronchitis					1					1																1	7	4	11	14-10		
45. Pleurisy																																
46. Pneumonia																																
47. Hydrothorax																																
48. Asthma																																
49. Phthisis, or Consumption.	2		4	2	2	1			1					1	3	1			3	1		1				10	7	17		21-79		
50. Lung, Disease of			1																													
Monthly Totals of the Class	4	1	5	3	5	3	1		3	4		2	3	3	6	5	6	4	3	2	3	3	6	3	45	83	78		99-97			
V.—OF THE ORGANS OF CIRCULATION.																																
51. Pericarditis																																
52. Aneurism																																
53. Heart, Disease of		1	1						1			2		1								1			1		2	5	7		87-50	
Monthly Totals of the Class		1	1						1		2		1								1		1	2	6	8			100-00			
VI.—OF THE DIGESTIVE ORGANS.																																
54. Teething	4	5	3	2	1	2	1	2	2	2	3			1	1	1			2	1	3	1	8	2	28	19	47		47-95			
55. Gastritis	1		1			2														2				1	2	6	8			8-16		
56. Enteritis	1	1	1	1	2	1					1			1		1					1			1	7	7	14			14-28		
57. Peritonitis																																
58. Tabes Mesenterica	2									1	2								1					1	6	3	9			9-18		
59. Worms	1																				1			1	1	1	2			2-04		
60. Ascites																																
61. Ulceration										1																	1	1			1-02	
62. Hernia																																
63. Colic or Ileus					1																							1	1		1-02	
64. Intussusception											1													1			3	3			3-06	
65. Stricture, Intestinal																																
66. Haematemesis																																
67. Stomach, &c., Disease of.																																
68. Pancreas, Disease of																																
69. Hepatitis										1																	1	1			1-02	
70. Jaundice				1	1																						1	1	2		2-04	
71. Liver, Disease of				1	1			2							2					1	1	1				4	5	9			9-18	
72. Spleen, Disease of								1																			1	1			1-02	
Monthly Totals of the Class	9	6	5	7	5	5	1	4	4	4	6	1		2	3	3			3	4	6	4	9	7	51	47	98		99-97			
VII.—OF THE URINARY ORGANS.																																
73. Nephritis																																
74. Ischuria																																
75. Diabetes																																
76. Cystitis																																
77. Stone																																
78. Stricture of Urethra																												1	1		100-00	
79. Kidneys, &c., Disease.																																
Monthly Totals of the Class																												1	1		100-00	
VIII.—OF THE ORGANS OF GENERATION.																																
80. Childbirth		1		1		3										1				1								7	7		100-00	
81. Parametria																																
82. Ovarian Dropsy																																
83. Organs of Generation, Disease of																																
Monthly Totals of the Class		1		1		3										1				1								7	7		100-00	
IX.—OF THE ORGANS OF LOCOMOTION.																																
84. Arthritis																																
85. Rheumatism										1																		1	1	2		100-00
86. Joints, Disease of																																
*86. Caries																																
Monthly Totals of the Class										1																		1	1	2		100-00
X.—OF THE INTEGUMENTARY SYSTEM.																																
87. Carbuncle																																
88. Phlegmon																																
89. Ulcer			1																													
90. Fistula																																
91. Skin, Diseases of																																
Monthly Totals of the Class			1																									1	1		100-00	
XI.—OLD AGE.																																
92. Old Age:—																																
Monthly Totals of the Class			1		2	1			1		1			1	2		2	1	1		3	1		3	13	7	20			100-00		
XII.—EXTERNAL CAUSES.																																
93. Intemperance			1		1																						2		2		48-7	
94. Starvation			1																													
95. Violent Deaths.	1		3			1			1		2						1	1					1		4	1	5			12-19		
96. Sunstroke		1			2		1										2	1	5	1	1	1	3		23	8	31			75-61		
Monthly Totals of the Class	1	1	5		6	1	1		2	3	2		2	1			3	2	5	1	1	1	4		31	10	41			92-98		
UNSPECIFIED:—																																
Monthly Totals of the Class			1																					1		2		2		100-00		



## APPENDIX TO REGISTRAR GENERAL'S REPORT.

I 2.

TABLE, shewing the actual number of DEATHS of MALES and FEMALES, in each class, registered in SUBURBAN DISTRICTS, during each of the Twelve Months from 1st January to 31st December, 1859, together with the average per centage of the Total Deaths during the Twelve months.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS BEING 12 MONTHS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
1. ZYMOTIC DISEASES .....	9	14	8	5	11	9	10	14	12	7	3	3	6	4	...	4	1	2	11	3	15	18	13	17	99	100	199	28.79	
<i>Sporadic Diseases.</i>																													
2. OF UNCERTAIN SEAT .....	3	4	4	6	10	5	5	10	5	5	5	2	1	1	1	1	3	1	5	6	4	11	8	4	54	56	110	16.91	
3. OF NERVOUS SYSTEM .....	5	7	2	7	5	1	3	3	12	4	7	6	6	4	7	3	8	3	4	4	12	6	2	3	73	51	124	17.94	
4. OF RESPIRATORY SYSTEM .....	4	1	5	3	5	3	1	...	3	4	...	2	3	3	6	5	6	4	3	2	3	3	6	2	45	33	78	11.28	
5. OF CIRCULATORY SYSTEM .....	...	1	1	...	...	...	...	...	1	...	...	2	...	1	...	...	...	...	...	...	1	...	1	2	6	8	1.15		
6. OF DIGESTIVE ORGANS .....	9	6	5	7	5	5	1	4	4	4	6	1	...	2	3	3	...	...	3	4	6	4	9	7	51	47	98	14.18	
7. OF URINARY ORGANS .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	1	...	1	.14	
8. OF GENERATIVE ORGANS .....	...	1	...	1	...	3	...	...	...	...	...	...	...	...	...	1	...	...	1	...	...	...	...	...	...	7	7	1.01	
9. OF LOCOMOTIVE ORGANS .....	...	...	...	...	...	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	1	.29	
10. OF INTEGUMENTARY SYSTEM .....	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	.14
11. OLD AGE .....	...	...	1	...	2	1	...	...	1	...	1	...	...	1	2	...	2	1	1	...	3	1	...	3	13	7	20	2.89	
12. EXTERNAL CAUSES .....	1	1	5	...	5	1	1	...	2	3	2	...	2	1	...	...	3	2	5	1	1	1	4	...	31	19	41	5.93	
UNSPECIFIED .....	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	2	...	2	.29	
TOTAL FROM ALL CAUSES .....	31	35	33	29	43	28	31	31	41	27	24	16	18	18	19	17	24	13	32	21	44	45	43	38	373	318	691	99.94	

J 1.

TABLE, shewing the actual number of DEATHS of MALES and FEMALES, from various causes, registered in COUNTRY DISTRICTS, during each of the Twelve Months from 1st January to 31st December, 1859, together with the per centage of the Total Deaths of the Year from each Disease to the Aggregate Deaths of the entire class to which such Disease belongs.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.			
I.—ZYMOTIC.																													
1. Small Pox	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
2. Measles	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
3. Scarlatina	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
4. Hooping Cough	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
5. Croup	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
6. Thrush	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
7. Diarrhoea	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
8. Dysentery	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
9. Cholera	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
10. Influenza	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
11. Ague	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
12. Remittent Fever	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
13. Typhus	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
14. Erysipelas	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
15. Syphilis	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
16. Hydrophobia.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Monthly Totals of the Class	63	44	55	31	37	34	17	29	30	24	29	22	17	14	14	9	14	8	14	11	25	14	29	25	344	205	609	99.93	
II.—OF UNCERTAIN OR VARIABLE SEAT.																													
17. Inflammation	1	1	2	...	2	1	2	3	2	2	1	5	1	3	2	1	...	4	...	1	1	...	...	2	23	14	37	5.32	
18. Hemorrhage	1	...	...	1	1	1	2	...	2	1	1	1	1	3	...	2	1	...	...	2	...	...	1	2	15	8	23	3.59	
19. Dropsy.	2	2	2	...	2	2	4	1	...	3	4	4	4	3	6	1	2	3	2	3	4	2	4	4	43	29	72	10.35	
20. Abscess	2	...	...	...	2	2	...	...	1	...	...	1	1	1	...	3	1	1	...	...	1	1	...	...	13	5	18	2.59	
21. Mortification.	...	1	...	1	4	...	...	...	...	...	4	...	1	1	...	1	...	...	...	1	...	...	...	...	11	2	13	1.87	
22. Purpura.	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	...	...	...	1	...	...	...	...	...	...	1	1	2	.28
23. Scrofula.	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	...	...	2	...	...	...	...	...	...	5	2	7	1.00
24. Carcinoma.	...	1	1	...	3	1	3	1	3	...	5	...	3	1	4	...	1	...	1	...	1	...	3	2	25	8	33	4.74	
25. Tumour	...	...	...	...	1	1	1	...	1	...	1	...	...	1	...	1	...	1	...	...	...	...	...	...	2	3	5	.71	
26. Gout	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
27. Atrophy	4	9	7	7	8	6	5	4	...	7	3	2	...	6	4	3	3	5	4	...	5	3	5	...	62	53	115	16.64	
28. Debility	29	11	12	14	16	13	14	9	13	6	20	8	15	9	18	10	15	13	23	13	29	14	21	13	215	135	351	50.50	
29. Malformation	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	3	3	6	.83
30. Sudden Death	2	...	3	...	1	...	1	...	...	...	1	...	1	1	3	...	1	...	...	...	...	...	2	...	15	1	16	2.30	
Monthly Totals of the Class	32	26	27	24	38	29	31	19	28	19	39	16	36	30	47	17	35	23	38	24	43	22	37	25	431	264	695	99.93	
III.—OF THE NERVOUS SYSTEM.																													
31. Cephalitis	...	...	...	1	1	...	...	1	...	...	...	1	2	...	3	...	1	...	...	1	1	2	...	1	8	7	15	3.11	
32. Hydrocephalus	...	...	4	2	4	2	1	1	1	...	...	...	1	1	1	...	1	...	1	2	2	1	7	1	28	14	42	8.71	
33. Apoplexy	1	1	...	1	2	...	4	1	9	...	2	1	5	1	5	...	2	7	6	5	4	2	2	2	46	15	61	12.65	
34. Paralysis	2	2	2	1	2	2	3	2	4	1	1	1	3	...	4	1	4	1	4	1	3	...	2	1	34	12	46	9.64	
35. Convulsions	16	15	11	11	14	12	8	6	11	9	14	5	7	11	20	5	7	6	10	10	10	4	10	5	138	99	237	49.17	
36. Tetanus	...	...	...	...	...	...	2	...	...	...	1	...	...	...	...	...	...	...	...	...	1	...	1	...	5	1	6	1.24	
37. Chorea.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	1	1	2	.40
38. Epilepsy	2	...	...	...	1	1	...	...	3	1	1	...	2	...	1	1	1	...	1	1	2	1	2	...	15	5	21	4.35	
39. Insanity	...	...	1	...	...	...	...	1	3	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	6	1	7	1.40	
40. Delirium Tremens	1	...	...	5	1	...	...	...	2	...	3	...	...	...	...	1	...	...	...	...	...	2	...	...	16	...	16	3.31	
41. Brain, Disease of	1	...	6	2	1	1	...	...	3	...	2	2	1	...	...	3	3	...	...	1	...	1	2	1	19	11	30	6.22	
*41. Spine, Disease of	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Monthly Totals of the Class	25	20	25	18	29	18	30	12	37	11	24	10	32	13	34	11	27	14	22	17	23	11	29	11	316	166	482	99.95	

## APPENDIX TO REGISTRAR GENERAL'S REPORT.

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## J 1.—continued.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS OF THE CLASS.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
<b>IV.—OF THE RESPIRATORY ORGANS.</b>																												
42. Laryngitis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
43. Quinsy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
44. Bronchitis .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
45. Pleurisy .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
46. Pneumonia .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
47. Hydrothorax .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
48. Asthma .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
49. Phthisis, or Consumption .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
50. Lungs, Disease of .....	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Monthly Totals of the Class .....	25	10	17	11	23	13	16	11	18	21	28	6	34	11	27	14	27	9	18	8	23	8	16	9	362	131	593	99.95
<b>V.—OF THE ORGANS OF CIRCULATION.</b>																												
51. Pericarditis .....	1	...	...	...	...	...	1	...	...	...	...	1	...	...	...	...	...	...	1	2	...	...	...	...	6	1	7	
52. Aneurism .....	1	1	...	...	1	...	3	...	2	...	2	1	...	1	...	...	...	...	...	...	...	...	...	...	6	1	13	
53. Heart, Disease of .....	2	3	5	1	7	2	6	2	8	3	4	1	3	1	2	3	5	3	7	1	6	1	6	...	60	27	87	
Monthly Totals of the Class .....	4	4	5	1	8	2	9	2	10	3	6	2	4	1	3	3	5	3	7	2	8	1	8	6	77	30	107	
<b>VI.—OF THE DIGESTIVE ORGANS.</b>																												
54. Teething .....	8	5	6	7	2	3	5	6	3	3	...	2	1	...	1	1	...	1	3	2	...	2	10	5	39	37	76	
55. Gastritis .....	1	...	2	1	...	...	1	...	1	3	2	...	1	...	3	1	...	1	1	1	...	1	2	...	1	15	6	
56. Enteritis .....	6	2	4	5	4	3	5	1	3	1	...	1	...	1	...	3	1	...	1	1	...	4	5	4	6	37	26	
57. Peritonitis .....	...	...	2	2	1	...	...	...	3	...	...	...	...	...	1	1	...	...	1	1	...	2	...	...	...	1	9	
58. Tabes Mesenterica .....	...	1	2	...	1	...	...	2	1	...	...																	

## J 2.

SUMMARY of DEATHS of BOTH SEXES, registered in COUNTRY DISTRICTS, from 1st January to 31st December, 1859.

DISEASES.	JANUARY.		FEB.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		AUGUST.		SEPT.		OCT.		NOV.		DEC.		TOTAL.		GRAND TOTAL.	PER CENTAGE OF TOTAL DEATHS DURING 12 MONTHS.
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.		
1. ZYMOTIC DISEASES .....	63	44	55	31	37	34	17	29	30	24	29	22	17	14	14	9	14	8	14	11	25	14	29	25	344	265	609	17.17
<i>Sporadic Diseases.</i>																												
2. OF UNCERTAIN SEAT .....	32	26	27	24	38	29	31	19	28	19	39	16	36	20	47	17	35	23	38	24	43	22	37	25	431	264	695	19.60
3. OF NERVOUS SYSTEM .....	25	20	23	18	29	18	20	12	37	11	24	10	22	13	34	11	27	14	22	17	23	11	28	11	316	166	482	13.59
4. OF RESPIRATORY SYSTEM .....	26	10	17	11	22	13	16	11	18	21	28	6	24	11	27	14	27	9	18	8	23	8	16	9	262	131	393	11.08
5. OF CIRCULATORY SYSTEM .....	4	4	5	1	8	2	9	2	10	3	6	2	4	1	3	3	5	3	7	2	8	1	8	6	77	30	107	3.01
6. OF DIGESTIVE ORGANS .....	23	10	19	19	12	12	16	12	14	16	11	5	6	1	13	5	11	7	14	9	12	10	19	14	170	114	284	8.01
7. OF URINARY ORGANS .....	2	...	2	...	3	...	2	...	3	...	3	...	2	1	2	...	3	1	1	1	1	...	3	...	27	3	30	.84
8. OF GENERATIVE ORGANS .....	...	2	...	8	...	4	...	8	...	11	...	...	...	5	...	3	...	6	...	5	...	4	...	4	...	60	60	1.69
9. OF LOCOMOTIVE ORGANS .....	2	2	1	...	3	...	1	...	...	...	...	...	2	...	...	...	2	...	...	...	2	...	1	1	14	3	17	.48
10. OF INTEGUMENTARY SYSTEM .....	3	...	1	...	...	...	1	1	2	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	8	2	10	.28
11. OLD AGE .....	13	3	12	1	15	4	17	1	12	5	14	4	18	2	11	4	13	2	18	4	16	5	17	5	176	40	216	6.09
12. EXTERNAL CAUSES .....	40	7	37	7	35	7	35	5	27	8	38	8	34	11	22	22	23	12	38	8	41	9	41	10	411	114	525	14.81
UNSPECIFIED .....	17	4	6	1	12	6	6	3	4	2	6	2	7	5	5	1	6	...	7	1	7	...	8	1	91	26	117	3.30
TOTAL FROM ALL CAUSES .....	250	132	207	121	214	129	171	103	185	115	199	75	172	84	178	89	166	85	177	90	201	84	207	111	2327	1218	3545	90.94

## K.

BIRTHS and DEATHS occurring at SEA, registered in the Colony of New South Wales, from 1st January to 31st December, 1859.

WHERE REGISTERED.	BIRTHS.			DEATHS.		
	Males.	Females.	Total.	Males.	Females.	Total.
Sydney .....	29	30	59	65	35	100
Brisbane .....	5	4	9	13	10	23
Newcastle .....	1	.....	1	.....	.....	.....
Shoalhaven .....	1	.....	1	.....	.....	.....
TOTALS .....	36	34	70	78	45	123

## L.

RETURN of the REGISTRATION DISTRICTS, with the names of the persons holding the office of DISTRICT REGISTRAR.

## METROPOLITAN DISTRICTS.

1. Sydney ..... The Registrar General.
2. Balmain ..... Heber Going Loten, schoolmaster.
3. O'Connell Town (now called Newtown)..... Charles Alfred Newman, schoolmaster.
4. Glebe ..... Henry Sanderson.\*
5. Chippendale (now called Redfern and Botany) .. Henry Robinson Smith.
6. Paddington and Alexandria ..... George Warburton.
7. Concord ..... William Henry Maybury, schoolmaster.
8. St. George ..... Henry Briggs.
9. St. Leonard's ..... Robert D. Ward, surgeon.

\* Resigned.—Succeeded by James Buckland, schoolmaster.

## COUNTRY DISTRICTS.

- |   |   |
|---|---|
| 10. Albury ..... Henry Sherman Elliott, C.P.S.  | 45. Murrurundi ..... Henry Wheeler, postmaster.                             |
| 11. Armidale ..... { Charles Thomas Weaver, Police<br>Magistrate.   | 46. Muswellbrook and<br>Merton ..... } J. B. Haskew, schoolmaster.          |
| 12. Bathurst ..... James Beuzeville.  | 47. Newcastle ..... John Burrowes, schoolmaster.                            |
| 13. Balranald { Hay..... Charles Alexander Sinclair, C.P.S.<br>Went- } Frederick Emil Renner, surgeon.<br>worth } | 48. Orange..... W. T. Evans, C.P.S.   |
| 14. Berrima ..... J. Evelyn Liardet, C.P.S.   | 49. Parramatta ..... Percy Simpson, J.P.                                    |
| 15. Binalong ..... Jeremiah Hough.  | 50. Paterson ..... B. Newbury, surgeon.                                     |
| 16. Bombala ..... Thomas Fox, C.P.S.  | 51. Patrick's Plains..... Christian Poppenhagen.                            |
| 17. Braidwood ..... John Gurney, C.P.S.   | 52. Penrith ..... G. T. Clarke, J.P.  |
| 18. Broulee ..... W. Stewart Caswell, P.M.  | 53. Picton ..... W. R. Antill.  |
| 19. Camden ..... John Benson Martin, C.P.S.   | 54. Port Macquarie .... Frederick Becke, C.P.S.                             |
| 20. Campbelltown .... George R. Evans, schoolmaster.  | 55. Port Stephens..... Henry Skillman.                                      |
| 21. Carcoar ..... Hugh Mortimer Rowland, M.D.   | 56. Queanbeyan ..... Chas. E. Newcombe, P.M.                                |
| 22. Cassilis ..... John Morris, C.P.S.  | 57. Raymond Terrace .. William Gloag.                                       |
| 23. Clarence Town .... David Farquhar.  | 58. Richmond ..... Richard Griffiths.                                       |
| 24. Cooma ..... John James Ryall.   | 59. Ryde ..... George Miller Pope.  |
| 25. Coonabarabran }<br>(Dubbo) ..... } Campbell J. Pegus, C.P.S.  | 60. Rylstone ..... W. W. Armstrong, C.P.S.                                  |
| 26. Deniliquin ..... M. A. McKenna, C.P.S.  | 61. Scone ..... James Smith, P.M.   |
| 27. Dubbo ..... John Scully, C.P.S.   | 62. Shoalhaven..... James Aldcorn, J.P.                                     |
| 28. Dungog ..... Henry Gordon, C.P.S.   | 63. Sofala ..... Thomas Corbett.  |
| 29. Eden ..... Patrick John Murray, P.M.  | 64. Tabulam (now<br>called Richmond<br>River) ..... } Charles Moore, C.P.S. |
| 30. Gosford (now<br>called Brisbane<br>Water) ..... } Thomas Cade Battley, C.P.S.                                 | 65. Tambaroora ..... Thomas Paten.  |
| 31. Goulburn ..... William Chatfield, Esq., J.P.  | 66. Tamworth ..... John M'Donald, C.P.S.                                    |
| 32. Grafton ..... W. C. B. Wilson.  | 67. Tenterfield ..... Eugene O'Connell.                                     |
| 33. Gundagai ..... David Smith.   | 68. Tumut ..... Henry Hilton.   |
| 34. Hartley ..... Robert Rygate, surgeon.   | 69. Ulladulla..... John Done, schoolmaster.                                 |
| 35. Kiama ..... W. Devenish Meares, C.P.S.  | 70. Wagga Wagga .... Allan Bradley Morgan, M.D.                             |
| 36. Liverpool ..... Jeremiah Linde Jones, R.N.  | 71. Wialda ..... George Henry Johnson.                                      |
| 37. M'Donald River... John Pescud, postmaster.  | 72. Wee Waa..... C. E. Smith, P.M.  |
| 38. M'Leay River..... William H. Thornton, J.P.   | 73. Wellingrove ..... James Martin.   |
| 39. Maitland ..... Daniel Carter.   | 74. Wellington ..... A. A. Davis, C.P.S.                                    |
| 40. Moama ..... William Jones, Esq.   | 75. Wingham (now<br>called Manning<br>River) ..... } Jasper Creagh, C.P.S.  |
| 41. Molong ..... Andrew Ross, M.D.  | 76. Windsor ..... George Walker.  |
| 42. Morpeth ..... John Keating.   | 77. Wollombi ..... James Biscoe, C.P.S.                                     |
| 43. Moulamein ..... Otto Linser, M.D.   | 78. Wollongong ..... G. P. Lambert, M.D.                                    |
| 44. Mudgee ..... J. W. Allpass, schoolmaster.   | 79. Yass ..... John Stiles, C.P.S.  |



1859.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**RECORDS OF BIRTHS, MARRIAGES, AND DEATHS.**

(TRANSFER TO THE OFFICE OF THE REGISTRAR GENERAL.)

*Ordered by the Legislative Assembly to be Printed, 29 November, 1859.*

CONTINUATION of Correspondence laid before the Legislative Assembly on 14 May, 1858, upon the subject of the Transfer to the Office of the Registrar General of the Records and Indices of Births, Marriages, and Deaths, now in the possession of the Deputy Registrar.

**SCHEDULE.**

NO.	PAGE.
1. Messrs. Norton, Son, & Barker, and others, to the Colonial Secretary, drawing attention to former communications on the subject of the transfer of the Church of England Registers to the Department of the Registrar General. January, 1858 .. .. .	2
2. Do. do. to do. 29 November, 1858 .. .. .	2
3. Under Secretary to Messrs. Norton, Son & Barker, in reply. 7 December, 1858 .. .. .	3
4. Registrar General to the Under Secretary, renewing his suggestions for the transfer of the Registers to the custody of the Government. 28 July, 1859. .. .. .	3
5. Messrs. Norton, Son, & Barker to the Colonial Secretary, on the same subject. 29 July, 1859 .. .. .	4
6. Under Secretary to the Bishop of Sydney, inquiring whether he sees any objection to the necessary legal formalities being taken for effecting such transfer. 18 August, 1859 .. .. .	4
7. Bishop of Sydney to the Colonial Secretary, in reply. 20 August, 1859 .. .. .	4
8. Mr. H. K. James to the Colonial Secretary, relating to the transfer of the Registers. 3 September, 1859 .. .. .	5
9. Under Secretary to Messrs. Norton, Son, & Barker, in reply to their letter of 29 July. 22 October, 1859 .. .. .	6
10. Under Secretary to Mr. H. K. James, in reply to his letter of the 3rd September. 22 October, 1859 .. .. .	7

# RECORDS OF BIRTHS, MARRIAGES, AND DEATHS.

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## No. 1.

MESSRS. NORTON, SON, AND BARKER, AND OTHERS to THE COLONIAL SECRETARY.

*Sydney, January, 1858.*

SIR,

Not having been favored with any reply to the communications we had the honor to address to you upon the subject of the transfer of the Church of England Registers to the department of the Registrar General, we again beg to draw your attention to the matter.

In consideration of the very great inconvenience sustained by the public from the want of a legal right of reference to these records, we feel compelled to urge the importance of having them placed under the control of a responsible public officer.

We trust, therefore, that the Government will take this subject into their early consideration.

We have, &c.,

NORTON, SON, & BARKER.  
 HOLDEN & M'CARTHY.  
 R. J. & G. WANT.  
 BRENNAN & RUSSELL.  
 FITZHARDINGE & MACKECHNIE.  
 MILFORD & CROFT.  
 TEALE & GARRETT.  
 ROWLEY, HOLDSWORTH, & GARRICK.  
 STENHOUSE & HARDY.  
 ICETON & POWNALL.  
 JOHNSON & JOHNSON.  
 RODD & DAWSON.  
 WILLIAM DEANE.  
 BRADLEY & JAMES.  
 SPAIN & YOUNG.  
 PENNINGTON & HART.

THE HONORABLE  
 THE COLONIAL SECRETARY.

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## No. 2.

MESSRS. NORTON, SON, AND BARKER, AND OTHERS to THE COLONIAL SECRETARY.

*Sydney, 29 November, 1858.*

SIR,

The Bill for the transfer of the Church of England records of Births, Deaths, and Marriages to the Registrar General, introduced into the Parliament during the late Session, having lapsed in the Assembly, and consequently no effect having been given to our former representations upon this subject, we beg again respectfully to urge upon the Government the great public necessity which exists for securing possession of these records, and placing them under the protection and control of a responsible functionary. The facts of the case have been so long and prominently before the Government, that we consider it unnecessary to repeat them, but we desire to remind you, that the public interests involved

in



in the measure we have recommended are of daily increasing seriousness, and to express our earnest hope that the Executive will take immediate action in this matter.

We have, &c.,

NORTON, SON, & BARKER.  
 HOLDEN & MCCARTHY.  
 PENNINGTON & HART.  
 JOHNSON & JOHNSON.  
 BRADLEY & JAMES.  
 DUNSMURE & STAFFORD.  
 E. BURTON.  
 TEALE & GARRETT.  
 GILBERT WRIGHT.  
 ALLEN & BOWDEN.  
 FITZHARDINGE & MACKECHNIE.  
 JOHN WILLIAMS.  
 STENHOUSE & HARDY.  
 GURNER & ROBBERDS.  
 JOHN DAWSON.  
 MILFORD & CROFT.  
 R. W. THOMPSON.  
 ICETON & POWNALL.  
 ROWLEY, HOLDSWORTH, & GARRICK.  
 R. J. WANT.

THE HONORABLE  
 THE COLONIAL SECRETARY.

No. 3.

THE UNDER SECRETARY to MESSRS. NORTON, SON, AND BARKER.

*Colonial Secretary's Office,  
 Sydney, 7 December, 1858.*

GENTLEMEN,

I am directed to acknowledge the receipt of a letter dated the 29th ultimo, signed by yourselves and other Attorneys of the Supreme Court, urging upon the Government the necessity of securing possession of the Church of England records of Births, Deaths, and Marriages, and placing them under the protection and control of a responsible functionary.

2. In reply I am directed by the Colonial Secretary to inform you that the Government cannot undertake to bring forward any measures of legislation until the new Parliament assembles.

I have, &c.,

MESSRS. NORTON, SON, AND BARKER,  
 Sydney.

W. ELYARD.

No. 4.

THE REGISTRAR GENERAL to THE UNDER SECRETARY.

*Registrar General's Office,  
 Sydney, 26 July, 1859.*

SIR,

As the Session of Parliament is approaching I deem it of importance to renew my suggestions with regard to the transfer of the Church of England Registers of Baptisms, Marriages, and Burials, from the Bishop's Office to the custody of the Government.

2. It is unnecessary to repeat the arguments used on a former occasion in favor of this proposal. The public records cannot be considered complete whilst these Registers are in other keeping and accessible only by *favor* of their custodier.

3. I have to request that the matter may again be submitted to the notice of the Honorable the Chief Secretary, with a view to provision being made on the Estimates for such compensation to Mr. James as to the Government may seem fit.

I have, &c.,

THE PRINCIPAL  
 UNDER SECRETARY.

CHRIS. ROLLESTON.

No. 5.

## No. 5.

MESSRS. NORTON, SON, AND BARKER to THE COLONIAL SECRETARY.

*Sydney, 29 July, 1859.*

SIR,

As the Session of the new Parliament is about to commence, we beg most respectfully to call your attention to your letter to us of the 7th December last, on the subject of the Church of England records of Marriages, Births, and Deaths, intimating that some measure would be laid before the Legislature for the purpose of placing those records under the control of a responsible public functionary.

As it is admitted on all hands that some action is necessary by the Government in this matter, on urgent public grounds, we beg to express a hope that early attention will be given to the subject by the Government.

We have, &amp;c.,

NORTON, SON, &amp; BARKER.

THE HONORABLE

THE COLONIAL SECRETARY.

## No. 6.

THE UNDER SECRETARY to THE BISHOP OF SYDNEY.

*Colonial Secretary's Office,**Sydney, 18 August, 1859.*

MY LORD,

Repeated and urgent representations have been made to the Government that it would be greatly conducive to the interests of the community if the Returns of Births, Marriages, and Deaths, registered by the Church of England, which are understood to be now in the Diocesan Registry Office, together with the Indices, were transferred to the Registrar General of the Colony, to render more complete the Records of his department, and to be made generally available for the public benefit; and I am therefore directed by the Colonial Secretary to request your Lordship will be so good as to inform him, whether you see any objection to the necessary legal formalities being taken for effecting such transfer.

2. I enclose for your Lordship's information a copy of a Parliamentary Paper, containing the correspondence which has taken place respecting these records, with some further letters which have since been received on the subject.

I have, &amp;c.,

W. ELYARD.

THE RIGHT REVEREND

THE LORD BISHOP

OF SYDNEY.

## No. 7.

THE BISHOP OF SYDNEY to THE COLONIAL SECRETARY.

*Sydney, 20 August, 1859.*

SIR,

I have the honor to acknowledge the receipt of the Under Secretary's letter, dated the 18th instant, stating that repeated and urgent representations have been made to the Government that it would be greatly conducive to the interests of the community if the Returns of Births, Marriages, and Deaths, registered by the Church of England, which are understood to be now in the Diocesan Registry Office, together with the Indices, were transferred to the office of the Registrar General of the Colony, to render more complete the Records of that department and to be made generally available for the public benefit; and requesting me to inform you if I see any objection to the necessary legal formalities being taken for effecting such transfer.

2. I find it stated by the Registrar General in the correspondence forwarded in support of this proposition, that "the public records cannot be considered complete whilst those referred to are in other keeping"; and by a large body of the legal profession it is represented

29th Nov., 1859  
20th July, 1859.  
29th July, 1859.  
Originals to be  
returned.

Originals  
returned.

represented that the value of these Registers, "as affecting the inheritance and legal transmission of real estate in this Colony is incalculable"—the Registrar of the Diocese (Mr. Norton) bearing the strongest testimony to the same effect.

3. These representations, and the facts and arguments by which they are supported, leave no doubt on my mind that the public interests require that very early attention should be paid to the urgent appeals addressed to the Government, "to cause these Records to be placed under the control of a responsible officer."

4. At the same time, I feel bound to express my conviction of the great zeal and diligence of the Deputy Registrar, to whom the public has been indebted for the collection, preservation, systematic arrangement, and indexing of these valuable documents; and in reply, therefore, to your inquiry, I beg leave to say that I see no objection to the proposed measure, provided that, in accordance with the recommendation of the Honorable J. Norton, contained in his communication to the Registrar General, (pages 2 and 3 of the Parliamentary paper enclosed in your letter,) an equitable remuneration is awarded to the Deputy Registrar, in consideration of those services which are now recognized as of the highest public value.

I have, &c.,

F. SYDNEY.

THE HONORABLE

THE COLONIAL SECRETARY.

### No. 8.

H. K. JAMES, ESQ., to THE COLONIAL SECRETARY.

*Sydney, 3 September, 1859.*

SIR,

I have the honor to forward herewith copies of two letters addressed to me, representing the serious injury sustained by the public consequent upon the repeal of the Acts 6 George IV, No. 21, and 3 Victoria, No. 23, without any provision having been made for the future disposal of the highly valuable records thereby legalized.

2. In the one case serious pecuniary interests, and in the other the "ends of justice," are alleged as motive for these appeals, and as applications of a similarly urgent nature are continually preferred, I beg leave respectfully to express my earnest hope that the Government will shortly be enabled to give effect to those measures which have so long been contemplated for relieving the public and myself from the embarrassing position in which the subject of this communication at present stands.

I have, &c.,

H. KERRISON JAMES.

THE HONORABLE

THE COLONIAL SECRETARY.

[Enclosure 1 in No. 8.]

*Sydney, 18 June, 1859.*

Sir,

With reference to your letter of the 17th instant, in reply to mine of the 16th, requesting you to make searches and furnish me with certificates of the registration of certain marriages, &c., which are necessary to elucidate the title to the Minchinbury Estate, placed in my hands for sale by Mr. Justice Dickinson, and in which you inform me you have discontinued to perform such services, and refer me to an enclosed Parliamentary Return, I beg to state that the inability to produce these documents at the sale will be likely to depreciate the property to the extent of £1,000, as I have no means without them of proving the heirship of the parties interested.

I trust you will not continue to refuse these certificates, for which I am ready to pay the required remuneration, as by such refusal, if persisted in, and extended to other cases, an incalculable amount of injury will be done to public property and to the community at large.

I have, &c.,

W. W. BILLYARD.

H. K. James, Esq.

[Enclosure

[Enclosure 2 in No. 8.]

Sydney, 1 September, 1859.

Dear Sir,

On Thursday last we sent to the Bishop's Registry Office to make search for the date of a birth recorded there in accordance with the Act of Council, and were informed that the information could not be granted as you no longer afforded the public access to your Indices.

We do not know on what ground you feel entitled to refuse the information.

The records are public records, and we consider the public entitled to the information they afford upon payment of the fees legally chargeable.

It may be hard and unjust that no provision has been made by Government for compensating you for the labor and expense you have incurred in compiling and keeping up these records; but this is a matter in which individuals can do no more than sympathize with you. If the public have a right to make searches, the injustice done to you personally by the Government will not entitle you to defeat that right.

The information we require is indispensable, for the ends of justice, in a cause to be tried at Maitland within this month; and if you should still adhere to the determination expressed, we shall be compelled, on behalf of our client, to bring the matter under the notice of the Government; and in the meantime we give you notice that we shall hold you responsible for any loss or expense he may sustain or be put to in consequence of your refusal.

Yours truly,

NORTON, SON, &amp; BARKER.

H. K. James, Esq.

[Enclosure 3 in No. 8.]

Sydney, 2 September, 1859.

Gentlemen,

In reply to your letter of the 1st instant, I beg to remind you that the Act of Council to which I suppose you refer was repealed by the Act 19 Victoria, No. 30, and that there is no law securing to the public the rights you assume them to possess.

The Government having made no provision for compensating me for the services voluntarily performed for upwards of twenty (20) years, in carrying out the late enactment, the value of which services has been over and over again affirmed in and out of Parliament, it cannot be considered unreasonable that I should claim the right to exercise my own discretion in allowing or disallowing the public the benefit of what has been acquired by my individual exertions, and at my own expense. I regret, therefore, that I am compelled, in justice to myself, to refuse your application, not admitting that I am at all responsible for any consequences that may ensue.

I remain, &amp;c.,

H. KERRISON JAMES.

Messrs. Norton, Son, &amp; Barker.

## No. 9.

THE UNDER SECRETARY to MESSRS. NORTON, SON, AND BARKER.

Colonial Secretary's Office,

Sydney, 22 October, 1859.

GENTLEMEN,

With reference to your letter of the 29th of July last, on the subject of the Returns of Births, Marriages, and Deaths, registered by the Church of England, now in the possession of the Deputy Registrar, I am directed by the Colonial Secretary to inform you that, with a view to their being transferred, together with the Indices, to the office of the Registrar General of the Colony, by which they would be generally available for the public benefit, and make more complete the records of that department, the Government has placed a sum on the Supplementary Estimates for the present year, to be paid to the Deputy Registrar as compensation, on the proposed transfer being effected.

I have, &amp;c.,

W. ELYARD.

MESSRS. NORTON, SON, &amp; BARKER.

No. 10.

## No. 10.

THE UNDER SECRETARY to H. K. JAMES, ESQ.

*Colonial Secretary's Office,  
Sydney, 22 October, 1859.*

SIR,

With reference to your letter of the 3rd ultimo, on the subject of the returns of Births, Marriages, and Deaths, registered by the Church of England, now in your possession, I am directed by the Colonial Secretary to transmit, for your information, a copy of a communication which has been made on the subject to Messrs. Norton, Son, and Barker, by which you will observe that steps have been taken for placing the documents alluded to in the department of the Registrar General, where they will be available to the public generally; and for granting you compensation on the proposed transfer being carried into effect.

I have, &amp;c.,

H. K. JAMES, ESQ.,  
Deputy Registrar

W. ELYARD.



1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## MORTALITY IN SYDNEY AND HAMLETS.

(FROM 1 MARCH, 1856, TO 31 DECEMBER, 1859.)

*Ordered by the Legislative Assembly to be Printed, 17 February, 1860.*

Table No. 1.

MORTALITY in the City of Sydney and Hamlets, from 1 March, 1856, to 31 December, 1859.

	1856.			1857.		
	Popula- tion.	Deaths.	Rate per Thousand.	Estimated Popula- tion.	Deaths.	Rate per Thousand.
City of Sydney .. ...	53,358	1,092	* 24·55	56,096	1,317	23·47
Hamlets ... ..	28,223	441	* 18·74	32,985	626	18·97
METROPOLITAN ...	81,581	1,533	22·54	89,081	1,943	21·81

	1858.			1859.		
	Estimated Popula- tion.	Deaths.	Rate per Thousand.	Estimated Popula- tion.	Deaths.	Rate per Thousand.
City of Sydney ... ..	58,238	1,647	28·28	60,462	1,406	23·25
Hamlets ... ..	37,042	775	20·92	41,598	692	16·63
METROPOLITAN ...	95,280	2,422	25·42	102,060	2,098	20·55

MEMO. :—

\* The Registration Act came into operation on the 1st March, 1856. The Death Rate for that year is calculated upon the actual number of Deaths registered during the ten months, with the addition of an assumed mortality at the same rate for the two months of January and February, to complete the year.

2. The population of the years 1857, 1858, and 1859, is estimated upon the basis of the average annual increase of the five years preceding the last Census.

3. It appears that whilst the rate of mortality in 1858 exhibited a large increase upon that of the two preceding years, the rate for 1859 has fallen lower than it has been since the Registration system was commenced.

CHRIS. ROLLESTON,  
Registrar General.

Registrar General's Office,  
Sydney, 17 February, 1860.



Table No. 2.

## INFANTILE MORTALITY.

## CITY OF SYDNEY.

Year.	Deaths under 5 Years.	Total Deaths.	Per-centage of Deaths under 5 Years to total Deaths.
1856	445	1,092	40.75
1857	586	1,317	44.49
1858	849	1,647	51.54
1859	676	1,406	48.08
HAMLETS.			
1856	245	441	55.55
1857	364	626	58.14
1858	486	775	62.70

## MEMO. :—

1.—The Returns for the year 1859, for the Hamlets, are not yet made up to enable me to furnish the rate of Mortality amongst children under 5 years for the last year.

2.—The excessive rate of Mortality amongst children in the Hamlets, in the years 1856-7, and 8, as compared with the City, is only to be accounted for upon the assumption that children under 5 years of age bear a larger proportion to the up-grown population in the Hamlets than they do in Sydney, an assumption which the results of the last Census tend to confirm.

CHRIS. ROLLESTON,  
Registrar General.

Registrar General's Office,  
Sydney, 17 February, 1860.

1859-60.

## NEW SOUTH WALES.

## NUMERICAL SYSTEM OF LAND REGISTRATION.

Presented to both Houses of Parliament, by Command.

REGISTRAR, NEW ZEALAND, to GOVERNOR GENERAL.

*Registry Office, Auckland,**New Zealand, 23 December, 1859.*

SIR,

I did myself the honor to forward to your Excellency, some time since, certain papers connected with the Numerical System of Registration, soliciting your perusal of them, and requesting that you would place them in the hands of the Members of your Government, for their consideration; and as the accompanying paper deals with the same subject, I have taken the liberty also to forward it, in the hope that it may clearly prove the efficiency and simplicity of this system of Registering Titles.

Your Excellency will, of course, perceive that the enclosed paper is immediately addressed to the Members of the Government of this Country, urging upon them the necessity of giving me the system in a complete form, and also of making it general for the whole Colony.

I have, &amp;c.,

ROBT. KELLY,

Registrar.

GOVERNOR SIR W. T. DENISON, K.C.B.,

&amp;c., &amp;c., &amp;c.

(Enclosure.)

THE Scheme of Registration set forth and explained in these papers I have called numerical, not that numbers can of themselves make titles good or bad, but because they secure those great essentials in registration without which we may labor in vain to effect a useful or valuable system, but with their aid other matters connected with this important subject may with greater facility be prepared, and are for the most part supplied in these sheets.

As many of my readers are unacquainted with the circumstances which led to the introduction of this scheme of registration into Auckland, a few words upon the subject may not prove uninteresting.

In 1853 I forwarded a paper to the Chief Justice of this Colony exhibiting the difficulties of map designation, which I was then, in accordance with the Land Registration Ordinance enacted by law for this Colony, in vain struggling to carry out for a portion only of a single County. In this document I recommended that the plan of simple numerical designation be substituted for it. I also published a pamphlet about the same time, exposing the defects of the system in use in New Zealand.

Having obtained the concurrence of the Chief Justice, I forthwith prepared a book of consecutive numbers, in which I entered the numerical designation of all registered properties, and simultaneously with this commencement of the numerical system, and correspondently with the book of numbers, I introduced a new column into our indexing books, in which these numbers are inserted opposite to the instruments which they represent. By this arrangement any registered property, whether subdivided or otherwise, may be arrived at in a moment, because the book of numbers points to the page where it is to be found.

As it is only by comparison that we can discover the superiority of simplicity over complexity, I will give examples of the two modes of designating properties, and then my readers can determine for themselves which is preferable.

The descriptions are real and frequent. The property I am about to describe was originally called allotments 7 and 8 of section 8. The grantee subsequently cut it up, and sold it in parts, and one of his parts is described by the conveyancer as follows:—"All that piece or parcel of land situated in the suburbs of Auckland, parish of Waitemata, and County of Eden, part of allotments numbers 7 and 8 of section number 8, and being lot No. 4 of section No. 2, upon a plan of the subdivision of allotments No. 7, 8, 9, 10, and 11 of said section No. 8."

Numerical designation would simply be part of 10,000 (or whatever the registered number of the estate might happen to be), and by means of this number in one minute he is brought to the particular portion of the property which he wants to see; whereas by the former description, he might almost as well attempt to search for a needle in a bundle of straw as to think of finding it out. In the one instance he can, with the aid of the book of numbers, make it out himself in one minute; whereas in the other instance, he is altogether dependent upon a clerk of great experience, combined with a good memory, to help him, and even then he may fail in the object of his search; but by numerical designation there can be no failure.

I have now shewn the superiority of simple numerical designation of land over every other; but of course it would be ridiculous to assume that either map or numerical designation would, independently of other sources, be sufficient to effect a sound and perfectly comprehensive system of the registration of deeds and titles. This obviously depends upon a great variety of contingencies, the essentials of which will, I believe, be found fully explained and described in these sheets, and in the clauses of the Act which I have prepared and appended to them.

It will, I presume, be admitted that, although the conveyancer may exercise the most scrupulous exactitude in his description of property, so as to secure, as he hopes, his client's interests against the possibility of mistake or error; yet of what avail (as far as the registry office is concerned) can this minute history of a property prove, if when a party wishing to make a search for it in the registry office is unable by means of such description to find it out. But, on the other hand, if the conveyancer's description of an estate be so simple that a sign or a number will on the instant bring him to the property in the registry office, then of course that number is all that can be required, and any further description of the estate is altogether superfluous; because the object of a description, whether of a man or of an estate, is to enable us to know him or it, and find either out.

Obviously once we are fairly in possession of a particular object, we need not have, or at least we ought not to have, any extraordinary difficulty in dealing with it after whatever form or shape we like, and, unquestionably, as far as land is concerned, the simpler the mode the better; because complexities, technicalities, and profuse verbiage, have hitherto for the most part proved the ruin of titles.

Keeping, therefore, continually in view the indisputable fact, that simplicity is the most direct road to perfection, and bearing in mind also the complete success which has attended the use of it in the sale and transfer of ship, stock, and funded property, I have framed the system which is explained and set forth in these sheets so that by means of the most simple forms and machinery all dealings relating to land may for the future be carried on with the most perfect ease and security.

It was only in the early part of 1856 that I was enabled to procure an Act establishing Numerical Registration for the Province of Auckland; the system, however, was granted to me in a mutilated, defective form. Numbers I only obtained by indorsation—a most wretched provision for what forms the vital portion of the scheme, because by the proper use of these solely depends its completeness and efficiency. The number, as the designation of the property, should of course be entered in the body of the deed. Many other essentials were altogether denied me. Having, however, obtained numbers in the form described, and the registration of grants before the issue of the same to the proprietors, which gave me a sound root to commence with, and plans on the title pages, to enable me to identify at once the various parcels of land as they were presented for registration, and a tolerably clear mode of dealing with subdivided properties. With these materials, which, after all, form but the skeleton of a scheme, I have been enabled to do the business of a whole province, including ten counties, with far greater despatch, accuracy, and facility, than I formerly performed the work of a portion only of a single county.

There is one great omission in our Provincial Act which I shall mention here, in order that those who may have hereafter to legislate upon the subject of Registration may see the necessity of making provision for—that is, a clause to enable the Registrar, with the concurrence of the Chief Justice, to make rules for regulating the business of his office, so that the machinery of the system may not be clogged and destroyed by the registration of instruments which, from the matter they contain, or from the particular form in which they are prepared, are calculated to occasion this damage.

The conveyancer, solicitous for the interests of his client, and far from partial to a scheme which presumes to control him in his plans or arrangements, demands the registration of a certain instrument as calculated to promote the interests of his client; the Registrar hesitates, because from the indefinite description given, or other cause, he cannot make out the registered property to which it belongs, and consequently he is apprehensive that if he does register it he may place it upon a title page to which it does not belong, and thereby occasion serious injury; or he may hesitate to register it because, from the nature of the instrument, he perceives at once that it was never designed that such instruments should

should occupy a place upon the title page of an estate, for if registered they are calculated to clog and destroy the efficiency of the scheme.

I have heard of a Registrar having been browbeaten and forced to register a common receipt. Obviously, therefore, a clause should be inserted in every Registration Act, which would afford the Registrar the means of appeal to a competent and perfectly disinterested judge, who would be able satisfactorily to determine such questions when brought before him.

Having devoted some years of my life to the compilation of a system of registration designed to facilitate the transfer of land, and having, as I believe, fairly proved the efficiency of the scheme, by a test extending over several years, I naturally feel anxious for the result, and will now give the reasons why I think it ought to be accepted; and in thus openly doing so a fair opportunity is afforded to the adversaries of the scheme to shew that my arguments are false, or that the system described is defective.

In England it appears, by the Report of the Royal Commissioners, that upwards of twenty Registration Bills have been brought into Parliament, within the last twenty years, to alter the mode of dealing with land, and have failed in their object, or been rejected, obviously because they aimed at the almost superhuman task of attempting to alter, by coercive or restrictive measures, a mode of dealing with land which concerns, not the proprietors only, but a powerful and influential body, who, having an interest in the question, which, although not equal to the fee-simple, still is such that that fee-simple cannot be dealt with or applied to the purposes which the proprietor would wish, unless at very heavy charges, which charges as essentially belong to them as the proprietorship of the fee-simple does to the holder thereof. We know that it would be a matter of no great difficulty to convince the owners of land that it would be for their interest to alter the present mode of dealing with land, so as to simplify titles, and to make all transfers for the future cheap and expeditious; but, on the other hand, it would be as difficult as the other is easy, to hope to induce the members of the legal profession to assent to a measure which would deprive them not only of the fees which they have hitherto enjoyed as their peculiar perquisites, but also of the high rank and commanding position which is so closely associated with such, because most unquestionably the disputes which arise out of the present deplorable state of titles to land require a large staff of judges, and an almost innumerable host of highly-paid counsellors.

Having, therefore, to deal with a question which affects conflicting interests, we cannot possibly hope to give equal satisfaction to both parties; but this circumstance should not prevent us from proceeding with a measure which is loudly and universally called for, and which is designed to remedy an evil which inflicts more injury and more cost upon society than the combination (war alone excepted) of every other evil which, through the excessive selfishness of our nature, we inflict upon each other.

The most distinguished members of the legal profession are ready to admit that the laws relating to real property are defective, and that they ought to be altered. Sir Hugh Cairns, when Solicitor General of England, pronounced them to be a reproach upon the law! Why then are they not altered? Is it because the members of the legal profession will be losers by the change?

The evils complained of are, obscure titles, long and expensive deeds, and difficulties and delay in dealing with land; we want, therefore, a system of registration which will remove these, and which will not at the same time disturb the existing landed right of any man.

I will now exhibit the system which can effect these objects, and as I proceed with it step by step, I will shew the design of each, and the mode by which it secures the particular end aimed at.

It will then be for the adversaries of the system to prove that my gradations or premises are false, and that the result will be different from what they aim at; but if, on the other hand, its laws are self-evident, and cannot be controverted, then they should be accepted unless it can be shewn that other provisions can be substituted for them, which will in the issue prove equally clear and satisfactory, and make every dealing relating to land what it ought to be—clear, expeditious, and cheap; or, in other words, transferable as easily and cheaply as ship of funded property or stock of any description. One of the most important points connected with the numerical system of registration is that, while it confers the most extensive benefits upon landed proprietors, it cannot in the smallest degree impair the interest of any.

- 1st. The first object it aims at is, that as soon as a title deed has been registered it may ever after be arrived at in a moment; this is effected by calling it by a particular number, and never repeating that number again with any other deed; and by entering it in a book of numbers, which will direct you to the page in the books of the Registry Office where it has been entered. See clause 22.
- 2nd. The second is, to open a title page for every property thus registered, where it will be entered, and under it consecutively the various dealings which from time to time shall take place with the same property. Clause 25 and schedules B, D.
- 3rd. The third is, that whenever a registered property is again sold, the registrar, the conveyancer, or the proprietor will in the deed effecting the sale describe it by the number appropriated to it in the Registry Office. See title page, B, D, E.
- 4th. The fourth is, that every deed registered must have a plan on it which will minutely describe the boundary lines, &c., of the land represented in it, and its relative position to other properties. See clause 29.

5th.

- 5th. The fifth is, to enter that plan upon the title page appropriated to the property. See title page. B, D, E.
- 6th. The sixth is, that whenever a deed is presented for registration, the party bringing it shall in the presence of the Registrar or his chief clerk open by means of the book of numbers the title page appropriated to the property (provided of course that it is a registered property), and if it agrees with the particulars and description exhibited upon that title page to register it, but if not, to reject it. See clause 56.
- 7th. The seventh is, that the provisions and forms prepared and fully described in sheet headed No. 1 following this paper, and which are also to be found in the Act attached to this Bill, be granted.
- 8th. The eighth is, that the Registrar may, with the concurrence of a Board consisting of the Chief Justice, the Attorney General, or other qualified persons, make such laws for simplifying titles, and facilitating the transfer of land, as he may find necessary.

These are the provisions which I require, in order to secure good, cheap, and easily transferable titles to every man whose property is registered in accordance with them. If it can be shewn that by yielding them they can by possibility impose damage, let them of course be rejected, but not otherwise; but what man, however acute as a lawyer he may be, can satisfactorily prove that a provision in a Registration Act is either dangerous, objectionable, or unnecessary, which will enable a man in one minute to examine the title to a property which, without such provision, he might not be able to do in a week or even in a month; if so, No. 1 is necessary.

No. 2 is as safe and as necessary as No. 1, because surely no property can be damaged by having a title page appropriated to it to shew the owner of it and all the dealings relating to it.

No. 3 is also safe and necessary, because by means of it the Registrar is enabled to find out the title page of the property, and thereby ascertain if the party selling was the registered owner, &c., &c.

No. 5 is necessary, because the plan is to an estate what a photograph is to a man; when a man comes in, you know him by his photograph; and when a property is brought to the office for registration, you know it by the plan.

No. 6 is necessary, for without it there positively can be no security for good titles, because, as lawyers or conveyancers make quite as many mistakes as other people, a provision is absolutely necessary in order to prevent them; by means of No. 6, he is obliged, before he registers a deed, to open the title page assigned to it, in order to satisfy the Registrar that there is no link in the chain of title deeds wanting to complete the title, that he has faithfully described it, that the vendor was the registered owner of it, &c., &c., &c.

No. 7.—If you want to have cheap, clear, and easily transferable titles, the provisions and forms enumerated and fully described in sheet No. 1 are absolutely necessary.

No. 8 is of vast importance, because, undeniably, difficulties which no Legislative Assembly can foresee, and therefore cannot provide for, will from time to time present themselves before the Registrar, which can alone be settled by a Board constituted as the one here named. Difficulties of this sort are now before me, affecting the titles of individuals, which I could easily remedy and meet by arrangements which such a Board would immediately sanction, but which I cannot make without the necessary authority. The Registrar would not probably have occasion to consult with such a Board oftener than once in three months after the passing of the Act, and subsequently, as the system became more perfect, not oftener than once in six months, or even twelve months.

I ask for the provisions here enumerated, because the most scrupulous lawyer cannot prove that they can in the least degree injuriously affect the interests of any landed proprietors. I ask for them, because by means of them I can carry out the plans of the Royal Commissioners, Sir Hugh Cairns, or even Mr. Torrens. Other systems may fail, because they have not been tried, but a system which, under the most extraordinary difficulties, has stood a test of 7 years is not likely to fail.

The system of registration set forth in these papers is a registry of titles,—that is, as soon as a party purchases a property from the Crown it is registered, and his title to it is exhibited after the form described in sheet No. 1, and every time the same property is sold again the new purchaser's title is shewn in the same way.

It is a registry also of good titles,—because, once a property has been registered no one but the registered owner can sell it, and he can only sell it as a whole, in the form and size in which he purchased it himself, and as shewn upon the title page assigned to it.

It differs from an indefeasible title only in name,—because a good title cannot be set aside any more than an indefeasible title,—the former is secured by a process of self-evident laws, which by a chain of indisputable circumstances secures an issue which admits of no dispute: an indefeasible title, therefore, differs from the former only in name, because the titles in either case must be established by a similar code of laws or proofs. The word indefeasible is a legal term, a technical term, and if you will have it you must again hand over your estates to the law, and pay enormously for a mere form or a name,—that is, you must have expensive Boards of legal Commissioners, who will sign their names to titles after they have been proved to be good by the process laid down in these sheets.

A member of the legal profession may, I know, affirm that the numerical system of registration is not sufficient to meet every difficulty affecting titles which may be brought before it. The registrar will, of course, affirm to the contrary, and plainly intimate that a lawyer who never registered a deed in his life and knows nothing whatsoever about the machinery of the system can be no authority upon the subject. The lawyer, however, has a right

right to name the difficulties which he thinks the numerical system cannot provide for, when the Registrar will explain the mode by which he will meet them. There is, I feel fully persuaded, no difficulty whatsoever connected with the dealings of land and the titles to land which registration cannot readily and with ease provide for; but these, of course, must be brought before it in a direct and in an intelligible shape, and not after a form which it would seem was in many instances intended purposely to disguise a title and not to elucidate it.

The numerical system of registration, of course, provides the forms by which titles to land may be exhibited in a form which will enable them to be registered with ease, clearness, and certainty.

Under the system of registration laid down in these papers the deeds now in use by the professional conveyancer are for the most part superseded by registrar's certificates, and sales are for the most part made by simple indorsation on these certificates.

Hitherto, the deed drawn out by the conveyancer endeavored, by the authority of the instrument itself, to establish a man's right to the property represented in it. Under the present system a single line written upon the title book of the property effects this object infinitely better, because as this is the last entry it extinguishes all the former.

All that a deed of sale, mortgage, or lease need now set forth is that A, the registered owner of 10,000 (or whatever the number may be), sells, mortgages, or leases his estate to B for so much, as it is delineated below, and whatsoever is delineated below will be found delineated upon the title page of the property.

It is quite right that a system of registration which has been found to be defective should be superseded by another, but surely it is not right that a system which can effect, after the cheapest, the safest, and the simplest form possible, every desirable end which registration can confer should be cast aside, and before a flaw has been discovered in it.

If a test is wanting to prove its efficiency, that test has been afforded by a seven years' trial; but, if that is not considered sufficient, let the following test be made, which is the fairest as well as the closest and severest that I know of. Let, for example, 200 titles to separate properties be investigated in my office, say from 10,000 to 10,200, 11,000 to 11,200, 12,000 to 12,200, and so on upwards, or in any other way. Let the parties appointed to make the investigation call at the Registry Office with a sheet prepared with the numbers for investigation inserted upon it, with columns for replies, &c., &c., &c. And let the following questions be put and answered:—Who is the registered owner of 11,001, 11,002, 11,003, and so on? What is the extent of his property? Is it encumbered or otherwise? Is there a defect in the title, and what is it? It will be found that the answers will be given in a shorter time than they can be written down. It will also shew where there is a defect in the title what that defect is, and also that it might have been prevented had the provisions which are exhibited and enumerated in these pages been in force; consequently, that all titles which for the future shall be registered under it in its amended form must be good.

No one can deny its sufficiency for the registration of instruments upon the most extensive scale, because by a reference to the books of my office it will be seen that I am able to register upwards of 150 deeds a day, and examine the titles to each. If I can do this with a very limited staff, of course I could quadruple the number with an establishment proportionably large.

Sheet No. 2 describes the mode by which old titles may be registered under the new system. I see no necessity for warranted titles, and I think a retrospective test is as good, if not better, than a prospective; but of course neither of these matters can in any degree affect the numerical system of registration, as it will work as well under warranted as under unwarranted titles, under prospective as retrospective tests, and whether with or without Commissioners. It is in fact the machinery for carrying out the purposes of any or all.

Sheet No. 3 I regard as by far the most important portion of the numerical system of Registration; it will not only put an end to a monster evil, but will give a degree of freedom to all dealings with land which cannot be secured without it. It must consequently greatly enhance the value of land, and Land Insurance Offices will become as common, and much more beneficial to the interests of society at large, than any other description of Insurance Office now in force.

I have furnished the materials for securing the benefits referred to in these papers; men of legal knowledge are alone qualified to frame the Act, and I sincerely believe that those who will do so will be entitled to be regarded as the best friends of Society.

ROBT. KELLY.

Registrar of Deeds,  
Auckland, New Zealand.

#### REGISTRAR GENERAL to PRINCIPAL UNDER SECRETARY.

MEMO.

There is in Mr. Kelly's scheme of numerical registration a great deal worthy of consideration. It is remarkable for its simplicity, and the fact that it has worked admirably in the Province of Auckland speaks much in its favor.

It possesses some features well worthy of adoption; but, on the whole, it is not so complete nor so comprehensive in its provisions as is necessary to secure an adequate system of Registration for New South Wales.

It

It must be remembered that Auckland is a small province, where transactions in land have not hitherto been very numerous, and where complications in landed titles have not to any great extent arisen.

I would recommend that Mr. Kelly's paper be referred by the Government for the consideration of the Committee of the Legislative Council now sitting, with the object of preparing some comprehensive measure for simplifying the dealings in land. To this Committee the Solicitor General's Bills for accomplishing this purpose have already been referred, and it is very desirable that they should have all the light that can be thrown upon the subject.

The result of Mr. Kelly's own experience in the working of his numerical system cannot fail of commanding attention.

CHRIS. ROLLESTON,  
Registrar General.

*Registrar General's Office,  
Sydney, 1 March, 1860.*

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Sydney: Thomas Richards, Government Printer.—1860.

[Price, 1s. 1d.]



1859.

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**Legislative Assembly.**  
**NEW SOUTH WALES.**

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**RULES OF COURT.**

(PROMULGATED BY THEIR HONORS THE JUDGES, 13 AUGUST, 1859.)

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*Ordered by the Legislative Assembly to be Printed, 2 September, 1859.*

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IN THE SUPREME COURT.

*Saturday, the thirteenth day of August, 1859.*

**REGULÆ GENERALES.**

1. The Court will sit for the hearing of Appeals in its Insolvency Jurisdiction, on Friday, the 2nd, and Saturday, the 3rd days of September next; on the former day at eleven o'clock, and on the latter day at ten o'clock.

2. The Court will sit for the hearing of Equity Appeals on Thursday, the 8th, and Friday, the 9th days of September next; on the former day at ten o'clock, and on the latter at eleven o'clock.

3. Provided, that if the trial of John Garsed, appointed for the 5th day of September, be not concluded before the said Thursday, the said Equity Appeals shall be postponed.

4. No matter will be taken in Chambers on any of the above-mentioned days, but Summonses in Chambers may be made returnable on Thursday, the 1st, and Wednesday, the 7th days of September, at ten o'clock respectively.

ALFRED STEPHEN.  
 J. N. DICKINSON.  
 SAM'L. FREDK. MILFORD.

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Sydney: Thomas Richards, Government Printer.—1859.



1859.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**RULES OF COURT.**  
(MORETON BAY.)

*Ordered by the Legislative Assembly to be Printed, 2 September, 1859.*

IN THE SUPREME COURT }  
AT MORETON BAY. }

*Thursday, the ninth day of June, A.D. 1859.*

**REGULÆ GENERALES.**

1. It is ordered that so much of the General Rules made and promulgated on the nineteenth day of October, 1858, by which it is ordered that Criminal and Civil Sittings of the Court be held on the third day of October, and the tenth day of October respectively, in the year one thousand eight hundred and fifty-nine, and that the third term of the present year commence on the seventeenth day of October, be revoked.

2. That, so much of the third Rule made on the aforesaid nineteenth day of October, as orders that the second Vacation during the present year do commence from the thirteenth day of June, be revoked, and that the said Vacation do commence on Wednesday, the fifteenth day of June instead thereof.

3. That the Christmas Vacation shall commence on Saturday, the twenty-fourth day of December.

4. That there shall be two sittings of this Court held for the trial of Civil Causes generally during the remainder of the present year, the first to commence on Monday, the fifteenth day of August, and to terminate on Saturday, the 20th day of August, and the second to commence on Monday, the fourteenth day of November, and to terminate on Saturday, the nineteenth day of November.

5. That there shall be two Sessions of Gaol delivery, during the remainder of the year; the first to commence on Monday, the twenty-second day August, and the second on Monday, the twenty-first day of November.

6. That there shall be three sittings of this Court for the trial of Civil Causes under £50 without Jury; the first to commence on Monday, the fourth day of July, and terminate on Wednesday, the sixth day of July; the second to commence on Monday, the fifth day of September, and terminate on Wednesday, the seventh day of September; and the third to commence on Monday, the seventh day of November, and terminate on Wednesday, the ninth day of November.

7. That Plaintiffs shall be at liberty to set down causes under £50 for trial at the Sittings held for the trial of any causes of £50 value and upwards.

8. That there shall be two terms during the remainder of the present year, the first to commence on Monday, the twenty-ninth day of August, and terminate on Saturday, the third day of September; the second to commence on Monday, the twenty-eighth day of November, and terminate on Saturday, the third day of December.

ALFRED J. P. LUTWYCHE,  
Resident Judge.



1859.

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**Legislative Assembly.**

NEW SOUTH WALES.

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# RULE OF COURT.

(MORETON BAY.)

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*Ordered by the Legislative Assembly to be Printed, 20 September, 1859.*

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SUPREME COURT }  
AT MORETON BAY. }

*Friday, the 19th day of August, A.D. 1859.*

## REGULÆ GENERALES.

1. It is ordered that so much of the Rule and Practice now in force in the Supreme Court of New South Wales, and adopted by an order of the Supreme Court at Moreton Bay, bearing date the 15th day of April, 1857, as orders that every person who shall intend to apply for admission as an Attorney or Solicitor, (whether previously admitted elsewhere or not,) shall cause notice of his intended application to be three several times published in two public newspapers of Sydney, during such term,—be revoked.

2. That every person, who shall intend to apply for admission as an Attorney or Solicitor, shall comply with all other the Rules of Court now in force; and shall cause notice of his intended application to be published in two public newspapers of Brisbane, during the term in which he shall apply.

ALFRED J. P. LUTWYCHE,  
Resident Judge.

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Sydney: Thomas Richards, Government Printer.—1859.



1859.

Legislative Assembly.

NEW SOUTH WALES.

## ARALUEN GOLD FIELDS.

(RULES OF LOCAL COURT.)

*Ordered by the Legislative Assembly to be Printed, 2 September, 1859.*

### LOCAL COURT RULES—ARALUEN VALLEY.

1. That all creek claims in Araluen Valley be thirty yards frontage to the water-course in length, and seventy-five in depth, measured from the centre of the stream or water-course; no Company to hold more than eight such claims.
2. That all claims be occupied forty-eight hours after the boundaries are marked; and that such boundaries be strong posts, two feet out of, and one foot in, the ground, otherwise the ground may be considered vacant.
3. That all head and tail races shall be the *bona fide* property of the holders, and no one shall injure or cut into the same without the consent of such holder, unless in event of digging immediately under such head or tail race, and in such case, that the said head or tail race be made good to the satisfaction of such holder previous to the working of the said ground immediately under such race, or to the satisfaction of the Local Court, if appealed to.
4. Any party taking possession of a portion of a creek or running stream, and placing a wheel or any machinery thereon, or otherwise working it, shall have a priority of right to water, except one sluice head of twelve square inches, if required by any miner or party working on such creek or running stream; successive rights of water to follow in order of application to the Clerk of the Local Court.
5. All claims may be registered on unavoidable suspension of the work from illness, or any other reasonable cause.
6. That all claims on dry diggings above five feet deep be twenty yards square, and all surfacing under five feet deep shall be fifty yards square; no more than eight such claims to be granted in one block.
7. That all holders of Business Licenses be entitled to sixty-six feet by one hundred feet, application for the same to be made to the Clerk of the Court, and if the same shall appear unobjectionable they may be granted by the Local Court at its ensuing sitting.
8. That all claims on old worked ground be double in size to those granted on any new locality.
9. That an extent of ground not exceeding one acre may be held by any one following the occupation of a miner, or holding a Business License for the purpose of cultivation; and that compensation, if demanded, shall be settled by arbitration, on its being shewn that a lead of gold is likely to pass through the same before the land under such cultivation shall be trespassed on.
10. That any holder of a Miner's Right may cut a race through the claim or ground held by any other party, provided that it be shewn that such race or cutting do no injury to the said ground, or the interests of the holder thereof.





1859.

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Legislative Assembly.

NEW SOUTH WALES.

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## ARALUEN GOLD FIELDS.

(ADDITIONAL LOCAL COURT RULES.)

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*Ordered by the Legislative Assembly to be Printed, 12 October, 1859.*

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LOCAL COURT, UPPER ARALUEN.

(ADDITIONAL RULES.)

1. That all creek claims shall have thirty yards frontage, and seventy-five yards depth, to be measured from the middle of the creek.
2. That all claims in any gully shall be thirty yards in length, and seventy-five in depth, that is, thirty-seven and a half yards on each side, starting from the centre of the gully.
3. All bank claims, and claims on any flat, where the depth of sinking shall not exceed five feet, shall be fifty yards square, and where the sinking exceeds five feet, such claims shall be forty yards square; not more than four of any of the above description of claim or claims (1, 2, and 3) to be granted in one block.

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Sydney: Thomas Richards, Government Printer.—1859.



1859-60.

**Legislative Assembly.**

**NEW SOUTH WALES.**

**ADELONG GOLD FIELDS.**

(RULES OF LOCAL COURT.)

*Ordered by the Legislative Assembly to be Printed, 18 April, 1860.*

**LOCAL COURT RULES, ADELONG.**

**TIME OF HOLDING COURT.**

1.—There shall be a sitting of the Local Court, for the hearing of all matters to be brought before it in which it may have jurisdiction, on every alternate Saturday, at noon.

**TIME FOR ENTERING PLAINT.**

2.—In all issues to be tried by the Local Court, the Plaint shall be entered at least six days, and the Summons served at least four clear days prior to the sittings of each Court.

**DEFENCE WHEN TO BE FILED.**

3.—In all cases, the Plea of Defence shall be filed in the Office of the Court two clear days prior to the sitting of such Court.

**RETURN OF SUMMONS.**

4.—On the return day of every Summons which shall have been duly served, Affidavit shall be made by the person duly appointed as Bailiff so serving it, whereupon cause shall be heard and determined, (unless the same shall be adjourned to some future day appointed by the said Court for such purpose,) in accordance with the provisions made and enacted in the Act 20th Victoria, No. 29, intituled, "*An Act for the management of the Gold Fields of New South Wales.*"

**LIST OF CAUSES.**

5.—At each sitting of the said Local Court of Adelong, a List of the Causes shall be prepared by the Clerk of the Court, such List to be kept according to the time and order in which the Summonses are taken out.

**BOOKS TO BE KEPT.**

6.—The Clerk of the Court shall keep the following Books:—

- (1st.) A Minute Book, in which he shall enter an account of the business of each sitting, as the same arises.
  - (2nd.) A Record Book, in which all sworn depositions taken before the Chairman of such Court shall be minutely entered, each deposition to be duly signed by the Deponent, and the jurats, as sworn to before the Chairman, to be signed by such Chairman, as a Justice of the Peace.
  - (3rd.) A Letter Book, for copies of all letters duly directed by the said Court.
- Such books to be kept by the said Clerk, and in Court, at each sitting.

**COSTS IN CERTAIN SUITS.**

7.—In any Suit or Action brought in the said Local Court of Adelong, it shall be deemed lawful to demand, as between Plaintiff and Defendant, reasonable Costs to either party, for the issuing of Summonses and other matters.

**CAUSES MAY BE POSTPONED IN CERTAIN CASES.**

8.—If any party, whether Plaintiff or Defendant, shall by the affidavit of himself or some other person or persons, shew to the satisfaction of the said Court that he has a bona fide defence to any plaint of damage or encroachment filed against him, but that he has not sufficient time for preparing his case, or making his defence, (as the case may be,) on the day appointed for the hearing, the Court may appoint another day for the hearing of the said matters.

**TIME OF FILING DEFENCE.**

9.—If any Defendant shall fail to file a plea of defence within the time limited by these Rules, the Plaintiff shall be entitled, on the facts stated in his information being sworn to, to a judgment by default, and the facts stated in his (Plaintiff's) plaint, so filed, shall be taken to be admitted by the said Defendant, and the Court may award the amount of damage sustained by him against the Defendant, not exceeding ten pounds (£10) for the first offence, and twenty pounds (£20) for any second or subsequent offence.

**FORMS OF DOCUMENTS TO BE USED BY THE LOCAL COURT OF ADELONG.**

10.—That the Forms hereunto appended be the Forms to be used by the said Local Court of Adelong, in all proceedings between Plaintiff and Defendant.

*New South Wales.*

Summons.  
In the Adelong Local  
Court of Miners. }

To \_\_\_\_\_, of the District of \_\_\_\_\_.

TAKE NOTICE: You are hereby summoned to appear in this Court, at \_\_\_\_\_, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ next, at \_\_\_\_\_ of the clock, to answer the annexed Plaint; and that if you intend to enter a defence, you must do so two clear days before the day of hearing, otherwise, on proof of the service of this Summons, judgment will be given against you, with such costs as the Court may think proper to award.

Given under my hand and seal, this \_\_\_\_\_ day }  
of \_\_\_\_\_, 18 \_\_\_\_\_.

20th Victoria, No. 29.

*New South Wales.*

Adelong Local Court.

## FORM OF PLAINT.

\_\_\_\_\_, of Adelong, in the Colony aforesaid, complains

and the said complainant prays that this Plaint may be tried, and judgment given herein.

## BY-LAWS.

1.—That any number of Claims may be amalgamated for the purpose of sinking a prospecting shaft or shafts, the parties so amalgamating shall cause a notice of their intention to apply to this Court for leave to do so, to be placed on some conspicuous part of the claims near the mouth of the said prospecting shaft, for at least five clear days prior to the meeting of the Court. They shall also deposit with the Clerk of the said Court a copy of the agreement and conditions proposed to be entered into by the parties so seeking to amalgamate.

2.—That when any two or more mining claims communicating with each other in such a manner that water can pass from one claim to another, shall be flooded with water, either from mutual drainage or other cause, it shall be competent for the owner of any claim so flooded to call upon the Commissioner to inquire into the matter, and after forty-eight hours notice has been given to the owner of each claim flooded, and when the number of claims flooded has been ascertained, and an examination made by him and assessors, it shall be lawful for the Commissioner and assessors to make such lawful order relative to the joint pumping or bailing of any one or more claims, or other matter as to them shall appear proper, and such order may be subsequently after notice as aforesaid, lawfully added to, or altered should circumstances require it, and such order, addition to, or alteration thereof, shall be served in writing (signed by the Commissioner) on the owner of each claim to which it may apply, and every such owner shall conform to and obey any such order, addition to, or alteration thereof so made.

3.—That any water that shall have been diverted from its natural bed, and removed to another waterfall foreign to its natural course, may be removed by the original divertors at any time to any place, provided it is not required in the basin from which it was diverted, and that good cause be shewn for such removal.

1859.

Legislative Assembly.  
NEW SOUTH WALES.

CHIEF JUSTICE'S APPLICATION FOR LEAVE  
OF ABSENCE.

(CORRESPONDENCE IN CONNECTION WITH.)

*Ordered by the Legislative Assembly to be Printed, 18 October, 1859.*

RETURN to an *Address* from the Honorable the Legislative Assembly of New South Wales to the Governor General, dated 6 October, 1859, praying that His Excellency would be pleased to cause to be laid upon the Table of this House,—

“ Copies of all Correspondence which has taken place with the  
“ Government, in connection with an application of the Chief  
“ Justice for leave of absence.”

(*Mr. Hay.*)

SCHEDULE.

No.	PAGE.
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# CHIEF JUSTICE'S APPLICATION FOR LEAVE OF ABSENCE.

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## No. 1.

THE CHIEF JUSTICE to HIS EXCELLENCY THE GOVERNOR GENERAL.

*Supreme Court,*

19 August, 1856.

SIR,

I request, under the circumstances stated in this letter, that fifteen months leave of absence from my duties may be granted to me, from the 1st day of February next, with such allowance as the Assembly may, for that period, think fit to assign me. I only desire to obtain fifteen months, and I probably shall not exceed twelve.

It is impossible for me to state that my health is shattered, or that I am, even at present, under medical care, I have, however, clear indications that I require some repose, mental and bodily, for a time, either by partial relief from my present duties, or by a total suspension of them.

On two occasions during the past year I was advised by my medical attendant that absolute cessation of my labors was imperative; and I took twenty-five days holiday, in January, which I was enabled to obtain on the appointment of Mr. Justice Milford. But I have before me the fate of both my predecessors, who did not absent themselves till illness actually came, when the relief granted was too late. I have served seven years longer than Sir Francis Forbes, and (already) two years longer than Sir James Dowling,—having now sat on the Bench 17 years and 3 months, and during that long period I have not had (in the *whole*) above eleven weeks relaxation, nor ever been in fact away from active judicial duty, with that exception, above ten days.

On the other hand, I have taken my full share of duty, and occasionally much more, throughout that term. During the years 1843 and '44 I more than once went an additional Circuit, and sat in Court (when Sir James Dowling was ill or absent) for several weeks continuously. All the Acts to provide for the Administration of Justice in 1840 and 1841 were drawn by me. I have also, at the request of the Government, prepared others, for instance, some of the Jury Acts, the Foreign Attachment Act, and others. I have moreover at various times drawn laws, at the instance of Select Committees of the late Council, as, for example, the Amended Insolvent Act, the Land Titles Bill, and the Marriage Act, (all of which I drew,) the Intemperance Laws, the Desertion of Wives and Children, (the only Act respecting which is mine,) and others.

I have also, assisted by my learned colleagues, drawn Codes of Rules for simplifying and diminishing the expense of law proceedings; which, though vehemently opposed, and the subject of two Select Committees, have stood the test of time;—some having been actually followed in English enactments, adopted by our Law Procedure Act of 1853; and some will be found, in the Bill announced by the present Government, adopted from the English Act of 1854. The Acts and Rules respecting Intestate Estates, drawn by me, are such as will effectually (if any laws can) prevent fraud; and, with those affecting insolvent estates, and moneys in the hands of Assignees, they have already placed, and will continue to place, many thousand pounds in the Public Treasury.

These several circumstances, I trust, may be thought to give me a claim to consideration. Sir James Dowling was voted the full salary for his proposed term of absence, and I ask but fifteen months, whereas Sir James was (I believe) allowed eighteen. It may be objected, I am aware, that my "pension" is open to me; but I will not readily believe that there can be any disposition to force retirement permanently upon any public officer with claims like my own, who is willing and able to continue his services, although not quite with the same amount of labor, and without some temporary relief from the effects of past over exertion.

As in expectation of my retirement, whether absolute or temporary, at so early a period, my continued holding of the Presidency of the Council may be thought undesirable, I shall be prepared to resign that office into your Excellency's hands, whenever it may be expedient to appoint my successor.

If



## CHIEF JUSTICE'S APPLICATION FOR LEAVE OF ABSENCE.

3

If your Excellency shall be advised not to grant me the leave of absence which I solicit, or not to submit this application to the Assembly, with whom the appropriation of the necessary funds lies, or if that House shall not vote a sufficient sum to enable me to avail myself of that leave, I shall be placed in a position requiring grave deliberation—which I hope to be spared. I only add, at present, that I have no wish to resign my office of President, except in the hope of retirement from that of Chief Justice; that it is exclusively this last mentioned office from which I wish to be relieved; and that if I could reasonably hope to obtain relief by any other means than the course proposed, I have no desire to put this Colony to the expense, either of my pension or even of the short term of absence named by me.

I have &amp;c.,

HIS EXCELLENCY  
THE GOVERNOR GENERAL.

ALFRED STEPHEN.

I am of opinion that the Chief Justice's application should be granted, and recommend the same accordingly, and also that Mr. Plunkett be offered the post of Chief Justice during the absence of Sir Alfred Stephen.

JAMES MARTIN.

*Attorney General's Office,  
Sydney, 1 September, 1856.*

## No. 2.

THE UNDER SECRETARY to THE CHIEF JUSTICE.

*Colonial Secretary's Office,  
Sydney, 8 September, 1856.*

SIR,

In acknowledging the receipt of your Honor's letter of the 19th ultimo, applying to be allowed leave of absence for fifteen months, from the 1st February next, with such allowance as the Legislative Assembly may for that period think fit to assign you, I am directed to inform you that your application has been approved of by the Government.

2. I am further to state that the Parliament will be invited to make provision (as in the case of the late Sir James Dowling) for your full salary during your Honor's absence.

I have, &amp;c.,

HIS HONOR

SIR ALFRED STEPHEN, Knt.,  
Chief Justice.

W. ELYARD.

## No. 3.

THE CHIEF JUSTICE to HIS EXCELLENCY THE GOVERNOR GENERAL.

*Hyde Park,  
15 August, 1859.*

SIR,

With reference to my application of 19th August, 1856, addressed to your Excellency, I am now induced, by medical advice, and the impaired state of my health, to solicit that the amount which the Government is willing to recommend, in order to enable me to carry out the proposed step, may be placed upon the Estimates, and submitted during the present Session to the Legislature.

I ask, however, only for leave of absence for twelve months, being persuaded that that period, although short, will be sufficient to recruit my strength, and enable me, in all human probability, to resume my duties with every prospect of ability to discharge them for several years. If the means be afforded me, I shall be glad to leave the Colony in February next; and my temporary successor may be appointed on any day in that month which your Excellency may fix for that purpose.

I am, of course, as to this matter, so important to myself and my family, entirely in the hands of your Excellency's advisers and of the Legislative Assembly. But when assured that my strength is failing, from continuous and overtasked exertions for above twenty years (I took my seat on the Bench on the 7th of May, 1839), they will, I trust, not be disposed to extend less indulgence to me than was so generously proffered to Sir James Dowling, after a service less by five years than my own.

I am, &amp;c.,

HIS EXCELLENCY  
THE GOVERNOR GENERAL.

ALFRED STEPHEN.

No. 3.

No. 4.

THE GOVERNOR GENERAL to THE CHIEF JUSTICE.

*Government House,*

1 September, 1859.

MY DEAR SIR ALFRED,

I did not answer your letter to me on the subject of your leave of absence, as I considered that the best reply would be an extract from the Minutes of the Executive Council, before which I laid your application.

I now forward herewith a copy of the Minute, which I am afraid will not be satisfactory to you; for, though it acknowledges the value of your services during the lengthened period of your official connection with the Colony, it expresses the inability of the Council to advise me to accede to your request. I will not attempt to smooth over this refusal with any expressions of condolence; I can only hope that the state of your health will be such as to enable you long to retain your present position on the Bench.

Believe me, &amp;c.,

HIS HONOR  
SIR ALFRED STEPHEN.

W. DENISON.

[Enclosure in No. 4.]

*PROCEEDINGS of the Executive Council on the 22nd August, 1859, with respect to Leave of Absence to Sir Alfred Stephen.*

MINUTE No. 59-33. Confirmed 29 August, 1859.

HIS Excellency the Governor General lays before the Council a letter dated 15th instant, from His Honor Sir Alfred Stephen, adverting to an application for leave of absence from the duties of his position of Chief Justice, submitted by him in the month of August, 1856, and stating that he is now induced, by medical advice and the impaired state of his health, to request that a sum equivalent to a year's full salary of his office may be placed on the Estimates, and submitted to the Legislature during the approaching Session, to enable him to avail himself of the relaxation which he needs, and which he purposes should be limited to twelve months leave of absence.

2. The Council enter upon the consideration of the subject with an earnest desire to consult to the utmost practicable extent, the wishes of His Honor Sir Alfred Stephen, and prepared to overrule any minor difficulties attending their concession, in consideration of the valuable services which, during a lengthened tenure of his high office, he has rendered to the public of this Colony. But having very maturely deliberated, the Council are unwillingly led to the conviction that constitutional principles are so far involved in the present case as to materially limit the discretion which the Government is at liberty to exercise.

3. The Council cannot but be impressed by the consideration that the complete independence of the Judges of any influences within the reach of the Government, has been a jealously regarded principle of the jurisprudence of the Mother Country, and that it has been the aim of legislation in this Colony to place the position of the Judges of the Supreme Court upon a corresponding high footing. In furtherance of this aim, the Constitution Act, 18 and 19 Victoria, chapter 54, has prescribed and secured the emoluments and advantages to be enjoyed by the Judges during tenure of office, and provided special allowances demandable by them on retirement therefrom, and the Act of the local Parliament, 20 Victoria, No. 5, for increasing the salaries of the Judges, appears to the Council to have been based upon the same principle.

4. It would, the Council conceive, be equally an interference with this principle were the Government to attempt to depreciate any of the advantages to which the Judges are by law entitled, or in however eminent an exception to increase them; and holding these opinions the Council feel compelled to avoid creating a precedent which would amount to the assumption of a power on the part of the Government to interfere with a principle forming one of the highest public safeguards for the due administration of justice.

5. The case of the late Sir James Dowling, alluded to by His Honor as forming a precedent for the application now under consideration, the Council are unable to regard in that light, inasmuch as at the time of leave of absence on full salary being granted to the late Chief Justice, a different system of Government prevailed, and the laws which govern the present position of the Judges of this Colony had not been passed.

6. The Council therefore feel unable to advise that the present request of His Honor the Chief Justice should be acceded to.

A. ORPEN MORIARTY,  
Clerk of the Council.

*Executive Council Office,  
Sydney, 30 August, 1859.*

No. 59-851.

## No. 5.

THE CHIEF JUSTICE to HIS EXCELLENCY THE GOVERNOR GENERAL.

*Hyde Park,**3 September, 1859.*

SIR,

I have to acknowledge the honor of your Excellency's communication, transmitting a copy of the Minute of the Executive Council, declining compliance with the request submitted by me on the 15th ultimo; and I feel greatly gratified and obliged by the readiness with which my public services are recognised, and the courteous terms in which the refusal is couched, as well as by the frankness that favors me with the views and reasons on which it is founded. That refusal, however, such as I understand it to be, is one for which I was so entirely unprepared, and it affects so materially the interests of others similarly circumstanced (since the objections stated apply with equal force, apparently, to granting leave of absence to a Judge, under any circumstances, with or without salary), that I trust to be pardoned for placing on record an earnest, though most respectful, representation against it.

2. Your Excellency will remember that my original application in 1856 was acceded to, addressed to you while Mr. Donaldson's Ministry was in office—it was granted under the Administration of Mr. Cowper. The decision was adopted by the Government which succeeded; and the only question was, the amount which should be asked from the Legislature. The principle, real or supposed, on which my request is now rejected, did not occur to either of those Ministries; and, very recently, in the Colony of Victoria, a similar application (although I do not know on what terms as to salary) was granted, and the learned Judge has been, in fact, absent on leave in England for some months.

3. No one, I am persuaded, and least of all the individuals themselves, will undervalue that great measure which made the Judges irremovable except by Parliament, or the wise liberality which conferred pensions upon them on permanent incapacity for further duty, or after fifteen years of service. And that the two provisions, in connexion with the other enactments alluded to, were intended to promote the public interests and welfare, by securing the independence and personal dignity of these high functionaries, will readily be conceded. But with that object, the principle enunciated in the Minute, in the large terms in which it is there propounded, appears to me to be at variance. It amounts in effect to this,—that, lest the expectation of such favors should impair his independence, the Crown can bestow on a Judge, however eminent his services, however great his talents or learning, neither practical acknowledgment nor reward:—that no junior Judge ought to be advanced on the Bench, whatever his superiority to other candidates; and that, in England, no Judge could with propriety be made a Privy Councillor or a Peer.

4. From the same apprehension, the Colonial Legislature may not be appealed to, in case of a Judge's temporary incapacity, to extend to him the indulgence of relief from his duties, for any period however short. For, according to the argument, to sanction the Judge's absence, whatever the urgency, however unforeseen the occasion, would be to confer on him an advantage not provided for by law. And thus, although every practical consideration may favor the application, it must not be made. The continuance of the particular Judge in office may be an object of importance, and it may perhaps be secured for many years by the concession; while, on the other hand, the Treasury would be spared during that time the amount of his pension, to which he would otherwise be driven. You must nevertheless compel the Judge to retire on that pension, which probably he cannot afford to accept, or he must struggle on with impaired strength, which the law passed for his benefit forbids him to recruit, until death or an enforced resignation transfers his place to another.

5. Such a state of things, the inevitable result of the principle suggested, rigorously enforced, I submit with deference, shows its unsoundness. The case put by me is one in which alike the fair claims of the individual and the interests of the community, social and pecuniary, are sacrificed to an apprehension, which in point of fact nobody entertains, and which, if it existed in any quarter, a breath would be sufficient to dispel. But, if the conclusions which I have pointed out be harsh, in the case of a Judge who has served the prescribed term, and so may claim his pension, what shall we say of one who is overtaken by temporary illness, after a service of ten or twelve years only? I will assume that severe  
and

and continuous over exertion in his high duties, during a period of unusual pressure, is the cause of his prostration, and that a year's relaxation will restore him. According to the theory this meritorious person may nevertheless not seek that relief, however advantageous to the country; but must retire, all unpensioned as he is, and perhaps otherwise unprovided for, or continue his exertions on the Bench and die.

6. I am not here, your Excellency, arguing my own case, but seeking a reconsideration of the supposed principle, for the sake of others. It may be thought a sufficient apology for the application preferred for myself, that, were the Legislature to grant me two years pension now, I sincerely believed, as I still do, that the concession would save the public ten years of pension hereafter, yet had I not expended within this Colony, in maintaining my position and my family, a much larger sum than I have ever received from it, I should probably have confined myself to a request less open to opposition, or at least to unpleasant comment.

I am, &c.,

HIS EXCELLENCY  
THE GOVERNOR GENERAL.

ALFRED STEPHEN.

### No. 6.

THE UNDER SECRETARY to THE CHIEF JUSTICE.

*Colonial Secretary's Office,  
Sydney, 13 October, 1859.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your Honor's further letter of the 3rd ultimo, addressed to the Governor General, on the subject of your request that a sum may be placed on the Estimates, and submitted to the Legislature, to enable you to obtain leave of absence, and to state that His Excellency has laid your communication before the Executive Council.

2. Your Honor remarks that the decision of the Council, intimated to you in His Excellency's letter of the 1st of last month, is one for which you were so entirely unprepared, and the grounds of that decision such as to affect so materially the interests of others similarly circumstanced with yourself, that you desire to place on record your representation against it; and you thereupon proceed to submit various reasons, to show that the principle by which the Council had been guided not only must fail, if rigidly adhered to in practice, to lead to just results, but that in many cases which you suggest, it may be productive of inconvenience, and even injustice.

3. The Council having perused the representation of your Honor, and maturely deliberated thereupon, feel unable nevertheless to concur in the conclusion at which you have arrived; but they, on the contrary, upon a reconsideration of the whole matter, see no reason to differ from the opinion already expressed by them in their Minute, a copy of which accompanied His Excellency's letter already referred to.

I have, &c.,

HIS HONOR  
SIR ALFRED STEPHEN, KNT.,  
Chief Justice.

W. ELYARD.

1859-60.

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**Legislative Assembly.**  
**NEW SOUTH WALES.**

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**PROTRACTED LITIGATION IN SUPREME COURT.**

(PETITION OF MR. ISAAC NICHOLS.)

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*Ordered by the Legislative Assembly to be Printed, 3 February, 1860.*

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To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.  
The humble Petition of Isaac Nichols, of Sydney,—

RESPECTFULLY SHEWETH:—

That in the month of October, one thousand eight hundred and fifty-eight, your Petitioner obtained a verdict against the London and Liverpool Insurance Company for the sum of one thousand pounds.

That the cause was tried before His Honor Judge Dickinson and a Special Jury of Four; that, notwithstanding the verdict having been unanimous, an appeal has been entered for a new trial, and your Petitioner is informed that it may be above a year before even the new trial argument can be heard; and that as the Supreme Court is now constituted it will require several years and a large amount of money to enable your Petitioner to sustain his claim against the said Company.

That, under such circumstances, your Petitioner begs most respectfully to observe to your Honorable House, that the Supreme Court, as at present governed, does not afford justice to suitors of moderate means, or to suitors who cannot afford to waste large sums of money and valuable time in vexatious litigation; and that, in the case of your Petitioner against a powerful and wealthy Company, amounts to a positive denial of justice.

With every deference to your Honorable House, your Petitioner prays that your Honorable House will be pleased to adopt such measures as may enable their Honors to put a stop to frivolous appeals being made at the expense of suitors, and have the Supreme Court made available for the purposes for which it was originally intended.

That justice may be administered to your Petitioner within a reasonable time and at reasonable cost.

And your Petitioner will ever pray.

ISAAC DAVID NICHOLS.



1859-60.

Legislative Assembly.  
NEW SOUTH WALES.

PROTRACTED LITIGATION IN SUPREME COURT.  
(PETITION OF P. N. RUSSELL & CO.)

*Ordered by the Legislative Assembly to be Printed, 8 February, 1860.*

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

The Petition of Peter Nicol Russell, John Russell, George Russell, and James Wilkie Dunlop, carrying on business under the firm of P. N. Russell and Company,—

RESPECTFULLY SHEWETH:—

That your Petitioners were, early in one thousand eight hundred and fifty-eight, under the necessity of instituting proceedings in the Supreme Court of New South Wales, to recover payment of a debt from Mr. Thomas Alston, for goods supplied and work performed. That the cause was tried in the month of February, one thousand eight hundred and fifty-nine, before His Honor Judge Milford and a Special Jury of Twelve, when your Petitioners obtained a verdict for the sum of six hundred and thirty-two pounds five shillings and seven-pence. That, shortly after the verdict, notice of appeal for a new trial was given by the Defendant, and though nearly twelve months have elapsed, your Petitioners are informed that it may exceed another year before the new trial argument can be heard, and that afterwards the Defendant will have it in his power by further appeals to avoid payment of the verdict for years, and thereby entail on your Petitioners enormous expenses in addition to those already incurred, which now exceed four hundred pounds. Your Petitioners are informed, and believe, that even after having expended above four hundred pounds, it may in all probability be more profitable to abandon the suit than to continue the prosecution thereof, unless measures are adopted to put a stop to the present system of frivolous appeals and new trial motions, which defeat the payment of the just verdicts at the costs of the suitors.

Your Petitioners, with all due deference to your Honorable House, and to their Honors the Judges of the Supreme Court, respectfully submit, that the Supreme Court does not afford to suitors that amount of assistance for the recovery of debts or settlement of disputes which every citizen has a right to expect; and your Petitioners therefore earnestly entreat, that your Honorable House will take steps to afford such relief and protection to your Petitioners and other suitors in the Supreme Court as your Honorable House may deem meet.

And your Petitioners will ever pray, &c.

P. N. RUSSELL & CO.





1859-60.

**Legislative Assembly.**  
NEW SOUTH WALES.

**MACFARLANE v. MURNIN.**

(PETITION OF J. S. MACFARLANE.)

*Ordered by the Legislative Assembly to be Printed, 2 February, 1860.*

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

The humble Petition of John Sangster Macfarlane, Merchant, of Auckland, New Zealand,—

RESPECTFULLY SHEWETH :—

That about April, one thousand eight hundred and fifty-five, Petitioner being desirous of obtaining from Michael Egan Murnin, Esquire, of Sydney, Merchant, a settlement of certain accounts and payments of moneys due by that gentleman to Petitioner, made application to Mr. Murnin to that effect.

That, after repeated applications of such nature, Petitioner being unsuccessful in obtaining the required payments, felt it incumbent on him and indispensably necessary to his interests to place the business in the hands of his attorney, and therefore, about the month of June, one thousand eight hundred and fifty-six, gave instructions to Mr. John Williams, of Sydney, Solicitor, to institute proceedings against Mr. Murnin for the recovery of his just claims.

That an action was brought in the Supreme Court and tried before His Honor Mr. Justice Dickinson and Jury of Twelve, after due investigation of which case, a verdict (about the month of April, one thousand eight hundred and fifty-seven) obtained in Petitioner's favor for a sum of three thousand four hundred and twenty pounds sterling.

That, subsequently, the attorney of Mr. Murnin made application to their Honors the Judges for a new trial, but being informed that such application would not be complied with, unless under certain conditions, these conditions were objected to on the part of Mr. Murnin, and their Honors were thereupon informed that an appeal would be made to England against their Honor's decision.

That your Petitioner is informed and believes, that up to this date (tenth January, one thousand eight hundred and sixty) the appeal has not been transmitted from the Colony; that your Petitioner is further informed and believes that until two thousand pounds is remitted to England by your Petitioner to pay the costs necessarily incurred in obtaining the dismissal of the appeal, the appeal which your Petitioner declined altogether to oppose, will not be dismissed, and that, as a consequence, your Petitioner does not see the prospect of having a termination put to expensive litigation for years, although four years have elapsed since the commencement of the suit.

That, in prosecuting his action against Mr. Murnin, Petitioner has been subjected to enormous expenses, exceeding one thousand four hundred pounds, having, independently of other incidental outlays, been necessitated to neglect his business in New Zealand, and make no less than twelve different voyages thence to this Colony; and the proceedings of Mr. Murnin having, in a manner and for an indefinite period, set aside the verdict of the Supreme Court, Petitioner finds himself now, after a lapse of four years, and notwithstanding a verdict of a jury of his countrymen in his favor, in almost ruined circumstances, without a prospect of obtaining from Mr. Murnin satisfaction of his just debts.

358—

Prayer—

Prayer—Your Petitioner therefore, with all due deference to your Honorable House, and without for one moment entertaining a disrespectful thought of the Honorable Judges (whose powers it appears the proceedings of Mr. Murnin have, in a manner, set at nought) submits that the peculiar circumstances of his case approximate closely to a denial of justice, and he therefore earnestly intreats your Honorable House will afford him such relief upon the premises as may be deemed expedient, and may prevent the ends of justice from being entirely frustated in this and similar cases of the kind.

And your Petitioner, as in duty bound, will every pray, &c.

J. S. MACFARLANE.

[Price, 6d.]

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Sydney: Thomas Richards, Government Printer—1869.

1859-60.

Legislative Assembly.

NEW SOUTH WALES.

**CENTRAL CRIMINAL COURT.**

(CASES TRIED AT THE FEBRUARY SESSION, 1860.)

*Ordered by the Legislative Assembly to be Printed, 23 February, 1860.*

RETURN of Cases tried at the late Session of the Central Criminal Court, specifying particulars.

No.	NAME OF CASE.	VERDICT.	EXPENSE.
			£ s. d.
1	Edward B. Cullen .....	Not guilty.	
3	Patrick Connery. ....	ditto.	
6	James M'Burney .....	ditto.	
7	Mary Ann Ray .....	ditto. ....	1 19 0
15	Fanny Augusta Smith .....	ditto. ....	22 1 0
16	Moses Bendon.....	ditto.	
19	Josephson and others .....	ditto.	
20	Neale and others .....	ditto.	
22	Sarah Woods .....	ditto.	
23	Sarah Saddler.....	ditto. ....	31 17 8
24	Joseph Wakeley.....	ditto.	
Total Expense .....			£ 55 17 8
Average of each case.....			£ 5 1 5

PARTICULARS of the nature and description of the Offences with which the Prisoners on Trial at this Session were charged.

No.	PRISONER'S NAME.	OFFENCE.	VERDICT.
1	Edward B. Cullen.....	Perjury .....	Not guilty.
2	Edward Duncan.....	Feloniously wounding, &c. ....	{ Guilty of unlawfully wounding.
3	Patrick Connery .....	Indecent assault.....	Not guilty.
4	John Wallace.....	Obstructing Railway.....	{ Discharged on his own recognizance.
5	Abraham Polack .....	Obtaining money by false pretences.	Guilty.
6	James M'Burney .....	Perjury .....	Not guilty.
7	Mary Ann Ray .....	Arson.....	Not guilty.
8	James Thompson .....	Murder .....	Guilty of manslaughter.
9	John Thompson .....	Larceny and receiving .....	Guilty of larceny.
10	Elizabeth Aldridge ...	Murder .....	{ Insane — removed to Asylum.
11	John Williams .....	Feloniously wounding, &c. ....	Guilty.
12 {	Alexander Boyd. ....	Breaking into a warehouse, &c. ...	Guilty.
	William Stanton ...		
	John Thompson.....		
13	Jane Ledden .....	Concealing the birth of a child. ...	{ Discharged on her own recognizance.
14 {	Frank Brown .....	Manslaughter.....	{ Case postponed till next Sessions.
	Alfred Warr .....		
15	Fanny A. Smith ...	{ Aiding and abetting in concealing the birth of a child .....	Not guilty.
16	Moses Bendon .....	Perjury .....	Not guilty.
17	Rose Callaghan .....	Manslaughter.....	Guilty.
18	John Smith .....	Burglary and larceny .....	Guilty.
19 {	Manuel F. Josephson	Forcible entry and detainer.....	Not guilty.
	Edward Sadler... ..		
	John Thomas Baker.		
	James Neale .....		
	Richard Hunt .....		
	John Cooper ... ..		
	Samuel Colville.....		
20 {	John Saunders .....	Forcible entry and detainer .....	Not guilty.
	James Edwards .....		
	Henry Milford .....		
	Fredk. E. G. Croft...		
	Benjamin Jones.....		
21	George Russell .....	Larceny .....	Pleaded guilty.
22	Sarah Woods .....	Perjury .....	Not guilty.
23	Sarah Saddler ... ..	Murder .....	Not guilty.
24	Joseph Wakeley.....	Rape .....	Not guilty.

1859.

Legislative Assembly.

NEW SOUTH WALES.

CHEVAL *v.* POEHLMAN.

(INFORMATIONS FILED AT CENTRAL POLICE OFFICE IN THE CASE OF.)

*Ordered by the Legislative Assembly to be Printed, 28 September, 1859.*

RETURN to an *Address* from the Honorable the Legislative Assembly of New South Wales to the Governor General, dated 9 September, 1859, praying that His Excellency would be pleased to cause to be laid upon the Table:—

“(1.) Copies of two Informations filed at the Central Police Office, Sydney, by Timothie Cheval against John Poehlman, under the 17 Vict., No. 31, sec. 9, with respect to which the Bench, on the 20th April, 1859, declined to interfere; together with the reasons given by them for their so declining.

“(2.) Copies of any letters written by the Colonial Treasurer to the Sydney Bench, in reference to prosecutions under the before-mentioned section.

“(3.) A copy of an Information filed at the Central Police Office, Sydney, by James Singleton against Ralph Tolano, on the 26th March, 1859, under the before-mentioned section 9, which information was dismissed; together with the reasons given by the Bench for such dismissal.”

*(Mr. Martin.)*

## SCHEDULE.

NO.	PAGE.
1. The Mayor of Sydney to the Colonial Secretary, transmitting information and proceedings in the case of Timothie Cheval against John Poehlman; and copies of an information filed by Inspector Singleton against Ralph Tolano. 19 September, 1859 .. .. .	2
2. Secretary to the Treasury to the Under Secretary, forwarding copy of the only letter written from the Treasury to the Bench of Magistrates, Sydney, in the case of Poehlman. 19 September, 1859 .. .. .	4

CHEVAL *v.* POEHLMAN.

No. 1.

THE MAYOR OF SYDNEY to THE COLONIAL SECRETARY.

*Central Police Office,  
Sydney, 19 September, 1859.*

SIR,

In acknowledging the receipt of your letter of the 12th instant, requesting information called for by the Legislative Assembly,

I have the honor to transmit, herewith, copies of two informations filed at the Central Police Office, by Timothie Cheval, against John Poehlman, under the 17 Vic., No. 31, section 9.

The reasons given by the Bench for declining to interfere appear on the face of the informations.

I beg also to transmit a copy of an information filed by Inspector Singleton against Ralph Tolano, under the 17th Vic., No. 31, which information was dismissed.

We respect to the reasons given by the Bench for so dismissing same, I have the honor to state, that I have consulted G. Hill, Esq., the Presiding Magistrate, and that gentleman informs me, that during the hearing of the case before a full Bench, a letter from the Secretary to the Treasury, of 9th April last, was produced and read, whereupon Mr. Singleton declined proceeding further, and the case was then dismissed.

I have, &amp;c.,

THE HONORABLE  
THE COLONIAL SECRETARY.

GEORGE SMITH,  
Mayor.

[Enclosure in No. 1.]

New South Wales, City of Sydney, }  
to wit.

BE IT REMEMBERED, that, on this fifth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, at the City of Sydney, in the Colony of New South Wales, Timothie Cheval, of the City of Sydney, in the Colony of New South Wales, appears before me, the undersigned, one of Her Majesty's Justices, duly assigned to keep the Peace of Our Lady the Queen, in and for the City of Sydney and Territory of New South Wales, and he informs me, that on the second day of April, in the year of our Lord one thousand eight hundred and fifty-nine, John Poehlman, publican, of George-street, 368, in the City of Sydney, in the Colony of New South Wales, allowed to be used an internal communication between a room by the office or place of business of one William Palmer Moffatt, such room not being licensed for the sale of wines, spirits, beer, or other spirituous or fermented liquors, and being within the said City of Sydney, and a house licensed for the sale of such liquors, contrary to the Act of the Governor and Legislative Council of the said Colony, in such case made and provided; whereupon the said Timothie Cheval prays that I, the said Justice, will proceed in the premises according to law.

T. CHEVAL.

Exhibited at the City of Sydney, in the said }  
Colony, on the day first above written, before me, }

D. FORBES, J.P.

Postponed till Friday next, from April 11, 1859.

D. FORBES, J.P.

Adjourned to Wednesday, 20th, from April 15, 1859.

G. A., J.P.

April 20, 1859. Letter, dated 9th April, from Treasury—read. Bench decline to go into the case.

GEORGE SMITH, J.P.

New

New South Wales, City of Sydney, }  
to wit.

BE IT REMEMBERED, that, on this fifth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, at the City of Sydney, in the Colony of New South Wales, Timothie Cheval, of George-street, in the City of Sydney, in the Colony of New South Wales, appears before me, the undersigned, one of Her Majesty's Justices, duly assigned to keep the Peace of our Lady the Queen, in and for the City of Sydney and Territory of New South Wales, and he informs me, that, on the second day of April, in the year of our Lord one thousand eight hundred and fifty-nine, John Poehlman, publican, of George-street, 368, in the City of Sydney, in the Colony of New South Wales, used an internal communication between a room by the office or place of business of one William Palmer Moffatt, such room not being licensed for the sale of wine, spirits, beer, or other fermented or spirituous liquors, and being within the said City of Sydney, and a house licensed for the sale of such liquors, contrary to the Act of the Governor and Legislative Council of the said Colony, in such case made and provided; whereupon the said Timothie Cheval prays that I, the said Justice, will proceed in the premises according to law.

T. CHEVAL.

Exhibited at the City of Sydney, in the said Colony, }  
on the day first above written, before me,

D. FORBES, J. P.

Postponed till Friday next from April 11; adjourned to Wednesday, 20th, from April 15, 1859.

G. A., J. P.

20th April, 1859. Letter, dated 9th April, from Treasury—read. Bench decline to interfere with case.

GEO. SMITH, J. P.

New South Wales, City of Sydney, }  
to wit.

BE IT REMEMBERED, that, on this twenty-sixth day of March, in the year of Our Lord One thousand eight hundred and fifty-nine, at the City of Sydney, in the Colony of New South Wales, James Singleton, an Inspector of the Police Force of the City of Sydney, appears before me, the undersigned, one of Her Majesty's Justices, duly assigned to keep the Peace of Our Lady the Queen, in and for the City of Sydney and Territory of New South Wales, and informs me, that on the twenty-third day of March, in the year of Our Lord One thousand eight hundred and fifty-nine, one Raphael Tolano, being the keeper of a house licensed for the sale of liquor, situate in King-street, within the said City of Sydney, used an internal communication between his said licensed house and a place of public resort, to wit, the Prince of Wales Theatre, within the said City, such place of public resort not being licensed for the sale of wine, spirits, beer, or other fermented or spirituous liquor, contrary to the Act of the Governor and Legislative Council of the said Colony, in such case made and provided; whereupon the said James Singleton prays that I, the said Justice, will proceed in the premises according to law.

JAMES SINGLETON,  
Inspector in Charge.

Exhibited at the City of Sydney, in the said Colony, }  
on the day first above written, before me,

D. FORBES, J. P.

Postponed to this day week, 4th April, 1859,

J. M'LEAN, J. P.

JOHN LUCAS, J. P.

Sergeant John Taylor on oath states:—I knew the defendant; he is and was, on the 23rd day of March last, the holder of a Publican's General License for a house known as "Tolano's Hotel," situate in King-street, in this City and Colony; on the 23rd of that month there was a communication from the front of the house in King-street, through a part of the bar, and thence up steps into the Prince of Wales Theatre—into the pit; the Prince of Wales Theatre is not a place licensed for the sale of wines or spirits; there is a communication through the pit of the theatre into Castlereagh-street.

By Mr. Milford: The entrance from King-street is rather a wide entrance; it does not form a passage; it is part of the bar, I think; there is a pillar supporting the beam; I do not know that there are three pillars; there is a wall on the west side of the entrance; the bar is on the east side; if curtains were hung from the pillars, it would form a passage in a straight line from King-street to the pit of the theatre; I do not know the owner of the property; I do not know the extent of his bar.

By Mr. Singleton: There is some sort of carpenters' work like shutters; people can walk from the bar of the public house without coming out of the regular entrance in King-street, or going through any door, into the pit of the theatre.

By Mr. Milford: There is a door at the top of the steps, but I never saw it closed.

Sworn, Police Office,  
Sydney, April 11, 1859.

JOHN TAYLOR, Sergeant.

Case dismissed,

G. HILL, J. P.

THOMAS HOGG, J. P.



## No. 2.

THE UNDER SECRETARY TO THE TREASURY to THE UNDER SECRETARY TO THE  
GOVERNMENT.

*The Treasury, New South Wales,  
19 September, 1859.*

SIR,

P.O., 343.  
9th April, 1859.

In compliance with the request contained in your letter of the 16th instant, I am directed to forward copy of the only letter written from this Department to the Bench of Magistrates, Sydney, in reference to the case.

I have, &c.,

HENRY LANE,

Under Secretary.

THE UNDER SECRETARY  
TO THE GOVERNMENT.

[Enclosure in No 2.]

*The Treasury, New South Wales,  
Sydney, 9 April, 1859.*

Gentlemen,

With reference to the penalty imposed upon Mr. John Poehlman, for a breach of the provisions of Act of Council, 17 Vic., No. 31, I am directed to inform you, that, although by the wording of the Act in question the conviction was legal, yet as the clause under which it was established was not intended to apply to such cases as Poehlman's, His Excellency the Governor General has been pleased to remit the penalty.

I have, &c.,

HENRY LANE,

Under Secretary.

The Bench of Magistrates,  
Sydney.

1859.

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**Legislative Assembly.**

NEW SOUTH WALES.

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# REGINA *v.* DOHERTY & PECKHAM.

(DEPOSITIONS AND CORRESPONDENCE IN REFERENCE TO.)

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*Ordered by the Legislative Assembly to be Printed, 31 August, 1859.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 6 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 Depositions in the case Regina *v.* Doherty and  
 “ Peckham, committed by the Goulburn Bench for cattle stealing,  
 “ in which case the Attorney General has declined to prosecute ;  
 “ as well as Copies of any Correspondence between the Bench  
 “ and the Attorney General in reference to such case.”

(*Mr Martin.*)

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# REGINA v. DOHERTY AND PECKHAM.

THE SECRETARY TO THE CROWN LAW OFFICERS to THE POLICE MAGISTRATE, GOULBURN.

Attorney General's Office,  
Sydney, 19 March, 1859.

SIR,

Regina  
James Doherty  
and  
John Peckham.  
Cattle Stealing.

In reference to the proceedings against the individuals whose names are noted in the margin, I am directed to inform you that the Attorney General has declined to prosecute, as it does not appear that a sufficient *prima facie* case is disclosed in the Depositions; and I am therefore desired to request that you will have the goodness to cause the witnesses to be countermanded.

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

THE POLICE MAGISTRATE,  
Goulburn.

THE BENCH OF MAGISTRATES, GOULBURN, to THE ATTORNEY GENERAL.

Police Office, Goulburn,  
15 February, 1859.

SIR,

Regina  
James Doherty  
and Another.  
Cattle Stealing.

We have the honor to transmit, under a separate cover, the Depositions and Recognizances taken in the case noted in the margin, in which the prisoners have been committed to take their trial at the next Court of General Quarter Sessions to be held at this place, for the offence with which they stand charged.

We have, &c.,  
WM. CHATFIELD.

THE HONORABLE  
THE ATTORNEY GENERAL,  
Sydney.

New South Wales, }  
Goulburn, to wit. }

The information and complaint of Augustus Guerri de Lauret, of Goulburn, in the Colony of New South Wales, Esquire, taken before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, on this seventh day of January, in the year of our Lord one thousand eight hundred and fifty-nine, who, being duly sworn, on his oath states as follows:—I have good reason to believe and suspect, and do suspect from information I have received, and from other circumstances within my knowledge, that James Doherty, of Carrawang, on or before the fifth day of January instant, at Lake George, in the said Colony, did unlawfully and feloniously steal and take away two head of cattle, branded LA on the ribs near side, and 58 on the thigh near side, and did afterwards slaughter the said cattle for his own use;—I pray a warrant for the apprehension of the said James Doherty, and that justice may be done.

A. GUERRY DE LAURET.

Sworn before me, on the day and year }  
abovementioned. }

HY. ZOUCHE, J. P.

New South Wales, }  
Goulburn, to wit. }

The information and complaint of Augustus Guerri de Lauret, of Goulburn, in the Colony of New South Wales, Esquire, taken before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, on this seventh day of January, in the year of Our Lord one thousand eight hundred and fifty-nine, who being duly sworn, on his oath states as follows:—I have good reason to believe and suspect, and do suspect, from information I have received, and from other circumstances within my knowledge, that John Peckham, of Spring Valley, on or before the fifth day of January instant, at Lake George, in the said Colony, did unlawfully and feloniously steal and take away, in conjunction with one James Doherty, two head of cattle, branded LA on the ribs, and 58 on the near thigh, the property of the firm of Guerri de Lauret and Company;—I pray a warrant for the apprehension of the said John Peckham, and that justice may be done.

A. GUERRY DE LAURET.

Sworn before me, on the day and year }  
abovementioned. }

HY. ZOUCHE, J. P.

(No.

(No. 11 and 12 Vic., Cap. 42.)

*Depositions of Witnesses.*

New South Wales, }  
to wit.

The examination of James Volney Cooper, of Lake George, in the Colony of New South Wales, grazier, Horace Cooper, of Lake George, Michael Butler, of Lake George, stockman, Alexander Watt, of Collector, district constable, Charles Berrington Robinson, of Currandooly, gentleman, Donald McLean, of Currandooly, superintendent, and William Day, of Currandooly, in the said Colony, stockman, taken on oath this eighteenth day of January, in the year of Our Lord one thousand eight hundred and fifty-nine, at Goulburn, in the Colony aforesaid, before the undersigned, three of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of James Doherty and John Peckham, who is charged this day before us for that they the said James Doherty and John Peckham, on the fifth day of January instant, at Lake George, in the said Colony, did unlawfully and feloniously steal and take away two head of cattle, the property of the firm of Guerry de Lauret and Company, this deponent, James Volney Cooper, being duly sworn, on oath saith as follows:—I reside at Lake George; I know the two accused before the Court, James Doherty and John Peckham; Doherty resides at Currowang, near Lake George, and Peckham resides at Spring Valley, about five miles from Lake George; on the 5th January instant, I went over from my father's place at Lake George to Doherty's house, and there I saw some cattle in the yard; I did not then examine those cattle; after remaining there a short time I saw about thirty or forty head of cattle driven into this same yard by James Francis Doherty, the son of the accused, another boy in the employ of Doherty, and the accused Peckham; after the cattle had been put into the yard, Peckham and the two boys went away, and they were joined by the accused Doherty; I afterwards saw the two boys drive some more cattle into the yard; I then left the place and followed a dray that I had seen leave Doherty's house, and was away for about an hour; when I returned to the place where I had been watching before, I found that a beast had been killed in the yard and was about half skinned, and partly suspended from the gallows; I saw both the accused skinning the beast, also the two boys that I have before alluded to; I then went to Mr. Murray for a search warrant; he refused to give me a search warrant, but gave me a note to the constable at Collector, desiring him to accompany me to Doherty's to inspect the hide of the beast that had been killed; I accordingly went back to Doherty's, accompanied by the district constable of Collector and his assistant; when I got near to Doherty's yard I was joined by my brother Horace Sydney Cooper and one of our stockmen; we then went straight to Doherty's house and inquired for Doherty; he was not in the house, and one of the constables went to look for him, as Mrs. Doherty said that he was in a paddock digging potatoes; the constable soon after returned with Doherty; the district constable then asked Doherty to produce the hides of the beasts that he had killed that day; Doherty replied, "I'll show you the hide;" he then went up into the loft and threw down one hide, at the same time saying, "That's the hide, it belonged to a calf of mine that was branded by De Lauret's stockman;" he also said that the hide had De Lauret's brand on it; the hide was quite fresh; I examined it and found that it belonged to a red beast, and had LA on the ribs near side, and 58 on the near thigh; the constable then asked Doherty where the other hide was; Doherty then went up into the same loft and threw down another hide, at the same time saying, "This is the same brand, and is another that was branded by De Lauret's stockman;" I examined this hide also, and found that it was a yellow brindle with white flank, branded LA on near ribs, and 58 on the near thigh; Doherty said that these hides belonged to beasts of his that had been branded by De Lauret's stockman, and that he (Doherty) had seven or eight more out there of the same brand; I then told the constable to take the brands that were on the hides, and we soon afterwards left, and I afterwards gave information to Mr. de Lauret of what had occurred; when Doherty produced the hides he said that Mr. de Lauret's stockman had delivered him these two beasts.

*Cross-examined*:—Doherty said that De Lauret's stockman, Billy Day, had delivered him these two beasts on that morning; I have on one occasion branded cattle of Doherty's by mistake—I branded four head of his about two years ago; I know Mr. de Lauret's run; I never saw any cows with Doherty's brand on on Mr. de Lauret's run; on one occasion I saw a calf with Mr. de Lauret's brand on running with a cow of mine; I claimed this calf; I know Doherty's brand, it is JD on the rump, off side; I never heard that there was any ill feeling between Doherty and my father on account of the four calves that I branded of his; I afterwards bought these four calves from Doherty.

J. V. COOPER.

Taken and Sworn before us, on this }  
18th January, 1859.

WM. CHATFIELD, J.P.  
ANDREW GIBSON, J.P.  
HENRY ALEXR. TURNER, J.P.

This deponent, Horace Cooper, being duly sworn, on his oath saith as follows:—I am the son of Mr. Francis Cooper, and reside at Lake George; I know the two accused before the Court, Doherty and Peckham, they both reside near Lake George; I recollect the 5th instant; on that day I accompanied my brother Volney, and a man named Butler, to near Doherty's house; I saw a number of cattle in the yard; we remained watching the yard a short time; and I saw some more cattle put into the yard by young Doherty and a boy in Doherty's employ;

employ; I shortly afterwards followed some men that I saw riding away from Doherty's house, and returned in about an hour to the spot where we had been watching the yard; I then saw a beast partly skinned, and partly suspended from the gallows in the yard; I saw Doherty apparently skinning the beast; there were some other persons present; I kept on watching, and afterwards saw two quarters of the beast carried to a sort of store near the yard; I saw Peckham carry one quarter; they then went back to the yard, and another beast was roped, drawn up to the fence, and I saw Peckham strike it with something like an axe, and kill it; this beast was skinned by Peckham and Doherty; the hide of this beast was dragged to the store and put in the loft; I then waited for my brother who had gone for some constables, and when they arrived we went to Doherty's house, and one of the constables asked for Doherty; his wife said he was out but would be home soon, and pointed out the direction he had taken; the constable went for him, and soon afterwards returned with Doherty; I afterwards saw Doherty throw down a hide from the loft; we examined the hide; Doherty said that he had a good many more of that brand; I heard the constable say to Doherty "Where is the other?" he then went up and threw down the other hide; I examined this hide, and also the first one that was produced; one was a yellow brindie and the other a red; they were both branded LA on the ribs, and 58 on the thigh; I heard Doherty remark that he had some more of that brand; the brands of the hides were taken down by the constable, and we soon afterwards left.

*Cross-examined*:—Doherty said that these hides belonged to calves of his that had been branded by Mr. de Lauret; he said that Mr. de Lauret's stockman had delivered him those cattle; I forget whether the district constable asked Doherty to produce the hides of the beasts that he had killed that day,—or not; I have frequently been on Mr. de Lauret's run; I have more than once seen calves with the LA brand, running with cows of other brands; I saw two calves with Mr. de Lauret's brand, running with two of my father's cows; I think Doherty brands JD; I have never seen any of his cows on Mr. de Lauret's run; when I go on Mr. de Lauret's run it is to look after my father's cattle.

*Examined by the Court*:—I cannot say whether either of the beasts that were killed were any of the cattle that I saw driven into the yard.

HORACE COOPER.

The foregoing deposition of Horace Cooper, was }  
taken and sworn before us, on this 18th }  
day of January, 1859.

WM. CHATFIELD, J.P.  
ANDREW GIBSON, J.P.  
HENRY ALEXR. TURNER, J.P.

This deponent, *Michael Butler*, being duly sworn, on his oath states as follows:—I am a stockman in the employ of Mr. Cooper, at Lake George; I know the prisoners Doherty and Peckham, before the Court; they reside near Lake George; I recollect the 5th instant; on that day I accompanied Messrs. Volney and Horace Cooper to near Doherty's place, at Lake George; I saw six or seven head of cattle in the yard; Doherty and Peckham were about the yard; Doherty's son and the servant boy went down into the paddock for some more cattle, and when they brought them up Peckham let down the rails of the yard and the cattle were put into the yard; I saw some men and a dray leave Doherty's house, and we went after it and returned to the yard in about half-an-hour, and I then saw a beast half-skinned; I saw some men standing about, but could not say who they were; I then left, and returned later in the evening with Mr. Conley Cooper, and we went up to Doherty's with the constables; I heard one of the constables say to Doherty,—“Where are these hides, Doherty?” Doherty went up into the loft and threw down a hide; he afterwards threw down another hide; Doherty said that these hides belonged to his beasts, and that William Day had delivered him those cattle; we went away in a few minutes afterwards.

*By Mr. de Lauret*:—From the size of the hides I should say that the beasts that were killed were from eighteen months to two years old.

*Cross-examined*:—I saw the dray return to the house; it was loaded with hay; since the 5th instant I have often spoken to Mr. Volney Cooper about this case; I told him what I saw, and he told me what he saw.

MICHAEL BUTLER.

The foregoing deposition of Michael Butler, was }  
taken and sworn before us, on this 18th }  
January, 1859.

WM. CHATFIELD, J.P.  
ANDREW GIBSON, J.P.  
HENRY ALEXR. TURNER, J.P.

This deponent, *James Volney Cooper*, recalled, on his oath saith as follows:—From the size of the hides that I saw at Doherty's, I should say that the beasts were from eighteen months to two years old.

*Cross-*

*Cross-examined* :—I believe the number, 58, that is used by Mr. de Lauret, to mean that these beasts were branded in the year 1858; these hides had this number on; I am not aware whether Mr. de Lauret brands his calves as soon as they are dropped.

J. V. COOPER.

The foregoing deposition of James Volney }  
Cooper, was taken and sworn before us, on }  
this 18th day of January, 1859.

WM. CHATFIELD, J.P.  
ANDREW GIBSON, J.P.  
HENRY ALEXR. TURNER, J.P.

This deponent, *Alexander Watt*, being duly sworn, on his oath saith as follows:—I am district constable at Collector; I recollect the 5th January instant; on that day, from information I received, I proceeded, in company with Mr. Volney Cooper, to Doherty's place at Lake George; on arriving at Doherty's I inquired for him, and was told by his wife that he was down in the paddock; I sent for him; when Doherty came I asked him if he had been killing any cattle on that day; he said he had; I asked him to produce the hides; he then produced one hide, and when I asked him if there were any more he produced another hide; on inspecting the hides I found that one was a red and the other a yellow, both branded LA on the near ribs, and 58 on the near thigh; Mr. Volney Cooper said that was Mr. de Lauret's brand; I then asked Doherty whose brands the LA and 58 were, and he replied that it was Mr. de Lauret's; I then asked Doherty how he came by them; he told me that they were the increase of his cattle that had been branded with De Lauret's brand, and that he had seven or eight more at De Lauret's station; I told him I should make inquiries of Mr. de Lauret about it, and that he had better put up the hides, in case they should be wanted; he said that the hides would be forthcoming whenever I called for them; I afterwards gave information to Mr. de Lauret; on the 8th instant, by virtue of two warrants, I apprehended Doherty and Peckham, on a charge of cattle stealing; neither of them made any statement further than Doherty said that the cattle he had killed were the increase of his own cattle, that had been branded with De Lauret's brand, and handed over to him (Doherty) by Day in Mr. de Lauret's employ; I brought the prisoners to Goulburn and left them in the lock-up.

*Cross-examined* :—I did not propose to take away the hides on the 4th instant; on the 8th they were in the same state as when I saw them previously, only dryer; I did not search for the heads either on the 5th or on the 8th.

A. WATT.

The foregoing deposition of Alexander Watt }  
was taken and sworn before us, on this }  
18th January, 1859.

WM. CHATFIELD, J.P.  
ANDREW GIBSON, J.P.  
HENRY ALEXR. TURNER, J.P.

This deponent, *Charles Berrington Robinson*, being duly sworn, on his oath states as follows:—I at present reside at Currandooly; I have seen the prisoner Doherty twice before; I do not think I ever saw the other prisoner before; I saw Doherty on the morning of the 5th of January instant at Currandooly, Mr. de Lauret's station; he did not tell me his business then; we had no conversation about stock.

C. B. ROBINSON.

This deponent, *Charles Berrington Robinson*, recalled, states on oath:—I have been present at the branding of a great many of Mr. de Lauret's cattle since April last; the number 58 indicates the year 1858, in which they were branded; since the first of this year I have branded some calves of Mr. de Lauret's 59, indicating this year; I have seen cattle of Mr. de Lauret's with the 57, 56, 55, 54, and other numbers on; Mr. de Lauret's other brand is LA; the number is put on the rump, and the LA on the ribs, on the near side.

*Cross-examined* :—I have on one occasion seen a cow branded JD on the rump; she was in Mr. de Lauret's yard; when cattle of different brands are brought into the yard, the calves are separated from the cows and are branded; what I mean by cattle of different brands is cattle with different numbers on but belonging to Mr. de Lauret; I have seen cows of other brands besides Mr. de Lauret's driven into the yard, and some of them cows with calves—these are cut out in the yard; strangers are cut out with their calves; on one or two occasions I have seen the calves of strangers left in the branding pen; these strangers' calves have never been branded since I have been with Mr. de Lauret; I have recently heard that a cow with the JD brand had a calf running with it, with the LA brand on it; I do not recollect the age of the calf; if this calf was so branded it was without my knowledge.

*Examination—*

*Examination-in-chief, continued* :—When strangers' calves are allowed to remain in the branding pen, it is on account of the very great difficulty there sometimes is in drafting them out; I occasionally know them to be strangers; there are a great number of strangers' cows on the run.

C. B. ROBINSON.

The foregoing deposition of Charles Berrington }  
Robinson was taken and sworn before us, on }  
this 18th January, 1859.

WM. CHATFIELD, J.P.  
ANDREW GIBSON, J.P.  
HENRY ALEXR. TURNER, J.P.

This deponent, *Donald McLean*, being duly sworn, on his oath states as follows :—I reside at Currandooly, near Bungendore; I was lately in the employ of Mr. de Lauret, as overseer; I was in full charge of the Currandooly Station since 1853, until 8th July, 1858; I have been present at the branding of all the cattle on the Currandooly Run since the 8th July, until the 27th December last; I know the prisoner Doherty, before the Court; on the 5th January last I saw him at Currandooly; he did not ask me any question about cattle; he said that he expected to get a load of wool there; I recollect his asking me on one or two occasions about horses on the run, but never about cattle; he never made any inquiries to me about cattle of his on the Currandooly Run; I have lately twice seen a cow branded JD in the yard at Currandooly; I cannot swear whether I have ever seen any cattle of that brand on the run; I know to whom the majority of the strange cattle on the run belong to.

*Cross-examined* :—It was the same cow branded JD that I saw on the two occasions in the yard at Currandooly; I cannot say whether she had a calf with her or not; the cows and calves were together when I saw her; I saw her either in November or December last; I was present at all the branding in November and December last; while I was overseer at Currandooly I have branded strangers' calves by mistake; I think about five; Mr. Volney Cooper claimed two, Mr. Dwyer's overseer claimed one, and I gave it to him.

DONALD McLEAN.

The foregoing deposition of Donald McLean was }  
taken and sworn before us, on this 18th }  
January, 1859.

WM. CHATFIELD, J.P.  
ANDREW GIBSON, J.P.  
HENRY ALEXR. TURNER, J.P.

This deponent, *Julia Glasgow*, being duly sworn, on her oath states as follows :—I reside at Taylor's Creek, Lake George; I know Doherty, one of the prisoners now before the Court; I do not know the other prisoner; I last saw Doherty on the 5th instant, at Taylor's Creek; he asked me if I had seen Patrick Hammond, I said yes; he asked me if I had seen Billy Day, I said I had not; he asked me if I had seen any of his boys driving horses, I said no.

her  
JULIA × GLASGOW.  
mark

The foregoing deposition of Julia Glasgow, was }  
taken and sworn before us, on this 18th }  
January, 1859.

WM. CHATFIELD, J.P.  
ANDREW GIBSON, J.P.  
HENRY ALEXR. TURNER, J.P.

This deponent, *William Day*, being duly sworn, on his oath states as follows :—I reside at Currandooly, Lake George; and am a stockman in the employ of Mr. de Lauret; I have been twelve months in Mr. de Lauret's service; I had been in the district about a week or a fortnight when I engaged with Mr. de Lauret; I know the prisoner Doherty; I last saw him at his own house, on the 7th instant; I saw him at Currandooly on the 5th instant; he asked me if there were any cattle of his on the run; I told him there was one cow, that I had seen one JD cow; I have seen a steer, branded JD, on the run; I do not know if this steer belongs to Mr. Doherty; I met Doherty at Payne's public house on the 6th instant; he asked me if I knew of any cattle of his branded on the run; I said "not with the station brand"; I did not deliver any of Mr. de Lauret's cattle to Doherty; I had been drinking at the public house, and had been asleep; Young Doherty, on the 5th instant, shewed me a calf with Mr. de Lauret's brand on, that he said was his; Doherty was present at the time; the calf was from two to three months old; I saw Peckham on the Currandooly run on the 5th instant; he asked me if I had seen a mare, in hobbles; he said he came to assist Doherty to get his cattle—the JD cattle.

*Cross-examined* :—The JD cow used generally run at Taylor's Creek; when young Doherty pointed out the calf, it was the first time that I found out that it had been branded by mistake; I think it bears the 59 brand; I am not positive; I did not know the JD cow

was

was on the run until I saw her in the yard; I saw Doherty at Currandooly on the 5th; I know a man named Hammond; I believe he had been employed looking after Mr. de Lauret's cattle before I came there; Doherty asked me on that morning to go and assist him to gather his cattle, but I would not; there are places on the Currandooly run called the "Springs," the "Sandy Falls," and the "Cow Flats"; I do not know if any of Doherty's cattle are at these places; I have not had time to know all the cattle on the Currandooly run; when Doherty's boy brought the calf with Mr. de Lauret's brand on, I advised Doherty to cut its ears off, to prevent mistakes in future; he said he would cut its throat; I saw Mr. Volney Cooper at Payne's public house on the 6th; he treated me to a glass of brandy; he wanted me to come into Goulburn with him; the calf that was claimed by Doherty was a little red calf, and its mother was a red cow with a white back.

WILLIAM DAY.

The foregoing deposition of William Day, was }  
taken and sworn before us, on this 18th }  
day of January, 1859.

(No. 11 and 12 Vict., cap. 42.)

*Statement of the Accused.*

New South Wales, }  
to wit.

*James Doherty* stands charged before the undersigned, three of Her Majesty's Justices of the Peace in and for the said Colony, this eighteenth day of January, in the year of our Lord one thousand eight hundred and fifty-nine, for that he, the said James Doherty, on the fifth day of January instant, at Lake George, in the said Colony, did unlawfully and feloniously steal and take away two head of cattle, the property of the firm of Guerrey de Lauret and Co.; and the said charge being read to the said James Doherty, and the witnesses for the prosecution—James Volney Cooper, Horace Cooper, Michael Butler, Alexander Watt, Charles Berrington Robinson, Donald M'Lean, and William Day—being severally examined in his presence, the said James Doherty is now addressed by us as follows,—“Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial.” Whereupon the said James Doherty saith as follows,—I do not wish to say anything.

Taken and made before us, this }  
eighteenth day of January, 1859. }

WM. CHATFIELD, J. P.

(No. 11 and 12 Vict., cap. 42.)

*Statement of the Accused.*

New South Wales, }  
to wit.

*John Peckham* stands charged before the undersigned, three of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this eighteenth day of January, in the year of our Lord one thousand eight hundred and fifty-nine, for that he, the said John Peckham, on the fifth day of January instant, at Lake George, in the said Colony, did unlawfully and feloniously steal and take away two head of cattle, the property of the firm Guerrey de Lauret and Co.; and the said charge being read to the said John Peckham, and the witnesses for the prosecution—James Volney Cooper, Horace Cooper, Michael Butler, Alexander Watt, Charles Berrington Robinson, Donald M'Lean, and William Day—being severally examined in his presence, the said John Peckham is now addressed by us as follows,—“Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial.” Whereupon the said John Peckham saith as follows,—I do not wish to say anything.

Taken and made before me, on this }  
eighteenth day of January, 1859. }

WM. CHATFIELD, J. P.

The prisoners James Doherty and John Peckham stand committed to take their trial at the next Court of General Quarter Sessions, to be holden at Goulburn on the 11th day of April next; when an indictment will be preferred against them for the offence with which they stand charged.

Police Office, Goulburn, 18th }  
January, 1859.

WM. CHATFIELD, J. P.  
ANDREW GIBSON, J. P.  
HENRY ALEXR. TURNER, J. P.



I can find in these depositions no evidence of stealing, there is no missing of the beasts by the owner, no evidence of taking away positively, no concealment; but there is evidence that De Lauret's people sometimes brand strange cattle with their brand, and that Doherty's cow was on their run.

There is also no evidence of ownership, except the brand, which is not enough.

F. W. MEYMOTT,  
Crown Prosecutor.

19 March, 1859.

I decline to prosecute.

L. H. BAYLEY,  
Attorney General.

1859.

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**Legislative Assembly.**

NEW SOUTH WALES.

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**REGINA v. LANG, &c.**

(CORRESPONDENCE AND DEPOSITIONS IN REFERENCE TO.)

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*Ordered by the Legislative Assembly to be Printed, 31 August, 1859.*

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**RETURN** to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 9 March, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ (1.) All Correspondence between the Honorable Alexander Berry, and his Solicitors, Norton, Son, and Barker, with the Attorney General or the Secretary to the Law Officers, respecting the cases of Regina v. Lang, and Regina v. Fussell, respectively.

“ (2.) Also all Depositions and other papers connected with these cases respectively.”

(*Mr. Plunkett.*)

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## REGINA v. LANG, &c.

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MESSRS. NORTON, SON, AND BARKER to THE CRIMINAL CROWN SOLICITOR.

*Sydney, 17 January, 1859.*

The Queen v. Lang.

DEAR SIR,

We are intrusted by Alexander Berry, Esq., the prosecutor in this case, to request the Attorney General's consent to his prosecuting the information against Dr. Lang at his own expense. Will you have the goodness to inform us whether or not the Attorney General has any objection to Mr. Berry's so doing?

We are, &c.,

J. M. DILLON, Esq.,  
Criminal Crown Solicitor.

NORTON, SON, & BARKER.

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THE SECRETARY TO LAW DEPARTMENT to MESSRS. NORTON, SON, AND BARKER.

*Crown Law Offices, Sydney,  
20 January, 1859.*

GENTLEMEN,

In reference to your letter of the 17th instant, which has been handed to me by the Criminal Crown Solicitor, containing request on behalf of Alexander Berry, Esquire, the prosecutor in the case noted in the margin, to be allowed to proceed in the matter at his own expense, I am directed by the Attorney General to observe that he thinks, as a general rule, private prosecutions are undesirable, and in cases of libel particularly so. The prosecution must therefore be conducted by the Crown Law Officers.

I have, &c.,

W. E. PLUNKETT,

MESSRS. NORTON, SON, & BARKER,  
Solicitors, &c.

Secretary to the Law Department.

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MESSRS. NORTON, SON, AND BARKER to THE SECRETARY TO THE LAW DEPARTMENT.

*Sydney, 24 January, 1859.*

SIR,

We have to acknowledge receipt of your letter of the 20th instant, in which you inform us that the Attorney General thinks that, as a general rule, private prosecutions are undesirable, and in case of libel particularly so, and that the prosecutions against Dr. Lang and Mr. Fussell, for the publication of a false and scandalous libel upon Mr. Berry, must therefore be conducted by the Crown Law Officers.

We will not enter into a discussion with the Attorney General as to the propriety or desirableness of prosecutions for offences being conducted at the expense of private individuals, but we may be permitted to say, that if there are any prosecutions which should be left to the conduct of private counsel, they are those for libels on the character and reputation of individuals. We believe that in England prosecutions of this nature are left entirely to the individuals who feel themselves aggrieved, and if they are either unable or unwilling to incur the expense, the offender escapes punishment altogether, as the Attorney General seldom prosecutes except for offences affecting the Queen or her Government, or having a direct tendency to prejudice the public generally.

We presume the Attorney General has refused to accede to Mr. Berry's application only upon the general grounds mentioned in your letter, and without reference to the particular cases, and therefore we beg most respectfully to request his attention to the libellous publication complained of, in order that he may have an opportunity of considering whether these prosecutions are not such as should be intrusted to Mr. Berry himself. The Attorney General has, no doubt, observed from the public newspapers that an attempt is being made to make these political cases, and that subscriptions are invited towards the expense of the defence.

The

Regina v. John  
Dunmore Lang—  
Libel.

The defendants have the right, if they should think it safe or prudent to do so, to plead a special plea of justification, and in such case it would be altogether impossible for the Crown Law Officers to do justice to Mr. Berry; and a failure would be more injurious to him than the original libel.

We are informed the determination of the Attorney General in these cases is contrary to the practice that has hitherto been pursued in this Colony, if not altogether without precedent, as the parties complaining have been allowed, almost as of course, to prosecute at their own expense, where they have expressed a desire to do so.

The prosecutions by Mr. Icely and Mr. Stuart against Dr. Lang for libel were both conducted, with the consent of the Attorney General, by private counsel, retained by the prosecutors.

We believe the prosecution at the instance of Mate against Evans, for fraud or embezzlement, was also conducted by private counsel, and having inquired of several Members of the Bar, and Solicitors in extensive practice, we have not been able to ascertain that during all the time Mr. Plunkett was Attorney General a single case occurred in which the individual complaining was refused permission to conduct the prosecution.

Had Mr. Berry anticipated that the Crown Law Officers would in his cases depart from the usual practice, and deprive him of the opportunity of having the prosecutions conducted in such a manner as that justice might be done to his character, he would have applied to the Supreme Court for permission to file an information in the name of the Attorney General, and had such an application been made, we believe we may say, with confidence, that the reasons assigned by the Attorney General for his refusal would not have been considered by the Judges sufficient to warrant them in refusing to place Mr. Berry in the position which he thinks so objectionable.

If the Attorney General should adhere to the determination expressed in your letter, Mr. Berry may be advised on that ground to abandon the prosecutions so far as he has power to do so.

We have just been informed by Mr. Berry that on Saturday last one person informed his clerk that he had contributed five pounds towards the defence, but that the subscribers were certain the Attorney General would not prosecute Dr. Lang.

We take the liberty of enclosing, for the perusal of the Attorney General, a letter we have received from Messrs Johnson and Johnson, in answer to our inquiry as to the practice.

We are, &c.,

NORTON, SON, & BARKER.

THE SECRETARY TO

THE LAW DEPARTMENT.

[Enclosure.]

181 (late 59), Pitt-street,  
Sydney, 22 January, 1859.

The Queen at the instance of Stuart against Dr. Lang, for Libel.

The Queen at the instance of Icely against same, for Libel.

Dear Sirs,

In reply to your communication of yesterday, we beg to say that the above-named prosecutions were initiated before the Sydney Bench of Magistrates, upon the respective prosecutions of Mr. Stuart and Mr. Icely, and in each case the defendant was committed for trial by the Justices, in the ordinary way. The prosecution was afterwards conducted by ourselves, as attorneys, and by private counsel employed by us on behalf of the prosecutors, and at their expense, we having in each case previously obtained the consent and authority of the Attorney General to conduct those prosecutions, and to use his name therein as public prosecutor.

As far as our experience has gone, the practice has been thus:—

The Attorney General has invariably granted to persons who initiated prosecutions for libel at the Police Office, in cases where a committal had taken place, liberty to employ private counsel and attorneys to conduct the prosecution, reserving to himself the right (but we have never known him to exercise it) of interfering if he thought fit.

In cases where the private prosecutor has not been willing to take the duty and incur the expense of carrying on the prosecution, the Attorney General has always declined to carry it on at the public expense.

The result of our experience is shortly this:—That in no such case of private libel will the Attorney General carry on the prosecution at the public expense, but in all such cases

cases he will allow the party aggrieved to carry on the prosecution at his own expense, and to use the Attorney General's name for that purpose.

If you desire it, we can refer you to several cases in which the Attorney General has carried out the above practice in both respects.

To Messrs. Norton, Son, and Barker.

We remain, &c.,

JOHNSON & JOHNSON.

THE SECRETARY TO LAW DEPARTMENT to MESSRS. NORTON, SON, AND BARKER.

*Crown Law Offices,*

*Sydney, 29 January, 1859.*

GENTLEMEN,

Regina v. Lang—  
Lab-L.  
Ditto v. Fussell  
—Libel.

In acknowledging the receipt of your communication of the 24th instant, with its enclosure, further urging, on behalf of Mr. Berry, to be allowed to conduct the cases named in the margin as private prosecutions, and mentioning incidents by way of precedent for such course, I am directed by the Attorney General to inform you that the late Attorney General (Mr. Martin) and himself were of opinion that prosecutions of this nature should not be intrusted to private individuals since the establishment of Responsible Government.

2. With respect to the defendants pleading justification, in the event of their so doing, it will then, the Attorney General thinks, be time enough to consider what course should be pursued.

I have, &c.,

MESSRS. NORTON, SON, & BARKER,  
Solicitors, &c.

W. E. PLUNKETT,

Secretary to Law Department.

MESSRS. NORTON, SON, AND BARKER to THE SECRETARY TO LAW DEPARTMENT.

*Sydney, 1 February, 1859.*

Berry v. Lang. Same v. Fussell for Libel.

SIR,

We have the honor to acknowledge the receipt of your letter of the 29th ultimo, in which you inform us that the late Attorney General, Mr. Martin, and Mr. Lutwyche, were of opinion that prosecutions of this nature should not be intrusted to private individuals since the establishment of Responsible Government.

We were much surprised at this statement, as we had reason to believe that so far was the Attorney General from following the practice of his predecessor, he was pursuing a course the very opposite to that which Mr. Martin had pursued; and being desirous of shewing, as far as possible, that the procedure of the Attorney General in these cases was entirely without precedent, we forwarded your letters to Mr. Martin, with a note requesting that he would be so good as to inform us what had been his rule and practice in such cases. We now enclose, for the perusal of the Attorney General, Mr. Martin's reply. We are unable to understand why the introduction of Responsible Government should cause any change in the administration of justice in this particular, except indeed that it might be a strong ground for the very opposite course, that by leaving the case in the hands of the individual aggrieved the prosecution might be entirely free from political bias.

Mr. Berry has already, in a letter addressed to the Attorney General, declined to be further identified with the prosecution in the hands of the Crown Law Officers; and we have now only to request, on his behalf, that the Attorney General will not file informations against the defendant, but leave Mr. Berry to apply to the Supreme Court, in the next term, for leave to file criminal informations which may be prosecuted by his own counsel.

If the Attorney General should still adhere to his determination to take upon himself the responsibility of the prosecutions, we presume he will, in case of failure, indemnify Mr. Berry against the costs he may become liable to pay under the 12th section of the 11 Victoria, No. 13, which clearly contemplates that all such prosecutions shall be conducted at the expense of the private prosecutor.

We have, &c.,

THE SECRETARY TO  
THE LAW DEPARTMENT.

NORTON, SON, & BARKER.

[Enclosure.]

[Enclosure.]

Sydney, 1 February, 1859.

My Dear Sir,

Will you allow me to ask what was your practice, when Attorney General, with reference to allowing private counsel to have the conduct of prosecutions for libels reflecting only upon the character of private individuals.

I have been informed that the practice has always been for the Attorney General to leave the conduct of the prosecution to the party aggrieved whenever he was willing to incur the expense, but that if he did not choose to do so, it was conducted entirely by the Crown Law Officers without the assistance of private counsel.

You will observe, from the letters which I take the liberty of enclosing for your perusal, that the present Attorney General states that you and he were of opinion that prosecutions of this nature should not be entrusted to private individuals, since the establishment of Responsible Government.

If I am correctly informed, your practice was very different, and, indeed, so far from laying down any such rule, that in one case for a libel on Dr. Douglass you refused to prosecute at the public expense, but consented to allow the party complaining to do so by his own counsel.

The Honorable James Martin, Esq.

I am, &amp;c.,

WILLIAM BARKER.

Chambers, Elizabeth-street,

1 Feb., 1859.

My Dear Sir,

While I held the office of Attorney General I never filed an information for libel. During that period several committals for that offence took place, but in every case I declined to prosecute at the public expense, giving the prosecutor the option (if he thought fit) to conduct the prosecution at his own expense. In so acting I followed what I understood to have been the practice of Mr. Plunkett when he was Attorney General—not to prosecute at the public cost for any libel, except such as either by reason of the public character or position of the parties involved, or of some peculiarity in the libel itself, made it one of general interest to the community. Mr. Lutwyche is, therefore, in error in the statement which it seems he has made as to the views entertained by me in the matter referred to. He possibly may have been led into this error by the fact of my refusing permission to any private prosecutor to assist by his counsel or attorney in the management of any prosecution conducted by the Attorney or Solicitor General.

W. Barker, Esq.

Yours truly,

JAMES MARTIN.

ALEXANDER BERRY, ESQ., to THE ATTORNEY GENERAL.

Sydney, 1 February, 1859.

SIR,

My solicitors have forwarded to me the correspondence between them and yourself respecting the prosecutions I have initiated against Dr. Lang and Mr. Fussell, for the publication of a most scandalous and malicious libel upon my character, from which I learn that as Attorney General you have refused to permit the prosecutions to be carried on by counsel retained by myself for that purpose.

Before taking any steps in these cases I had fully considered the matter, and was perfectly certain that if justice was to be done to my character it would be necessary for me to retain private counsel; and I instructed my solicitors accordingly, and they, not imagining that you would take a course so extraordinary and unusual as to prevent my carrying on the prosecutions, immediately retained Mr. Isaacs and Mr. Wise.

I am not informed why I am to be prevented from prosecuting for injuries in the same manner as other individuals, and I am not entitled to express any opinion as to your motive, however well founded that opinion may be; but as I have no confidence that the prosecutions would be conducted by the Crown Law Officers in such a manner as to enable me to do justice to myself, I have to inform you that for that reason I decline to interfere further with the prosecutions, and entirely abandon them so far as I am concerned.

I consider the libellous publications for which the defendants have been committed to take their trials to be not only malicious and defamatory, but also highly calculated to endanger my life, and my alarm is certainly not diminished by a consideration of your determination, and the placards, newspaper advertisements, and reports of meetings having reference to these prosecutions, which are daily appearing.

I have, &amp;c.,

ALEXANDER BERRY.

THE HONORABLE  
THE ATTORNEY GENERAL.

THE

THE SECRETARY TO LAW DEPARTMENT to ALEXANDER BERRY, ESQ.

Crown Law Offices,

Sydney, 2 February, 1859.

Regina v. Lang—  
Libel.  
Regina v. Fussell  
—Ditto.

SIR,

I am directed by the Attorney General to acknowledge the receipt of your communication of the 1st instant, in reference to the correspondence which has taken place between your solicitors (Messrs. Norton, Son, & Barker,) and the Attorney General, respecting the matter of the prosecution of the individuals named in the margin. I have now the honor to state that you will be required to attend as a witness on the trials of Dr. Lang and Mr. Fussell, and should you not do so, I am directed to inform you that your recognizances will be estreated.

I have, &amp;c.,

W. E. PLUNKETT,

Secretary to Law Department.

ALEXANDER BERRY, ESQ.,

&amp;c., &amp;c., &amp;c.

New South Wales, }  
City of Sydney, to wit. }

The examination of Alexander Berry, of the North Shore, near Sydney, in the Colony of New South Wales, Esquire, a Member of the Legislative Council of the said Colony, taken on Wednesday, this twelfth day of January, A. D. 1859, at the Water Police Court, Sydney, in the Colony aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of John Dunmore Lang, D.D., who is charged this day before me—For that he, the said John Dunmore Lang, on the 23rd day of December last, at Wollongong, in the said Colony, did cause to be published in the *Illawarra Mercury* a letter headed "The Shoalhaven Incubus," containing a false, scandalous, and defamatory libel of and concerning the said Alexander Berry.

The Information and complaint of the Honorable Alexander Berry, of the North Shore, near the City of Sydney, in the Colony of New South Wales, Esquire, a Member of the Legislative Council of the said Colony, taken this eighth day of January, A. D. 1859, before the undersigned, one of Her Majesty's Justices of the Peace in and for the said City and Colony, who saith that John Dunmore Lang, of the City of Sydney, Doctor of Divinity, as he has been informed, and verily believes, wrote and caused to be published in the newspaper called the *Illawarra Mercury*, published at Wollongong, in the said Colony, on the twenty-third day of December last, a certain letter, headed "The Shoalhaven Incubus," and signed by the said John Dunmore Lang, in which, amongst other things, is contained the following false, scandalous, and defamatory libel of and concerning him, the said Alexander Berry, (that is to say)—"And is there no remedy for such a state of things on this earth, which God made to be inhabited, and not to remain a vast solitude like the Berry Domain at Shoalhaven? Yes, there are two remedies available in this case; the one in the hands of God, and the other in those of man. I have already stated that Mr. Berry is now considerably upwards of eighty years of age,—a circumstance which is evidently and strongly suggestive to all whom it concerns. It is sad indeed—very sad—to think that men's hopes of improvement and of a better order of things in this present world should, in any instance, have to depend on the fact that God, in His infinite wisdom, has been pleased to limit the duration of human life to three score years and ten, or at most to four score years; but so it is. Mr. Berry is the exact type of those antediluvian oppressors of their fellow-men, for whose enormous wickedness and oppression God was pleased not only to shorten the duration of human life, but to bring in a flood of waters to destroy the world of the ungodly. What, I ask, would become of this world if such heartless men, such oppressors of the poor, as Mr. Berry, were to live five or six hundred years, and to reduce whole generations of Shoalhaven serfs to miserable vassalage and degradation? In the ordinary course of nature Mr. Berry will, in all likelihood, choke some of these days with a large lump of Shoalhaven land in his throat. He will at length find that blessed morsel too hard to swallow, and still harder to digest; and when it is said, as it certainly will be at no distant period, 'The rich man died, and was buried,'—where, I ask, and in what circumstances will he lift up his eyes after such a life as he had led of heartless injustice and long-continued and determined oppression of his fellow-men? The God of Heaven, therefore, will apply His own sovereign and effectual remedy in the case of the District of Shoalhaven, in His own time and way, and that, perhaps, right early. But there is a remedy, also, for this gigantic political and social grievance in the hands of men, and a most effectual one it will prove, so far as it goes; but I must take another letter to describe that remedy, and to point out the method of its application."

ALEX. BERRY.

Sworn before me, at the Water Police Office, }  
Sydney, this 8th day of January, 1859. }

S. NORTH, J. P.

Water

Water Police Court, Sydney,  
Wednesday, 12 January, 1859.

Alexander Berry, on oath, states:—I have heard the Information which I made on oath in this case read; I have read the letter in the *Illawarra Mercury*, headed the "Shoalhaven Incubus;" I am the person named in the said letter as Mr. Berry, and Dr. Lang, the defendant, who is now in Court, I charge with being the writer of the said letter; the newspaper in question is dated the 23rd of December, 1858.

ALEX. BERRY.

Sworn at the Water Police Court, Sydney, }  
this 12th day of January, 1859, before }

S. NORTH, J.P.  
MERION MORIARTY, J.P.  
DAVID PEDEN, J.P.  
EDWARD RAPER, J.P.

The following Documents were handed in at the consent of both parties in this case, viz.:—

Copy of a letter addressed by Messrs. Norton, Son, and Barker, to the defendant, the Revd. Dr. Lang, dated the 3rd January, 1859, and which is now marked A; also—

The Reply to the aforesaid letter, signed by the defendant, John Dunmore Lang, and dated the 5th January, 1859, and which is now marked B; likewise—

A Copy of the *Illawarra Mercury*, dated the 23rd of December, 1858, marked C.

New South Wales, }  
City of Sydney, to wit. }

John Dunmore Lang, D.D., stands charged before the undersigned, four of Her Majesty's Justices of the Peace, in and for the City of Sydney aforesaid, this 12th day of January, A. D. 1859, for that he the said John Dunmore Lang, on the 23rd day of December last, at Wollongong, in the said Colony, did cause to be published in the *Illawarra Mercury* a letter headed "The Shoalhaven Incubus," containing a false, scandalous, and defamatory libel of and concerning one Alexander Berry, of the North Shore, near Sydney, Esquire, and a Member of the Legislative Council of the said Colony; and the said charge being read to the said John Dunmore Lang, and the witness for the prosecution, the aforesaid Alexander Berry, being examined in his presence, the said John Dunmore Lang is now addressed by me, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial." Whereupon the said John Dunmore Lang addressed the Bench in a speech of considerable length, and read various extracts from the *Illawarra Mercury*.

Taken before us, this 12th January, 1859.

S. NORTH, J.P.  
MERION MORIARTY, J.P.  
DAVID PEDEN, J.P.  
EDWARD RAPER, J.P.

Committed for trial at the Criminal Court, to be holden at Darlinghurst, on the 7th day of February next, but to be admitted to Bail, himself in £100, and two sureties in £50 each.

S. NORTH, J.P.  
MERION MORIARTY, J.P.  
DAVID PEDEN, J.P.  
EDWARD RAPER, J.P.

REGINA v. JAMES FUSSELL.

New South Wales, }  
City of Sydney, to wit. }

The examination of Francis Mason, of Sydney, in the Colony of New South Wales, printer of the newspaper called *The Evening Mail and New South Wales Advertiser*, and Alexander Berry, of the North Shore, near Sydney, in the said Colony, Esquire, taken on Tuesday, this nineteenth day of January, in the year of our Lord one thousand eight hundred and fifty-nine, at the Water Police Court, Sydney, in the Colony aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of James Fussell, who is charged, this day, before me, that he the said James Fussell did, on the seventh day of January, at Sydney, in the said Colony, publish and cause, and procure to be published in the aforesaid newspaper, a letter headed the "Shoalhaven Incubus," containing certain false, scandalous, malicious, and libellous matters of and concerning the said witness Alexander Berry.

City



City of Sydney, }  
to wit.

The information and complaint of the Honorable Alexander Berry, of the North Shore, near the City of Sydney, in the Colony of New South Wales, Esquire, a Member of the Legislative Council of the said Colony, taken this seventeenth day of January, in the year of our Lord one thousand eight hundred and fifty-nine, before the undersigned, one of Her Majesty's Justices of the Peace in and for the said City and Colony, who saith that James Fussell, of Sydney aforesaid, newspaper proprietor, on the seventh day of January instant, at Sydney aforesaid, did publish and cause, and procure to be published in a certain newspaper called *The Evening Mail and New South Wales Advertiser*, a false, scandalous, malicious, and defamatory libel in the form of a letter headed "Shoalhaven Incubus," and signed "John Dunmore Lang," in a certain part of which said letter there were and are contained certain false, scandalous, malicious, and libellous matters of and concerning the said Alexander Berry, according to the tenor and effect following, that is to say,—“And is there no remedy for such a state of things on this earth which “God made to be inhabited, and not to remain a vast solitude like the Berry Domain “at Shoalhaven? Yes, there are two remedies available in this case; the one in the “hands of God, and the other in those of man. I have already stated that Mr. Berry “is now considerably upwards of eighty years of age,—a circumstance which is evidently “and strongly suggestive to all whom it concerns. It is sad indeed—very sad—to think “that men's hopes of improvement and of a better order of things in this present world “should, in any instance, have to depend on the fact that God, in his infinite wisdom, has “been pleased to limit the duration of human life to three score years and ten, or at most to “four score years; but so it is. Mr. Berry is the exact type of those antediluvian “oppressors of their fellow-men, for whose enormous wickedness and oppression God was “pleased not only to short the duration of human life, but to bring in a flood of waters to “destroy the world of the ungodly. What, I ask, would become of this world, if such “heartless men, such oppressors of the poor as Mr. Berry, were to live five or six “hundred years, and to reduce whole generations of Shoalhaven serfs to miserable vassalage “and degradation? In the ordinary course of nature Mr. Berry will, in all likelihood, “choke some of these days with a large lump of Shoalhaven land in his throat. He will “at length find that blessed morsel too hard to swallow, and still harder to digest; and “when it is said, as it certainly will be at no distant period, ‘the rich man died “‘and was buried,’—where, I ask, and in what circumstances will he lift up his eyes after “such a life as he has led of heartless injustice, and long continued and determined “oppression of his fellow-men? The God of Heaven, therefore, will apply his own “sovereign and effectual remedy in the case of the District of Shoalhaven in his own “time and way, and that right early. But there is a remedy also for this gigantic, political, “and social grievance in the hands of man, and a most effectual one it will prove, so far as “it goes; but I must take another letter to describe that remedy, and to point out the “method of its application.

“In the mean time,

“I remain,

“Your most obt. Servant,

“JOHN DUNMORE LANG.”

Exhibited at the Water Police Office, }  
Sydney, the day and year first  
above written, before me, }

S. NORTH, J. P.

WILLIAM BARKER,  
Attorney for the said Alexander Berry.

Water Police Court, Sydney,  
Wednesday, 19 January, 1859.

The Information having been read,—

Francis Mason, on oath, states:—I am a printer, and am the printer of the newspaper published in this city called the *Evening Mail*, but have no other connection with that paper; I am employed by Mr. James Fussell, the defendant now in Court, who is the proprietor of the said paper; I understand the letter headed “The Shoalhaven Incubus,” inserted in the *Evening Mail* of the 7th instant, to refer to Mr. Alexander Berry, and the paper which I hold in my hand is a copy of the issue of that day; the letter inserted therein was a continuation of one, the first portion of which appeared in the issue of the 4th instant, and both insertions were made by the orders of the defendant, Mr. Fussell; I also hold in my hand a copy of the paper of the latter date; I produce a letter signed by the defendant, James Fussell, dated the 15th January, addressed to Messrs. Norton, Son, and Barker, and which letter is now marked C; the newspapers before referred to are now handed in, and are marked respectively, the one dated the 4th instant A, and the other one dated the 7th instant B.

F. MASON.

Sworn at the Water Police Court, Sydney, }  
this 19th January, 1859, before— }

S. NORTH, J. P.  
CHAS. KEMP, J. P.  
R. S. HILL, J. P.

Alexander

*Alexander Berry*, on oath, states :—I am upwards of seventy years of age.

ALEXR. BERRY.

Sworn at the Water Police Court, Sydney, }  
this 19th January, 1859, before— }

S. NORTH, J.P.  
CHAS. KEMP, J.P.  
JOHN BROWN, J.P.  
R. S. HILL, J.P.

New South Wales, }  
City of Sydney, to wit. }

*James Fussell* stands charged, before the undersigned, four of Her Majesty's Justices of the Peace in and for the City of Sydney aforesaid, this 19th day of January, A.D. 1859, for that he, the said *James Fussell*, did on the 7th day of January instant, at Sydney, in the said Colony, publish and cause, and procure to be published in a certain newspaper called *The Evening Mail and New South Wales Advertiser*, a letter headed the "*Shoalhaven Incubus*," containing certain false, scandalous, malicious, and libellous matters of and concerning one *Alexander Berry*; and the said charge being read to the said *James Fussell*, and the witnesses for the prosecution, the aforesaid *Alexander Berry* of the North Shore, near Sydney, Esquire, and *Francis Mason*, of Sydney, printer of the aforesaid newspaper, being severally examined in his presence, the said *James Fussell* is now addressed by us, as follows:—"Having heard the evidence, do you wish to say anything in answer to the charge? "You are not obliged to say anything unless you desire to do so; but whatever you say will "be taken down in writing, and may be given in evidence against you upon your trial." Whereupon the said *James Fussell* saith, as follows,—I wish to call the defendant, *Mr. Alexander Berry*, as a witness.

Sworn before us, at the Water Police Court, Sydney, }  
this 19th day of January, 1859, before— }

S. NORTH, J.P.  
CHAS. KEMP, J.P.  
JOHN BROWN, J.P.  
R. S. HILL, J.P.

Committed for trial at the Criminal Court, to be holden at Darlinghurst, on Monday, the 7th February next. Bail allowed—himself in £100, and two sureties of £25 each.

S. NORTH, J.P.  
CHAS. KEMP, J.P.  
R. S. HILL, J.P.  
JOHN BROWN, J.P.



1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## CAPITAL OFFENCES.

*Ordered by the Legislative Assembly to be Printed, 14 June, 1860.*

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 21 February, 1860, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House:—

“ A Return shewing the names of all persons put upon their  
 “ trial for Capital Offences in New South Wales, since 1840;  
 “ and the number acquitted.”

(Mr. Wilson.)

A RETURN of the number of persons put upon their trial for Capital Offences, since the year 1840; and the number acquitted.

Date.	Acquittals.	Capital Convictions.	Convictions for Minor Offences.	Totals.
1840	14	28	7	49
1841	18	23	14	55
1842	6	20	11	37
1843	10	18	9	37
1844	5	19	6	30
1845	13	13	6	32
1846	17	5	16	38
1847	4	7	4	15
1848	5	6	4	15
1849	10	6	9	25
1850	5	3	7	15
1851	6	7	5	18
1852	2	11	2	15
1853	9	8	9	26
1854	8	14	13	35
1855	6	13	11	30
1856	7	7	9	23
1857	8	7	8	23
1858	6	7	11	24
1859	10	12	8	30
	169	234	169	572

S. RAYMOND, Prothonotary.

12 June, 1860.

# CAPITAL OFFENCES.

13

A RETURN shewing the names of all Persons put upon their Trial for Capital Offences in New South Wales, since 1840, and the number Acquitted.

WHERE TRIED.	DATE.	JUDGE.	NAME OF PERSON TRIED.	OFFENCE.	ACQUITTALS.	CAPITAL CONVICTIONS.	CONVICTIONS FOR MINOR OFFENCES.
Sydney..	1840.						
	1 February ..	Chief Justice ..	Thomas Chubb.....	For discharging loaded arms with intent to murder .....	.....	Convicted.	
	1 " ..	" ..	Frederick Nowles.....	Ditto ditto .....	.....	"	
	1 " ..	" ..	John Doyle .....	Rape .....	Acquitted.	"	
	1 " ..	Willis .....	Joseph Bartier .....	Stabbing, cutting, or wounding with intent to murder .....	"	"	
	3 " ..	" ..	Alexander Fenton .....	Discharging loaded arms with intent to murder .....	.....	"	
	4 " ..	Stephen .....	John Hunt .....	Murder .....	.....	"	
	5 " ..	" ..	John Roberts .....	Stabbing, cutting, or wounding with intent to murder .....	.....	.....	Common assault.
	7 " ..	Chief Justice ..	Felix Monaghan .....	Murder .....	.....	.....	Manslaughter.
	7 " ..	" ..	John Williams .....	Attempt to suffocate with intent to murder .....	.....	"	
	7 " ..	Stephen .....	John Maguire .....	Stabbing, cutting, or wounding with intent to murder .....	"	"	
	7 " ..	" ..	Frederick Gould .....	Ditto ditto .....	"	"	
	24 " ..	Chief Justice ..	Thomas Wetton .....	Murder .....	.....	"	
	1 May .....	" ..	John Dillon .....	Stabbing, cutting, or wounding with intent to murder .....	"	"	
	4 " ..	Willis .....	Frederick Kirk .....	Shooting with intent to murder .....	.....	"	
	4 " ..	" ..	William Clarke.....	Ditto .....	.....	"	
	1 " ..	" ..	John Finn .....	Ditto .....	.....	"	
	2 " ..	Chief Justice ..	John Bright .....	Murder .....	.....	"	
	2 " ..	Willis .....	Thomas Marshall .....	Shooting with intent to murder .....	.....	"	
	2 " ..	Chief Justice ..	Martin Ryan.....	{ Causing a person bodily injury, dangerous to life, with intent to murder .....	.....	"	
	2 " ..	" ..	George Leach .....	Stabbing, cutting, or wounding with intent to murder .....	.....	.....	{ Wounding with intent to do grievous bodily harm.
	5 " ..	" ..	Ann Lloyd.....	Murder .....	.....	.....	{ Concealing the birth of her child.
	5 " ..	" ..	Francis Hanley .....	Rape .....	"	"	
	7 " ..	Willis .....	John Mellony .....	Shooting with intent to murder .....	"	"	
	11 " ..	" ..	{ George Gladhill .....	Ditto .....	.....	"	
			{ John Anderson .....		.....	"	
			{ John Ryan .....		.....	"	
	3 August .....	Chief Justice ..	William Hall .....	For attempting to discharge loaded arms with intent to murder .....	.....	"	
	4 " ..	Stephen .....	Peter Power .....	Stabbing, cutting, or wounding with intent to murder .....	.....	"	
	1 " ..	Chief Justice ..	John Rushton .....	Sodomy .....	"	"	
	5 " ..	" ..	Edward Ferne .....	Rape .....	.....	"	
	6 " ..	Willis .....	Thomas Williams .....	Stabbing, cutting, or wounding with intent to murder .....	.....	"	
	10 " ..	Chief Justice ..	Mary Ann Atkins .....	Murder .....	"	"	
	10 " ..	Stephen .....	John Roberts .....	Ditto .....	"	"	
	11 " ..	" ..	{ Talboy, alias Jackey (aboriginal native) .....	Ditto .....	.....	"	
	5 " ..	Willis .....	John Glennie.....	Ditto .....	.....	.....	Manslaughter.
	3 November ..	Chief Justice ..	Ann Carroll, alias Blake.....	{ For by any means causing to any person bodily injury, dangerous to life, with intent to murder.....	.....	.....	{ Wounding with intent to do grievous bodily harm.

CAPITAL OFFENCES.

Sydney ..	3	..	Willis .....	Benjamin Cutler .....	For shooting with intent to murder .....	"		
	4	..	" .....	Billy ( <i>alias</i> Melville's Billy) .....	Murder .....	"		
	5	..	Stephen .....	Enoch Bradley .....	Ditto .....	"		
	6	..	Chief Justice .....	William Newman .....	Ditto .....	"		
	6	..	" .....	Charles Stevens .....	Rape .....	"		
	6	..	Stephen .....	Francis Leoo .....	Ditto .....	"		
	7	..	Chief Justice .....	James Martin .....	Murder .....	"		
				James Mason .....		"		
				John Walker .....		"		
				James Howard .....		"		
	7	..	Stephen .....	Robert Rawson .....		"		
	2	..	Chief Justice .....	Michael Minighan .....	Murder .....	"		Manslaughter.
				Thomas Skews .....				
					TOTALS FOR 1840 .....	14	28	7
1841.								
Sydney...	1 February	..	.....	{ John Lawler .....	Murder .....	"		
				{ Zachariah Cooper .....		"		
	1	..	Chief Justice ..	John Saunder .....	For carnally knowing a child under 10 years of age .....	"		Assault.
	2	..	Willis .....	Cornelius Burns .....	For stabbing, cutting, or wounding with intent to murder ..	"		
	2	..	" .....	William Butts .....	Ditto ditto .....	"		
	3	..	Chief Justice ..	James Welsh .....	For carnally knowing a child under 10 years of age .....	"		
	3	..	" .....	John O'Keefe .....	Ditto ditto .....	"		
	3	..	" .....	William Mansell .....	Ditto ditto .....	"		
	6	..	" .....	George Slacke .....	Murder .....	"		
	6	..	Stephen .....	Pridget Painter, <i>alias</i> Sheridan ..	Stabbing, cutting, or wounding with intent to murder .....	"		
	6	..	" .....	Patrick M'Carty .....	Ditto ditto .....	"		{ Cutting with intent to do grievous bodily harm. Common assault.
	8	..	Chief Justice ..	{ Patrick Brennan .....	{ For by any means causing to any person bodily injury, } dangerous to life, with intent to murder .....	"		
				{ Edward Murphy .....		"		
	9	..	Stephen .....	Richard Heath .....	Murder .....	"		Manslaughter.
	8	..	" .....	James Pillow .....	For stabbing, cutting; or wounding with intent to murder ..	"		{ Cutting with intent to do grievous bodily harm.
	10	..	" .....	Mary Cox, <i>alias</i> Alcroft .....	Ditto ditto .....	"		"
				{ John Shea .....		"		
				{ James Everett, <i>alias</i> Wilkinson ..		"		
	24	..	Chief Justice ..	Richard Glanville .....	Murder .....	"		
				John Marshall .....		"		
				Edward Davis .....		"		
				Robert Chitty .....		"		
	10 May	.....	Stephen .....	James Brown .....	Sodomy .....	"		
	12	..	" .....	William Willins .....	For carnally knowing a child under 10 years of age .....	"		
	13	..	Burton .....	Matthew Lynch .....	Murder .....	"		
	15	..	" .....	{ Mullan .....	Murder .....	"		
				{ Ningavil } (aboriginals) .....		"		
	13	..	Chief Justice ..	Mark Day .....	Ditto .....	"		
	13	..	Burton .....	Amos Hilton .....	Carnally knowing a child under 10 years of age .....	"		
	21 October	..	Chief Justice ..	Michael M'Mullen .....	Rape .....	"		
	11	..	" .....	Mary Lamb .....	Infanticide .....	"		{ Of endeavoring to conceal the birth of.
	13	..	" .....	George Stroud .....	Murder .....	"		
	14	..	Burton .....	Robert Hudson .....		"		
					Carried forward .....	11	12	10

RETURN, &c.—Continued.

WHERE TRIED.	DATE.	JUDGE.	NAME OF PERSON TRIED.	OFFENCE.	ACQUITTALS.	CAPITAL CONVICTIONS.	CONVICTIONS FOR MINOR OFFENCES.
	1841.			Brought forward.....	11	12	10
Sydney ..	11 October ....	Stephen .....	Joseph Green .....	For stabbing, cutting, or wounding with intent to murder..	.....	.....	{ Cutting, &c., with intent to do grievous bodily harm.
	13 " .....	Barton .....	Gregory Talby .....	Murder .....	.....	.....	
	.....	.....	John Sunderland .....	Rape .....	Acquitted.	Convicted.	
Bathurst	26 April .....	Barton .....	Daniel Davidson .....	Murder .....	.....	.....	Manslaughter.
	27 " .....	" .....	Charles Cannon .....	Ditto .....	.....	"	
	27 " .....	" .....	John McQuade .....	{ For attempting to discharge loaded arms with intent to } murder .....	.....	"	
	— September ..	Dowling, C.J. ..	John Wright .....	Murder .....	.....	"	
	27 " .....	" .....	William Vallance .....	Rape .....	"	"	
Berrima	15 April .....	Barton .....	Thomas Leavy, alias Sutton .....	Murder .....	.....	"	
	16 " .....	" .....	Patrick Curran .....	Aiding and abetting with intent to murder .....	"	"	
	15 " .....	" .....	Patrick Curran .....	Rape .....	"	"	
	20 September ..	" .....	John Smith .....	For shooting with intent to murder .....	"	"	
	.....	.....	.....	.....	.....	.....	
Maitland	5 April .....	Barton .....	Michael Bradley .....	Murder .....	.....	"	Assault.
	6 " .....	" .....	Esther Crockwell .....	Ditto .....	.....	"	
	7 " .....	Barton .....	Elizabeth Crutchley .....	Ditto .....	.....	"	
	7 " .....	" .....	James Cameron .....	Sodomy .....	"	.....	
	4 September ..	Stephen .....	William Shearman .....	Murder .....	.....	"	
	4 " .....	" .....	Hannah Hampton .....	Infanticide .....	"	"	
	6 " .....	" .....	{ Henry Steebe and } Charles Von .....	{ For attempting to discharge loaded arms with intent to } murder .....	.....	"	
	8 " .....	" .....	John Kelly .....	Murder .....	.....	"	
	9 " .....	" .....	Michael Power .....	{ For attempting to discharge loaded arms with intent to } murder .....	"	"	
	.....	.....	.....	.....	.....	.....	
	TOTALS FOR 1841.....				18	23	14
	1842.						
Sydney ..	10 January ....	Barton .....	Patrick Neale .....	Murder .....	.....	"	Manslaughter.
	12 " .....	Stephen .....	Thomas Williams .....	Ditto .....	.....	"	
	.....	.....	Laurence Cavanagh .....	.....	.....	"	
	12 April .....	Barton .....	Thomas Brown .....	{ For shooting with intent to murder .....	.....	"	Assault.
	.....	.....	Joseph Johnson .....	.....	.....	"	
	11 July .....	" .....	Martin Ryan .....	Ditto ditto .....	.....	"	
	11 " .....	Stephen .....	William Ducey .....	Rape .....	"	.....	Manslaughter.
	12 " .....	Barton .....	Owen Sullivan .....	For wounding with intent to murder .....	"	.....	
	13 " .....	Chief Justice ..	James Kerr .....	Murder .....	"	.....	
	13 " .....	Barton .....	Richard Powell .....	Ditto .....	.....	.....	"

Sydney ..	13 ..	Chief Justice ..	James Kerr ..	Ditto ..			
	10 October ..	Stephen ..					
	10 ..	Dowling, C.J. ..	William Williams ..	Sodomy ..			
	11 ..	Burton ..	Solomon John ..	Ditto ..			
	21 ..	Dowling ..	Stephen Brennan ..	Murder ..			
Berrima ..	19 October ..	" ..	John Jones ..	Committing the crime of piracy with intent to murder ..			
			Thomas Whalen ..				
			George Beavor ..				
			Henry Lears ..				
			Nicholas Lewis ..				
Bathurst ..			James Woolf, <i>alias</i> James Mordecdi ..				
	17 March ..	" ..	Charles Rudge ..	Murder ..			
	21 ..	" ..	John Lynch, <i>alias</i> Dunleavy ..	Ditto ..			
	21 ..	" ..	John Thompson ..	Ditto ..			
	22 ..	" ..	Patrick Clearehen ..	Ditto ..			
Maitland ..	22 ..	" ..	John Collins ..	Ditto ..			
			John Thompson ..				
	29 March ..	Stephen ..	Charles Hunt ..	Rape ..			
	31 ..	" ..	John Walsh ..	Murder ..			
	27 September ..	" ..	William Falvey ..	Ditto ..			
Sydney ..	8 March ..	Burton ..	Stephen Waters ..	Bestiality ..			
	8 ..	" ..	James Williams ..	Rape ..			
	10 ..	" ..	Hugh Bannon ..	Murder ..			
	10 ..	" ..	Thomas Horner ..	Ditto ..			
	6 September ..	" ..	Patrick Daley ..	Ditto ..			
Berrima ..	6 ..	" ..	Thomas Cropper ..	Ditto ..	on ground of insanity.		
	6 ..	" ..	Edward Priest ..	Shooting with intent to murder ..			Attempt to do grievous bodily harm.
	7 ..	" ..	Charles Smith ..	Murder ..			
1843.				TOTALS FOR 1842 ..	6	20	11
Sydney ..	10 April ..	Stephen ..	John Condren ..	Murder ..			Manslaughter.
	5 July ..	Dowling ..	Thomas Cavey ..	Ditto ..			Assault.
	8 ..	Burton ..	Patrick Langan ..	Rape ..			
	8 ..	" ..	Michael Keefe ..	Ditto ..			
	3 October ..	Dowling ..	Donald Kennedy ..	Shooting with intent to murder ..			
Bathurst ..	6 ..	Burton ..	Duncan Kenny ..				
	3 ..	" ..	Jane Wright ..				
	3 ..	Dowling ..	Thomas Hunt ..				
	28 March ..	" ..	George Evans ..				
	30 ..	" ..	Matthew Whittle ..	Murder ..			
Berrima ..	30 ..	" ..	William Charles ..	Shooting with intent to murder ..			
	30 ..	" ..	James Jeffries ..	Rape ..			
				Ditto ..			
	6 March ..	Stephen ..	James Porter, <i>alias</i> James Curtis ..	Murder ..	unsound mind		
	7 ..	" ..	John Cooper ..	Stabbing, cutting, or wounding, with intent to murder ..			
				Carried forward ..	6	3	5



RETURN, &c.—Continued.

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CAPITAL OFFENCES.

WHERE TRIED.	DATE.	JUDGE.	NAME OF PERSON TRIED.	OFFENCE.	ACQUITTALS.	CAPITAL CONVICTIONS.	CONVICTIONS FOR MINOR OFFENCES.
	1843.			Brought forward.....	6	3	5
Berrima	7 March .....	Stephen .....	Michael Cassidy .....	Shooting with intent to murder .....	Acquitted.	.....	Assault.
	4 September ..	Dowling .....	Thomas Raddy .....	Rape .....			
	5 & 6 " .....	" .....	Martin Beech .....	Murder .....			
	5 & 6 " .....	" .....	Lucretia Dunkley .....	Ditto .....			
	9 " .....	" .....	Patrick Dwyer .....	Ditto .....			
	11 " .....	" .....	Austin Kinna .....	Ditto .....			
Maitland	16 March .....	Burton .....	Thomas Heffernan .....	Murder .....	.....	.....	Manslaughter.
	17 " .....	" .....	William Thompson .....	Ditto .....			
	18 " .....	" .....	George Wilson .....	Shooting with intent to murder .....			
	14 September ..	Stephen .....	Thomas Forrester .....				
	14 " .....	" .....	Therramitchie (aboriginal) .....	Murder .....			
	15 " .....	" .....	Tom, alias Kambago do. ....	Wounding with intent to murder .....			
	15 " .....	" .....	Harry .....	Murder .....			
			Melville .....				
	15 " .....	" .....	Jackey Jackey .....	Wounding with intent to murder .....			
			Sore-thighed Jemmy .....				
	16 " .....	" .....	Fowler .....	Murder .....			
	19 " .....	" .....	Michael Kelly .....				
21 " .....	" .....	Benjamin Harris .....	Ditto .....				
		James Cain .....	Wounding with intent to murder .....				
		George Ely .....					
		George Body .....					
		Christopher Cooper .....					
TOTALS FOR 1843.....					10	18	9
	1844.						
Sydney	15 January ....	Burton .....	Michael Moore .....	Murder .....	.....	.....	
	24 " .....	" .....	John Knatchbull .....	Ditto .....			
	2 July .....	Stephen .....	John Heggerty .....	Ditto .....			
	3 " .....	" .....	William Henry Eyes .....	Carnally knowing a child under 10 years .....			
	3 " .....	" .....	John Curlew .....	Assault with intent to murder .....			
	5 " .....	" .....	William Holmes .....	Shooting with intent to murder .....			
	13 " .....	" .....	George Vigors .....	Murder .....			
			Thomas Burdett .....				
	7 October ....	" .....	John Rankin .....	Rape .....			
	9 " .....	" .....	George Robinson .....				
Berrima	9 " .....	" .....	Levi Brett .....	Murder .....	on ground of insanity.	.....	Assault.
	11 " .....	a'Beckett .....	Jeremiah Hide, alias Jeremiah Wilcox .....	Sodomy .....			
	4 March .....	Burton .....	Michael Murphy .....	Rape .....			
	6 " .....	" .....	James Reeves .....	Murder .....			
	6 " .....	Stephen .....	Edward O'Donnell .....	Shooting with intent to murder .....			
	TOTALS FOR 1844.....						

Berrima	7 " .....	Barton .....	John Nicholas Spencer .....	Carnally knowing a child under 10 years of age .....	.....	.....	"
	9 September ..	Stephen .....	Henry Atkin .....	Murder .....	.....	.....	"
Bathurst	25 March .....	Stephen .....	Jeremiah Cronan .....	Murder .....	.....	.....	Manslaughter. Assault.
	25 " .....	" .....	William Richardson .....	Shooting with intent to murder .....	.....	.....	
	26 " .....	" .....	Samuel Ashad .....	Stabbing, cutting, and with intent to murder .....	.....	.....	"
	24 September ..	" .....	Patrick Gaston, <i>alias</i> Abraham Gas- ton .....	Murder .....	.....	.....	"
	25 " .....	" .....	Francis Sellars .....	Carnally knowing a child under 10 years of age .....	.....	.....	"
Maitland	13 March .....	Dowling, C. J. ..	Joseph Vale .....	Administering poison with intent to murder .....	.....	.....	
	13 " .....	" .....	Mary Thornton .....	Rape .....	.....	.....	
	14 " .....	" .....	Robert Fleming .....	Stabbing, cutting, and wounding with intent to murder ..	.....	.....	
	11 September ..	" .....	Micky Micky (aboriginal) .....	Ditto .....	.....	.....	
	12 " .....	" .....	John Brown, otherwise called Am- brose Provost .....	Rape .....	.....	.....	
	23 " .....	" .....	John Jackson .....	Murder .....	.....	.....	
1845.				TOTALS FOR 1844 .....	5	19	6
Sydney ..	6 January .....	Stephen .....	John Johnson .....	Murder .....	.....	.....	Manslaughter.
	8 " .....	Dickinson .....	George Byford .....	Ditto .....	.....	.....	
	10 " .....	Stephen .....	John Vidall .....	Ditto .....	.....	.....	
	13 " .....	Dickinson .....	Lucius O'Brien .....	Ditto .....	.....	.....	Common assault.
	14 March .....	Therry .....	Peter Stratton .....	For shooting at and wounding with intent to murder .....	.....	.....	
	8 April .....	Stephen .....	Jabez Weldon .....	Carnally knowing a child under 10 years of age .....	.....	.....	
	9 " .....	a'Beckett .....	John Skinner .....	Murder .....	.....	.....	
	10 " .....	Stephen .....	Dennis Martin .....	Ditto .....	.....	.....	
	11 July .....	" .....	John Ahern .....	Ditto .....	.....	.....	
	12 April .....	Dickinson .....	Richard Lawson .....	Carnally knowing a child under 10 years of age .....	.....	.....	
Bathurst.	8 July .....	Stephen .....	Henry Carter .....	Rape .....	.....	.....	Manslaughter.
	9 " .....	a'Beckett .....	John Skinner .....	Murder .....	.....	.....	
	10 " .....	Dickinson .....	John Hough .....	Wounding with intent to murder .....	on ground of insanity.	.....	
	12 " .....	" .....	Helen Yates .....	Ditto .....	.....	.....	
	13 October .....	Stephen .....	George Katerly .....	Shooting with intent to murder .....	.....	.....	
Bathurst.	15 " .....	a'Beckett .....	William Woods .....	Wounding with intent to murder .....	.....	.....	Manslaughter.
	31 March .....	a'Beckett .....	John Burnett .....	Murder .....	.....	.....	
	31 " .....	" .....	James Shiel .....	Ditto .....	.....	.....	
	22 September ..	Stephen .....	Henry Hogan .....	Wounding with intent to murder .....	.....	.....	
	25 " .....	" .....	Henry Mills .....	Murder .....	.....	.....	
Maitland	26 " .....	Burton .....	John Shea .....	Wounding with intent to murder .....	.....	.....	
	10 September ..	Dickinson .....	Lawrence Power .....	Sodomy .....	.....	.....	
	11 " .....	" .....	John Lynch .....	Murder .....	.....	.....	
Carried forward .....				James Fitzgerald .....	11	11	4

RETURN, &c.—Continued.

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WHERE TRIED.	DATE.	JUDGE.	NAME OF PERSON TRIED.	OFFENCE.	ACQUITTALS.	CAPITAL CONVICTIONS.	CONVICTIONS FOR MINOR OFFENCES.
Berrima...	1845.			Brought forward.....	11	11	4
	3 March .....	Dickinson .....	Dionesus William Bloomfield.....	Rape .....	Acquitted.	Convicted.	Manslaughter. { Wounding with intent to do grievous bodily harm.
	3 September ..	a'Beckett .....	James Gorman .....	Ditto .....	.....		
	6 " ..	" .....	John Chambers .....	Carnally knowing a child under 10 years of age .....	" .....		
	2 " ..	" .....	James Astill .....	Murder .....	.....		
	8 " ..	" .....	Owen Walsh .....	Ditto .....	.....		
	9 " ..	" .....	Cornelius Mahoney .....	Stabbing, cutting, and wounding with intent to murder ..	.....	.....	
TOTALS FOR 1845.....					13	13	6
Sydney ..	1846.						
	8 January ....	Dickinson ....	{ George Keating .....	Rape .....	" .....		{ Wounding with intent to do grievous bodily harm.
			{ Michael Callaghan .....		" .....		
			{ Charles Doran .....		" .....		
			{ William Brown .....		" .....		
	5 April .....	Therry .....	{ Henry John Honey .....	Rape .....	" .....		{ Wounding with intent to do grievous bodily harm.
			{ Hendrick Witnelder .....		" .....		
	6 " .....	Stephen .....	Edmund Maher .....	Wounding with intent to murder .....	.....	.....	{ (3) Each convicted of grievous assault.
	7 " .....	Dickinson.....	{ William Bartle .....	Rape .....	.....	.....	
			{ James Lenman .....		.....	.....	{ Wounding with intent to do grievous bodily harm.
			{ Robert Jones .....	Aiding and abetting .....	.....	.....	
	9 " .....	" .....	Thomas Jackson .....	Shooting with intent to murder .....	.....	.....	Manslaughter. Common assault.
	14 " .....	Stephen .....	Christopher Kelly .....	Carnally knowing a child under 10 years of age .....	" .....	.....	
	14 July .....	" .....	John Smith .....	Rape .....	" .....	.....	{ Intent to do grievous bodily harm.
	9 October .....	" .....	John Gregory .....	Ditto .....	" .....	.....	
	10 " .....	Therry .....	James Cumberland .....	Murder .....	.....	.....	Manslaughter. Assault.
	12 " .....	Dickinson .....	Patrick Bailey .....	Cutting, &c., with intent to murder .....	.....	.....	
	15 " .....	" .....	William Bunn .....	Murder .....	.....	.....	Assault.
	29 December ..	" .....	Cornelius Hughes .....	Stabbing, cutting, &c., with intent to murder .....	.....	.....	
	30 " .....	Therry .....	{ Margaret Johnson .....	Murder .....	.....	.....	Assault.
			{ John Alexander Johnson .....		.....	.....	
	29 " .....	Stephen .....	Daniel Deering Matthews .....	Shooting with intent to murder .....	" .....	.....	Assault.
	23 March .....	Dickinson .....	Duncan Clarke .....	Murder .....	" .....	.....	
	25 " .....	" .....	Peter Adonis .....	Rape .....	.....	.....	{ Shooting with intent to do grievous bodily harm.
			James Lowe .....		.....	.....	
Berrima....	4 " .....	Stephen, C.J. ..	{ John Wall .....	Shooting with intent to murder .....	" .....	.....	
			{ Jemmy (aboriginal) .....		" .....	.....	
			{ James Gallagher .....		" .....	.....	
			{ Mark Gallagher .....		" .....	.....	

CAPITAL OFFENCES.

Berrima	5	September	"	Margaret Dodd	Shooting with intent to murder	"		Common assault.
	7	"	Dickinson	Samuel Smith	Rape	"		
	8	"	"	Bridget Mitchell	Murder	"		
	9	"	"	William Henry Thomson	Ditto	"		Manslaughter.
	11	"	"	John Benschaw	Ditto	"		
Maitland	12	"	"	Thomas Randall	Carnally knowing a child under 10 years of age	"		
	11	March	Therry	John Jones	Rape	"		
	11	"	"	Thomas King	{ Attempting to discharge loaded arms with intent to murder }	"		Convicted on second count.
	19	"	Stephen	William Shea	{ 2nd count,—to prevent lawful detainer }	"		
				James Johnstone	Murder	"		
					Ditto	"		
TOTALS FOR 1846						17	5	16
1847.								
Sydney	4	March	Therry	John Kean	Murder	"		
	31	May	"	Francis Morley	Ditto	"		
	2	June	Stephen	Francis Kearns	Rape	"		Manslaughter.
	4	November	Dickinson	John Murray	Murder	"		
Berrima	27	December	"	William Davis	Ditto	"		
	6	February	Therry	George Beaton	Ditto	"		
	1	September	Stephen	Daniel Jordan	Stabbing, cutting, or wounding with intent to murder	"		
Goulburn	4	September	Stephen	William Bolter	Attempting to discharge fire-arms with intent to murder	"		
	24	February	Stephen	Michael Butler	Murder	"		
Bathurst	25	February	"	John Watch	Ditto	"		
	20	September	Dickinson	Joseph Murphy	Ditto	"		
	21	"	"	Mary Jacy	Ditto	"		
Maitland	23	"	"	Francis Le Brocq	Ditto	"		
	13	September	Therry	John Purcell	Ditto	"		
	15	"	"	Peter Pidgeon	Ditto	"		
TOTALS FOR 1847						4	7	4
1848.								
Sydney	2	March	Stephen	Robert Armstrong	Murder	"		Manslaughter.
	2	June	Manning	Dennis Cahill	Ditto	"		
	3	"	Stephen	Timothy Duffy	Shooting with intent to murder	"		
	5	"	"	William Fyfe	Murder	"		
	25	August	"	Samuel Major	Rape	"		
Goulburn	26	"	"	{ Francis Dermott, alias Francis }	Ditto	"		
	4	February	Dickinson	{ Diamond, alias Francis Damon }	Murder	"		
	4	September	Manning	James M'Mahon	Ditto	"		
	20	September	Stephen	William Cooper	Carnally knowing a child under 10 years of age	"		
Bathurst	21	"	"	Charles Henry M'Kie	Murder	"		
	12	February	Stephen	Patrick White	Murder	"		
	15	"	"	James Rawlings	Ditto	"		
Maitland	12	"	Dickinson	Charles Cooper	Rape	"		
	13	"	"	Darby (aboriginal)	Bestiality	"		
	15	"	"	Charles Robinson	Murder	"		
				Patrick Bryan				
TOTALS FOR 1848						5	6	4

RETURN, &c.—Continued.

WHERE TRIED.	DATE.	JUDGE.	NAME OF PERSON TRIED.	OFFENCE.	ACQUITTALS.	CAPITAL CONVICTIONS.	CONVICTIONS FOR MINOR OFFENCES.
<b>1849.</b>							
Sydney ..	4 June .....	Stephen .....	William Earles .....	Murder .....	Acquitted.	Convicted.	Manslaughter.
	5 " .....	" .....	Charles Bittner .....	Rape .....	" .....		
	5 " .....	" .....	Edmond Hayes .....	Murder .....	" .....		
	6 March .....	" .....	James Richardson .....	Ditto .....	" .....		
	8 " .....	Dickinson .....	James Kent .....	Rape .....	" .....		
	23 August .....	" .....	Owen Molloy .....	Murder .....	" .....		
	23 " .....	Stephen .....	Jane Finaly, otherwise called Jane Neill .....	Ditto .....	" .....		
	2 November .....	Manning .....	James Clarke .....	Ditto .....	" .....		
	8 " .....	" .....	Patrick Flannigan .....	Rape .....	" .....		
	27 " .....	Dickinson .....	William Hudson .....	Murder .....	" .....		
	27 " .....	Stephen .....	Thomas Collins and Francis Poyner .....	Ditto .....	" .....		
	31 " .....	Dickinson .....	Micky Micky .....	Ditto .....	" .....		Manslaughter.
Maitland ..	13 February ..	" .....	George Waters Ward .....	Ditto .....	" .....	"	Concealment of birth.
	14 " .....	" .....	John Hearn .....	Ditto .....	" .....		
	17 " .....	" .....	Martin Cummins and four others ..	Ditto .....	" .....		
	10 September ..	Manning .....	Catherine Carter .....	Ditto .....	" .....		
	11 " .....	" .....	Joseph Marsh .....	Ditto .....	" .....		
	12 " .....	" .....	William Harris and Patrick Dunn ..	Ditto .....	" .....		
Bathurst ..	24 February ..	" .....	John Mahony .....	Sodomy .....	" .....	"	"
	20 September ..	Dickinson .....	William Murray .....	Murder .....	" .....		
	26 " .....	" .....	Patrick Welsh .....	Ditto .....	" .....		
Goulburn ..	5 February ..	Manning .....	John Swift .....	Carnally knowing a child under 10 years of age ..	" .....	"	Assault, with intent, &c.
	4 September ..	Stephen .....	Edward Thorneett .....	Rape .....	" .....		
	4 " .....	" .....	Thomas O'Brien .....	Murder .....	" .....		
TOTALS FOR 1849 .....					10	6	9
<b>1850.</b>							
Sydney ..	25 February ..	Therry .....	Moses Jones .....	Murder .....	" .....	"	Common assault.
	25 " .....	" .....	James Bruce .....	Shooting with intent to murder ..	" .....		
	2 April .....	Dickinson .....	Mary Phillips .....	Stabbing, cutting, &c., with intent to murder ..	" .....		
	3 June .....	Stephen .....	Thomas Mooney .....	Carnally knowing and abusing a child under 10 years of age ..	" .....		
	3 " .....	" .....	George Coombs .....	Rape .....	" .....		
Bathurst ..	21 August .....	" .....	William Gleeson .....	Murder .....	" .....	"	"
Goulburn ..	4 February ..	Dickinson .....	Mary Hickmott .....	Wounding with intent to murder ..	" .....	"	"
Maitland ..	5 March .....	Therry .....	William Brett .....	Rape .....	" .....	"	Manslaughter.
	3 September ..	Stephen .....	James Ward .....	Ditto .....	" .....		
	5 " .....	" .....	James Ward .....	Ditto .....	" .....		
	6 " .....	" .....	Thomas Rafferty .....	Murder .....	" .....		

Brisbane.	15 May .....	Therry .....	Jacob Wagner and	Murder .....	.....	"	
	12 November ..	Stephen .....	Patrick Fitzgerald	Shooting with intent to murder .....	.....	"	
	16 " .....	" .....	Eu (Chinaman) .....	Murder .....	.....	"	
			Ang (Chinaman) .....				
1851.					TOTALS FOR 1850 .....	5	3
Sydney ..	25 February ..	Dickinson .....	William Jennings	Rape .....	"		
	28 " .....	Stephen .....	John Edmondson	Murder .....	"		
	8 April .....	" .....	Thomas Hancy	Rape .....	"		
	5 June .....	" .....	John McDonald	Shooting with intent to murder .....	.....		Assault.
	5 " .....	" .....	William Mitchell	Ditto .....	.....		"
	7 July .....	" .....	John Chard Lewis	Murder .....	"		
Goulburn	2 December ..	Dickinson .....	William Lynch	Ditto .....	"		
	3 February ..	Stephen .....	Samuel Ralph	Sodomy .....	.....	"	
	4 August .....	Dickinson .....	Martin Murphy	Cutting and wounding with intent to murder .....	.....		Common assault.
	6 " .....	" .....	Patrick Flynn	Murder .....	.....		"
Maitland	7 " .....	" .....	Joseph Woodford	Ditto .....	.....		Manslaughter.
	3 March .....	Dickinson .....	James Butler	Rape .....	"		
	7 " .....	" .....	William Hayes	Murder .....	.....	"	
	2 September ..	" .....	Michael Cahillane	Rape .....	.....	"	
Brisbane	3 " .....	" .....	Thomas Ballard	Murder .....	.....	"	
	16 May .....	" .....	David Semphill	Ditto .....	.....	"	
	12 November ..	" .....	Augoe (Chinaman)	Ditto .....	.....	"	
	14 " .....	" .....	Make-a-light (aboriginal)	Ditto .....	.....	"	
1852.					TOTALS FOR 1851 .....	6	7
Sydney ..	3 February ..	Stephen .....	James Crossley	Murder .....	.....	"	
	9 April .....	Therry .....	Hugh Robertson	Ditto .....	.....	on ground of insanity.	
	7 June .....	Dickinson .....	William Robinson	Shooting with intent to murder .....	.....	"	
	9 " .....	" .....	John Sims	Murder .....	.....	"	
	2 August .....	" .....	Francis Thomas Green	Ditto .....	.....	"	
	2 " .....	" .....	Samuel Currie	Rape .....	.....	"	Common assault.
Goulburn	6 December ..	" .....	Samuel Finch	Carnally knowing a girl under 10 years of age .....	"		
	9 February ..	Stephen .....	William Sterling	Murder .....	.....		Manslaughter.
	10 August .....	" .....	Thomas Fox	Ditto .....	.....	"	
Bathurst	23 February ..	Dickinson .....	Thomas Wilmore	Ditto .....	.....	"	
	21 August .....	Therry .....	Newing (Chinaman)	Ditto .....	.....	"	
	24 " .....	" .....	Timothy Sullivan	Ditto .....	.....	"	
Maitland ..	3 March .....	Stephen .....	Patrick MacNamara	Ditto .....	.....	"	
Brisbane	19 May .....	Stephen .....	William Wild	Carnally knowing a child under 10 years of age .....	.....	"	
	21 " .....	" .....	Tecam (Chinaman)	Bestiality .....	.....	"	
1852.					TOTALS FOR 1852 .....	2	11

WHERE TRIED.	DATE.	JUDGE.	NAME OF PERSON TRIED.	OFFENCE.	ACQUITTALS.	CAPITAL CONVICTIONS.	CONVICTIONS FOR MINOR OFFENCES.
1853.							
Sydney ..	5 February ..	Dickinson ..	George Watkins ..	Murder ..	Acquitted on ground of insanity.	Convicted	
	5 April .....	Stephen .....	Gimla, otherwise called Jinalong..	Sodomy .....			
	9 " .....	" .....	James Brandon ..	Murder .....	Acquitted.		
	6 June .....	Dickinson ..	Mary Hill ..	Ditto .....			
	7 " .....	" .....	James Woodward ..	Ditto .....	" .....		
	" .....	" .....	Maurice Walsh ..	Ditto .....	" .....		
	14 " .....	Therry .....	Maria Walsh ..	Ditto .....	" .....		
	15 " .....	" .....	James M'Donald ..	Ditto .....	" .....		
	15 " .....	" .....	John Piper ..	Ditto .....	" .....		
	15 " .....	" .....	Thomas Molloy ..	Ditto .....	" .....		
	15 " .....	" .....	Bernard Neil ..	Ditto .....	" .....		
	15 " .....	" .....	James Delany ..	Ditto .....	" .....		
	4 October ..	Stephen ..	Stephen Alexander ..	Sodomy ..	" .....		
	4 " .....	" .....	David Mahony ..	Murder ..	" .....		
	5 December ..	" .....	John Waters ..	Bestiality ..	" .....		
Bathurst	28 February ..	" .....	Thomas Duffy ..	Murder ..	" .....	"	Manslaughter.
	3 March .....	" .....	Paddy (aboriginal) ..	Rape ..	" .....	"	
	5 " .....	" .....	Christina Body ..	Murder ..	" .....	"	
	8 " .....	" .....	(Patrick McCarthy, otherwise called John Grady ..	Ditto ..	" .....	"	
	8 " .....	" .....	Francis Armstrong ..	Ditto ..	" .....	"	
	22 August .....	Dickinson ..	James Egan ..	Rape ..	" .....	"	
Goulburn	24 " .....	" .....	Joseph Morris ..	Murder ..	" .....	"	"
	6 September ..	Therry ..	John M'Spadden ..	Ditto ..	" .....	"	
Brisbane ..	7 " .....	" .....	John Hassett ..	Ditto ..	" .....	"	"
	20 May .....	" .....	Mickie ..	Ditto ..	" .....	"	
TOTALS FOR 1853 .....					9	8	9
1854.							
Sydney ..	9 February .....	Therry .....	(William Kenny .. Elizabeth Wall, and Jessie Anderson ..	Murder ..	"	"	Manslaughter.
	6 April .....	Stephen .....	Joseph Roberts ..	Ditto ..			"
	8 June .....	Dickinson ..	James Gray ..	Ditto ..	" .....	"	The attempt.
	7 August .....	" .....	John Holyland ..	Carnally abusing a child under 10 years ..	" .....	"	
	12 " .....	" .....	John Ross ..	Murder on the high seas ..	" .....	"	Manslaughter.
	2 October .....	Stephen ..	Samuel Greensmith ..	Murder ..	" .....	"	
	2 " .....	" .....	John Green ..	Ditto ..	" .....	"	
	4 December ..	Therry ..	Patrick Corvy ..	Bestiality ..	" .....	"	

Maitland	23 February	Dickinson	Daniel Gardiner, <i>alias</i> Thos. Gardiner	Murder	.....	"	
	24 "	"	John Blaney and	Ditto	.....	"	
	24 "	"	Charles Blaney	Ditto	.....	"	
	25 "	"	Ambrose Graves	Ditto	.....	"	
	26 "	"	Henry Farmer	Ditto	.....	"	
	19 "	Therry	Thomas Crane	Ditto	.....	"	
Bathurst	28 "	"	Christopher Walsh	Ditto	.....	"	
	27 February	"	George Bruce Barton	Ditto	.....	"	
	28 "	"	Maurice Dalton	Ditto	.....	"	
	28 "	"	Samuel Welham	Ditto	.....	"	
	2 March	"	James M'Laughlin	Ditto	.....	"	
	7 "	"	Billy Palmer (an aboriginal)	Ditto	.....	"	
	8 "	"	Jemmy Darcy (do.)	Ditto	.....	"	
	8 "	"	John Mantle	Ditto	.....	"	
	28 August	Stephen	Adam Young	Ditto	.....	"	
			Ly Sick		.....	"	
			Isim Isoon		.....	"	
			Hin Tie		.....	"	
Goulburn	13 March	Stephen	James Talbot	Murder	.....	"	
	16 "	"	Margaret Clarke	Ditto	.....	"	
	16 "	"	John Webber	Rape	.....	"	
Brisbane	20 May	Dickinson	John Hanly	Murder	.....	"	
	20 "	"	Davy (an aboriginal)	Ditto	.....	"	
	21 November	Therry	Dundalli (an aboriginal)	Ditto	.....	"	
1855.					TOTALS FOR 1854	8	14
Sydney	5 February	Dickinson	James Blackland	Bestiality	.....	"	{ Wounding with intent to do grievous bodily harm.
	6 "	Stephen	{ James Coughlan, <i>alias</i> James Laughlan }	Wounding with intent to murder	.....	"	
	6 "	"	William Ryan	Murder	.....	"	
	6 "	"	John Holland	Rape	.....	"	
	4 June	Therry	William Preston	Ditto	.....	"	Manslaughter.
	7 "	Dickinson	Samuel Wilcox	Murder	.....	"	
	8 "	"	William Rogers	Ditto	.....	"	
	12 "	Therry	Samuel Magnus	Ditto	.....	"	
	7 August	Dickinson	John Lakeman	Rape	.....	"	
	4 December	Therry	James Fitzpatrick	Murder	.....	"	
Bathurst	4 "	Stephen	{ Thomas Cotter and James Cotter }	Ditto	.....	"	The attempt.
	27 February	Dickinson	William Powell	Sodomy	.....	"	
	27 August	Therry	William Johnstone Miller	Murder	.....	"	Manslaughter.
Goulburn	10 September	Stephen	William Jackson	Sodomy	.....	"	
	10 "	"	Patrick Maher	Murder	.....	"	
	11 "	"	Mary Ann Brownlow	Ditto	.....	"	
			Catherine Read	Ditto	.....	"	
			Laurence King	Ditto	.....	"	
					Carried forward	3	11
							5



## RETURN, &amp;c.—Continued.

WHERE TRIED.	DATE.	JUDGE.	NAME OF PERSON TRIED.	OFFENCE.	ACQUITTALS.	CAPITAL CONVICTIONS.	CONVICTIONS FOR MINOR OFFENCES.
<b>1855.</b>							
Maitland	16 February..	Stephen	John Vaughan	Bestiality	3	11	5
	17 " "	"	John Shepherd	Murder	.....	.....	The attempt.
	17 " "	"	Sarah Shepherd	Ditto	.....	"	
	26 " "	"	William Collins	Ditto	"	.....	Manslaughter.
	27 " "	"	Thomas Rollins	Ditto	.....	.....	"
	17 August	Dickinson	James Oliver	Ditto	.....	.....	"
	18 " "	"	John Connor	Ditto	.....	.....	"
	18 " "	"	Henry Brown, otherwise called Tarry	Ditto	.....	.....	"
	20 " "	"	James Doudican	Rape	"	"	
Brisbane	19 November	Purefoy	Taw (a Chinaman)	Wounding with intent to murder	.....	.....	{ Wounding with intent to do grievous bodily harm.
TOTALS FOR 1855.....					6	13	11
<b>1856.</b>							
Sydney	7 April	Stephen	Henry Tollen	Rape	{ Jury not agreeing, prisoner discharged.		
	10 " "	Milford	James O'Donnell	Murder	.....	"	
	2 June	Stephen	Amos Edgar	Carnally knowing and abusing a girl under 10 years	"	"	
	3 " "	"	Jose Perara	Murder	.....	"	
	4 August	Dickinson	Patrick Quinn	Ditto	.....	"	Manslaughter.
	8 October	Therry	Samuel Tamlin	Sodomy	.....	.....	The attempt.
	8 " "	"	John Read, otherwise called	{ Ditto	.....	.....	"
	8 " "	"	John M'Intosh		.....	.....	"
	19 March	Stephen	Billy Morgan	Murder	.....	"	
	19 " "	"	David Manwaring	Bestiality	.....	"	
Bathurst	20 " "	"	Richard Metcalfe	Murder	"	.....	Manslaughter.
	22 " "	"	Thomas Gleeson	Ditto	.....	"	The attempt.
	15 September	Dickinson	John M'Bayne	Bestiality	.....	"	
	16 " "	"	Henry Carroll	Rape	.....	"	
	18 " "	"	George Brinsley	Murder	"	"	
Goulburn	25 March	"	James Murray	Murder	.....	.....	Manslaughter.
	24 September	Therry	William Nowland	Ditto	.....	"	The attempt.
Maitland	29 " "	"	George Reid	Carnally knowing and abusing a child under 10 years of age	.....	"	
	10 March	"	Thomas Dickson Saunders	Murder	.....	"	
Brisbane	12 " "	"	Billy Cuppy (an aboriginal)	Ditto	"	.....	
	23 May	Milford	Edmund Owens	Rape	"	.....	The attempt.
	17 September	"	Dick, otherwise called Baskett	Ditto	.....	"	
	17 " "	"	Robert McCoy	Murder	.....	"	
TOTALS FOR 1856.....					7	7	9

1857.							
Sydney ..	6 April .....	Therry .....	Darby Carr .....	Rape .....	.....	.....	Assault.
	8 " .....	Stephen .....	{ Robert Ward, otherwise Robert Cooper, otherwise called Bob the Sawyer .....	Murder .....	"	"	
	1 June .....	Dickinson .....	Mary Scott .....	Ditto .....	"	"	
	3 " .....	Stephen .....	Amelia Milner .....	Ditto .....	"	"	{ Concealing the birth of her child. The attempt.
Goulburn	4 August .....	" .....	Patrick Ringwood .....	Sodomy .....	"	"	
	7 December .....	Milford .....	William Washington .....	Wounding with intent to murder .....	"	"	
	23 September .....	Dickinson .....	John North .....	Murder .....	"	"	Manslaughter.
	28 " .....	" .....	Michael Whitty .....	Ditto .....	"	"	"
Maitland	28 " .....	" .....	Patrick Walsh .....	Ditto .....	"	"	"
	9 March .....	Milford .....	Frederick Knight .....	Bestiality .....	"	"	"
	10 " .....	" .....	Ellen Taylor .....	Murder .....	"	"	"
	11 " .....	" .....	Samuel Haulk (a Chinese) .....	Ditto .....	"	"	"
Bathurst	16 September .....	Therry .....	Joseph Wilson .....	Rape .....	"	"	
	17 March .....	Therry .....	Henry Curran .....	Rape .....	"	"	
	17 " .....	" .....	Thomas Harvey .....	Wounding with intent to murder .....	"	"	
	19 " .....	" .....	Thomas Henry Cannon .....	Shooting with intent to murder .....	"	"	
	21 " .....	" .....	Henry Scrase .....	Rape .....	"	"	
	23 " .....	" .....	Addison Mitchell .....	Murder .....	"	"	
	24 " .....	" .....	John Lindon .....	Ditto .....	"	"	
	22 September .....	Stephen .....	Samuel Rhodes .....	Wounding with intent to murder .....	"	"	{ Endeavoring to conceal the birth of her child.
	23 " .....	" .....	Mary Murphy .....	Murder .....	"	"	
TOTALS FOR 1857 .....					8	7	8
1858.							
Sydney ..	1 February .....	Therry .....	James M'Devitt .....	Murder .....	.....	.....	Manslaughter.
	1 " .....	Stephen .....	Wee Tai .....	Setting fire to a dwelling-house, a person being therein .....	"	"	"
	2 " .....	" .....	John Cook .....	Murder .....	"	"	
	3 " .....	Therry .....	John Christian Watson .....	Rape .....	"	"	
	7 April .....	" .....	Malcolm Ferguson .....	Carnally knowing a female child under 10 years of age .....	"	"	The attempt.
	8 " .....	Dickinson .....	John Hill .....	Murder .....	"	"	Manslaughter.
	19 " .....	Therry .....	Joseph Wilkes .....	Ditto .....	"	"	
Goulburn	7 June .....	Dickinson .....	Stephen Allen .....	Wounding with intent to murder .....	"	"	{ Wounding with intent to do grievous bodily harm. Manslaughter.
	22 March .....	Therry .....	Samuel Murdieman .....	Murder .....	"	"	
	22 " .....	" .....	Joseph O'Halloran .....	Ditto .....	"	"	
	25 " .....	" .....	Thomas Wells .....	Ditto .....	"	"	Manslaughter.
	30 " .....	" .....	Michael Ryan .....	Ditto .....	"	"	"
	27 September .....	Stephen .....	William Henry M'Donald .....	Sodomy .....	"	"	
	15 March .....	Dickinson .....	Charles Augustus Woolenwebber .....	Murder .....	"	"	
Bathurst	16 " .....	" .....	William Morris .....	Ditto .....	"	"	
	16 " .....	" .....	Mary Morris .....	Ditto .....	"	"	
	17 " .....	" .....	George Roberts .....	Ditto .....	"	"	
	21 September .....	Therry .....	James Riley .....	Ditto .....	"	"	Manslaughter.
	22 " .....	" .....	Lawrence Byrne .....	Wounding with intent to murder .....	"	"	{ Wounding with intent to do grievous bodily harm.
Carried forward .....					4	5	10

## RETURN, &amp;c.—Continued.

WHERE TRIED.	DATE.	JUDGE.	NAME OF PERSON TRIED.	OFFENCE.	ACQUITTALS.	CAPITAL CONVICTIONS.	CONVICTIONS FOR MINOR OFFENCES.
Maitland	1858.			Brought forward.....	4	5	10
	9 March.....	Stephen	John Beresford.....	Murder.....	"		Manslaughter.
	13 September..	Dickinson	James Hutchinson.....	Ditto.....	.....	.....	
	14 ".....	"	John and Sarah Miller.....	Ditto.....	"	"	
	15 ".....	"	{ Roger } (aboriginals).....	Ditto.....	.....	"	
			{ Jimmy }		.....	"	
TOTALS FOR 1858.....					6	7	11
Sydney	1859.						
	5 February....	Milford.....	Mary Ann Perry.....	Murder.....	.....	"	The attempt.
	10 ".....	Stephen	James Hyland.....	Bestiality.....	.....	.....	
	9 June.....	"	John Norris.....	Carnally knowing a girl under the age of 10 years..	.....	"	Manslaughter.
	9 ".....	Dickinson	Hugh Glen.....	Murder.....	.....	.....	
	— August.....	"	Patrick Kelligher.....	Ditto.....	.....	.....	"
	3 ".....	"	William Goodwin.....	Rape.....	"	"	
	8 October.....	Milford.....	John Emerson.....	Ditto.....	"	"	Manslaughter.
	5 December....	"	Doughboy (aboriginal).....	Murder.....	.....	"	
	6 ".....	"	Alexander Dickson.....	Rape.....	{ on ground of insanity.	.....	Manslaughter.
	8 ".....	Dickinson	David Sunderland.....	Murder.....		.....	
	8 ".....	Stephen	Joe.....	Ditto.....	"	.....	
	4 April.....	Dickinson	{ Jeremiah Martin, and.....	{ Murder.....	.....	"	Manslaughter.
	5 ".....	"	{ John Torpy.....		.....	"	
Goulburn	5 ".....	"	George Stevenson.....	Ditto.....	.....	.....	{ Wounding with intent to do grievous bodily harm.
	5 ".....	"	Samuel Pearsall.....	Wounding with intent to murder.....	.....	.....	
	29 ".....	"	{ Harry (aboriginal).....	{ Ditto.....	{ in both cases.	.....	Unlawfully wounding.
Bathurst			{ Same.....	{ Rape.....		.....	
	21 March.....	Stephen	Sarah Jane Smith.....	Murder.....	"	"	Manslaughter.
	22 ".....	"	Thomas Ryan.....	Rape.....	.....	"	
	22 ".....	"	John Arrow.....	Murder.....	.....	"	The attempt.
	19 September..	Dickinson	Sam.....	Wounding with intent to murder.....	.....	.....	
	20 ".....	"	Robert Davis.....	Murder.....	.....	"	Manslaughter.
	20 ".....	"	{ Tommy, otherwise Tan Chiney.....	{ Wounding with intent to murder.....	.....	.....	
Maitland	22 ".....	"	{ Same.....	{ Murder.....	.....	.....	
	14 March.....	Milford.....	John Page.....	Rape.....	.....	.....	The attempt.
	20 September..	Stephen	William Ross.....	Murder.....	.....	"	
	20 ".....	"	George Martin.....	Ditto.....	"	"	Manslaughter.
	20 ".....	"	Owen Roberts.....	Poisoning with intent to murder.....	"	"	
	21 ".....	"	Francis Foot.....	Murder.....	"	"	
	22 ".....	"	Jemmy.....	Ditto.....	.....	"	
TOTALS FOR 1859.....					10	12	8

1859.

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Legislative Assembly.

NEW SOUTH WALES.

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## CASES IN WHICH THE ATTORNEY GENERAL DECLINED TO PROSECUTE.

(RETURN OF.)

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*Ordered by the Legislative Assembly to be Printed, 28 September, 1859.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 23 September, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ A Nominal Return of all cases in which the Attorney General  
“ has declined to prosecute within the last three years; shewing  
“ the dates on which the Depositions were received in the  
“ Attorney General’s Office; the dates on which the determina-  
“ tion not to prosecute had been arrived at; and the dates of  
“ the discharge of the accused out of custody, in consequence of  
“ such determination; and also, a similar Return from the  
“ Crown Prosecutors, under the District Courts Act.”

(*Mr. Murray.*)

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## CASES IN WHICH THE ATTORNEY GENERAL DECLINED TO PROSECUTE.

NOMINAL RETURN of CASES in which the Attorney General has declined to Prosecute within the last three years, 1857, 1858, to 28 September, 1859.

NAME OF PRISONER.	DATE OF RECEIPT OF DEPOSITIONS.	DATE OF DETERMINATION NOT TO PROSECUTE.	DATE OF DISCHARGE FROM CUSTODY.
	1857.	1857.	
Cornelius Nightingale—( <i>Embezzlement</i> ) .....	10 Jan ..	14 Jan ..	Bail.
Daniel O'Brien—( <i>Assault with intent to Rape</i> ) ..	21 " ..	22 " ..	Discharge Warrant, 28 Jany., 1857.—Liberated.
John E. Parker—( <i>Stealing money</i> ) .....	7 Feb...	13 Feb..	Bail.
*Elinor Clara Nicholson—( <i>Stealing a pig</i> ) .....	18 " ..	18 " ..	{ * Discharge Warrant, 19th February, 1857. Thomas Nicholson (husband) in this case prosecuted.
John Hardman—( <i>Perjury</i> ) .....	21 " ..	24 " ..	Bail.
John Pene—( <i>Assault and Robbery</i> ) .....	23 " ..	23 " ..	Bail.
William Poidevan—( <i>Horse stealing</i> ) .....	9 March..	10 March.	Discharge Warrant, same day.
Pierce Tracey—( <i>Manslaughter</i> ) .....	7 " ..	9 " ..	Bail.
Brien Kenny—( <i>Indecent assault</i> ) .....	14 April..	21 April..	Bail.
Edward J. White—( <i>Slander</i> ) .....	5 May ..	14 May ..	Bail.
Edward J. White—( <i>Libel or Slander</i> ) .....	5 " ..	14 " ..	Bail.
*Billy Mitchell—( <i>Cattle stealing</i> ) .....	15 " ..	15 " ..	{ *Bail. Smith, Perkin, and Lamb in this case prosecuted.
George Templeton—( <i>Endeavouring to obtain money under false pretences</i> ) .....	19 " ..	19 June..	Bail.
Edward Rawlings—( <i>Perjury</i> ) .....	28 " ..	5 " ..	Bail.
George Moran—( <i>Manslaughter</i> ) .....	2 June ..	3 " ..	Discharge Warrant, 4 June, 1857.—Liberated.
Frederick Smith—( <i>Manslaughter</i> ) .....	11 " ..	19 " ..	Bail.
William C. Dwyer—( <i>Maliciously stabbing a horse not his property</i> ) .....	8 " ..	19 " ..	Discharge Warrant, same day.
John Horwood—( <i>Rape</i> ) .....	15 " ..	19 " ..	Discharge Warrant, same day.
Henry Warran—( <i>Assault on High Seas</i> ) .....	1 Aug ..	1 Aug. ..	Bail.
William Blackburn—( <i>Allowing prisoner to escape</i> ) ..	15 " ..	3 Sept. ..	Discharge Warrant, 4 Sept., 1857.—Liberated.
Maurice O'Connor—( <i>Perjury</i> ) .....	26 " ..	7 Oct. ..	Bail.
E. Diplock, W. Payne, and Mary Waters—( <i>Robbery from a dray</i> ) .....	22 Oct. ..	30 Sept ..	Same day by order of the Court.
Thomas Wareham—( <i>Larceny</i> ) .....	3 " ..	7 Oct. ..	Discharge Warrant, same day.—Liberated.
Henry Brennan and Owen McEwan—( <i>Horse stealing</i> ) .....	12 " ..	29 " ..	Discharge Warrant, 30 Oct., 1857.—Liberated.
Edward Greenwood—( <i>Libel</i> ) .....	31 " ..	4 Nov. ..	Bail.
Iwan F. Casarowicz—( <i>Libel</i> ) .....	24 " ..	30 Oct. ..	Bail.
John Degotardi—( <i>Libel</i> ) .....	24 " ..	29 " ..	Bail.
		1858.	
Archibald Meston—( <i>Horse stealing</i> ) .....	23 Nov...	6 March..	Bail.
		1857.	
Daniel Monogue—( <i>Housebreaking</i> ) .....	5 Nov. ..	23 Nov...	Bail.
		1858.	
William Berry—( <i>Horse stealing</i> ) .....	10 Dec. ..	4 Jan....	Discharge Warrant, same day.—Liberated.
John Jones—( <i>Stealing money from person</i> ) .....	21 " ..	6 " ..	{ Discharge Warrant sent to Windsor for Attorney General's signature, 7 January, 1858.—Liberated.
		1857.	
Robert Wisdom—( <i>Libel</i> ) .....	1 " ..	9 Dec. ..	Bail.

## CASES IN WHICH THE ATTORNEY GENERAL DECLINED TO PROSECUTE.

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NAME OF PRISONER.	DATE OF RECEIPT OF DEPOSITIONS.	DATE OF DETERMINATION NOT TO PROSECUTE.	DATE OF DISCHARGE FROM CUSTODY.
	1857	1858	
Edward Rourke—( <i>Cattle stealing</i> ) .....	28 Dec. ..	4 March. ..	Bail.
James Smith—( <i>Obtaining money under false pretences</i> ) .....	7 " ..	6 Jan. ....	Bail.
	1858		
Thomas Connell—( <i>Horse stealing</i> ) .....	11 Jan. ..	20 Jan. ..	Bail.
Jabez Bunting—( <i>Perjury</i> ) .....	14 " ..	6 April. ..	Bail.
Flora Johnstone—( <i>Libel</i> ) .....	22 " ..	5 Feb. ..	Bail.
John White—( <i>Obtaining goods under false pretences</i> ) .....	4 Feb. ..	5 " ..	Detained on another charge—Forgery.
Thomas Tanfield—( <i>Embezzlement</i> ) .....	11 " ..	26 " ..	Discharge Warrant, same day.—Liberated.
Jane and Mary Gribble—( <i>Obtaining goods under false pretences</i> ) .....	22 " ..	26 " ..	Bail.
Simon Carey—( <i>Cattle stealing</i> ) .....	1 March. ..	9 March. ..	Bail.
William ( <i>alias</i> Curly) Hawkins—( <i>Horse stealing</i> ) .....	17 " ..	30 April. ..	Discharge Warrant, 1 May, 1858.—Liberated.
William and Alfred Pressland—( <i>Rescuing a prisoner</i> ) .....	18 " ..	26 March. ..	Bail.
Charles James Barker—( <i>Obtaining property under false pretences</i> ) .....	20 " ..	30 April. ..	Discharge Warrant, 1 May, 1858.—Liberated.
Edward Conn—( <i>Purchasing a stolen horse</i> ) .....	13 " ..	19 March. ..	Bail.
Randolph Schlostein—( <i>Setting fire to a dwelling and store</i> ) .....	24 " ..	1 April. ..	Discharge Warrant, 3 April, 1858.—Liberated.
Margaret Meader—( <i>Perjury</i> ) .....	27 " ..	3 " ..	Bail.
Samuel Arndell—( <i>Cattle stealing</i> ) .....	20 April. ..	24 " ..	Bail.
Terence M'Mahon—( <i>Rape</i> ) .....	17 May ..	20 May ..	Discharge Warrant, same day.—Liberated.
"On Shea John," Chinaman—( <i>Circulating a forged cheque</i> ) .....	19 " ..	16 Sep. ..	{ Attorney General declined to proceed further. Prisoner discharged by order of the Court. 13 September—Want of evidence.
John Byron—( <i>Stealing money</i> ) .....	31 " ..	31 May ..	Discharge Warrant, 1 June, 1858.—Liberated.
Mark Gray—( <i>Attempt to murder</i> ) .....	9 June ..	11 Sept. ..	{ 28 June, 1858.—Removed to Tarban by Governor General's Warrant.
Joseph Burns—( <i>Sheep stealing</i> ) .....	24 " ..	25 June. ..	Discharge Warrant, 26 June.—Liberated.
Henry Snowden—( <i>Stealing turkeys</i> ) .....	25 " ..	.....	
James Allison—( <i>Branding a bullock not his own</i> ) .....	28 July ..	31 July ..	Bail.
Denis Mulcahy—( <i>Embezzlement</i> ) .....	20 Aug. ..	6 Oct. ....	Bail.
George Mackay—( <i>Perjury</i> ) .....	21 " ..	26 Aug. ..	Bail.
Adam Nixon—( <i>Stealing timber</i> ) .....	16 Oct. ..	26 Oct. ..	Bail.
Hugh Beattie—( <i>Perjury</i> ) .....	18 " ..	1 Dec. ....	Bail.
James Kennedy and Elizabeth Rogers—( <i>Cattle stealing</i> ) .....	6 Nov. ..	3 " ..	Discharge Warrant, 3 Decr., 1858.—Liberated.
*John Smith and James Delacey—( <i>Burglary</i> ) .....	15 " ..	5 March. ..	{ 1859 *Detained upon another charge. No case against Smith or Delacey. Molloy—one of the prisoners in this case—tried.
William Matthews—( <i>Libel</i> ) .....	15 " ..	15 Nov. ..	Bail.
Do. ( <i>Libel</i> ) .....	15 " ..	15 " ..	Bail.
William Harrison—( <i>Libel</i> ) .....	15 " ..	15 " ..	Bail.
Edward Riley—( <i>Cattle stealing</i> ) .....	22 " ..	30 Dec. ..	Bail.
William Thomas—( <i>Stealing money</i> ) .....	7 Dec. ..	8 " ..	Bail.
*John Shelton—( <i>Robbery</i> ) .....	14 " ..	14 " ..	{ *Discharge Warrant, same day. The other prisoner in this case—Charles Jones <i>alias</i> Thomas Underwood—tried.
Joshua Fisher and Patrick M'Kenna—( <i>Stealing pigs</i> ) .....	28 " ..	29 " ..	Bail.
George Cutter—( <i>Horse stealing</i> ) .....	28 " ..	3 Jan. ....	Bail.
Patrick Sinclair—( <i>Poisoning one Edwards</i> ) .....	28 " ..	10 Feb. ..	Bail.

## CASES IN WHICH THE ATTORNEY GENERAL DECLINED TO PROSECUTE.

NAME OF PRISONER.	DATE OF RECEIPT OF DEPOSITIONS.	DATE OF DETERMINATION NOT TO PROSECUTE.	DATE OF DISCHARGE FROM CUSTODY.
	1859	1859	
Francis Collins—( <i>Uttering flash note</i> ) .....	4 Jan....	21 Jan ..	Bail.
Michael Monogue <i>alias</i> Mannix—( <i>Larceny</i> ) ....	18 " ..	29 " ..	Discharge Warrant, 31 Jan., 1859.—Liberated.
*James M'Lennan and William Hatton—( <i>Aiding and abetting in murder of one J. Boyle</i> ) ..	18 " ..	10 Feb. ..	{ *Discharge Warrant, 10 February, 1859. The other prisoner in this case—Kenneth Matheson—tried.
Mark Robson—( <i>Receiving stolen property</i> ) .....	19 " ..	19 March.	Bail.
*Martha Combes—( <i>Larceny</i> ) .....	2 Feb. ..	2 Feb. ..	{ *Discharge Warrant, same day. James Denny and George Coombes tried.
John George Wheeler and Edward George Wilton—( <i>Libel</i> ).....	7 " ..	1 March..	Bail.
William M'Clelland—( <i>Receiving stolen property</i> ) .	19 " ..	24 Feb. ..	Bail.
John M'Phee—( <i>Horse stealing</i> ) .....	19 " ..	24 " ..	Bail.
Henry Crane—( <i>Murder</i> ) .....	19 " ..	10 March.	{ Discharge Warrant, 10 March, 1859.—Liberated. Mrs. Perry prosecuted.
James Doherty and John Peckham—( <i>Cattle stealing</i> ) .....	26 " ..	18 " ..	Bail.
George Wheeler & Edward John Wilton—( <i>Libel</i> )	12 March.	14 " ..	Bail.
Louisa Brown, Alexander Edmonstone, and John Eaton—( <i>Manslaughter</i> ) .....	12 " ..	12 " ..	Discharge Warrant, 14 March, 1859—Liberated.
Henry Fagan Morgan—( <i>Robbery</i> ) .....	14 " ..		
Emma Gowson—( <i>Deserting her infant</i> ) .....	26 April..	9 June ..	{ Detained in Darlinghurst Gaol on another charge.
James Stevens <i>alias</i> Curley—( <i>Taking letter out of the Mail</i> ) .....	27 " ..	9 " ..	{ Prisoner discharged by order of Court, 9 June, 1859.
George Hurley—( <i>Receiving stolen goods</i> ) .....	6 May ..	21 May ..	Bail.
George Mallett—( <i>Uttering a counterfeit £5 note.</i> )	31 " ..	1 June ..	Bail.
James William Jones—( <i>Larceny.</i> ) .....	11 July ..	20 July ..	Bail.
Susan Callnan—( <i>Manslaughter</i> ) .....	9 Aug. ..	1 Sept. ..	{ Discharge Warrant, 2 September, 1859.—Liberated.
Henry M. Oxley—( <i>Unlawfully and maliciously preventing the due administration of Justice</i> )	30 " ..	3 " ..	Bail.

1857	..	..	..	..	..	34
1858	..	..	..	..	..	36
1859	..	..	..	..	..	20

1859-60.

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**Legislative Assembly.**

**NEW SOUTH WALES.**

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**THE QUEEN *v.* CLARKE.**

(DEPOSITIONS IN THE CASE OF.)

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*Ordered by the Legislative Assembly to be Printed, 21 February, 1860.*

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RETURN to an *Address* from the Honorable the Legislative Assembly of New South Wales to the Governor General, dated 2 February, 1860, praying that His Excellency will be pleased to cause to be laid upon the Table;—

“Copies of the Depositions taken at the Police Office, Carcoar,  
“in the month of November last, in the case of the Queen *v.*  
“James Clarke, charged with Petty Larceny; also copies of  
“the Depositions taken on the same day on a charge against  
“the same man, under the Vagrant Act, when he was  
“sentenced to two years’ imprisonment.”

(*Mr. Watt.*)

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**SCHEDULE.**

NO.

PAGE.

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|---|---|
| 1. Police Magistrate, Carcoar, to the Colonial Secretary, forwarding copy of the Depositions in the case of the Queen <i>v.</i> James Clarke, tried for Vagrancy. 15th February, 1860 ..... | 2 |
|---|---|



## THE QUEEN *v.* CLARKE.

THE POLICE MAGISTRATE, CARCOAR, to THE COLONIAL SECRETARY.

*Police Office, Carcoar,  
15 February, 1860.*

SIR,

In reply to your letter, No. 59, of the 3rd instant, I have the honor to state that no person of the name of James Clarke was tried at this Police Office for petty larceny, in the month of November last. There was a person of that name tried for vagrancy in that month, and I herewith enclose a copy of the depositions; on that occasion I, the undersigned, was the only Magistrate present.

As the length and term of a sentence depends on the prisoner's character, I trust that the mem. attached to the depositions may be laid on the Table of the House with them. My attention was first called to James Clarke by the Chief Constable of Carcoar, who came in and told me that he was a pickpocket from Bathurst or Sydney; I then kept an eye upon him, and found he was turned out of two public-houses, by the publicans in Carcoar, he was so quarrelsome and rowdy; I then heard of his stealing a dog and some money; and sent and had him taken up. I found he had been in Bathurst Gaol nine times, and sentenced ten times, undergoing three years and six months imprisonment, during which time he has got the cells fourteen times for bad conduct in gaol. When I gave him the two years, I subsequently found out, the Visiting Justice of Bathurst had to get him removed to Darlinghurst, he was so bad. He was not in the lock-up at Carcoar before he had the slabs out, and a hole through the wall, and was on the point of escaping when detected; I only got him to remove from Carcoar by putting him on the chain, and telling him his next meal was on the road half-way to Bathurst; in short, he is the most complete scoundrel I have met with.

He was sentenced under the 29th and following lines of the 3rd section of the Vagrant Act, viz., for being a "*suspected person*," near a warehouse "*with intent to commit a felony*," which the depositions will, I trust, fully bear out.

I have, &c.,

OWEN C. BEARDMORE,

P. M.

THE HONORABLE

THE CHIEF SECRETARY, SYDNEY.

*Carcoar Police Office,  
17 November, 1859.*

Before the Police Magistrate.

James Clarke, of Carcoar, laborer, appears in custody, charged with being a vagrant and disreputable character, under the 3rd section of 15 Vict., No. 4.

*Charles P. Thompson*, of Carcoar, shipwright, on oath, states: I have seen the prisoner about lately; he came to me yesterday with a bottle of rum, and I told him to be off; he then went and took a puppy of mine and went to Mr. Icely's; I did not like to come and lay a charge against him, and so followed him and found my dog hid in some straw and his eye nearly knocked out; he then told me he wanted to speak to me, and shewed me some money in notes and said he had taken it from a "gaffer" at the wash-pool, and wanted me to go with him; I refused to go, and told him to put the money back; I then went and told the sheep-shearers to look after their money, and one, called Fred., said it, the money, belonged, he thought, to his little mate at the wash-pool; I then ran away to the overseer on the roads; I was frightened of him; he has been challenging me before to fight; he said he had 4 or 5 notes.

*Examined by Defendant:* I did not give you the puppy; when I first went to you & Mr. Icely's, the shearers were at work; they came to dinner, and I had dinner, and before I came to dinner you shewed me the money; the puppy was loose when I found him.

CHARLES P. THOMPSON.

Sworn at Carcoar, this 17th }  
Nove.      1859, before— }

OWEN C. BEARDMORE, J.P.

*John*

*John Micklegun*, on oath, states: I am in the Carcoar Police Force; yesterday I went to Mr. Icely's shearing shed about some money reported to be stolen; I saw all the men at work, and told Mr. Icely, and inquired for the prisoner; after a long search we found him trying to make his escape; when first seen he lay down to hide himself; I took him prisoner, and searched him, and found two knives on him; a German came up from the wash-pen and said he thought he had lost some money; but when he came to examine he found the quantity of money was all right, but that it was not in the same position as when he left it; I left him in charge of Constable Quinn, who has since told me that he tried to escape, and I then put the handcuffs on him.

*Examined by Defendant:* You seemed to me to be trying to make your escape.

JOHN MICKLEGUN.

Sworn at Carcoar, this 17th }  
November, 1859, before— }

OWEN C. BEARDMORE, J.P.

*William M'Fadden*, on oath, states: I have seen the prisoner before, on the Bathurst Racecourse; he was taken up there for gambling, and escorted to the lock-up, and the next morning discharged by the Bathurst Police Magistrate, with a caution not to appear in Bathurst for the next twelve months.

WILLIAM M'FADDEN.

Sworn before me, at Carcoar, this }  
17th day of November, 1859. }

OWEN C. BEARDMORE, J.P.

#### DECISION.

The common repute of the man about town being bad, he is found guilty and sentenced to Bathurst Gaol for two years to hard labor. (15 Vic., No. 4, Sec. 3.)

#### *MEMORANDUM attached to the Depositions of James Clarke by the convicting Magistrate.*

As the length and terms of a prisoner's sentence depends greatly on the character of the prisoner, I hereby attach my knowledge of Clarke's character, as known to me previously and subsequently to his conviction. I first knew him as coming to my office to look for a job; after he went out the Chief Constable walked in and said he knew him as a pickpocket, and that he had been taken up at Bathurst. I ordered him to be watched, and soon found that he had to be turned out of two public-houses, by the publicans, for quarrelsome and rowdy behaviour. I then heard he had stolen a dog and some money, and then had him taken up. I then found he had been sentenced to and undergone imprisonment nine different times, extending over a period of three years and six months, and sentenced a tenth time, but paid the fine. That during his imprisonment he had been confined in the cell fourteen times. He was not in my lock-up four hours before he had the slabs out and a hole through the wall, and would have escaped if the keeper had not heard the noise; I only got him to move from Carcoar lock-up by putting him on the chain, and telling him his next meal was half way to Bathurst; I subsequently found out that after giving him the two years to Bathurst, the Visiting Justice found him so unruly, that he had to request his removal to Darlinghurst; he was convicted under the 29th and following lines of the Vagrant Act, as a *suspected person* near a warehouse or street, with *intent to commit a felony*, which I believe the depositions will fully sustain.

OWEN C. BEARDMORE, P.M.



1859-60.

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**Legislative Assembly.**

NEW SOUTH WALES.

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**CRIMINALS CONDEMNED TO DEATH SINCE 1840.**

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*Ordered by the Legislative Assembly to be Printed, 20 April, 1860.*

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RETURN, as far as the information can be now obtained, to an *Address* from the Honorable the Legislative Assembly of New South Wales to the Governor General, dated 16 September, 1859, praying that His Excellency would be pleased to cause to be laid upon the Table,—

“A Return shewing the names of all persons condemned to  
 “Death in New South Wales since 1840; the crimes for which  
 “they were convicted; the names of those whose sentences were  
 “commuted; at whose suggestion they were so; what punish-  
 “ment was substituted in each case, and the name of the Judge  
 “in each case before whom the prisoner was tried.”

(*Mr. Wilson.*)

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## RETURN of all persons condemned to Death at the Supreme Criminal Court, Sydney, from the year 1840 to 1st September, 1859, inclusive.

No.	NAME.	DATE.	CRIME.	EXECUTION.	COMMUTATION.	JUDGE.
1	James Hunt	Feb. 4, 1840.	Murder	Executed 10 March		Mr. Justice Stephen.
2	Thomas Whitton	Feb. 24, 1840	Murder and arson	Executed 19 "		Chief Justice Dowling.
3	John Bright	May 2, 1840.	Murder		Pardoned	Do.
4	Martin Ryan	May 4, 1840.	Intent to murder		Transportation for life in irons	Do.
5	Thomas Williams	Aug. 6, 1840	Cutting and maiming		Transportation for life	Mr. Justice Willis.
6	Tallboy (an aboriginal)	Aug. 12, 1840	Murder		Transportation for life	Mr. Justice Stephen.
7	James Martin, and	Nov. 7, 1840	Murder	Executed 8 December	Transportation for life with hard labor in irons.	Chief Justice Dowling.
8	John Walker					
9	James Mason	Nov. 7, 1840	Accessory to murder	Executed 8 December		Do.
10	Neville Billy (an aboriginal)	Nov. 7, 1840	Murder		Three years on Cockatoo	Do.
11	Michael Minighan	Nov. 7, 1840	Murder	Executed 11 December		Mr. Justice Stephen.
12	Enoch Bradley	Nov. 5, 1840	Murder	Executed 11 "		Do.
13	Francis Legg	Nov. 6, 1840	Rape	Executed 11 "		Do.
14	William Newman	Nov. 6, 1840	Murder	Executed 8 "		Chief Justice Dowling.
15	Edward Davies	Feb. 24, 1841	Murder and felony	Executed 16 March		Chief Justice Dowling.
16	Robert Chitty					
17	James Everett					
18	John Shea					
19	John Marshall					
20	Richard Glanville	May 13, 1841	Murder	Executed 4 June		Mr. Justice Burton.
21	Michael Lynch					
22	Bennetto, and	May 14, 1841	Murder	Executed*		Do.
23	Nungavil					
24	Michael M'Mullin	Oct. 21, 1841	Rape		Transportation for life	Chief Justice Dowling.
25	George Stroud	Oct. 21, 1841	Murder	Executed 29 October		Do.
26	Robert Hudson	Oct. 14, 1841	Murder	Executed 29 "		Mr. Justice Burton.
27	John Solomon	Oct. 1, 1842	Sodomy		Transportation for life	Do.
28	William Williams	Oct., 1842	Sodomy		Transportation for life	Chief Justice Dowling.
29	Stephen Brennan	Oct. 20, 1842	Murder	Executed 9 November		Do.
30	James Wolfe	Oct. 20, 1842	Intent to commit murder and piracy		Transportation for life	Do.
31	Thomas Whelan					
32	John Jones					
33	Michael Lewis	Oct. 20, 1842	Assault with intent to commit murder	Executed 3 November		Do.
34	George Beavon					
35	Henry Seen					

\* Sent to Moreton Bay, 18th June, for Execution.

RETURN, &c.—Continued.

No.	NAME.	DATE.	CRIME.	EXECUTION.	COMMUTATION.	JUDGE.
36	James O'Donnell .....	Jan. 12, 1843	Murder .....	.....	Transportation for life .....	Mr. Justice Stephen.
37	Michael Keefe .....	July 8, 1843	Rape .....	.....	Transportation for life .....	Mr. Justice Burton.
38	Michael Moore .....	Jan. 15, 1844	Murder .....	.....	Transportation for life .....	Do.
39	John Knatchbull .....	Jan. 24, 1844	Murder .....	.....	.....	Do.
40	George Vigors .....	July 15, 1844	Murder .....	Executed 13 February .....	.....	Stephen.
41	Thomas Burdett .....			Executed 13 August .....		
42	John Rankin .....			Executed 13 " .....		
43	John Vidall .....	Jan. 10, 1845	Murder .....	Executed 7 February .....	Transportation for life .....	Chief Justice Stephen.
44	George Byford .....	Jan. 16, 1845	Murder .....	.....	Transportation for life with hard labor in irons.	Mr. Justice Dickinson.
45	John Ahern .....	July 11, 1845	Murder .....	Executed 12 August .....	.....	Chief Justice Stephen.
46	Hendrick Witnaldor .....	April 16, 1846	Rape .....	.....	Transportation for life .....	Mr. Justice Therry.
47	John Kean .....	March 4, 1847	Murder .....	Executed 30 April .....	.....	Do.
48	William Fyfe .....	June 5, 1848	Murder .....	Executed 4 July .....	.....	Chief Justice Stephen.
49	Francis Dermott .....	Aug. 26, 1848	Rape .....	Executed 22 September .....	.....	Do.
50	James Richardson .....	March 6, 1849	Murder .....	Executed 7 May .....	.....	Do.
51	Owen Molloy .....	Aug. 23, 1849	Murder .....	Executed 18 September .....	.....	Mr. Justice Dickinson.
52	Mogo (an aboriginal) .....	Oct. 7, 1850	Murder .....	Executed 5 November .....	.....	Do.
53	James Whelan .....	Oct. 8, 1850	Murder .....	Executed 5 " .....	.....	Do.
54	William Burns .....	Dec. 3, 1851	Murder .....	.....	To Cockatoo Island .....	Do.
55	Thomas F. Green .....	Aug. 4, 1852	Murder .....	Executed 21 September .....	.....	Mr. Justice Therry.
56	John Flannery .....	June 6, 1853	Rape .....	.....	Fifteen years' hard labor on the roads or public works, the first three years in irons .....	Chief Justice Stephen.
57	William Fitzgerald .....					
58	James Gray .....	June 8, 1854	Murder .....	.....	Fifteen years' labor on roads .....	Mr. Justice Dickinson.
59	James Ross .....	Aug. 12, 1854	Murder .....	.....	Two years' imprisonment .....	Do.
60	William Ryan .....	Feb. 9, 1855	Murder .....	Executed 28 February .....	.....	Chief Justice Stephen.
61	John Holland .....	Feb. 7, 1855	Rape .....	.....	Fifteen years' labor on roads .....	Mr. Justice Therry.
62	Samuel Wilcox .....	June 7, 1855	Murder .....	Executed 5 July .....	.....	Mr. Justice Dickinson.
63	William Preston .....	June 7, 1855	Rape .....	.....	Three years' labor on roads .....	Mr. Justice Therry.
64	William Rogers .....	June 8, 1855	Murder .....	Executed 5 July .....	.....	Do.
65	John Lakeman .....	Aug. 7, 1855	Rape .....	.....	Ten years' labor on roads .....	Mr. Justice Dickinson.
66	James O'Donnell .....	April 10, 1856	Murder .....	.....	Fifteen years' labor on roads .....	Mr. Justice Milford.
67	Jose Pareires .....	June 3, 1856	Murder .....	.....	Fifteen years' labor on roads .....	Chief Justice Stephen.
68	Joseph Wilkes .....	April 22, 1858	Murder .....	.....	Imprisonment for life .....	Mr. Justice Therry.
69	James Moyes .....	Aug. 3, 1858	Murder .....	Executed 7 September .....	.....	Chief Justice Stephen.
70	Mary Ann Perry .....	April 16, 1859	Murder .....	.....	Fifteen years' imprisonment .....	Mr. Justice Milford.
71	John Norris .....	June 10, 1859	Rape .....	Executed 22 July .....	.....	Chief Justice Stephen.

RETURN of all persons condemned to Death at Berrima and Goulburn, from the year 1840 to 1st September, 1859, inclusive.

No.	NAME.	GAOL.	YEAR.	CRIME.	EXECUTION.	COMMUTATION.	JUDGE.
1	Thomas Leary .....	Berrima ..	1841	Murder .....	Executed 21 October .....	Transportation for life .....	Mr. Justice Stephen.
2	Patrick Curran .....		1841	Do. ....	Executed 22 April .....	.....	Mr. Justice Burton.
3	Patrick Clearhan .....		1842	Do. ....	Executed do. ....	.....	Mr. Justice Stephen.
4	John Lynch, alias Dunleavy .....		1842	Do. ....	Executed do. ....	.....	Do.
5	Martin Beech .....		1842	Do. ....	Executed October .....	.....	Do.
6	Lucretia Dunkley .....		1842	Do. ....	Executed do. ....	.....	Do.
7	James Reeves .....		1844	Do. ....	.....	Transportation for life, 3 April .....	Do.
8	Henry Atkins .....		1844	Do. ....	Executed 5 October .....	.....	Do.
9	Francis Hughes .....		1844	Violent assault .....	.....	Transportation for life, 29 October .....	Do.
10	James Gorman .....		1845	Rape .....	.....	Transportation for 14 years, 12 September ..	Mr. Justice A'Beckett.
11	Owen Walsh .....		1845	Murder .....	.....	Transportation for 14 years, 8 October .....	Do.
12	John Hourigan .....		1846	Do. ....	.....	Transportation for life, 3 April .....	Chief Justice Stephen.
13	Thomas Randall .....		1846	Rape .....	.....	Transportation for life, 15 December .....	Mr. Justice Dickinson.
14	Bridget Mitchell .....		1846	Murder .....	.....	Transportation for 3 years, 23 December .....	Do.
15	George Belton .....		1847	Do. ....	.....	Transportation for life, 17 March .....	Mr. Justice Therry.
16	Edward Thornett .....		1849	Rape .....	.....	15 years' on roads, &c., 5 September .....	Chief Justice Stephen.
17	Thomas Fox .....		1852	Murder .....	.....	15 years' on roads, &c., 10 August .....	Do.
18	John McSpadden .....		1852	Do. ....	.....	15 years' on roads, &c., 6 September .....	Mr. Justice Therry.
19	James Talbot .....	Goulburn ..	1854	Do. ....	Executed 30 May .....	.....	Chief Justice Stephen.
20	John Webber .....		1854	Rape .....	.....	10 years' on roads, &c., 16 November .....	Do.
21	Mary Ann Brownlow .....		1855	Murder .....	Executed 11 November .....	.....	Do.
22	Lawrence King .....		1855	Do. ....	.....	15 years' on roads, &c., 12 September .....	Do.
23	Patrick Maher .....		1855	Do. ....	.....	15 years' on roads, &c., 10 September .....	Do.
24	Patrick Walsh .....		1857	Do. ....	Executed 4 November .....	.....	Mr. Justice Dickinson.
25	Joseph O'Halloran .....		1858	Do. ....	.....	6 years' on roads, &c., 24 March .....	Mr. Justice Therry.
26	William Henry McDonald (a man of color) .....		1858	Sodomy .....	.....	Hard labor for life, 27 September .....	Chief Justice Stephen.
27	Harry (an aboriginal) .....		1859	Rape, and attempt to murder .....	Executed 18 May .....	.....	Mr. Justice Dickinson.
28	Jeremiah Martin .....		1859	Murder .....	.....	5 years' on roads, &c., 2 May .....	Do.
29	John Torpy .....		1859	Do. ....	.....	2 years' on roads, &c., 2 May .....	Do.

CRIMINALS CONDEMNED TO DEATH SINCE 1840.

RETURN of all persons condemned to Death at Bathurst, from the year 1840 to 1st September, 1859, inclusive.

No.	NAME.	DATE.	CRIME.	EXECUTION.	COMMUTATION.	JUDGE.
1	Charles Cameron	April, 1840	Murder	Executed May 25	.....	.....
2	John Walsh	March, 1842	Do.	Executed May 3	.....	.....
3	Matthew Whittle	March, 1843	Firing, with intent to kill	Executed May 2	.....	.....
4	Abraham Gasten	September, 1844	Murder	Executed October 31	.....	.....
5	Henry Hogan	March, 1845	Do.	.....	Transportation for life	Judge A Beckett.
6	Lawrence Power	September, 1845	Do.	.....	10 years' hard labor on roads	Chief Justice Stephen.
7	Michael Butler	February, 1847	Do.	.....	Transportation for life	Mr. Justice Dickinson.
8	Joseph Murphy	July, 1847	Do.	.....	{ Removed to Sydney Gaol on the ground of insanity, by order of the Governor }	Chief Justice.
9	Charles Henry Mackie	September, 1848	Rape	Executed November 10	7 years' transportation	.....
10	Patrick White	September, 1848	*Murder	.....	.....	.....
11	Patrick Walsh	September, 1849	Do.	Executed October 26	.....	Chief Justice Stephen.
12	William Gleeson	August, 1850	Do.	.....	15 years' hard labor on roads, &c.	Judge Therry.
13	Peter (an aboriginal)	February, 1851	Rape	.....	15 years' hard labor on roads, &c.	.....
14	Thomas Wilmore	February, 1852	Murder	Executed April 14	.....	Judge Therry.
15	Timothy Sullivan	August, 1852	Do.	Executed September 30	.....	Do.
16	Newing (Chinese)	August, 1852	Do.	Executed September 30	.....	Chief Justice Stephen.
17	Patrick Macarthy	February, 1853	Do.	Executed April 8	.....	Do.
18	Paddy (an aboriginal)	February, 1853	Rape	Executed April 8	.....	Do.
19	Thomas Duffy	February, 1853	*Murder	.....	10 years' hard labor on roads, &c.	Do.
20	Christiana Boddy	February, 1853	Do.	.....	10 years' hard labor Parramatta Gaol	Judge Therry.
21	James M'Laughler	February, 1854	Do.	Executed April 25	.....	Do.
22	Billy Palmer (aboriginal)	February, 1854	Do.	Executed April 25	.....	Chief Justice Stephen.
23	Adam Young	August, 1854	*Do.	.....	10 years' hard labor on roads, &c.	Judge Therry.
24	William Johnson Miller	September, 1855	Do.	.....	15 years' hard labor on roads, &c.	Chief Justice Stephen.
25	Billy Morgan (aboriginal)	March, 1856	Do.	.....	15 years' hard labor on roads, &c.	Judge Dickinson.
26	Henry Carroll	September, 1856	Rape	.....	15 years' hard labor on roads, &c.	Judge Therry.
27	Henry Curren	March, 1857	Do.	Executed May 7	.....	Do.
28	Addison Mitchell	March, 1857	Murder	Executed May 7	.....	Do.
29	John Linden	March, 1857	Do.	.....	15 years' hard labor on roads, &c.	Chief Justice Stephen.
30	Samuel Rhodes	September, 1857	*Stabbing with intent	.....	15 years' hard labor on roads, &c.	Judge Dickinson.
31	George Roberts	March, 1858	Murder	.....	15 years' hard labor on roads, &c.	Do.
32	Charles A. Wollenwebber	March, 1858	Do.	.....	15 years' hard labor on roads, &c.	Chief Justice Stephen.
33	John Arrow	April, 1859	Do.	Executed May 11	.....	Do.
34	Thomas Ryan (or Martin)	April, 1859	Do.	Executed May 11	.....	.....

In cases marked thus \* the sentence of the Court was Death Recorded.



RETURN of all persons condemned to Death at Newcastle and Maitland, from the Year 1840 to the 1st September, 1859, inclusive.

6

CRIMINALS CONDEMNED TO DEATH SINCE 1840.

No.	NAME.	YEAR.	CRIME.	EXECUTION.	COMMUTATION.	JUDGE.
1	Michael Bradley.....	1841	Murder.....	Executed at Newcastle.....	.....	No record.
2	Eugene Quinn.....	1841	Opening a letter, and abstracting money therefrom.....	.....	Fourteen years' transportation.....	Do.
3	Thomas Homer.....	1842	Murder.....	Executed at Newcastle.....	.....	Do.
4	Hugh Bannon.....	1842	Manslaughter.....	.....	Transportation for life.....	Judge Burton.
5	Stephen Waters.....	1842	Bestiality.....	.....	15 years' hard labor on roads, &c. ....	No record.
6	George Wilson.....	1843	Shooting with intent to murder.....	Executed at Newcastle.....	.....	Do.
7	Thomas Forrester.....	1843	Murder.....	Executed at Newcastle.....	.....	Do.
8	Melville (an aboriginal).....	1843	Do.....	Executed at Maitland.....	.....	Do.
9	Harry (an aboriginal).....	1843	Do.....	Executed at Maitland.....	.....	Do.
10	Therramitchie (an aboriginal).....	1843	Do.....	Executed at Port Macquarie.....	.....	Do.
11	Benjamin Harris.....	1844	Do.....	Executed at Newcastle.....	.....	Do.
12	Mary Thornton.....	1844	Do.....	Executed at Newcastle.....	.....	Do.
13	Joseph Vale.....	1844	Do.....	Executed at Newcastle.....	.....	Do.
14	Benjamin Stanley.....	1845	Do.....	Executed at Newcastle.....	.....	Do.
15	John Fitzpatrick.....	1845	Do.....	Executed at Newcastle.....	.....	Do.
16	James Johnston.....	1846	Do.....	.....	14 years' transportation.....	Do.
17	William Shea.....	1846	No record.....	Executed at Newcastle.....	.....	Do.
18	John Purcell.....	1847	Murder.....	.....	Hard labor for life; 3 years in irons.....	Mr. Justice Therry.
19	Charles Robinson.....	1848	Unnatural crime.....	.....	12 years' hard labor on the roads or public works.....	No record.
20	Patrick Ryan.....	1848	No record.....	Executed at Newcastle.....	.....	Do.
21	George Waters Ward.....	1849	Murder.....	Executed at Maitland.....	.....	Do.
22	Joseph Marsh.....	1849	Do.....	.....	10 years' hard labor on roads, &c.; first two years in irons.....	Do.
23	William Hayes.....	1850	Do.....	Executed at Maitland.....	.....	Do.
24	Michael Collihan, alias "Mickey-bad-English".....	1851	Rape.....	Executed at Maitland.....	.....	Do.
25	Thomas Ballard.....	1851	Murder.....	.....	10 years' hard labor on roads, &c. ....	Mr. Justice Dickinson.
26	Patrick Macnamara.....	1852	Do.....	Executed at Maitland.....	.....	His Honor the Chief Justice.
27	Daniel or Thomas Gardner.....	1854	Do.....	Executed at Maitland.....	.....	Mr. Justice Dickinson.
28	Christopher Walsh.....	1854	Do.....	Executed at Maitland.....	.....	Mr. Justice Therry.
29	Ambrose Graves.....	1854	Do.....	.....	14 years' hard labor on roads; first 3 years in irons.....	Do.
30	John Shephard.....	1855	Do.....	.....	15 years' hard labor on roads; first 3 years in irons.....	His Honor the Chief Justice.
31	Harry Brown, alias Yarry (aboriginal).....	1855	Rape.....	.....	15 years' hard labor on roads; first 3 years in irons.....	Mr. Justice Dickinson.
32	Jemmy (aboriginal).....	1858	Murder.....	.....	Free pardon granted.....	Do.
33	Roger (aboriginal).....	1858	Do.....	.....	Free pardon granted.....	Do.

RETURN of all Prisoners who were condemned to Death, and against whom Death was recorded in Her Majesty's Gaol, Brisbane, since the commencement of the Criminal Court in 1850.

No.	DATE.	NAME.	CRIME.	SENTENCE.	NAME OF JUDGE.
1	1852. May 17 ..	William Wild .....	Carnally knowing a girl under 10 years ..	Death; commuted to 15 years' hard labor on the roads .....	His Honor The Chief Justice.
2	1853. May 22 ..	Micki, (aboriginal) .....	Murder .....	Death recorded; commuted to 7 years' hard labor on the roads .....	His Honor Judge Therry.
3	1854. May 20 ..	Davy, (aboriginal) .....	Murder .....	Death. Executed August 22nd .....	His Honor Judge Dickinson.
4	May 22 ..	John Hanley.....	Murder .....	Death; commuted to 5 years' hard labor on the roads.....	His Honor Judge Dickinson.
5	Nov. 20 ..	Dundalli, (aboriginal) .....	Murder .....	Death. Executed January 5th, 1855 .....	His Honor Judge Therry.
6	1856. Sep. 15 ..	Robert McCoy .....	Murder .....	Death; commuted to 15 years' hard labor on the roads .....	His Honor Judge Milford.
7	1857. May 20 ..	William Teagle .....	Murder .....	Death. Executed 26th July.....	His Honor Judge Milford.
8	1858. April 26 ..	O'Young, (Chinese).....	Feloniously stabbing .....	Death recorded; commuted to 5 years' hard labor on the roads.....	His Honor Judge Milford.
9	1859. May 31 ..	Dick, (aboriginal).....	Rape .....	Death. Executed August 4th .....	His Honor Judge Lutwyche.
10	May 31 ..	Chamery, (ditto) .....	Rape .....	Death. Executed August 4th.....	His Honor Judge Lutwyche.
11	June 1 ..	James Burns.....	Feloniously assaulting .....	Death recorded; commuted to 15 years' hard labor on the roads .....	His Honor Judge Lutwyche.

*Note.*—At the meeting of the Executive Council at which the cases of persons under sentences of death are brought forward, the Judge before whom they were tried attends, and upon his report and the circumstances of the case the Council advise the commutation or execution of the sentence.



1859.

**Legislative Assembly.**  
NEW SOUTH WALES.

**CONFINES WAITING TRIAL, OR UNDER SENTENCE.**

(NUMERICAL AND EDUCATIONAL RETURN OF.)

*Ordered by the Legislative Assembly to be Printed, 29 November, 1859.*

RETURN, in part, to an *Address* from the Honorable the Legislative Assembly of New South Wales, dated 18 October, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ A numerical Return of the Confines under sentence in the  
“ Penal Establishment of Cockatoo Island, shewing in separate  
“ columns, as far as it may be practicable, the number of persons  
“ who can neither read nor write; the number of persons who  
“ can read and write imperfectly; the number of persons who  
“ can read and write well; the number of persons who have  
“ had a superior education; distinguishing ages as follows :—  
“ under 14; 14 and under 25; 25 and under 50; 50 and  
“ upwards; arranged under the different classes of offences.”

(Mr. Jenkins.)

THE SUPERINTENDENT OF COCKATOO ISLAND to THE PRINCIPAL UNDER SECRETARY.

*Cockatoo Island,*

1 November, 1859.

SIR,

In accordance with the request contained in your letter of the 21st ultimo, No. 53, I have the honor to transmit herewith a Numerical Return of the Confines at the Penal Establishment, shewing their ages and education, arranged under the different classes of offences.

I have, &c.,

GOTHER K. MANN.

THE PRINCIPAL

UNDER SECRETARY.

A NUMERICAL RETURN of the Confines on the Penal Establishment at Cockatoo Island, shewing their Ages and Education, arranged under different classes of offences.

OFFENCES.	TOTALS.	AGE.															RECAPITULATION.														
		UNDER 14 YEARS.					FROM 14 TO 25 YEARS.					FROM 25 TO 50 YEARS.											50 YEARS AND UPWARDS.								
		Neither Read nor Write.	Read only.	Read and Write imperfectly.	Read and Write well.	Superior Education.	Neither Read nor Write.	Read only.	Read and Write imperfectly.	Read and Write well.	Superior Education.	Neither Read nor Write.	Read only.	Read and Write imperfectly.	Read and Write well.	Superior Education.							Neither Read nor Write.	Read only.	Read and Write imperfectly.	Read and Write well.	Superior Education.				
Murder	16	..	..	..	..	..	..	..	..	..	10	1	2	..	..	1	..	..	2	..	..										
Manslaughter	5	..	..	..	..	..	..	..	..	..	2	3	..	..	..	..	..	..	..	..	..										
Rape	3	..	..	..	..	..	..	1	..	..	..	2	..	..	..	..	..	..	..	..	..										
Administering poison	1	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..										
Unnatural crime	2	..	..	..	..	..	..	..	..	..	1	..	..	..	..	1	..	..	..	..	..										
Felonious assault	11	..	..	..	..	1	2	3	..	..	2	2	2	..	..	..	1	..	..	..	..										
Highway robbery	13	..	..	..	..	1	1	..	..	..	4	1	3	3	..	..	..	..	..	..	..										
Assault and robbery	23	..	..	..	..	1	1	1	1	..	4	3	4	2	..	..	..	..	..	..	..										
Stealing from a dwelling	7	..	..	..	..	..	..	..	..	..	1	..	4	2	..	..	..	..	..	..	..										
Stealing from the person	8	..	..	..	..	..	..	1	..	..	5	1	..	1	..	..	..	..	..	..	..										
Larceny	22	..	..	..	..	1	..	2	1	..	9	2	4	2	..	..	..	..	..	..	..										
Burglary	13	..	..	..	..	..	..	1	..	..	5	1	4	1	..	..	..	..	..	..	..										
Arson	1	..	..	..	..	1	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..										
Illegally on premises	1	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..										
Horse stealing	59	..	..	..	..	5	3	4	4	..	18	1	12	6	2	2	1	1	..	..	..										
Cattle stealing	10	..	..	..	..	2	..	..	..	..	4	1	2	..	..	..	1	..	..	..	..										
Sheep stealing	1	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..										
Forgery and uttering	21	..	..	..	..	..	1	2	..	..	2	1	4	7	1	1	..	..	2	..	..										
Embezzlement	1	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..										
Obtaining goods on false pretences	7	..	..	..	..	1	1	..	..	..	2	2	..	1	..	..	..	..	..	..	..										
Obtaining money on false pretences	6	..	..	..	..	2	..	..	..	..	..	..	..	1	1	..	1	..	1	..	..										
Receiving	1	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..										
Desertion	4	..	..	..	..	..	..	1	..	..	..	..	3	..	..	..	..	..	..	..	..										
Striking superior officer	3	..	..	..	..	..	..	1	..	..	..	2	..	..	..	..	..	..	..	..	..										
Mail robbery	2	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..										
Indecent assault	6	..	..	..	..	..	..	..	..	..	1	..	3	1	..	..	..	1	..	..	..										
Bigamy	1	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..										
Perjury	1	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..										
TOTAL.....	249	..	..	..	..	15	9	17	6	..	72	20	51	36	5	5	5	2	6	..	..										
		Under 14 years of age .....					15	9	17	6	..	47																			
		14 years and under 25 years ..					72	20	51	36	5	184																			
		25 years and under 50 years ..					5	5	2	6	..	18																			
		50 years and upwards .....					..	..	..	..	..	..																			
		The minimum age is 18 years.																													
		The maximum age is 71 years.																													
		92	34	70	48	5	249																								

Penal Establishment, Cockatoo Island,  
1st November, 1859.

GOTHER K. MANN.

CONFINES WAITING TRIAL, OR UNDER SENTENCE.

1859-60.

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**Legislative Assembly.**

**NEW SOUTH WALES.**

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**CONFINES WAITING TRIAL, OR UNDER SENTENCE.**  
(NUMERICAL AND EDUCATIONAL RETURN OF.)

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*Ordered by the Legislative Assembly to be Printed, 17 February, 1860.*

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**FURTHER RETURN** to an *Address* from the Honorable the Legislative Assembly of New South Wales to His Excellency the Governor General, dated 18 October, 1859, being,—

“ A Numerical Return of the Confines waiting Trial, or under  
“ Sentence, in the different Gaols, shewing, in separate columns,  
“ as far as it may be practicable, the number of persons who can  
“ neither Read nor Write ; the number of persons who can Read  
“ and Write imperfectly ; the number of persons who can Read  
“ and Write well ; the number of persons who have had a  
“ Superior Education ; distinguishing males from females, and  
“ ages, as follows :—under 14 ; 14 and under 25 ; 25 and  
“ under 50 ; 50 and upwards—arranged under the different  
“ classes of Offences.”

(*Mr. Jenkins.*)

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# DARLINGHURST GAOL.

RETURN of all persons confined in Her Majesty's Gaol, Darlinghurst, on the 31st day of October, 1859, shewing their Ages and Education, arranged under the different classes of offences.

31st OCTOBER, 1859.		FELONY.				LARCENY.				VAGRANCY.				ASSAULT.				SEAMEN'S OFFENCES.				OTHER MISDEMEANORS.				TOTALS.					
		Under 14.	14 under 25.	25 under 50.	50 and upwards.	Under 14.	14 under 25.	25 under 50.	50 and upwards.	Under 14.	14 under 25.	25 under 50.	50 and upwards.	Under 14.	14 under 25.	25 under 50.	50 and upwards.	Under 14.	14 under 25.	25 under 50.	50 and upwards.	Under 14.	14 under 25.	25 under 50.	50 and upwards.						
Neither read nor write .....	{ Males .....	..	3	6	2	2	4	14	3	..	1	3	5	..	..	6	1	..	7	5	1	..	1	4	2	..	2	16	38	14	
	{ Females .....	..	..	1	..	..	2	6	5	..	1	17	2	..	..	1	..	..	..	..	..	..	1	..	1	..	5	25	5		
Read only .....	{ Males .....	..	2	..	..	..	2	3	5	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	4	7	5		
	{ Females .....	..	1	..	..	..	4	10	4	..	1	10	5	..	..	1	..	..	..	..	..	..	..	..	..	..	6	21	9		
Read and write imperfectly ..	{ Males .....	..	6	17	3	..	6	38	19	..	5	10	5	..	5	3	2	..	12	14	..	..	1	10	3	..	35	87	30		
	{ Females .....	..	..	1	..	..	4	5	3	..	..	6	5	..	..	..	..	..	..	..	..	..	..	..	..	..	4	12	8		
Read and write well .....	{ Males .....	..	2	1	..	..	..	3	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	2	7	..		
	{ Females .....	..	..	1	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3	..		
Superior education.....	{ Males .....	..	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3	..		
	{ Females .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	3	..		
TOTAL Ages to each offence ..	{ Males .....	..	13	27	5	2	12	58	27	..	6	9	8	..	5	11	3	..	19	19	1	..	2	18	5	2	57	142	49		
	{ Females .....	..	1	3	..	..	10	21	12	..	2	35	12	..	2	2	..	..	..	..	..	..	..	1	..	..	15	61	25		
GROSS TOTALS .... { Males .....		45				99				23				19				39				25				250					
{ Females .....		4				43				49				4				....				1				101					
EDUCATION—TOTALS.																															
															Males.		Females.		TOTAL.												
Neither read nor write .....															70		38		108												
Read only .....															16		36		52												
Read and write imperfectly .....															152		24		176												
Read and write well .....															9		3		12												
Superior education .....															3		....		3												
GROSS .....															250		101		351												

H. M. Gaol, Darlinghurst, 8 November, 1859.

JOHN O'NEILL BRENNAN,  
Sheriff.

J. H. BEVERLEY,  
Principal Gaoler.

CONFINES WAITING TRIAL, OR UNDER SENTENCE.

## CONFINES WAITING TRIAL, OR UNDER SENTENCE.

3

## PARRAMATTA GAOL.

A NUMERICAL RETURN, shewing the Number of Female Prisoners confined in Her Majesty's Gaol, Parramatta, who can neither Read nor Write; the Number of those who can Read and Write imperfectly; the Number who can Read and Write well; and the Number of those who have had a Superior Education.

No. of each Class of Offences.	OFFENCES.	No. who neither Read nor Write.	No. who can Read and Write imperfectly.	No. who Read and Write well.	No. who have had a Superior Education.	REMARKS.
1	Murder.....	....	1	....	....	No records as to Age.
37	Stealing, Embezzlement, &c. ....	15	22	....	....	
2	Disorderly houses .....	1	1	....	....	
9	Vagrancy.....	6	3	....	....	
2	Assault .....	....	2	....	....	
51		22	29	....	....	
RECAPITULATION.						
Of the 51 prisoners, 22 can neither Read nor Write, and 29 Read and Write imperfectly; there are none who can Read and Write well, nor any of a Superior Education.						

A NUMERICAL RETURN, shewing the Number of Male Prisoners confined in Her Majesty's Gaol, Parramatta, who can neither Read nor Write; the Number of those who can Read and Write imperfectly; the Number who can Read and Write well; and the Number of those who have had a Superior Education; distinguishing Ages as follows:—under 14; 14 and under 25; 25 and under 50; 50 years of age and upwards—arranged under the different Classes of Offences.

No. of each Class of Offences.	OFFENCES.	Age, 14 Years.	Age, 14 and under 25 Years.	Age, 25 and under 50 Years.	Age, 50 and upwards.	No. who neither Read nor Write.	No. who can Read and Write imperfectly.	No. who Read and Write well.	No. who have had a Superior Education.	Total No. of Male Prisoners.
3	Unnatural crimes .....	....	....	1	2	....	2	1	....	3
3	Murders .....	....	....	1	2	2	1	....	....	3
7	Rape and indecent assaults .....	....	....	3	4	2	4	1	....	7
121	Stealing and embezzlement, &c. ....	2	20	71	28	43	61	15	2	121
19	Violent assaults.....	....	2	12	5	8	8	3	....	19
2	Forgery and uttering ....	....	....	1	1	....	1	....	1	2
3	Keeping disorderly houses .....	....	....	....	3	2	1	....	....	3
4	Vagrancy.....	....	....	3	1	2	2	....	....	4
1	Arson .....	....	....	....	1	....	1	....	....	1
163		2	22	92	47	59	81	20	3	163
RECAPITULATION.										
Of the 2 prisoners under 14 years of age, neither can Read and Write.										
" 22 " between 14 and 25 years of age, 8 cannot Read and Write, 10 Read and Write imperfectly, and 4 Read and Write well.										
" 92 " between 25 and 50 years of age, 30 cannot Read and Write, 45 Read and Write imperfectly, and 15 Read and Write well; 2 received a Superior Education.										
" 47 " of the age of 50 and upwards, 19 cannot Read and Write, 26 Read and Write imperfectly, 1 Reads and Writes well, and 1 received a Superior Education.										

H. M. Gaol, Parramatta, 31 December, 1859.

JOHN O'NEILL BRENNAN,  
Sheriff.

THOMAS ALLEN,  
Gaoler.



## MAITLAND GAOL.

NUMERICAL RETURN of all Prisoners confined in Her Majesty's Gaol, at Maitland, on the 8th day of November, A.D. 1859, shewing their Sex, Age, Education, and different Classes of Offences.

CRIMES.	UNDER 14 YEARS OF AGE.	14 YEARS OF AGE AND UNDER 25.								25 YEARS OF AGE AND UNDER 50.								50 YEARS OF AGE AND UPWARDS.								TOTALS.			
		Unable to Read or Write.		Read & Write imperfectly.		Read and Write well.		Superior Education.		Unable to Read or Write.		Read & Write imperfectly.		Read and Write well.		Superior Education.		Unable to Read or Write.		Read & Write imperfectly.		Read and Write well.		Superior Education.					
		M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.	M.	F.		
Wilful murder.....	None .....	..	..	..	..	..	..	..	..	2	..	..	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..	3	..
Highway robbery .....		..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	1	..	..	..	..	..	..	1	..	
Horse stealing .....		..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	
Uttering forgery.....		..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	
Inflicting grievous bodily harm .....		..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	
Stabbing .....		..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	1	..	..	..	..	..	1	..	
Obtaining money by false pretences .....		..	..	..	..	..	..	..	..	..	..	..	..	1	..	1	..	..	..	..	..	..	..	..	..	..	2	..	
Stealing .....		..	..	1	..	..	..	..	..	2	..	4	2	..	..	..	..	1	..	1	..	..	..	..	..	..	8	3	
Larcenies .....		..	..	2	..	..	..	..	..	1	..	3	2	..	..	..	..	..	..	1	..	..	..	..	..	..	7	2	
Assaults .....		..	..	2	..	..	..	..	..	1	..	4	..	..	..	..	..	1	..	2	..	1	..	..	..	..	11	..	
Deserting wives.....		..	..	..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	
Vagrancy .....		..	1	..	..	..	..	..	..	3	..	3	4	..	..	..	..	3	..	2	..	..	..	..	..	..	11	5	
Using obscene language .....		..	..	..	..	..	..	..	..	1	..	3	2	1	..	..	..	..	..	..	..	..	..	..	..	..	5	2	
Using threatening language .....		..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..
Being illegally on premises.....		..	..	..	..	..	..	..	..	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	
Indecent exposure.....		..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	1	..	
Repeated drunkenness .....		..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	
Insanity .....		..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1	..	
Disobeying orders (seamen) .....		..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	
Seamen deserters .....		..	..	..	..	..	..	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	..	
		..	1	5	..	..	..	..	..	13	..	21	11	8	..	1	..	6	..	7	1	1	..	..	..	62	13		

H. M. Gaol, Maitland, November 8, 1859.

JOHN O'NEILL BRENNAN,  
Sheriff.

JNO. WALLACE,  
Gaoler.

CONFINES WAITING TRIAL, OR UNDER SENTENCE.

# BATHURST GAOL.

A NOMINAL RETURN of Confines under Sentence and Waiting Trial in Her Majesty's Gaol at Bathurst, on the 1st day of December, 1859; their Education and Ages.

No.	NAME.	CONDITION.	DATE OF SENTENCE.	SENTENCE.	Neither Read nor Write.	Read only.	Read and Write imperfectly.	Read and Write well.	Superior Education.	AGES.				CRIME.
										Under 14.	14 and under 25.	25 and under 50.	50 and upwards.	
				Imprisonment, with hard labor.										
1	John Rowland White	Free	22 June, 1858	18 months	1			1				1		Felonious intent.
2	James McArdle	Freed	31 Jan., 1859	12 months			1				1			Illegally on premises.
3	James Kelly	Free	14 Feb., "	12 months			1					1		Attempt of felony.
4	Jonas Barker	Freed	28 "	12 months	1						1			Violent assault.
5	Tan (Chinese)	Free	22 Mar., "	12 months		1					1			Stabbing with intent.
6	Peter Martin	Free	24 "	2 years			1						1	Cattle stealing.
7	Thomas Colburn	Freed	9 May, "	12 months			1	1				1		Keeping a disorderly house.
8	Thomas Catley	Freed	24 "	12 months	1								1	Keeping a disorderly house.
9	Patrick M'Evoy	Free	6 June, "	18 months			1						1	Obtaining money under false pretences.
10	George Green	Freed	6 "	18 months	1							1		Obtaining money under false pretences.
11	James Freeman	B. in C.	6 "	12 months	1								1	Assault.
12	Assney (Chinese)	Free	7 "	12 months			1							Larceny.
13	Joseph Lewis	Freed	5 July, "	6 months			1					1		Petty larceny.
14	Isaac Swift	Free	5 Sept., "	3 months		1						1		Larceny.
15	Richard Woods	Freed	6 "	6 months									1	Larceny.
16	Thomas Duffey	Freed	5 "	12 months	1		1						1	Stealing a pig.
17	William Whitland	Freed	9 "	6 months			1						1	Illegally working a horse.
18	John Cotton	Freed	19 "	6 months			1					1		Vagrancy.
19	Sam (Chinese)	Free	19 "	12 months	1									Cutting and wounding.
20	James Lochhart	Free	24 "	6 months			1					1		Obscene exposure.
21	Charles Davis	Free	4 Oct., "	6 months			1						1	Larceny.
22	Samuel Clay	Freed	4 "	6 months			1						1	Larceny.
23	Henry Wells	Freed	10 "	6 months	1						1			Larceny.
24	Joseph Lewin	Free	10 "	3 months		1						1		Larceny.
25	Thomas Crossen	Freed	10 "	3 months			1					1		Illegally on premises.
26	James Gerr	Free	10 "	3 months				1					1	Maliciously destroying property.
27	Louis Smith	Free	1 Nov., "	2 months			1							Assault.
28	Thomas Sayers	Freed	17 "	2 months							1			Vagrancy.
29	James Clark	B. in C.	17 "	2 years	1							1		Larceny.
30	James Procter	Freed	24 Oct., "	12 months			1						1	Larceny.
31	Robert Clarke	Free	24 "	18 months									1	Larceny.
32	Martin Kelly	Free	19 "	12 months	1									
33	Catherine Wright	Free	6 Dec., 1858	12 months	1							1		Keeping a disorderly house.
34	Catherine Connors	Freed	13 July, 1859	6 months	1							1		Vagrancy.
35	Mary Oliver	Freed	27 Aug., "	6 months			1					1		Vagrancy.
36	Ann Collins	Freed	14 Oct., "	6 months		1						1		Vagrancy.
37	Ann Procter	Free	24 "	6 months			1					1		Larceny.
38	Mary McDonald	Free	22 Nov., "	6 months										Vagrant Act.
				Imprisonment.								1		Abduction.
39	Walter Culverton	Free	19 Sept., "	6 months	1							1		Abduction.
40	William Faun	B. in C.	19 "	6 months			1						1	Assault.
41	John Sterling	Free	15 "	3 months										
Carried forward					14	4	19	4			6	24	11	

CONFINES WAITING TRIAL, OR UNDER SENTENCE.

## BATHURST GAOL—Continued.

## RETURN—Continued.

RETURN—Continued.

No.	NAME.	CONDITION.	DATE OF SENTENCE.	SENTENCE.	Neither Read nor Write.	Read only.	Read and Write imperfectly.	Read and Write well.	Superior Education.	AGES.				CRIME.
										Under 14	14 and under 25.	25 and under 50.	50 and upwards.	
				Brought forward .....	14	4	19	4	....	....	6	24	11	
				Imprisonment.										
42	James Jones .....	Freed ..	11 Oct., 1859	3 months .....	....	....	1	....	....	....	....	1	....	Obscene language.
43	Thomas Moore .....	Free ..	14 " "	3 months .....	1	....	....	....	....	....	....	....	....	Obscene language.
44	James Freeman .....	Freed ..	12 " "	3 months .....	....	1	....	....	....	....	....	1	....	Obscene language.
45	Henry Gerald .....	Free ..	15 Nov., "	2 months .....	....	....	....	1	....	....	....	....	1	Obscene language.
46	James Tom (Chinese) .....	Free ..	30 " "	7 days .....	1	....	....	....	....	....	....	1	....	Obscene language.
47	Alexander White .....	Freed ..	28 " "	1 month .....	....	....	1	....	....	....	....	1	....	Assault.
48	Ha Hoon (Chinese) .....	Free ..	25 " "	6 weeks .....	1	....	....	....	....	....	....	1	....	Assault.
49	Han Fook .....	Free ..	25 " "	6 weeks .....	1	....	....	....	....	....	1	....	....	Breach of the Gold Act.
50	Afoo .....	Free ..	25 " "	6 weeks .....	1	....	....	....	....	....	1	....	....	Breach of the Gold Act.
51	Ha Choe .....	Free ..	25 " "	6 weeks .....	1	....	....	....	....	....	1	....	....	Breach of the Gold Act.
52	Andrew Duffy .....	Freed ..	30 " "	3 months .....	1	....	....	....	....	....	1	....	....	Breach of the Gold Act.
53	Jane Colburn .....	Freed ..	9 May, 1853	12 months .....	....	1	....	....	....	....	....	....	1	Petty larceny.
54	Ellen Ward .....	Freed ..	7 July, 1859	6 months .....	....	1	....	....	....	....	....	1	....	Keeping a disorderly house.
55	Mary Ann Connors .....	Free ..	2 Sept., "	3 months .....	....	1	....	....	....	....	....	1	....	Vagrancy.
56	Sarah Whitehouse .....	Free ..	12 Oct., "	2 months .....	....	....	1	....	....	....	....	1	....	Vagrancy.
57	Magdalene French .....	Free ..	22 " "	2 months .....	....	....	....	1	....	....	....	1	....	Petty larceny.
58	Mary Catley .....	Freed ..	18 Nov., "	1 month .....	1	....	....	....	1	....	....	1	....	Unsound mind.
59	Margaret Noakes .....	Freed ..	18 " "	1 month .....	....	1	....	....	....	....	....	1	....	Vagrancy.
60	Ellen Douglas .....	Freed ..	18 " "	6 months .....	....	1	....	....	....	....	....	1	....	Vagrancy.
61	Susan Burrows .....	Freed ..	19 " "	6 months .....	1	....	....	....	....	....	....	1	....	Vagrancy.
PRISONERS FOR TRIAL.														
62	Darby Fitzpatrick and .....	Free }	3 Oct., 1859	.....	{ 1	....	....	1	....	....	1	1	....	Murder.
63	John Burnes .....	Free }												
64	Mary Ann Brady .....	Free ..	22 Sept., "	.....	....	....	1	....	....	....	1	....	....	Murder.
65	William Sampson .....	Free ..	29 April, "	.....	....	....	....	....	1	....	....	1	....	Forgery and fraud.
66	Alexander Douglas and .....	Free }	11 June, "	.....	{	....	....	1	....	....	1	1	....	Uttering a forgery.
67	James Cameron .....	Free }												
68	William Kennedy .....	Free ..	29 Sept., "	.....	....	....	1	....	....	....	1	....	....	Larceny.
69	Edward Newman .....	Free ..	5 Oct., "	.....	1	....	1	....	....	....	1	....	....	Intent to robbery.
70	Charley (Chinese) .....	Free ..	29 Oct., "	.....	....	....	....	....	....	....	1	1	....	Stealing watches.
71	Martin Kenny and .....	B in C }	25 Nov., "	.....	{	....	....	1	....	....	1	1	....	Robbery.
72	William Dinon .....	Free }												
73	John Marsh and .....	Freed }	30 " "	.....	{ 1	....	....	....	....	....	1	1	....	Robbery.
74	Christina Marsh .....	Freed }												
REMANDED.														
75	Samuel Crimes, alias Dinnor .....	Free ..	9 Sept., "	.....	....	....	1	....	....	....	....	1	....	Bigamy.
76	Matilda Marsh .....	B. in C.	30 Nov., "	.....	1	....	....	....	....	1	....	....	....	Larceny.
TOTAL .....					28	10	29	8	1	1	12	45	18	

CONFINES WAITING TRIAL, OR UNDER SENTENCE.

## CONFINES WAITING TRIAL, OR UNDER SENTENCE.

7

**BATHURST GAOL**—*Continued.*

## NUMERICAL RETURN of Offences.

CRIME.	SEX.	
	MALE.	FEMALE.
Felonious intent .....	2	.....
Illegally on premises .....	2	.....
Assault .....	6	.....
Stabbing with intent .....	2	.....
Cattle stealing .....	1	.....
Pig stealing .....	1	.....
Keeping a disorderly house .....	2	2
Obtaining money under false pretences .....	2	.....
Larceny .....	14	7
Illegally working a horse .....	1	.....
Vagrancy .....	2	4
Indecent exposure .....	1	.....
Maliciously destroying property .....	1	.....
Abduction .....	2	.....
Obscene language .....	4	.....
Breach of the Gold Act .....	4	.....
Disorderly conduct .....	.....	2
Murder .....	2	1
Uttering forgeries .....	3	.....
Robbery .....	3	2
Burglary .....	1	.....
Garroting with intent to rob .....	1	.....
Bigamy .....	1	.....
TOTAL .....	53	18

*H. M. Gaol, Bathurst, 1 December, 1859.*JOHN O'NEILL BRENNAN,  
Sheriff.JOHN CHIPPENDALL,  
Gaoler.**GOULBURN GAOL.**

NUMERICAL RETURN of Prisoners confined in Her Majesty's Gaol, Goulburn, on the 16th December, 1859.

PRISONERS FOR TRIAL AND UNDER SENTENCE.	Can neither Read nor Write.	Read and Write imperfectly.	Read and Write well.	TOTALS.	
				Males.	Females.
Males—from 14 and under 25 years .....	6	2	....	8	....
" " 25 " 50 " .....	9	20	3	32	....
" " 50 and upwards .....	6	2	....	8	....
Females—from 25 to 50 years .....	5	....	....	....	5
TOTALS .....	26	24	3	48	5

*H. M. Gaol, Goulburn, 17 December, 1859.*JOHN O'NEILL BRENNAN,  
Sheriff,H. FORSTER,  
Gaoler.



1859-60.

**Legislative Assembly.**

NEW SOUTH WALES.

**CONFINES WAITING TRIAL OR UNDER SENTENCE.**

(FINAL RETURN IN REFERENCE TO.)

*Ordered by the Legislative Assembly to be Printed, 3 April, 1860.*

FINAL RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 18 October, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“(1.) A Numerical Return of the Confinés waiting Trial or under Sentence in the different Gaols and the Penal Establishment of Cockatoo Island, shewing, in separate columns, as far as it may be practicable, the number of persons who can neither Read nor Write; the number of persons who can Read and Write imperfectly; the number of persons who can Read and Write well; the number of persons who have had a Superior Education,—distinguishing males from females, and ages, as follows:—Under 14; 14 and under 25; 25 and under 50; 50 and upwards,—arranged under the different classes of Offences.

“(2.) A similar Educational Return of the Inmates of the Sydney and Liverpool Benevolent Asylums, but giving in addition the number of children under 5 years old.”

*(Mr. Jenkins.)***SCHEDULE.**

NO.	PAGE.
1. Secretary to the Benevolent Society to Under Secretary, transmitting an Educational Return of the persons in the Benevolent Asylum. 22 February, 1860 .....	2
2. Ditto to Under Secretary, with similar Return from the Establishment at Liverpool.....	3

# CONFINES WAITING TRIAL OR UNDER SENTENCE.

No. 1.

SECRETARY TO THE BENEVOLENT SOCIETY to UNDER SECRETARY.

*Office of Benevolent Society,*

*Sydney, 22 February, 1860.*

SIR,

I have the honor to transmit the accompanying Return of the persons therein specified in the Benevolent Asylum, on the 31st December last.

I have to apologise for the delay which has occurred in preparing the same, which has arisen partly from the circumstances of your letter having been accidentally overlooked, and from press of other business.

I have, &c.,

J. JOHNSON,

Asst. Secretary.

## A NUMERICAL EDUCATIONAL RETURN of persons in the Benevolent Asylum, Sydney, 31st December, 1859.

	Males.	Females.	TOTAL.
Persons who can neither Read nor Write:—			
Under 5 years of age .. .. .	27	31	58
Above 5 years and under 14 years .. .. .	30	26	56
Above 14 years and under 25 years .. .. .	2	9	11
Above 25 years and under 50 years .. .. .	1	6	7
Above 50 years .. .. .	2	25	27
	62	97	159
Persons who can Read and Write imperfectly:—			
Under 5 years .. .. .	...	1	1
Above 5 years and under 14 years.. .. .	23	4	27
Above 14 years and under 25 years .. .. .	2	20	22
Above 25 years and under 50 years .. .. .	4	27	31
Above 50 years .. .. .	2	38	40
	31	90	121
Persons who can Read and Write well:—			
Under 25 years .. .. .	...	8	8
Above 25 years and under 50 years .. .. .	5	26	31
Above 50 years .. .. .	8	18	26
	13	52	65
Persons who have received a Superior Education:—			
Under 50 years .. .. .	2	2	4
Above 50 years .. .. .	3	1	4
	5	3	8

J. JOHNSON,

Asst. Secretary.

No. 2.

## CONFINES WAITING TRIAL OR UNDER SENTENCE.

3

No. 2.

SECRETARY TO THE BENEVOLENT SOCIETY to UNDER SECRETARY.

*Office of Benevolent Society,*  
*Sydney, 6 March, 1860.*

SIR,

I have the honor to transmit to you the accompanying Educational Return for the Society's Establishment at Liverpool.

I have, &amp;c.,

J. JOHNSON,  
 Asst. Secretary.

A NUMERICAL EDUCATIONAL RETURN of Inmates of the Benevolent Society's Establishment at Liverpool, 29th February, 1860.

	Males.	Females.	TOTAL.
Persons who can neither Read nor Write :—			
Above 14 years and under 25 years .. .. .	1	.....	1
Above 25 years and under 50 years .. .. .	10	.....	10
Above 50 years .. .. .	103	.....	103
	114	.....	114
Persons who can Read and Write imperfectly :—			
Above 14 years and under 25 years .. .. .	2	.....	2
Above 25 years and under 50 years .. .. .	18	.....	18
Above 50 years .. .. .	138	.....	138
	158	.....	158
Persons who can Read and Write well :—			
Above 14 years and under 25 years .. .. .	3	.....	3
Above 25 years and under 50 years .. .. .	6	.....	6
Above 50 years .. .. .	35	.....	35
	64	.....	64
Persons who have received a Superior Education :—			
Under 50 years .. .. .	1	.....	1
Above 50 years .. .. .	5	.....	5
	6	.....	6

P. H. MULHOLLAND,  
 Master.

Sydney: Thomas Richards, Government Printer.—1860.

[Price, 1s.]





1859.

**Legislative Assembly.**

NEW SOUTH WALES.

**CHARGES BY MR. BLIGH AGAINST  
MICHAEL FINUCANE.**

(PROCEEDINGS AND CORRESPONDENCE IN REFERENCE TO.)

*Ordered by the Legislative Assembly to be Printed, 29 November, 1859.*

FURTHER Return to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 7 April, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“(1.) Return of all Proceedings before the Bench of Magistrates, Grafton, Clarence River, in or about the month of May, 1857, when and whereat were present Richard Bligh, Esq., then Commissioner of Crown Lands for the District of Clarence River, C. J. Walker, Esq., and Alexander Frederick Bundock, Esq., having reference to certain charges made by the said Richard Bligh, Esq., against Michael Finucane, then Chief Constable for the Police District of Grafton, for having unwarrantably and under color of his office, obtained money from certain individuals, and to the subsequent removal or resignation of the said Michael Finucane.

“(2.) Copies of all Correspondence between the Executive Government and any person or persons having reference to the same subject.”

*(Mr. Forster.)***SCHEDULE.**

NO.	PAGE.
1. Memorandum from the Inspector General of Police, that no Correspondence is in his Office respecting the removal of Michael Finucane from his Office of Chief Constable at Grafton. 2 August, 1859. .. .. .	2
2. Bench, Grafton, to the Colonial Secretary, forwarding Copy of Proceedings before the Bench, relative to charges made against Michael Finucane, then Chief Constable. 10 October, 1859. .. .. .	2

## CHARGES BY MR. BLIGH AGAINST MICHAEL FINUCANE.

2 August, 1859.

No correspondence respecting Mr. Finucane's removal from the office of Chief Constable is in this office.

JNO. M'LERIE,  
Inspector General of Police.

THE BENCH, GRAFTON, to THE COLONIAL SECRETARY.

(No. 59-104.)

Court House, Grafton,  
10 October, 1859.

SIR,

No. 499 Memo.

With reference to your letter of the 23rd instant, directing us to forward to you a Return of all proceedings in or about the month of May, 1857, before this Bench, relative to certain charges made against Michael Finucane, then Chief Constable,—we now do ourselves the honor to forward (under separate cover) a copy of the depositions referred to.

We have, &amp;c.,

THE SECRETARY

(For the Bench)

TO THE GOVERNMENT,

FRANCIS MARSH, J. P.

&amp;c., &amp;c., &amp;c.,

Sydney.

Police Office, Grafton,  
21 April, 1857.

BEFORE RICHARD BLIGH, E. M. RYAN, AND C. J. WALKER, ESQRS., J.P.'s.

*Mrs. Rosanna Robinson* states:—On Christmas Eve last Mr. Finucane, Chief Constable, brought me a temporary license to enable me to sell ginger-beer on the Racecourse at the ensuing races; he demanded ten shillings for it; I did not like to pay it; I said "I never paid anything for going on the Course before;" Mr. Finucane said, "It was not his fault, he was ordered to get it, and he would give me a receipt;" he gave me the receipt now produced, which I gave to Mr. Bligh, the Police Magistrate; Mr. Finucane told me to apply to the Bench.

ROSANNA <sup>her</sup> × ROBINSON.  
mark.

Witness—

E. M. RYAN.

MEMO.

Mr. Wilson admits that he has not accounted for this money, and that no such charge was made upon the other persons who obtained temporary licenses. License was in handwriting of the Police Magistrate.\*

R. BLIGH, P.M.

C. J. WALKER, J.P.

*Mr. M. R. Finucane*, Chief Constable, states:—About the 24th December last I received from Mr. Wilson, Clerk of Petty Sessions, a temporary license, enabling Mrs. Rosanna Robinson, the holder of a confectioner's license, to sell ginger-beer at the Grafton Races; Mr. Wilson desired me to receive ten shillings from Mrs. Robinson, and not to give the license until I got it; I have heard Mrs. Robinson's statement just made, it is correct as to what passed between us at that time; I gave a receipt for the ten shillings, and I paid the amount over to Mr. Wilson a few days afterwards—not a week after; I cannot say precisely how many days; I was not aware that the charge was improper.

M. R. FINUCANE, C.C.

Statement made before us—

R. BLIGH, P.M.

CHARLES J. WALKER, J.P.

E. M. RYAN.

*Mr. Wilson* states that he has no remarks to make upon this statement.

R. B.

Grafton,

\* *Memo.*—This is an error, the license appears to be in Mr. Wilson's handwriting, and signed by the Police Magistrate.—R. B., P.M.

## CHARGES BY MR. BLIGH AGAINST MICHAEL FINUCANE.

3

Grafton, 24 December, 1856.

RECEIVED from Mrs. Robinson the sum of ten shillings for holding a booth at the next races.

M. R. FINUCANE,  
Chief Constable.

New South Wales, }  
to wit.

## TEMPORARY LICENSE.

BE it remembered that Mrs. Rosanna Robinson, of Grafton, holding a confectioner's license for the shop now occupied by her in Victoria-street, North Grafton, having applied to us, R. Bligh, Esq., P.M., and E. M. Ryan, Esq., J.P., on 2nd December, 1856, for authority to exercise the privileges of the said license, at the public races to be holden at the Race-course, North Grafton, on the 26th day of December instant: Now we do hereby grant to the said Rosanna Robinson authority to exercise the said license at the said races, on the said 26th day of December instant, between the hours of six o'clock in the morning and seven o'clock in the evening: Provided always, she do keep the law in all respects.

Given under our hands on the day and year aforesaid.

RICHARD BLIGH, P.M.  
E. M. RYAN, J.P.

Grafton, 24 April, 1857.

Before RICHARD BLIGH and CHARLES JAMES WALKER, ESQs., J.P's.

*Elizabeth*, the wife of *Philip Bale*, of Grafton, splitter and fencer, being duly sworn, saith:—In the beginning of December last I applied for a temporary license to sell ginger-beer, at the Grafton Races, being already the holder of a confectioner's license; the Magistrates granted my application; the races were to take place on the 26th December; on the 24th December my husband went to the Chief Constable's for the temporary license; when he came back he told me that Mr. Finucane said the license was all ready but he must first receive ten shillings or I could not have the license; I then went myself, on next day—Christmas morning—to Mr. Finucane; I saw him; he said the license was ready, but I must give him ten shillings for it; I said I did not understand so from Mr. Bligh; Mr. Finucane said Mrs. Robinson had to pay it and I must do so; he asked if I thought he was going to pocket it; I said I did not know, but I must have his handwriting for it; he gave me a written receipt; he then gave me the license; on Wednesday last, the 22nd instant, about 12 o'clock or so, Constable Curry came to me; he said, "Did't you receive a handwriting from Mr. Finucane, the Chief Constable, Mrs. Bale?" I said, "Yes;" Curry said, "If you will give me the handwriting I can let you have the ten shillings—" I think that it is a mistake, some how or other—the Chief has sent me to receive the handwriting, and to give you the ten shillings again." I gave Curry the receipt, and he gave me the ten shillings; I did not at that time know that there had been some inquiry before the Bench about ten shillings improperly taken from Robinson on a similar ground; a man named "Frank," who stops at Carroll's, was in my house on Wednesday, and saw me give Curry the receipt; he heard what Curry said to me, and saw him pay me the ten shillings.

ELIZABETH <sup>her</sup> X BAILE.  
mark

Witness—

R. BLIGH.

Sworn before us, this twenty-fourth }  
day of April, 1857.

R. BLIGH, P.M.  
C. J. WALKER, J.P.

Grafton, 24 April, 1857.

Before RICHARD BLIGH and CHARLES J. WALKER, ESQs., J.P's.

*Constable Laughlin Curry*, being duly sworn, saith:—On Wednesday morning last, about nine or ten o'clock, I was at the Grafton Court House; Chief Constable Finucane came to me—he said, "Here are ten shillings, bring it and give it to Mrs. Bale, and get the receipt which I gave her, for I am afraid it will go hard against Mr. Wilson if she comes against him as this other woman has been against him in the same sort of matter"; I went to Mrs. Bale, and gave her the ten shillings, and got the receipt from her; it said, "Received from Mrs. Bale the sum of ten shillings, for a License on the Racecourse"; it was signed by Mr. Finucane; I think it was dated about the 26th December, 1856; I gave the receipt to Mr. Finucane, in the Court House, that morning; he tore it up; I never knew anything of the matter till Tuesday last, when it was brought forward in the Court House, about Mrs. Robinson and Mr. Wilson; I remember that on Tuesday last, when

## 4 CHARGES BY MR. BLIGH AGAINST MICHAEL FINUCANE.

when the inquiry was going on before the Bench, Mr. Bligh asked Mr. Finucane whether he had ever obtained any money from anyone else in the same way as the money had been obtained from Mrs. Robinson for Mr. Wilson; I heard Mr. Finucane deny that he had ever done so.

LAUGHLIN CURRY.

Sworn before us, this 24th day }  
of April, 1857. }

R. BLIGH, P. M.  
CHAS. J. WALKER, J. P.

At a Special Court of Petty Sessions.

Police Office, Grafton,  
25 April, 1857.

Before R. BLIGH, Esq., P. M., A. F. BUNDOCK, and C. J. WALKER, Esqrs., J. P's.

Chief Constable Michael Finucane charged with imposing on Mrs. E. Bale, with a view to obtain money.

*Elizabeth Bale*, being duly sworn, and her former depositions read over, saith:—My deposition now read over is true; I have nothing to add to it.

*Examined by Defendant*: I do not remember your telling me to go to Mr. Bligh about it; you said—"If I am not doing you justice, Mrs. Bale, you can go to Mr. Wilson, the Clerk of the Court; you had better cross the water;" I said—"You have the license; what is the use of my going to Mr. Wilson?"

*Examined by Bench*: Yesterday morning I saw Mr. Finucane; he said he did not wish Mr. Bligh to know that he had the ten shillings; he asked what I should say if Mr. Bligh spoke to me on the subject; I said if Mr. Bligh swore me I must speak the truth.

ELIZABETH <sup>her</sup> × BALE.  
mark.

Witness—

R. BLIGH.

Sworn before us this 25th day }  
of April, 1857. }

R. BLIGH, P. M.  
A. F. BUNDOCK, J. P.  
C. J. WALKER, J. P.

Constable *Laughlin Curry* being duly sworn, and his former deposition read over, saith:—My deposition now read is true and correct; I have nothing to add to it.

*Examined by Defendant*:—You said the money was out of your own pocket; I don't remember your saying that you did not wish your name to be mentioned; you said you were sorry for Mr. Wilson; yesterday I told you that Mrs. Bale was at the Court House, and I thought she had come about her license, and that she said she was going across the river; I told you I could not understand what she wanted but I thought she came about a fresh license, and was going to Mr. Bligh or Mr. Wilson.

*Examined by Bench*:—I thought, when sent for the receipt, that the object of the proceeding was to shield Mr. Wilson.

LAUGHLIN CURRY.

Sworn before us, this 26th day }  
of April, 1857. }

R. BLIGH, P. M.  
C. J. WALKER, J. P.  
A. F. BUNDOCK, J. P.

*Mr. Michael R. Finucane*, being called upon for his defence, states, that he admits obtaining the ten shillings, as stated, but that he did so by order of the Clerk of the Bench, Mr. Wilson, and that he paid over the amount to him as he did in Mrs. Robinson's case; that he took no receipt from Mr. Wilson; that he returned the money out of his own pocket; states that when he denied to the Bench, on Tuesday last, that he had ever obtained money from any one for Mr. Wilson in the same way as from Mrs. Robinson, he understood the question as referring to that time only.

M. R. FINUCANE.

Statement made before us, this }  
24th day of April, 1857. }

RICHARD BLIGH, P. M.  
A. F. BUNDOCK, J. P.  
C. J. WALKER, J. P.

## CHARGES BY MR. BLIGH AGAINST MICHAEL FINUCANE.

5

*William Charles Borlase Wilson*, Esquire, Clerk of Petty Sessions, being duly sworn, saith :—I never ordered Mr. Finucane to obtain ten shillings from Mrs. Elizabeth Bale of Grafton, for a temporary license issued to her in December last ; he never made me any payment on account of money obtained from Mrs. Bale for such license ; I believe I may swear that he never did so ; I received from Mr. Finucane one sum of ten shillings only, that was on account of a temporary license to Mrs. Robinson ; I cannot say exactly when it was, nor do I remember where I was ; it was in silver, I believe ; I have received a great many small payments from Mr. Finucane on various accounts.

*Examined by Defendant* :—I may have authorised you to obtain ten shillings from Mrs. Robinson.

W. C. B. WILSON.

Sworn before us, this 25th day }  
of April, 1857. }

RICHARD BLIGH, P.M.  
A. F. BUNDOCK, J.P.  
C. J. WALKER, J.P.

The Bench feeling very uncertain as to the amount of credit to be given to Mr. Wilson's deposition, decline to convict the defendant of obtaining money under false pretences, but consider that Mr. M. Finucane has, by his own admission, so clearly proved his unfitness for the office of Chief Constable, that they insist upon his immediate resignation.

RICHARD BLIGH, P.M.  
A. F. BUNDOCK, J.P.  
CHAS. J. WALKER, J.P.

True copy—

W. H. H. BECKE, C.P.S.  
Grafton, 8 October, 1859.

Copied from Deposition Book.—W. H. H. BECKE, C.P.S.

## SPECIAL PETTY SESSIONS.

*Police Office, Grafton,*  
25 April, 1857.

*Present* :—RICHARD BLIGH, ESQ., P.M., A. F. BUNDOCK, and C. J. WALKER, ESQRS., J.P.'s.

The Bench, after investigating a charge against Chief Constable M. Finucane for having obtained ten shillings from Mrs. E. Bale for a temporary license, about the 24th December last, under a false representation, have called upon Chief Constable Finucane immediately to resign office.

RICHARD BLIGH, P.M.  
A. FREDK. BUNDOCK, J.P.  
CHARLES J. WALKER, J.P.

Mr. Michael R. Finucane tenders his resignation of his office of Chief Constable, which is accepted by the Bench.

RICHARD BLIGH, P.M.  
A. FREDK. BUNDOCK, J.P.  
CHARLES J. WALKER, J.P.

Constable L. Curry to act as Chief Constable till further orders.

RICHARD BLIGH, P.M.  
A. FREDK. BUNDOCK, J.P.  
CHARLES J. WALKER, J.P.

True copy—

W. H. H. BECKE, C.P.S.  
Court House, Grafton,  
8 October, 1859.



1859.

Legislative Assembly.

NEW SOUTH WALES.

**MR. FREDERICK DUNBAR.**

(PETITION FROM, RESPECTING HIS DISMISSAL FROM OFFICE OF CLERK OF PETTY SESSIONS.)

*Ordered by the Legislative Assembly to be Printed, 15 September, 1859.*

To the Honorable the Speaker, and Gentlemen of the Legislative Assembly of  
New South Wales.

Petition of Frederick Dunbar, late a Captain in Her Majesty's 39th Regiment  
of Foot,—

HUMBLY SHEWETH:—

That the Legislative Assembly, in the Session of 1856, so far granted the prayer of a Petition presented to that Honorable Body by Henry Parkes, Esquire, in ordering copies of the correspondence between the Bench of Magistrates at Wellingrove and the Government, respecting your Petitioner's dismissal from the office of Clerk of Petty Sessions for that district, to be printed.

That your Petitioner had tried every available means to obtain a copy of the said correspondence during a period of three years, before resorting to an appeal to the Assembly, without effect,—a fact which betrays a resolve to conceal the case from public scrutiny.

That owing to various causes beyond your Petitioner's control, he has had no opportunity of taking any further steps in the matter until the present time.

That your Petitioner respectfully prays your Honorable House to take the correspondence into consideration, and by a just and impartial verdict on the shewing of the case decide whether your Petitioner has been honorably, honestly, fairly, and constitutionally dealt with as a subject of the British Crown.

That your Petitioner deemed it right to make an official report to the Government, in 1853, of an act which he cannot, after years of reflection, consider in any other light than as a most indecent desecration and pollution of the Justice Hall, viz., that two Magistrates on the Bench, in open Court, should have so far forgotten the dignity of the tribunal of justice, and respect for the office they held, as to convert the Court House into a mart for the sale and drinking of brandy. Your Honorable House will learn with a sense of shame and regret, that, without inquiring into the merits of my report, and in the face of the admission of the fact of the brandy drinking by these Magistrates, in their letter of the 20th October, 1853—attempted to be softened, indeed, by mis-statements, "that it does not take place during the "business of the Court," which was only adding crime to crime, for even to this day living



witnesses will testify that it was during the sitting of the Justices in open Court—Sir Charles Fitz Roy, by letter of the Colonial Secretary, ordered your Petitioner's immediate dismissal from office; the letter conveying His Excellency's decision stating in support thereof that which was totally untrue, viz., "that it was not the first or second time that your Petitioner had been removed from other Benches for insubordinate conduct"—a statement which, by reference to the records of the Colonial Secretary's Office, may be readily disproved. Let any record establishing the truth of Sir Charles Fitz Roy's dicta be produced, and your Petitioner will admit that he has only received that which was his due; but if no such record can be adduced, then your Petitioner submits for the gracious consideration of your Honorable Assembly that he has been unjustly punished for having followed that course which his conscience, and the conscience of every honest man, must approve, in struggling for a reform in the administration of justice, and prays that you will, by your judgment, mete to him such satisfaction for the vast injury he has thereby sustained for years past, as to your Honorable House may seem just.

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

FREDERICK DUNBAR.

*Wellingrove, 8 July, 1859.*

1859-60.

Legislative Assembly.

NEW SOUTH WALES.

FREDERICK DUNBAR.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 27 January, 1860.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of Frederick Dunbar, Freeholder, of Stonehenge, New England,—

HUMBLY SHEWETH:—

That Petitioner has been subjected for years past to a series of oppressions by certain individuals holding the Commission of the Peace, on account of his exposition of their ill practices, by which your Petitioner hoped to contribute towards a reformation in the administration of justice, as already partially exhibited to your Honorable House in a Petition presented during the present Session by the Honorable Member for Sydney, Henry Parkes, Esquire.

That your Petitioner begs to report to your Honorable House that the same spirit of interminable persecution still exists, and that, unless your Honorable House will interfere, there will, apparently, be no end to this injustice.

That Arthur Hannibal Macarthur, Esquire, one of the recently appointed Magistrates of this District, now entitled Glen Innes, did, on the 1st day of November, 1859, issue a certain written order under his hand as a Magistrate, directed to the Chief and other Constables of the said District, to take your Petitioner's wheels off his bullock dray, and to hand them over to one James Hanna,—the said Arthur H. Macarthur having acted thus upon the mere *ex parte* and one-sided statement of the said James Hanna, and without either issuing a summons for your Petitioner to appear before the Court of Petty Sessions, or in any way calling upon your Petitioner for any explanation of the case,—which unjust order was forthwith acted upon; and your Petitioner has thereby been subjected to severe pecuniary loss, to the value of about two hundred pounds, in that he has been thereby prevented from drawing in the fencing materials required for a farm he bought last year from Government, at Stonehenge, consisting of forty-one acres, eight acres of which were under cultivation—seven in wheat and the remainder in potatoes and other crops, and partially fenced—all of which have been totally destroyed by cattle, in consequence of this oppressive and unjust act, Petitioner having no other dray on his farm to enable him to get in his fencing materials; beside which, your Petitioner has been obliged to forfeit a contract for wheat with a gentleman of this district.

That your Petitioner submits for the consideration of your Honorable House that, exclusive of the pecuniary loss to him, the injury to his character—if an act so evidently opposed to all law or justice should be suffered to remain unatoned for—would be likely to be most prejudicial, for it may be considered tantamount to a charge of felony against your Petitioner. Your Honorable House will, Petitioner is assured, take into consideration the imminent danger to the interests of the community at large if Magistrates are permitted to do such things with impunity; and, after due inquiry, your Honorable House will direct that copies of the order in question, and the one-sided statement upon which it was issued, and which your Petitioner has applied for in vain, may be furnished to him, and afford your Petitioner such redress as to your Honorable House may appear to be just and right.

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

FREDERICK DUNBAR.

*Stonehenge*, 26 December, 1859.

1859-60.

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Legislative Assembly.

NEW SOUTH WALES.

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MR. FREDERICK DUNBAR.

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*Ordered by the Legislative Assembly to be Printed, 3 May, 1860.*

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RETURN to an *Address* from the Honorable the Legislative Assembly of New South Wales to the Governor General, dated 3 April, 1860, praying that His Excellency would be pleased to cause to be laid upon the Table,—

“A Copy of the Information or other Document upon which”  
 “Mr. Arthur Hannibal Macarthur, a magistrate residing at”  
 “Stonehenge in the District of New England, directed the”  
 “seizure of certain property in the possession of Mr. Frederick”  
 “Dunbar, as set forth in the Petition of that gentleman”  
 “presented to this House on the 25th ultimo.”

(*Mr. Parkes.*)

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## MR. FREDERICK DUNBAR.

## INFORMATION OF JAMES HANNA v. FREDERICK DUNBAR.

New South Wales, }  
To wit.

BE IT REMEMBERED that on this 1st day of November, year of Our Lord 1859, James Hanna, of Stonehenge, came this day personally before me, Arthur H. Macarthur, Esquire, one of Her Majesty's Justices of the Peace, acting in the Police District of Wellingrove, in the Colony of New South Wales, and being duly sworn, maketh oath and saith as follows:—

"That I lent to Captain Dunbar, viz., Frederick Dunbar, now of Stonehenge, late of Wellingrove, a pair of dray wheels (bullock dray); that I asked him to return them to me, and he refused, saying that he 'would pay Robert McMaster for the wheels.'

"Since my application, Robert McMaster has sent me a bill for the same, amounting to £5, for the pair.

"As I am now the only responsible party to Robert McMaster, I pray that an order may be issued, so I may recover the said wheels from Frederick Dunbar of Stonehenge, or the amount claimed by Robert McMaster, viz., £5.

"JAMES HANNA."

Sworn before me, at Glen Innes, the }  
day and year above written,

A. H. MACARTHUR, J.P.

A true copy of the original information in the record of the Court at Glen Innes.

Glen Innes Police Office,  
February 29, 1860.

ALICK OCTAVE WYATT,  
C. P. S.

Glen Innes Police Office,  
1 November, 1859.

The Chief Constable of Glen Innes.

SIR,

I hereby order you or your assistants to proceed to the freehold of Frederick Dunbar, of Stonehenge, and take possession of a pair of bullock dray wheels, sworn by one James Hanna to be his property—that is to say, for the value of which, in the sum of five pounds sterling, the said James Hanna is responsible to one Robert McMaster—and to deliver the said wheels into the possession of the said James Hanna.

PROVIDED the said Frederick Dunbar is unable to produce the *bonâ fide* receipt of the said Robert McMaster or his agent, or shall at once pay into the hands of the said James Hanna the sum of five pounds; and this shall be your authority for so acting.

ARTHUR H. MACARTHUR, J.P.

The Chief Constable is directed to take Hanna with him, and to require Hanna to identify the wheels.

1 November, 1859.

A. H. MACARTHUR, J.P.

A true copy of the order in the record of the Court at the Police Office, Glen Innes.

Glen Innes Police Office,  
29 February, 1860.

ALICK OCTAVE WYATT,  
C. P. S.

Sydney: Thomas Richards, Government Printer.—1860.

[Price, 6d.]

1859-60.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

## IDENTIFIED STOLEN HORSES.

(PETITION OF RICHARD BRETT AND RICHARD HEATHER.)

*Ordered by the Legislative Assembly to be Printed, 10 February, 1860.*

To the Honorable the Speaker and the Members of the Assembly of New South Wales,  
in Parliament assembled.

The Petition of Richard Brett and Richard Heather,—

MOST HUMBLY SHEWETH:—

That your Petitioners, residing on the Adelong Gold Fields, having been much harassed and impoverished in seeking to obtain their lawful property, are compelled to appeal to your Honorable House as the last resting-place of the poor man's confidence.

Your Petitioners having lost two horses were summoned to Yass to identify said horses, as having been stolen by certain parties then in custody, and having recognised them, demanded said horses from the Magistrates and from the Chief Constable, but were refused. Your Petitioners were again summoned, on the 18th of October, 1859, to Yass, distant from Adelong about eighty miles, and having again demanded our horses, were again refused, although being at great expense in coming to said Court.

A third time your Petitioners, having appeared at the Yass District Court, on 30th ultimo (January), and the Crown Prosecutor having declined to consider the case of our horses, appealed to Judge Callaghan without success. Your afflicted Petitioners were quietly informed that their horses were sold to defray expenses; and hence we should appeal to the justice of the Government. Your Petitioners, being poor, cannot fee for lawyers to contend with Government; and hence most humbly request your Honorable House to consider that neither individuals nor Government can justly take from an innocent man what is justly his own.

Your Petitioners would furthermore urge, that if they lose for a time their horses through the dishonesty of a second party, it does not justify a third in stepping in and stealing, or depriving your Petitioners of said horses for ever.

Your Petitioners do therefore most humbly ask your consideration of this terrible grievance, and most respectfully solicit the interference of your Honorable House in behalf of your Petitioners, who will ever pray.

his  
RICHARD × BRETT.  
mark.

his  
RICHARD × HEATHER.  
mark.

Witnessed—PATRICK BERMINGHAM, Catholic Clergyman.

*Yass, 2nd February, 1860.*

Sydney: Thomas Richards, Government Printer.—1860.



1859.

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**Legislative Assembly.**

NEW SOUTH WALES.

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**MR. EDWIN TYLER.**

(PETITION OF.)

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*Ordered by the Legislative Assembly to be Printed, 6 December, 1859.*

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

The following Petition of Edwin Tyler,—

**HUMBLY SHEWETH :—**

Your Petitioner arrived here in the Colony in the month of December last, 1858, acting as Agent with power of an Attorney in the Estate of Jéssy Tyler, your Petitioner's uncle, who died about the month of August, 1855, intestate, in the Colony of New South Wales.

And your Petitioner having duly conformed to the rules and law now in force in this Colony, and passed Letters of Administration through the Curator of Intestate Estates.

Your Petitioner frequently and untiringly has applied to know the circumstances and distribution of his deceased uncle's property, and has met with no satisfaction or justice, and is now compelled to seek that protection from your Honorable House that is due to him.

Your Petitioner has been put to great inconvenience and expense and loss of time in consequence of the injustice done him, and, having left a large family in England, your Petitioner begs your Honorable House will afford him that justice which your Petitioner's case duly merits.

And your Petitioner, in duty bound, will ever pray.

**EDWIN TYLER.**





1859.

Legislative Assembly.

NEW SOUTH WALES.

## DISTRICT COURTS JURY LISTS.

(COPIES OF REGULATIONS FOR THE PREPARATION OF.)

*Ordered by the Legislative Assembly to be Printed, 6 October, 1859.*

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 6 April, 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 Regulations promulgated by the Government for  
“the preparation of Jury Lists in the several Districts in which  
“District Courts are to be held.”

(Mr. Plunkett.)

## SCHEDULE.

NO.	PAGE.
1. Principal Under Secretary to several Benches of Magistrates, enumerated in Schedules A, B, C, and D, respecting Jury Lists. ( <i>Vide</i> Proclamation 18 April, 1859.) 24 March, 1859	2
2. Proclamation defining the Districts. 18 April, 1859.. .. .	2
3. Principal Under Secretary to several Benches enumerated in Schedules A, B, C, and D, drawing attention to Proclamation defining the Districts, and further respecting Jury Lists. 2 May, 1859 .. .. .	5
4. Proclamation fixing times for holding Quarter Sessions at Yass, Gundagai, and Albury. 5 July, 1859 .. .. .	5
5. Secretary Law Officers to the Sheriff, to take necessary steps for summoning Juries at Yass, Gundagai, and Albury. 7 July, 1859. .. .. .	6
6. Secretary Law Officers to Sheriff, adverting to letter of the 7th July and drawing attention to Proclamation dated 11th of same month, respecting further additional times and places for holding Quarter Sessions. 13 July, 1859 .. .. .	6
7. Proclamation referred to in the previous letter of 13th July, declaring certain further additional times and places for holding Quarter Sessions. 11 July, 1859. .. .. .	6
8. Proclamation declaring certain Lock-ups, &c., to be Gaols within meaning of the Act. 11 July, 1859 .. .. .	7
9. The Sheriff to several Benches of Magistrates enumerated in annexed list, requesting to be furnished with names of persons for Jury Lists. 15 July, 1859. .. .. .	8
10. The Sheriff to the Attorney General, respecting extra clerical assistance to copy new Jury Lists. 25 July, 1859 .. .. .	10
11. Secretary Law Officers to Sheriff, in reply to letter respecting extra clerical assistance. 26 July, 1859 .. .. .	10

## DISTRICT COURTS JURY LISTS.

## No. 1.

THE PRINCIPAL UNDER SECRETARY to THE BENCHES OF MAGISTRATES.

(Circular.)

Colonial Secretary's Office,  
Sydney, 24 March, 1859.

GENTLEMEN,

Drawing your attention to the Act of the 22 Vic., No. 18, styled the "District Courts Act of 1858," I am desired by the Colonial Secretary to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to direct that Jury Lists for such towns and places in, or for which District Courts have been ordered to be held within the Cumberland and Coast District Court District, shall be prepared and furnished to the Judge of such Courts in the manner prescribed by the 51st and 52nd sections of the said Act; and to request that you will therefore cause such List to be prepared accordingly for in conformity with the said clauses, so far as the same may be applicable.

2. I am directed to add, that although by the Act a period of three months is allowed for the performance of this duty, it is very desirable that the List should be prepared and forwarded to the Judge on the earliest day possible, in order that the Courts may be brought into operation without delay.

I have, &c.,  
W. ELYARD.THE BENCH OF MAGISTRATES,  
(*Vide Schedules A, B, C, and D.*)

Similar letter for the—

Western District Court District, 31st March.  
Northern District Court District, 31st March.  
Southern District Court District, 5th April.

## No. 2.

## PROCLAMATION.

By His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, 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.

WHEREAS by "The District Courts Act of 1858," it was amongst other things enacted that the persons qualified and liable to act as Jurors for the trial of Issues Civil and Criminal, and for the Assessment of Damages under the provisions of the Act of Council, 11th Vict., No. 20, sections one, two, and three, should be the persons qualified and liable to act as Jurors in Courts holden under the said Act, and for the purposes of the establishment of Jurors' Districts, and the preparation of Jurors' Lists every District Court should be deemed to be a Court for the trial of Issues and the Assessment of Damages, within the meaning of the said Act of Council, 11 Vict., No. 20; and that Jury Lists should be prepared, published, and corrected, according to the provisions therein contained; and such Lists, when corrected, should be transmitted by the Clerks of the Benches to the Judge of such District Court, who should thereupon prepare a Jurors' Book for such Court, according to the said Act; and whereas by the said "District Courts Act of 1858," it was also enacted that

that in case the Governor of New South Wales should, by any Proclamation or Proclamations issued and published, with the advice of the Executive Council, order a District Court or Courts, or any Court of General or Quarter Sessions of the Peace to be holden at any town or place where provision should not have been theretofore made for the preparing and settling of the Jury Lists for such town or place, it should be lawful for the said Governor, with the advice aforesaid, to direct the Bench of Magistrates of the District wherein such town or place should be situate to cause Jury Lists for such town or place to be prepared; and thereupon the said Bench of Magistrates should, in pursuance of such direction, and they were thereby authorized and required to prepare and cause to be prepared, within three months after the receipt of any such direction, Lists of all Jurors within the Jurors' District for such town or place; and thereupon the Clerks of Petty Sessions, Chief Constables, and Justices, should do and perform within the said period of three months, all such acts, matters, and things, in and towards preparing, correcting, and allowing the Jury Lists, as are in the said last mentioned Act required to be ordinarily done in the months of August, September, and October, in each and every year; and all such Jury Lists when prepared, corrected, and allowed as aforesaid, should be transmitted by the Clerks of the Benches to the District Court Judge, with a proviso that in case any Jury List prepared under the direction of the Governor, pursuant to the said District Courts Act, should take effect at any time between the months of February and August in any year, the same should continue in force until the month of August in the year following, until which time no new list should in that case be prepared; and whereas by the "District Courts Act Amendment Act of 1859" it was enacted, that it should be lawful for the Governor with the advice of the Executive Council, from time to time to order by Proclamation in the *Gazette*, that the provisions of the Act of Council, eleventh Victoria, number twenty, should extend and apply to such several Districts as are herein mentioned as having been proclaimed as Districts under the provisions of the "District Courts Act of 1858," and that Jurors' Lists should be prepared, published, and corrected for the several towns and places in such districts respectively, at which District Courts have been ordered to be holden, and all the other provisions contained in the said Act of Council which were applicable to the districts already proclaimed, should extend and apply *mutatis mutandis* to such newly proclaimed districts, and the towns and places therein; and by the said "District Courts Act Amendment Act, of 1859," it was further enacted that notwithstanding any thing contained in the District Courts Act of 1858, it should be lawful for the Governor, with the advice of the Executive Council, from time to time, to define the limits within which each of the Courts appointed to be held should have jurisdiction, within the meaning of the fifth section of such Act: And whereas by a certain Proclamation bearing date the 9th of December, 1858, and published in the *New South Wales Government Gazette* of the same day, District Courts were directed to be holden at the several towns and places hereinafter named in the Schedules hereunto annexed, and intituled respectively, Schedules A, B, C, and D: Now, therefore, I, Sir William Thomas Denison, as such Governor aforesaid, do by this my Proclamation for that purpose issued, with the advice of the Executive Council, define the limits within which each of the said Courts so appointed to be held, shall have jurisdiction within the meaning of the 5th section of the "District Courts Act of 1858," such limits being respectively the limits of the several Police or other Districts, set forth opposite the names of such towns or places respectively in the four several Schedules A, B, C, and D hereunto annexed: And I do hereby, with the advice aforesaid, further order by this my Proclamation, that the provisions of the Act of Council, eleventh Victoria, number twenty, shall extend and apply to such several districts as are herein, and in the several Schedules hereto mentioned, and which have been proclaimed as districts, under the provisions of the "District Courts Act of 1858," and that Jurors' List shall be prepared, published, and corrected for the several towns and places in such districts respectively at which District Courts have been ordered to be holden, and all the other provisions contained in the said Act of Council, which are applicable to the districts already proclaimed, shall extend and apply, *mutatis mutandis*, to such newly proclaimed districts, and the towns and places therein: And lastly, I do hereby, with the advice aforesaid, direct the Benches of Magistrates, and all the Clerks of Petty Sessions, Chief Constables, and Justices of the several districts wherein such towns and places are severally situate, to cause Jury Lists for such towns and places, to be prepared as directed by the said Acts, and to do and perform all such acts, matters, and things,

## DISTRICT COURTS JURY LISTS.

things, in and towards the preparing, correcting, and altering the said Jury Lists as are authorized by the said Acts, or otherwise howsoever.

Given under my Hand and Seal, at Government House, Sydney, this eighteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine, and in the twenty-second year of Her Majesty's Reign.

(L.S.)

W. DENISON.

*By His Excellency's Command,*

LYTTELTON HOLYOAKE BAYLEY,

Attorney General.

GOD SAVE THE QUEEN!

## SCHEDULE A.

Towns or places in the Cumberland and Coast District at which Courts are directed to be held, with the several Police or other Districts, within which such Courts shall have jurisdiction, and for which Jurors' Lists shall be prepared under the Proclamation aforesaid :—

- Berrima*—Comprising the Police District of Berrima.
- Bombala*—Comprising the Police District of Bombala.
- Braidwood*—Comprising the Police District of Braidwood and Broulee.
- Camden*—Comprising that portion of the Police District of Camden, Narellan, and Picton, which is embraced by the Registration District of Camden.
- Campbelltown*—Comprising the Police District of Campbelltown.
- Cooma*—Comprising the Police District of Cooma.
- Eden*—Comprising the Police District of Eden.
- Kiama*—Comprising the Police Districts of Kiama and Shoalhaven.
- Liverpool*—Comprising that portion of the Police District of Parramatta and Liverpool, embraced by the Registration District of Liverpool.
- Parramatta*—Comprising that portion of the Police District of Parramatta and Liverpool, embraced by the Registration District of Parramatta.
- Penrith*—Comprising the Police District of Penrith.
- Picton*—Comprising that portion of the Police District of Camden, Narellan, and Picton, which is embraced by the Registration District of Picton.
- Windsor*—Comprising the Police District of Windsor.
- Wollongong*—Comprising the Police District of Wollongong.

## SCHEDULE B.

Towns or places in the Southern District at which Courts are directed to be held, with the several Police or other Districts within which such Courts shall have jurisdiction, and for which Jurors' Lists shall be prepared under the Proclamation aforesaid :—

- Albury*—Comprising the Police Districts of Albury, Deniliquin, Moulamien, and Moama.
- Goulburn*—Comprising the Police District of Goulburn.
- Gundagai*—Comprising the Police District of Gundagai.
- Queanbeyan*—Comprising the Police District of Queanbeyan.
- Tumut*—Comprising the Police District of Tumut.
- Wagga Wagga*—Comprising the Police Districts of Wagga Wagga and Balranald.
- Yass*—Comprising the Police Districts of Yass and Binalong.

## SCHEDULE C.

Towns or places in the Northern District at which Courts are directed to be held, with the several Police or other Districts, within which such Courts shall have jurisdiction, and for which Jurors' Lists shall be prepared under the Proclamation aforesaid :—

- Armidale*—Comprising the Police Districts of Armidale, Tenterfield, and Wellingrove.
- Grafton*—Comprising the Police Districts of Grafton and Richmond River.
- Maitland East*—Comprising the Electoral District of East Maitland and Morpeth, and the Police Districts of Brisbane Water, Newcastle, Raymond Terrace, and Port Stephens.
- Maitland West*—Comprising the Electoral Districts of West Maitland and the Hunter, and the Police Districts of the M'Donald River and Wollombi.
- Murrumbidgee*—Comprising the Police District of Murrumbidgee.
- Muswellbrook*—Comprising the Police Districts of Muswellbrook, Merton, and Cassilis.
- Paterson*—Comprising the Police Districts of Paterson and Dungog.
- Port Macquarie*—Comprising the Police Districts of Port Macquarie, the M'Leay River, and the Manning River.
- Scone*—Comprising the Police District of Scone.
- Singleton*—Comprising the Police District of Patrick's Plains, including the town of Singleton.
- Tamworth*—Comprising the Police Districts of Tamworth, Warralda, and Wee Waa.

## SCHEDULE D.

Towns or places in the Western District at which Courts are directed to be held, with the several Police or other Districts within which such Courts shall have jurisdiction, and for which Jurors' Lists shall be prepared under the Proclamation aforesaid :—

- Bathurst*—Comprising the Police District of Bathurst.
- Carcoar*—Comprising the Police District of Carcoar.
- Dubbo*—Comprising the Police District of Dubbo.
- Hartley*—Comprising the Police District of Hartley.
- Molong*—Comprising the Police Districts of Molong and Wellington.
- Mudgee*—Comprising the Police Districts of Mudgee and Rylstone.
- Orange*—Comprising the Police District of Orange.

## DISTRICT COURTS JURY LISTS.

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## No. 3.

THE PRINCIPAL UNDER SECRETARY to THE BENCH OF MAGISTRATES,  
(Circular.)

Colonial Secretary's Office,  
Sydney, 2 May, 1859.

GENTLEMEN,

I am directed by the Colonial Secretary to draw your attention to a Proclamation, dated 18th April, 1859, inserted in the *Government Gazette* of the 19th ultimo, relating to District Courts, and to the preparation of Lists of Jurors for such Courts; and to request, that, if not already done, you will cause a List, so far as the same may be required from your District, to be prepared as therein ordered, and forwarded to the Judge of the District Court as early as possible.

2. In preparing this List, it is to be observed, that it will only be necessary to include in it the qualified Jurors residing within your Police District, or such part of your Police District as may be within the limits of the District Court of

I have, &amp;c.,

W. ELYARD.

THE BENCH OF MAGISTRATES,

## No. 4.

## PROCLAMATION.

By their Excellencies JOHN MAXWELL PERCEVAL, Esquire, Companion of the Most Honorable Order of the Bath, Colonel in Her Majesty's 12th Regiment of Foot, the Officer next in seniority to the Officer commanding Her Majesty's Land Forces in all Her Colonies of Australia; SIR WILLIAM WESTBROOKE BURTON, Knight, President of the Legislative Council of the Colony of New South Wales; and CHARLES COWPER, Esquire, Colonial Secretary of the said Colony, Administrators of the Government thereof.

WHEREAS by a certain Act or Ordinance of the Governor and Legislative Council of New South Wales, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled, "*An Act to consolidate and amend the Laws for the transportation and punishment of offenders in New South Wales, and for defining the respective powers and authorities of General Quarter Sessions, and of Petty Sessions, and for determining the places at which the same shall be holden and for better regulating the summary jurisdiction of Justices of the Peace, and for repealing certain Laws and Ordinances relating thereto,*" it was amongst other things enacted, that Courts of General Quarter Sessions for the Colony of New South Wales should be held at Sydney, Parramatta, Campbelltown, Windsor, Maitland, and Bathurst, and at such other places within the said Colony, and at such times as the Governor for the time being should, by any Proclamation duly issued for such purpose, appoint: Now, therefore, we, the Administrators of the Government, with the advice of the Executive Council, in pursuance of the power and authority so vested in us by the said recited Act, and otherwise, do by this our Proclamation hereby appoint and direct, that Courts of General Quarter Sessions for the Colony of New South Wales, shall be holden at the following other places, severally, within the said Colony, viz.,—at Yass, Gundagai, and Albury; and that such several Courts of Quarter Sessions shall, during this present year, be respectively held at the several times following, that is to say,—at Yass, on Wednesday, the 19th of October; at Gundagai, on Tuesday, the 25th of October; and at Albury, on Tuesday, the 8th of November; of which all persons concerned are hereby required to take notice.

Given under our Hands and the Seal of the Colony, at Government House, Sydney, this fifth day of July, in the year of our Lord One thousand eight hundred and fifty-nine, and in the twenty-third year of Her Majesty's Reign.

J. M. PERCEVAL, COLONEL,

(L.S.)

W. W. BURTON.

CHARLES COWPER.

By Command of Their Excellencies,

LYTTTELTON HOLYOAKE BAYLEY,

Attorney General.

GOD SAVE THE QUEEN!

No. 5.

## DISTRICT COURTS JURY LISTS.

## No. 5.

THE SECRETARY TO THE LAW OFFICERS to THE SHERIFF.

Crown Law Offices,  
Sydney, 7 July, 1859.

SIR,

I am directed by the Attorney General to inform you that the Government have arranged that Courts of General Quarter Sessions shall be holden during the present year at the several times and places following, in addition to those heretofore proclaimed: that is to say, at Yass, on Wednesday, the 19th of October; at Gundagai, on Tuesday, the 25th of October; and at Albury, on Tuesday, the 8th of November; I am therefore desired to request that you will at once have the goodness to take such steps as may be necessary to place yourself in a position for the summoning of juries to be in attendance at the places heretofore respectively named, on the above days. I may further mention that a Proclamation will shortly appear notifying the places for the detention of prisoners at each of the townships in question, to be gaols within the meaning of the Act. The Benches of Magistrates have been communicated with on the subject of forwarding prisoners for trial at such Courts as the locality may indicate to be proper.

I have, &amp;c.,

W. E. PLUNKETT.

THE SHERIFF,  
&c., &c., &c.

Vide Proclamation in respect of Gaols in *Government Gazette*, p. 1545, days and places, p. 1546, and *Gazette*, No. 132, 6 July, 1859.

## No. 6.

THE SECRETARY TO THE LAW OFFICERS to THE SHERIFF.

Crown Law Offices,  
Sydney, 13 July, 1859.

SIR,

3 Wm. 4, No. 3.

Adverting to my letter of the 7th instant, No. 341, apprising you that the Government had arranged that Courts of General Quarter Sessions will be holden during the present year at Yass, Gundagai, and Albury, on certain days therein mentioned, I have now the honor to draw your attention to the enclosed copy Proclamation, published in the *Government Gazette* of yesterday, respecting further additional times and places for holding Courts of General Quarter Sessions during the current year; and I am desired to request that you will take such steps as may be necessary to place yourself in a position for summoning juries, to be in attendance at the times and places therein enumerated; you may have observed that the lock-ups at the several townships have been proclaimed gaols within the meaning of the Act, and the Benches of Magistrates, at the several localities in question, have been addressed on the subject of the committal of persons (when necessary) for trial, within their respective districts, in which Courts have been arranged to be holden.

I have, &amp;c.,

W. E. PLUNKETT.

THE SHERIFF.

## No. 7.

## PROCLAMATION.

By His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, 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.

WHEREAS by a certain Act or Ordinance of the Governor and Legislative Council of New South Wales, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled "*An Act to consolidate and amend the Laws for the transportation and punishment of offenders in New South Wales, and for defining the respective powers and authorities of General Quarter Sessions, and of Petty Sessions, and for determining the*"

"places"

"places at which the same shall be holden, and for better regulating the summary jurisdiction of Justices of the Peace, and for repealing certain Laws and Ordinances relating thereto," it was amongst other things enacted, that Courts of General Quarter Sessions for the Colony of New South Wales should be held at Sydney, Parramatta, Campbelltown, Windsor, Maitland, and Bathurst, and at such other places within the said Colony, and at such times, as the Governor for the time being should, by any Proclamation duly issued for such purpose, appoint: Now, therefore I, Sir William Thomas Denison, the Governor aforesaid, with the advice of the Executive Council, in pursuance of the power and authority so vested in me by the said recited Act, do by this my Proclamation hereby appoint and direct that Courts of General Quarter Sessions for the Colony of New South Wales shall be holden at the following other places, severally, within the said Colony, viz.:—At Paterson, on Monday, the 29th of August, and Monday, the 28th of November; at Singleton, on Friday, the 2nd of September, and Friday, the 2nd of December; at Muswellbrook, on Wednesday, the 7th of September, and Wednesday, the 7th of December; at Scone, on Monday, the 12th of September, and on Monday, the 12th of December; at Murrumbidgee, on Thursday, the 15th of September, and Thursday, the 15th of December; at Port Macquarie, on Monday, the 10th of October; at Grafton, on Monday, the 17th of October; at Tamworth, on Thursday, the 22nd December; at Armidale, on Saturday, the 31st of December; at Carcoar, on Tuesday, the 23rd of August, and Wednesday, the 23rd of November; at Hartley, on Tuesday, the 27th of September, and Tuesday, the 20th of December; at Mudgee, on Tuesday, the 4th of October, and Wednesday, the 28th of December; at Dubbo, on Thursday, the 13th of October; at Molong, on Wednesday, the 19th of October; at Orange, on Monday, the 24th of October; at Eden, on Wednesday, the 31st of August; at Cooma, on Monday, the 12th of September; at Windsor, on Monday, the 3rd of October; at Penrith, on Monday, the 10th of October; at Campbelltown, on Monday, the 17th of October; at Camden, on Wednesday, the 19th of October; at Berrima, on Tuesday, the 25th of October; at Wollongong, on Tuesday, the 1st of November; and at Braidwood, on Monday, the 5th of December; of which all persons concerned are hereby required to take notice.

Given under my Hand and the Seal of the Colony, at Government House, Sydney, this eleventh day of July, in the year of our Lord one thousand eight hundred and fifty-nine, and in the twenty-third year of Her Majesty's Reign.

(L.S.) W. DENISON.

By His Excellency's Command,

LYTTELTON HOLYOAKE BAYLEY,  
Attorney General.

GOD SAVE THE QUEEN!

## No. 8.

### PROCLAMATION.

By His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, 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.

WHEREAS by an Act of the Governor and Council of New South Wales, passed in the fourth year of the Reign of Her present Majesty, intituled "*An Act for the Regulation of Gaols, Prisons, and Houses of Correction, in the Colony of New South Wales, and its Dependencies, and for other purposes relating thereto*," it is enacted that all buildings, erections, houses, and premises, which should thereafter be erected, built, purchased, enlarged or maintained at the public expense, as and for Public Gaols, Prisons, or Houses of Correction, within the said Colony and its Dependencies, and which should, by Proclamation, to be from time



time to time published in the *New South Wales Government Gazette*, by order of the Governor for the time being of the said Colony, be declared and notified as such Public Gaols, Prisons, or Houses of Correction, should, from after the publication of such notification, be severally deemed and taken to be the Public Gaol, Prison, or House of Correction of the place or District where the same was or should be situated within the said Colony or its Dependencies respectively, and should be subject to the several provisions thereafter made for the regulation, management, care, and discipline of the Public Gaols, Prisons, and Houses of Correction belonging to the said Colony and its Dependencies, and of the prisoners confined within the same: And whereas it is expedient that certain other buildings, erections, houses, and premises which shall hereafter be erected, built, purchased, enlarged, or maintained at the public expense, or any of which may have been heretofore used or known as Watchhouses or Lock-ups for the detention of prisoners, under charge of felony, misdemeanor, or other offences, at any of the places severally undermentioned, should be declared and notified as Public Gaols, Prisons, and Houses of Correction: Now, therefore, I, Sir William Thomas Denison, the Governor General and Governor-in-Chief aforesaid, by virtue of the said recited Act, and with the advice of the Executive Council, and in pursuance of the aforesaid powers and authority, and all and every other power and authority for that behalf in me vested, do hereby proclaim, declare, and notify the buildings heretofore described, situated and being at the places severally hereinafter named to be Public Gaols, Prisons, and Houses of Correction, viz.:—

Paterson,  
Singleton,  
Muswellbrook,  
Scone,  
Murrumbidgee,  
Tamworth,  
Armidale,  
Port Macquarie,  
Grafton,  
Carcoar,  
Hartley,  
Mudgee,  
Dubbo,  
Molong,

Orange,  
Windsor,  
Penrith,  
Campbelltown,  
Camden,  
Berrima,  
Wollongong,  
Braidwood,  
Eden,  
Cooma,  
Yass,  
Gundagai, and  
Albury.

Given under my Hand and the Seal of the Colony, at Government House, Sydney, this eleventh day of July, in the year of our Lord one thousand eight hundred and fifty-nine, and in the twenty-third year of Her Majesty's Reign.

(L.S.) W. DENISON.

*By His Excellency's Command,*  
CHARLES COWPER.

GOD SAVE THE QUEEN!

#### No. 9.

*COPY of a Circular Letter written by the Sheriff to the undermentioned Benches of Magistrates, requesting that they would furnish him with a list of Persons qualified to serve as Jurors in their Districts.*

*Sheriff's Office,  
Sydney, 15 July, 1859.*

GENTLEMEN,

I have the honor to state that I have been informed by the Crown Law Officers that a Court of General Quarter Sessions of the Peace will be held at \_\_\_\_\_, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_ next, I have therefore to request that you will cause me to be furnished, at as early a date as possible, with a list of persons in the district of \_\_\_\_\_, who

## DISTRICT COURTS JURY LISTS.

9

who are qualified and liable to serve on Juries, for the trial of issues at the aforesaid Court, in accordance with the Act of Council, 11 Vic., No. 20.

I have, &c.,

JOHN O'NEILL BRENNAN,

Sheriff.

To the Bench of Magistrates at—

Albury,  
Armidale,  
Berrima,  
Braidwood,  
Camden,  
Campbelltown,  
Carcoar,  
Cooma,  
Dubbo,  
Eden,  
Grafton,  
Gundagai,  
Hartley,

Molong,  
Mudgee,  
Murrurundi,  
Muswellbrook,  
Orange,  
Paterson,  
Penrith,  
Port Macquarie,  
Scone,  
Singleton,  
Tamworth,  
Windsor,  
Wollongong,

and Yass.

List of places from which copies of Jury Lists have been furnished to the Sheriff's Office for the purpose of summoning Juries for the Courts of Quarter Sessions to be held in those districts; specifying, as far as practicable, the date of the revision, the name of the Revising Officer or Officers, and the name of the person certifying to the correctness of the list.

PLACES FROM WHICH LIST HAVE BEEN FURNISHED TO THE SHERIFF.	NAME OF THE REVISING OFFICER OR OFFICERS.	DATE OF REVISION.	NAME OF PERSON CER- TIFYING TO THE COR- RECTNESS OF THE LIST.
Albury .. .. .	{ Heyward Atkins, J.P. John Roper, J.P. }	9th May, 1859 ..	Revising Magistrates
Armidale .. .. .	Not given.	Not given.	No certificate.
Berrima .. .. .	Not given.	Not given.	No certificate.
Braidwood .. .. .	John W. Bunn, J.P.	Not given.	Revising Magistrates
Camden .. .. .	Not given.	Not given.	No certificate.
Campbelltown .. .. .	{ John Bray, J.P. William Bell, J.P. }	2nd August, 1859 ..	Revising Magistrates
Carcoar .. .. .	Not given.	Not given.	G. Beardmore, P.M.
Cooma .. .. .	Not given.	Not given.	R. Dawson, Registrar
Dubbo .. .. .	Not given.	Not given.	J. Scully, C.P.S.
Eden .. .. .	{ P. Murray, P.M. George Barclay, J.P. G. P. Keon, J.P. }	19th April, 1859 ..	Revising Magistrates
Grafton .. .. .	Not given.	Not given.	W. H. H. Becke, C.P.S.
Gundagai .. .. .	{ W. K. Smith, J.P. J. Hayes, J.P. }	7th June, 1859 ..	Revising Magistrates
Hartley .. .. .	Not given.	Not given.	Not given.
Molong .. .. .	{ John Smith, J.P. E. J. Finch, J.P. }	Not given.	Revising Magistrates
Mudgee .. .. .	Not given.	Not given.	J. D. Miller, P.M.
Murrurundi .. .. .	Not given.	Not given.	Alexdr. Brodie, J.P.
Muswellbrook .. .. .	{ James White, J.P. John H. Keys, J.P. }	16th May, 1859 ..	John O'Meara, C.P.S.
Orange .. .. .	Not given.	23rd May, 1859 ..	W. J. Evans, Registrar
Paterson .. .. .	Not given.	Not given.	E. J. Cory, J.P.
Penrith .. .. .	{ W. Russell, J.P. R. Jamieson, J.P. J. H. Crummer, J.P. }	4th April, 1859 ..	Revising Magistrates
Port Macquarie .. .. .	{ W. H. Freeman, J.P. M. F. Brownrigg, J.P. James Smith, J.P. }	19th April, 1859 ..	J. Becke, C.P.S.
Scone .. .. .	{ J. Docker, J.P. M. H. Hall, J.P. }	19th April, 1859 ..	Revising Magistrates
Singleton .. .. .	{ J. W. McDouall, J.P. J. B. Dight }	27th July, 1859 ..	Revising Magistrates
Tamworth .. .. .	{ Philip G. King, J.P. William Morris, J.P. James Ascoug, J.P. }	Not given.	Revising Magistrates
Windsor .. .. .	{ Henry Day, J.P. George Bowman, J.P. D. W. Irving, J.P. }	2nd April, 1859 ..	Revising Magistrates
Wollongong .. .. .	{ Henry Gordon, J.P. William Osborne, J.P. }	2nd May, 1859 ..	Revising Magistrates
Yass .. .. .	{ Allan Campbell, J.P. Thomas Laidlaw, J.P. }	23rd June, 1859 ..	Revising Magistrates

## No. 10.

THE SHERIFF to THE HONORABLE THE ATTORNEY GENERAL.

*Sheriff's Office,  
Sydney, 25 July, 1859.*

SIR,

I have the honor to inform you that in consequence of the gentleman being fully employed whose duty it is to copy the Jury Lists of the newly-created Quarter Sessions Districts into books, to be kept as records in my office, as required by the 9th section of the Jury Act, 11 Vict., No. 20, it will be impossible for me to comply with the requirements of this section of the Act unless I obtain an authority for the employment of extra clerical assistance for that purpose. I have, therefore, the honor to request that I may be furnished with the requisite authority to employ extra assistance, or that a sum (not to exceed £10) may be placed at my disposal to reimburse the gentlemen in my office for my employing them over-hours to complete this necessary work.

I may here remind the Honorable the Attorney General that there are 27 Jury Lists already to be copied, all of which will be required immediately.

THE HONORABLE  
THE ATTORNEY GENERAL.

I have, &c.,  
JOHN O'NEILL BRENNAN,  
Sheriff.

## No. 11.

THE SECRETARY TO THE LAW OFFICERS to THE SHERIFF.

*Crown Law Offices,  
Sydney, 26 July, 1859.*

SIR,

In acknowledging the receipt of your letter of yesterday's date, requesting authority to employ extra clerical assistance, or that a sum of ten pounds may be placed at your disposal to reimburse the gentlemen in your office for their services after hours in copying the Jury Lists for the newly-created Quarter Sessions Districts, I am directed to inform you that the Attorney General sees no objection to the employment of such extra labor as may be absolutely necessary for the purpose mentioned above, provided that the sum shall not exceed ten pounds sterling, which may form a charge against the amount provided under the head of Contingencies to meet unforeseen Expenses for the District Courts.

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

THE SHERIFF,  
&c., &c., &c.

11 Vict., No. 20.  
Sec. 9.

1859-60.

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*Legislative Assembly.*

NEW SOUTH WALES.

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# DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

(CORRESPONDENCE RELATIVE TO APPOINTMENTS, &c.)

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*Ordered by the Legislative Assembly to be Printed, 3 July, 1860.*

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**RETURN** to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 5 October, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

- “ (1.) All Correspondence between the Government and the
- “ several District Judges, Crown Prosecutors, and Clerks of the
- “ Peace, since the month of March last ; and all Letters or other
- “ Documents from the District Judges previous to that period,
- “ and which were omitted in the Return laid on the Table of
- “ the late House of Assembly on the 29th March last.
- “ (2.) A Nominal List of all the Officers of the District Courts
- “ and Quarter Sessions, with the dates of their Appointments,
- “ and all instructions issued to each respectively.”

(*Mr. Plunkett.*)

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## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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SECRETARY TO CROWN LAW OFFICERS to THE UNDER SECRETARY.

(No. 98.)

*Crown Law Offices,  
Sydney, 26 June, 1860.*

SIR,

Adverting to my letter of the 16th of April last, explaining the cause of the apparent delay in furnishing the Return called for in the Legislative Assembly, of correspondence with District Court Judges, and information respecting the officers of the District Courts and Quarter Sessions, I have now the honor to forward herewith to you the information, so far as it has been possible to prepare the Return from the records of this office. I may be allowed to state that the Return purports to comprise the correspondence which had taken place to the date of the Address. Upon comparison with our letter books it has been discovered that in some instances a few original letters from officers resident in the country districts could not be traced; but, as further delay would seem to be undesirable, the correspondence is submitted in its present shape, although it may be deemed necessary to supply the remainder at a future date.

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

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*PROCEEDINGS of the Executive Council on the 7th December, 1858, with respect to the Proclamation of District Courts.*

MINUTE No. 58-48. Confirmed 13 December, 1858.

HIS Excellency the Governor General invites the attention of the Council to the propriety of taking immediate measures for bringing into operation the Act for the Establishment of District Courts, 22 Victoria, No. 18, which has recently become law; and lays before the Council a Draft Proclamation, prepared by the Honorable the Attorney General, ordering District Courts to be held at the several towns and places therein named; and dividing the Colony into Districts for the purposes of the Act.

2. The Council approve of the arrangements proposed for giving effect to the provisions of the Act in question, and advise the issue, accordingly, of the said Proclamation, a copy of which is hereto appended.

*Executive Council Office,  
Sydney, 15 December, 1858.  
No. 58-782.*

A. ORPEN MORIARTY,  
Clerk of the Council.

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PROCLAMATION.

By HIS Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, 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.

WHEREAS by an Act of the Parliament of New South Wales, passed in the twenty-second year of Her present Majesty Queen Victoria, intituled, "*An Act for establishing District Courts, and for enabling the Judges thereof to act as Chairmen of Quarter Sessions,*" it was amongst other things enacted, that it should be lawful for the Governor, with the advice of the Executive Council, from time to time to order, by Proclamation in the *Government Gazette*, that Courts, to be called District Courts, should be holden at such towns and places as he should think fit, and to divide the Colony of New South Wales into Districts, for the purposes of the said Act: Now, therefore, I, SIR WILLIAM THOMAS DENISON, as such Governor aforesaid, do by this my Proclamation for that purpose issued, with the advice of the Executive Council, divide the said Colony, for the purposes of the said Act, into five Districts, in manner following, that is to say:—

I. THE SYDNEY DISTRICT, comprising the Sydney Police Districts (City and Metropolitan), as described in a notice from the Colonial Secretary's Office, bearing date the 23rd November, 1858, and published in the *New South Wales Government Gazette*.

II.

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

3

## II. THE CUMBERLAND AND COAST DISTRICT, comprising the Police Districts of—

Berrima,	Eden,
Bombala,	Kiama,
Braidwood,	Parramatta and Liverpool,
Broulee,	Penrith,
Camden, Narellan, and Picton,	Shoalhaven,
Campbelltown,	Windsor, and
Cooma,	Wollongong,

as described in the aforesaid notice.

## III. THE SOUTHERN DISTRICT, comprising the Police Districts of—

Albury,	Moama,
Balranald,	Moulamein,
Binalong,	Queanbeyan,
Deniliquin,	Tumut,
Goulburn,	Wagga Wagga, and
Gundagai,	Yass,

as described in the aforesaid notice.

## IV. THE NORTHERN DISTRICT, comprising the Police Districts of—

Armidale,	Patrick's Plains,
Brisbane Water,	Port Macquarie,
Cassilis,	Port Stephens,
Dungog,	Raymond Terrace,
Grafton,	Richmond River,
Maitland,	Scone,
Macdonald River,	Tamworth,
Macleay River,	Tenterfield,
Manning River,	Warialda,
Murrumbidgee,	Wee Waa,
Muswellbrook and Merton,	Wellington,
Newcastle,	Wellington, and
Paterson,	Wollombi,

as described in the aforesaid notice. And—

## V. THE WESTERN DISTRICT, comprising the Police Districts of—

Bathurst,	Molong,
Carcoar,	Mudgee,
Dubbo,	Orange, and
Hartley,	Rylstone,

as described in the aforesaid notice.

And I do also hereby, with the advice aforesaid, order that Courts to be called District Courts shall be holden for the Districts aforesaid, at the several towns and places hereinafter mentioned, that is to say:—

For the SYDNEY DISTRICT, at—

The City of Sydney.

For the CUMBERLAND AND COAST DISTRICT, at—

Berrima,	Kiama,
Bombala,	Liverpool,
Braidwood,	Parramatta,
Camden,	Penrith,
Campbelltown,	Picton,
Cooma,	Windsor, and
Eden,	Wollongong.

For the SOUTHERN DISTRICT, at—

Albury,	Tumut,
Goulburn,	Wagga Wagga,
Gundagai,	and
Queanbeyan,	Yass.

For the NORTHERN DISTRICT, at—

Armidale,	Paterson,
Grafton,	Port Macquarie,
Maitland, East,	Scone,
Maitland, West,	Singleton,
Murrumbidgee,	and
Muswellbrook,	Tamworth.

For the WESTERN DISTRICT, at—

Bathurst,	Molong,
Carcoar,	Mudgee,
Dubbo,	and
Hartley,	Orange.

Given under my Hand and Seal, at Government House, Sydney, this ninth day of December, in the year of Our Lord One thousand eight hundred and fifty-eight, and in the twenty-second year of Her Majesty's Reign.

(Signed) W. DENISON.

By His Excellency's Command,  
(Signed) ALFRED J. P. LUTWYCHE,  
Attorney General.

GOD SAVE THE QUEEN !

DISTRICT

## 4 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

DISTRICT COURTS AND COURTS OF GENERAL AND QUARTER SESSIONS.  
(CORRESPONDENCE RELATIVE TO APPOINTMENTS.)

- (1.) *All correspondence between the Government and those Gentlemen who have been lately appointed as Judges, Chairmen, Crown Prosecutors, Clerks of the Peace, and Registrars in the District Courts and Courts of General and Quarter Sessions, respectively.*
- (2.) *Copies of all Commissions or Appointments issued to those officers respectively.*
- (3.) *All instructions or directions given by the Attorney General to the above-mentioned officers, or to any of them.*

## SECRETARY TO CROWN LAW OFFICERS to COMMISSIONER OF COURT OF REQUESTS.

(No. 58-470.)

Crown Law Offices,  
Sydney, 4 December, 1858.

SIR,

I am directed by the Attorney General to offer you the appointment of a Judge of the District Courts to be holden in and for the District of Sydney, but with the express understanding that you will continue to perform the duties of your present office, with the salary attached thereto, without other remuneration, during the current year. You will have the goodness to acknowledge the receipt of this communication with as little delay as possible.

I have, &amp;c.,

W. E. PLUNKETT.

(No. 58-471.)

Crown Law Offices,  
Sydney, 4 December, 1858.

Similar letter to previous one (for the Southern District) to THOMAS CALLAGHAN, Esq., Chairman of Quarter Sessions.

(No. 58-472.)

Crown Law Offices,  
Sydney, 4 December, 1858.

Similar letter to previous one (for the Western District) to JAMES SHEEN DOWLING, Esq., Crown Prosecutor, Sydney.

## CHAIRMAN OF QUARTER SESSIONS to SECRETARY TO CROWN LAW OFFICERS.

Chambers, Hyde Park,  
13 December, 1858.

SIR,

I have the honor to acknowledge the receipt of your letter of the 4th instant, received on my late circuit to Bathurst, informing me that you are directed by the Attorney General to offer me the appointment of Judge of the District Courts to be holden in and for the Southern District.

If it be the Attorney General's pleasure to offer me that district *alone*, I am obliged to say that I am not at present in a position to decline it; but if I may presume to ask the Attorney General's re-consideration of a district for my appointment, I would beg to be permitted to have, instead of the "Southern District," that which is now gazetted as the "Cumberland and Coast District."

In making this request, I trust the Attorney General will not think me insensible of his consideration in offering me this appointment of his own accord, and without any solicitation upon my part, and I hope that the grounds which I am about to state will be a sufficient apology, at all events, to justify my request, whatever be the Attorney General's decision upon it.

Upon two occasions of my intercourse with the late Attorney General while the District Courts Act was before Parliament, he was good enough to inform me that it was his intention to recommend the appointment of *two* Judges, under the Act, for a district which should comprise Sydney, together with such a circuit of country round it as might be practically available, and be called the Central District, and to give to each of these Judges such a jurisdiction as would enable them to divide the whole of the business of the district between them in such a way as to ensure its certain and speedy determination; and upon these occasions it was his assurance to me, that in the event of such a recommendation being carried out as he anticipated, he would feel it his duty to make the offer of these *two* appointments in the first place to the present Commissioner of the Court of Requests and to myself; and he was pleased to add that he should feel himself bound to make this offer on account of our past public services.

Since

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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Since I have received your letter I have again communicated with the late Attorney General, and he has permitted me to say that he still thinks it in every way more desirable for the public interest, and for the successful working of the District Courts Act, to adopt this arrangement.

He says he is of opinion, that *for the present* the Act can only be made fully operative in and about the metropolitan and the adjoining districts, and that for this purpose *two* Judges will be immediately required. If the Attorney General has not, therefore, already given away that which is gazetted as the Cumberland and Coast District, and if he thinks it desirable *for the present* to include within that district the Goulburn country, upon which it so closely verges, I would respectfully submit for his consideration the propriety of uniting such a district with the Sydney District, so as to carry out the proposal of the late Attorney General. That proposal, I beg leave to say, is one which agrees with my own view of what may be at present within my power of accomplishment with some advantage to the public service; and, if the Attorney General approves of this proposal, I shall be happy, with his concurrence, to make any arrangement with the Judge of the present Sydney District that may more fairly and fully divide the business of the *two* districts between us.

The Attorney General will pardon me for thinking that the express words of the 29th section of the District Courts Act will preclude the possibility of any *misunderstanding* as to the amount of the remuneration to which a District Judge shall be entitled.

I have, &c.,

THOMAS CALLAGHAN.

SECRETARY TO CROWN LAW OFFICERS to CHAIRMAN OF QUARTER SESSIONS.

(No. 58-486.)

Crown Law Offices,  
Sydney, 15 December, 1858.

SIR,

In acknowledging the receipt of your letter of the 13th instant, relative to the Judgeship of the District Courts for the Southern District, I am directed by the Attorney General to inform you that the subject thereof will be duly considered. A further communication will be addressed to you on the question.

I have, &c.,

W. E. PLUNKETT.

SECRETARY TO CROWN LAW OFFICERS to THOMAS CALLAGHAN, ESQ.

(No. 58-497.)

Crown Law Offices,  
Sydney, 17 December, 1858.

SIR,

Adverting to my letter of the 15th instant, in reference to your communication of the 13th, wherein you expressed a desire to be appointed a Judge of the District Courts for the division comprised within the Cumberland and Coast Police Districts, in lieu of the Southern District, which latter place I was instructed to offer you in my letter of the 4th of the present month, I am now desired by the Attorney General to state that he regrets the Government cannot, in the present instance, comply with your request. I am also desired to inform you that your Commission for the Southern District will be transmitted to you within the next few days.

I have, &c.,

W. E. PLUNKETT.

SECRETARY TO CROWN LAW OFFICERS to ALFRED CHEEKE, ESQ.

(No. 58-510.)

Crown Law Offices,  
Sydney, 21 December, 1858.

SIR,

In transmitting to you herewith a Commission under the Great Seal of the Colony, appointing you to be a Judge of District Courts for the places comprised within the Police Districts of Sydney (City and Metropolitan), I am directed to inform you that a fee of five guineas is due to the public on the document, and to request that you will have the goodness to pay the above sum into the Treasury.

I have, &c.,

W. E. PLUNKETT.

(No. 58-511.)

Crown Law Offices,  
Sydney, 21 December, 1858.

Similar letter (for Southern District) to THOMAS CALLAGHAN, ESQ.

Similar letter (for Western District) to JAMES SHEEN DOWLING, ESQ.

SECRETARY



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SECRETARY TO CROWN LAW OFFICERS to THOMAS CALLAGHAN, ESQ.

(No. 59-9.)

*Crown Law Offices,  
Sydney, 7 January, 1859.*

SIR,

Adverting to my letter of the 4th ultimo, offering you the appointment of District Court Judge for the Southern District, I have now the honor to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased, in pursuance of the Act of the Colonial Parliament, 22 Vict., No. 18, to appoint you Chairman of Quarter Sessions for the same district, and your Commission as Chairman is accordingly forwarded herewith.

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

ALFRED CHEEKE, ESQ., to ATTORNEY GENERAL.

(No. 2.)

*District Court Office,  
Sydney, 8 January, 1859.*

SIR,

Referring to the conversation which I had the honor of holding with you respecting the number of clerks, and other officers, and the office accommodation, which will be required for the District Court to be established for Sydney and the Metropolitan District, I have the honor to state that the staff of this department consists of the following officers—Registrar, three Clerks, Bailiff, three Assistant Bailiffs, Messenger, and Officekeeper.

2. To meet the increased business which must necessarily arise under the District Courts Act, I consider that, in addition to the number of officers mentioned, the appointment of an additional clerk will be sufficient, provided the Government will authorize me to employ temporary assistance, when found necessary.

3. I beg also to propose for your approval that, as one addition to the present office accommodation, the adjoining room recently occupied by the Chief Inspector of Distilleries, and those occupied by the late Chairman of Quarter Sessions, which form a portion of this range of buildings, may be allotted to my use, on the removal of the latter gentleman to Goulburn.

I have, &c.,  
ALFRED CHEEKE,  
Commissioner.

SECRETARY TO CROWN LAW OFFICERS to E. BUTLER, ESQ.

(No. 59-33.)

*Crown Law Offices,  
Sydney, 21 January, 1859.*

SIR,

In transmitting to you herewith a Commission under the Great Seal of the Colony, appointing you to be Crown Prosecutor in the Courts of General and Quarter Sessions to be holden within this Colony, I am directed to inform you that a fee of five guineas is due to the public on the document, and to request that you will have the goodness to pay the above sum into the Treasury.

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

THOMAS CALLAGHAN, ESQ., to SECRETARY TO CROWN LAW OFFICERS.

*Chambers, Hyde Park,  
24 January, 1859.*

SIR,

I have the honor to request that you will have the goodness to procure the Attorney General's authority for the payment to me of the salary of my office of District Judge from the date of my appointment.

I have, &c.,  
THOMAS CALLAGHAN.

P. MACAULIFFE, ESQ., to THE COLONIAL SECRETARY.

*Newcastle, 29 January, 1859.*

SIR,

I have the honor, by instructions of the Newcastle Improvement Committee to state that, in the arrangements for holding District Courts under the new Act, they do not observe that Newcastle is included in the towns at which a Court is to be established, and that, as the trade and population of this city and neighborhood give it the strongest claims to the accommodation, they conceive that the omission has arisen from inadvertence; more particularly as they find that East and West Maitland, which are only about two miles apart

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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apart from each other, are both to have Courts, while this place would be about twenty miles removed from the nearest one. I am desired, therefore, to represent the oversight, and to request that Newcastle may be included in the list of towns at which Courts are to be held, for which purpose it possesses a good Court House, and every other necessary facility.

I have, &c.,  
P. MACAULIFFE,  
Secretary.

SECRETARY TO CROWN LAW OFFICERS to J. F. HARGRAVE, Esq.

(No. 59-46.)

Crown Law Offices,  
Sydney, 29 January, 1859.

SIR,

As it is presumed that you are still at Mudgee, and as it will be necessary that you should be in attendance as Chairman of Quarter Sessions at Maitland, on Monday, the 7th proximo, I am directed by the Attorney General to state that, in the event of your being unable to return to Sydney by Saturday, the 5th of next month, to proceed from thence to Maitland, you had better go across the country to Maitland, a distance of 100 miles, and Mr. Windeyer, who has been appointed Crown Prosecutor for the Northern District and the Western District, will have your Commission as Chairman of Quarter Sessions intrusted to his care for you, which may be delivered at Maitland in the event of your not arriving in Sydney in sufficient time.

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

SECRETARY TO CROWN LAW OFFICERS to CLERK OF THE PEACE, MAITLAND.

(No. 59-47.)

Crown Law Offices,  
Sydney, 31 January, 1859.

SIR,

I am directed by the Attorney General to draw your attention to a private communication which was lately addressed by him to you, in which you were offered the appointment of Registrar and Clerk of the Peace at Maitland, with salary at the rate of three hundred pounds per annum, for the performance of the duties of those offices; and I am desired to request that you will have the goodness to state by return of post, whether you are willing or not to accept the offer already mentioned.

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

SECRETARY TO CROWN LAW OFFICERS to THOMAS CALLAGHAN, Esq.

(No. 59-50.)

Crown Law Offices,  
Sydney, 31 January, 1859.

SIR,

In acknowledging the receipt of your letter of the 28th instant, requesting authority for payment of your travelling expenses as Chairman of the late Quarter Sessions at Goulburn, from Thursday, the 6th, to Monday, the 17th January inclusive, I am directed by the Attorney General to state, that the Clerk of the Peace may for the present pay you the amount due for the services already mentioned.

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

SECRETARY TO CROWN LAW OFFICERS to HENRY CARY, Esq.

(59-51.)

Crown Law Offices,  
Sydney, 31 January, 1859.

SIR,

In transmitting to you herewith a Commission under the Great Seal of the Colony, appointing you to be a Judge of the District Courts to be holden in the Cumberland and Coast District, I am directed to inform you that a fee of five guineas is due to the public on the document, and to request that you will have the goodness to pay the above sum into the Treasury.

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

SECRETARY

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SECRETARY TO CROWN LAW OFFICERS to HENRY CARY, ESQ.

(No. 59-52.)

*Crown Law Offices,  
Sydney, 31 January, 1859.*

SIR,

Adverting to my letter No. 59-51, bearing this day's date, containing Commission appointing you to be a Judge of the District Courts to be holden in the Cumberland and Coast District, I have now the honor to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased, in pursuance of the Act of the Colonial Parliament, 22 Vict., No. 18, to appoint you to be the Chairman of Quarter Sessions for the same district, and your Commission as such Chairman is accordingly forwarded herewith.

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

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SECRETARY TO CROWN LAW OFFICERS to J. F. HARGRAVE, ESQ.

(No. 59-53.)

*Crown Law Offices,  
Sydney, 31 January, 1859.*

SIR,

In transmitting to you herewith a Commission under the Great Seal of the Colony, appointing you to be a Judge of the District Court to be holden in the Northern District, I am directed to inform you that a fee of five guineas is due to the public on the document, and to request that you will have the goodness to pay the above sum into the Treasury.

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

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(No. 59-54.)

*Crown Law Offices,  
Sydney, 31 January, 1859.*

Similar letter to 59-52, appointing him (JOHN FLETCHER HARGRAVE, ESQ.) Chairman of Quarter Sessions for the Northern District, and enclosing Commission.

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SECRETARY TO CROWN LAW OFFICERS, to W. C. WINDEYER, ESQ.

(No. 59-55.)

*Crown Law Offices,  
Sydney, 31 January, 1859.*

SIR,

In transmitting to you herewith a Commission under the Great Seal of the Colony, empowering you to act as Crown Prosecutor in the Courts of General and Quarter Sessions to be holden within this Colony, but more immediately for the Northern District and the Western District, for which you were recently gazetted, I am directed to inform you that a fee of five guineas is due to the public on the document, and to request that you will have the goodness to pay the above sum into the Treasury.

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

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(No. 59-56.)

*Crown Law Offices,  
Sydney, 31 January, 1859.*

Similar letter to preceding (Cumberland and Coast, and Southern Districts) to F. W. MEYMOTT, ESQ., Barrister-at-Law.

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(No. 59-57.)

*Crown Law Offices,  
Sydney, 2 February, 1859.*

Similar letter to 59-52 (Western District) to J. S. DOWLING, ESQ.

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SECRETARY TO CROWN LAW OFFICERS to A. C. MAXWELL, ESQ.

(No. 59-58.)

*Crown Law Offices,  
Sydney, 3 February, 1859.*

SIR,

I am directed by the Attorney General to offer you the appointment of Chief Registrar in Sydney, under the District Courts Act of 1858, with salary at the rate of £500 per annum, to commence from the 1st instant, under the altered or new system now being established.

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

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(No.

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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(No. 59-59.)

*Crown Law Offices,  
Sydney, 3 February, 1859.*

Similar letter to the foregoing (2nd Registrar in Sydney; £400 per annum) to  
GEORGE SWINNERTON YARNTON, Esq., Solicitor, &c.

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SECRETARY TO CROWN LAW OFFICERS to COLIN M'KENZIE, Esq.

(No. 59-63.)

*Crown Law Offices,  
Sydney, 3 February, 1859.*

SIR,

I am directed by the Attorney General to offer you the appointment of Chief Registrar at Parramatta for the Cumberland and Coast District, under the District Courts Act of 1858, and also Clerk of the Peace for that portion of the before-mentioned district which is not included in the County of Cumberland, with salary at the rate of £300 per annum, to commence from the 1st instant.

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

(No. 59-64.)

*Crown Law Offices,  
Sydney, 3 February, 1859.*

Similar letter to the foregoing (Southern District; salary, £300 per annum) to  
TEMPLE NATHAN, Esq., Central Police Office, Sydney.

(No. 59-65.)

*Crown Law Offices,  
Sydney, 3 February, 1859.*

Similar letter to 59-63 (Chief Registrar at Maitland; salary, £300 per annum) to  
A. D. F. CARTER, Esq., Supreme Court.

(No. 59-66.)

*Crown Law Offices,  
Sydney, 3 February, 1859.*

Similar letter to 59-63 (Chief Registrar at Bathurst, and Clerk of the Peace, Western District; £300 per annum) to T. C. GORE, Esq.

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SECRETARY TO CROWN LAW OFFICERS to CLERK OF THE PEACE, SYDNEY.

(No. 59-67.)

*Crown Law Offices,  
Sydney, 3 February, 1859.*

SIR,

I have the honor to state that His Excellency the Governor General having been pleased, with the advice of the Executive Council, to appoint the undermentioned gentlemen to be Crown Prosecutors for the Districts mentioned in connection with their names respectively, viz.,—

Edward Butler, Esq., to be Crown Prosecutor for the Sydney District;

Frederick Wm. Meymott, Esq., to be Crown Prosecutor for the Cumberland and Coast District;

William Charles Windeyer, Esq., to be Crown Prosecutor for the Northern Districts and the Western District;

I am now directed by the Attorney General to inform you that the officers in question will be entitled to be paid salary at the rate of £500 per annum, commencing on the 20th ultimo; and you will have the goodness to pay them out of your public account, until further advised. I am desired to add that the above officers will receive 40s. per diem, as heretofore, in the shape of travelling expenses, which will be paid in the manner services of this nature were lately defrayed.

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

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SECRETARY TO CROWN LAW OFFICERS to AUDITOR GENERAL.

(No. 59-68.)

*Crown Law Offices,  
Sydney, 3 February, 1859.*

SIR,

In forwarding herewith to you the accompanying Pay Abstract I am directed by the Attorney General to state that Messrs. Cheeke, Callaghan, and Dowling are entitled to be paid salary as Judges of the District Courts for the districts opposite their names respectively, at the rate of one thousand pounds per annum, from the 1st ultimo. Messrs. Cary and Hargrave are entitled to be paid salary as Judges of the District Courts for the districts opposite their names also, but from the 20th of the last month, at the above rate.

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

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AUDITOR GENERAL to SECRETARY TO CROWN LAW OFFICERS.

*Audit Office,  
Sydney, 4 February, 1859.*

SIR,

In acknowledging the receipt of your letter of the 3rd instant, forwarding the Pay Abstract for January, 1859, of the Judges of the District Courts, I have the honor to inform you that Mr. Cheeke has been paid salary as Commissioner of the Court of Requests for the past month, and to inquire whether that amount—£66 13s. 4d.—is to be deducted from his claim as a Judge for that period.

I have, &c.,  
W. C. MAYNE,  
Auditor General.

SECRETARY TO CROWN LAW OFFICERS to AUDITOR GENERAL.

(No. 59-75.)

*Crown Law Offices,  
Sydney, 8 February, 1859.*

SIR,

In reply to your letter of the 4th instant, in reference to my communication, No. 68, of the 3rd of the present month, covering the Pay Abstract for January, 1859, of the Judges of the District Courts, I am directed to inform you that the sum of £66 13s. 4d., as salary to the Commissioner of the Court of Requests for the first month, is to be deducted from Mr. Cheeke's claim as a Judge for that period—the appointment to the latter office superseding the previous one.

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

ALFRED CHEEKE, ESQ., to ATTORNEY GENERAL.

(No. 1.)

*District Court Office,  
Sydney, 15 February, 1859.*

SIR,

I have the honor of requesting to be informed what will be the respective salaries of the four bailiffs to be appointed for this Court, on account of the service of summonses, and their general duties under Section 39 of the District Courts Act, in order that I may be in a position to provide for the appointment of these officers when requisite.

I have, &c.,  
ALFRED CHEEKE,  
Judge.

THOMAS CALLAGHAN, ESQ., to SECRETARY TO CROWN LAW OFFICERS.

*Chambers, Hyde Park,  
Sydney, 15 February, 1859.*

SIR,

I have the honor to request that you will do me the favor to bring under the notice of the Attorney General my application for his authority for the payment of my salary as District Judge, from the date of my appointment up to the time when I have received my salary, that is to say, from the 21st to the 31st of December last.

I have, &c.,  
THOMAS CALLAGHAN.

SECRETARY TO CROWN LAW OFFICERS to E. BUTLER, ESQ.

(No. 59-85.)

*Crown Law Offices,  
Sydney 17 February, 1859.*

SIR,

In order to prevent any future misunderstanding, I am directed by the Attorney General to inform you, that it is deemed advisable to communicate in writing, and to place upon record, the conditions under which you have been appointed by the Government to be Crown Prosecutor for the Sydney District, under the provisions of the District Courts Act of 1858. I am desired therefore to repeat in writing, what the Attorney General has already explained verbally to you,—that in conferring upon you the appointment in question the Government will require you to assist the Attorney General and the Solicitor General in prosecuting at the Darlinghurst Sittings, and on the Circuits, whenever either of them are unable to attend.

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

SECRETARY

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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SECRETARY TO CROWN LAW OFFICERS to F. W. MEYMOTT, Esq.

(No. 59-86.)

*Crown Law Offices,  
Sydney, 17 February, 1859.*

SIR,

I am directed by the Attorney General to inform you that it is deemed advisable to communicate with you officially, and to place on record, the terms upon which you received from the Government your appointment as Crown Prosecutor for the Southern and Cumberland and Coast Districts, under the District Courts Act of 1858. I am directed to repeat in writing what the Attorney General has already intimated to you by a private note,—that the present arrangement which requires you to discharge the duties of Crown Prosecutor in two districts is to be considered temporary, but that the Government cannot recognise your claim to select a district, whenever it may become necessary to appoint a Crown Prosecutor for each of those districts.

I am also desired to add, in reference to a claim made by you for compensation in consequence of your having been deprived of your office of Joint Parliamentary Draftsman, that according to the Government regulations no public officer is entitled to compensation for loss of employment who is appointed to another office within three months from the loss of his former appointment. I am likewise desired to observe that the Attorney General is unable to perceive what pecuniary damage you can have sustained by the loss of an office worth £350 a year, and your appointment to another three weeks afterwards worth £500 a year.

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

SECRETARY TO CROWN LAW OFFICERS to W. C. WINDEYER, Esq.

(No. 59-87.)

*Crown Law Offices,  
Sydney, 17 February, 1859.*

SIR,

In order to prevent any future misunderstanding, I am directed by the Attorney General to inform you, that it is deemed advisable to communicate to you officially, and to place upon record the conditions under which you have received the appointment of Crown Prosecutor for the Northern District, under the provisions of the District Courts Act of 1858. I am now desired to repeat in writing what the Attorney General has already explained verbally to you,—that the present arrangement, whereby you are required to act as Crown Prosecutor for the Western as well as the Northern District, is to be considered temporary, and that you will be relieved from the duty of acting as Crown Prosecutor for the Western District whenever it may become necessary to nominate a separate Crown Prosecutor for that district.

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

SECRETARY TO CROWN LAW OFFICERS to ALFRED CHEEKE, Esq.

(No. 59-88.)

*Crown Law Offices,  
Sydney, 18 February, 1859.*

SIR,

I am directed by the Attorney General to inform you, that it appears to him to be necessary and proper that you should apportion the duties of the Registrars of the District Courts for the Sydney District in the manner which you may consider to be the most suitable arrangement for the efficient performance of the duties of the department.

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

SECRETARY TO CROWN LAW OFFICERS to EDWARD ROGERS, Esq.

(No. 59-89.)

*Crown Law Offices,  
Sydney, 18 February, 1859.*

SIR,

I am directed by the Attorney General to inform you that for the future you will be relieved from the performance of the duties of Clerk of the Peace for the Southern District and the Western District, and you will no longer be required to attend at Goulburn or proceed to Bathurst, or otherwise to act as Clerk of the Peace for those districts. It is intended by the Government that the Chief Registrars appointed under the District Courts Act of 1858 for each of the above places shall likewise be required to act in the capacity of Clerks of the Peace for their respective districts. Your duties will now be confined to the County of Cumberland, the Chief Registrar at Parramatta having been appointed as such for the Cumberland and Coast District, and also to be Clerk of the Peace for that portion of the before-mentioned district which is not included in the County of Cumberland.

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

SECRETARY

SECRETARY TO CROWN LAW OFFICERS to THOMAS CALLAGHAN, ESQ.

(No. 59-90.)

*Crown Law Offices,  
Sydney, 19 February, 1859.*

SIR,

In acknowledging the receipt of your letters of the 24th ultimo and 15th instant, requesting authority for the payment of your salary as District Judge from the 21st to 31st December last, I am directed by the Attorney General to state that you appear to have overlooked a passage in the letter (dated 4th December, 1858) which conveyed to you on the part of the Attorney General the offer of an appointment as Judge of the District Courts to be holden in and for the Southern District. A reference to that letter will shew you that the offer of that appointment was made "with the express understanding that you should continue to perform the duties of your then office with the salary attached thereto, *without other remuneration, during the current year.*" I am desired to add, that if you did not overlook the passage in question, you must be taken to have accepted the appointment, subject to the conditions by which the offer of it was accompanied; and the Attorney General cannot therefore authorize the payment of a salary for an office which you accepted upon the understanding that the salary attached thereto should not commence until the 1st of January, 1859. I am further desired to add, that although Mr. Cheeke and Mr. Dowling were appointed to their respective offices under the same conditions as you, neither of those gentlemen have preferred a similar application.

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

SECRETARY TO CROWN LAW OFFICERS to ALFRED CHEEKE, ESQ.

(No. 59-91.)

*Crown Law Offices,  
Sydney, 19 February, 1859.*

SIR,

In reference to your letter of the 8th ultimo, respecting the number of clerks and other officers, and the office accommodation which will be required for your department, I am directed by the Attorney General to remark, that Mr. Yarnton having been appointed to execute jointly with the Chief Registrar the office of Registrar for the Sydney District Courts, it is considered by the Government that this arrangement will be sufficient for the present.

2. In reference to your suggestion with regard to additional office accommodation, the Attorney General sees no objection to your having the adjoining room, recently occupied by the Chief Inspector of Distilleries, and also those occupied by the late Chairman of Quarter Sessions, being a portion of the same range of buildings, on the removal of Mr. Callaghan to Goulburn.

Application will be made to the Colonial Architect to carry out the necessary alterations.

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

SECRETARY TO CROWN LAW OFFICERS to ALFRED CHEEKE, ESQ.

(No. 59-92.)

*Crown Law Offices,  
Sydney, 19 February, 1859.*

SIR,

In acknowledging the receipt of your letter of the 15th instant, requesting to be informed what will be the respective salaries of the four bailiffs for your department, I am directed by the Attorney General to inform you that it is intended that there should be no alteration made in respect of the salaries of the bailiffs of the District Courts for the Sydney District, which supersedes the Courts of Requests.

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

SECRETARY TO CROWN LAW OFFICERS to E. BUTLER, ESQ.

(No. 59-93.)

*Crown Law Offices,  
Sydney, 19 February, 1859.*

SIR,

Adverting to my letter of the 17th instant, and in reference to your communication of the 18th instant, I am directed by the Attorney General to inform you that it is intended by the Government that you should not be required to prosecute for the Attorney General or the Solicitor General at more than one Circuit Town.

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

THOMAS

THOMAS CALLAGHAN, ESQ., to SECRETARY TO CROWN LAW OFFICERS.

*Chambers, Hyde Park,  
Sydney, 21 February, 1859.*

SIR,

I have the honor to say, in reply to your letter of the 19th instant, which I have just received, that the Attorney General appears to me both to have overlooked the last paragraph in my letter of the 13th of December last, and, as I apprehend, the law in reference to the subject to which it refers.

I have, &c.,  
THOS. CALLAGHAN.

SECRETARY TO CROWN LAW OFFICERS to THE JUDGES OF THE DISTRICT COURTS.

(No. 59-100.)

GENTLEMEN,

*Crown Law Offices,  
Sydney, 24 February, 1859.*

I am directed by the Attorney General to say, that he will feel much obliged if you will be so good as to prepare the various forms, and other things necessary to bring into operation the District Courts Act of 1858, with as little delay as possible, and to submit same for consideration by the Attorney General.

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

SECRETARY TO CROWN LAW OFFICERS to T. C. GORE, ESQ.

(No. 59-104.)

SIR,

*Crown Law Offices,  
Sydney, 25 February, 1859.*

In acknowledging the receipt of your letter of the 24th instant, I am directed by the Attorney General to state, that he sees no objection to your returning to Sydney after the conclusion of the business at the Quarter Sessions, which have been fixed to commence at Bathurst on the 7th proximo, in order that you may assist whilst the forms and books are in course of preparation, provided that your return will not interfere with any public duties you may have to perform elsewhere.

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

SECRETARY TO CROWN LAW OFFICERS to THE JUDGES OF THE DISTRICT COURTS.

(No. 59-105.)

GENTLEMEN,

*Crown Law Offices,  
Sydney, 25 February, 1859.*

I have the honor, by direction of the Attorney General, to inform you, that if you will have the goodness to prepare a statement, enumerating the seals of office which will be required for the several places within your respective districts, the Colonial Storekeeper will be directed to take the necessary steps for supply of same to you.

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

SECRETARY TO CROWN LAW OFFICERS to THE JUDGES OF THE DISTRICT COURTS.

(No. 59-106.)

GENTLEMEN,

*Crown Law Offices,  
Sydney, 25 February, 1859.*

I have the honor, by direction of the Attorney General, to forward herewith to you a copy of the Proceedings and Minute of the Executive Council, No. 59-6, with respect to rates of salary to be paid to certain officers of the District Courts.

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

[Enclosure.]

*PROCEEDINGS of the Executive Council on the 7th February, 1859, with respect to rates of salary to be paid to certain officers of the District Courts.*

Minute No. 59-6. Confirmed 14th February, 1859.

REFERRING to previous proceedings in relation to the establishment of District Courts, pursuant to the Act of the local Parliament, 22 Vic., No. 18, and to the appointment of Judges and other officers of such Courts respectively, His Excellency the Governor General lays before the Council a Schedule, shewing the proposed rates of salary and allowances to be paid to such Judges and other officers, and also exhibiting the places in each District Court District at which it is proposed that Registrars and Bailiffs should be appointed pursuant to the said Act, as well as the rates of salary to be paid to such subordinate officers.



## 14 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

2. The Council having considered the various items comprised in the said Schedule, approve of the same, and advise that the necessary provision be made accordingly, as per Appendix hereto.

3. The Council further advise, that the several Clerks of Petty Sessions be appointed Registrars at the various places therein named, and with the rates of salary specified in connection with the respective offices.

Executive Council Office,  
Sydney, 18 February, 1859.  
59-124.

A. ORPEN MORIARTY,  
Clerk of the Council.

## DISTRICT COURTS.

*Sydney District.*

1 Judge	...	...	...	...	...	£1,000
1 Chief Registrar	...	...	...	...	...	500
1 Deputy Registrar	...	...	...	...	...	400
1 Clerk	...	...	...	...	...	300
2 Clerks, at £200	...	...	...	...	...	400
1 Bailiff and Crier	...	...	...	...	...	150
3 Assistant do., at £104	...	...	...	...	...	312
1 Messenger	...	...	...	...	...	104
1 Office Keeper	...	...	...	...	...	25
						£3,191

*Cumberland and Coast District.*

1 Judge	...	...	...	...	...	£1,000
1 Chief Registrar, Parramatta	...	...	...	...	...	300
1 Registrar, Berrima	...	...	...	...	...	50
1 Do. Bombala	...	...	...	...	...	30
1 Do. Braidwood	...	...	...	...	...	50
1 Do. Camden and Picton	...	...	...	...	...	40
1 Do. Campbelltown	...	...	...	...	...	40
1 Do. Cooma	...	...	...	...	...	30
1 Do. Eden	...	...	...	...	...	30
1 Do. Kiama	...	...	...	...	...	30
1 Do. Parramatta and Liverpool	...	...	...	...	...	60
1 Do. Penrith	...	...	...	...	...	40
1 Do. Windsor	...	...	...	...	...	40
1 Do. Wollongong	...	...	...	...	...	50
						£1,790

## BAILIFFS.

*Cumberland and Coast District.*

1 Bailiff, Berrima	...	...	...	...	...	£40
1 Do. Bombala	...	...	...	...	...	30
1 Do. Braidwood	...	...	...	...	...	40
1 Do. Camden and Picton	...	...	...	...	...	40
1 Do. Campbelltown	...	...	...	...	...	40
1 Do. Cooma	...	...	...	...	...	30
1 Do. Eden	...	...	...	...	...	30
1 Do. Kiama	...	...	...	...	...	30
1 Do. Liverpool and Parramatta...	...	...	...	...	...	50
1 Do. Penrith	...	...	...	...	...	35
1 Do. Windsor	...	...	...	...	...	40
1 Do. Wollongong	...	...	...	...	...	40
						£445

*Southern District.*

1 Judge	...	...	...	...	...	£1,000
1 Chief Registrar, Goulburn	...	...	...	...	...	300
1 Registrar, Albury	...	...	...	...	...	50
1 Do. Gundagai	...	...	...	...	...	50
1 Do. Queanbeyan	...	...	...	...	...	50
1 Do. Tumut	...	...	...	...	...	50
1 Do. Wagga Wagga	...	...	...	...	...	30
1 Do. Yass	...	...	...	...	...	50
						£1,580

## BAILIFFS.

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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## BAILIFFS.

*Southern District.*

1	Bailiff, Goulburn ...	£40
1	Do. Albury ...	40
1	Do. Gundagai ...	30
1	Do. Queanbeyan ...	30
1	Do. Tumut ...	30
1	Do. Wagga Wagga ...	30
1	Do. Yass ...	40
		<hr/> £240

*Northern District.*

1	Judge ...	£1,000
1	Chief Registrar, East and West Maitland ...	300
1	Registrar, Armidale ...	50
1	Do. Grafton ...	40
1	Do. Muswellbrook, Murrurundi, and Scone ...	50
1	Do. Newcastle ...	50
1	Do. Paterson ...	40
1	Do. Port Macquarie ...	40
1	Do. Singleton ...	40
1	Do. Tamworth ...	40
		<hr/> £1,650

## BAILIFFS.

*Northern District.*

1	Bailiff, East and West Maitland ...	£50
1	Do. Armidale ...	40
1	Do. Grafton ...	30
1	Do. Scone, Murrurundi, and Muswellbrook ...	50
1	Do. Paterson ...	30
1	Do. Port Macquarie ...	40
1	Do. Singleton ...	30
1	Do. Tamworth ...	30
		<hr/> £300

*Western District.*

1	Judge ...	£1,000
1	Chief Registrar, Bathurst ...	300
1	Registrar, Carcoar ...	40
1	Do. Dubbo ...	30
1	Do. Hartley ...	40
1	Do. Molong ...	30
1	Do. Mudgee ...	40
1	Do. Orange ...	30
		<hr/> £1,510

## BAILIFFS.

*Western District.*

1	Bailiff, Bathurst ...	£40
1	Do. Carcoar ...	30
1	Do. Dubbo ...	30
1	Do. Hartley ...	40
1	Do. Molong ...	30
1	Do. Mudgee ...	30
1	Do. Orange ...	30
		<hr/> £230

## CONTINGENCIES.

Travelling expenses of Judges ...	£1,125
Allowances to Witnesses and Jurors ...	3,000
Incidental and unforeseen expenses ...	1,000
	<hr/> £5,125

QUARTER

## 16 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

QUARTER SESSIONS.					
3 Crown Prosecutors, at £500	...	...	...	...	£1,500
1 Clerk of the Peace, Cumberland	...	...	...	...	550
1 Clerk, Sydney	...	...	...	...	260
1 Messenger	...	...	...	...	104
					<hr/> 2,414
CONTINGENCIES.					
Travelling expenses	...	...	...	...	1,200
Witnesses and Jurors	...	...	...	...	3,200
Incidental expenses	...	...	...	...	10
					<hr/> 4,410
					<hr/> £6,824

ALFRED CHEEKE, Esq., to ATTORNEY GENERAL.

Sydney, 1 March, 1859.

SIR,

I have the honor to acquaint you, that on the coming into operation of the new system of District Courts, in December last, plaints were filed for trial under the Court of Requests Act, and would have been adjudicated on at the January Sittings of the Court, in the absence of instructions to the contrary from the Government.

2. As the fees of office chargeable in the cases referred to have been paid by the suitors, and duly accounted for by the Registrar to the Treasury, and as it will be necessary to initiate fresh proceedings in these cases under the District Courts Act, I now request your instructions as to the conditions on which suitors will be entitled to fresh processes, suggesting that the most convenient course to pursue will be to allow processes in all such cases to issue free of the fees payable to the Government.

I have, &amp;c.,

ALFRED CHEEKE,  
Judge.

SECRETARY TO CROWN LAW OFFICERS to AUDITOR GENERAL.

(No. 59-113.)

Crown Law Offices,  
Sydney, 3 March, 1859.

SIR,

I have the honor, by direction of the Attorney General, to furnish herewith to you a copy of the Proceedings and Minute of the Executive Council, No. 59-6, with respect to rates of salary to be paid to the officers of the several District Courts established under the provisions of the District Courts Act of 1858.

I have, &amp;c.,

W. E. PLUNKETT.

SECRETARY TO CROWN LAW OFFICERS to J. S. DOWLING, Esq.

(No. 59-114.)

Crown Law Offices,  
Sydney 3 March, 1859.

SIR,

Adverting to my letter of the 2nd ultimo, informing you of your appointment as Chairman of Quarter Sessions for the Western District, and enclosing your Commission to act as such, I have now the honor to enclose a fresh Commission, which supersedes the one to which I have referred above,—the present Commission is more definite, and the necessary Minute of the Executive appears to have been overlooked in the first instance, and, consequent thereon, your name has not been gazetted in the customary manner, which, however, will appear in the *Government Gazette* of to-morrow.

I have, &amp;c.,

W. E. PLUNKETT.

SECRETARY TO CROWN LAW OFFICERS to THE JUDGE OF THE SYDNEY DISTRICT COURT.

(No. 59-124.)

Crown Law Offices,  
Sydney, 7 March, 1859.

SIR,

In acknowledging the receipt of your letter of the 1st instant, stating that, on the coming into operation of the new system of District Courts, plaints were filed for trial under the Court of Requests Act, and suggesting fresh processes may now issue, free of charge, under the District Courts Act, 22 Vic., No. 18, for the reasons therein explained,—I am directed by the Attorney General to state that he is not aware that provision has been made

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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made to issue process free of charge. It will, he thinks, be necessary to commence *de novo*, and the fees named in the schedule to the Act will have to be paid accordingly.

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

(No. 59-135.)

*Crown Law Offices,  
Sydney, 16 March, 1859.*

Similar letter to No. 59-53, appointing him Judge of the District Courts to be holden in the Northern District, to ROBERT OWEN, ESQ., District Court Judge, Northern District.

Ditto, appointing him Chairman of Quarter Sessions, covering Commission.  
(No. 59-136.)

SECRETARY TO CROWN LAW OFFICERS to ALFRED CHEEKE, ESQ.

(No. 59-141.)

*Crown Law Offices,  
Sydney, 21 March, 1859.*

SIR,

I am directed by the Attorney General to inform you that it will be required of each of the Registrars of your Court to give a bond to the Government for the sum of £500, with two sufficient sureties for a similar amount each.

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

SECRETARY TO CROWN LAW OFFICERS to ALFRED CHEEKE, ESQ.

(No. 59-142.)

*Crown Law Offices,  
Sydney, 21 March, 1859.*

SIR,

I am directed by the Attorney General to request that you will have the goodness to inform the four Bailiffs appointed by you that they must each give a bond to the Government for the sum of £250 by themselves, and two sufficient sureties for a similar amount each.

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

SECRETARY TO CROWN LAW OFFICERS to HENRY CARY, ESQ.

(No. 59-143.)

*Crown Law Offices,  
Sydney, 21 March, 1859.*

SIR,

I am desired by the Attorney General to inform you that it will be required of each of the Registrars in the Country Districts to give a bond to the Government for the sum of £250 by themselves, with two sufficient sureties for a similar amount each.

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

SECRETARY TO CROWN LAW OFFICERS to HENRY CARY, ESQ.

(No. 59-144.)

*Crown Law Offices,  
Sydney, 21 March, 1859.*

SIR,

I am directed by the Attorney General to request that you will have the goodness to forward a list containing the names of the persons whom you desire to appoint to be your Bailiffs at the several places fixed for holding Courts within your district, under the provisions of the District Courts Act of 1858.

2. I am desired to inform you that it will be required of each of the Bailiffs in the Country Districts to give a bond to the Government for the sum of £200 by themselves, and two sufficient sureties for a similar amount each.

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

(No. 59-145.)

*Crown Law Offices,  
Sydney, 21 March, 1859.*

Similar letter to No. 59-143, written to ROBERT OWEN, ESQ., District Court Judge, Northern District.

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(No. 59-146.)

Similar letter to No. 59-144, written to ROBERT OWEN, ESQ., District Court Judge, Northern District.

(No. 59-147.) }  
(No. 59-148.) }

Similar letters to Nos. 59-143 and 59-144, written to THOMAS CALLAGHAN, ESQ., District Court Judge, Southern District.

(No. 59-149.) }  
(No. 59-150.) }

Similar letters to Nos. 59-143 and 59-144, written to JAMES SHEEN DOWLING, ESQ., District Court Judge, Western District.

SECRETARY TO CROWN LAW OFFICERS to THE JUDGES OF THE DISTRICT COURTS.

(No. 59-153.)

*Crown Law Offices,  
Sydney, 26 March, 1859.*

GENTLEMEN,

Adverting to my letter of the 25th February last, No. 106, transmitting copy Proceedings and Minute of the Executive Council (59-6), I have now the honor, by direction of the Attorney General, to forward herewith to you a further copy Minute of the Council, No. 59-11, with respect to the designation of certain officers of the District Courts, and the respective rates of salary and allowances to be paid to such officers. I am desirous to suggest that the Registrars who are at present in Sydney might be instructed to prepare a copy of the enclosed Minute for the use of each of the Judges and themselves—the gentlemen in this office being very much pressed with other business.

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

[Enclosure.]

*PROCEEDINGS of the Executive Council on the 14th March, 1859, with respect to designation of certain Officers of the District Courts, &c., &c.*

Minute No. 59-11. Confirmed 21st March, 1859.

REFERRING to the proceedings on the 7th ultimo, with respect to the appointment of Chief Registrars, Registrars, and other officers of District Courts, established in pursuance of the District Courts Act of 1858, and the respective rates of salary and allowances to be paid to such officers, His Excellency the Governor General lays before the Council a letter which has been addressed to the Honorable the Attorney General by Henry Cary, Esquire, Judge of the District Courts of the Cumberland and Coast District, in which, referring exclusively to his own district, he expresses doubts of the arrangements that have been made—more particularly with reference to the office of Chief Registrar—being in strict conformity with the terms of the local enactment.

2. Mr. Cary is of opinion that the 32nd section of the Act in question does not contemplate the appointment of a Chief and Deputy, or subordinate Registrars, but the appointment in populous places of two persons to execute jointly the office of Registrar. He proceeds to shew that the appointment of a Chief Registrar, having authority over the several Deputy Registrars in his district, would be unnecessary, and moreover attended with many practical inconveniences; and further recommends that the whole sum appropriated to the remuneration of Registrars in the Cumberland and Coast District should be apportioned according to the probable relative amount of business in each Court; for which purpose he submits an amended scale, exhibiting the manner in which he would propose the sum of £790, now allowed, to be distributed.

3. Mr. Cary also suggests a modification in the scale of fees to be received by the Bailiffs of the Court.

4. Mr. Cary's letter has been under the consideration of the Honorable the Attorney General and the Solicitor General, who, in a Minute appended to the correspondence now before the Council, have expressed generally their concurrence in Mr. Cary's views, save as respects the fees of Bailiffs, for the alteration of which they see at present no ground; observing, that if it should hereafter become necessary, a remedy can easily be effected under the 42nd section of the Act.

5. The Council having deliberated at some length upon the several questions arising out of the correspondence now before them, advise that in the Cumberland and Coast District the appointment of Mr. McKenzie, as Chief Registrar, be cancelled, and that the appointment of the several officers who in the other District Courts Districts have been appointed Chief Registrars be modified in so far as the designation of Chief Registrar is concerned. In the Sydney District the Council advise that the office of Registrar be executed jointly, pursuant to the 33rd clause of the Act, by Mr. Maxwell, whom it was proposed to appoint Chief Registrar, and Mr. Yarrnton, the Deputy Registrar; and in the remaining Districts, with the exception of Cumberland and the Coast, they recommend that the officers designated as Chief Registrars be appointed Registrars of the District Courts.

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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6. The Council approve of the revised scale of remuneration to Registrars in the Cumberland and Coast District, and advise that it be adopted accordingly, as set forth in the Schedule hereto appended, marked A.

7. Acting upon a further suggestion of the Crown Law Officers, the Council advise that the Registrars and Bailiffs of the several District Courts be required to provide securities to the amounts set forth in the annexed Schedule, marked B, for the due performance of their respective duties.

## APPENDIX A.

Parramatta	...	...	...	...	£120	
Windsor	...	...	...	...	80	
Braidwood	...	...	...	...	70	
Penrith	...	...	...	...	70	
Wollongong	...	...	...	...	70	
Berrima	...	...	...	...	60	
Bombala	...	...	...	...	40	
Camden	...	...	...	...	40	One Clerk of Petty Sessions performs the Bench duties of these two places.
Picton	...	...	...	...	40	
Campbelltown	...	...	...	...	40	Do. do.
Liverpool	...	...	...	...	40	
Cooma	...	...	...	...	40	
Eden	...	...	...	...	40	
Kiama	...	...	...	...	40	
					£790	

## APPENDIX B.

Registrar and two sureties jointly and severally, for Sydney	...	£500
Country Registrars and two sureties jointly and severally	...	250
Bailiffs, Sydney, three sureties jointly and severally	...	250
Country Bailiffs, three sureties jointly and severally	...	250

A. ORPEN MORIARTY,  
Clerk of the Council.

Executive Council Office,  
Sydney, 23 March, 1859.  
No. 59-225.

## COPIES OF COMMISSIONS UNDER DISTRICT COURTS ACT.

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

To all to whom these presents shall come, Greeting:—

KNOW YE, that We, reposing confidence in the loyalty, learning, and ability of Alfred Cheeke, Esquire, have thought fit, with the advice of Our Executive Council of Our Colony of New South Wales, hereby to constitute and appoint him, the said Alfred Cheeke, Esquire, to be Judge of the District Courts which have been, or from time to time may be, ordered to be holden at any of the towns or places within the Sydney District, being one of the Districts into which Our said Colony has been divided for the purposes of an Act passed in the twenty-second year of Our Reign, intituled, "*An Act for establishing District Courts, and for enabling the Judges thereof to act as Chairmen of Quarter Sessions,*" to have, hold, exercise, and enjoy the said office during ability and good behaviour, together with all and singular the duties, powers, rights, and privileges belonging to his said office which are now or at any time hereafter during the continuance hereof may be imposed or granted by the laws of the said Colony: In testimony whereof We have caused these Our Letters to be made Patent under the Great Seal of Our said Colony, to be hereunto affixed.

Witness Our trusty and well-beloved Sir William Thomas Denison, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Our Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of our Territory of New South Wales and its Dependencies, at Government House, Sydney, in Our said Territory, this day of \_\_\_\_\_, in the \_\_\_\_\_ year of Our Reign, and in the year of Our Lord one thousand eight hundred and fifty-

(Signed) W. T. DENISON.

By His Excellency's Command,  
(Signed) A. P. LUTWYCHE,  
Attorney General.

Entered on record by me in Register of Patents, No. \_\_\_\_\_, page \_\_\_\_\_, this day of \_\_\_\_\_, one thousand eight hundred and fifty-

(Signed) W. ELYARD,  
(For the Colonial Secretary and Registrar.)

Similar

Similar Commission to Thomas Callaghan, Esq., for Southern District.

Do. to James Sheen Dowling, Esq., for Western District.

Do. to Henry Cary, Esq., for Cumberland and Coast District.

Do. to John Fletcher Hargrave, Esq., for Northern District.

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

To all to whom these presents shall come, Greeting :—

KNOW YE, that We, reposing confidence in the loyalty, learning, and ability of Robert Owen, Esquire, do by these presents, and with the advice of Our Executive Council of Our Colony of New South Wales, hereby constitute and appoint him, the said Robert Owen, being an Attorney-at-Law of seven years' standing and upwards, to be Judge of the District Courts which have been, or from time to time may be, ordered to be holden under the provisions of the Act hereinafter mentioned at any of the towns or places within the Northern District, being one of the Districts into which our said Colony has been divided for the purposes of an Act of the Parliament of New South Wales, passed in the twenty-second year of Our Reign, intituled, "*An Act for establishing District Courts, and for enabling the Judges thereof to act as Chairmen of Quarter Sessions,*" commonly styled and cited as the "District Courts Act of 1858," to have, hold, exercise, and enjoy the said office during ability and good behaviour, together with all and singular the duties, powers, rights, and privileges belonging to his said office which are now or at any time hereafter during the continuance hereof may be imposed or granted by the laws of the said Colony: In testimony whereof We have caused these Our Letters to be made Patent under the Great Seal of Our said Colony, to be hereunto affixed.

Witness Our trusty and well-beloved Sir William Thomas Denison, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Our Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of Our Territory of New South Wales and its Dependencies, at Government House, Sydney, in Our said Territory, this day of \_\_\_\_\_, in the \_\_\_\_\_ year of Our Reign, and in the year of Our Lord one thousand eight hundred and fifty-nine.

(Signed) W. T. DENISON.

By His Excellency's Command,

(Signed)

Entered on record by me in Register of Patents, No. \_\_\_\_\_, page \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and fifty-nine.  
(Signed) W. ELYARD,  
(For the Colonial Secretary and Registrar.)

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

To all to whom these presents shall come, Greeting :—

KNOW YE, that We, reposing confidence in the loyalty, learning, and ability of Alfred Cheeke, Esquire, have thought fit, with the advice of Our Executive Council of Our Colony of New South Wales, hereby to constitute and appoint him, the said Alfred Cheeke, Esquire, to be the Chairman of all Courts of General or of Quarter Sessions to be holden within the limits of the Sydney District, under the provisions of the District Courts Act of the year one thousand eight hundred and fifty-eight, which have been, or from time to time may be, ordered to be holden at any of the towns or places within the \_\_\_\_\_ District, being one of the Districts into which Our said Colony has been divided for the purposes of an Act passed in the twenty-second year of Our Reign, intituled, "*An Act for establishing District Courts, and for enabling the Judges thereof to act as Chairmen of Quarter Sessions,*" to have, hold, exercise, and enjoy the said office during ability and good behaviour, together with all and singular the duties, powers, rights, and privileges belonging to his said office which are now or at any time hereafter during the continuance hereof may be imposed or granted by the laws of the said Colony: In testimony whereof We have caused these Our Letters to be made Patent under the Great Seal of Our said Colony, to be hereunto affixed.

Witness Our trusty and well-beloved Sir William Thomas Denison, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Our Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of Our Territory of New South Wales and its Dependencies, at Government House, Sydney, in Our said Territory, this day of \_\_\_\_\_, in the twenty-second year of Our reign, and in the year of Our Lord one thousand eight hundred and fifty-  
(Signed) W. T. DENISON.

By His Excellency's Command,

(Signed) A. P. LUTWYCHE,

Attorney General.

Entered on record by me in Register of Patents, No. \_\_\_\_\_, page \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and fifty-  
(Signed) W. ELYARD,  
(For the Colonial Secretary and Registrar.)

Similar

Similar Commission to Thomas Callaghan, Esq., for Southern District.  
 Do. to James Sheen Dowling, Esq., for Western District.  
 Do. to Henry Cary, Esq., for Cumberland and Coast District.  
 Do. to John Fletcher Hargrave, Esq., for Northern District.

(Amended form of Commission issued to J. S. Dowling, Esq.)

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

To all to whom these presents shall come, Greeting :—

KNOW YE, that We, reposing confidence in the loyalty, learning, and ability of James Sheen Dowling, Esquire, do by these presents, and with the advice of Our Executive Council of Our Colony of New South Wales, hereby constitute and appoint him, the said James Sheen Dowling, Esquire, to be the Chairman of all Courts of General and of Quarter Sessions to be holden within the limits of the Western Districts, under the provisions of an Act of the Parliament of New South Wales, passed in the twenty-second year of Our Reign, intituled, "*An Act for establishing District Courts, and for enabling the Judges thereof to act as Chairmen of Quarter Sessions,*" and commonly styled and cited as the "*District Courts Act of 1858,*" which have been, or from time to time may be, ordered to be holden at any of the towns or places within the Western District, being one of the Districts into which Our said Colony has been divided for the purposes of the said Act, he, the said James Sheen Dowling, Esquire, having been appointed and now being the Judge of the District Courts within the limits of the said Western District : To have, hold, exercise, and enjoy the said office during ability and good behaviour, together with all and singular the duties, powers, rights, and privileges belonging to his said office which are now or at any time hereafter during the continuance hereof may be imposed or granted by the laws of the said Colony : In testimony whereof We have caused these Our Letters to be made Patent under the Great Seal of our said Colony, to be hereunto affixed.

Witness Our trusty and well-beloved Sir William Thomas Denison, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Our Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of Our Territory of New South Wales and its Dependencies, at Government House, Sydney, in Our said Territory, this \_\_\_\_\_ day of \_\_\_\_\_, in the twenty-second year of Our Reign, and in the year of Our Lord one thousand eight hundred and fifty-nine.

(Signed) W. T. DENISON.

By His Excellency's Command,  
 (Signed)

Entered on record by me in Register of Patents, No. \_\_\_\_\_, page \_\_\_\_\_,  
 this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and fifty-nine.

(Signed) W. ELYARD,  
 (For the Colonial Secretary and Registrar.)

Similar Commission to Robert Owen, Esq., for Northern District.

By His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, 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.

WHEREAS by an Act of the Governor of the Territory of New South Wales, by and with the advice of the Legislative Council thereof, passed in the fourth year of the Reign of Her present Majesty Queen Victoria, intituled, "*An Act to provide for the more effectual Administration of Justice in New South Wales and its Dependencies,*" it was amongst other things enacted, that it should be lawful for the Governor of New South Wales for the time being to appoint any officer or officers by whom and in whose name all crimes, misdemeanors, and offences cognizable in the several Courts of General and Quarter Sessions in all parts of the said Colony, save and except within the limits of Port Phillip, might be prosecuted :

Now know ye, that I, Sir William Thomas Denison, Knight, Governor General of the said Territory and its Dependencies, in pursuance of the said Act, under and by virtue of the authority thereby in me vested, and with the advice of the Executive Council, have appointed and do hereby appoint Edward Butler, Esquire, Barrister-at-Law, to be Crown Prosecutor, during the pleasure of the Governor of the said Territory for the time being,



being, to be and act as such an officer aforesaid, and to be a person by whom and in whose name all crimes, misdemeanors, and offences cognizable in the several Courts of General and Quarter Sessions to be holden in the said Colony may be prosecuted.

Given under my Hand and the Seal of the Territory, at Government House,  
Sydney, New South Wales, the \_\_\_\_\_ day of \_\_\_\_\_,  
in the year of our Lord one thousand eight hundred and fifty-  
and in the twenty-second year of Her Majesty's Reign.  
(Signed) W. T. DENISON.

By His Excellency's Command,  
(Signed) A. P. LUTWYCHE,  
Attorney General.

Entered on record by me in Register of Patents, No. \_\_\_\_\_, page \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and fifty-  
(Signed) W. ELYARD,  
(For the Colonial Secretary and Registrar.)

Similar Commission to Fredk. Wm. Meymott, Esq., for Cumberland and Coast  
District and Southern District.

Ditto to Wm. Charles Windeyer, Esq., for Western District.

### MR. COLIN MACKENZIE.

COLIN MACKENZIE, Esq., to ATTORNEY GENERAL.

103, Elizabeth-street,  
Sydney, 6 December, 1858.

SIR,

I herewith make an application for one of the situations about to be made in the District Courts, trusting it may be received under circumstances which I will state, and which perhaps may be considered.

I was compelled three years since to quit the Supreme Court Office, after having served fifteen years my health became much impaired, but now improved;—therefore wish for some employment.

I have, &c.,  
COLIN MACKENZIE.

ALEXR. O. GRANT, Esq., to ATTORNEY GENERAL.

Court of Requests Office,  
Parramatta, 15 January, 1859.

SIR,

I have the honor to make application for the situation of Registrar of the District Court in Parramatta; or in the event of Parramatta being selected for the station of Chief Registrar of the Cumberland and Coast District, to apply for that appointment.

I have for the last two years and a half held the situation of Registrar of the Court of Requests, and of Clerk of Petty Sessions, in Parramatta.

I have been thirteen years in the Government service, having entered in January, 1846; and for the five years previous to my appointment here, I filled the office of Inspector of Distilleries in Sydney, and before that was in the Long Room of the Customs.

2. I beg respectfully to make a few remarks with regard to the duty of Registrar of the District Courts.

I understand that the Chief Registrar will be required to perform the duties of District Registrar of the place in which he is stationed, and likewise to audit the accounts, and to exercise a general supervision over the Registrars of the whole Circuit.

Being District Registrar of the town in which he is placed, as well as Chief Registrar, it will be necessary for him to be stationary, for the convenience of the public of that place, as it is always impossible to know when he may be required. I beg to offer to do the duty of Chief Registrar of the Cumberland and Coast District, as well as that of District Registrar of Parramatta, for the sum of one hundred and fifty pounds (£150),—this is in addition to my salary (£225) as Clerk of Petty Sessions in Parramatta. By this means a considerable sum will be left, for the purpose of paying higher salaries than £50 a year to the Registrars of the larger towns in the Circuit.

3. A Chief Registrar at £300 or £400 per annum, with duties to perform such as I have supposed, would not have sufficient work to do; for the auditing of quarterly or monthly accounts (as the case may be) of a dozen other Registrars, in addition to his work as District Registrar, would not fully occupy his time, and this would soon be manifest; and I at the same time most respectfully beg to suggest that £50 a year is not sufficient remuneration

remuneration for the labor and responsibilities of Registrar in the larger towns, and that the duty would not be efficiently performed for that sum.

4. In Parramatta, during the past year (1858), there have been tried in the Court of Requests, four hundred cases in the £10 Court, and one hundred in the £30 jurisdiction, making altogether five hundred. As far as I have been able to ascertain, at Penrith and Windsor (where the Registrars salaries are £30, while at Parramatta it is £50) the number of cases are from fifty to one hundred a year less, and, from what inquiries I have made, I believe that at Bathurst, Goulburn, East and West Maitland, Mudgee, Campbelltown, Yass, Berrima, Armidale, Tamworth, and some other places, the number of cases will not be much fewer; and in saying so I am judging from the number tried before the Magistrates in their £10 Courts, and from the probable number of actions entered from the different places in the Supreme Court.

5. In conclusion I would point out that Parramatta would be the most convenient place in this Circuit for the Chief Registrar to be stationed, for there is quick communication by railway with Liverpool, Campbelltown, and the towns further south, and will shortly be to Penrith, and so to Windsor; and also, for communicating with the coast towns it is the most eligible situation in the Circuit.

In the event of my not receiving the appointment of Chief or District Registrar I shall only have £225 per annum, as Clerk of Petty Sessions, after I have served thirteen years in the Government service.

I have, &c.,

ALEXR. O. GRANT,  
Registrar of the Court of Requests, and  
Clerk of Petty Sessions, Parramatta.

SECRETARY TO CROWN LAW OFFICERS to COLIN MACKENZIE, ESQ.

(No. 59-63.)

Crown Law Offices,  
Sydney, 3 February, 1859.

SIR,

I am directed by the Attorney General to offer you the appointment of Chief Registrar at Parramatta for the Cumberland and Coast District, under the District Courts Act of 1858, and also Clerk of the Peace for that portion of the before-mentioned District which is not included in the County of Cumberland, with salary at the rate of £300 per annum, to commence from the 1st instant.

I have, &c.,

W. E. PLUNKETT.

COLIN MACKENZIE, ESQ., to SECRETARY TO CROWN LAW OFFICERS.

Sydney, 4 February, 1859.

SIR,

This moment I received your letter, and beg to say, in answer to the Attorney General's offer, I shall be happy to accept of the situation as Chief Registrar at Parramatta for the Cumberland and Coast District, and also Clerk of the Peace for that portion of the before-mentioned district, with the salary of £300 per annum, to commence from the 1st instant.

I have, &c.,

COLIN MACKENZIE.

ALEXR. O. GRANT, ESQ., to ATTORNEY GENERAL.

Police Office,  
Parramatta, 10 February, 1859.

SIR,

I have the honor to call your attention to my letter of the 15th ultimo, and in the first paragraph of which I applied directly for the appointment of Chief Registrar of the District Courts for the Cumberland and Coast District.

I have been given to understand that it is in contemplation to appoint Mr. Colin Mackenzie, formerly a clerk in the Supreme Court, in Sydney, which appointment he voluntarily resigned, and I beg most respectfully to point out the great injustice that will be done to me by making such an appointment, in fact superseding me in my Registrarship, for in Cumberland the District Court is, in reality, an extension of, and a substitute for, the Court of Requests, and none of the staff of the Court of Requests in Sydney have been deprived of their situations.

After thirteen years' service, as I have stated in my previous letter, I shall be left with a salary of £225 per annum, and having, as any inhabitants of Parramatta will confirm, zealously performed my duties.

I have been authorized by the Honorable the Chief Secretary for the Government, as intimated to me by Mr. James Byrnes, to recal to your recollection a conversation which  
you

## 24 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

you had with Mr. Cowper, in which you stated that I had made no application for the office of Chief Registrar, I beg again to direct your attention to the first few lines of my previous letter, which must have escaped your memory at the time.

I have, &c.,

ALEXR. O. GRANT,  
Late Registrar of the Court of Requests.

*PROCEEDINGS of the Executive Council on the 7th February, 1859, with respect to the appointments of Chief Registrars of District Courts.*

Minute No. 59-6. Confirmed 14 February, 1859.

Approved, W. D.,  
7 Feb., '59.

HIS Excellency the Governor General having invited the attention of the Council to the following appointments in the Public Service, proposed to be made in pursuance of the District Courts Act of 1858, the Council accordingly advise as follows, viz. :—

Alexander Charles Maxwell, Esquire, to be Chief Registrar in Sydney, from the 1st February, 1859.

George Swinnerton Yarnton, Esquire, to be the person in Sydney to execute jointly with the Chief Registrar the office of Registrar, from the 1st February, 1859.

Colin Mackenzie, Esquire, to be Chief Registrar at Parramatta for the Cumberland and Coast District, and also Clerk of the Peace for that portion of the before-mentioned District which is not included in the County of Cumberland.

Temple Nathan, Esquire, to be Chief Registrar at Goulburn, and Clerk of the Peace for the Southern District, from 1st February, 1859.

Thomas Charles Gore, Esquire, to be Chief Registrar at Bathurst, and Clerk of the Peace for the Western District, from 1st February, 1859.

A. ORPEN MORIARTY,  
Clerk of the Council.

*Executive Council Office,  
Sydney, 16 February, 1859.  
No. 59-105.*

HENRY CARY, ESQ., to ATTORNEY GENERAL.

*Sydney, 11 March, 1859.*

SIR,

I beg to be allowed to trouble you with some remarks and suggestions in reference to a Minute of Proceedings of the Executive Council, dated 7th February, 1859, with respect of rates of salary to be paid to certain officers of the District Courts, which was forwarded by order of the late Attorney General to the Judge of the District Courts.

My remarks, though in some respects, perhaps, applicable to other Districts, I would address exclusively to that of Cumberland and the Coast, with which alone I am concerned.

The Minute informs me that a salary of £300 is awarded to a Chief Registrar for Parramatta, and a salary of £60 for a Registrar for Parramatta and Liverpool. Now it appears from the 32nd section of the District Courts Act that there is no provision for a Chief and a Deputy or Subordinate Registrar, but in populous places two persons may be appointed to execute the office jointly, and the duties and emoluments, in case they cannot agree between themselves, are to be apportioned by the Court,—that is, the Judge. This appears to me to imply an equality, or something much like it; but, in the appointments which have been made by the Government, I cannot but infer that it was intended to make the Chief Registrar not only Chief over the second Registrar at Parramatta, but also over those of the whole District,—otherwise it is difficult to account for the great disproportion in the salaries; but for such supervision by one Registrar over the others, I can find no pretence in the Act;—I apprehended, therefore, that both appointments cannot stand, but one must be cancelled.

The question then is, which of the two? To answer this it is necessary to look at the position of the other Registrars throughout the District. The same Minute informs the District Judges that the several Clerks of Petty Sessions are to be appointed Registrars at the various places. Now it is not my wish to make any invidious comparison between Mr. Colin Mackenzie, who is appointed Chief Registrar at Parramatta, and Mr. Grant, who according to the above Minute would be Registrar at the small salary, except that the former has had no experience in the duties he will have to perform, while the latter has for several years filled a similar office in the Court of Requests at Parramatta, to the entire satisfaction of all parties interested; but I think that the claims of the Registrars in other Districts should be considered. If the Districts are to any extent to answer the expectation of the public, the duties of all the Registrars will be much more arduous than they have heretofore been in the Court of Requests; but in some of them the salary has been diminished,—thus, to mention one only, the Registrar for Windsor is to have £40 instead of £50, which sum I believe he formerly had.

I mention therefore to suggest (inasmuch as no Registrar can, as such, have any heavier duty to perform, than may arise from the excess of causes in his own Court over those of others,) that the whole allowance to that class of officers should be apportioned according to the probable relative amount of business in each Court, and accordingly I beg to submit for the consideration of the Executive a scale of salaries, which (appropriating the exact

exact sum, £790, allowed to the Registrars in my whole District,) will, to the best of my judgment, equalize the pay with the probable amount of work.

Parramatta .....	£120	<p>I believe there is only one Clerk of Petty Sessions for these two places, who, until that Office is divided, will probably be Registrar at both places as already determined by the Minute.</p> <p>In the Minute, Liverpool is joined with Parramatta, but there is the same Clerk at both Campbelltown and Liverpool, who has heretofore acted also in the Court of Requests for the two Districts.</p>
Windsor .....	80	
Braidwood .....	70	
Penrith .....	70	
Wollongong .....	70	
Berrima .....	60	
Bombala .....	40	
Camden .....	40	
Picton .....	40	
Campbelltown .....	40	
Liverpool .....	40	
Cooma .....	40	
Eden .....	40	
Kiama .....	40	

£790

I must mention one other difficulty which will arise if the Clerk at Parramatta is not also Registrar. The accommodation at the Court House there is already insufficient, and if the Clerk's present room is not appropriated for keeping the records of the District Court, another building must be provided; this remark will also apply to Liverpool, if that town is detached from Campbelltown and joined with Parramatta.

Another subject on which I have to trouble you is that of the salaries of Bailiffs. Mr. Cowper, in a late interview with which he favored me, agreed to my request that I should have a separate Bailiff for each Court, as appears to me is anticipated by the 36th section of the Act, and that the amount appropriated for their salaries should be divided as follows:—£35 each for the Bailiffs of Braidwood, Parramatta, Penrith, Windsor, and Wollongong, and £30 each for the rest,—in all £445. As I presume that this new appointment, being acceded to by Mr. Cowper, requires only to be confirmed by His Excellency the Governor General, I will not trouble you at length with my reasons for this alteration in the plan of the Government.

But there is another point connected with the office of Bailiff to which I must beg leave to draw your attention. By section 39 and the Schedule of the Act, the sum of sixpence is charged "for service of every summons or subpoena if within two miles of the Court House," and therefore "for such service every mile beyond two miles," and these fees are to go to the Consolidated Revenue of the Colony; so that a Bailiff may, and doubtless in very many cases will, have to serve summonses and subpoenas at a distance of many miles without any remuneration beyond his small salary. This provision may operate with perhaps little severity on Bailiffs in Sydney, whose District is comparatively narrow, and who, moreover, have salaries of £150 and £104 respectively, with, of course, a much larger amount of fees from excess of business over other Districts; but in wide spread Country Districts I fear it will deter competent and trustworthy persons from accepting the office. I propose, therefore (if my remarks are considered of any weight), that the above fees should by an Order of Council be transferred from the first to the third paragraph of the Schedule, under the provisions of the 42nd section, which enables the Governor with the advice of the Executive to alter the scale of fees, such alteration to apply to the Country Districts; as to its applicability to Sydney, I do not pretend to offer any suggestion.

Should the allowance prove too large, the Executive may, under the latter part of the 39th section, bring it within its just limits.

I have, &c.,  
HENRY CARY.

*PROCEEDINGS of the Executive Council on the 14th March, 1859, with respect to the designation of certain Officers of the District Courts, &c., &c.*

Minute No. 59-11. Confirmed 21 March, 1859.

REFERRING to the proceedings on the 7th ultimo, with respect to the appointment of Chief Registrars, Registrars, and other officers of District Courts, established in pursuance of the District Courts Act of 1858, and the respective rates of salary and allowances to be paid to such officers, His Excellency the Governor General lays before the Council a letter which has been addressed to the Honorable the Attorney General by Henry Cary, Esquire, Judge of the District Courts of the Cumberland and Coast District, in which, referring exclusively to his own District, he expresses doubts of the arrangements that have been made, more particularly with reference to the office of Chief Registrar, being in strict conformity with the terms of the local enactment.

2. Mr. Cary is of opinion that the 32nd section of the Act in question does not contemplate the appointment of a Chief Registrar and Deputy or Subordinate Registrars, but

Approved, W. D.  
21 March, 1859.

but the appointment in populous places of two persons to execute jointly the Office of Registrar. He proceeds to shew that the appointment of a Chief Registrar, having authority over the several Deputy Registrars in his District, would be unnecessary, and moreover attended with many practical inconveniences, and further recommends that the whole sum appropriated to the remuneration of Registrars in the Cumberland and Coast District should be apportioned according to the probable relative amount of business in each Court, for which purpose he submits an amended scale exhibiting the manner in which he would propose the sum of £790 now allowed to be distributed; Mr. Cary also suggests a modification in the scale of fees to be received by the Bailiffs of the Court.

4. Mr. Cary's letter has been under the consideration of the Honorable the Attorney General and the Solicitor General, who, in a Minute appended to the correspondence now before the Council, have expressed generally their concurrence in Mr. Cary's views, save as respects the fees of Bailiffs, for the alteration of which they see at present no ground, observing that, if it should hereafter become necessary, a remedy can easily be effected under the 42nd section of the Act. The Council, having deliberated at some length upon the several questions arising out of the correspondence now before them, advise that in the Cumberland and Coast District the appointment of Mr. Colin Mackenzie as Chief Registrar be cancelled, and that the appointments of the several officers, who in the other Districts have been appointed Chief Registrars, be modified in so far as the designation of the Chief Registrar is concerned. In the Sydney District the Council advise that the office of Registrar be executed jointly, pursuant to the 33rd clause of the Act, by Mr. Maxwell, whom it was proposed to appoint Chief Registrar, and Mr. Yarnton, the Deputy Registrar; and in the remaining Districts, with the exception of Cumberland and the Coast, they recommend that the officers designated as Chief Registrars be appointed Registrars of the District Courts.

6. The Council approve of the revised scale of remuneration to Registrars in the Cumberland and Coast District, and advise that it be adopted accordingly, as set forth in the schedule hereto appended, marked A.

7. Acting upon a further suggestion of the Crown Law Officers, the Council advise that the Registrars and Bailiffs of the several District Courts be required to provide securities to the amount set forth in the annexed schedule, marked B, for the due performance of their respective duties.

## APPENDIX A.

Parramatta .....	£120	
Windsor .....	80	
Braidwood .....	70	
Penrith .....	70	
Wollongong .....	70	
Berrima .....	60	
Bombala .....	40	
Camden .....	40	} One Clerk of Petty Sessions performs the Bench duties of these two places.
Picton .....	40	
Campbelltown .....	40	} Ditto ditto.
Liverpool .....	40	
Cooma .....	40	
Eden .....	40	
Kiama .....	40	
	£790	

## APPENDIX B.

	£	s.	d.
Registrar and two sureties jointly and severally, for Sydney ...	500	0	0
Country Registrars and two sureties jointly and severally .....	250	0	0
Bailiffs, Sydney, three sureties jointly and severally .....	250	0	0
Country Bailiffs, three sureties jointly and severally .....	250	0	0

A. ORPEN MORIARTY,  
Clerk of the Council.

Executive Council Office,  
Sydney, 23 March, 1859.  
No. 59-225.

SECRETARY TO CROWN LAW OFFICERS to COLIN MACKENZIE, ESQ.

Crown Law Offices,  
Sydney, 6 April, 1859.

SIR,

Adverting to my letter of the 3rd of February last, No. 59-63, I am now directed by the Attorney General to inform you that the Government, having deliberated upon several questions relative to the operation of the District Courts Act of 1858, have advised that in the Cumberland and Coast District your appointment as Chief Registrar, &c., should be cancelled.

The duty of Registrar, &c., &c., at Parramatta, will be performed by the Clerk of Petty Sessions at that place.

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

COLIN

COLIN MACKENZIE, Esq., to COLONIAL SECRETARY.

*Sydney, 9 May, 1859.*

SIR,

I write to say the amount which I have received from the Government is anything but what I might have expected for my expenses and loss of time.

The house at Parramatta I had to re-lease, also move from Bourke into Palmer street, from there out of town, having been much inconvenienced.

You are perfectly aware I gave up my house in Bourke-street, also a business which brought me about £150 per annum, having been appointed as Chief Registrar and Clerk of the Peace for Parramatta, under the District Courts Act for 1858.

I now look to the Government for another situation, having a family to provide for, also being disappointed and put about up to the present time.

I have, &amp;c.,

COLIN MACKENZIE..

P.S.—Please direct to me, care the Honorable G. K. Holden.

COLIN MACKENZIE, Esq., to ATTORNEY GENERAL.

*Petersham, 20 June, 1859.*

SIR,

Having received a letter from the Colonial Secretary in answer to mine, he refers me to you; I therefore do so, and must explain my case. I beg to say, on the 1st of February last I was appointed as Chief Registrar and Clerk of the Peace for the District of Parramatta, under the District Courts Act of 1858, with a salary of £300 per annum. Upon accepting the appointment, I gave up a business which brought me about £150 per annum, and am now without means from one or the other. The £44 which I received as compensation from the Government, only paid the expenses which I had been put at from their mistake. Five months will have elapsed, at the expiration of this, without my making one shilling. What I look at is this,—giving up my business, and then to be deprived of both.

I had given up my house at Woolloomooloo, and taken one at Parramatta, when the Colonial Secretary sent for me, and said, "Do not go to Parramatta," although all my furniture, &c., was packed, and every arrangement made to move; in two days I should have been there.

From this disappointment, I had to move out of my house and go into another, where I remained three weeks; from there to where I now reside, at Petersham, five miles distant from town.

I must give you to understand, in the year 1856 I was compelled to leave my situation as Second Clerk in the Supreme Court, from impaired health, but it having improved, and having a family, I thought I would apply for one of the situations about to be made in the District Courts, when the one named was offered.

I have to remark, that when leaving the Supreme Court, after fifteen years' service, a pension of £35 10s. was given per annum. From the 1st February to the 24th March the pension was deducted.

Since I commenced, I find the letter was from Mr. Elyard, for the Colonial Secretary. I complained in my letter to the Colonial Secretary, saying, I was very much dissatisfied with the amount given; also, that I looked to the Government for another situation.

I have, &amp;c.,

COLIN MACKENZIE.

COLIN MACKENZIE, Esq., to COLONIAL SECRETARY.

*Petersham, 6 July, 1859.*

SIR,

It is now past five months since I gave up my commission business; from that time I have been out of pocket the sum of £62 10s., a serious loss to me. This amount may appear but trifling to the Government, but my having a family this amount would be of great assistance to me.

I have, &amp;c.,

COLIN MACKENZIE.

COLIN MACKENZIE, Esq., to COLONIAL SECRETARY.

*Castlereagh-street,**Wednesday afternoon.*

SIR,

Since writing this letter this morning I saw the Attorney General, when he stated he could do nothing for me, therefore I apply to you.

I cannot but say my case is a very hard one, to think I gave up my commission business, upon accepting the situation as Chief Registrar and Clerk of the Peace for Parramatta. I consider the Government ought to make up the loss to me, if only for the last five months.

I am sorry being obliged to appeal to you again.

I have, &amp;c.,

COLIN MACKENZIE.

COLIN

COLIN MACKENZIE, ESQ., to ATTORNEY GENERAL.

Sydney, 18 August, 1859.

SIR,

I herewith make application again for compensation from the Government, having been disappointed in not going to Parramatta as Chief Registrar and Clerk of the Peace; also for loss of time, and a business which I gave up, thinking to better myself, and which brought me at that time at the rate of £150 per annum, and perhaps would have increased. Up to last Monday, the 15th, I was out of pocket £81 5s., which amount would be of assistance to me at this moment; without which I know not what may happen.

I have, &amp;c.,

COLIN MACKENZIE.

The Executive Council having considered the within application, and having in view the peculiar circumstances attending the cancellation of Mr. Mackenzie's appointment, are of opinion that his claim to compensation may with propriety be acceded to.

They therefore advise that Mr. Mackenzie be authorized to receive a gratuity equivalent to three months' salary of his late office, and that this expenditure be charged to the amount appropriated for the service of the District Courts.

A. ORPEN MORIARTY.

Executive Council Office,  
29 August, 1859.

Approved,—

W. D.

No. 59-829.

31 August, 1859.

EXTRACT from Minute of Executive Council, No. 59-6, 14 February, 1859.

## NORTHERN DISTRICT.

1 Registrar, East and West Maitland	...	...	£300
Do. Armidale	...	...	50
Do. Grafton	...	...	40
Do. Muswellbrook, Murrurundi, and Scone	...	...	50
Do. Newcastle	...	...	50
Do. Paterson	...	...	40
Do. Port Macquarie	...	...	40
Do. Singleton	...	...	40
Do. Tamworth	...	...	40
			£650*

## BAILIFFS, NORTHERN DISTRICT.

1 Bailiff, East and West Maitland	...	...	£50
Do. Armidale	...	...	40
Do. Grafton	...	...	30
Do. Scone, Murrurundi, and Muswellbrook	...	...	50
Do. Paterson	...	...	30
Do. Port Macquarie	...	...	40
Do. Singleton	...	...	30
Do. Tamworth	...	...	30
			£300†

Sums, &c., to be altered in Executive Council Minutes—£50 for Bailiff for East Maitland, £50 for Bailiff for West Maitland.

Mr. Carter to be gazetted as Registrar for *East Maitland* and *West Maitland*.

*Scone, Muswellbrook, and Murrurundi*, at present joined for one Bailiff, to whom £50 appropriated, must have separate Bailiffs, and each the sum of £60 placed to their salaries.

Ex. Cl. 59-413. 6th May, 1859.

Mr. Plunkett's paper to be returned to him. Left with Mr. Cowper to amend the Executive Council Minutes.

W. D.

5 May, 1859.

## PROCLAMATION.

\* It is not intended that a Court shall be holden at Newcastle for the present, so that but £40 or £50 will be required in the event of Mr. Owen's suggestion being agreed to in respect of the appointment of Registrars. There will be some money to meet the above increase out of what will be saved in consequence of the appointments not having taken place from the 1st of the present year.—W. E. P.

† With regard to the Bailiffs, £80 or £100 may be required, as Newcastle has not been mentioned, but there will be money for the purpose by reason of the appointments not having been made from 1st January.—W. E. P.



## PROCLAMATION.

By His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, 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.

WHEREAS by the "*District Courts Act of 1858*," it was amongst other things enacted, that it should be lawful for the Governor, with the advice of the Executive Council, to divide the Colony into Districts for the purposes of the said Act, and from time to time to alter such Districts as to the Governor, with the advice aforesaid, should seem fit: And whereas the said Governor, with the advice of the Executive Council, by his Proclamation for that purpose issued on the ninth of day of December, 1858, and duly published in the *Government Gazette*, did divide the Colony, for the purposes of the said Act, into five Districts, viz.:—The Sydney District, The Cumberland and Coast District, The Southern District, The Northern District, and The Western District: And whereas it is expedient to alter the said Northern and Western Districts by the removal of the Police District of Wellington from the Police Districts constituting the said Northern District, and the addition of the said Police District of Wellington to the Police Districts constituting the said Western District as hereinafter more particularly mentioned: Now, therefore, I, SIR WILLIAM THOMAS DENISON, as such Governor aforesaid, by this my Proclamation, with the advice of the Executive Council, do alter the said Northern District in manner following, that is to say, that the said Northern District shall comprise the Police Districts of Armidale, Brisbane Water, Cassilis, Dungog, Grafton, Maitland, Macdonald River, Macleay River, Manning River, Murrumbidgee, Muswellbrook and Merton, Newcastle, Paterson, Patrick's Plains, Port Macquarie, Port Stephens, Raymond Terrace, Richmond River, Scone, Tamworth, Tenterfield, Warialda, Wee Waa, Wellingrove, and Wollombi, as more particularly described in a notice from the Colonial Secretary's Office, bearing date the 23rd November, 1858, and published in the *New South Wales Government Gazette* on the 25th day of November, 1858: And I, the said SIR WILLIAM THOMAS DENISON, do also hereby, with the advice aforesaid, alter the said Western District in manner following, that is to say,—that the said Western District shall comprise the Police Districts of Bathurst, Carcoar, Dubbo, Hartley, Molong, Mudgee, Orange, Rylstone, and Wellington, as more particularly described in the aforesaid notice.

Given under my Hand and the Seal of the Colony, at Government House, Sydney, this second day of March, in the year of our Lord one thousand eight hundred and fifty-nine, and in the twenty-second year of Her Majesty's Reign.

(L. S.)

W. DENISON.

By His Excellency's Command,  
CHARLES COWPER.

GOD SAVE THE QUEEN!

Colonial Secretary's Office,  
Sydney, 7 March, 1859.

## DISTRICT COURTS.—CUMBERLAND AND COAST DISTRICT.

IN pursuance of the Act of the Colonial Parliament, 22 Victoria, No. 18, His Excellency the Governor General, with the advice of the Executive Council, has been pleased to order that a Court shall be holden at the following places in the Cumberland and Coast District, that is to say,—at Berrima, Camden, Campbelltown, Kiama, Liverpool, Parramatta, Penrith, Picton, Windsor, and Wollongong, four times in every year, at intervals of not more than four months nor less than two months; and that a Court shall be holden at the following places in the same District, that is to say,—at Bombala, Braidwood, Cooma, and Eden, twice in every year, at intervals of not more than eight months, nor less than four months.

CHARLES COWPER.

## DISTRICT COURTS.—WESTERN DISTRICT.

IN pursuance of the Act of the Colonial Parliament, 22 Victoria, No. 18, His Excellency the Governor General, with the advice of the Executive Council, has been pleased to order that a Court shall be holden at the following places in the Western District, that is to say,—at Bathurst, Carcoar, Dubbo, Hartley, Molong, Mudgee, Orange, and Wellington, four times in every year, at intervals of not more than four months nor less than two months.

CHARLES COWPER.

Colonial



*Colonial Secretary's Office,  
Sydney, 29 March, 1859.*

**DISTRICT COURTS.—SYDNEY DISTRICT.**

IN pursuance of the 45th section of the Act of the Colonial Parliament, 22 Victoria, No. 18, His Excellency the Governor General, with the advice of the Executive Council, has been pleased to order that a Court shall be holden for the Sydney District, comprising the Sydney Police District, City and Metropolitan, at the Court House in Macquarie-street, in the City of Sydney, in the respective months of May, June, July, August, September, October, November, and December, in the present year, 1859.

CHARLES COWPER.

*Crown Law Offices,  
Sydney, 11 April, 1859.*

**DISTRICT COURTS.—NORTHERN CIRCUITS.**

IN pursuance of the Act of the Colonial Parliament, 22 Victoria, No. 18, His Excellency the Governor General, with the advice of the Executive Council, has been pleased to order that a Court shall be holden at the following places in the Northern District, that is to say,—at Maitland East, Maitland West, Paterson, Singleton, Muswellbrook, Scone, and Murrurundi, three times during the present year; and at Tamworth and Armidale twice, at intervals of not more than four months, nor less than two months; and at Grafton and Port Macquarie once, during the present year.

LYTTELTON HOLYOAKE BAYLEY,  
Attorney General.

*Crown Law Offices,  
Sydney, 21 April, 1859.*

**DISTRICT COURTS.—SOUTHERN DISTRICT.**

IN pursuance of the Act of the Colonial Parliament, 22 Victoria, No. 18, His Excellency the Governor General, with the advice of the Executive Council, has been pleased to order that a Court shall be holden at the following places in the Southern District, that is to say,—at Goulburn, in intervals of not less than two nor more than four months from the holding of each Court; and at Queanbeyan, Yass, Gundagai, Tumut, Wagga Wagga, and Albury, respectively, in intervals of not more than six nor less than three months from the holding of each Court at each place.

LYTTELTON HOLYOAKE BAYLEY,  
Attorney General.

MR. GEORGE MACKAY AND OTHERS to COLONIAL SECRETARY.

*Dungog, 17 February, 1859.*

SIR,

We, the Committee appointed to prepare the Memorial to His Excellency the Governor General, praying the establishment of a District Court in Dungog, beg to express our regret that it was not specially requested that such Court should have criminal as well as civil jurisdiction.

We would therefore respectfully urge upon the Government the necessity of giving to the Court (prayed for to be established at Dungog) power to adjudicate in criminal as well as civil cases; otherwise the removal of the inconvenience so earnestly solicited will not be effected.

We remain, &c.,  
GEORGE MACKAY, Chairman.  
THOMAS HANNA.  
JOSEPH ROSS.  
THOMAS ABBOTT.  
JOHN FILCUM.  
C. ASHENHEIM.

S. D. GORDON, ESQ., to COLONIAL SECRETARY.

*Sydney, 22 February, 1859.*

SIR,

I have the honor herewith to enclose a letter received this morning from my constituents in the District of Dungog.

I can personally bear out their statement as to the necessity of giving to the District Court to be established there criminal as well as civil jurisdiction.

I can also state that there is a large excellent Court House, and also a large lock-up, recently erected, quite sufficient to answer the purpose of keeping the prisoners safely until removed to Maitland, a distance of 50 miles.

I trust, therefore, the Executive Government will grant the request prayed for.

I have, &c.,  
SAML. D. GORDON.

[Enclosure]

## [Enclosure.]

To His Excellency Sir William Thomas Denison, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, and Western Australia, and Captain General and Governor-in-Chief of the Territory of New South Wales and its Dependencies, and Vice-Admiral of the same, &c., &c., &c.

The Memorial of the Inhabitants of Dungog and the surrounding District,—

HUMBLY SHEWETH,—

That your Memorialists observe by the Proclamation in the *Government Gazette* of November last, that the Town of Dungog is not named as one of those places at which District Courts shall be holden, and that the nearest towns to this District for the holding of such Courts are the two, Maitland and Paterson.

That the distance to Maitland (East or West)—about thirty-five miles—is so great, as in a great measure to defeat the very laudable objects contemplated by the District Courts Act; and although the town of Paterson is some ten or twelve miles nearer in a direct line, it is even more inconveniently situated for the residents of this District; and there being no business intercourse between Dungog and Paterson, there is no practicable road direct; while to travel the only way by which a vehicle can be driven—that *via* Hinton—the distance to Paterson is greater than to Maitland.

That Dungog is situated in the centre of a well watered and highly fertile district, including both sides of the Williams River, to the extent of forty miles, supporting a comparatively large and rapidly increasing population; and we would respectfully submit that Dungog urgently requires, and is of itself entitled to, a District Court; and further, that from its proximity to the country lying northward towards the Manning River, Dungog is in every respect far more eligible as a place for holding a District Court for the inhabitants of that quarter than either Maitland or Paterson—the last-named town being particularly unsuited to any beyond the Paterson District.

And further, that the establishment of a District Court at Dungog would be attended with but little outlay in the way of building accommodation,—a spacious Court House being already erected, with upstairs apartments; one of which, now occupied as the Land Agents' Office, could be used as a Jury room. A new lock-up and yard have also lately been erected, at a cost to the Government of from £400 to £500.

That your Excellency will see the propriety of acceding to this application, by proclaiming the town of Dungog as a place where District Courts shall be held.

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

Thos. Holmes, J.P., freeholder.  
Henry Carmichael, J.P., freeholder.  
William Lowe, J.P., freeholder.  
Arthur M. Sheriff, Presbyterian Minister.  
David Farquhar, freeholder.  
John Beel, master mariner, master miller.  
Stephen N. Dark, merchant.  
James Lyafl, freeholder.  
James Rutledge, schoolmaster.  
Josiah Trowbridge, miller.  
Michael Dwyer, tailor.  
James Foley, farmer.  
Welham Lonsant, farmer.  
William Eaton, farmer.  
James Mills, settler.  
Jacob Jones, butcher.  
J. R. Ashbury, storekeeper.  
A. M'Cormack, farmer.  
James Sherar, freeholder.  
Pak. Conway, freeholder.  
Henry Rae, junior, saddler.  
Thomas Walsh, farmer.  
Peter M'William, storekeeper.  
Thomas M'William, storekeeper.  
Robert J. Lees, storekeeper.  
H. Techmeyer, carpenter.  
Thos. S. Alexander, storekeeper.  
William Sturgeon, resident.  
William Barker, farmer and carrier.  
Donald M'Donald, farmer.  
Thomas Caell, carrier.  
James Hicks, carrier.  
Patrick O'Neil, publican.  
Michael Walsh, settler.  
James Drew, shoemaker.  
Benjamin Marsh, senior, miller.  
W. T. W. Marsh, miller.  
G. R. B. Marsh, farmer.  
Edward Curtis Marsh, farmer.  
James Moiler, farmer.  
Alexr. Walker, shoemaker.  
Oliver Keys, carrier.  
Joseph Finch, butcher.  
Samuel Green, Dungog.  
John Cleaver, storekeeper.  
Daniel Byrne, blacksmith.  
John Sames, farmer.  
Patrick Quinn, wheelwright.  
Aw. Allan, innkeeper.  
Francis M'Nally, farmer.  
Matthew O'Donnolly, shoemaker.  
Cornelius Ryan, farmer.  
James M'Carthy, farmer.  
William Dunning, farmer.  
William Potter, farmer.  
Thomas Doust, junior, postmaster.  
John Fullin, farmer.  
Benjamin Perrin, farmer.

John Robson, butcher.  
Peter Gegan, storekeeper.  
James Stephenson, innkeeper.  
Ph. Hougnot, carpenter.  
John Cameron, farmer.  
John Moore, carpenter.  
John Keogh, blacksmith.  
John Luney, blacksmith.  
John Culbearth, sawyer.  
F. Gale S. Street, surgeon, &c.  
Henry Stikes, sawyer.  
George Toyer, brickmaker.  
Joseph Hall, brickmaker.  
Donald Macleod, farmer.  
Nen. Gordon, householder.  
Edward Everson, householder.  
James Banister, householder.  
Joseph Fitzgerald, farmer.  
Richard Hardy, farmer.  
Thomas Lowrey, farmer.  
William Muckaway, farmer.  
Benjamin Bosworth, farmer.  
David Nash, farmer.  
John Baker, farmer.  
William Burgess, butcher.  
Timothy Roy, farmer.  
James Cornish, senr., farmer.  
William Robinson, farmer.  
George Kelly, farmer.  
Benjamin Cox, farmer.  
Thomas Tivory, farmer.  
William Ribbons, farmer.  
George Nash, farmer.  
Walter Minns, farmer.  
Bryan Kearney, farmer.  
Robert Kelly, farmer.  
James M'Leod, farmer.  
Stephen Goldfinch, farmer.  
William Harvey, farmer.  
John C. Strath, farmer.  
Richard Bignell, farmer.  
William Bignell, farmer.  
Frederick Minns, farmer.  
John Arrowsmith, farmer.  
John Williams, farmer.  
Anthony Newell, farmer.  
Andrew Newell, farmer.  
Thomas Irwin, farmer.  
William Dunning, farmer.  
John Irwin, junior, farmer.  
Andrew Calvin, farmer.  
Alfred Richardson, farmer.  
J. S. Cornish, farmer.  
Malcolm M. Lucas, farmer.  
John Dinsey, farmer.  
William J. Forster, farmer.  
John Irwin, senior, farmer.  
Joseph Nelson, farmer.

Edward

Edward Stanton, timber merchant.  
 George Stiers, sawyer.  
 James Garrett, farmer.  
 John Edwards, farmer.  
 William Garrett, farmer.  
 Thomas Wilks, farmer.  
 Joseph French, farmer.  
 Luther Bollard, farmer.  
 Charles Busby, farmer.  
 Robert Sexpy, farmer.  
 Joseph Ross, builder.  
 Patrick Luncey, wheelwright.  
 William Aldrich, druggist.  
 John Walker, miller.  
 John Titune, innkeeper.  
 George Garton, farmer.  
 James Haggarty, farmer.  
 Mathew Ashworth, boot and shoe maker.  
 John Lloyd, tobacco twister.  
 William Garland, tobacco twister.  
 Thomas Page, butcher.  
 T. B. Kermode, miller.  
 John Kent, miller.  
 William Wade, farmer.  
 Robert Mason, gentleman.  
 Thomas Webb, builder.  
 George Keytley, tanner.  
 H. Montague, freeholder.  
 John Hancock, storekeeper.  
 Tuff. Middlebrock, carrier.  
 Stephen Taylor, carrier.  
 Richard Martin, farmer.  
 John Robinson, certificated teacher.  
 William Kelly, farmer.  
 William Barker, carrier.  
 George Clapham, sawyer.  
 Alfred Hodges, builder.  
 Thomas Hanna, storekeeper, Dungog.  
 William Hanna, farmer.  
 Donald M'Leod, farmer.  
 Hewlitt Pate, clerk.  
 Dennis Tierney, wheelwright.  
 James Garrett, farmer.  
 Wm. Garrett, farmer.  
 Thos. Irwin, farmer.  
 Frank Monahan, farmer.  
 Jas. Monahan, farmer.  
 Robt. Lenn, farmer.  
 Alexander M'Kay, farmer.  
 Angus Mathewson, farmer.  
 Thos. Woods, junior, farmer.  
 Thos. Woods, senior, farmer.  
 Thos. Jones, farmer.  
 Michael Fitzsimons, farmer.  
 Samuel Wilkinson, farmer.  
 John Ridgway, farmer.  
 Samuel Ridgway, farmer.  
 John Irwin, farmer.  
 Jas. Irwin, farmer.  
 James Berry, carpenter.  
 William Barker, carrier.  
 Fuff. Middlebrook, carrier.  
 Jas. Middlebrook, sawyer.  
 Thomas Hawthorne, sawyer.  
 George Soyers, brickmaker.  
 John Hooke, J.P., freeholder.

Pierce Landers, farmer.  
 Joseph Fitzgerald, farmer.  
 W. Smith, farmer.  
 W. A. Smith, farmer.  
 Michael Kyle, farmer.  
 Henry Kyle, farmer.  
 Wm. Armsmith, farmer.  
 James Bignell, farmer.  
 Michael Curren, farmer.  
 Jas. Cornish, junior, farmer.  
 Jeremiah Byron, farmer.  
 William Garty, farmer.  
 J. Sullivan, farmer.  
 Patrick Carney, farmer.  
 Edward Meney, farmer.  
 Michael Mylon, farmer.  
 Alfred Hooke, farmer.  
 John Hicks, farmer.  
 Peter Flask, farmer.  
 Patrick Lyset, farmer.  
 Mark O'Donnell, shoemaker.  
 James Abbott, farmer.  
 Andrew Akwell, farmer.  
 Samuel Whitehouse, farmer.  
 Martin King, squatter.  
 William Robinson, farmer.  
 Thomas Benjamin, farmer.  
 A. Smith, freeholder.  
 Wm. A. Smith, freeholder.  
 Solomon Smith, farmer.  
 James Gill, farmer.  
 James Gillagby, farmer.  
 Edward Gleeson, farmer.  
 William Potter, farmer.  
 Alexander Moore, farmer.  
 Robert Lane, farmer.  
 Robert Watson, grazier.  
 John Gallagher, farmer.  
 Larame Gallagher, farmer.  
 James Cardigan, farmer.  
 Thos. Moore, farmer.  
 John Bugden, farmer.  
 John James, farmer.  
 Thomas Abbott, farmer and grazier.  
 Jonathan Abbott, farmer and grazier.  
 Thos. Burnage, freeholder.  
 B. Marsh, senior, farmer and grazier.  
 Charles Ashenheim, physician.  
 James K. Mollarde, merchant.  
 Patrick O'Brien, farmer.  
 Samuel Searle, farmer.  
 William Burke, farmer.  
 John Walsh, farmer and freeholder.  
 Conr. Smith, farmer.  
 John Thorndike, innkeeper.  
 William Purvis, resident.  
 John Hicks, freeholder and farmer.  
 Joseph Molony, farmer.  
 William Barton, resident.  
 John Tipping, freeholder.  
 Francis Schmider, resident farmer.  
 Martin Cronin, blacksmith.  
 Allen M'Donald, freeholder.  
 Angus M'Donald, farmer.  
 Donald M'Donald, farmer.

## AUDITOR GENERAL to SECRETARY TO CROWN LAW OFFICERS.

*Audit Office, Sydney,  
 9 March, 1859.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 3rd instant, No. 113, with its Enclosures, respecting the rates of salary to be paid to the officers of the several District Courts, and to suggest that the Chief Registrars be constituted accountants, to whom cash credits should be authorized, to enable them to defray expenses of the Courts of their Districts.

2. It is also suggested that the amount appropriated under the head of Contingencies should be distributed in the following manner, viz.:—

1. *Travelling Expenses of Judges.* To be divided into four parts; that is, one for each of the Country Judges.
2. *Allowances to Witnesses and Jurors.*
3. *Incidental and unforeseen Expenses.*

Each of these items to be divided into five parts, being one-fifth for each of the Courts, including Sydney.

I have, &c.,  
 W. C. MAYNE,  
 A. G.  
 JUDGE

## JUDGE OF WESTERN DISTRICT COURT to ATTORNEY GENERAL.

(No. 59-22.)

*Macquarie-street,  
Sydney, 16 March, 1859.*

SIR,

With reference to the "Order" of His Excellency the Governor, defining the intervals within which the Sittings of the several District Courts in the "*Western District*" are to be holden, and published in the *Government Gazette* of the 8th instant, I do myself the honor to point out a mistake therein, which, if not rectified, may lead to considerable inconvenience:—In the "Order" referred to, the Governor has thought fit to refer to "Wellington" as a place where a Court is to be holden; whereas, as yet, Wellington has not been so proclaimed.

I have, &amp;c.,

JAMES S. DOWLING,  
District Judge.

## MINUTE.

THE Executive Council advise that His Excellency the Governor General should, by a Proclamation in the *Government Gazette*, order and direct, pursuant to the 2nd clause of the Act 22nd Victoria, No. 18, that a District Court be holden at the town of Wellington, in the district of Wellington.

Approved,—

W.D.

30 March, '59.

A. ORPEN MORIARTY,

Clerk of the Council.

21 March, 1859.

No. 59-281.

## JUDGE OF WESTERN DISTRICT COURT to ATTORNEY GENERAL.

(No. 59-28.)

*Macquarie-street,  
Sydney, 17 March, 1859.*

SIR,

With reference to our conversation this morning, relative to the appointment of Mr. Gore as the "Chief Registrar at Bathurst," at your request I beg leave to offer the following suggestions:—

It is quite evident the District Courts Act confers no authority upon the Executive to appoint any person as "the Chief Registrar," in any one district. By appointing Mr. Gore for Bathurst, under this title, I presume it was intended to give him control over all other Registrars in the Western District; I would suggest, however, to confer upon him such a control would be highly desirable and would be full of convenience, leading, as it would, to uniformity of practice throughout the Western District, so far as the working of the several Courts is concerned. Through him, also, all advances could be made, and by him the salaries to the several Registrars and other officers could be paid.

I concur in the suggestion that Mr. Gore be re-appointed as Registrar for the Bathurst District, and, as heretofore, "Clerk of the Peace" for the Western District.

With regard to his salary, I see no reason why it should be reduced. I know from experience it would be utterly impossible for the Clerk of Petty Sessions at Bathurst to carry out the duties of Registrar as well as those of the Clerk of the Peace. It would therefore be necessary to appoint some other person to perform these duties, and I feel persuaded no efficient person could be found who would be both willing and competent to act at a less salary than £300 per annum.

I may add, that at the last Bathurst Quarter Sessions Mr. Gore proved himself fully equal to the duties of the Clerk of the Peace.

Entertaining these views, I see no reason for the re-distribution of the salaries of the several Registrars for the Western District.

I have, &amp;c.,

JAMES S. DOWLING,  
District Judge.

## JUDGE OF SOUTHERN DISTRICT COURT to ATTORNEY GENERAL.

*Chambers, Hyde Park,  
Sydney, 26 March, 1859.*

SIR,

In accordance with your request I beg to suggest the propriety of the Governor General ordering that District Courts be held in the Southern District at the following places, that is to say:—At Goulburn in intervals of not less than two, nor more than four months from the holding of each Court; and at Queanbeyan, Yass, Gundagai; Tumut, Wagga Wagga, and Albury, respectively, in intervals of not more than six, nor less than three months from the holding of each Court at each place.

I have, &amp;c.,

THOMAS CALLAGHAN.

## 34 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

## MINUTE.

HAVING considered the proposed arrangement, the Council approve of the same, and advise that, in accordance with the 45th clause of the Act of the local Parliament, 22nd Victoria, No. 18, His Excellency the Governor General should order that a Court be held once, at least, in the intervals within set forth, and at the places respectively enumerated.

Approved,—

W. D.  
20 April, '59.

A. ORPEN MORIARTY,  
Clerk of the Council.  
4 April, 1859.  
No. 59-288.

JUDGE OF NORTHERN DISTRICT COURT to COLONIAL SECRETARY.

Sydney, 26 March, 1859.

SIR,

I have the honor to enclose you my proposed arrangement of Districts for each Court of the *Northern District*, and to submit the same for your consideration.

I have had the advantage of the assistance of Mr. McLean of the Surveyor General's Office in preparing the distribution.

I have lost no time in forwarding you the enclosed, as the great distance of many of the Police Districts will render it urgently necessary to apply for the Jury Lists without delay.

I have, &c.,  
ROBT. OWEN.

Executive Council.—C. C.  
(B. C., 26 March.)

## [Enclosure.]

- Armidale*.—Comprising the Police Districts of Armidale, Tenterfield and Wellington.
- Grafton*.—Comprising the Police Districts of Grafton and Richmond River.
- Maitland East*.—Comprising the Electoral Districts of East Maitland and Morpeth, and the Police Districts of Brisbane Water, Newcastle, Raymond Terrace, and Port Stephens.
- Maitland West*.—Comprising the Electoral Districts of West Maitland and the Hunter, and the Police Districts of the McDonald River and Wollombi.
- Murrurundi*.—Comprising the Police District of Murrurundi.
- Muswellbrook*.—Comprising the Police Districts of Muswellbrook, Merton, and Cassilis.
- Paterson*.—Comprising the Police Districts of Paterson and Dungog.
- Port Macquarie*.—Comprising the Police Districts of Port Macquarie, the McLeay River, and the Manning River.
- Seone*.—Comprising the Police District of Seone.
- Singleton*.—Comprising the Police District of Patrick's Plains, including the town of Singleton.
- Tamworth*.—Comprising the Police District of Tamworth, Warralda, and Wee Waa.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF CUMBERLAND AND COAST DISTRICT COURT.

(No. 59-154.)

Crown Law Offices,  
Sydney, 28 March, 1859.

SIR,

In reference to your conversation with the Attorney General in respect of Mr. J. B. Martin's appointment, under the provisions of the District Courts Act of 1858, to be Registrar at Camden and Picton, and to the desire expressed by you on behalf of that gentleman, that he might be relieved from acting in the above capacity at Picton, I am directed by the Attorney General to inform you, that having conferred with his colleagues upon the subject, he is of opinion that sufficient reason has not been given for departing from the decision already arrived at; therefore it will be necessary for Mr. Martin to act at both Camden and Picton.

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

JUDGE OF CUMBERLAND AND COAST DISTRICT COURT to COLONIAL SECRETARY.

Windsor, 22 March, 1859.

SIR,

I have the honor to submit for your approval the enclosed plan for the subdivision of the Cumberland and Coast District into minor districts.

I have not drawn the Proclamation itself, because that must follow the wording of the Act, which I have not got, and which, indeed, is not yet in existence.

Allow me to suggest that the Proclamation should be at once prepared, and passed by the Executive, at its very first meeting after the new Bill has become law; that, at the same meeting of the Executive, an order should be made under Section 52 of the Act of 1858, directing the Benches of Magistrates of the several Districts to cause the Jury Lists to be prepared; that letters containing such directions should be ready written *beforehand* to the Clerks of the several Benches, and forwarded at the first possible moment.

Some

Some few days must then elapse, in order that notice may be given to the Magistrates of each district to meet and prepare the Lists. I shall have provided that, when they do meet, the Lists (so far as is practicable, that is, in all places within the County of Cumberland) will be ready for their approval.

Thus, and thus only, there will be juries ready for the trial of causes at my first appointed sittings; otherwise a defendant, by demanding a jury when none can be had, will be able to defeat a plaintiff for a period of three months.

I have, &c.,  
HENRY CARY.

Executive Council.—C.C.  
(B.C.—26 March.)

### DISTRICT COURTS JURY LISTS.—COPIES OF REGULATIONS FOR THE PREPARATION OF.

*Copies of all Regulations promulgated by the Government for the preparation of Jury Lists in the several Districts in which District Courts are to be held.*

### THE UNDER SECRETARY to THE SEVERAL BENCHES OF MAGISTRATES.\*

(Circular.)

Colonial Secretary's Office,  
Sydney, 24 March, 1859.

GENTLEMEN,

Drawing your attention to the Act of the 22 Vic., No. 18, styled the "District Courts Act of 1858," I am desired by the Colonial Secretary to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to direct that Jury Lists for such towns and places in or for which District Courts have been ordered to be held within the Cumberland and Coast District Court District, shall be prepared and furnished to the Judge of such Courts in the manner prescribed by the 51st and 52nd sections of the said Act; and to request that you will therefore cause such List to be prepared accordingly for in conformity with the said clauses, so far as the same may be applicable.

2. I am directed to add, that although by the Act a period of three months is allowed for the performance of this duty, it is very desirable that the List should be prepared and forwarded to the Judge on the earliest day possible, in order that the Courts may be brought into operation without delay.

I have, &c.,  
W. ELYARD.

Similar letter for the—

Western District Court District, 31st March.  
Northern District Court District, 31st March.  
Southern District Court District, 5th April.

\* Enumerated in Schedules A, B, C, and D, respecting Jury Lists.

### PROCLAMATION.

By His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, 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.

WHEREAS by "The District Courts Act of 1858," it was amongst other things enacted, that the persons qualified and liable to act as Jurors for the trial of Issues Civil and Criminal, and for the Assessment of Damages under the provisions of the Act of Council, 11th Vict., No. 20, sections one, two, and three, should be the persons qualified and liable to act as Jurors in Courts holden under the said Act, and for the purposes of the establishment of Jurors' Districts, and the preparation of Jurors' Lists, every District Court should be deemed to be a Court for the trial of Issues and the Assessment of Damages, within the meaning of the said Act of Council, 11th Vict., No. 20; and that Jury Lists should be prepared, published, and corrected according to the provisions therein contained; and such Lists, when corrected, should be transmitted by the Clerks of the Benches to the Judge of such District Court, who should thereupon prepare a Jurors' Book for such Court, according to the said Act; and whereas by the said "District Courts Act of 1858," it was also enacted, that in case the Governor of New South Wales should, by any Proclamation or Proclamations

tions issued and published, with the advice of the Executive Council, order a District Court or Courts, or any Court of General or Quarter Sessions of the Peace, to be holden at any town or place where provision should not have been theretofore made for the preparing and settling of the Jury Lists for such town or place, it should be lawful for the said Governor, with the advice aforesaid, to direct the Bench of Magistrates of the District wherein such town or place should be situate to cause Jury Lists for such town or place to be prepared; and thereupon the said Bench of Magistrates should, in pursuance of such direction, and they were thereby authorized and required to prepare and cause to be prepared, within three months after the receipt of any such direction, Lists of all Jurors within the Jurors' District for such town or place; and thereupon the Clerks of Petty Sessions, Chief Constables, and Justices should do and perform, within the said period of three months, all such acts, matters, and things, in and towards preparing, correcting, and allowing the Jury Lists, as are in the said last-mentioned Act required to be ordinarily done in the months of August, September, and October in each and every year; and all such Jury Lists, when prepared, corrected, and allowed as aforesaid, should be transmitted by the Clerks of the Benches to the District Court Judge, with a proviso that in case any Jury List, prepared under the direction of the Governor, pursuant to the said District Courts Act, should take effect at any time between the months of February and August in any year, the same should continue in force until the month of August in the year following, until which time no new list should in that case be prepared; and whereas by the "District Courts Act Amendment Act of 1859" it was enacted, that it should be lawful for the Governor, with the advice of the Executive Council, from time to time, to order by Proclamation in the *Gazette*, that the provisions of the Act of Council, 11th Victoria, No. 20, should extend and apply to such several Districts as are herein mentioned as having been proclaimed as Districts under the provisions of the "District Courts Act of 1858," and that Jurors' Lists should be prepared, published, and corrected for the several towns and places in such districts respectively, at which District Courts have been ordered to be holden, and all the other provisions contained in the said Act of Council which were applicable to the districts already proclaimed should extend and apply, *mutatis mutandis*, to such newly proclaimed districts, and the towns and places therein; and by the said "District Courts Act Amendment Act of 1859" it was further enacted, that, notwithstanding any thing contained in the "District Courts Act of 1858," it should be lawful for the Governor, with the advice of the Executive Council, from time to time, to define the limits within which each of the Courts appointed to be held should have jurisdiction, within the meaning of the 5th section of such Act: And whereas by a certain Proclamation bearing date the 9th of December, 1858, and published in the *New South Wales Government Gazette* of the same day, District Courts were directed to be holden at the several towns and places hereinafter named in the Schedules hereunto annexed, and intitled, respectively, Schedules A, B, C, and D: Now, therefore, I, Sir William Thomas Denison, as such Governor aforesaid, do by this my Proclamation for that purpose issued, with the advice of the Executive Council, define the limits within which each of the said Courts so appointed to be held shall have jurisdiction within the meaning of the 5th section of the "District Courts Act of 1858," such limits being respectively the limits of the several Police or other Districts set forth opposite the names of such towns or places respectively in the four several Schedules A, B, C, and D hereunto annexed: And I do hereby, with the advice aforesaid, further order by this my Proclamation, that the provisions of the Act of Council, 11th Victoria, No. 20, shall extend and apply to such several districts as are herein, and in the several Schedules hereto mentioned, and which have been proclaimed as districts, under the provisions of the "District Courts Act of 1858," and that Jurors' Lists shall be prepared, published, and corrected for the several towns and places in such districts respectively at which District Courts have been ordered to be holden, and all the other provisions contained in the said Act of Council which are applicable to the districts already proclaimed shall extend and apply, *mutatis mutandis*, to such newly proclaimed districts, and the towns and places therein: And lastly, I do hereby, with the advice aforesaid, direct the Benches of Magistrates, and all the Clerks of Petty Sessions, Chief Constables, and Justices of the several districts wherein such towns and places are severally situate, to cause Jury Lists for such towns and places, to be prepared as directed by the said Acts, and to do and perform all such acts, matters, and things, in and towards the preparing, correcting, and altering the said Jury Lists, as are authorized by the said Acts, or otherwise howsoever.

Given under my Hand and Seal, at Government House, Sydney, this eighteenth day of April, in the year of Our Lord one thousand eight hundred and fifty-nine, and in the twenty-second year of Her Majesty's Reign.

(L.S.)

W. DENISON.

By His Excellency's Command,

LYTTELTON HOLYOAKE BAYLEY,

Attorney General.

GOD SAVE THE QUEEN!



## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

37

## SCHEDULE A.

Towns or places in the Cumberland and Coast District at which Courts are directed to be held, with the several Police or other Districts within which such Courts shall have jurisdiction, and for which Jurors' Lists shall be prepared under the Proclamation aforesaid:—

- Berrima*—Comprising the Police District of Berrima.  
*Bombala*—Comprising the Police District of Bombala.  
*Braidwood*—Comprising the Police District of Braidwood and Broulee.  
*Camden*—Comprising that portion of the Police District of Camden, Narellan, and Picton which is embraced by the Registration District of Camden.  
*Campbelltown*—Comprising the Police District of Campbelltown.  
*Cooma*—Comprising the Police District of Cooma.  
*Eden*—Comprising the Police District of Eden.  
*Kiama*—Comprising the Police Districts of Kiama and Shoalhaven.  
*Liverpool*—Comprising that portion of the Police District of Parramatta and Liverpool embraced by the Registration District of Liverpool.  
*Parramatta*—Comprising that portion of the Police District of Parramatta and Liverpool embraced by the Registration District of Parramatta.  
*Penrith*—Comprising the Police District of Penrith.  
*Picton*—Comprising that portion of the Police District of Camden, Narellan, and Picton, which is embraced by the Registration District of Picton.  
*Windsor*—Comprising the Police District of Windsor.  
*Wollongong*—Comprising the Police District of Wollongong.

## SCHEDULE B.

Towns or places in the Southern District at which Courts are directed to be held, with the several Police or other Districts within which such Courts shall have jurisdiction, and for which Jurors' Lists shall be prepared under the Proclamation aforesaid:—

- Albury*—Comprising the Police Districts of Albury, Deniliquin, Moulamein, and Moama.  
*Goulburn*—Comprising the Police District of Goulburn.  
*Gundagai*—Comprising the Police District of Gundagai.  
*Queanbeyan*—Comprising the Police District of Queanbeyan.  
*Tumut*—Comprising the Police District of Tumut.  
*Wagga Wagga*—Comprising the Police Districts of Wagga Wagga and Balranald.  
*Yass*—Comprising the Police Districts of Yass and Binalong.

## SCHEDULE C.

Towns or places in the Northern District at which Courts are directed to be held, with the several Police or other Districts within which such Courts shall have jurisdiction, and for which Jurors' Lists shall be prepared under the Proclamation aforesaid:—

- Armidale*—Comprising the Police Districts of Armidale, Tenterfield, and Wellingrove.  
*Grafton*—Comprising the Police Districts of Grafton and Richmond River.  
*Maitland East*—Comprising the Electoral District of East Maitland and Morpeth, and the Police Districts of Brisbane Water, Newcastle, Raymond Terrace, and Port Stephens.  
*Maitland West*—Comprising the Electoral Districts of West Maitland and the Hunter, and the Police Districts of the M'Donald River and Wollombi.  
*Murrumbidgee*—Comprising the Police District of Murrumbidgee.  
*Muswellbrook*—Comprising the Police Districts of Muswellbrook, Merton, and Cassilis.  
*Paterson*—Comprising the Police Districts of Paterson and Dungog.  
*Port Macquarie*—Comprising the Police Districts of Port Macquarie, the M'Leay River, and the Manning River.  
*Scone*—Comprising the Police District of Scone.  
*Singleton*—Comprising the Police District of Patrick's Plains, including the town of Singleton.  
*Tamworth*—Comprising the Police Districts of Tamworth, Wyallda, and Wee Waa.

## SCHEDULE D.

Towns or places in the Western District at which Courts are directed to be held, with the several Police or other Districts within which such Courts shall have jurisdiction, and for which Jurors' Lists shall be prepared under the Proclamation aforesaid:—

- Bathurst*—Comprising the Police District of Bathurst.  
*Carcoar*—Comprising the Police District of Carcoar.  
*Dubbo*—Comprising the Police District of Dubbo.  
*Hartley*—Comprising the Police District of Hartley.  
*Molong*—Comprising the Police Districts of Molong and Wellington.  
*Mudgee*—Comprising the Police Districts of Mudgee and Rylstone.  
*Orange*—Comprising the Police District of Orange.

## THE UNDER SECRETARY to THE SEVERAL BENCHES OF MAGISTRATES.\*

(Circular.)

Colonial Secretary's Office,  
 Sydney, 2 May, 1859.

GENTLEMEN,

I am directed by the Colonial Secretary to draw your attention to a Proclamation, dated 18th April, 1859, inserted in the *Government Gazette* of the 19th ultimo, relating to District Courts, and to the preparation of Lists of Jurors for such Courts; and to request that, if not already done, you will cause a List, so far as the same may be required from your District, to be prepared as therein ordered, and forwarded to the Judge of the District Court as early as possible.

2. In preparing this List, it is to be observed, that it will only be necessary to include in it the qualified Jurors residing within your Police District, or such part of your Police District, as may be within the limits of the District Court of

I have, &amp;c.,

W. ELYARD.

\* Enumerated in Schedules A, B, C, and D. (*Vide* Proclamation 18 April, 1859.)

PROCLAMATION.



## PROCLAMATION.

By their Excellencies JOHN MAXWELL PERCEVAL, Esquire, Companion of the Most Honorable Order of the Bath, Colonel in Her Majesty's 12th Regiment of Foot, the Officer next in seniority to the Officer commanding Her Majesty's Land Forces in all Her Colonies of Australia; SIR WILLIAM WESTBROOKE BURTON, Knight, President of the Legislative Council of the Colony of New South Wales; and CHARLES COWPER, Esquire, Colonial Secretary of the said Colony, Administrators of the Government thereof.

WHEREAS by a certain Act or Ordinance of the Governor and Legislative Council of New South Wales, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled, "*An Act to consolidate and amend the Laws for the transportation and punishment of offenders in New South Wales, and for defining the respective powers and authorities of General Quarter Sessions, and of Petty Sessions, and for determining the places at which the same shall be holden and for better regulating the summary jurisdiction of Justices of the Peace, and for repealing certain Laws and Ordinances relating thereto,*" it was amongst other things enacted, that Courts of General Quarter Sessions for the Colony of New South Wales should be held at Sydney, Parramatta, Campbelltown, Windsor, Maitland, and Bathurst, and at such other places within the said Colony, and at such times as the Governor for the time being should, by any Proclamation duly issued for such purpose, appoint: Now, therefore, we, the Administrators of the Government, with the advice of the Executive Council, in pursuance of the power and authority so vested in us by the said recited Act, and otherwise, do by this our Proclamation hereby appoint and direct, that Courts of General Quarter Sessions for the Colony of New South Wales shall be holden at the following other places, severally, within the said Colony, viz.:—at Yass, Gundagai, and Albury; and that such several Courts of Quarter Sessions shall, during this present year, be respectively held at the several times following, that is to say,—at Yass, on Wednesday, the 19th of October; at Gundagai, on Tuesday, the 25th of October; and at Albury, on Tuesday, the 8th of November; of which all persons concerned are hereby required to take notice.

Given under our Hands and the Seal of the Colony, at Government House, Sydney, this fifth day of July, in the year of Our Lord One thousand eight hundred and fifty-nine, and in the twenty-third year of Her Majesty's Reign.

(L.S.)

J. M. PERCEVAL, COLONEL.  
W. W. BURTON.  
CHARLES COWPER.

By Command of Their Excellencies,

LYTTELTON HOLYOAKE BAYLEY,

Attorney General.

GOD SAVE THE QUEEN!

SECRETARY TO CROWN LAW OFFICERS to SHERIFF.

Crown Law Offices,  
Sydney, 7 July, 1859.

SIR,

I am directed by the Attorney General to inform you that the Government have arranged that Courts of General Quarter Sessions shall be holden during the present year at the several times and places following, in addition to those heretofore proclaimed: that is to say, at Yass, on Wednesday, the 19th of October; at Gundagai, on Tuesday, the 25th of October; and at Albury, on Tuesday, the 8th of November; I am therefore desired to request that you will at once have the goodness to take such steps as may be necessary to place yourself in a position for the summoning of juries to be in attendance at the places heretofore respectively named, on the above days. I may further mention that a Proclamation will shortly appear notifying the places for the detention of prisoners at each of the townships in question to be gaols within the meaning of the Act. The Benches of Magistrates have been communicated with on the subject of forwarding prisoners for trial at such Courts as the locality may indicate to be proper.

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

Vide Proclamation in respect of Gaols in *Government Gazette*, p. 1545, days and places, p. 1546, and *Gazette*, No. 132, 6 July, 1859.

SECRETARY TO CROWN LAW OFFICERS to SHERIFF.

Crown Law Offices,  
Sydney, 13 July, 1859.

SIR,

3 Wm. IV., No. 8.

Adverting to my letter of the 7th instant, No. 341, apprising you that the Government had arranged that Courts of General Quarter Sessions will be holden during the present year at Yass, Gundagai, and Albury, on certain days therein mentioned, I have now the honor to draw your attention to the enclosed copy Proclamation, published in the *Government Gazette* of yesterday, respecting further additional times and places for holding

holding Courts of General Quarter Sessions during the current year; and I am desired to request that you will take such steps as may be necessary to place yourself in a position for summoning juries to be in attendance at the times and places therein enumerated; you may have observed that the lock-ups at the several townships have been proclaimed gaols within the meaning of the Act, and the Benches of Magistrates, at the several localities in question, have been addressed on the subject of the committal of persons (when necessary) for trial, within their respective districts, in which Courts have been arranged to be holden.

I have, &c.,

W. E. PLUNKETT.

#### PROCLAMATION.

By His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, 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.

WHEREAS by a certain Act or Ordinance of the Governor and Legislative Council of New South Wales, passed in the third year of the Reign of His late Majesty King William the Fourth, intituled, "*An Act to consolidate and amend the Laws for the transportation and punishment of offenders in New South Wales, and for defining the respective powers and authorities of General Quarter Sessions, and of Petty Sessions, and for determining the places at which the same shall be holden, and for better regulating the summary jurisdiction of Justices of the Peace, and for repealing certain Laws and Ordinances relating thereto*," it was amongst other things enacted, that Courts of General Quarter Sessions for the Colony of New South Wales should be held at Sydney, Parramatta, Campbelltown, Windsor, Maitland, and Bathurst, and at such other places within the said Colony, and at such times, as the Governor for the time being should, by any Proclamation duly issued for such purpose, appoint: Now, therefore, I, Sir William Thomas Denison, the Governor aforesaid, with the advice of the Executive Council, in pursuance of the power and authority so vested in me by the said recited Act, do by this my Proclamation hereby appoint and direct that Courts of General Quarter Sessions for the Colony of New South Wales shall be holden at the following other places, severally, within the said Colony, viz.:—At Paterson, on Monday, the 29th of August, and Monday, the 28th of November; at Singleton, on Friday, the 2nd of September, and Friday, the 2nd of December; at Muswellbrook, on Wednesday, the 7th of September, and Wednesday, the 7th of December; at Scone, on Monday, the 12th of September, and on Monday, the 12th of December; at Murrumbidgee, on Thursday, the 15th of September, and Thursday, the 15th of December; at Port Macquarie, on Monday, the 10th of October; at Grafton, on Monday, the 17th of October; at Tamworth, on Thursday, the 22nd of December; at Armidale, on Saturday, the 31st of December; at Carcoar, on Tuesday, the 23rd of August, and Wednesday, the 23rd of November; at Hartley, on Tuesday, the 27th of September, and Tuesday, the 20th of December; at Mudgee, on Tuesday, the 4th of October, and Wednesday, the 28th of December; at Dubbo, on Thursday, the 13th of October; at Molong, on Wednesday, the 19th of October; at Orange, on Monday, the 24th of October; at Eden, on Wednesday, the 31st of August; at Cooma, on Monday, the 12th of September; at Windsor, on Monday, the 3rd of October; at Penrith, on Monday, the 10th of October; at Campbelltown, on Monday, the 17th of October; at Camden, on Wednesday, the 19th of October; at Berrima, on Tuesday, the 25th of October; at Wollongong, on Tuesday, the 1st of November; and at Braidwood, on Monday, the 5th of December; of which all persons concerned are hereby required to take notice.

Given under my Hand and the Seal of the Colony, at Government House, Sydney, this eleventh day of July, in the year of Our Lord one thousand eight hundred and fifty-nine, and in the twenty-third year of Her Majesty's Reign.

(L.S.) W. DENISON.

By His Excellency's Command,

LYTTELTON HOLYOAKE BAYLEY,

Attorney General.

GOD SAVE THE QUEEN!

#### PROCLAMATION.

By His Excellency SIR WILLIAM THOMAS DENISON, Knight Commander of the Most Honorable Order of the Bath, Governor General in and over all Her Majesty's Colonies of New South Wales, Tasmania, Victoria, South Australia, 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.

WHEREAS by an Act of the Governor and Council of New South Wales, passed in the fourth year of the Reign of Her present Majesty, intituled, "*An Act for the Regulation of Gaols, Prisons, and Houses of Correction in the Colony of New South Wales and its Dependencies, and for other purposes relating thereto*," it is enacted, that all buildings, erections, houses, and premises which should thereafter be erected, built, purchased, enlarged, or maintained

maintained at the public expense, as and for Public Gaols, Prisons, or Houses of Correction within the said Colony and its Dependencies, and which should, by Proclamation, to be from time to time published in the *New South Wales Government Gazette*, by order of the Governor for the time being of the said Colony, be declared and notified as such Public Gaols, Prisons, or Houses of Correction, should, from after the publication of such notification, be severally deemed and taken to be the Public Gaol, Prison, or House of Correction of the place or District where the same was or should be situated within the said Colony or its Dependencies respectively, and should be subject to the several provisions thereafter made for the regulation, management, care, and discipline of the Public Gaols, Prisons, and Houses of Correction belonging to the said Colony and its Dependencies, and of the prisoners confined within the same: And whereas it is expedient that certain other buildings, erections, houses, and premises which shall hereafter be erected, built, purchased, enlarged, or maintained at the public expense, or any of which may have been heretofore used or known as Watchhouses or Lock-ups for the detention of prisoners, under charge of felony, misdemeanor, or other offences, at any of the places severally undermentioned, should be declared and notified as Public Gaols, Prisons, and Houses of Correction: Now, therefore, I, Sir William Thomas Denison, the Governor General and Governor-in-Chief aforesaid, by virtue of the said recited Act, and with the advice of the Executive Council, and in pursuance of the aforesaid powers and authority, and all and every other power and authority for that behalf in me vested, do hereby proclaim, declare, and notify the buildings heretofore described, situated and being at the places severally hereinafter named, to be Public Gaols, Prisons, and Houses of Correction, viz.:—

Paterson,	Orange,
Singleton,	Windsor,
Muswellbrook,	Penrith,
Scone,	Campbelltown,
Murrurundi,	Camden,
Tamworth,	Berrima,
Armidale,	Wollongong,
Port Macquarie,	Braidwood,
Grafton,	Eden,
Carcoar,	Cooma,
Hartley,	Yass,
Mudgee,	Gundagai, and
Dubbo,	Albury.
Molong,	

Given under my Hand and the Seal of the Colony, at Government House, Sydney, this eleventh day of July, in the year of Our Lord, one thousand eight hundred and fifty-nine, and in the twenty-third year of Her Majesty's Reign.

(L. S.) W. DENISON.

By His Excellency's Command,  
CHARLES COWPER.

GOD SAVE THE QUEEN!

SHERIFF to THE UNDERMENTIONED BENCHES OF MAGISTRATES.

*Sheriff's Office,*  
Sydney, 15 July, 1859.

GENTLEMEN,

I have the honor to state that I have been informed by the Crown Law Officers that a Court of General Quarter Sessions of the Peace will be held at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ next; I have, therefore, to request that you will cause me to be furnished, at as early a date as possible, with a list of persons in the district of \_\_\_\_\_, who are qualified and liable to serve on Juries, for the trial of issues at the aforesaid Court, in accordance with the Act of Council, 11 Vic., No. 20.

I have, &c.,

JOHN O'NEILL BRENNAN,  
Sheriff.

To the Bench of Magistrates at—

Albury,	Mudgee,
Armidale,	Murrurundi,
Berrima,	Muswellbrook,
Braidwood,	Orange,
Camden,	Paterson,
Campbelltown,	Penrith,
Carcoar,	Port Macquarie,
Cooma,	Scone,
Dubbo,	Singleton,
Eden,	Tamworth,
Grafton,	Windsor,
Gundagai,	Wollongong,
Hartley,	and
Molong,	Yass.

LIST

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

41

LIST of places from which copies of Jury Lists have been furnished to the Sheriff's Office, for the purpose of summoning Juries for the Courts of Quarter Sessions to be held in those districts; specifying, as far as practicable, the date of the revision, the name of the Revising Officer or Officers, and the name of the person certifying to the correctness of the list.

PLACES FROM WHICH LIST HAS BEEN FURNISHED TO THE SHERIFF.	NAME OF THE REVISING OFFICER OR OFFICERS.	DATE OF REVISION.	NAME OF PERSON CER- TIFYING TO THE COR- RECTNESS OF THE LIST.
Albury .. .. .	{ Heyward Atkins, J.P. John Roper, J.P. }	9th May, 1859 ..	Revising Magistrates.
Armidale .. .. .	Not given.	Not given.	No certificate.
Berrima .. .. .	Not given.	Not given.	No certificate.
Braidwood .. .. .	John W. Bunn, J.P.	Not given.	Revising Magistrates.
Camden .. .. .	Not given.	Not given.	No certificate.
Campbelltown .. .. .	{ John Bray, J.P. William Bell, J.P. }	2nd August, 1859 ..	Revising Magistrates.
Carcoar .. .. .	Not given.	Not given.	C. Beardmore, P.M.
Cooma .. .. .	Not given.	Not given.	R. Dawson, Registrar.
Dubbo .. .. .	Not given.	Not given.	J. Scully, C.P.S.
Eden .. .. .	{ P. Murray, P.M. George Barclay, J.P. G. P. Keon, J.P. }	19th April, 1859 ..	Revising Magistrates.
Grafton .. .. .	Not given.	Not given.	W. H. H. Becke, C.P.S.
Gundagai .. .. .	{ W. K. Smith, J.P. J. Hayes, J.P. }	7th June, 1859 ..	Revising Magistrates.
Hartley .. .. .	Not given.	Not given.	Not given.
Molong .. .. .	{ John Smith, J.P. E. J. Finch, J.P. }	Not given.	Revising Magistrates.
Mudgee .. .. .	Not given.	Not given.	J. D. Miller, P.M.
Murrumbidgee .. .. .	Not given.	Not given.	Alexdr. Brodie, J.P.
Muswellbrook .. .. .	{ James White, J.P. John H. Keys, J.P. }	16th May, 1859 ..	John O'Meara, C.P.S.
Orange .. .. .	Not given.	23rd May, 1859 ..	W. J. Evans, Registrar.
Paterson .. .. .	Not given.	Not given.	E. J. Cory, J.P.
Penrith .. .. .	{ W. Russell, J.P. R. Jamieson, J.P. }	4th April, 1859 ....	Revising Magistrates.
Port Macquarie .. .. .	{ J. H. Crummer, J.P. W. H. Freeman, J.P. M. F. Brownrigg, J.P. James Smith, J.P. }	19th April, 1859 ..	J. Becke, C.P.S.
Scone .. .. .	{ J. Docker, J.P. M. H. Hall, J.P. J. W. McDouall, J.P. }	19th April, 1859 ..	Revising Magistrates.
Singleton .. .. .	{ J. B. Dight Philip G. King, J.P. William Morris, J.P. James Ascough, J.P. }	27th July, 1859 ..	Revising Magistrates.
Tamworth .. .. .	Not given.	Not given.	Revising Magistrates.
Windsor .. .. .	{ Henry Day, J.P. George Bowman, J.P. D. W. Irving, J.P. }	2nd April, 1859 ..	Revising Magistrates.
Wollongong .. .. .	{ Henry Gordon, J.P. William Osborne, J.P. }	2nd May, 1859 ..	Revising Magistrates.
Yass .. .. .	{ Allan Campbell, J.P. Thomas Laidlaw, J.P. }	23rd June, 1859 ..	Revising Magistrates.

## SHERIFF to ATTORNEY GENERAL.

Sheriff's Office,  
Sydney, 25 July, 1859.

SIR,

I have the honor to inform you, that in consequence of the gentleman being fully employed whose duty it is to copy the Jury Lists of the newly-created Quarter Sessions Districts into books, to be kept as records in my office, as required by the 9th section of the Jury Act, 11 Viet., No. 20, it will be impossible for me to comply with the requirements of this section of the Act, unless I obtain an authority for the employment of extra clerical assistance for that purpose. I have, therefore, the honor to request that I may be furnished with the requisite authority to employ extra assistance, or that a sum (not to exceed £10) may be placed at my disposal, to reimburse the gentlemen in my office for my employing them over-hours to complete this necessary work.

I may here remind the Honorable the Attorney General, that there are 27 Jury Lists already to be copied, all of which will be required immediately.

I have, &amp;c.,

JOHN O'NEILL BRENNAN,  
Sheriff.

## 42 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

SECRETARY TO CROWN LAW OFFICERS to SHERIFF.

*Crown Law Offices,  
Sydney, 26 July, 1859.*11 Vic., No. 20,  
Sec. 2.

SIR,

In acknowledging the receipt of your letter of yesterday's date, requesting authority to employ extra clerical assistance, or that a sum of ten pounds may be placed at your disposal, to reimburse the gentlemen in your office for their services after hours in copying the Jury Lists for the newly-created Quarter Sessions Districts, I am directed to inform you that the Attorney General sees no objection to the employment of such extra labor as may be absolutely necessary for the purpose mentioned above, provided that the sum shall not exceed ten pounds sterling, which may form a charge against the amount provided under the head of Contingencies to meet unforeseen Expenses for the District Courts.

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

JUDGE OF WESTERN DISTRICT COURT to COLONIAL SECRETARY.

*Macquarie-street,  
Sydney, 30 March, 1859.*

SIR,

Bearing in mind that it is the intention of the Government to issue, so soon as the "Amending District Courts Bill" is passed into law, a Proclamation limiting and defining the jurisdiction of each District Court already proclaimed in the Western District, I do myself the honor to suggest that the jurisdiction of the said several District Courts should be limited to the Police Districts as follows:—

*District Courts:—*

- Bathurst*—The Police District of Bathurst.
- Carcoar*—The Police District of Carcoar.
- Dubbo*—The Police District of Dubbo.
- Hartley*—The Police District of Hartley.
- Molong*—The Police Districts of Molong and Wellington.
- Mudgee*—The Police Districts of Mudgee and Rylstone.
- Orange*—The Police District of Orange.

All which several Police Districts are more particularly described in a notice from the Colonial Secretary's Office, bearing date the 23rd of November, 1858, and published on the 25th of the same month in the New South Wales *Government Gazette*.

I have, &c.,  
JAMES S. DOWLING,  
District Judge.

SECRETARY TO CROWN LAW OFFICERS to AUDITOR GENERAL.

(No. 59/157-1.)

*Crown Law Offices,  
Sydney, 31 March, 1859.*

SIR,

In acknowledging the receipt of your letter of the 9th ultimo, and with reference to my communication, No. 113, of the 3rd of same month, covering copy Proceedings and Minute of the Executive Council, No. 59-6, I have now the honor, by direction of the Attorney General, to forward herewith to you a further copy Minute of the Council, No. 59-11, with respect to the designation of certain officers of the District Courts, and the respective rates of salary and allowance to be paid to such officers. I am also desirous to inform you, that the Attorney General sees no objection to one—in the event of a second—Registrar, at any of the undermentioned places, viz.:—Sydney, Parramatta, Goulburn, Bathurst, and East Maitland, to be constituted Accountants, to whom cash credits may be authorized to enable them to defray expenses of the Courts within the particular division of the Colony to which they may be attached.

The Attorney General approves of your suggestion, that the amount appropriated under the head of Contingencies should be distributed in the following manner, viz.:—

1. Travelling expenses of judges, to be divided into four parts, that is, one for each of the country judges.
2. Allowances to witnesses and jurors.
3. Incidental and unforeseen expenses.

Each of these items to be divided into five parts, being one-fifth for each of the Courts, including Sydney.

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

MINUTE

## MINUTE.

THE Executive Council, having considered the proposed sub-division of the district in question, concur in the advisability of the measure suggested, and as they conceive it to be very necessary that no time should be lost in giving effect thereto, they advise, that, in the event of the Bill now before Parliament for amending the District Courts Act of 1858 becoming law, the necessary steps be immediately taken thereunder for sub-dividing the Western District into the several Districts described in the within schedule.

Approved,—

W. D.

20th April, 1859.

A. ORPEN MORIARTY,

Clerk of the Council.

4th April, 1859. No. 59-306.

*PROCEEDINGS of the Executive Council on the 28th March, 1859, with respect to a proposed sub-division of the Cumberland and Coast, and Northern Districts, respectively.*

Extract from Minute No. 59-13. Confirmed 4th April, 1859.

"2. The Council, having considered the proposed sub-division of the respective Districts in question, concur in the advisability of the measure suggested; and as they conceive it to be very necessary that no time should be lost in giving effect thereto, they advise, that, in the event of the Bill now before Parliament for amending the District Courts Act of 1858 becoming law, the necessary steps be immediately taken thereunder for sub-dividing the Cumberland and Coast, and Northern Districts, respectively, into the several Districts described in the Schedule hereto appended."

*Executive Council Office,  
Sydney, 7 April, 1859.  
No. 59-273-4.*

A. ORPEN MORIARTY,

Clerk of the Council.

## [Schedule referred to.]

## SUB-DIVISION OF CUMBERLAND AND COAST DISTRICT.

Windsor,	Wollongong,
Penrith,	Kiama,
Liverpool,	Braidwood,
Parramatta,	Eden,
Camden,	Bombala,
Picton,	Cooma.
Berrima,	

## SUB-DIVISION OF NORTHERN DISTRICT.

*Armidale*—Comprising the Police Districts of Armidale, Tenterfield, and Wellingrove.  
*Grafton*—Comprising the Police Districts of Grafton and Richmond River.  
*Maitland East*—Comprising the Electoral Districts of East Maitland and Morpeth, and the Police Districts of Brisbane Water, Newcastle, Raymond Terrace, and Port Stephens.  
*Maitland West*—Comprising the Electoral Districts of West Maitland and the Hunter, and the Police Districts of the Macdonald River and Wollombi.  
*Murrumbidgee*—Comprising the Police District of Murrumbidgee.  
*Muswellbrook*—Comprising the Police Districts of Muswellbrook, Merton, and Cassilis.  
*Paterson*—Comprising the Police Districts of Paterson and Dungog.  
*Port Macquarie*—Comprising the Police Districts of Port Macquarie, the Macleay River, and the Manning River.  
*Scone*—Comprising the Police District of Scone.  
*Singleton*—Comprising the Police District of Patrick's Plains, including the town of Singleton.  
*Tamworth*—Comprising the Police Districts of Tamworth, Warialda, and Wee Waa.

## SECRETARY TO CROWN LAW OFFICERS to JUDGE OF WESTERN DISTRICT COURT.

(No. 59-176.)

*Crown Law Offices,  
Sydney, 13 April, 1859.*

SIR,

Adverting to your letter of the 16th ultimo, in reference to the order of His Excellency the Governor General, defining the intervals within which the sittings of the several District Courts in the *Western District* are to be holden, as published in the *Government Gazette* of the 8th ultimo, I am directed to inform you that the subject having subsequently been brought under the notice of the Executive, and the Council having advised that a Proclamation should be inserted in the *Government Gazette*, pursuant to the 2nd clause of the Act, 22 Vict., No. 18, ordering that a District Court should be holden at the Town of Wellington, in the District of Wellington, I am now desired to request that you will have the goodness to state how far a Proclamation of the nature in question will be likely to affect the arrangements contemplated by you for holding Courts.

I have, &c.,

W. E. PLUNKETT.

SECRETARY

## 44 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

SECRETARY TO CROWN LAW OFFICERS to REGISTRAR OF DISTRICT COURT, BATHURST.  
(No. 59-177.)

*Crown Law Offices,  
Sydney, 14 April, 1859.*

SIR,

In acknowledging the receipt of your letter of the 29th ultimo, on the subject of the bond required to be given by you to the Government as Registrar at Bathurst, under the District Courts Act of 1858, I am desired by the Attorney General to inform you that he would prefer two sufficient sureties, jointly and severally, in the sum of two hundred and fifty pounds.

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

JUDGE OF NORTHERN DISTRICT COURT to ATTORNEY GENERAL.

*Australian Club,  
Sydney, 14 April, 1859.*

SIR,

I have the honor to suggest, with reference to the Schedules of Appointments of Registrars and Bailiffs for the Northern District of the District Courts, as follows:—

1st. That Mr. Carter be appointed Registrar for East Maitland and West Maitland. These places are immediately adjacent, and I conceive the duties of the two can be well performed by one gentleman.

2nd. That separate Bailiffs be appointed for Muswellbrook, Scone, and Murrumbidgee. The two first-named places are upwards of 30 miles apart, and the last upwards of 70 miles from Scone. As now joined in the Schedule no one will be able to perform the aggregate duties; and the trifling salary at present apportioned is altogether insufficient.

I have, &c.,  
ROBT. OWEN,  
District Court Judge, Northern District.

JUDGE OF WESTERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-85.)

*Bathurst, 18 April, 1859.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 13th instant, No. 59-176, wherein you apprise me that you have been requested to ascertain from me, in the event of the Executive Council proclaiming "Wellington" as a place for holding a District Court, how far my arrangements for holding my Courts throughout the Western District would be likely to be interfered with.

I have, by a notice published in the *Gazette* of the 25th of March last, appointed the days on which I purpose holding my Courts at the several places already proclaimed as places for holding District Courts; but, if "Wellington" should be at once proclaimed as a place for holding a Court, and the Governor at once comply with the requirements of the 45th section of the Act, there will yet be time to re-model that notice, so that I may be enabled to hold a Court there in July.

I may further observe, that holding a Court at Wellington will necessitate the appointing a Registrar and Bailiff for that Court, as well as the issuing to the Bench of Magistrates there a notice to prepare a jury list.

In conclusion I beg leave to add, that if the contemplated Proclamation should be issued, I must request to make an alteration in my scheme, furnished in my letter of the 30th ultimo, addressed to the Honorable the Principal Secretary, as a basis on which to found a Proclamation to be issued, defining the limits of the jurisdiction of each District Court, and which, I was led to believe, was approved of. In that scheme the Police District of "Wellington" was grouped with the Police District of Molong, as together forming the jurisdiction of the Molong Court; whereas the jurisdiction of the District Court of Molong would only embrace the Police District of Molong, and that of Wellington the Police District of Wellington.

I have, &c.,  
JAMES S. DOWLING,  
District Judge.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF WESTERN DISTRICT COURT.

(No. 59-190.)

*Crown Law Offices,  
Sydney, 21 April, 1859.*

SIR,

In acknowledging the receipt of your letter of the 18th instant, with reference to the arrangements made by you for holding District Courts throughout the Western District, I am desired by the Attorney General to state that, the Government having adopted the arrangements proposed by you, and in accordance therewith having issued a Proclamation defining the limits of the Court to be holden at Molong to be the Police Districts of Molong and Wellington, all things considered, he thinks it better to let matters stand as at present.

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

JUDGE



## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS. 45

JUDGE OF METROPOLITAN DISTRICT COURT to ATTORNEY GENERAL.

District Court Office,  
Sydney, 21 April, 1859.

SIR,

Referring to your letter of the 7th ultimo, containing your directions, that as the Government were not aware that any provision had been made to issue processes under the District Courts Act free of charge it would be necessary to commence *de novo*, and the fees named in the Schedule to the Act would have to be paid accordingly;—I beg to state that, in accordance with such communication, processes *de novo*, with the fees payable under the Act, have been demanded from and been paid by the suitors.

2. In consequence of such demand the suitors have expressed much dissatisfaction that the fees paid by them under the Court of Requests Act have not been allowed or returned. Indeed, to such an extent have the officers of this Department been annoyed by applications, and threats of legal proceedings, that I am induced respectfully to request some plan be immediately adopted by the Government to repay the suitors the moneys they have advanced.

3. It may not be deemed uncalled for on my part if I shortly state how the matter originated. After the Proclamation of the 9th December appeared in the *Government Gazette*, constituting District Courts, I personally waited on the then Attorney and Solicitor Generals, expressing doubts that the Courts of Requests Act had, by such Proclamation, been repealed, when, after due consideration on their part, the Attorney General requested me to proceed with the business of the Court, promising to suggest to the Government the necessity of an Act to remove any such doubts as to the proceedings under the Courts of Requests Act. In consequence of such intimation, the business of the Court proceeded; summonses to the number of 564 were issued for the January Sittings, and fees paid by the suitors to the amount of ninety-nine pounds eighteen shillings and sixpence. On the 7th <sup>£99 18s. 6d.</sup> of January I received the following written communication from the then Attorney General:—

"The clauses to remove doubts as to jurisdiction, and to give indemnity, were carried in Committee on the District Courts Act Amendment Bill last night, and the Government have determined that it will not be advisable to hold any more sittings of the Courts of Requests for the City of Sydney and County of Cumberland."

4. Thus the matter stands. The Government having expunged the clause respecting the doubts as to the jurisdiction, the Court is placed in the unpleasant position of refusing redress to suitors, unless the Supreme Court order it by *Mandamus*; and the officers continually charged with obtaining the suitors' money without corresponding return.

I have, &amp;c.,

ALFRED CHEEKE,  
Judge.

SECRETARY TO CROWN LAW OFFICERS to REGISTRAR OF DISTRICT COURT, MAITLAND.

(No. 59-194.)

Crown Law Offices,  
Sydney, 23 April, 1859.

SIR,

In acknowledging the receipt of your letter of the 19th instant, intimating the want of an office for the performance of your duties as Registrar, under the District Courts Act of 1858, I am desirous to request that you will see the Clerk of the Peace (Mr. Briggs) and ascertain from him whether or not it is necessary that he should retain the office heretofore allotted for his use in that capacity, and whether there is any objection to its being given over to you. It may be in your power to suggest some arrangement, as you are upon the spot, in respect of suitable offices, in which, with convenience to the public and yourself, you can transact the duties of your office at East as well as at West Maitland, which may very much facilitate in arranging the matter.

I have, &amp;c.,

W. E. PLUNKETT.

JUDGE OF SOUTHERN DISTRICT COURT to ATTORNEY GENERAL.

Chambers, Hyde Park,  
Sydney, 27 April, 1859.

SIR,

The courtesy of your manner towards me, and the assurance of the Chief Secretary, on the occasion of my late interview with you and him, at his office, that the Government would be willing to receive and entertain favorably, any suggestions I might think it well to offer in reference to the holding of the Courts in my district, induce me to submit, for your consideration, the following statement and suggestions upon this subject:—

2. As you will observe by the *Gazette*, I propose to hold my first District Court on the 1st June at Goulburn. I intend this by way of a special sitting for the purpose of introducing the Act into my District, in the only place where I have reason to know that a jury list is or can be legally prepared within that time. I then purpose to hold a District Court at Queanbeyan, Yass, and Goulburn in July and October. I am advised that it would be almost impracticable from July to October to hold a Court with any prospect of the arrangements for its session being complete or satisfactory, or with any well grounded expectation at that



that season of the year of its being held at the appointed times at any of the places to the southward of Yass. Accordingly, when I shall have made my next Circuit to that place, in the month of October, I propose to go on to hold a District Court at the other places in my district to the southward, that is to say, at Gundagai, Wagga Wagga, Tumut, and Albury. For next year my sittings will be regulated according to what the experience of this year may suggest.

3. By July, too, I would anticipate the practicability of my holding a Court of Quarter Sessions at Yass, and by October at Albury, for the trial at all events of bail cases, and the hearing of appeals at these places; and if this can be accomplished, I trust that the satisfying of the wants and wishes of the country in the early institution of a Criminal Court—and of the Court of Appeal which belongs to the Quarter Sessions—where such a Court has never yet been held, where it is even more required than a Civil Court, and where there is at present no expectation of its being held for a remote period, will do something to some purpose towards allaying in my district, at least, the effects of some of the mistakes and omissions that have been made in bringing the District Courts Act into operation.

4. As you will observe I have said that the Courts can be held for the trial of bail cases and of appeals at Yass and Albury; and if this be done it will, I have reason to think, be a great boon to many persons, as well as some gain to the district generally. As it now is, all defendants on bail, and all witnesses in their cases, from the remotest ends of the district have to proceed to Goulburn, and yet these are cases in which every consideration ought to be given to the parties most affected by them. Those who make these charges and those who have to meet them ought to be saved the privations and annoyances that, from necessity and from the want of gaols, are imposed upon those who cannot obtain bail, and who, in most cases in this country, are only left in custody because they do not deserve bail, and thus those who are of good character, and of good general conduct, and who possibly are only charged with an offence barely amounting to what can be called a legal crime, as well as those who are the witnesses in their cases, are made to suffer heavily for the extreme criminality of those who can only be tried in the places where there is already a gaol to secure them. And in cases of appeals to the Quarter Sessions from such a distance as Gundagai or Albury to Goulburn, who would think of appealing?

5. If this view of mine, therefore, meets with your approval, I would suggest that the necessary steps be *at once* taken to carry it out. The steps that occur to me are these:—Under the 14th Sec. of the 3rd Will. IV, No. 3, Callaghan p. 697, Courts of Quarter Sessions can be appointed for Yass and Albury. Under 11th Sec. of 11th Vict., No. 20, Call. 1770, or under Sec. 52 of the District Courts Act, Jury Lists can be prepared. Under the 25th Section of the District Courts Act, the Chairman can be appointed, and so the Court can be constituted. If you approve of this plan, I can name the days upon which I can hold these Courts in this year so as to proclaim them. To secure the trial of bail cases only, a communication can be made to the benches at, below, and round Yass and Albury, requesting the Magistrates to commit all the non-capital cases, in which the prisoners can obtain bail, to the respective Courts nearest their benches, and only to commit for these Courts the custody cases that may arise within such an interval of the Quarter Sessions as may enable the prisoners to be properly detained in the places in these towns fitted for their detention.

6. At Yass I believe there is a good and tolerably capacious stone lock-up, and at Albury I dare say that, by your communicating with the Police Magistrate, and with the Colonial Architect, such a place may be provided out of the present or intended lock-up and gaol premises by October next as may be sufficient to hold a few prisoners; so that in both places possibly some custody cases also may be capable of being tried, and at all events some accommodation may be prepared for the custody *ad interim* of any persons who may be required to be kept in custody *after* conviction, and on transmission to the places appointed for the service of their sentences.

7. By your communicating with the Sheriff, and with the officer in command of the Mounted Patrol, and explaining to them the expediency of having an efficient and timely escort for the prisoners at Yass and Albury, I make no doubt that an adequate and suitable escort may be obtained; indeed, I cannot help thinking that by means of the Mounted Patrol a better mode of escort may be obtained than that now in use by the ordinary police.

8. The holding of these Courts of Quarter Sessions will not, as I apprehend, entail any additional expense upon the country; indeed, if only in the matter of the witnesses' expenses against the Crown, they will, in my opinion, be a considerable saving to the public.

9. I would wish to say, that in the fixing of my Circuits, and in the suggestions contained in this communication, I have had the advantage of consulting with Mr. Walsh, of Goulburn, and I am thus enabled to think that they will meet with his concurrence, and with that of other members of the profession throughout the Southern District.

I have, &c.,

THOMAS CALLAGHAN,  
Judge of the Southern District Court.

#### MINUTE.

THE Executive Council, having considered the representations of Mr. Cheeke, express an opinion that the fees which appear to have been paid, to the amount of £99 18s. 6d., for summonses issued for the January Sittings of the late Court of Requests, which were not held, owing to the dissolution of the Court, should be repaid to the parties entitled to receive them, and they advise that the necessary authority be given accordingly.

With

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

47

With respect to the execution of processes of the late Court of Requests, and to the doubts that have been expressed as to the legality thereof, the Council do not perceive that the Government are at present called upon to take measures. They are of opinion that it will be sufficient time to apply to Parliament for an Act of Indemnity, or to take such other steps as may be advisable, when a specific case shall have arisen demonstrating such action to be necessary.

Approved,—

W. D.

6th May, 1859.

A. ORPEN MORIARTY,

Clerk of the Council.

27th April, 1859. No. 59.

SAMUEL D. GORDON, ESQ., to COLONIAL SECRETARY.

Sydney, 3 May, 1859.

SIR,

I beg leave to draw your attention to the omission of Newcastle, Dungog, and Raymond Terrace from the Proclamation lately issued by His Excellency the Governor General, appointing what days District Courts will be held in the Northern District. You will recollect that Mr. Jones and myself presented a Petition from the people of Dungog and Clarence Town, praying that Dungog might be a place where District Courts should be held; and in a subsequent Proclamation issued by His Excellency, the towns I have previously enumerated were included. It appears, however, from a conversation I have to-day had with Mr. Owen, District Judge, that neither he nor Mr. Plunkett, the Secretary to the Law Officers, has ever seen this last Proclamation, and that the whole of the arrangements for holding these Courts have been made upon a Proclamation that has virtually been abrogated by a subsequent one, including these towns. If these places are not included amongst the places where Courts are to be held, you will find it will give great disappointment and disaffection amongst the residents in these Districts; and, if possible, that should be avoided as much as possible at the present time.

I am, &amp;c.,

SAMUEL D. GORDON.

SECRETARY TO CROWN LAW OFFICERS to REGISTRAR OF DISTRICT COURT, ALBURY.

(No. 59-214.)

Crown Law Offices,

Sydney, 9 May, 1859.

SIR,

Drawing your attention to the notification in the *Government Gazette* of Friday, the 6th instant, of your appointment as Registrar of the District Court to be holden at Albury, under the provisions of the District Courts Act of 1858, I am directed to inform you that, by virtue of the above office, you will be entitled to be paid salary at the rate of £50 per annum, from the 1st of the present month. It will be required of you to give a bond to the Government with the least possible delay, and you will therefore have the goodness to submit for the Attorney General's consideration the names of two sufficient sureties, besides yourself, who shall be willing to execute, jointly and severally, a bond in the sum of £250, for the due and faithful discharge of the duties of your office.

I have, &amp;c.,

W. E. PLUNKETT.

Similar letters also addressed to—

Mr. David Smith, C.P.S., Gundagai.

Charles E. Newcombe, Esq., P.M., Queanbeyan.

Mr. Sydney Blythe, C.P.S., Tumut.

Henry Baylis, Esq., P.M., Wagga Wagga.

Mr. John Stiles, C.P.S., Yass.

No. 59-215.

No. 59-216.

No. 59-217.

No. 59-218.

No. 59-219.

## MINUTE.

THE Executive Council, having considered the representations of the Judge of the Northern District Courts, express an opinion that it will be proper to accede to his recommendations, and they accordingly advise that the sum of £50 each be allowed for salaries of Bailiffs at the following places, viz.:—Scone, Muswellbrook, Murrurundi, East Maitland, and West Maitland.

Approved,—

W. D.

21 May, 1859.

Clerk of the Council.

10th May, 1859.

No. 59-413.

To

## 48 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

To His Excellency the Governor General and the Honorable the Executive Council of New South Wales, in Council assembled.

The humble Petition of the undersigned magistrates, gentry, landholders, storekeepers, traders, tradespeople, and other residents of the Police District of Shoalhaven,—

SHWETH:—

That your Petitioners have perceived, with considerable surprise and disappointment, that, in the appointment of places wherein "District Courts" are to be held, no provision whatever has been made for the administration of justice under that Act for the Police District of Shoalhaven.

That the part of Shoalhaven north of the river hitherto annexed, politically only, to Kiama, because lying within the then boundary of East Camden, has been separated from that District by the present Electoral Law, forming the whole of Shoalhaven into one Electorate.

That this Electorate extends from its north line, the Crooked River, to Durraswater, 81 miles—including Ulladulla, lying between, 40 miles from Nowra, the chief town of the District—and west to the Endrick River, 45 miles from the same centre, containing in the whole a population of nearly 5,000.

That the trade and commerce of Shoalhaven, exclusive of Ulladulla, as well as the minor money transactions daily occurring, amount to a very considerable sum, and the exports from Shoalhaven alone, in agricultural and dairy produce, in horses and cattle, exceed one hundred thousand pounds annually; while the trade, commerce, and exports of Ulladulla bear a fully relative proportion according to its extent and population.

That to leave so very extensive and populous a district, so largely engaged in business, without any local provision for the administration of justice under the District Courts Act will prove a most fruitful source of vexation, inconvenience, and pecuniary loss to all who may have occasion to seek redress under that Act.

For Kiama, the nearest place named for such Court, is 25 miles from the business parts of Shoalhaven, with the Shoalhaven and Crooked Rivers intervening, the former during strong westerly winds or southerly gales impassable to horses for days; and the latter, from shifting sands inconvenient to cross, and after as well as during floods not unattended with danger; is 65 miles distant from Ulladulla, 106 miles from Durraswater, and from the Sassafras 65 miles at least.

That Braidwood, the next place in which a Court is to be held—thus passing over Shoalhaven altogether—is 95 miles from Nowra, and has no connection with this district, save what occurs through the traffic from Braidwood; but irrespective of these just and reasonable objections to being connected with either district, your Petitioners respectfully suggest that the extent, population, agricultural and commercial importance of the Shoalhaven Electorate, entitle the community to every privilege and advantage which the Act referred to intends, and the Legislature intended, for the equal benefit and use of all, and which if withheld will defeat the wise purposes of the Act.

That, in the humble opinion of Petitioners, the coast line affords abundant reason to justify the hope that a separate Circuit may be formed for it, embracing Wollongong, Kiama, Shoalhaven, Broulee, Eden or Braidwood, the latter being but 35 miles from Broulee.

Your Petitioners, therefore, pray that your Excellency and Honorable Council will provide for a District Court being held in Shoalhaven, at Nowra.

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

[Here follow 242 Signatures.]

May, 1859.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF METROPOLITAN DISTRICT COURT.

(No. 59-205.)

Crown Law Offices,  
Sydney, 6 May, 1859.

SIR,

In acknowledging the receipt of your letter of the 21st ultimo, No. 59-32, I am directed to state, that the subject having been laid before His Excellency the Governor General and the Executive Council, and the Council, having fully considered the representations communicated by you, are of opinion that the fees which appear to have been paid, to the amount of £99 18s. 6d., for summonses issued for the January sittings of the late Court of Requests, which were not held, owing to the dissolution of the Court, should be repaid to the parties entitled to receive them; you will, therefore, have the goodness to cause the fees in question to be returned to the proper persons.

2. With respect to the execution of processes of the late Court of Requests, and to the doubts that have been expressed as to the legality thereof, the Council do not perceive that the Government are at present called upon to take measures. They have expressed the opinion that it will be sufficient time to apply to Parliament for an Act of Indemnity, or to take such other steps as may be advisable, when a specific case shall have arisen demonstrating such action to be necessary.

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

P.

P. MACAULIFF, Esq., to COLONIAL SECRETARY.

Newcastle, 10 May, 1859.

SIR,

By instructions of the Newcastle Chamber of Commerce, I have the honor to point your notice to the circumstance that Newcastle has been omitted from the list of places at which District Courts are to be held under the recent Act, contrary to the public promise made by the late Attorney General on behalf of the Government.

As it has been admitted that the trade and importance of Newcastle call for the establishment of a District Court, and as such Courts are established at East and West Maitland, which are only three miles apart from each other—the distance from the former to Newcastle being about twenty miles—I am instructed to submit this apparent oversight to your attention, and to beg the favor of your causing the original intention of the Government to be carried out, by having a District Court held here.

I have, &c.,  
P. MACAULIFF,  
Secretary.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF SOUTHERN DISTRICT COURT.

(No. 59-226.)

Crown Law Offices,  
Sydney 17 May, 1859.

SIR,

In reference to your letter of the 20th ultimo, requesting that some place in the Goulburn Court premises may be assigned for the offices of the Registrar of the District Court and Clerk of the Peace, I am desired to inform you, that immediately on the receipt of your letter of the above date, the Police Magistrate at Goulburn was written to, and by that officer's reply it appears that the room allotted for the use of the Attorney General, and the one heretofore used by the Criminal Crown Solicitor, can be more conveniently used by the Clerk of the Peace and Registrar, until they are required at the September Gaol Delivery (Monday, 26th September). Before that time, however, the Attorney General hopes that other accommodation will be provided, as the above arrangement can only be considered temporary. Directions may be given to the Court Keeper to hand over the key of the Criminal Crown Solicitor's office, at once, to the Registrar at Goulburn. Application for office furniture should more properly be made to the Colonial Architect, through whose department payment for same should issue.

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

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF SOUTHERN DISTRICT COURT.

(No. 59-227.)

Crown Law Offices,  
Sydney, 17 May, 1859.

SIR,

In acknowledging the receipt of your letter of the 2nd instant, with reference, in the first place, to the subject of the allowance of travelling expenses to the Clerk of the Peace for the Southern District, to and from Goulburn to Sydney, on his late Circuit to that place,—I am now desired to state that the Attorney General sees no objection to the payment of the expenses in question to Mr. Nathan, under the circumstances stated by you. You will observe the names of the lately appointed Registrars in the *Government Gazette* of Friday, the 6th of the present month.

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

## F. W. MEYMOTT, ESQ., LATE CROWN PROSECUTOR.—REMOVAL OF.

*All Correspondence which has taken place between the Government and the Judge of the Cumberland and Coast District Court, and Frederick William Meymott, Esq., Barrister-at-law, late Crown Prosecutor, relative to certain charges of misconduct on the part of the latter gentleman, and which resulted in his dismissal from his office.*

JUDGE OF CUMBERLAND AND COAST DISTRICT COURT to ATTORNEY GENERAL.

Burwood, 18 May, 1859.

SIR,

It is my duty (though an unpleasant one) to call your attention to the conduct of the Crown Prosecutor, Mr. Meymott, on two several occasions at the recent Quarter Sessions held at Parramatta. On both the occasions referred to Mr. Meymott had refused to file informations on the depositions submitted to him, but you had directed that the parties charged should be prosecuted. In opening each case Mr. Meymott told the Jury that he had declined to prosecute, but that the Attorney General had directed him to do so, with which direction he was bound to comply, though he still thought there was no case to go to a Jury. The cases were conducted by him accordingly, not only in a languid manner, but as if his object was to insure an acquittal, the most prominent features in the evidence against the prisoners being, not absolutely suppressed, but very slightly dwelt upon. In the case which was last tried—that against a mother and son, named Williamson, for stealing or receiving, &c., £48 in notes—he said that he would state the case to the Court and Jury, and if we thought (the Jury under my direction) that there was no case, he would consent to discharge the prisoners without offering any evidence. After his statement, I (having also read the depositions, from which it appeared that the lad who had found the money had almost immediately given it to his mother, in the presence of other boys who had seen him find it) directed the son's discharge, but expressed an opinion that there was a strong case against the mother. In the course of the trial the evidence against her appeared to me to be quite conclusive, but to elicit it I had in fact to conduct the prosecution. Mr. Gould, for the defence, made a long and energetic speech, and quoted and commented largely on the law of the case. Mr. Meymott declined saying anything in reply; I, consequently, thought it incumbent on me almost to take his place, and to remove from the minds of the Jury the erroneous impressions which Mr. Gould's arguments would naturally have engendered. However, a verdict of acquittal followed, which I am satisfied would not have happened had I had only to perform my proper function of holding the balance between two advocates opposing each other, instead of almost pressing a case against the will of the prosecutor.

If the course thus pursued by the Crown Prosecutor is legitimate, it is useless for the Attorney General to review his decision on cases of committal that have been submitted to and disallowed by him.

I wish my complaint could end here, but, connected with the above cases, I must state that this morning (the Williamsons' case occurred yesterday) I had occasion to interfere on behalf of an undefended prisoner, and prevent Mr. Meymott from putting a question which I deemed improper; considerable discussion followed; Mr. Meymott taking a note of my decision for future use, should occasion require. In directing the Jury on this case I remarked that they might think it strange that I should, in one case, which was very clear, protect a prisoner, whereas in a case that had occurred yesterday, and in which some of them, with other jurymen, had concurred in a verdict of acquittal, I had appeared to press hardly on the accused. I therefore informed them that where a prisoner was undefended, I should always so far act as counsel for the defence, as to take care that the case was not pressed beyond its proper limits; and that, on the other hand, where the Crown Prosecutor abandoned his duty, I should, on behalf of the Crown, see that the case was fully investigated—on which Mr. Meymott rose up and said in open Court that my statement that he had abandoned his duty was false. I immediately took down the words, as underlined, but made no comment on them, except that I intended to report the whole matter to the Attorney General. Mr. W. Byrnes, M.L.C., was sitting by me on the Bench, and called my attention to the word *false*.

Mr. Darvall, P.M., with, I believe, other Magistrates, was present when Mr. Meymott, as I express it, abandoned his case against the Williamsons.

I offer no conclusion to the above statement, except that I trust you will so deal with the whole matter as, in your judgment, it ought to be dealt with.

I have, &c.,  
HENRY CARY.

SECRETARY TO CROWN LAW OFFICERS to F. W. MEYMOTT, ESQ.

Crown Law Offices,  
Sydney, 20 May, 1859.

SIR,

18 May 1859.

In transmitting the enclosed copy of a letter received from Henry Cary, Esquire, District Court Judge, representing your conduct as Crown Prosecutor on two several occasions, at the recent Quarter Sessions held at Parramatta, I am directed to request that you will have the goodness to offer such explanation thereon as you may think proper, for the information of the Attorney General, at your very earliest convenience.

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

F.

F. W. MEYMOTT, ESQ., *to* SECRETARY TO CROWN LAW OFFICERS.

Abbotsford, Picton,  
22 May, 1859.

SIR,

I have to acknowledge the receipt of a letter from you. of the 20th instant enclosing a copy of a letter from Mr. Cary.

I shall have no difficulty in satisfactorily explaining my conduct; but as my reply will necessarily be a long one, and may involve charges against Mr. Cary of a more serious nature than those which he has thought fit to bring against me, I must request the delay of a day or two before sending my explanation.

I have, &c.,  
F. W. MEYMOTT.

F. W. MEYMOTT, ESQ., *to* SECRETARY TO CROWN LAW OFFICERS.

Abbotsford, Picton,  
24 May, 1859.

SIR,

I have now the honor to submit to you, for the consideration of the Honorable the Attorney General, the following explanation of the matters referred to in Mr. Cary's letter to him of the 18th instant.

I will answer the charges in the order in which they occur in that letter.

Mr. Cary begins by stating that on both the occasions alluded to—viz., Peckman's case and Williamson's case—I had refused to file informations. The course I adopted was the usual and proper one in all cases in which a doubt exists as to the sufficiency of the evidence to sustain conviction. I believe that Crown Prosecutors may, if they think fit, take upon themselves the responsibility of refusing to prosecute, without troubling the Attorney General; but whenever opportunity occurs, in cases of such doubt, my course is to make a note on the subject and refer the case to the Attorney General for his opinion. I did this on the two occasions referred to, and as soon as the Attorney General had expressed his opinion that the cases ought to go to the Jury, informations were filed. Both the Honorable the Attorney General and Mr. Rogers, Clerk of the Peace, know that that was so.

This disposes of Mr. Cary's first charge. Mr. Cary then says that in opening each case *I told the Jury* that I had declined to prosecute. I deny it. If I had I should have told them a wilful falsehood. I certainly did express my opinion that the cases did not appear to me strong against the prisoners, and on that ground I invited their more particular attention, as it was for *them* to decide, after having heard the evidence which it was my duty to lay before them under the Attorney General's direction.

The cases were accordingly proceeded with. Mr. Cary passes over the first with a general remark, applicable to both, that my manner was languid, and as if my object was to insure an acquittal.

The first of these cases was this:—A woman named Peckman was charged with stealing a tarpaulin. The prosecutor had placed a tarpaulin over a haystack; the next morning (Sunday) it was gone; he observed on the dew footmarks of two persons of different sizes passing by his place—not a word about their being near the haystack; a blind man and a boy lodged with the prisoner, whose house is two miles from the prosecutor's. Several days afterwards the police went to the prisoner's house, and asked her if she knew anything about a tarpaulin. She immediately produced one, and said she had bought it of a man for 7s. 6d. This man was in Court ready to prove this fact. After the prosecutor had given his evidence, the Judge himself suggested that there was no use in occupying any more of the public time. I perfectly concurred, and so did the Jury, and the woman was discharged. For my part in this transaction Mr. Cary charges me with having abandoned my duty. I believe I have sufficiently disposed of this charge.

In the other case, which Mr. Cary more particularly mentions, viz., against a mother and son named Williamson, for stealing bank notes, I did, as in the other case, tell the Court my opinion as to the weakness of the evidence against either of the prisoners, especially as to the boy. The Judge so far agreed with me as to discharge the boy without calling any witness; but, as he admits, he expressed an opinion that there was a strong case against the mother. (I leave the Honorable the Attorney General to form his own opinion as to the propriety of such an expression from a Judge to a Jury who were about to try the case.) I then proceeded with the case against the mother. Mr. Cary says I did so in a languid manner. Compared with the excessive zeal displayed by the Judge against the prisoner (a zeal which was freely commented upon out of Court) my manner might have seemed in one sense languid; but I deny that my mode of conducting this case was other than it usually is. I always do, and always shall endeavor to perform my duties temperately and calmly; and it was this very quality in prosecuting for the Crown at Bathurst Assizes two or three years ago, that I had the satisfaction of receiving a high encomium from Mr. Justice Dickinson, who tried the cases. Again, Mr. Cary says, that in order to elicit the evidence, which appeared to him quite conclusive, he had in fact to conduct the prosecution. This I also positively deny, and I challenge him to prove that any important part was omitted by me and elicited by him; although it is true that he, with much irregularity, and very greatly to my inconvenience, interposed many questions during my examination in chief.

As to the evidence being conclusive. I have the misfortune perhaps of differing entirely in opinion with Mr. Cary. It was a case in which some boys passing along the road observed



observed a roll of notes on the ground; one of the boys, Williamson, picked it up, and in the presence of the others counted the notes, making the amount £51. This boy, accompanied by two of the others, took the roll home and gave it to his mother. For this the lad was committed to take his trial for felony, and for my stating these facts to the Court, and suggesting that there was no case against the boy, who thereupon was very properly discharged, I am charged with having again abandoned my duty.

Well, the case went on against the mother. The first witness deposed that on the day the boys found the notes, which happened near his place, he had received £500 in Parramatta, part in notes, part in gold; he could not say into how many rolls he made up the notes, nor how much any roll contained—*nor would he be able to identify any of them*. On reaching home, a few miles out of town, he emptied his pockets into a drawer, where in the morning he had placed £100 in notes. He did not then count his money, but when he did, which was some hours afterwards, he only found £552, viz., £48 minus; he could not say whether it was part of the £500 or of the £100 which was gone. Some days afterwards he went to the prisoner's house and asked her if she knew anything about some notes. She said that her boy had found a roll of notes, and that a day or two afterwards a man from Bathurst had called and claimed them, and that she had given them to him, adding that there was not so much as he, the witness, said. It was further proved (and this it will be seen would have been the strongest feature in the case against her, if clearly proved) that when her son brought home the notes, he took them in-doors to his mother, while the two other boys remained outside, and that a few minutes afterwards the mother came out and gave one of these boys *two pounds*. Whether these £2 were notes or coin, and if the former, they were part of the roll or not, was a most material point. As I knew that this boy could not possibly swear that they, if notes, were part of the roll (as he had only seen the other boy count them without separating them), I, of course, asked no more questions about it, leaving it as a fair inference that they *were* part of the roll, an inference which it was the business of the prisoner's advocate to weaken, not mine, by further examination. Mr. Gould, who defended the case, did not notice this point, nor did he cross-examine the boy upon it. But this, in addition to the total absence of proof of ownership, was what the Judge told the Jury was *conclusive* evidence, and added that he was sure the Jury could come to no other conclusion. However, as Mr. Cary says, a verdict of acquittal followed.

Then comes a singular admission for Mr. Cary to make in support of a charge against me. He says that this (the acquittal) would not have happened had he had only to perform his proper function of holding the balance between two opposing advocates instead of almost pressing the case against the will of the prosecutor. In other words, that, if he had only performed his duties as a Judge, instead of interfering with my province as Crown Prosecutor, and almost, as he says, taken my place (which he was not required to do), the prisoner would have been found guilty. In point of fact, that his "conducting the prosecution" was the means of getting the prisoner acquitted. It was incumbent on him, he adds, to take my place, and remove from the minds of the jury the erroneous impression which Mr. Gould's arguments would naturally have engendered. How he succeeded was shewn by the verdict.

By this statement, too, the Judge conveys a compliment to me which I most strongly but respectfully repudiate. It infers that, if I had chosen to do so, I could have induced the Jury to find a different verdict—*i. e.*, to bring in a verdict of guilty against a woman, whom, if I did not actually believe to be innocent, I, at all events, most certainly did not think was proved to be guilty. If I had possessed this capability of inducing a Jury to believe that right was wrong, I should have been very culpable in using such power; but my humble abilities are not of that order, nor have I any desire to attain such skill.

A few more words about this case. Mr. Cary, on the occasion of my denial of having abandoned my duty (of which presently), said I had done so by not replying to Mr. Gould's speech for the defence. In this I submit Mr. Cary is utterly wrong again; it is no part of the duty of the Crown Prosecutor to reply in cases where no evidence is offered for the defence; it is his *privilege* to do so when he thinks fit, and it is a privilege which I have been taught should be sparingly exercised, and only when justice requires. In the present instance I did not think it at all necessary to reply. Mr. Gould's speech was not so much directed to the facts of the case as to the law on the subject, "quoting and commenting" largely thereon as Mr. Cary says; and as I quite coincided with Mr. Gould in his view of the law of the case, I had in fact no reply to make.

So much for Mr. Cary's charge against me of abandoning the Williamson's case; I hope I have sufficiently and satisfactorily answered it.

The paragraph about the legitimacy of my cause falls to the ground. There has been no revision by the Attorney General of any decision of mine; I never pronounced any, nor was any case disallowed by me; I have simply obtained the opinion of the Attorney General in the usual way, as to the propriety of sending to the Jury cases in which the evidence appeared to me, and afterwards turned out to be, insufficient to procure conviction.

Mr. Cary proceeds to inform the Attorney General that he had occasion to interfere on behalf of an undefended prisoner, and prevent me from putting a question which he thought improper. The Attorney General will probably be rather surprised when he reads what this improper question was, and at the novel reason for which the evidence was rejected. It was in Behn's case, for stealing a watch. The prosecutor was too ill to attend the Court, so his deposition was read. The policeman who produced the watch was being examined. I asked him whether, at the Police Office, in presence of the prisoner, the watch was identified by anyone? The Judge would not allow this question to be answered, on the ground that "There was nothing about it in the depositions, and he had no idea of cases "being bolstered up by fresh evidence!" Whether the question was an improper one,  
or

or whether the ground of its rejection was improper, the Attorney General will have no difficulty in determining.

Lastly, as to my public denial of having abandoned my duty. Mr. Cary does not state the case fairly. It was not on his saying that "Where the Crown Prosecutor abandoned his duty, he, the Judge, should see that the case was fully investigated," that I rose up and said anything. In Behn's case he laid down a principle exactly the reverse of this. He said it was no part of his duty to supply any defects or omissions on the part of the Crown Prosecutor, and I had to recall the Clerk of the Bench to ask him a question as a mere matter of form which I had omitted. I waited patiently till he had finished his address to the Jury, and then (naturally feeling hurt and irritated at a charge of neglect of duty being brought against me at such a time and place, and made by a Judge to a Jury who could have nothing to do with my yesterday's conduct) I rose, as I said, to protest firmly but respectfully against an expression which the Judge had used the day before, and repeated then in a different case and to a different Jury, viz., that I, in two previous cases, had abandoned my duty. I said I denied the charge, and that it was one which was not founded on fact, and I preceeded shortly to state what I had done. I do not believe I used the word "false"; it is a stronger term than I should have chosen if I had had time to choose. But if Mr. Byrnes, or any other respectable gentleman says I did use that word, and if the head and front of my offending consist in the use of that word, I am quite ready to apologize for it, retract it, and substitute any milder synonyme. I took no notice of the Judge's telling the Jury in Williamson's case that I had abandoned the case. It was a comment *on*, and made *in*, the case, which, I suppose, he thought himself justified in making, though I did not; but when he thought fit to tell a new Jury the next day, as he did, that on two previous occasions I had abandoned my duty, I could not allow such a charge to pass unnoticed.

I regret that I am taking up so much of the time and attention of the Honorable the Attorney General, but he will, I trust, allow that the case requires it; and it will be seen that in thus submitting to him my explanation of my conduct, I have been compelled to draw his attention to several errors on the part of Mr. Cary, viz.:—

1. In mistaking the circumstance of my referring the two cases in the usual manner to the Attorney General for a refusal on my part to prosecute.
2. Even if I had taken on myself to decline to prosecute; in charging that which would only have been the exercise of a discretion placed in me as a neglect of duty.
3. In making that a ground of complaint without inquiring into the truth of it.
4. In alleging that I told the Jury that I had declined to prosecute.
5. In Peckman's case; in charging me with abandoning the case, whereas he not only sanctioned but himself adopted the course I proposed.
6. In Williamson's case; in again charging me with abandoning the case, although he so far coincided with me as to discharge one of the prisoners without hearing evidence.
7. In the same case; in prejudging the case by telling the Jury who were about to try it, that there was a *strong* case against the female prisoner.
8. In the same case; in warmly acting as advocate against the prisoner, and thereby, as he says, losing a verdict.
9. In the same case; in taking a most material fact, viz., the disposing of part of the money found, to be conclusively proved, which was only a matter of inference.
10. In the same case; in telling the Jury that the evidence was conclusive, instead of leaving that point for their consideration.
11. In the same case; in omitting to refer the question of ownership of the notes to the Jury.
12. In charging my declining to reply in that case as a neglect of duty.
13. In attributing to me the power to have obtained a verdict of guilty (against my conscience) if I had chosen to exercise it.
14. In thinking that I ought to have exercised such power, and charging my omission to do so as a neglect of duty.
15. In Behn's case; in refusing to allow a question to be answered, on the ground that it was new evidence, not mentioned in the depositions.
16. In telling the Jury in the case last tried that I had, on two previous occasions abandoned my duty, a matter with which they had nothing to do, and which was calculated to prejudice their minds in the case before them.
17. In Behn's case and in Williamson's case, in laying down and acting upon directly contradictory principles, as to the duty of a Judge in supplying omissions in the examination of a witness by the Crown Prosecutor.

I have on my notes other instances of more glaring and less excusable errors committed by Mr. Cary during the last Quarter Sessions, but which it is unnecessary to go into upon the present occasion.

Again apologizing for the length of my communication,

I have, &c.,  
F. W. MEYMOTT.



*PROCEEDINGS of the Executive Council on the 30th May, 1859, with respect to a Complaint lodged against Mr. Meymott by Henry Cary, Esq., Judge of the Cumberland and Coast District Court.*

Minute No. 59-21. Confirmed 6 June, 1859.

HIS Excellency the Governor General, at the instance of the Honorable the Attorney General, brings under the consideration of the Council a letter from Henry Cary, Esq., Judge of the Cumberland and Coast District Court, drawing attention to the course pursued on certain occasions, therein stated, by Mr. Meymott, the Crown Prosecutor of that District.

2. His Excellency at the same time places before the Council two letters from Mr. Meymott, in reply to a communication from the office of the Honorable the Attorney General, forwarding a copy of Mr. Cary's complaint to him for explanation.

3. The circumstances out of which the correspondence has arisen occurred during the trial of two cases at the recent Quarter Sessions held at Parramatta, and it is represented by Mr. Cary that Mr. Meymott (who had refused to file informations on the depositions submitted to him, but had been directed by the Attorney General to proceed with the prosecutions), in opening each case, told the Jury that he had declined to prosecute, but that he did so in compliance with the direction of the Attorney General, and although he still thought there was no case to go to the Jury. Mr. Cary adds, that the cases were conducted by Mr. Meymott accordingly, not only in a languid manner, but as if his object had been to insure an acquittal, the most prominent features in the evidence against the prisoners being, not absolutely suppressed, but very slightly dwelt upon.

4. Mr. Cary mentions the particulars of one of the cases referred to, and refers to circumstances which took place during the trial of it, in support of his complaint; and states that, in addition to the foregoing, and in reply to some comments which he had felt called upon to make with reference to a case occurring on the following day, Mr. Meymott rose up and said, in open Court, that the Judge's "*statement that he had abandoned his duty was false.*"

5. In his letter of explanation Mr. Meymott states that he had not declined to prosecute the cases in question, but had submitted them for the opinion of the Attorney General, and filed informations on his expressing an opinion that they ought to go to a Jury; he denies having told the Jury that he had declined to prosecute, but states that he did express an opinion that the cases did not appear to him strong against either of the prisoners, and on that ground invited the more particular attention of the Jury to the evidence which he was directed to lay before them.

6. In justification of the course pursued by him, Mr. Meymott details at length the circumstances of the respective cases, and states that in that which was first tried, the Judge himself, after the prosecutor had given his evidence, suggested that there was no use in occupying any more of the public time, and that he himself concurring, and the Jury also, the prisoner was discharged.

In the other case, Mr. Meymott states that the Judge ordered the discharge of one of the prisoners without calling any witness, and defends his own mode of dealing with the prosecution of the other (who was ultimately acquitted), at the same time animadverting upon the course taken by the Judge and the zeal displayed by him against the prisoner.

7. Mr. Meymott further states that Mr. Cary has not fairly put the case, with respect to the manner of his public denial of having abandoned his duty, and after narrating and complaining of the circumstances which rendered such a denial necessary, and stating that he does not believe that he used the word "*false*," adds, that if he did use such an expression, "*he is ready to apologize for it, retract it, and substitute any milder synonyme.*"

8. In concluding his explanations Mr. Meymott draws attention to numerous errors which he states to have been committed by Mr. Cary in the cases in question, and in the present correspondence.

9. The Council having carefully weighed the causes of complaint alleged by the Judge, and considered the circumstances stated by Mr. Meymott in reply thereto, and while impressed with a regret that it should have become necessary to proceed to a decision upon such a case, express their opinion that the course pursued by Mr. Meymott in the matters complained of, and followed up by him in his subsequent correspondence, has been altogether inconsistent with the proper line of his duty as Crown Prosecutor.

They are unable to perceive that his mode of conducting the prosecutions alluded to, as detailed by himself, was in any essential particular different from that adverted to, and complained of by the Judge, and they cannot avoid the expression of their entire disapproval of the manner of his reply to the comments of the Judge in Court, as well as subsequently in his answer to the Judge's complaint.

10. Under these circumstances it appears to the Council impossible that, with a proper regard to the due Administration of Justice, Mr. Meymott can be retained in his present position, and they therefore advise that it be intimated to that gentleman that it has become necessary that his services as Crown Prosecutor for the Cumberland and Coast Districts should be dispensed with.

A. ORPEN MORIARTY,  
Clerk of the Council.

Executive Council Office,  
Sydney, 7 June, 1859.

SECRETARY

SECRETARY TO CROWN LAW OFFICERS to F. W. MEYMOTT, ESQ.

Crown Law Offices,  
Sydney, 3 June, 1859.

SIR,

Adverting to my letter of the 20th ultimo, containing copy communication from Henry Cary, Esq., District Court Judge, complaining of your conduct as Crown Prosecutor on two several occasions at the recent Quarter Sessions, Parramatta, and in reference to your explanation of the 24th of the same month, I am directed to state that the Attorney General having placed the letters in question before the Executive Council, and the Council having deliberated thereon, have expressed their opinion that your explanation is not satisfactory; and I am therefore desired to apprise you that the Government regret they have felt it their duty to determine to dispense with your services as Crown Prosecutor; and I am further desired to communicate that from this day there will be no longer need of your services.

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

F. W. MEYMOTT, ESQ., to ATTORNEY GENERAL.

Sydney, 6 June, 1859.

DEAR SIR,

Yesterday, at Picton, I received from your Secretary the announcement of my dismissal from office as Crown Prosecutor, on the ground that my explanation to you of the charges brought against me by Mr. Cary was unsatisfactory.

Before such a very severe sentence is carried into effect, I hope that, as a simple act of justice, you will be good enough to inform me in what respect my explanation is *unsatisfactory*. The charges are numerous and vaguely made, and my answer was necessarily long, and perhaps not sufficiently directed to any one part which, in the opinion of the Executive Council, required further explanation. I would also respectfully desire to be informed whether any evidence was laid before the Council besides Mr. Cary's charge and my answer.

It is of importance that I should request this information from you, because I intend humbly to memorialize the Governor and Council to allow me to be heard in person in defence of charges entailing such serious consequences to me as a sudden dismissal from an office which I am sure I have done nothing to disgrace, and for the more efficient discharge of the duties of which I have relinquished my private practice as a barrister.

I am, &c.,  
F. W. MEYMOTT.

To His Excellency SIR WILLIAM THOMAS DENISON, K. C. B., Governor  
General of New South Wales, &c., &c., &c.

The Memorial of Frederic William Meymott, of Abbotsford House, Picton, Barrister-at-Law,—

HUMBLY SHEWETH, AS FOLLOWS:—

On the twentieth day of January, one thousand eight hundred and fifty-nine, your Excellency was graciously pleased to appoint your Memorialist to the office of Crown Prosecutor of New South Wales, and especially for the Southern and the Cumberland and Coast Districts. For the more efficient discharge of the duties of that office, your Memorialist relinquished his private practice as a Barrister in Sydney, and, at great expense, went to reside at Picton, as being nearly equi-distant from the two places where his principal duties had to be performed, namely, Goulburn and Parramatta.

During the last Quarter Sessions at Parramatta, a difference of opinion arose between your Memorialist and Henry Cary, Esquire, the District Judge, about the mode of performing the duties of Crown Prosecutor.

On the eighteenth day of May Mr. Cary wrote to the Attorney General a letter complaining of your Memorialist having *abandoned his duty* in two several cases, and of his having denied, in strong language, the charge which the Judge had made against him in open Court.

The letter of Mr. Cary was transmitted by the Attorney General to your Memorialist for his explanation.

On the twenty-fourth of May, your Memorialist wrote to the Attorney General a letter of explanation, which owing to the general nature of the charges was necessarily long, and perhaps in the opinion of the Council not sufficiently explicit on some points.

On the fifth of June (last Sunday) your Memorialist received from the Attorney General a letter, informing him that his explanation had been laid before the Executive Council, who had pronounced it unsatisfactory, and that the Government had felt it their duty to dispense with the services of your Memorialist as Crown Prosecutor.

Your Memorialist has since applied to the Attorney General to be informed in what respect the explanation was unsatisfactory; and the Attorney General's reply is, that it was *generally* unsatisfactory.

Your Memorialist takes the liberty of addressing your Excellency, not merely on his own account, vitally important as the matter is to himself, both as regards his pecuniary interests and his professional character, but also, because he deems it his duty on public grounds

grounds to call your Excellency's attention to a question involving (as he conceives) the proper and efficient performance of the respective duties of a Judge and a Crown Prosecutor.

Your Memorialist, therefore, most respectfully requests your Excellency to permit him to be heard in person, in defence of the charges brought against him, before such tribunal, and at such time and place, as your Excellency may be pleased to appoint.

And your Memorialist will ever pray, &c.,

Dated this ninth day of June, A.D. 1859.

F. W. MEYMOTT.

*MINUTE of the Executive Council upon the within Memorial.*

THE Executive Council, upon a review of the circumstances attending Mr. Meymott's removal from office, and after mature deliberation, are unable to advise that his present request should be complied with. They observe that that gentleman has already had a full opportunity (of which he fully availed himself) to answer the charges preferred against him, and that the answers afforded by him upon the various points of question were before the Council, and were carefully weighed by them in detail before they arrived at the determination with respect to Mr. Meymott above alluded to.

A. ORPEN MORIARTY,  
Clerk of the Council.

Approved—

J. M. P.

W. W. B.

C. C.

B. C., 2 July, 1859.

*Executive Council Office,*  
*Min. 59-24. 13 June, 1859.*  
*No. 59-612.*

SECRETARY TO CROWN LAW OFFICERS to F. W. MEYMOTT, ESQ.

*Crown Law Offices,*  
*Sydney, 5 July, 1859.*

SIR,

With reference to the communication addressed from this office to you on the 3rd ultimo, relative to your conduct as Crown Prosecutor at the late Quarter Sessions, at Parramatta, and with regard to your Memorial of the 9th of June last, I am directed to inform you that the Executive Council, upon a review of the circumstances attending your removal from office, and after mature deliberation, regret they are unable to advise that your present request should be complied with.

I am desired to remark that the Council have observed that you have already had a full opportunity (of which you fully availed yourself) to answer the charges preferred against you, and that the answer afforded by you upon the various points in question were before the Council, and were carefully weighed by them in detail before they arrived at the determination with respect to your removal.

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

F. W. MEYMOTT, ESQ., to ATTORNEY GENERAL.

*Abbotsford House, Picton,*  
*27 July, 1859.*

SIR,

With reference to Mr Cary's letter to you of the 18th May last, and my letter to you in answer of the 24th May, and the subsequent correspondence on the same subject, I have now the honor to state as follows.

It was not until yesterday that I received an intimation that my dismissal from office as Crown Prosecutor was not in consequence of any abandonment of duty on my part, but was attributable to certain offensive expressions contained in my said letter of the 24th May.

You will do me the justice to recollect, that very shortly after my dismissal I applied to you for the precise grounds on which I have been discharged, and that your reply was, that my answer was generally unsatisfactory.

Ever since then I have labored under the impression that I was dismissed upon a charge of abandonment of duty.

Relying upon the correctness of the information I have just received, I now beg to be permitted to withdraw, altogether, my letter of the 24th May (so as, however, not to admit that I abandoned my public duty), and to retract and apologize for any offensive expressions contained in it, or in any other letter written by me. Whatever expressions of that nature may have been written or said by me, were so used under the influence of feelings deeply wounded by a charge of my having abandoned my public duties,—a point on which I have always been acutely sensitive.

I have, &c.,  
F. W. MEYMOTT.

F.

F. W. MEYMOTT, Esq., to ATTORNEY GENERAL.

*Abbotsford House, Picton,  
10 August, 1859.*

SIR,

Fourteen days ago I had the honor to write to you a letter on important business, and I have not yet been favored with a reply.

May I beg to be informed whether my letter was laid before the Executive Council, and whether anything was done thereupon.

I have, &c.,  
F. W. MEYMOTT.

SECRETARY TO CROWN LAW OFFICERS to F. W. MEYMOTT, Esq.

*Crown Law Offices,  
Sydney, 11 August, 1859.*

SIR,

I am directed by the Attorney General to acknowledge the receipt of your letters of the 27th ultimo and 10th instant, further in respect of your removal from the office of Crown Prosecutor; I am, at the same time, desired to communicate that the Attorney General regrets that your conduct left the Government no other course to follow but that which they have felt themselves constrained to adopt. The decision of the Executive Council upon your case was communicated to you by letter dated 3rd June last, and as that decision was not made until after you had had full opportunity to answer the charges brought against you by Mr. Cary, and was final, the Attorney General desires me to say he is not aware that any good can arise from further correspondence on the subject.

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

F. W. MEYMOTT, Esq., to COLONIAL SECRETARY.

*Abbotsford House,  
Picton, 15 August, 1859.*

SIR,

On the 27th July I wrote and sent a letter to the Attorney General; I have since applied to him to know whether that letter was laid before the Executive Council, for whom it was intended, and whether anything was done thereupon, but he declines to give me that information.

I beg therefore to enclose you a copy of that letter.

I have, &c.,  
F. W. MEYMOTT.

The case was fully considered by the Executive Council, and determined after mature deliberation.

C. C.  
18 Aug.

NOTE.—See copy of letter of 27th July, 1859, alluded to by Mr. Meymott herein.

THE UNDER SECRETARY to F. W. MEYMOTT, Esq.

*Colonial Secretary's Office,  
Sydney, 25 August, 1859.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 5th instant, respecting your removal from the office of Crown Prosecutor, and to inform you in reply, that your case was fully considered by the Executive Council, and determined after mature deliberation, and that it has not been deemed necessary to re-open it.

I have, &c.,  
W. ELYARD.

THE UNDER SECRETARY to F. W. MEYMOTT, Esq.

*Colonial Secretary's Office,  
Sydney, 26 October, 1859.*

SIR,

I am directed by the Colonial Secretary to inform you, that your letter of the 30th August last, in which you prefer certain charges against the Judge of the District Courts for the Cumberland and the Coast Districts, has been laid before the Executive Council, together with a communication from Mr. Cary, containing his comments and explanations.

2. The Council having carefully considered the allegations made by you, and the remarks made thereon by the Judge, have no hesitation in expressing their opinion that these allegations have entirely failed to attach reproach to the conduct, official or personal, of Mr. Cary, whose explanations of the matter referred to are considered to be perfectly satisfactory.

3. I am desired to add, that the Council could not dismiss the subject without giving expression to their strong disapprobation of the course pursued by you in preferring these charges. Notwithstanding the disinclination by which you now profess yourself to have been actuated, to prefer counter-charges while your own conduct was in question, they perceive the present to be but a sequel to numerous trivial counter-charges which were advanced by you in answer to Mr. Cary's original complaint against yourself; and upon a review of the whole correspondence the Council could not arrive at any other conclusion than that motives other than a sense of public duty have actuated you in preferring these charges.

I have, &c.,  
W. ELYARD.

F. W. MEYMOTT, Esq., to ATTORNEY GENERAL.

Abbotsford House, Picton,  
29 November, 1859.

DEAR ATTORNEY GENERAL,

I have hitherto refrained from addressing you on the subject of my dismissal of my office of Crown Prosecutor, knowing how fully your time must have been occupied on taking office as Attorney General; but as the matter is of such serious importance to me, I may be excused from further delaying to bring the case under your notice.

The correspondence on the subject has been printed on the motion of Mr. Plunkett; you have I imagine a copy of it. In addition to this, I enclose a copy of a letter I addressed to Mr. Cowper on the 29th June, which has not been printed, and also a copy letter addressed by me to the Governor General on 9th July.

I take leave to request you will be good enough to peruse these documents, and consider whether, in your opinion, my conduct has been deserving of the very severe punishment which under the circumstances of the case has been inflicted on me. If I have erred, would not a reprimand have satisfied? or, at all events, has not six months loss of salary been enough?

I may take occasion to add, that if the case had been heard on my appeal, I could have produced three or four witnesses to prove that I did not use the word "false" on the occasion alluded to; this must have been Mr. Byrnes' particular mode of conveying to Mr. Cary my contradiction of the latter's charge of my neglect of duty; for you will perceive that Mr. Cary's complaint in this particular is founded on hearsay evidence, and this point was noticed by Mr. Rogers, the Clerk of the Peace, at the time.

If on the whole you should be of opinion that I have been undeservedly dismissed, I pray that you will do me the justice as well as the favor of taking such steps as you may think fit towards my being restored to my office.

I remain, &c.,  
F. W. MEYMOTT.

[Enclosure 1 in preceding letter of 29 November, 1859.]

Abbotsford House, Picton,  
29 June, 1859.

Dear Sir,

I am induced to take the liberty of addressing you on the subject of what has occurred between Mr. Cary and myself, in consequence of the correspondence I have had with Mr. Dalley and Mr. Greer. It is quite evident from what they tell me, that the facts of the case have been fearfully misrepresented to you. Pray, therefore, allow me to urge my request that the matter may be fairly, and may I add speedily, heard and tried; for I am sure you will not allow injustice to be done to one who has always striven to do his duty conscientiously and to the best of his ability, and who has made great sacrifices for that purpose. If it be found that I have erred I shall only be too anxious to make every atonement a gentleman should make, and endeavor to avoid censure in future.

The Honorable  
Charles Cowper.

I have, &c.,  
F. W. MEYMOTT.

[Enclosure 2 in preceding letter of 29 November, 1859.]

Abbotsford House, Picton,  
9 July, 1859.

To His Excellency Sir W. T. Denison, K.C.B., Governor General, &c., &c.

May it please your Excellency,—

Having just heard of your Excellency's return to Sydney, I respectfully beg permission to complain of what I humbly conceive to be an act of injustice and denial of a constitutional right which I have suffered during your Excellency's absence, under the following circumstances:—

Mr. Cary was and is District Judge. I was Crown Prosecutor. Mr. Cary—who had previously told me that he intended to work hard to get his son appointed Crown Prosecutor—took the earliest opportunity of seeking a quarrel with me. This he effected by publicly insulting me at the last Parramatta Quarter Sessions.

In summing up a case to a jury he told them that I had, on a former day, abandoned my duty as Crown Prosecutor. I denied the charge, and said it was not supported by, or unfounded in, fact. This was, through the interference of Mr. Byrnes, J.P., magnified by Mr. Cary by his complaining to the Attorney General that I had said that what he had stated was false. This was further amplified, as it would seem, by the Honorable Mr. Cowper asserting, as I am informed, that I had called the Judge a liar in open Court.

Mr. Cary's complaint to the Attorney General preferred several charges against me; all of them I distinctly denied, and I explained to the Attorney General, in detail, the whole circumstances of the case. My letter was pronounced unsatisfactory, and I was dismissed summarily, without any inquiry into the truth of the charges so made by Mr. Cary and so traversed by me.

I then appealed to your Excellency for what I humbly conceived and was advised to be a right, viz.,—a hearing.

This appeal was laid before the Executive Council, and after a lapse of five weeks I received—two or three days before your Excellency's return—a letter from the Secretary to the Crown Law Officers informing me that my request could not be complied with. I therefore, again, with the most profound respect, humbly intreat your Excellency's interference in the matter.

I have, &c.,

F. W. MEYMOTT.

NOTE.—After my dismissal he applied, I am told, for the office for his son.

F. W. M.

Nov. 29.

ATTORNEY GENERAL to F. W. MEYMOTT, Esq.

January 30, 1860.

DEAR MEYMOTT,

Your letter respecting your removal from the Office of Crown Prosecutor (with enclosures) has remained unanswered, because inquiries have been going on as to the letter addressed by you to Mr. Cowper, a copy of which you enclosed.

No trace of any such letter has been found, either in the Colonial Secretary's Office or in this Office.

It must, therefore, either have miscarried or have been destroyed.

With reference to the more immediate subject of your letter I can only say that it is not a matter which I can recommend to be re-opened.

Believe me, &c.,

EDWARD WISE.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF SOUTHERN DISTRICT COURT.

(No. 59-233.)

Crown Law Offices,

Sydney, 19 May, 1859.

SIR,

Adverting to my letter of the 21st December last, enclosing Commission under the Great Seal of the Colony, appointing you to be a Judge of District Courts for the places comprised within the Southern District or Division of the Colony, I am now directed by the Attorney General to inform you, that the Government consider that it is particularly desirable and necessary that you should proceed to your district. I am therefore instructed to request that you will be so good as to arrange to take up your abode therein at your very earliest convenience; and I am also desired to remark, that the Judges of the District Courts for the other divisions of the Colony have already made their arrangements in the above respect.

I have, &c.,

W. E. PLUNKETT.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF WESTERN DISTRICT COURT.

(No. 59-236.)

Crown Law Offices,

Sydney, 20 May, 1859.

SIR,

In acknowledging the receipt of your letter of the 14th instant, requesting authority to purchase such furniture as may be absolutely necessary for the offices of yourself and the Registrar at Bathurst, I am directed to state, that if you forward a requisition of the above nature to the Colonial Architect, that Officer will cause steps to be taken in compliance with your request.

I have, &c.,

W. E. PLUNKETT.

SECRETARY TO CROWN LAW OFFICERS to REGISTRAR OF DISTRICT COURT, BATHURST.

(No. 59-254.)

Crown Law Offices,

Sydney, 23 May, 1859.

SIR,

Drawing your attention to the notification in the *Government Gazette* of Friday, the 6th instant, of your appointment as Registrar of the District Court, to be holden at Bathurst, under the provisions of the District Courts Act of 1858, I am directed to inform you that, by virtue of the above office, you will be entitled to be paid salary at the rate of three hundred pounds per annum, from the day upon which you commenced to discharge the duties thereof. It will be required of you to give a Bond to the Government, with



with the least possible delay; and you will therefore have the goodness to submit, for the Attorney General's consideration, the names, in full, of two sufficient sureties, besides yourself, stating profession, residence, and other information regarding the eligibility of the persons who shall be willing to execute, jointly and severally, a Bond in the sum of two hundred and fifty pounds, for the due and faithful discharge of the duties of your office, should you not have already attended to the above requirements.

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

Precisely similar letter to foregoing, No. 59-254, addressed to the several Registrars. See *Government Gazette* of the 6th instant, circular letters from No. 59-254 to 59-286, and from 59-288 to 59-290.

JUDGE OF SOUTHERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

*Sydney, 24 May, 1859.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 19th, which reached my address on the 20th instant.

Whatever may have been, or may be, my own inclination on the subject, I would beg to assure the Attorney General that it is my intention to comply, as soon as I possibly can in midwinter, with the desire of the Government as to my future abode. I cannot, indeed, but regret the peremptory terms of your communication in a matter which the letter that you cite, the words of my appointment, and the law itself, as I read it, have all left undetermined. I owe it, however, to my own character to say, that in accepting and in attempting to execute the duties of the office which I have assumed, however I may fail in that object, it is and has been my wish, in all things within my power, and according to the best of my judgment, to merit the approval of the Government.

In this very matter, too, I would remind the Attorney General that when I had the honor to meet him at the office of the Chief Secretary, upon the consideration, as I thought, of other subjects connected with my duties as District Judge, although the Chief Secretary undoubtedly expressed his opinion in favor of my residence within my district, he did not acquaint me that the Government had formed, or would form, any decided views upon this subject against those which I then took the liberty of mentioning; and since then, though I have been corresponding in Sydney with the Attorney General upon other matters connected with my office, I never was made aware of this question having been under consideration by the Government till your letter informed me of its determination in the terms in which you have addressed me.

If I had had an opportunity of explaining how I have not hitherto attempted to fix my residence in the Southern country, I could have said,—that as I had heard it was the first opinion of Mr. Attorney General Lutwyche that the Government would prefer the District Judges not to reside in their respective Districts, and that this preference was concurred in by many Members of Parliament, who took a friendly interest in the District Courts Bill; that as, upon inquiry at my last Circuit to Goulburn a few weeks since, I was informed there was no private house then vacant in the town in which my family could reside; and that where my district was of such extent, and was so likely to be divided at the close of the year, and was, at least beyond Goulburn, unknown to me, I thought I might be permitted for this year, at all events, to make my nominal residence where it had been for years, as long as I did not leave duties unperformed that I could otherwise have discharged.

I could have added, too, that in the intervals of my Circuits, which, as I have already explained to the Attorney General, I have been obliged to leave in August and September, I had hopes, by remaining in Sydney, to be better enabled to superintend the editing of the Statute Law of this Colony, if the Government would be pleased to entrust me with that duty; and that I might also thus be at hand to assist, if required, in working off the anticipated arrear of the Sydney District Court, at the end of the year.

Now, however, as I fear I would not be justified in requesting the Government to re-consider this matter in my favor, differing, as my position possibly differs in some respects from that of the other District Judges, I have only to submit these things as my explanation upon the subject upon which you have addressed me, in the very same way in which I submitted them to the Solicitor General, as I understood without any disapproval upon his part, a few days ago, and before I had the least expectation of receiving your letter.

I have, &c.,  
THOMAS CALLAGHAN,  
District Judge.

UNDER

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

61

UNDER SECRETARY, TREASURY, to SECRETARY TO CROWN LAW OFFICERS.

P.O. 555, New South Wales.

T. M. 67.

*The Treasury, Sydney,  
26 May, 1859.*

SIR,

Your letter of the 31st March last, No. 157, addressed to the Auditor General, was referred to the Treasurer. I am directed to state that Mr. Secretary Weekes proposed the following modification with respect to the charge of the Accounts and Disbursements in connection with the District Courts, viz. :—

"That cash credits should be opened in favor of the Judges of the several districts, who should accordingly have charge of the disbursements of these public moneys, and of accounting for the same to the Auditor General, under established regulations."

"That with reference to the 35th section of the Act, each Registrar should submit his accounts to be audited and settled by the Judge in the last day of each month."

This modification was submitted to His Excellency the Governor General and Executive Council, and they were pleased to approve of the same.

I am, therefore, to request that you will move the Honorable the Attorney General to cause the decision of His Excellency and Council in this respect to be communicated to the several Judges and others concerned.

I have, &amp;c.,

HENRY LANE,

Under Secretary.

JUDGE OF NORTHERN DISTRICT COURT to COLONIAL SECRETARY.

*Court House, Maitland East,  
27 May, 1859.*

SIR,

I had the honor to request the Auditor General to furnish me with a list and schedule of the salaries fixed by the Executive Government for payment of the Courts over which I preside, and by communication from him I received such schedule.

Amongst the items there are the following:—

1 Registrar, Muswellbrook, Murrurundi, and Scone.....£50

1 Bailiff, Muswellbrook, Murrurundi, and Scone .....£50

Sec P.S.—(12.)

2. In compliance with my request made first through the Attorney General, and afterwards through the Honorable the Colonial Secretary, I was assured these would be corrected by giving to each of the above three places a Registrar and a Bailiff.

3. By the *Gazette* of the 6th of May instant, the Registrars were duly notified as appointed to each of those places, and therefore the schedule sent is erroneous in that particular.

4. Resting on the assurance of my request being complied with, I appointed, as was necessary for carrying on the business of the Courts, a Bailiff to each one of those places, and have had them notified in the *Gazette*.

5. May I ask, therefore, information on these matters, as well as to the payment of the Registrars of Muswellbrook, Murrurundi, and Scone, as also as to the allowance of one Bailiff to each of those places, and the payment to each of them.

6. The disallowance of a Bailiff to each place will simply be to shut up these Courts.

7. As I cannot proceed with the payment of the salaries affecting the above without instructions from the Government, an early reply to this will oblige.

8. I may mention that the circumstances connected with my applications as to the above will be in the recollection of Mr. Elyard, and of Mr. Plunkett, Secretary to the Crown Law Officers, and of my letter having been marked "Withdrawn" by some mistake.

9. I may mention that the Registrar of West Maitland is unprovided with an office, and is indebted to the kindness of a friend for a room at present. I shall be glad to be instructed whether the hiring of a room is within the contemplation of the Government as coming under the head of "Contingencies," and if I may be authorized to hire a room. The law is imperative that the Registrar's office must be in the place of holding the Courts. There is no space for such an office at the Court House.

10. The East Maitland Court Office is not yet fixed, but it is at present held temporarily in a room in the Court House.

11. The Bonds to the various officers have not yet been forwarded from the Crown Solicitor's Office.

I have, &amp;c.,

ROBT. OWEN,

District Court Judge, Northern District.

P. S.—(12.) I had overlooked the item in the Schedule of "1 Bailiff, East and West Maitland, £50." A Bailiff has been appointed, as was necessary, to each of these districts, and duly gazetted. This, therefore, will have to be corrected before I can pay each his salary.

R. O.

SECRETARY



## 62 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF CUMBERLAND AND COAST  
DISTRICT COURT.

(No. 59-247.)

*Crown Law Offices,  
Sydney, 27 May, 1859.*

SIR,

I am directed to inform you that the following modification with respect to the charge of the accounts and disbursements, in connection with the District Courts, has been submitted to His Excellency the Governor General and Executive Council, and they were pleased to approve of same, viz. :—

"That cash credits should be opened in favor of the Judges of the several districts, who should accordingly have charge of the disbursements of these public moneys, and of accounting for the same to the Auditor General, under established rules."

"That with reference to the 35th section of the Act, each Registrar should submit his accounts to be audited and settled by the Judge, on the last day of each month."

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

(No. 59-248.)

Similar letter, addressed to THOMAS CALLAGHAN, Esq., District Court Judge, Southern District, Goulburn.

(No. 59-249.)

Similar letter, addressed to J. S. DOWLING, Esq., District Court Judge, Western District, Bathurst.

(No. 59-250.)

Similar letter, to ROBERT OWEN, Esq., District Court Judge, Northern District, Maitland.

## SECRETARY TO CROWN LAW OFFICERS to JUDGE OF NORTHERN DISTRICT COURT.

(No. 59-292.)

*Crown Law Offices,  
Sydney, 30 May, 1859.*

SIR,

Adverting to your letter of the 14th ultimo, suggesting certain alterations in reference to the Schedules of Appointments of Registrars and Bailiffs for the Northern District under the District Courts Act, I am directed to inform you that your letter of the above date has been submitted for consideration by the Executive Council, and the Council having expressed an opinion that it will be proper to accede to your recommendation, and His Excellency the Governor General having approved of the same, I am now desired to apprise you that the sum of £50 each may be paid by way of salary to the Bailiffs at the following places, viz. :—Scone, Muswellbrook, Murrurundi, East Maitland, and West Maitland.

I may now, however, remark that no alteration appears to have been submitted in respect of the Registrars for Muswellbrook, Murrurundi, and Scone, with respect to salary, although I believe you were of opinion that the gentlemen whose names appear in the *Gazette* of the 6th instant, as such, should likewise be paid salary at least equal to the sum proposed for the Bailiffs. I have spoken to the Attorney General on the subject again, and I have no doubt the matter will be attended to by the Executive.

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

## SECRETARY TO CROWN LAW OFFICERS to JUDGE OF SOUTHERN DISTRICT COURT.

(No. 59-253.)

*Crown Law Offices,  
Sydney, 30 May, 1859.*

SIR,

In reference to the undermentioned times lately submitted to you for holding Courts of General Quarter Sessions within your District, at certain other places besides those already appointed for such purpose—that is to say, at the town of Yass, on Monday, the 19th day of July, and on Wednesday, the 19th day of October; and at the town of Albury, on Tuesday, the 8th day of November of the present year—I am desired by the Attorney General to state, that at a meeting of the Cabinet on Saturday, at which a full attendance  
of

of the Members were present, they considered that unless the Government do everything in their power towards the opening of a Court of Quarter Sessions as soon as possible at the town of Albury, they will lay themselves open to censure, and they have considered that it is desirable therefore to suggest the propriety of fixing an earlier date than you have proposed for the town of Albury—say sometime during the month of August—for holding Quarter Sessions at that place in the first instance, and within a reasonable time afterwards.

I have, &c.,

W. E. PLUNKETT.

JUDGE OF WESTERN DISTRICT COURT to ATTORNEY GENERAL.

Bathurst, 30 May, 1859.

SIR,

I do myself the honor to forward the enclosed papers from Mr. Barsden, the Bailiff of the Bathurst District Court, and from Mr. Harrison, the Bailiff of the Carcoar District Court, to you for the information of the Government, with the hope that some relief may be afforded the writers.

Mr. Barsden's salary is only £40 per annum, and Mr. Harrison's £30; and, considering that each has to serve gratuitously, not only all summonses upon defendants and jurymen, but also subpoenas upon witnesses, throughout their extensive districts—compelling them to keep horses, to incur travelling expenses, and very often to appoint deputies—it cannot be wondered that both complain of their inadequate remuneration, and of positive loss in performing the duties required of them. I am persuaded that all the Bailiffs throughout the Western District will have the same cause of complaint, and all must resign their offices immediately, thereby throwing the business of the several Courts into confusion, unless they are better remunerated. It is true that each Bailiff has the distant prospect of receiving a few fees, but they will be so small in amount after paying costs out of pocket in performing the work entitling them to receive the same, that they will not be worth mentioning.

The Bailiffs attached to the Metropolitan District Court receive larger salaries, independent of their chance of fees; their jurisdiction is very limited, and they are not compelled to incur travelling expenses to so great an amount as the Bailiffs in the Country Districts.

In conclusion, I would suggest, pursuant to the powers contained in the 42nd section of the District Courts Act, that the fees "for the service of every summons or subpoena, if "within two miles from the Court House, and for such service every mile beyond two miles," as set forth in the Schedule to the Act, under the head of "Court Fees," should be doubled, and should be (except in the Metropolitan District) the perquisite of the Bailiffs.

I have, &c.,

JAMES S. DOWLING,

District Judge.

[Enclosure 1 in preceding letter of 30 May, 1859.]

To His Honor James S. Dowling, Esq., Judge of the District Court for the Western District.

The Memorial of the undersigned, Joseph Henry Barsden, Bailiff of the said Court, at Bathurst,—

HUMBLY SHEWETH :—

That your Memorialist receives for his services, as Bailiff, a salary of £40 per annum.

That for this salary your Memorialist has, without other fee or reward, not only to serve summonses and subpoenas issued out of your Honor's Court, but also to perform all other general duties incidental to his situation, excepting only those connected with the execution of warrants, and writs of execution.

That your Memorialist's district is a very large one, extending in three directions, to 40 miles from the town of Bathurst, over all which extent of country your Memorialist is obliged to serve processes of the Court, at a very great expense for the food and accommodation for himself and his horse.

That, whilst the Sheriff's bailiff receives a mileage of ninepence a mile for the service of Supreme Court summonses and subpoenas, your Memorialist is allowed literally nothing for the performance of similar duties, the fee of threepence per mile, made payable by the District Court Act, having been by the same Act enjoined to be taken as part of the General Revenue.

That the proceeds arising from the fees allowed for the writs of execution will not, as your Memorialist believes, ever amount to a sufficient sum, in addition to his very small salary, to remunerate him for the arduous duties which he has to perform without fee.

Your Memorialist, in conclusion, begs most respectfully to submit for your Honor's consideration, the accompanying statement of his expenses and receipts, as connected with the first sittings of your Honor's Court, and humbly prays that your Honor will endeavor to procure for him, either by the increase of salary, or otherwise, such an amount of remuneration as your Honor may deem him fairly entitled to in consideration of the duties allotted to his office.

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

J. H. BARSDEN.

[Sub-Enclosure

## [Sub-Enclosure in Enclosure 1.]

An account of Miles travelled serving Summonses, and an account of Expenses incurred by such service, for the District Court held at Bathurst, 9th May, 1859.

No. of Plaintiff.	Date of Service.	Distance from Court.	Nature of Expenses incurred.	£ s. d.
1	21 April	Town	Nil.	
2	25 "	7 miles	Nil.	
3	26 "	40 "	Paid William Matthews for service	1 0 0
4	29 "	42 "	Innkeeper's bills for self and horse	1 10 0
5	25 "	5 "	Nil.	
6	26 "	28 "	Innkeeper's bill for self and horse	0 15 0
7	23 "	2 "	Nil.	
8	23 "	Town	Nil.	
9	27 "	25 miles	Paid William Matthews for serving	0 12 6
10	28 "	14 "	Paid Innkeeper for self and horse	0 5 0
11	27 "	22 "	Ditto ditto	0 5 0
12	23 "	2 "	Nil.	
13	23 "	4 "	Self and horse	0 5 0
14	27 "	6 "	Paid Henry Hill—service	0 3 0
15	25 "	Town	Henry Hill	0 1 0
16	27 "	12 miles	Ditto	0 6 0
17	28 "	5 "	Ditto	0 2 6
18			Nil.	
19	25 April	Town	Nil.	
20	28 "		Served by plaintiff.	
21	27 "		Served by Hill for plaintiff.	
22	27 "		Ditto ditto.	
23	26 "	Town	Nil.	
24	27 "	12 miles	By Constable Thorpe for plaintiff.	
25			No service.	
26	28 April	9 miles	Innkeeper's bill, self and horse	0 5 0
27	28 "	8 "	Served by the plaintiff.	
28	26 "	Town	Nil.	
29	29 "		Served by Hill; paid by the plaintiff.	
30	28 "	25 miles	Innkeeper's bills	0 10 0
31	28 "	25 "		
32	26 "	Town	Nil.	
33	27 "		Hill; not paid.	
34			Not served.	
35				
36				
37	26 April	Town	Nil.	
38	2 May	26 miles	Innkeeper's bill, self and horse	0 15 0
39	26 April	Town	Nil.	
40	27 "	2 miles	Nil.	
41	28 "	Town	Hill; not paid.	
42	26 "	"	Nil.	
43	28 "	9 miles	Nil.	
44	27 "	Town	Served by plaintiff's attorney.	
45			Not served.	
46	27 April	Town	Served by plaintiff's attorney.	
47	28 "	9 miles	Served by one of the plaintiffs.	
48	29 "	Town	Served by plaintiff's attorney.	
49	30 "	20 miles	Served by the plaintiff.	
				£ 6 16 0

## TO HOUSEKEEPING EXPENSES. Dr.

	£ s. d.
To expenses incurred by the service of summonses .. .. .	6 16 0
" One month's food for my horse .. .. .	1 15 0
" Ditto firewood .. .. .	0 12 0
" 31 loaves of bread, at 4d. per loaf .. .. .	0 10 4
" Butcher's bill .. .. .	0 18 0
" Milk and butter .. .. .	0 10 0
" Tea, coffee, and sugar .. .. .	1 1 6
" Sundries in housekeeping .. .. .	0 4 6
Expenses during the month of April .. .. .	£ 12 7 4

## Cr. BY INCOME.

	£ s. d.
By one month's salary .. .. .	3 6 8
" Deficiency .. .. .	9 0 8
	£ 12 7 4

I hereby certify that this is a true statement.

J. H. BARSDEN,  
Bailliff of the District Court, Bathurst.

[Enclosure]

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS. 65

[Enclosure 2 in preceding letter of 30 May, 1859.]

Carcoar, 25 May, 1859.

Sir,

Finding that the salary allowed to me, as Bailiff of the District Court at Carcoar, is altogether insufficient to even cover the expenses which I have to incur in the serving of summonses, subpoenas, &c., I beg to intimate, that unless some adequate remuneration is allowed, that I shall be compelled to relinquish the office. I have travelled for the purpose of serving summonses and subpoenas during this month a distance of 182 miles, and have been thirteen days and nights absent from home; the names of the following places and distances will prove the truth of my assertions:—  
 Tuena, 50; Long Swamp, 24; Cowra, 34; Clifton, 16; Halfway house, 16; Moley's, 14; and the Colo, 18; and I have now by me a summons, from the Court at Bathurst, to be served at a distance of 24 miles.

The Honorable  
 Judge Dowling.

I have, &c.,  
 WM. HARRISON.

SECRETARY TO CROWN LAW OFFICERS to D. G. FORBES, ESQ.

(No. 59-294.)

Crown Law Offices,  
 Sydney, 1 June, 1859.

Sir,

In transmitting to you herewith a Commission under the Great Seal of the Colony, empowering you to act as Crown Prosecutor in the Courts of General and Quarter Sessions to be holden within the Colony, but more immediately for the Northern District and the Western District, I am directed to inform you that a fee of five guineas is due to the public on the document, and to request that you will have the goodness to pay the above sum into the Treasury.

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

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF NORTHERN DISTRICT COURT.

(No. 59-296.)

Crown Law Offices,  
 Sydney, 2 June, 1859.

Sir,

I am desired to mention that your letter of the 27th ultimo, addressed to the Honorable the Colonial Secretary, was transmitted to this office under blank cover 31st of last month, as having reference to matters within the province of the Attorney General. I may remark that my letter of the 30th, written before the receipt of the above communication, seems to have touched upon the different subjects to which you found it necessary to refer, with the exception of the want of an office for the Registrar of West Maitland; and also that the East Maitland Court Office is not yet fixed. I have now the honor to forward herewith a copy letter addressed to Mr. Carter, to which no reply has reached this office, and until the receipt of your communication of the 27th it was presumed that the necessary wants in respect of office accommodation had been satisfactorily arranged. I am permitted to state that you will be justified in taking such steps for the purpose of securing suitable offices as you may deem to be imperatively necessary, and in the event of your finding it impossible to act otherwise, it will be open to you to hire a room until such time as other arrangements can be made; the rent thereof may be defrayed out of the sum provided for unforeseen expenses under the head of Contingencies.

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

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF CUMBERLAND AND COAST DISTRICT COURT.

(No. 59-304.)

Crown Law Offices,  
 Sydney, 4 June, 1859.

Sir,

I am directed by the Attorney General to state, that at a recent meeting of the Cabinet, at which a full attendance of the Members were present, it was considered that the Government should do everything in their power towards the opening of Courts of Quarter Sessions at other places throughout the Colony, in addition to those already appointed for that purpose, and I have been accordingly desired to request that you will have the goodness to communicate to me, for the information of the Attorney General, the most convenient times and places for holding Courts of Quarter Sessions within your District, with a view to the same being proclaimed for such other times and places as may be fixed for that purpose, with as little delay as possible.

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

(No. 59-305.)

Similar letter also addressed to J. S. DOWLING, ESQ., District Court Judge, Western District, Bathurst; and—

(No. 59-306.)

ROBERT OWEN, ESQ., District Court Judge, Northern District, Maitland.

## 66 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

JUDGE OF SOUTHERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-31.)

*Court House, Goulburn,  
4 June, 1859.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 30th ultimo, which reached me here a day or two ago; I would beg of you to submit this reply for the consideration of the Attorney General.

When, in my letter of the 27th of April, I suggested to the Government the advantage of holding Courts of Quarter Sessions at Yass and at Albury in this year for the trial of bail and of very recent custody cases, I think I suggested what was in no way anticipated by anyone as a thing practicable even for a considerably remote period; and, in subsequently proposing the periods when, considering the extent of my district, I thought I could hold those Courts at each place, I endeavored to select the times in my opinion best adapted for the holding of each Court in each place.

As may be observed by my letter, I was under the impression that there was accommodation for holding a Court at Yass that was probably wanting at Albury, and that was one of my reasons for postponing the holding of a Court at the latter place. I am still of the opinion in this matter which I entertained when I made my proposal, and in arranging to have a Court of Quarter Sessions held at the times I had suggested, I should have thought that the Government would have been presumed to have done everything in their power towards opening the Court as soon as possible, so as to avoid all reasonable censure.

From your letter, however, I think I am to conclude that my view on this subject differs from that of the Government, and in such a case, in such a matter, I feel myself compelled at least to attempt to carry out the views of the Government.

I would beg of you therefore to inform the Attorney General, that if the Government still desire it, I shall be prepared to endeavor to hold a Court of Quarter Sessions at Albury, on Monday the 15th of August; but I would once again take the liberty of suggesting that some inquiry may be made before the Court is gazetted, as to the accommodation that can at that time be provided for such a purpose, both with reference to the custody and escort of the prisoners under sentence, and to the at all events necessary convenience of a Court Room. You will have the goodness to say, that the pressure of my engagements has for the last day or two deprived me of the opportunity of making you an earlier reply.

I have, &amp;c.,

THOMAS CALLAGHAN,  
Judge of the Southern District Courts.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF WESTERN DISTRICT COURT.

(No. 59-308.)

*Crown Law Offices,  
Sydney, 6 June, 1859.*

SIR,

In acknowledging the receipt of your letter of the 30th ultimo, containing papers from Mr. Barsden, the Bailiff of the Bathurst District Court, and from Mr. Harrison, the Bailiff of the Carcoar District Court, relative to the insufficiency of their salaries, I am directed by the Attorney General to remind you, that the proviso at the end of section 42 will prevent the scheme submitted from taking effect before one month after Parliament meets; nevertheless the Government are quite prepared to receive any reasonable proposal you may make, whereby the Bailiffs may be induced to continue in office, pending the decision of Parliament in the matter.

I have, &amp;c.,

W. E. PLUNKETT.

## MEMORANDUM.

£50 ONLY has been provided by way of salary, for three gentlemen who have been gazetted as Registrars, under the provisions of the District Courts Act, at Muswellbrook, Murrurundi, and Scone, in the Northern District. A like sum was originally proposed for a person to act as Bailiff for the above places; but on the recommendation of Mr. Owen, the Executive authorized that £50 should be paid by way of salary to Bailiffs at each of the above places. No alteration was made in respect of the Registrars, and it may be desirable to ascertain whether the £50 must be divided among the three gentlemen appointed and subsequently gazetted as such, for Muswellbrook, Murrurundi, and Scone. Perhaps a similar rate of salary might be allowed to an officer at each of the places already mentioned—say £30. The notification of these appointments appeared in the *Gazette* of 6 May, 1859. They commenced duty but a week or so before that time, so that for (say) four months of the year, the money voted for this service has been saved.

W. E. PLUNKETT.

28 May, 1859.

I recommend the same course should be adopted as in the cases of the Bailiffs, viz.,—£30 for each Registrar at Scone, Murrurundi, and Muswellbrook.

L. H. BAYLEY,

1 June, 1859.

A. G.

JUDGE

JUDGE OF WESTERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-126.)

Bathurst, 13 June, 1859.

Sir,

In acknowledging the receipt of your letter of the 6th instant, No. 59-308, being an answer to mine forwarding papers from Messrs. Barsden and Harrison, Bailiffs respectively of the Bathurst and Carcoar District Courts, and intimating that the Government were prepared to receive any reasonable proposal from me as to remunerating the several Bailiffs throughout my district, as a temporary measure, until the Parliament should have decided my former scheme of their remuneration,—I do myself the honor to make—but merely as a temporary measure—the following suggestions:—That the salary of the Bailiff of the District Court of Bathurst should be increased, from £40 to £100 per annum; that the salary of the Bailiff of the District Court of Mudgee should be increased, from £30 to £100 per annum; that the salary of the Bailiff of the District Court of Molong should be increased, from £30 to £80 per annum; that the salary of the Bailiff of the Hartley Court should be increased, from £40 to £60 per annum; and that the salaries of the several Bailiffs of the Carcoar, Orange, and Dubbo Courts should be increased, respectively, from £30 to £60 per annum.

You will perceive that the salaries of the Bailiffs of the Courts of Bathurst, Mudgee, and Molong, have been increased in a greater ratio, for this reason—that they have a much larger tract of country to travel over than the other Bailiffs.

In making the above suggestions, I would wish it to be clearly understood that I would prefer the Bailiffs being paid partly by salary and partly by fees.

In the event of my suggestions being adopted, I would venture to point out that the increased remuneration should take effect from the 1st May last.

I have, &amp;c.,

JAMES S. DOWLING,  
District Judge.

JUDGE OF CUMBERLAND AND COAST DISTRICT COURT to ATTORNEY GENERAL.

Kiama, 6 June, 1859.

MY DEAR ATTORNEY GENERAL,

I must beg permission to trouble you once more on the subject of the salaries of Bailiffs to the Courts in my District, with especial reference to the Court at Windsor.

The Bailiff originally appointed resigned his office at the end of April because his salary was inadequate. I have in vain sought for a successor. I also requested Mr. Gordon, the Registrar at Windsor, to find a Bailiff for that place. He writes me word that no one will accept the office, and asks for instructions. The Court at Windsor sits again on the 4th of July—the summonses should be in the Bailiff's hands not later than the 22nd of this month. What is to be done? Am I at liberty to offer an increased salary, or special pay for the occasion?

Secondly, Braidwood. In April last, on the recommendation of Mr. Justice Lutwyche, I appointed John Spencer Dobson, Bailiff there, and he was gazetted accordingly. Until recently I supposed him to be at his post; but, as I was leaving Sydney on Saturday last, I received a letter from his wife informing me that he declined the office. The Court for that place is fixed for the 17th instant, consequently the time at which summonses should be in his hands for service has already passed. Not having heard from the Registrar there, I am at a loss to conjecture what course he has pursued, but can only trust that he has employed some one else to serve the summonses.

I will wait on you for instructions on the above matters as soon as possible after my return to Sydney from this place.

I have, &amp;c.,

HENRY CARY.

P.S.—I enclose a copy of my letter to the Registrar at Braidwood—I trust it will meet with your sanction.—H. C.

[Enclosure in preceding letter of 6 June.]

Kiama, 6 June, 1859.

Sir,

On leaving Sydney for this place on Saturday last, I was vexed to find that the person gazetted as Bailiff for the District Court at Braidwood had never been there, and would not accept the office. I trust you have put the summonses for the 17th instant in the hands of some one for service, or that the plaintiffs themselves have performed that duty in their own cases; if not, pray employ as many persons as are necessary to serve the process without delay. I will pay their reasonable expenses and compensation.

John Thos. Gurney, Esq.,  
Registrar, Braidwood.

I remain, &amp;c.,

HENRY CARY.

JUDGE

JUDGE OF CUMBERLAND AND COAST DISTRICT COURT to SECRETARY TO CROWN  
LAW OFFICERS.

(No. 59-304.)

*Court House, Liverpool,*  
10 June, 1859.

SIR,

I have the honor to acknowledge the receipt of your letter of the 4th instant, in which I am desired to communicate to you, for the information of the Attorney General, the most convenient times and places for holding Courts of Quarter Sessions within my district.

In my opinion such a Court should be held as early as practicable at Berrima and Wollongong; but, from the number of District Courts I have to hold, I cannot see what time can be fixed for holding a Session's Court at either place during the present year, unless some new arrangement be made.

During the first two months of the next quarter, from July 1st to August 31st, I have to hold eleven Courts, and believe that I shall not have two consecutive days in any one week unemployed. On the 1st of September I have appointed to hold a Court at Eden, and, having to proceed thence to Bombala and Cooma, have been forced to appropriate the whole of that month to those three places, because, as the steamboats from Twofold Bay ply only once a fortnight, I cannot possibly get over the whole ground in time to return before the end of the second fortnight. The following Quarter, from October 1st to the end of the year, is appropriated in a similar way, substituting Braidwood for the three Courts abovenamed. Braidwood takes nearly a fortnight to go to and fro, allowing three days for the Court. I had hoped to get a few days' respite at Christmas, by returning from Braidwood about the 17th or 18th of December.

If Bombala, Cooma, and Braidwood could by any means be detached from my district, I could hold a Court of Quarter Sessions at Wollongong and Berrima on the 3rd and 4th Mondays of September, and the 2nd and 3rd Mondays of December respectively.

As far as I am able to learn at present, there will be scarcely any business at Bombala or Cooma.

Eden being immediately on the Coast, should be retained in the Coast District. If Bombala, Cooma, and Braidwood could, as I venture to suggest, be detached from that district, a Court might be held at Shoalhaven, where one is much needed, and that, with the addition of a Court of Quarter Sessions at Wollongong and Berrima, would fully occupy my time.

Whatever plan the Government under the advice of the Attorney General shall resolve upon, I will endeavor to carry out to the best of my ability.

I remain, &c.,

HENRY CARY.

JUDGE OF NORTHERN DISTRICT COURT to ATTORNEY GENERAL.

*Muswellbrook, 10 June, 1859.*

SIR,

Your letter of the 4th current, which you did me the honor to address me, respecting the establishment of additional Quarter Sessions, has been forwarded to me at this place.

2. The accuracy of my knowledge of the Northern District, as formed under the District Courts Act of 1858, will mainly depend on my present Circuit, only so far accomplished.

3. On its completion, I trust to be able to spare time to have personal conference with you, or some other Member of the Government, with such matured experience as my journey may afford.

4. The delay is of less importance, as the days fixed for the present Civil Courts in this District fully occupy the year until the end of December, and Quarter Sessions could not well be held this year without altering the whole of the present arrangements.

5. Imperfect as my present knowledge of this district is, I have no difficulty in coming to the conclusion that Quarter Sessions should be held at *Tamworth, Armidale, Grafton*, and possibly *Port Macquarie*.

6. It is likely that I may submit to the Government that Quarter Sessions should also be held at *Dungog*, and some place central between *Tamworth* and *Maitland*—say at *Scone*, or *Muswellbrook*—for which latter place there is an excellent Court House, and money granted for a more secure and enlarged place of confinement.

7. In reference to this last matter, I would respectfully suggest that the Government should not act upon certain tenders now going in for a new lock-up at *Muswellbrook*, until it be finally fixed whether Quarter Sessions be held there; as in the latter case, it might be deemed necessary or expedient to enlarge the plan. I am informed the tenders will be placed before the Colonial Architect in a few days.

8. From the preceding observations, the Government will probably not come to any final determination until I personally wait upon you, or communicate further with you.

9. I have this day addressed a letter to the Honorable the Colonial Secretary on the subject of additional Civil Courts in this District, in which the appointment of Quarter Sessions, as to times and places, is materially involved.

I have, &c.,

ROBT. OWEN,

District Court Judge.

JUDGE



## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

69

JUDGE OF NORTHERN DISTRICT COURT to COLONIAL SECRETARY.

Muswellbrook, 10 June, 1859.

SIR,

I have the honor to address you respecting the establishment of District Courts at Dungog, Raymond Terrace, and Newcastle, as requested verbally by the Government in the early part of last month.

2. I have delayed so long, as these new Courts cannot be brought conveniently into operation this year, from the circumstance of the days appointed for the present Courts running rapidly with short intervals, until the end of December next, and the delay is the less material as the District Courts Act requires a period of three months to elapse before any alteration can come into operation, and no great amount of public inconvenience can be sustained.

3. It appears to me that the following will be the boundaries of the three new Courts, viz. :—

*Dungog*—The Police District of Dungog.

*Raymond Terrace*—Police District of Raymond Terrace and Port Stephens.

*Newcastle*—Police District of Newcastle.

4. These will involve the following changes in the East Maitland and Paterson Courts :—

*East Maitland*—New boundary to be proclaimed for "Electoral Districts of "East Maitland and Morpeth."

*Paterson*—The like for Police District of Paterson.

5. These changes should take place from the 1st January, 1860.

6. The addition of these Courts (three) to the Northern District makes two separate Courts exclusive of Tamworth, Armidale, Grafton and Port Macquarie.

7. If it be necessary to hold, in each of these ten places, Courts four times in each year, and allowing for the probable amount of business in each Court one week, it follows the year will be occupied as under :—

Forty weeks for sittings, or .....	280 days
Quarter Sessions at Maitland, four weeks, or .....	28 "
Allowance for Sundays, stoppages, casualties, travelling, and a short pause for the Judge, eight weeks, or .....	56 "
	<hr/>
	364 "

the year thus being exhausted.

8. The establishment of additional Criminal Sessions in one or more of these ten places will absorb a considerable portion of the possible spare time in the last mentioned calculations.

9. It will be thus seen that the Judge in fulfilling the duties of the ten places before named will not be able to attend the Courts at the more distant places of Tamworth, Armidale, Grafton, and Port Macquarie, in which four last named places the Government, in all probability, will establish Criminal Sessions two or more times in the year.

10. As several of the above submitted arrangements will require further consideration before finally being adopted, I trust I shall have time in the latter part of July next personally to confer on them with some Member of the Government.

11. I have this day addressed the Honorable the Attorney General on the subject of additional Criminal Sessions, as requested by him, and I mention this as it affects the topics of this communication.

I have, &c.,

ROBT. OWEN,

District Court Judge.

JUDGE OF WESTERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-125.)

Bathurst, 13 June, 1859.

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 4th instant (59-305), calling upon me to report, for the information of the Attorney General, as to the most convenient times and places for holding additional Courts of Quarter Sessions in the Western District.

In reply thereto, I beg to inform you, that I am not in possession of sufficient data on which to make a reliable report, as I have not yet made the Circuit of my District. In the course of a few days I leave Bathurst to make that Circuit; and upon my return, which will be in or about six weeks hence, I shall hasten to report as required.

I have, &c.,

JAMES S. DOWLING,

District Judge.

MINUTE.



## MINUTE.

THE Honorable the Attorney General recommends that a sum of £30 each should be allowed for the salaries of the Registrars at the respective places in question; and the Council concurring in this recommendation, advise that the necessary authority be given for payment of the salaries at that rate.

*Executive Council Office,*  
15 June, 1859.

A. ORPEN MORIARTY,  
Clerk of the Council.  
Appd.—  
W. D.  
16 June, '59.

## SECRETARY TO CROWN LAW OFFICERS to JUDGE OF NORTHERN DISTRICT COURT.

(No. 59-313.)

*Crown Law Offices,*  
Sydney, 17 June, 1859.

SIR,

18 June, 1859.

I have the honor to forward herewith to you a copy communication addressed to the Auditor General, relative to the amount of salaries to be paid to the Registrars, and likewise to the Bailiffs, appointed to the undermentioned places, viz.,—Muswellbrook, Murrurundi, and Scone.

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

[Enclosure in No. 59-313.]

(No. 59-312.)  
SIR,

*Crown Law Offices,*  
Sydney, 18 June, 1859.

I am directed to inform you that His Excellency the Governor General, with the advice of the Executive Council, has been pleased to approve of the sum of £50 per annum by way of salary to each of the Bailiffs at the following places, viz.:—Muswellbrook, Murrurundi, and Scone; and His Excellency, with the advice of the Council, has subsequently been pleased to approve of the gentlemen who have been appointed to be Registrars at the places mentioned above, under the provisions of the District Courts Act of 1858, to be paid salary at the rate of £30 per annum, from the 1st of last month.

The Auditor General.

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

## S. N. DARK, ESQ., to COLONIAL SECRETARY.

Clarence Town, 22 June, 1859.

HONORED SIR,

I am desirous of informing you that great dissatisfaction prevails throughout the whole of the Electorate of the Williams, in consequence of no place having been appointed where a District Court should be held under the District Courts Act. We consider ourselves justly entitled to one, for the following reasons:—

1st.—The Williams Electorate contains two shipping ports, viz., Clarence Town and Port Stephens, from which large quantities of grain, flour, wool, hides, timber, &c., are annually exported.

2nd.—The Police District of Dungog has little or no traffic with the Paterson, to which place it is united under the District Courts Act. The distance between the two localities and the mountainous nature of the country will be always a fatal hindrance. Clarence Town is, and always will be, the place of shipment for the whole of the productions of the Dungog District.

3rd.—The Police District of Port Stephens has little or no traffic with East Maitland, to which place it is united under the District Courts Act. The distance from Stroud to East Maitland being about 45 miles, while other parts of the District is nearly 90 miles.

4th.—Dungog contains a good Court House and lock-up—it is in the centre of the Williams Electorate, and is distant from Clarence Town 16 miles, from Stroud 15 miles—its position and centre of population justly entitles it to be the place where a District Court should be held.

A respectable and numerous signed petition was some time since forwarded to the Government, signed by the inhabitants of Dungog and Clarence Town, &c., &c., requesting that Dungog be proclaimed a place where District Courts should be held. I respectfully submit to the consideration of the Government the necessity of at once proclaiming Dungog as a place where a District Court should be held. As far as this important Country Electorate is concerned, the District Courts Act is at the present time a mere dead letter. I would suggest that the Districts of Dungog and Port Stephens be united in the Proclamation when issued.

I am, &c.,  
STEPN. N. DARK.

JUDGE

JUDGE OF SOUTHERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

Sydney, 24 June, 1859.

SIR,

Referring to my letter of the 27th April, and of the 4th instant, to yours of the 30th May, and to my conversation on their subject with the Attorney General, I have the honor to request that the matter to which these different communications relate may be again brought under the consideration of the Government, with this further explanatory letter from me.

In my letter of the 27th of April I fully explained the circumstances under which—in pursuance of the Order of the Governor and Council, dated of the 21st, and gazetted of the 22nd of April—I had by my notice of the 25th, gazetted of the 26th April, fixed the holding of the District Courts in my district; and, at the same time, I ventured to suggest the propriety of having Courts of Quarter Sessions for the trial of bail cases, and of recent custody cases, held at Yass—the chief intermediate—and at Albury, the remotest—town of that district.

In that letter I suggested the possibility of holding these latter Courts at Yass by July, and at Albury by October, and I made this suggestion *as I stated* for holding these Courts, at these times, at each place, not only on account of its agreeing with the times I had appointed for the holding of the District Courts, but also on account of the accommodation for the Court, and for the prisoners that, in my opinion, was likely to be provided at either place within the time specified.

In that letter also I suggested the steps that appeared to me to be necessary *to be at once taken* to carry out these proposals, and as soon as I understood, from your personal communication with me, that these proposals were approved of by the Attorney General, I forwarded to you a draft of the proclamation which seemed to me to be *the first step* towards their execution.

And so this matter stood, till, at the close of last month when I was about to leave Sydney to hold the District Court at Goulburn on the 1st of this month, I had, at your suggestion, the honor of an interview with the Attorney General on the subject.

In that interview, I endeavored fully to explain the reasons which had guided me in fixing the holding of the different Courts in my District, and I particularly placed before the Attorney General a written communication I had had from Mr. Walsh, of Goulburn, upon the subject.

Although, after some discussion with the Attorney General, I still adhered to my own opinion on the subject, I did not hesitate at once to say that I should feel it my duty to consider, and if possible to carry out, the views of the Government, no matter how much they might differ from my own.

In accordance with that assurance of mine, as I presume, I received at Goulburn your letter of the 30th of May, urging upon me the propriety of holding a Court of Quarter Sessions at Albury sometime in August, and in deference to that communication, though still against my own judgment, by a letter of the 4th of this month, I proposed appointing the 15th of August as the day on which such a Court might be held.

As this matter is therefore still in abeyance, I would wish to submit to the Government the following views of mine upon it:—

*In my opinion the time has now altogether gone by for holding a Court of Quarter Sessions like those which I have suggested, at Yass, till October, and at Albury, till the beginning of November.*

To proclaim such a Court to be held at Yass, *now for the first time*, for the trial of bail and of recent custody cases within two or three weeks would be, in my opinion, a mockery, and to proclaim a similar Court for similar cases at Albury, to be held within any lesser period *than three or four months*, especially *for the first time*, would also in my opinion be illusory, and would possibly lead to this, that there might be *no case* to try, within such a period; so that I, the Crown Prosecutor, and the Clerk of the Peace, would be subjected to a harassing journey, and the country to our travelling expenses, for no substantial advantage whatever: moreover, from the time already appointed for the Parramatta Quarter Sessions in August, I do not know whether the holding of a Court at Albury in August would not involve the appointment of an additional Crown Prosecutor.

I beg also to add, that I understand that the accommodation for a Court and for prisoners at Albury, at present, is bad indeed for winter weather; and to confirm my anticipations and my information as to the possible nature of the season for travelling, and for holding a Court in that country, as yet unknown to me, I beg to annex a paragraph that I extracted from the *Sydney Herald* of the 21st instant, as copied from the *Border Post*, an Albury paper of a late date.

#### "THE WEATHER, THE RIVER, AND THE ROADS.

"The heavy rain which has fallen during the last few days is at length beginning to tell upon the state of the water in the Murray. The river is now running bank high, and the Police boat is the only means of intercourse between Albury and Wodonga. Not within the memory of the oldest inhabitant has the river risen to this height so early in the season; and, owing to the long period of drought we have experienced, a heavy flood is predicted on all hands. The roads are in some places impassable, and the coach from Beechworth was unable to reach Albury yesterday, although the letter mail was sent forward on horseback.

"The Sydney mails due on Saturday and Monday mornings did not arrive at the proper hours, but were both brought in on Monday night. We regret that Captain  
"Martindale

"Martindale did not delay his visit to this part of the world for a month or so, as he would in that case have been able to appreciate the inconvenience to which we are exposed from the want of proper communication between the two colonies.—*Border Post*."

I have, &c.,

THOMAS CALLAGHAN,  
Judge.

SECRETARY TO CROWN LAW OFFICERS to D. G. FORBES, ESQ., CROWN PROSECUTOR.  
(No. 59-324.)

*Crown Law Offices,  
Sydney, 4 July, 1859.*

SIR,

In reference to the Attorney General's recent conversation with you, relative to the performance of the duty of Crown Prosecutor at Quarter Sessions for the Southern District and the Cumberland and Coast District, in addition to your prosecuting within the Northern District and the Western District, I am directed to inform you, that the Government, having weighed the matter, think it desirable that you should prosecute for the present at the Courts of Quarter Sessions to be holden within the above districts, and if it shall hereafter appear that the duty has taxed your time and industry beyond what is reasonable, or that the work may have become greater than contemplated, your claims for an additional allowance shall be fairly considered.

I have, &c.,

W. E. PLUNKETT.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF WESTERN DISTRICT COURT.  
(No. 59-328.)

*Crown Law Offices,  
Sydney, 6 July, 1859.*

SIR,

In acknowledging the receipt of your letter of the 17th ultimo, requesting authority to pay yourself travelling expenses out of the Contingent Fund in excess of 40s. per diem, on the ground of the insufficiency of that amount, I am directed to state, that your letter of the above date has been placed before the Cabinet by the Attorney General, but they regret they are not in a position, at present, to authorize compliance with the request therein contained.

I have, &c.,

W. E. PLUNKETT.

SECRETARY TO CROWN LAW OFFICERS to BENCH OF MAGISTRATES, YASS.  
(No. 59-331.)

*Crown Law Offices,  
Sydney, 6 July, 1859.*

GENTLEMEN,

I am directed by the Attorney General to inform you that the Government have arranged that Courts of General Quarter Sessions shall be holden during the present year, at the several times and places following, in addition to those heretofore proclaimed, that is to say:—At Yass, on Wednesday, the 19th of October; at Gundagai, on Tuesday, the 25th of October; and at Albury, on Tuesday, the 8th of November. I am therefore desired to request that you will have the goodness to report to this office, at your very earliest convenience, what accommodation there is at present (if any) for the safe custody of prisoners; how many cells, &c., there are now; and what further accommodation will be required for the probable number of prisoners who, judging from past experience, may be expected to be in custody at Yass—that is so say, comprising the Police District of Yass and of Binalong—for trial at the Sessions fixed to be holden at your Township on the 19th of October next, in order that any additional accommodation which may be absolutely required may be at once provided by the Government.

I am further desired to request that you will be pleased to observe in future to commit persons charged with crimes, misdemeanors, &c., not punishable with death, to the Quarter Sessions, as the extended jurisdiction is given to such Courts by the 25th section of the District Courts Act of 1858 (22 Vict., No. 18), and to be careful to bind over the witnesses accordingly, for the time and place already mentioned.

I have, &c.,

W. E. PLUNKETT.

(No. 59-332.)

Similar letter to the Bench of Magistrates, Gundagai, intimating that a Court of Quarter Sessions will be holden there on 25th October next—Gundagai District—comprising Wagga Wagga and Tumut.

(No. 59-333.)

Also, to the Bench of Magistrates, Albury, intimating that a Court of Quarter Sessions will be holden there on the 8th November next—Albury District, including Deniliquin, Moulamein, Moama, and Balranald.

SECRETARY

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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SECRETARY TO CROWN LAW OFFICERS to BENCH OF MAGISTRATES, DENILIKUIN.

(No. 59-334.)

*Crown Law Offices,  
Sydney, 6 July, 1859.*

GENTLEMEN,

I am directed by the Attorney General to request that you will be pleased to observe to commit persons who may be charged before you with crimes, misdemeanors, &c., not punishable with death, until further instructed, to the Quarter Sessions, which have been arranged by the Government shall be holden at Albury, on Tuesday, the 8th November next, as the extended jurisdiction is given to such Courts by the 25th section of the District Courts Act of 1858 (22 Vic., No. 18); and you will have the goodness to be careful to bind over the witnesses accordingly, for the time and place already mentioned.

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

*Crown Law Offices,  
Sydney, 6 July, 1859.*

Similar letters to the preceding one (59-334) written to Benches of Magistrates, Moulamein, Moama, and Balranald, intimating time, &c., for holding Quarter Sessions at Albury.

Similar letter to 59-334, addressed to Bench of Magistrates, Tumut, to commit to Gundagai, for Tuesday, 25th October, 1859.

Similar letter to Binalong Bench of Magistrates, to commit to Yass Quarter Sessions on 19th of October, 1859.

SECRETARY TO CROWN LAW OFFICERS to REGISTRAR OF DISTRICT COURT, EAST MAITLAND.

(No. 59-344.)

*Crown Law Offices,  
Sydney, 11 July, 1859.*

SIR,

In reply to your letter of the 4th instant, representing the want of office accommodation, I beg to draw your attention to a communication of the 23rd April last, addressed to yourself, and also to a letter addressed to the District Court Judge, dated 2nd June, which contained a copy of the one forwarded to you, and stating that the Judge would be justified in taking such steps, for the purpose of securing suitable offices, as he might deem to be imperatively necessary, and in the event of his finding it impossible to act otherwise, that it would be open to him to hire a room until such time as other arrangements can be made, the rent thereof to be defrayed out of the sum provided for unforeseen expenses, under the head of Contingencies. The Colonial Architect's attention has been drawn to the matter of office accommodation generally.

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

SECRETARY TO CROWN LAW OFFICERS to BENCH OF MAGISTRATES, PATERSON.

(No. 59-394.)

(Circular.)

*Crown Law Offices,  
Sydney, 12 July, 1859.*

GENTLEMEN,

I am directed by the Attorney General to inform you that the Government have arranged that Courts of General Quarter Sessions shall be holden, during the present year, at the several times and places following, in addition to those heretofore proclaimed, that is to say,—at Paterson, on Monday, the 29th of August, and Monday, the 28th of November; at Singleton, on Friday, the 2nd of September, and Friday, the 2nd of December; at Muswellbrook, on Wednesday, the 7th of September, and Wednesday, the 7th of December; at Scone, on Monday, the 12th of September, and on Monday, the 12th of December; at Murrumbidgee, on Thursday, the 15th of September, and Thursday, the 15th of December; at Port Macquarie, on Monday, the 10th of October; at Grafton, on Monday, the 17th of October; at Tamworth, on Thursday, the 22nd of December; at Armidale, on Saturday, the 31st of December; at Carcoar, on Tuesday, the 23rd of August, and Wednesday, the 23rd of November; at Hartley, on Tuesday, the 27th of September, and Tuesday, the 20th of December; at Mudgee, on Tuesday, the 4th of October, and Wednesday, the 28th of December; at Dubbo, on Thursday, the 13th of October; at Molong, on Wednesday, the 19th of October; at Orange, on Monday, the 24th of October; at Eden, on Wednesday, the 31st of August; at Cooma, on Monday, the 12th of September; at Windsor, on Monday, the 3rd of October; at Penrith, on Monday, the 10th of October; at Campbelltown, on Monday, the 17th of October; at Camden, on Wednesday, the 19th of October; at Berrima, on Tuesday, the 25th of October; at Wollongong, on Tuesday, the 1st of November; and at Braidwood, on Monday, the 5th of December.

I am therefore desired to request that you will have the goodness to observe to commit (when necessary) persons who may be charged before you with crimes, misdemeanors, &c., not punishable with death, until further instructed, to the Quarter Sessions which have been

been arranged by the Government shall be holden at your township on the day heretofore mentioned in connection therewith, as the extended jurisdiction is given to such Courts by the 25th section of the District Courts Act of 1858 (22 Victoria, No. 18); and you will please to be careful to bind over the witnesses accordingly, for the time and place already mentioned for the holding of Quarter Sessions as above stated.

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

*Crown Law Offices,  
Sydney, 12 July, 1859.*

Similar letter, 12th July, 1859, to various other Benches of Magistrates (not already mentioned), to commit to nearest place indicated for holding Quarter Sessions.

W. E. P.

SECRETARY TO CROWN LAW OFFICERS to THE SEVERAL BENCHES OF MAGISTRATES.\*

(No. 59-868.)  
(Circular.)

*Crown Law Offices,  
Sydney, 21 July, 1859.*

GENTLEMEN,

Adverting to my letter of the 12th instant, communicating to you that the Government had arranged that Courts of General Quarter Sessions will be holden, during the present year, at the several times and places therein stated, I am now directed to request that you will have the goodness to report to this office, at your very earliest convenience, what accommodation there is at present (if any) for the safe custody of prisoners; how many cells, &c., there are now; and what further accommodation will be required for the probable number of prisoners who, judging from past experience, may be expected to be in custody at your township under the late arrangements in respect of Gaols and Quarter Sessions, as already proclaimed and published in the *Government Gazette*, No. 137, 12th July, 1859, in order that any additional accommodation which may be absolutely required may be at once provided by the Government.

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

\* At the places mentioned in the letter, 12th July, 1859.

SECRETARY TO CROWN LAW OFFICERS to COLONIAL ARCHITECT.

(No. 59-835.)

18 July, 1859.

MY DEAR SIR,

The Attorney General will feel obliged if you will have the goodness to peruse the accompanying letters relative to the recently proclaimed gaols at Yass, Gundagai, and Albury; and if you can conveniently call over here to-morrow—say between 10 and 11 a.m.—he would be happy to see you on the subject.

Yours truly,  
W. E. PLUNKETT.

[Enclosure 1 in No. 59-835.]

*Police Office, Albury,  
11 July, 1859.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 6th instant, and, in reply, beg to state there is no accommodation suitable for the safe custody of prisoners waiting trial for Courts of General Quarter Sessions, and it will be necessary to erect a building for that purpose. There is a lock-up with two small ill-ventilated cells (male and female), barely adequate for the custody of prisoners who are dealt with under summary jurisdiction; it has no yard for the prisoners to take exercise, and the building is not capable of extension. I wrote on the subject of the erection of a gaol on the 12th of February last to the Inspector General of Police, and I herewith enclose you a copy of that letter, which contains my views on prison requirements in this locale; and I trust the Honorable the Attorney General will see the imperative necessity for the erection of a gaol here, as the escort of prisoners under sentences from Quarter Sessions to Goulburn, a distance of two hundred and sixty miles, and in cases of summary jurisdiction from Moulamein, &c., of more than double that distance, must be obviously injudicious.

Until proper arrangements are therefore made for the custody of prisoners, their committal for trial at Albury cannot safely be carried into effect, but in order to prevent embarrassment, and as I apprehend that a building large enough to contain twenty males and six females, with an exercise yard, would be sufficient to meet the wants of prisoners awaiting trial, I will, in the event of such building or a gaol being at once commenced, undertake to keep the prisoners in the lock-up until a fit and proper prison is completed.

I have, &c.,  
HEYWARD ATKINS,  
Police Magistrate.

W. E. Plunkett, Esq.,  
Secretary to Law Department.

[Sub-Enclosure

[Sub-Enclosure in Enclosure 1.]

Police Office, Albury,  
12 February, 1859.

Sir,

I have the honor to state, in reply to the information called for in your letter of the 7th instant, that as the prisoners disposed of summarily and otherwise, by the Benches at Deniliquin, Moama, Moulamein, and Balranald, will have to be lodged in the Gaol here, accommodation for about forty prisoners will be required. I think, however, it is a subject worthy of consideration, whether it would not be economical and expedient that this gaol should be the receiving place for all prisoners disposed of in the Police Districts south of the Murrumbidgee; for as their boundaries for the most part join this district, Albury would form a convenient centre for all parties concerned, and thus save the erection of other gaols; and in such case, a building of the size and model of the Bathurst prison would be required. This locale affords peculiar facilities for building, with either stone or brick, large public and private buildings are in occupation, and good workmen of every description are abundant. As a site for a gaol has not yet been fixed upon, I would suggest that Mr. Surveyor Adams be instructed to select one; and as that gentleman is, I understand, shortly going away on leave, I would recommend that he be communicated with at once.

I have, &amp;c.,

HEYWARD ATKINS,  
Police Magistrate.John McLerie, Esq.,  
Inspector General of Police, Sydney.

[Enclosure 2 in No. 59-835.]

(No. 59-40.)

Police Office, Gundagai,  
12 July, 1859.

Sir,

I have the honor to acknowledge the receipt of your letter of the 6th instant, apprising the Bench of Magistrates that a Court of General Quarter Sessions will be holden at this place on Tuesday, the 25th of October next, and requesting that you may be informed whether there is sufficient accommodation for the number of prisoners likely to be held in custody to await their trial on that occasion.

I beg to state that there is a watch-house both at North and South Gundagai; each of which consists of two cells, separately capable of containing five prisoners.

I would suggest that the former building be retained strictly as a lock-up, for the detention of minor offenders. The latter might be devoted to the incarceration of prisoners awaiting their trial at the Quarter Sessions. There would thus be accommodation for ten prisoners of this class, provided we might reckon upon each cell having as many inmates as it could conveniently hold; but this distribution cannot be safely relied on, since if only a single female were incarcerated, it would be necessary to appropriate to her an entire cell.

The aggregate number of prisoners committed for trial from the three Districts of Gundagai, Wagga Wagga, and Tumut will be probably about forty. Assuming that out of this number thirty will be detained in custody awaiting trial, and that there will be one female—judging from the experience of several years, this is likely to be the proportion of females—it will be necessary to provide additional prison accommodation for twenty-four persons.

I would beg to impress upon you, that, owing to the difficulty of procuring suitable labor in this district, it will be necessary to invite tenders for the execution of the work in question with the least possible delay.

I may add, that tenders for the erection of a new watch-house at this place, North Gundagai, have been called for; but at present, I believe, no eligible offer has been made for undertaking the work. The intended building is to contain two cells only, so that it will be utterly inadequate to the requirements of the case, now that the Government has determined to have Courts of General Quarter Sessions holden here.

I have, &amp;c.,

ALFRED C. S. ROSE, P.M.

The Honorable  
The Attorney General.

[Enclosure 3 in No. 59-835.]

(No. 59-3.)

Court House, Yass,  
14 July, 1859.

Sir,

In reply to your letter of the 6th instant, respecting the establishment of Courts of General Quarter Sessions at Yass, and requesting us to report what accommodation there is (if any) for the safe custody of prisoners, in order that any additional accommodation which may be absolutely required may be at once provided by Government,—

2. We do ourselves the honor to inform you the Yass Lock-up contains only four cells, 10 ft. by 7 ft. each, and one cell for females; we are of opinion that for the present four additional cells would be required, and we recommend the whole should be surrounded by a substantial wall of sufficient height.

3. Accommodation for the Judge or Chairman, for the Crown Prosecutor, and a retiring room for the jury will also be required; a jury box must likewise be provided in the Court House.



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4. We would therefore suggest that a competent person be directed by the Colonial Architect to examine and report upon the present prison accommodation and lock-up keeper's quarters, as we think a saving would be effected by appropriating some of the rooms for offices, and building new cells instead.

The Secretary to the  
Crown Law Officers, Sydney.

We have, &c.,  
(for the Bench,)  
THOS. LAIDLAW, J.P.  
I. M. BLAKE, J.P.

POLICE MAGISTRATE, HARTLEY, to SECRETARY TO CROWN LAW OFFICERS.

*Police Office, Hartley,*  
27 July, 1859.

SIR,

I have the honor to acknowledge the receipt of your letter of the 21st instant, No. 59, regarding further accommodation required for prisoners who may be committed for trial, &c., at the Quarter Sessions about to be established here; and in reply beg to inform you, that in the lock-up there are two rooms,—one for males, 18 × 8 feet, and one for females, 8 × 5½ feet.

Outside the lock-up there are six cells, 7½ × 5 feet, which were used for the purpose of solitary confinement, enclosed by a brick wall about 12 feet high, which could now be turned to account.

The only additional accommodation which I would recommend at present would be a yard for the prisoners to have air and exercise.

The expense of building a gaol yard I am not in a position to estimate.

I have, &c.,  
THOMAS BROWN, P.M.

BENCH OF MAGISTRATES, CAMPBELLTOWN, to ATTORNEY GENERAL.

*Police Office, Campbelltown,*  
26 July, 1859.

SIR,

We have the honor to inform you, in answer to your circular of the 21st instant, respecting the accommodation for prisoners at this place, that there are nine small cells and one day-room, besides an ante-room under the Court House; on the opposite part of the building there are five new cells. In respect to the cells under the Court House, we consider that the same will be very unwholesome should many prisoners be placed therein for any considerable time, in consequence of the want of drainage, which can be remedied at a trifling expense. The cells require in many places repairing before the same can be considered safe for the confinement of prisoners. A small cook-house will be required, which can also be used as a wash-house.

We have, &c.,  
JOHN BRAY, J.P.  
WILLIAM BELL, J.P.  
JOSEPH LEARY, J.P.

BENCH OF MAGISTRATES, MUSWELLBROOK, to SECRETARY TO CROWN LAW OFFICERS.

*Court House, Muswellbrook,*  
27 July, 1859.

SIR,

With reference to your circular of the 21st, in connection with one of the 12th instant, requesting to know what accommodation, how many cells, &c., there may be in this township for the safe custody of prisoners, we have the honor to state that the present lock-up (which, by the way, is a rented one) contains two compartments only, one for male, the other for female, prisoners. It is wholly unsuited to the purpose for which it is designed, as it cannot be considered secure. We may, however, premise that a tender for the erection of a watch-house has been by the Government accepted on the 18th of June last; but it is only on this day any steps have been taken by the contractor to proceed with the work. The plan of the accepted watch-house admits of only three cells, and we are strongly of opinion, and would submit, it ought to be enlarged, so as to contain five (5).

We are the more disposed to press this opinion, fortified as we are by the fact that the contract for the watch-house has been taken at £645, whereas the Government has appropriated the sum of £950, and the difference between the two amounts would be more than amply sufficient to cover the outlay caused by the enlarged accommodation. We trust you will be with effect able to draw the attention of the Crown Law Officers to this point, and by urging on the contract the building may, in the close of October or November, be completed; till then we shall manage as best we may.

We have, &c.,  
(for the Bench,)  
WM. COX, J.P.

BENCH

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS. 77

BENCH OF MAGISTRATES, MURRURUNDI, to SECRETARY TO CROWN LAW OFFICERS.

*Police Office, Murrurundi,*  
26 July, 1859.

SIR,

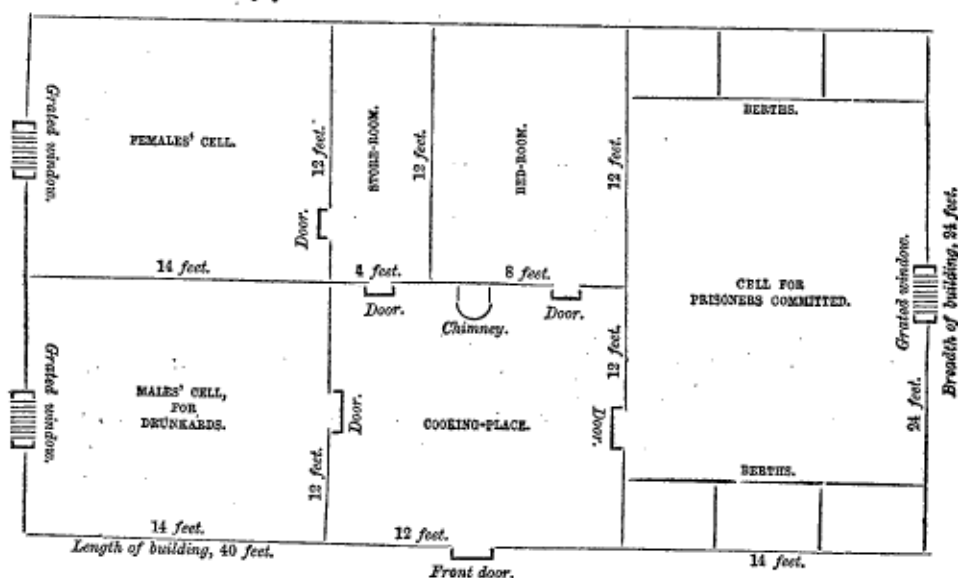
In reply to your letter, requesting us to report on the accommodation for the safe custody of prisoners, and number of cells, connected with the police buildings here, we have the honor to state—

1st. That the present slab erection, used as a lock-up, having been built about twenty years ago, on the establishment of a Police Court for this district, is in a thorough state of decay, the beams supporting the roof, and sleepers on which the building stands, being cracked and rotten in many places, and the slabs shrunken to a great extent, leaving interstices several inches wide in every portion of the building.

2nd. That the present lock-up contains only two small cells, which, although equal to the requirements of the district at the time of their erection, are now insufficient; more especially for the probable number of prisoners who will be in custody here, under the late arrangements, with respect to the establishment of Quarter Sessions.

3rd. That, in our opinion, owing to the extreme dilapidation and decay of the whole building, it is entirely inefficient for the safe custody of prisoners; and further, that any additions or repairs would be useless, and only incur unnecessary expense on the Government.

We, therefore, do ourselves the honor to recommend the erection of a new lock-up, and beg to enclose a ground-plan of one which, we consider, would meet the requirements of this district for many years:—



We would also draw your attention to the very contracted size of the Court Room, which only measures 20 feet long by 14 feet wide. Great inconvenience has been felt for some time back in transacting the ordinary Police business of the Court, owing to the limited space allowed to spectators being overcrowded. This evil under the new arrangements will be much increased, as on the trial of any cause requiring a jury of twelve persons, the exclusion of all other persons would, in a great measure, be necessary, the only space for the accommodation of a panel being that at present allotted to the public.

We, therefore, consider it our duty to recommend the further extension of the Court Room 20 feet, making, in all, an apartment of 40 feet in length by 14 feet in width. This would allow accommodation for a jury and witness box, which, under the present circumstances, is impossible.

In conclusion, we would respectfully urge on you the immediate necessity of making the alterations above-mentioned; and further, would beg to refer to Mr. Justice Owen, who inspected the Police buildings here, on his visit to the district, in June last.

We have, &c.,  
ALEXANDER BRODIE, J.P.  
C. H. BLANDFORD, J.P.

BENCH OF MAGISTRATES, CARCOAR, to SECRETARY TO CROWN LAW OFFICERS.  
(No. 52-59.)*Police Office, Carcoar,*  
26 July, 1859.

SIR,

In reply to your printed letter of the 21st instant, No. 59, this day received, we have the honor to state that we have no accommodation for the safe custody of prisoners awaiting trial, for any period exceeding one or two weeks. There is no yard for them to take exercise in, and it would be unsafe to confine a prisoner in the present cell without such exercise.

There



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There are two cells in good condition, but, from the awkward size of the guard-room one only is available, as a general rule.

We should require two additional cells and a sleeping room for the guard, before any prisoners are quartered on us, as well as a high row of slabs all round the premises, to allow the prisoners exercise.

We have, &c.,

OWEN C. BEARDMORE, J.P.,  
(on behalf of the Bench.)

BENCH OF MAGISTRATES, WINDSOR, to SECRETARY TO CROWN LAW OFFICERS.

(No. 76-59.)

*Court House, Windsor,*  
30 July, 1859.

SIR,

We do ourselves the honor to acknowledge the receipt of your letter of the 21st instant, relative to the accommodation for prisoners in the gaol in this town, and in reply to inform you that there are ten close cells, two large cells or sleeping rooms, and four ward rooms in that building, which we believe will be sufficient for the probable number of prisoners who may be expected to be in custody here, if put in proper repair and made secure, particularly the part intended for the safe custody of women, which requires to be lined and the window made good. The wall requires to be made higher, and mended in several places.

We have, &c.,

HENRY DAY, J.P.  
JAMES ASCOUGH, J.P.  
JAS. B. JOHNSTON, J.P.

BENCH OF MAGISTRATES, MOLONG, to SECRETARY TO CROWN LAW OFFICERS.

*Police Office, Molong,*  
26 July, 1859.

SIR,

Adverting to the printed circular, dated the 21st instant, from your Department, as to the extent of accommodation of our lock-up, we do ourselves the honor to inform you that our lock-up is only composed of two small slab cells, five feet by ten each, utterly inadequate for the confinement of prisoners for any length of time. We therefore consider that accommodation for twenty prisoners would not be too large a lock-up for this township.

We have, &c.,

JNO. SMITH, J.P.  
L. H. SIBTHORPE, J.P.  
D. Y. CAMPBELL, J.P.

BENCH OF MAGISTRATES, BERRIMA, to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-174.)

*Police Office, Berrima,*  
27 July, 1859.

SIR,

In reply to your letter, dated the 21st instant, No. 59, we have the honor to inform you that there are twenty-four large and eighteen small cells in the Berrima Gaol, which are now fit for immediate occupation.

2. The airing yards and kitchen require some slight repair; also the windows of the gaoler's apartments.

3. The buildings or debtors' prisons inside the gaol wall, and the exterior gate, require considerable repair.

4. We are of opinion the gaol is in a fit state for the reception of the anticipated offenders in this district.

We have, &c.,

H. M. OXLEY, J.P.,  
(on behalf of the Bench.)

BENCH OF MAGISTRATES, TAMWORTH, to ATTORNEY GENERAL.

*Police Office, Tamworth,*  
25 August, 1859.

SIR,

In reply to your letter of the 21st ultimo, we have the honor to state that it will be necessary to erect a gaol (with enclosing yard) suitable for the reception of twenty-five (25) persons at the least.

In

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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In fixing this number as the minimum, we do not mean to assert that accommodation for prisoners to that extent will be required during the next twelve months at any one time; but, considering that persons awaiting trial, as well as others imprisoned under the Vagrant Act, and other Acts, giving Benches of Magistrates summary jurisdiction must be kept at Tamworth, as the central place of a considerable district, it is by no means impossible that a gaol, capable of holding the above number of persons, might be filled.

The *present watch-house* attached to the building used as a Court House (belonging to the Peel River Land and Mineral Company), containing three cells, (each) 9 feet by 4 feet 10 inches, one cell 9 feet by 4 feet 7 inches, and one cell 15 feet 10 inches by 11 feet 3 inches, and the *new watch-house*, in course of erection under a vote of the Legislature for £400, containing 2 cells, 9 feet by 12 feet each, are both unfitted for the detention of prisoners for any lengthened period of time. The former building is unhealthy in the summer time, owing to the water-closets being built in the range of cells, and opening out into the small yard or enclosure in which prisoners get exercise. In the latter building, the water-closet is distinct from the main building, and consequently prisoners would have constant opportunities of making their escape.

Believing then that a gaol is indispensable, we have the honor to recommend that such a building be erected.

We, have, &c.,

PHILIP GIDLEY KING, J.P.  
WM. MORRIS, J.P.

BENCH OF MAGISTRATES, ORANGE, to SECRETARY TO CROWN LAW OFFICERS.

*Police Office, Orange,*  
26 July, 1859.

SIR,

In attention to your letter, dated the 12th instant, No. 59, we have the honor to submit, for the consideration of the Government, the utter insufficiency of accommodation at present existing in the Police Office buildings at Orange, for the proper performance of the duties connected with the "General Quarter Sessions," to be holden at this place on the 24th day of October next.

2. Some short time since, in reply to a letter from the Inspector General of Police, on the subject of buildings, we recommended that an entirely new set of buildings should be erected in a different site.

3. We beg further to inform you, that His Honor the District Judge was at Orange when your letter was received, and we are authorized to state that his opinion coincided with ours as to the inadequacy of the present existing buildings for holding "General Quarter Sessions."

We have, &c.,

L. ARTHUR TEMPLER, J.P.  
JOHN T. LANE, J.P.

BENCH OF MAGISTRATES, ORANGE, to SECRETARY TO CROWN LAW OFFICERS.

*Police Office, Orange,*  
30 July, 1859.

SIR,

In reply to your letter dated 21st inst., No. 59 (Circular), we have the honor to report:—

- (1.) There are two (2) very small cells at present.
- (2.) There will be absolutely required immediately two (2) additional cells, to be built adjoining the present building, having a passage between the old and new cells. Plan enclosed.

2. In a communication made by us to the Inspector General of Police, respecting public buildings at Orange, we recommended that an entirely new set of buildings should be erected on a different site, which could be so constructed as to meet the requirements of the public service in carrying out the "District Courts Act" in its criminal and civil jurisdiction.

3. The cells we recommended to be built are only meant as a temporary accommodation; for, in making permanent arrangements, we quite concur with His Honor the District Judge that an airing yard is indispensable where prisoners are to be confined for any lengthened period.

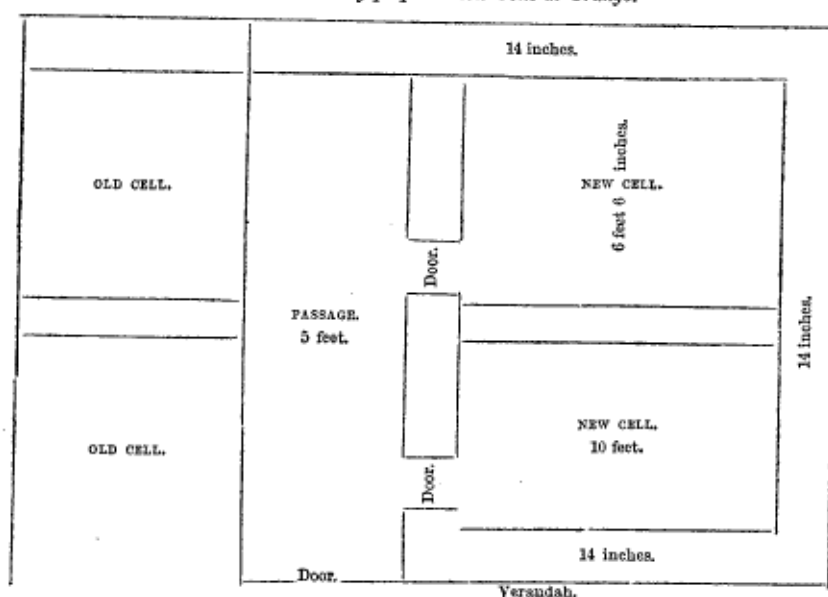
We have, &c.,

ANDREW KERB, J.P.  
L. ARTHUR TEMPLER, J.P.  
JOHN T. LANE, J.P.

[Enclosure

[Enclosure in preceding letter of 30 July, 1859.]

Ground Plan of proposed new Cells at Orange.



BENCH OF MAGISTRATES, CAMDEN, to ATTORNEY GENERAL.

Police Office, Camden,  
30 July, 1859.

SIR,

Having carefully considered the letters, bearing date the 12th and 21st instant, addressed under your authority by the Secretary of the Crown Law Department to the Bench of Magistrates, Camden, on the subject of the holding of Courts of Quarter Sessions at Camden, we do ourselves the honor to state for your information, that the lock-up at this place was constructed several years since as a district watch-house, which should serve also for the temporary reception of prisoners under escort passing through the district. It is divided into four compartments (with a kitchen), two of which have hitherto been occupied by the lockup-keeper and his family (unless when absolutely required for prisoners), and two for the confinement of prisoners for short periods. In our opinion this building is incapable of being converted into a gaol, suitable for the safe custody and proper discipline and treatment of prisoners under sentence, or for any purpose beyond that of a place of confinement for the temporary reception of prisoners before and after trial.

The expense of conveying prisoners between this district and Parramatta, even were two or three journeys requisite (which would seldom happen) would not, we submit, be by any means so great as the expense hitherto occasioned to the public by the attendance of prosecutors and witnesses at Parramatta or Sydney, while all the advantages resulting from the trial of offences in the neighborhood where they were committed would be attained. The number of Quarter Sessions cases from the Camden and Picton Benches, judging from our past experience and the actual state of the district, is not likely, in our opinion, to exceed from eight to twelve a year, and of this number three-fourths, probably, would be bail cases, so that not more than two or three cases a year of committal to gaol before trial would be likely to occur.

It appears to us, therefore, that whether as regards the administration of justice, the attainment of the ends of punishment, the saving of public expenditure, or the personal convenience and saving, both of time and money, to prosecutors and witnesses, the objects of the trial of the less grave classes of criminal offences by the District Courts would, as regards this part of the country, be best accomplished by continuing the commitment of prisoners, as heretofore, to Parramatta Gaol.

The Camden lock-up would, under the course we suggest, afford sufficient accommodation for the temporary reception of prisoners for trial, or under recent sentence by the Quarter Sessions, provided a separate dwelling were attached to it for the lockup-keeper, an addition which, with some extension of the yard, &c., is found to be necessary even for the purposes to which the lock-up is applied under the jurisdiction of the Petty Sessions.

We are unwilling to extend this communication by entering into the various details essential to a proper system of prison discipline, details involving careful and systematic attention by competent parties, which, it appears to us, can only be effectually attained by the establishment of central prisons, on a sufficient scale, in places suitable for the purpose.

On the other hand, notwithstanding a different opinion generally prevalent, we cannot suppose it to be the intention of the Government, by the proclamation in the *Gazette* of the

12th

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

81.

12th instant, to multiply petty gaol establishments throughout the country, a course which we apprehend would be likely to lead to mismanagement, not improbably to disease, and to serious abuses and evils.

We have, &c.,

JAS. MACARTHUR, J.P.  
WM. MACARTHUR, J.P.  
J. F. DOWNES, J.P.  
J. N. OXLEY, J.P.  
J. M. HASSALL, J.P.  
HENRY G. DOUGLASS, J.P.  
W. R. ANTILL, J.P.  
J. BLEECK, J.P.

BENCH OF MAGISTRATES, DUBBO, to SECRETARY TO CROWN LAW OFFICERS.

*Police Office, Dubbo,*  
27 July, 1859.

SIR,

In reply to your letter, No. 59, dated 21st instant, seeking information relative to the state of the Court House here, and the accommodation at present in existence for the safe custody of prisoners, we do ourselves the honor to state, that the present Court House is a poor slab building, containing a room where the Court is held, an office, a lockup-keeper's room, and two cells. The means of providing for the proper security of prisoners does not exist.

Since Dubbo has been established as a place for a District Court, and selected for a Criminal Sittings, it would be necessary that a substantial Court House should be erected, with secure accommodation in the way of a gaol, for from eight to ten prisoners.

With a Court of Quarter Sessions holden at Dubbo, we have every reason to believe that many more cases will be for trial than heretofore; crimes of a very serious character have often been overlooked or compromised from the serious expense and loss of time attending prosecutions at Bathurst.

We have, &c.,

JOHN CHRISTIE, J.P.  
ALEX. CRUICKSHANK, J.P.

BENCH OF MAGISTRATES, EDEN, to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-76.)

*Police Office, Eden,*  
1 August, 1859.

SIR,

In reply to your letter of the 21st July, requesting our report on the present accommodation for safe custody of prisoners at this place, we have the honor to make the following statement.

2. The present building has been recently erected, and comprises a Court Room sufficiently large, a retiring room, three cells, and a room for the lockup-keeper.

3. We would suggest that an addition should be made, to consist of two cells, and a bed-room for the gaoler. It is absolutely necessary that a wall should be built round the back, so as to enclose the water-closets and the gratings of the cells, without which we do not think prisoners would be safe, as instruments might be very easily put in between the bars.

We have, &c.,

P. J. MURRAY, P.M.  
GEO. BARCLAY, J.P.  
G. P. KEON, J.P.

BENCH OF MAGISTRATES, COOMA, to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-63.)

*Police Office, Cooma,*  
4 August, 1859.

SIR,

We do ourselves the honor to acknowledge the receipt of your letter of the 21st ultimo, requesting us to report what accommodation there is at present in this township for the safe custody of prisoners, and what further accommodation will be required for the probable number of prisoners who may be expected to be in custody here under the late arrangements in respect of Gaols and Quarter Sessions, as proclaimed in the *Government Gazette* of 12th July, 1859.

1. The building now in use consists of one small room, used as a Court House, with a lock-up adjoining, containing two small cells, in which as many as seven prisoners have been confined at one time. The building was erected in the year 1847, and cost about £90. It has undergone no repair since that time, consequently the roof is in a dilapidated state; the walls, which are of rubble stone, are much cracked, having been badly built, and the floor is giving away.

622—L

2.

2. We would recommend that a new Court House and Gaol be erected, the former to contain the requisite number of apartments suitable for holding a Court of Quarter Sessions, on such a scale as the Government may approve of, and that the gaol contains at least ten cells for the safe custody of prisoners (which number we have every reason to believe will be required), with a gaoler's quarters, and a walled-in yard for exercise of prisoners, with such necessary conveniences as are requisite in such an establishment.

3. We would beg to suggest that the District Surveyor be instructed to fix upon an eligible site for the purpose.

We have, &c.,  
ROBERT DAWSON, P.M.  
FRANCIS SMITH, J.P.  
P. J. J. CLIFFORD, J.P.

BENCH OF MAGISTRATES, BRAIDWOOD, to SECRETARY TO CROWN LAW OFFICERS.  
(No. 59-50.) *Police Office, Braidwood,*  
11 August, 1859.

SIR,

In reply to your printed letter of the 21st ultimo, requesting our report as to the accommodation at present for prisoners at Braidwood, we do ourselves the honor to inform you that the lock-up, which is a wing of the Court House, contains—

	ft.	in.		ft.	in.
Lockup-keeper's room .....	15	8	×	11	8
Men's cell .....	17	2	„	7	11
Women's cell .....	11	7	„	6	1
Passage .....	6	6	„	4	3

These rooms, as well as those occupied by the Clerk of the Bench, we should recommend to be applied for the use of retiring rooms and offices—great inconvenience being felt for the want of such accommodation.

The outer cells are brick built, measuring 35 feet 6 inches × 25 feet from out to out; with two passages, each 32 feet 6 inches × 3 feet 6 inches; six cells, each 7 feet 10 inches × 4 feet 10 inches. This building requires new shingling, new flooring, ventilating, and lighting—being now dark. The walls are 18 inches thick, and 8 feet 3 inches high.

In the event of the present lock-up being taken for offices, a new one would be required.

We would strongly recommend that some competent person be sent up from the Colonial Architect's Department, to inspect and report on the present buildings.

We have, &c.,  
(for the Bench,)  
J. W. BUNN, J.P.  
J. H. GRIFFIN, J.P.

BENCH OF MAGISTRATES, SCONE, to ATTORNEY GENERAL.  
(No. 59-61.) *Police Office, Scone,*  
4 August, 1859.

SIR,

In reply to your circular of the 21st ultimo, on the subject of the accommodation for prisoners for trial at the Court of Quarter Sessions, I do myself the honor, by request of the Bench, to state, that the lock-up at Scone contains two cells adapted to hold male prisoners, which are considered secure; and one cell for female prisoners, which is not so safe.

2. The number of prisoners committed for trial by this Bench does not average more than two, quarterly; therefore the accommodation is ample, if no increase takes place; but the Bench would be unwilling to keep prisoners confined for any lengthened period, in consequence of the smallness of the cells, and having no convenience for air or exercise. If it is contemplated to carry out the sentences of the Courts, by imprisonment at this place, it will be absolutely necessary to make provision for airing and exercising the prisoners; and an officer of the Architect's department will be the most proper person to suggest the improvements for that purpose.

I have, &c.,  
(for the Bench,)  
JAMES SMITH, P.M.

BENCH OF MAGISTRATES, PENRITH, to ATTORNEY GENERAL.  
(No. 133.) *Court House, Penrith,*  
1 August, 1859.

SIR,

In acknowledging the receipt of your letter of the 21st ultimo, No. 59, we do ourselves the honor to state, for your information, that the lock-up at this place, of which we forward you a rough sketch, is a wooden building—at least, the walls are large slabs, weatherboarded on the outside. The partitions between the various cells are of brick, varying in thickness from 15 to 18 inches.

Cell

Cell No. 1 is used only as a store-room, being perfectly unsafe, from the slabs having decayed at the bottom, and having dropped in consequence out of the top wall-plate; the mortise being only retained in an upright position by the weatherboarding on the outside. Cells Nos. 2, 3, and 4, are tolerably safe; but any confine can converse through the slabs with persons outside. Cells 2 and 3 we consider would hold four prisoners, and cell No. 4 would contain five prisoners.

2. We certainly would recommend that the Government instruct the Colonial Architect to visit Penrith, and report to you the best and least expensive mode of proceeding; for we certainly are at a loss to conceive how the present building could be transformed (so as to conveniently, and with due regard to the health of confines) into a place of safety for prisoners under committal for trial, and those undergoing sentences under the summary jurisdiction Acts.

3. Should the Government instruct the Colonial Architect, we shall be most happy to advise with him, on his arrival, and place him in possession of any information he may require.

We have, &c.,

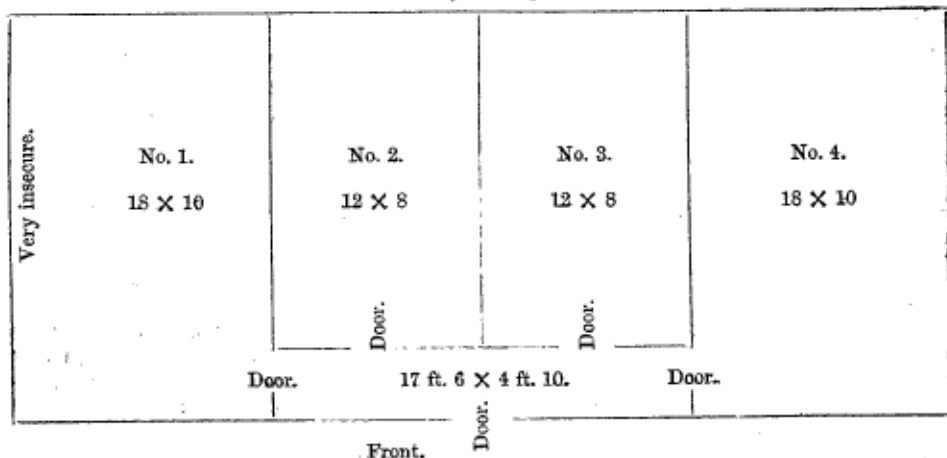
JAS. J. RILEY, J.P.

W. RUSSELL, J.P.

THOS. B. HAYLOCK, J.P.

[Enclosure in No. 133.]

Ground Plan of Lock-up at Penrith.



BENCH OF MAGISTRATES, WOLLONGONG, to SECRETARY TO CROWN LAW OFFICERS.

Court House, Wollongong,  
15 August, 1859.

SIR,

In reference to your letter of the 21st July last, respecting accommodation for the safe custody of prisoners at this township, we have the honor to inform you that the present watch-house (recently proclaimed as a Gaol) is in a very dilapidated condition, and contains two watch-house cells; there are, however, three detached brick cells, for solitary confinement, in the same enclosure.

In the Gaol now in course of erection there are six cells, a gaoler's room, a sleeping room for the gaoler, and a room for stolen property.

We are of opinion that, in addition to the above, there should be in the new Gaol two rooms wherein to confine persons under committal for trial, or in default of bail, &c., one for males and one for females.

We have, &c.,

JOHN GARRETT, J.P., Mayor.

ANDREW THOMPSON, J.P.

HENRY GORDON, J.P.

CHARLES FAIRS, J.P.

BENCH OF MAGISTRATES, PATERSON, to SECRETARY TO CROWN LAW OFFICERS.

Police Office, Paterson,  
4 August, 1859.

SIR,

In reply to your letter of the 21st July last, No. 59, we have the honor to inform you that there are two cells in the Court House at this place, which are unsuitable for the purpose of receiving prisoners committed for trial at the Quarter Sessions to be held here.

It would be dangerous to the health of prisoners to keep them confined in those cells from one Sessions to another, as there is no yard in which to give them an airing, and the rooms

rooms are very small; and the water-closet not being in an enclosed yard there would always be a risk of the prisoners escaping when brought out for necessary purposes.

We beg to recommend that a gaol or large lock-up be built, with a properly enclosed yard.

We have, &c.,

J. DOWLING MOON, J.P.  
ROBT. PARK, J.P.

BENCH OF MAGISTRATES, GRAFTON, to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-82.)

*Court House, Grafton,  
10 August, 1859.*

SIR,

With reference to your circular letter of the 21st ultimo, calling upon us to report what accommodation (if any) there is for the safe custody of prisoners in this lock-up,—

2. We have to inform you that the lock-up at Grafton is in such a dilapidated condition that it is nearly useless, prisoners having escaped from it on more than one occasion. There are two small cells which will not be sufficient to meet the requirements of this township under the new arrangements in respect of Gaols and Quarter Sessions, as already proclaimed.

We have already applied to the Government for a sum to be placed upon the Estimates for the erection of a new Court House and lock-up at Grafton.

We are of opinion that both buildings are in so ruinous a condition that it would be a waste of expenditure to repair either.

We have, &c.,

FRAS. MARSH, J.P.  
ALFRED LARDNER, J.P.  
W. ROBERTSON, J.P.

POLICE MAGISTRATES, PORT MACQUARIE, to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-80.)

*Police Office, Port Macquarie,  
3 August, 1859.*

SIR,

In acknowledging the receipt of your letter of the 21st ultimo, adverting to your letter of the 12th of same month, relative to the holding of Courts of General Quarter Sessions at Port Macquarie, and requesting our report as to what accommodation there is at present (if any) for the safe custody of prisoners, we have the honor to enclose for your information a copy of a letter, addressed by the Police Magistrate to the Honorable the Colonial Secretary on the subject, prior to the receipt of your letter now under reply, recommending that the building used as a lock-up at this place be inspected by an officer from Sydney.

There are several compartments, all of brick, within the walls, viz. :—

One, 12 feet by 17 feet 10 inches, height 13 feet 6 inches, fire-place, plastered, plank ceiling.

One, 48 feet 6 inches by 17 feet 6 inches, height 13 feet 6 inches, lined with plank, ceiling plank.

Two, 30 feet by 11 feet at one end, and 5 feet at the other, with eight cells in each, five light and three dark, 7 feet 2 inches by 6 feet, height 13 feet, lined with plank, single doors; eight of these cells have been considered unfit for use, being too confined.

One, 19 feet 4 inches by 12 feet, height 13 feet, fire-place, plank lining and ceiling.

One, 21 feet by 11 feet, height 13 feet, fire-place, plank lining and ceiling, with four dark cells, foundations of which are decayed.

One, 19 feet 4 inches by 12 feet, height 13 feet, fire-place, plank lining and ceiling.

One range of dark cells, 7 feet by 3 feet 9 inches, eleven in number, lined with plank, foundation decayed.

One, 10 feet by 18 feet, height 13 feet 6 inches, fire-place, ceiling plastered.

One, 15 feet by 18 feet, height 18 feet 6 inches, fire-place, ceiling plastered.

One, 17 feet 10 inches by 10 feet 2 inches, height 13 feet 6 inches, ceiling plastered.

One (Quarters), containing four very small rooms, stands in the centre of the gaol (or lock-up).

Seven water-closets, all open, one in each of the seven small yards.

One well, from 90 to 100 feet in depth, with an abundant supply of excellent water.

The boundary of the building is formed by portions of the different compartments connected by walls, from 13 to 14 feet in height.

The yards are insecure, and also overlook the gate, so that a resolute prisoner could, with little difficulty, rush and force his way out. The gate is a folding one, of wood, and, being the only entrance to the building, has consequently to be opened for all purposes.

The building itself, although requiring repair, is an excellent one; but it is defective as a gaol and house of correction, for offenders under lengthened sentences, in so many respects, that it requires a competent judge of these matters to remedy the general want of security.

We



We therefore recommend that the building be inspected by a competent person from Sydney, without delay, in order that proper security may be provided by the Government, for as it now stands it affords but little for the safe custody of prisoners.

We have, &c.,  
J. H. CRUMMER, P.M.  
W. H. FREEMAN, J.P.

[Enclosure in No. 59-80.]

Police Office, Port Macquarie,  
22 July, 1859.

Sir,

Referring to the circular from the Secretary to the Crown Law Officers, and the Proclamation in the *Government Gazette*, No. 137, both of 12th instant, that the lock-up at this place should be deemed and taken as a public gaol. I have the honor to inform you, that the present building, known as the lock-up, will require many alterations, not only as regards the safe custody, but also in respect to the health of such persons as may be confined therein. The building itself is a very excellent one, and appears to have been originally intended for a stockade gang, with places for temporary confinement for misconduct; and although there are several compartments, they are all so peculiarly placed, being greatly crowded together, and apparently insufficiently ventilated, that they are neither safe nor fit for the purposes of a gaol. The yards, also, are too confined in area to permit exercise, and, moreover, persons therein can see and communicate with each other, there being no impediment to their going from one yard to another, or even to the gate, which latter is completely overlooked from the yards. I would therefore respectfully suggest, that some competent person should without delay be instructed to inspect the building, with the view that, if it be intended to be used as a gaol and house of correction for offenders under lengthened sentences, such alterations for the security of confines should be made to the building, in order that the requirements under the Government Regulations of 27 September, 1841 (Gaols), may be efficiently and faithfully carried out. I may add, that there is considerable reserved ground around the building for the purpose of enlargement and alteration, should it be deemed necessary by the Government. A matron and turnkeys would also be indispensable for the above establishment.

The Honorable  
The Colonial Secretary.

I have, &c.,  
J. H. CRUMMER,  
Police Magistrate.

BENCH OF MAGISTRATES, MUDGE, to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-123.)

Police Office, Mudgee,  
4 August, 1859.

Sir,

In reply to your letter of the 21st ultimo, requesting us to report on the present accommodation at this place for the safe custody of prisoners, the number of cells, &c., we do ourselves the honor to inform you that there are only three cells, of the following dimensions, viz., 10 feet by 6 feet, 13 feet by 10 feet, and 9 feet by 4 feet.

These are so situated that it is impossible to prevent confines from communicating with each other; they are also too small, and not sufficiently well ventilated for the preservation of health, while there is no enclosed yard for exercise, with a due regard for safe custody.

2. The slab hut, in which the prisoners' rations are cooked, is quite unfit for use and incapable of being repaired.

3. The accommodation for purposes of decency is of the most ordinary description, and insufficient for the separation of the sexes.

4. As a number of prisoners may be expected to be forwarded here from the adjacent gold fields, previous to the sitting of the Quarter Sessions, we beg to press upon the attention of the Government the inadequacy of the present building for holding the Court and the reception of prisoners, while it is so old and dilapidated, that we fear it would be a mere waste of money to alter or enlarge it.

5. As a temporary measure, pending the erection of a suitable gaol and Court House, we would suggest that some building be rented as a Court House, and the present one be subdivided for the confinement of females and prisoners under charges of a trivial nature.

6. It would be necessary to enclose the whole with a palisade, in order to have a secure yard for exercise.

We have, &c.,  
T. DIGBY MILLER, P.M.  
ARCHD. BELL COX, J.P.  
D. T. BELL, J.P.

BENCH OF MAGISTRATES, ARMIDALE, to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-89.)

Court House, Armidale,  
20 September, 1859.

Sir,

In reply to your letter of 21st July last, in which you request us to report what accommodation there is at present for the safe custody of prisoners at Armidale, how many cells, &c., there are now, and what further accommodation will be required for the probable number of prisoners who may be expected to be in custody in this township under arrangements published in the *Government Gazette*, No. 137, 12th July, 1859,—we do ourselves the honor to report that the lock-up here consists of four cells of the following dimensions, viz., two 10 feet 3 inches by 8 feet 3 inches, and two 11 feet by 8 feet 3 inches; there



there are also two other rooms, 15 feet by 14 feet each, one of which is used as a store-room and office for the Chief Constable, and the other as quarters for the lockup-keeper; the former might be allotted for the use of prisoners, provided an additional room were erected for the use of the Chief Constable. An additional fire-place would be required for the use of the constable in charge of the lock-up. In addition to the rooms above specified, there is a receiving room, which is used as a place in which to cook prisoners' rations. The building should be surrounded by a wall or stockade, in order that the parties confined might have an opportunity of being allowed some exercise, and it is absolutely necessary that strong shutters should be furnished for the cell windows, to enforce the safe custody of prisoners, as it would now be easy at night time to hand in tools to facilitate their escape. Water-closets would require to be erected.

Judging from past experience, and from the average of the last three years, we should imagine that the probable number of prisoners who may be expected to be in custody, waiting to take their trials, provided they did not obtain bail, would be fifteen per annum; but it is probable parties will now be more anxious to prosecute than they have hitherto been, and thus the number may be materially increased. It must be borne in mind, however, that during the last three years, there have been confined in the lock-up for offences punishable under summary jurisdiction 700 persons, or rather more than 266 per annum.

In conclusion, it may be remarked that the lock-up is very ill ventilated, and is not adapted for prisoners sentenced to a lengthened period of incarceration.

We have, &c.,

CHA. THO. WEAVER, P.M.

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SECRETARY TO CROWN LAW OFFICERS to JUDGE OF CUMBERLAND AND COAST  
DISTRICT COURT.

(No. 59-364.)

*Crown Law Offices,  
Sydney, 21 July, 1859.*

SIR,

Adverting to my letter of the 27th of May last, No. 247, with respect to the charge of the accounts and disbursements in connection with the District Courts, and that the Registrars of the several Courts should be required to submit their accounts to be audited and settled, pursuant to the 35th clause of the District Courts Act of 1858, on the last day of each month, I am now directed to inform you that the subject having been recently again brought under the consideration of the Executive Council, and as it then appeared to the Council that in order to audit properly and effectually the accounts of the Registrars, it will be necessary that the Judge should have an inspection of their books and vouchers, that the auditing should take place at the time of holding a Court at each town or place, with the exception of the principal town in the district, where it might take place monthly; I am therefore directed to state, that the Council having deliberated upon the subject, have accordingly advised that instead of the Registrars in each District submitting their accounts to be audited and settled by the Judge on the last day of each month, such audit should take place at the times of the holding of Courts at the respective places, with the exception of the City of Sydney, and the Towns of Bathurst, Parramatta, Maitland, and Goulburn, at which the Registrars' accounts should be audited monthly as heretofore.

I am further desired to state that the Council have ordered that the several Registrars of District Courts should, in common with other Collectors of Revenue in the Country Districts, pay over their collections monthly to the Colonial Treasurer, and furnish the accounts thereof at the termination of each quarter.

I have, &c.,

W. E. PLUNKETT.

(No. 59-365.)

Similar letter also addressed to THOMAS CALLAGHAN, Esq., District Court Judge.

(No. 59-366.)

Similar letter to J. S. DOWLING, Esq., District Court Judge, Bathurst.

(No. 59-367.)

Similar letter to ROBERT OWEN, Esq., District Court Judge.

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JUDGE OF WESTERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

*Bathurst, 23 July, 1859.*

SIR,

On the 13th ultimo I did myself the honor to acknowledge the receipt of your letter of the 4th of the same month, wherein you stated you were directed by the Attorney General to call upon me to report for his information as to the most convenient times and places for holding additional Courts of Quarter Sessions in the Western District; and as at that time I had not made the circuit of the Western District, I informed you I was not in possession of sufficient data upon which to make a reliable report. I deferred complying with the Attorney General's wish until I returned from my circuit, about then to be commenced;

to

to have reported earlier would have been leading the Attorney General astray on a subject of great importance to the interests of the Western District. I have as yet received no reply in answer to mine of the 13th ultimo, condemnatory of my delay.

I find, however, by the *Government Gazette* of the 12th instant, that the Government have proclaimed that Courts of Quarter Sessions shall be holden at the following places and times, viz.,—At Carcoar, on the 23rd of August and 23rd of November; at Hartley, on the 27th September and 20th December; at Mudgee, on the 4th of October and 28th of December; at Dubbo, on the 13th of October; at Molong, on the 19th of October; and at Orange, on the 24th of October. Thus, in the ordinary course of things, there would be no necessity for me now to forward any report in answer to your letter; but, if I were not to do so, I should feel that I was neglecting my duty as the District Judge of the Western District, the more especially as the Proclamation, so far as the Carcoar district is concerned, cannot be carried out during my next visit there.

Whilst making my circuit I have constantly kept in view the desire the Government have that additional Courts of Quarter Sessions should be holden in my district; and in arriving at any conclusion I may have formed, I have duly considered not only the population of each town, its position, but the probability of procuring a jury, besides a variety of other circumstances that need not be detailed here.

I only returned yesterday afternoon, and hasten at once to put the Government in possession of my report.

I would recommend that additional Courts of Quarter Sessions should be holden in the following towns, viz.,—Mudgee, Wellington, and Orange four times a year. I leave out of my recommendation the following places, viz.,—Carcoar, Hartley, Dubbo, and Molong, because to hold Courts there would lead, for the present, to a useless expenditure of money in building Court Houses and watch-houses. At Hartley and Carcoar there are substantial Court Houses, which are capable of being properly fitted up as such; but in the other two towns (or villages) there are no such buildings. At Molong I was compelled to hold my Court in a public-house, very much to my own inconvenience and that of the suitors. At Carcoar and Hartley there are watch-houses which may be made use of as places of detention of prisoners for a day or two, but certainly not for weeks. At Dubbo and Molong the watch-houses are in character with the so-called Court House; they are made of slabs, not surrounded even by a fence, and prisoners within them may almost shake hands with their friends on the outside. To neither of the above four watch-houses are there any airing yards or any conveniences of any kind. Again, I do not recommend those places, because neither their population nor the jury lists would warrant it. The jury lists prepared for the District Courts holden at these several places were in numbers as follows:—Carcoar, 64; Hartley, 47; Dubbo, 40; and Molong, 46. And provided the jury lists for the Courts of Quarter Sessions proclaimed to be holden at those places should contain the same numbers, from them would have to be deducted the names of the Justices of the Peace resident in those several places and districts, leaving the numbers available exceedingly small; inasmuch that, at three out of the four places, the same persons would be summoned every time the Court sat, an event certainly to be avoided. They would be brought from their homes at great expenses to themselves, and perhaps to try sometimes one prisoner, and sometimes not even one. Much more might be advanced, but I trust I have said enough to shew that I ought not to recommend Courts to be holden there.

In suggesting that Courts should be holden at Mudgee, Wellington, and Orange, it would be desirable that a grouping of the Police Districts around each of these places should be made; for instance, the Court at Mudgee could try all cases committed within the Police Districts of Mudgee and Rylstone; the Court at Wellington could try all cases committed within the Police Districts of Wellington and Dubbo; and the Court at Orange could try all cases committed within the Police Districts of Orange, Molong, and Carcoar.

I beg leave to observe, however, that before additional Courts of Quarter Sessions can be holden *with safety* in the Western District, it will be necessary that secure and commodious watch-houses, with all convenient out-buildings, enclosed by a stone or brick wall, should be built.

The watch-houses at Mudgee and Orange are tolerably secure, but so small that they would not hold more than three or four prisoners; and to neither of them are attached airing yards or the ordinary conveniences; the watch-house at Wellington is far inferior to either of them. At Mudgee and Orange there are Court Houses, but neither of them capable of being fitted up as Court Houses for the trial of prisoners, and are not capable of holding more than fifty persons. At Wellington there is no Court House at all, except a small room used as such out of the township, which is rented by the Government, so that the holding additional Courts of Quarter Sessions, even at Mudgee, Orange, and Wellington, would necessitate the building of Court Houses at each of these places. But the Court Houses are not of such pressing importance as the watch-houses, because temporary rooms might be rented at each of these places for holding Courts.

Another circumstance that induces me to suggest a delay, at any rate for some time, arises from the fact that at the present no jury lists for the several places named in the Proclamation have been made and forwarded to the Sheriff pursuant to the Jury Act. It is true that jury lists are in existence for the purposes of the District Courts holden at those several places, but the jury lists for the Courts of Quarter Sessions would include residents in a larger circle. For the District Courts the jury lists only include the names of persons resident within the proclaimed jurisdiction of each Court, whereas the jury lists for the Courts of Quarter Sessions would be taken on a different principle, and might include persons living in three or more Police Districts. For example, the Court of Quarter Sessions to be holden at Orange would include persons living within the circle of 30 miles  
of

of that town, and that circle would include the names of some persons resident in the Police Districts of Orange, Carcoar, and Molong; yet the jury for the District Court holden at Orange come entirely from the Police District of Orange. This is the case at Bathurst, and would be the case at Wellington; this difficulty as to the existing jury list also affords an additional argument for the grouping certain of the Police Districts.

By the District Courts Act, each Registrar of each Court is empowered to summon the jury; but for the Courts of Quarter Sessions that duty devolves upon the Sheriff, and that he cannot do at the approaching Court to be holden at Carcoar on the 23rd of August.

At present at neither of the proclaimed towns are there Sheriff's officers to summons the requisite jury, nor indeed Clerks of the Peace, who will have to perform important duties in those Courts.

Whilst upon this portion of my report, I would beg to point out, for the information of the Attorney General, that it would be quite impracticable for Mr. Gore, styled the Clerk of the Peace of the Western Districts, to make the circuit of the District (to the neglect of his more constant duties as Registrar) four times a year.

If the Registrars, where the additional Courts are to be holden, are found competent, I would suggest that they be appointed Clerks of the Peace for their own Courts, some small additional salary being given them for the extra work. It will be found impossible for the bailiffs of the District Courts to serve the summonses upon the jurymen for the Courts of Quarter Sessions, as that duty would clash with their other duties at a time when they are fully occupied. It is possible, however, that the police might perform this duty, and thus save the country some expenditure. Believing it is necessary that the Attorney General should be made acquainted with my views, I have hurriedly written this letter, and I venture to hope, seeing that a Court of Quarter Sessions is proclaimed to be holden at Carcoar on the 23rd of the next month, that I may receive some directions how to act on that occasion.

I have, &c.,

JAMES S. DOWLING,  
District Judge.

SECRETARY TO CROWN LAW OFFICERS to COLONIAL ARCHITECT.

(No. 59-425.)

Crown Law Offices,  
Sydney, 26 July, 1859.

SIR,

12 July, 1859.  
(59-394.)  
21 July, 1859.  
(59-368.)

In transmitting the enclosed copy circular letter addressed to the Benches of Magistrates therein enumerated, and with reference to a subsequent communication requesting information on the subject of prison accommodation at the several places in question, I am directed to invite your immediate attention to the present state of the lock-ups and watch-houses in those towns wherein Quarter Sessions have been ordered to be holden at the several times stated in the enclosed circular. No answers having been received from the different Benches of Magistrates, the Attorney General wishes such additional cells to be built as may be absolutely necessary, in accordance with his recent conversation with you on the subject, and with the least possible delay.

I am desired to invite your attention particularly to the lock-up at Braidwood, which has been the subject of remark in the *Sydney Morning Herald* of to-day.

I have, &c.,

W. E. PLUNKETT.

[Enclosure in No. 59-425.]

(No. 59-368 to 391.)

Crown Law Offices,  
Sydney, 21 July, 1859.

Gentlemen,

Adverting to my letter of the 12th instant, communicating to you that the Government had arranged that Courts of General Quarter Sessions shall be holden during the present year, at the several times and places therein stated, I am now directed to request that you will have the goodness to report to this office, at your very earliest convenience, what accommodation there is at present (if any) for the safe custody of prisoners, how many cells, &c., there are now, and what further accommodation will be required for the probable number of prisoners who, judging from past experience, may be expected to be in custody at your township under the late arrangements, in respect of gaols and Quarter Sessions (as already proclaimed and published in the *Government Gazette*, No. 137, 12th July, 1859), in order that any additional accommodation which may be absolutely required may be at once provided by the Government.

The Bench of Magistrates.

I have, &c.,

W. E. PLUNKETT.

SECRETARY TO CROWN LAW OFFICERS to DAVID G. FORBES, ESQ.

(No. 59-431.)

Crown Law Offices,  
Sydney, 26 July, 1859.

SIR,

In acknowledging the receipt of your letter of the 21st instant, I am directed by the Attorney General to remark, that, in accordance with your own choice, you have been appointed for the present to perform the duties of Crown Prosecutor in the Cumberland and Coast District, but you must, however, understand that the Government do not renounce their right to call upon you to perform similar duties in other districts if required.

I have, &c.,

W. E. PLUNKETT.

SECRETARY

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

89

SECRETARY TO CROWN LAW OFFICERS to CLERK OF THE PEACE, BATHURST.

(No. 59-432.)

*Crown Law Offices,  
Sydney, 26 July, 1859.*

SIR,

I am directed by the Attorney General to inform you that it has been arranged that you shall proceed or accompany the District Court Judge at the several places at which Quarter Sessions are to be holden within the Western District, and act as Clerk of the Peace. To provide for the duties of Registrar being performed during your absence from Bathurst, it will be necessary that you appoint a Deputy, with the approval of the Judge (under the 33rd section of the District Courts Act of 1858). It seems to the Attorney General that the Clerk of Petty Sessions should be the person to be appointed, as he is at present an officer of the Government, and the additional salary proposed to be given for such Deputy will be £50 (fifty pounds) a year, from the time that such an appointment shall have become necessary.

You will be entitled to be paid by way of travelling expenses, whilst on circuit, an allowance of 30s. per diem.

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

(No. 59-433.)

Similar letter to TEMPLE F. S. NATHAN, Esq., Goulburn, respecting his accompanying the Judge in the Southern District.

(No. 59-434.)

Similar letter to WM. BRIGGS, Esq., Maitland, respecting his accompanying the Judge in the Northern District, &c.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF WESTERN DISTRICT COURT.

(No. 59-439.)

*Crown Law Offices,  
Sydney, 30 July, 1859.*

SIR,

In acknowledging the receipt of your letter of the 23rd instant, communicating that you had made a circuit of the Western District, and reporting generally with respect to the means and requirements for carrying out the intentions contained in the recent proclamations in respect of holding Courts of Quarter Sessions at the places therein mentioned, I am directed by the Attorney General to state, that the Government have already arranged with respect to the several matters referred to in your communication of the above date, and intend that all the Courts of Quarter Sessions shall be held this year as proclaimed. It will, the Attorney General thinks, be time enough hereafter to consider what arrangements shall be made for next year.

All the proper measures have already been taken for the summoning of jurors and repairs of watch-houses or lock-ups.

The Attorney General does not apprehend the slightest difficulty will be experienced in holding those Courts, provided the various officers therein engaged co-operate willingly.

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

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF METROPOLITAN DISTRICT COURT.

(No. 59-448.)

*Crown Law Offices,  
Sydney, 5 August, 1859.*

SIR,

I am directed by the Attorney General to request that you will have the goodness to procure and forward to this office a statement of all fees which shall have been collected for the purpose of being paid into the Treasury, from the several District Courts within your District, to the 31st of the present month inclusive, as soon after that time as practicable, with a view to enabling the Government to explain same to Parliament when the Estimates shall be under consideration, for the purpose of shewing the revenue derived as against the apparently large expenditure of the District Courts now being established throughout the Colony.

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

(No. 59-449.)

Similar letter to HENRY CARY, Esq., District Court Judge, Liverpool.

(No. 59-450.)

Similar letter to THOMAS CALLAGHAN, Esq., District Court Judge.

## 90 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

(No. 59-451.)

Similar letter to J. S. DOWLING, Esq., District Court Judge, Bathurst.

(No. 59-452.)

Similar letter to ROBERT OWEN, Esq., District Court Judge.

SECRETARY TO CROWN LAW OFFICERS to CLERK OF THE PEACE, MAITLAND.

(No. 59-457.)

Crown Law Offices,  
Sydney, 8 August, 1859.

SIR,

In acknowledging the receipt of your letter of the 29th ultimo, I am directed to inform you that the cases referred to by you must be tried in accordance with the places indicated in the recognizances.

2. It will be necessary that you attend at the several places within your District at the several times fixed for holding Courts of Quarter Sessions.

3. You will act in respect of advances for payment of jurors and witnesses as you have heretofore done. A separate credit for each Court of Quarter Sessions does not appear to be necessary.

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

SECRETARY TO CROWN LAW OFFICERS to POLICE MAGISTRATE, EDEN.

(No. 59-475.)

Crown Law Offices,  
Sydney, 12 August, 1859.

SIR,

*Vide Government  
Gazette, No. 137,  
12 July, 1859,  
page 1546.*

I am directed to inform you that the Government have thought proper to appoint you to be Clerk of the Peace for the Police District of Eden, to take effect from the present time. It will be necessary for you to attend at the Quarter Sessions which have been proclaimed to be holden within your district, and you will have to do and perform all acts and things appertaining to the said office of Clerk of the Peace within the above limits. You will be entitled to be paid salary at the rate of twenty pounds per annum from the date of this communication.

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

(No. 59-476.)

Similar letter to ROBERT DAWSON, Esq., P.M., informing him that his district as Clerk of the Peace would include *Bombala*.

(No. 59-477.)

Similar letter to MR. JOHN GURNEY, C.P.S., informing him that his district would include *Broulee*.

(No. 59-478.)

Similar letter to MR. JOHN BENSON MARTIN, C.P.S., informing him that his district would include *Picton* and *Narellan*.

(No. 59-479.)

Similar letter to MR. JOHN E. LIARDET, C.P.S., for *Berrima only*.

(No. 59-480.)

Similar letter to MR. ALFRED A. TURNER, C.P.S., informing him that his district would include *Kiama* and *Shoalhaven*.

JUDGE OF SOUTHERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

Sydney, 16 August, 1859.

SIR,

I have the honor to request that you will bring under the consideration of the Attorney General this expression of my opinion upon the following matters:—

I am of opinion that the salaries and allowances of the bailiffs through my district are altogether inadequate for their remuneration, and that the amount of security required from them is unnecessarily high.

Through these causes I have had great difficulty in obtaining the services of competent persons in some places in my district; and, indeed, at one Court, I have been obliged to avail myself at the last moment of the services of a stranger—a man whom I would not have appointed if I could have procured a more eligible person, and who would not have accepted the appointment—as he had informed me—if he had not expected some immediate increase of pay.

As

As the bailiffs at Goulburn, Yass, and Queanbeyan have hitherto worked at [this inferior rate of pay, I would beg to recommend that if the salary or allowances be raised for them and the other bailiffs, the increase to them ought to be granted so as to relate back to the date of their appointment.

I enclose two original papers, which I would beg to have preserved for the Attorney General's perusal.

I have, &c.,  
THOMAS CALLAGHAN,  
Judge.

[Enclosure No. 1 in preceding letter of 16 August, 1859.]

Queanbeyan, 15 July, 1859.

Sir,

I beg most respectfully to bring under your notice the expenses I was, this sittings of the District Court, put to in endeavoring to discharge the duties of my office as bailiff. On the day after the last for filing plaints, six sets of summonses with three subpoenas were placed in my hands for service, the defendants nearly all residing in opposite directions. To serve all the summonses within the time allowed, myself, would be impossible, and I had to appoint two deputies to assist me, at an expense of £4 10s., independent of the use of a saddle horse furnished to one of the deputies by me. A distance of between 325 and 350 miles were travelled over in discharge of the duty of bailiff, and could not be done by less than three persons in the time. I give you, Sir, hereunder a list of the sums paid by me, and hope your Honor will take the matter into consideration.

Thomas Callaghan, Esq.,  
Judge, District Courts,  
Southern Districts.

I have, &c.,  
W. O'NEILL,  
Bailiff, D.C.

	£	s.	d.
Deputy to Wild Cattle Flat, 38 miles .....	1	10	0
Ditto, to Mielago, 30 miles .....	1	5	0
Gundaroo, summoning jury, 20 miles .....	1	5	0
Yarralumla and Canbery, 14 miles .....	0	10	0
	<hr/>		
Use of horse, worth 10s. ....	4	10	0
	<hr/>		
Total .....	0	10	0
	<hr/>		
	5	0	0

[Enclosure No. 2 in preceding letter of 16 August, 1859.]

Sydney, Tuesday, 12, 1859.

Sir,

I beg to inform you, for the information of His Honor the Judge, that I cannot find sureties to the amount referred, viz.,—£250 each. I could find to the amount of £60 each, which is double the amount of my salary.

To the Registrar of the  
District Court, Gundagai.

I am, &c.,  
JOHN CULLEN.

CLERK OF THE PEACE, BERRIMA, to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-1.)

Court House, Berrima,  
17 August, 1859.

SIR,

In reply to your letter, dated the 12th instant, No. 59-479, I have the honor to convey, for the information of the Government, that I accept the office of Clerk of the Peace for the Police District of Berrima.

2. I have to request you will favor me by informing the Government that, from the very important duty I may be called on to perform in the preparation of indictments and other matters, I cannot but express my opinion that the salary is very inadequate to meet the services expected from me.

3. I also beg to apply to the Government for a supply of the necessary law books relative to any special duty I may be called on to perform.

I have, &c.,  
J. EVELYN LIARDET, C.P.

Crown Law Offices,  
Sydney, 18 August, 1859.

(No. 59-493.)

Similar letter to 59-294,—appointing W. R. TEMPLETON, Esq., Crown Prosecutor, Southern District; and,—

Crown Law Offices,  
Sydney, 29 August, 1859.

(No. 59-527.)

Appointing JOSEPH CHAMBERS, Esq., Crown Prosecutor, Northern District.

SECRETARY

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF SOUTHERN DISTRICT COURT.

(No. 59-498.)

Crown Law Offices,  
Sydney, 20 August, 1859.

Sir,

In acknowledging the receipt of your letter of the 16th instant, representing the inadequacy of salary and allowances to the bailiffs of the District Courts in your district, I am directed to state that the question of additional remuneration to the District Courts' Bailiffs has been for some time under the consideration of the Government, and a measure is being framed to meet the defects pointed out. The question as to the rate of security will be duly considered.

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

H. CLARKE, Esq., to COLONIAL SECRETARY.

Sydney, 22 August, 1859.

Sir,

By the request of several residents of the Police District of Eden, I beg to enclose a Memorial, requesting that the Township of Panbula may be proclaimed a place wherein District Courts may be held, on the grounds of being more central than Eden, where they are now held. Hoping you will accede to the wishes of Memorialists.

I am, &c.,  
HENRY CLARKE.

[Enclosure in preceding letter of 22 August, 1859.]

Police District of Eden,  
County of Auckland,  
16 July, 1859.

Sir,

We, the Inhabitants of the above district and county, containing the towns of Panbula, and Bega, and Eden, and Merimbula, and Wyndham, hereby respectfully solicit that you will cause that a sum of not less than £2,000 be placed on the Estimates, for the erection of buildings at Panbula, suitable to the holding District Courts therein, and that you will cause District Courts to be held at Panbula, in preference to said Court being holden at Eden.

We make this Petition on the following grounds:—

That there is at Panbula a Court Room and Lock-up rudely built of slabs, and quite insufficient for the requirements of the station, and unfitted for the holding District Courts thereat.

That Panbula is the most populous and central town in this district, and is consequently the most proper station for holding said Court.

That Panbula is the most central town in this district is to be proved by the fact that 14 miles to the south from Panbula lies Eden, and 24 miles to the north from Panbula is situated Bega, and east and west from Panbula are placed the shipping port and town of Merimbula, and the town of Wyndham, respectively distant 4 miles and 16 miles from said town of Panbula.

That Eden and surrounding locality is of less importance than that of Bega or Panbula, as regards the numerical resident population, may be gathered from statistical evidence at the recent closely contested election for a candidate to Legislative honors on 23rd June ultimo, on which occasion there were 150 electors polled at Bega, and 112 at Panbula, and only 71 at Eden.

That Panbula being the most central station in this district, it is the most accessible to the general community of said district, and is consequently the most proper station in the county of Auckland for the holding of District Courts.

We have, &c.,  
[Here follow 115 Signatures.]

The Honorable  
The Colonial Secretary.

PROCEEDINGS of the Executive Council on the 15th August, 1859, with respect to the appointment of Mr. Templeton as Crown Prosecutor at Quarter Sessions.

Extract from Minute No. 59-32. Confirmed 22 August, 1859.

The Council advise that William Ralph Templeton, Esquire, be appointed Crown Prosecutor at Quarter Sessions, within the Colony of New South Wales.

A. ORPEN MORIARTY,  
Clerk of the Council.

Approved,—

W. D.  
22 Aug., '59.

Executive Council Office,  
Sydney, 23 August, 1859.  
No. 59-834.

SECRETARY



## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

93

SECRETARY TO CROWN LAW OFFICERS to CLERK OF THE PEACE, BERRIMA.

(No. 59-512.)

Crown Law Offices,  
Sydney, 24 August, 1859.

SIR, In reply to your letter of the 17th instant, I am directed to state, with reference to your remarks in respect of the salary to be allowed you as Clerk of the Peace for the Police District of Berrima, that the sum mentioned in the communication to you of the 12th of the present month is the only rate the Government are prepared to offer. With respect to the preparation of indictments, and other matters devolving upon the Clerk of the Peace of the District, you will take your instructions from the Crown Prosecutor.

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

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF CUMBERLAND AND COAST DISTRICT COURT.

(No. 59-522.)

Crown Law Offices,  
Sydney, 27 August, 1859.

SIR, In reference to the Proclamation which appeared in the *Government Gazette*, No. 137, of 12th July last, declaring certain watch-houses or lock-ups to be gaols within the meaning of the Act, I am directed by the Attorney General to state that it is not the intention of the Government that the sentences which may be passed upon prisoners who may hereafter be convicted before you of any offence at any of the several places therein stated shall be carried out, as there is not suitable accommodation for that purpose, and those lock-ups or gaols are intended merely as places for temporary confinement. The Government desire, therefore, that the prisoners immediately after conviction may be forwarded to the nearest of the gaols formerly proclaimed, in order that the respective sentences may be carried into effect, or that they may be detained in safe custody until otherwise disposed of in due course of law.

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

(No. 59-523.)

Similar letter to THOMAS CALLAGHAN, Esq., District Court Judge.

(No. 59-524.)

Similar letter to J. S. DOWLING, Esq., District Court Judge, Bathurst.

(No. 59-525.)

Similar letter to ROBERT OWEN, Esq., District Court Judge, Maitland.

PROCEEDINGS of the Executive Council on 22nd August, 1859, with respect to the appointment of Joseph Chambers as Crown Prosecutor at Quarter Sessions.

Extract from Minute No. 59-33. Confirmed 29 August, 1859.

The Council advise that Joseph Chambers, Esquire, be appointed Crown Prosecutor at Quarter Sessions.

A. ORPEN MORIARTY,  
Clerk of the Council.

Approved,—  
W. D.  
2 Sept. '59.

Executive Council Office,  
Sydney, 1 September, 1859.  
No. 59-864.



## DISTRICT COURTS.—(APPOINTMENTS OF REGISTRARS AND BAILIFFS.)

*The Names and Salaries of the several persons appointed to be Registrars and Bailiffs under the District Courts, with the Dates of their several Appointments, and the Duties of their several Offices.*

## METROPOLITAN DISTRICT.

*Vide 22 Vict., No. 18, section 35, for Duties of Registrars.*

" " " 38, for Duties of Bailiffs.

Registrar .....	Alexander Maxwell .....	1st February ....	£500
Do. ....	George Swinnerton Yarnton .....	" " ....	400
Bailiff and Crier .....	Michael Dalton .....	" " ....	150
Assistant Bailiff .....	Denis Culhane .....	" " ....	104
Do. ....	Thomas Burrell .....	" " ....	104
Do. ....	Henry Macdonald .....	" April .....	104

## CUMBERLAND AND COAST DISTRICT.

Registrar, Parramatta .....	Colin Mackenzie .....	1st February ..	120
	succeeded by	March .....	
Do. Windsor .....	Alexander Ogilvie Grant .....	1st May .....	80
Do. Braidwood .....	George Augustus Gordon .....	" " ....	70
Do. Penrith .....	John Gurney .....	" " ....	70
Do. Wollongong* .....	Richard Brooke .....	" " ....	70
Do. Berrima* .....	Alfred Allatson Turner .....	" " ....	60
Do. Bombala .....	John Evelyn Liardet .....	" " ....	40
Do. Camden* .....	Thomas Fox .....	" " ....	40
Do. Picton .....	John Benson Martin .....	" " ....	40
Do. Campbelltown .....	Do. ....	" " ....	40
Do. Liverpool .....	George White .....	" " ....	40
Do. Cooma* .....	Do. ....	" " ....	40
Do. Eden* .....	Robert Dawson .....	" " ....	40
Do. Kiama .....	Patrick John Murray .....	" " ....	40
Bailiff, Berrima .....	William Devenish Meares .....	" " ....	40
Do. Bombala .....	Edward Moggridge .....	11th March .....	40
Do. Braidwood .....	Charles Stuart .....	14th April .....	30
Do. Camden .....	J. S. Dobson .....	11th March .....	40
Do. Picton .....	Dugald Campbell .....	" " ....	40
Do. Campbelltown .....	Denis O'Brien .....	" " ....	40
Do. Cooma .....	James Brennan .....	14th April .....	30
Do. Liverpool .....	Cornelius Leggatt .....	" " ....	30
Do. Parramatta .....	James Doyle Brown .....	" " ....	50
Do. Penrith .....	Henry Madden .....	11th March .....	35
Do. Windsor .....	John Price .....	" " ....	40
Do. Wollongong .....	William Gemell .....	" " ....	40
	William Frost .....	" " ....	40

\* Also Clerks of the Peace for Police Districts:—Eden—Police District, Eden; Cooma—Police District, Cooma and Bombala; Camden—Police District, Camden, Narellan, and Picton; Berrima—Police District, Berrima; Wollongong—Police District, Wollongong, Kiama, and Shoalhaven.

## SOUTHERN DISTRICT.

Registrar, Goulburn* .....	Temple Frederick S. Nathan .....	1st February ....	300
Do. Albury .....	Henry Sherman Elliott .....	1st May .....	50
Do. Gundagai .....	David Smith .....	" " ....	50
	succeeded by		
Do. Queanbeyan .....	Alfred C. Rose .....	1st May .....	50
Do. Tumut .....	Charles E. Newcombe .....	" " ....	50
Do. Wagga Wagga .....	Sydney Blythe .....	" " ....	30
Do. Yass .....	Henry Bayliss .....	" " ....	50
Bailiff, Goulburn .....	John Styles .....	" " ....	40
Do. Albury .....	John McAlister .....	1st March .....	40
Do. Gundagai .....	Henry Ringwood .....	1st July .....	30
Do. Queanbeyan .....	John Cullen .....	" " ....	30
Do. Tumut .....	William O'Neill .....	6th June .....	30
Do. Wagga Wagga .....	William Cresser .....	17th " .....	30
Do. Yass .....	D. F. F. Steward .....	1st December .....	30
Do. Deniliquin .....	Daniel O'Leary .....	1st July .....	40
		" " ....	40

\* Also Clerk of the Peace for the Southern District.

## WESTERN DISTRICT.

Registrar, Bathurst* .....	Thomas Charles Gore .....	1st February ....	£300
Do. Carcoar .....	Owen C. Beardmore .....	1st May .....	40
Do. Dubbo .....	John Scully .....	" " ....	30
Do. Hartley .....	Thomas Brown .....	" " ....	40
Do. Molong .....	Richard Blunt Mitchell .....	" " ....	30
Do. Mudgee .....	Thomas Digby Miller .....	" " ....	40
Do. Orange .....	William Tucker Evans .....	" " ....	30
Bailiff, Bathurst .....	J. H. Barsden .....	" April .....	40
Do. Carcoar .....	William Harrison .....	" " ....	30
Do. Dubbo .....	George Elms .....	18th " .....	30
Do. Hartley .....	W. P. McDermott .....	1st " .....	40
Do. Molong .....	Joseph Morris .....	18th " .....	30
Do. Mudgee .....	Evan Richards .....	1st " .....	30
Do. Orange .....	John Smith .....	" " ....	30

\* Also Clerk of the Peace for the Western District.

NORTHERN

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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## NORTHERN DISTRICT.

Registrar, Armidale.....	George Augustus Buckland .....	1st May .....	50
Do. Grafton .....	William Henry Hughes Becke .....	" " .....	40
Do. East Maitland ) .....	Augustus Denis F. Carter .....	" February .....	300
Do. West Maitland ) .....			
Do. Muswellbrook .....	John O'Meara .....	" May .....	30
Do. Murrurundi .....	George Gray Brodie .....	" " .....	30
Do. Scone .....	James Smith .....	" " .....	30
Do. Paterson .....	Robert Studdert .....	" " .....	30
Do. Port Macquarie .....	Frederick Becke .....	" " .....	40
Do. Singleton .....	William Dudding .....	" " .....	30
Do. Tamworth .....	John McDonald .....	" " .....	30
Bailiff, East Maitland .....	Samuel Steele .....	20th April .....	50
Do. West Maitland .....	Thomas Henry Jones .....	" " .....	50
Do. Armidale .....	John White Emblin .....	" " .....	40
Do. Grafton .....	James Hovenden .....	" " .....	30
Do. Scone .....	J. S. Richardson .....	6th May .....	50
Do. Murrurundi .....	John Williams .....	20th April .....	50
Do. Muswellbrook .....	John Henry Oakes .....	6th May .....	50
Do. Paterson .....	Arthur Coleman .....	20th April .....	30
Do. Singleton .....	Christian Poppenhann .....	" " .....	30
Do. Tamworth .....	J. Fitzpatrick .....	" " .....	30

## SECRETARY TO CROWN LAW OFFICERS to JUDGE OF WESTERN DISTRICT COURT.

(No. 59-538.)

*Crown Law Offices,  
Sydney, 2 September, 1859.*

SIR,

I am directed by the Attorney General to acknowledge the receipt of your letter of the 27th ultimo, wherein you request to be informed whether it is the intention of the Government to proclaim Wellington as a place within the Western District for holding Courts of Quarter Sessions and District Courts during the year 1860. I am desirous to state in reply thereto, that the Government desire that Courts of Quarter Sessions and District Courts may be held at Wellington during the ensuing year.

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

## JUDGE OF WESTERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-176.)

*Bathurst,  
9 September, 1859.*

SIR,

I do myself the honor to acknowledge the receipt of your letter, under date the 2nd instant, intimating that the Government desire that Courts of Quarter Sessions and District Courts should be holden at Wellington. I would beg to remind the Attorney General that it will be necessary to proclaim Wellington as a place for holding Courts of Quarter Sessions and District Courts before those Courts can be holden there. It may be in the knowledge of the Attorney General that the civil cases arising in the Police District of Wellington are now heard at the District Court holden at Molong; and by the 3rd section of the District Courts Act no alteration in the boundary or limits of the District of that Court can take effect until after three months from the notification in the *Government Gazette*.

I will be passing through Wellington about the first or second week in January next, and if the necessary proclamations were made at once, I could hold those Courts at that place at that time. I would suggest that another proclamation should issue, defining the limits of the proposed Wellington District Court, which will include only the Police District of Wellington. The same proclamation that alters the now limits of the District Court of Molong could limit its future jurisdiction to the Police District of Molong.

The creating a new Court to be holden at Wellington will necessitate the appointment of a Registrar and Bailiff.

Presuming the necessary proclamation will be made at once, I shall, when preparing my Calendar for the year 1860, set apart days in the month of January for holding Courts at Wellington.

I have, &c.,  
JAMES S. DOWLING,  
District Judge.

## SHERIFF to COLONIAL SECRETARY.

(No. 59-53.)

*Sheriff's Office,  
Sydney, 8 September, 1859.*

SIR,

With reference to the proclamation of His Excellency the Governor General dated 11th July ultimo, and published in the *Government Gazette* of Tuesday, 12th of July, notifying the watch-houses at certain places named therein to be public gaols, I have the honor to suggest that, in order to meet legal difficulties, it is necessary that the keepers of the said watch-houses should be appointed by me as acting gaolers under the Gaol Act, and published

published as such in the *Government Gazette*, and that they should resign their situations as constables, but that they should receive pay as usual from the same fund as at present, until a vote is obtained from the Legislature to meet this expenditure. I beg further to suggest that this may be met by transferring on the Estimates the amount set down for payment of salaries of watchhouse-keepers to the vote for gaols.

I have, &c.,  
JOHN O'NEILL BRENNAN,  
Sheriff.

SHERIFF to UNDERMENTIONED BENCHES OF MAGISTRATES.

(No. 59-523.)

Sheriff's Office,  
Sydney, 9 September, 1859.

GENTLEMEN,

The watch-house at ——— having been proclaimed to be a gaol under the Gaol Act, I have the honor to request that you will inform me whether, in the event of the watchhouse-keeper being appointed gaoler (which will entail the necessity of his not being taken away to perform police duties), it would interfere with your police arrangements.

I also beg that you will favor me with your opinion of the fitness of the watchhouse-keeper to perform the duties of gaoler, and also his name and general character.

This latter you can make the subject of a private communication should you so wish.

I have, &c.,  
JOHN O'NEILL BRENNAN,  
Sheriff.

The Bench of Magistrates—

Paterson,	Carcoar,	Camden,
Singleton,	Hartley,	Berrima,
Muswellbrook,	Mudgee,	Wollongong,
Scone,	Dubbo,	Braidwood,
Murrumbidgee,	Molong,	Eden,
Tamworth,	Orange,	Cooma,
Armidale,	Windsor,	Yass,
Port Macquarie,	Penrith,	Gundagai,
Grafton,	Campbelltown,	Albury.

SHERIFF to COLONIAL SECRETARY.

(No. 59-54.)

Sheriff's Office,  
Sydney, 14 September, 1859.

SIR,

I have the honor to inform you that, in consequence of a conversation which I have had with the Honorable the Attorney General, I have written to the Bench of Magistrates at each of the twenty-seven places where the watch-houses have been proclaimed to be gaols, requesting to be informed whether the watchhouse-keepers at the places named in His Excellency's proclamation can be exempted from performing the duties of police constables, as it is essential that, as gaolers, they should be unencumbered by any extra duty; and I would beg to suggest that at such places as the police duties cannot be dispensed with, I should receive an authority to appoint gaolers, and that a sum be placed on the Estimates for the salaries of these officers.

2. I shall furnish you with a list of the places where it will be necessary to make new appointments as gaolers as soon as I receive replies from the various Benches of Magistrates to whom I have written.

I have, &c.,  
JOHN O'NEILL BRENNAN,  
Sheriff.

POLICE MAGISTRATE, HARTLEY, to SHERIFF.

Police Office, Hartley,  
14 September, 1859.

SIR,

I have the honor to acknowledge the receipt of your letter of the 12th instant, and, in reply, beg to inform you that the lockup-keeper at Hartley is a person who I can recommend as a fit person to hold the situation of gaoler here, and I can manage to carry on the duties without sending him from the place.

His name is John Callaghan.

I have, &c.,  
THOMAS BROWN,  
P. M.

BENCH

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS. 97

BENCH OF MAGISTRATES, YASS, to SHERIFF.

(No. 59-2.)

*Police Office, Yass,*  
15 September, 1859.

SIR,

With reference to your letter of the 9th instant, relative to the watch-house at Yass having been proclaimed to be a gaol under the Gaol Act, and requesting our opinion of the fitness of the watchhouse-keeper to perform the duties of gaoler, and also his name and general character,—

2. We do ourselves the honor to inform you the name of the watchhouse-keeper is Martin Doyle, that he is a very steady, well-behaved, and strictly temperate man; and, in our opinion, he is fit to discharge the duties of gaoler.

3. We further beg to say his appointment to the before-named office would not interfere with our police arrangements, except that the Yass police force must be increased by one man to fill the vacancy caused by his appointment.

We have, &c.,  
(for the Bench.)  
I. M. BLAKE, J.P.

POLICE MAGISTRATE, ALBURY, to SHERIFF.

*Police Office, Albury,*  
17 September, 1859.

SIR,

I have the honor to acknowledge the receipt of your letter of the 9th instant, and, in reply, beg to state that the office of watchhouse-keeper is performed by roster, on which each member of the force takes his turn of duty. I have no man on the establishment that I consider fit for the situation of gaoler. Moreover, I deem it inexpedient that a gaoler should be appointed until a suitable building is erected; for drunkards, offenders under summonses, convictions, and prisoners waiting trial on indictable offences are all confined in the same ward, and it now requires *two* men—night and day—to be in constant attendance on the gaol in order to prevent mishaps. I have represented to the Attorney General (copy enclosed) and the Inspector General of Police, in the strongest terms, the indispensable necessity that exists for the erection of a gaol at once, but beyond the selection of a site for one I am not aware that any other steps have been taken to carry out the object. I should be glad if you would move in the matter.

I have, &c.,  
HEYWARD ATKINS,  
Police Magistrate.

[Enclosure in preceding letter of 17 September, 1859.]

*Police Office, Albury,*  
11 July, 1859.

SIR,

I have the honor to acknowledge the receipt of your letter of the 6th instant, and, in reply, beg to state there is no accommodation suitable for the safe custody of prisoners waiting trial for Court of General Quarter Sessions, and it will be necessary to erect a building for that purpose.

There is a lock-up with two small cells (male and female), barely adequate for the custody of prisoners for disposal under summary jurisdiction; it has no yard for exercise, and is incapable of extension. I wrote on the subject of the erection of a gaol some time back to the Inspector General of Police, and I herewith enclose you a copy of my letter which contains my views on prison requirements at this place, and you will, I trust, see the imperative necessity for the erection of a gaol here, as the escort of prisoners under sentence to Goulburn, a distance of 270 miles, is obviously injudicious.

Until proper arrangements are therefore made for the custody of prisoners, their committal for trial at Albury cannot safely be carried into effect; but as I apprehend that a building large enough to contain twenty males and six females, with an exercise yard, would be sufficient to meet the wants of prisoners awaiting trial, I would, in the event of such building being at once commenced, undertake to keep the prisoners in the lock-up till the former were completed.

I have, &c.,  
HEYWARD ATKINS,  
Police Magistrate.

The Attorney General.

BENCH OF MAGISTRATES, MURRURUNDI, to SHERIFF.

*Police Office, Murrurundi,*  
17 September, 1859.

SIR,

In reply to your letter of the 10th instant, No. 59-523, we do ourselves the honor to state, that, as the police force stationed here is hardly sufficient for the duties of the district, the appointment of the present watchhouse-keeper as gaoler, and the consequent cessation of his duties as a constable, would greatly interfere with the efficiency of the force; we would, however, beg leave to recommend the appointment of the present watchhouse-keeper, Charles Thorpe, to the office of gaoler, as he is highly eligible for the duties of the situation, being a person of good character and possessing a fair education.

We would also desire to point out the urgent necessity of filling up the vacancy in the constabulary here, in the event of Thorpe's appointment to the above-named office.

We have, &c.,  
(for the Bench.)  
PHILIP W. WRIGHT, J.P.  
ALEXANDER BRODIE, J.P.

## 98 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

## BENCH OF MAGISTRATES, SCONE, to SHERIFF.

(No. 59-74.)

*Police Office, Scone,*  
17 September, 1859.

SIR,

We do ourselves the honor to acknowledge the receipt of your letter of the 10th instant, requesting to be informed if the constable in charge of the lock-up at Scone could, without inconvenience to the public service, be withdrawn from duty as an ordinary constable, and be permanently appointed gaoler under the Gaol Act.

In reply, we beg to state, that it is the opinion of the Bench such a course could not be adopted without rendering the police force stationed here inadequate at times to the duty devolving upon it. The force consists of a chief and three ordinary constables; the district is a large one, and their time, generally speaking, is fully occupied in escorting prisoners, serving writs, and in the performance of other duties attendant upon affording police protection to a rapidly increasing population.

We have, &c.,  
(for the Bench,)  
JAMES SMITH, P.M.

## CLERK OF PETTY SESSIONS, MUSWELLBROOK, to SHERIFF.

*Police Office, Muswellbrook,*  
19 September, 1859.

SIR,

I have the honor, by direction of the Bench of Magistrates, to state, in reply to your letter of the 10th instant, 59-523, that the name of the present lockup-keeper is Henry Parkinson, that his character is excellent, and indeed irreproachable, and they strongly and unanimously recommend him as a very fitting and most worthy person to be appointed as gaoler here.

I am, however, directed to observe, that in the event of Parkinson's appointment it will interfere very much with the police arrangements of the district, and will entail the necessity of another constable being appointed to supply his place.

I have, &c.,  
JOHN O'MEARA, C.P.S.

## BENCH OF MAGISTRATES, MUDGEES, to SHERIFF.

(No. 59-145.)

*Police Office, Mudgee,*  
19 September, 1859.

SIR,

In reply to your letter of the 12th instant, we do ourselves the honor to inform you, that in the event of the watchhouse-keeper at this place being appointed gaoler, it would not interfere with our police arrangements.

2. We beg to acquaint you that we are satisfied that Norman McBeath, the present watchhouse-keeper, who bears an excellent character, is qualified to perform the duties of gaoler.

3. We take this opportunity of drawing your attention to the circumstance of the watchhouse-keeper's wife having hitherto discharged the duties of female searcher, &c., without any remuneration, and of recommending her as deserving of any emolument that may accrue from the appointment of her husband as gaoler.

4. We need hardly observe that, should a gaol be built here (which is much required), it will be necessary to appoint one or more turnkeys.

We have, &c.,  
(for the Bench,)  
J. DIGBY MILLER,  
Police Magistrate.

## BENCH OF MAGISTRATES, PORT MACQUARIE, to SHERIFF.

*Police Office, Port Macquarie,*  
19 September, 1859.

SIR,

Referring to your letter of 12th instant, relative to the appointment of a gaoler at this place, we have the honor to inform you that on making known to the watchhouse-keeper here the probability of your appointing him to the situation of gaoler at Port Macquarie, he solicited us to inform him of the amount of salary attached to the office, and whether the new appointment would cancel his claim on the Police Superannuation Fund. This to him is a consideration of some importance, he having been 12 years in the service. We, therefore, in reference to the last paragraph of your letter now under reply, are induced to apply for this information, inasmuch as Mr. Taylor has a wife and three children dependent on him, and, moreover, is an officer deserving of every consideration; and we trust that our doing

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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doing so will not in any way militate against his having the offer of the appointment, for we feel assured that a more intelligent and eligible person for the office in question could not be selected; and we may add that his appointment would be highly satisfactory to the public

We have, &c.,  
J. H. CRUMMER, P.M.  
W. H. FREEMAN, J.P.

P.S.—We have every reason to believe that the appointment in question would not in any way interfere with the police arrangements here.

## BENCH OF MAGISTRATES, CAMPBELLTOWN, to SHERIFF.

(59.)

*Police Office, Campbelltown,*  
20 September, 1859.

SIR,

We have the honor, in reply to your letter of the 13th instant (respecting the watch-house at Campbelltown having been proclaimed to be a gaol under the Gaol Act, and, also, in the event of the watchhouse-keeper being appointed gaoler, whether it would interfere with the police arrangements), to state, that should the present lockup-keeper be appointed gaoler, it would materially interfere with the police duties, thereby depriving the police force of the services of an ordinary constable, as the lockup-keeper has hitherto performed the duties of an ordinary constable, excepting where a prisoner has been confined under a warrant.

We further beg to state that the present lockup-keeper, James O'Keefe, was appointed, on the 17th of the present month, from the B division of the Metropolitan Police, and, as far as we are able to judge, appears to be a fit and proper person; he is a married man.

We have, &c.,  
JOHN BRAY, J.P.  
WILLIAM BELL, J.P.

## BENCH OF MAGISTRATES, MOLONG, to SHERIFF.

*Police Office, Molong,*  
20 September, 1859.

SIR,

In reply to your communication of the 12th instant, we have the honor to report that constable Edwards, at present in charge of the watch-house of this police office, is a very competent officer, who brought high certificates of character as a non-commissioned officer of the 85th regiment, and is very suitable for the position of gaoler, and has our strong recommendation as such.

When the services of the gaoler may be required for that duty exclusively, we would submit that the police force of this extensive district will not be able to sustain the loss of a constable entirely, as at present, in addition to his duty as watchhouse-keeper, Edwards is frequently employed on active duty in the bush under the chief constable.

We have, &c.,  
ROBT. J. BARTON, J.P.  
JOHN SMITH, J.P.

## BENCH OF MAGISTRATES, ORANGE, to SHERIFF.

*Police Office, Orange,*  
20 September, 1859.

SIR,

In acknowledging the receipt of your letter of the 13th instant, No. 59-523, we have the honor to inform you that we do not see any impediment to the arrangement proposed by you—at all events for a time.

2. We conceive that the present watchhouse-keeper, James Dixon, is a fit and proper person to be intrusted with the duties of gaoler at Orange.

3. This communication cannot leave us without calling your early and serious consideration to insecure and insufficient accommodation of the existing building to the purposes of a gaol where prisoners may be confined for a lengthened period awaiting trial, particularly as the warm season is now fast approaching.

4. For the sake of the confines' health we must press this matter on your attention.

We have, &c.,  
JOHN T. LANE, J.P.  
J. B. LANE, J.P.

BENCH

## 100 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

BENCH OF MAGISTRATES, WINDSOR, to SHERIFF.

*Court House, Windsor,*  
20 September, 1859.

SIR,

We do ourselves the honor to acknowledge the receipt of your letter of the 13th instant, requesting our opinion relative to the necessity of appointing another constable in the place of the present watchhouse-keeper; also as to the fitness of the individual alluded to, in the event of his being appointed gaoler.

2. To the first interrogatory, we beg to state the absolute necessity of another constable being appointed to the Windsor police force; to the second, we beg to express our opinion of the fitness of the appointment of the present watchhouse-keeper, William Phillips, to the office of gaoler, he having been fourteen years in the Police Force, and has always conducted himself to the satisfaction of the Bench of Magistrates.

We have, &amp;c.,

HENRY DAY, J.P.

EDWARD POWELL, J.P.

BENCH OF MAGISTRATES, DUBBO, to SHERIFF.

*Police Office, Dubbo,*  
21 September, 1859.

SIR,

I do myself the honor to acknowledge the receipt of your letter (59-523), dated 12th instant, asking the opinion of the Bench as to the propriety of appointing the present lockup-keeper here as gaoler at Dubbo.

The lockup-keeper's name is James Samuels; he is a man of irreproachable character, and one whom I can recommend with safety as fit for the office in question.

I have, &amp;c.,

(on behalf of Bench,)

ALEXDR. CRUICKSHANK.

P.S.—Our police force at present is very small and imperfect; the Bench have requested of the Representative for this District to have the number increased.

CLERK OF PETTY SESSIONS, MUSWELLBROOK, to SHERIFF.

*Police Office, Muswellbrook,*  
22 September, 1859.

SIR,

I do myself the honor to state the reply forwarded to you on the 19th instant, in answer to yours of the 10th (59-523), was intended to be signed by one of the magistrates, on the part of the Bench; but the particular magistrate referred to having left the Court before the reply was ready, I inadvertently sent it as though coming from myself. It is however to all intents and purposes the Benches reply, but deem it only fair to give this explanation of the matter.

I have, &amp;c.,

JOHN O'MEARA, C.P.S.

BENCH OF MAGISTRATES, WOLLONGONG, to SHERIFF.

*Court House, Wollongong,*  
22 September, 1859.

SIR,

In reply to your letter of the 13th instant (59-523), respecting the appointment of the watchhouse-keeper at this place as gaoler, we have the honor to inform you, that we can recommend the watchhouse-keeper, George Kennedy, as a fit person to perform the duties of gaoler.

In the event of his being appointed to that office, the Bench is of opinion that unless another constable is appointed by them in his place, the police of this district will be found insufficient.

We have, &amp;c.,

F. P. MACCABE, J.P.

ROBT. J. MARSHALL, J.P.

BENCH OF MAGISTRATES, BERRIMA, to SHERIFF.

(No. 59-224.)

*Police Office, Berrima,*  
23 September, 1859.

SIR,

In reply to your letter, dated the 13th instant, No. 59-523, we have the honor to inform you that we are of opinion the appointing the watchhouse-keeper to be gaoler would be an interference with his duties as a policeman, which we could not sanction, though we have no objection to such appointment until you can select a gaoler.

We have, &amp;c.,

CHARLES J. NICHOLSON, J.P.

BENCH



## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS. 101

BENCH OF MAGISTRATES, EDEN, to SHERIFF.

(No. 59-98.)

*Police Office, Eden,  
23 September, 1859.*

SIR,

In reply to your letter of the 9th instant, requesting us to inform you whether, in the event of the watchhouse-keeper at Eden being appointed gaoler, it would interfere with our police arrangements, we do ourselves the honor to inform you that we have at this station only one man, and though he generally has charge of the lock-up, we are frequently obliged to send him on ordinary police duty, so that he could not act as gaoler in conjunction with his present situation.

The Customs boat's crew are now employed by us on ordinary police duty, but when one of these men happens to be away from the township the lockup-keeper has to go into the boat when required by the Sub-Collector. If possible, we would not put the Government to the expense of an additional man, but under present circumstances we see no alternative. Mr. Murray applied to the Sub-Collector for his report as to whether he could perform his duty with three men instead of four, but he states that he will expect to have a full crew at his command when he requires such. This inquiry was made with a view of appointing one of the crew an ordinary constable, and advising you to give the situation of gaoler to the present lockup-keeper.

Should you appoint a gaoler, and not send one from Sydney, it may save time by our giving the name of a party whom we consider a very fit man for the office; we therefore note Robert Turbot his name on the margin.

We have, &c.,  
P. J. MURRAY, P.M.  
GEO. BARKLEY, J.P.

POLICE MAGISTRATE, GUNDAGAI, to SHERIFF.

(No. 59-57.)

*Police Office, Gundagai,  
23 September, 1859.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 9th instant, in which you request to be informed whether the watchhouse-keeper at this place is a fit person to be appointed gaoler, and whether his appointment to that office, involving as it must his release from police duties, would interfere with the arrangements of this establishment.

With regard to the watchhouse-keeper's fitness for the situation in question, I beg to state that my short residence here will hardly allow me to offer a decided opinion on the subject, at least one based on my own observation, but to judge from what I have seen of him, I can safely say that he appears to possess all the qualifications requisite for the office, and I am assured by the chief constable that he is intelligent, steady, and active, and in every respect a very efficient officer.

His release from the duties of the constabulary would occasion much inconvenience, unless either an additional constable were placed on the establishment, or arrangements can be made for the mounted patrol stationed at this place and at Jugiong to escort prisoners; to the latter I cannot see the slightest objection, indeed I am surprised that the duty has not been already imposed on them.

If this suggestion can be carried out no addition need be made to our police force, in the event of the watchhouse-keeper being appointed gaoler, as a constable can then be spared from the escort station at Jugiong, 26 miles distant from this place, to supply the vacancy thus created.

The watchhouse-keeper's name is William Hodge.

I have, &c.,  
ALFRED C. S. ROSE, P.M.

POLICE MAGISTRATE, CARCOAR, to SHERIFF.

(No. 59-83.)

*Police Office, Carcoar,  
24 September, 1859.*

SIR,

In reply to yours of the 12th instant, No. 59-523, I have the honor to state that if a good constable was appointed gaoler and watchhouse-keeper it would not interfere with my arrangements.

The present watchhouse-keeper, Henry Fox, I certainly cannot conscientiously recommend as a gaoler.

I have one constable, the lockup-keeper at Cowra, called James Cleghorn, in every respect fit to be gaoler; he was sent up to me lately by the Inspector General of Police to take charge of the Carcoar lock-up (the Inspector General must have acted under the idea that it was vacant instead of Cowra); he has been many years in the army, writes a good hand, has a wife fit to act as matron, has been in the police in Tasmania and Victoria, and some time turnkey at Parramatta, and I have every confidence in him, and he is the only man in my force that I can recommend.

I have, &c.,  
OWEN C. BEARDMORE, P.M.

P.S. I expect to be in Sydney in a few days, and shall make it my business to call at your office.—O. C. B.

JUDGE



## 102 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

JUDGE OF METROPOLITAN DISTRICT COURT to ATTORNEY GENERAL.

(No. 59-117.)

District Court Office,  
Sydney, 3 September, 1859.

SIR,

Statement en-  
closed.—£1,008  
2s.

I have the honor to transmit, in accordance with the request contained in your letter of the 5th ultimo, No. 59-448, a statement of all fees collected for the purpose of being paid into the Treasury from the Sydney District Court to the 31st of last month inclusive.

I have, &amp;c.,

ALFRED CHEEKE,

Judge.

[Enclosure in No. 59-117.]

ACCOUNT of all Fees collected by A. C. Maxwell, Registrar of the Sydney District Court, from the 11th April to 31st August, 1859, both days inclusive.

	FEES.	No.	AMOUNT.
	£ s. d.		£ s. d.
COURT FEES.			
For filing every Complaint, issuing Summons, and other proceedings to judgment .....	In cases not exceeding £5 ..... 0 2 6 In cases not exceeding £10 ..... 0 5 0 In cases not exceeding £30 ..... 0 7 6 In all other cases ..... 1 0 0	1559 646 594 144	194 17 6 161 10 0 222 15 0 144 0 0
For issuing every Subpoena ..	In cases not exceeding £5 ..... 0 0 6 In cases not exceeding £10 ..... 0 0 6 In cases not exceeding £30 ..... 0 1 0 In all other cases ..... 0 1 0	145 474	3 12 6 23 14 0
For service of every Summons or Subpoena, if within two miles of the Court House ..	In cases not exceeding £5 ..... 0 0 6 In cases not exceeding £10 ..... 0 0 6 In cases not exceeding £30 ..... 0 0 6 In all other cases ..... 0 0 6	....	97 18 0
For such service every mile beyond two miles .....	0 0 3		
For issuing every Writ of Execution .....	In all cases not exceeding £5 .. 0 2 0 In all cases not exceeding £10 .. 0 2 6 In all cases not exceeding £30 .. 0 5 0 In all other cases ..... 0 5 0	251 87 112	25 2 0 10 17 6 23 0 0
SPECIAL FEES.			
For filing every Plea .....	0 1 0	131	6 11 0
For every Search .....	0 0 6	19	0 9 6
For every Copy .....	0 0 6	11	0 5 6
For swearing and filing every Special Affidavit .....	0 2 0	123	12 6 0
For taxing every Bill of Costs .....	0 2 6	199	24 17 6
For every Summons to shew cause in interlocutory matter .....	0 1 0	5	0 5 0
For every Interlocutory Order .....	0 1 0	21	1 1 0
For every Writ of Attachment .....	0 2 6	...	...
Jury Notices .....	2 0 0	25	50 0 0
			£1008 2 0

JUDGE OF WESTERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

Bathurst, 16 September, 1859.

SIR,

One enclosure.

In compliance with the request contained in your letter, bearing date the 5th of August, 59-451, I do myself the honor to forward a statement of all Fees collected by the Registrars of the several District Courts in the Western District, since those Courts came into operation.

I have, &amp;c.,

JAMES S. DOWLING,

District Judge.

[Enclosure in preceding letter of 16 September, 1859.]

A STATEMENT of Fees which have been collected by the Registrars of the several District Courts in the Western District, from the date of the coming into operation of the District Courts Act until the 31st of August, 1859.

	£	s.	d.
Bathurst .. .. .	106	3	6
Hartley .. .. .	14	6	0
Mudgee .. .. .	25	13	0
Dubbo .. .. .	30	15	0
Molong .. .. .	9	19	6
Orange .. .. .	14	18	6
Carcoar .. .. .	18	6	9

£220 2 3

Bathurst,  
16 September, 1859.

JAMES S. DOWLING,

District Judge.

JUDGE

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS. 103

JUDGE OF NORTHERN DISTRICT COURT to ATTORNEY GENERAL.

East Maitland,  
19 September, 1859.

SIR,

I had the honor to receive your letter of the 5th August, requesting an account of all Fees received, collected for the purpose of being paid into the Treasury, but delayed writing until my return from holding my second Courts, as far up the country as Murrurundi.

2. I subjoin a statement of the number of cases tried in the several Courts specified, together with the amount of Fees received by the Registrars, which Fees are now, I believe, as directed by me, forwarded monthly to the Treasury.

3. It will be observed I have only up to this time been able to hold one Court at Tamworth and one at Armidale; and I have some reason to believe that next Sessions, at these respective places, will shew an increase of cases.

4. I hold District Courts next month, October, for the first time at Port Macquarie and Grafton.

5. Of the money placed to my credit by the Honorable the Colonial Treasurer for the purpose of the expenditure of the Courts in salaries and contingent expenses, I have reason to expect a considerable sum will remain undisposed of at the end of the year to the credit of the Treasury.

6. I cannot too strongly impress upon the Government the urgent necessity of a revision of the salaries and fees allowed to the bailiffs of the respective Courts. They are at present inadequate, and without increase I have no doubt will be obliged to resign; several of them at present only hold their appointments at my request until the decision of the Government can be known.

7. I propose to do myself the honor to attend at your office in the course of a few days, previous to my embarkation for Port Macquarie and Grafton, when I shall have the opportunity of offering some suggestions as to the places of holding Courts in the ensuing year, for until they are finally decided upon I cannot fix the days of holding the Courts for the year 1860.

I have, &amp;c.,

ROB. OWEN,  
District Court Judge.

[Enclosure in preceding letter of 19 September, 1859.]

STATEMENT of Fees of certain District Courts in the Northern District received by the Registrars, and payable to the Treasury.

	First Sittings.	Second Sittings.	Amount Received.
			£ s. d.
Maitland, East.....	23	119	86 11 9
Maitland, West .....	29	138	85 6 6
Paterson .....	11	13	16 10 0
Singleton .....	3	.....	22 12 6
Muswellbrook .....	4	25	16 18 6
Scone .....	13	.....	15 0 0
Murrurundi .....	9	9	9 0 0
Tamworth (only one sitting) .....	4	.....	5 2 3
Armidale (ditto) .....	55	.....	39 8 3
Port Macquarie .....	No sittings yet.		
Grafton .....			
			296 9 9

Few Juries have been required; the suitors appearing to prefer the decision of the Judge. The expenses consequently on that head have been extremely small.

ROB. OWEN.

JUDGE OF SOUTHERN DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-88.)

Southern District Courts Office,  
Goulburn, 22 September, 1859.

SIR,

In compliance with the request contained in your letter of the 5th ultimo, I have the honor to forward herewith a statement of the amounts of Fees which have been collected in the several District Courts in the Southern District, to the 31st August last inclusively. One enclosure.

I have, &amp;c.,

THOMAS CALLAGHAN,  
Judge of the Southern District Courts.

[Enclosure

## 104 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

[Enclosure in No. 59-88.]

STATEMENT of Amounts of Fees collected by the Registrars of the several District Courts in the Southern District, to 31st August last inclusively.

District Courts at—	£	s.	d.
Goulburn .. .. .	55	11	6
Queanbeyan .. .. .	10	11	0
Yass .. .. .	38	15	6
Tumut .. .. .	.....		
Gundagai .. .. .	.....		
Wagga Wagga .. .. .	.....		
Albury .. .. .	.....		
Total Collections.. .. .	£104	18	0

JUDGE OF NORTHERN DISTRICT COURT to ATTORNEY GENERAL.

Sydney, 6 October, 1859.

SIR,

As the Law Estimates no doubt will be under your particular charge in the Assembly, it may be proper to state, before I leave town, the state of the account of cash credit and payments for my Northern District :—

Cash paid by the Colonial Treasurer to my credit in Joint Stock	
Bank, up to 1 October, 1859 .....	£2,165 0 0
Payments thereout to this date .....	913 0 9
	£1,251 19 3

There will be the further sum of £433 used for each of two remaining months, November and December, more than one-half of which will go to increase the unexpended balance. About £400—fees of Court—will be paid into the Treasury by the end of the year, i.e., from May last.

I have, &c.,  
ROB. OWEN.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF METROPOLITAN DISTRICT COURT.

(No. 59-561.)

Crown Law Offices,  
Sydney, 15 September, 1859.

SIR

I am directed by the Attorney General to request that you will have the goodness to state, at your earliest convenience, what arrangements you propose for holding within your district Courts of Quarter Sessions during the ensuing year, with a view to the publication of the necessary proclamation.

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

Similar letters also addressed to :—

(No. 59-562.)

HENRY CARY, ESQ., District Court Judge, Liverpool, with this addition—  
“P.S.—Provision will be made for a Registrar, &c., at Newra, in the Cumberland and Coast District.”

(No. 59-563.)

THOMAS CALLAGHAN, ESQ., District Court Judge, Goulburn, with this addition—  
“P.S.—Provision will be made for a Registrar, &c., at Braidwood, which has been transferred to the Southern District.”

(No. 59-564.)

And ROBERT OWEN, ESQ., District Court Judge, Maitland, with this addition—  
“P.S.—Provision is made in the Estimates for Registrars, &c., at Dungog, Raymond Terrace, Newcastle, and Wingham, in your district, in addition to the places heretofore proclaimed.”

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF NORTHERN DISTRICT COURT.

Crown Law Offices,  
Sydney, 15 September, 1859.

SIR,

I am directed by the Attorney General to request that you will have the goodness to state, at your earliest convenience, what arrangements you propose for holding within your district Courts of Quarter Sessions during the ensuing year, with a view to the publication of the necessary proclamation.

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

P.S.—Provision is made in the Estimates for Registrars, &c., at Dungog, Raymond Terrace, Newcastle, and Wingham, in your district in addition to the places heretofore proclaimed.

JUDGE

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

105

JUDGE OF NORTHERN DISTRICT COURT to ATTORNEY GENERAL.

East Maitland,  
22 September, 1859.

SIR,

I had the honor to receive this morning your letter of the 15th instant, asking as to what arrangements I proposed making for holding in my district Courts of Quarter Sessions for the ensuing year.

2. I may venture to presume that the late vote of the Legislative Assembly will so far modify the places of holding these Courts, until the Government have reconsidered the late arrangements. But besides that point, I shall require to know definitively at what places I may be required to hold District Courts in addition to those of the present year.

3. In the postscript of your letter you state provision is placed on the Estimates for Registrars, &c., at *Dungog*, *Raymond Terrace*, *Newcastle*, and *Wingham*. Until these are definitively fixed, it is obvious I cannot fix for next year the days of holding my several Courts.

4. I believe I shall be able to shew you that this proposal of four new Courts may be conveniently altered. By the rough diagram on the other half-sheet it will be seen that *Clarence Town* will be preferable to *Dungog* in the great point of economy of time, and in other respects.

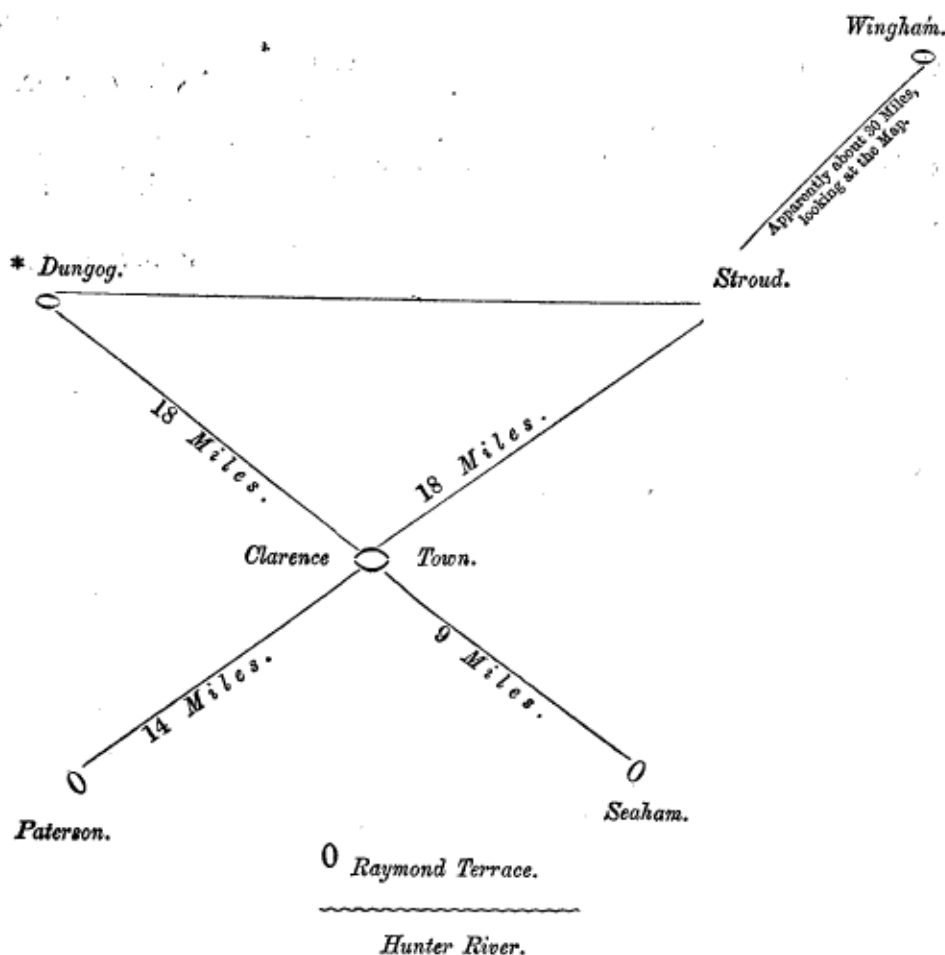
5. I may here also repeat the remark I have made in previous communications, that one Judge cannot hold Courts quarterly in all the places named.

6. This, however, will be more advantageously discussed when I have the honor to wait upon you in a few days, and prior to my embarkation for *Port Macquarie* and *Grafton*.

I have, &amp;c.,

ROB. OWEN,  
District Court Judge.

[Rough diagram referred to.]



\* *Dungog* takes me out of the line of road, and being in other respects objectionable.

SECRETARY TO CROWN LAW OFFICERS to POLICE MAGISTRATE, EDEN.

(No. 59-569.)

Crown Law Offices,  
Sydney, 22 September, 1859.

SIR,

I am directed by the Law Officers to request that you will have the goodness to forward to this office, at your earliest convenience, a copy of the information against one James Cassidy, alias George Holt, who was charged before the District Court Judge for the Cumberland and Coast District, on the 31st ultimo, with having taken away Sarah Mead, an unmarried girl under 16 years of age, against the will and out of the possession of her father.

I have, &c.

W. E. PLUNKETT.

#### ADMINISTRATION OF JUSTICE.

INFORMATION against James Cassidy, alias George Holt, for the crime of Abduction;  
and Judge's Notes of the Trial.

New South Wales, }  
to wit. }

I, DAVID GRANT FORBES, Esquire, Crown Prosecutor, duly appointed by the Governor General and Executive Council of the Colony of New South Wales to prosecute crimes and offences in the name of Our Lady the Queen cognizable in the several Courts of Quarter Sessions in the said Colony, present,—That James Cassidy, alias George Holt, in the month of June, in the year of Our Lord one thousand eight hundred and fifty-nine, unlawfully did take and cause to be taken out of the possession and against the will of her father Samuel Mead, she, the said Sarah Mead, then being an unmarried girl under the age of sixteen years, to wit of the age of fifteen years, against the form of the statute in such case made and provided, and against the peace of Our Lady the Queen, Her Crown and dignity.

DAVID GRANT FORBES.

A true copy—P. J. MURRAY, P.M.

COPY Notes of the Trial of James Cassidy, alias George Holt, on Wednesday, August 31,  
1859, before Henry Cary, Chairman.

James Cassidy, alias George Holt.

*Abduction.*—Charged with having taken away Sarah Mead, an unmarried girl under 16 years of age, against the will and out of the possession of her father.

*Samuel Mead sworn:*—An innkeeper at Bega; know prisoner; saw him at my house in June last, about the beginning; my daughter's name is Sarah; she went away about that time; 3 o'clock in the morning I missed her; she went to bed about 9; I went about 10; at 3 in the morning I went into her room; her room is between mine and the boys' room; there is a window in her room which leads into the yard; a person could get out of it; six small boys sleep in the end room; one of them slept with Sarah that night; 3 years old; when I went in the child was lying asleep; I didn't notice whether Sarah had been in bed; window wide open; prisoner was at my house the night my daughter left; he lived in the neighborhood, over the river; I told prisoner he had better get married and have done with it.

*Cross-examined by Cary:*—Prisoner frequently at my house; never saw him talking with my daughter before they went away; no one ever told me of any intimacy between them; all that I know is that she went to bed at 9 and was gone at 3; since married with my consent.

*Re-examined:*—My consent since matter before Police Court.

*James Maples sworn:*—Reside at Bega; know prisoner; remember the girl going away; I went on the road after her—to MacLaughlin River; found her there at Kirk's; prisoner was with her; am her uncle; this was the day on which I left the father; I told her she must come back; she refused; after some time she consented to go back; I had seen her the day before at her father's place; I have seen prisoner there often; he had no work there.

*Cross-examined by Cary:*—Saw prisoner and girl intimate together; did not mention it to father or mother.

*William Blacket sworn:*—Live at Bega; went after the girl with Maples; found her at Kirk's with prisoner.

*Cross-examined:*—Prisoner several times at Mead's; seen him talking with girl.

*Louisa Austen examined:*—Married woman; reside with my husband at Mead's, Bega; know prisoner; he came courting Sarah Mead very often; remember Sarah disappearing; one night she went to bed at near 11 o'clock; after 3 her mother called us up; Tuesday night after she came back with Mr. Maples and Mr. Blacket.

*Sarah Mead called:*—Am prisoner's wife.

*Samuel Mead recalled by Crown Prosecutor:*—Prisoner did not take away my daughter with my consent.

Case for prosecution.

Cary objects—not proved that girl was unmarried.

Read indictment; not proved that girl was unmarried or under 16 years of age.

Direct an acquittal.

Jury retire.

Not guilty.

A true copy,

HENRY CARY.

Sept. 22, 1859.

JUDGE

JUDGE OF NORTHERN DISTRICT COURT to ———.

Monday Evening,  
26 September, 1859.

MY DEAR SIR,

I have been trying, a great part of this evening, to appoint days of holding my Courts, so as to embrace the whole proposed to be held; but having regard to the necessity of holding the most important Courts—Civil and Criminal—at Maitland four times in the year, I do not find it possible to meet all the engagements, and I write thus early that your Government may advise on what is best to be done. The Courts, as now proposed, are 14 in number, including the distant points of Tamworth, Armidale, Grafton, Port Macquarie, and Wingham—at nine there are to be held Criminal Sessions. The difficulty is, of ending the Circuits so as to bring me always to Maitland on the Quarter Sessions' days in February, May, August, and November.

I can make my appointments very well up to the 12th April, 1860, at Murrurundi; but from thence, returning to Newcastle and Maitland to hold the Quarter Sessions and Civil Courts in both places in May, I am quite unable to carry them further, so as to serve all the places required.

In making my unavailing calculations I have had due regard to holding Courts only twice in the year at Paterson, Clarence Town, Wingham, Singleton, Muswellbrook, Scone, Murrurundi, Tamworth, Armidale, Port Macquarie, and Grafton—in all 11 places.

Could Parliament be induced to divide the district, Courts might be held at all the places four times in the year, at very little expense more than the Judge's salary.

The money now applicable to my district would more than pay all the additional expenses, by a considerable sum.

I do not write this note as an official note, but more in the nature of private suggestions for your consideration.

I shall be in Wollongong till next Monday, and on Tuesday I can wait upon you and endeavor to give all further explanation.

Could another Judge be appointed, in dividing the district a Court might be advantageously appointed for Tenterfield, and, perhaps, some other leading point.

I am, &c.,  
ROB. OWEN.

JUDGE OF SOUTHERN DISTRICT COURT to ATTORNEY GENERAL.

(Immediate.)

Sydney, 27 September, 1859.

SIR,

In the report of the proceedings of the Assembly in the *Herald* of the 16th instant, you are stated to have said in answer to questions of Mr. Hay on the subject, "that the Government did all they could after the days for the holding of Courts in certain places in the Southern District were fixed, as well as previously, for the purpose of having District Courts held in those places sooner than they were afterwards appointed to be held; but in consequence of intimations made by Mr. Callaghan, they thought fit to accede to his request."

If you have made such a statement to the Assembly, you will permit me to say that I protest against its accuracy or justice in throwing upon me the whole responsibility of delaying the holding of Courts in the remote places of my district; and in asserting "that the Government did all they could after the days for the holding of these Courts was fixed, as well as previously, for the purpose of having District Courts held there sooner than they were afterwards appointed to be held."

According to the District Courts Act, before I could fix the times for the holding of any Courts, the Government should have appointed the intervals within which such Courts were to be held.

It was on the 19th of March, that, in the Chief Secretary's Office, in your presence, I was invited by him to suggest to the Government the intervals for the holding of my Courts.

That was the first time in which I was ever consulted by any member of the Government about anything connected with the District Courts Act.

On that occasion, you informed me that nothing had been done up to that time by the Government towards preparing Jury Lists in my district.

Within a week after that date, I suggested in writing to your Secretary the intervals that I would recommend.

These intervals were gazetted by you on the 22nd of April, and on the 26th of that month I gazetted the times that I appointed in accordance with them; and on the 27th I wrote you a letter fully explaining the times I had fixed, and the reasons why I had so fixed them.

It was a letter that I thought would in every respect attract your attention.

It was more than a month after this letter was received, and as I presume perused by you, that, understanding you objected to some of the times I had fixed, I myself sought an opportunity of speaking with you on the subject.

I then discussed it with you, and explained everything about my views to you, and without hesitation I promised to consider, with every respect, whatever proposal the Government might make to me for altering these times according to their desire.

I

I waited for a time in suspense, but no such proposal was ever afterwards made to me by you or the Government, though another proposal about holding a Court of Quarter Sessions at Albury was made to me by you, by your letter of the 30th of May, as you said, at the desire of the whole Cabinet, and although I immediately expressed to you my willingness to carry out that proposal it was in about a month subsequently abandoned by you, after I had been left for that period in great suspense about it.

In the last session of the Assembly the Chief Secretary was reported to have stated to the Assembly—no doubt as he was then through some extraordinary inadvertence advised—in answer to a question upon notice, that the first District Court Judges did not remonstrate with the then Attorney General against the publication of the first set of rules for the District Courts, and yet, in fact, they did so remonstrate, and in writing under each of their hands, and that remonstrance was personally presented to the Attorney General by one of them; for reasons with which I need not now trouble you I have hitherto allowed that inaccurate statement to pass uncontradicted, but I feel that this matter bears so much upon me, personally, that I am called upon to request of you to put this explanation, on my behalf, at your earliest convenience, before the Government and the Assembly.

I have, &c.,  
THOMAS CALLAGHAN,  
Judge.

JUDGE OF NORTHERN DISTRICT COURT to ATTORNEY GENERAL.

Australian Club,  
Sydney, 28 September, 1859.

SIR,

I have the honor to enclose, for your consideration, a plan of appointments for holding District Courts in my District for the year 1860.

It will be seen that there is an amount of labor, mainly on account of distance, which renders it doubtful whether one Judge can uninterruptedly perform the whole.

It is impossible that one person can hold many of the Courts, even in important places, quarterly, which I think ought to be done wherever Criminal Sessions are to be held.

Wingham, one of the places added by you, situate on the River Manning, is, I understand, very difficult of access; the road only being travelling by horse, not carriage.

According to present arrangements, many places can only have Courts twice in the year. To cover the ground, my travelling expenses for 1860 will necessarily exceed considerably those of the present year, particularly as I find travelling by the mails most objectionable.

Should the Government, with the consent of Parliament, be disposed to divide the district, I think the several Courts might be held quarterly, and one or two places possibly added.

You will see that I have appended some notes to the scheme as to the boundaries of the respective districts affected by the changes proposed; but, as my local knowledge of the country is not very perfect, it might be desirable to consult Mr. McLean of the Survey Office, who assisted me in the first instance.

The plan now laid before you can easily be adapted to any change which might take place in dividing the district between two Judges.

In suggesting such division, I am not actuated by any personal motives of ease, for I have a sincere desire to carry out the wishes of the Government; but a glance will shew any one that the extent of the country included in the Northern District, the number of Courts, and the casualties of travelling, rivers, &c., will render interruptions not unlikely.

I proceed to Port Macquarie on the 7th instant, Friday week, and will wait upon you a day or two before my departure, to consult with you on any point which may be requisite.

I have, &c.,  
ROBT. OWEN.

[Enclosure in preceding letter of 28 September, 1859.]

MEMO. as to Criminal Sessions and Quarterly District Courts.

Expected to return from Armidale about 24th January, 1860.  
East Maitland Quarter Sessions, about 9 February (Monday).  
Ditto District Court Sitings.. 16 "  
West Maitland..... 23 "  
•Paterson ..... 2 March.  
Dungog..... 6 "  
Raymond Terrace ..... 13 "  
Wingham, upwards of 100 miles from  
Raymond Terrace ..... 20 "  
Newcastle..... 28 "  
Singleton ..... 4 April.  
Muswellbrook ..... 10 "  
Scone..... 15 "  
•Murrurundi ..... 20 "  
Tamworth ..... 28 "  
Armidale ..... 6 May.  
Reaching back to Maitland about 28 May.  
Steamer starts from Sydney to Port Macquarie on or about 6th  
or 7th June, allowing for voyage and sitting 10 days, say  
17th June, thence to Grafton 10 days; and reach back to  
Maitland about 27th June.

But the Quarter Sessions at Maitland are held on 7th and 8th May, 7th and 8th August, 7th and 8th November.

Thus half the year is expended in serving the Courts, as proposed by the Government, once; and to go the same round a second time the rest of the year.

\* To serve the Courts up to this point, taking Murrurundi as the extremest Western point, quarterly, I can go no further in each journey.

SECRETARY



## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS. 109

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF WESTERN DISTRICT.

(No. 59-570.)

*Crown Law Offices,  
Sydney, 28 September, 1859.*

SIR,

I am directed by the Attorney General to request that you will have the goodness to state whether in your opinion it would be more convenient to hold Courts of Quarter Sessions at Dubbo or Molong, or as to the desirability of holding such Courts at either of those places.

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

JUDGE OF CUMBERLAND AND COAST DISTRICT COURT to SECRETARY TO CROWN LAW OFFICERS.

(No. 59-562.)

*Court House, Liverpool,  
30 September, 1859.*

SIR,

In accordance with your letter of the 15th instant, I beg to state, for the information of the Attorney General, that the most convenient days for holding Quarter Sessions in my district during the year 1860 will be as follows:—

*At Windsor:*—Monday, the 9th day of January; Monday, the 2nd day of April; Monday, the 2nd day of July; and Monday, the 1st day of October.

*At Wollongong:*—Tuesday, the 17th day of January; Thursday, the 12th day of April; Thursday, the 12th day of July; and Thursday, the 11th day of October.

*At Parramatta:*—Thursday, the 2nd day of February; Monday, the 30th day of April; Monday, the 30th day of July; and Monday, the 29th day of October.

*At Berrima:*—Tuesday, the 21st day of February; Friday, the 25th day of May; Tuesday, the 21st day of August; and Tuesday, the 27th day of November.

*At Braidwood:*—Monday, the 4th day of June; and Wednesday, the 5th day of December.

I remain, &c.,  
HENRY CARY.

SECRETARY TO CROWN LAW OFFICERS to CLERK OF THE PEACE, MAITLAND.

(No. 59-574.)

*Crown Law Offices,  
Sydney, 1 October, 1859.*

SIR,

I am directed by the Attorney General to acknowledge the receipt of your letter of the—ultimo, and to state in reply thereto, that he regrets that the Government are not in a position to hold out any hope of an increase to your salary as Clerk of the Peace for the Northern District; and I am therefore desired to inform you, that the Government have felt it incumbent upon them to accept your resignation of the office in question, in accordance with the alternative expressed in your letter of the above date. You will be pleased to hand over, at your earliest convenience, all papers or other matters to A. D. F. Carter, Esq., the Registrar of the District Court at Maitland.

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

SECRETARY TO CROWN LAW OFFICERS to WILLIAM FORSTER, ESQ., CROWN PROSECUTOR.

(No. 59-575.)

*Crown Law Offices,  
Sydney, 3 October, 1859.*

SIR,

Having submitted your note of the 29th ultimo, for the Attorney General's consideration, I am now directed to state, that under the circumstances therein mentioned, the Attorney General sees no objection to your being allowed 50s. per diem, by way of travelling expenses, during the time you may be necessarily engaged in the trip to attend and prosecute at the ensuing Quarter Sessions, to be holden at Port Macquarie and Grafton.

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

SECRETARY



## 110 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

SECRETARY TO CROWN LAW OFFICERS to JUDGE OF SOUTHERN DISTRICT COURT.

(No. 59-586.)

*Crown Law Offices,  
Sydney, 17 October, 1859.*

SIR,

I am directed by the Attorney General to draw your attention to the communication addressed to you on the 15th ultimo, inviting you to state the most convenient days and places for holding Courts of Quarter Sessions in the Southern District; and I am desired to request, that you will have the goodness to submit same at your very earliest convenience, as it is desirable that the proclamation for several Courts of Quarter Sessions throughout the Colony should appear with as little delay as possible.

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

STEPHEN N. DARK, ESQ., to ATTORNEY GENERAL.

*Clarence Town, 31 October, 1859.*

SIR,

The Cowper Ministry, when in office, promised publicly in the Assembly that Dungog should be proclaimed a place where District Courts should be held; and that such Court should be brought into operation in January next ensuing.

A promise was likewise made that the Police District of Stroud should in the proclamation be annexed to that of Dungog, instead of East Maitland, for the purpose of all District Court business emanating from the former district being adjudicated at the latter.

I respectfully submit the necessity of at once taking steps to have Dungog proclaimed a place where District Courts should be held.

Great dissatisfaction at present prevails, in consequence of an Electorate comprising two shipping ports, seven mills, and nearly 1,000 electors, should be actually without a single District Court being held in it up to the present time.

I am, &c.,  
STEPN. N. DARK.

SECRETARY TO CROWN LAW OFFICERS to S. N. DARK, ESQ.

(No. 59-646.)

*Crown Law Offices,  
Sydney, 14 November, 1859.*

SIR,

In acknowledging the receipt of your letter of the 31st ultimo, representing the necessity for having a District Court at Dungog, I am directed by the Attorney General to state that the subject of the District Courts arrangements will be carefully considered with reference to the expense and the accommodation of the whole of the Northern District.

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

JUDGE OF NORTHERN DISTRICT to ATTORNEY GENERAL.

*East Maitland,  
21 November, 1859.*

SIR,

In conformity with the wishes of the Government, communicated to me through Mr. Forster, Crown Prosecutor, I have prepared a Schedule of Appointments for Courts in the Northern District, including Port Macquarie.

2. The time of this last-mentioned Court is fixed upon the assumption that the steam packet arrangements continue the same as at present.

3. I have only been able to include Port Macquarie by leaving out Paterson; this, I fear, will be most unsatisfactory to the people of that neighborhood and Dungog, and will cause much clamor.

4. Paterson and Dungog being thrown into East Maitland will cause heavier pressure on the East Maitland Courts; and the sittings at the latter place having left old remanets and 66 new causes not touched, an arrear will be created difficult to subdue.

5. It will be obvious to your experience that the appointments as they stand on my schedule shew a dangerous proximity, which allows no time for casualties or interruptions of any kind being obviated or cured, no time for rest to the Judge, and an incorrect mingling of time for District and Quarter Sessions Courts, so as to disable suitors from obtaining professional assistance.

6. I would beg your observation in the large amount of time required for the Port Macquarie Courts.

I have, &c.,  
ROB. OWEN.

At

## DISTRICT COURTS AND COURTS OF QUARTER SESSIONS. 111

At a Public Meeting of the Inhabitants of Dungog, held at the Court House, Dungog, this evening, Wednesday, 21st December, 1859, at 7 o'clock, the following Resolutions were unanimously carried, viz.:—

1. That this Meeting, while taking into account the multiplicity of subjects pressing upon the attention of the Government, and while making, moreover, all allowance for hindrances to action that the Executive have been subjected to, in consequence of Ministerial changes, cannot but express regret and surprise at the delay manifested in proclaiming Dungog as one of the places in which District Courts shall be held.

2. That the procrastination of the Government in this matter has but confirmed public opinion, and rendered it unanimous in favor of former resolutions, and in exacting the fulfilment of reiterated promises.

3. That the Chairman be requested to transmit the foregoing resolutions to our Member, S. N. Dark, Esq., for presentation to the Honorable the Colonial Secretary; and that, in consideration of his knowledge of our requirements and the justice of our claims, S. D. Gordon, Esq., M. P., be requested to exert his influence on our behalf.

E. M. M'KINLAY,  
Chairman.

THE UNDER SECRETARY to W. A. MACDONOUGH, Esq.

(No. 547.)

*Colonial Secretary's Office,  
Sydney, 16 November, 1858.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 5th ultimo, transmitting a memorial from the inhabitants of Albury for establishment of a District Court, and to inform you that your communication has been brought under the notice of the Attorney General.

I have, &c.,  
W. ELYARD.

THE UNDER SECRETARY to H. M. OXLEY, Esq., AND OTHERS.

(No. 58-4599. 556.)

*Colonial Secretary's Office,  
Sydney, 22 November, 1858.*

GENTLEMEN,

I am directed by the Colonial Secretary to acknowledge the receipt of your petition, without date, praying for the establishment of a District Court at Berrima, and to assure you, in reply, that the prayer of your petition will be duly considered when the arrangements for the establishment of such Courts are being made.

I have, &c.,  
W. ELYARD.

THE UNDER SECRETARY to DANIEL EGAN, Esq., M.P.

(No. 58-4541. 557.)

*Colonial Secretary's Office,  
Sydney, 22 November, 1858.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 15th instant, forwarding an application from certain inhabitants of Eden for the establishment of a District Court at that place, and to assure you, in reply, that the desire of the applicants will be duly considered when the arrangements for the establishment of District Courts are being made by the Government.

I have, &c.,  
W. ELYARD.

THE UNDER SECRETARY to RICHARD JONES, Esq., M.P., AND S. D. GORDON, Esq., M.P.

(No. 59-325. 84.)

*Colonial Secretary's Office,  
Sydney, 7 February, 1859.*

GENTLEMEN,

With reference to the memorial recently presented by you from certain inhabitants of the town of Dungog and the surrounding district, praying that that township may be proclaimed as a place where District Courts shall be held, I am directed by the Colonial Secretary to state, for the information of the petitioners, that the District Court arrangements that have been made will undergo an early reconsideration, when the district of Dungog will be duly provided for.

I have, &c.,  
W. ELYARD.

THE

## 112 DISTRICT COURTS AND COURTS OF QUARTER SESSIONS.

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THE UNDER SECRETARY to P. MACAULIFFE, Esq.

(No. 59-355. 110.)

SIR,

*Colonial Secretary's Office,  
Sydney, 18 February, 1859.*

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 29th ultimo, and to inform you, in reply, that arrangements will be made in accordance with the application therein conveyed for holding a District Court at Newcastle.

I have, &amp;c.,

W. ELYARD.

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THE UNDER SECRETARY to S. D. GORDON, Esq.

(No. 59-1794. 280.)

SIR,

*Colonial Secretary's Office,  
Sydney, 5 May, 1859.*

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 3rd instant, respecting District Courts being held at Newcastle, Dungog, and Raymond Terrace, and to inform you, in reply, that the subject has been brought pointedly under the consideration of the District Judge, who will, on an early day, suggest to the Government what he is prepared to recommend with reference to the deficiencies in the arrangements which are complained of in your communication.

I have, &amp;c.,

W. ELYARD.

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THE UNDER SECRETARY to S. N. DARR, Esq., M.P.

(No. 59-2722. 424.)

SIR,

*Colonial Secretary's Office,  
Sydney, 2 July, 1859.*

I am directed by the Colonial Secretary to inform you that your letter of the 22nd ultimo, requesting that a District Court may be held at Dungog, to have jurisdiction within the Police Districts of Dungog and Port Stephens, has been transmitted to the Attorney General for consideration, when maturing his plans for extending the operations of the District Courts.

I have, &amp;c.,

W. ELYARD.

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THE UNDER SECRETARY to JOSEPH ANDREWS, Esq.

(No. 59-1488. 425.)

SIR,

*Colonial Secretary's Office,  
Sydney, 2 July, 1859.*

I am directed by the Colonial Secretary to inform you that your letter of the 11th April last, covering a memorial for the establishment of a District Court at Wingham, has been transmitted to the Attorney General for consideration when maturing his plans for extending the operations of the District Courts.

I have, &amp;c.,

W. ELYARD.

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THE UNDER SECRETARY to D. H. DUNLOP, Esq.

(No. 59-154. 426.)

SIR,

*Colonial Secretary's Office,  
Sydney, 2 July, 1859.*

I am directed by the Colonial Secretary to inform you that your letter of the 4th January last, covering a memorial for the establishment of a District Court at Wellington, has been transmitted to the Attorney General for consideration when maturing his plans for extending the operations of the District Courts.

I have, &amp;c.,

W. ELYARD.

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to HENRY CLARKE, Esq.

(No. 552.)

SIR,

*Colonial Secretary's Office,  
Sydney, 27 August, 1859.*

I have the honor to acknowledge the receipt of your letter of the 22nd instant, forwarding a petition from the inhabitants of Eden, praying that District Courts may be holden at Panbula, and to inform you that your communication has been brought under the notice of the Attorney General.

I have, &amp;c.,

1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## DISTRICT COURTS ACT OF 1858.

(RETURNS OF SUITS, &amp;c.)

*Ordered by the Legislative Assembly to be Printed, 3 July, 1860.**SCHEDULE of Returns furnished under the District Courts Act of 1858.*

## SYDNEY DISTRICT.

## CUMBERLAND AND COAST DISTRICT.

PARRAMATTA.  
WINDSOR.  
BRAIDWOOD.  
PENRITH.  
WOLLONGONG.  
BERRIMA.  
BOMBALA.

CAMDEN.  
PICTON.  
CAMPBELLTOWN.  
LIVERPOOL.  
COOMA.  
EDEN.  
KIAMA.

## SOUTHERN DISTRICT.

GOULBURN.  
ALBURY.  
GUNDAGAI.  
QUEANBEYAN.

TUMUT.  
WAGGA WAGGA.  
YASS.

## WESTERN DISTRICT.

BATHURST.  
CARCOAR.  
HARTLEY.

MOLONG.  
MUDGEES.  
ORANGE.

## NORTHERN DISTRICT.

ARMIDALE.  
GRAPTON.  
EAST MAITLAND.  
WEST MAITLAND.  
MUSWELLBROOK.  
MURRURUNDI.

SCONE.  
PATERSON.  
PORT MACQUARIE.  
TAMWORTH.  
SINGLETON.

*Memo.* :—The Return from Dubbo, in the Western District, has not yet been received.

## DISTRICT COURTS ACT

A RETURN of the Number of Suits commenced in the District Court of SYDNEY, and the other up to the 1st

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz:—	THE COSTS OF THE SUITS.  £ s. d.	DATE, PLACE, AND DURATION OF SITTINGS.			
		Date.	Place.	Duration.	
				Days.	Hours.
Goods sold .....2704	2678 Cases in which the amount sued for did not exceed £5 .....429 7 0	1859.			
Wages, work, labor ..... 944		May .....	Sydney ....	11	64
Bills of Exchange & P. Notes 487		June .....	Ditto ....	9	47
Money paid & money received 324	1103 Cases, sum sued for not exceeding £10 .....314 15 10	July .....	Ditto ....	12	67
Rent ..... 257		August ....	Ditto ....	13	80
Breach of contract..... 95	780 Cases, sum sued for not exceeding £30, and no at- torney employed by plaintiff .... 346 6 6	September..	Ditto ....	10	55
Board and lodging ..... 64		October ....	Ditto ....	12	77
Trover ..... 43		November..	Ditto ....	15	105
On Judgments ..... 36	235 Cases, sum sued for not exceeding £30, and attor- ney employed by plaintiff..... 906 8 1	December ..	Ditto ....	15	105
Damage to personality .... 33		1860.			
Slander..... 32		February ..	Ditto ....	13	88
Negligence ..... 30	62 Cases, sum sued for not exceeding £30, attorney employed by de- fendant ..... 247 17 3	Total .....		110	688
Hire of goods ..... 20		Equal to 113 days of six hours each.			
Assault..... 17	7 Cases, sum sued for not exceeding £30, counsel and attorney employ- ed by plaintiff .. 71 10 3				
Use and occupation ..... 16					
Interest..... 13	4 Cases, sum sued for not exceeding £30, counsel and attorney employ- ed by defendant 45 16 10				
Wharfage..... 10					
Damage to land ..... 9					
Hire of horses ..... 7					
Hire of boats ..... 5					
Horsemeat and livery .... 5					
False imprisonment ..... 4	195 Cases, sum sued for not exceeding £200, no attorney employed by plaintiff..... 208 14 6				
Malicious prosecution .... 4					
On awards ..... 3					
Excessive distress ..... 3	72 Cases, sum sued for not exceeding £200, attorney employed by plaintiff..... 532 8 5				
Possession of tenements .. 3					
Agistment ..... 3					
Deceit ..... 3	18 Cases, sum sued for not exceeding £200, attorney employed by de- fendant..... 134 18 10				
Libel..... 2					
Purchase-money on lease .. 2					
Covenant ..... 2	21 Cases, sum sued for not exceeding £200, counsel and attorney employ- ed by plaintiff .. 371 13 10				
Injuries sustained by the bite of a dog ..... }					
Purchase-money on land .. 1					
On a bond ..... 1	10 Cases, sum sued for not exceeding £200, counsel and attorney employ- ed by defendant 127 9 6				
Costs of an equity suit agreed to be repaid by defendant..... }					
TOTAL..... 5185	5185 £3,737 6 10				
Exclusive of 16 Interpleaders, which are not issued on origi- nal Plaints.	In the above amounts mileage is included on an average of eight- pence for each case.				

We hereby certify that the foregoing is a full and complete return of the particulars required of March, one thousand eight hundred and sixty.

## OF 1858.—(Section 103.)

particulars required by the said Act, during the period the said Court has been in operation, day of March, 1860.

THE NUMBER OF SUITS COMMENCED.			RESULT.		NUMBER OF CASES LEFT IN ARREAR.	NUMBER OF CASES TRIED BY JURY.	NUMBER OF CASES TRIED WITHOUT JURY.	NUMBER OF CASES SETTLED BY ARBITRATION.
Commenced.	Settled without hearing.	Tried.	In favor of Plaintiff.	In favor of Defendant.				
Five thousand one hundred and eighty-five, exclusive of five hundred and five commenced in February, 1860, but tried subsequent to 1st of March, 1860, the further particulars of which will be included in the next annual return.	2088	3050	2762	288	41	57	2993	6
	NUMBER OF MOTIONS FOR NEW TRIALS.	NUMBER OF NEW TRIALS GRANTED.	THE GROUNDS UPON WHICH SUCH NEW TRIALS WERE GRANTED.		NUMBER OF APPEALS, APPLICATIONS FOR WRITS OF PROHIBITION AND ORDERS IN THE NATURE OF MANDAMUS.			
	22	20	<p>In fifteen cases—absence of defendant at first trial, and affidavit of defence upon the merits.</p> <p>In one case—absence of defendant's advocate.</p> <p>In two cases—contradictory evidence on trial, second trial being ordered before jury.</p> <p>In two cases—summonses not properly served.</p>		<p>Three appeals, in one of which the judgment was reversed. The remaining two are still pending.</p> <p>Three applications for Writs of Prohibition and two for orders in the nature of Mandamus, which applications were refused.</p>			

by the said Act so far as we are able to set forth the same.—Dated at Sydney, this twenty-ninth day

ALEXR. C. MAXWELL, }  
GEO. S. YARNTON, } Registrars.

A RETURN of the Number of Suits commenced in the District Court of the CUMBERLAND AND COAST DISTRICT, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. :—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
		Commenced.	Settled without hearing	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.		Of Motions for New Trials.	Of New Trials granted
														Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	.....	217	106	105	99	6	£ s. d. 61 14 3	..	....	..	6	Parramatta	{ 25 May 10 Aug. 21 Nov. 2 Feb.	3	..	Nil.	52				
Promissory Notes .....	.....	20	13	7	6	1	9 8 6	..	....	..	..			3	..	2	27				
Rent .....	.....	11	2	9	5	4	7 13 6	..	....	..	..			2	..	1	20				
Board and Lodging .....	.....	4	3	1	1	..	1 7 3	..	....	..	..			2	..	1	20				
Trespass on Land .....	Damages .....	1	..	1	1	..	1 0 6	..	....	..	..			2	..	1	58				
" .....	Grazing .....	2	..	2	1	1	0 18 9	..	....	..	..										
Illegal Distraint .....	.....	..	..	..	..	..	..	..	....	..	..										
Trover .....	Balance of Money due .....	2	..	2	..	2	1 18 0	..	....	..	..										
Breach of Contract .....	Compensation .....	1	..	1	1	..	0 10 9	..	....	..	..										
Wages, Work, and Labor .....	.....	47	30	16	16	..	17 14 6	..	....	..	1										
Libel, Slander, or Defamation .....	.....	..	..	..	..	..	..	..	....	..	..										
Commission on Agency ..	.....	2	1	..	..	..	0 8 6	..	....	..	..										
Sales of Live Stock .....	.....	4	..	4	2	2	1 8 6	..	....	..	..										
Money Lent .....	.....	18	6	12	7	5	6 12 3	..	....	..	..										
" .....	Interest .....	1	..	1	..	1	0 8 0	..	....	..	..										
Interpleader .....	.....	..	..	..	..	..	..	..	....	..	..										
Intestacy .....	.....	..	..	..	..	..	..	..	....	..	..										
Legacy .....	.....	..	..	..	..	..	..	..	....	..	..										
Possession of Tenements ..	.....	..	..	..	..	..	..	..	....	..	..										
Replevin .....	.....	..	..	..	..	..	..	..	....	..	..										
Consent Jurisdiction .....	.....	..	..	..	..	..	..	..	....	..	..										
Causes of action not specified above .....	.....	..	..	..	..	..	..	..	....	..	..										
		330	161	161	139	22	111 3 3	..	..	..	8			..	..	4	157	..	..	..	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

GEO. M. LANGLEY,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of WINDSOR, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE & THE CAUSES UNDER DISTINCT HEADS, VIZ. :—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.			THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.																					
		Commenced.	Settled without hearing	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.	Of Motions for New Trials.		Of New Trials granted																				
														Days.	Hours	By Jury.	Without Jury.																								
							£ s. d.																																		
Goods sold .....	307	} ..	457	203	247	202	45	137 0 6	..	....	..	7	Windsor .	{	1859.	{	2	13½	{	3	244	{																			
Promissory Notes .....	45														April 11 and 12. ..								3	19½																	
Rent .....	9														July 4, 5, and 6. ..								3	13																	
Board and Lodging .....	3														Oct. 3, 4, and 5. ..								3	16½																	
Trespass on Land .....	3																																								
Trespass on Person .....	....																																								
Illegal Distraint.....	....																																								
Trover .....	6																																								
Breach of Contract.....	5																																								
Wages, Work, and Labor .....	30																																								
Libel, Slander, or Defamation.....	....																																								
Commission on Agency .....	....																																								
Sales of Live Stock .....	....																																								
Money Lent.....	10																																								
Partnership.....	....																																								
Interpleader.....	....																																								
Intestacy .....	....																																								
Legacy .....	....																																								
Possession of Tenements .....	....																																								
Replevin .....	....																																								
Consent Jurisdiction.....	....																																								
Causes of action not specified above .....	39																																								

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

G. A. GORDON,

Registrar, District Court.



A RETURN of the Number of Suits commenced in the District Court of BRAIDWOOD, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz. :—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, and DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.	
	Com-menced.	Settled without hearing	Tried.	Plain-tiff.	Defen-dant.		Of Appeals	Of Judg-ments or Orders affirmed.	Reversed.	Of Cases left in arrear.	Place.	Date.	Duration.		Tried.	Settled by arbi-tration.	Of Motions for New Trials.		Of New Trials granted
													Days.	Hours.	By Jury.				
Goods sold .....	23	13	10	9	1	£ s. d. 23 2 9	..	....	..	..	Braidwood	{ 1859. June 17 Dec. 6 & 7 }	2	3	..	23			
Promissory Notes .....	17	11	6	6	..	14 18 9	..	....	..	..					..	17			
Rent .....	1	1	..	..	..	0 11 6	..	....	..	..					..	1			
Board and Lodging .....	4	2	2	2	..	2 12 6	..	....	..	..					..	4			
Trespass on Land .....	1	..	..	..	..	4 2 0	..	....	..	..					..	..			
Trespass on Person .....	..	..	..	..	..	..	..	....	..	..					..	..			
Illegal Distraint .....	..	..	..	..	..	..	..	....	..	..					..	..			
Trover .....	..	..	..	..	..	..	..	....	..	..					..	..			
Breach of Contract .....	5	4	1	..	1	5 12 9	..	....	..	..					2	..			
Wages, Work, and Labor .....	6	4	2	1	1	6 8 0	..	....	..	..					1	..			
Libel, Slander, or Defamation .....	2	..	2	1	1	6 11 6	..	....	..	..					2	..			
Commission on Agency .....	..	..	..	..	..	..	..	....	..	..					..	..			
Sales of Live Stock .....	..	..	..	..	..	..	..	....	..	..					..	..			
Money Lent .....	4	3	1	..	1	2 14 0	..	....	..	..					..	4			
Partnership .....	..	..	..	..	..	..	..	....	..	..					..	..			
Interpleader .....	..	..	..	..	..	..	..	....	..	..					..	..			
Intestacy .....	..	..	..	..	..	..	..	....	..	..					..	..			
Legacy .....	..	..	..	..	..	..	..	....	..	..					..	..			
Possession of Tenements .....	..	..	..	..	..	..	..	....	..	..					..	..			
Replevin .....	..	..	..	..	..	..	..	....	..	..					..	..			
Consent Jurisdiction .....	..	..	..	..	..	..	..	....	..	..					..	..			
Causes of action not speci- fied above .....	..	..	..	..	..	..	..	....	..	..					..	..			
Breach of Trust .....	1	..	1	1	..	2 17 0	..	....	..	..					1	..			
False Imprisonment .....	1	..	1	..	1	3 13 6	..	....	..	..					1	..			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JOHN GURNEY,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of PENRITH, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz.:-	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.				NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.			
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.	Of Motions for New Trials.		Of New Trials granted.		
													Days.	Hours.	By Jury.	Without Jury.						
Goods sold .....	161	67	93	81	12	£ s. d. 58 5 0	..	....	..	1	Penrith	1			2	90	..					
Promissory Notes .....	56	23	33	31	2	20 3 0	..	....	..	..		4				1	10	..				
Rent .....	4	..	4	4	..	2 10 6	..	....	..	..						..	3	..				
Board and Lodging .....	3	1	2	2	..	0 16 6	..	....	..	..						..	2	..				
Trespass on Land .....	1	..	1	1	..	0 12 0	..	....	..	..						..	1	..				
Trespass on Person .....	4	1	3	2	1	1 14 0	..	....	..	..						..	3	..				
Illegal Distraint .....	1	..	1	..	1	0 11 6	..	....	..	..						..	1	..				
Trover .....	7	1	6	5	1	3 2 0	..	....	..	..		1859.				1	5	..				
Breach of Contract .....	2	1	1	1	..	0 12 3	..	....	..	..		18 April	1	..		..	1	..				
Wages, Work, and Labor .....	32	8	24	20	3	10 10 6	..	....	..	..		8 July ..	1	5		..	24	1				
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	....	..	..		10 Oct. ..	2	4	1	..	..	..				
Commission on Agency .....	1	..	1	1	..	1 5 0	..	....	..	..					..	..	..	..	3	..		
Sales of Live Stock .....	4	1	3	3	..	2 9 6	..	....	..	..					..	..	..	..	4	..		
Money Lent .....	6	2	4	4	..	1 10 6	..	....	..	..					..	..	..	..	..	..		
Partnership .....	..	..	..	..	..	..	..	....	..	..		1860.				..	1	..				
Interpleader .....	2	..	2	1	1	0 2 6	..	....	..	..		13 Jan. ..	1	3		..	1	..				
Intestacy .....	1	..	1	1	..	1 10 6	..	....	..	..						..	..	..				
Legacy .....	..	..	..	..	..	..	..	....	..	..						..	..	..				
Possession of Tenements .....	..	..	..	..	..	..	..	....	..	..						..	4	..				
Replevin .....	8	3	5	3	2	2 19 9	..	....	..	..						1	..	..				
Consent Jurisdiction .....	..	..	..	..	..	..	..	....	..	..						..	..	..				
Causes of action not specified above .....	..	..	..	..	..	..	..	....	..	..						..	..	..				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

RICHARD BROOKS,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of WOLLONGONG, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

8

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. :—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.			THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.				
		Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by Arbitration.	Of Motions for New Trials.		Of New Trials granted			
														Days.	Hours.	By Jury.	Without Jury.							
Goods sold .....	10	} 47	20	23	12	11 (See Note a.)	£ s. d. 43 2 3	Nil	Nil.	Nil.	2	Court House, Wollongong.	1859.	} 3	20	2	2	2	1 case granted on condition that it be tried by a Jury. The other was a case which had been settled by arbitration, and a new trial was granted on the ground that additional evidence could be adduced.					
Promissory Notes .....	5												1 June.							1	..	Commencing 3 Aug.	1	4
Rent .....	3												Commencing 1 Nov. (See note b)							2	..			
Board and Lodging .....	2																			1860.	Commencing 18 Jan. (See note b)		3	1
Trespass on Land .....	1																							
" on Person .....	1																							
Illegal Distraint.....	...																							
Trover .....	...																							
Breach of Contract.....	...																							
Wages, Work, and Labor....	7																							
Libel, Slander, or Defamation	3																							
Commission on Agency.....	4																							
Sales of Live Stock .....	...																							
Money Lent.....	...																							
Partnership .....	...																							
Interpleader.....	1																							
Intestacy .....	...																							
Legacy .....	...																							
Possession of Tenements ...	1																							
Replevin .....	...																							
Consent Jurisdiction .....	...																							
Causes of action not specified above .....	10																							

(a) Of the 11 cases resulting in favor of the Defendants 2 were cases in which the Plaintiffs were non-suited, and 1 was dismissed, the Court not having jurisdiction.

(b) At the two last sittings of the Court, part of the 1st November, 1859, and the whole of the 18th January, 1860, was occupied by the business of Quarter Sessions.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

ALFRED A. TURNER, Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of BERRIMA, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz.:—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.																				
		Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrest.	Place.	Date.	Duration.		Tried.		Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.																		
														Days.	Hours.	By Jury.	Without Jury.																						
Goods sold .....	4	37	11	26	16	10	£ s. d. 44 2 6	..	....	..	..	Berrima	1859.	2	2	3	23	1	1	1	Verdict of Jury against Evidence.																		
Promissory Notes .....	5												6 & 7 May.									25 July ..	2	1	..	} One Jury case settled.													
Rent .....	2												25 & 26 Oct.									2	..	..															
Board and Lodging .....	1																																						
Trespass on Land .....	1																																						
Trespass on Person (Assault) .....	1																																						
Illegal Distraint .....	12																																						
Trover .....	6																																						
Breach of Contract .....	6																																						
Wages, Work, and Labor .....	6																																						
Libel, Slander, or Defamation .....	6																																						
Commission on Agency .....	6																																						
Sales of Live Stock .....	6																																						
Money Lent .....	6																																						
Partnership .....	6																																						
Interpleader .....	6																																						
Intestacy .....	6																																						
Legacy .....	6																																						
Possession of Tenements .....	6																																						
Replevin .....	6																																						
Consent Jurisdiction .....	6																																						
Causes of action not specified above .....	Damages 5 Agistment 1																																						
Total ..	37																																						

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. EVELYN LIARDET,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of BOMBALA, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

10

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ.:-		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
		Com- menced.	Settled without hearing	Tried.	Plain- tiff.	Defend- ant.		Of Appeals	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in arrear.	Place.	Date.	Duration.		Tried.		Settled by arbi- tration.		Of Motions for New Trials.	Of New Trials granted
														Days.	Hours	By Jury.	Without Jury.				
Goods sold .....	Action against Bai- liff for neglect ..	16	7	9	8	1	£ s. d. 11 4 6	..	....	..	..	Bombala	1859. September Sittings. — 6 Sept. .. 7 " ..	1 6 ½ 3	..	All.					
Promissory Notes .....		..	..	..	..	..	7 10 6	..	....	..	..										
Rent .....		1	..	1	1	..	..	..	....	..	..										
Board and Lodging .....		..	..	..	..	..	..	..	....	..	..										
Trespass on Land .....		..	..	..	..	..	..	..	....	..	..										
Trespass on Person .....		5	..	3	1	2	28 15 4	..	....	..	2*										
Distrain .....		1	..	..	..	..	0 7 6	..	....	..	..										
Trover .....		5	..	5	4	1	4 10 0	..	....	..	..										
Breach of Contract .....		..	..	..	..	..	..	..	....	..	..										
Wages, Work, and Labor .....		..	..	..	..	..	..	..	....	..	..										
Libel, Slander, or Defamation .....		..	..	..	..	..	..	..	....	..	..										
Commission on Agency .....		..	..	..	..	..	..	..	....	..	..										
Sales of Live Stock .....		..	..	..	..	..	..	..	....	..	..										
Money Lent .....		..	..	..	..	..	..	..	....	..	..										
Partnership .....		..	..	..	..	..	..	..	....	..	..										
Interpleader .....		..	..	..	..	..	..	..	....	..	..										
Intestacy .....		..	..	..	..	..	..	..	....	..	..										
Legacy .....		..	..	..	..	..	..	..	....	..	..										
Possession of Tenements .....		..	..	..	..	..	..	..	....	..	..										
Replevin .....		..	..	..	..	..	..	..	....	..	..										
Consent Jurisdiction .....		..	..	..	..	..	..	..	....	..	..										
Causes of action not specified above .....		..	..	..	..	..	..	..	....	..	..										
Hire of Horse and Cart .....	1	..	1	1	..	0 3 0	..	....	..	..											
Value of half line of dividing Fence .....	1	..	1	..	1	10 10 6	..	....	..	..											
							£63 1 4														

\* Plaintiff to sue next Sittings in "forma pauperis."

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

THOMAS FOX,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of CAMDEN, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz.:-	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases continued.	Place.	Date.	Duration.		Tried.		Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.
													Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	56	32	24	17	5	£ s. d. 22 18 9	..	....	..	2	Camden	1859. 29 April .. 18 July .. 19 Oct. .. 1860. 13 Feb. ...	1	1	1	4	..	..	Fresh evidence forthcoming.	
Promissory Notes .....	24	15	7	6	..	8 10 6	..	....	..	3					..	4	..	..		
Rent .....	1	1	..	..	..	0 6 6	..	....	..	..					..	..	..	..		
Board and Lodging .....	1	1	..	..	..	0 3 0	..	....	..	..					..	1	..	..		
Trespass on Land .....	3	..	3	1	1	16 2 0	..	....	..	1					..	1	..	..		
Trespass on Person .....	1	1	..	..	..	1 8 6	..	....	..	..					..	..	..	..		
Illegal Distraint .....	..	..	..	..	..	....	..	....	..	..					..	..	..	..		
Trover .....	5	..	..	..	..	All continued	..	....	..	5					3	2	..	1		
Breach of Contract .....	5	3	2	..	1	2 2 0	..	....	..	1					..	1	..	..		
Wages, Work, and Labor .....	37	18	19	14	4	24 17 6	..	....	..	1					..	2	..	..		
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Commission on Agency .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Sales of Live Stock .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Money Lent .....	6	2	4	4	..	2 18 8	..	....	..	..					..	..	..	..		
Partnership .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Interpleader .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Intestacy .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Legacy .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Possession of Tenements .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Replevin .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Consent Jurisdiction .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Causes of action not specified above .....	..	..	..	..	..	..	..	....	..	..					..	..	..	..		
Service of a Horse .....	1	..	1	1	..	0 14 9	..	....	..	..					..	..	..	..		
Damage to Chattels .....	2	1	1	..	1	1 17 0	..	....	..	..					..	..	..	..		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. B. MARTIN,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of PICTON, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ.:-	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBERS				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases continued.	Place.	Date.	Duration.	Tried.	Settled by arbitration.	Of Motions for New Trials.	Of New Trials granted.	
						£ s. d.							Days. Hours.	By Jury.	Without Jury.			
Goods sold .....	27	16	11	7	4	11 3 0									4			
Promissory Notes .....	13	3	10	7	2	13 7 3				1					3			
Rent .....	2	1	1	1	..	0 16 0												
Board and Lodging .....	1	..	1	1	..	0 8 0												
Trespass on Land .....	..	..	..	..	..	..												
Trespass on Person .....	..	..	..	..	..	..												
Illegal Distraint .....	..	..	..	..	..	..												
Trover .....	..	..	..	..	..	..												
Breach of Contract .....	2	..	2	..	1	4 6 0				1								
Wages, Work, and Labor .....	13	4	9	4	3	11 13 0				2					2			
Libel, Slander, or Defamation .....	2	..	2	1	..	8 2 0				1					2			
Commission on Agency .....	..	..	..	..	..	..												
Sales of Live Stock .....	..	..	..	..	..	..												
Money Lent .....	1	..	..	..	1	2 9 10												
Partnership .....	..	..	..	..	..	..												
Interpleader .....	..	..	..	..	..	..												
Intestacy .....	..	..	..	..	..	..												
Legacy .....	..	..	..	..	..	..												
Possession of Tenements .....	..	..	..	..	..	..												
Replevin .....	..	..	..	..	..	..												
Consent Jurisdiction .....	..	..	..	..	..	..												
Causes of action not specified above .....	2	1	1	..	..	1 3 6				1								
Agistment .....	2	1	1	..	..	0 9 9												
Service of Horse .....	2	1	..	..	1	2 14 0												
Damage to Chattels .....	1	..	1	1	..	..												

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J.-B. MARTIN,

Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of CAMPBELLTOWN during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz.:-	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Com-menced.	Settled without hearing	Tried.	Plain-tiff.	Defen-dant.		Of Appeals	Of Judg-ments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried. By Jury.	Settled by arbitra-tion.	Of Motions for New Trials.		Of New Trials granted	
													Days.	Hours.						
Goods sold .....	91	46	45	43	2	£ s. d.					Campbell-town	1859. April 27	4 1/2	70						
Promissory Notes .....	22	14	8	7	1															
Rent .....	5	2	3	2	1															
Board and Lodging .....	..	..	..	..	..															
Trespass on Land .....	..	..	..	..	..															
Trespass on Person .....	..	..	..	..	..															
Illegal Distraint .....	..	..	..	..	..															
Trover .....	1	..	1	..	..		Dismissed	..	..											
Breach of Contract .....	3	..	2	2	..		1	..	..											
Wages, Work, and Labor .....	14	10	4	3	1			..	..											
Libel, Slander, or Defamation .....	..	..	..	..	..			..	..											
Commission on Agency .....	..	..	..	..	..	46 5 6		..	..											
Sales of Live Stock .....	..	..	..	..	..			..	..											
Money Lent .....	11	7	4	3	1			..	..											
Tuition .....	4	1	3	3	..			..	..	1										
Agistment .....	1	..	..	..	..			..	..											
Intestacy .....	..	..	..	..	..			..	..											
Legacy .....	..	..	..	..	..			..	..											
Possession of Tenements .....	..	..	..	..	..			..	..											
Replevin .....	..	..	..	..	..			..	..											
Consent Jurisdiction .....	..	..	..	..	..			..	..											
Causes of action not speci-fied above .....	..	..	..	..	..			..	..											

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

GEORGE WHITE,  
Registrar, District Court.



A RETURN of the Number of Suits commenced in the District Court of LIVERPOOL, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

14

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ:—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.			THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.																																																																																																																																																																																																																																																																																								
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.	Of Motions for New Trials.		Of New Trials granted.																																																																																																																																																																																																																																																																																							
													Days.	Hours.	By Jury.	Without Jury.																																																																																																																																																																																																																																																																																											
Goods sold .....	43	19	24	22	2	£ s. d.	}	..	..	..	}	Liverpool	{	1859.	..	..	..	..	..	..																																																																																																																																																																																																																																																																																							
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I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

GEORGE WHITE,

Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of COOMA, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. :—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.			THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.						
	Commenced.	Settled without hearing	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.	Of Motions for New Trials.		Of New Trials granted					
													Days.	Hours.	By Jury.	Without Jury.									
Goods sold .....	14	12	2	2	..	£ s. d.	..	....	..	..	Cooma..	1859. 12 Sept.	{ A. M.	{ P. M.	{ ..	{ ..	{ ..	{ ..							
Promissory Notes .....	3	2	1	1	..	9 7 0	..	....	..	..									2	1					
Rent .....	..	..	..	..	..	....	..	....	..	..									..	..	..	..	..	..	..
Board and Lodging .....	..	..	..	..	..	....	..	....	..	..									..	..	..	..	..	..	..
Trespass on Land .....	..	..	..	..	..	....	..	....	..	..									..	..	..	..	..	..	..
Trespass on Person .....	..	..	..	..	..	....	..	....	..	..									..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	....	..	....	..	..									..	..	..	..	..	..	..
Trover .....	..	..	..	..	..	....	..	....	..	..									..	..	..	..	..	..	..
Breach of Contract .....	4	..	4	4	..	2 11 0	..	....	..	..									..	..	..	..	..	..	..
Wages, Work, and Labor .....	1	..	1	1	..	0 15 0	..	....	..	..									..	..	..	..	..	..	..
Libel, Slander, or Defamation .....	1	1	..	..	..	1 11 0	..	....	..	..									..	..	..	..	..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	....	..	..									..	..	..	..	..	..	..
Sales of Live Stock .....	..	..	..	..	..	..	..	....	..	..									..	..	..	..	..	..	..
Money Lent .....	1	1	..	..	..	0 18 0	..	....	..	..									..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	..	..	....	..	..									..	..	..	..	..	..	..
Interpleader .....	..	..	..	..	..	..	..	....	..	..									..	..	..	..	..	..	..
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Consent Jurisdiction .....	..	..	..	..	..	..	..	....	..	..									..	..	..	..	..	..	..
Causes of action not specified above .....	..	..	..	..	..	..	..	....	..	..									..	..	..	..	..	..	..
Detenue .....	3	..	2	..	2	2 8 6	..	....	..	1									..	..	..	..	..	2	..

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

ROBERT DAWSON,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of EDEN, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

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THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz. :—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	{ Place.	Date.	Duration.		Tried.		Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.
													Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	5	4	1	1	..	£ s. d.	3 19 9	..	....	..	..	} Eden ..	{			..	1			
Promissory Notes .....	3	1	2	2	..	2 11 6	..	....	..	..					..	1				
Rent .....	1	1	..	..	..	0 8 0	..	....	..	..					1	1				
Board and Lodging .....	..	..	..	..	..	..	..	....	..	..					..	..				
Trespass on Land .....	..	..	..	..	..	..	..	....	..	..					..	..				
"    on Person .....	..	..	..	..	..	..	..	....	..	..					..	..				
Illegal Distraint.....	..	..	..	..	..	..	..	....	..	..					..	..				
Trover .....	..	..	..	..	..	..	..	....	..	..					..	..				
Breach of Contract.....	..	..	..	..	..	..	..	....	..	..					..	..				
Wages, Work, and Labor....	1	..	1	1	..	1 3 0	..	....	..	..					..	1				
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	....	..	..					..	..				
Commission on Agency.....	..	..	..	..	..	..	..	....	..	..					..	..				
Sales of Live Stock .....	..	..	..	..	..	..	..	....	..	..					..	..				
Money Lent.....	..	..	..	..	..	..	..	....	..	..					..	..				
Partnership .....	..	..	..	..	..	..	..	....	..	..					..	..				
Interpleader.....	..	..	..	..	..	..	..	....	..	..					..	..				
Intestacy .....	..	..	..	..	..	..	..	....	..	..					..	..				
Legacy .....	..	..	..	..	..	..	..	....	..	..					..	..				
Possession of Tenements ....	..	..	..	..	..	..	..	....	..	..					..	..				
Replevin .....	..	..	..	..	..	..	..	....	..	..					..	..				
Consent Jurisdiction .....	..	..	..	..	..	..	..	....	..	..					..	..				
Causes of action not specified above .....	2	1	1	1	..	4 7 6	..	....	..	..					1	..				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

P. J. MURRAY,

Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of KIAMA during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ.:	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrest.	Place.	Date.	Duration.		Tried.		Settled by arbitration.		Of Motions for New Trials.	Of New Trials granted.
													Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	8	3	5	4	1	£ s. d. 18 3 4	1	.....	..	1	Kiama....	1859. June 6	1 4	..	5	..	1	1 Not yet determined.		
Promissory Notes .....	19	8	11	9	2	43 4 11								..	11					
Rent .....	..	..	..	..	..	....								..	..					
Board and Lodging .....	..	..	..	..	..	....								..	..					
Trespass on Land .....	1	..	1	1	..	5 16 6								..	1					
Trespass on Person .....	3	1	2	2	..	44 15 9								1	1				..	1
Illegal Distraint .....	..	..	..	..	..	....								..	..					
Traveller .....	..	..	..	..	..	....								..	..					
Breach of Contract .....	3	1	2	2	..	18 3 2								..	2					
Wages, Work, and Labor .....	6	..	6	4	2	29 16 9								1	6					
Libel, Slander, or Defamation .....	..	..	..	..	..	....								..	..					
Commission on Agency .....	1	..	1	1	..	6 18 4								..	1					
Sale of Live Stock .....	1	..	1	1	..	12 11 0								..	1					
Money Lent .....	..	..	..	..	..	....								..	..					
Partnership .....	..	..	..	..	..	....								..	..					
Interpleader .....	..	..	..	..	..	....								..	..					
Intestacy .....	..	..	..	..	..	....								..	..					
Legacy .....	..	..	..	..	..	....								..	..					
Possession of Tenements .....	3	..	2	1	1	3 16 4								..	2				} Referred to arbitration.	
Replevin .....	..	..	..	..	..	....								..	..					
Consent Jurisdiction .....	..	..	..	..	..	....								..	..					
Causes of action not specified above .....	7	6	2	1	1	15 7 9	..	2												

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

W. D. MEARES,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of GOULBURN, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

18

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz. :—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED		
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in Arrear.	Place.	Date.	Duration.		Tried.		Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.
													Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	38	18	19	18	1	Of 4 suits in cases not exceeding £200, undisputed—£25 12s. 10d. Of 6 ditto ditto, defended—£390 17s. 6d.	..	....	..	1	Goulburn.	1859. 1 June. 28 July. 13 Oct.	4	24	..	19	1	..		
Promissory Notes .....	12	6	6	6	..		..	....	..	..					..	6	..	..		
Rent .....	2	..	2	2	..		..	....	..	..					..	2	..	..		
Board and Lodging .....	2	1	1	..	1		..	....	..	..					..	..	..	..		
Trespass on Land .....	1	1	..	..	..		..	....	..	..					..	..	..	..		
"    on Person .....	5	1	4	4	..		1	....	..	..					3	1	..	1		
Illegal Distraint .....	1	..	1	1	..		..	....	..	..					..	1	..	..		
Trover .....	4	2	2	2	..		..	....	..	..					..	2	..	..		
Breach of Contract .....	..	..	..	..	..		..	....	..	..					..	..	..	..		
Wages, Work, and Labor .....	10	3	6	6	..		..	....	..	1					..	..	6	..		..
Libel, Slander, or Defamation .....	1	..	1	1	..	Of 15 suits in cases not exceeding £20, undisputed—£37 5s. 6d. Of 8 ditto ditto, defended—£68 8s. 6d.	..	....	..	..	Goulburn.	1860. 13 Feb.	2	14	..	1	..	..		
Commission on Agency .....	1	..	1	1	..		..	....	..	..					..	1	..	..		
Sales of Live Stock .....	..	..	..	..	..		..	....	..	..					..	..	..	..		
Money Lent and Money paid .....	5	1	4	4	..		..	....	..	..					..	4	..	..		
Partnership .....	..	..	..	..	..		..	....	..	..					..	..	..	..		
Interpleader .....	..	..	..	..	..		..	....	..	..					..	..	..	..		
Intestacy .....	..	..	..	..	..		..	....	..	..					..	..	..	..		
Legacy .....	..	..	..	..	..		..	....	..	..					..	..	..	..		
Possession of Tenements .....	1	..	1	1	..		..	....	..	..					..	1	..	..		
Replevin .....	..	..	..	..	..		..	....	..	..					..	..	..	..		
Consent Jurisdiction .....	..	..	..	..	..		..	....	..	..					..	..	..	..		
Causes of action not specified above .....	44	24	19	18	1		..	....	..	1					2	17	..	..		
Totals .....	127	57	67	64	3		1	....	..	3			10	69	6	60	1	1		

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act, except in respect to the costs of Suits, which cannot be ascertained except in those cases in which they have been determined at the hearing, or in which bills have been taxed, or in which the amount claimed does not exceed £10.

TEMPLE F. S. NATHAN,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of ALBURY, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. :—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.				NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.	
		Com-menced.	Settled without hearing.	Tried.	Plain-tiff.	Defen-dant.		Of Appeals	Of Judg-ments or Orders affirmed.	Reversed.	Of Cases left in arrear.	Place.	Date.	Duration.		Tried.		Settled by arbit-ration.	Of Motions for New Trials.		Of New Trials granted
														Days.	Hours.	By Jury.	Without Jury.				
		23	13	10	10	..	£ s. d.														
Goods sold .....		9	6	3	3	..	80 2 0	..	...	..	Albury ..	1859. 11 Nov... 12 " 14 " 15 " 16 " 17 " 18 " 19 " 21 " 22 "	7½ 8 8½ 9 7 7½ 7½ 8 8	6	32	..	1	1	{ Verdict against evidence.		
Promissory Notes .....		4	2	2	2	..															
Rent .....		3	2	1	1	..															
Board and Lodging .....		..	..	..	..	..															
Trespass on Land ..		..	..	..	..	..															
Trespass on Person ..		..	..	..	..	..															
Illegal Distraint .....		1	1	..	..	..															
Trover .....		2	1	1	1	..															
Breach of Contract ..		17	10	7	4	3															
Wages, Work, and Labor .....		..	..	..	..	..															
Libel, Slander, or Defamation .....		1	1	..	..	..															
Commission on Agency .....		..	..	..	..	..															
Sales of Live Stock .....		5	3	2	1	1															
Money Lent .....		..	..	..	..	..															
Partnership .....		..	..	..	..	..															
Interpleader .....		..	..	..	..	..															
Intestacy .....		..	..	..	..	..															
Legacy .....		..	..	..	..	..															
Possession of Tenements .....		..	..	..	..	..															
Replevin .....		..	..	..	..	..															
Consent Jurisdiction .....		..	..	..	..	..															
Causes of action not specified above .....		29	17	12	6	6															
Totals .....		94	66	88	28	10															

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

H. S. ELLIOTT,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of GUNDAGAI, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz:—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.			THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.	
		Com-menced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by Arbitration.	Of Motions for New Trials.		Of New Trials granted.
														Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	11	11	4	7	6	1	£ s. d. 14 8 5	..	..	..	..	National School House, North Gundagai.	{ 1859. 26 Oct. ... 1860. 20 Mar. ...	..	4	..	8	..	..	..	
Promissory Notes .....	1	1	..	1	1	..	7 3 0	..	..	..	..										
Rent .....	..	..	..	..	..	..	..	..	..	..	..										
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..	..										
Trespass on Land .....	..	..	..	..	..	..	..	..	..	..	..										
Trespass on Person .....	1	1	1	..	..	..	1 0 6	..	..	..	..										
Illegal Distraint .....	..	..	..	..	..	..	..	..	..	..	..										
Trover .....	1	1	..	1	1	..	12 3 0	..	..	..	..										
Breach of Contract .....	..	..	..	..	..	..	..	..	..	..	..										
Wages, Work, and Labor .....	9	9	4	5	5	..	26 12 7	..	..	..	..										
Libel, Slander, or Defamation .....	1	1	1	..	..	..	1 0 0	..	..	..	..										
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..										
Sales of Live Stock .....	..	..	..	..	..	..	..	..	..	..	..										
Money Lent .....	..	..	..	..	..	..	..	..	..	..	..										
Partnership .....	..	..	..	..	..	..	..	..	..	..	..										
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..										
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..										
Legacy .....	..	..	..	..	..	..	..	..	..	..	..										
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..										
Replevin .....	..	..	..	..	..	..	..	..	..	..	..										
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..										
Causes of action not specified above .....	..	..	..	..	..	..	..	..	..	..	..										
	24	24	10	14	13	1	62 7 6	..	..	..	..										

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

ALFRED C. S. ROSE,

Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of QUEANBEYAN, during the Twelve Months preceding the first day of March, 1860; and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz.:-	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried. By Jury.	Settled by Arbitration.	Of Motions for New Trials.		Of New Trials granted.	
													Days.	Hours.						
Goods sold .....	10	}	34	9	24	21	3	£ s. d. 149 13 4	..	....	..	1	Queanbeyan.	{ 1859. 15 July .. 1 .. 17 Oct. .. 1 ..  1860. 6 Feb. .... 2 ..	3	21	..	2	1	{ Absence of defendant at trial.
Promissory Notes ..	8																			
Rent .....	2																			
Board and Lodging .....	1																			
Trespass on Land .....	1																			
Trespass on Person .....	2																			
Illegal Distraint .....	...																			
Trover .....	3																			
Breach of Contract .....	1																			
Wages, Work, and Labor .....	3																			
Libel, Slander, or Defamation .....	1																			
Commission on Agency .....	...																			
Sales of Live Stock .....	1																			
Money Lent .....	4																			
Partnership .....	...																			
Interpleader .....	...																			
Intestacy .....	...																			
Legacy .....	...																			
Possession of Tenements .....	1																			
Replevin .....	...																			
Consent Jurisdiction .....	...																			
Causes of action not specified above .....	11																			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

CH. E. NEWCOMBE,  
Registrar, District Court.



A RETURN of the Number of Suits commenced in the District Court of TUMUT, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

22

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz:—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.
		Commenced.	Settled without hearing	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.	Settled by arbitration.	Of Motions for New Trials.	
							Days.							Hours.	By Jury.				
Goods sold .....	.....	12	1	10	9	..	£ s. d. 9 4 6	..	....	..	1	Tumut... {	1859. 28 Oct. ..	1	4	1	21	..	..
Promissory Notes .....	.....	6	1	5	5	..	5 6 0	..	....	..	..								
Rent .....	.....	..	..	..	..	..	1 3 0	..	....	..	1								
Board and Lodging .....	.....	..	..	..	..	..	....	..	....	..	..								
Trespass on Land .....	.....	..	..	..	1	..	1 4 0	..	....	..	..								
Trespass on Person .....	.....	1	..	1	1	..	....	..	....	..	..								
Illegal Distraint .....	.....	..	..	..	..	..	1 0 6	..	....	..	..								
Trover .....	.....	1	1	..	..	..	2 4 6	..	....	..	..								
Breach of Contract .....	.....	2	1	1	1	..	4 12 6	..	....	..	1								
Wages, Work, and Labor .....	.....	6	1	4	4	..	....	..	....	..	..								
Libel, Slander, or Defamation .....	.....	..	..	..	..	..	....	..	....	..	..								
Commission on Agency .....	.....	..	..	..	..	..	....	..	....	..	..								
Sales of Live Stock .....	.....	..	..	..	..	..	1 3 0	..	....	..	1								
Money Lent .....	.....	1	..	..	..	..	....	..	....	..	..								
Partnership .....	.....	..	..	..	..	..	....	..	....	..	..								
Interpleader .....	.....	..	..	..	..	..	....	..	....	..	..								
Intestacy .....	.....	..	..	..	..	..	....	..	....	..	..								
Legacy .....	.....	..	..	..	..	..	....	..	....	..	..								
Possession of Tenements .....	.....	..	..	..	..	..	....	..	....	..	..								
Replevin .....	.....	..	..	..	..	..	....	..	....	..	..								
Consent Jurisdiction .....	.....	..	..	..	..	..	....	..	....	..	..								
Causes of action not specified above .....	.....	..	..	..	..	..	....	..	....	..	..								
Trespass by killing a Mare } (Settled by cross action.) .. }	.....	1	..	1	..	..	1 3 0	..	....	..	..								
Totals .....	.....	31	5	23	20	..	27 1 0	..	....	..	4								

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

ARTHUR VYNER,

Registrar, District Court.

## DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

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Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of Yass, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act. 24

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz. :—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrest.	Place.	Date.	Duration.		Tried.		Settled by arbitration.		Of Motions for New Trials.	Of New Trials granted.
													Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	49	} 51	} 56	} 46	} 8	£ s. d. 107 0 9	..	....	..	5	Yass ....	{ 1859. 19 July.. 21 Oct.. 1860. 1 Feb.	{ 6 .. 2 .. 4 ..	8	48	2	1	1	{ For the ends of substantial justice.	
Promissory Notes .....	18																			
Rent .....	2																			
Board and Lodging .....	1																			
Trespass on Land .....	10																			
Trespass on Person .....	4																			
Illegal Distraint .....	1																			
Trover .....	4																			
Breach of Contract .....	10																			
Wages, Work, and Labor .....	6																			
Libel, Slander, or Defamation .....	2																			
Commission on Agency .....	1																			
Sales of Live Stock .....	1																			
Money Lent .....	3																			
Partnership .....	..																			
Interpleader .....	..																			
Intestacy .....	..																			
Adoption .....	..																			
Partition of Tenements .....	..																			
Provision .....	..																			
Consent Jurisdiction .....	{ One case of these set down.....	..																		
Causes of action not specified above .....	4																			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. STILES,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of BATHURST, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz.:-		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.  £ s. d.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.								
		Commenced.	Settled without hearing	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.		Of Motions for New Trials.	Of New Trials granted						
														Days.	Hours.	By Jury.	Without Jury.										
Goods sold .....	339	457	207	237	214	23	681 7 2	..	....	..	13	Bathurst	1859.	4	25	5	232	2	3	2	No. 19 of 1859— Defective service of summons.  No. 106 of 1859— Defendant taken by surprise.						
Promissory Notes .....	63												May 9, 10, 11, & 12														
Rent .....	3												Aug. 1, 2, 3, 4, 5, 6, 8, & 9 ..														
Board and Lodging .....	8												Nov. 7, 8, 9, 10, 11, 12, 14, & 15.....	8	48												
Trespass on Land .....	4																										
Trespass on Person .....	4																										
Illegal Distraint.....	16													9	48												
Trover .....	3																										
Breach of Contract.....	4																										
Wages, Work, and Labor .....	4																										
Libel, Slander, or Defamation .....	1																										
Commission on Agency .....	1																										
Sales of Live Stock .....	1																										
Money Lent.....	1																										
Partnership .....	1																										
Interpleader.....	1																										
Intestacy .....	1																										
Legacy .....	1																										
Possession of Tenements .....	1																										
Replevin .....	1																										
Consent Jurisdiction .....	1																										
Causes of action not specified above .....	16																										
	457																										

N.B.—Since the opening of the Bathurst District Court there has been 220 cases tried in the Court of Requests, under 10 Vict., No. 10.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

T. CHARLES GORE,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of CARCOAR, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act. 29

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz:—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Com- menced.	Settled without hearing.	Tried.	Plain- tiff.	Defen- dant.		Of Appeals	Of Judg- ments or Orders affirmed.	Reversed.	Of Cases left in arrear.	Place.	Date.	Duration.		Tried.		Settled by Arbit- ration.		Of Motions for New Trials.	Of New Trials granted.
													Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	7	1	6	6	..	£ s. d.	}	....	..	..	Carcoar.	{ 1859. 25 May .. .. 5½ 23 Aug. .. .. 8 28 Nov. .. .. 4½ 1860. 1 Feb. .... .. 4	}	1	15					
Promissory Notes ..	5	3	2	2	..	5 9 0														
Rent .....	1	1	..	..	..	7 11 11														
Board and Lodging ..	4	3	1	..	..	0 7 6														
Trespass on Land .....	..	..	..	..	..	3 4 6														
Trespass on Person ..	..	..	..	..	..	..														
Illegal Distraint .....	..	..	..	..	..	..														
Trover .....	..	..	..	..	..	..														
Breach of Contract ..	1	..	1	1	..	12 11 8														
Wages, Work, and Labor ..	3	..	3	3	..	4 6 0														
Libel, Slander, or Defamation ..	1	..	1	1	..	11 16 7														
Commission on Agency ..	..	..	..	..	..	..														
Sales of Live Stock .....	2	2	..	..	..	0 16 6														
Money Lent .....	2	1	1	1	..	3 3 0														
Partnership .....	1	..	1	1	..	4 9 0														
Intestacy .....	..	..	..	..	..	..														
Legacy .....	..	..	..	..	..	..														
Possession of Tenements ..	..	..	..	..	..	..														
Replevin .....	..	..	..	..	..	..														
Consent Jurisdiction .....	..	..	..	..	..	..														
Causes of action not specified above .....	..	..	..	..	..	..														
	27																			

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

OWEN C. BEARDMORE,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of HARTLEY, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz:—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
		Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrest.	Place.	Date.	Duration.		Tried.		Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.
														Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	16	39	7	9	9	..	£ s. d. 22 4 9	..	16	..	..	Hartley	....	....	..	..	..	1	..	..	
Promissory Notes .....	12	..	8	4	4	..	....	..	....	..	..		21 June ..	1	..	3	All	..	..	..	
Rent .....	2	..	..	2	2	..	....	..	....	..	..		22 June ..	..	..	3½		..	..	..	
Board and Lodging .....	..	..	..	..	..	..	....	..	....	..	..		27 Sept. ..	..	..	3		..	..	..	
Trespass on Land .....	..	..	..	..	..	..	....	..	....	..	..		20 Dec. ..	..	..	3		..	..	..	
Trespass on Person .....	..	..	..	..	..	..	....	..	....	..	..						..	..	..		
Illegal Distraint .....	..	..	..	..	..	..	....	..	....	..	..						..	..	..		
Trover .....	..	..	..	..	..	..	....	..	....	..	..						..	..	..		
Breach of Contract .....	..	..	..	..	..	..	....	..	....	..	..						..	..	..		
Wages, Work, and Labor .....	4	..	3	1	..	1	....	..	....	..	..						..	..	..		
Libel, Slander, or Defamation .....	..	..	..	..	..	..	....	..	....	..	..						..	..	..		
Commission on Agency .....	..	..	..	..	..	..	....	..	....	..	..						..	..	..		
Sales of Live Stock .....	..	..	..	..	..	..	....	..	....	..	..						..	..	..		
Money Lent .....	3	..	2	1	1	..	....	..	....	..	..						..	..	..		
Partnership .....	..	..	..	..	..	..	....	..	....	..	..						..	..	..		
Interpleader .....	..	..	..	..	..	..	....	..	....	..	..					..	..	..			
Intestacy .....	..	..	..	..	..	..	....	..	....	..	..					..	..	..			
Legacy .....	..	..	..	..	..	..	....	..	....	..	..					..	..	..			
Possession of Tenements .....	..	..	..	..	..	..	....	..	....	..	..					..	..	..			
Replevin .....	..	..	..	..	..	..	....	..	....	..	..					..	..	..			
Consent Jurisdiction .....	..	..	..	..	..	..	....	..	....	..	..					..	..	..			
Causes of action not specified above .....	2	..	..	1	1	..	....	..	....	..	..	....	....	..	..	..	1	..	..		
Non-delivery of Cattle .....	..	..	..	..	..	..	....	..	....	..	..	....	....	..	..	..	..	..	..		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

THOMAS BROWN,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of MOLONG, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz.:-		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIAL, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.			
		Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.	Settled by arbitration.	Of Motions for New Trials.		Of New Trials granted.		
														Days.	Hours.						By Jury.	Without Jury.
Goods sold .....	.....	22	15	7	6	..	£ s. d.	8 11 9	..	..	1	Moon's Inn, Molong ....	1859.	.. 6	..	7	..	..				
Promissory Notes .....	.....	4	2	2	2	..	2 13 0	..	..	..	..				..	..	..	..		2	..	..
Rent .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Board and Lodging .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Trespass on Land .....	.....	2	..	2	2	..	0 9 6	..	..	..	..				..	..	..	..		..	..	..
Trespass on Person .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Illegal Distraint .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Trover .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Breach of Contract .....	.....	6	4	2	1	1	3 1 6	..	..	..	..				..	..	..	..		..	..	..
Wages, Work, and Labor .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Libel, Slander, or Defamation .....	.....	1	..	1	1	..	1 9 6	..	..	..	..				..	..	..	..		..	..	..
Commission on Agency .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Sales of Live Stock .....	.....	3	..	3	3	..	3 6 6	..	..	..	..				..	..	..	..		..	..	..
Money Lent .....	.....	3	3	..	..	..	0 11 6	..	..	..	..				..	..	..	..		..	..	..
Partnership .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Interpleader .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Intestacy .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Legacy .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Possession of Tenements .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Replevin .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Consent Jurisdiction .....	.....	..	..	..	..	..	..	..	..	..	..				..	..	..	..		..	..	..
Causes of action not specified above.....	To recover costs in Court of Requests..	1	..	1	..	1	0 5 6	..	..	..	..				..	..	..	..		..	..	..
Totals .....		42	24	18	15	2	20 8 9	..	..	..	1							1		17		

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JNO. J. DAVIES,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of MUDGE, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz.:-	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER OF SUITS.				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Commenced.	Settled without hearing	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.		Of Motions for New Trials.	Of New Trials granted
													Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	74	33	39	36	3	£ s. d.	..	..	..	Post-poned 2	Mudgee.	1859.	28 June..	2	7½	..	39	..	..	
Promissory Notes .....	14	10	4	4	..		..	..	..							..	..	4		..
Rent .....	2	..	2	1	1	525 10 4	..	..	..	..	..	..	..	..	..	2	..	..	..	
Board and Lodging .....	1	..	1	..	1		..	..	..	..	..	..	..	..	..	..	1	..	..	..
Trespass on Land .....	..	..	..	..	..	525 10 4	..	..	..	..	..	..	..	..	..	..	..	..	..	
Trespass on Person .....	..	..	..	..	..		..	..	..	..	..	..	..	..	..	..	..	..	..	..
Illegal Distraint .....	..	..	..	..	..	525 10 4	..	..	..	..	..	..	..	..	..	..	..	..	..	
Trover .....	1	1	..	..	..		..	..	..	..	..	..	..	..	..	..	..	..	..	..
Breach of Contract .....	10	4	4	3	1	525 10 4	..	..	..	2	..	..	..	..	..	4	..	..	..	
Wages, Work, and Labor .....	17	3	13	10	3		..	..	..	..	..	..	..	..	..	..	2	11	1	..
Libel, Slander, or Defamation .....	1	1	..	..	..	525 10 4	..	..	..	..	..	..	28 June..	2	7½	..	..	..	..	
Commission on Agency .....	..	..	..	..	..		..	..	..	..	..	..	..	4 Oct. ..	3	20¼	..	2	..	..
Sales of Live Stock .....	..	..	..	..	..	525 10 4	..	..	..	..	..	..	28 Dec. ..	2	5½	..	..	..	..	
Money Lent .....	7	5	2	2	..		..	..	..	..	..	..	..	..	..	..	..	..	..	..
Partnership .....	..	..	..	..	..	525 10 4	..	..	..	..	..	..	..	..	..	..	..	..	..	
Interpleader .....	..	..	..	..	..		..	..	..	..	..	..	..	..	..	..	..	..	..	..
Intestacy .....	..	..	..	..	..	525 10 4	..	..	..	..	..	..	..	..	..	..	..	..	..	
Legacy .....	..	..	..	..	..		..	..	..	..	..	..	..	..	..	..	..	..	..	..
Possession of Tenements .....	..	..	..	..	..	525 10 4	..	..	..	..	..	..	..	..	..	..	..	..	..	
Replevin .....	..	..	..	..	..		..	..	..	..	..	..	..	..	..	..	..	..	..	..
Consent Jurisdiction .....	..	..	..	..	..	525 10 4	..	..	..	..	..	..	..	..	..	..	..	..	..	
Causes of action not specified above.....	2	1	1	..	1		..	..	..	..	..	..	..	..	..	..	..	..	..	..
	2	2	Withd	rawn	on a death of defendant		..	..	..	..	..	..	..	..	..	..	2	..	..	..
	1	..	..	..	..		..	..	..	..	..	..	..	..	..	..	..	..	..	..
	1	..	..	..	..		..	..	..	..	..	..	..	..	..	..	..	..	..	..

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

T. DIGBY MILLER,  
Registrar, District Court.



A RETURN of the Number of Suits commenced in the District Court of ORANGE, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. :-		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.				NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
		Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.	Of Motions for New Trials.		Of New Trials granted.	
														Days.	Hours.	By Jury.	Without Jury.					
Goods sold .....	51	..	..	..	..	..	£ s. d.	..	..	..	Orange.	1859. 18 July.. 24 Oct.. 1860. 16 Jan.. 2 5	2	14	..	..	..	..	..	Surprise.		
Promissory Notes .....	4	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Rent .....	1	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Board and Lodging .....	2	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Trespass on Land .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Trespass on Person .....	37	22	13	11	1	41	2 5	..	..	..					..	13	2	1	1		..	..
Illegal Distraint .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Trover .....	23	7	15	10	5	36	14 1	..	..	..					..	1	14	1	1		..	..
Breach of Contract .....	2	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Wages, Work, and Labor .....	5	24	8	14	12	2	24 5 9	..	..	1					..	..	14	1	..		..	..
Libel, Slander, or Defamation .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Commission on Agency .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Sales of Live Stock .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Money Lent .....	3	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Partnership .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Interpleader .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Intestacy .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Legacy .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Possession of Tenements .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Replevin .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Consent Jurisdiction .....	..	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
Causes of action not specified above .....	16	..	..	..	..	..	.....	..	..	..					..	..	..	..	..		..	..
	84	84	87	42	33	8	102 2 3	..	..	..					*1	1	41	4	2		1	

\*This case was postponed.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

W. T. EVANS,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of ARMIDALE, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. :—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.			THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
		Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.	Of Motions for New Trials.		Of New Trials granted.	
														Days.	Hours.	By Jury.	Without Jury.					
Goods sold .....		67	49	18	16	2	£ s. d. 45 5 8	..	....	..	4	Armidale	1859	3	..	1						
Promissory Notes .....		17	12	5	5	..	10 17 6	..	....	..	..			..	3	..	..					
Rent .....		2	..	2	2	..	0 13 6	..	....	..	..			..	..	1	..	..				
Board and Lodging .....		1	..	1	1	..	0 4 0	..	....	..	..			..	..	1	..	..				
Trespass on Land .....		..	..	..	..	..	..	..	....	..	..			..	..	1	..	..				
Trespass on Person .....		1	1	..	..	..	1 10 0	..	....	..	..			..	..	1	..	..				
Illegal Distraint .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..	..				
Trover .....		5	2	3	3	..	10 19 4	..	....	..	..			1	..	1						
Breach of Contract .....		5	3	2	2	..	9 2 0	..	....	..	..			..	3	..	..					
Wages, Work, and Labor .....		14	7	7	7	..	8 2 9	..	....	..	..			1	..	..	..					
Libel, Slander, or Defamation .....		7	3	4	1	..	9 6 6	..	....	..	..			..	6	1						
Commission on Agency .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..					
Sales of Live Stock .....		3	2	1	..	..	2 18 6	..	....	..	..			..	6	1						
Money Lent .....		6	6	..	..	..	2 15 9	..	....	..	..			..	..	..	..					
Partnership .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..					
Interpleader .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..					
Intestacy .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..					
Legacy .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..					
Possession of Tenements .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..					
Replevin .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..					
Consent Jurisdiction .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..					
Causes of action not specified above .....		..	..	..	..	..	..	..	....	..	..			..	..	..	..					
Totals .....		128	85	43	37	2	100 15 6	..	....	..	4			8	..	4						

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

G. A. BUCKLAND,  
Registrar, District Court,

A RETURN of the Number of Suits commenced in the District Court of GRAFTON, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. :—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, AND DURATION TO BE SPECIFIED IN DAYS AND HOURS.			THE NUMBER		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrest.	Place.	Date.	Duration.		Tried.	Settled by Arbitration.	Of Motions for New Trials.		Of New Trials granted.	
													Days.	Hours.						By Jury.
Goods sold .....	32	20	8	8	..	£ s. d.	11 1 6	..	....	..	4	Grafton.	{ 17 and 18 October, 1859. }	{ 2 a.m. to 7 p.m. each day. }	2	30				
Promissory Notes .....	3	2	1	1	..	3 5 6	..	....	..	..	..				..	3				
Rent .....	1	..	1	1	..	0 3 6	..	....	..	..	..				..	1				
Board and Lodging .....	3	3	..	..	..	3 1 6	..	....	..	..	..				..	3				
Trespass on Land .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Trespass on Person .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Illegal Distraint .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Trover .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Breach of Contract .....	1	..	1	1	..	0 7 9	..	....	..	..	..				..	1				
Wages, Work, and Labor .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Libel, Slander, or Defamation .....	2	1	1	1	..	3 9 0	..	....	..	..	..				..	..				
Commission on Agency .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Sales of Live Stock .....	2	1	1	1	..	3 1 9	..	....	..	..	..				..	..				
Money Lent .....	1	..	1	1	..	0 5 0	..	....	..	..	..				..	..				
Partnership .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Interpleader .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Intestacy .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Legacy .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Possession of Tenements .....	..	..	..	..	..	..	..	....	..	..	..				..	..				
Replevin .....	..	..	..	..	..	..	..	....	..	..	..	..	..							
Consent Jurisdiction .....	..	..	..	..	..	..	..	....	..	..	..	..	..							
Causes of action not specified above .....	2	1	1	1	..	2 14 0	..	....	..	..	..			2						

hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

W. H. HUGHES BECKE,

Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of EAST MAITLAND, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz. :—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.		THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.			THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.
		Commenced.	Settled without hearing	Tried.	Plaintiff.	Defendant.			Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrear.	Place.	Date.	Duration.		Tried.		Settled by arbitration.	Of Motions for New Trials.	
							Days.	Hours.							By Jury.	Without Jury.					
							£ s. d.														
Goods sold .....	72	239	113	86	74	12	870 2 9	1	86	..	6	{ East Maitland }	1859.	3	19½	6	80	3	4	1	{ Excessive damages.
Promissory Notes .....	43												12 May ..								
Rent .....	3												13 " ..								
Board and Lodging .....	3												15 " ..								
Trespass on Land .....	.....												18 Aug...								
Trespass on Person .....	2												14 " ..								
Illegal Distraint.....	3												16 " ..								
Trover .....	15												17 " ..								
Breach of Contract.....	48												18 " ..								
Wages, Work, and Labor .....	34												19 " ..								
Libel, Slander, or Defamation.	4												11 Nov...								
Commission on Agency .....	.....												12 " ..								
Sales of Live Stock .....	.....												14 " ..								
Money Lent.....	9												15 " ..								
Partnership .....	.....												16 " ..								
Interpleader.....	1												17 " ..								
Intestacy .....	.....												18 " ..								
Legacy .....	.....												19 " ..								
Possession of Tenements ....	.....																				
Replevin .....	.....																				
Consent Jurisdiction.....	2																				
Causes of action not specified above .....	.....																				
													1860.								
													February.	8	32½						

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

AUG. CARTER,

Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of WEST MAITLAND, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act. 34

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz. :—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.																	
	Commenced.	Settled without bearing.	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.		Of Motions for New Trials.	Of New Trials granted.															
													Days.	Hours.	By Jury.	Without Jury.																			
Goods sold .....	152	} 265	122	120	106	14	£ s. d. 649 2 1	2	{ 120, Pending Appeal in 1 case only. }	..	11	{ West Maitland }	1859.	} 4	116	6	3	1	The absence of Defendant through misapprehension that his case would not come on, and his swearing that he had a good defence to the action.																
Promissory Notes .....	40												23 May ..							3	18	25 " ..	26 " ..	22 Aug...	23 " ..	24 " ..	25 " ..	26 " ..	21 Nov...	22 " ..	23 " ..	24 " ..	25 " ..		
Rent .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Board and Lodging .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Trespass on Land ..	2												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Trespass on Person ..	2												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Illegal Distraint.....	10												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Trover .....	6												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Breach of Contract ..	18												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wages, Work, and Labor ...	24												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Libel, Slander, or Defamation .....	4												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Commission on Agency .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Sales of Live Stock .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Money Lent .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Partnership .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Interpleader .....	1												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Intestacy .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Legacy .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Possession of Tenements .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Replevin .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Consent Jurisdiction.....	3												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Causes of action not specified above .....	.....												.....							.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

AUG. CARTER,

Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of MUSWELLBROOK, during the Twelve Months preceding the first day of March, 1869, and the other particulars required by the said Act.

VLD CUBIER

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz.:-		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
		Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrear.	Place.	Date.	Duration.		Tried.		Settled by Arbitration.		Of Motions for New Trials.	Of New Trials granted.
														Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	29	69	25	44	35	9	41 8 6	..	....	..	..	{ Muswell- brook. {	8 June ..	..	3	} 3	41	1	1		
Promissory Notes .....	5												7 Sept. ..	2	..						
Rent .....													7 Dec. ..	2	..						
Board and Lodging .....																					
Trespass on Land .....																					
Trespass on Person .....																					
Illegal Distraint .....																					
Trover .....																					
Breach of Contract .....	4																				
Wages, Work, and Labor .....	6																				
Libel, Slander, or Defamation .....																					
Commission on Agency .....																					
Sales of Live Stock .....																					
Money Lent .....																					
Partnership .....																					
Interpleader .....																					
Intestacy .....																					
Legacy .....																					
Possession of Tenements .....																					
Replevin .....																					
Consent Jurisdiction .....																					
Causes of action not specified above .....																					

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JOHN O'MEARA,  
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.-(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of MURRURUNDI, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

36

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. :—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.	
		Com-menced.	Settled without hearing.	Tried.	Plain-tiff.	Defend-ant.		Of Appeals.	Of Judg-ments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried. By Jury.	Settled by Arbitration.	Of Motions for New Trials.		Of New Trials granted.
														Days.	Hours.					
Goods sold .....		7	2	5	4	1	£ 8. d. 1 19 6													
Promissory Notes .....		4	3	1	1	..	1 2 0													
Rent .....		2	1	..	..	..	0 13 9													
Board and Lodging .....		..	..	..	..	..	..													
Trespass on Land .....		..	..	..	..	..	..													
Trespass on Person .....		..	..	..	..	..	..													
Illegal Distraint .....		..	..	..	..	..	..													
Trover .....		..	..	..	..	..	..													
Breach of Contract .....		1	..	1	1	..	1 4 6													
Wages, Work, and Labor .....		5	1	4	2	2	47 15 2													
Libel, Slander, or Defamation .....		..	..	..	..	..	..													
Commission on Agency .....		..	..	..	..	..	..													
Sales of Live Stock .....		..	..	..	..	..	..													
Money Lent .....		5	2	3	2	1	2 0 8													
Partnership .....		..	..	..	..	..	..													
Interpleader .....		..	..	..	..	..	..													
Intestacy .....		..	..	..	..	..	..													
Legacy .....		..	..	..	..	..	..													
Possession of Tenements .....		..	..	..	..	..	..													
Replevin .....		..	..	..	..	..	..													
Consent Jurisdiction .....		..	..	..	..	..	..													
Causes of action not specified above	Value of Marc lent and not returned..	1	1	..	..	..	0 10 0													
Maintenance of Child of Defendant by Plaintiff .....		1	..	1	..	1	1 0 6													
Interest .....		1	..	1	1	..	0 15 6													

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

G. G. BRODIE,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of SCONE, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

C. C. BRODIE

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz. :—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Commenced.	Settled without hearing	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration.		Tried.		Settled by arbitration.		Of Motions for New Trials.	Of New Trials granted
													Days.	Hours.	By Jury.	Without Jury.				
Goods sold .....	18	6	12	11	1	£ s. d.  Under £5, average costs 2s. 6d. " £10, " 5s. 6d. " £20, " 9s. 0d. " £30, " 25s. 0d.  Above £30, "														

(DISTRICT COURTS ACT OF 1858.—(SECTION 103.))



A RETURN of the Number of Suits commenced in the District Court of PATERSON, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

38

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, viz. :—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.		
	Commenced.	Settled without hearing	Tried.	Plaintiff.	Defendant.		Of Appeals	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrest.	Place.	Date.	Duration.		Tried.		Settled by arbitration.		Of Motions for New Trials.	Of New Trials granted
													Days.	Hours.	By Jury.	Without Jury.				
						£ s. d.														
Goods sold .....	31	11	20	18	2	57 10 7	..	20	..	..	Paterson ..	1859. 30 May 29 Aug. 28 Nov. 29 " } 1860. 27 Feb. 28 " }	4	8½	..	20				
Promissory Notes .....	24	9	15	14	1		..	15	..	..					..	15				
Rent .....	4	1	2	2	..		..	2	..	1					..	2				
Board and Lodging .....	..	..	..	..	..		..	..	..	..					..	..				
Trespass on Land .....	..	..	..	..	..		..	..	..	..					..	..				
Trespass on Person .....	1	..	1	1	..		..	1	..	..					..	1				
Illegal Distraint .....	1	..	..	..	..		..	..	..	1					..	..				
Trover .....	3	..	3	2	1		..	3	..	..					..	1	2			
Breach of Contract .....	3	1	2	1	1		..	2	..	..					..	2	2			
Wages, Work, and Labor .....	3	1	2	1	1		..	2	..	..					..	2	2			
Libel, Slander, or Defamation .....	2	1	1	..	1		..	1	..	..					..	1	1			
Commission on Agency .....	1	..	1	1	..		..	1	..	..					..	1	1			
Sales of Live Stock .....	..	..	..	..	..		..	..	..	..					..	..	..			
Money Lent .....	1	1	..	..	..		..	..	..	..					..	..	..			
Partnership .....	..	..	..	..	..		..	..	..	..					..	..	..			
Interpleader .....	..	..	..	..	..		..	..	..	..					..	..	..			
Intestacy .....	..	..	..	..	..		..	..	..	..					..	..	..			
Legacy .....	..	..	..	..	..		..	..	..	..					..	..	..			
Possession of Tenements .....	..	..	..	..	..		..	..	..	..					..	..	..			
Replevin .....	..	..	..	..	..		..	..	..	..					..	..	..			
Consent Jurisdiction .....	..	..	..	..	..		..	..	..	..					..	..	..			
Causes of action not specified above .....	..	..	..	..	..		..	..	..	..					..	..	..			
Totals .....	74	25	47	40	7	57 10 7	..	47	..	2					1	46				

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

R. STUDDERT,

Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of PORT MACQUARIE, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. :—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.			
		Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrest.	Place.	Date.	Duration. Days. Hours.	Tried.		Settled by Arbitration.	Of Motions for New Trials.		Of New Trials granted.		
															By Jury.	Without Jury.						
Goods sold .....	4	4	2	2	2	..	£ s. d. 26 8 9	..	..	..	..	Port Macquarie.	1859. Oct. 10-12	3	19	..	2	1				
Promissory Notes .....	3	3	..	3	2	1	11 10 0	..	..	..	..					..	..	..		..	3	..
Rent .....	1	1	..	1	1	..	4 4 0	..	..	..	..					..	..	..		..	1	..
Board and Lodging .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Trespass on Land .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Trespass on Person .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Illegal Distraint .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Trover .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Breach of Contract .....	2	2	..	1	1	..	2 4 0*	..	..	..	1					..	..	..		..	1	..
Wages, Work, and Labor .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Commission on Agency .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Sales of Live Stock .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Money Lent .....	1	1	..	1	..	1	2 3 2	..	..	..	..					..	..	..		..	..	..
Partnership .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	1	..
Interpleader .....	..	..	..	..	..	..	..	..	..	..	..					..	..	..		..	..	..
Intestacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..					
Legacy .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..					
Possession of Tenements .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..					
Replevin .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..					
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..					
Causes of action not specified above .....	2	2	..	1	..	..	9 5 2	..	..	..	1	..	..	..	..	2	..					
	13	13	2	9	6	2					2					10	1					

\* One from Supreme Court, Costs at present unknown.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

F. BECKE,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of TAMWORTH, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ.—	THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.		THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.
	Commenced.	Settled without hearing.	Tried.	Plaintiff.	Defendant.		Of Appeals.	Of Judgments or Orders affirmed.	Reversed.	Of Cases left in arrears.	Place.	Date.	Duration. Days. Hours.	Tried. By Jury.	Settled by arbitration.	Of Motions for New Trials.	Of New Trials granted.	
Goods sold .....	6	2	3	Plaintiff		£ s. d.					Tamworth.							
Promissory Notes .....	1		1			17 2 8												
Rent .....	1		1			11 7 4												
Board and Lodging .....	1		1			0 14 3												
Trespass on Land .....	1		1			12 12 6												
Trespass on Person .....	2		1			28 3 6												
Illegal Distraint .....																		
Trover .....	1											1859.						
Breach of Contract .....	1		1			10 6 6												
Wages, Work, and Labor .....	2		2			13 2 9						24 June..	1 4					
Libel, Slander, or Defamation .....												22 Dec..	2 ..					
Commission on Agency .....																		
Sales of Live Stock .....																		
Money Lent .....																		
Partnership .....																		
Interpleader .....																		
Intestacy .....																		
Legacy .....																		
Possession of Tenements .....																		
Replevin .....																		
Consent Jurisdiction .....																		
Causes of action not specified above .....	9		7	Defendant		6 10 6				1								

NOTE.—3 of the above cases have not been tried, viz. 1 goods sold, 1 trespass on person, and 1 for causes not specified. Decision has been deferred in 6 cases, and 1 has been adjourned.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JNO. McDONALD,  
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of SINGLETON, during the Twelve Months preceding the first day of March, 1860, and the other particulars required by the said Act.

THE NATURE OF THE CAUSES UNDER DISTINCT HEADS, VIZ. 1:—		THE NUMBER OF SUITS COMMENCED IN THIS COURT DURING THE TWELVE MONTHS PRECEDING.			THE RESULT OF THE TRIALS, WHETHER IN FAVOR OF PLAINTIFF OR DEFENDANT.		THE COSTS OF THE SUITS.	THE NUMBER				THE DATE, PLACE, AND DURATION OF THE SITTINGS OF EACH COURT, THE DURATION TO BE SPECIFIED IN DAYS AND HOURS.			NUMBER OF CASES.			THE NUMBER		THE GROUNDS ON WHICH SUCH NEW TRIALS WERE GRANTED.	
		Com-menced.	Settled without hearing	Tried.	Plain-tiff.	Defen-dant.		Of Appeals	Of Judg-ments or Orders affirmed.	Reversed.	Of Cases left in arrear.	Place.	Date.	Duration.		Tried.		Settled by arbi-tration.	Of Motions for New Trials.		Of New Trials granted
														Days.	Hours	By Jury.	Without Jury.				
Goods sold .....	22	22	6	16	15	1	£ s. d. 12 2 6	..	....	..	..	Single- ton....	1859. 3 June .. 2 Sept. .. 2 Dec. ..	2 2 2	2 .. ..	16	..	..	..		
Promissory Notes .....	9	9	..	9	9	..	5 12 0	..	....	..	..					9	..	..	..		
Rent .....	3	3	1	2	1	1	3 3 6	..	....	..	..					2	1	..	..		
Board and Lodging .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Trespass on Land .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Trespass on Person .....	2	2	..	2	2	..	6 9 0	..	....	..	..					2	..	..	..	..	
Illegal Distraint .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Trover .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Breach of Contract .....	1	1	..	1	..	1	0 7 6	..	....	..	..					..	1	..	..	..	
Wages, Work, and Labor .....	3	3	1	2	2	..	2 10 3	..	....	..	..					..	2	..	..	..	
Libel, Slander, or Defamation .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Commission on Agency .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Sales of Live Stock .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Money Lent .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Partnership .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Interpleader .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Intestacy .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Legacy .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Possession of Tenements .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Replevin .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Consent Jurisdiction .....	..	..	..	..	..	..	..	..	....	..	..					..	..	..	..	..	
Causes of action not specified above .....	17	17	3	14	12	2	12 1 3	..	....	..	..					..	14	..	..	..	

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

WM. DUDDING,

Registrar, District Court.



1859-60.

*Legislative Assembly.*

NEW SOUTH WALES.

## DISTRICT COURT JUDGE CARY.

(REMARKS IN REFERENCE TO HIS SON PRACTISING IN HIS FATHER'S COURT.)

*Ordered by the Legislative Assembly to be Printed, 4 May, 1860.*

DISTRICT COURT JUDGE CARY to COLONIAL SECRETARY.

*Liverpool,*

3 May, 1860.

SIR,

I have long borne with patience indirect attacks on my character as District Judge, to which expression has been freely given both in the Legislature and by the Public Press. I have hitherto thought it incumbent on me to leave such attacks unnoticed, and to allow my own conduct, as an Administrator of Justice, to vindicate my character. But now, seeing that a Bill is brought into the House of Assembly, which is obviously grounded on my supposed liability to undue influence, I think it right to trouble you with some remarks on the subject.

A Bill is brought forward to prevent a son practising in a District Court of which his father is Judge; this is not an attack on the son, but on the father, whose judgment must be supposed to be biased in his son's favor.

With regard to the general conclusion involved in such a supposition, I say that, on principle, the practice of a son acting as an Advocate in his father's Court is allowed in and common to both this and the Mother Country. In the Supreme Court we have one son of the Chief Justice practising as an Attorney, and another as Barrister, the latter commonly retained by the former. We have also one son of the Equity Judge practising as Solicitor, and another son as Barrister in the same Court, and commonly retained by his brother. When the same Judge was appointed, not as District Judge, but as Judge of a separate District—Moreton Bay—the Barrister accompanied him, and no remark was made. Again, a son of a District Judge (Mr. Owen) has recently removed from Wollongong, where he had a large established practice, and has settled at Singleton, within his father's District, and no objection is made, though he is intitled to practice in his father's Court as Barrister as well as Attorney, and is at liberty to follow his father round his Circuit. For English precedents, it may suffice to mention that of Vice-Chancellor Bradwell's son, who, when several Equity Courts were open to him, chose to practice in his father's Court, and that of the late Chief Justice Sir John Jervis, who, when his father was appointed Judge in the Welch Circuit, followed that Circuit. A similar practice has prevailed in Scotland.

I think I may conclude, therefore, that the fault is not in the principle, if usage is to determine the question, but in my own peculiar liability to corrupt influence.

Before I deal with this part of the question I think it well to state what the fact is. That a son derives some benefit from his father's position is undeniable in all social relations. But in order that you and others, if necessary, may know the extent of the influence in my

son's instance, I have carefully analyzed my notes for one year, ending on the 31st March last, and trouble you with the result in every Court within my District. I subjoin the number of cases in the list of each Court, the number of Advocates, and the share my son has had in the fruits :—

Place.	Cases.	Briefs.	Mr. Cary employed.
Berrima ... ..	45	43	10
Bombala ... ..	36	17	6
Braidwood ... ..	51	36	3
Campbelltown ... ..	115	5	3
Camden ... ..	141	28	11
Cooma ... ..	27	10	1
Eden ... ..	17	6	3
Kiama ... ..	37	21	9
(Notes of 1st Court mislaid.)			
Liverpool ... ..	63	13	4
Parramatta... ..	335	72	5
Penrith ... ..	293	45	8
Pictou ... ..	63	21	4
Windsor ... ..	457	71	0
Wollongong ... ..	47	34	10
	1,727	422	77

In support of this statement I am willing to place my notes in the hands of any person whom you may select; they were, of course, not made with a view to any such ordeal.

An examination of the above tabular statement will shew that near Sydney, *e. g.*, Parramatta, Penrith, Windsor, where competition is to be expected, my son has had but little to do, and that he has only had a moderate average of business where such competition has been wanting.

And now as to the question of corrupt influence. I should not have noticed this, in the absence of a specific charge, had you not recently told me yourself, in the presence of the Attorney General, that Mr. Macarthur stated to you that at Camden suitors were so dissatisfied with my son's presence that they considered their cases as lost if he was retained against them.

In answer to that, and thereby I trust to the general charge of corruption, I trouble you with the result of the last Court at Camden. At that place my son's average of briefs was larger than usual. I take the last Court only, in which he had nine briefs, and Mr. Meymott nine. Mr. Forbes, I believe, was also present; no other member of the profession.

Of the nine briefs held by my son, five were for the same plaintiff,—

Brand *v.* Hargog.  
 " *v.* Ward.  
 " *v.* Wheeler.  
 " *v.* Eglinton.  
 " *v.* Breathes.

In the first three the plaintiff was not in Court when they were called on, and they were struck out; he afterwards appeared, and my son applied to have them restored to the list—which I refused; and his client will have to pay the defendant's costs of the day.

The fourth case was likewise struck out, on Mr. Meymott's motion, as libellous; the plaintiff having to pay costs.

In the fifth case the plaintiff obtained a verdict. The action was trover for a horse, which the plaintiff swore he had bred, reared, and lost; in defence, the defendant, who had no Counsel, produced Mr. Macarthur's receipt on the sale of the horse, which I rejected as inadmissible, and decided in the plaintiff's favor.

After the trial Mr. Macarthur came into Court with Mr. Meymott, and applied for a new trial, offering to swear that he had bred the horse, and sold it to the defendant or the person

person from whom he purchased. The rule of the Superior Courts is not to grant a new trial where a party has failed to produce evidence which he ought to have produced, unless it is afterwards discovered. I, nevertheless, did grant it, against the interest of my son's client; because the defendant had not had professional advice, and could not be supposed to know the technicalities of evidence. Mr. Macarthur was doubtless annoyed at finding that his written receipt was not accepted as sworn testimony, especially in a case in which he must ultimately suffer, if the horse had never been his.

In the 6th case, *Risley v. Anderson*, the parties assented to a compromise at my suggestion, Mr. Meymott representing the defendant.

In the 7th case, *Shealy v. Maclean*, title to land was in question, and consequently I had no jurisdiction. No order was made.

In the 8th case the plaintiff, for whom my son appeared, claimed £24 for goods sold, and recovered £9.

The last case was adjourned. So that in fact out of the nine cases my son recovered two verdicts, and in one of these a new trial is granted.

I have only to add, that in the above and all other cases I invite inquiry, and trust that I shall have to meet specific not general charges. If any one case of corrupt or undue influence can be substantiated I am unfit for the office I hold. Nor would my son's absence benefit suitors, for a Judge who would yield to such influence would, I should imagine, take a bribe.

I have, &c.,  
HENRY CARY.





1859.

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**Legislative Assembly.**  
**NEW SOUTH WALES.**

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**CASES TRIED AT PARRAMATTA IN MAY LAST BEFORE THE DISTRICT COURT JUDGE.**

(MRS. WILLIAMSON AND SON, AND MRS. PECKMAN.)

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*Ordered by the Legislative Assembly to be Printed, 11 October, 1859.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 11 October, 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 Depositions in the case of one Mrs. Williamson  
 “ and her Son, tried at Parramatta, on the 17th of May last,  
 “ before H. Cary, Esquire, District Court Judge; also, the  
 “ Depositions in the case of one Mrs. Peckman, tried at the  
 “ same place, and at the same Sessions; together with all  
 “ Correspondence and Memoranda between the Attorney General  
 “ and Mr. Meymott, the Crown Prosecutor, with reference to  
 “ placing those persons on their trial.”

(*Mr. Windeyer.*)

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## REGINA v. JAMES WILLIAMSON AND ELIZABETH WILLIAMSON.

New South Wales, }  
Parramatta, to wit. }

THE examination of George Ardill, constable, of Parramatta, in the Colony of New South Wales; John Hackett, farmer, of Parramatta District; Andrew Sprowls, youth, of Parramatta; Patrick Halloran, youth, of Parramatta, in the said Colony, taken on oath this 15th day of April, in the year of our Lord one thousand eight hundred and fifty-nine, at Parramatta, in the Colony aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of James Williamson and Elizabeth Williamson, who are charged this day before me for that they, the said James Williamson and Elizabeth Williamson, on the 6th day of April, 1859, at Parramatta District, in the said Colony, the said James Williamson did feloniously steal, take, and carry away, the sum of forty-eight pounds sterling, in bank notes, the property of one John Hackett, of Parramatta District, and that the said Elizabeth Williamson was accessory to the theft.

F. O. DARVALL, P.M.

Police Office, Parramatta,  
15th April, 1859.

PRESENT :—

F. O. Darvall, Esq., P.M.,  
J. Lackey, Esq., J.P.,  
J. Byrnes, Esq., J.P.,

James Williamson and Mrs. Williamson :—Charge, stealing £48 in bank notes and being accessory to the theft.

George Ardill, Constable, states upon his oath :—At  $\frac{1}{4}$  past 3 o'clock yesterday afternoon I apprehended the prisoners at their residence in Villiers-street, under the authority of the warrants I now produce; I told James Williamson the charge; he said, "I found the money and gave it to my mother"; when I apprehended Mrs. Williamson I told her the charge; she said, "My boy found the money and gave it to me, and I gave it to the man that I thought was the right owner"; there was not so much money as that, she also said; I brought them to the watchhouse and confined them; I told them the amount stolen was £48; I searched them; James Williamson had 10 $\frac{1}{2}$ d. and Mrs. Williamson 6d.

GEORGE ARDILL.

Sworn before us, this }  
15th April, 1859, }

F. O. DARVALL, P.M.  
JNO. LACKEY, J.P.

John Hackett states, upon his oath :—The informations just read are true; I live on the Pennant Hills Road; on Wednesday, the 6th instant, I received £500 in Parramatta; I tied the notes into one bundle, separating them from the sovereigns; there was £48 in bank notes; there was some £5 notes and some £1 notes, but I cannot remember how many of each; I put the notes in the left-hand coat pocket; I went home with my daughter; we went home by the Pennant Hills Road; we went in the cart; when I tied all the notes up I believe I tied them up in four bundles; I was wrong to say that I tied them up in one bundle; there were two bundles I believe, at £100 each; I do not know what the other two bundles contained, and I put the sovereigns into my handkerchief; I had 130 sovereigns; when I counted the money the sovereigns were right, but I was short of £48 in the notes; I might have been home two or three hours before I counted it; when I first got home I put it in my drawer, and as I was going to bed I counted it; I locked it up in my drawer, and put the key in my pocket; I saw Mrs. Williamson the day before yesterday; I asked her about the money, and she said she paid £46 away to some person who she did not know; she said some person that came from Bathurst came there and claimed the money; she also said that she had been informed that she had done very wrong in paying this money away to the person she did.

Examined by Prisoner's Attorney : I received the money between three and four o'clock in the afternoon of the 6th instant; it might have been between four and five o'clock, and it might have been later when I went home; I received the money at Mr. Andrew Payten's; as soon as I got the money I tied it up; I put the sovereigns in my trousers pocket; I believe that was the only handkerchief I had about me at that time; I put some of the notes in each coat pocket, and there was nothing else in the pockets; I did not count the number of notes in each bundle; I walked as far as Ferris' shop, over the bridge, before I got into the cart; I called no place before I got to Ferris'; I then went direct home; when I put the money into my drawer I did not then think I had lost any; close to my gate going home I met three boys, and I believe that the prisoner is one of the boys; they were walking towards Parramatta; I could not identify the notes if I was to see them; when I went to count my money I believe I had three bundles of notes.

JOHN HACKETT.

Sworn before us, this 15th }  
April, 1859. }

F. O. DARVALL, P.M.  
JNO. LACKEY, J.P.

Andrew

## BEFORE THE DISTRICT COURT JUDGE.

3

*Andrew Sprowls* states, upon his oath :—I live in Church-street, in Parramatta; I know the prisoner, James Williamson; on last Wednesday week we were out at Mr. Hackett's, on the Pennant Hills Road; there was myself and my brother, the prisoner, and Percy Halloran; it was about 3 o'clock when we were at Hackett's; as we were coming home to Parramatta, about 100 yards this side of Mrs. Ardour's, he picked up a roll of notes—by he I mean the prisoner; when he picked them up he said, "Oh! a roll of notes," and he put them into the breast under his shirt; we went into the paddock, on the same side as Mrs. Ardour's, to count the notes—we all counted the notes; I think there were 6 £5 notes, and 21 £1 notes; I believe that was the money, but we might have made a mistake; Percy Halloran said to the prisoner, "The best thing you can do is to take them to your father and see what he says about it, or else to keep them until he found an owner for them"; I and my brother went home with the prisoner to his house; the same evening Mrs. Williamson gave me two pounds; I took the two pounds, but I do not recollect Mrs. Williamson saying anything; Mrs. Williamson first offered one of the pounds to my brother, but he would not have it; I did not go into the house with James Williamson; on last Tuesday I and Percy Halloran went to Williamson's to see what they had done with the money; I went and saw the father, but not either of the two prisoners; on last Wednesday I saw Mrs. Williamson, and gave her the two pounds back; she asked me why I did not give a pound to my mother, and I asked what for; I did not know why she gave me the money, and that was the reason I took it back; I asked James Williamson since we found the money if he had heard anything about it; I saw Mr. Hackett on last Wednesday week, the day we found the money; he was driving in a cart on the Pennant Hills Road with his daughter; we saw him before we found the money; we saw Mr. Hackett near his own gate driving home; we found the money about a quarter of an hour after we saw Mr. Hackett, and it was about 5 o'clock when we found the money; when I took the two pounds back to Mrs. Williamson I did not hear her say she owed my mother any money; I will not swear that she did not say so, but I will swear that I did not hear her.

ANDREW SPROWLS.

Sworn before us, this 15th }  
April, 1859. }

F. O. DARVALL, P.M.  
JNO. LACKEY, J.P.

*Patrick Halloran* states, upon his oath :—I live in Church-street, in Parramatta, near the Catholic burying-ground; I know the two prisoners; I was along with James Williamson when he picked the money up on last Wednesday week; I and Williamson, and Andrew and Henry Sprowls, were together at the time; the money, a roll of notes, was picked up about 100 yards on this side of Mrs. Ardour's, on the Pennant Hills Road; it was about 5 o'clock in the afternoon; we had been out at Mr. Hackett's; we met Mr. Hackett close to his gate as he was going home; Mr. Hackett lives on the other side of Mrs. Ardour's; after the money was counted by us in a paddock on this side of Mrs. Ardour's, there were six £5 notes and twenty-one £1 notes; Andrew Sprowls and James Williamson counted the money; it was tied up with a piece of piping-string; they did not separate the notes, but Williamson counted the notes by turning over the corners of them; James Williamson took the notes home; I did not go all the way home with him; I have said nothing to James Williamson about the notes since they were found; I had told James Williamson that he ought to keep the notes until he found an owner; I gave no information to the Police about this business.

Sworn before us, this }  
15th April, 1859. }

his  
PATRICK x HALLORAN.  
mark.

F. O. DARVALL, P.M.  
JNO. LACKEY, J.P.

Witness—ALEX. O. GRANT, C.P.S.

*Andrew Sprowls* states, when again put in the box :—From the time that Williamson took the money into the house until Mrs. Williamson came out and gave me the £2, ten minutes or quarter of an hour might have elapsed; Mr. Williamson was present at this time; I do not remember Mr. Williamson saying anything; he was close by at the time Mrs. Williamson gave me the money.

ANDREW SPROWLS.

Sworn before us, this }  
15th April, 1859. }

F. O. DARVALL, P.M.  
JNO. LACKEY, J.P.

James Williamson, and Elizabeth Williamson, committed to take their trial at the next Parramatta Quarter Sessions, to be held on Monday, the 16th May next.

F. O. D., P.M.  
J. L., J.P.

Statement

*Statement of the Accused.*

New South Wales, }  
Parramatta, to wit. }

James Williamson and Elizabeth Williamson stand charged before the undersigned, one of Her Majesty's Justices of the Peace, in and for the Colony aforesaid, this fifteenth day of April, in the year of our Lord one thousand eight hundred and fifty-nine; for that they, the said James Williamson and Elizabeth Williamson, on the 6th day of April, 1859, at Parramatta District, in the said Colony, the said James Williamson did feloniously steal, take, and carry away the sum of £48 sterling in bank notes, the property of one John Hackett, of Parramatta District, and that the said Elizabeth Williamson was accessory to the theft; and the said charge being read to the said James Williamson and Elizabeth Williamson, and the witnesses for the prosecution, George Ardill, constable, of Parramatta, John Hackett, farmer, of Parramatta District, Andrew Sprowls, youth, of Parramatta, and Patrick Halloran, youth, of Parramatta, being severally examined in my presence, the said James Williamson and Elizabeth Williamson are now addressed by me as follows:—  
“Having heard the evidence, do you wish to say anything in answer to the charge? you are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial;” whereupon the said James Williamson and Elizabeth Williamson say as follows:—“That they decline to make any statement.”

Taken before me, at Parramatta, the day }  
and year first above mentioned. }

F. O. DARVALL, P.M.

*Copy Minute by Crown Prosecutor.*

Not sufficient evidence against the mother, and none against the boy; he found some notes and took them home to his parents, for which he ought to be commended instead of punished. As to the mother, none of the lost notes (nor indeed any notes) have been found upon her; nor is there any proof of her having passed them away. Hackett does not seem to know how many bundles of notes he had, or what each contained, and could not identify any one of them even if produced. If it is true that he lost a bundle of notes amounting to £48, the bundle which the boys found was not his, for that contained £51. I think there is, therefore, no case for conviction.

F. W. MEYMOTT,  
Crown Prosecutor.  
April 21.

*Copy Minute by Attorney General.*

The case must go to a jury; the woman admits, when apprehended, having paid away the money; there is some evidence, and although an acquittal may possibly take place, I should hardly be justified in withholding the case from a jury.

L. H. BAYLEY,  
Attorney General.  
29 April, 1859.

## REGINA v. CATHERINE PECKMAN.

New South Wales, }  
Penrith, to wit. }

The examination of Charles Warran of Penrith, in the Colony of New South Wales, district constable, and Patrick Walsh, of Woodriff Estate, in the said Colony, farmer, taken on oath, this eleventh day of March, in the year of our Lord one thousand eight hundred and fifty-nine, at Penrith, in the Colony aforesaid, before the undersigned, two of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of Catherine Peckman, who is charged this day before us, for that she the said Catherine Peckman, near Penrith, in the said Colony, did feloniously steal, take, and carry away, one tarpaulin, of the value of one pound to thirty shillings, the property of Patrick Walsh aforesaid, contrary to the Act in such case made and provided.

New South Wales, }  
Penrith, to wit. }

Charles Warran, having been duly sworn, states:—I am district constable and serjeant in the Penrith Police; I know the defendant Catherine Peckman; I apprehended her this morning, the 11th March instant, at her residence, near Penrith, on suspicion of stealing a tarpaulin, the property of one Patrick Welsh, of Regentville, in the district of Penrith;

Penrith; I found the tarpaulin now produced in her house, underneath her bed; she pointed the tarpaulin out to me, and assisted me to take it from under the bed; when I first went to her house I asked her if she had a tarpaulin—she replied, “Well, she had”; she then immediately went and shewed it me; she said that she bought it from a man who she did not know, about a fortnight since, for seven shillings and sixpence; I consider it fully worth thirty shillings.

*Cross-examined by Defendant:* When I asked you for the tarpaulin you said, “Well, you had.”

*By the Bench:* Welsh told me he had lost a tarpaulin about two months since—this was on Tuesday last he told me; the tarpaulin is unbranded, but it has nail holes and slip.

CHARLES WARREN.

*Patrick Walsh, having been duly sworn, states:—*I am a farmer on the Woodriff Estate, near Penrith; I don't know the defendant now before the Court; about seven or eight weeks since I placed a tarpaulin over a haystack just before my door; I saw it one Saturday night, just before I went to bed, on the stack, and the first thing on Sunday morning I missed it, and, on going over to the stack, I found the footmarks of a large one and a small one, seemingly to me the footmarks of a man and a boy; I reported the loss to Samuel Crosby, a neighbour of mine; I now see the tarpaulin produced, which I positively swear to be my property, and the one I placed over my hay stack, and which was stolen therefrom; I know it from certain marks—some nail holes, and a torn corner with a hole cut in that corner; I value the tarpaulin at worth from one pound to thirty shillings; I think it was some time in January, about the middle, but I swear it was not in December; I never sold the tarpaulin now produced, or parted with my interest in it in any way; I don't know defendant at all, and I don't know where she lives.

*Cross-examined by Defendant:—*I know two boys they call Peckman, but I never saw you or any of your family (for I don't know them) about my premises.

PATRICK WALCH.

*Charles Warran, recalled, and being re-sworn, states:—*I am aware that there is a blind man named Joseph Barnes residing with the defendant Catherine Peckman, near Penrith; he is generally led about by a little boy; I believe the boy is one of Peckman's, but I don't know; I believe Barnes was at Peckman's about January, both before and since; I usually see him three or four times a week, and sometimes every day, and I have missed him.

(Defendant has no questions to ask.)

CHARLES WARREN.

The foregoing depositions of Charles Warran, Patrick Walch, and the re-sworn evidence of Charles Warran, taken and sworn to before us at Penrith, this 11th day of March, A.D. 1859.

JAS. M'CARTHY, J.P.  
THOS. B. HAYLOCK, J.P.

This is the case for the Crown.

*Statement of the Accused.*

New South Wales. }  
Penrith, to wit. }

*Catherine Peckman* stands charged before the undersigned, two of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this eleventh day of March, in the year of our Lord one thousand eight hundred and fifty-nine, for that she the said Catherine Peckman, near Penrith, in the said Colony, did feloniously steal, take, and carry away one tarpaulin, of over the value of one pound, the property of Patrick Walch, of the Woodriff Estate near Penrith, contrary to the Act in such case made and provided; and the said charge being read to the said Catherine Peckman, and the witnesses for the prosecution, Charles Warran and Patrick Walch, being severally examined in her presence, the said Catherine Peckman is now addressed by us as follows:—“Having heard the evidence, do you wish to say anything in answer to the charge? you are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial;” whereupon the said Catherine Peckman saith as follows:—“I certainly might have done away with it if I had come by it wrong, but I purchased it and came by it honestly. The Chief Constable came to me at two o'clock the afternoon before Warran took the tarpaulin, and I certainly, if I had not have known I came by it honestly, would have made away with it; but I shewed it to Mr. M'Cook at once, and also gave it to Constable Warran.”

Taken and acknowledged before us, at Penrith, }  
this 11th day of March, 1859. }

JAS. M'CARTHY, J.P.  
THOS. B. HAYLOCK, J.P.

You

You, Catherine Peckman, stand committed to the Common Gaol at Parramatta until the next Court of General Quarter Sessions to be holden at Parramatta, on Monday, the 9th day of May next, or at such other Court as Her Majesty's Attorney General may be pleased to appoint.

*Court House, Penrith,*  
11 March, 1859.

JAS. M'CARTHY, J.P.  
THOS. B. HAYLOCK, J.P.

Bail taken—John Randall and Thomas Rofe in £10 each.

---

*Copy Minute by Crown Prosecutor.*

I see no evidence to justify a conviction. The woman did not conceal the property, and she gave a tolerably reasonable account of her obtaining it. The evidence about the footsteps would go very little way. I could not, without further and more conclusive evidence, seriously ask a jury to believe that a blind man would go about assisting a small boy to strip tarpaulins off hay stacks.

F. W. M.

---

*Copy Minute by Attorney General.*

This is a case for a jury.  
There should be a second count for receiving.

L. H. BAYLEY,  
A. G.  
21 April, 1859.

1859.

---

*Legislative Assembly.*

NEW SOUTH WALES.

---

**MR. JOSEPH CHAMBERS.**

(CORRESPONDENCE RELATIVE TO.)

---

*Ordered by the Legislative Assembly to be Printed, 18 October, 1859.*

---

RETURN to an *Address* from the Honorable the Legislative Assembly of New South Wales to the Governor General, dated 13 September, 1859, praying that His Excellency would be pleased to cause to be laid upon the Table of this House,—

“Copies of all Correspondence between the Government and  
 “Mr. Chambers and the Bench at East Maitland, relative to  
 “the irregularities in that Gentleman’s accounts as Clerk of the  
 “Peace, and the Minutes of the Executive Council relative to  
 “that Gentleman’s resignation.”

(*Mr. Windeyer.*)

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## MR. JOSEPH CHAMBERS.

No. 1.

THE CHIEF JUSTICE to THE COLONIAL SECRETARY.

*Supreme Court, 17 May, 1854.*

Sir,

It is with great regret, but it is, under the circumstances, unavoidable, that I again bring under the Governor General's notice the neglect of duty evinced by Mr. Chambers, the Clerk of the Bench at Maitland, in the collection of Intestate Estates. I have had, on two previous occasions, to make a similar report. Mr. Chambers, it seems clear to me, has too much to do to attend to these duties.

2. I am also compelled to complain, very seriously, of another Clerk of Petty Sessions, Mr. Armstrong, guilty of neglect of the like kind.

3. The enclosed papers respecting these two cases will shew His Excellency that it is quite impossible for the Supreme Court Department to discharge efficiently its very troublesome duties in Intestacy matters, if negligence like this be not punished.

4. And I take the liberty of suggesting that a circular to the several Clerks of Benches touching their duties as Agents to the Curator of Intestate Estates might probably prevent some of the evils complained in future.

I am, &c.,

THE HONORABLE

ALFRED STEPHEN.

THE COLONIAL SECRETARY.

P.S.—I do not forward the affidavit mentioned in Mr. McKechnie's letter, as it is required for other purposes. It is only necessary to say that it is defective in two particulars, bearing the marks of extreme haste.

The estate of Thomas Hannan, in Mr. Chambers' district, was, in April last, dwindling away, by neglect to serve a citation; which citation was sent to Mr. Chambers on the 9th March, and had not been served on the 5th May.

[Enclosure in No. 1.]

*Supreme Court House,  
Sydney, 29 April, 1854.*

Sir,

On the 16th of November last I received from Mr. Joseph Chambers, the Agent for the Curator of Intestate Estates at Maitland, the sum of £50, as the amount of his collections in the estates of John Threadgold and Thomas Connor, deceased; but no account sales, or vouchers of any kind, accompanied the remittance.

I have since repeatedly written to Mr. Chambers, both privately and officially, requesting to be furnished with full particulars of these collections, in order that they might be entered in my books; but I am still without accounts in Connor's estate, and several receipts in Threadgold's.

On the 9th March last I forwarded to Mr. Chambers a citation to be served upon the next-of-kin of Thomas Hannan; but to this letter I have received no reply, though I have written to him subsequently on the subject.

I am loath to bring these matters under the notice of your Honor; but I can assure you a great portion of my time is occupied in reminding Agents that they have neglected to carry out the instructions forwarded from this Office. I do not think Mr. Chambers wilfully neglects his duty; but I have reason to believe private practice, and other official business, so occupy his time as to render it out of his power to attend to his duties as Agent for the Curator of Intestate Estates.

I enclose an affidavit, lately received, as a sample of the slovenly and irregular manner in which he executes his work; and beg that your Honor will take the necessary steps to insure more attention on the part of Mr. Chambers to the duties of his situation.

I have, &c.,

To His Honor

The Chief Justice.

EDMUND M'KECHNIE,  
Official Assignee.

No. 2.

## No. 2.

THE COLONIAL SECRETARY to THE BENCH OF MAGISTRATES, MAITLAND.

*Colonial Secretary's Office,  
Sydney, 26 May, 1854.*

GENTLEMEN,

17 May, 1854.  
To be returned.

In transmitting to you the accompanying letter from His Honor the Chief Justice, again bringing under notice the neglect of duty evinced by the Clerk of your Bench in the collection of Intestate Estates, I am directed by His Excellency the Governor General to request that you will be good enough to call upon Mr. Chambers to furnish such explanation as it may be in his power to offer on the subject.

I have, &c.,  
W. ELYARD.

THE BENCH OF MAGISTRATES,  
Maitland.

## No. 3.

MINUTE OF THE GOVERNOR GENERAL.

WRITE to Mr. Chambers, Clerk of the Maitland Bench, and remind him of the terms in which he was some time ago reprimanded for neglect in the performance of his duties, and inform him that, as his conduct has again been complained of by the Chief Justice, and great neglect has also been exhibited by him in making out the Returns of Actions in the Court of Petty Sessions, under the Act 10th Viet., No. 10, forwarded by the Police Magistrate in a letter, dated the 22nd instant, now before me, I shall feel it to be my duty to dismiss him from his office, unless he thinks proper to save himself this disgrace by resigning his office.

— Chambers, Esq.,  
3 June, '54.

## No. 4.

MR. CHAMBERS to THE PRIVATE SECRETARY.

*Maitland, 7 June, 1854.*

SIR,

In reply to your letter of the 3rd instant, I beg to state, that with regret I now place my resignation before His Excellency the Governor General.

The complaint of the Chief Justice, firstly referred to in your letter, I have been directed to report on, and my report, which may be considered satisfactory, was prepared the day before your letter was received. The complaint secondly referred to, was one of which I was entirely ignorant until after the receipt of your letter; but I have since been informed that the Police Magistrate was, on the 31st ulto., required to report whether or not blame could in that matter be attached to me, and I believe that report will be dispatched by this Mail.

I fully appreciate His Excellency's consideration; I respectfully ask the perusal of these reports before the final judgment of His Excellency be given.

It is not my desire to hold appointments in which I cannot do my duty, but having for the last 12 years incessantly labored in those duties, receiving the constant approval of those under whose immediate cognizance those duties have been discharged, and who have for upwards of six years urged on the Government the necessity of assistance, I am anxious that the reports before referred to should come under the notice of the Governor, believing that in them may be found some exculpation from the complaints set forth.

Observing that your letter is marked as a private communication, I presume it will be right in me not to ask assistance of the Magistrates or of others, but to leave the reports, as now sent in, to His Excellency's consideration.

Whatever may be the result of this my appeal to His Excellency, it is clearly my duty to place my resignation unconditionally before him, and this I therefore do.

I have, &amp;c.,

JOSEPH CHAMBERS.

G. FITZ ROY, Esq.,  
&c., &c., &c.

Inform

Inform Mr. Chambers that I will not act upon this until the reports he refers to have been before the Executive Council; when you have done this, forward this letter to the Clerk of the Executive Council, to bring it forward for the perusal of the Board at the same time.

C. A. F.

J. C. Chambers, Esq.,  
13 June, 1854.

Mr. Chambers should now be informed that I laid his explanations before the Executive Council, who agreed with me in thinking them by no means satisfactory, and advised that his resignation should be accepted. It will, therefore, be my duty to appoint his successor immediately.

C. A. F.

J. Chambers, Esq.,  
1 July, 1854.

### No. 5.

*PROCEEDINGS of the Executive Council on the 19th June, 1854, with respect to a charge of neglect of duty preferred by the Chief Justice against Mr. Joseph Chambers, Clerk of Petty Sessions, Maitland.*

Extract from Minute No. 54-25. Confirmed, 26 June, 1854.

2. The Council cannot regard Mr. Chambers' explanation as at all satisfactory; and bearing in mind the caution which he received on a previous occasion of a somewhat similar nature, as shewn in the Minute of the 19th September last, they now advise that he be allowed an opportunity of resigning the several Offices which he holds under the Government.

MICL. FITZPATRICK,

*Executive Council Office,  
Sydney, 27 June, 1854.*

*Clerk of the Council.*

(No. 54-145.)

### No. 6.

THE POLICE MAGISTRATE, MAITLAND to THE COLONIAL SECRETARY.

*Maitland, 8 June, 1854.*

SIR,

In reply to yours of the 26th ultimo, I have the honor to enclose you a full report in the matter as therein referred to, as sent in by Mr. Chambers.

By reason of the sitting of the Small Debts Court, I have been unable to place these papers before the Bench.

I have, &c.,

THE HONORABLE  
THE COLONIAL SECRETARY,  
Sydney.

J. H. CRUMMER,  
Police Magistrate.

[Enclosure 1 in No. 6.]

*Maitland, 5 June, 1854.*

Gentlemen,

In reply to the accompanying letter of the Honorable the Colonial Secretary, of the 26th May, 1854, bringing under your notice certain neglect of my duties in the Department of Agent of the Curator of Intestate Estates, I have the honor to state, that in remitting to the Curator the proceeds of the estates of Threadgold and Connor, without accounts of sales and vouchers, my reason was, that any delay which might arise in getting in affidavits, &c., and the completion of other forms, might not be construed into any desire to retain or misappropriate the moneys in my hands, as since the complaint of Cullum I have been under the painful impression that circumstances may strangely combine to give rise to such a construction.

I need hardly tell the Bench that I have the pleasure of being able to say, that since I received the appointments I have the honor to hold, I have never had the desire or felt the necessity of adopting such a course.

In collecting the cattle, horses, and other description of assets in these estates, I had to make many journeys to the neighbourhood of Hexham, and to be many days absent from my office. The estate of Threadgold I closed, as far as I was able, in March last; there are, I am informed, about eight head of cattle unsold; of these I have been able to secure two, but the remaining six are still at large.

I was, at the same time, in the act of closing the estate of Connor, but a difference arose between myself and the person employed to bury the deceased, as to the charges made, and I did not get this arranged until May; I have only now to obtain from the person an affidavit of the reduction of his claim.

With respect to Hannan's estate I beg to correct a statement in the postscript of the letter of the Chief Justice. It there appears that the estate of Hannan, in this district, was dwindling away by neglect to serve a citation.

I first became aware of there being such an estate by Mr. Solomon, of Maitland, consulting me as to administering to it as a creditor. Mr. Solomon informed me that one Thomas Hannan then lately died at the Turon, leaving property there, and I, believing it to be my duty to report the subject to the Curator, although the deceased neither resided or had property in this district, did so by forwarding an affidavit of Mr. Solomon, to which is annexed a statement that he intended to administer. Some time after I became aware that Hannan had relations at Maitland, and I again wrote to the Curator informing him thereof.

The Curator then directed citations to be served. Mr. Solomon arranged with the Hannan's to administer forthwith, but his sudden and unexpected death prevented the arrangements being carried out, and on the 13th ultimo, in consequence of a letter received from the Curator the citations were served and affidavits of service transmitted.

Mr. Green, one of the members of your Bench, is, I believe, aware of most of the above facts.

The remark made in the letter to His Honor the Chief Justice, to the effect that it seems clear to him there is too much to be done in my office, perhaps justifies my respectfully calling the attention of the Government to certain correspondence on that subject, in the year 1849, copies of which I place before you.

In the Estimates of that year a sum of £50 had been included by the Police Magistrate as payment for an assistant clerk, the Magistrates of the district having unanimously, by letter to the Government, pointed out the necessity for such an estimate.

I beg to state it was not asked as an addition to my salary, but as a sum for expenditure by the Police Magistrate.

In 1850 the police district was extended, and on the further grounds of such extension the sum was again entered on the Estimates for that year. The Governor General having stated that there was no funds at his disposal, available for such a purpose, I have not during the last five years sought a renewal of the inquiry, although I am now the only person in the Colony performing the duties of Clerk of the Peace and Clerk to the Magistrates.

I am also desirous to repeat that my present allusion to this subject is with no view to increase my own income, but with the hope that in the performance of duties such as that of collecting Intestate Estates, in which I have to leave my office to the neglect and confusion of current business, some assistance may be afforded me.

I have, &c.,

The Bench of Magistrates,  
Maitland.

JOSEPH CHAMBERS,  
Clerk of Petty Sessions.

[Enclosure 2 in No. 6.]

Police Office, Maitland,  
1 May, 1854.

Gentlemen,

I beg to assure you that a necessity exists for increasing the strength of the Office of the Clerk of Petty Sessions at Maitland; I have now had the honor of acting as such Clerk for upwards of five years, during which period the duties of my office have gradually but greatly increased.

The Salary as such Clerk is	...	...	...	...	...	...	...	£150
But I receive as Clerk of the Peace	...	...	...	...	...	...	...	50
And as Registrar of the Small Debts Court an uncertain sum, amounting to about	...	...	...	...	...	...	...	50
								<u>£250</u>

To carry on the duties of those offices I am compelled to employ three assistants, whose salaries amount to £150, I am obliged to employ these persons chiefly on account of the business of the Police Office. I myself am generally engaged in such office in taking depositions and attending to the business coming before the Court, and yet such duty is a very small portion of that which has to be performed to carry on the business of the day. The persons in my office are employed in taking informations to be sworn before the Court, in preparing warrants, orders, and other processes, in making bail papers or copying depositions, besides the keeping of accounts, making returns and attending to the correspondence of the office, in addition to which they are occasionally engaged for several days together in making jury and electors' lists, or arranging the special business of the Court, such as granting publicans' and other licenses, &c., &c. I beg to represent to you, that as Clerk of Petty Sessions I receive the same salary as that paid to the Clerk of the Bench at Newcastle and other districts, very far inferior to the District of Maitland in respect to business and population; and as Clerk of the Peace I receive the same as the Clerk at Bathurst and Goulburn, notwithstanding the business at Maitland I believe to be at least double that in those districts. I do not refer to these matters with a view of complaining of the smallness of my income, but for the purpose of shewing that I may have some claim to

to the consideration of the Government. I am aware that the Police Magistrate has represented to the Government that an Assistant Clerk should be appointed, but I am anxious to know the position in which such Clerk would be placed. I have great confidence in Mr. Carter, my present head Clerk, all pecuniary affairs of my office have, since Mr. Nichols left me, been under his management, and they are most strictly and correctly attended to, and I have had such experience of the responsibilities of my duties, that I should be unwilling to make any alteration which would have the effect of interfering with Mr. Carter in his present department, or of admitting into my office a person over whom I or the Police Magistrate had not absolute control. I have the honor therefore to submit, if the Police Magistrate and the Bench see fit that it may be represented to the Governor that such a sum should be added to my present salary as would enable me to employ an additional Clerk, it being understood that the additional payment be made for that purpose only, and be not paid unless such additional Clerk should be so employed.

I beg to add that I am willing to leave the present nomination of such person to the Police Magistrate or to the Bench.

I have, &c.,

JOSEPH CHAMBERS,  
Clerk of Petty Sessions.

The Worshipful  
The Bench of Magistrates,  
Maitland.

[Enclosure 3 in No. 6.]

(No. 49-18.)

2 July, 1849.

Sir,

We have the honor to enclose to you a letter addressed to us by Mr. Chambers, the Clerk of the Petty Sessions at Maitland, on the subject of the assistance required by him in the performance of the duties of his office.

We believe such assistance has now become necessary, and that the amount of business transacted will fully justify the addition suggested in the letter referred to.

The District of Maitland is, with the exception of the County of Cumberland, the most populous district in the Colony; and as the Town of Maitland is the outlet of the Upper Police and Country Districts, as well as the Assize Town, a great amount of police duty is performed there.

We beg to state that on the usual days for the sitting of the Bench in Petty Sessions, the Court would frequently be open until a late hour if it was not for the personal assistance rendered by the Police Magistrate in taking depositions, &c., &c.

We believe such assistance ought not to be necessary, though we do not believe the necessity arises from any other cause than a great pressure of business.

We beg therefore to recommend the request contained in Mr. Chambers' letter, namely, that such an amount be added to that gentleman's salary, as will enable him to employ an additional Clerk; such addition to be made for that purpose only, and to be discontinued unless such additional Clerk be so employed.

We have, &c.,

EMANL. HUNGERFORD, J.P.  
C. F. H. SMITH, J.P.  
GEORGE WYNDHAM, J.P.  
C. M. DOYLE, J.P.  
ANDREW LANG, J.P.  
W. KNOX CHILD, J.P.  
W. F. GORDON, J.P.

The Honorable  
The Colonial Secretary.

[Enclosure 4 in No. 6.]

May, 1850.

Sir,

I beg to place before you certain correspondence respecting the employment of an assistant in the office of the Clerk of Petty Sessions at Maitland.

I believe Mr. Day, late Police Magistrate, in his estimate of the probable expenditure for the year 1850, forwarded in the early part of 1849 (or in some later correspondence), first called the attention of the Government to the matter.

On the 1st May, 1849, I addressed to the Bench my letter of that date, a copy of which is enclosed, and on that was founded the letter from the Bench to the Colonial Secretary, of the 2nd day of July, 1849, a copy of which is also annexed.

In reply to the latter communication, the Governor, by letter of the 13th July, 1849, regretted he had not funds at his disposal to appropriate as required by the Bench.

I beg to state that I believe it was not the desire of the Magistrates by their letter to urge the Government to make any immediate provision for the carrying out of their views, but that the intention of their letter was to impress on the Government the fact of assistance in the office of their Clerk being required, in order that, with the approval of the Government, some provision might in due course be made.

Since my former letter of the 1st May, 1849, the Police District has been increased by about twenty-six square miles of a very populous district; indeed, that which formed the most important portion of the Paterson District has now been added to the District of Maitland.

The

The duties of my office will, doubtless, be proportionally greater.

It has been found necessary to augment the police force; and I would submit that the department of the Clerk might justly (as a general rule) be made to bear proportion with the other departments of the establishment.

I beg to assure you that the expenses of my office (in which three Clerks are constantly engaged on public business) is so great, that I could not support myself in my appointments if I were not assisted by my practice as a Solicitor; it would be utterly impossible for one person, and I believe hardly possible for two persons efficiently to perform the duties of Clerk of Petty Sessions at Maitland.

I beg, particularly, to ask your consideration of the latter part of my letter of the 1st May, 1849, in which I propose that any amount which may be added to my salary shall be paid by the Bench to such person as the Police Magistrate may see fit to employ, and shall be withdrawn if at any time such assistance shall be found to be unnecessary.

The Police Magistrate,  
Maitland.

I have, &c.,  
JOSEPH CHAMBERS.

[Enclosure 5 in No. 6.]

Police Office, Maitland,  
17 May, 1850.

Sir,

In my estimate of the probable expenses for the year 1851 I have included a sum of £50 for an assistant in the office of Clerk of Petty Sessions.

2. I find that the subject has for some time been under the consideration of the Bench, and was unanimously recommended by letter 49-18, dated 2nd July, 1849, a copy of which is herewith transmitted.

3. As that letter was signed by all the Magistrates of this district, I have not thought it necessary again to call them together, but as Mr. J. A. Smith has, by reason of the extension of the district, become a member of the Bench since the letter above referred to, I have submitted the papers for his consideration, and herewith enclose his reply.

"4. My short experience in the police affairs of the Maitland District enable me to state that the assistance required appears very necessary, and I believe if an estimate could be made of the extent and variety of the police business of this district, as compared with that of any other of the country districts, it would be found that the department of the Clerk of Petty Sessions, with the assistance now asked for, would not be out of proportion."

5. I beg to enclose, for the information of His Excellency the Governor, copies of the former letters referring to the subject.

I have, &c.,  
J. H. CRUMMER, J.P., P.M.

[Enclosure 6 in No. 6.]

17 July, 1850.

Sir,

I regret to observe that it has not been deemed expedient to make provision in the Estimates of 1851 for an assistant in my office, and I also regret that I feel bound further to urge the subject of my application.

The Estimates provide a salary of equal amount with my own to Clerks in other districts in the Colony, notwithstanding the disposition of the police establishments in these districts as manifested by the Estimates themselves, and the known difference in respect to population and importance.

Thus, while this district is estimated to require a police force of 23 constables, the districts referred to have an average force of ten only; the following being the force in each district, namely:—

	Constables.		Constables.
Parramatta ...	16	Bathurst ...	16
Campbelltown ...	8	Newcastle ...	7
Goulburn ...	11	Maitland ...	23
Windsor ...	11	Port Macquarie ...	7
Penrith ...	7	Brisbane ...	9

In the communication from the Bench of Magistrates on this subject, you will see that my application was unanimously approved of, and that the Bench believe that the department of the Clerk of the Bench should bear some proportion to the rest of the police establishment, but as, in my case, no such proportion exists, I am induced to think that my claim is fair and reasonable.

I have, therefore, the honor to inquire whether my making a petition on the subject to the Legislative Council will be considered incompatible with my duties as a servant of the Government, and whether my so doing may be productive of any trouble or inconvenience.

The Honorable  
The Colonial Secretary.

I have, &c.,  
JOSEPH CHAMBERS.

MR. JOSEPH CHAMBERS.

9

No. 7.

THE COLONIAL SECRETARY to THE CHIEF JUSTICE.

*Colonial Secretary's Office,**Sydney, 26 July, 1854.*

SIR,

With reference to your Honor's letter of the 17th May last, in which you represent the neglect of duty evinced by Mr. Chambers, Clerk of the Bench at Maitland, in the collection of Intestate Estates, I am directed by the Governor General to inform you that the complaints against Mr. Chambers have been laid before the Executive Council, together with the explanation offered by that gentlemen, and that, not regarding the latter as at all satisfactory, and bearing in mind the caution he received on a previous occasion of a somewhat similar nature, the Council advised that he should be allowed an opportunity of resigning his several appointments. This has accordingly been done, and his successor will be immediately appointed.

HIS HONOR THE CHIEF JUSTICE.

I have, &amp;c.,

W. ELYARD.

No. 8.

THE COLONIAL SECRETARY to THE AUDITOR GENERAL.

*Colonial Secretary's Office,**Sydney, 26 July, 1854.*

SIR,

I am directed by His Excellency the Governor General to transmit to you the enclosed copy of a letter addressed to His Honor the Chief Justice, respecting the resignation of Mr. Chambers, Clerk of the Bench at Maitland, of the several appointments held by him, and to request that you will have the goodness to report the state of the accounts of that gentleman with the Government.

THE ACTING AUDITOR GENERAL.

I have, &amp;c.,

W. ELYARD.

No. 9.

THE AUDITOR GENERAL to THE COLONIAL SECRETARY.

(No. 228.)

*Audit Office,**Sydney, 28 July, 1854.*

SIR,

I do myself the honor to acknowledge the receipt of your letter dated 26th instant, with the copy of a letter written by His Honor the Chief Justice enclosed.

In reply, I beg to state that the late Clerk of Petty Sessions at Maitland has furnished no account to this office of his collections for the quarter ending 30th June.

Mr. Chambers was reported to the Colonial Treasurer in consequence.

The salary due to Mr. Chambers is from 1st July to the date of his resignation, at £25 per month.

THE HONORABLE

I have, &amp;c.,

JOHN STIRLING.

THE ACTING COLONIAL SECRETARY.

P.S.—There is a balance of advances to Mr. Chambers, to pay the expenses of the Maitland Quarter Sessions, amounting to £286 6s. 6d. still unadjusted.

No. 10.

THE COLONIAL SECRETARY to THE ACTING COLONIAL TREASURER.

*Colonial Secretary's Office,**Sydney, 10 August, 1854.*

SIR,

The Acting Auditor General having reported that the Clerk of the Peace at Maitland has not yet adjusted the balance of advances made to him to pay the expenses of the Maitland Quarter Sessions, amounting to £286 6s. 6d., I am directed by His Excellency the Governor General to request that you will call upon him to adjust his accounts without delay.

THE HONORABLE

I have, &amp;c.,

W. ELYARD.

THE ACTING COLONIAL TREASURER.

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No. 11.



## No. 11.

THE COLONIAL SECRETARY to THE POLICE MAGISTRATE, MAITLAND.

(No. 469.)

*Colonial Secretary's Office,  
Sydney, 10 August, 1854.*

SIR,

The Acting Auditor General having reported that the Clerk of Petty Sessions at Maitland has neglected to furnish to the Audit Office an account of his collections for the quarter ended 30th June last, I am directed by His Excellency the Governor General to request that you will call upon him to furnish the same without delay.

I have, &amp;c.,

W. ELYARD.

THE POLICE MAGISTRATE,  
Maitland.

## No. 12.

THE COLONIAL SECRETARY to THE AUDITOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 21 August, 1854.*

SIR,

With reference to your letter of the 28th ultimo, No. 228, reporting relative to the unadjusted accounts of Mr. Joseph Chambers, as Clerk of Petty Sessions and Clerk of the Peace at Maitland, I am directed by His Excellency the Governor General to inform you that instructions have been given to the Police Magistrate, Maitland, and to the Acting Colonial Treasurer, to call upon Mr. Chambers to adjust his accounts in his respective capacities.

I have, &amp;c.,

W. ELYARD.

THE ACTING AUDITOR GENERAL.

## No. 13.

THE COLONIAL SECRETARY to THE AUDITOR GENERAL.

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

SIR,

With reference to my letter of the 21st ultimo, respecting the unadjusted accounts of Mr. Chambers, as Clerk of the Peace and Clerk of Petty Sessions at Maitland, I am directed by His Excellency the Governor General to request that you will have the goodness to report, at your earliest convenience, whether the accounts in question have yet been adjusted.

I have, &amp;c.,

W. ELYARD.

THE ACTING AUDITOR GENERAL.

## No. 14.

THE AUDITOR GENERAL to THE COLONIAL SECRETARY.

(No. 288.)

*Audit Office,  
14 September, 1854.*

SIR,

In attention to your letter of yesterday's date, I have the honor to report that the accounts of Mr. Chambers, as Clerk of the Peace and Clerk of Petty Sessions at Maitland, still remain unadjusted.

The Police Magistrate has been informed of this, but no reply has been received.

I have, &amp;c.,

JOHN STIRLING.

THE HONORABLE

THE ACTING COLONIAL SECRETARY.

MR. JOSEPH CHAMBERS.

11

No. 15.

THE COLONIAL SECRETARY to THE POLICE MAGISTRATE, MAITLAND.

*Colonial Secretary's Office,  
Sydney, 20 September, 1854.*

SIR,

With reference to my letter of the 10th ultimo, No. 469, instructing you to call upon the Clerk of Petty Sessions at Maitland, to furnish without delay to the Audit Office, an account of his collections for the quarter ended the 30th June last, I am directed by His Excellency the Governor General to transmit to you herewith a copy of a letter from the Acting Auditor General on the subject, and request that you will explain why you have not replied to that officer's communication, and why the accounts have not been adjusted by Mr. Chambers, who should be warned that legal proceedings will be taken against him if there is any further delay on his part.

I have, &amp;c.,

THE POLICE MAGISTRATE,  
Maitland.

W. ELYARD.

No. 16.

THE COLONIAL SECRETARY to THE POLICE MAGISTRATE, MAITLAND.

*Colonial Secretary's Office,  
Sydney, 10 November, 1854.*

SIR,

With reference to my letters of the 10th August and 20th September last, directing you to call upon Mr. Chambers to account for his collections as Clerk of Petty Sessions at Maitland, I am instructed by the Governor General to draw your attention thereto, and to request that you will explain why you have not attended to those communications.

2. His Excellency directs me to add, that if your answer is not returned in course of post, it will be his duty to take more serious notice of your negligence.

I have, &amp;c.,

THE POLICE MAGISTRATE,  
Maitland.

W. ELYARD.

No. 17.

THE POLICE MAGISTRATE, MAITLAND, to THE COLONIAL SECRETARY.

(No. 54-25.)

*Police Office, Maitland,  
11 November, 1854.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 10th instant respecting the delay occasioned by Mr. Chambers, late Clerk of Petty Sessions at Maitland, in transmitting an account of his collections in that department, and beg to inform you that Mr. Chambers forwarded, through Mr. Minter, the present Clerk of Petty Sessions, on the 7th instant, the amount due on that head for which a receipt has been returned from the Colonial Treasurer.

My attention to your communication of the 10th of August and 20th September was duly attended to, in urging Mr. Chambers to transmit his collections on various occasions anterior to the 7th instant, the date on which they were forwarded; I trust, therefore, that His Excellency the Governor General may be pleased to acquit me of any charge of wilful neglect on the present occasion.

I have, &amp;c.,

THE HONORABLE  
THE COLONIAL SECRETARY.J. H. CRUMMER,  
Police Magistrate.

No. 18.

## No. 18.

THE COLONIAL SECRETARY to THE POLICE MAGISTRATE, MAITLAND.

*Colonial Secretary's Office,**Sydney, 21 November, 1854.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 11th instant, No. 54-25, furnishing an explanation respecting the delay of Mr. Chambers, late Clerk of Petty Sessions at Maitland, in transmitting an account of his collections.

2. In acquitting you of wilful neglect in the above matter, His Excellency the Governor General desires me to point out to you, that if you had taken the trouble, as was your duty, to acknowledge the previous communication addressed to you, and to report the steps you had taken, you would not have laid yourself open to such a charge.

I have, &amp;c.,

W. ELYARD.

THE POLICE MAGISTRATE,  
Maitland.

## No. 19.

THE COLONIAL SECRETARY to THE ACTING AUDITOR GENERAL.

*Colonial Secretary's Office,**Sydney, 24 November, 1854.*

SIR,

With reference to your letter of the 14th ultimo, No. 288, stating that the accounts of Mr. Chambers, as Clerk of the Peace and Clerk of Petty Sessions at Maitland, still remain unadjusted, I am directed by His Excellency the Governor General to transmit, for your information, the copy of a letter addressed to me by the Police Magistrate at the above place, in explanation of the delay.

I have, &amp;c.,

W. ELYARD.

THE ACTING AUDITOR GENERAL.

## No. 20.

*MEMORANDUM shewing how and when the Unadjusted Balance of Advances to Mr. Chambers, as reported to the Colonial Secretary on 26 July, 1854, was adjusted.*

Balance unadjusted, 26 July, 1854	...	...	£286	6	6
Adjusted by Vouchers, September 30, 1854	...	52	0	9	
Do., June 30, 1856	...	234	5	9	
			286	6	6

*Audit Office, Sydney,  
13 October, 1859.*

W. C. MAYNE,  
A. G.

## No. 21.

*MEMORANDUM of the Adjustment of the Accounts of Mr. Chambers, Clerk of Petty Sessions, Maitland.*

1st April to 30th June, 1854.

		Credited.	
Fines .....	21 8 6	21 8 6	} Credited 9th November, 1854.
Police Reward Fund	7 18 6	7 18 6	
Fees .....	31 2 4	31 2 4	
Licenses .....	21 17 6	21 17 6	
Total .....	£82 6 10	82 6 10	

1st July to 8th September, 1854.

		Credited.	
Fines .....	23 1 6	23 1 6	} Credited 9th November, 1854.
Police Reward Fund	20 10 0	20 10 0	
Fees .....	27 17 10	27 17 10	
Licenses .....	43 10 0	43 10 0	
Total .....	£114 19 4	114 19 4	

*Audit Office,  
13 October, 1859.*

W. C. MAYNE,  
Auditor General.

1859.

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**Legislative Assembly.**

NEW SOUTH WALES.

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**MR. MEYMOTT.**

(CORRESPONDENCE IN REFERENCE TO HIS REMOVAL FROM OFFICE OF CROWN PROSECUTOR.)

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*Ordered by the Legislative Assembly to be Printed, 27 September, 1859.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 23 September, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ All Correspondence between Mr. Cary (the District Judge)  
 “ and the Government; and also all other letters and papers,  
 “ including the Minutes of the Executive Council, respecting  
 “ the removal of Mr. Meymott from the office of Crown  
 “ Prosecutor.”

(*Mr. Plunkett.*)

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## MR. MEYMOTT.

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HENRY CARY, ESQ., to THE ATTORNEY GENERAL.

*Burwood,*

18 May, 1859.

SIR,

It is my duty (though an unpleasant one) to call your attention to the conduct of the Crown Prosecutor, Mr. Meymott, on two several occasions at the recent Quarter Sessions held at Parramatta. On both the occasions referred to, Mr. Meymott had refused to file informations on the depositions submitted to him, but you had directed that the parties charged should be prosecuted. In opening each case, Mr. Meymott told the Jury that he had declined to prosecute, but that the Attorney General had directed him to do so, with which direction he was bound to comply, though he still thought there was no case to go to a Jury. The cases were conducted by him accordingly, not only in a languid manner, but as if his object was to insure an acquittal, the most prominent features in the evidence against the prisoners being, not absolutely suppressed, but very slightly dwelt upon. In the case which was last tried—that against a mother and son, named Williamson, for stealing or receiving, &c., £48 in notes—he said that he would state the case to the Court and Jury, and if we thought (the Jury under my direction) that there was no case, he would consent to discharge the prisoners without offering any evidence. After his statement, I (having also read the depositions, from which it appeared that the lad who had found the money had almost immediately given it to his mother, in the presence of other boys who had seen him find it) directed the son's discharge, but expressed an opinion that there was a strong case against the mother. In the course of the trial, the evidence against her appeared to me to be quite conclusive, but to elicit it I had in fact to conduct the prosecution; Mr. Gould, for the defence, made a long and energetic speech, and quoted and commented largely on the law of the case; Mr. Meymott declined saying anything in reply; I, consequently, thought it incumbent on me almost to take his place, and to remove from the minds of the Jury the erroneous impressions which Mr. Gould's arguments would naturally have engendered. However, a verdict of acquittal followed, which I am satisfied would not have happened had I had only to perform my proper function of holding the balance between two advocates opposing each other, instead of almost pressing a case against the will of the prosecutor.

If the course thus pursued by the Crown Prosecutor is legitimate, it is useless for the Attorney General to review his decision on cases of committal that have been submitted to, and disallowed by him.

I wish my complaint could end here, but, connected with the above cases, I must state that this morning (the Williamsons' case occurred yesterday) I had occasion to interfere on behalf of an undefended prisoner, and prevent Mr. Meymott from putting a question which I deemed improper; considerable discussion followed; Mr. Meymott taking a note of my decision for future use, should occasion require. In directing the Jury on this case, I remarked that they might think it strange that I should in one case, which was very clear, protect a prisoner, whereas in a case that had occurred yesterday, and in which some of them, with other jurymen, had concurred in a verdict of acquittal, I had appeared to press hardly on the accused. I therefore informed them, that where a prisoner was undefended, I should always so far act as counsel for the defence, as to take care that the case was not pressed beyond its proper limits; and that, on the other hand, where the Crown Prosecutor *abandoned his duty*, I should, *on behalf of the Crown*, see that the case was *fully investigated*—on which Mr. Meymott rose up, and said in open Court *that my statement that he had abandoned his duty was false*. I immediately took down the words, as underlined,

lined, but made no comment on them, except that I intended to report the whole matter to the Attorney General. Mr. W. Byrnes, M.L.C., was sitting by me on the Bench, and called my attention to the word *false*.

Mr. Darvall, P.M., with, I believe, other Magistrates, was present when Mr. Meymott, as I express it, abandoned his case against the Williamsons.

I offer no conclusion to the above statement, except that I trust you will so deal with the whole matter, as in your judgment it ought to be dealt with.

I have, &c.,

THE HONORABLE

HENRY CARY.

THE ATTORNEY GENERAL.

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W. E. PLUNKETT, ESQ., to F. W. MEYMOTT, ESQ.

*Crown Law Offices,*

*Sydney, 20 May, 1859.*

SIR,

In transmitting the enclosed copy of a letter received from Henry Cary, Esquire, 18 May, 1859. District Court Judge, representing your conduct as Crown Prosecutor, on two several occasions, at the recent Quarter Sessions held at Parramatta, I am directed to request that you will have the goodness to offer such explanation thereon as you may think proper for the information of the Attorney General, at your very earliest convenience.

I have, &c.,

F. W. MEYMOTT, ESQ.,

W. E. PLUNKETT.

Crown Prosecutor,

Abbotsford, Picton.

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F. W. MEYMOTT, ESQ., to W. E. PLUNKETT, ESQ.

*Abbotsford, Picton,*

*22 May, 1859.*

SIR,

I have to acknowledge the receipt of a letter from you of the 20th instant, enclosing a copy of a letter from Mr. Cary.

I shall have no difficulty in satisfactorily explaining my conduct; but as my reply will necessarily be a long one, and may involve charges against Mr. Cary of a more serious nature than those which he has thought fit to bring against me, I must request the delay of a day or two before sending my explanation.

I have, &c.,

W. E. PLUNKETT, ESQ.,

F. W. MEYMOTT.

Secretary, &c.

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F. W. MEYMOTT, ESQ., to W. E. PLUNKETT, ESQ.

*Abbotsford, Picton,*

*24 May, 1859.*

SIR,

I have now the honor to submit to you, for the consideration of the Honorable the Attorney General, the following explanation of the matters referred to in Mr. Cary's letter to him of the 18th instant.

I will answer the charges in the order in which they occur in that letter.

Mr. Cary begins by stating that on both the occasions alluded to, viz., Peckman's case and Williamsons' case,—I had refused to file informations. The course I adopted was the usual and proper one in all cases in which a doubt exists as to the sufficiency of the evidence to sustain conviction. I believe that Crown Prosecutors may, if they think fit, take upon themselves the responsibility of refusing to prosecute, without troubling the Attorney General; but whenever opportunity occurs, in cases of such doubt, my course is to make a note on the subject and refer the case to the Attorney General for his opinion. I did

did this on the two occasions referred to, and as soon as the Attorney General had expressed his opinion that the cases ought to go to the Jury, informations were filed. Both the Honorable the Attorney General and Mr. Rogers, Clerk of the Peace, know that that was so.

This disposes of Mr. Cary's first charge. Mr. Cary then says that in opening each case *I told the Jury* that I had declined to prosecute. I deny it. If I had I should have told them a wilful falsehood. I certainly did express my opinion that the cases did not appear to me strong against the prisoners, and on that ground I invited their more particular attention, as it was for *them* to decide, after having heard the evidence, which it was my duty to lay before them under the Attorney General's direction.

The cases were accordingly proceeded with. Mr. Cary passes over the first with a general remark, applicable to both, that my manner was languid and as if my object were to insure an acquittal.

The first of these cases was this:—A woman named Peckman was charged with stealing a tarpaulin. The prosecutor had placed a tarpaulin over a haystack; the next morning (Sunday) it was gone; he observed on the dew footmarks of two persons of different sizes, passing by his place—not a word about their being near the haystack; a blind man and a boy lodged with the prisoner, whose house is two miles from the prosecutor's. Several days afterwards the police went to the prisoner's house, and asked her if she knew anything about a tarpaulin. She immediately produced one, and said she had bought it of a man for 7s. 6d. This man was in Court ready to prove this fact. After the prosecutor had given his evidence, the Judge himself suggested that there was no use in occupying any more of the public time. I perfectly concurred, and so did the Jury, and the woman was discharged. For my part in this transaction Mr. Cary charges me with having abandoned my duty. I believe I have sufficiently disposed of this charge.

In the other case, which Mr. Cary more particularly mentions, viz., against a mother and son named Williamson, for stealing bank notes, I did, as in the other case, tell the Court my opinion as to the weakness of the evidence against either of the prisoners, especially as to the boy. The Judge so far agreed with me as to discharge the boy without calling any witness; but, as he admits, he expressed an opinion that there was a strong case against the mother. (I leave the Honorable the Attorney General to form his own opinion as to the propriety of such an expression from a Judge to a Jury who were about to try the case.) I then proceeded with the case against the mother. Mr. Cary says I did so in a languid manner; compared with the excessive zeal displayed by the Judge against the prisoner (a zeal which was freely commented upon out of Court) my manner might have seemed in one sense languid; but I deny that my mode of conducting this case was other than it usually is. I always do, and always shall endeavour to perform, my duties temperately and calmly; and it was this very quality in prosecuting for the Crown at Bathurst Assizes two or three years ago, that I had the satisfaction of receiving a high encomium from Mr. Justice Dickinson, who tried the cases. Again, Mr. Cary says that in order to elicit the evidence, which appeared to him quite conclusive, he had in fact to conduct the prosecution. This I also positively deny, and I challenge him to prove that any important part was omitted by me and elicited by him—although it is true that he, with much irregularity, and very greatly to my inconvenience, interposed many questions during my examination in chief.

As to the evidence being conclusive, I have the misfortune perhaps of differing entirely in opinion with Mr. Cary. It was a case in which some boys passing along the road observed a roll of notes on the ground, one of the boys, Williamson, picked it up, and in the presence of the others counted the notes, making the amount £51. This boy, accompanied by two of the others, took the roll home and gave it to his mother. For this the lad was committed to take his trial for felony, and for my stating these facts to the Court, and suggesting that there was no case against the boy, who thereupon was very properly discharged, I am charged with having again abandoned my duty.

Well, the case went on against the mother. The first witness deposed that on the day the boys found the notes, which happened near his place, he had received £500 in Parramatta, part in notes, part in gold; he could not say into how many rolls he made up the notes, nor how much any roll contained—*nor would he be able to identify any of them.*

On

On reaching home, a few miles out of town, he emptied his pockets into a drawer, where in the morning he had placed £100 in notes. He did not then count his money, but when he did, which was some hours afterwards, he only found £552, viz., £48 minus; he could not say whether it was part of the £500 or of the £100 which was gone. Some days afterwards he went to the prisoner's house and asked her if she knew anything about some notes. She said that her boy had found a roll of notes, and that a day or two afterwards a man from Bathurst had called and claimed them, and that she had given them to him, adding that there was not so much as he, the witness, said. It was further proved (and this it will be seen would have been the strongest feature in the case against her, if clearly proved) that when her son brought home the notes, he took them indoors to his mother, while the two other boys remained outside, and that a few minutes afterwards the mother came out and gave one of these boys *two pounds*. Whether these £2 were notes or coin, and, if the former, they were part of the roll or not, was a most material point. As I knew that this boy could not possibly swear that they, if notes, were part of the roll (as he had only seen the other boy count them without separating them), I, of course, asked no more questions about it, leaving it as a fair inference that they were part of the roll, an inference which it was the business of the prisoner's advocate to weaken, not mine, by further examination. Mr. Gould, who defended the case, did not notice this point, nor did he cross-examine the boy upon it. But this, in addition to the total absence of proof of ownership, was what the Judge told the Jury was *conclusive* evidence, and added that he was sure the Jury could come to no other conclusion. However, as Mr. Cary says, a verdict of acquittal followed.

Then comes a singular admission for Mr. Cary to make in support of a charge against me. He says that this (the acquittal) would not have happened had he had only to perform his proper function of holding the balance between two opposing advocates instead of almost pressing the case against the will of the prosecutor. In other words, that, if he had only performed his duties as a Judge, instead of interfering with my province as Crown Prosecutor, and almost, as he says, taken my place (which he was not required to do), the prisoner would have been found guilty. In point of fact, that his "conducting the prosecution" was the means of getting the prisoner acquitted. It was incumbent on him, he adds, to take my place, and remove from the minds of the Jury the erroneous impression which Mr. Gould's arguments would naturally have engendered. How he succeeded was shewn by the verdict.

By this statement too the Judge conveys a compliment to me which I most strongly but respectfully repudiate. It infers that, if I had chosen to do so, I could have induced the Jury to find a different verdict—*i. e.*, to bring in a verdict of guilty against a woman, whom, if I did not actually believe to be innocent, I, at all events, most certainly did not think was proved to be guilty. If I had possessed this capability of inducing a Jury to believe that right was wrong, I should have been very culpable in using such power; but my humble abilities are not of that order, nor have I any desire to attain such skill.

A few more words about this case;—Mr. Cary, on the occasion of my denial of having abandoned my duty (of which presently), said I had done so by not replying to Mr. Gould's speech for the defence. In this I submit Mr. Cary is utterly wrong again; it is no part of the *duty* of the Crown Prosecutor to reply in cases where no evidence is offered for the defence; it is his *privilege* to do so when he thinks fit, and it is a privilege which I have been taught should be sparingly exercised, and only when justice requires. In the present instance I did not think it at all necessary to reply. Mr. Gould's speech was not so much directed to the facts of the case as to the law on the subject, "quoting and commenting" largely thereon as Mr. Cary says; and as I quite coincided with Mr. Gould in his view of the law of the case, I had in fact no reply to make.

So much for Mr. Cary's charge against me of abandoning the Williamson's case; I hope I have sufficiently and satisfactorily answered it.

The paragraph about the legitimacy of my cause falls to the ground. There has been no revision by the Attorney General of any decision of mine; I never pronounced any nor was any case disallowed by me; I have simply obtained the opinion of the Attorney General in the usual way, as to the propriety of sending to the Jury cases in which the evidence appeared to me, and afterwards turned out to be, insufficient to procure conviction.

Mr.



Mr. Cary proceeds to inform the Attorney General that he had occasion to interfere on behalf of an undefended prisoner, and prevent me from putting a question which he thought improper. The Attorney General will probably be rather surprised when he reads what this improper question was, and at the novel reason for which the evidence was rejected. It was in Behn's case, for stealing a watch. The prosecutor was to ill to attend the Court, so his deposition was read. The policeman who produced the watch was being examined. I asked him whether, at the Police Office in presence of the prisoner, the watch was identified by anyone? The Judge would not allow this question to be answered, on the ground that "There was nothing about it in the depositions, and he had no idea of cases 'being bolstered up by fresh evidence!'" Whether the question was an improper one, or whether the ground of its rejection was improper, the Attorney General will have no difficulty in determining.

Lastly, as to my public denial of having abandoned my duty. Mr. Cary does not state the case fairly. It was not on his saying that "Where the Crown Prosecutor abandoned 'his duty, he, the Judge, should see that the case was fully investigated,'" that I rose up and said anything. In Behn's case he laid down a principle exactly the reverse of this. He said it was no part of his duty to supply any defects or omissions on the part of the Crown Prosecutor, and I had to recall the Clerk of the Bench to ask him a question as a mere matter of form which I had omitted. I waited patiently till he had finished his address to the Jury, and then (naturally feeling hurt and irritated at a charge of neglect of duty being brought against me at such a time and place, and made by a Judge to a Jury who could have nothing to do with my yesterday's conduct) I rose, as I said, to protest firmly but respectfully against an expression which the Judge had used the day before, and repeated then in a different case and to a different Jury, viz., that I, in two previous cases, had abandoned my duty. I said I denied the charge, and that it was one which was not founded on fact, and I proceeded shortly to state what I had done. I do not believe I used the word "false"; it is a stronger term than I should have chosen if I had had time to choose. But if Mr. Byrnes, or any other respectable gentleman says I did use that word, and if the head and front of my offending consist in the use of that word, I am quite ready to apologize for it, retract it, and substitute any milder synonyme. I took no notice of the Judge's telling the Jury in Williamson's case that I had abandoned the case. It was a comment *on*, and made *in*, the case, which, I suppose, he thought himself justified in making, though I did not; but when he thought fit to tell a new Jury the next day, as he did, that on two previous occasions I had abandoned my duty, I could not allow such a charge to pass unnoticed.

I regret that I am taking up so much of the time and attention of the Honorable the Attorney General, but he will, I trust, allow that the case requires it; and it will be seen that in thus submitting to him my explanation of my conduct, I have been compelled to draw his attention to several errors on the part of Mr. Cary, viz.:—

1. In mistaking the circumstance of my referring the two cases in the usual manner to the Attorney General for a refusal on my part to prosecute.
2. Even if I had taken on myself to decline to prosecute; in charging that which would only have been the exercise of a discretion placed in me as a neglect of duty.
3. In making that a ground of complaint without inquiring into the truth of it.
4. In alleging that I told the Jury that I had declined to prosecute.
5. In Peckman's case; in charging me with abandoning the case, whereas he not only sanctioned but himself adopted the course I proposed.
6. In Williamson's case; in again charging me with abandoning the case, although he so far coincided with me as to discharge one of the prisoners without hearing evidence.
7. In the same case; in prejudging the case by telling the Jury who were about to try it, that there was a *strong* case against the female prisoner.
8. In the same case; in warmly acting as advocate against the prisoner, and thereby, as he says, losing a verdict.
9. In the same case; in taking a most material fact, viz., the disposing of part of the money found, to be conclusively proved, which was only a matter of inference.
10. In the same case; in telling the Jury that the evidence was conclusive, instead of leaving that point for their consideration.

11. In the same case; in omitting to refer the question of ownership of the notes to the Jury.
12. In charging my declining to reply in that case as a neglect of duty.
13. In attributing to me the power to have obtained a verdict of guilty (against my conscience) if I had chosen to exercise it.
14. In thinking that I ought to have exercised such power, and charging my omission to do so as a neglect of duty.
15. In Behn's case; in refusing to allow a question to be answered, on the ground that it was new evidence, not mentioned in the depositions.
16. In telling the Jury in the case last tried that I had, on two previous occasions abandoned my duty, a matter with which they had nothing to do and which was calculated to prejudice their minds in the case before them.
17. In Behn's case and in Williamsons' case, in laying down and acting upon directly contradictory principles, as to the duty of a Judge in supplying omissions in the examination of a witness by the Crown Prosecutor.

I have on my notes other instances of more glaring and less excusable errors, committed by Mr. Cary during the last Quarter Sessions, but which it is unnecessary to go into upon the present occasion.

Again apologizing for the length of my communication,

I have, &c.,

W. E. PLUNKETT, Esq.,

F. W. MEYMOTT.

Secretary to the Crown Law Officers.

*PROCEEDINGS of the Executive Council on the 30th May, 1859, with respect to a Complaint lodged against Mr. Meymott, by Henry Cary, Esq., Judge of the Cumberland and Coast District Courts.*

Minute No. 59-21. Confirmed 6 June, 1859.

HIS Excellency the Governor General, at the instance of the Honorable the Attorney General, brings under the consideration of the Council a letter from Henry Cary, Esq., Judge of the Cumberland and Coast District Court, drawing attention to the course pursued on certain occasions, therein stated, by Mr. Meymott, the Crown Prosecutor of that District.

2. His Excellency at the same time places before the Council two letters from Mr. Meymott, in reply to a communication from the office of the Honorable the Attorney General, forwarding a copy of Mr. Cary's complaint to him for explanation.

3. The circumstances out of which the correspondence has arisen, occurred during the trial of two cases at the recent Quarter Sessions held at Parramatta, and it is represented by Mr. Cary that Mr. Meymott (who had refused to file informations on the depositions submitted to him, but had been directed by the Attorney General to proceed with the prosecutions) in opening each case, told the Jury that he had declined to prosecute, but that he did so in compliance with the direction of the Attorney General, and although he still thought there was no case to go to the Jury. Mr. Cary adds, that the cases were conducted by Mr. Meymott accordingly, not only in a languid manner, but as if his object had been to insure an acquittal, the most prominent features in the evidence against the prisoners being not absolutely suppressed, but very slightly dwelt upon.

4. Mr. Cary mentions the particulars of one of the cases referred to, and refers to circumstances which took place during the trial of it, in support of his complaint; and states that, in addition to the foregoing, and in reply to some comments which he had felt called upon to make with reference to a case occurring on the following day, Mr. Meymott rose up and said, in open Court, that the Judge's "statement that he had abandoned his duty was false."

5. In his letter of explanation Mr. Meymott states that he had not declined to prosecute the cases in question, but had submitted them for the opinion of the Attorney General, and filed informations on his expressing an opinion that they ought to go to a Jury; he denies having told the Jury that he had declined to prosecute, but states that he did express

express an opinion that the cases did not appear to him strong against either of the prisoners, and on that ground invited the more particular attention of the Jury to the evidence which he was directed to lay before them.

6. In justification of the course pursued by him, Mr. Meymott details at length the circumstances of the respective cases, and states that in that which was first tried, the Judge himself, after the prosecutor had given his evidence, suggested that there was no use in occupying any more of the public time, and that he himself concurring, and the Jury also, the prisoner was discharged.

In the other case, Mr. Meymott states that the Judge ordered the discharge of one of the prisoners without calling any witness, and defends his own mode of dealing with the prosecution of the other (who was ultimately acquitted), at the same time animadverting upon the course taken by the Judge and the zeal displayed by him against the prisoner.

7. Mr. Meymott further states that Mr. Cary has not fairly put the case, with respect to the manner of his public denial of having abandoned his duty, and after narrating and complaining of the circumstances which rendered such a denial necessary, and stating that he does not believe that he used the word "false," adds, that if he did use such an expression, "he is ready to apologize for it, retract it, and substitute any milder synonyme."

8. In concluding his explanations Mr. Meymott draws attention to numerous errors which he states to have been committed by Mr. Cary in the cases in question, and in the present correspondence.

9. The Council having carefully weighed the causes of complaint alleged by the Judge, and considered the circumstances stated by Mr. Meymott in reply thereto, and while impressed with a regret that it should have become necessary to proceed to a decision upon such a case, express their opinion that the course pursued by Mr. Meymott in the matters complained of, and followed up by him in his subsequent correspondence has been altogether inconsistent with the proper line of his duty as Crown Prosecutor.

They are unable to perceive that his mode of conducting the prosecutions alluded to, as detailed by himself, was in any essential particular different from that adverted to, and complained of by the Judge, and they cannot avoid the expression of their entire disapproval of the manner of his reply to the comments of the Judge in Court, as well as subsequently in his answer to the Judge's complaint.

10. Under these circumstances it appears to the Council impossible that, with a proper regard to the due Administration of Justice, Mr. Meymott can be retained in his present position, and they therefore advise that it be intimated to that gentleman that it has become necessary that his services as Crown Prosecutor for the Cumberland and Coast Districts should be dispensed with.

A. ORPEN MORIARTY,  
Clerk of the Council.

*Executive Council Office,  
Sydney, 7 June, 1859.*

W. E. PLUNKETT, Esq., to F. W. MEYMOTT, Esq.  
*Crown Law Offices,  
Sydney, 3 June, 1859.*

SIR,

Adverting to my letter of the 20th ultimo, containing copy communication from Henry Cary, Esq., District Court Judge, complaining of your conduct, as Crown Prosecutor on two several occasions at the recent Quarter Sessions, Parramatta, and in reference to your explanation of the 24th of the same month, I am directed to state that the Attorney General having placed the letters in question before the Executive Council, and the Council having deliberated thereon, have expressed their opinion that your explanation is not satisfactory; and I am therefore desired to apprise you that the Government regret they have felt it their duty to determine to dispense with your services as Crown Prosecutor; and I am further desired to communicate that from this day there will be no longer need of your services.

I have, &c.,

F. W. MEYMOTT, Esq.,  
Abbotsford, Picton.

W. E. PLUNKETT.

F. W.

F. W. MEYMOTT, ESQ., to THE ATTORNEY GENERAL.

Sydney, 6 June, 1859.

DEAR SIR,

Yesterday, at Picton, I received from your Secretary the announcement of my dismissal from office as Crown Prosecutor, on the ground that my explanation to you of the charges brought against me by Mr. Cary were unsatisfactory.

Before such a very severe sentence is carried into effect, I hope that, as a simple act of justice, you will be good enough to inform me in what respect my explanation is *unsatisfactory*. The charges are numerous and vaguely made, and my answer was necessarily long, and, perhaps, not sufficiently directed to any one part which, in the opinion of the Executive Council, required further explanation. I would also respectfully desire to be informed whether any evidence was laid before the Council besides Mr. Cary's charge and my answer.

It is of importance that I should request this information from you, because I intend humbly to memorialize the Governor and Council to allow me to be heard in person in defence of charges entailing such serious consequences to me as a sudden dismissal from an office which I am sure I have done nothing to disgrace, and for the more efficient discharge of the duties of which I have relinquished my private practice as a barrister.

I am, &c.,

F. W. MEYMOTT.

THE HONORABLE

THE ATTORNEY GENERAL.

To His Excellency SIR WILLIAM THOMAS DENISON, K. C. B., Governor  
General of New South Wales, &c., &c., &c.

The Memorial of Frederic William Meymott, of Abbotsford House, Picton, Barrister-at-Law,

HUMBLY SHEWETH, AS FOLLOWS:—

On the twentieth day of January, one thousand eight hundred and fifty-nine, your Excellency was graciously pleased to appoint your Memorialist to the office of Crown Prosecutor of New South Wales, and especially for the Southern and the Cumberland and Coast Districts. For the more efficient discharge of the duties of that office, your Memorialist relinquished his private practice as a Barrister in Sydney, and, at great expense, went to reside at Picton, as being nearly equi-distant from the two places where his principal duties had to be performed, namely, Goulburn and Parramatta.

During the last Quarter Sessions at Parramatta, a difference of opinion arose between your Memorialist and Henry Cary, Esquire, the District Judge, about the mode of performing the duties of Crown Prosecutor.

On the eighteenth day of May Mr. Cary wrote to the Attorney General a letter complaining of your Memorialist's having *abandoned his duty* in two several cases, and of his having denied, in strong language, the charge which the Judge had made against him in open Court.

The letter of Mr. Cary was transmitted by the Attorney General to your Memorialist for his explanation.

On the twenty-fourth of May your Memorialist wrote to the Attorney General a letter of explanation, which owing to the general nature of the charges was necessarily long, and perhaps in the opinion of the Council not sufficiently explicit on some points.

On the fifth of June (last Sunday) your Memorialist received from the Attorney General a letter, informing him that his explanation had been laid before the Executive Council, who had pronounced it unsatisfactory, and that the Government had felt it their duty to dispense with the services of your Memorialist as Crown Prosecutor.

Your Memorialist has since applied to the Attorney General to be informed in what respect the explanation was unsatisfactory; and the Attorney General's reply is, that it was *generally* unsatisfactory.

Your Memorialist takes the liberty of addressing your Excellency not merely on his own account, vitally important as the matter is to himself, both as regards his pecuniary interests and his professional character, but also because he deems it his duty on public grounds

grounds to call your Excellency's attention to a question involving (as he conceives) the proper and efficient performance of the respective duties of a Judge and a Crown Prosecutor.

Your Memorialist, therefore, most respectfully requests your Excellency to permit him to be heard in person, in defence of the charges brought against him, before such tribunal, and at such time and place as your Excellency may be please to appoint.

And your Memorialist will ever pray, &c.

Dated this ninth day of June, A.D. 1859.

F. W. MEYMOTT.

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MINUTE of the Executive Council upon the within Memorial.

THE Executive Council, upon a review of the circumstances attending Mr. Meymott's removal from office, and after mature deliberation, are unable to advise that his present request should be complied with. They observe that that gentleman has already had a full opportunity (of which he fully availed himself) to answer the charges preferred against him, and that the answers afforded by him upon the various points of question were before the Council, and were carefully weighed by them in detail before they arrived at the determination with respect to Mr. Meymott, above alluded to.

A. ORPEN MORIARTY,  
Clerk of the Council.

Approved—

J. M. P.  
W. W. B.  
C. C.

*Executive Council Office,  
Min. 59-24. 13 June, 1859.  
(No. 59-612.)*

B. C., 2 July, 1859.

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W. E. PLUNKETT, ESQ., to F. W. MEYMOTT, ESQ.

*Crown Law Offices,  
Sydney, 5 July, 1859.*

SIR,

With reference to the communication addressed from this Office to you on the 3rd ultimo, relative to your conduct as Crown Prosecutor at the late Quarter Sessions, at Parramatta, and with regard to your Memorial of the 9th of June last, I am directed to inform you that the Executive Council, upon a review of the circumstances attending your removal from office, and after mature deliberation, regret they are unable to advise that your present request should be complied with.

I am desired to remark that the Council have observed that you have already had a full opportunity (of which you fully availed yourself) to answer the charges preferred against you, and that the answer afforded by you upon the various points in question were before the Council, and were carefully weighed by them, in detail, before they arrived at the determination with respect to your removal.

I have, &c.,

W. E. PLUNKETT.

F. W. MEYMOTT, ESQ.,  
Abbotsford, Picton.

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F. W. MEYMOTT, ESQ., to THE ATTORNEY GENERAL.

*Abbotsford House, Picton,  
27 July, 1859.*

SIR,

With reference to Mr. Cary's letter to you of the 18th May last, and my letter to you in answer of the 24th May, and the subsequent correspondence on the same subject, I have now the honor to state as follows.

It was not until yesterday that I received an intimation that my dismissal from office as Crown Prosecutor was not in consequence of any abandonment of duty on my part, but was attributable to certain offensive expressions contained in my said letter of the 24th May.

You

You will do me the justice to recollect, that very shortly after my dismissal I applied to you for the precise grounds on which I had been discharged, and that your reply was, that my answer was generally unsatisfactory.

Ever since then I have labored under the impression that I was dismissed upon a charge of abandonment of duty.

Relying upon the correctness of the information I have just received, I now beg to be permitted to withdraw, altogether, my letter of the 24th May (so as, however, not to admit that I abandoned my public duty), and to retract and apologize for any offensive expressions contained in it, or in any other letter written by me. Whatever expressions of that nature may have been written or said by me, were so used under the influence of feelings deeply wounded by a charge of my having abandoned my public duties,—a point on which I have always been acutely sensitive.

I have, &c.,

F. W. MEYMOTT.

THE HONORABLE

THE ATTORNEY GENERAL.

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F. W. MEYMOTT, ESQ., to THE ATTORNEY GENERAL.

*Abbotsford House, Picton,*

10 August, 1859.

SIR,

Fourteen days ago I had the honor to write to you a letter on important business, and I have not yet been favored with a reply.

May I beg to be informed whether my letter was laid before the Executive Council, and whether anything was done thereupon.

I have, &c.,

F. W. MEYMOTT.

THE HONORABLE

THE ATTORNEY GENERAL.

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W. E. PLUNKETT, ESQ., to F. W. MEYMOTT, ESQ.

*Crown Law Offices,*

*Sydney, 11 August, 1859.*

SIR,

I am directed by the Attorney General to acknowledge the receipt of your letters of the 27th ultimo and 10th instant, further in respect of your removal from the office of Crown Prosecutor; I am, at the same time, desired to communicate that the Attorney General regrets that your conduct left the Government no other course to follow, but that which they have felt themselves constrained to adopt. The decision of the Executive Council upon your case was communicated to you by letter dated 3rd June last, and as that decision was not made until after you had had full opportunity to answer the charges brought against you by Mr. Cary, and was final, the Attorney General desires me to say he is not aware that any good can arise from further correspondence on the subject.

I have, &c.,

W. E. PLUNKETT.

F. W. MEYMOTT, ESQ.,

Abbotsford House, Picton.



1859.

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*Legislative Assembly.*

NEW SOUTH WALES.

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## MR. COLIN MACKENZIE.

(CORRESPONDENCE RELATIVE TO APPOINTMENT OF, AS CHIEF REGISTRAR OF A DISTRICT COURT.)

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*Ordered by the Legislative Assembly to be Printed, 1 September, 1859.*

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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 all correspondence between the Executive Government  
 “ and any person or persons, having reference to the recent  
 “ appointment of Mr. Colin Mackenzie to the office of Chief  
 “ Registrar of the District Court of the Cumberland and Coast  
 “ District, or his subsequent removal therefrom; also, of all  
 “ Letters and applications for the aforesaid office, whether or  
 “ not acknowledged by the Executive Government.”

(*Mr. Forster.*)

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## MR. COLIN MACKENZIE.

### No. 1.

COLIN MACKENZIE, ESQ., to THE ATTORNEY GENERAL.

103, Elizabeth-street,  
Sydney, 6 December, 1858.

SIR,

I herewith make an application for one of the situations about to be made in the District Courts, trusting it may be received under circumstances which I will state, and which perhaps may be considered.

I was compelled three years since to quit the Supreme Court Office, after having served fifteen years my health became much impaired, but now improved,—therefore wish for some employment.

I have, &c.,

THE HONORABLE  
THE ATTORNEY GENERAL.

COLIN MACKENZIE.

### No. 2.

ALEX. O. GRANT, ESQ., to THE ATTORNEY GENERAL.

*Court of Requests Office,*  
Parramatta, 15 January, 1859.

SIR,

I have the honor to make application for the situation of Registrar of the District Court in Parramatta, or in the event of Parramatta being selected for the Station of Chief Registrar of the Cumberland and Coast District, to apply for that appointment.

I have for the last two years and a half held the situation of Registrar of the Court of Requests, and of Clerk of Petty Sessions, in Parramatta.

I have been thirteen years in the Government service, having entered in January, 1846, and for the five years previous to my appointment here I filled the office of Inspector of Distilleries in Sydney, and before that was in the Long Room of the Customs.

2. I beg respectfully to make a few remarks with regard to the duty of Registrar of the District Courts.

I understand that the Chief Registrar will be required to perform the duties of District Registrar of the place in which he is stationed, and likewise to audit the accounts, and to exercise a general supervision over the Registrars of the whole Circuit.

Being District Registrar of the town in which he is placed, as well as Chief Registrar, it will be necessary for him to be stationary for the convenience of the public of that place, as it is always impossible to know when he may be required; I beg to offer to do the duty of Chief Registrar of the Cumberland and Coast District, as well as that of District Registrar of Parramatta, for the sum of one hundred and fifty pounds (£150), this is in addition to my salary (£225) as Clerk of Petty Sessions in Parramatta. By this means a considerable sum will be left for the purpose of paying higher salaries than £50 a year to the Registrars of the larger towns in the Circuit.

3. A Chief Registrar at £300 or £400 per annum, with duties to perform such as I have supposed, would not have sufficient work to do; for the auditing of quarterly or monthly accounts (as the case may be) of a dozen other Registrars, in addition to his work as District Registrar, would not fully occupy his time, and this would soon be manifest; and I at the same time most respectfully beg to suggest that £50 a year is not sufficient remuneration for the labor and responsibilities of Registrar in the larger towns, and that the duty would not be efficiently performed for that sum.

4. In Parramatta, during the past year (1858), there have been tried in the Court of Requests, four hundred cases in the £10 Court, and one hundred in the £30 jurisdiction, making altogether five hundred. As far as I have been able to ascertain, at Penrith and Windsor (where the Registrars salaries are £30, while at Parramatta it is £50) the number of cases are from fifty to one hundred a year less, and, from what inquiries I have made, I believe that at Bathurst, Goulburn, East and West Maitland, Mudgee, Campbelltown, Yass, Berrima, Armidale, Tamworth, and some other places, the number of cases will not be much fewer, and in saying so I am judging from the number tried before the Magistrates in their £10 Courts, and from the probable number of actions entered from the different places in the Supreme Court.

5. In conclusion I would point out that Parramatta would be the most convenient place in this Circuit for the Chief Registrar to be stationed, for there is quick communication by railway with Liverpool, Campbelltown, and the towns further south, and will shortly be to Penrith, and so to Windsor; and also for communicating with the Coast towns, it is the most eligible situation in the Circuit.

In the event of my not receiving the appointment of Chief or District Registrar, I shall only have £225 per annum as Clerk of Petty Sessions, after I have served thirteen years in the Government Service.

I have, &c.,

ALEX. O. GRANT.

THE HONORABLE

THE ATTORNEY GENERAL.

Registrar of the Court of Requests, and

Clerk of Petty Sessions in Parramatta.

### No. 3.

THE SECRETARY TO LAW DEPARTMENT to COLIN MACKENZIE, Esq.

(No. 59-63.)

*Crown Law Offices,*

*Sydney, 3 February, 1859.*

SIR,

I am directed by the Attorney General to offer you the appointment of Chief Registrar at Parramatta, for the Cumberland and Coast District, under the District Courts Act of 1858, and also Clerk of the Peace for that portion of the before-mentioned District, which is not included in the County of Cumberland, with salary at the rate of £300 per annum, to commence from the 1st instant.

I have, &c.,

COLIN MACKENZIE, Esq.,  
Supreme Court.

W. E. PLUNKETT.

### No. 4.

COLIN MACKENZIE, Esq., to THE SECRETARY TO LAW DEPARTMENT.

*Sydney, 4 February, 1859.*

SIR,

This moment I received your letter, and beg to say, in answer to the Attorney General's offer, I shall be happy to accept of the situation as Chief Registrar at Parramatta, for the Cumberland and Coast District, and also Clerk of the Peace for that portion of the before-mentioned District, with the salary of £300 per annum, to commence from the 1st instant.

I have, &c.,

W. E. PLUNKETT, Esq.,  
Secretary to Law Department.

COLIN MACKENZIE.

### No. 5.

ALEXANDER O. GRANT to THE ATTORNEY GENERAL.

*Police Office,*

*Parramatta, 10 February, 1859.*

SIR,

I have the honor to call your attention to my letter of the 15th ultimo, and in the first paragraph of which I applied directly for the appointment of Chief Registrar of the District Courts for the Cumberland and Coast District.

I have

I have been given to understand that it is in contemplation to appoint Mr. Colin Mackenzie, formerly a Clerk in the Supreme Court, in Sydney, which appointment he voluntarily resigned, and I beg most respectfully to point out the great injustice that will be done to me by making such an appointment, in fact superseding me in my Registrarship, for in Cumberland the District Court is in reality an extension of, and a substitute for, the Court of Requests, and none of the staff of the Court of Requests in Sydney have been deprived of their situations.

After thirteen years service, as I have stated in my previous letter, I shall be left with a salary of £225 per annum, and having, as any inhabitants of Parramatta will confirm, zealously performed my duties.

I have been authorised by the Honorable the Chief Secretary for the Government, as intimated to me by Mr. James Byrnes, to recall to your recollection a conversation which you had with Mr. Cowper, in which you stated that I had made no application for the office of Chief Registrar, I beg again to direct your attention to the first few lines of my previous letter, which must have escaped your memory at the time.

I have, &c.,

ALEXR. O. GRANT,

Late Registrar of the Court of Requests.

THE HONORABLE

THE ATTORNEY GENERAL,

Sydney.

#### No. 6.

*PROCEEDINGS of the Executive Council on the 7th February, 1859, with respect to the appointments of Chief Registrars of District Courts.*

Minute No. 59-6. Confirmed 14 February, 1859.

Approved, W. D.,  
17 Feb., '59.

HIS Excellency the Governor General having invited the attention of the Council to the following appointments in the Public Service, proposed to be made in pursuance of the District Courts Act of 1858, the Council accordingly advise as follows, viz. :—

Alexander Charles Maxwell, Esquire, to be Chief Registrar in Sydney, from the 1st February, 1859.

George Swinnerton Yarnton, Esquire, to be the person in Sydney to execute jointly with the Chief Registrar the office of Registrar, from the 1st February, 1859.

Colin Mackenzie, Esquire, to be Chief Registrar at Parramatta for the Cumberland and Coast District, and also Clerk of the Peace for that portion of the before-mentioned District which is not included in the County of Cumberland.

Temple Nathan, Esquire, to be Chief Registrar at Goulburn, and Clerk of the Peace for the Southern District, from 1st February, 1859.

Thomas Charles Gore, Esquire, to be Chief Registrar at Bathurst, and Clerk of the Peace for the Western District, from 1st February, 1859.

A. ORPEN MORIARTY,

Clerk of the Council.

*Executive Council Office,*

*Sydney, 16 February, 1859.*

No. 59-105.

#### No. 7.

HENRY CARY, ESQUIRE, to THE ATTORNEY GENERAL.

*Sydney, 11 March, 1859.*

SIR,

I beg to be allowed to trouble you with some remarks and suggestions in reference to a Minute of Proceedings of the Executive Council, dated 7th February, 1859, with respect of rates of salary to be paid to certain officers of the District Courts, which was forwarded by order of the late Attorney General to the Judge of the District Courts.

My

My remarks, though in some respects, perhaps, applicable to other Districts, I would address exclusively to that of Cumberland and the Coast, with which alone I am concerned.

The Minute informs me that a salary of £300 is awarded to a Chief Registrar for Parramatta, and a salary of £60 for a Registrar for Parramatta and Liverpool. Now it appears from the 32nd section of the District Courts Act that there is no provision for a Chief and a Deputy or Subordinate Registrar, but in populous places two persons may be appointed to execute the office jointly, and the duties and emoluments, in case they cannot agree between themselves, are to be apportioned by the Court,—that is, the Judge. This appears to me to imply an equality, or something much like it; but, in the appointments which have been made by the Government, I cannot but infer that it was intended to make the Chief Registrar, not only Chief over the second Registrar at Parramatta, but also over those of the whole District,—otherwise it is difficult to account for the great disproportion in the salaries; but for such supervision by one Registrar over the others, I can find no pretence in the Act;—I apprehended, therefore, that both appointments cannot stand, but one must be cancelled.

The question then is, which of the two? To answer this it is necessary to look at the position of the other Registrars throughout the District. The same Minute informs the District Judges that the several Clerks of Petty Sessions are to be appointed Registrars at the various places. Now it is not my wish to make any invidious comparison between Mr. Colin Mackenzie, who is appointed Chief Registrar at Parramatta, and Mr. Grant, who according to the above Minute would be Registrar at the small salary, except that the former has had no experience in the duties he will have to perform, while the latter has for several years filled a similar office in the Court of Requests at Parramatta, to the entire satisfaction of all parties interested; but I think that the claims of the Registrars in other Districts should be considered. If the Districts are to any extent to answer the expectation of the public, the duties of all the Registrars will be much more arduous than they have heretofore been in the Court of Requests, but in some of them the salary has been diminished, thus, to mention one only, the Registrar for Windsor is to have £40 instead of £50, which sum I believe he formerly had.

I mention therefore to suggest (inasmuch as no Registrar can, as such, have any heavier duty to perform, than may arise from the excess of causes in his own Court over those of others,) that the whole allowance to that class of Officers should be apportioned according to the probable relative amount of business in each Court, and accordingly I beg to submit for the consideration of the Executive a scale of salaries, which (appropriating the exact sum, £790, allowed to the Registrars in my whole District,) will, to the best of my judgment, equalize the pay with the probable amount of work.

Parramatta .....	£120	
Windsor .....	80	
Braidwood .....	70	
Penrith .....	70	
Wollongong.....	70	
Berrima .....	60	
Bombala .....	40	
Camden .....	40	{ I believe there is only one Clerk of Petty Sessions for these two places, who, until that Office is divided, will probably be Registrar at both places as already determined by the Minute.
Pictou .....	40	
Campbelltown .....	40	{ In the Minute, Liverpool is joined with Parramatta, but there is the same Clerk at both Campbelltown and Liverpool, who has heretofore acted also in the Court of Requests for the two Districts.
Liverpool .....	40	
Cooma .....	40	
Eden .....	40	
Kiama .....	40	
	£790	

I must mention one other difficulty which will arise if the Clerk at Parramatta is not also Registrar. The accommodation at the Court House there is already insufficient, and

and if the Clerk's present room is not appropriated for keeping the records of the District Court, another building must be provided; this remark will also apply to Liverpool, if that town is detached from Campbelltown and joined with Parramatta.

Another subject on which I have to trouble you, is that of the salaries of Bailiffs:—Mr. Cowper, in a late interview with which he favored me, agreed to my request that I should have a separate Bailiff for each Court, as appears to me is anticipated by the 36th section of the Act, and that the amount appropriated for their salaries should be divided as follows;—£35 each for the Bailiffs of Braidwood, Parramatta, Penrith, Windsor, and Wollongong, and £30 each for the rest,—in all £445. As I presume that this new appointment, being acceded to by Mr. Cowper, requires only to be confirmed by His Excellency the Governor General, I will not trouble you at length with my reasons for this alteration in the plan of the Government.

But there is another point connected with the office of Bailiff to which I must beg leave to draw your attention. By section 39 and the Schedule of the Act, the sum of sixpence is charged "for service of every summons or subpoena if within two miles of the Court House," and therefore "for such service every mile beyond two miles," and these fees are to go to the Consolidated Revenue of the Colony, so that a Bailiff may, and doubtless in very many cases will, have to serve summonses and subpoenas at a distance of many miles without any remuneration beyond his small salary. This provision may operate with perhaps little severity on Bailiffs in Sydney, whose District is comparatively narrow, and who, moreover, have salaries of £150 and £104 respectively, with, of course, a much larger amount of fees from excess of business over other Districts, but in wide spread Country Districts I fear it will deter competent and trustworthy persons from accepting the office. I propose, therefore (if my remarks are considered of any weight), that the above fees should by an Order of Council be transferred from the first to the third paragraph of the Schedule, under the provisions of the 42nd section, which enables the Governor with the advice of the Executive to alter the scale of fees, such alteration to apply to the Country Districts; as to its applicability to Sydney, I do not pretend to offer any suggestion.

Should the allowance prove too large, the Executive may, under the latter part of the 39th section, bring it within its just limits.

I have &c.,

HENRY CARY.

THE HONORABLE

THE ATTORNEY GENERAL.

#### No. 8.

*PROCEEDINGS of the Executive Council on the 14th March, 1859, with respect to the designation of certain Officers of the District Courts, &c., &c.*

Minute No. 59-11. Confirmed 21 March, 1859.

REFERRING to the proceedings on the 7th ultimo, with respect to the appointment of Chief Registrars, Registrars, and other Officers of District Courts, established in pursuance of the District Courts Act of 1858, and the respective rates of salary and allowances to be paid to such Officers, His Excellency the Governor General lays before the Council a letter which has been addressed to the Honorable the Attorney General by Henry Cary, Esquire, Judge of the District Courts of the Cumberland and Coast District, in which, referring exclusively to his own District, he expresses doubts of the arrangements that have been made, more particularly with reference to the office of Chief Registrar, being in strict conformity with the terms of the local enactment.

2. Mr. Cary is of opinion that the 32nd section of the Act in question does not contemplate the appointment of a Chief Registrar and Deputy or Subordinate Registrars, but the appointment in populous places of two persons to execute jointly the Office of Registrar. He proceeds to shew that the appointment of a Chief Registrar, having authority over the several Deputy Registrars in his District, would be unnecessary and moreover attended with many practical inconveniences, and further recommends that the whole sum appropriated to the remuneration of Registrars in the Cumberland and Coast District should be apportioned according to the probable relative amount of business in each Court, for which purpose he submits an amended scale exhibiting the manner in which he would propose the sum of £790 now allowed to be distributed; Mr. Cary also suggests a modification in the scale of fees to be received by the Bailiffs of the Court.

4. Mr. Cary's letter has been under the consideration of the Honorable the Attorney General and the Solicitor General, who, in a Minute appended to the correspondence now before the Council, have expressed generally their concurrence in Mr. Cary's views, save as respects the fees of Bailiffs, for the alteration of which they see at present no ground, observing that, if it should hereafter become necessary, a remedy can easily be effected under the 42nd section of the Act. The Council having deliberated at some length, upon the several questions arising out of the correspondence now before them, advise that in the Cumberland and Coast District the appointment of Mr. Colin Mackenzie, as Chief Registrar be cancelled, and that the appointments of the several Officers, who in the other Districts have been appointed Chief Registrars, be modified in so far as the designation of the Chief Registrar is concerned. In the Sydney District, the Council advise that the Office of Registrar be executed jointly, pursuant to the 33rd clause of the Act, by Mr. Maxwell, whom it was proposed to appoint Chief Registrar, and Mr. Yarnton, the Deputy Registrar; and in the remaining Districts, with the exception of Cumberland and the Coast, they recommend that the Officers designated as Chief Registrars be appointed Registrars of the District Courts.

6. The Council approve of the revised scale of remuneration to Registrars in the Cumberland and Coast District, and advise that it be adopted accordingly, as set forth in the schedule hereto appended, marked A.

7. Acting upon a further suggestion of the Crown Law Officers, the Council advise that the Registrars and Bailiffs of the several District Courts be required to provide securities to the amount set forth in the annexed schedule marked B, for the due performance of their respective duties.

## APPENDIX A.

Parramatta .....	£120	
Windsor .....	80	
Braidwood .....	70	
Penrith .....	70	
Wollongong.....	70	
Berrima .....	60	
Bombala .....	40	
Camden .....	40	} One Clerk of Petty Sessions, performs the Bench duties of these two places.
Picton .....	40	
Campbelltown .....	40	} Ditto ditto.
Liverpool .....	40	
Cooma .....	40	
Eden .....	40	
Kiama .....	40	
£790		

## APPENDIX B.

	£	s.	d.
Registrar and two sureties jointly and severally, for Sydney.....	500	0	0
Country Registrars and two sureties jointly and severally .....	250	0	0
Bailiffs, Sydney, three sureties jointly and severally ...	250	0	0
Country Bailiffs, three sureties jointly and severally .....	250	0	0

A. ORPEN MORIARTY,  
Clerk of the Council.

Executive Council, Office,  
Sydney, 23 March, 1859.  
No. 59-225.

## No. 9.

THE SECRETARY TO LAW DEPARTMENT to COLIN MACKENZIE, Esq.

Crown Law Offices,  
Sydney, 6 April, 1859.

SIR,

Adverting to my letter of the 3rd of February last, No. 59-63, I am now directed by the Attorney General to inform you that the Government, having deliberated upon several questions relative to the operation of the District Courts Act of 1858, have advised that in the Cumberland and Coast District your appointment as Chief Registrar, &c., should be cancelled.

The duty of Registrar, &c., &c., at Parramatta, will be performed by the Clerk of Petty Sessions at that place.

I have, &c.,

COLIN MACKENZIE, Esq.,  
Supreme Court.

W. E. PLUNKETT.

## No. 10.

COLIN MACKENZIE, ESQ., to THE COLONIAL SECRETARY.

*Sydney, 9 May, 1859.*

SIR,

I write to say the amount which I have received from the Government is anything but what I might have expected for my expenses and loss of time.

The house at Parramatta I had to re-lease, also move from Bourke into Palmer-street, from there out of Town, having been much inconvenienced.

You are perfectly aware I gave up my house in Bourke-street, also a business which brought me about £150 per annum, having been appointed as Chief Registrar and Clerk of the Peace for Parramatta, under the District Courts Act for 1858.

I now look to the Government for another situation, having a family to provide for, also being disappointed and put about up to the present time.

I have, &amp;c.,

COLIN MACKENZIE

P.S. Please direct to me, care the Honorable G. K. Holden.

THE HONORABLE

THE COLONIAL SECRETARY.

## No. 11.

COLIN MACKENZIE, ESQ., to THE ATTORNEY GENERAL.

*Petersham, 20 June, 1859.*

SIR,

Having received a letter from the Colonial Secretary in answer to mine, he refers me to you; I therefore do so, and must explain my case. I beg to say, on the 1st of February last I was appointed as Chief Registrar and Clerk of the Peace for the District of Parramatta, under the District Courts Act of 1858, with a salary of £300 per annum. Upon accepting the appointment, I gave up a business which brought me about £150 per annum, and am now without means from one or the other. The £44 which I received as compensation from the Government, only paid the expenses which I had been put at from their mistake. Five months will have elapsed, at the expiration of this, without my making one shilling. What I look at is this,—giving up my business, and then to be deprived of both.

I had given up my house at Woolloomooloo, and taken one at Parramatta, when the Colonial Secretary sent for me, and said, "Do not go to Parramatta," although all my furniture, &c, was packed, and every arrangement made to move; in two days I should have been there.

From this disappointment, I had to move out of my house and go into another, where I remained three weeks; from there to where I now reside, at Petersham, five miles distant from town.

I must give you to understand, in the year 1856 I was compelled to leave my situation as Second Clerk in the Supreme Court, from impaired health, but it having improved, and having a family, I thought I would apply for one of the situations about to be made in the District Courts, when the one named was offered.

I have to remark, that when leaving the Supreme Court, after fifteen years' service, a pension of £35 10s. was given per annum. From the 1st February to the 24th March, the pension was deducted.

Since I commenced, I find the letter was from Mr. Elyard, for the Colonial Secretary. I complained in my letter to the Colonial Secretary, saying, I was very much dissatisfied with the amount given; also, that I looked to the Government for another situation.

I have, &amp;c.,

COLIN MACKENZIE.

THE HONORABLE

THE ATTORNEY GENERAL.

MR. COLIN MACKENZIE.

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## No. 12.

COLIN MACKENZIE, ESQ., to THE COLONIAL SECRETARY.

*Petersham, 6 July, 1859.*

SIR,

It is now past five months since I gave up my commission business; from that time I have been out of pocket the sum of £62 10s., a serious loss to me. This amount may appear but trifling to the Government, but my having a family this amount would be of great assistance to me.

I have, &amp;c.,

COLIN MACKENZIE.

THE HONORABLE

THE COLONIAL SECRETARY.

## No. 13.

COLIN MACKENZIE, ESQ., to THE COLONIAL SECRETARY.

*Castlereagh-street,**Wednesday afternoon.*

SIR,

Since writing this letter this morning I saw the Attorney General, when he stated he could do nothing for me, therefore I apply to you.

I cannot but say my case is a very hard one, to think I gave up my Commission business, upon accepting the situation as Chief Registrar and Clerk of the Peace, for Parramatta. I consider the Government ought to make up the loss to me, if only for the last five months.

I am sorry being obliged to appeal to you again.

I have, &amp;c.,

COLIN MACKENZIE.

THE HONORABLE

THE COLONIAL SECRETARY.





1859-60.

*Legislative Assembly.*

NEW SOUTH WALES.

**RICHARD FARRAN.**

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 18 May, 1860.*

To the Honorable the Speaker and Legislative Assembly of New South Wales.

The humble Petition of Richard Farran, of Goulburn, in the Colony of New South Wales, late Bailiff of the Court of Petty Sessions,—

**SHEWETH :—**

That your Petitioner for a period of nine years held the office of Bailiff of the Goulburn Court of Petty Sessions, and was discharged therefrom in consequence of the establishment of the District Court in the same place.

That your Petitioner faithfully and honorably fulfilled the duties of his office during the period he held it, a certificate to which effect was furnished in his favor to the Executive Council by the local Magistrates.

That your Petitioner is now suffering great hardship for want of means to support life, and that he is unable to obtain employment which his age (79 years) and infirmities consequent thereon would enable him to fulfil, and that he is quite destitute.

That your Petitioner applied to the Executive Council for a pension, and that after considerable delay he received for answer that it appeared to Executive Council that as his appointment was made by the Magistrates under an Act of Council, and his remuneration consisted of fees provided by such Act, his case did not seem to the Executive Council to be one coming within the class of those persons having claims for loss of office.

Your Petitioner humbly submits that it is a great hardship to be suddenly deprived of his only means of subsistence, and feels assured that the Legislature could never have intended by creating a new office to deprive the holders of office thus superseded of all claim to consideration. And your Petitioner humbly prays that your Honorable House will adopt such steps as your Honorable House shall deem meet to afford your Petitioner relief.

And your Petitioner will ever pray.

**RICHD. FARRAN.**

Goulburn, 8 May, 1860.

Sydney: Thomas Richards, Government Printer.—1860.

[Price, 6d.]

585—



1859.

**Legislative Assembly.**  
NEW SOUTH WALES.

**MR. JOHN MOORE DILLON.**  
(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 15 December, 1859.*

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

The Petition of John Moore Dillon,—

SHEWETH :—

That Petitioner was, in the month of May, 1839, appointed to the office of Crown Solicitor for Criminal Business, at a salary of £500 a-year, which was, after the discovery of gold in the colony, increased temporarily by the sum of £175, and was subsequently fixed as a permanent salary at the sum of £650.

That on the 23rd of May, 1859, Petitioner received from the Secretary to the Crown Law Officers, the following letter :—

*Crown Law Offices,  
Sydney, 23 May, 1859.*

Sir,  
I am directed by the Attorney General to inform you that, at a Meeting of the Executive Council to-day, it was determined that your appointment as Criminal Crown Solicitor shall cease on the 31st instant, and that after the above date your services will be no longer required. I am at the same time to state that the Attorney General will be prepared to receive any claim you may deem it necessary to make by way of compensation for your loss of office.

I have, &c.,

J. M. Dillon, Esq.,  
Criminal Crown Solicitor.

W. E. PLUNKETT.

That Petitioner, on the 1st of June last, a week after the receipt of such letter, ceased to hold the office to which he was appointed as aforesaid in 1839, and had held continuously for upwards of 20 years.

That your Honorable House having voted to your Petitioner £126 7s. 9d., being at the rate of £216 13s. 4d. per annum, as the first instalment of a pension to that amount for the loss of his said office, your Petitioner has received such portion thereof as is yet due.

That your Petitioner is desirous of having his case reconsidered by your Honorable House.

And your Petitioner accordingly prays that your Honorable House will take his case into consideration, and act therein as to your Honorable House may seem meet.

J. MOORE DILLON.



1859.

## Legislative Assembly.

## NEW SOUTH WALES.

## CIVIL AND CRIMINAL CROWN SOLICITORS.

(SALARIES ATTACHED TO LATE AND PRESENT OFFICES OF.)

*Ordered by the Legislative Assembly to be Printed, 29 November, 1859.*

RETURN to an Order made by the Honorable the Legislative Assembly of New South Wales, dated 27 September, 1859, That there be laid upon the Table of this House,—

- “ A Return shewing the Salaries paid under the old arrangement in the Civil and Criminal Crown Solicitors Office, and  
 “ a Return of the Salaries paid or proposed to be paid since  
 “ the amalgamation of the two Offices.”

(Mr. Hodgson.)

## OLD ARRANGEMENT, TO 31 MAY, 1859.

	Per Annum.
Crown Solicitor for Criminal Business .....	£650
Do. for Civil do. ....	650
Clerk to Criminal Crown Solicitor .....	315
Do. Civil do. ....	315
Do. do. do. ....	275
Do. do. do. Railway Business .....	350
Messenger to Criminal Crown Solicitor .....	104
Do. to Solicitor General and Civil Crown Solicitor, at £104 per annum, proportion $\frac{1}{2}$ .....	52
	<u>£2,711</u>

## SINCE THE AMALGAMATION OF THE TWO OFFICES.

	Per Annum.
Crown Solicitor .....	£1,000
1st Clerk .....	500
2nd do. ....	350
3rd do. ....	300
Copying Clerk, £150, and £100 for do. (if necessary) .....	250
Messenger .....	104
	<u>£2,504</u>

MEMO.—£1,000 was formerly provided in the Estimates of the Minister for Public Lands and Works for the Railway business, and subsequently £350 was voted for the present year in lieu thereof, for an additional Clerk to the Civil Crown Solicitor, upon whom the Railway business devolved, and hence (among other reasons) the amalgamation of the Offices of Civil and Criminal Crown Solicitors.



1859.

## Legislative Assembly.

## NEW SOUTH WALES.

## JAMES HIBBURD.

(CORRESPONDENCE RESPECTING.)

*Ordered by the Legislative Assembly to be Printed, 27 September, 1859.*

## SCHEDULE.

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1. Chairman of the Convict Classification Board to the Colonial Secretary, forwarding a Petition from James Hibburd, a convict on Cockatoo Island, praying to be allowed to exile himself from the Colony. 21 April, 1858 .. .. .	2
2. Minutes thereon. 22 and 23 April, 1858 .. .. .	3
3. Under Secretary to the Chief Justice, transmitting the Petition for His Honor's report. April, 1858 .. .. .	3
4. The Chief Justice to the Colonial Secretary, in reply. 31 May, 1858 .. .. .	3
5. Minutes thereon. 3, 4, and 8 June, 1858 .. .. .	4
6. The Under Secretary to the Chief Justice, intimating that the Governor General had authorised the remission of Hibburd's sentence, on condition of his leaving the Colony. 8 June, 1858 .. .. .	4
7. The Inspector General of Police to the Colonial Secretary, forwarding the Conditional Pardon for the Governor General's signature. 9 June, 1858. .. .. .	4
8. Under Secretary to the Inspector General of Police, returning the Pardon signed and sealed, to be recorded in the Supreme Court, and delivered to Hibburd. 12 June, 1858 .. .. .	5
9. Chairman of the Convict Classification Board to the Visiting Magistrate, Cockatoo Island, inquiring what arrangement Hibburd proposed to make for leaving the Colony. 15 June, 1858 .. .. .	6
10. Visiting Magistrate of Cockatoo Island to the Inspector General of Police, in reply. 23 June, 1858 .. .. .	6
11. Inspector General of Police to the Prothonotary of the Supreme Court, transmitting the Pardon to be recorded. 16 June, 1858. .. .. .	6
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13. Inspector General of Police to the Visiting Magistrate of Cockatoo Island, authorising a Pass being given to Hibburd to enable him to report himself at the Inspector General's Office. 24 June, 1858 .. .. .	7
14. Statement of the Inspector General of Police of the manner in which the decision in Hibburd's case was carried out. 19 September, 1859 .. .. .	7



## JAMES HIBBURD.

No. 1.

THE CHAIRMAN OF THE CONVICT CLASSIFICATION BOARD to THE COLONIAL SECRETARY,  
forwarding a Petition from James Hibburd, a Convict under sentence at Cockatoo  
Island.

No. 58-28.

Convict Department,  
Sydney, 21 April, 1858.

Sir,

James Hibburd,  
per Regina.

I have the honor to transmit, for the information and command of His Excellency the Governor General, a Petition from the convict named in the margin, praying that he may be allowed to exile himself, under the provisions of the Act of the Legislative Council, 11 Vic., No. 34.

Hibburd was convicted at the Supreme Court, Sydney, on the 6th December, 1854, of assault and robbery, and sentenced, by His Honor the Chief Justice, to ten years on the roads, the first year in irons (the latter portion afterwards remitted.)

As the conduct of Hibburd has been very exemplary during the period of three years and upwards that he has served on Cockatoo Island, and as he will become eligible to receive a Ticket-of-Leave about the month of August next, the Board respectfully recommend the prayer of his Petition to favourable consideration, provided His Honor Sir Alfred Stephen offers no objection.

I have, &amp;c.,

JNO. McLERIE,

Chairman of the Convict Classification Board.

THE HONORABLE

THE COLONIAL SECRETARY.

[Enclosure in No. 1.]

To His Excellency Sir William Thomas Denison, Knight, Governor General of all  
Her Majesty's Australasian Colonies, &c., &c., &c.

The humble Petition of James Hibburd, at present a prisoner on Cockatoo  
Island,

RESPECTFULLY SHEWETH:—

That your Petitioner was tried and convicted at the Criminal Sittings of the Supreme Court holden in Sydney, December, one thousand eight hundred and fifty-four, before His Honor the Chief Justice, and sentenced to be worked on the roads or public works of the Colony, for ten years, the first year in irons.

That immediately on the passing of the above sentence, it was recommended by Honor the Chief Justice that the one year in irons be remitted, which recommendation was granted by the late Governor General, Sir Charles Augustus Fitz Roy.

That your Petitioner has now completed the probation for the sentence of nine years, and that during that time he has held the situation of Hospital Overseer for nearly three years; that his conduct has thus been prominently under the eyes of the authorities; that during the whole time of the imprisonment he has undergone there has been no charge even preferred against him by the authorities; that latterly he has suffered much from severe attacks of liver complaint, as may be seen by the certificate of the Visiting Surgeon, to whose department he has been assigned for nearly three years, and by the records of the office, attached to this petition.

That your Petitioner, by the assistance of his friends, would be enabled to leave the country should the indulgence to do so be granted to him.

Your Petitioner, therefore, humbly prays, that your Excellency would see fit to allow him to exile himself under the provisions of the 4 Victoria, No. 34, section 4, or grant him the indulgence of a Ticket-of-Leave, as to your Excellency may seem most fitting.

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

Cockatoo Island,  
13 March, 1858.

Hospital,

*Hospital, Cockatoo, March 23, 1858.*

James Hibburd has been attached to the Hospital on this island for three years, as overseer. He has been most attentive to his duties, and I have always found him a useful, trustworthy person—one on whom I would place the fullest reliance. He has suffered occasionally from severe attacks of liver complaint during his confinement.

GEO. WEST,  
Visiting Surgeon.

The Petitioner, James Hibburd, per Regia, was received here on the 11th December, 1854, under a sentence of ten years to the roads, the first year in irons, passed upon him at the Supreme Court at Sydney on the 6th of December, 1854, for assault and robbery, since which period his conduct has been very good.

Nothing Recorded.

The iron gang sentence was remitted, and not charged against him, as appears by a copy of the Supreme Court Calendar furnished to this office.

*Cockatoo Island,*

31st March, 1858.

CHAS. ORMSBY,  
Superintendent.

## No. 2.

### *MINUTES on the foregoing.*

Governor General,  
22 Ap.,  
C. C.

I do not think that a man sentenced to imprisonment with hard labour should have been employed at once in a position of trust as overseer. I have no objection however to his expatriation under the usual conditions.

W. D.,  
23 April, 58.

C. C.  
23 Ap.

## No. 3.

### THE UNDER-SECRETARY to THE CHIEF JUSTICE.

58-1435.

(No. 97.)

SIR,

*Colonial Secretary's Office,  
Sydney, 24 April, 1858.*

I am directed to request the favor of your Honor's Report upon the accompanying James Hibburd. Petition for mitigation of the commuted sentence of ten years hard labor on the roads, passed by you upon the prisoner named in the margin.

I have, &c.,

HIS HONOR

W. ELYARD.

THE CHIEF JUSTICE.

## No. 4.

### THE CHIEF JUSTICE to THE COLONIAL SECRETARY.

*Supreme Court,  
31 May, 1858.*

SIR,

In obedience to His Excellency's commands, I have the honor to report upon the case of James Hibburd, convicted in December, 1854, before me, of a felonious assault and robbery.

I lament exceedingly to be compelled to report unfavorably of this person's case, because he is connected very nearly with persons in prominent station in this Colony. If he had been a mere youth, seduced by evil company, I might think that the ends of justice demanded no rigorous adhesion to the sentence pronounced; supposing him to exhibit a real penitence, and his parents being willing to guarantee his immediate exile. But the prisoner Hibburd (which is not his real name) is an abandoned character, of 32 years of age or upwards; he is obviously well-born and well-educated, and the robbery was a planned and aggravated one. He was drinking in a public house near South Creek, when the prosecutor was foolishly exhibiting some money. It was night, and the prisoner lay in wait for the prosecutor on his way home, knocked him down with a fence-rail, held the prosecutor by the throat,

throat, and robbed him of £40. He was apprehended in a theatre in Sydney a few days afterwards; when he was claimed as a prisoner by the name of *Cook*, under a warrant issued from Brisbane Water, on a charge arising there.

Dr. West reports that he finds Hibburd a "trustworthy person," on whom he "would place the fullest reliance." Such a certificate, applied to such a person, will pass for what those better acquainted with convicts than I am may think it is worth. For my part, I feel some scruples in sending such a person to infest another Colony. If the prisoner's health really requires removal, I have little to say against the measure, and if he be entitled to a ticket-of-leave he must of course obtain one; but, as far as I am concerned, I will be no party to a recommendation in this man's favor, until he shall have served at least one-half of his sentence.

I am, &c.,

ALFRED STEPHEN.

THE HONORABLE

THE COLONIAL SECRETARY.

### No. 5.

#### *MINUTES on the foregoing.*

Governor General, 3 June.

C. C.

As the man is to have a ticket-of-leave in August, we had better get rid of him from the country, by giving him a conditional pardon.

W. D. 3 June, '58.

C. C. 4.

The Inspector General of Police is requested to prepare and submit for signature the necessary pardon accordingly.

B. C. 8 June, 1858. W. E.

To be returned.

### No. 6.

THE UNDER SECRETARY to HIS HONOR THE CHIEF JUSTICE.

58-2008

No. 144.

SIR,

*Colonial Secretary's Office,*

*Sydney, 8 June, 1858.*

In acknowledging the receipt of your report of the 31st ultimo, I am desired by the Colonial Secretary to inform you, that the Governor General has been pleased to authorise the remission, on condition of the prisoner leaving the Colony, of the remainder of the sentence of ten years labor on the roads passed upon James Hibburd, for felonious assault and robbery; and that the necessary instructions have been given for carrying this decision into effect.

I have, &c.,

W. ELYARD.

HIS HONOR

THE CHIEF JUSTICE.

### No. 7.

#### CONVICT.

THE INSPECTOR GENERAL OF POLICE to THE COLONIAL SECRETARY, transmitting a *Colonial Pardon for signature, &c.*

No. 58-14.

*Convict Department,*

*Sydney, 9 June, 1858.*

SIR,

In compliance with the instructions contained in your Minute of yesterday's date, received under blank cover, and herewith returned to you, I have the honor to transmit, for the signature of His Excellency the Governor General, and in order that the Seal of the Colony

Pardon enclosed  
for the Governor  
General's signature.

JAMES HIBBURD.

5

Colony may be attached thereto, a Conditional Pardon prepared in favor of the individual named in the margin, under a sentence of ten years hard labor on the roads on Cockatoo Island.

Conditional  
Pardon, dated  
8 June, 1858.  
James Hibburd,  
per "Regia."

I have, &amp;c.,

JNO. M'LERIE,

Inspector General of Police.

THE HONORABLE

THE COLONIAL SECRETARY,

&amp;c., &amp;c., &amp;c.

[Enclosure in No. 7.]

No. 58-2.

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

WHEREAS James Hibburd, who was tried and convicted at the Supreme Court, Sydney, on the sixth day of December, in the year of Our Lord one thousand eight hundred and fifty-four, of assault and robbery, and had sentence of ten years hard labor on the roads passed upon him for the same, and whereas some favorable circumstances have been represented unto me on his behalf: Now, therefore, in pursuance of the power vested in me by Royal Commission, I do hereby grant to the said James Hibburd a Pardon for his said crime, on condition that the said James Hibburd does immediately leave the Colony, and the said James Hibburd shall not at any time during the continuance of his said term of sentence remain in or return to the Colony of New South Wales. Provided always, and it is hereby declared to be a Condition of this Pardon, that if the same James Hibburd shall, during the continuance of his said term of sentence, go to or be in any part of the said Colony of New South Wales, then this Pardon shall be thenceforth void.

In Witness whereof, I have set my Hand and Seal of the Territory, at Government House, Sydney, this eighth day of June, in the year of Our Lord one thousand eight hundred and fifty-eight.

(L.S.) W. DENISON.

By Command of His Excellency the Governor General,  
CHARLES COWPER.

## DESCRIPTION:—

Name, James Hibburd; trade or calling, surgeon; year of birth, 1817; height, 5 feet 8½ inches; complexion, sallow; hair, brown; eyes, hazel grey; remarks—front teeth irregular, scar centre of under lip, two small round scars right elbow joint, small brown scar back of right hand, four moles on left arm, scar inside right wrist near ball of thumb, two dark moles back of calf of left leg, long brown scar on right shin.

Entered upon Record at Pages 293 and 294 in Register of Colonial Pardons, No. 2, this fifteenth day of June, one thousand eight hundred and fifty-eight.

JNO. M'LERIE,

Inspector General of Police.

Pardon enclosed for the Governor General's signature.

C. C.—11th.

No. 8.

THE UNDER-SECRETARY to THE INSPECTOR GENERAL OF POLICE.

(No. 58-88.)

Colonial Secretary's Office,

Sydney, 12 June, 1858.

Sir,

In reply to your letter of the 9th instant, I am directed to return herewith, duly signed and sealed, the Conditional Pardon granted to the Colonial offender named in the margin, in order that after it shall have been duly entered in your office and recorded in the Supreme Court, it may be delivered to Hibburd.

I have, &amp;c.,

W. ELYARD.

THE INSPECTOR GENERAL

OF POLICE.

No. 9.

## No. 9.

THE CHAIRMAN OF THE CONVICT CLASSIFICATION BOARD to THE VISITING MAGISTRATE,  
COCKATOO ISLAND.

(No. 58-46.)

*Convict Department,  
Sydney, 15 June, 1858.*

SIR,

I have the honor to inform you, that His Excellency the Governor General has been pleased to approve of a Pardon being granted to the individual named in the margin, on condition of his immediately leaving the Colony. I shall feel obliged by your informing me what arrangements Hibburd proposes to make for leaving—when they are completed, the instrument will be ready for delivery to him.

THE VISITING MAGISTRATE,  
Cockatoo Island.

I have, &c.,  
JNO. McLERIE,  
Chairman of the Convict Classification Board.

## No. 10.

THE VISITING MAGISTRATE, COCKATOO ISLAND, to THE INSPECTOR GENERAL OF POLICE.

*Cockatoo Island,  
23 June, 1858.*

SIR,

With reference to your letter of the 15th instant, No. 58-46, informing me that a pardon has been granted to the individual named in the margin, on condition of his leaving the Colony, and requesting to be acquainted with the arrangements proposed to be made by Hibburd; I have the honor to state, that he is prepared to leave by Saturday's steamer for Melbourne, and proceed thence to Adelaide by the "White Star," which sails regularly every week for that port; and if permitted, would wish to be allowed to go to Sydney on Friday morning, to purchase a few articles to enable him to practise his profession, (a surgeon) which he anticipates being able to get at a cheaper rate here than in the neighbouring Colonies; as also to arrange some private business, reporting himself at your office, at such times as you may require.

THE INSPECTOR GENERAL OF POLICE,  
Sydney.

I have, &c.,  
S. NORTH,  
Visiting Magistrate.

## No. 11.

THE INSPECTOR GENERAL OF POLICE to THE PROTHONOTARY OF THE SUPREME COURT.

(No. 58-91.)

*Convict Department,  
Sydney, 16 June, 1858.*

SIR,

I have the honor to transmit to you a Conditional Pardon, prepared in favor of the individual named in the margin, signed by His Excellency the Governor General, with the seal of the Territory attached thereto, and to request that when the same has been entered of Record in the Supreme Court, the instrument may be returned to this office, for delivery to the man.

THE PROTHONOTARY  
OF THE SUPREME COURT,  
Sydney.

I have, &c.,  
JNO. McLERIE,  
Inspector General of Police.

## No. 12.

JAMES HIBBURD.

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## No. 12.

THE CHIEF CLERK OF THE SUPREME COURT to THE INSPECTOR GENERAL OF POLICE.

*Supreme Court Office,  
Sydney, 17 June, 1858.*

SIR,

In answer to your letter transmitting a Conditional Pardon in favor of the individual named in the margin, I do myself the honor to return the same, it having been duly recorded in this Office.

8 June, 1858.

James Hibburd.

I have, &amp;c.,

(For the Prothonotary,)

D. B. HUTCHINSON.

Chief Clerk of Supreme Court.

JOHN M'LERIE, Esq.,

Inspector General of Police.

## No. 13.

THE INSPECTOR GENERAL OF POLICE to THE VISITING MAGISTRATE, COCKATOO ISLAND.

(No. 58-93.)

*Convict Department,  
Sydney, 24 June, 1858.*

SIR,

With reference to your letter of yesterday's date, respecting the proposed arrangement of the prisoner named in the margin, for leaving the Colony, I do myself the honor to request that Hibburd may be provided with a pass to-morrow morning, to report himself at this Office, for the purpose of receiving further instructions.

James Hibburd,  
per "Regia."

I have, &amp;c.,

JNO. M'LERIE,

Inspector General of Police.

THE VISITING MAGISTRATE,  
Cockatoo Island.

## No. 14.

*STATEMENT of the Inspector General of Police of the manner in which the decision in Hibburd's case was carried out.*

Hibburd was brought in custody from Cockatoo Island on the 25th June, and in order to enable him to make certain purchases and other arrangements for leaving Sydney, I allowed him a pass, with instructions to present himself at the Convict Office, daily, which directions were strictly observed, and were the means of keeping him, in a great measure, under the observation of the Police; on the 30th June he was accompanied on board a steamer leaving on that day for Melbourne, by a police officer, who, on the vessel clearing the wharf, handed to Hibburd his Pardon.

JNO. M'LERIE,

Inspector General of Police.

*Convict Department,**Sydney, 19th September, 1859.*



1859.

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**Legislative Assembly.**

NEW SOUTH WALES.

---

**CASE OF JAMES HIBBURD.**

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REPORT FROM THE SELECT COMMITTEE

ON THE

**CASE OF JAMES HIBBURD;**

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,  
*22 December, 1859.*

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SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER.  
PHILLIP-STREET.

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1859.



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EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

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VOTES No. 15. FRIDAY, 23 SEPTEMBER, 1859.

15. Case of James Hibburd :—Mr. Jones moved, pursuant to notice, "That" an Address be presented to the Governor General, praying that His Excellency will be pleased to cause to be laid upon the Table of this House, Copies of all Petitions presented by James Hibburd, a convict sentenced to ten years hard labour on the roads or other public works, and said to have been prematurely released from Cockatoo Island in June, 1858, praying for remission of sentence; of all applications presented to the Convict Classification Board, or to the Government, on behalf of the said Hibburd; of all correspondence between the Convict Classification Board and the Government, and between the Colonial Secretary or any other Member of the Government, and His Honor the Chief Justice in reference to the case of Hibburd; of all Minutes of Proceedings (if any) of the Executive Council in reference to this case; and of the letter conveying the decision of the Executive Government in reference to the remission of Hibburd's sentence; together with a statement shewing how this decision was carried out.

Debate ensued.

Mr. Murray moved, That the Question be amended by the omission of all the words thereof, following the word "That" at the commencement, with a view to the insertion in their place of the words "the case of James Hibburd, a convict, sentenced to ten years hard labour on the roads or other public works, and said to have been prematurely released from Cockatoo Island in June, 1858, be referred to a Select Committee of this House, consisting of ten Members inclusive of the Mover, to be appointed by Ballot, with power to send for persons and papers."

Debate continued.

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

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

Question,—That the case of James Hibburd, a convict, sentenced to ten years hard labour on the roads or other public works, and said to have been prematurely released from Cockatoo Island in June, 1858, be referred to a Select Committee of this House, consisting of ten Members inclusive of the Mover, to be appointed by Ballot, with power to send 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. Jones, Mr. Hay, Mr. Black, Mr. Dalley, Mr. Douglas, Revd. Dr. Lang, Mr. Plunkett, Mr. Forster, and Mr. Parkes.

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VOTES No. 17. WEDNESDAY, 28 SEPTEMBER, 1859.

4. Case of James Hibburd :—Mr. Murray moved, without previous notice, That the correspondence laid upon the Table yesterday, in reference to the case of James Hibburd, be referred to the Select Committee now sitting upon that case.

Question put and passed.

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VOTES No. 47. THURSDAY, 22 DECEMBER, 1859.

1. \* \* \* \* \*  
Case of James Hibburd :—Mr. Murray, 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 23rd. September last, the case of James Hibburd, a convict sentenced to ten years' hard labor on the roads or other public works, and said to have been prematurely released from Cockatoo Island, in June, 1858.  
Ordered to be printed.
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1859.

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CASE OF JAMES HIBBURD.

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REPORT.

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THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 23rd of September last, to whom was referred "*the case of James Hibburd, a convict sentenced to ten years hard labour on the roads or other public works, and said to have been prematurely released from Cockatoo Island, in June, 1858,*"—and to whom was also referred, on the 28th September last, *certain correspondence in reference to the same case,*—have agreed to the following Report:—

Your Committee have carefully considered the Papers referred to them, and have taken the Evidence hereunto appended on the subject; but they see no reason for supposing that any parliamentary or ministerial influences were brought to bear on the case of Hibburd.

The Chief Justice, to whom his petition for a mitigation of his sentence was referred, reported against it; but the Governor General, in the exercise of his discretion, decided in his favor.

T. A. MURRAY,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 22 December, 1859.*

## PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 28 SEPTEMBER, 1859.

## MEMBERS PRESENT:—

Mr. Jones,	Mr. Douglas,
Mr. Dalley,	Mr. Black,
Mr. Forster,	Mr. Parkes,
Mr. Murray,	Mr. Plunkett,
The Rev. Dr. Lang.	

The Honorable T. A. Murray, Esq., was elected Chairman, and that gentleman being unavoidably absent in attendance on another Committee, Mr. Jones took the Chair.

Committee deliberated on the course of proceeding to be adopted in carrying on the inquiry referred to them.

1. Motion made and *Question* (Mr. Dalley)—That the Honorable C. Cowper be summoned to give evidence at the next meeting of the Committee—*agreed to*.

2. Mr. Murray at this stage of the proceedings entered the room and took his seat at the Table.

Motion made and *Question* (Mr. Forster)—That Mr. Murray do move this day in the House, that all papers in the case of James Hibburt laid upon the Table of the House be referred to this Committee—*agreed to*.

Committee adjourned till Thursday, 29th September, 1859.

THURSDAY, 29 SEPTEMBER, 1859.

## MEMBERS PRESENT:—

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

Mr. Douglas,	Mr. Plunkett,
Mr. Jones,	Mr. Dalley,
Rev. Dr. Lang,	Mr. Black,
Mr. Parkes,	Mr. Hay.

1. At the request of the Chairman, the Clerk procured for the use of the Committee, the M.S. Papers in reference to this case from the Colonial Secretary, to whom they were by permission of the Committee again returned.

The Honorable C. Cowper, Esquire, *Colonial Secretary*, called in and *examined*.  
Committee then adjourned till Wednesday, 5th October, 1859.

No. 3.

WEDNESDAY, 5 OCTOBER, 1859.

## MEMBERS PRESENT:—

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

Mr. Douglas,	Mr. Hay,
Mr. Plunkett,	Mr. Parkes,
Mr. Forster,	Rev. Dr. Lang,
Mr. Jones.	

J. M'Lerie, Esq., *Inspector General*, called in and *examined*.

G. West, Esq., M.D., called in and *examined*.

S. North, Esq., W.P.M., called in and *examined*.

The Chairman's attendance being required on another Committee, and that gentleman having vacated the Chair during the examination of the last witness, it was taken by Mr. Jones.

Committee adjourned till Wednesday, the 12th instant.

WEDNESDAY,

WEDNESDAY, 12 OCTOBER, 1859.

MEMBERS PRESENT:—

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

Mr. Douglas,  
Mr. Dalley,  
Mr. Parkes,

Mr. Jones,  
Mr. Plunkett,  
Rev. Dr. Lang.

W. Elyard, Esquire, *Principal Under Secretary*, called in and *examined*.

1. The Witness produced a copy of a letter from the Colonial Secretary to the Chief Justice, covering a Petition from "James Hibbard," praying for a mitigation of his sentence, and was requested to apply to the Chief Justice for the Petition mentioned therein, for the use of the Committee.

2. The Chairman produced a letter from A. Denison, Esquire, Private Secretary, (in reply to a summons requiring his attendance before the Committee) requesting that he might be excused from attendance, on the ground that he has no personal knowledge of the matter under consideration. After deliberation, the Committee decided that under these circumstances, it was not necessary to require the attendance of that gentleman.

Committee deliberated and adjourned.

THURSDAY, 20 OCTOBER, 1859.

MEMBERS PRESENT:—

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

Mr. Douglas,  
Mr. Dalley,  
Mr. Black,

Mr. Jones,  
Mr. Plunkett,  
Mr. Forster.

Sir Alfred Stephen, Knight, (*Chief Justice*), *examined*.

1. The Clerk having, during the examination of the Witness, informed the Committee that the House was adjourned till Tuesday next, and that, according to Parliamentary Practice, no Committee could, without special leave, sit during such adjournment.

The Committee thereupon adjourned.

WEDNESDAY, 21 DECEMBER, 1859.

MEMBERS PRESENT:—

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

Mr. Jones,  
Mr. Parkes,

Mr. Plunkett,  
Rev. Dr. Lang.

The Committee proceeded to consider the Evidence which had been taken during the course of the inquiry, and, after deliberation, it was agreed that the Chairman should prepare and submit for the consideration of the Committee a Draft Report upon the subject referred to them.

Committee adjourned till the 22nd instant.

THURSDAY, 22 DECEMBER, 1859.

MEMBERS PRESENT:—

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

Mr. Jones,

Rev. Dr. Lang.

Mr. Parkes,

The Chairman laid before the Committee a Draft Report which, having been read, was verbally amended, and Motion made and Question put, That this Report be adopted as the Report of the Committee. (*Carried*.)

Chairman requested to Report the same to the House.

## LIST OF WITNESSES.

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1859.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**MINUTES OF EVIDENCE**

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE CASE OF

**JAMES HIBBURD.**

THURSDAY, 29 SEPTEMBER, 1859.

Present:—

MR. BLACK,  
MR. DALLEY,  
MR. DOUGLAS,  
MR. HAY,

MR. JONES,  
THE REV. DR. LANG,  
MR. MURRAY,  
MR. PARKES,

MR. PLUNKETT.

THE HON. TERENCE AUBREY MURRAY, ESQ., IN THE CHAIR.

The Honorable Charles Cowper, Esq., M.P., examined:—

1. *By the Chairman:* You are the Colonial Secretary? I am.
2. And Vice-President of the Executive Council? Yes.
3. Can you describe to the Committee the usual mode in which petitions for pardon, or commutation of sentences, are dealt with by the Executive Government? In all, except capital cases, they are dealt with by the Governor General, passing through the hands of the Colonial Secretary? In capital cases the Executive Council is consulted.
4. Is that the general course, or is there any deviation from it? It is the course invariably adopted. I do not remember a single deviation from it.
5. The Executive Council does not deliberate upon commutations of sentences except in capital cases? I do not remember an instance.
6. The Governor General acts of his own motion? He does. Except in one or two instances I do not remember to have made a remark upon a petition for commutation. I preferred leaving matters of that kind to the Governor General, for various reasons; but, perhaps, in one or two cases, certainly in not more than half-a-dozen, since I have been in office, I have made a remark on a case; but generally I have passed on the petitions, as in this case, to the Governor General, leaving His Excellency to the exercise of his discretion as regards the commutation as a prerogative of the Crown.
7. You occasionally have had conversations with the Governor General upon these petitions? I do not remember a single instance of ever having spoken to His Excellency upon any case, except one, when I requested His Excellency, as a personal favor, to pardon a man who had formerly been in my service, and he declined to do it, though it was afterwards granted.
8. Have you had any conversation with the Governor General with reference to this case of James Hibburd? The other day, when some letters appeared in the newspaper with reference to this subject, His Excellency, in a conversation I had with him —
9. *By Mr. Jones:* Prior to the matter being discussed? No; I had no conversation with the Governor General, nor with anybody, prior to that.
10. *By Mr. Parkes:* Your knowledge of the case is confined entirely to the papers here, in this return? Wholly, exclusively; and as I wish the whole matter to come out, I will state what occurred between Captain M'Leir and myself, yesterday, when he reminded me of what I had forgotten. When these papers were moved for there was a document which could not be produced in time—a Return of the Convictions in the Supreme Court—in which the Chief Justice made a recommendation that a portion of the sentence referring to the punishment

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in irons should be remitted, if the Governor so pleased. It was in the time of Sir Charles Fitz Roy's Government, and upon this document Sir Charles Fitz Roy marked "Approved" with his initials. Mr. Elyard had not this document in his possession the other day, when the answer to the Address of the Assembly was prepared; and as I desired to lay it upon the Table speedily—having made a promise to that effect to the House—it was omitted; but Captain M'Lerie came to me yesterday with this document, and handed it to me, that I might have it for the Committee in case they desired to see it. I had at that time some conversation with Capt. M'Lerie.

11. *By Mr. Jones:* What is the nature of that document? A Return of the Convictions at the Supreme Court. The Session in which this man was tried was December, 1854. It is a document sent in after the gaol delivery; it is signed by the three Judges, and the three clerks of the Judges. I recollected having, after the correspondence appeared in the papers the other day, a conversation with Captain M'Lerie. That gentleman said—"You remember a remark that I made to you in your office, with regard to Hibburd's case, when you evidently were in total ignorance of every particular connected with it?" and I said—"Now you remind me I have some recollection of it—can you bring to my mind what took place?" "Why," he said, "the Governor General had ordered this man his conditional pardon, and you happened to mention to me the fact, and I said 'I suppose you know to whom it alludes; I am glad of it;' you replied, 'No, I have not the slightest idea.' I said, 'Are you not aware that it alludes to the brother of a Member of the House.' You said, 'I had no idea of the matter;' and I then replied, 'I fancied you might have heard something about it.'" I then recollected that after everything had been done in the matter, Captain M'Lerie had mentioned this to me. Yesterday, when he presented to me this document, I said, "I cannot bring to mind how I came to speak to you, or to mention to you anything connected with this case of pardoning." He said, "As far as I remember I came to your office by accident, on the morning when you were dealing with a number of letters before you, and while you were in conversation with me you read them through, and put your initials upon them as fast as you could deal with them." I may remark that I often do carry on conversations with people while I am casually running through papers. Captain M'Lerie then went on to state, that while running through these papers I said, "Oh! the Governor General, I see, has ordered this man a pardon, notwithstanding that the Chief Justice does not quite concur in it;" and as it alluded to the Classification Board, he turned round and said, "May I look what case it is?" He did so, and it happened to be this particular case. He then said, "To tell the truth I am glad he has done so, for there are reasons why this convict should not have his ticket-of-leave in this Colony." That was how the conversation arose between us, when he saw me putting my initials under those of the Governor General and pass the paper on; and from that hour until the appearance of the letter in the newspaper commenting upon the matter, I do not believe I mentioned the circumstance, or gave it a place in my recollection. So completely had I dismissed the subject from my mind, that I did not think of what Captain M'Lerie had said until Mr. Weekes came into my office the morning after the correspondence appeared in the *Herald*, and alluded to the supposed family connection of the party with a Member of the House. Mr. Elyard being anxious to clear the office from suspicion, or having given documents upon which the attack was founded, said he was quite relieved to find that the Judge's notes had not been got out of my office, as we had never had them. He seemed to think that the office was under suspicion of having given up these documents.

12. *By the Chairman:* Do you mean the Judge's letter of the 31st May? No, I mean the Judge's notes of the trial, which, I think, it is an extraordinary fact, should have found their way into an anonymous letter in a newspaper.

13. *By Mr. Plunkett:* Did they appear in a newspaper? Yes.

14. *By the Chairman:* Is it usual to send the Judge's notes into the Colonial Secretary's Office? No; in capital cases, not in others.

15. *By Mr. Dalley:* In such cases he makes a report to the Executive? Yes; he brings them with him, and takes them away again.

16. *By the Chairman:* Did the Judge's notes appear in the paper? Yes.

17. The notes of the trial? So I believe.

18. *By Mr. Hay:* Are you aware whether the Judge's notes are obtainable by members of the profession on application, as a matter of course? No.

19. *By the Chairman:* Did you hear at all that there was any other charge against Hibburd? I never knew anything about the man.

20. A warrant for his apprehension on another charge? No, I did not know it. I never heard anything about it.

21. *By Mr. Parkes:* Have you never heard anything of him since his exile? I have heard, since this matter has been discussed, some rumour that he has appeared in Melbourne.

22. Nothing officially? No; I have never heard the man's name.

23. *By Mr. Dalley:* Had you any conversation, respecting this man, with any Member of the Assembly at any period before the Governor granted a conditional pardon? I never had any conversation with anybody. I knew nothing whatever of the man until Captain M'Lerie saw me put my initials to the paper. I then happened to say—for that was the expression he made use of when he repeated the circumstances to me yesterday—"Dear me! I see the Governor General has given this man a pardon, notwithstanding the Chief Justice's letter;" and he said "I am not sorry for it, for I am glad this man is not to have a ticket-of-leave in the Colony," and he explained why.

24. *By Mr. Jones:* I understand that this conversation which you had with Captain M'Lerie took place after the Governor General had issued a conditional pardon? Yes, while I was actually putting my initials to it.

25. I understand you further to say that you never had any conversation with any Member of the Assembly, with reference to this man's case, before the Governor General dealt with it? No.

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Esq., M.P.

26. Have you had any conversation with any Member of the Assembly, in reference to this case, subsequently? Not until this letter appeared in the paper the other day, which of course made it a matter of common conversation.

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27. Have you any reason to suppose that any Member of the Assembly, either directly or indirectly, had any communication with the Governor General? I am quite sure—as sure as I can be, without putting the question to him—that the Governor General knew nothing about it, except from the papers; for the other day he spoke of the case of Hubbard or Hibburd, which had been discussed in the papers, and asked who it alluded to.

28. You have reason to believe that no influence was used, either directly or indirectly, to obtain this conditional pardon from the Governor General? I have.

29. That there was no kind of representation made to him to induce him to grant a conditional pardon to this man? I have no reason to believe it; but I have every reason to believe that there was no such influence used.

30. Have you any reason to believe that the Governor, at the time he directed the issue of this conditional pardon, was aware of any relationship between this man Hibburd and any Member of the Legislature? I have no reason to suppose he was, for when the other day he asked what was this piece of work about Hibburd in the papers, he appeared to be totally in ignorance of it—it never seemed to have been in his recollection.

31. *By Mr. Plunkett*: Is it not unusual for the Governor General to grant pardons in opposition to the express opinion of the Judge? It is very difficult sometimes to know what the Judge's opinion is, especially the Chief Justice's.

32. Such a very decided objection as is stated here—is it not very unusual for the Governor to grant a pardon in such a case—do you know any other instance of the kind? I have paid very little attention to cases of the kind; but I know correspondence on cases of the kind are sometimes very embarrassing, on account of the uncertainty of the Chief Justice's recommendations. I have known him to recommend that a pardon should not be given, and afterwards to recommend the pardon should be given.

33. In these cases have pardons been given until he has acknowledged that they should be granted? Of course not, otherwise he would not have admitted that the cases were so. I have had a case of this kind:—The Governor General has inquired—"Does the Chief Justice mean to recommend this man for pardon, or not?" I have then put "Inquire," and then he has given a distinct expression of opinion. I think, judging from the Minute of His Excellency, that he considered, as the Legislature had settled the policy of allowing convicts to be exiled at the end of two years, the reasons given for not adopting the policy of exile in this case seemed hardly to have had sufficient weight; and having more regard for New South Wales than for the other Colonies, and this man having served one year and some months more than the term required, he determined not to give him a ticket-of-leave for the Colony. Captain M'Lerie, I may state, handed me in a memorandum to shew, as far as he could trace, that no particular consideration had been shewn to this man at any part of his career. From this it appears that he was received on Cockatoo Island on the 11th December, and, although the Judge recommended, simultaneously with the sentence, that the irons should be taken off—which seems to have been approved on the 6th January—the irons do not appear to have been removed until the 23rd February.

34. *By Mr. Dalley*: Was not that an extraordinary proceeding? I suppose it was caused by official delay. Captain M'Lerie states that there was no especial consideration shewn him; he was kept for six months at hard work before he had indulgence, for it was the 6th of August before he was appointed a wardsman. I see in his description he is stated to be a surgeon, and, I believe, it was mainly on account of having some knowledge of medicine that he was put as wardsman in the hospital.

35. *By Mr. Jones*: I suppose Dr. West and Mr. Ormsby would be able to speak as to the man's treatment while he was on the Island? Yes.

36. *By the Chairman*: It is a very bad system? The whole system is very bad indeed, and I was in correspondence with the Chief Justice at the very time this took place, and had been for some weeks previously in reference to the generally injurious operation of the system of remission of convict sentences. It had been for a long time—even before the period of my coming into office—a matter of anxiety with me, but I had found considerable difficulty in dealing with it, and it was not until after long and numerous conferences with Capt. Mayne, the former Inspector General of Police, Capt. M'Lerie, the present Inspector General of Police, the Chief Justice, and various conferences with the Governor General, whose opinion upon all matters connected with prison discipline is entitled to great respect, and, after much consideration, that the Government determined to abolish the whole of the regulations. But there are now on Cockatoo Island a hundred convicts sentenced on the new system, and the Government seemed bound to comply with the regulations in reference to the old convicts.

37. *By Mr. Hay*: I believe the Governor General has been always much opposed to the system of remission? Yes.

38. *By Mr. Jones*: This case does not depend upon the regulations framed under the authority of that law, but is exercised directly under the law itself? Except in this way—that as Capt. M'Lerie states, that the man will be entitled to a ticket-of-leave in the course of a month or so, and as the Chief Justice says, "if the man be entitled to a ticket-of-leave he must of course obtain one"—the Governor says "under all the circumstances we had better get rid of him from the country by giving him a conditional pardon."

39. Supposing there had been no such regulations in the law, the man would have been entitled

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entitled to a ticket-of-leave, and the Governor General was entitled under that law to grant a conditional pardon on condition of exile? Yes, but I am not sure if the Governor General would have allowed him any remission but for the ticket-of-leave regulations.

40. *By Mr. Plunkett*: Are you certain that the Governor General is correct in the view that the man would be entitled to a ticket-of-leave? The Board states so in their letter—"As the conduct of Hibburd has been very exemplary during the period of three years and upwards that he has served on Cockatoo Island, and as he will become eligible to receive a ticket-of-leave about the month of August next, the Board respectfully recommend the prayer of his petition to favorable consideration." With regard to these regulations the Committee should perhaps understand how they operate. It is not long since that a man and his wife petitioned for a ticket-of-leave, and the man was recommended for it at the end of three years and one month. That man and his wife had been tried for the murder of their child and had been convicted of manslaughter, but it was so aggravated a case of manslaughter that the Judge sentenced them to fifteen years imprisonment; but the man, under the system of commutation and of marks, got a ticket-of-leave at the end of three years and one month. Upon this taking place the wife thought she was hardly dealt with that she had not a ticket-of-leave, and petitioned for one, but it was found that it could not be given, for there was no regulation for the issue of tickets-of-leave for females. The Governor General, however, as the man had been released more than a year, felt bound to release the woman also, and both man and woman are now at large, having been tried for the serious offence to which I have alluded.

41. *By the Chairman*: Will you cause a copy of these regulations to be furnished to the Committee? Yes, but they are printed upon the records of the House, upon my own motion, when I was a Member of the late Legislative Council.

42. *By Mr. Plunkett*: Has your attention been called at all to what Captain M'Leerie states here, that a man sentenced for ten years is entitled to a ticket-of-leave in three years? As I recollect the regulations—I speak from memory—it was four years; but I have mentioned the case of a man who was sentenced for fifteen years who received his ticket-of-leave in three years and one month. The term is reduced by the system of marks.

43. Is not that system of marks given up? I am not quite sure that it is not in operation now.

44. *By Mr. Hay*: Not under the new regulations? I am not sure.

45. *By Mr. Plunkett*: Did you ascertain from Captain M'Leerie in this conversation, or did he know that there was a warrant out for this man upon the charge which has been alluded to? No; he did not mention it at the time this ticket-of-leave was given. I was not aware of the fact, except from yourself, till this moment.

46. Captain M'Leerie did not say anything about it? No; he only made the casual remark I have already stated.

47. *By Mr. Dalley*: With regard to the questions you have been asked as to the practice of the Governor General in granting commutations of sentences in the face of communications like this of the Chief Justice, I would direct your attention to the third paragraph of the Chief Justice's letter, in which he says—"Dr. West reports that he finds Hibburd a 'trustworthy person,' on whom he 'would place the fullest reliance.' Such a certificate, applied to such a person, will pass for what those better acquainted with convicts than I am may 'think it is worth.'" Do you think upon such an observation as that of the Chief Justice the Governor General might conclude that he would be justified in deciding according to the Inspector General's Report, if he thought the Inspector General knew more about such persons than the Chief Justice? I think what guided the Governor General in his decision was the fact that the man must have a ticket-of-leave in August, and must then be turned loose upon the community, and that it was better he should be expatriated at once.

48. *By Mr. Parkes*: Of whom does the Classification Board consist? Of Captain M'Leerie, Mr. North, the Water Police Magistrate, and I think Mr. Browne, but I am not quite certain. I did not like the constitution of the Board, but as they were appointed I thought it better they should work off the regulations.

49. Is the Superintendent of the Island a member of the Board? Certainly not; Mr. North is one as Water Police Magistrate, and I think Mr. Browne; but the letter is signed by the Chairman.

50. *By Mr. Jones*: Who would have the appointment of the man Hibburd as wardman? I fancy the Superintendent and the Doctor.

51. The granting of indulgencies of this kind—the removal of convicts from hard labor to the office of wardman—would be under the direction of the Superintendent, and of the Surgeon? Yes; and, no doubt, in concurrence with the Visiting Magistrate, Mr. North.

52. *By Mr. Hay*: You have said that your practice all along has been to treat these matters of remission of sentence, except in capital cases, as a matter of discretion on the part of the Governor General altogether, and have, therefore, abstained from giving any advice or recommendation in reference to them? I have done so that I might not be supposed to be open to political influence. I have mentioned the case on which I spoke to His Excellency with reference to an old servant of my own in whose favor a numerous signed petition was sent in.

53. With regard to the law upon the subject, the 4th clause of the 11th Victoria, No. 4, enacts that the Governor shall have the power of making rules and regulations;—with regard to that part—has that power been exercised with the advice of the Executive Council? Yes, decidedly. The whole prison discipline of the Colony is in a very unsatisfactory state.

54. *By Mr. Black*: Are the Executive Council, in the case of the trial of a culprit coming before them, entitled to require the production of the notes of the Judge who may have presided over the trial? That is a question of law. I think the late Attorney General was rather of opinion that the Judges were not compelled to take notes.

55. At all events, it is not an usual thing to ask for them? I never knew them to be asked for, except in capital cases, and then the Judge either brings them himself or transmits them to the Executive.

The Hon.  
C. Cowper,  
Esq., M.P.

56. *By Mr. Jones:* As a matter of fact, do you know whether the Judge's notes in this trial have been furnished to this Government for any judicial purpose? They were not as far as I can learn; I made inquiry, and Mr. Elyard made an examination and found they had not been sent to my office.

29 Sept., 1859.

WEDNESDAY, 5 OCTOBER, 1859.

Present:—

MR. DOUGLAS,  
MR. FORSTER,  
MR. HAY,  
MR. JONES,

DR. LANG,  
MR. MURRAY,  
MR. PARKES,  
MR. PLUNKETT.

THE HON. TERENCE AUBREY MURRAY, Esq., IN THE CHAIR.

John M'Lerie, Esq., called in and examined:—

57. *By the Chairman:* You hold the office of Inspector General of Police? I do.

John M'Lerie,  
Esq.

58. How long have you held that office? Since October, 1856.

59. You are also Chairman of the Convict Classification Board? I am.

60. How long have you held that office? I hold that office as Inspector General of Police; I am Chairman *ex officio*. 5 Oct., 1859.

61. Will you inform the Committee what particular duties devolve upon you as Chairman of the Convict Classification Board? The duties of the Board are to meet monthly, to receive from prisoners serving penal sentences applications for mitigation, and, in submitting those applications to the Government, to see that the printed regulations of the 30th July, 1851, are strictly adhered to.

62. What is the paper to which you are referring? It is the Regulations to which I refer, a document that has been laid upon the Table of the late Legislative Council. It is headed "Punishment of Colonial Offenders," and is the "Return to an Address from the Legislative Council, dated 22nd October, 1851, requesting His Excellency the Governor General will cause to be laid upon the Table,—A copy of any correspondence between the Colonial Government and their Honors the Judges, or any Board appointed to report upon the subject, in reference to the carrying out the sentences pronounced by the Colonial Courts for criminal offences."

63. What do these regulations specify with regard to remission of sentences? I will read the paragraph bearing upon mitigations. These Regulations were approved by the Executive Council, the 30th July, 1851,—“The periods of probation to be served by prisoners to entitle them, in the first instance, to tickets-of-leave, and subsequently to conditional pardons, will be proportioned to their sentences, according to the following scale:—Length of sentence, fifteen years—on the Island, for a ticket-of-leave, eight years; with a ticket-of-leave, for a conditional pardon, four years.” That is to say that a man who has received a sentence for fifteen years is eligible, after serving eight years at Cockatoo, to receive a ticket-of-leave, and after holding that ticket-of-leave for four years, by good conduct he is eligible for a conditional pardon. I have said “is,” but should rather have said *was*, as these Regulations have since been cancelled.

The following are the terms of sentence, and probation to be served:—

LENGTH OF SENTENCE.	ON THE ISLAND FOR A TICKET-OF-LEAVE.	WITH A TICKET-OF-LEAVE FOR A CONDITIONAL PARDON.
15 years.	8 years.	4 years.
14 "	7½ "	3½ "
13 "	7 "	3 "
12 "	6½ "	2½ "
11 "	6 "	2 "
10 "	5½ "	2 "
9 "	5 "	2 "
8 "	4½ "	2 "
7 "	4 "	2 "
6 "	3½ "	2 "
5 "	3 "	"
4 "	2½ "	} The full unexpired term of sentence.
3 "	2 "	
2 "	1½ "	
1 "	1 "	
9 months.	} No reduced period of probation.	
6 "		
3 "		
2 "		
1 "		

John McLevie, Esq.  
5 Oct., 1859.

64. That is merely a determination of the Governor in Council—is it in pursuance of any Act? Yes, there is an Act giving the Governor General power to make regulations for the government of convicts in the Colony; it is the 11th Victoria, No. 54, section 4:—"It shall be lawful for the said Governor to make such rules and regulations as he shall think fit for the mitigation or remission, conditional or otherwise, of any sentence or order for punishment under this Act, as an incentive to or reward for good conduct, whilst the offender shall be serving under such sentence or order, and to mitigate or remit the term of punishment accordingly."

65. Then it is under the authority of this Act that these regulations were framed? Yes.

66. There are no other regulations at this moment? At this moment no such regulations are in existence.

67. Up to June, 1858, there were no other regulations but these? No.

68. Is it not specified in the Act, that all regulations to take effect should be in accordance with what the Governor under this Act was authorized to promulgate? Yes.

69. Will you be good enough to state to what degrees of punishment these regulations apply, in this way, namely,—cases of ordinary imprisonment, cases of hard labor, cases of hard labor in irons? These regulations are applicable only to the class of persons who would, if transportation existed, have come under the operation of that sentence; they apply only to prisoners serving penal sentences.

70. That is, to cases of hard labor? To hard labor on the roads and public works; not to hard labor in gaol.

71. Hard labor at Cockatoo Island? That is hard labor on the public works.

72. It is to that class of prisoners these regulations apply? To those alone.

73. According to these regulations, a convict under sentence for ten years must serve a period of five years and a half probation before he can receive a ticket-of-leave? No, he could reduce that again by task-work.

74. By Mr. Plunkett: Up to what time could he do so? Up to June, 1858, when there was an order of the Governor, published in the *Gazette*, cancelling these regulations:—"2. No portion of time during which a prisoner may be worked in irons will be counted as part of his period of probation, but on his release from irons he will be required to serve the full period of probation affixed to his sentence by the foregoing rule." May I explain that rule:—If a prisoner was sentenced to ten years hard labor, the first two years in irons, the two years in irons would not reckon towards the reduction of the period of his sentence.

75. By the Chairman: That is, he must serve his two years in irons independently of the probationary period? Yes.

76. Will you state whether, as in the case of Hibburd, who was sentenced to ten years hard labor to be worked on the roads or public works—to be worked the first year in irons—whether the remission of the first year in irons would cause a reduction of the full period of his sentence to nine years? He would be a ten years prisoner without irons, because the sentence with reference to the irons was subsequently remitted. Hibburd would just come within the category of prisoners who received a sentence without irons.

77. By Mr. Jones: And would begin his probation at once? Yes.

78. By the Chairman: He would be still regarded as a prisoner under sentence for ten years, and would have to serve the probationary period for which a prisoner under sentence for ten years is liable? Less the amount of task-work performed by him during probation. "The period of probation to be served for a ticket-of-leave can be shortened by extra work under the task system, but not the period of the original sentence." "By extra work under the task system, a prisoner will be able to shorten the period of his servitude in irons, and also the period of his probation for a ticket-of-leave; but the term of a sentence passed on a prisoner cannot be shortened otherwise than by the pardon of the Governor General."

79. Would you be good enough to state whether, under these regulations, the Governor is obliged to grant a ticket-of-leave to parties under such circumstances—has the Governor a discretionary power? It was always looked upon, when these regulations were in existence, as the right of the prisoner. In some cases of revolting crimes, the Judge has made a remark upon the Court Calendar, "This man is to receive no indulgence whatever." In such cases the sentence has been fully carried out.

80. In such cases, and in such cases only? Yes.

81. As far as your experience has gone, every convict under sentence who has served the probationary period has received his ticket-of-leave? Yes; excepting in such cases as I have already alluded to, where the Judge has prohibited any indulgence.

82. Will you state under what circumstances any prisoner sentenced to hard labor on public works is otherwise employed at the places to which prisoners are so sent? Cockatoo Island is the only place to which prisoners are sent; there the prisoners are variously employed. In an establishment where there are three or four hundred convicts, there are many men necessarily employed as cooks, water carriers, hospital attendants, wardsmen, and servants, to the free officers under the regulations.

83. Are the convicts who are sentenced to hard labor at Cockatoo Island employed in various other capacities not involving hard labor? Yes.

84. Is not that a violation of the sentences imposed upon them? Every description of hard labor in such a place as Cockatoo Island is looked upon as hard labor.

85. It is taken for granted that it is hard labor? Yes. If that were not the case we should require a much larger staff of paid officers.

86. Under what authority is that, which is virtually a remission of the sentence, sanctioned? Under the regulations of the Island.

87. Where are those regulations? I have not them with me.



88. Who makes them? They are approved by the Executive Council.

89. Certain regulations then, which have been established by the Executive Council, give to the authorities, who have the management of the Island, the power of thus virtually remitting sentences which have been awarded by a Court of Justice? I will not say a remission of the sentence; it is an authority to employ such men, as may be best suited, in various ways on the Island.

John M'Levie,  
Esq.  
5 Oct., 1859.

90. If a person who has been sentenced to hard labor upon the public works of the Colony is taken from that hard labor and employed as an officer's servant, does not that virtually amount to a remission of his sentence? I should not look at it in that light; some of the labor, although not so hard, is more unpleasant than the ordinary labor. Many men, for instance, would rather do the hardest description of labor than be made hospital attendants to attend to sick men, and supply their wants.

91. By whose authority was Hibburd employed as an overseer in the hospital? Under the Island regulations, and by authority of the Island authorities. No man is employed without the authority of the Visiting Magistrate, and of the Surgeon; I have no doubt I approved of that man's appointment, as I was at that time Visiting Magistrate of the establishment.

92. Could you state what his duties were as hospital overseer? I may state the history of his residence on the Island. He was received on the Island the 11th December, 1854, and from that date till the 24th August, 1855, he was employed in the ordinary hard labor of the Island, when he was appointed wardsman of the Island.

93. That is a period of about nine months? Yes. The duties of a wardsman are, in fact, those of a sick-nurse.

94. During these eight or nine months he was serving his sentence according to the judgment of the Court? Yes; in the ordinary hard labor of the Island.

95. What was the inducement then to transfer him to the hospital? The selection of the men for these appointments is made by the Superintendent and the Surgeon, and the names are submitted to the Visiting Magistrate, who, if he approves them, initials the paper upon which the names are written.

96. During these eight months did he distinguish himself in any particular way, so as to cause this change in his favor to take place? The only way in which a man can distinguish himself on Cockatoo Island is by good conduct.

97. Did he in any way distinguish himself, or was he chosen for this office because he was peculiarly fit for this hospital employment? I presume he was selected in consequence of his previous pursuits in life.

98. Not from his particularly good conduct? No.

99. He received his sentence early in December, 1854, and appears to have been discharged about the 1st June, 1858, or in about three and a half years—according to the original sentence he would have had to serve five years and a half under probation? Yes.

100. Then any marks entitling him to remission in regard to that probationary period must have been won—if I may use that expression—by him while an overseer in the hospital? It is just possible, as he was a strong, active man, that he may have reduced the term during the period he was employed at hard labor.

101. I understood you to say that he had not distinguished himself so as to entitle him to any preferment? In no special way.

102. He got this appointment in the hospital because his previous career fitted him for it? I can only imagine so.

103. In this case there was a remission of two years in the probationary period,—will you mention the special circumstances which entitled him to that remission of two years? While employed at hard labor he may have been able—I do not know whether he was or not, but I could by reference to the records of my office ascertain—to reduce this sentence during the nine months by three days a week. If he performed task-work to entitle him to half a day's remission, while so employed he would of course reduce the term by three days a week.

104. Then what is supposed to be a day's hard labor is, upon Cockatoo Island, labor which a man may easily get through in half a day? No. If you will allow me I will read the regulations. When a prisoner is received on Cockatoo Island he is examined by the Medical Officer and the Superintendent, and by them is classed for labor according to his physical ability:—"I. Task-work is to be introduced among the convicts at Cockatoo Island; but to prevent the active, the intelligent, and the healthy, being placed in a better position than the weak, the ignorant, and the sickly, and to diminish, as far as possible, the inequalities produced by these and other causes, a careful system of classification must be adopted to proportion the task to the powers physical or mental of the class, so that each individual of the class will be subjected to the same amount of toil. II. It being of vital importance that this classification should be made with the utmost care, attention, and impartiality, the Visiting Magistrate, the Medical Officer, and the Superintendent, will personally inspect each convict on the Island, and, according to the principles herein defined, arrange the whole in three classes, viz.:—(1.) The first class to compose able-bodied men accustomed to the description of labor at which they are employed. (2.) The second class to comprise men able-bodied, but who have not been accustomed to the employment assigned to them, or such as may be acquainted with the labor, but not able-bodied. (3.) The third class to comprise men who may be unacquainted with the work at which they are employed, and likewise disabled from physical or mental causes." Then it goes on to say,—“Convicts employed on barrack duties”—and this man was employed on barrack duties—“are to be allowed the average credit received by the best behaved and most industrious men on the Island.” The last regulation applies, particularly, to the man whose case is now under consideration.

- John M<sup>r</sup> Lerie, Esq. 105. He was supposed, when engaged in the hospital, to be employed on barrack duties ?  
 Yes.
- 5 Oct., 1859. 106. Then supposing that during the nine months which he actually served at hard labor upon the Island he did actually gain the remission of three days a-week, that would entitle him to four months remission, or thereabouts ? If it had struck me that such a question would have been proposed, I could have produced to the Committee the account of the labor of this man.
107. Will you add that as an Appendix to your evidence ? I will. (*Vide Appendix A.*)
108. You cannot state, I think you said, what he did when he was in the hospital ? I can give his duties. He was first employed as wardsmen, which was, in fact, the position of a sick-nurse ; he had to attend to the sick to keep them clean, and to keep the wards clean.
109. How many are there in the hospital ? It depends upon the number of the sick. There were two wards when I was there, each attended by a wardsmen—a prisoner—and there was also an overseer ; the overseer is responsible to the medical officer for everything in the hospital, for the conduct of the prisoners and for the cleanliness of the wards.
110. He is put then in a position of trust ? Yes.
111. Then there is a classification of prisoners, on their arrival, in regard to their physical capabilities ? Their physical and mental capabilities.
112. The able-bodied men are apportioned their work according to their apparent capability ? Yes.
113. The weaker in body have a reduced task, which is thought sufficient for them ? Yes.
114. You just now stated that it was possible that a man can do, in excess of the specified task, as much as will amount to a remission of three days a-week ? If industrious.
115. Then it follows from that, that the hard work at Cockatoo Island is only hard labor to such an extent that a man can do twice as much in a day as the sentence awards ? No, not twice as much, but one-half more than the allotted task.
116. Each prisoner, whatever class he may be in, can entitle himself, by extra work, to remission of sentence, at the rate of three days a week ? Yes.
117. That is half-a-day for every day in the week ? Yes.
118. Six half-days a week ? Yes.
119. Then, it follows from that, that in a half-day he can do his probationary day's task ? No, in two-thirds of the day ; he can perform the task allotted to him in two-thirds of the day.
120. What is the work they do—how is it measured to them when they are employed as overseers in the hospital ? It is not measured to them. The rule I have read referring to those employed in barrack duties then applies ; there is no measurement there required.
121. By Mr. Jones : A convict engaged in barrack duty—employed as wardsmen in the hospital, if properly conducted—will gain the maximum allowance to the best and most industrious of the prisoners ? Yes, more than that, as he is employed seven days a week he may gain an extra half-day.
122. By the Chairman : The overseer in the hospital holds a situation of trust ? He does.
123. In what respect ? The medicines are necessarily left in his charge for the whole day. He sees to the cooking of the sick men's rations—
124. Are the stores in the hospital in his charge ? Not the medical comforts.
125. In whose charge are they ? The dispenser's.
126. Is the dispenser a free man ? Yes. There are other duties which could be better explained to the Committee by the Visiting Surgeon.
127. Then this man was recommended to you by the Visiting Surgeon as a proper person to be employed as the hospital overseer ? The way in which these appointments are made is this :—The Superintendent and Surgeon recommend certain persons for employment, and these names are brought before the Visiting Magistrate for approval ; I have no doubt the name of this man was brought under my notice in this way, at the request of Dr. West, to be employed in his department.
128. This system, I think you state, has been altered ? Yes, the system of task-work for reduction of sentences.
129. Upon whose recommendation has that been done ? The present Chief Secretary was long opposed to the system, and I have had frequent conversations with him upon the subject. I saw objections to the former system myself, and did not fail to point them out to Mr. Cowper.
130. Do you know if any special influence was at all brought to bear upon the case of this man, Hibburd ? I am not aware of any.
131. Was any recommendation made to any person in authority on the Island in his favor ? No recommendations to the Island authorities will affect the proceedings of the Classification Board. In order to shew the proceedings of the Board in this case, I have brought the minute book of the proceedings of the Board :—
- (Extract.)
- “Thursday, 8 April, 1858.”
- “James Hibburd, per ‘Regia,’ for permission to exile himself under the provisions of the Act of Council 11 Vic., No. 34. As the conduct of the petitioner has been most exemplary during three years and upwards that he has served on Cockatoo Island, and as he will become eligible to receive a ticket-of-leave about the month of August next, the Board recommend his petition to favorable consideration, provided His Honor the Chief Justice, who passed the sentence, offers no objection.”
- That was sent in due course to the Government.
132. How would he become entitled ? Through the marks.
133. Will you be good enough to refer to your minutes, having reference to the appointment of Hibburd as overseer in the hospital ? I have only the data of his appointment.

134. There is no minute in the book you produce? No; this book is not connected with the Island, but merely with the Classification Board which is held at my office.
135. Have you any communication at all with the police at Victoria? Yes; weekly.
136. Have you seen any mention of this man's name at all in any police paper? I have.
137. Will you mention the circumstances under which his name is mentioned? I find in the *Police Gazette* of Victoria the notice which I hand in. (*The witness handed in the same. Vide Appendix B.*) From the description, I have no doubt it alludes to the same person, but I beg to observe that it is the only notice I have received respecting him. I may explain that whenever an offender is reported in the *Police Gazette*, either in the Colony or in Victoria, his apprehension is also notified, or some further notice is taken of the first publication, but I have seen no second notice respecting this man.
138. *By Mr. Parkes:* You made no special communication to the police authorities of Victoria with reference to this person? That is another thing, no doubt they must have known the man came from this Colony, and it is an unusual thing that no further communication should have been made respecting him.
139. That is an unusual thing? Yes.
140. *By the Chairman:* Under all the circumstances of the case, do you think the system at Cockatoo Island works well generally? It will work well under the new system.
141. Have any regulations yet been framed under the new system? Under the new system every man must serve the period of his sentence, and no regulations are therefore necessary.
142. Has that a prospective effect only? When the regulation of June, 1858, was published, I submitted that it was not fair to make it retrospective, that it should be confined to those who were newly sentenced.
143. Then all who had been sentenced to Cockatoo Island previous to the alteration made in June, 1858, will have the benefit of the regulations which existed up to that period? Yes. I subsequently brought to the notice of the Government that men who had held tickets-of-leave under the old regulations, and whose tickets were cancelled, and returned to Government for misconduct, should be brought within the meaning of the new regulations, which has been done.
144. Do you think, in this case of the man Hibbard, the system of probation has worked well? I objected to the system generally, not taking any particular case.
145. You are of opinion, generally, that the system did not work well? Yes.
146. And yet you consider it advisable that it should be continued so far as relates to all cases that came under its operation up to June, 1858? I do, and I may assign my reason. From my experience of Courts of Justice I know that the Judges frequently in awarding sentences on conviction kept in view the fact that these sentences would be reduced by these regulations, and therefore gave longer sentences than they would otherwise have done, and it struck me as having an unfair bearing upon these men who had received sentences under the former system to place them under the new regulations.
147. You are of opinion that the Judges, in awarding sentences, gave sentences they did not mean to be carried out? At that time in awarding their sentences they were aware of the existence of these regulations, and knew that a reduction of their sentences would consequently follow.
148. Then it follows that the Judges, no doubt with the best intentions, have been up to the present period in the habit of awarding sentences which they knew would not be carried out? I can only judge of that. When at Cockatoo Island yesterday, and looking over the returns of the Island, I found that there were 145 of the old class still serving there, and 103 of the new class; but of the 145 of the old class I found that there were 50 prisoners who had received sentences of ten years and upwards, while out of the 103 of the new class there were only five who had received such sentences; therefore I am strengthened in my opinion.
149. What is the maximum sentence to which the men are subjected? Fifteen years.
150. That sentence then relates to the most serious offences? Yes.
151. To cases in which capital punishment has been commuted? Yes. In reference to what I have stated that under these regulations the remission was looked upon as a right by the prisoners, I may mention that a case was brought before the Board the other day—a man of the name of McSpadden who had been cast for death, and whose sentence was subsequently commuted to fifteen years transportation. That man under the old regulations became eligible a few weeks ago for a ticket-of-leave. His name was sent in with others, to the Government, but in consequence of the enormity of his offence the Government has withheld his ticket-of-leave.
152. Has an absolute refusal been given? An absolute refusal will be given.
153. He must serve the full period of his sentence? Yes, I think so; that is a case in which the Government took action of itself.
154. Do you remember the circumstances under which that man's sentence was originally commuted? I do not, it excited a good deal of surprise at the time.
155. Do you remember the murder of Kirwan? Yes.
156. *By Mr. Forster:* Do you consider that in the particular case we are now considering that this man was a fit person to receive any indulgence which others were not entitled to? Every prisoner at Cockatoo who applied would have had his case considered in the same way, no doubt.
157. Was there nothing extraordinary in this case? Nothing extraordinary.
158. Whatever the man's character was there was nothing to induce you to consider that he should be deprived of the indulgence to which others would have been entitled? Nothing at all.
159. I do not mention any names, but are you aware of his having any influential relations in Sydney or in the Colony? I have no doubt of it, from the resemblance, that he has a brother,



- John M'Levie, brother, who is a man of influence, a Member of the Legislative Assembly; but so far from that having any bearing upon the man's treatment, the Committee will allow me to observe that he was unjustly kept in irons when he ought to have been out of irons. At the termination of each sitting of the Criminal Court the prisoners are removed to Cockatoo Island, under what is called a Transit Warrant, which is signed by the Sheriff. This man was so removed, and the Transit Warrant was signed the 5th January, but was not received at the Island till the 23rd February, during which time he remained in irons; and I find a minute of my own in the Minute Book of Cockatoo Island—"James Hibburd's irons to be taken off; that part of the sentence to be remitted:—*Vide Calendar*."
160. You are not of opinion that the prisoner presumed in any way upon his having influential connections? No; as a prisoner he always conducted himself as if he were of the same class as the other prisoners.
161. Did he ever make known the circumstance to you? He never mentioned the circumstance to me. Circumstances, however, came to my knowledge which gave rise to the suspicion that he was connected with a family in the Colony, and I questioned some of the officers on Cockatoo Island, and they said they had reason to believe he was so connected, and told me who his brother was.
162. *By Mr. Plunkett*: To what does this portion of the letter of the Chief Justice refer—"He was apprehended in a theatre in Sydney, a few days afterwards; when he was claimed as a prisoner by the name of 'Cook,' under a warrant issued from Brisbane Water, on a charge arising there"—was that that he was mistaken for another person? I was surprised when I saw that in the papers. I do not know anything of it.
163. How did this come to the knowledge of the Chief Justice? I do not know.
164. Was there any other charge against him? I never heard of it.
165. Did you inquire of the Police if there were another warrant lying by? I have looked at the Warrant Book of my own Police, and find no such warrant existing. I did not know of the existence of such a warrant until I saw the letter of the Chief Justice.
166. *By Dr. Lang*: May that not have been a mistake on the part of the Chief Justice? That I cannot say; it is a fact of which I have no knowledge.
167. *By Mr. Plunkett*: The fact may have been that he may have been mistaken for a person of the name of Cook, and have been apprehended under a warrant that did not apply to him? I am not aware of the circumstance. The first I knew of it was from the letter of the Chief Justice, when it appeared in the papers.
168. Have you made inquiries since? I have, and can find no such name—no such warrant.
169. Did you take any steps after seeing this notice from Victoria to inform the Government that this person was in Victoria instead of Van Diemen's Land—did he not leave Sydney for Van Diemen's Land? He left Sydney for Melbourne *en route* for Adelaide.
170. What was the condition of the pardon? That he left this Colony.
171. To go anywhere else he liked? Yes, anywhere out of the Colony.
172. *By Mr. Parkes*: Are you aware how the Chief Justice became informed of the relationship of this person to some man of influence? I do not know.
173. As your evidence now stands, it would appear that you had no information respecting this man's connection—you merely suspected it from the resemblance of his features to his brother's? I referred to the resemblance of the features of the man to the gentleman said to be his brother.
174. *By the Chairman*: I think you said you had no doubt, from the resemblance of his features —? There is no doubt that there is a resemblance.
175. *By Mr. Parkes*: It does not appear that you were ever informed of this connection? He was said to be a brother of an influential person here. I asked the question, and concluded from the striking likeness that the report was true.
176. However, he never communicated the fact to you himself? Never.
177. *By the Chairman*: Is there not some considerable dissatisfaction felt at Cockatoo Island, in consequence of the withdrawal of the old regulations? Yes; there is no more than might have been anticipated.
178. Have the men refused to work? Some did, yesterday. I went over, by direction of the Government, with the Visiting Magistrate, and dealt with them.
179. I gather from your evidence that you are averse to the re-establishment of any such system as prevailed formerly? I am.
180. You think it much better, whatever sentences may be awarded, that the course of justice be carried out? Yes, and that remission be left to the prerogative of the Governor General.

## SELECT COMMITTEE ON THE CASE OF JAMES HIBBURD.

11

## APPENDIX A.

A RETURN of the Task-work to the credit of James Hibburd, per "Regia," from the 11th December, 1854, to the 25th June, 1858, the period of his detention at Cockatoo Island.

John M'Lerie,  
Esq.

5 Oct., 1859.

DATE.	NO. OF DAYS CREDITED.	REMARKS.
1854, December ... ..	2 $\frac{3}{4}$	{ Appointed Wardsman of Hospital, from which date he earns $\frac{1}{2}$ day every day.
1855, January... ..	4 $\frac{1}{4}$	
" February ... ..	10 $\frac{3}{4}$	
" March ... ..	11 $\frac{1}{2}$	
" April ... ..	10 $\frac{1}{2}$	
" May ... ..	12	
" June .. ..	10 $\frac{3}{4}$	
" July ... ..	10	
" August ... ..	12 $\frac{1}{2}$	
1856, February ... ..	91	
" August ... ..	92	
1857, February ... ..	90 $\frac{1}{2}$	
" August ... ..	92	
1858, February ... ..	90 $\frac{1}{2}$	
" 25 June .. ..	58	
Add ... ..	599 *13 $\frac{1}{2}$	{ Allowed while sick in Hospital, from an injury sustained on the works.
	612 $\frac{1}{2}$	

\* Note on Task-work Registers, of December, 1856.—Folio 2, page 65 :—This man was allowed 13 $\frac{1}{2}$  days for the time he was in the Hospital, viz.,—from 18th December, 1854, until 19th January, 1855.

Convict Department,  
Sydney, 10 October, 1859.

JOHN L. HORSEY,  
Chief Clerk.

## APPENDIX B.

James Hibburd is charged, on warrant issued at Geelong, with stealing, on the 29th ultimo, near Buninyong, £864, the moneys of Alexander M'Gilvray, settler there. The offender is about 40 years of age, 5 feet 9 inches high, stout built, dark or sallow complexion, dark brown hair, small brown whiskers, small round face, scar on upper lip (not very visible), of superior education and good address, an Englishman, and may be dressed in black clothes and black hat.

16 February, 1859.

Folio 67.  
Victoria Police Gazette,  
17 February, 1859.

George West, Esq., M.D., called in and examined :—

181. *By the Chairman*: You are the Visiting Surgeon at Cockatoo Island? I am.  
 182. Are you a member of the Convict Classification Board? No, I am not; I have nothing to do with it.  
 183. Who are the members? I think Mr. North, Captain M'Lerie, and Mr. Browne.  
 184. As a medical man, do you not think it advisable that a professional man should be on that Board? I do not see what necessity there would be, for, as their servant, they have the opportunity of obtaining any information from me they may require.  
 185. Are you consulted when they require information? I get letters from the Government, to which I give official answers.  
 186. The object of the classification is to classify the men according to their capability in regard to labor? Yes. Every man when he comes to the Island comes to me, and with a printed form, and I classify him according to his physical capability.  
 187. Do you make a careful examination of him? Always.  
 188. How do you arrive at a conclusion with reference to his physical capability? These men, when they are sent to me, generally do not know for what purpose they are sent; I examine them as to the state of their health, and if they make any complaint I investigate it according to the best of my ability.  
 189. Do you judge them merely by their physical development? I endeavour to ascertain if they have heart affection, or internal disease; I generally find them malingering.  
 190. Are you of opinion, as a professional man, that from mere physical development a correct opinion can be formed as to the capability of a man for labor? I have found a very powerful looking man unable to go even into the medium class. The mere external appearance of a man is not sufficient to enable a medical man to judge.

George West,  
Esq., M.D.

5 Oct., 1859.

- George West Esq., M.D.  
5 Oct., 1859.
191. What other examination is a prisoner subjected to by you? I sound with the stethoscope if I suspect the existence of disease of the heart, &c.
192. Suppose a man is in such a physical state as to appear to be of strong muscular development and also of good health; suppose him to have good digestion, and all the vital functions to be in good order, would it necessarily follow that the man would be strong? I think so. I have lately had a case under my notice on the Island of a large powerful looking man—an American black—whom I have been obliged to reduce to the lowest class of work in consequence of his having disease of the heart.
193. Then there is organic disease in that case? There is organic disease; the man has well developed muscles.
194. You have no better test than you have mentioned? No.
195. Does not a great deal depend upon what might be called the idiosyncrasy of the individual—might not a person have well developed muscles and yet be destitute of strength? I never met a case of such individual's idiosyncrasy.
196. Would not a great deal depend upon the nervous temperament of the individual? If the nervous system were diseased I do not think you could have such muscular development.
197. Have you not found men of poor physical constitution perform a large amount of bodily labor? Yes; but I have generally found that those persons have had very powerful digestions.
198. All persons who are classified in this way upon the Island are brought to you for examination? When they are sent from the gaol to Cockatoo they are reserved for my visit. When I visit the Island I examine them and report upon them; if any of these men should fail or become unwell they are brought to me again and I re-class them. It often happens that from the change of diet and the confinement on the Island, prisoners fall off very much, and when this happens I re-class them.
199. I suppose you have nothing to do with the work they have to perform? No.
200. How many classes are there? Three, and the exempt, or what I call the invalid class.
201. What do the last class do? Nothing.
202. They have no employment? I believe if they are able to perform the duty they are selected as servants by the overseers.
203. What is the average number of men on the Island? Latterly it has been very small comparatively; there used to be about 380; there are now under 300.
204. What is the average number of men in the hospital? Since the removal of the exempt men, which amounted to 54 or 57, there have been about 4 in the hospital; before that the hospital was constantly full. Some of the prisoners belonging to this class were left behind—such as were capable of performing certain kinds of work.
205. What was the average number formerly in the hospital? From 12 to 16.
206. How many hospital attendants were there? There was a cook and two wardsmen, and an hospital overseer.
207. What are the duties of the overseer? The principal duty is the care of the medicines. Our hospital is very badly arranged; I have brought the matter under the notice of the Government, but nothing has been done to remedy it; to go to one of the wards it is necessary to pass through the surgery, and the medicines may be taken by anyone passing through; to prevent this it is placed under the charge of the hospital overseer when the dispenser is at his house. The overseer sleeps in the surgery.
208. What are his especial duties? To assist the dispenser generally in the grosser part of the compounding, and in seeing that the medicines are distributed regularly.
209. Is that all? He is very often employed in writing.
210. Your average attendance in the hospital has been twelve? The average number of patients has been from twelve to fifteen.
211. There were two wards? Yes.
212. You had an assistant to each ward, a cook, an overseer, and a dispenser? Yes; but there were always a great number of external patients.
213. I want to get at the particular duties which the overseer had to discharge? What I have told you, and also to dispense the medicines to the external patients.
214. Were his hands fully occupied? I do not think they could have been.
215. Did his duties involve what might, in any degree, be termed hard labor? Certainly not, but he was required to be always in attendance.
216. His time was not fully occupied, but he was always at hand? He was always on the spot, in case of accident.
217. Can you tell me how it was that Hibburd first obtained the situation of overseer? I cannot tell you; I was never consulted about it; he was at first in the kitchen; he was one of the wardsmen, and was appointed against my will; I had a very good man previous to him, and his time having expired he left, and Mr. Ormsby put this man as hospital overseer; I was opposed to it, but as I saw the old man wished it I gave way, and I was not sorry afterwards, for I found him a very useful man.
218. You have given a very strong recommendation to this man; you say—"James Hibburd has been attached to the hospital on this Island for three years, as overseer; he has been most attentive to his duties, and I have always found him a useful, trustworthy person—one on whom I could place the fullest reliance"—in what way have you found him trustworthy? One of the principal reasons that induced me to write that testimonial was this:—the man had full command over the paper, pens, and ink in the surgery; and every man who had held similar office before had been reduced for using these materials in writing letters on behalf of prisoners on the Island, to their friends, and these were sent to Sydney; but as long as Hibburd was there I never could find the slightest trespass upon the hospital paper; he also had the full command of all the medicines.

219. Medicines are things people would hardly be likely to steal? I beg pardon; they frequently try to pilfer them. Having such men as Beer upon the Island, the prisoners are put up to many things they would not otherwise think of; and if they could get some of the medicines, they would take them in order to simulate ill health.
220. You say this man was one in whom you could place the fullest reliance? I will tell you the reason. The man was a long while under my observation, and appeared to shew great contrition and sorrow for his offence; he often spoke to me without my knowing who he was, and said if he could only get away he hoped he should reform and lead a new life. He said it was the first time he had been in trouble, and that if he got to China (which was the place to which he desired to go) he would be able to lead a new life altogether. I thought the man was sincere—was really penitent, and feeling that any man might be led astray by accident, I pitied his case.
221. You had nothing whatever to do with his receiving his pardon? No, nothing whatever.
222. The only things that were entrusted to him were the medicines and this stationery? Wine and things of that kind were under his care.
223. Was the wine under his care? Not under his care regularly, but frequently they were accidentally under his care, and I never missed any; he was obliged to go to the chest where these things were kept.
224. Did he receive any pay? No.
225. He had nothing to do in the way of hard labor? No.
226. His time was not fully occupied? I do not think so; he had to make out the requisitions; these things were always done by the overseer, and he wrote a capital hand. I could not have got on at that time without him, as the dispenser I then had was not qualified. I did not at that time know he was a medical man, but I afterwards discovered it; and through him, I was enabled to carry out the business with great satisfaction to myself, never more so.
227. But still his time was not fully occupied, although he was at hand whenever he was required? Yes; he was not allowed to leave the camp, as it is called.
228. He had in point of fact an easy berth? He had a very easy berth, for he had a good deal of power; he could go to the hospital kitchen, and, if he choose, could take care of himself.
229. He was not then restricted to the ordinary food or rations of the prisoners? Yes, he just got the same as the rest.
230. But if he could avail himself of any chance the hospital kitchen afforded ———? If he did, he must steal.
231. You think he had an easy berth notwithstanding that he was under a sentence of ten years imprisonment with hard labor? I think the very best berth on the Island; I would rather have it than that of the clerk in the Superintendent's office.
232. Is an overseer of the hospital required? Yes.
233. Independently of the dispenser? The dispenser does not live there.
234. Not on the Island? Yes, on the Island, but a long way off, with the free overseers. In fact the present arrangement of the hospital is so bad, that if we had not an overseer any man in the camp might walk into the surgery when he pleased.
235. Is Dr. Beer still on the Island? Yes, and he is a very bad—a very dreadful character, he would make a most valuable person as an overseer if we could depend upon him, but now he is often found wanting.
236. *By Mr. Douglas:* Have you at any time been applied to by the Government as to the state of Hibburd's health, with a view to his release, or to the diminution of the period of his punishment? Never by any person but himself and the dispenser; the dispenser brought it first before my notice. He had been laboring under three or four attacks of an inflammatory nature of the liver; and when Hibburd spoke to me, he said he wished to get away to China, as he thought he could settle there, and become a reformed character.
237. In this certificate as to the general character of Hibburd, you merely refer incidentally to the state of his health? Quite incidentally, and I am satisfied that the character I gave him he was deserving of so long as he was under my notice, but I could not say what he had been before. I merely gave him the character as I would give any servant a discharge.

George West,  
Esq., M.D.

5 Oct., 1859.

Samuel North, Esq., J.P., called in and examined:—

238. *By the Chairman:* You are the Visiting Magistrate at Cockatoo Island? I am at present doing that duty.
239. How long have you been doing the duty? I succeeded Captain McLerie in November, 1856, and continued up to January of this year, when I was relieved by Mr. Forbes, and upon his receiving another appointment, I resumed the duty temporarily until the Government appoint another officer.
240. Are you a member of the Classification Board of the Island? Yes.
241. Will you state the names of the members of that Board? Captain McLerie, Captain Mann, Mr. Browne, and myself.
242. You meet once a month? Yes; generally the first week in the month.
243. What do you do on these occasions? We consider the applications of the prisoners for tickets-of-leave and other indulgencies.
244. Have you anything at all to do with the classification of prisoners, in regard to the degree of hard labor to which they shall be subjected? Nothing to do with that.
245. Did you know anything of a prisoner, lately on the Island, of the name of Hibburd? I did know him during the period that he was there. He was there when I became Visiting Magistrate, and I knew him up to the period of his leaving.

S. North,  
Esq., J.P.

5 Oct., 1859.

S. North,  
Esq., J.P.

5 Oct., 1859.

246. How was he employed when you knew him? When I took charge he was overseer of the hospital; he was so employed when I took charge.
247. He was sentenced originally to ten years hard labor? Yes; I have the original warrant here. (*The witness produced the same.*)
248. Did he serve much in the way of hard labor when he was overseer in the hospital? No.
249. Was it an easy berth? It was.
250. It amounted, in fact, to a nullification of the sentence? We are obliged to have persons in all these situations; whether it is considered hard labor or not some prisoners must be employed.
251. Why must prisoners be so employed? We have no free people for such purposes.
252. I suppose free people could be got for such purposes? No doubt, if they were paid.
253. Were you favorable to the regulations which existed up to the 1st June, 1858, by which certain indulgencies and remissions were allowed to persons under sentence? Yes.
254. What advantages do you think that system has? I think it induces people to behave well—they have some hope, and look forward to the recompense of their good conduct by the shortening of their term of imprisonment.
255. It works well you think? I think so.
256. But does it not involve great uncertainty in regard to the sentences imposed? If we were to consider the punishment merely, I think it does; but if we are to consider the reformation of the prisoner as well, I think it holds out an inducement to him to behave well.
257. Do you think it conduces to the ends of reformation? I do.
258. Have you known instances in which men have been reformed under this system? I cannot immediately name any, but I have no doubt there are instances.
259. Have you known instances in which very bad characters have been let loose upon society earlier than they otherwise would have been owing to this system? I do not know any instances, but I think it very likely that men may behave very well for two or three years with the view of obtaining their liberty who may still be unreformed.
260. In the case of the man Hibburd, who is sentenced to imprisonment for ten years with hard labor, who gets an easy berth on Cockatoo Island, at the end of a little more than three years is liberated, and who is apparently but a short time liberated before he pursues the same career as before—do you think, in such a case as that, the system works well? It might have had that effect, or it might have had a contrary effect—of course a good deal would depend upon the disposition of the man, and how far he might be considered reformed—a man might behave very well for two or three years, and yet at bottom be a great villain.
261. *By Mr. Jones:* What was Hibburd's conduct as overseer of the hospital during the time he was under your notice? I always found him exceedingly well-conducted and respectful in his manner to those in authority.
262. During the time you have been officially connected with the Island has it come to your knowledge that any kind of influence has been used by any person on behalf of this man Hibburd? Not that I am aware of.
263. Neither verbally nor in writing? Neither verbally nor in writing.
264. Directly nor indirectly? Directly nor indirectly.
265. Have you any reason to believe that any kind of improper influence has been used to procure his pardon? No, I am not aware of any. I believe it has been done in the regular way—by the recommendations of the officers of the Island.
266. These recommendations have been based upon the certificate of the surgeon or the reports of the officers? Yes.
267. You believe he entitled himself to this remission by his conduct during the time he had been prisoner on the Island? Yes; he would have been entitled to a ticket-of-leave three months after the time at which he obtained his pardon, on condition of exile.
268. Have you any documents which you wish to lay before the Committee? I have a memorandum here from which it appears that he was received on the Island on the 6th of December, 1854, and remained there till the 25th of June, 1858, a period of three years six months and nineteen days—that was his actual service. Then his allowance for task-work made up one year eight months and thirteen days more, making a total of five years and three months. Five years and a half is the period required for a man under a ten years sentence to serve for a ticket-of-leave.
269. If he had conducted himself well during the remainder of the term he would have written off one month—that is supposing he had remained on the Island? Yes, and he would then have been entitled to a ticket-of-leave under the ordinary regulations.
270. You believe there is nothing peculiar in this case, so far as you know, that would lead you to suppose any improper influence had been used in this man's behalf? I do not think there is.
271. Have you any other documents? I have here the original warrant under which he was received at the Island under a sentence of ten years—the first year in irons. That was received with him in December, 1854.
272. According to this warrant it seems that James Hibburd was sentenced to ten years imprisonment—the first year in irons? That was sent with him; the calendar did not reach the Island till February.
273. Up to the receipt of the calendar had the man been worked in irons? Yes, the calendar was considered the authority for striking off the irons. The sentence is—"Hard labor on the roads or other public works of the Colony, ten years; the first year in irons." Underneath is written, "The punishment in irons to be remitted if the Governor so please—" Approved, C. A. F."
274. What is the date of the calendar—the date at which it would be transmissible to the Island? It is dated December, 1854.



275. If that had been transmitted immediately after the time at which it bears date on the back, the man's irons would have been struck off six weeks or two months before? Yes.

276. So that in consequence of not having been received this man was working in irons six or eight weeks longer than he would have otherwise done? Yes.

277. By whom is that recommendation in favor of the irons being struck off signed? It is, I think, written by the Judge, and approved "C. A. F.," which I presume means Sir Charles Augustus Fitz Roy.

278. The Judge who tried the case? Yes.

279. *By Mr. Douglas*: Can you inform us what governs your decision in the appointment of the officers on the Island—do you take into consideration the mental as well as the physical qualifications of the prisoners when they are classed? The prisoners are only sub-overseers. The overseers are free men, and under them are placed prisoners who are considered staid, quiet, well-conducted. With respect to the appointment of this hospital overseer, it was before my time, but I imagine he was appointed because he had been a surgeon, and knew something of medical practice.

280. Has it come under your notice that Hibburd was actually in irons a longer time than according to the regulations he should have been? No, I do not think he was, because he could not be released from irons till the Governor's approval reached the Island.

281. *By Mr. Jones*: There appears to have been some delay in the transmission of this document? Yes.

282. And, owing to that delay, the prisoner was kept in irons six weeks or two months longer than he would otherwise have been? Yes. The recommendation of the Judge was, that the part of the sentence which referred to the irons was to be remitted if the Governor approved, but until the Governor approved of that recommendation he would have to wear them.

283. *By Mr. Douglas*: I suppose only a small portion of the prisoners are actually in irons? I think not above five or six out of 248—the present number upon the Island. There were 383, but they have been greatly lessened; during the last month 45 invalids were sent to Parramatta.

284. Are you aware that the prisoner applied for remission of sentence on the ground of ill health—are you aware that that was brought under the notice of the Chief Justice? That was one of the grounds, that he was suffering from ill health.

285. You are not aware that his release was founded upon that fact? No, I am not.

S. North,  
Esq., J.P.

5 Oct., 1859.

WEDNESDAY, 12 OCTOBER, 1859.

Present:—

MR. DALLEY,  
MR. JONES,  
DR. LANG,

MR. MURRAY,  
MR. PARKES,  
MR. PLUNKETT.

THE HON. TERENCE AUBREY MURRAY, ESQ., IN THE CHAIR.

William Elyard, Esquire, called in and examined:—

286. *By the Chairman*: You are the Under Secretary? Yes.

287. It has been intimated to me, as Chairman of this Committee, that there were some additional papers in your office in the case of James Hibburd, which have not been laid upon the Table of the House? It appears that a petition was received in 1856 from Hibburd for a mitigation of his sentence, which was referred to the Chief Justice on the 12th December, 1856, but I am not aware that anything further was done. No report was received from the Chief Justice.

288. Who has the petition now? I presume it is with the Chief Justice.

289. You have not it with you? No. This is a copy of the letter (*producing the same*) written to him, which is without an answer, and the matter has perhaps been overlooked. (*The witness handed in the copy of letter. Vide Appendix.*)

290. Have you communicated at all with the Chief Justice upon the subject? No; nothing more was done. The correspondence laid before the Assembly was not furnished in reply to an Address, but was prepared by the Government for the information of the House, and no reference is made in it to a former petition. At the time I was not aware that there was such a petition; but, had it been otherwise, I do not know, as being unconnected with the application, that it would have been considered necessary to include it.

291. *By Mr. Jones*: The petition to which this letter referred led to no steps having been taken in reference to Hibburd? No; the letter was not answered; perhaps the Chief Justice overlooked it.

292. *By the Chairman*: Will you be good enough to try and get it, and send it in to the Committee? I can apply to the Chief Justice for it; I have not as yet done so.\*

293. No report was received. This petition was sent after he had been two years under sentence? No report was ever received. It will, of course, depend upon the petition being found, whether or not I can produce it; I think, as no report was received, and no further petition sent in by the prisoner, it is very likely the matter was overlooked.\*

294.

W. Elyard,  
Esq.

12 Oct., 1859.

\* It has been ascertained, on inquiry, that the Chief Justice did make a report on the case, but that it was sent to the Attorney General, and not to the Colonial Secretary's Office.

W. Elyard,  
Esq.

12 Oct., 1859.

294. This is the only paper you can produce, and, when the petition is furnished, the House of Assembly will be in possession of all the papers of every description relating to Hibburd's case? So far as I am aware.

295. All the applications for mitigation of his sentence? All the applications. I have caused reference to be made, and the document alluded to is mentioned to me as the only one in addition to the papers that are printed, excepting the Supreme Court Calendar, which I think has been produced, and contains an order for the remission of so much of the sentence as was to have been served in irons.

296. *By Mr. Jones*: Do you recollect a paper on this case coming through the Colonial Secretary's Office in May or June, 1858—the paper of which copies have been laid on the Table? The case has recently been brought forward again, which has recalled the circumstance to my mind.

297. Do you remember whether in that case the ordinary course was pursued with regard to this paper? I do not know that there was any deviation whatever.

298. Have you any knowledge of any application having been made, directly or indirectly, or any kind of endeavour having been used by anybody in favor of this man Hibburd? None beyond what appears from the papers. In the letter of the Chief Justice there is some reference to his being connected with persons in a prominent station, but I do not recollect noticing it at the time, and had no knowledge until afterwards who was alluded to.

299. So far as you know, there was no kind of application made on behalf of this man at all? I am not aware of any application to obtain any remission of sentence in this case, with the exception of what is disclosed in the papers. The usual course appears to have been followed throughout.

300. *By Mr. Parkes*: In a case of this kind, if a petition were never returned, would the matter be allowed to drop without any inquiry from your office? In most cases the parties interested would revive the matter by some inquiry or renewed application.

301. Supposing the party from modesty, diffidence, despair, or any other reason, did not renew his application, would the Colonial Secretary's Office allow the matter to drop? It would depend upon whether the matter were brought forward again. If there are papers in the office the usual practice is to bring them forward, from time to time, until disposed of; but in this instance the original petition was sent, and there was not any circumstance which brought the case under notice.

302. What strikes me as most singular is, that a petition, the prayer of which is so important as that of the pardon of a man who is under a heavy sentence, should be forwarded from the Colonial Secretary's Office to the Judge, and that no further attention should be given to the subject from 1856 to the present time, as would appear in this case. It would be very little use for anyone to petition if, when the petition were forwarded to the Chief Justice—whoever he might be—he was allowed to burn it, or to throw it on one side and pay no attention to it? The Judges have occasionally been reminded when reports have not been received, but it does not seem to have been done in this case.

303. *By Mr. Jones*: There appears to have been a slight oversight in the Colonial Secretary's Office, in not calling the attention of the Chief Justice to this petition? The oversight would seem to have rested with the Chief Justice, but he would have been reminded had the omission been noticed.

304. Then, supposing a petition to be sent in by a man for pardon or mitigation of sentence, that is sent to the Chief Justice, and if he should overlook the petition the man's request might go unattended to for years, unless the Judge's attention were again called by the Colonial Secretary's Office to the petition referred to him? There is through the Visiting Magistrates of the establishments the means of mentioning the circumstance if an answer is delayed, and in such cases inquiry is made, and, if necessary, the attention of the Judges or others called to the matter.

305. In other circumstances in all probability the Judge's attention would not be called to it? No; unless something occurred to bring the case under notice. Generally, however, I think this is done as the prisoner has the opportunity, through the Superintendent or the Visiting Magistrate, to mention it; and upon being communicated to the office every attention is paid to such representations.

306. In this case neither the prisoner nor any one on his behalf appears to have called the attention of the Colonial Secretary to the omission to attend to the petition which had been previously sent in? No; if this had been done, no doubt the Judge's attention would have been drawn to it in the usual way.

307. *By Mr. Plunkett*: I suppose when you wrote the letter of the 24th April to the Chief Justice, forwarding the petition, you forgot the circumstance of the former petition? There was nothing on the face of the letter from the Classification Board, or in the petition of Hibburd, alluding to any former application, and consequently no reference was made to it.

308. The Chief Justice in his letter makes no allusion to it? No. It had probably passed out of his mind.

309. *By Mr. Jones*: I see that in the margin of pages 6 and 7 this man is described as per "Regia"—have you any knowledge whether he came to this Colony as a convict or not? No; I can only speak from what is shewn in the papers.

310. Does this imply *prima facie* that he came to the Colony as a convict? It was usual to refer to prisoners in that way, but it does not follow that the expression would not apply to others.

311. You have no means of informing the Committee whether this man came to the Colony as a convict or not? No; but I think it is probable that he did not, from the date of his trial, and there being no reference to any former sentence.

## APPENDIX.

W. Elyard,  
Esq.*Colonial Secretary's Office,  
Sydney, 12 December, 1856.*

12 Oct., 1859.

Sir,

In transmitting to you the enclosed Petition from James Hibburd, a prisoner on Cockatoo Island, praying for a mitigation of his sentence, I am directed to request the favor of your Report thereon.

I have, &amp;c.,

W. ELYARD.

His Honor

The Chief Justice.

THURSDAY, 20 OCTOBER, 1859.

## Present :—

Mr. MURRAY,  
Mr. JONES,  
Mr. DALLEY,Mr. PLUNKETT,  
Mr. FORSTER,  
Mr. DOUGLAS,

Mr. BLACK.

THE HON. TERENCE AUBREY MURRAY, ESQ., IN THE CHAIR.

Sir Alfred Stephen, Knight, called in and examined :—

312. *By the Chairman :* You are Chief Justice, I believe, Sir Alfred? Yes, I have been so many years. Sir Alfred Stephen, Knt.

313. Do you know anything of the case of a person named Hibburd, lately in confinement at Cockatoo Island? I tried James Hibburd on the 6th December, 1854, for a robbery, accompanied by great violence in beating the person with a fence rail. 20 Oct., 1859.

314. He was sentenced, I believe, at that time, to ten years imprisonment? He was sentenced by me to ten years hard labor on the roads.

315. The first year in irons? Yes, the first year in irons.

316. The year in irons, I think, you remitted? I do not remember that I did, but I have an impression that I did, in consequence of his previous position.

317. In society? Yes; and the far greater suffering, therefore, in comparison with men accustomed to open field labor, which such an infliction would entail on him.

318. Do you remember a petition in his favor being sent to you in a year or two after the passing of the sentence? There was such a petition sent to me, for remission or relaxation generally, in or about, I believe, December, 1856.

319. That is, two years after the time of his trial? A little more than two years after it.

320. That was in December, 1854? On the 6th of December, 1854. I perceive by a memorandum from the Colonial Secretary's Office, that the petition was sent to me on the 12th December. I have no memorandum of the receipt myself.

321. Was that petition signed by any persons known to yourself? I cannot state by whom it was signed; I have a distinct recollection of the circumstances, in substance, but not of any signatures or statements in the petition.

322. Was it recommended by any parties at all? I can hardly state whether it was recommended to me, in the strict sense. The subject was warmly introduced to me by a clergyman, who, I understood, had recently seen him and who knew his family.

323. Have you any objection to state the name of the clergyman? No; I do not object to give any information that the Committee think it desirable I should give.

324. I think it is desirable that we should have the name of the clergyman? It was the Rev. Percy Smith, of Illawarra.

325. Did Mr. Smith give a written or a merely verbal recommendation? I think that I got the petition through the Colonial Secretary's Office; but Mr. Smith saw me on the subject of the petition, and solicited compliance with it. He spoke of the prisoner's family, and their distress, and strongly urged that something should be done for him. But he did not mention to me (and it was unnecessary that he should do so) who the family was; nor did he disclose to me the person's real name. I knew the name, as many others did.

326. Did you receive any other recommendation in his favor? At that time I cannot recollect that I did.

327. Did you at any subsequent time? Privately, none—and, indeed, officially none—except what was on the last petition, or any recommendations which may have been on the first—which I have forgotten.

328. Where is that petition now? The first petition?

329. Yes? The first petition must have been sent back to the Colonial Secretary's Office; but I perceive no entry of that fact in my books.

330. You have no entry that it was sent back? No; but the course of business in my chambers is such, that it must have been sent back—unless the papers were lost by my clerk. I report frequently upon several petitions on one occasion. On the evening, for instance, of my reporting on Hibburd's, I reported upon four. I sometimes report upon as many as five or six on one evening. The course is invariably with me—after dictating a letter, or writing it in my own hand—to give all the papers connected with the subject to the clerk, who sits in my room; and he has general instructions to forward them to the places



Sir Alfred  
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places from whence they came. I generally say, specifically, send the papers with the letter. If they come from Cockatoo Island, they are sent back to Cockatoo Island; if from the Colonial Secretary's Office, they are sent back to that office; if from the Attorney General, they are sent back to the Attorney General. This is not the only instance, however, of papers having been lost, somehow or other, from (or after having been sent to) my office.

331. Have you any record in your books of the opinion you expressed? Yes.

332. Would you be good enough to refer to the entry and state what it is? I reported that I could not recommend any mitigation whatever in the case. I said that the prisoner had been for some time a bushranger, and that the wisest course for his family and friends was, to let him feel the effects of serious crime, by his serving the whole of his sentence. That report went, I have no doubt, to the Colonial Secretary; although it is possible it may have gone, by mistake, to Cockatoo Island. My impression is very strong that it went to the Colonial Secretary.

333. What was the date of it? The date of my reply was the 21st January, 1857. According to the memorandum in the Colonial Secretary's Office, the petition was sent to me thence on the 12th December. If the papers came from that office they would have gone back there. But I have so distinct a recollection of my interview with Mr. Smith, and his speaking of the petition, that, if I had not seen the memorandum just mentioned, my impression would have been, that he brought the petition to me from Cockatoo Island.

334. Had he anything to do with Cockatoo Island? I think that Mr. Smith had, at that time, been temporarily discharging there the duties of the Chaplain.

335. You expressed a strong opinion that the indulgence asked for should not be granted? I did. I thought that it was better for himself, his family, and his friends, that he should feel the effects of his crime; and, that my opinion might not be forgotten, I sent a copy of it to the Attorney General, requesting that he would lay it before the Governor General.

336. Besides giving the ordinary answer? Yes. I sent a copy of my letter to the Attorney General, requesting him to lay it before the Governor. Such is the record in my books; and I recollect the fact independently.

337. Was Mr. Smith the only person who made any recommendation in Hibburd's favor? I am pretty certain that he was the only person who ever made a representation to me upon the subject. I had thought that there was a second; but, on recollection, I am confident there was only that one.

338. Notwithstanding this opinion, which you communicated to the Government in January, 1857, you received a further communication in May, 1858? In April or May, 1858, I received another petition on behalf of Hibburd.

339. The letter enclosing it to you was written in April; you answered it in May; in the interval was any communication by any party addressed to you, in reference to this man's case? None that I remember, and I believe that there was in fact none.

340. You wrote very strongly on this subject, in May, 1858? On the 31st May, 1858, I wrote very strongly upon it, because I thought that there was an undue pressure in the case.

341. In his favor? In his favor; and I therefore reported the circumstances fully.

342. That is, a petition having been sent in so short a time previously in his favor, on which you had expressed a strong opinion, adversely to the application, and this being succeeded by the recommendations and petition of April, 1858,—you thought there was an undue pressure in his favor; and you therefore again wrote strongly on the subject? Just so; I thought that his friends were unreasonably exerting themselves again, to get him out of that punishment which I thought it for the interest of society, as well as his own ultimate good, that he should endure.

343. Did you ever observe, in any other case before you, a similar pressure in favor of any convict? Yes, I have.

344. You have known other cases of that kind? I have known other cases of renewed solicitations—what I have here called undue pressure—in favor of a prisoner.

345. Have you known many such cases? No, very few.

346. Have they generally been successful? I cannot tell; I do not know that they have been.

347. Have you ever been induced to depart from the opinion you have entertained on any particular case by pressure of that kind? I believe not. My rule has been, in cases of undue pressure, to take especial care to let it be known that solicitations have no effect; I have always reported more fully in such cases.

348. You have a copy of your letter of the 31st May, 1858? Yes, it is here:—the entry in my letter book.

349. The opinion you expressed is a strong one? It is. I can read it. I may here mention, in reference to a former answer, that the strongest pressure I have known exerted was in the case of Skerritt; upon whose case I think that I reported three or four times.

350. Skerritt?—That is the person at whose instance Miss Kelly was recently prosecuted for perjury? Yes:—and there is the case of a lad near Hartley, whose name I cannot now remember.

351. In Skerritt's case you were called upon for your report, opinion, or recommendation, three or four times? Yes, as often, I think, as four.

352. Did you in that case at all depart, at last, from the opinion you expressed in the first instance? I gave no recommendation in his favor, until after the man had obtained his ticket-of-leave, which, I believe, he got in the ordinary course. But I had previously reported, that a then recent trial before me had inspired me with much distrust of Miss Kelly. On Skerritt's release, he called upon me, and entreated, that as I had been the means of keeping him under punishment so long, I would hear his story, and receive some fresh statements from him. I thought it my duty, as an act of humanity, if not of justice, to do

do so; and I accordingly saw him several times, as well as some witnesses to whom he referred. In short, I investigated his case again; and then I entertained so very much doubt, and distrust, in reference to the whole matter, (coupled with the circumstance of the civil trial alluded to, in which Miss Kelly was a witness, in the face of whose testimony the jury returned a verdict against her,) that I no longer thought Skerritt ought to remain under sentence at all. I desire to add, nevertheless, that I have as I believe never expressed an opinion upon the man's innocence; nor do I now. I have formed no opinion of the innocence, or guilt, of either party in that mysterious matter. I think it one of those cases which the Almighty alone can unravel. The verdict against Skerritt, on the evidence then adduced, I think was inevitable. With all the evidence now attained, I should acquit him;—and, if the decision had rested with me, I should on the same evidence equally acquit Miss Kelly. I recommended finally his pardon, on the ground of its having become a case of extreme doubt; so that I could not feel my mind at rest, without reporting against his continuing liable to punishment any longer.

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353. How then was pressure brought to bear upon his case? By recommendations or solicitations from his friends or influential persons. One was from Mr. Williamson, a Member of the Assembly; one from Mr. Barker, then a Member of the Assembly; another from or through Mr. John Campbell, a Member of the Assembly. Those were all instances, in effect, of pressure; and I think that there were others. I do not mean personal solicitations, but recommendations by strong letters addressed or sent to me, or to the Government.

354. Do you think that there was undue pressure in the case of Hibburd? I do. The renewed application, and the letter from Dr. West, (which I commented upon,) shew that his friends were doing all they could to obtain his release.

355. You had no communication with any person on his behalf except Mr. Smith? With nobody else, so far as I recollect, or believe; and with him only that once.

356. Is it usual on the part of the Government, when a petition sent in by a prisoner is refused in the first instance, to submit to you a subsequent one to the same effect within so short a period? Well, I do not think that it is usual; but such things have, I am sure, occurred. I have no distinct recollection of instances, but my impression is, that there are several, during my 20 years experience, of petitions being sent in a second and some even a third time.

357. There are instances? My impression is that there are several instances of petitions being sent in and refused, and similar ones sent again two or three years afterwards. I remember no instance, however, in which so decided a refusal has been followed so soon by a new petition.

358. Has it ever happened that answers given by you to these petitions have been lost, or your communication with the Colonial Secretary's Office has disappeared,—as appears to be the case in this instance? No; I never knew an instance of the kind. Until the other day, I never even heard of the miscarriage of an intended enclosure.

359. It appears, to the best of your recollection, that you returned the first petition to the Colonial Secretary's Office in due course, through the channel commonly used? If I got it from the Colonial Secretary's Office, as I now believe that I did, I certainly sent it back again, or directed it to be so sent. And if neither the petition nor any reply to it was returned, I do not understand why no "reminder" was sent me, calling my attention to the omission.

360. I see that in your letter of the 31st May you comment strongly upon Dr. West's recommendation. You say—"Dr. West reports that he finds Hibburd a 'trustworthy person' on whom he 'would place the fullest reliance.' Such a certificate, applied to such a person will pass for what those better acquainted with convicts than I am may think it is worth. For my part, I feel some scruples in sending such a person to infest another Colony?" I certainly thought it a very startling recommendation, from an officer connected with prison discipline. He says, that he thinks this highway robber a "trustworthy person, on whom he would place the fullest reliance." I thought that an extraordinary expression; and I think so still.

361. By Mr. Jones: Was not Dr. West speaking merely from his own experience of him? He says—"He has been most attentive to his duties, and I have always found him a useful trustworthy person—one on whom I would place the fullest reliance." I understood those words to mean that he was a person to be trusted; and therefore one whom it would be safe to release.

362. Does it not rather follow from the context that it was with reference to the discharge of his duties. Speaking of the way in which Hibburd discharged them, Dr. West says, "he is one on whom I would place the fullest reliance?" I did not place that construction upon the words, nor do I now. If so, the recommendation was meaningless, and practically idle. The object was not to keep Hibburd on the Island, or procure him better treatment there, but to get him released, and set at large elsewhere. The certificate, to have any application at all, therefore, must have meant that Hibburd was a man upon whom reliance might be placed when at large. So long as you keep a prisoner under restraint, the public are safe. So long as you keep a drunkard away from drink, you may place some reliance upon him. But you would not trust either out of your control for an hour. The object of the petition, however, which Dr. West's certificate meant to favor, was unquestionably to free the man from control. I thought, on the contrary, that he was not a person who could be so trusted; or upon whom dependence could be safely placed; and therefore I did not think it right that he should be let loose, to rob the inhabitants of Victoria, (as in the sequel, he has already done,) or of any other Colony.

363. By the Chairman: Are you aware of the fact, that, after having been on the Island some eight months under sentence, he was transferred to the office of hospital overseer—which is a very easy berth? I know nothing about his treatment at Cockatoo Island. But it was not at that time unusual to employ quick and clever men in situations of trust, and authority

Sir Alfred authority too—no matter what their offences. One of the worst murderers ever sent to  
 Stephen, Knt. Cockatoo Island was made a deputy overseer, before he had been there, I believe, six  
 months.

20 Oct., 1859. 364. And who made him so? That I do not know.

365. Some of the authorities on the island? I do not know.

366. We know as a matter of fact, Sir Alfred, that the petition which is missing was sent to you from the Colonial Secretary's office: we have in our proceedings a copy of the letter which transmitted it to you? No doubt. And in my letter book, here produced, I have an entry of my reply to the Colonial Secretary, and a memorandum of another letter which I addressed to the Attorney General of the day, sending a copy of that reply with a request that it might be laid before the Governor General.

367. *By Mr. Plunkett*: What entry is that? The entry of January, 1857, as to the first petition. It is in the handwriting of my then clerk, Mr. Elliott. He used to enter letters thus briefly, instead of at full length. I have occasion to look at this letter book frequently, and I am quite sure of the accuracy of those entries.

368. *By the Chairman*: Have you any entry in that book, Sir Alfred, in reference to the second petition sent to you for your report? On the 24th April, 1858, the Colonial Secretary wrote to you asking your opinion on the accompanying petition, for mitigation of Hibburd's sentence of ten years hard labor. Have you any entry at all as to what opinion you passed upon it? I have. I answered that letter on the 31st May, 1858.

369. And that is the answer which has just been referred to—of the 31st May, 1858? Yes; No. 4 in the printed papers is a copy of my letter. I have no entry, in this instance, any more than in the other (and I cannot find an entry in any instance), of the papers sent me having been returned. The entries are all alike as to that. I have no entry in any part of this book, I believe, except in one case, of the papers having been returned.

370. *By Mr. Jones*: You assume, in every case, that they are returned? Yes. Some letters I write, and some I dictate; the clerk never, until recently, writing any letter for me. Then, as he sits at an opposite table, I generally throw the papers over to him, and he sends them on enclosed.

371. *By the Chairman*: You think that there was an undue pressure in this particular case? I thought so. I mean only, however, a pressure of the same kind which has been exercised upon myself, and that I know is exercised upon others.

372. Were you surprised when you heard what was the result of this application in 1858? I was very much surprised. But I was equally filled with regret; for I have known repeated instances (I could name seven or eight, by looking at my notes), where prisoners who have been pardoned before the expiration of their time have committed crime again within a very short period afterwards. Every remission, I believe, not founded on change of character in the prisoner, does no good; but positively does harm. I have instances of it on record, about some of which I have in former years written to the Government.

373. *By Mr. Jones*: Have you any reason, Sir Alfred, for thinking that there was undue pressure used in this case? I have no other reasons for thinking so, than the facts already appearing; that influence was used with me, and that he had influential friends, who probably would renew their solicitations:—and then, the fact of his having been in a situation of ease on the island, under Dr. West, and that gentleman's support of his petition. All led me to think that the same kind of pressure was still in operation.

374. You have stated that the only person who ever spoke to you in reference to this case was the Revd. Mr. Smith? I believe so.

375. In reference to other cases, one case more especially, (Skerritt's), you mentioned that you received letters from Members of the Legislature, pressing the case: did you receive any such letters in this case from any one connected with the Legislature? None whatever. Nor did I mean that in Skerritt's case I received direct any such letters:—but merely that there were such letters, or recommendations in writing from those gentlemen, forwarded eventually to me on the case.

376. Did you receive any verbal applications? None whatever; none addressed to me.

377. Then, in concluding that there was undue pressure in Hibburd's case, you do not speak from your own personal knowledge? No.

378. It is on your part mere conjecture? It was rather more than mere conjecture. I thought it highly probable that his friends were still doing and would do their utmost to get him pardoned.

379. But those friends, excepting Mr. Smith, in 1856, never made any application to you in any way? No; and I do not know that they applied to anybody else. I think that my supposition was a probable one, notwithstanding.

380. You received no such application in the case of Hibburd? Not from anybody; and I repeat, that I do not know that any was made by anybody else.

381. *By Mr. Plunkett*: How did it happen that the Revd. Mr. Smith interfered in the matter? I have already explained, that he was a friend of the family. Such instances of interposition, however, are not uncommon. The course taken in reference to most petitions is this: The prisoner has generally some friend, more often it is the wife, who gets up these things. She influences somebody else; most usually some kind hearted clergyman. Then, one or two influential persons, Magistrates, or if possible Members of the Legislature, are induced to take up or favor the application; and letters are written by them, or recommendations in writing giving by them. In general, these all come to the Judge; and sometimes direct to him from the parties. But usually the application is to the Colonial Secretary, or direct to the Governor. Most of these, I think, amount to what I have called undue pressure.

382. Did you ascertain from Mr. Smith that there was any connection between him and the prisoner?

prisoner? I have, I believe, already answered this question. I knew that Mr. Smith was acquainted with the prisoner's family, and he must have been aware that I knew it.

383. Was there any reason for his interfering, independent of his clerical character; assuming it to be the duty of a clergyman, to give assistance in having the prerogative of mercy exercised—had he a greater interest in doing so than any other clergyman could have? I think that this question has been answered. Mr. Smith had been employed, unless I much mistake, in visiting the prisoners at Cockatoo; and he formerly knew and felt interested in this prisoner's family.

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384. I find that you stated in your letter of 31st May that the prisoner was apprehended in a theatre in Sydney, and that a few days afterwards he was claimed as a prisoner, by the name of Cook, under a warrant issued from Brisbane Water, on a charge arising there—how did you become aware of that fact—did it come before you in the course of the trial? I either knew it at the time of the trial, or immediately afterwards, from the usual inquiries which a Judge makes, as to a prisoner's character and habits, before pronouncing sentence on him.

385. *By Mr. Dalley*: That would be a fact likely to be stated by the apprehending constable, would it not? Probably it would. I almost invariably, however, make such inquiries, and, sometimes, put parties upon their oath as to the matters inquired into.

386. *By Mr. Plunkett*: Was his apprehension on the charge for which he was tried before you, or on another charge? He was tried on the charge for which he was apprehended. The warrant was, of course, on another charge.

387. And have you any reason to suppose that a warrant was in existence, independent of the charge that he was tried for before you? Certainly. I think that the circumstance was stated by Captain Battye. I am sure, indeed, that it was Captain Battye stated that there was then a warrant out from Brisbane Water against Hibburd, under another name, on which he had been claimed.

388. For another offence? For another offence.

389. For which he was never tried? For which, obviously, he was never tried.

390. What was the offence, do you recollect? A robbery; but the not prosecuting is not at all uncommon in such cases. I have known no Attorney General who has not occasionally abstained from prosecuting a prisoner on a second charge, where there is one clear case and conviction against him, especially if the latter be the more serious of them.

391. Well, sending a prisoner out of the Colony under this Act under which this prisoner was pardoned, was it not calculated to prevent the effect of that warrant? It would, of course, prevent his being again apprehended under that warrant. But I know no example of a man's being taken up a second time and tried, where the second charge was abandoned at or before the first trial.

392. For a different offence? Yes. If the warrant for the second offence was not enforced at the proper time. I never heard of a man after having undergone his punishment, or been sentenced for one offence, being taken up again on a previously existing second charge. If there are two or three cases against a prisoner, the more general course is to try him only once, if convicted; but to mention that there are other cases against him. The Judge then reads the depositions, besides making the other usual inquiries into the prisoner's character, and passes, probably, in consequence, the full term of sentence, instead of a mitigated one. But here there were no depositions to guide me, and with the warrant I had nothing to do.

393. Had you the second case before you? Not more than I have mentioned. I knew only the fact of a second warrant being out; but I may have taken that into consideration, possibly, on the question whether the punishment appropriate to his offence should be mitigated.

394. It appeared that there was a warrant? It did; and possibly the fact appeared on the depositions.

395. *By Mr. Dalley*: Is it not usual, if the prosecutor has more than one charge, to proceed with one, and to hand up the depositions in the second or third? Yes.

396. And to intimate his intention not to proceed with them? Just so. The course nevertheless may be questionable, but we are not now, I take it, investigating such points. The principle on which I believe the Judges at present act is this: the law limits a maximum and a minimum amount of punishment. Every man found guilty of a particular crime, in the absence of mitigating circumstances, then, is liable to the maximum amount of punishment; and that maximum he ought to receive, therefore, unless there are some reasons for reducing it. If it be his first offence, if the crime has been committed under circumstances of temptation, if his character or ordinary conduct be good, (and Courts assume it to be so, unless the contrary appear), or there be in the case or connected with it any other mitigating circumstances, the prisoner justly receives a milder sentence. If on the other hand he is a bad character, and especially if he appear to be prone to the same kind of crime, or punishment hitherto has had no effect upon him, the prisoner receives the maximum, or nearly the maximum amount of punishment. It is not that the prisoner receives more, because of any second case, but that, a certain amount of punishment being due to the crime, the Judge is induced by that second case not to award less.

397. *By Mr. Plunkett*: What is the practice of the Judges in passing a sentence which they think proportionate to a particular offence—is it to hold out any hope to the prisoner of the shortening of that sentence, or to lead him to believe that the sentence will be fully carried out? You ask as to the course pursued. As a general rule, do you mean?

398. Yes; as a general rule? The general rule is, I believe, that the Judge holds out no hope of mitigation; but, when he does hold out any such hope, he does so openly:—he states the probability of a mitigation, and gives his reasons for it. It was the practice, however, to allude to the well-known fact that there was a system in operation, under certain regulations

Sir Alfred Stephen, Knt. regulations in force until recently, by which all sentences were mitigated. I have often dwelt on the fact, when passing sentence, that under that system prisoners never served the full term of their sentences.

20 Oct., 1859. 399. But is it not the habit of the Judges in pronouncing sentences, whatever the term may be, to state at the time to the prisoners that if they are well conducted in the place of their confinement, they may expect a shortening of the sentence? It is sometimes done in particular cases, in which the Judge may think reformation probable, or that a less punishment may prove, eventually, to be sufficient. But my present course is, on the contrary, to lead the prisoner to expect no mitigation.

400. Do you not think that the practice I speak of renders the punishment uncertain, and that (according to the best authorities who have turned their attention to the subject of secondary punishments) punishment administered in that way does not tend to prevent crime? That is a very difficult question; because it involves considerations of much delicacy connected with punishment, and requires extensive acquaintance with the whole subject and science of prison discipline.

401. I will put the question in another way: Do you not think that the certainty of punishment is more calculated to prevent crime than the magnitude of the sentence actually pronounced? Well, I will answer you:—but I cannot do so very shortly. My opinion is, that, as a general rule, every sentence passed should be endured. I also think that, as a general rule, short but severe punishments (if not too short to have any force as a warning to others, or to afford time for instruction and for reform,) are better than long sentences without other suffering; and certainly that a short sentence, which it is known by everybody will be endured, is more efficacious than a much longer one, which may not improbably be abridged in point of fact. Nevertheless, I am not prepared to say that, in some cases, the holding out of hope of a mitigation may not be very beneficial. Nor should I like to say, that in no case whatever is the element of hope—in carrying out penal discipline—to be allowed to exist. I am clearly of opinion, however, that, if there is to be mitigation allowed in any case, it will generally come much better from the Judge than from any other person, and accompany the sentence rather than follow it. The Judge alone knows the facts of the case, and the actual or probable tendencies of the prisoner. If, therefore, hope is not to be denied to all prisoners, I think that the holding out of that hope should rather be the act of the Judge than of any subordinate functionary, knowing nothing of the particular circumstances of the crime, and perhaps nothing of the previous history of the criminal.

402. Do you not think, that hope—coming from the Judge as part of the sentence—causes this pressure upon the Executive afterwards, almost in every case in which the hope is held out? Assuredly I think not. If the Judge himself holds out the hope, it is a distinct thing to be specifically acted upon; and it discourages all other expectations. But, in cases where no hope is held out, the practice has become inveterate, as a matter of course, for the prisoner's family or friends to besiege the Government, before he has been in gaol perhaps one-third or even one-fourth of his sentence.

403. But has not this the effect of making the punishment uncertain? What has that effect?

404. The hope held out by the Judge of the shortening of the sentence, at the time of passing it? No. The sentence is simply to a stated term, in either case; to so many years, if not shortened by the prisoner's own reformation, but, in that event, to a stated period so much less. I think that the circumstance of punishments being mitigated indiscriminately, or to a large extent, on general rules embracing all criminals alike, is highly injurious; on the ground suggested. But, in particular instances, where the Judge himself recommends the mitigation, and prescribes its term, it becomes a portion of the sentence. It is announced beforehand. The public know it, and the grounds of it, as well as the prisoner; and no uncertainty exists, except only such as the criminal himself may reduce to certainty, by a reform which will restore him usefully to society.

405. Do you not think it would be better that the Judges here should pronounce the sentence absolutely which the particular crime warrants, (as I believe the Judges in England invariably do,) rather than interfere in the case after it has passed through their hands? References to the Judges, after sentence, occasion them a most painful amount of labor, and responsibility; of which the public knows nothing, and for which those overworked functionaries are little likely to receive due acknowledgment. But my opinion is, that no man should receive a mitigation of punishment, in any case, without a reference to the Judge to ascertain its particular features and circumstances. I think it impossible to apply, without injustice to the community, any universal or general rule to crimes, or criminals. Cases should be individualised. I know of some crimes so barbarous, and so abominable, or committed by such incorrigibly bad men, that it would be almost itself a crime to extend indulgence to the perpetrators. I have known other cases, in which, after a few years, mitigation might be extended with no injury to the public, and with advantage to the individual. The great difficulty of prison discipline lies, I conceive, in the attempt to generalise: whereas, in every instance, discrimination ought to be exercised. But that never can be done, without an amount of expense, which Governments do not like to encounter for such objects, however important; nor, in many cases, without a degree of minute investigation and labor, which Judges only are likely to undertake.

406. *By the Chairman:* Is it usual to act in these cases upon the recommendation of the Judge;—that is, when the Judges recommend that a pardon or mitigation of punishment should be granted, is it usual to grant it; or, if the judges recommend that it should not be granted, is it usual to act in opposition to their views? As a general rule, and I think with few exceptions, the Judge's recommendation is adopted.

407. Have you known instances to the contrary? I have known such instances.

408.



408. Have you known many? I cannot state that I have known many. There have certainly been some. Sir Alfred  
Stephen, Knt.

409. Were those instances in favor of the convicts, or opposed to them? Both. Some years ago I recommended three Chinese, in a case of manslaughter, about whose conviction I was more than doubtful, for pardon on condition of exile. My recommendation in their favor was overruled; and, if still alive, they have undergone their punishment. 20 Oct., 1859.

410. But in this particular case of Hibburd, you reported against the claims of the man for mitigation;—your report, on both occasions, was strongly in opposition to mitigation? Yes.

411. And nevertheless his punishment was remitted? It was.



1859.

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Legislative Assembly.

NEW SOUTH WALES.

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## COURT OF QUARTER SESSIONS AT DUBBO.

(PETITION RELATIVE TO.)

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*Ordered by the Legislative Assembly to be Printed, 6 December, 1859.*

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To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Inhabitants of the Town and District of Dubbo,—

SHEWETH :—

That your Petitioners have seen with much satisfaction the amount placed upon the Estimates for the erection of a Court House and Gaol here.

That your Petitioners have derived many benefits from the Court of Quarter Sessions and District Courts being held here.

That Dubbo is the most westerly township of the colony, as well as the central town of one of the largest, if not the largest, districts in the colony.

That by the establishment of a permanent Court of Quarter Sessions many of your Petitioners and other inhabitants of this district will be saved much trouble and expense in prosecuting offenders, inasmuch as, even with such Court being held here, many witnesses and proprietors will have to travel at least two hundred miles, which distance must be materially increased should the Court be held elsewhere.

Your Petitioners therefore humbly pray that your Honorable House will be pleased to take the above premises under your consideration.

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

*[Here follow 114 Signatures.]*



1. The first part of the paper is devoted to a general discussion of the problem of the existence of a solution of the system of equations (1) for arbitrary values of the parameters  $\alpha$  and  $\beta$ . It is shown that the system (1) has a solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

2. In the second part of the paper the problem of the uniqueness of the solution of the system (1) is considered. It is shown that the system (1) has a unique solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

3. In the third part of the paper the problem of the stability of the solution of the system (1) is considered. It is shown that the system (1) has a stable solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

4. In the fourth part of the paper the problem of the asymptotic behavior of the solution of the system (1) is considered. It is shown that the system (1) has an asymptotically stable solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

5. In the fifth part of the paper the problem of the periodicity of the solution of the system (1) is considered. It is shown that the system (1) has a periodic solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

6. In the sixth part of the paper the problem of the boundedness of the solution of the system (1) is considered. It is shown that the system (1) has a bounded solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

7. In the seventh part of the paper the problem of the convergence of the solution of the system (1) is considered. It is shown that the system (1) has a convergent solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

8. In the eighth part of the paper the problem of the divergence of the solution of the system (1) is considered. It is shown that the system (1) has a divergent solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

9. In the ninth part of the paper the problem of the oscillation of the solution of the system (1) is considered. It is shown that the system (1) has an oscillatory solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

10. In the tenth part of the paper the problem of the non-oscillation of the solution of the system (1) is considered. It is shown that the system (1) has a non-oscillatory solution for arbitrary values of the parameters  $\alpha$  and  $\beta$  if and only if the condition  $\alpha + \beta = 1$  is satisfied.

1859-60.

Legislative Assembly.

NEW SOUTH WALES.

# COURT OF QUARTER SESSIONS AT DUBBO.

(PETITION FOR ESTABLISHMENT OF.)

*Ordered by the Legislative Assembly to be Printed, 18 May, 1860.*

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Inhabitants of the Town of Dubbo, of the Bogan, Macquarie, and Castlereagh Rivers, of the Marron, Duck, and Marthequi Creeks, of the Townships of Coonabarrabran, Mundooran, and other places in the extensive Bogan Electorate,—

RESPECTFULLY SHEWETH :—

That your Petitioners respectfully direct the attention of your Honorable House to a Petition, presented by the Honorable Member for the Bogan, expressing pleasure that a sum had been placed on the Estimates for the erection of a Gaol and Court House at Dubbo.

That your Petitioners have since learned with much regret that Courts of Quarter Sessions are no longer to be held in the Township of Dubbo.

That your Petitioners—having already experienced the benefits arising from the Courts of Quarter Sessions hitherto held in the Township of Dubbo, knowing also, from the late sudden withdrawal of such Criminal Court appointed to be holden in the month of January, 1860, the great loss and inconvenience sustained by prosecutors and witnesses, as well as the hardship upon prisoners awaiting their trial—most respectfully urge upon your Honorable House the reconsideration of the decision by which Dubbo has been excluded from the benefits of Courts of Quarter Sessions.

That your Petitioners again, with respect, draw your attention to the fact of Dubbo being the most Western Township in the Colony, and the principal township of one of the most extensive and wealthiest Pastoral Districts in the Colony.

That your Petitioners, knowing the establishment of Courts of Quarter Sessions to be for the prosecution and suppression of crime, believe that the removal of such Court from Dubbo to Wellington will, to a great extent, frustrate the result desired by the extension of such Criminal Courts, and that the holding of such Court of Quarter Sessions in Dubbo will materially facilitate the ends of justice.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to take the premises into your gracious consideration, and that Dubbo may be proclaimed a place where Quarter Sessions may be permanently held.

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

[Here follow 481 Signatures.]

Sydney: Thomas Richards, Government Printer.—1860.

[Price, 6d.]

586—



1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## QUARTER SESSIONS, MOLONG.

(PETITION FOR ESTABLISHMENT OF.)

*Ordered by the Legislative Assembly to be Printed, 10 February, 1860.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Magistrates, Landowners, and Residents in the Township and District of Molong,—

HUMBLY SHEWETH:—

That your Petitioners have heard with surprise that Molong is no longer to be a place at which Quarter Sessions shall be holden;—that being wholly unacquainted with the cause of such alteration, your Petitioners respectfully press on the attention of your Honorable House the consideration of the following facts.

The Township of West Molong is situated on the main road from Bathurst to Wellington, and is distant from the former place about sixty miles, and forty from the latter, thus giving ample scope for the compilation of Jury Lists.

The District of Molong is very extensive, comprising a large proportion of the Bogan and Lachlan Rivers, with a numerous constituency, whereas that of Orange is circumscribed, and the Township of Orange is only thirty-six miles from Bathurst.

The radius for a Jury List being thirty miles, Molong would embrace Orange, Stony Creek, and the Iron Bark Diggings; and we fearlessly assert that no second-class inland Township can excel the Jury List we can produce, either for intelligence or independence;—in confirmation of which we respectfully intimate that at the last sitting of the District Court at Molong, there was not an individual summoned as a Juror that did not attend, among whom were four Magistrates.

Your Petitioners would further bring under the notice of your Honorable House, that the Court House and Gaol at Molong are far too small, and in too dilapidated a condition to answer the requirements of this large District.

The dimensions of the Court House are only twenty feet by twelve,—a slab building in a wretched condition,—so wanting in accommodation, that His Honor Judge Dowling is obliged to hold his Court at an Inn.

Your Petitioners therefore humbly pray that your Honorable House will cause Quarter Sessions to be holden at Molong, and grant such relief as the premises require.

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

[Here follow 128 Signatures]

Sydney: Thomas Richards, Government Printer.—1860.



1859.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**MR. FREDERICK WESTMACOTT.**

(PETITION FROM DARLING DOWNS.)

*Ordered by the Legislative Assembly to be Printed, 9 December, 1859.*

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

The Petition of the undersigned Inhabitants of the Police District of Condamine,  
Dalby, and Drayton,—

**HUMBLY SHEWETH :—**

That Mr. Frederick Westmacott has been lately superseded from the post of Clerk of Petty Sessions which he held at Condamine.

That your Petitioners, sympathising with the unfortunate position in which his retirement places Mr. Westmacott, beg to suggest for the consideration of your Honorable House circumstances connected with the past career of that gentleman, which, in their opinion, peculiarly entitle him to the especial indulgence of your Honorable House, at his present very advanced stage of life.

That Mr. Westmacott entered the Commissariat Service of the Colony in 1831, and remained in that Department one year.

That in 1832 he was appointed Clerk of Petty Sessions at Liverpool, which post he retained until 1848, and then retired for four years from official duties.

That in 1853 Mr. Westmacott re-entered the public service in the same capacity of Clerk of Petty Sessions, and discharged the duties of that office for seven years without any further interruption up to the period to which the Memorial of your Petitioners refers, when he was superseded.

That Mr. Westmacott has thus passed twenty-five years of his life in the public service of the colony.

That Mr. Westmacott, at the time of his temporary retirement from official duties, was not aware that that retirement would be attended by consequences such as those which it appears the Regulations are construed as attaching to it.

That your Petitioners believe that, by the regulations applicable to similar contingencies, a period less than that which Mr. Westmacott has actually served would have entitled him to more than the usual allowance granted for short terms of service, had the continuity of such services on the part of Mr. Westmacott not been broken by his four years of retirement to which your Petitioners have already alluded.

That Mr. Westmacott has now arrived at that stage of life (his seventy-first year) at which the natural infirmities of age preclude the possibility of his supplementing by his own exertions the gratuity which he is entitled to receive from the Government for his short period of service.

That your Petitioners, therefore, thinking that the peculiar circumstances of the case are such as to justify a departure from the literal interpretation of the Regulations, trust that your Honorable House will take the case of Mr. Westmacott into their favorable consideration.

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

[Here follow 105 Signatures.]



1859-60.

Legislative Assembly.

NEW SOUTH WALES.

# MR. N. L. KENTISH.

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 11 May, 1860.*

The Honorable the Legislative Assembly of New South Wales.

The humble Petition of Nathaniel Lipscomb Kentish, Gentleman,—

RESPECTFULLY SHEWETH :—

That your Petitioner arrived in Sydney upwards of thirty years ago, with the appointment of Assistant Surveyor; and that he has held office in the Government service, in this and in the neighboring Colonies, with unblemished honor, enjoying the confidence of all the officers under whom it has been his happiness to render good and faithful service, which has been rewarded by the meed of official commendation in no ordinary degree, as testified on his arrival in this Colony, by credentials from the Right Honorable Sir Edward Paget, Governor, the Lieutenant Governor, and Senior Professor, of the Royal Military College of England, in which noble seminary of learning and science your Petitioner first entered the civil service of the Crown, as professor of surveying, &c., in October, 1827; and on his return to Sydney, two years ago, by the unequivocal testimony to the esteem in which he was held by the Government of Victoria, of a gratuity of £1,000, voted him by the Parliament of that Colony, in which he had last held office.

That your Petitioner has recently filled the humble but responsible situation in this Colony of Clerk of Petty Sessions; first at Condoulin, and afterwards at Molong, until the 31st of October last, when he was summarily dismissed as a wrong-doer, and officially repudiated as unworthy of being retained in the public service, as alleged—"for having, on insufficient or unjustifiable grounds, attributed gross misconduct to a brother officer;" of which vile offence of calumny it has been, and seems still to be, your Petitioner's misfortune to be assumed by the Government to be guilty, despite the clearest and strongest possible evidence to the contrary; and therefore regarded and dealt with as if he really were a "malicious slanderer;" in consequence of a wilful misrepresentation to that effect having been imposed on the last two Honorable Premiers (with deliberate falsehood—which, happily, is inconceivable) by an official report, signed by a section only of a judicial Board of Inquiry, consisting of the Magistrates of the Molong Bench, appointed to inquire into and to report to the Government upon the truth or falsehood of certain imputations incidentally—but not without perfect truth and extreme provocation—cast by your Petitioner on the moral character of Mr. Richard Blunt Mitchell; such "Report" (despite the indignant remonstrance of the President of the Board, dissentient) being made to assert, that "the whole of the charges brought by your Petitioner against Mr. Mitchell were distinctly and positively contradicted by all the witnesses;" whereas, in fact and in truth, instead of the imputations alluded to, namely, "blasphemy, brawling, and sottishness," being disproved or contradicted by all or even by any one of the witnesses, five in number, these are the very words of each,



each, viz.:—Luke H. Sibthorpe, Esq., J.P.:—"Mr. Mitchell did insult me on the Bench in July last; but on my threat to report him to the Government he apologised to me; I made him give me an apology in writing." Andrew Ross, Esq., M.D.:—"I admit having received from Mr. Mitchell a letter, in his handwriting, wishing me eternal damnation." Mr. Henry Marsden Betts:—"In company with Mr. Kentish and myself, at Moon's Hotel, Mr. Mitchell proposed as a toast 'Eternal damnation to your souls.'" Mr. John Davis, Chie. Constable:—"Mr. Mitchell was driven out of my house with a fire-iron by a young woman residing with my family, with whom he attempted to take liberties." Affidavit of N. L. Kentish, C.P.S.:—"Mr. Mitchell informed me, in August last, in the parlor of Moon's Inn, in the hearing of several persons, as a matter of fact, and apparently of notoriety, that he had been suffering from delirium tremens; and, on a former occasion, in the company of L. H. Sibthorpe, Esq., and two or three more gentlemen, Mr. Mitchell stated, that on the previous day he had got very drunk indeed at a dinner party; and by way of boast mentioned that he had drunk twelve glasses of brandy and water before sitting down to dinner."

That your Petitioner has filed an information in the office of the Attorney General, on oath, charging these four Molong Justices, together with one of the most material witnesses, with having confederated to defeat the course of justice, for the purpose of screening from well-merited reprehension a great delinquent, influenced by partiality; and with having, in order to effect this object, corruptly made to the Honorable Colonial Secretary a premeditated and untruthful report, mendaciously acquitting a Government employé, convicted before them of three offences on the clearest possible evidence; and defaming the character of your Petitioner, never before aspersed during the long period that he has had the honor to be recognised as a trusty servant of the Crown, in a manner calculated to injure the circumstances and ruin the prospects of your Petitioner; in which purpose the plot has been permitted to succeed, procuring as it has done his dismissal and disgrace; for which flagrant injustice and cruel injury he now implores redress, based on strictly impartial justice only.

That a further inquiry into all the circumstances of this peculiar case was seen to be necessary, and was accordingly ordered, by the late Honorable Premier, William Forster, Esquire, and that Captain Battye, J.P., Superintendent of the Western Mounted Police, was instructed to investigate and report to the Government fully upon the eight specific charges, officially preferred, by your Petitioner, against Mr. Richard Blunt Mitchell, on the 20th of October, 1859, and with respect to the report brought up by a majority of the Molong Magisterial Board of Inquiry, of the 11th of October, but dissented from as "untruthful, and in the teeth of the evidence of all the witnesses, and of notorious facts," by the President of the Board and Chairman of the Bench, who has denounced the proceedings as a "mockery of justice". That the 8th of February last, at the Police Office, Molong, was accordingly appointed by Captain Battye for holding such inquiry, at which time your Petitioner (who, after waiting one month without receiving any reply to his official application praying for such inquiry, had recently arrived in Sydney, from Molong, nearly 200 miles—having been dismissed without an hour's notice from his situation at that remote distance in the interior) was, by circumstances, disabled from undertaking another journey of 400 miles there and back; and, moreover, deeming that his presence was not essential,—all the evidence requisite to substantiate his case being at Molong, inclusive of that taken before the Board of Inquiry, of the 11th of October, and of replies to his interrogations, addressed to Captain Battye in writing, by the only two material witnesses unable to attend, viz.,—Mr. Petherbridge, from Sydney, and Mr. Snow, from Orange,—your Petitioner had no reason whatever to imagine that his absence could be held to be material; yet, solely on the ground of your Petitioner's inability to attend at Molong on the day named for the inquiry, have the proceedings been quashed—no inquiry whatever has taken place, and justice is at present violated in two important respects, viz., first,—by your Petitioner being dealt with as a "false accuser and slanderer"—each of whose complaints, openly and officially preferred, has been established on the clearest and strongest testimony; which evidence itself is before the Government, in the offices of the Honorable Colonial Secretary and Attorney General; and, secondly,—by the parties specifically accused of vile depravity and of magisterial corruption being regarded—without being put on their defence—as if they had been tried by a jury and acquitted of premeditated

meditated wilful falsehood in their judicial capacity, venally concocted to pervert the course of justice and to deceive the Government, by imposing an untruthful report on the Honorable Colonial Secretary, wickedly condemning an innocent and honorable Government employé of thirty-three years acknowledged services, for the purpose of screening and vindicating a more favored individual convicted before them of heinous depravity, disgraceful to a gentleman and Government officer; and, out of partiality, acquitting him of all three offences which they were instructed to inquire into, each of which had been established before them, as the evidence now in the Colonial Secretary's Office affords proof indubitable: whereas those several Justices are as yet unconvicted of the serious charge of which they are openly and distinctly accused on the oath of your Petitioner, only because his information, and also the testimony and virtual protest of Robert Johnstone Barton, Esquire, the senior Magistrate of the Molong Bench and Chairman of the Board of Inquiry, are entirely ignored, and the investigation ordered by the late Honorable Premier in January last has not been carried into effect.

Your Petitioner, therefore, humbly prays that, in justice to five Magistrates formally and officially accused of corruption, as well as in justice to one of the oldest servants of the Crown in Australia, who has done more than merely assert that he is wrongfully convicted of being a slanderer, admonished and dismissed for conduct which, if truthfully and correctly represented, would be seen to be far more entitled to commendation than to punishment, your Honorable House will be pleased to refer this anomalous case to a Select Committee of the same (all material evidence being attainable in Sydney), or otherwise to recommend to the Executive Government to direct that a full and impartial inquiry be made into the whole of the extraordinary circumstances referred to by disinterested and unprejudiced Commissioners, strangers to the district of Molong,—so that, ultimately, and without much further delay being added to the six months that your Petitioner has already suffered both disgrace and punishment wrongfully, truth and right may be justified and guilt exposed and punished; that “innocence of calumny or malice” and becoming support of the character of a christian and a gentleman in an experienced Government officer—which led your Petitioner to rebuke atrocity in a junior in the same service with himself—instead of being condemned may be fully vindicated; and further, if found to be deserving of commendation, officially approved, substantial justice may be done, which, to include redress of the grievous wrongs your Petitioner is suffering, must, it is believed—and will, it is hoped and implored—cause the sentence of expulsion from the Government service, for rebuking a junior brother officer for horrid blasphemy (which sentence and dismissal are based on an unjust and utterly untenable conviction, of “having “accused a gentleman of disgraceful conduct on insufficient grounds”), to be as publicly rescinded with honorable mention as they were promulgated in the *Gazette*, to the anguish of your Petitioner, his family and friends—to the great triumph of immorality and venality in the Government service—and to the amazement of all the brother officers and acquaintances of your Petitioner in this Colony and in Victoria.

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

N. L. KENTISH.

399, Pitt-street, Sydney,  
May 1, 1860.



1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## COMMISSION OF THE PEACE.

(LIST OF MAGISTRATES FOR NEW SOUTH WALES.)

*Ordered by the Legislative Assembly to be Printed, 22 May, 1860.*

Adams Augustus Alfred, Generai, Gwydir.	Boswell Patrick Charles, Newcastle.
Adye William, Boambolo, Yass.	Botts William Currie, Sydney.
Alcorn Andrew, Shoalhaven.	Bowler John, Bathurst.
Alexander Honorable John, Woolloomooloo.	Bowman William, Richmond.
Allardice Archibald, Sydney.	Bowman George, Richmond.
Allen Honorable George, Toxteth Park.	Bowman George Pierce, Archerfield, Singleton.
Alleyne Robert Joseph, Uroly, Lower Murrumbidgee.	Boydell Charles, Camyr Allyn, Paterson.
Anderson Peter Dalgairus, Gigoomgan, Wide Bay.	Boydell William Barker, Gresford.
Antill John Macquarie, Picton, Coroner.	Boyle Henry, Commissioner of Crown Lands, Surat, Maranoa.
Antill Edward Spencer, Molonglo, Queanbeyan.	Bradley William, Darling Point.
Archer William T., Fitz Roy River.	Breillat Thomas Chaplin, Newtown.
Ascough James, Lower Hawkesbury.	Brenan Joseph J., Garryowen.
Ashe John Joseph, Bathurst.	Brenan John O'Neill, Garryowen.
Atkins Heyward, Police Magistrate, Albury.	Bridson Hugh, Sub-Commissioner, Western Gold Districts, Sofala.
Baker John Thomas, Dundee, New England.	Broadribb William Adams, Deniliquin.
Balfour John, Brisbane River.	Brougham John, Edward River.
Barker Bryce T., Nanengo, Burnett District.	Brougham Patrick, Edward River.
Barker Thomas, Darlinghurst.	Broughton John Archer, Tumut.
Barton Robert Johnstone, Boree Nyranng, Molong.	Broughton Thomas Bradley, Sydney.
Battye Edward Montague, Superintendent of the Mounted Patrol, Bathurst.	Broughton William Henry, Broughtonsworth, Burrowa.
Beckham Edgar, Binalong.	Broughton Alfred Delves, Gayndah.
Bell Archibald, Corinda, Scone.	Broughton William, Deniliquin, Edward River.
Bell David, Bringelly.	Broughton William, Meringo.
Bennison William John, Little River, Braidwood.	Brown William Anthony, Sheriff, Moreton Bay.
Berry David, Coolungatta, Shoalhaven.	Brown Andrew, Hartley.
Berry William, Coolungatta, Shoalhaven.	Brown John, Coulston, Gresford.
Besnard Nicholas Richard, Kanjiaroo, Yass.	Brown John Dowling, Wee Waa.
Bettington Joseph Horwood, Muswellbrook.	Brown Thomas, Hartley.
Betts Matthew, Mudgee.	Brown Henry Hort, Gayndah.
Biddulph John Lindon, Erie.	Browne William.
Bingle John, Newcastle.	Browne John, Singleton.
Bingham Edward, Caliguel.	Browne Hutchinson Hothersall, North Shore.
Black John, Scone.	Brownrigg Marcus Freeman, Carrington.
Black Thomas, Fox Ground, Shoalhaven.	Buchanan William Frederick, Carlisle Gully, New England.
Blackstone John, Rylstone.	Buchanan James, Assistant Commissioner Crown Lands, Rocky River.
Blair James, Victoria.	Buchanan Benjamin, Sydney.
Blake Isidore Maurice, Yass.	Buckley Henry, Sydney.
Blanford Charles, Lieutenant Native Police.	Bundock Alexander Frederick, Clarence River.
Blaxland Arthur, Gammon Plains.	Bundock Wellington Cochrane, Richmond River.
Blaxland Edward James, Newington.	Bunn John W., St. Omer's, Braidwood.
Blaxland John, Hunter's Hill.	Burnell Henry Clay, Sydney.
Blaxland Charles, Ryde, Parramatta River.	Busby Honorable Alexander, Cassilis.
Bligh Honorable James William, Sydney.	Busby George, Bathurst.
Bligh Richard, Grafton.	Busby William, Sydney.
Bloxsome Oswald, junior, New England.	Byrnes William, Parramatta.
Bloomfield Henry Wilson, Toowee.	Byrnes James, Parramatta.
Bolton Charles, Newcastle.	
Bonar Andrew, Sydney.	
Bonney Charles, South Australia.	

- Cadell Thomas, the younger, Ben Bullen, Bathurst.  
 Cadell Francis, Murray River.  
 Calder Henry, Cumberoona.  
 Callaghan Thomas, Darling Point.  
 Campbell David Henry Douglas, Binalong.  
 Campbell George, Jerrula, Cowra.  
 Campbell John Stoddart, Molong.  
 Campbell William Douglas, Burrowa.  
 Campbell John Bredalbane, Bombala.  
 Campbell Allan, Yass.  
 Campbell Archibald, Lorn Bank, Bathurst.  
 Campbell Archibald Macarthur, Victoria.  
 Campbell John, Sydney.  
 Capel John, Thule, Murray River.  
 Cardew Pollet, Burnett.  
 Carne Thomas Broughton, Edward River.  
 Carter Richard, Garrangola, Hunter's River.  
 Carter William, St. Leonard's.  
 Carmichael Henry, Porphyry Point, Seaham.  
 Caswell Lieutenant, Carrington, Port Stephens.  
 Cassells Robert, Island Lake, Maneroo.  
 Chalmers James, Tarcutta.  
 Chatfield William, Goulburn.  
 Chauvel Charles George Temple, Tabulam.  
 Cheeke Alfred, Darling Point.  
 Cheesbrough Job Webster, Armidale.  
 Child William Knox, East Maitland.  
 Chisholm John William, Mummell, Goulburn.  
 Chisholm James Kinghorne, Gledswood, Camden.  
 Christie John, Murrumbidgee River.  
 Church John George, Wagga Wagga.  
 Clarke Walter, Kerarbury, Wagga Wagga.  
 Clarke George Thomas, Penrith.  
 Clerk Edward George, Clerkness, Armidale.  
 Clements John Finlater, Summer Hill.  
 Cloete Laurence Peter, Gold Commissioner, Western Gold Districts.  
 Cobham Francis, Swan Hill, Victoria.  
 Cobham Richard, Bugabegal, Lachlan River.  
 Cockburn Laurence, Edward River, Moolpar.  
 Cole Stephen, Lower Darling.  
 Collett William Truman, Mungerira, Moruya.  
 Collins Alexander Keith, Kimo, Gundagai.  
 Compigne Alfred William, Logan River.  
 Comrie Honorable James, Sydney.  
 Connolly Nathaniel, senr., Parramatta.  
 Connolly Nathaniel, junior, Carcoar.  
 Cook Thomas, Dungog.  
 Cooper Honorable Daniel, Sydney.  
 Cooper Joseph, Gammon Plains, Merriwa.  
 Cooper Thomas, Glenmore Road, Sydney.  
 Cordeaux William John, Berrima.  
 Corfield Henry Cox, District of Wide Bay.  
 Corlette James, Newcastle.  
 Cornish Edward Brooking, Dubbo.  
 Cory Edward Gostwyck, Paterson.  
 Cory Gilbert, Varny, Paterson.  
 Cousins Richard Young, Kelso, Bathurst.  
 Cowper Charles, junior, Chatsbury.  
 Cowper John, Clifton, Tenterfield.  
 Cowper Honorable Charles, Camden.  
 Coxen Charles, Daandine, Dalby.  
 Cox Charles, Clarendon, Richmond.  
 Cox Richard William, Rawden, Rylstone.  
 Cox Edward, Fern Hill, Mulgoa.  
 Cox Edward King, Mulgoa Cottage, Penrith.  
 Cox George, Winbourne, Penrith.  
 Crawford Thomas, Beechworth, Victoria.  
 Croft John, Darling Point, Sydney.  
 Cross William, Lansdowne, Manning River.  
 Crummer James Henry, Police Magistrate, Maitland.  
 Cunningham Andrew, Lonyon, County of Murray.  
 Dangar William John, Neotsfield, Hunter's River.  
 Daniel Sylvanus Brown, Wellington.  
 Darby Sydney Hudson, Bundarra River.  
 Darley Benjamin, Sydney.  
 Darvall Frederick Orme, Police Magistrate, Parramatta.  
 Daveney Charles Beevor, Ipswich.  
 Davidson Gilbert, Canning Downs, Warwick.  
 Davidson George James, Yass.  
 Davison Robert, Gundagai.  
 Davidson Walker Rannie, Kirkconnell.  
 Davis William, Ginninderra, County of Murray.  
 Davys James Edmund, Singleton.  
 Dawson Robert Barrington, Hartley.  
 Day Edward Denny, Police Magistrate, Port Macquarie.  
 Day Henry, Windsor.  
 Deloitte William Salmon, Sydney.  
 De Mestre Prosper, Shoalhaven.  
 D'Mestre Andre, Terrara.  
 Desailly Francis, Deniliquin.  
 Desailly George Peter, Deniliquin.  
 Deuchar John, Rosenthal, Warwick.  
 Dight John, Albury.  
 Dight Samuel Billingsley, Clifford, Singleton.  
 Docker Honorable Joseph, Scone.  
 Douglass Edward Octavius, Talgai, Darling Downs.  
 Douglass George, Nundle.  
 Douglass Honorable Henry Grattan, Sydney.  
 Dowling James Sheen, Sydney.  
 Dowling Vincent, Canninggalla, Dungog.  
 Downes Jeremiah Frederick, Greystanes, Prospect.  
 Doyle Andrew, Cooma, Namoi, Wee Waa.  
 Dumaesq William, Rose Bay.  
 Duncan William Augustine, Brisbane, Moreton Bay.  
 Dunlop David Henry, Nanima, Wellington.  
 Ebsworth James Edward, Sydney.  
 Egan Daniel, Sydney.  
 Elliott Gilbert, Sydney.  
 Elliott Gilbert William, Yarrowford, Wellingrove.  
 Elliott Thomas U., Towong, near Tarcutta.  
 Elyard Alfred, Berellan, Shoalhaven.  
 Everett John, Ollera, New England.  
 Ewer James Garnett, Kiama.  
 Eyrie John Edward, South Australia.  
 Fairs Charles, Wollongong.  
 Fairfax Alfred, Paddington.  
 Faithful Honorable William Pitt, Goulburn.  
 Falder Robert, Illawarra.  
 Fanning William, Sydney.  
 Fawcett Charles Hugh, Richmond River.  
 Finch William, Shepherd's Creek, Molong.  
 Finch Charles Wray, Wellington.  
 Finnis Boyle Travers, South Australia.  
 Fitzgerald Honorable Robert, Windsor.  
 Fitz Henry Bates, Darling Downs.  
 Fletcher Dugald, Euston, Lower Darling.  
 Fletcher George Butter, Tapis, Lower Darling.  
 Flett Henry, Taree.  
 Flood Edward, Sydney.  
 Forbes David, Sydney, Police Magistrate.  
 Forbes George, Sydney.  
 Forster Thomas, Wagonga, Broulee.  
 Forster Thomas, Sub-Commissioner Western Gold Districts, Tambaroora.  
 Foster Brooks, Jondaryan, Dalby.  
 Francis Grosvenor, Peel.  
 Freeman William Henry, Rolland's Plains, Port Macquarie.  
 Fry Robert Baker, Jamberoo.  
 Fyans Forster, Victoria.  
 Galbraith Alexander, Burrandowan.  
 Gardiner Henry, Yass.  
 Dalyell James Rigg, Carcoar.  
 Dangar Henry, Singleton.  
 Dangar Thomas Gordon Gibbins, Drilldool, Wee Waa.

## COMMISSION OF THE PEACE.

3

- Gardiner Frederick, Fish River.  
 Garland James, Sydney.  
 Garrard Henry, Richmond River.  
 Geary William Henry, Brisbane.  
 Gerard John, Wollongong.  
 Gibson Thomas Jamieson, Tiranna, Goulburn.  
 Girard Alfred Michael, Branga Park, District of New England.  
 Glasson John, Bookanan, Bathurst.  
 Glennie Henry, Singleton.  
 Glennie James, Richmond River.  
 Goldfinch John Howard, Tienga, Bundarra River.  
 Gordon Hugh, New England.  
 Gordon John, Bonderbo, Wagga Wagga.  
 Gordon Samuel Dean, Sydney.  
 Gordon Henry, Wood Brook, Illawarra.  
 Gore Ralph Thomas, Drayton.  
 Graham Alfred Henry, Goballion, Wellington.  
 Grabame William, Dry Plains, Cooma.  
 Graham James Edwin, Sydney.  
 Gray George Johnstone, Leichhardt District.  
 Gray Charles George, Police Magistrate, Ipswich.  
 Gray James Mackay, Kiama.  
 Gray Samuel William, Omega Retreat, Jerrington.  
 Gregory Henry Churchman, Palm Tree Creek, Leichhardt District.  
 Green Charles Henry, Stroud.  
 Green Peter, West Waitland.  
 Grenfell John, Bugabegal, Lachlan River.  
 Griffin James Harrop, Gold Commissioner, Tuena Gold Districts.  
 Gwynne Francis Anthony, Murgah, Moulamein.  
 Gwynne William Augustus, Edward River.  
 Hall Matthew Henry, Dartbrook, Seone.  
 Hall Charles, Queanbeyan.  
 Hall Henry, Queanbeyan.  
 Hall Thomas Simpson, Dartbrook.  
 Halloran Arthur Edward, Commissioner of Crown Lands, Wide Bay.  
 Haly Charles Robert, Taabinga, Logan River.  
 Haly William O'Grady, Burnett.  
 Hamilton Alexander, Maneroo.  
 Hamilton Hugh, Lachlan River.  
 Hardy William, Victoria.  
 Hargrave Edward, Hernani, New England.  
 Hargraves Edward Hammond, Sydney.  
 Harnett Maurice, Rosebrook, Maneroo.  
 Harrison James, Brisbane Water.  
 Hart Thomas Frederick, Woodstock, Kiama.  
 Hassall James Mileham, Bathurst.  
 Hawkins Thomas Jarman, Bathurst.  
 Hay James Leith, Brisbane.  
 Hay Honorable John, Sydney.  
 Hay Charles Leith, Port Curtis.  
 Hayley William Foxton, Queanbeyan.  
 Haylock Thomas Busick, Penrith.  
 Hely Hovenden, Brisbane Water.  
 Hely Edward, Lake Macquarie.  
 Herbert Henry Arthur, Burnett.  
 Herriott Elliott, Albury.  
 Hetherington William Carruthers, Bonshaw, Frazer's Creek, Severn River.  
 Hill Richard, Sydney.  
 Hill Honorable George, Sydney.  
 Hill Hugh, M'Leay River.  
 Hindmarsh Michael, Alne Bank, Gerringong, Illawarra.  
 Hodgson Arthur, Sydney.  
 Holmes Benjamin, Coonargo, Murrumbidgee.  
 Holmes Thomas, Clarence Town.  
 Holt Honorable Thomas, Newtown.  
 Hood Alexander Charles, Sydney.  
 Hood Honorable Thomas Hood, Parramatta.  
 Hook John, Dungog.  
 Hope Honorable Louis, Rosalie Plains, Drayton.  
 Hopkins Richard John, Benares, Illawarra.  
 Horsbrugh Boyd, Brisbane Water.  
 Hosking John, Sydney.  
 Houghton Richard, Burnett District.  
 Hughes Charles, Kobram, Albury.  
 Hume Hamilton, Yass.  
 Hume Andrew Hamilton, Humewood, Yass.  
 Humphreys William, Wetheron, Gayndah.  
 Hungerford Emanuel, Maitland.  
 Huon William, Albury.  
 Hutchinson F. R., Widgee Widgee, Wide Bay.  
 Huthwaite Augustus George Dunstan, Commissioner of Crown Lands, Warialda.  
 Icely Thomas, Coombing, Carcoar.  
 Irving David Williamson, Newton, Wollongong.  
 Irving David Maxwell, Bathurst.  
 Irving Clark, Sydney.  
 Isaac Frederick Nevil, Gowrie, Darling Downs.  
 Jamison Robert Thomas, Penrith.  
 Jamieson Hugh, Mildura, Lower Murray River.  
 Jardine John, Dubbo.  
 Jebb Cornelius De Witt, Moulamein.  
 Jeffreys Julius, Cumbamurro, Binalong.  
 Jeffreys Henry, Murrumbidgee.  
 Jeffreys Herbert Castleman, Moomanoomana, Murray River.  
 Jenkins Richard Lewis, Liverpool Plains.  
 Jenkins William Warren, Wollongong.  
 Jenkin George, Tamworth.  
 Jobling George, Goolowa Port Macquarie.  
 Johnson Whittingdale, Sub-Commissioner, Stony Creek, Western Gold Districts.  
 Johnstone Robert, Annandale.  
 Jones Honorable David, Sydney.  
 Jones Thomas, New Farm, Brisbane.  
 Jones Keighway, Mosquito Plains, South Australia.  
 Joy Edward, Newtown.  
 Kater Henry Herman, Calenla, Orange.  
 Keatinge James Jeffrey, Albury.  
 Keene William, Stockton.  
 Keene Theophilus Joseph, Reedy Lake, Loddon, Victoria.  
 Kelly John, Deniliquin.  
 Kembell Arthur Clark, Brisbane.  
 Kemp Robert Augustus Haddon, M'Leay River.  
 Kendall Thomas, Kiama.  
 Kennedy John, Billyong.  
 Keon George Plunkett, Eden.  
 Kerr Andrew, Summerhill.  
 Keys John Hudson, St. Helier's.  
 Keyes Richard, Shancamore, Cumberland.  
 King Frederick, Tenterfield.  
 King John, Gipp's Land.  
 King Philip Gidley, Tamworth.  
 King William Essington, Gold Commissioner, Southern Gold Districts.  
 King Charles, Victoria.  
 King Joseph, Myall Creek.  
 King Richard, Gwydir.  
 Kinghorne James, Jervis Bay.  
 Knox Honorable Edward, Woolloomooloo.  
 Labatt Hugh Rowland, Gragin, Gwydir.  
 Lackey John, Dog Trap Road, Parramatta.  
 Laidlaw Thomas, Yass.  
 Laidley James, Ipswich.  
 Lamb John, Sydney.  
 Lamb Walter, Sydney.  
 Lambie John, Maneroo.  
 Lance Edward, Barwan River.  
 Lane John Tom, Blackman's Swamp.  
 Lane William Hannibal, Liverpool.  
 Lane James Barrett, Rose Hill, Orange.  
 Lang Andrew, Maitland.

Lang

- Lang Gideon, Sydney.  
 Lang Thomas, Kangaton, Victoria.  
 Lang William, Mungadal, Wagga Wagga.  
 Langley George, C.P.S., Parramatta.  
 Lavender William, Swan Hill, District of Murray, Victoria.  
 Lawson William, Prospect.  
 Lawson Alexander Robertson, Burnett.  
 Lee Thomas, Bathurst.  
 Lee William, Claremont, Bathurst.  
 Le Sueuf Albert Alexander Cochrane, Victoria.  
 Leslie Patrick, Sydney.  
 Lester Leonard Edward, Condamine River.  
 Lethbridge Christopher, Grantham, Gattton.  
 Lethbridge George Langworthy, Singleton.  
 Lethbridge John, Singleton.  
 Lethbridge Robert Copland, Penrith.  
 Lette John Maximus, Yarramalong.  
 Lewes Henry Sayer, Moira, Murray River.  
 Lindsay Thomas, Anvil Creek, Maitland.  
 Little Andrew, Brinbenang.  
 Little Archibald, Invermein.  
 Livingstone John, Gayndah.  
 Lloyd Edward Henry, Burburgate, Liverpool Plains.  
 Lloyd John, Pambula.  
 Lloyd John Charles, Burburgate, Liverpool Plains.  
 Lockhart Charles George Norman, Commissioner of Crown Lands, Murrumbidgee.  
 Lockyer Edmund, Sydney.  
 Loder Andrew, Murrurundi.  
 Lord George, Sydney.  
 Lord Honorable Francis, Sydney.  
 Loughnan Henry Nicholas, Wantabadgerai, Murrumbidgee.  
 Lowe James Willard, Bathurst.  
 Lydiad John Henry Stonehouse, Moolpar, Edward River.  
 Lynch Robert, Gold Commissioner, Southern Gold Districts, Murrumbidgee.  
 Lyons Samuel, Sydney.  
 Macarthur Arthur Hanibal, Goomburra, Warwick.  
 Macarthur Honorable James, Camden.  
 Macansh John Donald, Binalong.  
 MacCabe Francis Peter, Wollongong.  
 Macdonald Cheeseborough Claudius, Burnett District.  
 Mackay George Edward, Ovens.  
 Mackay Alexander, Wallandbran, Binalong.  
 Mackay Patrick, Caninda, Burnett District.  
 Mackay James Cruikshank, Wide Bay.  
 Mackellar Alexander, Richmond River.  
 Mackenzie Robert Ramsay, Brisbane.  
 Macleay George, Camden.  
 Macleay William, Sydney.  
 Macpherson Ewen, Parramatta.  
 Maddrell Robert, Braidwood.  
 Maitland Edward, Goulburn.  
 Mann Charles, Adelaide, South Australia.  
 Manning Arthur Wilcox, Commissioner of Crown Lands, Darling Downs.  
 Marks John, Kiama.  
 Marshall Robert James, Daisy Bank, Wollongong.  
 Marsh Francis, Camira, Clarence River.  
 Marsh John Milbourne, Yass.  
 Marshall Richard Purvis, Callandoon, Sub-Lieutenant Native Police.  
 Marshall Sampson, Gundirdindah, Callandoon.  
 Massie Hugh Hamon, Commissioner of Crown Lands, Maneroo.  
 Massie Robert George, Darling Downs.  
 Master Francis Robert Chester, Brisbane.  
 Master Henry, Sydney.  
 Maxwell Alexander Charles, Sydney, Registrar of the Court of Requests.  
 Maxwell John, Wellington.  
 Mayne William Colburn, Sydney.  
 McArthur Alexander, Sydney.  
 McArthur John, Warra Warra, Darling Downs.  
 McCarty James, Cranebrook, Penrith.  
 McCrae Andrew Murison, Victoria.  
 McDonald Charles Edward Stewart, Caliguell.  
 McDonald Allan Ronald, Mount Broughton.  
 McDonald James William, Koorenga, South Australia.  
 McDouall John Crichton Stuart, Singleton.  
 McDouall Hastings, Waratah, Newcastle.  
 McDouall Rawdon, Ullumbarella, Gwydir.  
 McDougall Andrew, Kelso-place, Singleton.  
 McDougall Andrew Louis, Baulkham Hills.  
 McDougall John Frederick, Brisbane.  
 McFarlane James, Goulburn.  
 McHattie Richard, Bathurst.  
 McKay George, Dungog.  
 McKellar Donald, Wagga Wagga.  
 McKellar John, Jinglemoney, Braidwood.  
 McKenzie Kenneth, Bandanoon.  
 McKinnon Charles Farquhar, Moolpar, Edward River.  
 McKinlay Ellar McKellar, Moorna, Albert District.  
 McLeay Alexander Donald, Kerarbury, Wagga Wagga.  
 McLean Harold, Gold Commissioner, Western Gold Districts.  
 McLean John, Sydney.  
 McLean Mordaunt, Victoria.  
 McLeod Donald, Gundaroo.  
 McLeod Magnus, Victoria.  
 McLerie John, Sydney, Inspector General of Police.  
 McNamara Honorable John, Sydney.  
 McPhillamy John, Mount Tamar, Bathurst.  
 McPhillamy Charles, Bathurst.  
 McQuade William, Windsor.  
 Menzies Robert, Jamberoo.  
 Merewether Edward Christopher, Sydney.  
 Merewether Honorable Francis Lewis Shaw, Sydney.  
 Metcalfe Michael, Sydney.  
 Middleton Charles Robert, Hinton.  
 Miller Thomas Digby, Gold Commissioner, Western Gold Districts.  
 Miller Kenneth, Molong.  
 Mitchell Honorable James, Sydney.  
 Moffatt Thomas De Lacy, Darling Downs.  
 Moore John, Brisbane Water.  
 Moore Samuel, Liverpool.  
 Morey Edmund, Lower Darling.  
 Moreing Henry, Braidwood.  
 Moriarty Abraham Orpen, Commissioner of Crown Lands, Armidale.  
 Morisset Edrie Norfolk Vaux, Commandant Native Police, Northern Districts.  
 Morphy John, Beechworth, Victoria.  
 Morrice John, Berrima.  
 Morris Augustus, Victoria.  
 Morse Henry, Bundarra River, New England.  
 Mort Henry, Sydney.  
 Moses Moses, Sydney.  
 Mossman Archibald, Armidale, New England.  
 Murnin Michael Egan, Glebe, near Sydney.  
 Murphy Washington, Beechworth, Victoria.  
 Murray John, Lieutenant Native Police, Port Curtis and Leichhardt Districts.  
 Murphy Francis, Tarawingee, Ovens River, Victoria.  
 Newland Richard Francis, South Australia.  
 Nicholson John, the younger, Maneroo.  
 Nicholson Henry Albert, Maneroo.  
 Nicoll Francis, Sub-Lieutenant of Native Police.  
 Nicholson Charles Lindsay, Sutton Forest, Berrima.  
 North Joseph, Ipswich, Moreton Bay.  
 North Samuel, Water Police Magistrate, Sydney.  
 North William, Ipswich, Moreton Bay.  
 Nott Randolph, Sydney.



## COMMISSION OF THE PEACE.

5

- Oakes George, Parramatta.  
 Oakes Rowland Hassall, Crookwell.  
 Oakes Francis, Goulburn.  
 Oakes John, Binda.  
 O'Brien Cornelius, Binalong.  
 O'Connell Maurice Charles, Commissioner of Crown Lands, Port Curtis.  
 O'Connell William Bligh John, Mondur, Burnett River.  
 Ogilvie Christian, Billabong, Lachlan River.  
 O'Halloran Thomas Shouldham, South Australia.  
 Osborne John Alexander, Duralong, Gosford.  
 Osborne William, Garden Vale, Wollongong.  
 Otley Richard Byam, Gwydir River.  
 Oxley Henry Molesworth, Wingecarribee, Berrima.  
 Oxley John Norton, Kirkham, Camden.  
 Palmer Edward, Ellerslie, Camden.  
 Palmer William Hall, Police Magistrate, Bathurst.  
 Panton John, Ipswich.  
 Parker Honorable Henry Watson, Clovelly, Watson's Bay.  
 Park Edwin, Bathurst.  
 Park Alexander, Gresford, Paterson.  
 Park Robert, Lewis Creek, Paterson.  
 Parnall Edward, Carrington Park, Durham.  
 Patterson John, Illalong, Binalong.  
 Perrott Robert Issell, Meadow Bank, Jamberoo.  
 Perry Thomas Augustus, Bendemeer, New England.  
 Perry George Murray, Commissioner of Crown Lands, Albert District.  
 Peter John, Gumly Gumly, Wagga Wagga.  
 Phelps Joseph James, Windomal, Balranald.  
 Phillips John, Edward River.  
 Phillips Alfred William, Bona Vista, Williams River.  
 Pickering William Tyringham, New England.  
 Pigot Peter, Gayndah.  
 Pike John, Merton.  
 Piper William, Bathurst.  
 Plunkett Patrick, Police Magistrate, Goulburn.  
 Powell, Nathaniel Stephen, Queanbeyan.  
 Powlett Frederick Armond, Victoria.  
 Price Matthew, Acting Inspector of Police, Ovens Gold Fields, Colony of Victoria.  
 Prior Thomas Lodge Murray, Ipswich, Moreton Bay.  
 Radford John Robert, Yarrowford.  
 Rae John, Sydney.  
 Raff George, Brisbane, Moreton Bay.  
 Ramsay Robert, Darling Downs.  
 Rancland Charles, Boscawen, Newcastle.  
 Rankin William Boswell, Bathurst.  
 Ranken George, Bathurst.  
 Ranken John, Ipswich.  
 Raine Edmund William Worsley, Frederick's Valley, Orange.  
 Rattray George, Cowra, Lachlan, and Sydney.  
 Rawson William, Marouan, Wellingrove.  
 Ray Tom, Glebe, Sydney.  
 Reddall Thomas Alexander, Kiama.  
 Rees George, Sydney.  
 Reid David, Albury.  
 Reid James Blain, Maryborough.  
 Reynolds Charles Tocal, Paterson.  
 Richards James Byrne, Bathurst.  
 Rickards Henry, Wellington.  
 Riley James John, Glenmore, Penrith.  
 Riley Alexander Raby, Clifton, Tenterfield.  
 Robb James, Riversdale, Kiama.  
 Robey Ralph Mayer, City of Sydney.  
 Robison, Hugh, Molong.  
 Rodd John Savery, Parramatta.  
 Rodd Robert Adamson, Iremayne, Singleton.  
 Rolleston Christopher, Sydney.  
 Ronald Rowand, Sydney.  
 Roper John, Albury.  
 Ross James Halden, Frocester and Barney Downs, New England.  
 Ross John, Tenterfield.  
 Ross Robert Scott, Sydney.  
 Ross William, Meilmane, Lower Darling.  
 Rothery William Montagu, Carcoar.  
 Rowley George Henry, Sydney.  
 Roys Charles James, Juanda, Dawson River.  
 Royds Edmund Molyneaux, Juanda, Dawson River.  
 Russell William, Regentville, Penrith.  
 Russell Bourn, Maitland.  
 Rutledge Thomas, Molong, Queanbeyan.  
 Ryan David, Wee Waa.  
 Ryan Edward Michael, Waterview, Clarence River.  
 Ryan John Nagel, Binalong.  
 Rylie Stewart, Maneroo.  
 Sadlier Richard, Raymond Terrace.  
 Salway Herbert, St. Leonard's, New England.  
 Samuel Lewis, Sydney.  
 Samuel Saul, Bathurst.  
 Sandeman Gordon, Sydney.  
 Scarvell John Larkins, Windsor.  
 Scott David Charles Frederick, Sydney.  
 Scott Edward Bate, Worundee, South Australia.  
 Scott Helenus, Police Magistrate, Wollombi.  
 Scott John, Palm Tree Creek, Leichhardt District.  
 Scott Walter, Illalong, Hinton.  
 Seaver Charles, Newcastle.  
 Serocold George Pearce, Dawson River.  
 Shadforth Henry Tudor, Mulgoa.  
 Sharp James Burleigh, Gundagai.  
 Sheaffe William, Illawarra.  
 Shepherd Isaac, Binda.  
 Sherwin John, Round Hill, Billyong, Albury.  
 Shoobert James, Illawarra.  
 Simpson Percy, Parramatta.  
 Simpson Robert Percy, Warialda.  
 Simpson Stephen, Moreton Bay.  
 Sinclair Charles Alexander, Rylstone.  
 Single John, Penrith.  
 Skinner Thomas, Darling Point, Sydney.  
 Smith Charles Ferdinand Hamilton, Maitland.  
 Smith Charles Throsby, Wollongong.  
 Smith Francis, Cooleringdong, Cooma.  
 Smith John, Gamboola, Molong.  
 Smith John Thomas, Victoria.  
 Smith Jones Agnew, Morpeth.  
 Smith Richard Joseph, Ipswich.  
 Smith Samuel, Sydney.  
 Smith William Kempton, Gundagai.  
 Spain Honorable William, Sydney.  
 Spence Edward Jones, Tambaroura.  
 Stacey John Edward, Newcastle.  
 Steel Watson Augustus, Sydney.  
 Stewart George, Victoria.  
 Stirling John, St. Leonard's.  
 Sturt Charles, South Australia.  
 Sturt Evelyn Pitfield Shirley, Victoria.  
 Suttor George Banks, Baulkham Hills.  
 Suttor John Bligh, Wyagden Park, Bathurst.  
 Suttor William Henry, Bruceedale, Bathurst.  
 Taylor James, Myall Creek, Drayton.  
 Taylor William, Murrumbidgee.  
 Taylor William, Tydd, New England.  
 Templar Edward Merson, New Zealand.  
 Templar John Arthur, Narrambla, Orange.  
 Thompson Andrew, Dapto.  
 Thomson Archibald M'Murdo, Gayndah.  
 Thomson James, Shoalhaven.  
 Thorne George, Sydney.  
 Thornton George, Sydney.  
 Throsby Charles, Glenfield, Liverpool.  
 Tindall Charles Grant, Ramornie, Clarence River.

Towns



Towns Honorable Robert, Sydney.  
 Traill Rowland John, Collaroy, Cassilis.  
 Turner William, Beechworth, Victoria.

Uhr Edward Blucher, Wide Bay.

Vyner Frederick Wheler, Tamut.

Walford Joseph, Sofala.

Walker Robert George, Sub-Lieutenant of the  
 Native Police, Port Curtis and Leichhardt  
 Districts.

Walker Archibald, Sydney.

Walker Charles James, Clarence River.

Wallace Hugh, Nithsdale, Braidwood.

Walsh William Henry, Degilba, Wide Bay.

Warne John, McLeay River.

Warren Honorable Alexander, Seaham.

Warburton Peter Egerton, Commissioner of Police,  
 South Australia.

Warden David, Ulladulla.

Wason W. H., Ulladulla.

Watson Sydney Grandison, Tarcutta.

Watson John Benton, Liverpool.

Watson Andrew, Penola, South Australia.

Watt William Redfern, Bombaldry, Cowra.

Watts John, Eton Vale, Drayton.

Wauch Robert Andrew, McLeay River.

Waugh David Lindsay, Jamberoo.

Weaver Charles Thomas, Police Magistrate, Armi-  
 dale.

Weekes Elias Carpenter, City of Sydney.

Welman John Cameron, Binalong.

West Joseph, the younger, Macquarie Plains,  
 Bathurst.

West Joseph (tertius), Omay, Lachlan.

White Francis, Beltrees, Scone.

White George Boyle, Singleton.

White James, Edinglassie, Muswellbrook.

White James Charles, Stroud.

Whitty Henry, Commissioner Crown Lands, Wel-  
 lington.

Wickham John Clements, Brisbane, Moreton Bay,  
 Government Resident.

Wienholt Arnold, Maryvale, Warwick.

Williams John George Llewellyn, Yass.

Williams John, Sydney.

Wilshire Austin Forrest, Sydney.

Wilshire Joseph Wood, Garden Hill, Wollongong.

Wilson James, Victoria.

Wilson Felix, Newtown.

Wilson John Kerr, Wambo.

Wilson William, Richmond River.

Windeyer Archibald, Raymond Terrace.

Wingate Thomas, Sydney.

Wise George Foster, Bathurst.

Wiseman W. H., Commissioner of Crown Lands,  
 Leichhardt District.

Wren Henry, Eden.

Wright Philip Wentworth, Murrurundi.

Wright William Henry, Victoria.

Wright James, Wollongong.

Wyndham Alward, Dalwood, Hunter River.

Wyndham George, the younger, Dalwood, Hunter  
 River.

Wyndham George, Dalwood.

Yaldwyn William Henry, Taroom.

Young Walter B., Tarcutta.

Zouch Henry, Superintendent Mounted Patrol,  
 Southern District, Goulburn.

24th July, 1857.

Caswell William Stewart, Moruya, Police Magistrate.

Dawson Robert, Cooma, Police Magistrate.

Smith James, Scone, Police Magistrate.

7th August, 1857.

Campbell John Stoddart, Canowindra.

24th August, 1857.

Rose Alfred Cyrus Spencer, Wee Waa, Police Magis-  
 trate.

11th September, 1857.

Newcombe Charles Edwin, Queanbeyan, Police  
 Magistrate.

Smith Charles Edward, Carcoar, Police Magistrate.

Andrews Joseph, Manning River.

Beames Robert, Muswellbrook.

Bleeck John, Camden.

Brewster John, Dubbo.

Buchanan William, Bendemeer, New England.

Capelain Samuel Le, Lower Darling.

Close Edward Charles, junr., Morpeth.

Cox Alfred, Parramatta.

Croker John, Gundletown.

Croaker Charles George, Manning River.

Dawson John, Bega.

Delaney John, Fish River.

Dodds Alexander, Maitland.

Douglass John, Talgai.

Edwards John, Wooloomoon, Nundle.

Fearon Christopher, Parramatta.

Finch Edward John, Molong.

Hannell James, Newcastle.

Haslingden Edward, Bega.

Hebden George, Bombala.

Jacob Archibald Hamilton, Raymond Terrace.

Jamison William Henry, Penrith.

Johnstone David, Glamaire.

Johnston James Bligh, Portland Head.

Kenyon Joseph, junr., Woodlands, Prospect Creek.

Ker Campbell, Kempsey.

Lindeman Henry J., Gresford.

Machattie Thomas M., Wellingrove.

Marley Edward Fischer, Briandley Park, Merriwa.

Martin Honorable James, Sydney.

Martyn William, Belle Field

McIntyre Donald, Kyuga.

McPhillamy Robert, Bathurst.

McRae Christopher, Parramatta.

O'Sullivan Silvester, Cudgeligo, Lachlan.

Palmer Edward Fielding, Maryborough.

Panton Frederick Goulburn, Macleay River.

Paterson Andrew Boyle, Binalong.

Portus John, Morpeth.

Robertson John, Yarrundi, Scone.

Robertson James Brand Ritchie, Moor Park House,  
 Morpeth.

Rotton Henry, Blackdown.

Sheridan

## COMMISSION OF THE PEACE.

7

Sheridan Richard Bingham, Moreton Bay.  
Spencer Charles, Macleay River.

Tom Henry, Bulligal.

Watt David, Glenco.  
Waugh Robert, Manning River.  
West Thomas Henry, Cudgelong, Cowra.  
Whalan Charles, Fish River.  
Wildash Charles Cobb, Arkstone Forest.  
Wilshire James Robert, Sydney.  
Windeyer John, Raymond Terrace.

1st January, 1858.

Baylis Henry, Wagga Wagga, Police Magistrate.  
Murray Patrick John, Eden, Police Magistrate.

Allman John James, Morpeth.  
Antill William Redfern, Picton.  
Arnold William Munnings, Stradbroke, Paterson.

Bell James, Bringelly, Penrith.  
Borthwick John, Maitland.  
Brown John, Sydney.

Clifford Patrick Jeremiah Joseph, Greenland,  
Maneroo.

Dale William, Rose Dale, Orange.  
Dalley William Bede, Sydney.  
Dickson James, Newtown, Sydney.  
Doyle Alfred John, Midlorn, Maitland.  
Doyle Francis Matthew, Maitland.  
Dunlop David, Mulla Villa, Wollombi.

Egan John Piper, Sydney.  
Eldred William Henry, Sydney.

Glasson Richard, Guyong, Orange.

Hickey Allan, Osterley.  
Hill Edward Smith, Sydney.  
Hill George Snell, Dungog.

Johnston John, Clydesdale, Singleton.

Kettle John Icke, Newtown, Sydney.  
King Arthur Septimus, Tamworth.

Lawless Clement, Boombigan, Gayndah.  
Leary Joseph, Campbelltown.  
Lenehan Andrew, Sydney.  
Lloyd Charles William, Burburgate, Namoi.  
Lowe William, Clarence Town.  
Lucas John, Redfern, Sydney.  
Lupton John, Wagga Wagga.

M'Cartney Michael, Maitland.  
M'Dougall Cyrus Alexander, Glenarvon.  
M'Intyre Donald, Blairmore, Scone.  
Middleton Osman Edward, Phoenix Park, Morpeth.  
Mitchell Archibald, Newtown, Sydney.  
Morison Thomas Coutts, Deniliquin.  
Murphy William, Wagga Wagga.

Neale, John Thomas, Sydney.  
Nowlan John, Hunter's Hill, Maitland.

Oatley James, Sydney.

Peden David, Newtown, Sydney.  
Powell Edward, Richmond.  
Prince Henry, Sydney.

Raper Edward, Newtown, Sydney.

Richardson John, Sydney.  
Rygate Robert, Hartley.

Scott Alexander Walker, Ash Island, Newcastle.  
Smith George, Sydney.  
Stuart Alexander, Sydney.

Tom William, senior, Spring Dale, Orange.

Watt Alexander, Esrom, Bathurst.  
Williamson James, Sydney.

16th April, 1858.

Barker David, Richmond River.  
Barnes Henry, Richmond River.  
Blackman William Richard, Mudgee.

Cullen Thomas, Singleton.

Farnell James Squire, Ryde.

Humphries Charles Henry, Liverpool Plains.

Jeffries Arthur, Canterbury.

Kemp Charles, Sydney.

Laman Thomas, Stroud.  
Laycock John Connell, Botany.  
Loder George Thomas, Singleton.  
Lucas Francis Norman, M.D., Ipswich.

McDougall Bruce, Ermington, Clarence River.  
McDougall Donald Norris, Texas, Severn River.  
Macpherson Donald, Stroud.

Nicholls Thomas, Stroud.  
Nunn William John, Brisbane Water.

Parnell Thomas, Namoi River.  
Portus James Alexander, Morpeth.

Rigney James, Singleton.

Thomas Alfred Cayley, Dykehead, Gayndah.

Vindin Henry, Maitland.

17th May, 1858.

Bowker Richard Ryther Steer, Newcastle.  
Macarthur Sir William, Knight, Camden.

3rd September, 1858.

Coxen Henry William, Darling Downs.

Alldcorn James, Mayfield, Shoalhaven.  
Armitage Henry, Sydney.

Baddeley Charles Henry, Bombala.  
Barclay George, Eden.  
Bligh John O'Connell, Native Police.  
Bloomfield Edwin Cordeaux, Port Curtis.  
Brodie Alexander, Murrurundi.  
Brown Alfred Henry, Port Curtis.  
Brown Charles Fenwick Elphinstone, Melbourne.  
Buckland James Warwick, Darling Downs.  
Bull John Edward Newell, Castlemaine, Victoria.  
Burdekin Bosley, Peel River, Tamworth.

Challinor Henry, Ipswich.  
Chapman Thomas, Kiama.  
Chauvel Charles Henry Edward, Tabulam.  
Clarke Charles James, Port Curtis.  
Cowper William, Goomburra.

Cribb

Cribb Benjamin, Ipswich.  
Cruickshank Alexander, Murrumbidgee.

Dalrymple George Elphinstone, Drayton.  
Dickson David, Newtown.  
Dumaresq Algernon Edward, Glen Innes.  
Durham William, Wambo, Singleton.

Gaden William Henry, Canoona, Port Curtis.  
Giles James, Gurrunda, Goulburn.  
Gibson George Lorimer, Longford, Bendemeer.  
Gray George, Murray River.

Hale Thomas, Belambi, Wollongong.  
Hays Francis Somers, Richmond River.  
Hickey Edwin, Osterley.  
Hirst William Henry, Warra Warra.  
Hogg Thomas, Ashfield.  
Hogg Frederick Metcalfe, Bathurst.  
Howe Ephraim, Dapto, Illawarra.  
Howe James, Liverpool Plains.  
Howe John, Liverpool Plains.  
Hanford Albert William, Goulburn.  
Hungerford Thomas, Beramba.  
Hunter William, Darling Downs.  
Kennedy William Francis, Terryboo.

King Harding Gifford, Bega, Eden.

Larnach John, Rose Bank, Singleton.  
Lee George, The Lachlan.  
Levy Lewis Wolfe, West Maitland.  
Living John, Port Curtis.  
Loder Andrew, Namoi, Liverpool Plains.

Macdonald Robert Stair Graham, Brocklesby,  
Murray River.  
Macdougall Alexander, Lorn, West Maitland.  
Mackay Alexander Ker, Shoalhaven.  
McColm Thomas, Manore.  
Meston Robert, New England.  
Mitchell Francis, Sydney.  
Moriarty Merion Marshall, Sydney.  
Morris William, Tamworth.

Ramsay David, junr., The Lachlan.  
Rose Henry, Mount Gilead, Campbelltown.

Smith Thomas Hawkins, Tabulam.  
Strathdee Robert, Coranga.

Turner Henry Alexander, Gurrunda, Goulburn.

Vevers Richard, Liverpool Plains.

Waugh Robert, Goulburn.  
Wilson Robert Kerr, Dalby.  
Woodriffe Daniel James, Parramatta.  
Wright William, Hunter's Hill.

12th October, 1858.  
Goulderbury Francis Elphinstone.  
Lumsdaine Henry.  
Wood Arthur Francis.

20th October, 1858.  
Vyner Arthur.

28th October, 1858.  
Fitzsimons Richard Higginson.

13th November, 1858.  
Hovell William Hilton, Goulburn.

20th November, 1858.

Turner William, Hellidon.

6th December, 1858.

Wisdom Robert.

10th March, 1859.

Gaunt William Henry, Indigo, Victoria.

Firebrace Edward Bell, of Lang's Crossing Place.

Geary Edward Montague, of Hellidon.  
Gennys John Henn, Carcoar.  
Gordon William Pile, Surat.

Hayes James, Gundagai.  
Holt William Harvey, Kolongo, Gayndah.

Icely Thomas Rothery, of Carcoar.

Jones David Maunder, Benaro, Gayndah.

Lardner Alfred, Grafton.

Mackenzie John, Poon Boon, Deniliquin.  
Mair George, Tooma, Murray River.  
Marshall George Cockburn, of Gundamaine, Wee  
Waa.

North Edward, James Campbell, of Carcoar.

Porter Charles Edward, Caval, Grafton.

Ramsay John Bonar Peter, Canoona.  
Robertson William, Lanark Lodge, Grafton.

Scott James Hall, Retreat, Callandoon.  
Sheaffe Percy Hale, Ulladulla.  
Smith Robert Wilkin, of Iderraway, Gayndah.  
Solomons Henry, of Bombala.

Wilson Thomas George, of Aberbaldie, Walcha.

11th April, 1859.

Shiell Henry, Deniliquin, Police Magistrate, Lang's  
Crossing Place.

18th April, 1859.

Sibthorpe Luke Homan.

26th April, 1859.

Scott Lawrence Hartshorne.

2nd May, 1859.

Beardmore Owen Charles, Police Magistrate, Carcoar.

23rd May, 1859.

Bookey Power Le Poer, Beechworth, Victoria.

30th May, 1859.

Scarvell Sydney, Windsor.  
Thornton William, Brisbane.  
Warburton George, Sydney.

1st June, 1859.

Emmett George Green, Sub-Gold Commissioner,  
Timbarra.

Calvert James Snowdon, Cavan, Yass.  
Cape William Timothy, Paddington.  
Cooper Theophilus, Bundarra.

Dutton

## COMMISSION OF THE PEACE.

9

- Dutton Charles Boydell, Gingindah, Leichhardt.  
 Galloway John James, Brisbane.  
 Harpur Henry Kidd, Wollombi.  
 Hughes Robert Maurice, Wahaccan, Edward River.  
 Jonas Emanuel, Wee Waa.  
 Jones Jeremiah Linde, Liverpool.  
 Learmonth Alexander, Yalmar.  
 Morse George, Abingdon.  
 Shepherd Thomas William, Chatsworth, Penrith.  
 Strachan Frederick, Bathurst.  
 Wightman Alexander, Murrurundi.
- 14th July, 1859.  
 Gummow Benjamin William, Swan Hill, Victoria.
- 15th August, 1859.  
 Flanagan Patrick, Moruya.  
 M'Cawley James, Moruya.  
 M'Leod Donald, Moruya.
- 19th August, 1859.  
 Harpur Charles.
- Alexander Robert, Preston, Gayndah.  
 Allen George Wigram, Lynwood, The Glebe.  
 Armstrong William, Drayton.  
 Asher Morris, Sydney.  
 Aspinall William Vint., M.D., Walcha.  
 Atkinson James Henry, Sydney.  
 Atkinson James, Berrima.  
 Badgery Henry, Vine Lodge, Berrima.  
 Baker John, Toowoomba.  
 Bettingdon John, Passey, Hunter's Hill.  
 Bettridge Thomas, Wallabadah.  
 Brocklehurst William Walter, Dundullamil, Dubbo.  
 Brock Osmond De Prior, Wetheron, Gayndah.  
 Brown Arthur, Gingin, Wide Bay.  
 Brown John Evans, Maranoa.  
 Burgis William Grimsale, Ryde.  
 Burne Felix Neeld, Yangar, Balranald.  
 Campbell James, Sydney.  
 Capel Daniel, Piedmont, near Barraba.  
 Carstairs George, Wentworth.  
 Charlton Edward, Mudgee.  
 Cockburn John, Coonabarabran.  
 Codrington Alexander, Cooloolai, Warialda.  
 Cohen Mosely Moss, Burwood.  
 Cohen Solomon, Armidale.  
 Cooper Frederick Augustus, Sydney.  
 Cribb Robert, Brisbane.  
 Crosier John, Moorna, River Murray.  
 Darchy Thomas, Gilam, Lower Murrumbidgee.  
 Davies William, Goulburn.  
 Devlin James, junior, Ryde.  
 Donovan Jeremiah, Sydney.  
 Dun Robert, Deniliquin.  
 Easton Frederick Charles, Tarawinaba, Calandoon.  
 Easton Henry Edward, Billa-Billa, Calandoon.  
 Edwards Charles, Deniliquin.  
 Ellis Henry, Daandine, Dalby.  
 Faircloth George, Ipswich.
- Fleming Joseph, Ipswich.  
 Fraser William Wilberforce, Broomley Cadogan, Inverell.  
 Gaden Roger Taylor Burton, Nullcumbiddy, Barwan River.  
 Garrett John, Wollongong.  
 Graham James, Greenhills, Shoalhaven.  
 Gray Walter, Ipswich.  
 Greaves William Albert Braylesford, Grafton.  
 Hammond Thomas Wardle, Junea, Wagga Wagga.  
 Harris George, Brisbane.  
 Hassall Rowland, Braidwood.  
 Hyeronimus Nicholas, Wellington.  
 Higgins Robert George, Wallabadah, Liverpool Plains.  
 Hill John, Sydney.  
 Kendall John, Ulladulla.  
 King Richard Napoleon, Booleroo, Warialda.  
 Kirkwood David, Merimbula.  
 Lamotte Frederick Charles, Terringarin, Gayndah.  
 Landale Robert, Moulamein.  
 Lawless Paul, Boorbygan, Gayndah.  
 Leitch John, Berry Jerry, Wagga Wagga.  
 Lethbridge John King, Dunheved, Penrith.  
 Liddell Andrew, Maitland.  
 Lowe Henry, Bringelly.  
 Lynch Andrew, The Islands, Carcoar.  
 Lyons Myles, Hartte, Mudgee.  
 MacArthur John, Shoalhaven.  
 MacInnes Augustus John, Glen Innes.  
 MacLaurin Archibald, Deniliquin.  
 MacLaurin James, Albury.  
 Mant George, Gigoomgan, Wide Bay.  
 Markham George, Armidale.  
 Marks Moss, Goulburn.  
 Mein George Augustus, Moolpar, Moulamein.  
 Meyers Solomon, Carcoar.  
 Mitchell William Thomas, Maitland.  
 Moffit Samuel, Frazer's Creek.  
 Moles William, Shellharbour.  
 Moreton, The Honorable Berkeley Basil, Wetheron, Gayndah.  
 Murphy James, Sydney.  
 Norton John Oxley, Kanimbla, Hartley.  
 Orr Ebenezer, Coonabarabran.  
 Orr James, Coonabarabran.  
 Osborne Patrick, Brooking, Wagga Wagga.  
 Palmer Henry, Maryborough.  
 Parnell Charles, Boree, Barwan River.  
 Parsons Edward, Belar, Coonabarabran.  
 Pasco Crawford D., Swan Hill, Victoria.  
 Payne Francis John, Berrima.  
 Pearce Joseph Ede, Maitland.  
 Pemell James, Balmain.  
 Peppin George, Wanganella, Deniliquin.  
 Pinnock Philip, Tereela, Barraba.  
 Ray Briscoe, Clarence River.  
 Raymond Robert Peel, Sydney.  
 Reddall Thomas Alexander, Kiama.  
 Roche Frederick William, Dalby.  
 Richie Robert, Ulladulla.  
 Ridge Richard, Windsor.  
 Roberts Thomas, Braidwood.  
 Rogers William, Chinsella.  
 Ross Andrew, M.D., Molong.  
 Ryrie John, Euromeah, Dubbo.  
 Sayers Edwin Mawney, St. Leonard's.

Seccombe Roger, Ulladulla.  
 Sidey Charles, Hartley.  
 Single Joseph Daniel, Gwydir.  
 Small William, junior, Grafton.  
 Smithers John Baker, Surry Hills, Sydney.  
 Spence Thomas, Sydney.  
 Speer William, Sydney.  
 Stephens Thomas Blackett, Brisbane.  
 Stewart John, Wollongong.  
 Street Philip Wood, Condobolin.  
 Sutherland John, Sydney.  
 Suttor William Henry, junior, Condobolin.

Taylor Joseph, Little Bombay, Braidwood.  
 Tibbitts Walter Hugh, Dubbo.  
 Tully George, Newcastle.

Waddington James, Greenhills, Shoalhaven.  
 Warden James, Ulladulla.  
 Waring George, Wollongong.  
 Webb George Dudley, Brisbane.  
 Williams John, Sydney.  
 Wills Alfred Currie, Omeo.  
 Wilson John Bowie, Braidwood.  
 Windeyer Walter Orton, Wantabadgery, Wagga  
 Wagga.  
 Wyndham Francis, Bukalla.

*2nd December, 1859.*  
 Greenup Richard, M.D., Parramatta.

*9th February, 1860.*  
 Cox Joseph, Tambaroora.  
 Keightley Henry M'Crummin, Louisa Creek.  
 Lynch James Innes.

*21st February, 1860.*  
 Holroyd Arthur Todd.

*10th April, 1860.*  
 Glentworth W. F. Addison.

*12th April, 1860.*  
 George O'Malley Clarke.  
 James Houghton Langston Scott.

*19th April, 1860.*  
 Henry Cary.  
 Robert Owen.  
 Edward Sharp, of Wellington.  
 Esquires.

1859-60.

**Legislative Assembly.**

NEW SOUTH WALES.

**MR. JOHN ROPER, J.P.**

(CORRESPONDENCE RESPECTING A CHARGE PREFERRED AGAINST.)

*Ordered by the Legislative Assembly to be Printed, 26 April, 1860.*

W. A. MACDONOUGH, Esq., to COLONIAL SECRETARY.

*Albury, 13 February, 1860.*

SIR,

Finding by the public prints that your Ministry are engaged in revising the Magisterial Roll, I beg to draw your particular attention to the necessity of extending the pruning knife to this quarter by removing from the list one who has been for years, and is now (in the centre of our town), living in a state of undisguised and shameless adultery.

Already has his clergyman (C. E.) from the pulpit found it necessary to apply the lash of rebuke in no measured terms; and within the last week a highly respectable committee of his townsmen have declared him unfit for admission to a tradesman's ball by unanimously blackballing him.

The public voice is loud in crying shame at such a person being permitted to disgrace a position which should be considered respectable.

The individual to whom I refer is Mr. John Roper, J.P.

I have, &c.,

W. A. MACDONOUGH.

UNDER SECRETARY to BENCH OF MAGISTRATES, ALBURY.

*Colonial Secretary's Office,*

*Sydney, 23 February, 1860.*

GENTLEMEN,

I am directed by the Colonial Secretary to request the favor of your report on the accompanying communication from Mr. W. A. Macdonough, preferring a charge against Mr. John Roper, J.P., of Albury.

I have, &c.,

W. ELYARD.

UNDER SECRETARY to W. A. MACDONOUGH, Esq., ALBURY.

*Colonial Secretary's Office,*

*Sydney, 23 February, 1860.*

SIR,

With reference to your letter of the 13th instant, I am directed by the Colonial Secretary to request, that the charge which you bring against Mr. John Roper, J.P., may be more distinctly specified.

I have, &c.,

W. ELYARD.

POLICE MAGISTRATE, ALBURY, to UNDER SECRETARY.

*Police Office,  
Albury, 2 March, 1860.*

SIR,

Enclosure re-  
turned.

I have the honor to acknowledge the receipt of your letter enclosing a communication from Mr. Macdonough, charging Mr. Roper, J.P., with adultery.

In reply, I beg to report that a general belief has existed here for several years that an improper intimacy exists between Mr. Roper and the woman who acts as his housekeeper. It does not appear to have affected his social position, for his name has appeared as a steward at race, bachelor, and agricultural balls and dinners; he is President of the Agricultural Society, and an Alderman of the Municipality; his assistance is always sought, and he takes a leading part in all public movements.

I do not meddle with the private affairs of individuals, and no complaint of immoral or improper conduct has been brought under my notice in relation to Mr. Roper. I presume Mr. Macdonough, if called upon, would show better ground than hearsay for the charge he makes. It would be unsafe for me to seek evidence in the matter, as I would subject myself to an action for libel, and the party making the charge ought to prove it.

I have, &c.,  
HEYWARD ATKINS.

POLICE MAGISTRATE, ALBURY, to UNDER SECRETARY.

*Police Office,  
Albury, 12 March, 1860.*

SIR,

I have the honor to call attention to my letter of the 2nd March instant, and I beg to observe that, having made more particular inquiries into the subject referred to in that communication, I find that the housekeeper with whom Mr. Roper was supposed to have had an improper intimacy has been discharged from his service, and, in justice to that gentleman, I now feel bound to say that no objection exists against his public or private character.

I have, &c.,  
HEYWARD ATKINS,  
Police Magistrate.

1859-60.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**MR. W. R. RILEY.**

(CORRESPONDENCE RELATING TO HIS APPOINTMENT TO, AND REMOVAL  
FROM, THE COMMISSION OF THE PEACE.)

\*

*Ordered by the Legislative Assembly to be Printed, 3 April, 1860.*

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 3 February, 1860, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ (1.) Copies of all Correspondence that has taken place between  
“ the Executive and Mr. W. R. Riley, relating to his appoint-  
“ ment to, and removal from, the Commission of the Peace.

“ (2.) Copies of all Correspondence that has taken place between  
“ the Executive Government and any person or persons upon  
“ the same subject.

“ (3.) Also, Copy of any Minutes of the Executive Council in  
“ reference thereto.”

(Mr. Dalley.)

**SCHEDULE.**

NO.	PAGE,
1. Extract of Minute of the Executive Council relative to the appointment of Mr. W. R. Riley to the Commission of the Peace. 10 October, 1859. . . . .	2
2. Mr. James Chisholm to the Governor General, representing that the appointment of Mr. Riley to the Commission of the Peace has caused much dissatisfaction to the people of Goulburn. 15 October, 1859. . . . .	2
3. Mr. Riley to the Colonial Secretary, telegraphic message, resigning the Commission of the Peace. 20 October, 1859. . . . .	3
4. Mr. Riley to the Colonial Secretary, officially resigning his appointment to the Commission. 20 October, 1859. . . . .	3
5. Mr. Riley to the Colonial Secretary, forwarding resignation. 20 October, 1859. . . . .	3
6. Mr. Riley to the Colonial Secretary, telegraphic message, withdrawing his resignation. 24 October, 1859. . . . .	4
7. Mr. James R. Styles and other magistrates to the Colonial Secretary, resigning their Commissions. 8 November, 1859. . . . .	4
8. Mr. J. R. Styles to the Colonial Secretary, forwarding No. 7. 12 November, 1859. . . . .	4
9. Mr. T. A. Murray to the Colonial Secretary, in explanation of his resignation, contained in the letter of the 8th November (No. 7). 14 November, 1859. . . . .	4
10. Under Secretary to Mr. Murray, in reply. 26 November, 1859. . . . .	5
11. Mr. T. A. Murray to the Colonial Secretary, in continuation. 6 December, 1859. . . . .	6
12. Minute of the Executive Council in reference to the resignation of the magistrates, as contained in their letter of the 8th November (No. 7), and removal of Mr. Riley from the Commission. 12 December, 1859. . . . .	6
13. Under Secretary to Mr. J. R. Styles and other magistrates, in reply to their letter of the 8th November (No. 7). 16 December, 1859. . . . .	7
14. Under Secretary to W. R. Riley, apprising him that a writ had been issued superseding him in the Commission of the Peace. 16 December, 1859. . . . .	8
15. Mr. Riley to the Colonial Secretary, in reply. 19 December, 1859. . . . .	8



## MR. W. R. RILEY.

## No. 1.

*PROCEEDINGS of the Executive Council, relative to the appointment of Mr. William Russell Riley to the Commission of the Peace, and his subsequent removal therefrom.*

Extract from Minute No. 59-41. 10 October, 1859.

**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.  
 THE HONORABLE THE SECRETARY FOR PUBLIC WORKS.  
 THE HONORABLE THE ATTORNEY GENERAL.  
 THE HONORABLE THE SOLICITOR GENERAL.

HIS Excellency the Governor General having invited the attention of the Council to the undermentioned appointments in the Public Service, the Council advise as follows, viz. :—  
 The undermentioned gentlemen to be Magistrates of the Territory and its dependencies.  
 Here follows 128 names, among which, appears that of "William Russell Riley, Goulburn."

A. ORPEN MORIARTY,  
 Clerk of the Council.

## No. 2.

MR. JAMES CHISHOLM to GOVERNOR GENERAL.

*Kippilaw, Goulburn,*  
 15 October, 1859.

MAY IT PLEASE YOUR EXCELLENCY,—

SIR,

As one of the local Magistrates living in this district, and having formerly been a Member of the Legislative Council when your Excellency assumed the rein of Government in this Colony, I have deemed it my duty to bring under your Excellency's notice the appointment in the last *Gazette* of Mr. W. R. Riley to the Commission of the Peace for the District of Goulburn, and in doing so, I trust your Excellency will believe me when I say that I am actuated by no ill feeling towards Mr. Riley, and that my only motive is the wish to see the laws of the country administered in a proper manner and not brought into contempt, but which I very much fear will be the case should Mr. Riley receive his commission as a Magistrate.

I must inform your Excellency that Mr. Riley formerly held the appointment of Clerk in the Gaol at Goulburn, and was dismissed from that office for an attempt to bribe his superior officer. His father is now bailiff in the Court in which his son is appointed to act as Magistrate; and I can assure your Excellency that no appointment has been made in the Colony which has caused so much dissatisfaction to the inhabitants of Goulburn, and the Magistrates in particular, as this appointment of Mr. Riley; and I believe I am only expressing the sentiments of the other Magistrates when I say that they will not sit with Mr. Riley on the Bench, or associate with him in private life.

I must further inform your Excellency that it is only a short time since Mr. Riley held a publican's license on the Yass road, and consequently his house was under the surveillance of the police, several of whom are still living in the district. The Magistrates whom he is now appointed to sit with had to grant him a license, and I put it to your Excellency whether it is treating the Magistrates of the District, who have performed the duties gratuitously for a number of years to the satisfaction of the public, well or courteously, in appointing Mr. Riley to sit with them.

MR. W. R. RILEY.

3

I sincerely hope I have said nothing in this letter to give your Excellency offence, for I firmly believe that the gentlemen who may have recommended Mr. Riley to your Excellency's notice can have known but little of him; and I trust I may be allowed to express a hope that your Excellency will delay the issue of a Commission of the Peace to Mr. Riley till your Excellency is satisfied that he is a fit and proper person to receive it.

I have, &amp;c.,

JAMES CHISHOLM.

## No. 3.

MR. W. R. RILEY to COLONIAL SECRETARY.

NEW SOUTH WALES ELECTRIC TELEGRAPH.

No. of words—12.

*Sydney Station.*

Received the following message from Goulburn Station, at 5h. 40m., 20 October, 1859:—

*From William R. Riley, Goulburn, to Hon. C. Cowper, Sydney.*

I beg to resign the Commission of the Peace—will write to-night.

## No. 4.

MR. W. R. RILEY to COLONIAL SECRETARY.

*Goulburn,*

20 October, 1859.

MY DEAR SIR,

I send herewith, addressed to you officially, my resignation, which, should you think it the best step to be taken, you will please receive.

I need scarcely add that all I have stated in it is strictly true, and that I scarcely envy Murray the good taste and charity that has made him rake up a fault well nigh forgotten, repented of, amply punished, and never repeated.

With my best thanks for the distinction you were pleased to confer on me,—

I remain, &amp;c.,

W. R. RILEY.

## No. 5.

MR. W. R. RILEY to COLONIAL SECRETARY.

*Goulburn, 20 October, 1859.*

SIR,

I beg to resign my appointment to the Commission of the Peace.

I will not deny that Mr. Murray's question has had a share in deciding me to do this.

The act to which Mr. Murray refers took place so far back as nine years ago, when I was a mere youth, and I was led into it by the advice of another. I was punished at the time by removal from the office I held. The result was just, and at the same time beneficial, leading me to form a firm resolution never again to depart from the path of rigid honesty.

This was the first dishonorable act of my life. I can fearlessly assert that it has been the last.

With reference to Mr. Murray's conduct in the matter, I will only observe that when he and I were both supporters of the present Ministry I was his honored guest and the associate of his family. Mr. Murray then probably thought that the one error of my youth had been retrieved by the subsequent conduct of my manhood; but now that, politically, we are opponents, nothing can be allowed to earn forgiveness of one's trespasses.

Should the matter again be referred to, perhaps you will have the goodness to make this explanation, and to do me the justice to state that I never applied for the appointment.

I have, &amp;c.,

W. R. RILEY.

No. 6.

## No. 6.

MR. W. R. RILEY to COLONIAL SECRETARY.

## NEW SOUTH WALES ELECTRIC TELEGRAPH.

No. of words—65.

*Sydney Station.*

Received the following message from Goulburn Station, at 10h. 10m., October 24, 1859:—

*From W. R. Riley, Goulburn, to Hon. C. Cowper, Sydney.*

I have been advised not to retire from the Commission, and have met with so many kind expressions of sympathy even from persons that I scarcely thought my friends, and Murray's conduct is so much disapproved of, that I am inclined to withdraw my resignation and to fight the matter out; however, I leave it entirely to you. Please reply, as I am leaving town.

## No. 7.

MR. JAMES R. STYLES AND OTHER MAGISTRATES to COLONIAL SECRETARY.

*Goulburn, 8 November, 1859.*

SIR,

We, the undersigned Magistrates of the Territory, and members of the Goulburn Bench, have learned with regret that His Excellency the Governor General has been pleased to confirm the appointment of Mr. William R. Riley, of Goulburn, to the Commission of the Peace, and believing as we do that his appointment was recommended by the constitutional advisers of the Crown for political services rendered to the late Ministry, and not for any merit or qualification which Mr. Riley can lay claim to,—

We deem it our duty to state, for the information of the Governor General, that, from the fact of Mr. Riley having been dismissed from the public service for offering a bribe, from his antecedents, and from his station in society, we cannot sit with him on the Bench; and we therefore tender our resignations as Magistrates of the Territory (which we should have done much sooner had it not been notified in the public papers that Mr. Riley had resigned his Commission), and request that you will be pleased to communicate the same to His Excellency the Governor General and the Honorable the Executive Council.

We have, &amp;c.,

JAMES RICHD. STYLES.	WM. CONOLLY.
THOMAS WOORE.	A. GUERRY DE LAURET.
F. R. L. ROSSI.	D. H. THORN.
JAMES CHISHOLM.	JOHN S. FUTTER.
ANDREW GIBSON.	A. RANKEN.
JOHN CROPPER.	T. A. MURRAY.
GEORGE MARTYR.	

## No. 8.

MR. J. R. STYLES to COLONIAL SECRETARY.

*Goulburn, 12 November, 1859.*

SIR,

As Chairman of the Meeting of Magistrates, held at Goulburn, on Tuesday the 8th instant, I have the honor to enclose the accompanying letter embodying the unanimous sentiments of that meeting, with the names of the gentlemen composing it.

I am, &amp;c.,

J. R. STYLES.

## No. 9.

T. A. MURRAY, ESQ., to COLONIAL SECRETARY.

*Lake George, 14 November, 1859.*

SIR,

Having appended my name to a letter, whereby several gentlemen residing in the County of Argyle, with whom I wish to act in concert, have resigned their Commissions as Magistrates of this Territory, I deem it but due to myself to state that, although I fully concur with them in the step they have taken, I do not quite agree with them in the reasons they have assigned for it.

## MR. W. R. RILEY.

I have intimated this to one of the gentlemen in question, with whom I have been in correspondence on the subject, and informed him that I would write to you in explanation of my own views on this occasion.

The social status of Mr. W. R. Riley, be it high or low, or that of any person appointed to the Commission of the Peace, is to me a matter of no moment. I would not object to act as a Magistrate with any man, however humble his position in life might be, if he were properly qualified for the office by education, intelligence, and respectability of character.

But I can recognise only two objects for which, and for which alone, Magistrates should be appointed: these are the conservation of the peace, and the administration of justice.

And in my opinion the authorities who make those appointments have, in making them, only two questions to consider—the first is, whether they are necessary or advisable for the public service; the second, whether the persons proposed for them possess the requisite qualifications.

The office of Justice of the Peace is undoubtedly an honorable one; but I object *in toto* to its being conferred on any man merely by way of a personal distinction.

If we want an order of distinction in the Colony, let us petition the Queen as the fountain of honor to establish one. This, the legitimate course, would be far better than prostituting the course of justice by making the office of Justice of the Peace a mere matter of social distinction, in which light alone it appears to have been regarded in most of the appointments recently made.

The services of Mr. Riley as a Magistrate were not required in the town of Goulburn. A stipendiary Magistrate is stationed there; and there were already several unpaid Justices in the district to assist him. Nothing in Mr. Riley's position or character rendered it desirable for the benefit of the public service that he should be placed in the Commission of the Peace. His antecedents, on the contrary, rather raised a strong presumption against his fitness for the office.

But he is an editor of a paper, and in that capacity was a strong—some thought a slavish—supporter of the Administration which appointed him. He was placed in the Commission of the Peace certainly not because the public required his services; but, in my humble opinion, because the Government of the day wished to confer an honorary distinction upon him in return for the support which he gave them as a political partisan. There have been many similar cases throughout the Colony in which the political services of persons of very questionable fitness for the Magisterial Bench have been rewarded in the same manner.

But Mr. Riley's case comes before us in our own district; it is plainly unmistakeably clear to us that his political services to the Minister of the day, have alone placed him on the Bench.

It becomes our duty to protest against such abuses as these—abuses which are calculated to strike at the root of all usefulness in the fine old institution of Justices of the Peace. The office becomes degraded, if it is made a mere honorary distinction. And to render our protest more emphatic we resign our Commissions—at least with this view I resign mine, after having had the honor of holding it for some six or seven and twenty years.

I am, &c.,

T. A. MURRAY.

## No. 10.

UNDER SECRETARY to T. A. MURRAY, ESQ.

*Colonial Secretary's Office,*

*Sydney, 26 November, 1859.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 14th instant, explaining the circumstances under which you have tendered your resignation as a Magistrate, and to state to you that Mr. Forster has received the information with much regret.

2. I am directed, at the same time, to add, with reference to the appointment of Mr. W. Riley to the Magistracy, that the subject had been decided on by the late Government, and that it cannot now be re-opened until the whole question of the reform of the Commission of the Peace shall be under consideration.

I have, &c.,

W. ELYARD.

### No. 11.

T. A. MURRAY, ESQ., to COLONIAL SECRETARY.

*Lake George, 6 December, 1859.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 20th ultimo, in reply to that which I addressed to you on the 14th, resigning my Commission as a Magistrate of this Territory.

You state, with reference to the appointment of Mr. W. R. Riley, that "the subject" had been decided on by the late Government, and that it cannot now be re-opened until "the whole question of the reform of the Commission of the Peace shall be under consideration."

On this point I wish to observe that I by no means urged upon the Government any steps relative to Mr. Riley in particular, nor did I intimate that that gentleman's appointment was in itself the cause of my resignation.

His case derived whatever importance attached to it in my mind from the fact that it served as a clear, unmistakeable instance of the evil working of the system under which Justices are at present appointed.

But were he—were all other persons in the Commission whose fitness for the office of Justice of the Peace is so commonly questioned—removed from it, my determination would be in no way affected thereby. I shall not again act as a Magistrate until the system under which such appointments are made is altered.

In my opinion, since the inauguration of Responsible Government, political partisanship and subserviency have been the chief recommendations on which persons have been placed in the Commission of the Peace. But that a man may be a very useful electioneering agent and a very vile Justice of the Peace is a fact amply borne out by the recent experience of the country.

A Committee of the Legislative Assembly, of which I was Chairman, lately reported against the present system. The witnesses examined before that Committee, including Judges of the Supreme Court, were almost unanimous in condemnation of it. As a member of the Legislature I have long opposed it—as a citizen I now renounce all connexion with it.

During a late Administration from 350 to 400 new Magistrates were appointed. Where is all this to end if a stand is not at once made against it? Are we to suffer each succeeding Ministry to follow this example?

I have, &c.,

T. A. MURRAY.

### No. 12.

(Extract from Minute, No. 59-54. 12 December, 1859.)

His Excellency the Governor General, at the instance of the Honorable the Colonial Secretary, lays before the Council a letter from the undermentioned Magistrates of the Bench at Goulburn, resigning office as Magistrates of the Territory, for the reasons therein stated, viz. :—

Messrs. J. R. Styles,  
James Chisholm,  
John Cropper,  
A. Guerry de Lauret,  
John S. Futter,  
T. A. Murray,

Messrs. Thomas Woore,  
F. R. L. Rossi,  
A. Gibson,  
W. Conolly,  
D. Thorn,  
A. Ranken, and

Mr. George Martyr.

With

With this letter (a copy of which is hereto annexed), His Excellency also lays before the Council some further correspondence on the subject, and desires the advice of the Council, as to the course which it would be expedient for the Government to pursue in the matter.

In so far as the gentlemen in question are concerned themselves, the Council do not feel called upon to take cognizance of the reasons which they have assigned for their present course of action. It is sufficient for the Council that the step has been deliberately adopted; and under such circumstances, they can see no alternative open to them but to recommend that their resignations be accepted, and that His Excellency should direct the issue of the necessary writs of supersedeas.

The reason, however, assigned by these gentlemen for their conduct, affects the character and position of another member of the Bench—Mr. William Russell Riley, who has recently been appointed; and is of such a nature that the Council cannot, consistently with their duty, altogether abstain from taking cognizance of it. In the letter now under consideration, his brother Magistrates state that,—from his having been dismissed for offering a bribe, from his antecedents, and from his status in society,—they cannot sit with him, and therefore resign their offices.

Upon a perusal of the correspondence which His Excellency has laid before them in connection with this question, the Council are fully satisfied that Mr. Riley was dismissed from the public service, for offering a bribe to his superior officer; and therefore need little more to convince them that a grave error has been committed in appointing this gentleman to the Commission of the Peace. Entertaining this view, they think it desirable that prompt measures should be taken for remedying the mistake; and accordingly advise that His Excellency the Governor General should direct the issue of a writ of supersedeas in this case also.

EDWARD C. MEREWETHER,  
Clerk of the Council.

[Annexure above referred to.]

Goulburn, 8 November, 1859.

Sir,

We, the undersigned Magistrates of the Territory, and members of the Goulburn Bench, have learned with regret that His Excellency the Governor General has been pleased to confirm the appointment of Mr. William R. Riley, of Goulburn, to the Commission of the Peace; and believing as we do that his appointment was recommended by the constitutional advisers of the Crown for political services rendered to the late Ministry, and not for any merit or qualification which Mr. Riley can lay claim to, we deem it our duty to state, for the information of the Governor General, that, from the fact of Mr. Riley having been dismissed from the public service for offering a bribe, from his antecedents, and from his status in society, we cannot sit with him on the Bench; and we therefore tender our resignations as Magistrates of the Territory,—which we should have done much sooner, had it not been notified in the public papers that Mr. Riley had resigned his Commission,—and request that you will be pleased to communicate the same to His Excellency the Governor General and the Honorable the Executive Council.

We have, &c.,

JAS. R. STYLES.	THOMAS WOORE.
JAMES CHISHOLM.	F. R. L. ROSSI.
JOHN CROPPER.	ANDREW GIBSON.
A. GUERRY DE LAURET.	WM. CONOLLY.
JOHN S. FUTTER.	D. H. THORN.
T. A. MURRAY.	ARTHUR RANKEN.
GEORGE MARTYR.	

No. 13.

UNDER SECRETARY to MR. J. R. STYLES AND OTHER MAGISTRATES.

Colonial Secretary's Office,  
Sydney, 15 December, 1859.

GENTLEMEN,

I am directed to acknowledge the receipt of your letter of the 8th ultimo, and to inform you that the resignation of your Commissions as Magistrates of the Territory therein tendered having been accepted, the necessary writs superseding you have been issued accordingly.

I have, &c.,  
W. ELYARD.

No. 14.

MR. W. R. RILEY.

No. 14.

UNDER SECRETARY to MR. W. R. RILEY.

*Colonial Secretary's Office,  
Sydney, 16 December, 1859.*

SIR,

I am directed by the Colonial Secretary to inform you, that in a letter in which certain Magistrates of the Bench at Goulburn tendered the resignation of their Commissions, the attention of the Government was drawn, with reference to your appointment to the Commission of the Peace, to the circumstances under which you were deprived of a former appointment in the public service, and that the subject has been brought under the consideration of the Executive Council.

2. I am further desired to state, that in accordance with the recommendation of the Council, after mature deliberation, a writ has been issued superseding you from the Commission of the Peace.

I have, &c.,  
W. ELYARD.

No. 15.

MR. W. R. RILEY to COLONIAL SECRETARY.

*Goulburn, 19 December, 1859.*

SIR,

In acknowledging the receipt of your letter of the 16th instant, stating that a writ of supersedeas had been issued against me, I take the opportunity of making one or two remarks for the information of the Legislature before whom, I understand, all correspondence on the subject is likely to be laid.

The present Administration on taking office found me already a Magistrate. The Colonial Secretary's letter of 26th November, addressed to T. A. Murray, Esq., says, "that the subject has been decided by the late Government; and that it cannot now be re-opened until the whole question of the reform of the Commission of the Peace shall be under consideration." I protest, then, against the issue of the supersedeas, not because I have any craving for the distinction of being a Magistrate, but because, for the following reasons, I believe it to be, if not positively illegal, at the least arbitrary and unconstitutional.

First,—Because, once appointed I became just as much a Magistrate as the oldest member of the Bench, and because I conceive that it is unjust to dismiss any Magistrate save for some offence committed since his appointment.

Secondly,—Because if any charges have been made against me, or if the Government had considered that they could, with propriety, legally re-open a case closed by their predecessors, I ought to have been apprised of the fact, and have been afforded an opportunity of defending myself, which has not been allowed me.

Thirdly,—Because I believe my removal is owing solely to political considerations.

To admit that the Government have a right thus to supersede me is to admit that they have an equal power to dismiss every Magistrate on the roll, without affording an opportunity of replying to any charges, and even without such charges having been made. This appears so monstrous a proposition that I cannot believe it to be any more in accordance with law than it is with justice.

I have, &c.,  
W. R. RILEY.

1859-60.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**MR. W. R. RILEY.**

(LETTER RESPECTING HIS APPOINTMENT TO COMMISSION OF THE PEACE.)

*Ordered by the Legislative Assembly to be Printed, 22 May, 1860.*

*Goulburn, 30 April, 1860.*

SIR,

The publication of the papers relative to my appointment to the Commission of the Peace has brought under my notice a letter signed "James Chisholm," of the existence of which I was not previously aware, and respecting which a few remarks are necessary.

The writer alleges, as one cause of my unfitness for the appointment, that my father is an officer of the court in which I have been appointed to sit as a magistrate.

This is wholly incorrect. My father is not, and never was an officer of the Magistrate's Court, or in any way connected with it.

The writer goes on to allege that, "only a short time since Mr. Riley held a publican's license on the Yass road, and consequently his house was under the surveillance of the police, several of whom are still living in the district."

It is perhaps unnecessary that I should point out that this is really but the embodiment of the outcry that has been raised against the appointment to the Commission of the Peace of "men in business"; it is certainly so to argue that the following of any one particular calling—provided it be an honest one—does not disqualify one for any office in the country.

While I shall never be ashamed of any occupation, however humble, in which I have been engaged, it may yet be as well that I should state that Mr. Chisholm's "short time" is six years ago; that I was then unmarried; that I never intended to remain permanently in the business, my object, from the first, being to sell the "goodwill" of the house to advantage; that I left as soon as I found a purchaser at a satisfactory price; that I was in the business but five months; and that not one of the police then in the force remain.

May I request you will have the goodness to cause this letter also to be laid before the Legislative Assembly.

I have, &c.,

W. R. RILEY.

THE HONORABLE  
THE COLONIAL SECRETARY.

Sydney: Thomas Richards, Government Printer.—1860.

[Price, 6d.]

590—





1859.

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Legislative Assembly.

NEW SOUTH WALES.

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H. M. OXLEY, ESQ.

(INQUIRY, AT BERRIMA, INTO THE CONDUCT OF.)

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*Ordered by the Legislative Assembly to be Printed, 29 September, 1859.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 3 September, 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 documents and correspondence, whether  
 “ Minutes of the Executive Council, letters to Magistrates,  
 “ or other papers, relating directly or indirectly to the inquiry  
 “ lately held at Berrima, in reference to the conduct of  
 “ H. M. Oxley, Esquire, M. L. A.”

(*Mr. Wild.*)

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**CONTINUATION OF CORRESPONDENCE RESPECTING MR. WALSH AND  
THE MAGISTRATES OF BERRIMA.**

For the first part see "Correspondence between the Magistrates of Berrima, or any of them,  
" or between the Clerk of the Bench at Berrima, and the Government, or Mr. Gordon,  
" or C. H. Walsh, Esq., his Solicitor, or between the latter gentleman and the Govern-  
" ment, relative to the refusal of the said Magistrates to hear Mr. Walsh in their Court  
" in his professional capacity,"

being Return to Address in reference to the case of Mr. Walsh and the Magistrates at  
Berrima, adopted on motion of Mr. Murray, on 11 March, 1859, contained in Vol. I. of  
Votes and Proceedings of 1858-9, page 649.

**SCHEDULE.**

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## H. M. OXLEY, ESQ.

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### No. 1.

C. H. WALSH, ESQ., to THE ATTORNEY GENERAL.

*Goulburn, 26 March, 1859.*

SIR,

I have the honor to invite your attention to my letters, addressed to the Honorable the Attorney-General, dated respectively the 3rd, 10th, 15th, and 24th December, and 7th January last, complaining of Mr. H. M. Oxley, a Justice of the Peace, and charging him with a misdemeanour.

As up to the present I have received no communication in reply, except an intimation that the matter had been referred to the Executive Council, I beg respectfully to inquire if the Government purpose instituting any inquiry into the conduct of Mr. Oxley as complained of.

I have, &c.,

CHAS. H. WALSH.

THE HONORABLE

THE ATTORNEY GENERAL.

### No. 2.

H. M. OXLEY, ESQ., to THE POLICE MAGISTRATE, GOULBURN.

*Berrima, 12 May, 1859.*

SIR,

I have received a summons under your hand and seal commanding me to appear at the Police Office, Goulburn, on the 13th May instant, to answer a charge therein specified.

I cannot doubt that this summons was inadvertently signed by you, as it appears upon the face of the document that the offence complained of is alleged to have been committed at Berrima, where a Court of Petty Sessions is held, and near to which place I reside. I am advised that the present proceeding is unwarrantable and altogether without precedent, it being an universal principle that a defendant should be summoned to appear within the county or district in which the offence is alleged to have been committed.

I have therefore to inform you that I have no intention of obeying the summons, and if the Justices who may preside should venture to issue a warrant they will do so at their peril.

If it should be alleged that the complainant fears that the case would not be impartially heard by the Justices residing at Berrima, that is a reason why he should apply to the Supreme Court for leave to file a criminal information against me, which is the only proper course.

I believe no case will be produced before your Bench to shew that Justices in our District have, under any circumstances, assumed to themselves the power of summoning a Justice residing in another district to answer before them for his conduct in his magisterial capacity. If the Goulburn Magistrates have the power to summon me, they must have equal right to deal with the Sydney Justices in respect of the discharge of their duty in Sydney, and this appears to me so monstrous that I cannot for a moment imagine the existence of any such right.

I have, &c.,

H. M. OXLEY, J.P.

P. PLUNKETT, ESQ.,

Police Magistrate,

Goulburn.

## No. 3.

THE BENCH OF MAGISTRATES, GOULBURN, to THE ATTORNEY GENERAL.

*Police Office, Goulburn,  
14 May, 1859.*

SIR,

Copy herewith  
enclosed, No. 1.

We have the honor to inform you that Mr. Chas. Hamilton Walsh, of Goulburn, attorney-at-law, having, on the 2nd instant, sworn an information before the Police Magistrate at this place, charging Mr. Henry Molesworth Oxley, J.P., of Wingecarribbee, near Berrima, with having maliciously impeded and prevented the administration of justice, a summons was issued for the appearance of the defendant before this Bench on the 13th instant.

The case was called on before us and Mr. Delauret, J.P., and the defendant not appearing, the prosecutor proved the personal service of the summons, and applied for a warrant to compel the appearance of the defendant.

We felt bound to grant a warrant, but in order to give the defendant an opportunity of attending without the actual execution of the warrant, and also to have an opportunity of submitting to you a letter from him to the Police Magistrate, we have deferred the issuing of the warrant until the 24th instant, and, more particularly, as Mr. Delauret agreed with the defendant, that Mr. Walsh's only remedy was to proceed by criminal information in the Supreme Court; we transmit herewith the defendant's letter to the Police Magistrate.

As our jurisdiction has been thus questioned, we have the honor to apply to you for advice on the point, and will feel obliged by your informing us if we have jurisdiction in the matter of the complaint as Magistrates of the Territory, and whether Mr. Walsh has a right to proceed in the way he proposes, or can we oblige him to go to the Supreme Court for a criminal information.

Mr. Walsh cited and relied on the *Queen v. Marshall* (4, Ellis and Blackburn, p. 475,) as an authority in his favour, and we beg to refer you to the case.

We have, &amp;c.,

P. PLUNKETT, P.M.

WM. H. HOVELL, J.P.

THE HONORABLE

THE ATTORNEY GENERAL.

## No. 4.

C. H. WALSH, ESQ., to THE ATTORNEY GENERAL.

*Goulburn, 14 May, 1859.*

SIR,

I have the honor to inform you that, after waiting for five months without receiving any reply to my complaint against Mr. H. M. Oxley, and Mr. Oxley having resumed his seat on the Berrima Bench, stating he was justified in his conduct towards me, I have proceeded to put the law in motion, and prosecute him by indictment for maliciously obstructing the administration of justice.

On the 2nd instant, I made an information before the Police Magistrate here, and, having satisfied him on the facts that the case was one in which he ought to bring the defendant out of another District, he granted me a summons returnable on the 13th instant. This summons was served personally on Mr. Oxley, but on the case being called on, he failed to appear; he, however, addressed a letter to the Police Magistrate, in which he puts forward two objections to my proceeding:—First,—That my only remedy was by criminal information in the Supreme Court; secondly,—That he should not be summoned out of his District. The Magistrates have intimated their intention of asking your opinion on these objections before issuing a warrant to compel the appearance of the defendant, and I beg leave to address you in reference to them.

With respect to the first objection, I submit there is nothing in it; I have a clear right to proceed by either indictment or criminal information (1st Russell on Crimes, 135). I cannot now have a criminal information, having complained in the first instance to the Attorney General, besides more than two terms have gone by since the offence. Upon this latter

latter point, as well as on the whole case, the Queen v. Marshall (4, Ellis and Blackburn, 463) is a conclusive authority.

With respect to the second objection, I have to submit that as the Commission of the Justices is for the entire Colony, they have clearly jurisdiction in this case, the offence being committed in the Colony, and whether that jurisdiction be exercised or not is only a question of propriety. Upon this point, I submit the circumstances of the case are such as render it exceptional to the common rule of confining cases to their peculiar Districts.

It would be a virtual denial of justice to send me to Berrima to prosecute my information before the Magistrates who generally preside there, and who have already taken such a part in this matter as to entirely identify them with the defendant; I had no desire to bring the matter before any Bench of Magistrates in particular. In my letter to the Attorney General of the 24th December last, I asked to have a Magistrate sent to Berrima, to hear my complaint, but to this no answer has ever been given, and I now submit that the Magistrates in Goulburn having received my information, and issued a summons to the parties, are bound to proceed in the matter.

I cannot abandon my right to proceed in the way in which I am now doing, and I cannot conclude without saying that I feel I was at least entitled to an acknowledgment of the receipt of my complaint against a Magistrate on a charge so seriously affecting the administration of justice in this Colony.

I have, &c.,

CHAS. H. WALSH.

THE HONORABLE

THE ATTORNEY GENERAL.

[Enclosure in No. 4.]

In the Colony of New South Wales, }  
to wit.

The information of Charles Hamilton Walsh, of Goulburn, in the Colony of New South Wales, attorney-at-law, taken this second day of May, in the year one thousand eight hundred and fifty-nine, before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, at Goulburn aforesaid, who saith as follows:—I am an attorney of the Supreme Court of New South Wales; on the 1st day of December last a Court of Petty Sessions for the recovery of small debts under the Act tenth of Vict. No. 10, was held at Berrima, Henry Molesworth Oxley and Charles L. Nicholson, two of Her Majesty's Justices of the Peace were the sitting Justices at the said Court; a certain cause wherein James Campbell was plaintiff, and D. R. Eden defendant, was entered for trial at the said sitting of the said Court; the said defendant, D. R. Eden, employed me to appear for him and conduct his case; when the cause was called on for hearing the plaintiff appeared; I stated that I appeared for the defendant; whereupon the said Henry Molesworth Oxley said he would not allow me to appear until I had given some explanation of a letter which he said I had written to the Crown Law Officers, in which, as he alleged, I stated that justice could not be procured at that Bench while he sat on it; I refused to give any explanation, and insisted on my right to appear, but the said Henry Molesworth Oxley refused to permit me; the said Charles L. Nicholson stated his willingness to permit me to appear; I asked the said Henry Molesworth Oxley to state in writing his objection to my appearing as an attorney in the said cause, and he directed the Clerk of the Bench to take down in writing the following statement,—“I object to Mr. Walsh appearing in this or any other case until he gives some explanation of a letter to the Crown Law Officers, accusing me of partiality and injustice, and declaring that so long as I sat on the Bench his client could not obtain justice.”

I was not permitted to appear, and the cause was adjourned for a week by the said Henry Molesworth Oxley; the statement made by the said Henry Molesworth Oxley, and reduced to writing as aforesaid, is utterly untrue; I never in writing or otherwise made any such statement; I believe that in refusing my appearance for the said D. R. Eden the said Henry Molesworth Oxley was influenced by personal ill-feeling towards me, because I had advised a client of mine to complain to the Attorney General of the Clerk of the Bench at Berrima for neglect of duty, and because, for another client, I sued the said Henry Molesworth Oxley.

I charge the said Henry Molesworth Oxley with having, at Berrima aforesaid, on the 1st day of December aforesaid, unlawfully and maliciously prevented the due administration of justice, by preventing me from appearing for the said D. R. Eden in the cause aforesaid, and conducting his case, and preventing me from exercising my profession of an attorney of the Supreme Court according to law, and I pray that he may be summoned to answer this charge.

The said Charles L. Nicholson and John Evelyn Liardet can give material and necessary evidence relating to the said charge, and I pray that they may be summoned as witnesses, and that the said John Evelyn Liardet may be allowed to produce the plaint and other proceedings filed in the said cause of Campbell against Eden, and the cause list of the Court of

of Petty Sessions at Berrima on the said first day of December last, and the memorandum in writing made by the said John Evelyn Liardet from the dictation of the said Henry Molesworth Oxley, stating his reasons for not hearing me.

CHAS. H. WALSH.

Sworn before me, at Goulburn, in the Colony  
of New South Wales, the day and year  
first above written.

P. PLUNKETT, J.P.

No. 5.

H. M. OXLEY, ESQ., to THE CROWN LAW OFFICERS.

(No. 59-131.)

Police Office,  
Berrima, 19 May, 1859.

GENTLEMEN,

Summons to be  
returned.

I have the honor to inform you, that on the 1st December last, I, as usual, presided in the Court at Berrima, when a case under the 10 Vict., No. 10, not within my jurisdiction as a Magistrate sitting singly, was called on, in which Mr. C. H. Walsh, an attorney of the Supreme Court was retained; before hearing that gentleman, I asked him a question, as a Magistrate, to which he gave me a most insulting reply; I then refused to hear him unless he apologised; Mr. Walsh said I should do so, i.e., refuse to hear him at my peril, and that I had no power to do so under any existing law. I then asked the opinion of the Honorable the Attorney General on the point of law, in the meantime declining to hear Mr. Walsh; a long correspondence ensued between the Bench at Berrima and the Attorney General, and finally the whole matter was brought under the notice of the Governor General and the Executive Council, at whose request the letter dated 2nd February, 1859, No. 3026, addressed to the Honorable the Chief Secretary, and published by order of the Legislative Assembly, on the motion of Mr. T. A. Murray, amongst the correspondence between the Government and the Bench of Magistrates at Berrima, relating to the refusal of that Bench to hear Mr. C. H. Walsh as an Attorney, was written containing an explanation of the whole case; to this letter no reply at all relating to the point at issue was received, and the matter apparently dropped. On the 8th May last, I received the enclosed summons from the Police Magistrate at Goulburn, ordering me to appear before him at that place, 52 miles from my residence, to answer a charge preferred against me by the same Mr. C. H. Walsh, for obstructing the course of justice by refusing to hear him on the 1st December last. I did not obey the order, but, as advised, wrote the following letter. (*As per separate copy, dated Berrima, 11 May, 1859.*) I am now given to understand, that it is the intention of the Magistrates at Goulburn to issue a warrant for my apprehension after the 24th instant, in the meantime taking the opinion of the Crown Law Officers. I therefore do myself the honor to request, that you will give me, as a Magistrate, such advise and assistance you may think proper to offer, and that you will consider it within your province to protect me in the discharge of my duty.

I have, &c.,

H. M. OXLEY, J.P.

THE HONORABLE

THE CROWN LAW OFFICERS,  
Sydney.

No. 6.

THE SECRETARY TO THE CROWN LAW OFFICERS to H. M. OXLEY, ESQ.

(No. 59-252.)

Crown Law Offices,  
Sydney, 27 May, 1859.

SIR,

Re C. H. Walsh  
v. H. M. Oxley,  
charged with  
maliciously  
preventing his  
appearance as  
Attorney in  
matter of Camp-  
bell v. Eden.  
Summons here-  
with returned.

In acknowledging the receipt of your letter of the 19th instant, respecting summons issued by the Police Magistrate, Goulburn, for your appearance at that place, I am desired by the Attorney General to state, that he regrets that he feels himself bound to decline to answer the questions asked in your communication of the above date, on the ground that it would be contrary to his duty as Attorney General to advise a person (although he be a Magistrate) how he should act when charged with a criminal offence.

I have, &c.,

H. M. OXLEY, ESQ., J.P.,  
Berrima.

W. E. PLUNKETT.

No. 7.

## No. 7.

THE ATTORNEY GENERAL to THE BENCH OF MAGISTRATES, GOULBURN.

(No. 59-251.)

*Crown Law Offices,  
Sydney, 27 May, 1859.*

GENTLEMEN,

In acknowledging the receipt of your letter of the 14th instant, I do myself the honor to state that I am aware my predecessors, on the ground that it was no part of their duty, have generally refused to give opinions to Magistrates on questions coming before them for decision, but in some special instances they have departed from that custom. As the points, however, on which you seek my advice, are novel, and the subject is one of great importance and apparent difficulty, I have no hesitation in affording you all the information in my power. I am of opinion that you have jurisdiction to entertain the charge preferred by Mr. Walsh against Mr. Oxley, and to issue your warrant in case the latter should persist in disobeying the summons.

It is a misdemeanour for a Judge or Magistrate maliciously to obstruct the course of justice, (per Lord Campbell, C.J., in *Reg. v. Marshall*, 4, Ellis and Blackburn, 480) and such offence may be punished, either by information in my name, in the ordinary way, or by a criminal information. By the 1st section of Jervis' Act, 11 and 12 Vict., c. 42, in all cases where a charge is made before a Justice of the Peace "that any person has committed" or is suspected to have committed any treason, felony, or indictable misdemeanour, or other "indictable offence whatsoever, within the limits of the jurisdiction of such Justice, it shall" be lawful for such Justice to issue his warrant to apprehend such person."

There is therefore, it is alleged, in the present case, an indictable misdemeanour, and there is consequently, power for the injured party, if he wishes to initiate criminal proceedings, to go before any Justice, provided the case should have happened within the limits of such Justice's jurisdiction. Had then Mr. Walsh power, in strict law, to go before a Goulburn Magistrate? I think the law allowed him so to do, as Magistrates here are appointed for the whole Colony, and by the 17 Vict., No. 39, sec. 12, "every Justice" described as a Justice of the Peace for New South Wales, shall be taken to be a Justice "for the Colony generally."

With respect, however, to the propriety of or necessity for instituting proceedings there instead of at Berrima, I differ entirely from the view entertained by Mr. Walsh, for I think Mr. Walsh had no right to assume that Mr. Oxley's brother Magistrates, at Berrima, would necessarily neglect their duty and deny him justice. In answer to the second question put to me by the Bench of Magistrates, I am clearly of opinion that Mr. Walsh had a right to proceed in the way he proposed, provided he had evidence to support his charge, with a view to ulterior proceedings at the Assizes, and that he could not be compelled to resort to the Supreme Court for a criminal information. In England he might pursue his remedy, either by indictment at the Assizes or by a criminal information in the Court of Queen's Bench. Here an information by the Attorney General would take the place of an indictment in England, and the other remedy by criminal information in the Supreme Court would be the same as in the Mother Country.

It is expressly laid down in Burns' Justice of the Peace, title "Justices," and it is clear law that a person may pursue one or other of such remedies at his election, and although a criminal information is generally resorted to, yet, in cases like the present, where the time for applying to the Supreme Court has gone by, an indictment is the proper, indeed the only, remedy against a Justice who acts from an improper and corrupt motive. I would also remind you, that nearly twenty years ago a Magistrate was tried and convicted at the Assizes in the West of England for illegally administering an oath, *Reg. v. Nott*, *Cur v. Marshman*, Q.S.S.

A case, however, like the one now under consideration has never, as I am informed, occurred here before; and I beg therefore to be permitted to conclude, by citing a passage from an elaborate and well considered judgment of the Court of Queen's Bench, delivered by Lord Tenterden, C.J., in the year 1820, in the case of *Rex v. Burrow*, 3 Barnwell and Alderson, 430, as it clearly and satisfactorily lays down the principles on which criminal proceedings against Justices for misconduct in their office is based. There the Court refused

to



to grant a criminal information at the instance of Mr. Charles Pearson, the present Solicitor for the City of London, against the defendant, a Magistrate of the County of Lancaster, for refusing to take the examination of two persons, on a charge of feloniously cutting and wounding. Mr. Barrow was a Justice acting for the Warrington divisions of Manchester, wherein the offence was alleged to have been committed.

"The application is made (says Lord Tenterden, p. 433) against a gentleman who is  
 "one of that class of persons to whom this country is under great obligations as this or  
 "any other nation is or ever was to any members of its community. I speak of the gentle-  
 "men residing in the different parts of England who act in the execution of His Majesty's  
 "Commission of the Peace, and who gratuitously devote a great part of their time, and  
 "bestow much valuable but often thankless labor in the administration of many branches of  
 "the law. In this most valuable class (p. 434) many persons are found who possess a sound  
 "knowledge of the law, united with the most useful and extensive practical information.  
 "They are called upon in many cases of a difficult, and in many of a delicate nature, and  
 "are in general addressed, by those who apply to them, with the respect that is due to their  
 "station and character. They are indeed, like any other subject of this Kingdom, answer-  
 "able to the law for the faithful and upright discharge of their trust and duties; but  
 "whenever they have been challenged on this head, either by way of indictment or applica-  
 "tion to this Court for a criminal information, the question has always been, not whether  
 "the act done might, upon full and mature investigation be found strictly right, but from  
 "what motive it had proceeded—whether from a dishonest, oppressive, or corrupt motive  
 "(under which description fear and favor may generally be included), or from mistake or  
 "error. In the former case alone they have become the objects of punishment. To punish  
 "as a criminal any person who, in the gratuitous exercise of a public trust, may have fallen  
 "into error or mistake, belongs only to the despotic ruler of an enslaved people, and is  
 "wholly abhorrent from the jurisprudence of the Kingdom. Upon these principles the  
 "present application to this Court is to be decided by us."

I have, &c.,

THE BENCH OF MAGISTRATES,  
 Goulburn.

L. H. BAYLEY,  
 Attorney General.

#### No. 8.

THE POLICE MAGISTRATE, GOULBURN, to THE ATTORNEY GENERAL.

*Police Office,  
 Goulburn, 28 May, 1859.*

SIR,

I have the honor to call your attention to the letter addressed to you by this Bench on the 14th instant, requesting advice respecting a prosecution that had been commenced by Mr. Chas. H. Walsh against Mr. Henry M. Oxley of Berrima, and beg the favor of a reply thereto at your earliest convenience.

I have, &c.,

THE HONORABLE  
 THE ATTORNEY GENERAL.

P. PLUNKETT,  
 Police Magistrate.

#### No. 9.

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

*Goulburn, 7 July, 1859.*

SIR,

The Attorney General having never replied to any of my letters complaining of Mr. H. M. Oxley, a Justice of the Peace at Berrima, I do myself the honor to invite your attention to the matter, and its present position.

From correspondence already under your notice you are aware of the nature of my complaint; and, although, in deciding on a complaint made by Messrs. Oxley, Nicholson, and Cordeaux, against the late Attorney General, the Executive Council declared Mr. Oxley's conduct towards me "irregular and mistaken," no adjudication has, so far as I know, ever been made by the Government on my complaint against Mr. Oxley.

For

For some time Mr. Oxley discontinued his attendance at the Berrima Bench, recently, however, he resumed his seat, stating, as I am informed, that he did so because he was then satisfied he was fully justified in his conduct towards me.

No action having been taken by the Government on my complaint, I proceeded to put the law in motion. I made an information before the Bench at Goulburn, charging Mr. Oxley with having on the 1st December last maliciously obstructed justice; a summons was issued and served on him; he failed to appear. After a reference by the Goulburn Bench to the Attorney General, and his reply, a warrant was issued for the apprehension of Mr. Oxley; under it Mr. Oxley was arrested and taken before Mr. Cordeaux, one of the Berrima Magistrates, who admitted him to bail to appear at Berrima on the 6th July instant, to answer the charge preferred against him by me.

Without admitting for a moment the right of Mr. Cordeaux to depart from the usual course of sending a party arrested on a warrant to the Bench from which it issued, I determined to appear at Berrima on the day appointed, and for this reason—I had frequently stated it would be a denial of justice to compel me to prefer my charge against Mr. Oxley before the Berrima Bench, an opportunity now presented itself to test the correctness of that statement, I resolved to do so, and the result has proved how well grounded were my apprehensions.

A week previous to the 6th of July, I sent a party specially to Berrima to procure and serve subpoenas; he applied for them to Mr. Cordeaux who granted them, but stated, at the same time, the case would not be heard as none of the Magistrates would attend except those summoned as witnesses, and that of course they could not act.

One of the subpoenas was for the Clerk of the Bench, and on its being served on him he too stated the case would not be heard as none of the Magistrates would attend.

Nevertheless, I attended and found Messrs. Nicholson, Cordeaux, and Morrice, Magistrates, at the Police Office. They disposed of some petty debts cases, and then my case was called on.

I appeared, as did also Mr. Oxley; he applied to have all witnesses ordered out of Court; Mr. Nicholson, whom I had subpoenaed, left, Mr. Morrice remaining; he was reminded he had been subpoenaed by Mr. Oxley, and was called on to leave the Court.

This left Mr. Cordeaux the only Magistrate to hear the complaint; I informed him, that before going into the case I thought it right to call his attention to his position in the matter; I pointed out to him that the complaint against Mr. Oxley was for his conduct on the 1st December last, an occasion on which Mr. Cordeaux was not present, and that, although not present, he signed a letter addressed to you on the 2nd February last, in which it was alleged I had grossly and gratuitously insulted, not only Mr. Oxley, but the Bench, that he had, in fact, expressed a strong opinion on the transaction of the 1st December; I said I did not mention this by way of objection to his hearing the case, that I was prepared to go on if he thought he ought to do so after his attention had been called to the above circumstances.

Mr. Cordeaux said he felt he ought not to sit in the case, and declined to act.

No other Magistrate of the Berrima Bench being present the case lapsed.

I have not issued any other summons because only the same result would follow.

I again submit the matter to the consideration of the Government, and I beg to refer to the cases *ex parte* Ramshay, 18 Queen's Bench reports, and *Reg. v. Marshall*, 4 Ellis and Blackburn as precedents for adopting such a course.

I have, &c.,

CHAS. H. WALSH.

THE HONORABLE  
THE COLONIAL SECRETARY.

## No. 10.

THE PRINCIPAL UNDER SECRETARY to C. H. WALSH, ESQ.

*Colonial Secretary's Office,  
Sydney, 3 August, 1859.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 7th ultimo, and to inform you that Edward Denny Day, Esquire, Police Magistrate at Maitland, has been appointed to proceed to Berrima, without delay, to inquire into any complaints against any members of that Bench.

2. Mr. Day will be instructed to apprise you of the time when he will be at Berrima, prepared to enter upon the investigation.

I have, &amp;c.,

C. H. WALSH, ESQ.,  
Goulburn.

W. ELYARD.

## No. 11.

THE PRINCIPAL UNDER SECRETARY to THE BENCH OF MAGISTRATES, BERRIMA.

*Colonial Secretary's Office,  
Sydney, 5 August, 1859.*

GENTLEMEN,

I am directed by the Colonial Secretary to inform you, that in consequence of a representation received from Mr. C. H. Walsh, that he cannot obtain a hearing in the matter of a complaint which he wishes to prefer against H. M. Oxley, Esquire, one of the Magistrates resident in and usually acting for the Berrima District, Mr. E. D. Day, Police Magistrate of Maitland, has been instructed to proceed to Berrima to sit in the case, and act as the law requires.

I am to add that Mr. Day will be in Berrima for the purpose during the ensuing week.

I have, &amp;c.,

THE BENCH OF MAGISTRATES,  
Berrima.

W. ELYARD.

## No. 12.

THE PRINCIPAL UNDER SECRETARY to C. H. WALSH, ESQ.

*Colonial Secretary's Office,  
Sydney, 6 August, 1859.*

SIR,

With reference to my letter of the 3rd instant I am directed to inform you that Mr. Day, the Police Magistrate at Maitland, will be in Berrima, for the purpose of inquiry into the matter of complaint which you wish to prefer against H. M. Oxley, Esq., one of the Magistrates resident in and usually acting for the Berrima District, during the ensuing week.

I have, &amp;c.,

C. H. WALSH, ESQ.,  
Goulburn.

W. ELYARD.

## No. 13.

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

*Goulburn,  
7 August, 1859.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 3rd instant, informing me that Edward Denny Day, Esquire, Police Magistrate, at Maitland, had been appointed to proceed to Berrima without delay, to inquire into any complaints against any members of that Bench.

I have also the honor to acknowledge the receipt of your letter of the 6th instant, informing me that Mr. Day will be in Berrima during the ensuing week for the purpose of  
inquiring

inquiring into the matter of the complaints which I wish to *prefer against* Mr. H. M. Oxley, one of the Justices resident in and usually acting for the Berrima District.

In letters addressed by me to the Honorable the Attorney General, dated respectively the 3rd and 24th December last, and 7th January last, I complained of Mr. Oxley's conduct as a Magistrate.

By letter, dated 13th January last, the Secretary of the Law Department informed the Magistrates of the Berrima Bench that he was desired to invite them to furnish such explanation as they might deem advisable with reference to my letters, and those of James Rodgers.

On the 2nd February last Messrs. Oxley, Nicholson, and Cordeaux addressed a letter, by way of explanation to you, in which the truth of the statements made by me was impugned.

Having frequently urged the Government for a decision on the complaints made by me, and the issue raised by the reply of the Bench of Magistrates, when I received your letter of the 3rd instant, stating Mr. Day had been appointed to inquire into any complaints against any members of the Berrima Bench, I understood from it that Mr. Day had been appointed to inquire into the complaints made by me against Mr. Oxley—replied to by the Bench, and set forth in the letters above referred to; but as your letter of the 3rd instant states that Mr. Day will be in Berrima for the purpose of inquiring into the matter of complaints which I *wish to prefer* against Mr. Oxley, I am in doubt as to the object of Mr. Day's appointment, and in what capacity he will enter upon the investigation—whether he will have ample powers as a Commissioner to investigate the whole matter, or whether he will act simply as a Magistrate on any new complaint which may be preferred before him against Mr. Oxley.

I beg, therefore, to ask for information as to the nature and extent of the authority under which Mr. Day will act, and also to inquire if he will enter upon an investigation as to the truth of the complaints made by me against Mr. Oxley, and the reply of the Bench of Magistrates thereto.

I purpose being in Berrima on Wednesday, the 10th instant, and will feel obliged by a reply to this letter addressed to me there.

I have, &c.,

THE HONORABLE  
THE COLONIAL SECRETARY.

CHAS. H. WALSH.

#### No. 14.

THE PRINCIPAL UNDER SECRETARY to MR. WALSH.

*Colonial Secretary's Office,  
Sydney, 9 August, 1859.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 7th instant, and to inform you that Mr. Day proceeds to Berrima simply as a Magistrate of the Territory to hear the complaint which you represent that there is not a Magistrate who can, or will do so.

I have, &c.,

W. ELYARD.

P. S.—Mr. Day will be in Berrima on Thursday.

CHAS. H. WALSH, ESQ.,  
Berrima.

## No. 15.

*PROCEEDINGS of the Executive Council, with respect to certain complaints preferred by Mr. Charles H. Walsh against the Magistrates of the Bench at Berrima.*

Extract from Minute No. 59-30. Dated 1st August, 1859.

## PRESENT :—

His Excellency The Governor General.  
The Honorable The Vice-President of the Council.  
The Honorable The Secretary for Lands and Public Works.  
The Honorable The Colonial Treasurer.

REFERRING to the proceedings on the 10th January, and 7th February last, on the subject of certain complaints preferred by Mr. Charles H. Walsh, against the Magistrates of the Berrima Bench, and more particularly Mr. H. M. Oxley, J.P., His Excellency the Governor General lays before the Council a letter from Mr. Walsh, dated 7th ultimo, together with other correspondence which has passed through the office of the Honorable the Attorney General, bearing upon the same subject.

2. From this correspondence the Council learn that Mr. Walsh has followed up his charge against Mr. Oxley, by preferring an information before the Bench of Magistrates at Goulburn, charging that gentleman with having maliciously obstructed justice, and that a summons having been granted by that Bench, and, consequently on Mr. Oxley's failing to appear, a warrant for his apprehension, he was brought before Mr. Cordeaux, one of the Magistrates of the Berrima District, and admitted to bail, to appear before the Bench of Magistrates at Berrima to answer the charge. It further appears that on the case being called, the only Magistrates who, with the exception of Mr. Cordeaux, were present—Mr. Nicholson and Mr. Morrice—were unable to sit, having been subpoenaed as witnesses; and that Mr. Cordeaux having previously expressed an opinion upon the transactions unfavorable to the complainant, declined to act, and the case consequently lapsed.

3. Mr. Walsh adverts to these circumstances as supporting his allegation, that it would be a denial of justice to compel him to prefer his charge against Mr. Oxley before the Bench of Magistrates at Berrima; and adds, that he has not issued any other summons because he anticipates that the same result would follow as on the occasion adverted to.

4. The Council having deliberated upon the matter brought before them, and without expressing any opinion whatever upon the merits of the questions at issue, feel it to be incumbent upon the Government that proper facilities should under all circumstances be afforded for the due administration of justice; and as it appears to them that such facilities cannot be expected now to exist at Berrima in reference to the present matter, in which a charge is laid against one of the Magistrates, and the majority of the others are directly or indirectly concerned, they are of opinion that measures should be taken for securing the attendance at that place of a Magistrate, before whom Mr. Walsh may have the opportunity of proceeding with the charge against Mr. Oxley.

5. The Council therefore advise that instructions be forwarded to Edward Denny Day, Esquire, Police Magistrate of Maitland, to proceed to Berrima with the foregoing objects.

A. ORPEN MORIARTY,  
Clerk of the Council.

## No. 16.

THE PRINCIPAL UNDER SECRETARY to E. D. DAY, ESQ.

*Colonial Secretary's Office,  
Sydney, 10 August, 1859.*

SIR,

Certain complaints have been preferred at different times by Mr. Charles H. Walsh against the Magistrates of the Berrima Bench, and more particularly Mr. H. M. Oxley; and by a letter dated the 7th ultimo from Mr. Walsh it appears that he has followed up his charge against Mr. Oxley by preferring an information before the Bench of Magistrates at Goulburn, charging that gentleman with having maliciously obstructed justice, and that a summons having been granted by that Bench, and subsequently, on Mr. Oxley's

Oxley's failing to appear, a warrant for his apprehension, he was brought before Mr. Cordeaux, one of the Magistrates of the Berrima District, and admitted to bail, to appear before the Bench of Magistrates at Berrima, to answer the charge. It further appears that, on the case being called, the only Magistrates present, with the exception of Mr. Cordeaux, were Mr. Nicholson and Mr. Morrice, who were unable to act, having been subpoenaed as witnesses; and that Mr. Cordeaux, having previously expressed an opinion upon the transactions unfavorable to the complainant, declined to act, and the case consequently lapsed.

2. Mr. Walsh has alleged that it would be a denial of justice to compel him to prefer his charge against Mr. Oxley before the Bench of Magistrates of Berrima; and states that he has not issued any other summons for him, because he anticipates that the same result would follow as on the occasion adverted to.

3. Without expressing any opinion upon the merits of the questions at issue, the Government feel it to be incumbent upon them to see that proper facilities are afforded for the due administration of justice; and as it appears to them that such facilities cannot be expected now to exist at Berrima, in reference to the present matter, in which a charge is laid against one of the Magistrates, and the majority of the others are directly or indirectly concerned, they are of opinion that measures should be taken for securing the attendance at that place of a Magistrate before whom Mr. Walsh may have the opportunity of proceeding with the charge against Mr. Oxley.

4. The Colonial Secretary therefore desires me to request that you will proceed to Berrima with as little delay as possible, to sit in the case, and to act as the law requires in the matter.

5. The papers on the subject are enclosed for your perusal and information, and I am to request that you will return them to this office with the report which you will make of the steps adopted by you in pursuance of these instructions.

I have, &c.,

W. ELYARD.

E. D. DAY, ESQ.,  
Police Magistrate of Maitland,  
Sydney.

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### No. 17.

E. D. DAY, ESQ., to THE PRINCIPAL UNDER SECRETARY.

*Sydney, 29 August, 1859.*

SIR,

I have the honor to inform you that, in obedience to the instructions of the Honorable the Colonial Secretary, conveyed to me in your letter of the 10th of this month, I proceeded to Berrima to inquire into the charge preferred against Mr. H. M. Oxley, of Berrima, Justice of the Peace, by Mr. C. H. Walsh, Solicitor, of Goulburn.

After arriving at Berrima I heard the whole of the evidence produced, as well for the prosecution as for the defence, and being then of opinion that the evidence fully supported the charge laid, I found it my duty to commit the defendant for trial at the next Circuit Court to be holden at Goulburn, for unlawfully and maliciously obstructing the due administration of justice at Berrima on the first day of December, 1858.

I beg to add that I admitted Mr. Oxley to bail at his request to that effect.

The several papers transmitted to me with your letter of instructions I beg to return herewith, with the exception of those of them which, having been exhibited during the proceedings, have necessarily been forwarded with the depositions to the Attorney General.

I have &c.,

E. D. DAY,  
Police Magistrate.

THE PRINCIPAL UNDER SECRETARY,  
&c., &c., &c.

No. 18.

E. D. DAY, ESQ., to THE ATTORNEY GENERAL.

Sydney, 29 August, 1859.

SIR,

In obedience to instructions from the Honorable the Colonial Secretary, dated the 10th of this month, I have the honor to inform you that I proceeded to Berrima to inquire into a charge preferred by Mr. C. H. Walsh of Goulburn, Solicitor, against Mr. H. M. Oxley of Berrima, J.P., for having unlawfully and maliciously obstructed the due administration of justice; and having heard the whole of the evidence offered for the prosecution, as well as that produced for the defence, I considered it to be my duty to commit the defendant for trial at the next Circuit Court to be holden at Goulburn, on the charge preferred against him.

The whole of the depositions taken in the case, together with the several exhibits, I beg to transmit to you herewith, and also the recognizance for bail and the recognizance to give evidence of such of the witnesses as were within reach at the close of the proceedings.

The attendance of the witnesses who were not then present to enter into the usual recognizance will, of course, have to be procured by *subpoena*.

I have, &amp;c.,

EDW. D. DAY.

THE HONORABLE

THE ATTORNEY GENERAL,

&amp;c., &amp;c., &amp;c.

[Enclosure in No 18.]

In the Colony of New South Wales.

The Information of Charles Hamilton Walsh, of Goulburn, in the Colony of New South Wales, Attorney-at-Law, taken this fifteenth day of August, in the year one thousand eight hundred and fifty-nine, before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, at Berrima aforesaid, who saith as follows:—I am an Attorney of the Supreme Court of New South Wales. On the first day of December last, a Court of Petty Sessions for the recovery of small debts, under the Act tenth of Victoria, No. ten, was held at Berrima—Henry Molesworth Oxley, and Charles Lindsay Nicholson, two of Her Majesty's Justices of the Peace, were the sitting Justices at the said Court. A certain cause, wherein James Campbell was plaintiff, and David Robert Eden, defendant, was entered for trial at the said sitting of the said Court, the said defendant, David Robert Eden, employed me to appear for him, and conduct his case. When the cause was called on for hearing the plaintiff appeared; I stated I appeared for the defendant, whereupon the said Henry Molesworth Oxley said he would not allow me to appear until I had given some explanation of a letter which he said I had written to the Crown Law Officers, in which, as he alleged, I stated that justice could not be procured at that Bench while he sat on it. I refused to give any explanation, and insisted on my right to appear, but the said Henry Molesworth Oxley refused to permit me. The said Charles Lindsay Nicholson stated his willingness to permit me to appear. I asked the said Henry Molesworth Oxley to state in writing his objection to my appearing as an Attorney in the said cause, and he directed the Clerk of the Bench to take down in writing the following statement:—"I object to Mr. Walsh, in this or any other case, until he gives some explanation of a letter written to the Crown Law Officers, accusing me of partiality and injustice, and declaring that so long as I sat on the Bench his client could not obtain justice." I was not permitted to appear, and the cause was adjourned for a week by the said Henry Molesworth Oxley. The statement made by the said Henry Molesworth Oxley, and reduced to writing as aforesaid, is utterly untrue; I never in writing or otherwise made any such statement. I believe that in refusing my appearance for the said David Robert Eden the said Henry Molesworth Oxley was influenced by personal ill feeling towards me, because I had advised a client of mine to complain to the Attorney General of the Clerk of the Bench at Berrima for neglect of duty, and because for another client I sued the said Henry Molesworth Oxley.

I charge the said Henry Molesworth Oxley with having at Berrima aforesaid, on the first day of December aforesaid, unlawfully and maliciously prevented the due administration of justice, by preventing me from appearing and conducting his case for the said David Robert Eden in the cause aforesaid, and preventing me from exercising my profession of an Attorney of the Supreme Court according to law, and I pray that he may be summoned to answer this charge; the said Charles Lindsay Nicholson and John Evelyn Liardet can give material and necessary evidence relating to the said charge, and I pray that they may be summoned as witnesses, and that the said John Evelyn Liardet may be required to produce the plaint and other proceedings filed in the said cause of Campbell against Eden, and the

cause

cause list of the Court of Petty Sessions at Berrima on the said first day of December last, and the memorandum in writing made by the said John Evelyn Liardet from the dictation of the said Henry Molesworth Oxley, stating his reason for not hearing me.

CHAS. H. WALSH.

Sworn before me at Berrima, this 15th }  
of August, 1859, }  
EDW. D. DAY, J.P.

Prepare summons for Mr. Oxley to appear and answer this charge at 12 o'clock, noon, to-morrow.

E. D. D.

*Summons of a Witness.*

To Charles Lindsay Nicholson, of Sutton Forest, in the Colony of New South Wales, Esquire.

WHEREAS Henry Molesworth Oxley, Justice of the Peace, stands charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony of New South Wales, for that he, on the first day of December last, at Berrima, in the Colony aforesaid, being a Justice of the Peace, did unlawfully and maliciously prevent the due administration of justice, by preventing Charles Hamilton Walsh, one of the Attorneys of the Supreme Court, from appearing for the defendant in a certain cause then to be tried, under the 10th Victoria, No. 10, in which James Campbell was plaintiff, and David Robert Eden defendant.

And it hath been made to appear to me, upon oath, that you are likely to give material evidence on behalf of the prosecution in this behalf:—These are therefore to require you to be and appear, on the sixteenth day of August instant, at twelve o'clock in the forenoon, at the Police Office, Berrima, in the said Colony, before such Justices of the Peace for the said Colony as may then be there, to testify what you shall know concerning the matter of the said charge.

Given under my hand and seal this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty-nine, at Berrima, in the Colony aforesaid.

EDW. D. DAY, J.P. (L. S.)

*Summons of a Witness.*

To John Evelyn Liardet, of Berrima, in the Colony of New South Wales, Esquire.

WHEREAS Henry Molesworth Oxley, Justice of the Peace, stands charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony of New South Wales, for that he, on the first day of December last, at Berrima, in the Colony aforesaid, being a Justice of the Peace, did unlawfully and maliciously prevent the due administration of justice, by preventing Charles Hamilton Walsh, one of the Attorneys of the Supreme Court, from appearing for the defendant in a certain cause then to be tried, under the 10th Victoria, No. 10, in which James Campbell was plaintiff, and David Robert Eden defendant:

And it hath been made to appear to me, upon oath, that you are likely to give material evidence on behalf of the prosecution in this behalf:—These are therefore to require you to be and appear, on the sixteenth day of August instant, at twelve o'clock in the forenoon, at the Police Office, Berrima, in the said Colony, before such Justices of the Peace for the said Colony as may then be there, to testify what you shall know concerning the matter of the said charge; and that you then and there produce the original plaint, and other proceedings, filed in the said cause of Campbell against Eden, and the original Cause List of the Court of Petty Sessions held at Berrima on the said first day of December, and the Memorandum in writing made by you from the dictation of the said Henry Molesworth Oxley, stating his reason for not hearing the said Charles Hamilton Walsh.

Given under my hand and seal this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty-nine, at Berrima, in the Colony aforesaid.

EDW. D. DAY. (L. S.)

*Summons to a person charged with an indictable offence.*

To Henry Molesworth Oxley, of Wingecarribbee, in the Colony of New South Wales, Justice of the Peace.

WHEREAS you have this day been charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony of New South Wales, for that you on the first day of December, one thousand eight hundred and fifty-eight, did unlawfully and maliciously prevent the due administration of justice, by preventing one Charles Hamilton Walsh, an Attorney of the Supreme Court, from appearing and conducting a case for one David Robert Eden:

These are therefore to command you, in Her Majesty's name, to be and appear before me, on the sixteenth day of August, one thousand eight hundred and fifty-nine, at twelve o'clock, noon, at the Police Office, Berrima, or before such other Justice or Justices of the Peace



Peace as may then be there, to answer to the said charge, and to be further dealt with according to law: Herein fail not.

Given under my hand and seal this fifteenth day of August, in the year of our Lord one thousand eight hundred and fifty-nine, at Berrima, in the Colony aforesaid.

EDW. D. DAY, J.P. (L.S.)

Police Office, Berrima,  
16 August, 1859.

BEFORE EDW. D. DAY, J.P.

Henry Molesworth Oxley appears on summons to answer a charge preferred against him by Charles Hamilton Walsh, for having at Berrima, in the Colony of New South Wales, on the first day of December, 1858, unlawfully and maliciously prevented the due administration of justice, by preventing him, the said Charles Hamilton Walsh, from appearing and conducting a case for David Robert Eden, then pending, and preventing him, the said Charles Hamilton Walsh, from exercising his profession as an Attorney of the Supreme Court according to law.

The information being read, Mr. Walsh addressed the Bench, and then called,—  
*John Evelyn Liardet*, being sworn, deposed:—I am Clerk of the Bench at Berrima, and also Registrar of the Small Debts Court, under 10 Victoria, No. 10; I produce the proceedings of the Small Debts Court at Berrima on the first of December last, I also produce the original plaint in the cause of Campbell against Eden; I produce the cause list for the first of December, 1858, it is in the record book; the paper now produced is a certified copy of that cause list; no adjudication appears in the column headed "Judgment" in the record book in that cause, but the words "carried forward" appears in my handwriting in that column; I remember that the cause James Campbell against Eden was called on for hearing on the first of December, 1858; I think I do recollect your stating you appeared for the defendant; I now recollect you did say so; there is no record or entry on the record book of your appearance on that occasion; I think the plaintiff, James Campbell, appeared in Court on that occasion; I firmly believe there was a fresh summons issued in that case in consequence of what you said on that occasion; the record does shew that Mr. Oxley was the Magistrate that day in the case just before Campbell against Eden; when the case Campbell against Eden was called on I believe Mr. Oxley was the Magistrate on the Bench; I know Mr. Nicholson was in the office that day, and I believe he sat on the Bench for a time; I do not think Mr. Nicholson was on the Bench when the cause Campbell against Eden was called on; I do not think there was any other Magistrate on the Bench that day while the cause of Campbell against Eden was on but Mr. Oxley; I believe Mr. Nicholson did take his seat on the Bench that day, but I think it was on police business; I will not be sure, I will not swear positively, but I firmly believe Mr. Nicholson did not take any part in the cause Campbell against Eden; I think the police business was taken first on that occasion; I produce the list of police causes before the Bench on that day; I should not like to say that any case in that list was heard on the first of December; it would appear from the list that Mr. Nicholson sat on the 8th of December, 1858, and adjourned cases until the 15th, the following Wednesday; I cannot shew you by the list any case in which Mr. Nicholson sat on the 1st December; I recollect Mr. Oxley objecting to hear you in some case, I won't be certain whether it was in Campbell against Eden or not; I do recollect during a discussion Mr. Nicholson saying he had no objection to hear you, but I won't be sure whether it was on that day or not; I cannot say that Mr. Nicholson left after saying that or not; I recollect that Mr. Nicholson left the office on the 1st of December saying he had some business, or words to that effect; I think Mr. Nicholson returned again into the office after saying the words I have spoken, but I cannot say it was immediately after leaving that he returned; it may have been after Mr. Nicholson returned that he said "I have no objection to hear you"—I am not sure; I don't think Mr. Nicholson took any part in the discussion more than I have already stated; in my answers I have considered that Mr. Walsh did not refer exclusively to what took place on the 1st of December; the discussion I spoke of as to your being heard took place on the 1st of December; I think Mr. Nicholson was present during the greater part of the discussion, or during some part of it; I cannot say whether Mr. Nicholson took any part in the discussion or not; I cannot say yes or no; I am not aware that my memory is defective; I have had my attention called to this controversy between you and Mr. Oxley a good deal since the 1st of December; Mr. Nicholson may have said more than I recollect in the discussion; I think I have now very nearly stated all that took place on the 1st of December; I said before, I believed you stated that you appeared for the defendant in the cause of Campbell against Eden; I think Mr. Oxley was then the Magistrate on the Bench; I think Mr. Oxley said he must adjourn the case; when you said you appeared for the defendant Eden, Mr. Oxley said something, and amongst it I think he said he must adjourn the case; I think he said "There is an end to the matter; I have nothing more to do with it"; he may have said more; I have up to the present time stated all that I recollect Mr. Oxley said in that particular case; I believe Mr. Nicholson was not present during the discussion; I cannot say he was not present or that he was, because he may have been; I cannot say whether it was at the opening of the Police Court or at the Court of Petty Debts you were objected to, but I believe it was at the Police Court; I remember during the discussion putting the Act 10 Vic., No. 10, into Mr. Oxley's hand; I called Mr. Oxley's attention to particular sections in that Act; I don't recollect the number of the section, but could readily refer to it; I see it is the 45th section; I believe it was after the first discussion on the subject ended that I handed

handed the Act to Mr. Oxley; I do recollect you asking Mr. Oxley to have his objection to your appearing taken down in writing by me, but I don't recollect you giving any reason for asking that to be done; I don't recollect your saying that you asked this to prevent any mistake hereafter; I thought your object was to take up the time of the Court; I did make a memorandum; I think I read that memorandum after making it aloud in the Court, but I won't be sure; the memorandum I made was this—"I object to Mr. Walsh appearing in this or any other case, until he gives some explanation of a letter written to the Attorney General or Crown Law Officers accusing me of partiality, and that no justice can be obtained when I sit on the Bench"; witness adds—this was not a record of the Court; I will not be positive that these words were dictated to me or taken down by me while Mr. Nicholson was in the Court or not; I think they were; I think these words were not taken down during the discussion in the cause of Campbell against Eden; I firmly believe they were taken down in the case against John Gordon; I believe so because I have a recollection of taking them down in the early part of the day; this is not my only reason for that belief; I have a strong recollection of Campbell and Eden's case being settled about the last thing; I think Mr. Oxley's objection to hear you as an Attorney in the Court was not in Campbell and Eden's case; I firmly believe it was in Gordon's case; I will not swear positively; I believe Mr. Oxley refused to hear you in Gordon's case until you made some explanation respecting a letter you had written about the Bench; previous to the first of December I never heard Mr. Oxley say that he would not allow you to appear here; I believe I heard him say he would ask you for some explanation previous to admitting you here; I think I have heard him say this more than on one occasion; I won't be sure I heard him say so in the presence of others, but I think it very probable some of the Magistrates may have been present; I cannot say; I never heard him say it in the presence of persons who are not Magistrates; I think it was just before the first of December that I heard Mr. Oxley say what I have stated with respect to the explanation; it was when the Bench heard you were coming down; by the Bench I mean those Magistrates who were present at the time, and who were all agreed to the same thing I think; I apprehend the Magistrates who were then present never heard you were coming down on the first of December; I won't be positive whether the Magistrates who had this conversation were at the Police Office at the time or at luncheon; I think the conversation took place here and at luncheon too; it may have been on the Court day previous to the 1st of December; I won't be sure; I won't swear it was on the Court day previous; it was from that up to the first; I really cannot give the names of the Magistrates who were present; I may, by referring to these lists, say who the Magistrates were, but I would not swear it was on that Court day or not; I cannot tell you who the Magistrates present were; I think Mr. Nicholson was there, but I won't be sure; it was an understood thing by the Magistrates that you were to be asked for some explanation; I cannot say that on any occasion previous to the twenty-fifth of November I heard Mr. Oxley say he would not permit you to appear; he may have said so; on referring to the letter dated the twelfth of August from this Bench to the Attorney General—I think that letter was first directed to be written by Mr. Morrice—he said he should like to see the letter, and he thought the Bench should be supplied with it, or something to that effect; I am not sure Mr. Oxley was present on that occasion; Mr. Oxley signed the letter; I think the letter written for came to this office; I can produce it if it did come; on reference I find that that letter did arrive; I cannot say that I submitted that letter immediately after it came to the Magistrates; I have no doubt I laid it on the table in the usual course; having my attention called to that particular time, that is, when that letter arrived in August, 1858; I cannot swear Mr. Oxley then said he would not allow you to appear; between the arrival of that letter here in August and the twenty-fifth of November following, I cannot say I heard Mr. Oxley say he would not permit you to appear or hear you without explanation; it may have happened; I know Mr. Oxley's handwriting; I believe the paper produced is his handwriting, it looks very much like it (*Paper put in and marked*); I don't know that Mr. Oxley ever told me you had sued him for a person named Halls; I knew you had sued him; I never had any conversation with Mr. Oxley about you acting for Halls in that suit, of course I had conversation with him; I was one of the parties to the suit; I wish to explain with reference to my last answer,—that I understood when that question was asked Mr. Walsh meant some immediate and direct personal matter between him and Mr. Oxley; I had certainly some conversation with Mr. Oxley about you in reference to that action; we thought we were called upon unjustly to pay the money; we thought it very arbitrary on the part of the plaintiff to press the action; I certainly don't think Mr. Oxley was well pleased with the bringing of that action; I have heard Mr. Oxley express displeasure at the bringing of that action; it was an action for the salary of a schoolmaster very improperly brought; Mr. Oxley was a member of the School Board, so was I, and several others; myself and the other members of the Board were very much enraged at that action being brought; I do recollect being told by Mr. Oxley something about your threatening to put an execution in his house for the payment of the money; he told me that publicly as a party to the suit at the Board Office; I think others were present and some of the subscribers; I think the postmaster was one, but I will not be sure; I really don't know that Mr. Oxley was very much excited about it; I think he laughed at it; he thought it a very rude thing; I won't swear that I have seen the letter produced before, but I know I have heard Mr. Oxley speak about it; I really do not recollect that I was here present in the Police Office when the letter was written—I may have been; I know I recollect something about that letter; I certainly do not recollect that letter was read to me before it was posted; I know I approved of what he did at the time; I approved from what Mr. Oxley told me, but I cannot recollect what he did tell me; Mr. Oxley may have told me that he thought you impertinent in the matter; I thought you were so, from your threatening

threatening to put an execution in the house as the money had been already paid; I believe the money had been paid to our attorneys to be paid to you.

NOTE:—Mr. Liardet's evidence having been read over, he wished to have a memorandum explanatory appended to his evidence which I have acceded to.

E. D. D.

*Mr. Liardet's memorandum.*

1st. With reference to the Police Cause Lists, my reason for not being able to swear to any of the cases therein, as before the Bench on the 1st of December last, is because no Magistrate's signature appears on the sheet as sitting in the cases on that day, but I believe one of the sheets was before the Bench.

2nd. With reference to Mr. Nicholson's part in the discussions relative to Mr. Walsh's appearance, I refer to my belief that Mr. Nicholson was not present when the case of Campbell against Eden was gone into, and that part of the discussion.

3rd. Mr. Oxley having said he should object to Mr. Walsh's appearance may have been said on several occasions, and before other persons than Magistrates, but I do not recollect it. It may also have taken place before the last week of the month previous to the 1st of December; I cannot swear to the exact time.

*The Defendant:* I believe that during the discussions you did say you believed you had a right as a Magistrate to object to hear Mr. Walsh; after your refusal to hear Mr. Walsh in the first instance, you did at some time offer to allow Mr. Walsh to proceed under protest; Mr. Walsh, in answer to that, said that he would not allow the business to proceed unless you made a most humble apology to him; Mr. Walsh did, I think, say that you were acting from impure motives—he had said you were acting from personal ill feeling towards himself; you disclaimed at that time having any personal ill feeling towards Mr. Walsh; I think Mr. Walsh said he did not believe you; this was on the 1st of December, 1858; Mr. Walsh offered on that occasion to refer it to your uncle, Mr. Norton; you consented, I think, to his proposal at one time; it was not settled so, because Mr. Walsh said afterwards he would not consent to it; I believe Mr. Walsh stamped the floor with his foot; Mr. Walsh, I think, used the very words that he would sit there in spite of you; Mr. Walsh did say he would sit there as long as you did; I really cannot now remember the exact date on which Halls' action against the School Board commenced. (*The prosecutor here puts in the writ in this action referred to, marked G, shewing the action commenced on 22nd July, 1858.*) Copy of John Gordon's letter—letter dated 6th March—was forwarded from the office of the Crown Law Officers in a letter of 8th of March, 1858; I believe you saw that letter at that time or within a week or two; I did ask your advice as to how I should answer that letter, in accordance with the advice you gave me on the thirteenth of March, 1858; a portion of my answer was to the effect that a portion of that letter was not to be considered by me at all because it contained a tissue of uncalled for charges against this Bench, and the whole police establishment of the district; while I was preparing that answer I believe you did say that you would ask Mr. Walsh for an explanation on the first opportunity; on reading that letter you did say you would require an explanation from Mr. Walsh before you would hear him again; I heard you say, referring to what took place on the first of December, that you expected nothing from Mr. Walsh but a civil evasive answer; on referring to the record book I find the debt sued for in Campbell against Eden was £8 5s, and the costs were 9s., making £8 14s.; Mr. Walsh said you could not adjourn that case, you had no jurisdiction in it, and a fresh summons must issue; the case lapsed, and a fresh summons issued.

*Re-examined by Prosecutor:* I believe the observation of Mr. Oxley to the effect that he would allow you to go on under protest was said in Gordon's case—at any rate before Campbell and Eden's; the prosecutor asked witness whether it was in Gordon's case he declined to let his appearance be recorded as under protest; to this question defendant objected on the ground that it had no reference to the case in which he is charged with having obstructed the course of justice; witness replies, I believe it was in Gordon's; Mr. Walsh said he refused to appear in this or any case under protest; he claimed his right to appear to say what he liked, and said he would bring the matter into the Supreme Court; Mr. Oxley was the creature of a statute, and so was he; he would sit here as long as Mr. Oxley upon his right to do so; without offering any explanation for anything he had written or said, or might write or say, he would file a criminal information against Mr. Oxley.

*By Prosecutor:* When I said, as you stated, in cross-examination, that I did not believe Mr. Oxley, did I not say I could not acquit him of personal feeling when he wrote such a letter as that? Witness answers—I believe the words you used were, you did not believe him, and you would prove it; I think there was some reference to correspondence; I cannot say; I think Mr. Nicholson was on the Bench; when referring the matter to Mr. Norton was spoken of, I think everything, the whole matter of the dispute and refusal to hear you, was to be referred to Mr. Norton; after matters had been agreed to be referred to the arbitration of Mr. Norton, Mr. Oxley's uncle, the business of the Court would have proceeded had not Mr. Walsh immediately afterwards refused to allow matters to be referred; I think there was something said by Mr. Nicholson, calling it an arbitration case, but I won't be clear about his saying anything about Mr. Walsh being admitted while it was under consideration; I think there was something said about a Magistrate, and I think Mr. Oxley agreed to have his conduct as a Magistrate referred to his uncle; I do think there

there was something about your saying you would not refer your position as an advocate; I think Mr. Nicholson was present during some part of the conversation relative to the reference, because he called it an arbitration case.

J. EVELYN LIARDET.

Sworn before me, at Berrima, this }  
16th day of August, 1859, }  
EDW. D. DAY, J.P.

The further hearing of this case is postponed, at defendant's request, until 10 o'clock A. M., on Tuesday, the 23rd of August, 1859.

Police Office, Berrima,  
Tuesday, 23 August, 1859.

Present:—EDW. D. DAY, J.P.

*Charles Hamilton Walsh*, sworn, deposes:—I reside at Goulburn, and am an Attorney of the Supreme Court, and have been so for the last ten years; on the 1st of December last I was in Berrima, it was on Wednesday, and being the first Wednesday in the month it was the day appointed for the sitting of the Petty Debts' Court; previous to the sitting of the Court on that day I was retained to appear for David Robert Eden, the defendant, in a case of James Campbell against the said Eden, in the Petty Debts' Court, under the 10 Vic., No. 10; I attended at the Police Office in Berrima at the opening of the Court; the Court opened about 11 o'clock in the forenoon; Mr. Oxley, the defendant, and Mr. Charles Lindsay Nicholson, were the only Magistrates upon the Bench; Mr. Oxley was in the Chair; the cases in the Small Debts' Court were first gone into, I am positive as to this; when the case of Campbell against Eden was called on the parties appeared; I said I appeared on behalf of the defendant; Mr. Oxley said the Bench would not hear me or allow me to appear until I gave some explanation of a letter which I had written to the Crown Law Officers, stating that justice could not be procured at that Bench while he sat on it; I said I have written no such letter; he (Mr. Oxley) said, "I had for one John Gordon to the Attorney General complaining of the Berrima Bench, and of him (Mr. Oxley) in particular;" I said that the letter to which he referred was written by me for my client upon his instructions—that I was responsible to him for the advice I had given him, but not to that Bench or to their Worships (I forget which now), and that I was willing to bear all the responsibility attaching to me on account of that, and that as that letter had nothing whatever to do with the proceedings then before the Court, or the party for whom I then appeared, he ought not to be prejudiced, but he had a right to my assistance and I urged my right to appear; Mr. Oxley said he would not permit me to appear unless I explained or retracted the statements in the letter; I said I would not make any statement about the letter in order to entitle me to appear; that I was there not by permission but by right; that the same statute which gave them the right to be on the Bench and try the case, gave my client the right to appear by his Attorney; I referred to the 10th Vic., No. 10, section 44; I argued that the Court was the mere creature of that statute, and that as an advocate I was equally the creature of that statute; I contended that the Court was not justified in stopping me, that they had no discretion in the matter, and I insisted on my right to appear; I asked Mr. Nicholson if I were to understand that the objection to my appearing proceeded from the Court or only from Mr. Oxley; Mr. Nicholson made no reply, but afterwards in the hearing of Mr. Oxley he said he did not object to hear me; I again urged my right to be heard, relying on the statute; Mr. Oxley asked for the statute, and Mr. Liardet handed to him the supplement to Callaghan's Acts containing tenth Victoria, No. 10, and pointed with his finger to sections 44 and 45, I think. When Mr. Liardet called Mr. Oxley's attention to the fact, that the power given by that section to interfere with an Attorney only applied when the Attorney had acted corruptly or contemptuously in some cause under that Act, and I pointed out that the matter complained of by Mr. Oxley was not a matter or proceeding under that Act, Mr. Oxley said that even if it did not apply, he had the power to prevent my appearing, and he would do so; he said that he could or would put me out of the Court; I said he had no right to do so, that it was an open Court, that I was there to appear for my client, and so long as I conducted myself properly he would not be justified in putting me out of the Court; I said that I had hitherto, up to that time, conducted myself properly, and I defied him to put his finger on an expression or act of mine that day that was improper, and that I would not, under similar circumstances, use to the Judges of the Supreme Court; the moment the word defy was out of my mouth, Mr. Oxley caught at it, and said "Oh! you defy us—you defy us;" I went on to insist on urging my right to appear; I used the word defy then, as it is commonly used in argument, when you challenge a person to produce an authority (*in answer to a question by the defendant the witness says that explanation was not given at the time*); Mr. Oxley continued to say he would not permit me to appear; I still insisted upon appearing as a matter of right; Mr. Oxley then said, the business of the Court must come to a dead lock, for I will not allow you to appear; I said, your refusal to allow me to appear cannot rest here, and in order to prevent any misunderstanding or contradiction hereafter as to the nature of your objection, and the grounds of it, I think it would be desirable that you should direct the clerk to take down in writing the particulars of it; Mr. Oxley then dictated to the clerk the following words, of which I took a note at the time—"I object to Mr. Walsh appearing in this or any other case until he gives some explanation of a letter written to the Crown Law Officers accusing me of partiality and injustice, and declaring that so long as I sat on this Bench his client could not obtain justice"; I then requested



requested the clerk to make a note that I appeared for the defendant; that I insisted on my right to do so; and I refused to offer any explanation whatsoever about the letter referred to; after these statements had been taken down Mr. Nicholson said he thought the matter might be settled, that I had already denied having written such a letter as Mr. Oxley referred to, and that if I would repeat that he was sure Mr. Oxley would permit me to appear; I refused to do so, saying I would make no statement to procure permission to appear; that I must insist on my right to appear; that as the dispute was obviously a personal one between me and Mr. Oxley, the Court was not entitled to call upon me for an explanation, and that I must contend that Mr. Oxley had no right to prevent my appearing; I said I contemplated taking proceedings elsewhere; I do not recollect saying I intended to file a criminal information, but I may have said so, because that was the proceeding that was then present in my mind; I said I had no desire for such a proceeding, but as I believed Mr. Oxley was misled and mistaken, and influenced by personal feeling arising out of a misunderstanding between him and me, and that though I was sure I was right and he was wrong in the matter, I would consent to abide by what any two gentlemen would say we should do towards each other in reference to our dispute; when I made use of the words misled and mistaken on that occasion, I did so under the full conviction that Mr. Oxley had not himself read the letter of which he complained, but had received his version of it from Mr. Liardet; and it was only in the afternoon of that day, after the Court business had been over, that I learned that Mr. Oxley had seen the letter himself; Mr. Oxley said he had no personal feeling; I was in error in saying so; I replied I could not exonerate him from being influenced by personal feeling, after the correspondence which had passed between us in Halls' case; I looked upon his opposition to me as purely personal, and if necessary I would demonstrate it; that I judged him by his acts,—within them lay his profession, but as a matter affecting us, as gentlemen, I was willing to refer it; I was willing to abide by what Mr. Norton would say between us; Mr. Norton, to whom I referred, was Mr. Norton, the Attorney, of Sydney, and who was Solicitor for Mr. Oxley in the cause—Hall against Oxley; Mr. Oxley agreed to this, saying, as I had named Mr. Norton he would name another; the matter then, for a moment, appeared settled upon those terms, and the case was about being proceeded with when Mr. Nicholson made an observation as to my being allowed to appear in the case, subject to the terms of this arbitration, as he called it; Mr. Oxley said of course I would be allowed to appear, subject to the reference; I then said they had quite misconceived my proposition, that I never intended to and would not refer my right or my client's right to appear by me in the Court, that what I proposed to refer was what I conceived to be the personal misunderstanding between Mr. Oxley and myself; Mr. Oxley then called Mr. Nicholson, the Clerk of the Court, and the Chief Constable to remember that I proposed to refer the matter; that he had agreed to do so; and that I now backed out of my proposition; I asked of Mr. Oxley if, when he consented to refer the matter, he considered he was referring his conduct as a Magistrate; he said—certainly not; I replied—how then can you suppose I was referring my rights and conduct as an advocate; my offer to refer can only be understood as treating the case as a matter of dispute or misunderstanding between two gentlemen; Mr. Oxley said he wondered how I could talk of referring the matter as a dispute between two gentlemen, when I had, in a letter addressed to him, said he was not a gentleman; I said I hope you will recollect that I am not the party publishing the contents of our correspondence; what I proposed to refer was all the correspondence that had passed, of which you complained and out of which this controversy had arisen, but that I wished it distinctly to be understood that I would not refer my right to appear in the present or any any other case in which I was entitled to appear as an Attorney, and that so far as the case then before the Court was concerned, I still insisted on my right to appear; Mr. Nicholson then rose from the Bench stating that he was obliged to return home, on urgent business, and could not stay any longer, but he wished to say that he had no objection to my appearing, and that it was not because of anything that occurred he was leaving, but pressing business called him away; Mr. Nicholson then left the Court room returning by the door that led into the parade passage; within a minute after Mr. Nicholson passed through the door he returned into the Court room and he said—I wish to be distinctly understood: I have no objection to hear Mr. Walsh,—and again left the room; Mr. Oxley then said, I must adjourn all cases requiring two Magistrates; I objected to his adjourning the case of Campbell against Eden, because it was one in which two Magistrates only had jurisdiction, and that one Magistrate could only do so upon the appearance and consent of the parties, and that, as my appearance was not recorded, he had no jurisdiction to adjourn the case; he said he would do so, and if he were wrong it could be set right; Mr. Liardet then said a fresh summons could issue; the list of cases in the Small Debts' Court was gone through; none of them that I recollect, was tried; then the police summonses was called on, Mr. Oxley still presiding as a Magistrate; in such of them as but two Magistrates had jurisdiction upon the parties appearing they were informed their cases were adjourned for a week; an assault case, Broadhurst against Chapman, in which I was concerned for the defendant was disposed of in this way; there was a case of the Chief Constable, Jeremiah Frewin against John Gordon, for a breach of the Publicans' Act, in which I was concerned for the defendant; the Chief Constable said the defendant himself should appear—that it was a contempt of Court if he did not; I submitted that the defendant was entitled to appear by his Attorney; I referred to the 11 and 12 Victoria, ch. 43, sec. 12, and Mr. Oxley looked at the Act, and then said he adjourned the case; he also adjourned a second case between the same parties, in neither of these two last cases was the defendant in Court; I said I wished to know if my appearance had been recorded, and if it were on it he adjourned the cases; he, Mr. Oxley, said he had a right to adjourn the cases and would do so; I said, not in the absence of the parties; he said, you may appear under protest; I said,

said, I would not appear conditionally, or under protest, that under such circumstances I must object to my appearance being recorded, and I requested the clerk to take a note of this; Mr. Oxley said to the clerk, "Don't mind him he is only saying that to annoy me"; fresh summonses were issued in both these cases; during the discussion in the case of Campbell against Eden Mr. Oxley did not say that he would allow me to appear reserving his right to inquire into the matter; I did not say—I swear I did not say—that I would not allow the business to proceed unless Mr. Oxley made a most humble apology to me; I have known Mr. Oxley some four or five years, and until the year 1858 I was upon terms with him; in May, 1858, I had instructions to bring an action against him, as a member of the Berrima School Board, from Mr. Jacob Halls, to recover the sum of seventy-one pounds four shillings the balance of salary due by the Board to Halls up to the 18th of May, 1856; I applied in the usual way to Mr. Oxley, and it was not until the 14th of July, 1858, that I issued a writ; the suit was contested, and set down for trial at the Goulburn Circuit Court, in September, 1858; the defendant then by his Attorney paid fifty pounds on account, and gave a consent for judgment; from September down to the 16th of November I had not received the balance of the debt and costs; I was advised by my agents, a day or two previous to the 16th November, that they had not received it; *(The witness here asked the defendant to produce, in pursuance of written notice to that effect, his (witness') letter of the 16th of November, 1858, to him (the defendant.) Defendant stated that he could not produce it.)* I wrote to defendant a letter on the 16th of November, 1858, informing him that my agents informed me that they had not yet received the balance of debt and costs in "Halls against Oxley," amounting to fifty-two pounds one shilling and one penny, and that, in order to prevent the issuing of an execution, I requested he would forward me the amount at his earliest convenience; in reply to that letter I received Mr. Oxley's letter of the 16th of November, 1858; I was afterwards advised—that is, after the 16th of November—of the payment of the money to my agents, after my application for it.

*Defendant:* In a conversation with Mr. Nicholson, after the Court, on the 1st of December, 1858, I said to Mr. Nicholson that I came to Berrima expecting some dispute with you; I said so because I had heard from more than one person that you had publicly declared your intention of not allowing me to appear as an Attorney in the Police Court at Berrima; I did come to Berrima prepared for some interference with me on your part; I had the correspondence between you and myself in Halls' matter with me in Berrima; I also brought the draft of the letter I wrote to the Attorney General for John Gordon with me at Berrima; I could hardly anticipate what use you would make of that letter; I heard you were dissatisfied with that letter, and I brought it with me; another reason why I brought it and the other papers was that in the event of any misunderstanding arising between you and myself, I had made up my mind to go on to Sydney for advice, and I wished to have the papers with me; I don't recollect your saying, during the discussion on the 1st of December, that you would consult the Attorney General as to whether you had the power to refuse to hear me; I will not swear you did not say so; I will swear that I did not say I would not allow the proceedings to go on unless you made me an humble apology; in reference to the reference to Mr. Norton, I did say I would refer the whole matter in dispute or none; I remember you saying frequently that the correspondence in Halls' case should not be dragged with that matter at all, that I had no right to refer to that matter as evidence of ill-feeling; I believe I was the first who charged you with personal feeling; you would not, in any stage of the proceedings, admit that your part in the matter was private; I don't recollect your using the exact words that you believed Magistrates had the power to protect themselves in Court from insult; there was no complaint of any insult in Court; you did say that Magistrates had the power to protect themselves from insult; I wrote a letter of complaint to the Attorney General about you in this matter; I did not prosecute you at first, because I adopted one of several remedies; I never had from the Attorney General a reply to my letter; I wrote several letters to the Attorney General; one letter was in reference to the transaction of the first of December; I must have written seven or eight letters in all to the Attorney General in reference to your conduct on the first of December, and on subsequent occasions; in Halls' case I wrote to you in the usual way, applying for payment; the demand was not a peremptory demand for payment, and it suggested, under the circumstances, some arrangement of the matter; I am not at all sure that I did not say it was a case in which I was not at all inclined to proceed *(At Defendant's request, Prosecutor hands in the reply he received to the letter just referred to asking for payment in Halls' case; letter marked No. 1)*; I cannot charge my memory with what I did between the receipt of your letter and the issuing of the writ, but I believe I must have communicated with my client; I did not, before the issuing of the writ on the fourteenth of July, again communicate with you, because I thought my previous communication had not met with the reception it ought to have met with; I don't believe I said, before leaving Goulburn on the first of December, that I would get you removed; I am sure I did not say so; I have no doubt I did say on more than one occasion that Mr. Liardet ought to be removed from Berrima; I did not refer to his connection with you particularly in that; I have, on behalf of a client, complained to the Government against Mr. Liardet; I have never asked distinctly for Mr. Liardet's dismissal, but I have stated facts to the Government on which I think the Government ought to have removed him, but I did not complain until I had by a private conversation with Mr. Liardet endeavoured to settle the matter; I did not say on the first of December, in Mr. Nicholson's hearing, that I would spend my last shilling or five thousand pounds in trying to get you removed from the Commission of the Peace; I did say to Mr. Nicholson, on that day, that I could not submit to have my professional rights invaded in this way, and that if it was to cost me my last shilling I must support them; this conversation took place in my private room at the hotel, and after the rising of the Court; you did not during the controversy on the 1st of December offer to allow me to proceed,

proceed, reserving to yourself the right of taking the opinion of the Attorney General; you did not, that I recollect, use the words "under protest," until "Gordon's case"; you did not on that day express your willingness to hear me under conditions, except when you said you were willing to hear me subject to the reference to Mr. Norton; Mr. Gordon's case you said you would allow me to appear under protest, but that was when I objected to your adjourning the case except upon the appearance of the parties; you did not at any other period on the first of December, except those I have now named, express a willingness to allow the business to go on; always excepting the first condition named, that I would retract or explain the letter; you did not express any unwillingness to sit in any other cases that day, except in cases in which I was retained.

CHAS. H. WALSH.

Sworn before me, at Berrima, }  
this 23rd August, 1859, }  
EDW. D. DAY, J.P.

Police Office, Berrima,  
Wednesday, 24 August, 1859.

Present:—EDW. D. DAY, J.P.

*Charles Hamilton Walsh*, recalled and sworn, states: I never did write a letter to the Crown Law Officers or the Attorney General, accusing Mr. Oxley of partiality and injustice, and declaring, that so long as he sat on this Bench, my client could not obtain justice, or anything to that effect.

*Examined by Defendant*: I did not say that on the first of December, 1858; you did not say anything on that day that would lead me to suppose that you would be satisfied with such an explanation; Mr. Nicholson suggested that, if I would make such an explanation he believed you would be satisfied, and permit me to appear; Mr. Oxley said nothing, but I said I would make no explanation to entitle me to appear, as I considered that a matter of right; I did not say, before I came down from Goulburn, that I would get you dismissed, or Mr. Liardet removed; If you had not taken your seat again on the Bench I would not have commenced the present proceeding until the Government had decided on the matter of my complaint one way or the other; I would not have left the matter as it was if the Government had not decided at all; I think your conduct merited dismissal from the Commission of the Peace, and my object was to have you dismissed; I gave as a reason for commencing criminal proceedings against you in a letter to the Attorney General, that you had taken your seat on the Bench and stated that you was justified in what you had done, by referring to a decision of Judge Milford's, in the case of "Cory against Forbes," and also, because of the inaction of the Government with respect to my complaint against you.

*Re-examined*: I came down here on the first of December on a special retainer in Gordon's case.

CHAS. H. WALSH.

Sworn before me, at Berrima, }  
this 24th August, 1859, }  
EDW. D. DAY, J.P.

*James Campbell*, being duly sworn, deposes: I reside at Sutton Forest; it is within the District of Berrima, I think; I am a farmer or settler; I know a person named David Robert Eden; previous to the 1st December last he resided at a place called Black Bob's Creek; that place is within the District of Berrima; I had him summoned on the 1st of December last to appear before the Court of Petty Debts, or what I call the Court of Requests here in Berrima; I was here at the Police Office on that day; I was here at the opening of the Court; the Magistrates on the Bench that day were Mr. Oxley and Mr. Nicholson; Some of the police business came on first on that day; I remember a police case against a man named Gordon; Gordon's case was on after mine; I was in the Court when the Court of Requests cases were called on; as near as I can recollect some small cases were called on before the Court of Request cases, one I think was a case of Mr. Oxley's own man; when the Court of Request cases were called on, my case against Eden was called on; I appeared when my case was called on; the defendant Eden was also here; after the case was called you said you were here for Eden; Mr. Oxley said he would not hear you, nor would he sit on the Bench while you would come there; I don't think Mr. Oxley gave any reason for not hearing you; he wanted you to give him a copy of a letter, or something of that sort; I could hardly repeat the words that took place between you in regard to some letter to the Attorney General; it was a grievous affair, and I could not repeat the words; I am sure that I cannot give the particular words that either you or Mr. Oxley used upon that particular occasion; you told Mr. Oxley to get the clerk and take something down; I do not particularly recollect what it was you asked Mr. Oxley to get the clerk to take down; I forget whether you asked Mr. Oxley to get the clerk to take down his objection to hear you; Mr. Nicholson said something, but it was a good while after Mr. Oxley had left the Court a while; Mr. Nicholson said he had no objection himself to hear the case; he would sooner hear it than the way it was going; I don't think I heard Mr. Nicholson say he had no objection to hear you; Mr. Oxley said he would not sit on the Bench while you would attend; I heard plenty more but I forget the words; as far as I can recollect Mr. Oxley said that you had no business here, and he would not listen; then, Mr. Walsh, you made your claim, and said you had as good a right to be here as Mr. Oxley had—you said you had as good a claim as an Attorney as Mr. Oxley had as a Justice of

of the Peace; the same statute as furnished him with a Commission to sit on the Bench furnished you with a Commission to sit as an Attorney; when you spoke of the statute Mr. Liardet produced a book which Mr. Oxley looked at; Mr. Oxley, after you said something, threw the book down, and said he believed what you said; I remember nothing particular after that; I remained in Court for a little bit after that; my case was not heard; there was a fresh summons issued in my case for another day; I was afterwards in Court on the same first of December when Gordon's case was called on; I think Gordon's case was the next case called after mine; you said you were here for Gordon; Mr. Oxley said he would not hear you; I don't remember anything more of the matter.

*Examined by Defendant:*—You proposed an adjournment of whole Court for the day; Mr. Walsh objected very strongly to the adjournment of my case, and gave many reasons which I cannot repeat; I don't recollect them; I did not hear Mr. Walsh say you had no jurisdiction in the case; he said something about your having no power to adjourn the Court; you made a reply, but what the words were I cannot tell; the effect of them would not be very pleasing, even if I could recollect them; I had to take out fresh summonses; I had to begin my case afresh; I don't recollect anything of sort being said by Mr. Walsh, that fresh summonses must issue—nor that Mr. Liardet said so either.

*Re-examined by Prosecutor:* My case was the first case that came on that day in which you were employed.

JAMES CAMPBELL.

Sworn before me, at Berrima, }  
this 23rd August, 1859, }

EDW. D. DAY, J.P.

Case postponed till to-morrow at 10 o'clock A.M.

EDW. D. DAY, J.P.

*Jeremiah Frewin, sworn:* I am the Chief Constable at Berrima, and have been so since April, 1858; I served Mr. Oxley, the defendant, with a copy of the summons produced, on the 28th day of July, 1858; it appears to be a Supreme Court summons in the cause "Halls against Oxley"; I remember the first occasion when I saw you (Mr. Walsh) in this Court; I cannot say on what day of the month, or week, it was I saw you; I cannot say that it was a day set apart for the hearing of Court of Requests business, but it was a day for hearing Police business; I know the man, James Campbell, who was examined here yesterday; I know a person named Eden; I have no recollection that they (Campbell and Eden) were here in Court on the first day I saw you here; I do remember on the first day you were here your offering to appear for a defendant in a case; I do not remember what case it was, but as far as my memory serves me I think it was in Gordon's case; I have kept no notes of it; I am not willing to trust to my memory on the subject; Mr. Oxley and Mr. Nicholson were the Magistrates on the Bench on that day; when you said you appeared for the defendant, Mr. Oxley said before the business of the Court could go on you must give an explanation of some letter you had written to the Crown Law Officers, but what that letter was I do not know; I recollect that you refused to give any explanation; you said you must neither admit or deny the writing of it; you insisted on your right to be heard as an advocate in defence of your client; I remember your asking Mr. Oxley to tell the clerk to take down his objection to hear you; I do not remember your giving any reason for wishing that to be done; you said something to the effect that it was to be taken down to prevent any contradiction or misunderstanding hereafter; the clerk did take down something; I cannot recollect your reading from a book the statute under which you claimed the right to appear, but I remember Mr. Liardet handing a book to the Bench, Mr. Oxley, or Mr. Nicholson, or both; I do remember you saying that the same statute which gave their worships the right to hear the case, gave you the right to appear for the defendant; I recollect your saying that they were the creature of the statute, and that you was equally the creature of that statute; you addressed yourself to Mr. Oxley, not to the Bench; Mr. Nicholson was on the Bench at the time you said that, but your language appeared to be addressed to Mr. Oxley, who was in the Chair; I don't remember Mr. Oxley saying that he would or could put you out of Court; I remember you saying that you defied him to put his finger on any thing improper in your conduct since you came into Court; this was addressed to Mr. Oxley, but Mr. Nicholson was on the Bench at the time; I remember Mr. Oxley saying, "Oh! you defy us;" I did not hear any complaint of improper conduct on your part made then from the Bench, at least I don't recollect any; I did hear Mr. Nicholson say on that occasion that he was willing to hear you, that he had no objection to hear you; he said this after leaving the Court; he returned back and said so; I don't remember you saying you would not allow the case to go on unless Mr. Oxley made an humble apology to you; some mention was made of the word "apology," but by which party I don't remember.

*Examined by Defendant:* I recollect your proposing to adjourn the cases after Mr. Nicholson left the Court; I have no recollection of Mr. Walsh objecting to your adjourning Campbell and Eden's case; I don't recollect that case at all on that day; I recollect on the day that Campbell and Eden's case came before the Court, Mr. Walsh objected to your adjourning that case because you had no jurisdiction in it; you ordered fresh summonses in that case; I am not sure that Mr. Walsh did say fresh summonses must issue or not; I don't recollect your saying to Mr. Walsh on that day that you had no objection to his appearing on



on reserving your right to apply to the Attorney General to know if you had the power you claimed. (*Here defendant wishes to obtain the witness's opinion as to whether Mr. Walsh's demeanour was respectful on that occasion or not. Mr. Walsh objected to that opinion being admitted.*)

JEREMIAH FREWIN.

Sworn before me, at Berrima, }  
this 24th August, 1859, }  
EDW. D. DAY, J.P.

*William Chapman*, sworn, deposes: I reside in Berrima; I am at present a road contractor; I was summoned to the Police Office here on the first of December last for an assault; a person named Broadhurst was the complainant against me; I retained you for my defence; I attended the Court on that occasion; it was a Court of Requests day, and there was also police business; I remember the Court of Requests business being gone into; the Magistrates sitting on that occasion were Mr. Oxley and Mr. Nicholson; I know a person of the name of James Campbell; I recollect his having a case in the Court of Requests that day against a man named Eden, a schoolmaster; I remember that case being called on; I heard you say that you appeared for the defendant; Mr. Oxley then objected to your appearing; you told him you had a right to appear under the same statute as he had; I remember you reading from a book; I recollect Mr. Liardet handed a book across to Mr. Oxley on that occasion; I remember your asking Mr. Oxley to get the clerk to take down his reasons for objecting to you; the clerk did take something of that kind down; you said you wished that to be done as a reference to refer to; I remember Mr. Nicholson said he had no objection to hear you, if so be that Mr. Oxley had none; Mr. Nicholson got up and went out, and turned back again and said he wished it to be distinctly understood that he had no objection to hear you; I am quite certain that all this occurred in the case of Campbell against Eden; after this the case against me was called on; it was adjourned till that day week; Mr. Oxley was the Magistrate on the Bench when it was adjourned; after my case was so disposed of, I remember a case against Gordon being called on; I am quite certain it was after my case Gordon's case was called on; I heard you say you appeared in that case; that case was adjourned.

*Examined by Defendant*: I am not in the habit of taking notes of the proceedings in the Police Office; I remember everything that took place so distinctly, because my memory is good; I have spoken of this matter to others since the first of December; what I have heard in conversation with others has not refreshed my memory; I recollect you said you would hear Mr. Walsh under protest; you did say that you would hear Mr. Walsh under protest, that you had a right to protect yourself; it was suggested before this that the matter should be referred; I heard you say the words that you were not actuated by ill feeling towards Mr. Walsh; Mr. Walsh said you were, and he would prove it; you did say on the 1st of December that you would not undertake to settle the matter yourself, that you would ask the opinion of the Attorney General; you did say you believed you had a right to do as you did; when you were about to adjourn Campbell and Eden's case, Mr. Walsh objected to your adjourning it; I cannot remember what reason he assigned for his objection; I did not, to my recollection, hear Mr. Walsh say any such thing as that fresh summonses must issue in Campbell and Eden's case at Campbell's expense; when you said you would allow the business to go on under protest, Mr. Walsh did not say he would not allow the business to go on unless you made an humble apology to him; I will swear that he did not use those words, or anything to that effect.

*Re-examined*: It was after the conversation about the reference that Mr. Oxley said he would hear you under protest; the conversation about the reference took place while the cause of Campbell against Eden was before the Court; it was in Gordon's case that Mr. Oxley said he would allow you to appear under protest.

WILLIAM CHAPMAN.

Sworn before me, at Berrima, }  
this 24th August, 1859, }  
EDW. D. DAY, J.P.

*John Morrice*, sworn, deposes: I reside at Eling Forest, in the District of Berrima, and I am a Magistrate of the Territory; I usually take part in the proceedings of the Berrima Bench; I have looked at the letter now produced, dated 12th of August, 1858; letter marked No. 2; I see my signature to that letter, and also the signature of Mr. Oxley, the defendant (letter read); the circumstances under which that letter was written, were these,—myself, Mr. Oxley, and Mr. Nicholson were here on the Bench one day, it was about the date of the letter; the letter was either signed that day or a day or two after; Mr. Oxley said to me and Mr. Nicholson on that day, that this was a pretty thing that Mr. Walsh had been doing; that he had written to the Government complaining of the Bench for partiality and injustice, and that if Mr. Walsh ever appeared here he would turn him out of the Court; Mr. Nicholson said we should be awkwardly situated if he should do so, as we never saw the letter; I joined Mr. Nicholson in the same; I first asked for the letter, and Mr. Liardet said he had not it; we then agreed that the letter or a copy of it should be written for, and we directed Mr. Liardet then to write for a copy; and in consequence the letter produced was written; the letter now produced, dated 19th of August, 1858, is the reply to our letter just spoken of; that letter, No. 3, was I believe accompanied by a copy of the letter to which Mr. Oxley referred; I was present when that letter, No. 3, and the document referred

referred to in it were considered by Mr. Oxley, Mr. Nicholson, and myself; that was very shortly after the receipt of that letter No. 3; on that occasion Mr. Liardet handed the letter to Mr. Oxley, who handed it to Mr. Nicholson, who read it, he, Mr. Nicholson, made no remark but merely handed the letter to me; I read it; after reading it, Mr. Nicholson asked me what was my opinion of it; I told him I did not see we had anything against Mr. Walsh in it whatsoever; Mr. Nicholson then said that was his opinion too; and we told Mr. Oxley that was our opinion; he said then that if ever Mr. Walsh came here he would put him out; he said he would put you (Mr. Walsh) out of the Court; that was all that happened then; after that, but not before, I did hear Mr. Oxley say something about putting you out of Court; I have heard him say it in the lunchroom, where we had our lunch at the table; that was at Breen's public-house in this town; there were present on the occasion persons who were not Magistrates; I was not here on the 1st of December; I was in Sydney at that time; I went to Sydney sometime in November; I cannot say I was here on the Court day before the 1st December, the 25th of November; I don't think I could have been here; I have had a conversation with Mr. Oxley, in reference to an action you had brought against him for Halls; I have had conversations with Mr. Oxley in reference to that action two or three different times in which your name was mentioned; I remember once going into the Post Office for a letter; I saw Mr. Oxley reading a letter at the Post Office door outside in the verandah, Mr. Liardet, I think, was standing with him outside in the road; I went up to him; he (Mr. Oxley) said he received a letter from Mr. Walsh, threatening an execution or something to that effect, that he wished he had him instead of the letter and he would kick him well; that is all I remember; I never was a party to any arrangement not to hear you at the Berrima Bench, previous to the first of December.

*Examined by Defendant:*—When the letter you complained of was received I did not say it contained nothing against the Bench, but it did against you; you made use of the very words, "Turn him out"; I can't say that I ever heard Mr. Walsh say he would get you dismissed, and I cannot swear that he did not say so; I never heard Mr. Walsh say he would get Mr. Liardet removed; I did subscribe towards liquidating the debt due to Halls in the case I speak of; I afterwards knew that Mr. Powell and others subscribed to that object; I understood from yourself that you were to be reimbursed by subscription for any expense you may be put to in that action; I never heard you say in this Court that you would not hear Mr. Walsh because he brought an action against you for Halls; I could not say that I heard you say you would not hear Mr. Walsh because he imputed improper motives to you as a Magistrate; I always understood you objected to him for the contents of that letter; I don't think I ever said that, in the event of Mr. Walsh bringing any action against this Bench, I would bear my share of it; I don't believe I ever said so; I believe I mentioned either to you or Mr. Liardet that Mr. Larkin had said so; I have had conversation with Mr. Walsh in reference to this prosecution since its commencement.

*By the Bench:*—By the letter I have mentioned, the contents of which I considered were the cause of defendant's objection to hear Mr. Walsh, I mean the letter a copy of which was sent to the Bench in the letter marked No. 3.

JOHN MORRICE.

Sworn before me, at Berrima, }  
this 24th of August, 1859, }

EDW. D. DAY, J.P.

*William John Cordeaux, sworn, deposes:*—I reside at Bendooley in the Berrima District; I am a Magistrate of the Territory; I attended at the Police Office, Berrima, once, but I cannot recollect the date; it was after I had heard of a dispute between Mr. Oxley and you; it may have been a fortnight after I heard of it; I think, previous to that fortnight, I heard Mr. Oxley say he would have a row with you; I did not hear him say that or anything to the like effect more than once; I think, to the best of my belief, it was outside the Court I heard Mr. Oxley say that; I never recollect hearing that at the luncheon room; I think it was between here and Breen's I heard it; when Mr. Oxley said he would have a row with you it was for something about a letter that had been written to the Attorney General; I cannot say when this was said—when it took place; there were others present when the row was spoken of, but I cannot say who they were now; I cannot say that any of the persons who were then present were not Magistrates; to the best of my belief there were two or three persons present besides myself and Mr. Oxley; I cannot say that any of those present were not Magistrates; previous to the dispute between you and Mr. Oxley, I was not a party to any arrangement not to hear you at this Bench; I was not present on the first occasion when Mr. Oxley refused to hear you.

WM. JNO. CORDEAUX.

Sworn before me, at Berima, }  
this 24th August, 1859, }

EDW. D. DAY, J.P.

Case for the Prosecution closed here.

E. D. D.

## No. 11 and 12 Vic., cap. 42.

*Statement of the Accused.*

Colony of New South Wales, }  
 Berrima, to wit. }

Henry Molesworth Oxley stands charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, this sixteenth day of August, in the year of our Lord one thousand eight hundred and fifty-nine, for that he, the said Henry Molesworth Oxley, on the first day of December, 1858, at Berrima, in the said Colony, did unlawfully and maliciously prevent the due administration of justice, by preventing Charles Hamilton Walsh, an Attorney of the Supreme Court of New South Wales, from appearing and conducting a case for one David Robert Eden, in the Court of Petty Debts, holden at Berrima, in the Colony aforesaid, and by preventing the said Charles Hamilton Walsh from exercising his profession as an Attorney of the Supreme Court of New South Wales, the said Henry Molesworth Oxley being at the time acting as a Magistrate of the Territory of New South Wales aforesaid, and the said charge being read to the said Henry Molesworth Oxley, and the witnesses for the prosecution, viz.: John Evelyn Liardet, Charles Hamilton Walsh, James Campbell, Jeremiah Frewin, William Chapman, John Morrice, and William John Cordeaux, being severally examined in his presence, the said Henry Molesworth Oxley is now addressed by me as follows:—"Having heard the evidence do you wish to say anything in answer to 'the charge? You are not obliged to say anything, unless you desire to do so, but whatever 'you say will be taken down in writing and may be given in evidence against you upon your 'trial.'—Whereupon the said Henry Molesworth Oxley saith as follows:—

In the first place I must submit, provided anything has been proved that Mr. Walsh has said he was prepared to prove in his information, admitting for the moment, for the sake of argument, that I did refuse to hear Mr. Walsh in the case—Campbell against Eden, still it has only been proved I omitted to do something; it is not attempted to be proved that I did anything; it has been said that I omitted, or neglected, or refused to do something which I ought to have done. Now, when a Magistrate refuses, or neglects, or omits to do an act, the laws most unquestionably provide a remedy, and where one remedy is distinctly laid down as *the remedy* to be applied to a case, it is to be presumed that that remedy, and that remedy only, is to be used by the party aggrieved; that remedy is by "mandamus;" Mr. Walsh could have compelled me to hear him if I had been in error.

I admit that a Magistrate is liable for indictment for committing any act maliciously. It has never been attempted to be sworn by any of the witnesses that I have ever done or committed any act, but if it had been proved that I had done anything it must be proved that I had done it maliciously, and that the proper party to whom Mr. Walsh should have applied would be a Judge of the Supreme Court, and not to your Worship.

In the whole course of the administration of justice in this Colony or anywhere else, no Magistrate has ever been brought before another Magistrate for an act done by him as a Magistrate, and this act on the part of Mr. Walsh is entirely unprecedented, or the course pursued by Mr. Walsh; but before Mr. Walsh could have obtained a criminal information against me from the Judges, he would have been bound to have shewn satisfactorily to their Honors that I had acted maliciously and corruptly. In support of that I will give the case of *Rex v. Barron* from "Burns' Justice," vol. 3, page 482, Chitty's edition. I now submit that Mr. Walsh knew very well that he could not prove this case to the satisfaction of the Judges, and that, therefore, he made a complaint against me to the Attorney General with a view to get me dismissed or superseded. On his own admission he applied to the Government with that intention.

Had Mr. Walsh's object been merely, as he says, to support his professional rights, his proper course would have been, neither to appeal to the Government nor to your Worship, for this simple reason, that neither of you had the right to decide the point of law, whether he had a right to be heard or not, and therefore, I contend that his object was not to support his professional rights but to gratify his own malicious ill feeling towards myself; I am prepared to prove, that on the 1st December, 1858, I offered to allow Mr. Walsh to appear for his client or clients, reserving to myself my right to appeal to the Attorney General on the point of law raised by him, that he had a right to appear under any circumstances, which, if I succeed in proving, will be satisfactory evidence, in my opinion, that I could not have been actuated by any personal feeling towards Mr. Walsh in declining to hear him; and I will now most distinctly deny that I ever had the slightest ill feeling towards Mr. Walsh, and that in doing as I did do, or am asserted to have done, I merely acted as I conceived I had a right to do; I conceived that my character as a Magistrate had been called in question by Mr. Walsh, and for the first time after I became aware of that fact, or received that impression, Mr. Walsh appeared before me on the 1st December, 1858, as advocate for his client in a case—I don't know what case—and I contend that no person claiming one particle of gentlemanly feeling could have sat, under the circumstances in which I was placed, without asking an explanation from Mr. Walsh.

I will not for one moment say I was right, nor will I admit that I was wrong, in asking for an explanation; I will only say, that no one with one spark of gentlemanly feeling could have sat silent under the imputation; and I now say, and I have proved, and will further prove, that I expected nothing from Mr. Walsh but a civil evasive answer to the effect that he was not responsible for what he wrote for a client, or something to that effect, any civil evasive answer, instead of which Mr. Walsh behaved in a most disrespectful and unbecoming manner, unbecoming a person claiming the position of a gentleman or an advocate; I am also prepared to prove that I offered to allow the proceedings to go on, and that Mr. Walsh said "I will not allow the proceedings to go on unless you make a most

"humble

"humble apology to me;" and when I asked him for what I was to apologize, Mr. Walsh said, not only for what has passed to-day, but for the whole of the correspondence in the case "*Halls versus Oxley*."

Now I hope what I have said so far, if it has or can be proved, will satisfy your Worship of three things:—

- 1st. That I have committed no act at all.
- 2nd. If I did commit any act I committed an act for which the law provided a remedy, and as I did not commit that act *malâ fide*, but as I did, believing myself to be right in law, as I did not do it maliciously but in error; and—
- 3rd. I consider that I have shewn that not I but Mr. Walsh refused to allow the proceedings to go on, thereby obstructing the course of justice in refusing to allow the proceedings to go on unless I made an apology to him.

Now I contend that all or any one of these objections are quite sufficient to upset the case, but since you have been pleased to rule that I must make the whole of my defence now, I will, although I consider it entirely unnecessary, urge one or two more objections. In the first place, it has been proved from the records of the Court, produced by Mr. Liardet, that the case "*Campbell versus Eden*," in which it is alleged I obstructed the course of justice by refusing to hear Mr. Walsh as defendant's advocate, was one not within my jurisdiction as a Magistrate sitting singly; neither were either of the other cases relied upon by the prosecution, although I must object *in limine* to the whole proceedings, because more than once offence is charged in the information. I did make that objection on Thursday in arguing the case.

I must impress upon your Worship to take into consideration the disadvantage under which I labor, in being not only not allowed to be sworn to give my testimony on oath, but in being prevented from saying anything as an argument on a point of law, or otherwise, but what will or may be used against me on some other occasion, whereas Mr. Walsh has been allowed to make a statement, and then after the examination of witnesses to give another statement upon oath, and finally to reply upon the whole case without having any portion of his statement taken down, except what he considered necessary. This is a disadvantage under which all defendants labor when the prosecutor is his own advocate.

In support of my assertions I call upon Charles Lindsay Nicholson for my statements.

H. M. OXLEY.

Taken before me, at Berrima, }  
this 24th August, 1859, }  
EDW. D. DAY, J.P.

The case is further postponed until to-morrow, at eleven o'clock A.M.

E. D. D.

Police Office, Berrima,  
Thursday, 25 August, 1859.

Present:—EDW. D. DAY, J.P.

Charles Lindsay Nicholson sworn, deposes: I don't remember the 1st day of December, 1858, particularly, but I know the case you allude to; I can tell by referring to the almanac; I remember being in Court on that day; I remember a discussion arising between you, defendant, and Mr. Walsh, respecting his right to appear here as an advocate; I was sitting on the Bench on that day, you were also sitting on the Bench; It was the case of *Campbell versus Eden*; the first case in which Mr. Walsh appeared; he said he appeared for the defendant; I think I can swear it was; I am almost confident of it; I think I can give the exact words you said when Mr. Walsh said he appeared for the defendant; they were—"Mr. Walsh, before you plead in this case, I wish to ask you for an explanation touching a certain letter written by you to the Attorney General," that is all I think you said at that moment, that was the first thing that was said to Mr. Walsh; you were not in the slightest excited when you made that remark; Mr. Walsh said, on the impulse of the moment, I never wrote such a letter, or never wrote any letter, and the instant he said it, he added, I deny your right to ask me for any explanation, and I'll make no explanation whatever in the matter; I insist upon my right to appear, and will appear; the same statute which placed you there places me here, or the same statute which gave you the right to sit there gave me the right to sit here; I am the creature of a statute as you are; Mr. Walsh did say I will sit here as long as you sit there, and I have a right to do; Mr. Walsh made use of the word private, as much as to say, you were actuated by private feelings in the matter; I don't remember Mr. Walsh making use of the words that he could foresee it to be a private quarrel; when Mr. Walsh said it was a private quarrel, you said that you had not the slightest personal feeling in the matter whatever; you used the words private feeling also; Mr. Walsh, after a great deal of altercation between both parties, said he was willing to refer the matter to any two gentlemen; he said he would name Mr. Norton, your uncle, I think, his friend in the matter; you assented after still further conversation, you said you were willing to refer the whole matter to these two gentlemen; Mr. Walsh again assented, and after a time appeared to withdraw, stating that how could he refer the matter of his position as an advocate, and you your position as a Magistrate; Mr. Oxley replied, that he had nothing else to refer to anyone but the matter of the letter that was in question, which first caused the misunderstanding; I allude to the letter written to the Attorney General, which you referred to when you asked Mr. Walsh for an explanation; It was a letter signed John Gordon, written by Mr. Walsh to the Attorney General; after you said you had nothing else to refer, Mr. Walsh, I

think, replied that he alluded to the correspondence that had occurred in the case (Halls'); he said the matter he wished to refer was a private correspondence between two gentlemen, alluding to this case of Halls'; this you refused to do; I think you stated, as a reason, that it had not anything to do with the business of which you asked for an explanation; the next thing that occurred after that was still further talk on the matter, and you offered to allow Mr. Walsh to go on with the case or to plead; I think you made use of the word under protest, or until we received the opinion of the Attorney General on the subject; Mr. Walsh refused to be heard under protest at all, stating that he had a right to be there, and insisted upon his right to be heard; there was a great deal more altercation between both parties, and Mr. Walsh asked Mr. Oxley if Mr. Nicholson was of the same opinion or refused to hear him; I think Mr. Oxley said Mr. Nicholson is here to reply for himself, and I made no remark on the subject at that time; at one period something was mentioned about an apology; I think it came from myself first to you; I am not certain that Mr. Walsh did say he would not allow the proceedings to go on without an ample apology, but he used words to this effect—"I expect a most ample apology from you"; I took it at the time that he meant a most ample apology from you for the manner you and other matters; you made a remark "An apology for what!" I cannot bring to my mind the words Mr. Walsh then used, I believe you did say words to the effect that having done nothing wrong you had no apology to make; in the course of the proceedings Mr. Walsh said he came down prepared expecting this opposition from you or from the Bench, I cannot say which now; you did say you would hear Mr. Walsh, pending reference to the Attorney General; he declined to proceed under protest at all, that he had a right to be there, and insisted on his right to be heard; I believe you did say—I am sure you did say—that you would be satisfied with a simple explanation of the matter of complaint; the reason I remember this is because I suggested something of the sort to you; you then said to me you would be quite willing to hear Mr. Walsh on condition he would say simply he did not write the letter; this was the thing that led me to say to Mr. Walsh "if you will consent to repeat the words you said just now, I am quite sure Mr. Oxley will hear you"; Mr. Walsh still persisted in his right to be heard, and said he would make no explanation whatever in the matter.

I ask you if I ever said anything which would lead you to suppose that my not taking notice of Mr. Walsh's communication to the Attorney General, I should be neglecting my duty as a Magistrate, and further, did I even say that I could not see Mr. Walsh again without asking for an explanation? You said during the conversation between Mr. Walsh and yourself, on the 1st of December, "How could I possibly hear you after having written such charges against me to the Attorney General," or "brought such charges against me to the Attorney General," stating that no gentleman could possibly hear you after such charges being brought against a Magistrate without asking for some explanation on the point; you did say at some point of the proceedings that Mr. Walsh had raised a point of law which you would not attempt to decide; I don't remember at this moment anything else you said; you did say following that, that it must be decided by the Attorney General or some other authority, and that pending the reference to the Attorney General, Mr. Walsh might proceed; I think it is the same question I answered twice before; Mr. Oxley agreed to hear Mr. Walsh under protest pending the reference to the Attorney General; this may have occurred two or three times during the day; on one occasion Mr. Walsh mentioned to me that he would sacrifice his last shilling, or one thousand pounds, to see the end of it, or words to that effect; this was said to me when Mr. Walsh and I were walking together; I am a Magistrate of the Territory, and it was as a Magistrate I was sitting on the Bench with you on the first of December; Mr. Walsh certainly was excited; you were a little excited in the latter portion of the day on the first December; I don't say very much excited; Mr. Walsh was excited also; I believe a letter was written on that evening to the Attorney General on the matter then pending (*letter produced marked No. 4, and read*); the letter now read is the I speak of; I have no doubt that letter contains a true account of what occurred that day from my signature being to it, otherwise I would not have signed it; I left the Court before the close of the Court business; I won't be sure, but I think we heard one or two cases before Mr. Walsh appeared as advocate that day; the case Chief Constable against John Gordon was not one of them; I am sure it was not; after Mr. Walsh appeared I was not present at the hearing or postponement of any case.

*Examined by Prosecutor:* I think it was between 11 and 12 o'clock, or a little earlier, that the Court opened on the first of December; I should say I remained in Court that day fully three hours; between the hearing of the one or two police cases, and from the time you rose until I left the Court, the whole time was occupied in the discussion between Mr. Oxley and you; when Mr. Oxley asked you the last time for an explanation of the letter, I don't think he said it was a letter to the Attorney General, in which he said you stated, or it was stated, that while he sat on the Bench justice could not be obtained; I am not quite sure; immediately after you refused to give any explanation of the matter, I believe Mr. Oxley said that you wrote a letter to the Attorney General for John Gordon, accusing Mr. Oxley of injustice and partiality; I am not sure whether Mr. Oxley's words were "you wrote a letter," or "did you not write a letter;" you said, in reply to that, that you wrote the letter for your client, and were responsible to him for it, or words to that effect; you also said that that letter had no reference to the case then before the Court, and that your client ought not to be prejudiced by it; Mr. Oxley said he could not hear you unless you made an explanation on the matter; when you referred to the statute, I believe Mr. Oxley had the statute 3 Vic., No. 10, before him, then or immediately afterwards; when you insisted on your right to appear, I think Mr. Oxley's words were, that he supposed he should have to leave the chair according to your argument, or else have an explanation, on account of what you had said, that you insisted on your right and would sit there; Mr. Oxley said these words, or something



something to the like effect—then the business of the Court must be put a stop to, for I cannot or will not allow you to appear without the explanation; you said to Mr. Oxley—you had better have your objection taken down in writing; I think you said—that there might be no contradiction in the case hereafter; I think it was agreed that statements on both sides should be taken, and I think they were taken down; I cannot say whether it was before or after the reference was agreed to that these statements were taken down—I think it was after the negotiation for the reference ceased; when the reference was arranged I said—Mr. Walsh will then appear here subject to this arbitration; Mr. Oxley I think then said—of course, or—yes, of course, or words to that effect; you then said—you must not appear under protest, or words to that effect; I left the Court some time after that; before I left the Court I did say I was willing to hear you; that I saw no probability of the matter between you and Mr. Oxley being settled; that I had business to attend to, and would listen no longer to the arguments; I said this before I said I had no objection to hear you; I am quite confident you did not say you would sacrifice your last shilling, in your room at the hotel; when you said that, we were conversing on the subject of Mr. Oxley not hearing you; I was a party to no arrangement, previous to the 1st December, not to hear you at the Berrima Bench; the arrangement (if we may call it an arrangement) was spoken of at the time we received Gordon's letter from the Attorney General; Mr. Oxley, Mr. Morrice, and myself, were together here, and Mr. Oxley handed me the letter from the Attorney General; I read it and handed it to Mr. Morrice; when Mr. Morrice had read it I said—what's your opinion about it? he said he did not see much in it (or words to that effect) that we could take notice of; I said I agreed with him, but that I thought that it was a very strong letter (addressing myself also to Mr. Oxley at the same time); Mr. Oxley then made a remark, and I replied to him, that I thought he could not very well hear Mr. Walsh without something being said on the matter—some explanation from Mr. Walsh (I forget the exact words), but I did not think it implicated the Bench in any way, but that he ought to have something said on the point before he again heard Mr. Walsh; my reason for saying this was, that Mr. Oxley said—that after such charges being brought against him he did not think it would be right in hearing you; that as a gentleman he could not do so, and I agreed with him altogether in this; that was the only arrangement I ever heard of at all; I cannot fix the date of this conversation; it must have been directly after we sent for the letter (*letter 19th August, 1858, referred to*); before the 1st of December I have not a doubt on my mind that I have heard Mr. Oxley say he would not hear you until you made an explanation, but I cannot say I heard him say so more than once; I don't think I heard that Mr. Oxley had been served with a writ at the suit of Halls, until after you had been refused to be heard.

*Re-examined by Defendant:* I don't think I ever heard you say that you would hear Mr. Walsh out of Court.

CHARLES L. NICHOLSON.

Sworn before me, at Berrima, }  
this 25th August, 1859. }

EDW. D. DAY, J.P.

Case for defence closed here.

I commit Henry Molesworth Oxley to take his trial for the offence charged in the information, at the next Circuit Court, to be holden at Goulburn.

EDW. D. DAY, J.P.

# No. 1.

Produced before me, at Berrima, }  
23rd August, 1859. }

*Wingecarribbee, Berrima,*  
5 July, 1858.

Sir,

I am in receipt of your communication making a demand upon me for £71, said to be due by me to one Jacob Halls. In reply I have to state I have never been asked, in any way, for any such sum, nor am I indebted in any way to the person named; but the old Diocesan Society of this District always intended to give Halls something (but not £71) to make up his salary to, I believe, £130 for one year, and Mr. Hassall, the clergyman, has been collecting subscriptions in aid, and is still doing so. You can inform Halls (as it seems to be so very much easier to communicate through you, residing only 50 miles from the spot, than directly with me, or any other person taking an interest in the matter) that, as far as I am aware, he will be paid whatever is due to him as soon as possible; this I say strictly without *prejudice*, nor can I allow this private communication to be made use of in any way in any ulterior proceedings Halls may please to take to the injury of the Diocesan Committee, or any other person.

I am, &c.,

C. H. Walsh, Esq.

H. M. OXLEY.

*Police*

Police Office, Berrima,  
12 August, 1858.

Sir,

We have the honor to call your attention to your letter dated the 8th March last, No. 58-120, addressed to Mr. J. Evelyn Liardet, Clerk of Petty Sessions of this District, and enclosing a letter of complaint from Mr. John Gordon, arising out of a case of "Regina v. John Gordon, sly grog selling," for that officer's report thereon, with a view to your favoring us with a copy of Mr. Gordon's complaint against Mr. J. Evelyn Liardet, as we are given to understand there are certain charges made against this Bench therein.

We have, &c.,

H. M. OXLEY, J.P.  
JOHN MORRICE, J.P.

No. 2.—Produced on evidence before me, }  
at Berrima, this 24th August, 1859, }

E. D. D.

Wingecarribbee,  
Berrima, 17 August, 1859.

Sir,

Will you kindly dispense with a personal application and permit me by letter to ask for a copy of the information of Mr. C. H. Walsh, made in the case Walsh v. Oxley.

I quite forgot to mention the matter last evening or I should not now trouble you.

Believe me, &c.,  
H. M. OXLEY.

E. D. Day, Esq., J.P.,  
&c., &c., &c.,  
Berrima.

New South Wales,  
In the Court of Petty Sessions }  
for the District of Berrima. }

A. 1.

To D. R. Eden, of Black Bob's Creek.

You are hereby summoned to appear in this Court at Berrima, on Wednesday, the first day of December next, at ten o'clock in the forenoon of the same day precisely, to answer the following plaint of James Campbell, of Sutton Forest, whereby he seeks to recover from you the sum of eight pounds five shillings, the amount of your excessive charge and overtime for tuition in a case wherein you were plaintiff and he defendant, in the Court of Requests for the District, for the month of November, 1858, otherwise, upon proof of the due service of a copy of this summons, the cause, when called on for hearing, will be tried, and judgment be given against you for whatever may appear to be due, together with such costs as the Court may think fit to award: And take notice, that if you intend to defend upon any matter, or set-off, or excuse, you must file full particulars of the same in the office of the Registrar two clear days at the least before the day herein named for the hearing of the cause, otherwise the evidence you may bring forward to support such set-off cannot be admitted.

Dated this twenty-fourth day of November, one thousand eight hundred and fifty-eight.

By the Court,  
J. EVELYN LIARDET,  
Registrar.

£8 5s. 0d.

Court of Petty Sessions.

No. 2 Summons.

Campbell v. Eden.

1st of December.

Sittings, 1858.

Francis Coulan maketh oath that he served the within summons on the within named defendant, delivering a true copy thereof personally on twenty-sixth day of November, 1858.

Sworn at the day of , before me.  
Produced before me, at Berrima, }  
16th August, 1859, }

E. D. D.

D. R. EDEN,

To JAMES CAMPBELL.

To overcharge of night school, from 13th of April to 12th August .....£6 15 0  
Two weeks absent from duty..... 1 10 0

£8 5 0

Produced before me at Berrima, }  
16th August, 1859, }

E. D. D.

In

In the Court of Petty Sessions }  
for the District of Berrima. }

26th day of November, 1858.

Between { James Campbell, plaintiff.  
and  
David Robert Eden, defendant.

Take Notice, That I intend to defend this action, for the following reason—that I am not indebted to the above-named defendant.

D. R. EDEN.

To James Campbell, the above-named plaintiff.  
Produced before me, at Berrima, }  
16th August, 1859, }  
E. D. D.

PLAINT No. 2.

New South Wales, }  
Court of Petty Sessions, }  
District of Berrima. }

December Sittings, 1858.

24th day of November, 1858.

Between James Campbell, plaintiff, and D. R. Eden, defendant.

James Campbell, of Sutton Forest, in this district, complains of D. R. Eden, of Black Bob's Creek, in the District of Berrima, that the said D. R. Eden is indebted to him in the sum of eight pounds five shillings, being the amount for excessive charge and overtime for tuition in a case wherein Eden was plaintiff and Campbell defendant, which sum the said D. R. Eden refuses to pay, and the said James Campbell prays that he may be adjudged to pay the same.

	s.	d.
Plaint.....	1	0
Summons .....	3	0
Service .....	2	0
Mileage .....	3	6
	9	6

Pd. J. E. L.

A. 4.—Produced before me, at }  
Berrima, 16 September, 1859, }  
E. D. D.

G.—Produced before me, at Berrima, }  
this 16th day of August, 1859, }  
E. D. D.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c., &c.

To Henry Molesworth Oxley, Esquire, of Berrima.

We command you that, within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in our Supreme Court, at Sydney, in an action at the suit of Jacob Halls: And, take notice, that in default of your so doing, the said Jacob Halls may proceed therein to judgment and execution.

Witness, The Honorable Sir Alfred Stephen, Knight, the Chief Justice of Our said Court, this fourteenth day of July, in the twenty-second year of our Reign.

WM. CHATFIELD, J.P., (L.S.)

A Commissioner of the said Court for taking affidavits, and a

Justice of the Peace, residing in Goulburn.

N.B.—This writ to be served within three calendar months from the date thereof, or, if renewed, from the date of such renewal including the day of such date and not afterwards.

This writ was issued by Charles Hamilton Walsh, of Goulburn, Attorney for the said plaintiff.

The plaintiff claims £71 4s. for debt, and £4 14s. for costs, and if those sums, with mileage, be paid to the plaintiff or to his attorney, within the time limited for your appearance, further proceedings will be stayed.

The following are the particulars of plaintiff's claim:—

To balance of salary due to plaintiff by the defendant for services as schoolmaster in the Berrima school, up to the 18th of May, 1856..... £71 4 0

N.B.—Take notice, that if a defendant, served with this writ within the jurisdiction of the Court, do not appear according to the exigency thereof, the plaintiff will be at liberty to sign final judgment for any sum not exceeding the sum above claimed with interest, at the rate specified, and the sum of £7 17s. for costs, and issue execution forthwith.

This writ was served by Jeremiah Frewin, of Berrima, Chief Constable, on the defendant, Henry Molesworth Oxley, on Wednesday, the twenty-eighth day of July, 1858.

Signed this twenty-eighth }  
day of July, 1858. } JEREMIAH FREWIN.

Wingecarribbee,



Wingecarribbee, Berrima,  
16 November, 1858.

Halls and Defendant.

SIR,

I am really surprised that you should have taken the liberty of addressing me personally in this case; you must know that I only communicate through my Attorney, to whom I have already paid all that they demanded from me on your account. I beg that for the future you will not have the impertinence to address me personally in this or any other matter.

Yours obt.,  
H. M. OXLEY.

MR. C. H. WALSH,  
Attorney, Goulburn.

F.—Produced before me at Berrima, }  
this 16th August, 1859.

E. D. D.

Copy of the case before the Court, 1st of December, 1858, under the 10th Vic., No. 10.

NO.	PLAINTIFF.	DEPENDANT.	CAUSE OF ACTION.	DEBT.	COSTS.	SET-OFF.	VERDICT.	JUDGMENT.	JUSTICES SIGNATURE.
2	James Campbell	David Robert Eden	Excessive charges as a Schoolmaster, 13 of April to the 12th August, 1858.	£ s. d. 8 5 0	s. d. 9 6	Not Indebted.		Carried forward. J. E. L.	

I hereby certify the foregoing to be a true copy of the case of James Campbell against David Robert Eden which appeared on the list for trial at the Court House, Berrima, on the 1st day of December, 1858, under the Act of Council 10th Vic. No. 10, and extracted from the original Cause Sheet of the records this day by me.

J. EVELYN LIARDET,  
Registrar.

Police Office, Berrima,  
9 June, 1859.

B.—Produced before me, at Berrima, }  
this 16th of August, 1859.

E. D. D.

No. 19.

Sydney, 31 August, 1859.

MESSRS. NORTON, SON, AND BARKER, to THE ATTORNEY GENERAL.

The Queen against Oxley.

SIR,

Mr. Henry Molesworth Oxley, of Berrima, who, under most extraordinary circumstances, has been committed for trial at the next Goulburn Circuit Court, has instructed us to take the necessary steps for his defence in case you should think there is any cause for proceeding against him.

We have therefore the honor to request that you will, as early as possible, inform us whether it is your intention to put him upon his trial, and that in the meanwhile you will direct that a copy of the depositions be forwarded to us.

Mr. Oxley applied to the Magistrate for a copy of the depositions, but that gentleman requested that the demand would not be pressed upon him, as it would occasion him to remain two or three days longer at Berrima, and intimated that a copy could be obtained from your office.

If you should determine to bring the case before a jury, we have to request that the venue may be changed from Goulburn to Sydney, on the ground that the prosecutor in this case, who has been for many years a practising Solicitor in Goulburn, and is at present Mayor of that town, has so much local influence, that Mr. Oxley, who is almost wholly unknown to the jurors of that place, cannot expect to have a fair and impartial trial.

If you should desire it, Mr. Oxley is quite prepared to make affidavit, that from the influence of the prosecutor, he does not believe he would obtain an impartial trial at Goulburn.

At the time of the committal, the presiding Magistrate, who it appears went to Berrima for the special purpose of hearing this matter, was requested either to commit the defendant for trial at Sydney or at such Court as the Attorney General might direct, but he refused to adopt either course.

We have, &c.,  
NORTON, SON, & BARKER.

THE HONORABLE  
THE ATTORNEY GENERAL.

No. 20.

## No. 20.

THE SECRETARY TO THE CROWN LAW OFFICERS to MESSRS. NORTON, SON, AND BARKER.  
(No. 59-534.)

*Crown Law Offices,  
Sydney, 1 September, 1859.*

GENTLEMEN,

I am directed by the Attorney General to acknowledge the receipt of your letter of the 3rd ultimo, in reference to the recent committal of Henry Molesworth Oxley, Esq., of Berrima, for trial at the next Goulburn Circuit Court; and I am desired to state that the Attorney General sees no objection to the trial taking place during the October Sittings of the Supreme Court at Darlinghurst (Monday, 3rd October), instead of at Goulburn, provided Mr. Oxley makes the affidavit mentioned in your communication of the above date. Copies of the depositions will be furnished in the usual manner.

I have, &c.,

MESSRS. NORTON, SON AND BARKER,  
Solicitors.

W. E. PLUNKETT.

## No. 21.

THE SECRETARY TO THE CROWN LAW OFFICERS to MESSRS. NORTON, SON, AND BARKER  
(No. 59-541.)

*Crown Law Offices,  
Sydney, 3 September, 1859.*

GENTLEMEN,

In reference to the communication of yesterday's date, addressed to you on the subject of the committal of Henry M. Oxley, Esq., I am now directed by the Attorney General to state, that he has this day declined to prosecute, and a letter has been forwarded to the Bench of Magistrates at Berrima to the above effect, in order that the witnesses may be countermanded in the usual manner.

I have, &c.,

MESSRS. NORTON, SON, AND BARKER,  
Solicitors.

W. E. PLUNKETT.

## No. 22.

THE SECRETARY TO THE CROWN LAW OFFICERS to THE BENCH OF MAGISTRATES, BERRIMA.  
(No. 59-540.)

*Crown Law Offices,  
Sydney, 3 September, 1859.*

GENTLEMEN,

In reference to the proceedings against the gentleman named in the margin, Regina v. Hy. M. Oxley, Esq., J.P., I am directed to inform you that the Attorney General has declined to prosecute, as it does not appear that a sufficient *prima facie* case is disclosed in the depositions; and I am therefore desired to request that you will have the goodness to cause the witnesses to be countermanded. for unlawfully and maliciously preventing the administration of justice.

I am, &c.,

THE BENCH OF MAGISTRATES,  
Berrima.

W. E. PLUNKETT.



1859-60.

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**Legislative Assembly.**

NEW SOUTH WALES.

---

## ORDERS IN BASTARDY.

---

*Ordered by the Legislative Assembly to be Printed, 19 June, 1860.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 10 April, 1860, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ A Return, with dates, of all Applications for Orders in  
 “ Bastardy, at the Central and Water Police Offices, in the City of  
 “ Sydney. A Return, with dates, of the Cases in which Orders  
 “ were made, together with the Weekly Amounts ordered to be  
 “ paid in each case, since the 1st of January, 1850. The  
 “ Returns to specify the Names, in each case, where persons  
 “ have been in the receipt of two or more payments.”

(*Mr. Windeyer.*)

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## ORDERS IN BASTARDY.

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MR. GEO. WARBURTON, J.P., to THE UNDER SECRETARY.

*Central Police Office,  
Sydney, 18 June, 1860.*

SIR,

In attention to the request contained in your letter of the 13th April last, I do myself the honor to enclose herein the Returns therein called for. The total number of Applications made in Bastardy cases is two hundred and five, and one hundred in cases where orders have been made. In no case has the same party been in the receipt of two or more payments.

I have, &c.,

GEO. WARBURTON, J. P.

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WATER POLICE MAGISTRATE to THE UNDER SECRETARY.

*Water Police Office,  
Sydney, 1 June, 1860.*

SIR,

I have the honor to forward, as requested in your letter of the 13th April last, No. 228—"A Return, with dates, of all Applications for Orders in Bastardy, at the Water Police Office, in the City of Sydney; shewing, also, the Cases in which Orders were made, together with the Weekly Amounts ordered to be paid in each case, since the 1st January, 1850."

I have, &c.,

S. NORTH,

W. P. M.

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## ORDERS IN BASTARDY.

3

RETURN of all Applications for Orders in Bastardy, at the Central Police Office, Sydney, commencing 1 January, 1850.

YEAR.	DATE.	Number of Applications.	Total Number of Applications in each year.
1850 .....	12 January... ..	1	7
	25 " ... ..	1	
	28 " ... ..	1	
	18 April ... ..	1	
	8 June ... ..	1	
	28 " ... ..	1	
	29 December ... ..	1	
1851 .....	17 January... ..	1	9
	1 March ... ..	1	
	3 " ... ..	1	
	21 " ... ..	1	
	13 April ... ..	1	
	3 June ... ..	1	
	20 July ... ..	1	
	25 September ... ..	1	
1852 .....	7 November ... ..	1	1
	23 April ... ..	1	
1853 .....	10 March ... ..	1	8
	31 " ... ..	1	
	12 April ... ..	1	
	13 " ... ..	1	
	18 May ... ..	1	
	20 " ... ..	1	
	2 June ... ..	1	
	9 " ... ..	1	
1854 .....	23 March ... ..	1	8
	8 August ... ..	1	
	22 June ... ..	1	
	4 July ... ..	1	
	25 " ... ..	1	
	1 September ... ..	1	
	23 November ... ..	1	
	27 December ... ..	1	
1855 .....	22 January... ..	1	19
	24 " ... ..	1	
	19 February ... ..	1	
	26 " ... ..	1	
	31 " ... ..	1	
	21 April ... ..	1	
	26 " ... ..	1	
	4 June ... ..	1	
	1 August ... ..	1	
	7 " ... ..	1	
	28 " ... ..	1	
	30 " ... ..	1	
	4 September ... ..	1	
	21 " ... ..	1	
	24 " ... ..	1	
	22 November ... ..	1	
	20 December ... ..	1	
	27 " ... ..	2	
1856 .....	16 January... ..	1	8
	28 " ... ..	1	
	19 February ... ..	1	
	25 " ... ..	1	
	27 March ... ..	1	
	7 April ... ..	1	
	23 " ... ..	1	
	23 May ... ..	1	

## RETURN, &amp;c.—Continued.

YEAR.	DATE.	Number of Applications.	Total Number of Applications in each year.
1856 .....	2 June ... ..	2	20
	5 " ... ..	1	
	13 " ... ..	1	
	24 " ... ..	1	
	1 July ... ..	1	
	9 " ... ..	1	
	18 August ... ..	1	
	20 " ... ..	1	
	25 " ... ..	1	
	12 September ... ..	1	
	15 October ... ..	2	
	23 " ... ..	1	
	25 " ... ..	2	
	4 November ... ..	1	
	3 December ... ..	1	
	15 " ... ..	1	
	24 " ... ..	1	
1857 .....	10 February ... ..	1	31
	6 March ... ..	1	
	10 " ... ..	1	
	23 " ... ..	1	
	14 April ... ..	1	
	5 May ... ..	1	
	7 " ... ..	1	
	13 " ... ..	1	
	19 " ... ..	1	
	2 June ... ..	1	
	4 " ... ..	1	
	5 " ... ..	1	
	8 " ... ..	1	
	23 " ... ..	1	
	30 " ... ..	1	
	8 July ... ..	1	
	9 " ... ..	1	
	16 " ... ..	1	
	8 September ... ..	1	
	23 " ... ..	1	
	1 October ... ..	1	
	5 " ... ..	2	
	23 " ... ..	1	
	30 " ... ..	1	
1858 .....	12 November ... ..	2	20
	24 " ... ..	1	
	7 December ... ..	1	
	11 " ... ..	1	
	29 " ... ..	1	
	4 January ... ..	1	
	5 " ... ..	1	
	4 February ... ..	1	
	5 " ... ..	1	
	19 " ... ..	1	
	2 March ... ..	1	
	15 " ... ..	1	
	19 " ... ..	1	
	26 " ... ..	1	
	4 May ... ..	1	
	28 " ... ..	1	
	9 June ... ..	1	
	22 " ... ..	1	
	28 " ... ..	1	
	19 July ... ..	1	
	23 " ... ..	1	
	13 August ... ..	1	
	18 " ... ..	1	
	20 " ... ..	1	
	27 " ... ..	1	

## ORDERS IN BASTARDY.

5

RETURN, &amp;c.—Continued.

YEAR.	DATE.	Number of Applications.	Total Number of Applications in each year.
1858 .....	13 September ... ..	1	11
	17 " ... ..	1	
	30 " ... ..	1	
	7 October ... ..	1	
	12 " ... ..	1	
	11 November ... ..	1	
	17 " ... ..	1	
	1 December ... ..	1	
	3 " ... ..	1	
	6 " ... ..	1	
	29 " ... ..	1	
1859 .....	4 January... ..	1	43
	12 " ... ..	1	
	18 " ... ..	1	
	19 " ... ..	1	
	9 February ... ..	1	
	13 April ... ..	1	
	3 May ... ..	1	
	28 June ... ..	1	
	29 " ... ..	1	
	5 July ... ..	1	
	8 " ... ..	1	
	1 August ... ..	1	
	3 " ... ..	1	
	4 " ... ..	1	
	10 " ... ..	1	
	23 " ... ..	1	
	30 " ... ..	1	
	31 " ... ..	1	
	5 September ... ..	1	
	9 " ... ..	1	
	28 " ... ..	1	
	1 October ... ..	1	
	3 " ... ..	4	
	17 " ... ..	2	
	21 " ... ..	1	
	31 " ... ..	1	
	7 November ... ..	1	
	8 " ... ..	1	
	10 " ... ..	1	
	13 " ... ..	1	
	15 " ... ..	1	
	21 " ... ..	1	
	23 " ... ..	1	
	28 " ... ..	1	
	29 " ... ..	1	
	15 December ... ..	1	
	27 " ... ..	1	
	28 " ... ..	1	
	29 " ... ..	1	
1860 .....	4 January... ..	2	20
	5 " ... ..	1	
	7 " ... ..	1	
	9 " ... ..	1	
	11 " ... ..	3	
	12 " ... ..	1	
	13 " ... ..	1	
	19 " ... ..	1	
	20 " ... ..	1	
	8 February ... ..	1	
	10 " ... ..	1	
	16 " ... ..	1	
	5 March ... ..	3	
	14 " ... ..	1	
	19 " ... ..	1	

GEO. WARBURTON, J.P.  
18 June, 1860.



RETURN of Bastardy Cases heard at the Central Police Office, Sydney, in which Orders were made, commencing 1 January, 1850.

YEAR.	DATE.	AMOUNT ORDERED.	WEEKLY OR MONTHLY.	FOR WHAT PERIOD.
		£ s. d.		
1850.....	18 April. ... ..	0 5 0	Weekly .....	7½ years.
	8 June ... ..	0 6 0	" .....	12 months.
1851.....	17 January ... ..	0 7 6	" .....	3 months.
	17 " ... ..	0 5 0	" .....	12 "
	3 March. ... ..	0 3 0	" .....	12 "
	13 April ... ..	0 4 0	" .....	12 "
	20 July ... ..	0 4 0	" .....	12 "
	25 September ... ..	0 7 0	" .....	3 years.
1852 .....	7 November ... ..	0 10 0	" .....	3 "
	23 April ... ..	0 7 0	" .....	3 "
1853.....	12 " ... ..	0 15 0	" .....	6 months.
	18 May ... ..	0 5 0	" .....	2 years.
	20 " ... ..	0 7 6	" .....	3 "
	9 June ... ..	0 10 0	" .....	12 months.
	8 August ... ..	0 10 0	" .....	2 years.
1854.....	22 June ... ..	0 10 6	" .....	1 year.
	22 " ... ..	0 7 6	" .....	6 years.
	4 July ... ..	0 10 0	" .....	2 "
	25 " ... ..	0 10 0	" .....	2 "
	27 December ... ..	1 0 0	" .....	2 "
1855.....	31 January ... ..	0 12 6	" .....	1 year.
	31 " ... ..	0 7 6	" .....	6 years.
	26 April ... ..	2 0 0	Monthly .....	5 "
	1 May ... ..	0 10 0	Weekly .....	1 year.
	1 " ... ..	0 7 6	" .....	6 years.
	4 June ... ..	0 5 0	" .....	3 "
	30 August ... ..	0 10 0	" .....	1 year.
	30 " ... ..	0 7 6	" .....	6 years.
	4 September ... ..	0 7 6	" .....	1 year.
	4 " ... ..	0 5 0	" .....	5 years.
	24 " ... ..	0 7 6	" .....	1 year.
	24 " ... ..	0 5 0	" .....	6 years.
	20 December ... ..	1 0 0	" .....	6 months.
	20 " ... ..	0 12 6	" .....	4 years.
	27 " ... ..	3 0 0	" .....	12 months.
1856.....	16 January .. ...	0 10 0	" .....	1 year.
	16 " ... ..	0 7 6	" .....	6 years.
	27 March ... ..	0 10 0	" .....	3 "
	7 April ... ..	0 7 6	" .....	6 "
	7 " ... ..	0 10 0	" .....	1 year.
	2 June ... ..	0 10 0	" .....	2 years.
	9 July ... ..	0 7 6	" .....	1 year.
	9 " ... ..	0 5 0	" .....	2 years.
	15 October ... ..	0 8 0	" .....	5 "
	4 November ... ..	0 7 6	" .....	1 year.
	4 " ... ..	0 5 0	" .....	2 years.
	24 December ... ..	0 12 6	" .....	1 year.
1857.....	23 March ... ..	1 0 0	" .....	12 months.
	14 April ... ..	0 7 0	" .....	6 "
	13 May ... ..	6 10 0	" .....	1 week.
	13 " ... ..	1 5 0	" .....	12 months.
	19 " ... ..	0 10 0	" .....	1 year.
	19 " ... ..	0 7 6	" .....	5 years.
	5 June ... ..	0 15 0	" .....	12 months.
	23 " ... ..	0 7 6	" .....	12 "
	9 July ... ..	0 10 6	" .....	1 year.
	16 " ... ..	0 10 0	" .....	1 "
	24 November ... ..	0 15 0	" .....	12 months.

## ORDERS IN BASTARDY.

7

RETURN, &amp;c.—Continued.

YEAR.	DATE.	AMOUNT ORDERED.	WEEKLY OR MONTHLY.	FOR WHAT PERIOD.
		£ s. d.		
1858.....	4 January ... ..	0 12 6	Weekly .....	12 months.
	2 March ... ..	0 10 0	" .....	12 "
	19 " ... ..	0 10 0	" .....	6 "
	28 June ... ..	0 10 0	" .....	12 "
	18 August ... ..	0 12 6	" .....	2 years.
	13 September ... ..	0 10 0	" .....	12 months.
	30 " ... ..	1 0 0	" .....	12 "
	7 October ... ..	0 10 0	" .....	12 "
	12 " ... ..	0 10 0	" .....	2 years.
	6 December ... ..	0 15 0	" .....	2 "
1859.....	18 January ... ..	0 8 0	" .....	12 months.
	7 February ... ..	0 15 0	" .....	12 "
	8 " ... ..	0 7 0	" .....	12 "
	9 " ... ..	0 8 6	" .....	12 "
	14 " ... ..	0 5 0	" .....	6 "
	13 April ... ..	0 7 6	" .....	12 "
	3 May ... ..	0 7 0	" .....	6 "
	8 July ... ..	0 12 6	" .....	12 "
	1 August ... ..	1 0 0	" .....	2 years.
	4 " ... ..	0 10 0	" .....	6 months.
	23 " ... ..	0 10 0	" .....	12 "
	5 September ... ..	0 15 0	" .....	12 "
	9 " ... ..	0 15 0	" .....	12 "
	28 " ... ..	0 10 0	" .....	2 years.
	3 October ... ..	0 8 0	" .....	12 months.
	17 " ... ..	0 12 6	" .....	12 "
	17 " ... ..	0 15 0	" .....	12 "
	31 " ... ..	0 10 0	" .....	12 "
	7 November ... ..	0 7 6	" .....	2 years.
	23 " ... ..	0 12 0	" .....	12 months.
	15 December ... ..	0 15 0	" .....	12 "
	27 " ... ..	0 15 0	" .....	12 "
	28 " ... ..	0 10 0	" .....	12 "
	29 " ... ..	0 15 0	" .....	12 "
1860.....	7 January ... ..	0 8 0	" .....	12 months.
	9 " ... ..	1 10 0	" .....	6 "
	11 " ... ..	0 5 0	" .....	12 "
	11 " ... ..	0 15 0	" .....	2 years.
	19 " ... ..	0 12 6	" .....	2 "
	20 " ... ..	0 10 0	" .....	2 "
	8 February ... ..	1 0 0	" .....	2 "
	16 " ... ..	1 0 0	" .....	12 months.
	19 March ... ..	0 10 0	" .....	2 years.

GEO. WARBURTON, J.P.

18 June, 1860.

A RETURN

A RETURN, with dates, of all Applications for Orders in Bastardy, at the Water Police Office, in the City of Sydney; shewing, also, the Cases in which Orders were made, together with the Weekly Amounts ordered to be paid in each case, since the 1st of January, 1850.

DATE OF APPLICATION.	IF ORDER MADE.	WEEKLY AMOUNT ORDERED TO BE PAID.
1855. November 19 .....	Yes. ....	15s. per week, until 17 September, 1856.
December 10 .....	No.	
1856. May 5 .....	No.	7s. 6d. per week for 12 months.
October 17 ... ..	Yes .....	
1857. February 23.....	Yes .....	£1 per week for 6 months.
May 7 .....	" .....	£1       "       12       "
July 13 .....	" .....	15s.     "       12       "
1858. February 12 .....	No.	10s.     "       12       " 5s.     "       for 2 years.
May 25.....	Yes .....	
May 31.....	" .....	
August 23 .....	No.	
1859. January 6 .....	Yes .....	10s.     "       for 12 months.
March 15.....	No.	
June 21 .....	" .....	
September 5.....	" .....	
"     8.....	" .....	
November 24 .....	" .....	
1860. March 30.....	No.	

There are not any cases where persons have been in receipt of two or more weekly payments.

S. NORTH,  
W. P. M.

Water Police Office,  
Sydney, 31 May, 1860.

1859-60.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**EDWARD FARBROTHER.**  
(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 16 February, 1860.*

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

The humble Petition of Edward Farbrother, of Macquarie-street South, Builder,—

SHEWETH:—

That he has been subjected to the most degrading treatment and ill-usage, as detailed in the following facts, which he begs most respectfully to place before your Honorable House, in the hope and belief you will accord to him some recompense or compensation for the same.

Your Petitioner is a builder, and has lately been engaged in building a house at Chowder Bay, about the payment of which there is some dispute, and he has not been able to procure payment for the work done.

Two persons named Brown and Burton were employed by him to do certain portions of the carpenters' work on the said building, to the former of whom he became indebted for such work in the sum of six pounds, and the latter three pounds fourteen shillings and sixpence. On the sixteenth March last those men filed separate informations at the Central Police Court against your Petitioner to recover such sums, and on the twenty-fourth of March your Petitioner attended, in pursuance of summonses against him, before the then Police Magistrate—Mr. Forbes—and a Mr. B. R. Wilson, before whom the cases were to be heard, when your Petitioner admitted the debts, and orders were made in each case against him for payment in seven days. The seven days having expired, and the moneys not being paid, distress warrants were issued, but no sufficient distress was found, whereupon warrants were issued for your Petitioner's apprehension and committal to Darlinghurst Gaol for fourteen days on the six pounds' debt, and seven days on the three pounds fourteen shillings and sixpence debt, unless the moneys and costs of Court were sooner paid. Under those warrants the officers went to your Petitioner's house several times, but your Petitioner was keeping out of the way until he could raise the money to pay those debts.

Subsequently, namely, on the twenty-seventh of April, your Petitioner's wife, by direction of a clerk at the Police Office, saw both Brown and Burton and paid their respective debts, and took from them receipts, of which the following are copies:—

*“ Newton, April 27th, 1859.*

“Received of Edward Farbrother, the sum of £6, the amount which clear the debt against him, and Edward Farbrother paying the expenses of Court.

*“ PHILLIP BROWN.”*

*“ Newton, April 27th, 1859.*

“Received from Edward Farbrother, the sum of £3 14s. 6d., being the full demand for wages, Edward Farbrother to pay the Court expenses.

“Received on Thomas Burton's account with Edward Farbrother, the sum of £3 14s. 6d.

*“ SARAH BURTON.”*

On

On the same day, namely, Wednesday, the twenty-seventh of April, your Petitioner's wife went to the Police Office with the two receipts and saw Mr. Davidson, a clerk in the Office, and told him she had come to pay the Court charges, as she had settled the debts with Brown and Burton as directed.

Mr. Davidson said he could not act on that unless she brought a letter from the parties, to say her statement was correct, as it was illegal; upon which your Petitioner's wife said she had got Brown and Burton's receipts for the money. He then replied, "That will do, hand them over," which your Petitioner's wife accordingly did. Mr. Davidson then looked at a book to see what were the expenses of the Court, and said it was twelve shillings, which if your Petitioner's wife paid him, he would settle the affair for her. Your Petitioner's wife thereupon paid the twelve shillings to him, and he then went into an inner office, and your Petitioner's wife heard him tell some person there that she had been and settled the debts with the parties, and that she had brought the receipts and paid the Court fees. Mr. Davidson subsequently came back into the office where your Petitioner's wife was, and pinned the receipts into a sort of book containing the informations. Mr. Davidson said, "Now I will take you to the Inspector's Office," which he did, and this was on the same building as the Police Office, and is the office of Inspector Higgins. At this office there was a clerk (called Lubey) whom Mr. Davidson addressed by saying, "I believe you have two warrants out to apprehend a man by name of Farbrother—he has bolted, and has left his wife to pay the debts, and she has done so, and likewise the Court expenses; give me your book, and I will point out what warrants I want cancelled." The clerk Lubey thereupon gave him his warrant book and he pointed out to the clerk the warrants therein, and told the clerk the warrants were to be withdrawn as the matter was settled. Upon this your Petitioner's wife asked Mr. Davidson for a receipt or some writing to satisfy the policemen, in case they came to her house again. When Mr. Davidson said, "There was not any occasion for that, she had nothing to fear so as she kept the old gentleman out of the house that night"; whereupon your Petitioner's wife thanked him and left. Thursday the twenty-eighth, Friday the twenty-ninth, and Saturday the thirtieth, passed over and nothing occurred; your Petitioner being at home as usual in his business. On Sunday the first of May, your Petitioner was walking in his yard at about twelve o'clock in the morning, when he was surprised by his large gate being broken in, and Sergeant Rush and another constable rushed in and took your Petitioner into custody, under the two warrants which had been issued. Upon this your Petitioner and his wife both told them the money and Court fees had been paid on the previous Wednesday, when Sergeant Rush said, "That be damned, you will have to go with me whether it be settled or not," and then the sergeant took your Petitioner by the back of the neck.

When your Petitioner had put on his boots and coat they took him to the Police Station at Brickfield Hill, he being marched there between two constables, to see if there was any entry in the books there of the withdrawal of the warrants. The clerks then searched the books, but there did not appear to be any such entry; whereupon the sergeant said, "I must take you to Darlinghurst," and took from his pocket a pair of handcuffs, upon which your Petitioner remonstrated, and assured him the money was all paid, and begged him not to handcuff him as he would go quietly and not make any resistance; but the sergeant insisted, and then put on the handcuffs, and marched your Petitioner from there to Darlinghurst Gaol, when large numbers of persons were coming from their different places of worship, some of whom were known to Farbrother. On arriving at Darlinghurst Gaol, your Petitioner was handed over to the officers of the Gaol, and only one warrant was lodged, namely, the one granted upon the information of Brown, for six pounds (a copy of which is as follows):—

(Copy.)

"No. 5. 11 & 12 Victoria, Cap. 43.

"Warrant of Commitment for want of distress.—To the Chief Inspector and a Constable of the Police Force of the City of Sydney, in the Colony of New South Wales, and to his assistants, and to the keeper of the Gaol at Darlinghurst, in the said City and Colony:—

"Whereas, on the sixteenth day of March last past, a complaint was made before George Warburton, Esquire, Clerk of Petty Sessions for the City of Sydney, for that one Edward Farbrother,

“ Farbrother, of the said City, neglected and refused to pay to Philip Brown the sum of Six  
 “ pounds sterling, due and owing to him for his hired services as a carpenter and joiner, and  
 “ whereas afterwards, on the twenty-fourth day of March last, David Forbes and R. K. Wilson,  
 “ Esquires, two of Her Majesty's Justices of the Peace for the said City and Colony, having  
 “ considered the said complaint, it was adjudged that the said Edward Farbrother should  
 “ for such his offence, forfeit and pay the sum of Six pounds sterling wages; and it was  
 “ thereby ordered that if the said sum should not be paid on the thirty-first day of March,  
 “ then instant, the same should be levied by distress and sale of the goods and chattels of the  
 “ said Edward Farbrother; and it was thereby also adjudged, that in default of sufficient  
 “ distress, the said Edward Farbrother should be imprisoned in the Gaol at Darlinghurst, in  
 “ the said City and Colony, for the space of fourteen days, unless the said sum and all costs  
 “ and charges of the said distress, and of the commitment and conveying of the said Edward  
 “ Farbrother to the said Gaol, should be sooner paid: And whereas afterwards, on the  
 “ thirtieth day of April in the year aforesaid, the undersigned Justice issued a warrant to  
 “ to the said Chief Inspector and a Constable, and to his assistants in the said City and  
 “ Colony, commanding him and them to levy the said sum of Six pounds by distress  
 “ and sale of the goods and chattels of the said Edward Farbrother: And whereas it  
 “ appears to me as well by the return of James Rydamdai, Inspector and a Constable of the  
 “ said Police Force, to the said warrant of distress as otherwise, that the said Inspector and  
 “ a Constable hath made diligent search for the goods and chattels of the said Edward  
 “ Farbrother, but that no sufficient distress whereon to levy the sums abovementioned could  
 “ be found: These are therefore to command you, the said Chief Inspector and a Constable  
 “ of the said Police Force, and your assistants in the said City and Colony, to take the  
 “ said Edward Farbrother, and him safely convey to the Gaol at Darlinghurst, Sydney  
 “ aforesaid, and there deliver him to the said keeper, together with this precept; and I do  
 “ hereby command you the said keeper of the said Gaol, to receive the said Edward Farbrother  
 “ into your custody, in the said Gaol, there to imprison him for the space of fourteen days  
 “ unless the said sum and all costs and charges of the said distress, amounting to the further  
 “ sum of three shillings and six-pence, shall be sooner paid. To you, the said keeper, and  
 “ for your so doing this shall be your sufficient warrant.

“ Given under my hand and seal this fifteenth day of April, in the year of  
 “ our Lord one thousand eight hundred and fifty-nine, at the City of  
 “ Sydney, in the Colony aforesaid.

“ JAMES OATLEY, J.P.”

	£	s.	d.
“ Fine .....	6	0	0
“ Costs.....			
“ Order .....	0	1	0
“ Distress Warrant.....	0	2	6
“ Capias .....	0	2	6

“ Total..... 6 6 0”

“ I certify this to be a true copy of the Warrant under which Edward Farbrother  
 “ was detained in this Gaol, and that the said Edward Farbrother was not detained for any  
 “ other cause.

“ J. H. BEVERLEY,  
 “ Principal Gaoler.”

“ H. M's Gaol, Darlinghurst,  
 “ 11th May, 1859.”

Indorsement (copy).—“ For Inspector Weston, B Division.—J. Higgins, Chief  
 “ Inspector of Police.”

“ I certify that I apprehended the within-named Edward Farbrother on the 1st  
 “ May, 1859.

“ JAMES RUSH.”

It will be seen that this was a committal for fourteen days, unless money paid in less  
 time. Your Petitioner at once told the officers at the Gaol, namely, Mr. Harrison and Mr.  
 Lee, that the money and Court expenses had been paid on the Wednesday previous, but not-  
 withstanding this your Petitioner was first searched and everything about his person taken  
 from him; your Petitioner was then directed to sit on a stool, and the barber cut his hair  
 close

close and shaved off his beard—it should be mentioned that your Petitioner's beard was a very long one, about 5 inches long—and then your Petitioner was put into a yard with about sixty prisoners of the worst character; at half-past five your Petitioner was locked up in a cell with three other prisoners and was covered with lice and other vermin. On Monday morning your Petitioner was directed to pick oakum, which he peremptorily refused, and was then placed by Lee, the officer, in solitary confinement in a cell, where he remained until about three o'clock in the afternoon, when he was discharged by an order of the Police Magistrate, Mr. Forbes, copy of which order is as follows:—

“ To the Keeper of the Gaol at Darlinghurst:—

“ Whereas Edward Farbrother, of the said City, having paid the amount of debt and costs mentioned and set forth in a certain writ of *capias*, bearing date the                      day of April now last past: These are therefore to command you, in Her Majesty's name, that if the said Edward Farbrother do remain in your custody in the said Gaol, for the said cause and for no other, you shall forthwith suffer him to go at large.

“ Given under my hand and seal at the Central Police Office, Sydney, this  
“ 2nd day of May, A.D. 1859.

“ A true copy.

“DAVID FORBES, J.P.”

“ J. H. BEVERLEY,

“ Principal Gaoler.”

It now becomes necessary to state the means by which such discharge was obtained. After your Petitioner was taken at his house on Sunday, his wife felt quite certain that on his getting to the station the mistake would be found out, and he would be discharged; but as he did not come home by seven o'clock in the evening, your Petitioner's wife went to the Central Police Office, and saw a policeman, who said he was not there, but he must be at the Brickfield Hill Station; that it was not any use her going there that evening, as nothing could be done till the morning, when your Petitioner would be brought to the Central Police Office at ten o'clock. Your Petitioner's wife being satisfied he would be discharged at ten o'clock the next morning, she looked most anxiously for his return, but as he did not come at eleven o'clock she went to the Central Police Court, and there saw the clerk (Mr. Smithers), and asked him concerning your Petitioner, who had been taken into custody on the day previous; when he replied, “yes, I am very sorry Mrs. Farbrother, I have just been speaking to Mr. Forbes, the Police Magistrate, about it, as he now lays in Gaol at Darlinghurst.” She then asked him what was to be done, as he was taken there as an innocent man, and falsely imprisoned, and that she wished him immediately released; that she had paid all expenses of the Court on the Wednesday previous, and that she wished to see the clerk Mr. Davidson, to whom Mr. Davidson paid it; but Mr. Smithers said Mr. Davidson was absent from illness. Mr. Smithers then went to the Inspector's Office with your Petitioner's wife, and saw the clerk Lubey, to whom Mr. Davidson had on the previous Wednesday given notice to withdraw the warrants, and then (in the presence of Mr. Higgins, the Inspector) inquired of him, the clerk, whether he did not recollect Mr. Davidson and your Petitioner's wife being there on the Wednesday previous, giving notice to withdraw the warrants. The clerk replied he did not remember your Petitioner's wife being there, but he remembered that Mr. Davidson came to him and said the debts were to be paid and the warrants cancelled, but he would not admit that Mr. Davidson had told him the debts and expenses were paid and warrants were to be withdrawn.

This, however, is beyond all doubt, and both Mr. Davidson and your Petitioner's wife can prove the fact. Mr. Smithers then asked Mr. Higgins, the Inspector, if he had heard anything of it on the Wednesday, and he said “No; if it had been reported to me I should have withdrawn the warrants the same evening.” Mr. Smithers then said he would immediately write out an order for your Petitioner's discharge, and get Mr. Forbes, the Police Magistrate, to sign it, and send off to the Gaol at Darlinghurst, and that her husband should be at home as soon as she was; this was about one o'clock, and at four your Petitioner was home, and his appearance was so altered that his wife scarcely knew him.

On Tuesday, the 3rd of May, your Petitioner placed all the facts before his solicitor, Mr. Husband, who went to the Police Office, found the two informations, with the receipt of Brown, of date 27th April, pinned to his information, and receipt of Burton pinned to his information,

information, and also an entry in the police books under the same date of all fees on both cases having been that day paid. The clerks in the office considered they had done all they were bound to do when Mr. Davidson notified to Inspector Higgins's clerk, in the presence of your Petitioner's wife, that the matters were settled by payment of debts and Court expenses, and they all—that is, Mr. Warburton, the then chief clerk, and Mr. Smithers—said the whole blame was with Inspector Higgins's clerk.

Your Petitioner's solicitor, Mr. Husband, then went to Inspector Higgins's office, but the Inspector was not there, but the clerk Lubey was, and he still persisted that all Mr. Davidson had said was, that the debts were to be paid and the warrants cancelled. Mr. Husband then saw the Inspector General of Police, Mr. M'Lerie, who at once stated he knew all the circumstances, the same having been reported to him at half-past nine that morning, and that he had ordered the discharge of the clerk Lubey.

It would seem from Mr. M'Lerie's statement that Higgins, the Inspector, is under his control, and consequently, his clerk, but that all the other officers of the Central Police Court were under Mr. Forbes, the then Police Magistrate. The Police Court officers say the fault is with Inspector Higgins, who is answerable for his clerk. Mr. M'Lerie says the fault is at the Police Court; that they should have received the money and not allowed the parties to settle between themselves, and that they should have got from the Magistrate who granted the warrants an order to cancel or withdraw same.

Your Petitioner has been advised to bring actions against the Policeman, the clerk Lubey, and Mr. Beverly, but not having any means of his own, and being in pecuniary difficulties, he has been compelled to file his schedule in the Insolvent Court.

Your Petitioner, in laying before your Honorable House the facts hereinbefore set forth, begs respectfully to state that the same are in all respects true, and cannot in any one particular be denied, and he therefore most respectfully prays that you will be pleased to cause an investigation by your Honorable House into this case, and accord to your Petitioner such redress as under the circumstances you shall deem right, and your Petitioner, as in duty bound, will ever pray.

EDWARD FARBROTHER.

February 7, 1860.





1859.

*Legislative Assembly.*

NEW SOUTH WALES.

## RESIDENT JUDGE AT MORETON BAY.

(OPINIONS IN REFERENCE TO THE RIGHTS OF, AS A JUDGE OF THE SUPREME COURT.)

*Ordered by the Legislative Assembly to be Printed, 8 December, 1859.*

OPINION of THE HONORABLE THE ATTORNEY GENERAL, regarding MR. JUSTICE MILFORD'S position under the New Moreton Bay Court Act; and as regards jurisdiction elsewhere than in the District of Moreton Bay.

I am clearly of opinion, that under the new Moreton Bay Act, Mr. Justice Milford must, if he retains his office, be appointed the Resident Judge at Moreton Bay; and that he will, thereupon, become the Judge of the Supreme Court at Moreton Bay, under a Bill, "To provide for the better Administration of Justice in the District of Moreton Bay," and will cease to be a member of the Sydney Bench, and to have jurisdiction elsewhere than in the District of Moreton Bay.

2. His Honor was expressly appointed under the Act of 19 Vic., No. 31, which Act is recited in his Commission, and which alone authorized the appointment; and in such Commission he is appointed a Judge of the Supreme Court of New South Wales, "subject to the provision in the said Act contained."

3. The provision referred to, is that contained in section 1 of the Act, and is in the following words,—“Provided that so soon as a separate Court shall have been established for the District of Moreton Bay, and it shall be deemed expedient that a Judge should be resident therein, it shall be lawful for the Governor to appoint the Judge hereby authorized to be appointed, to reside in the said district as the Resident Judge thereof.”

4. The liability to be made Judge of the separate Court was therefore inherent on the original appointment of this gentleman.

5. It will be observed that this Act is not framed in the same manner as that of 4 Vict., No. 22, under which the Resident Judge of Port Phillip was appointed. That Act, in one section, authorised the appointment of two additional Judges, (or one) of the Supreme Court of New South Wales, who were in no way distinguished from the other Judges; and then by another section, it empowered the Governor from time to time to appoint one of the Judges of the Supreme Court (*i. e.*, any one of them indiscriminately), not being the Chief Justice, to reside in the District of Port Phillip. Whereas, the Act 19 Vic., No. 31, creates the new Judgeship expressly with the view to the ultimate appointment of the Judge as Judge for the District of Moreton Bay “exclusively,” or as Judge of “a separate Court for that District;” and such appointment is restricted to the individual Judge who shall have been appointed under that Act.

6. The new Act makes the matter, if possible, more clear, by marking distinctly the judicial separation of Moreton Bay from the rest of New South Wales, and making the Court of the District to be the Supreme Court for Moreton Bay, and independent of that of New South Wales, under the Bench at Sydney.

7. Mr. Milford therefore cannot claim an irrevocable jurisdiction over the whole of New South Wales as he insists, seeing that he was appointed expressly with a contrary intent.

8. It is further to be observed that the only salary and pension available are those provided by the Constitution Act "for Moreton Bay;" and that it is expressly enacted by 19 Vict., No. 31, that the Judge to be appointed under it is to be entitled to the salary and pension so provided for that part of the colony.

9. I apprehend that upon the separation of Moreton Bay this salary and pension would *ipso facto* be withdrawn from the New South Wales Civil List of which it now forms a part, but on the other hand it will be a charge upon the revenue of the separated district or colony, and will be payable to the Judge who shall have been duly appointed for the district under preceding law.

10. Upon such separation there would therefore be no salary available in New South Wales for the Judge appointed under 19 Vict., No. 31, nor would such Judge be in any sense a Judge of New South Wales. The separation would, so to speak, carry him with it to Moreton Bay, as a separate colony; whilst in Sydney, if he returned thither, he would be a supernumerary, both in respect of the number of Judges authorised for New South Wales, and in the number of salaries granted for such Judges.

11. Mr. Justice Milford need have no apprehension as to the recognition of his rights by the separated colony, for the terms of the Constitution Act, and of the Acts 19 Vict., and of the present session, distinctly annex his office, charge, and the burthen of his salary upon the district. In Victoria such was not the case, yet the Judge who was at the time resident in the district was as a matter of course recognised as the first Judge of the new colony, and was paid the same salary as under his original appointment.

12. I do not enter upon the question as to the operation of the Act lately passed for increasing the salaries of the Judges, further than to say that it does not in any degree affect Mr. Milford's claim to a seat on the Sydney Bench when separation takes place, and that if it will extend to him whilst holding office under the Acts of the last and present sessions as Judge of Moreton Bay, as a District of New South Wales, it will of course be recognized as applying to him as a Judge of the new colony when separated.

13. Mr. Milford cannot found a claim upon any misconception of his position when accepting office. As regards the expected political separation of Moreton Bay, he must be taken to have known that the several Constitution Acts of the colony reserved to the Queen the right of separation, and that the time of such separation was a matter which could not be foreknown by the local Government, and which therefore might happen at any time. And as regards his contemplated removal from the Sydney Bench, he not only had before him the Act under which he was appointed, and the guarded terms of his Commission, but he was most distinctly informed by letter from the Colonial Secretary, at the time of his appointment, that he was appointed for Moreton Bay, and was to hold himself in readiness to proceed to Brisbane as Resident Judge so soon as a separate Court should have been established for the district.

W. M. MANNING,

A. G.

January, 1857.

OPINION of THE HONORABLE THE SOLICITOR GENERAL in reference to MR. JUSTICE MILFORD'S position upon the separation of Moreton Bay, and as regards his claim for seat on Sydney Bench in event of another Judge being appointed.

It appears from the letter of His Honor Mr. Justice Milford, that he claims a right to be recalled to the Sydney Bench so soon as Moreton Bay shall be separated from New South Wales. It is clear, therefore, that if the office was given, and supposed to have been accepted on any different understanding, that supposition must be rejected, and the legal position only of His Honor must be considered in determining the question at issue.

2. It appears by the preamble of the 19 Vic., No. 31, that *at the time* of the passing of that Act it was "not expedient to authorize the appointment of a Resident Judge for "Moreton Bay exclusively," but additional Judicial assistance was needed to meet the requirements of the Supreme Court, and especially with reference to its jurisdiction over the District of Moreton Bay.

3. The first section gives power to appoint *forthwith* a Fourth Judge of the Supreme Court, who shall enjoy the salary and pension provided by the Constitution Act for an intended

intended Judge, who shall be exclusively a Resident Judge for the District of Moreton Bay, and empowers the Governor General to appoint *such Fourth Judge* to be the Resident Judge of Moreton Bay so soon as a separate Court shall be established there, and it shall be expedient that there shall be a Resident Judge *in that District which*, by the 7th Section of the 13th and 14th Vic., cap. 59, and 46th section of the Constitution Act, could at any time be cut off from New South Wales and erected into a separate Colony, under a distinct Legislature.

4. It appears to me therefore that Mr. Justice Milford, having accepted his office upon the express condition that when expedient he should be appointed the resident exclusive Judge of Moreton Bay, with the contingency of separation, he has now a different tenure of office from that of the other Judges, and that if he shall be so appointed he will upon the separation of Moreton Bay cease to be a Judge of the Supreme Court of New South Wales, and will be bound by different laws, and subject to different authority; but in justice to that gentleman the tenure of his office must be,—first, that his guaranteed claim to salary and pension under the Constitution Act may not be prejudiced. The salary thus recognized is £1,500 a-year, and as on the separation of Moreton Bay he will cease to be a Puisne Judge of the Supreme Court of New South Wales, his claim to the present increase of £500 as a matter of right will also cease.

5. It will be a matter of inter-colonial adjustment on the act of separation to define and assure the rights of the future Judge of Moreton Bay.

J. B. DARVALL,

S. G.

January, 1857.

#### OPINION.

We have perused Mr. Justice Lutwyche's letter of 1st November, 1859, the printed copy of the Commission to that learned Judge, dated 21st of February last, and the other papers laid before us, and are clearly of opinion that he has not now any jurisdiction to act as Judge in the Supreme Court at Sydney, nor will he have any such jurisdiction by force of the separation of the colony of Queensland. By his Commission he was appointed "*to be a Judge of the Supreme Court of New South Wales, under and by virtue of, and subject to the provisions of the said Act of the Legislative Council of New South Wales, to reside in the district of Moreton Bay, as and to be the Resident Judge of the Supreme Court of Moreton Bay, established by the aforesaid Act of the Parliament of New South Wales, to have, hold, exercise, and enjoy the said office and place during good behaviour, together with all the rights, profits, privileges, and advantages thereto belonging or appertaining.*"

20 Vic., No. 25.

The Commission was issued under the Statutory powers given by 19 Vict., cap. 31, section 1, and 20 Vict., No 25, and could confer no jurisdiction except that specified by those Acts.

The area of jurisdiction is defined by the third section, and the powers in the fourth and subsequent sections of the latter Act.

Care is taken to *exclude* the Resident Judge so appointed from jurisdiction within the limits of the colony outside *his own district* (*See Sections 5 and 10*), and when by section 9 a concurrent jurisdiction is given, it is given to the Judges of the Supreme Court at Sydney and the Resident Judge *respectively*, shewing that the Resident Judge was not a Judge of the Supreme Court in the sense now contended for. No doubt under the 19th Vict., No. 31, Mr. Justice Milford, like the Judges appointed under the Port Philip Act 4 Vict., No. 22, sections 1 and 4, had jurisdiction beyond the district of Moreton Bay, with additional powers when *within* the district. Mr. Justice Lutwyche is the Resident Judge of a "separate Court" called the "Supreme Court at Moreton Bay," and while residing within the specified limits has the Jurisdiction before defined.

In the view that we have taken of the question before us it seems unnecessary to notice more particularly the authority referred to by Mr. Justice Lutwyche, or the Law as to conditions. Any question which may arise with reference to salary or pension will depend upon the mode in which Her Majesty has exercised Her powers to create the new colony, and the effect of the separation upon the law now in force in New South Wales.

EDWARD WISE,

Attorney General.

JOHN F. HARGRAVE,

Solicitor General.

Crown Law Offices,

Sydney, 14 November, 1859.

Crown

*Crown Law Offices,**Sydney, 28 November, 1859.*

SIR,

In reply to the question of His Excellency the Governor General with respect to Mr. Justice Lutwyche's Salary, referred to us by the Principal Secretary, we think it desirable to state the Sections of the Statute and Clauses of the Order in Council upon which it depends.

By the 20th Section of the Order in Council it is provided, "That all Laws, Statutes, and Ordinances, which at the time when this Order in Council shall come into operation shall be in force within the said Colony shall remain and continue to be of the same authority as if this Order in Council had not been made, except in so far as the same are repealed and varied hereby, and all the Courts of Civil and Criminal Jurisdiction within the said Colony, and all Charters, Legal Commissions, Powers and Authorities, and all Offices—Judicial, Administrative, or Ministerial—within the said Colony respectively, except so far as the same may be abolished, altered, or varied by, or may be inconsistent with the provisions of this Order, shall continue to subsist as if this Order had not been made, unless and until other provision shall be made as to any of the matters aforesaid by Act of the Legislature of Queensland."

This is substantially the same as Sections 41 and 42 of the Constitution Act (18 and 19 Vic. 54.)

The 16th Section of the Order in Council provides, "that such Salaries as are settled upon the Judges for the time being by law, and also such Salaries as shall or may be in future granted by Her Majesty, Her Heirs and Successors, or otherwise to any future Judge or Judges of the said Supreme Court, shall in all time coming be paid and payable to every such Judge and Judges for the time being, so long as the Patents or Commissions of them or any of them respectively shall continue or remain in force."

This is the same as the 40th Section of the Constitution Act.

Under the conjoint operation of these Clauses of the Order and Sections, we are of opinion that Mr. Justice Lutwyche is legally entitled to the continuance of the Salary of £2,000, under the 20 Vic., c. 3.

The only provision in the Order in Council that appears to bear against this view, is that part of the 21st clause, which provides "That the sum payable in every year to Her Majesty by way of Civil List shall not exceed in all six thousand four hundred pounds, and be applied towards defraying the expense;" and in the Schedule £1,200 is named.

We are of opinion that this does no more than limit the amount chargeable on the Civil List of Queensland, and cannot be extended by implication to take £800 per annum from the existing salary of Mr. Justice Lutwyche, to which he is entitled as a Judge under his Commission, which is continued in force notwithstanding the separation.

We have, &c.,

EDWARD WISE,

Attorney General.

THE HONORABLE

THE COLONIAL SECRETARY.

J. F. HARGRAVE,

Solicitor General.

1859.

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*Legislative Assembly.*  
NEW SOUTH WALES.

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MORETON BAY SUPREME COURT ACT.  
(CORRESPONDENCE REGARDING THE WORKING OF)

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*Ordered by the Legislative Assembly to be Printed, 23 September, 1859.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 20 September, 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 His Honor the Resident Judge at Moreton Bay, and the Law Officers of the Crown, regarding the working of the Moreton Supreme Court Act.”

(*Mr. Macalister.*)

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## MORETON BAY SUPREME COURT ACT.

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THE RESIDENT JUDGE, MORETON BAY, to THE ATTORNEY GENERAL.

*Judge's Chambers,  
Brisbane, 12 July, 1859.*

SIR,

I do myself the honor to invite your attention to certain matters connected with the Administration of Justice in the District of Moreton Bay, for which a separate Jurisdiction was established by the Act 20 Vict., No. 25. I am induced to believe, from information collected during a residence of four months in the district, that some defects in that Act may be amended, and that its objects may be more effectually attained than at present, with very little difficulty and no greater expense than is incurred under existing arrangements.

2. You are well aware that the operation of the District Courts Act of 1858, is now limited to that portion of the Colony of New South Wales which is locally situate within the jurisdiction of the Judges of the Supreme Court, at Sydney. The southern division is provided with three Superior Judges, and five Judges of Inferior Courts. In the District of Moreton Bay, as defined by the 3rd section of the Act 20 Vict., No. 25, there is but one Judge, between whom and the Courts of Petty Sessions there is no intermediate authority. The powers with which the Resident Judge is invested seem, however, sufficient for the requirements of the population, if an opportunity were afforded for a more frequent exercise of those powers. He has within his District the same Jurisdiction which is exercised by the Judges of the Supreme Court at Sydney either collectively or individually, and further he tries, without a Jury, all Civil actions for matters not exceeding £20, and also for matters not exceeding £50, unless one of the parties require a Jury. But, at present, the Resident Judge can only hold Sittings at Brisbane, and thither accordingly are sent for trial all matters, both Criminal and Civil, which cannot be dealt with by a Justice of the Peace, or by Courts of Petty Sessions.

3. It is unnecessary to expatiate upon the inconvenience, and even hardship, to which this arrangement exposes individuals residing at a distance from Brisbane. The evils attendant upon it are succinctly and temperately stated in a letter (of which a copy is enclosed) addressed to me by the inhabitants of Wide Bay, under an evident misapprehension of the scope of my authority. With existing means of communication, and with one person to discharge the duties of the Judicial Office, some of these evils will, no doubt, continue to be felt in a greater or less degree; but it appears to me that their pressure may be much alleviated by the adoption of the following scheme, which I beg to submit to the favorable consideration of yourself and the Government.

4. In addition to the Sittings held in Brisbane, Civil and Criminal Sittings might, in my opinion, be held four times a-year at Ipswich, and half-yearly at Drayton, or Towoomba, in the south of the district, and at Maryborough, in the north, without unduly interfering with the business of the Supreme Court.

5. Ipswich is a town of nearly equal, if not of equal, importance to Brisbane itself, and, being within a circuit of thirty miles around Brisbane, comprises a portion of the juror's district for the last-mentioned town, pursuant to the provisions of the 4th section of the Act 11 Vict., No. 20. It is, therefore, now compelled to furnish its quota of jurors for the trial of Civil and Criminal Issues at Brisbane, and not an Assize passes without Ipswich causes and Ipswich criminals being tried by a jury partly consisting of Ipswich men at Brisbane. A considerable saving, therefore, to the public—probably one-half of the present amount of allowances to jurors, and of witnesses' expenses in criminal cases—would be made if criminals could be tried by the Resident Judge at Ipswich, as well as at Brisbane, while there would be a positive gain in time and convenience to all parties concerned in civil as well as in criminal matters. There is communication between the two towns both by land and water. The road may be fairly said to be at all times passable on horseback, and steamers, though liable to occasional detention, ply daily. A large  
and

and commodious Court House, one of the best, if not the very best, in the Colony, is now near completion, and will probably be ready for use in the course of the ensuing month; and, if any difficulty should arise with respect to the custody of prisoners before trial, in consequence of the want of sufficient prison accommodation at Ipswich, the difficulty might easily be overcome by forwarding them for safe custody to Brisbane, whence they could be brought up to Ipswich by the steamer for trial as they were wanted, and whither they might be sent back again so soon as each day's proceedings were concluded. Upon the whole, therefore, I feel great confidence in recommending that the Town of Ipswich be immediately appointed by Proclamation one of the places at which Sittings of the Court shall be holden, in accordance with the authority vested in the Governor by the 27th section of the Act 20 Vict., No. 25.

6. I venture also to recommend that Sittings should be held half-yearly, at Maryborough in the north, and at Drayton or Toowoomba in the south of this District. I have not yet been able to reach either of those places, and it is possible that some local difficulties may exist of which I am not at present informed; but as the proposed arrangement, if approved of by the Executive Government, cannot be carried into effect until the early part of next year, sufficient time it is hoped will be afforded for the removal of any difficulties of the kind referred to.

7. Maryborough is generally reached by steamer from Brisbane in two days; it is only seventy miles from Gayndah, a town which is the centre of important pastoral districts, and can be readily communicated with either from Gladstone or Rockhampton. According to a statement contained in the enclosed letter, there is a Court House at Maryborough, which, with a few alterations, would suit the purposes for which an Assize Court is held. Some provision would probably have to be made for the confinement of prisoners previous to trial, but it is conceived that arrangements for such an object might be made without involving either much loss of time or much expenditure of money.

8. In reference to holding sittings of the Court at Drayton or Toowoomba, there are, it must be confessed, several difficulties to be considered, but none which appear to me to be insuperable. The road from Ipswich to the top of the Range is a very bad one in bad weather, but is not described to be absolutely impassable at any time, and although there is no Court House at either Drayton or Toowoomba, which is at present fit for the contemplated object, a temporary wooden structure might be erected, which would answer until a more substantial building could take its place. There would undoubtedly be a difficulty, and no trifling one, in the transport of prisoners, after trial, to their appointed place of confinement, but I doubt not that means would be found by the Government to ensure their safe escort.

9. If the Government should approve of the views which I have the honor to lay before you, and should desire to carry into effect the foregoing recommendations, there will be no occasion for fresh legislation. The provisions of the Jury Act, 11 Vict., No. 20, and of the Moreton Bay Court Act, 20 Vict., No. 25, will, I apprehend, suffice. But it will be necessary to resort to the action of Parliament to remove two defects in the latter Act, which must have been caused by an oversight.

10. The Registration of Deeds and other Instruments in the Office of the Registrar of the Supreme Court, at Moreton Bay, is confined to such as affect *land*. (See sections 29, 30, and 31.) Liens on wool, and mortgages of sheep, cattle, and horses, continue, therefore, to be registered at Sydney. The practical evils which result from this to the inhabitants of a District whose interests are chiefly pastoral, need not be pointed out. And, as Bills of Sale of personal chattels generally are required by the Act 19 Vict., No. 2, to be filed within the office of the Supreme Court at Sydney, creditors in this District are entirely deprived of the protection which, as the preamble states, it was the object of that Act to afford.

I have, &c.,

ALFRED P. LUTWYCHE.

THE HONORABLE

THE ATTORNEY GENERAL,  
Sydney.

[Enclosure.]



[Enclosure.]

*Maryborough, 10 June, 1859.*

We, the undersigned, inhabitants of Wide Bay, respectfully beg to call your attention to the urgent necessity we conceive to exist for establishing a Circuit Court at Maryborough.

We know by painful experience that a large number of Criminal Cases are overlooked or allowed to go unpunished, because a prosecution entails so much expense and loss of time; and the amount of losses in business submitted to from the want of a Tribunal to decide Civil Cases is of very serious extent.

We have seen in the public prints that it is your Honor's intention to establish Circuit Courts in various places, and without wishing that any other place should be overlooked or neglected we believe Maryborough has strong claims to such a benefit, and trust you will give these claims full consideration.

The town of Maryborough is the only port for the large extent of country between Brisbane and Gladstone, and with the immediate District of Wide Bay alone contains a population of upwards of a thousand inhabitants, to most of whom justice is practically denied in consequence of the expense and loss of time which an attendance at the Court of Brisbane necessarily involves.

The expense to Government in petty cases is very great, through having to forward all prisoners to Brisbane, of whom many escape conviction in consequence of the non-appearance of witnesses against them. The mileage paid those witnesses who do attend is for 280 miles, but this amount, though heavy on the revenue, is totally inadequate as a remuneration, and witnesses frequently brave the penalties of the law rather than undertake the journey.

Within the past year a very excellent Court House has been built in Maryborough, which, at a very trifling expense in fittings for Jury Box, &c., would afford ample accommodation for all purposes required.

Not only to the Wide Bay District but also to Gladstone and Port Curtis would a Court here be a great benefit, as the latter places would have only about half the distance to send their prisoners which they now have; and arrangements might, we believe, be easily made for a steamer to convey witnesses and suitors from those places—while arrangements for the passage of the Judge and Bar from Brisbane by steamer could be easily effected.

In conclusion, we have only to state our belief that nowhere could a Court be established which will place law and justice more easily accessible to such a numerous population, or to so large an extent of country, and trust that your Honor will take means to ascertain the truth of the assertions contained in this Memorial.

We are, &c.,

JOHN PURSER.

EDMUND B. UHR, J.P.

JAMES EDWIN BROWN.

R. POOTLEWAITE.

J. PALMER.

EDWARD FIELDING PALMER, J.P.

And forty-three other signatures.

To His Honor Mr. Justice Lutwyche,  
Resident Judge of Moreton Bay.

1859.

## NEW SOUTH WALES.

## INDEX TO LAWS.

Presented to both Houses of Parliament, by Command.

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# ACTS OF IMPERIAL PARLIAMENT ADOPTED.

ALL SO FAR AS THEY CAN BE APPLIED, PREVIOUS TO 9 G. 4., c. 83, BY 9 G. 4., c. 83.

Anno.	Cap.		Year.	No.
7 G. 4.	64	Administration of Justice (repealed by 11 & 12 V., c. 42, s. 34) by	9 G. 4.	1.
7 & 8 G. 4.	27	Repealing Larceny Acts, benefit of Clergy, &c.	9 G. 4.	1.
"	28	Administration of Justice—further improvement	9 G. 4.	1.
"	29	Larceny—Consolidation of Law as to	9 G. 4.	1.
"	30	Malicious injuries—Consolidation	9 G. 4.	1.
"	71	Arrests on mesne process abolished	9 G. 4.	2.
9 G. 4.	14	Written memoranda necessary to the validity of certain agree- ments...	4 W. 4.	17
1 W. 4.	21	Prohibition and Mandamus	5 W. 4.	8
"	36	Equity Courts—Bills taken pro confesso	5 W. 4.	8
"	40	Undisposed residues of Testators' estates	5 W. 4.	8
"	46	Illusory appointments	5 W. 4.	8
"	47	Payment of debts out of real estate	5 W. 4.	8
"	60	Conveyance of Trust and Mortgage estates—Decree in Equity	5 W. 4.	8
"	65	Property of Infants, Married Women, Lunatics, &c.	5 W. 4.	8
"	66	Forgery—Consolidation of the law of	4 W. 4.	4
1 & 2 W. 4.	58	Interpleader	5 W. 4.	8
2 W. 4.	34 s. 1	As repealing certain statutes therein set forth	9 V.	1
2 & 3 W. 4.	62	Punishment of death abolished in certain cases	4 W. 4.	4 s. 9
"	123	Punishment of death abolished in certain cases	4 W. 4.	4
3 & 4 W. 4.	27	Real property, limitations and remedies...	8 W. 4.	8
"	49	Affirmations in lieu of oaths—Quakers and Moravians	8 W. 4.	2
"	105	Law of Dower—Amendment	7 W. 4.	8
"	106	Law of Inheritance—Amendment	7 W. 4.	8
4 & 5 W. 4.	26	Hanging Criminals in chains abolished	8 W. 4.	2
5 & 6 W. 4.	19	Merchant Seamen's Act—declared in force by	7 V.	21 s. 17
6 & 7 W. 4.	30	Murder, Prison Discipline, Execution of Criminals—Law repealed as to	8 W. 4.	2
"	111	Previous conviction only evidence where evidence of character given	8 W. 4.	2
1 V.	23	Pillory abolished	2 V.	10
"	26	Wills Act	3 V.	5
"	84	Abolishing the punishment of Death in certain cases	9 V.	3
"	85	Offences against the person	2 V.	10
"	86	Burglary and stealing in dwelling-house	2 V.	10
"	87	Robbery and stealing from the person	2 V.	10
"	88	Piracy	2 V.	10
"	89	Burning Buildings and Ships	2 V.	10
"	90	Transportation for life—Amendment	2 V.	10
"	91	Abolition of death in certain cases	2 V.	10
7 & 8 V.	112	Part as set out...	13 V.	28
8 & 9 V.	47	Dog stealing	14 V.	16
"	109	Section 15 as repealing certain Acts	14 V.	9 s. 17
9 & 10 V.	25	Malicious injuries by fire or explosive substances	14 V.	16
10 & 11 V.	66	Threatening letters and accusations to extort	14 V.	16
11 & 12 V.	42	Justices of the Peace—duty as to persons charged with indict- able offence	14 V.	43
"	43	Justices of the Peace—summary convictions	14 V.	43
"	44	Justices of the Peace—vexatious actions against	14 V.	43

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" ...	3		4 V. ...	10 s. 7	" ...	24		13 V. ...	38
6 G. 4...	4		7 G. 4...	2	" ...	25		11 V. ...	20
" ...	9		3 W. 4.	3	6 W. 4..	6		15 V. ...	4
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" ...	22		7 V. ...	16	" ...	10		10 V. ...	8
" ...	23		5 W. 4.	24	" ...	11		4 V. ...	12
7 G. 4...	2		3 W. 4.	8	7 W. 4..	6		19 V. ...	30
" ...	5		3 W. 4.	3	2 V. ...	5		11 V. ...	20
8 G. 4...	1		3 W. 4.	8	" ...	12		10 V. ...	8
9 G. 4...	7		7 W. 4.	7	" ...	13		19 V. ...	30
" ...	9		4 V. ...	23	" ...	14		5 V. ...	17 s. 108
" ...	11		4 W. 4.	3	" ...	17		13 V. ...	38
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" ...	14		14 V. ...	23	" ...	19		2 V. ...	27 s. 28
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" ...	2		10 G. 4...	3 s. 8	3 V. ...	3		9 V. ...	15
" ...	3		2 W. 4.	2	" ...	6		6 V. ...	15 s. 2
11 G. 4...	3		2 W. 4.	2	" ...	6		10 V. ...	10
" ...	6		5 W. 4.	15	" ..	7		19 V. ...	30
" ...	12		3 W. 4.	3	" ...	9		13 V. ...	27
" ...	13		3 W. 4.	3	" ...	11		11 V. ...	20
2 W. 4..	3		11 V. ...	20 s. 44	" ...	13		13 V. ...	29
" ...	5		5 W. 4.	15	" ...	14		9 V. ..	5
" ...	7		4 V. ...	6	3 V. ...	17		11 V. ...	20
" ...	10		13 V. ...	28	" ...	23		19 V. ...	30
" ...	14		5 W. 4.	15	" ...	27		10 V. ...	8
3 W. 4..	2		10 V. ...	10	4 V. ...	1		19 V. ...	36 s. 39
" ...	2		6 V. ...	15 s. 2	" ...	9		13 V. ...	38
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" ...	4		16 V. ...	34	" ...	16		5 V. ...	16
" ...	5		10 V. ...	8	" ...	23		9 V. ...	27
" ...	8		2 V. ...	18 s. 82	" ...	24		5 V. ...	17 s. 108
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" ...	9		5 W. 4.	21 s. 11	" ...	25		10 V. ...	10
" ...	12		11 V. ...	20	5 V. ...	15		13 V. ...	38
5 W. 4..	2		19 V. ...	30	" ...	16		13 V. ...	27
" ...	7		13 V. ...	36	" ...	21		7 V. ...	16
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7 V. ...	3		11 V. ... 4	14 V. ...	6		22 V. ... 9
" ...	7		13 V. ... 29	" ...	14		17 V. ... 3
" ...	8		13 V. ... 27	" ...	32		16 V. ... 46
" ...	26		13 V. ... 29	" ...	33		17 V. ... 34
" ...	27		13 V. ... 27	" ...	38		16 V. ... 33
" ...	29		11 V. ... 20	" ...	42		19 V. ... 36 s. 39
8 V. ...	3		10 V. ... 8	" ...	48		22 V. ... 20 s. 2
" ...	4		11 V. ... 20	16 V. ...	5		17 V. ... 11
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9 V. ...	7		19 V. ... 36 s. 39	" ...	32		18 V. ... 5
" ...	10		10 V. ... 8	" ...	43		20 V. ... 29
" ...	22		10 V. ... 8	17 V. ...	11		19 V. ... 7
" ...	26		13 V. ... 27	" ...	23		20 V. ... 29
10 V. ...	8		17 ... 27	"	Hunter River Railway }		22 V. ... 19
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11 V. ...	2		17 V. ... 10	" ...	26		19 V. ... 27
" ...	3		16 V. ... 46	" ...	39		19 V. ... 3 s. 3
" ...	12		13 V. ... 27	" ...	40		22 V. ... 19
11 V. ...	35		22 V. ... 18 s. 24	19 V. ...	21		21 V. ... 2
" ...	42		13 V. ... 27	" ...	32		22 V. ... 19
" ...	47		13 V. ... 38	21 V. ...	5		22 V. ... 24
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4 W. 4. ...	7 s. 54-56 ...	Repealed by ...	18 V. ... 28
5 W. 4. ...	21 s. 9 ...		18 V. ... 11
5 W. 4. ...	24 Sch. A ...		2 V. ... 17
8 W. 4. ...	3 s. 3 ...		13 V. ... 29
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" ...	9 s. 18, 19, 20 ...		12 V. ... 1 s. 4
" ...	11 s. 4 ...		19 V. ... 6
6 V. ...	7 s. 63 ...		10 V. ... 17 s. 4
" ...	11 s. 2 ...		18 V. ... 11
" ...	15 s. 11 ...		12 V. ... 1

<i>Year.</i>	<i>No.</i>		<i>Year.</i>	<i>No.</i>
7 V. ...	12 s. 9	...	9 V. ...	13 s. 3
" ...	19 s. 26 to end	...	10 V. ...	7
" ...	21 s. 4, 11, 16	...	17 V. ...	36
" ...	21 s. 17	...	13 V. ...	28
" ...	25 s. 3	...	10 V. ...	17 s. 4
8 V. ...	12 s. 31	...	10 V. ...	17 s. 4
" ...	15 s. 3, 4	...	10 V. ...	7
9 V. ...	8 s. 5 and 6	...	10 V. ...	2
" ...	15 s. 69, 70	...	13 V. ...	43
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" ...	41 s. 77	...	18 V. ...	30 s. 1
" ...	41 s. 114, 115, 118, and Sch. I		18 V. ...	30 s. 3
" ...	41 s. 142	...	18 V. ...	30 s. 10
" ...	43 s. 6	...	20 V. ...	32 s. 2
16 V. ...	43 s. 5-7	...	17 V. ...	23 s. 1
" ...	43 s. 8	...	17 V. ...	23 s. 4
" ...	43 s. 23 proviso	...	17 V. ...	23 s. 7
" ...	43 s. 9	...	17 V. ...	23 s. 8
" ...	43 s. 12	...	17 V. ...	23 s. 6
17 V. ...	27 s. 4, 5, 13	...	18 V. ...	26
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<i>Year.</i>	<i>No.</i>		<i>Year.</i>	<i>No.</i>
6 G. 4. ...	20	As to Highway Tolls	2 W. 4. ...	12
" ...	20	As to levying market dues	2 W. 4. ...	16
" ...	20	As to impounding cattle...	9 G. 4. ...	11
" ...	21	As to false entries of baptisms marriages and burials	5 W. 4. ...	2
" ...	22	Except as to Port Phillip	7 V. ...	16
7 G. 4. ...	4	As to apprenticing orphan children and disputes relating thereto	5 W. 4. ...	3 s. 9
8 G. 4. ...	2	As to banishment	5 V. ...	19
10 G. 4. ...	7	As to election of Chairmen	3 V. ...	10
" ...	7	As to appointment of Chairmen	22 V. ...	18 s. 25
11 G. 4. ...	1	As to banishment	2 W. 4. ...	1
" ...	9	As to duties on Colonial spirits	3 V. ...	9 s. 65

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Year.	No.		Year.	No.
2 W. 4.	3	As to striking Special Jury and <i>tales</i> in such cases	5 W. 4.	25
"	12 s. 8	As to manure carts—exemption on parish roads	18 V.	15
"	12 s. 3	As to tolls on four-wheel vehicles and beasts of draught above four	20 V.	38
"	12 s. 34	As to permanent appropriation of tolls	15 V.	16
"	13	Except as to the establishment of the Savings' Bank	5 W. 4.	16
3 W. 4.	8	As to transportation to penal settlement in New South Wales	5 V.	8
"	5	As to repeated offence of turning out sheep within one month of previous conviction	6 W. 4.	10 s. 2
"	6 s. 36	Except as to appropriation	7 V.	12 s. 15
"	6	Part of Schedule D as to dues payable by Coasters	9 V.	13
"	6	As to harbor dues and light house dues	16 V.	8
"	6	As to entry and clearance fees	16 V.	8
"	8	As to supplying spirits to servants and convicts—publicans recognizances, &c.	6 W. 4.	8
4 W. 4.	7	As to perambulation of Sydney by Justices of the Peace	6 V.	3 s. 8.
"	7	In part as to supervision of constabulary, &c.	14 V.	38 s. 30
"	7	As to appointment of constabulary, &c., and as far as incom- patible with Act	16 V.	33 s. 24
"	7 s. 40	As to carter riding on waggon	18 V.	28
"	7 ss. 60, 61, 63	As to licensed carters	18 V.	28
"	9	Except as to matters actually commenced	5 W. 4.	21 s. 11
4 W. 4.	16	As to election of Chairman	3 V.	10
5 W. 4.	1	As to appointment of Inspector of Slaughter Houses, Sydney	7 V.	2
"	16	Except as to establishment of the Savings' Bank	3 V.	12
8 W. 4.	8	As to nomination by Governor of officers to issue licenses	13 V.	29
2 V.	2	As to driving, &c., on footpaths in certain towns	11 V.	17 s. 18
"	2	In part as specified	14 V.	38 s. 30
"	2	As to appointment of constabulary, &c.	16 V.	33 s. 24
3 V.	3	As to the method of charging <i>ad volorem</i> duties	7 V.	18
"	9	As to foreign materials for distillation	5 V.	15
"	10	As to appointment of Chairman	22 V.	18 s. 25
"	12	Except as to institution of Savings' Bank	17 V.	24
"	12	As to interest and security fund	7 V.	6
"	22	As to confining females in dark cells	5 V.	3
4 V.	11	Except as to Colonial spirits	16 V.	7
"	15	Except as to the institution of the Savings' Bank	17 V.	24
4 V.	15	As to powers of one Trustee, &c.	11 V.	40
"	17	As to tonnage duties	16 V.	8
"	"	As to ships re-anchoring in Hobson's Bay	13 V.	30
"	"	As to appointment of constabulary force, &c.	16 V.	33 s. 24
"	"	In part as stated	7 V.	31 ss. 1,
"	22	As to appointment of Judge and Sheriff for Van Diemen's Land and New Zealand	6 V.	4
"	22	As to Judges' rules concerning fees, &c.	15 V.	17
"	28	As to New Zealand	6 V.	17
5 V.	5	Except as the institution of the Savings' Bank	17 V.	24
"	5	As to interest and security fund	7 V.	6
"	9 s. 31	As to Sheriff selling under <i>fiery facias</i>	12 V.	1 s. 5
"	17	As to appointment of Chief Commissioner and other officers and fees to the same	7 V.	19
"	21	Except as to Port Phillip	7 V.	16
6 V.	3	Except as excepted in the repealing Act	14 V.	41
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1859-60.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

## ERECTION OF A GAOL AT ARMIDALE.

*Ordered by the Legislative Assembly to be Printed, 14 June, 1860.*

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

The humble Petition of the undersigned Landholders, Householders, and others  
resident in the Town and District of Armidale,—

RESPECTFULLY SHEWETH:—

That the establishment of District Courts has rendered necessary the erection of Gaols in such localities as are likely to become centres of large communities.

That this principle has been assented to by your Honorable House, as evinced by a vote passed some length of time since, for the purpose of providing funds for the erection of a Gaol at Armidale.

That tenders were at one time called for for this purpose, but nothing further done, on the ground, as your Petitioners believe, that the plans were found to require amendment.

That, some time since, a Petition was forwarded to the late Honorable the Principal Secretary, urging the speedy erection of the Gaol at Armidale, and pointing to the fact that at that time there were some five or six prisoners awaiting trial who, from the deficiency of space in the present lock-up, were of necessity kept in confinement in cells, thereby actually making the unfortunate men to endure a severer punishment before trial than they would have to undergo after conviction; because then they would have been removed to a gaol where airing yards and other conveniences are provided.

Your Petitioners need not invite attention to the injury and injustice this confinement would entail on any man who might on his trial be declared innocent of the charge preferred against him; and, as Courts of Quarter Sessions are only held twice a year, should it so happen that an innocent man, from any unforeseen combination of circumstances, was to be committed for trial immediately after the termination of one Court, he would then be compelled to endure this dreadful punishment—confinement in a cell—for the space of six months.

Your Petitioners believe that the present is a very favorable time to commence the erection of the Gaol. Materials for building purposes are cheaper now than they have been for years past; there are a number of tradesmen now engaged on the erection of the Court House, who will be ready to transfer their services to any other public work in a few weeks hence; and there are competent men in the town to undertake the performance of a public work of this character. Although it may not be considered as directly bearing on the subject of this Petition, yet your Petitioners cannot refrain from inviting attention to the fact, that from the successful nature of operations now proceeding with at the Rocky River Gold Fields (some thirteen miles from Armidale), there are the most sanguine expectations that a vast Gold Field will in a very short time be opened up between Armidale and the Rocky; and should this take place there will be an immense increase of population. This would create an increased amount of criminal business, and if the means at present provided for prison accommodation are found to be so utterly inadequate to the present requirements of the place, it is needless to point to the fearful and wretched state of affairs that would arise on the happening of such an event as above referred to.

Your Petitioners, therefore, respectfully urge your Honorable House to take the premises into your consideration, and, as in duty bound, will ever pray.

[Here follow 37 Signatures.]



1859.

Legislative Assembly.

## NEW SOUTH WALES.

## WORK DONE ON PRIVATE ACCOUNT IN DARLINGHURST &amp; PARRAMATTA GAOLS.

(CORRESPONDENCE AND RETURNS IN REFERENCE TO.)

*Ordered by the Legislative Assembly to be Printed, 21 December, 1859.*

THE SHERIFF to THE PRINCIPAL UNDER SECRETARY.

*Sheriff's Office,**Sydney, 16 December, 1859.*

SIR,

In accordance with the request contained in your letter, dated the 5th instant, I have the honor to forward herewith a Return of work done on private account by the prisoners in Darlinghurst and Parramatta Gaols, respectively, from 1st January last to date of Return.

Also, letters in explanation of these Returns.

I have, &amp;c.,

THE PRINCIPAL UNDER SECRETARY.

JOHN O'NEIL BRENNAN,  
Sheriff.

THE PRINCIPAL GAOLER to THE SHERIFF.

*H. M. Gaol, Darlinghurst,**15 December, 1859.*

SIR,

I have the honor herewith to transmit a Return of the amount of Work done on Private Account by the Prisoners in this Gaol since the 1st January last, as called for by the Colonial Secretary's letter of the 5th instant; I have also added a Return of all Work done for the Officers of the Prison during the same period.

With reference to the second paragraph of the Colonial Secretary's letter, requesting a Return shewing the number of applications made to have work done during the same period, distinguishing the applications refused, &c., I beg to state that, with the exception of needlework, on no occasion has any description of work that it was possible to employ the prisoners at ever been refused; on the contrary, it has been my constant endeavor to keep the confines here employed, and it is even on my personal solicitation that a great deal of the work here accounted for has been sent to the Gaol.

The reason why I have been compelled sometimes to refuse needlework has been the want of female prisoners fit to be put to that description of work; this is frequently the case; even at the present time, though there are 105 female prisoners in the Gaol, there is *only one* able to make an ordinary article of clothing without assistance. To account for this, I may remark, it has been noticed that females, who on their first convictions were good needlewomen, have by their continued habits of drunkenness and dissipation become unable to do any work requiring more care or skill than picking hair or oakum. This class form a very great majority of the females confined in this Prison, and their short sentences do not always afford them time to recover sufficiently from the effects of their intemperance to enable them to be employed even at this work, therefore, the greater part of their sentences are passed in recovering from their dissipation, in many cases under medical treatment, and they are consequently unfit for any employment whatever.

I have, &amp;c.,

J. H. BEVERLEY,

Principal Gaoler.

FOR THE SHERIFF.



RETURN, shewing the Amount of Work done on Private Account by the Prisoners in Darlinghurst Gaol, from the 1st day of January to the 30th day of November, 1859; specifying the Names of Persons for whom such work was done, the Quantity, Estimated Value, and Sums Actually Paid.

NAME OF PERSON.	QUANTITY AND DESCRIPTION OF WORK.	ESTIMATED VALUE.	ACTUALLY PAID.
	£ s. d.	£ s. d.	£ s. d.
Hill and Son ....	Picking horse-hair, 2,215 lbs., at 1½d per lb. ....	13 17 3	13 17 3
E. Johnson .....	" 107 " .....	0 13 4	.....
Jas. Steele .....	" 443 " .....	2 15 4	2 15 4
A. Moore & Co. ..	" 3,497 " .....	21 17 1	15 12 10
Griffiths .....	" 436 " .....	2 14 6	.....
Thompson & Co...	" 588 " .....	3 13 6	3 13 6
Grant .....	" 224 " .....	1 8 0	1 8 0
Badcock .....	" 43 " .....	0 5 4	0 5 4
Cuthbert .....	Picking oakum, 5,468 lbs., at 2d. per lb. ....	45 11 4	45 11 4
Snicker .....	" 836 " .....	6 19 4	6 19 4
Korff .....	" 3,444 " .....	28 14 0	28 14 0
Clarkson .....	Making coats, 1 at 10s. ....	0 10 0	
" .....	" " 1 at 7s. 6d. ....	0 7 6	
" .....	" " 2 at 7s. ....	0 14 0	
" .....	" " 8 at 6s. 6d. ....	2 12 0	
" .....	" " 3 at 6s. ....	0 18 0	
" .....	" " 6 at 5s. 6d. ....	1 13 0	
" .....	" " 20 at 5s. ....	5 0 0	
" .....	" " 24 at 4s. 6d. ....	5 8 0	
" .....	" " 2 at 4s. ....	0 8 0	
" .....	" trousers, 1 at 7s. ....	0 7 0	
" .....	" " 68 at 4s. ....	13 12 0	
" .....	" " 6 at 3s. ....	0 18 0	
" .....	" " 4 at 3s. 6d. ....	0 14 0	
" .....	" " 1 at 2s. 6d. ....	0 2 6	
" .....	" vests, 29 at 3s. 6d. ....	5 1 6	
" .....	" " 13 at 3s. ....	1 19 0	
" .....	" " 2 at 2s. 6d. ....	0 5 0	
		40 9 6	36 1 6
Wilkinson .....	Making coats, 2 at 6s. ....	0 12 0	
" .....	" trousers, 5 at 4s. ....	1 0 0	
" .....	" " 6 at 2s. ....	0 12 0	
" .....	" " 55 at 1s. 9d. ....	4 16 3	
" .....	" " 21 at 1s. 6d. ....	1 11 6	
" .....	" vests, 2 at 3s. ....	0 6 0	
		8 17 9	5 8 6
Cox—Tailor.....	Making coats, 5 at 5s. ....	1 5 0	
" .....	" trousers, 6 at 4s. ....	1 4 0	
" .....	" vests, 3 at 3s. 6d. ....	0 10 6	
		2 19 6	
	Carried forward .....	£ 180 15 9	160 6 11

## WORK DONE ON PRIVATE ACCOUNT IN DARLINGHURST GAOL.

3

## RETURN, &amp;c.—Continued.

NAME OF PERSON.	QUANTITY AND DESCRIPTION OF WORK.	ESTIMATED VALUE.	ACTUALLY PAID.
	Brought forward .....	£ s. d. 180 15 9	£ s. d. 160 6 11
Daley .....	Making coats, 7 at 6s. 6d. ....	2 5 6	
" .....	" " 4 at 6s. ....	1 4 0	
" .....	" " 1 at 5s. ....	0 5 0	
" .....	" " 1 at 4s. ....	0 4 0	
" .....	" trousers, 8 at 4s. ....	1 12 0	
" .....	" " 9 at 3s. ....	1 7 0	
" .....	" " 3 at 2s. 6d. ....	0 7 6	
" .....	" vests, 6 at 3s. ....	0 18 0	
		8 3 0	8 3 0
Handcock .....	Making coats, 2—1 at 7s. 6d. 1 at 6s. ....	0 13 6	
" .....	" vests, 1 at 3s. ....	0 3 0	
		0 16 6	
Bornstein .....	Making coats, 2 at 5s. ....	0 10 0	
" .....	" trousers, 1 at 4s. ....	0 4 0	
		0 14 0	
Mealey .....	Making trousers, 2—1 at 4s. and 1 at 3s. 6d. ....	0 7 6	0 7 6
Butler .....	" " 12 at 1s. 6d. ....	0 18 0	0 18 0
Kidman .....	" iron gates and posts ....	6 0 0	6 0 0
Connor .....	" 2 washing tubs ....	0 4 6	0 4 6
Mrs. Elliott .....	Needlework by female prisoners ....	1 7 6	1 7 6
Mrs. Hillock .....	" " ....	0 3 0	0 3 0
Mrs. Dowling .....	" " ....	0 16 0	0 16 0
Mrs. Cox .....	" " ....	0 9 8	0 9 8
Mrs. Bunbury .....	" " ....	0 18 4	0 18 4
Mrs. Deloitte .....	" " ....	0 6 0	.....
" .....	Making suit boy's clothes ....	0 10 0	0 16 0
Mrs. Webster .....	" children's clothing,—		
" .....	trousers, 9 at 1s., 9s.; 6 at 1s. 6d., 9s.; 2 at 3s., 6s..	1 4 0	
" .....	coats, 3 at 2s., 6s.; 1 at 1s. 6d.; 7 at 2s. 6d., 17s. 6d.	1 5 0	
" .....	2 at 1s., 2s.; 5 vests at 1s. 6d., 7s. 6d.; 1 at 2s.	0 11 6	
" .....	and 2 at 1s. ....	0 2 0	
" .....	Repairing small shoes ....	0 2 6	
" .....	Needlework by females ....	0 17 4	
		4 2 4	
		£ 206 12 1	180 10 5

H. M. Gaol, Darlinghurst,  
15 December, 1859.

J. H. BEVERLEY,  
Principal Gaoler.

NOTE.—The difference between the "estimated value" and the sums "actually paid," in the foregoing account, will be paid at, or soon after, the expiration of the present month, except Mrs. Webster's, for which no charge has been made. When giving evidence before a Select Committee of the Legislative Assembly, of which Mr. Cowper was Chairman, I mentioned, that in consequence of Mrs. Webster's large family, and her late husband having filled the situation of Principal Gaoler, she had been allowed, partially, to continue the privilege, enjoyed during her husband's lifetime, of having work done by the prisoners, and this privilege has been confined to making articles of children's clothing.

JOHN O'NEIL BRENNAN,  
Sheriff.

## WORK DONE ON PRIVATE ACCOUNT IN DARLINGHURST GAOL.

RETURN, shewing the Quantity and Description of Work done for the Officers of Darlinghurst Gaol by the Prisoners in that Establishment, from 1st January to the 30th November, 1859.

OFFICER.	QUANTITY AND DESCRIPTION OF WORK.	VALUE.	ACTUALLY PAID.	YET TO BE PAID.
		£ s. d.	£ s. d.	£ s. d.
The Sheriff ....	Repairing 1 harrow .....	0 10 0		
	Making 1 scoop, 2s.; 1 tub, 2s. ....	0 4 0		
	" coat and trousers .....	0 10 0		
	Painting cot .....	0 5 0		
	Making 3 pairs of trousers at 2s. ....	0 6 0		
	Sundry needlework .....	1 1 3	2 16 3	2 16 3
Rev. Mr. Agnew, Chaplain ....	Making small harrow .....	0 6 0		
	Needlework by females .....	1 15 9	2 1 9	2 1 9
Dr. West, Vg. Surgeon ....	Repairing wheelbarrow .....	0 2 6		
	" 4 buckets, 4s. 6d.; 1 tub, 2s. ....	0 6 6	0 9 0	0 9 0
G. Wickham, Clerk..	" 2 pairs boots, 2s. ....	0 4 0		
	Making 4 pairs trousers, 2s. ....	0 8 0		
	" 2 vests, 1s. 6d. ....	0 3 0		
	" 2 tubs, 2s. ....	0 4 0	0 19 0	0 19 0
M. Farrelly, Overseer..	" 1 pair trousers .....	0 2 0		
	Repairing 4 pairs boots at 2s. ....	0 8 0		
	" 1 pair boots .....	0 1 0	0 11 0	0 11 0
The Turnkeys, 19 Males, 3 Females ..	Making and repairing boots and shoes,—			
	47 pairs at 2s. ....	4 14 0		
	25 " 6d. ....	0 12 6		
	68 " 1s. ....	3 8 0		
	2 " 3s. ....	0 6 0		
	1 pair at 2s. 6d. ....	0 2 6	9 3 0	9 3 0
	Making clothing,—			
	Trousers, 25 at 2s. ....	2 10 0		
	" 4 at 3s. ....	0 12 0		
	" 1 at 1s. 6d. ....	0 1 6		
	Coats, 7 at 3s. ....	1 1 0		
	" 3 at 2s. ....	0 6 0		
	Vests, 14 at 1s. 6d. ....	1 1 0	5 11 6	5 11 6
	Needlework by females .....		2 12 2	2 12 2
	Making 13 washing tubs at 2s. ....	1 6 0		
	" 1 ladder .....	0 3 0		
	" 1 shutter .....	0 5 0		
	" 1 bedstead .....	0 5 0		
	" grate, 1s. 6d.; handle, 6d. ....	0 2 0	2 1 0	2 1 0
	" pigeon box .....	0 1 0		
	Repairing cask .....	0 1 0		
	" washstand .....	0 1 0		
	Making 2 window sills .....	0 6 0		
	" 1 table, 4s.; bucket, 1s. ....	0 5 0		
	" 1 stretcher, 5s.; frame, 3s. ....	0 8 0		
	" 1 chair, 5s.; repairing 1, 2s. ....	0 7 0	1 9 0	1 9 0
NOT CHARGED.			27 13 8	27 2 8
Principal Gaoler	Making 7 pairs trousers, 2s. ....	0 14 0		
	" 2 coats, (boys) 4s. ....	0 8 0		
	" 2 jackets, (boys) 3s. ....	0 6 0		
	Needlework by females .....	1 1 7	2 9 7	
Principal Turn- key .....	Making child's cot .....	0 5 0		
	" music stand .....	0 3 6		
	" 2 pairs trousers, 2s. ....	0 4 0		
	Repairing 2 coats, 1s. 6d. ....	0 3 0	1 5 6	
	Needlework .....	0 10 0		
			31 8 9	27 2 8
				0 11 0

The prices here charged are less than paid by private parties. Previous to 1856, the Officers of the Establishment had this work done gratis; but it has since been deemed advisable to make some charge in order to keep a check on the quantity of work, and prevent any abuse of the privilege. The Principal Gaoler and Principal Turnkey are resident Officers, and have always been allowed the use of prison labor.

H. M. Gaol, Darlinghurst,  
13 December, 1859.

JOHN O'NEIL BRENNAN,  
Sheriff.

J. H. BEVERLEY,  
Principal Gaoler.

## WORK DONE ON PRIVATE ACCOUNT IN PARRAMATTA GAOL.

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GAOLER, PARRAMATTA GAOL, to THE SHERIFF.

H. M. Gaol, Parramatta,  
15 December, 1859.

SIR,

I have the honor to transmit, by this day's post, the two Returns called for by your letter of the 7th instant, forwarding me a copy of the Honorable the Colonial Secretary's letter of the 5th December on the subject. In doing so, I think it right to inform you that the Officers of this Establishment had the privilege (granted them by the late Visiting Justice) of getting boots, as they required them for their own use, from those made for sale by auction, for which they were charged the prices realized at such sales by those of the same description as were selected by them. The boots got by them in that way do not appear in this Return.

I have, &amp;c.,

THOMAS ALLEN,  
Gaoler.

THE SHERIFF.

A RETURN, shewing the amount of work done by the Prisoners confined in Parramatta Gaol, from the 1st January to the 30th November, 1859; specifying the Names of Persons for whom such work was done, and in each case the Quantity, Estimated Value, and Sums Actually Paid for the same.

DATE.	NAMES OF PERSONS.	QUANTITY OF WORK DONE FOR EACH INDIVIDUAL.	AMOUNT ACTUALLY PAID.	ESTIMATED VALUE.
			£ s. d.	
Jan. 1	James Howison .....	To Cutting 1,037 feet of stone at 3d. per foot .....	12 19 3	I cannot say what is the Estimated Value of the several kinds of work described in this Return.
	Nathaniel Payten .....	" 742 " 3d. " .....	9 5 6	
	Mr. — Cock .....	" 24 " 3d. " .....	0 6 0	
	Messrs. J. & W. Byrnes .....	" 69 " 3d. " .....	0 17 3	
	Mr. Crouch .....	Picking 702 lbs. oakum at 2½d. per lb. ....	7 6 3	
	Mr. Thomas Allen .....	Making 1 gate and 1 pair of hinges .....	1 0 0	
	Mrs. Lawson .....	" 2½ dozen petticoats at 1s. 3d. each .....	1 17 6	
	Mrs. Langstaff .....	" 6 shirts at 1s. each .....	0 6 0	
	Mrs. Hunt .....	" 6½ score of sinnet at 2s. ....	0 13 0	
	Mrs. Abbott .....	" 3 babies' night dresses at 1s., 3s.; 2 shirts at 1s., 2s. ....	0 5 0	
Jan. 31	Mrs. Hunt .....	" 14½ score sinnet at 2s. ....	1 9 0	
		Total Amount for January .....	36 4 9	
Feb. 1	Mr. James Howison ..	Cutting 122 feet of stone at 3d. per foot .....	1 10 0	
	Mr. Nathaniel Payten..	" 37½ " 3d. " .....	0 9 4½	
	Mr. J. Betts .....	Making 2 wheelbarrows at 22s. each .....	2 4 0	
	Mrs. Hunt .....	" 9 score sinnet at 1s. 6d. per score .....	0 13 6	
	Mrs. Langstaff .....	" 4 boys' shirts at 6d., 2s.; 4 night shirts at 6d., 2s. ....	0 4 0	
Feb. 28	Mrs. Hunt .....	" 6½ score sinnet at 1s. 6d. per score .....	0 9 9	
		Total Amount for February .....	5 10 7½	
Mar. 1	Mr. Nathaniel Payten..	Cutting 77 feet of stone at 3d. per foot .....	0 19 3	
	Mr. — Cock .....	" 33 " 3d. " .....	0 8 3	
	Mr. Michael Flinn .....	Making 1 wheelbarrow .....	1 5 0	
	Mr. George Oakes .....	" 1 small wheelbarrow .....	1 2 0	
	Mr. William Grunleese ..	" 1 wheelbarrow .....	1 5 0	
	Mrs. Philips .....	" 4 night dresses at 1s. 6d. ea. ....	0 6 0	
	Mrs. Hunt .....	" 4 score sinnet at 1s. 6d. ea. ....	0 6 0	
	Mrs. Philips .....	" 6 shirts at 1s. 6d. ea. ....	0 9 0	
	Mrs. Langstaff .....	" 3 night dresses at 1s. ea. ....	0 3 0	
Mar. 31	Mrs. Jenner .....	" 12 pinafores at 6d. ea., 6s.; 7 pinafores at 8d. ea., 4s. 8d. ....	0 10 8	
		Total Amount for March .....	6 14 2	
April 1	Mrs. Abbott .....	Making 12 shirts at 1s. 6d. ea., 18s.; 3 shirts at 1s. 4d. ea., 4s. ....	1 2 0	
	Mrs. Hunt .....	" 3½ score sinnet at 1s. 6d. per score .....	0 5 3	
	Mrs. Walter Browne ..	" 3 children's dresses at 1s. 3d. ea. ....	0 3 9	
April 30	Mrs. Jenner .....	" 4 pair drawers at 6d. ea., 2s.; 2 night dresses, 1s. ....	0 3 0	
		Total Amount for April .....		

## WORK DONE ON PRIVATE ACCOUNT IN PARRAMATTA GAOL.

## RETURN, &amp;c.—Continued.

DATE.	NAMES.	QUANTITY OF WORK DONE FOR EACH INDIVIDUAL.	AMOUNT ACTUALLY PAID.	ESTIMATED VALUE.
			£ s. d.	
May 1	Mr. Nathaniel Payten..	To Cutting 106 feet of stone at 3d. per foot .....	1 6 8	Estimated Value not known.
	Mr. ——— Cock .....	" 45 " 3d. " .....	0 11 3	
	Messrs. J. & W. Byrnes	" 444 " 3d. " .....	5 11 0	
	Mrs. ——— King .....	Making 6 night dresses at 1s. 6d. ea. ....	0 9 0	
	Mrs. Hunt .....	" 4½ score sinnett at 1s. 6d. per score .....	0 6 9	
	Mr. Nathaniel Payten..	" 1 wheelbarrow, 20s.; repairing 1 ditto, 6s. ....	1 6 0	
	Mrs. Abbott .....	" 4 night dresses at 1s. 3d. ea., 5s.; 3 chemises at 1s. ea., 3s. ....	0 8 0	
May 31	" .....	" 3 skirts at 1s. 6d. ea., 4s. 6d.; 3 skirts at 6d. ea., 1s. 6d.; 2 petticoats at 1s. ea., 2s. ....	0 8 0	
		Total Amount for May .....	10 6 8	
June 1	Mrs. Jenner .....	Making 12 pinafores at 8d. ea., 8s.; 12 chemises at 6d. ea., 6s. ....	0 14 0	Estimated Value not known.
	Mr. Nathaniel Payten..	" 6 pair drawers at 6d. ....	0 3 0	
	Mr. Darvall .....	Repairing 1 wheelbarrow .....	0 2 6	
	Mrs. King .....	Making 1 step ladder .....	0 5 0	
June 30	Mrs. Byrnes .....	" 6 chemises at 1s. 3d. ea. ....	0 7 6	
	" .....	" 2 skirts at 2s., 4s.; 2 small skirts, 1s., 2s. ....	0 6 0	
	" .....	" 3 dresses at 1s. 3d., 3s. 9d.; 4 petticoats, 2s. 6d. ea., 10s. ....	0 13 9	
		Total Amount for June .....	2 6 9	
July 1	Messrs. J. & W. Byrnes	Cutting 63 feet of stone at 3 per foot .....	0 15 9	
	Mr. George Doust .....	Making 1 wheelbarrow .....	1 5 0	
	Mrs. W. Byrnes .....	" 7 shirts at 1s. 3d., 8s. 9d.; 3 night shirts at 1s., 3s. ....	0 11 9	
	Mrs. King .....	" 6 night dresses at 1s. 3d. ea. ....	0 7 6	
	Mr. Crouch .....	Picking 70 lbs. oakum at 2½d. per lb. ....	0 14 7	
July 31	Mrs. Abbott .....	Making 5 pairs drawers at 1s. ....	0 5 0	
	Mrs. Le Clerke .....	" 1 wheelbarrow .....	1 1 0	
		Total Amount for July .....	5 0 7	
Aug. 1	Mr. James Howison ..	Cutting 1,285 feet stone at 3d. per foot .....	16 1 3	Estimated Value not known.
Aug. 31	Messrs. J. & W. Byrnes	" 114 " 3d. " .....	1 8 6	
	Mr. ——— Cock .....	" 95 " 3d. " .....	1 3 9	
		Total Amount for August .....	18 13 6	
Sept. 1	Mr. James Howison ..	Cutting 829 feet stone at 3d. per foot .....	10 7 3	
	Messrs. J. & W. Byrnes	" 74 " 3d. " .....	0 18 6	
	Mrs. Finch .....	Making 8 night dresses at 1s. 6d. ea., 12s.; 4 petticoats at 1s., 4s. ....	0 16 0	
	" .....	" 4 chemises at 1s., 4s.; 3 petticoat bodies at 6d. 1s. 6d. ....	0 5 6	
	Mrs. Lee .....	" 2 night dresses at 1s. 6d., ea., 3s.; 2 chemises at 1s., 2s. ....	0 5 0	
	Mrs. Jenner .....	" 4 pairs drawers at 8d., 2s. 8d.; 6 pairs drawers at 6d., 3s.; 7 night gowns, 6d., 3s. 6d. ....	0 10 0	
	Mr. Allan McInnes .....	" 2 pairs women's shoes at ½ of 8s. ea. ....	0 10 8	
	Mr. Thomas Grayson..	" 1 pair boots at ¾ of 16s. ....	0 10 8	
	Mr. Henry Mather .....	" 1 " ¾ of 16s. ....	0 10 8	
	Mr. Thomas V. Dudgeon	" 2 pairs women's shoes at ¾ of 8s. per pair .....	0 10 8	
	Mr. Richard Sadlier ..	" 1 pair of boots at ¾ of 16s. per pair .....	0 10 8	
	Mr. Patrick Dalton ..	" 1 " ¾ of 16s. " .....	0 10 8	
	Mr. Michael Husson ..	" 1 " ¾ of 16s. " .....	0 10 8	
	Mr. Francis Langstaff..	" 2 pairs of men's boots at ¾ of 16s. 21s. 4d.; 2 pairs boy's boots at ¾ of 11s., 14s. 8d. ....	1 16 0	
Sept. 30	Mr. Thomas V. Dudgeon	" 2 pairs boy's trousers at ¾ of 2s. 6d. per pair ....	0 3 4	
		Total Amount for September .....	18 16 3	
Oct. 1	Mr. James Howison ..	Cutting 1,660 feet of stone at 3d. per foot .....	20 15 0	Estimated Value not known.
	Messrs. J. & W. Byrnes	" 82 " 3d. " .....	1 0 6	
	Mr. Abbott .....	Making 3 flannel shirts at 1s. ea. ....	0 3 0	
	Mrs. Langstaff .....	" 6 pairs boy's trousers at 8d. ....	0 4 0	
	Mr. Thomas Allen .....	Caining 16 chairs at ¾ of 2s. 7½d. ea. ....	1 8 0	
	Mrs. Langstaff .....	Making 4 chemises at 8d. ea., 2s. 8d.; 4 pairs drawers at 8d. ea., 2s. 8d. ....	0 5 4	
	Mrs. Hewson .....	" 8 shirts at 1s. 6d. ea. ....	0 12 0	
		Carried forward .....	24 7 10	

\* By permission given by the Sheriff on the 8th September, 1859, this work was allowed to be done for the Officers of the Establishment, or their families, and charged for at the rate of two-thirds of that for which they could be actually got or made for if ordered at the shops of persons in the various trades. Even at these rates, the boots made for them was not less than the average price obtained for them by auction.

WORK DONE ON PRIVATE ACCOUNT IN PARRAMATTA GAOL.

7

RETURN, &c.—Continued.

[illegible]

\* Vide previous remark respecting work for the Officers of the Establishment.

† The work done in each month is not paid for until early in the next month.

H. M. Gaol, Parramatta,  
15 December, 1859.

JOHN O'NEIL BRENNAN,  
Sheriff.

THOMAS ALLEN,  
Gaoler.

Sydney: Thomas Richards, Government Printer.—1880.

[Price, 1s. 1d.]



1859.

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**Legislative Assembly.**

NEW SOUTH WALES.

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# **POLICE DISTRICTS STATISTICS.**

(RETURN IN REFERENCE TO.)

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*Ordered by the Legislative Assembly to be Printed, 1 December, 1859.*

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RETURN, in part, to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 14 October, 1859, That there be laid upon the Table of this House, a Return shewing,—

“ (1.) The population and area in square miles of each Police District of the Colony, with the number of Police in each, during the year 1859, and the number proposed for 1860.

“ (2.) The number of cases tried, and the amount of fees and fines, at the Courts of Petty Sessions in each Police District, during the year 1858, and the first nine months of 1859.”

(*Mr. Macleay.*)

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## **SCHEDULE.**

NO.	PAGE.
1. Return of the Population and areas in square miles of each Police District of the Colony, with the number of Police in each, during the year 1859, and the number proposed for 1860.	2

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## POLICE DISTRICTS STATISTICS.

RETURN shewing the Population and Area of the Police Districts in the Colony, with the number of Police in each, for the present year; and the number proposed in the Estimates for 1860.

POLICE DISTRICT.	Population by Census of 1856.	Area in Square Miles.	Number of Police.	
			For 1859.	Proposed for 1860.
Albury ...	2,015	1,730	13	10
Armidale ...	3,895	5,350	11	11
Balranald ...	694	94,750	20	21
Bathurst ...	12,005	1,992	18	16
Berrima ...	2,227	1,000	8	6
Binalong ...	1,884	10,200	7	6
Bombala ...	1,273	1,600	4	4
Braidwood ...	3,045	1,313	4	4
Brisbane ...	5,841	300	16	16
Brisbane Water (Gosford) ...	1,821	780	5	4
Broulee ...	1,207	280	5	5
Camden, Narellan, &c. ...	7,827	920	10	8
Campbelltown ...		260	7	5
Carecar ...	2,943	2,250	11	9
Cassilis ...	761	2,290	6	5
Cooma ...	2,009	3,650	4	5
Condamine ...	415	45,000	4	4
Dalby ...	678	5,200	4	4
Deniliquin ...	410	4,500	8	6
Drayton ...	1,457	15,150	9	9
Dubbo ...	1,626	28,800	11	10
Dungog ...	2,582	440	4	4
Eden ...	1,251	2,400	5	5
Gayndah ...	1,309	12,500	7	7
Goulburn ...	7,028	2,440	20	16
Grafton ...	1,069	3,300	5	5
Gundagai ...	966	2,000	7	6
Gladstone, Port Curtis ...	359	22,000	12	12
Hartley ...	2,273	2,040	7	6
Ipswich ...	4,558	55,000	14	14
Kiama ...	3,883	190	3	3
Leichhardt, Port Curtis ...	256	39,635	3	3
Maitland ...	15,290	390	25	20
M'Leay ...	962	3,360	6	6
M'Donald River ...	723	1,380	1	1
Manning River ...	1,240	1,280	3	3
Maryborough ...	669	7,200	5	5
Moama ...	315	525	4	4
Molong ...	1,446	14,275	9	9
Moulamein ...	299	2,800	4	4
Mudgee ...	4,208	1,380	7	6
Murrurundi ...	921	1,780	4	3
Muswellbrook ...	1,028	1,100	5	4
Newcastle ...	4,530	230	12	10
Orange ...	2,041	623	6	5
Parramatta and Liverpool ...	15,758	380	20	16
Paterson ...	2,399	500	5	4
Patrick's Plains ...	3,419	1,100	6	5
Penrith ...	4,804	565	10	8
Port Macquarie ...	1,412	1,400	5	4
Port Stephens ...	1,222	2,100	4	3
Queanbeyan ...	2,622	2,240	8	6
Raymond Terrace ...	4,007	283	5	3
Rylstone ...	997	1,350	4	3
Scone ...	1,100	1,230	5	4
Shoalhaven ...	3,322	1,300	4	4
Carried forward ...	154,367	418,031	439	389

## POLICE DISTRICTS STATISTICS.

3

POLICE DISTRICT.	Population by Census of 1856.	Area in Square Miles.	Number of Police.	
			For 1859.	Proposed for 1860.
Brought forward...	154,367	418,031	439	389
Tamworth ... ..	2,985	8,100	11	11
Tabulam .. .. .	1,283	6,400	9	7
Tenterfield ... ..	675	3,550	4	3
Tumut ... .. .	1,467	2,000	5	4
Wagga Wagga ... ..	1,416	15,500	5	4
Warialda ... .. .	1,040	27,900	6	6
Warwick... .. .	1,362	2,500	4	4
Wee Waa ... .. .	374	12,000	6	6
Wellington ... ..	1,993	1,395	6	5
Wellingrove ... ..	1,091	3,975	4	5
Windsor ... .. .	8,431	760	13	10
Wollongong ... ..	4,506	238	6	5
Wollombi ... .. .	1,519	380	4	3
Yass ... .. .	4,099	2,465	7	6
Sydney and Metropolitan ... ..	79,581	249	195	195
Total ... .. .	266,189	505,443	724	663
Decrease ... .. .				61

MEMO.—This Return shews a reduction of 61 in the number of Police proposed for the various Police Districts during 1860, as compared with those voted for the present year: but does not include the "Mounted Patrol, Gold, and Gold Escort Police," upon which an increase of 14 is proposed, leaving the total proposed reduction upon "Police generally," for the year 1860, 47.

JNO. McLERIE,

Inspector General of Police.

Sydney, 30 November, 1859.



1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## POLICE AND HACKNEY CARRIAGE REGULATIONS.

*Ordered by the Legislative Assembly to be Printed, 21 February, 1860.*

RETURN to an *Address* from the Honorable the Legislative Assembly of New South Wales to the Governor General, dated 25 January, 1860, praying that His Excellency would be pleased to cause to be laid upon the Table,—

- “ (1.) A Copy of the Regulations issued by the Inspector General of Police, as a guide for the Police of New South Wales.
- “ (2.) A Copy of the Regulations for Public Conveyances to and from the City and Suburbs of Sydney.
- “ (3.) A Copy of the Regulations or Instructions for the abatement of the Dog Nuisance in Sydney and the Chief Towns of the Colony.
- “ (4.) A Return of all Fees paid and of Penalties enforced under the Dog Acts, at the various Police Offices of the Metropolis and Townships of the Colony.”

*(Mr. Cape.)*

## SCHEDULE.

NO.	PAGE.
1. Inspector General of Police to Under Secretary, transmitting copies of the Regulations for the guidance of the Metropolitan Police and Mounted Patrols. 31 January, 1860 ..	2
2. Town Clerk to the Colonial Secretary, transmitting copies of the Omnibus and Hackney Carriage By-laws. 20 February, 1860 .. .. .	33
3. Return of Fees paid and Penalties enforced under the Dog Act .. .. .	45

## POLICE AND HACKNEY CARRIAGE REGULATIONS.

### No. 1.

THE INSPECTOR GENERAL OF POLICE to THE UNDER SECRETARY.

*Office of Inspector General of Police,  
Sydney, 31 January, 1860.*

SIR,

In compliance with the instructions contained in your letter of yesterday's date, I have the honor to enclose copies of the Regulations for the guidance of the Metropolitan Police and Mounted Patrols,—the only branches of the Police of the Colony subject to the control of this Department.

2. I am not aware of the existence of any Regulations, or Instructions, for the "abatement of the Dog nuisance in Sydney and the chief towns of the Colony," with the exception of the Act of Council 6th Wm. IV., No. 4.

I have, &c.,

JNO. M'LERIE,

Inspector General of Police.

THE PRINCIPAL

UNDER SECRETARY.

[Enclosure 1 in No. 1.]

*Office of the Inspector General of Police,  
Sydney, 18 March, 1853.*

The following Rules, Regulations, &c., for the Metropolitan Police Force, having been approved by His Excellency the Governor General, are to be strictly observed.

W. C. MAYNE,

Inspector General of Police.

### GENERAL INSTRUCTIONS.

#### INTRODUCTORY REMARKS.

THE following Instructions for the use of the Constabulary are published for the information and guidance of every member of the establishment.

2. It is impossible to give precise directions for the execution of every duty which the police may be required to perform, or to anticipate every difficulty which the members of the establishment may have to encounter, as, from the nature of the service, its duties must vary, and, consequently, the mode of execution must vary with them, and be directed by the circumstances of each particular case: each and every member of the force should therefore endeavor to become acquainted with the nature of every duty which he may be called on to execute, and by individual zeal, energy, discretion, and intelligence, make every effort to supply the unavoidable deficiency of general instructions.

3. The officers and men of the establishment will, however, be held strictly responsible for the execution and observance of all orders and regulations, from which they are not to deviate, except when the circumstances of the case may require, and thereby justify their so doing. And they will be held equally accountable for their own acts and orders in such cases as may not or cannot be provided for by these instructions.

4. In the performance of their duty they are distinctly to understand that their efforts should be principally directed to the *prevention* of crime, which will tend far more effectually towards the security of person and property than the punishment of those who have violated the laws:—and the very best evidence that can be given of the efficiency of the Police is the *absence of crime*.

5. The Inspector General is particularly desirous in the outset to impress on every member of the force, from the highest to the lowest, how very incumbent it is on them to act in the discharge of their various duties with the utmost forbearance, mildness, urbanity, and perfect civility towards *all* classes; and that upon *no* occasion or under *any* provocation should they so far forget themselves as to permit their feelings to get the better of their discretion, and conduct themselves rudely or harshly in the performance of their respective offices: for nothing will serve more to create a kindly feeling and cause the force to be looked up to and respected than a mild, conciliatory, moral, and decorous line of conduct, and

and a general readiness on the part of all classes to render kindness or assistance to every member of the community;—whilst an opposite course and bearing can only engender an angry and hostile feeling towards the members of the force, and consequently bring the establishment into disrepute. A police force can only obtain complete success with the general support of the community. The efficiency of the action of any such force must depend upon the extent of its information, and it is deprived of the most extensive and valuable portion of the available information when it loses the confidence, forfeits the respect, or fails to engage the good feelings of the community in which it acts.

6. Both officers and men are studiously to observe a strict impartiality and neutrality in political matters, and in questions exciting partisanship.

7. The members of the force are placed in a totally different position from that which they occupied as private individuals. They become peace officers, and are in an entirely new situation: they are, by law, entrusted with certain powers which they must exercise with great caution and prudence, and it is most essential that they keep under complete control their private feelings. It is totally inconsistent with the situation in which the law and their office place them that they enter into altercations or squabbles of any kind;—if wantonly assaulted they have a legal power to arrest the assailant, or, if that be imprudent or impossible at the time, to take proceedings against him afterwards. Altercation or squabbling are altogether inadmissible in a peace officer—he can avoid them and must do so. There must be two parties in an altercation, and nothing can justify a constable in being one of them or joining one of them. On all occasions in which men of the force are placed under circumstances tending to create feelings of irritation, they should maintain the utmost self-possession, self-control, and calmness.

8. Every member of the establishment should bear constantly in mind how essential it is to cultivate a proper regard for the honor and respectability of the force, and should be governed by the principle, that the more they can raise those above or below them in public estimation, the more they elevate their own official position, and with it the general character of the establishment.

9. As none but zealous and efficient officers and men can be retained in the service, it will become the imperative duty of the Inspector General to remove from it any member of the force who may be guilty of any neglect or omission of duty, or disobedience of any order or regulation. On the other hand, it will afford him pleasure to promote and reward those who are in every respect active, attentive, and zealous in the performance of the respective duties of the service.

#### DISCIPLINE.

10. Discipline, which implies authority and its proper exercise on the one hand, and respect and obedience on the other, is essential to the practical direction, action, and efficiency of any force.

11. As authority necessarily becomes divided, gradations of rank must be established, the holders of each of which, while exercising command over subordinates, must pay respect to superiors; this principle holds throughout, until we reach that grade whose simple duty is proper respect to *all* in command, and prompt and unvarying obedience to their orders.

12. As responsibility for the full discharge of his own peculiar duties at all times attaches to every member of a disciplined force, it is necessary that each should know, as precisely as it is possible to define them, what those duties are, in order to ensure a correct and cheerful discharge of them; but further, as the responsibility attaching to a superior *may* at any time devolve on the next in rank, it is essential that the members of each grade shall be acquainted with the duties that circumstances *may* call on them to discharge, in order to guard against injury to the public service.

13. Every subordinate, whether officer or constable, is to receive the lawful commands of his superior with deference and respect, and to execute them to the best of his power; and every superior, in his turn, is to give his orders in the language of moderation and of regard to the feelings of the individuals under his command.

14. The obedience and respect which are here required must be observed throughout the force generally, and not be understood in any partial or confined sense; real discipline, as has been already observed, implies obedience and respect *wherever* it is due on one hand, and on the other a just but energetic use of command and responsibility.

15. Every officer and constable must understand that it is an invariable rule in discipline that, in the absence of a superior, the whole of the duty or charge which was entrusted to that superior devolves upon the next in rank, so that the chain of responsibility may continue unbroken.

#### METROPOLITAN POLICE DISTRICT.

16. The Metropolitan Police District is bounded on the north and north-west by Broken Bay and Cowan Creek; on the west by lines bearing south-westerly and south, dividing Hyndes' Grant to Lane Cove River, thence by the east side of that River and Cove to the Parramatta River, crossing that river, thence by the south side of that river upwards to the west boundary of the parish of Concord, thence by the western boundaries of that parish and the parish of St. George; on the south by George's River and the south shore of Botany Bay to Cape Solander, and thence by the waters of the ocean to the entrance of Broken Bay aforesaid; and including all islands in Port Jackson and the Parramatta River.

#### LOCAL DIVISIONS.

17. The police district is formed into police divisions; the divisions into beats. When practicable, the divisions will be formed into sub-divisions and sections.

## POLICE AND HACKNEY CARRIAGE REGULATIONS.

18. The limits of the divisions and beats are clearly defined; each beat is numbered, and the number entered in a book kept for reference. Attention has been paid to local and other circumstances in determining the limits of each of these, which may vary in extent.

19. The harbor forms a separate division.

20. Each division has an appropriate local name, and is also designated by a letter of the alphabet, as A, or division; B, or division.

21. There is, in every division, one or more station-houses, placed as conveniently for the whole as may be, according to circumstances; the duty of the division is carried on from one of the stations.

## METROPOLITAN POLICE FORCE.—ORGANIZATION AND NUMBERS.

22. The Police Force consists of—

- The Inspector General,
- 1 Superintendent,
- 1 Chief Inspector,
- Inspectors,
- Sergeants,
- Constables.

23. The numbers of each rank, and of the constables, are fixed by the Legislature. Constables also may be appointed by the Inspector General for particular duties, in various parts of the district, at the desire of parties by whom they are paid.

24. Each division has—Inspectors,—Sergeants, and—Police Constables, the Inspector having charge.

25. Each sergeant and constable has marked upon the collar of his coat the letter of his division, and a number, so that he can at all times be known to the public.

26. The first numbers in each division denote the sergeants, and those following the constables.

27. The men of the A division are attached to the Central Police Office; the Detective Force forms a branch of it.

28. The Water Police, performing the duty in the Harbor, consists of—

- 1 Chief Inspector,
- Inspectors,
- Constables;

these are divided into three boats' crews, an Inspector being in charge of each boat.

29. The Sydney Mounted Patrol forms a part of the Metropolitan Police Force, and consists of—

- 1 Sergeant,
- 1 Corporal,
- Troopers,
- Horses.

30. A van is provided for the conveyance of prisoners from and to the gaol; two constables are appointed to it for the safe custody of the prisoners and driving.

## MEDICAL.

31. A medical officer is attached to the force.

## CANDIDATES.

32. All applications for admission into the Police are to be made to the Inspector General or to the Metropolitan Superintendent.

## QUALIFICATIONS.

33. The following qualifications are indispensable:—

- 1st. To be under 40 years of age.
- 2nd. To read and write.
- 3rd. To be free from any bodily complaint, of a strong constitution, and generally suitable and intelligent, according to the judgment of the medical officer by whom the candidate will be examined.

## CONDITIONS.

34. The conditions upon which each constable is admitted into the police force are stated here, that no reason for complaint may exist upon their being enforced. It is to be understood at the same time that the power is reserved to the Inspector General, subject to the approbation of His Excellency the Governor General, to alter or annul any of these conditions, and, also, to make such new rules as may be found expedient:—

1. Each constable shall devote his whole time to the police service; he must not carry on any trade or calling; nor can his wife be allowed to keep a shop.
2. He shall serve and reside wherever he is ordered.
3. He is to appear in his police dress at all times, unless when leave is given him to wear plain clothes.
4. He shall promptly obey all lawful orders which he may receive from the persons placed in authority over him.

## POLICE AND HACKNEY CARRIAGE REGULATIONS.

5

5. He shall conform himself to all the regulations which may be made, from time to time, for the good of the service.
6. Such debts, owing by him, as the Inspector General shall direct to be paid shall be paid by him forthwith.
7. He shall not, upon any occasion, or under any pretence whatsoever, take money or any gratuity from any person without the express permission of the Inspector General.
8. He shall receive his pay each Saturday for the week ending on that day.
9. A deduction of one shilling per diem will be made from his pay from the date in which he is certified, by the medical officer of the police, sick and unfit for duty (except in certain cases), until again certified by him fit for duty.
10. A deduction of two shillings a-week is to be made from his pay, if unmarried, when lodgings are found for him. This does not apply to the men of the mounted patrols who are necessarily quartered close to their horses.
11. If married, when lodgings are found, an agreement will be made in each particular case.
12. He shall not resign, withdraw, or absent himself from his duties unless allowed to do so, in writing, by the Inspector General, or unless he shall have given to the Inspector General three months previous notice.
13. If he resign, withdraw, or absent himself without such leave, or before the expiration of such notice, he is liable to payment of a penalty of ten pounds, or, in default, to imprisonment with hard labor for three months.
14. Each police constable is liable to immediate dismissal for unfitness, negligence, or misconduct, independently of any other punishment to which he may, by law, be subject.
15. A certificate of good conduct in the police service will not be given by the Inspector General under the following circumstances :—
  1. If the party shall have been dismissed the service.
  2. If he shall have been frequently guilty of misconduct or negligence, although of a light nature.
  3. If he shall have been guilty of any misconduct or neglect of a serious nature.
  4. If he shall have served less than twelve months in the police.
  5. If the certificate shall not be applied for within six months after the the party has left the police service.
16. If he be dismissed the Police Force, the whole of his pay then due, or unpaid, is forfeited.
17. Every constable dismissed from the Police Force, or who shall resign his situation, shall, before he quits the service, deliver up every article of dress and appointments which have been supplied to him : if any of such articles or appointments have been, in the opinion of the Inspector General, improperly used or damaged, a deduction from any pay due to the party shall be made, sufficient to make good the damage, or supply a new article.
18. A police constable guilty of any neglect or violation of duty is liable to a penalty of five pounds, besides such other punishment as the Inspector General may award.

## CONSTABLES.—APPOINTMENT.

35. The constables are appointed by the Inspector General, and sworn in by him or by the Metropolitan Superintendent.

36. Upon the application of any person, shewing the necessity thereof, the Inspector General may appoint any additional number of constables to keep the peace at any place within the City of Sydney, and the Metropolitan District, at the charge of the person or persons by whom the application has been made, but subject to the orders of the Metropolitan Superintendent, and for such time as the Inspector General shall think fit; and such constables shall have all the powers, privileges, and duties of other constables belonging to the Metropolitan Police Force.

## JURISDICTION AND POWERS.

37. The inspectors, sergeants, and constables belonging to the Metropolitan Police Force have all the powers and privileges of a constable in all parts of the Colony of New South Wales.

## PROMOTION.

38. All vacancies in the ranks above the constable, including that of the Chief Inspector, will, as far as practicable, be filled up by promotion from the next inferior rank. The Metropolitan Superintendent will recommend to the Inspector General the individual whom he considers in all respects best qualified, and the promotion will be made by the Inspector General, if he shall think fit, upon such recommendation.

## EXTRAORDINARY EXPENSES.

39. Extraordinary expenses necessarily incurred by the police in apprehending offenders and executing orders, will be paid, the accounts being first examined and approved by the Inspector General.

## CLOTHING.



## CLOTHING.

40. The following articles of uniform clothing, &c., are supplied to each inspector, sergeant, and constable:—

## First Year.

- 1 great coat.
- 1 cape.
- 1 coat.
- 2 pairs trousers.
- 2 pairs boots.
- 1 hat.
- 1 stock.
- 1 armlet.
- 1 button stick and brush.

## Second Year.

- 1 coat.
- 2 pairs trousers.
- 2 pairs boots.
- 1 hat.

41. Each police constable is supplied with a staff, and a book of instructions relative to his duty.

42. Each inspector and acting inspector is supplied with a staff and one pistol.

43. Handcuffs are supplied to each division, and deposited at the different police stations, to be issued to the constables when required.

44. Cutlasses will be supplied to constables on duty during the night, in unfrequented and dangerous places, when requisite for the protection of the constable, and to enable him to perform his duty efficiently.

## SUPERANNUATION ALLOWANCE AND GRATUITIES ON LEAVING THE SERVICE.

45. The following are the conditions of superannuation, and the gratuities in certain cases, provided by the Act, 16 Victoria, No. 33, sections 19 and 20:—

"XIX. The conditions and proportions of such allowance, remuneration, or superannuation shall be as follows, that is to say: where any person applying for the same shall be under sixty years of age, it shall not be lawful to grant any such allowance, compensation, remuneration, or superannuation, unless as hereinafter provided, or upon certificate from some legally qualified Medical Practitioner, duly appointed in that behalf by the Governor, that such person is incapable, from infirmity of mind or body, to discharge the duties of his office, in which case, if he shall have served with diligence and fidelity for fifteen years, and less than twenty years, it shall be lawful to grant to him, by way of superannuation, an annual sum not exceeding one-half of the salary of his office; if above twenty years and less than twenty-five years, any sum not exceeding two-thirds of such salary; if above twenty-five years and less than thirty years, any such sum not exceeding three-fourths of such salary; and if above thirty years, any such sum not exceeding the whole of such salary; and if such person shall be above sixty years of age, and he shall have served fifteen years and less than twenty years, it shall be lawful, although there shall be no certificate of incapacity from infirmity or injury of body or mind, to grant him by way of superannuation, any annual sum not exceeding one-half of the salary of his office; if he shall have served twenty years and less than twenty-five years, any sum not exceeding two-thirds of such salary; if he shall have served twenty-five years, and less than thirty years, any sum not exceeding three-fourths of such salary; and if he shall have served thirty years or upwards, any sum not exceeding the whole of such salary; and if any member of the force shall be disabled by any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant him such yearly allowance or remuneration as may in the opinion of the Governor be proportioned to the nature of the injury received, without reference to the length of his service; provided that such allowance or remuneration shall in no case exceed the whole of such salary; and that in calculating the period for which any such person has served, the time he may have served in the police of this Colony previously to the passing of this Act shall be reckoned.

"XX. It shall be lawful for the Governor to order that a gratuity not exceeding one month's pay for each year's service, shall be paid to any officer or other member of the police force, who shall be duly certified to be unfit for service, and to have served with diligence and fidelity for any number of years not exceeding ten; and a further gratuity of two months' pay for each year he shall have served exceeding ten years, and not exceeding fifteen years."

46. The case of each member leaving the force and entitled to pension or gratuity, is submitted to a Board, who report on the particular merits, and, subject to the provisions of the Act, recommend to His Excellency the Governor General the amount to be awarded.

## PAY.

47. The rates of pay of the several ranks are fixed by vote of the Legislature.

48. The inspectors, sergeants, and constables are paid weekly, each Saturday.

## FOR SPECIAL DUTIES WITHIN POLICE DISTRICT.

49. When any of the police are wholly employed on special duties within the police district, for public bodies or others, their pay and expenses are defrayed by those who require their services.

50. In cases where special services are rendered by the police, and considered deserving of gratuity or reward from the parties at whose request or for whose benefit they are performed, the amount is to be paid into the hands of the Metropolitan Superintendent for distribution among the men engaged, or to the Inspector General for the Police Reward Fund.

51. A deduction of two per cent. is made from all pay for the Superannuation Fund, according to the provisions of the law.

#### OUTLINE OF GENERAL DUTY.

52. The general duty in Sydney is to be carried on under a system of reliefs, arranged by the Metropolitan Superintendent according to change of season, and circumstances of local or other nature.

53. The station-houses and divisions are to be visited by the chief inspector, as directed by the rules laid down for his guidance.

54. Each sergeant will have a particular part of the division, and each constable a beat appropriated to him.

55. A reserve, when practicable, will be kept at the station-house to supply occasional absences, and to be ready for such duties as may be required there, and the constables will, in turn, as far as is possible, be left at such reserve.

56. In case any constable shall be absent from sickness or any other cause, his place will be supplied from the reserve.

57. If from sickness of the constables, or any other cause, the reserve constables at the division station be required for duty, on the beats or elsewhere, their places must be supplied by the constables of the relief going off duty; when this becomes necessary, the reserve, composed of the constables going off duty, are to take their rest at the station, as far as circumstances will permit.

58. The chief inspector or senior inspector of the division is to name the constables who are to remain at the station from the off-going relief, when that is required.

59. The men who are off duty are to consider themselves liable to be called on at all times, and will always prepare themselves, when required, at the shortest notice.

60. A certain number, if so ordered, must sleep in their clothes, to be in complete readiness when called on.

61. The men of the relief for duty will individually assemble at the division station, before or precisely at the hour fixed for that purpose in the orders, and will form, in order, in their respective parties. Their names will be called, and an inspection made by the sergeants, to ascertain that they are all perfectly sober, and correctly dressed and appointed; each man will have a white striped badge on the arm above the left wrist. The object of this badge is to prevent the complaints that may be made by the public on seeing those of the police force who are not on duty walking or talking together; and to render it easy for the public to recognise the constables on dark nights when their assistance is required.

62. The names of the men will be entered in a book at the division station; and opposite the names will be the number of the respective beats.

63. The inspector or sergeant on duty at the station will then read and explain, if necessary, the orders of the day, if there be any; and the men will be marched off to their respective stations by the sergeant.

64. There will be an inspector, or other officer, on duty at the station-house at all times, receiving the reports of the visiting sergeants, so as frequently to hear from them the state of all parts of the division, to receive charges, complaints, and all applications for assistance, &c.

65. At the hour of relieving the men, no one shall leave his beat until the relief has actually arrived on the beat; the constable relieved will then go to the station or to a particular spot appointed in each division for that purpose. When all the relieved party are assembled, they are to be inspected in the same manner as when going on duty, to ascertain whether they are sober and correctly dressed, as when posted, previous to being dismissed.

66. The inspectors will each send in at o'clock in the morning to the office of the Metropolitan Superintendent, a report and return, according to prescribed forms, detailing the occurrences of the night within his division; and will also send all persons given in charge or apprehended in the night, under the care of police constables, to the Central Police Office.

67. A sufficient number of police constables is to be in attendance at the Central Police Office, and at every other Criminal Court holden within the district, for the purpose of executing such warrants and summonses as may be directed to them.

68. All warrants and summonses issued in any criminal proceeding within the Metropolitan Police District, or by any magistrate within the district, are to be served and executed by a constable of the Metropolitan Police Force, and by none other.

69. When any warrant is directed or delivered to any constable of the Metropolitan Police Force, unless it be necessary for the due execution thereof that such warrant be executed without delay, the constable is to deliver the warrant to the chief inspector, who shall appoint, by indorsement thereon, one or more constables to execute the same, and every constable whose name shall be so indorsed has the same powers, privileges, and protections in the execution of such warrant as if the same had been originally directed to him or them by name.

The object of this rule is that the chief inspector may, from his knowledge of the men, select those whose intelligence, capacity, local and personal knowledge, &c., best fit them for the particular service.

GENERAL

## GENERAL DUTIES OF THE DIFFERENT RANKS.

## THE INSPECTOR GENERAL.

70. The Inspector General of the Police Department is appointed by warrant under the hand of His Excellency the Governor General. He is charged with the general superintendence of the police force within the Metropolitan District of the Colony, together with the control of the mounted patrol for roads, and of the gold escorts.

71. The Inspector General has to frame rules, orders, and regulations (subject to the approbation of His Excellency the Governor General), for the general government of the members of the police force within the Metropolitan District, and of the mounted patrol for roads, and gold escorts, as well with respect to the places of their residence, their classification, rank, and particular services, their distribution and inspection, as to the description of the arms, accoutrements, and other necessities to be furnished to them, and which of them shall be supplied with horses; and all such other rules, orders, and regulations as may be necessary for the purpose of preventing neglect or abuse, and for rendering the force efficient for the discharge of its several duties.

72. The Inspector General may at any time suspend or dismiss any man belonging to the police force who is remiss or negligent in the discharge of his duty, or otherwise unfit for the service.

73. His office is the channel for the whole police correspondence of the Colony, and the diffusion of information and communication generally as regards crime, and all matters of police. To him all reports of crime committed in any part of the Colony, and all information connected with offences and those concerned in them, are sent, and by him the communication to other parts of the Colony is made, with a view to the detection and capture of criminals.

74. The pay of the whole of the police, ordinary and gold, and of the mounted patrols, is issued by the Inspector General, the abstracts from the several districts being received and checked at his office, and all correspondence connected with them conducted there.

75. All pensions, gratuities, and rewards are paid by the Inspector General; and all claims for such are investigated by him previous to being, as regards the former, brought before the Board (of which he is a member), or being submitted for the decision of His Excellency the Governor General.

76. The requisitions for arms and ammunition for the police generally are made by the Inspector General, who informs the Colonial Storekeeper of the kind and quantity required for each district.

77. The correspondence and communication connected with any statistical or other information, called for by the Government, in the collection of which it is usual to require the aid of the constabulary, is conducted and carried out by the Inspector General.

## THE METROPOLITAN SUPERINTENDENT.

78. Is appointed by Warrant under the hand of His Excellency the Governor General. He is subject to the general control of the Inspector General, and is in immediate communication with him on all points relating to his duties, and to the orders he receives; and is to report and keep him duly informed of all matters of moment or importance in the district.

79. He is charged with the immediate control and superintendence of the police in the metropolitan district, and with their direction and distribution for the protection of life and property, and the maintenance of peace and order.

80. He is to superintend the discipline of the whole force in the metropolitan district, and frequently to visit the several divisions in order to enforce activity, vigilance, and an energetic discharge of duty, by the several ranks. He is also frequently to visit and inspect the several station-houses, so as to ensure their being in proper order, and to see that the books at each are regularly and neatly kept, and all orders duly observed.

81. He is to receive all reports of, or connected with, crime or occurrences in the metropolitan district, and to take and direct the necessary steps, as well precautionary and preventive as detective.

82. He is to keep up constant communication with all parts of his district, and to use every exertion to establish confidential relations with persons capable of affording information as to the persons, habits, haunts, connections and movements of criminals, or suspected persons.

83. Communications may be made through him to parties at the distant places of the district, where personal communication, investigation into complaints, or other inquiries on the spot may be desirable.

84. He is to receive applications and to select candidates for the force.

85. Subject to the approval of the Inspector General, he is charged with the selection of the horses to be purchased for the patrol, and of those belonging to that branch to be brought forward to be cast as no longer fit for the service.

86. He has the charge and superintendence of the patrol horses and stables, the telling off the former to the men, and exchanging them when necessary or expedient.

87. He is to be on duty and present when His Excellency the Governor General opens or prorogues the Legislative Council;—at reviews, theatres, and other places where His Excellency is present in State, or on public occasions;—and at all levees at Government House.

88. In cases of disturbance, fire, or any extraordinary concourse of persons, he is to be present, or in the immediate neighborhood, to direct the movements and exertions of the police.

89.

89. He is empowered to investigate and deal with complaints and offences not of a serious class, and to suspend members of the force;—grave complaints and offences he will bring before the Inspector General.

90. All applications from members of the force to the Inspector General are to be made through him, and to be accompanied by his observations or report.

91. When a vacancy occurs among the inspectors or sergeants he is to recommend to the Inspector General for promotion the man most competent and deserving in all respects.

92. He signs the pay abstracts, and is responsible for their correctness, for the regular weekly payment of the Metropolitan Police, and for the amount of all penalties or stoppages being duly deducted and paid over.

93. He is on the first of each month, or immediately after, to forward to the Inspector General the pay abstracts for the preceding month, in the prescribed form, duly filled up, signed and certified, together with his cheque for the amount of any balance of the advance made to him for the preceding month, in order to adjust it.

94. He is to satisfy himself that each member of the force fully understands the rules laid down for his guidance in the performance of his duty, and the orders, from time to time, issued.

#### THE CHIEF INSPECTOR.

95. Is to examine with the surgeon the candidates for the police, and is afterwards to post them, (subject to instructions from the Metropolitan Superintendent) to divisions, seeing that they are properly fitted with clothing.

96. He is to collect the morning reports from all the divisions.

97. To receive orders from the Metropolitan Superintendent, and take care that the same are communicated to the divisions.

98. To examine and sign daily the morning state book.

99. To examine the charge sheets daily, and see that they are correctly filled up.

100. To keep account of new books, charge sheets, printed returns, staves, arms, &c., issued to the divisions or received into store.

101. To visit the station houses by night, and report to the Metropolitan Superintendent.

102. It is desirable that the chief inspector should reside as near to the central station as circumstances permit, his duty requiring his frequent attendance there. Applications for assistance and instructions, made at the station in the absence of the Metropolitan Superintendent, will be made to him; and a more speedy communication of all orders may be effected through him if he is near the station. He will be responsible for the general conduct and good order of the sub-officers and men of the force under his charge; he should make himself well acquainted, by frequent personal intercourse, with the inspectors and sergeants, and, by personal observation as well as through them, with the character and conduct of every constable under his orders; he will be firm and just, at the same time kind and conciliating, in his behaviour towards them on all occasions.

103. He is to see that the book of rules, regulations, and instructions issued to each inspector, sergeant, and constable is carefully kept,—that each constable is well acquainted with the contents,—and that such parts as may be necessary, are read and explained to all, from time to time.

104. All orders as they are issued are to be carefully read and explained to the divisions, and great care taken that they are understood by each individual. He will take care that the instructions, general orders, and all orders given out from time to time, are promptly and strictly obeyed.

105. Much must be done by himself, and under his own immediate inspection, and, as he will be held responsible for the general performance of the police duties of the divisions he must give clear and precise instructions to the inspectors and sergeants, and report every instance of neglect to the Metropolitan Superintendent.

106. He will frequently inspect the several station-houses, and see that they are kept clean and in good order, and that the books are properly kept.

107. He will attend each morning at the Central Office, at the hour appointed by the Metropolitan Superintendent, and will lay before him (having carefully examined them) all reports and returns.

108. If a report be made to him against any of the force, he will immediately report the circumstances to the Metropolitan Superintendent; he may at once, if the offence be of such a nature as to call for the step, suspend the individual, or take such other precaution as may appear necessary.

109. He is expected to be able at all times to furnish exact information respecting the state of any part of any division.

110. He will, according to his discretion, grant immediate assistance from the constables on duty at the central station, when necessary, if there is not time to refer for instructions.

111. In watching the conduct of loose and disorderly persons, and of all persons whose behaviour is such as to excite just suspicion, he will keep in mind that the *prevention of crime*, the great object of all exertions of police, will generally be best attained by making it evident to the parties that they are known, and strictly watched; and that certain detection will follow any attempt to commit a crime.

112. Upon any alarm of fire (or riot), the chief inspector will at once send notice to the Metropolitan Superintendent, himself repairing immediately to the spot, and, pending his officer's arrival, taking the control of the police force that may be assembled, and sending, if necessary, for those who are off duty; he will, in the case of fire, cause immediate notice to

be given at the offices of the several Insurance Companies, to the firemen, engine-keepers, and turncocks of the water mains; he will, of course, render such assistance as may be in his power, bearing in mind that the police will, perhaps, be most useful in procuring a free scope for the firemen's exertions, and the parties more immediately interested; with this view, he will clear the street or ground, in the immediate vicinity of the fire, of all persons not actively and usefully employed, taking care that all the adjoining streets, as far as may be practicable, are kept clear of obstructions by crowds or carriages, wagons, carts, &c., that the engines may not be delayed on their road.

113. Every assistance possible must be given for the removal of property, conformably with the wishes and suggestions of the proprietors; and, if desired, such property may be conveyed to the nearest police station, to be there placed under the protection of the police.

114. A special attention must be directed at such times to the thieves and pickpockets who are usually in the crowd.

115. Whenever the constables may be called away from their beats by fire or any sudden necessity, every exertion is to be made to supply their place from the reserve party, and to prevent the commission of any offence during the temporary absence of the constables.

116. The chief inspector should make it his duty to collect, upon the spot, all the information he can obtain relative to the cause of the fire, which, together with the circumstances attending it,—the conduct of the police under his orders, and the time they were employed, he will report fully, as soon as may be, through the Metropolitan Superintendent to the Inspector General.

#### INSPECTOR.

117. The inspector will reside within the division at the place appointed for him.

118. He is to receive his orders and instructions from, and make his reports to, the Metropolitan Superintendent or Chief Inspector.

119. He will at all times obtain such information as the Metropolitan Superintendent desires upon matters relating to police.

120. He must strictly and promptly obey all lawful directions for the execution of his duty, as he will expect the same submission from the sergeants and constables placed under his command.

121. Each inspector will have under him — sergeants and — constables, and he will be responsible for their general conduct and good order.

122. It is expected that by constant personal intercourse with them, he shall make himself well acquainted with the talents and general character of each individual.

123. He should immediately report to the Metropolitan Superintendent, through the Chief Inspector, any circumstances which he observes in the conduct of the constables requiring notice.

124. He will pay particular attention to any complaints made to him against any of the police. He should make an entry in writing of the circumstances, and request the complainant to sign it. He will as soon as possible communicate the whole matter to the Metropolitan Superintendent, in the meantime suspending the individual from duty, if the case requires it; any neglect of duty must be immediately reported.

125. He will take care that the regulations, general orders, and all orders given out from time to time, are promptly and strictly obeyed by those under him.

126. It is expected that he shall be able and ready to give instructions to the sergeants and constables on all points relative to their duty. He will pay great attention when constables are newly appointed to the division, that these men are properly instructed in their duty before they are placed upon their beats; for this purpose it is desirable that they shall, for the first three or four days, be put on duty as supernumeraries, with steady and experienced constables.

127. In case application is made to him for immediate assistance of the police, he will, according to the best of his judgment, render all in his power, either from the reserve party, or by calling up those off duty, but this last is only to be done in cases of necessity, notice of which should immediately be sent to the Metropolitan Superintendent. Before he grants assistance he should be satisfied with the grounds upon which it is demanded, and that the party has a right to demand it. An immediate entry is to be made by him in the book of occurrences, and included in the following morning's report to the Metropolitan Superintendent.

128. The inspectors for duty will be at the division stations punctually at the hour appointed in orders;—each will inspect the several parties going on duty, and make all the necessary preparations in silence and good order, receive from the sergeants the reports of the state of their respective parties, and give them, in writing, the hours and the point at which he will receive reports from them of the state of the division; he will then give orders to the sergeants to march off their parties to their several stations.

129. When circumstances admit of it, two inspectors will always be on duty in each division at the same time, one remaining in the division station for the purposes stated hereafter, the other doing the general duty of patrolling the division;—these two may arrange mutually the times for relieving each other, or these shall be fixed by the Metropolitan Superintendent.

130. The inspector on the patrol duty will see as much of the division as possible, and it is desirable that, when practicable, he should see every part of it once at least during his turn of duty. He will make a note of the reports of the sergeants, at the appointed times and places, and if any sergeant does not appear to make his report, inquiry should be immediately made to ascertain the cause.



131. In the event of any felony or riot taking place, or upon any sudden emergency, he will send for such assistance as may be required, either to the division station or to the residences of the men off duty, but to the latter only in cases of necessity. If he judges it expedient, he will also send immediately to the Metropolitan Superintendent.

132. The inspector (or sergeant) on duty at the division station will keep good order there; he will be held responsible for the constant readiness of the reserve party; he will not allow drinking, either by them or other persons; and will take care that no cause of complaint be given to the inhabitants of the neighborhood, by noise or any irregularity at the station.

133. He will take care that the prisoners in the cells are visited once every hour, (the cells being entered and a particular observation of each individual made,) and that immediate attention is given to any case requiring assistance or medical aid. He will see that proper care is taken with respect to persons insensibly drunk, or in such a state of intoxication as to be helpless; whatever is about the neck being removed, the shirt collar unfastened, and something placed under the head to raise it. In every case where a person is brought to the station in a state of insensibility, whether apparently from drunkenness or not, he will send for medical advice as soon as possible.

134. He will call the particular attention of the constables to the door of every cell where prisoners are confined being carefully *double locked* after every occasion of visiting the prisoners.

135. When a party is brought to the station accused of having committed a felony or misdemeanor, the inspector or other officer on duty to whom the complaint is made, is only to ascertain from the person preferring it that the act charged constitutes a felony or misdemeanor (as the case may be), and that there is reasonable ground for preferring the complaint against the party accused. Such inquiry is only to be made of the person who prefers the complaint (who does so on his own responsibility), and not to be made of any other persons, although they may be cognisant of the facts, and in a subsequent stage of the proceedings before the Magistrate may be fit to be heard as witnesses. For this purpose, their names and addresses, if they are in attendance at the station-house, should be entered on the charge sheet. On no account will the inspector or other officer on duty at the station suffer any statement in the nature of a confession to be extracted from the person brought there on a charge of felony, either by the constable concerned in the case or by any other person. Should any private individuals attempt such a course at the station they will be immediately turned out, and the circumstance reported in the occurrence sheet of that or the following day. If a complainant, after having given a person into custody on a criminal charge, should refuse to sign it in the charge sheet—supposing the charge to have been made in the first instance to any constable, the constable shall, if he have seen the offence committed, enter and sign the charge himself; and the complainant may be summoned before the Magistrate to substantiate the charge. The inspector is for this purpose always to ascertain the name and address of the party complaining, *previously to his making any inquiry of him*. If the constable is himself unable to establish the charge, and the complainant refuses to support it and sign the charge sheet, the party accused is not to be detained.

136. If the complaint in the first instance is not made by a third person, but by a constable on his own responsibility, the charge is to be received, and entered on the charge sheet, and submitted to the Magistrate; but if it should turn out, upon the statement of the constable, that in point of fact there are not reasonable grounds for suspecting that the offence has been committed by the party, then the party must be discharged.

137. All charges refused by the inspector or officer on duty are to be entered on the refused charge sheet, and the reasons stated for each being refused. These sheets are to be sent in weekly, to be examined by the Metropolitan Superintendent.

138. Each charge which is received is to be entered upon the charge sheet at the time, and the facts stated under each head, and signed according to the form. When a charge has been entered in the charge sheet at the station against a party, and it subsequently appears that the name is an assumed one, the name as originally given will not be altered in the sheet, but the real name, if discovered, will be inserted in another part of it, and the circumstance explained to the Magistrate.

139. When the charge has been received and entered on the charge sheet, the parties charged are to be detained in custody at the station-house until they can be taken before a Magistrate for examination, unless in cases in which bail may be taken.

140. The inspector or other officer in charge of the station-house may admit to bail, under the provisions of 4 Wm. IV., No. 7, section 7, persons charged with any petty misdemeanor, or any offence for which they are liable to be summarily convicted by a Magistrate, or with having carelessly (not maliciously) done any hurt or damage, who are, without the warrant of a Magistrate, in custody during the time when the Police Courts are shut; taking, if he shall deem it prudent, the recognizance of any such persons, with or without sureties, conditioned as hereinafter mentioned.

141. And every recognizance so taken is to be without fee or reward, and conditioned for the appearance of the person thereby bound at the Central Police Office, at the next sitting of the Magistrates there; and the time and place of appearance is to be specified in the recognizance, and the name, residence, and occupation of the party, and his surety or sureties (if any), entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, are to be entered in a book kept for that purpose at each station-house; and every such recognizance is to be returned to the Magistrate present at the time and place when and where the party is bound to appear. (4th William IV., No. 7, sect. 7.)

142. Persons charged with drunkenness only, when they become sober, may be admitted to bail as in other cases.

143. If any property, taken from persons apprehended, or in any way in the possession of the police, be brought to the station, or under the control of the inspector, he will immediately make an entry of the same in the "property book," and state it shortly in his report to the Superintendent; the several articles of property should be marked at the time they are received, so that they can be afterwards certainly known to be the same; they should be taken by the inspector himself from the party bringing them, and not allowed to be out of his sight until marked in the manner directed; they should then be locked up by the inspector in a place kept for that purpose, and of which he alone has the key; no part of any property taken from a person apprehended is to be returned to the prisoner until the decision of the Magistrates on the case is known; this is not, however, to prevent any small sum to procure necessary refreshment, during confinement, being given to the party when the charge against him does not relate to the money; but such refreshment, whether at the expense of the party or of the police, must not include spirits, wine, or beer (which are not to be admitted into the cells), but only tea or coffee, with such eatables as are usually given in those cases.

144. When a burglary or felony of a serious description is committed within the division, the information is to be forwarded immediately to every division in the manner provided by the routes, and in the mode settled by the orders on the subject. The last division on each route receiving the information will notify, on their occurrence sheet of the morning, the hour at which they received the information, and the division they received it from. The inspector on duty at each station is responsible for the immediate communication of all such information of cases occurring within his own division, and for forwarding the information received from any other division.

145. In making reports of burglaries, robberies, &c., the particulars are to be inserted in the following order, viz. :—

- 1.—The hour.
- 2.—Name and address of proprietor or occupier.
- 3.—The circumstance and manner.
- 4.—The several articles of property stolen, set down in succession, allowing a line for each article, and affixing a number from "1" upwards.
- 5.—Estimated value of the property stolen.
- 6.—Remarks in explanation.
- 7.—The sergeant on duty, and the constable on the beat.
- 8.—The hour when the information was forwarded, and by whom.
- 9.—What police officer or constable engaged in tracing.

146. In all cases of violent or sudden death, or casualties, where a Coroner's inquest should be held upon the body, the inspector will give information to the Coroner, and report upon the occurrence sheet that he has done so.

147. The inspector will, in every case of sudden death in the streets, &c., in all cases of persons found drowned, where the parties are not known, or any clue likely to lead to their being identified, as well as in all cases of children being lost or found within their respective divisions, cause a description to be put up, in the most conspicuous place outside the station-house door, in order that the utmost publicity may be immediately given to the circumstance.

148. He must attend at the Court of the Magistrates, to substantiate any charge, if necessary, or upon any other duty there as he may be required.

149. One or more of the inspectors will attend in rotation, as directed in the orders at the time, during the Session at the (Supreme) Criminal Court, and at the Courts of Quarter Sessions within the Metropolitan District, to see that all the police there as witnesses are regular in their attendance, properly dressed, &c. He is to notice the mode in which each gives his evidence, and his general demeanor in the conduct of the case. He will report any circumstances that ought to be brought under the notice of the Inspector General.

150. In the event of a fire taking place the senior inspector present will, until the arrival of the Metropolitan Superintendent or Chief Inspector, take upon himself the entire direction of the police, and act in conformity with the instructions for that purpose already given for the latter officer.

#### SERGEANT.

151. He will reside, within the division, in the place appointed; he is to obey all orders given him by his superior officers; he is expected to set the best example to the constables of alacrity and skill in the discharge of their duty.

152. Each sergeant has under him ——— constables, and he will be held responsible for their general conduct and good order; he is to make himself thoroughly acquainted with the character, capacity, and general conduct of each. He will note every case of misconduct or fault committed by the constables under him, and report the circumstances to his inspector, or other superior officer, at the earliest opportunity.

153. The sergeant for duty will arrive at the division station before the hour fixed by his orders, form his party into ranks and inspect them, taking care that every man is perfectly sober, and correct in his dress and appointments.

154. He will read and explain to the constables the orders, if any have been given out that day; he will enter in a book the hour when the party goes on duty, and the name of each constable, together with the number of the beat which the constable is to take charge of; he will then report to the inspector and receive his orders.

155. He marches with his men, and sees every constable placed on duty, and that those previously on duty are properly relieved and inspected according to the orders; having done

done so, he will repair to the spot fixed on for making his first report to the inspector. This report should include any irregularity or disorderly conduct in the constable relieved, as well as any other particular that ought to be noticed.

156. He is constantly to patrol the division, or that part of it under his immediate charge, and enforce the performance of duty by the constables. If, at any time, he finds a constable absent from his duty on the beat, he will have him replaced as quickly as possible, sending for another from the reserve at the station, or from the men off duty, but this last only in case of necessity. He should immediately ascertain the cause of the constable's absence, and report it to the inspector; in case of any felony or disturbance, he will send for such assistance as may be necessary, either to the division station, or to the residence of the men off duty; but not to the latter, except in cases of urgent necessity.

157. He is not to enter any public-house, except in the immediate execution of his duty; but he may procure moderate and necessary refreshment, with the least possible delay, at a public-house, *not entering the house*; and he may give any constable, under his orders, similar permission, being present with him at the time he gets such refreshment.

158. He will give all assistance in his power to persons applying to him; he will know, from his general duties as a constable, in what way he is to interfere, either in arresting people, entering houses, or taking property from suspected persons.

159. He will notice hired carriages and other vehicles at night, which appear, under any circumstances, calculated to excite suspicion.

160. He will pay particular attention to all public-houses, places of entertainment, &c., and be prepared to state, when required, whether they appear to be kept in a correct, orderly, and reputable manner; he will notice and report any which are kept open at hours contrary to law.

161. If he observes in the streets, &c., anything likely to produce damage or public inconvenience, or anything irregular or offensive, he is to report it to his inspector, taking such immediate steps at the time as may be necessary.

162. He is to notice and receive reports also from the men as to the state of the gas lamps, whether any are dirty or extinguished, and report the same to his inspector. In case the sergeant be absent from illness, or any other cause, his place is to be supplied by one of the men of his party, who shall be named by the Metropolitan Superintendent or chief inspector for that purpose.

163. In case of fire, in the absence of superior officers, he will act according to the instructions already given for their guidance, taking immediate steps to acquaint them, and give notice to the division station.

164. While he is exact in the performance of his duty, he will, at the same time, be civil and attentive to every person, and render every information and assistance in his power when required.

#### CONSTABLE.

165. Every constable in the force may hope to rise, by activity, intelligence, and good conduct, to the superior stations. He must make it his study to recommend himself to notice by a diligent discharge of his duties, and strict obedience to the commands of his superiors, bearing in mind that he who has been accustomed to submit to discipline, and himself to support it, will be considered best qualified to command.

166. He will reside, where ordered, within the division. He will devote the whole of his time and abilities to the service. He is at all times to appear neat in his person, and correctly dressed in the established uniform. His demeanor must always be respectful towards his official superiors, and towards all gentlemen and magistrates, and he must be civil and obliging to all classes. He will immediately give his name, number, and the letter of his division, when demanded.

167. When he has to go on duty he will take care to be at the division station, or other appointed place, if not before, precisely at the prescribed hour. He is to assemble with the others of his party, and, after inspection by the sergeant, and receiving any orders that may be necessary, he is marched by the sergeant, or proceeds to his beat.

168. Every constable must readily and punctually obey the orders and instructions of the sergeants and inspectors. If they appear to him either unlawful or improper, he may complain to the Inspector General, who will pay due attention to him; but a refusal to perform the commands of his superiors, or any negligence in doing so, will not be suffered.

169. When on his beat, he will be held responsible for the security of life and property within it, and for the preservation of the peace and general good order during the time he is on duty.

170. He should clearly understand what powers are given to him by law for the efficient execution of his duties.

171. For this purpose he is recommended to read carefully the instructions given to him respecting the general duties of a constable.

172. It is indispensably necessary that he should make himself perfectly acquainted with all the parts of his beat, with the streets, thoroughfares, courts, and houses.

173. He will be expected to possess such a knowledge of the inhabitants of each house, as will enable him to recognise their persons. He will thus prevent mistakes, and be enabled to render assistance to the inhabitants when called for.

174. He should see every part of his beat in the time allotted; and this he will be expected to do regularly, so that any person requiring assistance, by remaining in the same spot for that length of time, may be able to meet a constable. This regularity of moving through his beat, shall not, however, prevent his remaining at any particular place, if his presence there be necessary, to observe the conduct of any suspected person, or for any other good reason.



175. When he takes any one into custody, he will, if possible, before he leaves his beat, give notice to some other constable who can supply his place, whilst he is taking the party to the division station, and he will return again to his duty as soon as possible; or he may, when not himself required as a witness on the charge, deliver over his prisoner to the sergeant or other constable, and immediately return to his beat.

176. It will be generally most desirable that he should accompany the party to the station, in order to substantiate the charge; and when he takes property from any one, he shall not suffer it to be out of his sight until he delivers it to the proper officer at the station, and receives from him a proper receipt for the same.

177. All property found by him, or delivered to him as found, he will immediately report and hand over to the inspector or other officer on duty, to be entered in the occurrence book:—This applies to every description of property coming into the constable's possession.

178. He will take charge of insane persons or children found wandering in the streets and unable to give an account of their residences, and bring them to the nearest police station; information is to be immediately given of the fact in the neighborhood and division where the party is found, who, if not claimed before the following morning, is to be brought before the Magistrates at the Central Police Office.

179. He is not to quit his beat during his tour of duty, unless under the circumstances already mentioned, or others which may make it necessary; he is not however to refuse to give his assistance for the protection of persons or property near his own beat, if called for in any case requiring immediate attention, but he is always to return as soon as possible to his own beat; he shall not enter any house except in the execution of his duty; he will pay particular attention to all public-houses and houses of public resort in which low company assemble, reporting the hours at which each is closed, and whether they appear to be kept in an orderly and correct manner.

180. On no pretence shall he enter such houses, except in the immediate execution of his duty. A publican is himself subject to fine for allowing a constable when on duty to remain in his house.

181. He may procure moderate and necessary refreshment, at a public-house, with the least possible delay, *not entering the house*, and having the permission of his sergeant, who is to be present with him at the time.

182. No liquor, or refreshment of any sort, shall be taken from a publican without paying for it at the time.

183. He is not to go into public-houses at night to order the landlord to close his house, nor is he to interfere in any other manner with the management or regulation of the house. If public-houses are disorderly, notice is to be given to the sergeant, who will report the case to the proper authorities.

184. If, during the tour of his duty, he observes in the street anything likely to produce danger or public inconvenience, or anything which seems to him irregular and offensive, he must report it to the sergeant.

185. While on duty he must not enter into conversation with any one, except on matters relating to his duty. He is not to stop or talk with other constables when he meets them at the limits of his beat, but merely exchange a word and proceed on his duty.

186. He must be particularly cautious not to interfere idly or unnecessarily; when required to act he will do so with decision and boldness; on all occasions he may expect to receive the fullest support in the proper exercise of his authority.

187. He must remember that there is no qualification more indispensable to a police officer than a perfect command of temper; never suffering himself to be moved in the slightest degree by any language or threats that may be used; if he does his duty in a quiet and determined manner such conduct will probably induce well-disposed by-standers to assist him, should he require it. A constable must not use his staff because the party in his custody is violent in his behaviour or language; nor use any language towards parties in his custody calculated to provoke or offend them; such conduct excites resistance in the party, and a hostile feeling amongst the persons present towards the constable.

188. In cases where a distress is made for non-payment of rent, or any other cause, or disputes arise between the parties, the police constable shall not give assistance to either, or interfere between them on any pretence whatsoever; he is not to enter the house or the premises, unless it is necessary to prevent an immediate breach of the peace, or quell a disturbance that has actually arisen; and he is on such occasions merely to take offenders into custody, as he is authorised by law to do in similar cases.

189. In case of a fire taking place, the constable at the spot should alarm the inmates of the house, and those living in the immediate neighborhood, and should then proceed direct to the station-house with his report, warning all constables whom he may pass that they need not leave their beat unless required to do so.

190. For his exertions, on these and any extraordinary occasions, the Inspector General may recommend him to the Government for a reward; but on no pretence shall he receive a gratuity from any person for anything relating to his duty, without the express permission of the Inspector General, who will allow gratuities to be received on all proper occasions upon the circumstances being reported to him.

191. A gratuity offered at the time by a party to whom special services are rendered upon any sudden emergency, may be taken, subject to the decision of the Inspector General as to its being retained, or returned to the party giving it; in such a case, the name and address of the party giving the gratuity is to be procured, and the sum given handed over as soon as possible to the inspector of the division, who will enter the amount and all particulars in the occurrence sheet (getting the constable's signature to the entry). A report of the circumstances will be laid before the Inspector General for his decision.

192. In case of the absence of any constable from duty on account of sickness, on a certificate of the proper medical officer that such constable is unfit for duty (which certificate he is required to obtain and forward to the station-house), he will be subject to a deduction from his pay of one shilling for every day's absence; the inspector will take an account of such absence, and transmit a report of it to the office every pay-day.

193. When the constable's illness arises, in the opinion of the medical attendant, from wounds or injuries received in the execution of his duty, the sums stopped will be repaid to the constable when he returns to his duty.

194. No constable is to be returned sick until the surgeon reports that he is so. When entitled to exemption from the regulated stoppage, by special order of the Inspector General, or when the sickness is caused by injury received in the execution of his duty, the remark "exempted," or "hurt on duty," is to be placed against the constable's name.

195. When appearing as a witness in a Court of Justice the constable is to give his evidence calmly and explicitly, and in a perfectly distinct and audible tone, so that the Court and Jury, or the Magistrate (as the case may be), may easily hear him; he will confine himself strictly to the case before the Court, and not refer to any former conviction against the prisoner, unless called upon by the Judge or Magistrate; whilst giving his evidence he is to stand in an upright attitude, and invariably to maintain a respectful manner. He is not to use low or cant language when speaking of the occupation of any person.

196. To prevent the possibility of escape of a prisoner in custody, the constable, whether the circumstances of the case make it fit to handcuff the prisoner or otherwise, is actually to hold him.

197. On other points of discipline and duty the constables will be guided by general orders, issued, from time to time, as circumstances require.

#### POLICE INQUIRIES.

198. Members of the force offending against the law will be tried before the ordinary tribunals of the Colony. All offences against the subject which can be legally investigated by the Magistrates, must be brought before Courts of Petty Sessions—the inspectors of the several divisions, or a non-commissioned officer of the patrol, attending all inquiries into charges affecting the conduct of their men; but all offences against discipline, all breaches of the rules and regulations of the establishment, and all charges affecting the character and credit of the force, but not cognizable by the ordinary tribunals, will be investigated by the Inspector General or Metropolitan Superintendent, in whose discretion it will in each case rest, to take evidence on oath, and to have it committed to writing, or not. The decision arrived at and the punishment (if any) awarded, being in every case recorded with the offence charged.

#### CRIMES AND PUNISHMENTS.

199. Any member of the force who shall be guilty of disobedience of the lawful commands of his superior; or who shall strike or offer to strike his superior; or who shall behave with contempt towards his superior; or who shall be guilty of any oppressive or tyrannical conduct towards an inferior; or who shall directly or indirectly receive any bribe or gratuity; or who shall embezzle or misapply any public moneys, arms, ammunition, clothing, appointments, or stores; or who shall take and convert to his own use any of the necessaries belonging to his comrades; or who shall wear any badge or party emblem; or who shall make use of any mutinous words, or be guilty of any mutinous or insubordinate conduct; or who shall knowingly make any false return or statement, or sign any false certificate or be privy thereto, or who shall make any alteration or erasure (for the purpose of fraud or deceit) in any public document; or who shall make any false entry in any official book or return; or who shall wilfully omit to make an entry therein, as to the performance of any duty, matter, or thing, which ought to be so entered; or who shall by any concealment or wilful omission attempt to evade the true spirit and meaning of the orders and regulations of the force; or who shall refuse or omit to make a true and faithful return of all fines received by him, or to which he may be entitled, upon any convictions in which he shall have been a prosecutor or witness; or who shall be convicted of any offence by a Court of Justice; or who shall incur and refuse to pay any lawful debt; or who shall be guilty of gambling or drunkenness; or who shall misapply any money or goods levied under any warrant or taken from any prisoner; or who shall give notice or otherwise cause to be intimated, either directly or indirectly, to any person against whom there shall be a warrant or order, notice thereof, with a view to the evasion of such warrant or order; or who shall divulge any matter which it may be his duty to keep secret; or who knowing where any offender shall be residing or concealed, shall not immediately inform his superior of the same; or shall not take due and prompt measures for the arrest of such person; or who shall wilfully, or through negligence, allow any prisoner to escape; or who shall use any cruel, harsh, or unnecessary violence towards any prisoner or other person; or who shall leave any post on which he shall have been placed as a sentry, or other duty; or who shall absent himself from his district, division, or quarters, without leave; or who shall be guilty of any prevarication, before any Court or upon any inquiry; or who shall behave in any scandalous or infamous manner, or shall be guilty of any disgraceful conduct; or who shall, when on duty, be seen in any public-house, when not necessarily there; or who, being necessarily there, shall drink any fermented or spirituous liquor whatever; or who shall, when off duty, frequent public-houses; or any member of the force who shall be guilty of any profane or immoral conduct; or who shall violate any existing order or regulation, or any order or regulation hereafter to be made, shall be dismissed the service, or shall suffer suspension,

suspension, loss of rank, fine, forfeiture of past service or additional pay, or such other punishment as the Inspector General shall award, besides any punishment he may be liable to by law.

200. Constables neglecting to obey the lawful orders, warrants, and commands of a Magistrate are liable to a penalty of five pounds.

201. Any constable who shall be dismissed, or who shall cease to hold and exercise his office, who shall not within one week give up his arms, clothing, &c., is liable to three months imprisonment and hard labor.

202. Any constable who shall resign his office, or withdraw, or absent himself from the duties thereof, without express permission in writing from the Inspector General, or before the expiration of three months from the date of his notice of intention to resign or withdraw, is liable to a penalty of ten pounds, or three months imprisonment in default of payment.

203. All disorders and neglects which any constable may be guilty of, to the prejudice of good order and discipline, though not specified in the foregoing cases, may be punished by order of the Inspector General, by change of station, by fine, or by forfeiture of gratuity, or share of gratuity, which may at any time be coming to him.

204. Men of the force, when committed to prison or suspended, will be struck off pay from the day of their being so committed or suspended, and will not receive any pay during the period of their imprisonment or suspension; and if found guilty and dismissed from the force for the crime for which they were committed or suspended, will not be entitled to pay for any part of the time they may be in confinement or under suspension; but if acquitted of the charge, and not dismissed from the force in consequence of the evidence which shall have appeared, they will be entitled to pay for the time they were imprisoned or suspended.

#### ESCORTS.

205. Escorts form a very important part of the duty of the police. Strict impartiality must be observed in keeping the roster for this duty, and every means that experience, method, regularity, and systematic co-operation can devise, must be brought to bear upon it, in order to render it as light as the necessities of the service will allow.

206. The first consideration, and that which must never be lost sight of by escorts, is the security of the prisoners or commodities placed in their charge: to this all else must be secondary and subordinate. The first point, therefore, to be looked to by the police when employed on this duty, is that the prisoners or property they are to escort are delivered to them with due precautions for safe custody, and this they are to state in the receipt they give on taking them over.

207. The authority that, in the first instance, delivers to any escort prisoners or property, is that to prescribe, and is responsible for, the nature and degree of personal restraint to be imposed on prisoners, and the description of boxes or packages containing, and the fastenings securing, property, and neither should be deviated from, or in any way altered by the escort, or successive escorts, in whose charge they are placed, unless under circumstances of such necessity as will fully justify the act. In all cases of the kind the escort, or constable in charge of the escort, making the alteration, will report clearly and at length upon the matter.

208. Having thus received their charge, properly secured, it will be their duty, and consequently their responsibility, to guard against that state of security being diminished or impaired; for this purpose they will frequently and closely inspect the handcuffs, chains, &c., placed on the prisoners, and the fastenings of the doors, windows, &c., of any place of confinement: in like manner, as regards property, they will inspect the locks, seals, or other means by which the boxes or packages are secured. Neither by day nor night must their charge be separate from, or lost sight of by, an escort.

209. Under existing circumstances, it becomes at times necessary for escorts to stop during the night at public-houses; this, however, must never be done when it can possibly be avoided. When escorts are compelled to stop at public-houses, they are not to drink, nor to allow the prisoners in their charge to drink, any fermented or spirituous liquor whatever; they are to place prisoners or property in the most secure and private room obtainable, and are to adopt all proper and necessary precautions against escape or abstraction.

210. Escorts with prisoners or property in charge are not to call or halt at public-houses during the day; the necessary provisions and refreshments they can procure at, and convey with them from, the place they have stopped at the preceding night.

211. On the march they are not to allow their prisoners to separate or straggle, and, therefore, the rate of marching must be regulated according to the powers of the prisoners.\* Neither acquaintances of the prisoners nor other persons are to be allowed to mix with, or accompany, the prisoners and escort.

212. The arms of an escort are invariably to be loaded; they must be kept from wet as much as possible, and always in a state for instant use. After rain they must be examined, and if the powder in the nipples appears in the least damp, the charge must be drawn, the arms thoroughly cleaned, dried, and reloaded. It must, however, be clearly understood, and constantly borne in mind, that nothing short of absolute and inevitable necessity, can justify the police in firing upon prisoners endeavoring to escape, or upon other parties attempting a rescue.

213.

\* A law has been enacted, providing for the punishment of refractory prisoners, able, but refusing to proceed on foot to their destination.

213. Unless under the orders of a medical man or a Magistrate, the provisions furnished to prisoners under escort must be confined to the regulated allowance. When extras are allowed by a medical man or Magistrate, at the expense of the prisoner, the money to procure such must be delivered, with written instructions, to the constable in charge (his receipt being duly taken), who is to render a full and faithful account of his disbursements, certified by the prisoner, and accompanied by vouchers; if relieved, he is to hand over to the constable in charge of the relieving escort the balance in his hands, taking his receipt; he and those succeeding following the course prescribed for the first.

214. As prisoners are not, on any account, to be left in possession of money when under escort, any belonging to them, and not required for their use as mentioned in the preceding paragraph, is to be made up into separate sealed packages, marked with the name of the prisoner and the amount, and these separate parcels (with a list) to be enclosed in a strong sealed cover; a memorandum is to be delivered with this sealed parcel to the constable in charge (his acknowledgment and signature being taken to a duplicate retained): this memorandum and the sealed parcel he is to hand, with the seal unbroken, to the person into whose charge he delivers the prisoners, taking his receipt therefor.

215. In every case the person delivering to an escort prisoners or property, is to give with them a document duly signed, stating the number or kind delivered, retaining a duplicate signed by the constable in charge, who is to hand over to the relieving escort, or to the person to whom he gives over his charge, the original document, getting in return an acknowledgment that he duly delivered the prisoners or property therein set forth.

216. Generally speaking, it is not advisable to employ mounted men to escort prisoners on foot, and doing so is to be as much as possible avoided.

217. Escorts, after having handed over their charge are, except under special circumstances, on their return route to act as day patrols.

#### INSTRUCTIONS.

218. It is intended here to state such parts of the law relating to the office of a constable as may be sufficient for the general instruction of the police force.

219. Each individual will bear in mind the importance of making himself perfectly acquainted with this subject; it is necessary to enable him, with a due regard to his own safety, to act efficiently for the protection of the public.

220. The powers of a constable, as will appear hereafter, are, when properly understood and duly executed, amply sufficient for the purpose. He is regarded as the legitimate peace officer of his district, and both by the common law, and many Acts of Parliament and Council, he is invested with considerable powers, and has imposed on him the discharge of many important duties.

221. He is, in many cases, authorised and required, in the execution of his office, to arrest a party charged with or suspected to be guilty of some offence,—to enter a house in pursuit of an offender,—to quiet an affray,—to search for stolen goods,—to take possession of goods suspected to have been stolen.

222. It therefore becomes necessary that the constable should inform himself in what cases he ought so to interfere, and what legal powers he possesses to effect the object in case he meets with resistance. To assist the police constables in the discharge of their duties, the following observations are prepared for their attentive perusal.

223. I shall begin by shewing for what offences of more ordinary occurrence a party may be taken into custody. With this object offences may be divided into felonies and misdemeanors.

224. Murder, rape, housebreaking, robbery, larceny, picking pockets, receiving stolen goods knowing them to have been stolen, assaulting with intent to rob, wounding, &c., with intent to do murder or some grievous bodily harm, setting fire to any house or other buildings, are some of the principal felonies, besides a great many more too numerous to be inserted here.

225. Smaller offences, such as common assaults, affrays, and riots, and various kinds of fraud, with numerous other offences, are called misdemeanors.

226. As it is more important to prevent and punish the commission of great crimes than of the lesser offences, the constable has a greater power in cases of felonies than in those of mere misdemeanors.

227. But the first duty of a constable is always to prevent the commission of a crime.

228. I shall therefore now shew what power he has to arrest, without warrant from a Magistrate, a party whom, from his situation and character, the law judges to be likely to commit some felony, and persons found in the commission charged with or suspected of certain offences.

229. The constable may thus arrest one whom he has just cause to suspect to be about to commit a felony. Thus, when a drunken person or a man in a violent passion threatens the life of another, the constable should interfere and arrest.

230. So he may apprehend every person having in his or her possession any picklock, key, crow, jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or out-building, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him or her any instrument with intent to commit any felonious act; every person found in or upon any dwelling-house, warehouse, coach-house, stable, or out-house, or in any enclosed yard, garden or area, or found in or on board any vessel, when lying in any place within this Colony, for any unlawful purpose; every suspected person, or reputed thief, frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto,

or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony.

231. If any party threaten another with immediate personal violence, or offer to strike, the constable should interfere, and prevent a breach of the peace; if one draw a weapon upon another attempting to strike, the constable should take him into custody; if persons are merely quarrelling or insulting each other, the constable has in general no right to take them into custody, but should be ready to prevent a breach of the peace.

232. In cases where an actual offence has not been consummated, the constable must judge from the situation and behaviour of the party what his intention is. In some cases no doubt can exist; as when the party is a notorious thief, or acting with those who are thieves, or when the party is seen to try people's pockets in a crowd, or to attempt to break into a house, or to endeavor to carry off any property secretly from another. The constable must not act hastily, in case the intention is not clear, but content himself with watching closely the suspected party, that he may discover his design.

233. The constable must arrest any one whom he sees in the act of committing a felony, or any one whom another positively charges with having committed a felony, or whom another suspects of having committed a felony, if the suspicion appear to the constable to be well founded; but in the last case the constable should in general require the person so suspecting to go with him.

234. Though no charge be made, yet, if the constable suspect a person to have committed a felony he should arrest him, and, if he have reasonable grounds for his suspicion, he will be justified, even though it should afterwards appear that no felony was in fact committed. But the constable must be cautious in thus acting upon his own suspicions.

235. Generally, if the arrest was made discreetly and fairly, in pursuit of an offender, and not from any private malice or ill-will, the constable need not doubt that the law will protect him.

236. If after sun-set, and before sun-rising, the constable shall see any one carrying a bundle, or goods which he suspects were stolen, he should stop and examine the person and may detain him; but here also he should judge from circumstances (such as the appearance and manner of the party, his account of himself, and the like) whether he really has stolen goods in his possession, before he actually takes him into custody.

237. The constable, when justified in making an arrest, must use every exertion to effect it, and the law gives him abundant power for the purpose. If the felon or party accused of felony fly, he may be immediately followed, wherever he goes, and, if he takes refuge in a house, the constable may break open the doors, if necessary, to get in, first stating who he is and his business. But the breaking open outer doors is so dangerous a proceeding that the constable never should resort to it except in extreme cases, and when an immediate arrest is necessary.

238. There are some cases in which a constable may and ought to break into a house, although no felony has been committed, when the necessity of the case will not admit of delay, as when persons are fighting furiously in a house, or when a house has been entered by others with a felonious intent, and a felony will probably be committed unless the constable interfere, and there is no other means of entering. Except in such cases, it is better in general that the constable should wait until he has a warrant from a Magistrate for the purpose.

239. If a constable finds his exertions insufficient to effect the arrest, he ought to require all persons present to assist him, and they are bound to do so.

240. If a prisoner, on whatever charge lawfully taken, should escape, he may be re-taken; and, in immediate pursuit, the constable may follow him into any place or any house; and, if the escaped prisoner take refuge in a house, the doors may be broken open after demand of admission, and after notification by the constable of his office and object in coming.

241. In cases of actual breaches of the peace, as riots, affrays, assaults, and the like, committed within the view of the constable, he should immediately interfere (first giving public notice of his office if he be not already known), separate the combatants, and prevent others from joining in the affray. If the riot, &c., be of a serious nature, or if the offenders do not immediately desist, he should take them into custody, securing also the principal instigators of the tumult, and do every thing in his power to restore quiet.

242. He may arrest any one assaulting or opposing him in the execution of his duty.

243. If a person forcibly enter the house of another, the constable may, at the request of the owner, turn him out directly; if he entered peaceably, and the owner request the constable to turn him out, the constable should first request him to go out, and unless he do so he should turn him out; in either case using no more force than is necessary for that purpose.

244. When the offence has not yet been committed, but when a breach of the peace is likely to take place, as when persons are openly preparing to fight, the constable should take the parties concerned into custody; if they fly into a house, or are making preparations to fight within the house, the constable should enter the house to prevent them, and likewise take the parties into custody; and should the doors be closed, he may break them open, if admission is refused, after giving notice of his office and his object in entering.

245. A constable has power to apprehend and carry immediately, or as soon as possible, before a Justice of the Peace, any person whom he may find wilfully damaging any public building, wall, parapet, sluice, bridge, road, street, sewer, watercourse, or other public property; also any person who in his view commits any malicious injury to private property; and



and he should take charge of any person given into his custody who may have been arrested by the owner of the property damaged, or by his servant, or any person authorised by him.

246. A constable, in cases of assault which have not been committed in his presence, or within his view, is not authorised without a warrant to arrest or assist in arresting the party charged, nor is he to receive a person so charged into his custody, unless the party has been arrested by some other constable who saw the assault committed.

247. After the arrest the constable is, in all cases, to treat a prisoner properly, and impose only such restraint upon him as may be necessary for his safe custody.

248. It is always proper to take the prisoner, as soon as convenient, before a Magistrate, who will dispose of the case. At night, he is to be taken to the police station, or, in cases of necessity, to the nearest place of safety. When the prisoner is brought to the Justice, he still remains in custody of the constable until his discharge or committal, or until he receives the orders of the Justice.

249. The constable is bound to follow the directions contained in a warrant, and to execute it with secrecy and despatch. The power given to him for the purpose of arresting has been already shewn. If the warrant cannot be executed immediately, it should be executed as soon as possible afterwards.

250. The constable must execute the warrant himself, or, when he calls in assistance, must be actually present. Upon all occasions he ought to state his authority, if it be not generally known, and should shew his warrant, when required to do so; but he should never part with the possession of the warrant, as it may be wanted afterwards for his own justification.

251. As it frequently happens that the warrant is in the hands of one constable, whilst another constable having information of such warrant may find the accused person, or a person whom he has good ground to suppose to be such person, the latter ought to make the arrest; and if it be provable that a warrant had been issued, although it was not in his hands, he will be justified in his act, and will be entitled to the protection of the law. In such case, he should communicate to the prisoner his information respecting the warrant.

252. The constable may enter a house to search for stolen goods, having received a search warrant from a Magistrate for that purpose. He should, when it is possible so to do, execute it in the day time. If he finds the goods mentioned he is to take them to a Magistrate; and, when the warrant so directs, he must take the person also in whose possession they are found. To avoid mistakes, the owner ought to attend at the search to identify the goods; but this is not indispensably necessary in all cases.

253. In the following cases constables are empowered to arrest without warrant, but they are to be specially careful not to do so upon light grounds:—Every common prostitute, wandering in any street or public highway, or being in any place of public resort, who shall behave in a riotous or indecent manner; every habitual drunkard, having been thrice convicted of drunkenness within the preceding twelve months, who in any street or public highway, or being in any place of public resort, shall behave in a riotous or indecent manner; every person wandering abroad, or placing himself or herself in any public place to beg or gather alms, or causing, or procuring, or encouraging any child or children so to do; all persons gathering alms under false pretence of loss by fire or other casualty; all persons imposing, or endeavoring to impose, upon any charitable institution or private individual, by any false or fraudulent representation; every person wilfully exposing to view, in any public place, or who shall expose or cause to be exposed to public view, in the window or other part of any shop or other building situate in any public place, any obscene book, picture, or other indecent exhibition or representation; every person wilfully and obscenely exposing his or her person in any street or road, or in the view thereof, or in any place of public resort; every person playing or betting at any unlawful game; every person playing or betting in any street or other open and public place, at or with any table or instrument of gaming, at any game or pretended game of chance; any person who shall sing any obscene song or ballad, or write or draw any indecent or obscene word, figure, or representation, or use any profane, indecent, or obscene language, in any public place, or within the view or hearing of any person passing therein; any person who shall use any threatening, abusive, or insulting words or behaviour, in any public place, with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned; every person who shall cruelly beat, ill-treat, over-drive, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any animal.

254. In all these cases not only are constables empowered to arrest without a Magistrate's warrant, but on fair and sufficient grounds it is their duty so to do; and they are also bound to receive into their custody any person found committing any of these offences who, having been apprehended by another, is delivered to them. And any refusal or wilful neglect to take such offender into their custody, or to take or convey him or her before some Justice of the Peace, will be a neglect of duty, and will render them liable to the penalty attached to such neglect.

255. In Sydney a constable may, without a Magistrate's warrant, apprehend any person whom he shall find drunk in the streets or public places at any hour, and all loose, idle, drunken, or disorderly persons whom he shall find between sunset and eight a.m., lying or loitering in any street or other place, and not giving a satisfactory account of themselves; and persons bathing near to or within view of any place of public resort, between six a.m., and eight p.m.; persons hauling or drawing upon any of the streets or public places any timber, stone, or other thing, otherwise than upon wheeled carriages, or suffering the same to drag or trail upon such street or public place, to the injury thereof, or to hang over any part of any such carriage, so as to occupy or obstruct the street beyond the breadth of the said carriage; persons driving or causing to be driven any cart or other carriage with any night-soil or ammoniacal liquor therein through any street or public place, between five a.m., and

ten p. m., or who shall fill any cart or other carriage so as to turn over, or cast any night-soil, ammoniacal liquor, slop, mire, or channel dirt or filth upon any street or public place; persons emptying or beginning to empty any privy, or taking away night-soil, within the streets or public places, or coming with carts or carriages for that purpose, except between ten p. m., and five a. m.; persons who shall put any night-soil in or near any street or public place; persons wantonly or maliciously breaking or injuring any lamp or lamp-post, or extinguishing any lamp set up for public convenience; persons throwing or causing to be thrown any dead animal into any part of Sydney Cove or Darling Harbor, or leaving or causing the same to be left upon the shores thereof, or who shall throw or cause to be thrown any dead animal into any street or other public place, or into any stream flowing through, by, or along any such street or other public place, or leave or cause the same to be left upon the shores thereof; and the driver of any dray, cart, &c. (except a light cart, with one horse, driven with reins), who shall ride upon it or upon the shafts thereof in any street or public place, and the driver of any carriage whatsoever who shall wilfully be at such a distance, or in such a situation, whilst it shall be passing upon such street or public place, that he cannot have the direction and government of the horse or horses, or cattle drawing the same, or who when meeting any other carriage shall not keep his carriage, cart, dray, &c., on the left or near side of the road; and any person who shall, in any manner, wilfully prevent any other person from passing him or her, or any carriage under his or her care, upon such street or public place, or who shall, by negligence or misbehaviour, prevent, hinder or interrupt the free passage of any carriage or person so in or upon the same; and any seaman or mariner who shall be in any public-house, or any street or public place, at any time after the hour of nine o'clock at night, and before sunrise in the morning, unless such seaman or mariner shall produce a written pass from the master or other person in charge of the ship or vessel to which he shall belong, or a discharge from the master of the ship or vessel to which he last belonged.

256. By a special enactment relating to the Domain, called Hyde Park, in Sydney, constables are authorized to apprehend and convey before some Justice of the Peace, any person who shall maliciously or wantonly destroy or injure, or endeavor to destroy or injure, any of the fences, or any other wood or iron work, of or in that Domain, or any tree or shrub therein growing, or shall offend against decency, or conduct himself in a riotous, turbulent, or disorderly manner, in any part of that Domain, or shall obstruct any overseer, park-keeper, or workman therein in the performance of his duty.

257. As a general rule, in all cases in which constables act without a Magistrate's warrant, they should notify that they are constables, and that they arrest in the Queen's name.

#### *RULES and Regulations for the Distribution and Appropriation of the Superannuation and Police Reward Funds.*

1.—All claims for pensions, rewards, or gratuities from these funds are to be submitted to a Board, which will sit on the first Monday (or other convenient day) in each month.

2.—The Board to consist of the Auditor General, the Inspector General of Police, and the Superintendent of Police for the Metropolitan District.

3.—All claims are to be duly supported by such certificates, vouchers, and testimonials as the Board may require, and dealt with each on its own merits, which will guide the Board in the amount of pension, reward, or gratuity they may decide on recommending in their report to His Excellency the Governor General.

4.—The maximum of pension and that of gratuity to members of the constabulary duly certified to be unfit for service, is fixed respectively by the scale laid down in the 19th and 20th sections of the Act, 16 Vict., No. 33, and can in no case be exceeded.

5.—Claims from widows and families of deceased members of the force, duly supported by certificates of marriage, and birth, and by such other vouchers and testimonials as the Board may require, are to be considered and dealt with as stated in Rule 3, but the amount of pension or gratuity is in no case to exceed the maximum fixed by the scale in sections 19 and 20 of the Act.

6.—No widow to be regarded as having any claim to pension or gratuity unless married more than twelve months previous to her husband's decease, except in cases of death having been caused by injury or accident when on duty.

7.—Women of good character only to be entitled to any gratuity.

8.—Children being eligible for admission into the Orphan Schools, no gratuity is to be paid to them; but the Board is to examine into the particulars of each case, and where there are grounds for doing so, to recommend that the children be admitted into these Institutions.

#### *Rules applying to Constabulary Pensioners.*

1.—All constabulary pensioners, on first taking up their residence in any locality, are to make themselves personally known to the chief or district constable of the police district in which it lies, and are to notify it to the Inspector General of Police, acting in like manner on any change of residence.

2.—Constabulary pensioners are not, without leave previously obtained from His Excellency the Governor General, through the Inspector General of Police, to leave the Colony; any breach of this or the preceding Rule will render pensioners liable to forfeit, at the pleasure of His Excellency the Governor General, the whole or any part of the pensions allowed them.

3.—Constabulary pensions will be payable monthly, on receipt of the proper vouchers, into such Banks in Sydney, and to the credit there of such persons as the pensioners may direct them to be paid to, by a printed form of Authority to the Inspector General of Police, duly filled up and signed.

4.—Pensioners resident in Sydney or in the Sydney Police District, must have their vouchers signed by the Superintendent of Police for the Metropolitan District, and will be paid by that Officer monthly.

5.—Pensioners resident in other districts must have their vouchers (duly filled up) presented by the chief or district constable of the district to the Bench of Magistrates in Petty Sessions, for the purpose of being declared to and subscribed by the pensioners before a Magistrate, by whom they will be certified.

6.—No charge of any kind, except that for the necessary postage stamp, is to be made against pensioners for the presenting, declaring, certifying, or forwarding the vouchers, which are, when perfected, to be transmitted by the Clerks of Petty Sessions, to the Inspector General of Police, monthly.

## POLICE AND HACKNEY CARRIAGE REGULATIONS.

21

## No. 1.

No.	of Warrant No.	Voucher No.	185
Amount payable to Pensioner of the Constabulary of New South Wales, as a* Constable, now residing at of 185 , inclusively, at for the period from to		£	s. d.
TOTAL.....£			

I, do solemnly and sincerely declare, that I have not been appointed to, nor held any public situation, subsequently to 18 : I further solemnly and sincerely declare, that I am the individual entitled to a pension at the above-mentioned rate, and for the period above specified; as witness my Hand, this day of 185 .

Subscribed before me, at this day of 185 . }

Signature of a Magistrate

I certify, that now present, is the pensioner named in the above Voucher and Declaration.

Signature of Chief or District Constable

Received, on the from William Colburn Mayne, Esquire, Inspector General of Police, the sum of pounds shillings and pence, being the full amount of my pension, as for the period from to 185 , inclusively.

Witness†

## No. 2.

Dated the day of 185 .

I, a pensioner of the constabulary, of New South Wales, now residing at hereby authorise you to pay the amount of the monthly payments of my pension to the credit of the account of at the§ Sydney.

Witness to the signatures and marks.

Witness.

The Inspector General of Police,  
Sydney.

\* Insert Chief, District, or Ordinary, as the case may be.

† Here insert the date of commencement of the pension.

‡ The Chief Constable of the District, or, if there be none, the District Constable, must, in every case, be the witness to the signature of the pensioner to this receipt.

§ Here insert the name of the Bank.

[Enclosure 2 in No. 1.]

Office of the Inspector General of Police,  
Sydney, 18 March, 1853.

THE following Rules, Regulations, &c., for the Mounted Patrols, having been approved by His Excellency the Governor General, are to be strictly observed.

W. C. MAYNE,  
Inspector General of Police.

## RULES AND REGULATIONS.

## INTRODUCTORY REMARKS.

THE following instructions are published for the information and guidance of the mounted patrols.

2. It is impossible to give precise directions for the execution of every duty which the force may be required to perform, or to anticipate every difficulty which its members may have to encounter, as from the nature of the service, its duties must vary, and consequently the mode of execution must vary with them, and be directed by the circumstances of each particular case: each and every member of the force should therefore endeavor to become acquainted with the nature of every duty which he may be called on to execute, and by individual zeal, energy, discretion and intelligence, make every effort to supply the unavoidable deficiency of general instructions.

3. The officers and men of the patrols will, however, be held strictly responsible for the execution and observance of all orders and regulations, from which they are not to deviate, except when the circumstances of the case may require, and thereby justify their so doing



doing. And they will be held equally accountable for their own acts and orders in such cases as may not or cannot be provided for by these instructions.

4. In the performance of their duty they are distinctly to understand that their efforts should be principally directed to the *prevention* of crime, which will tend far more effectually towards the security of person and property than the punishment of those who have violated the laws;—and the very best evidence that can be given of their efficiency is the *absence of crime* in their districts.

5. The Inspector General is particularly desirous in the outset to impress on every member of the force, from the highest to the lowest, how very incumbent it is on them to act in the discharge of their various duties with the utmost forbearance, mildness, urbanity, and perfect civility towards *all* classes; and that upon *no* occasion or under *any* provocation should they so far forget themselves as to permit their feelings to get the better of their discretion, and conduct themselves rudely or harshly in the performance of their respective offices: for nothing will serve more to create a kindly feeling and cause the force to be looked up to and respected than a mild, conciliatory, moral, and decorous line of conduct, and a general readiness on the part of all classes to render kindness or assistance to every member of the community;—whilst an opposite course and bearing can only engender an angry and hostile feeling towards the members of the force, and consequently bring the establishment into disrepute. A police force can only obtain complete success with the general support of the community. The efficiency of the action of any such force must depend upon the extent of its information, and it is deprived of the most extensive and valuable portion of the available information when it loses the confidence, forfeits the respect, or fails to engage the good feelings of the community in which it acts.

6. Both officers and men are studiously to observe a strict impartiality and neutrality in political matters, and in questions exciting partisanship.

7. The members of the force are placed in a totally different position from that which they occupied as private individuals. They become peace officers, and are in an entirely new situation: they are, by law, entrusted with certain powers which they must exercise with great caution and prudence, and it is most essential that they keep under complete control their private feelings. It is totally inconsistent with the situation in which the law and their office place them that they enter into altercations or squabbles of any kind;—if wantonly assaulted they have a legal power to arrest the assailant, or, if that be imprudent or impossible at the time, to take proceedings against him afterwards. Altercation or squabbling are altogether inadmissible in a peace officer—he can avoid them, and must do so. There must be two parties in an altercation, and nothing can justify a constable in being one of them or joining one of them. On all occasions in which men of the force are placed under circumstances tending to create feelings of irritation, they should maintain the utmost self-possession, self-control, and calmness.

8. Every member of the establishment should bear constantly in mind how essential it is to cultivate a proper regard for the honor and respectability of the force, and should be governed by the principle, that the more they can raise those above or below them in public estimation, the more they elevate their own official position, and with it the general character of the establishment.

9. As none but zealous and efficient officers and men can be retained in the service, it will become the imperative duty of the Inspector General to remove from it any member of the force who may be guilty of any neglect or omission of duty, or disobedience of any order or regulation. On the other hand, it will afford him pleasure to promote and reward those who are in every respect active, attentive, and zealous in the performance of the respective duties of the service.

#### DISCIPLINE.

10. Discipline, which implies authority and its proper exercise on the one hand, and respect and obedience on the other, is essential to the practical direction, action, and efficiency of any force.

11. As authority necessarily becomes divided, gradations of rank must be established, the holders of each of which, while exercising command over subordinates, must pay respect to superiors; this principle holds throughout, until we reach that grade whose simple duty is proper respect to *all* in command, and prompt and unvarying obedience to their orders.

12. A responsibility for the full discharge of his own peculiar duties at all times attaches to every member of a disciplined force, it is necessary that each should know, as precisely as it is possible to define them, what those duties are, in order to ensure a correct and cheerful discharge of them: but further, as the responsibility attaching to a superior *may* at any time devolve on the next in rank, it is essential that the members of each grade shall be acquainted with the duties that circumstances *may* call on them to discharge, in order to guard against injury to the public service.

13. Every subordinate, whether non-commissioned officer or trooper, is to receive the lawful commands of his superior with deference and respect, and to execute them to the best of his power; and every superior, in his turn, is to give his orders in the language of moderation and of regard to the feelings of the individuals under his command.

14. The obedience and respect which are here required must be observed throughout the force generally, and not be understood in any partial or confined sense; real discipline, as has been already observed, implies obedience and respect *wherever* it is due on one hand, and on the other a just but energetic use of command and responsibility.

15. Every non-commissioned officer and trooper must understand that it is an invariable rule in discipline that in the absence of a superior the whole of the duty or charge which was entrusted to that superior devolves upon the next in rank, so that the chain of responsibility may continue unbroken.

#### CANDIDATES.

## CANDIDATES.

16. All applications for admission into the mounted patrol are to be made to the Inspector General or to the Superintendents.

## QUALIFICATIONS.

17. The following qualifications are indispensable :—  
 1st. To be under 40 years of age.  
 2nd. To read and write.  
 3rd. To be free from any bodily complaint, of a strong constitution, and generally suitable and intelligent, according to the judgment of the medical officer by whom the candidate will be examined.

## CONDITIONS.

18. The conditions of admission into the force are stated here, that no reason for complaint may exist upon their being enforced. It is to be understood at the same time that the power is reserved to the Inspector General, subject to the approbation of His Excellency the Governor General, to alter or annul any of these conditions, and also to make such new rules as may be found expedient :—

- 1.—Each non-commissioned officer and trooper shall devote his whole time to the service; he must not carry on any trade or calling; nor can his wife be allowed to keep a shop.
- 2.—He shall serve and reside wherever he is ordered.
- 3.—He is to appear in his uniform at all times, unless when leave is given him to wear plain clothes.
- 4.—He shall promptly obey all lawful orders which he may receive from the persons placed in authority over him.
- 5.—He shall conform himself to all the regulations which may be made from time to time, for the good of the service.
- 6.—Such debts, owing by him, as the Inspector General shall direct to be paid, shall be paid by him forthwith.
- 7.—He shall not, upon any occasion, or under any pretence whatsoever, take money or any gratuity from any person without the express permission of the Inspector General.
- 8.—A deduction of one shilling per diem will be made from his pay from the date on which he is certified by the medical officer of the police sick and unfit for duty (except in certain cases), until again certified by him fit for duty.
- 9.—He shall not resign, withdraw, or absent himself from his duties unless allowed to do so, in writing, by the Inspector General, or unless he shall have given to the Inspector General three months previous notice.
- 10.—If he resign, withdraw, or absent himself without such leave, or before the expiration of such notice, he is liable to payment of a penalty of ten pounds, or, in default, to imprisonment with hard labor for three months.
- 11.—Each non-commissioned officer and trooper is liable to immediate dismissal for unfitness, negligence, or misconduct, independently of any other punishment to which he may, by law, be subject.
- 12.—A certificate of good conduct in the service will not be given by the Inspector General under the following circumstances :—
  1. If the party shall have been dismissed the service.
  2. If he shall have been frequently guilty of misconduct or negligence, although of a light nature.
  3. If he shall have been guilty of any misconduct or neglect of a serious nature.
  4. If he shall have served less than twelve months in the patrol.
  5. If the certificate shall not be applied for within six months after the party has left the service.
- 13.—If he be dismissed the force, the whole of his pay then due, or unpaid, is forfeited.
- 14.—Every non-commissioned officer and trooper dismissed from the force, or who shall resign his situation, shall, before he quits the service, deliver up every article of dress and appointments which have been supplied to him: if any of such articles or appointments have been, in the opinion of the Inspector General, improperly used or damaged, a deduction from any pay due to the party shall be made, sufficient to make good the damage, or supply a new article.
15. A non-commissioned officer or trooper guilty of any neglect or violation of duty, is liable to a penalty of five pounds, besides such other punishment as the Inspector General may award.

## GENERAL DUTY.

19. The officers and non-commissioned officers in charge of the mounted patrols will make themselves, as soon as possible, acquainted with all the bush roads and pathways in their respective districts and vicinities, so as to enable them to take every advantage of any information they may receive as to the route or hiding places of bushrangers or other offenders, (and the troopers will be required to have the same knowledge.) They will give directions to stop all suspicious persons on the roads, or in the bush, and question them, but they must be cautious and exercise due discretion in doing so; they will cause any suspected house to be visited or watched, if information has been laid.

20. They will be careful to see the men's arms and ammunition placed where they can lay their hands on them at night, for attack or defence, and where they cannot be seized upon by improper characters.

21. On the report of armed bushrangers or robberies in the neighborhood, the road patrol will immediately move out, without waiting for orders, reporting to the Superintendent and head quarters direct, and sending intelligence to adjacent police stations, so as to enable the other parties and police in the vicinity to act in conjunction with them.

22. On the capture of armed bushrangers or other offenders by the patrol, an immediate report will be made to the Superintendent and to head quarters, with any information respecting the capture that may come within their knowledge.

23. All misconduct or irregularities committed by non-commissioned officers and troopers, at or near any station, although by men of different stations, will be immediately reported to the Superintendent and to head quarters.

24. All gallantry and activity displayed by the non-commissioned officers and troopers in the apprehension of bushrangers, &c., will be recorded, and as far as circumstances admit, rewarded.

25. The greatest care is to be observed in the preservation of men's arms, caps, and ammunition, and as much injury is done to the locks by taking them to pieces, it is directed that this shall be done as seldom as possible, and always under the superintendence of a non-commissioned officer.

26. Any non-commissioned officer or trooper contracting debts will be liable to dismissal or other punishment.

27. Non-commissioned officers and troopers are prohibited from keeping stock, or engaging in traffic of any kind.

28. The men will be fully armed on all duties when mounted.

29. The men at out-stations, when in quarters, will invariably parade on Sundays in full dress (with swords), and when practicable attend Divine service.

30. A compliance with this order will be entered in the monthly return of duties.

31. When in quarters there will be a daily parade of horses, and non-commissioned officers will take advantage of those men who have been drilled to instruct their detachments in riding, as well as the carbine, pistol, and sword exercises, on foot and horseback.

32. All orders are to be regularly filed according to date, so as to be easily referred to.

33. The mounted patrol will at all times afford the Magistrates and the police a ready assistance in the execution of their duty; but it is to be distinctly understood that, except in cases of urgent necessity, they are not to be employed in serving summonses, or in performing the duties of ordinary constables.

34. When escorts or orderlies are furnished by the mounted patrol, they will always, when practicable, be relieved at the nearest stations.

35. Whenever the mounted patrol are sent from one station to another they will invariably have the hour on which they commence their march marked on the letter or despatch; if necessary, the rate of travelling will be mentioned, otherwise it will not exceed six miles an hour; and when they are out more than a day or two, or are going to any station, they will have a route or pass, shewing the time to which they and their horses have been rationed.

36. In case of any soldier of the mounted patrol being unfit to perform his duty, from vice or intemperance, or from his horse having a sore back, or being lame from neglect or want of attention on his part, one-half his pay will be stopped during that period; and if repeated, he will be dismissed from the corps.

37. Any trooper, losing his horse, arms, or appointments, will be charged with the full value of the same, in addition to any punishment that may be awarded.

38. It is directed that no goats, pigs, or any thing of a dirty nature shall be kept about the barracks or stables of the mounted patrol. The officers and non-commissioned officers will be held responsible for the cleanliness and regularity of everything under their charge.

39. The men are to keep their own arms and appointments in passing from one division to another, the numbers of which are to correspond.

40. Every man is to have in his possession a currycomb, brush, mane-comb, and sponge, which are to be produced at all inspections of necessities.

41. Whenever officers or non-commissioned officers shall find it requisite to suspend men and report them to head quarters, they will invariably accompany their reports by depositions of the witnesses (signed by them), and also the defence of the prisoner. By this means, the Inspector General will be enabled to award a suitable punishment, or else judge if it be advisable to bring the man before a court of police inquiry.

42. Whenever men die, or become non-effective, the non-commissioned officer in charge of the station will immediately take charge of the spare horses, arms, and appointments, and preserve them in the best order.

43. Non-commissioned officers commanding stations will be held responsible for inspecting and immediately reporting any irregularity they may observe in men and horses arriving at their posts.

44. The men of the mounted patrol are forbidden to appear in the streets, unless dressed strictly according to order; and at all times they are expected to be smart and clean.

45. Non-commissioned officers and men from the out-stations coming to Sydney are always to appear dressed according to order.

46. When men mounted have occasion to pay a compliment, they are to do so by sitting at attention, and looking at the person to be saluted, in a steady and respectful manner.

47. On foot, the men salute in the usual manner.

48.

48. The men of the mounted patrol are not to be employed as servants. When not interfering with duty, the officers are permitted to employ a trooper as groom, but it is to be understood that this man is always to be armed and appointed, and ready for any service that may be required. He is not on any account to be dressed in livery, or to be employed in any way unconnected with the officer's duties.

49. The strictest uniformity is to be observed in the dress of the men, and no alteration is to be allowed in the prescribed pattern, or number of buttons.

50. The men are always to have in possession a pair of Wellington boots, to be worn on occasions of dress.

51. The caps for immediate use are to be kept in the cap pouch; the remainder are to be carefully put up, as a magazine, in the cartridge box.

52. Every non-commissioned officer and trooper shall have a horse, suitable to his weight, told off to him, and for which he will be held in all respects responsible. The man is not to be deprived of his horse, except for misconduct, nor is he on any account, except on urgent necessity, to be changed, without previous reference to head quarters.

53. The greatest attention is to be paid to the grooming of the horses in all situations, and to their neat and clean appearance. The Inspector General expects that the horses of the mounted patrol will always be distinguished by the creditable and soldierlike manner in which they are turned out.

54. The officers are to be most minute in their inspections of the horses; and in every case of neglect to report forthwith to head quarters, in order that the trooper may be punished.

55. Any trooper galloping or ill-using his horse, or having him in bad condition through neglect, will be fined and dismissed; and on a repetition of the offence, dismissed.

56. The duties of stables, the watering and feeding of the horses, are to be attended to at stated hours.

57. When there are secure paddocks the horses are to be kept in them, while off duty, as much as possible, weather permitting; but they are to be daily brought into the stables, and regularly fed, watered, and cleaned.

58. Horses are never to be driven to the paddock, or to water; they are always to be regularly paraded and marched off.

59. The utmost care must be taken to guard against sore backs, which are in no way so readily caused as by removing the saddle, when the back is heated, without adopting the proper precaution of washing with plenty of cold water the part covered by the saddle, *instantly* on removing; this avoids delay in relieving the horse from the weight, and allows him more time to rest and feed; on halting, or arriving at the end of a march, this precaution is invariably to be adopted.

60. Non-commissioned officers and troopers will be held responsible that their saddles are kept in good repair and fit the horses, so as not to injure their backs.

61. No troop horse is, on any pretence, to be put in harness, or employed to draw a cart.

62. The greatest attention is to be paid to the shoeing of horses at out-stations. Numerous horses are rendered lame and unserviceable from bad shoeing and the ignorance of farriers.

63. When horses are absent from their stations more than three days, forage (except for some special reason) is not to be drawn for them, but it is to be allowed to fall to the credit of the public.

64. The Superintendents of the road patrol will visit each of their stations *at least once in each month*.

65. The Inspector General calls upon the officers for an active and zealous discharge of their duties, for upon their exertions and example mainly depends the efficiency of the force. The duties of the Superintendents of the road patrol are never ending; their presence is required everywhere, and it is solely by their intelligence, unceasing vigilance, and watchful superintendence of the men, that that protection can be afforded to the country which the public have a right to expect; this can in no way be more effectually carried out than by the constant personal supervision of their different stations, and more than ordinary care in visiting and patrolling localities infested by robbers and bushrangers.

66. A defaulters' book will be kept by the officers, in which will be entered every crime committed by the men, with the date and punishment awarded. On the 1st of each quarter an extract from the defaulters' book will be sent to head quarters for the purpose of being registered.

67. When any man has been incapable of duty for a considerable time from sickness, a special report will be made, in order to his being brought to head quarters for medical treatment, or eventually removed from the force.

68. The particular attention of officers and non-commissioned officers is directed to the different returns required to be furnished to head quarters; if those returns are not carefully prepared, it is impossible for the Inspector General to arrive at a correct knowledge of the state of the mounted patrol, as well as of the stores, ammunition, equipments, and supplies required.

69. All returns and reports are to be made as full as possible, so as to afford every information.

70. In the monthly return of duties performed, the number of men on duty each day—the place gone to—the number of miles travelled—the number of hours on the march—as well as the nature of the duty on which employed, and by whose order, are to be entered;—and any occurrence of an extraordinary nature.

71. The expenses of the corps must be kept within the narrowest limits consistent with efficiency. No expense, except of the most trivial nature, or under circumstances of

emergency to justify it, is to be incurred without previous application to, and authority from, head quarters; and in making requisitions the probable amount is to be stated, as well as the work required to be performed.

72. It is expected that the fences of the paddocks, as well as the barracks, will, in a great measure, be kept in order by the men themselves.

73. All contingent accounts must be furnished to head quarters, at latest, on the 20th of the month succeeding the quarter.

74. The pay abstracts of the road patrol are to be sent to head quarters as soon as possible after the last day of each month, in order that the pay may be made available to the men, as early as possible.

75. Should any circumstance prevent a compliance with this order, a report of the cause is to be made to head quarters.

76. On the 1st of each month the Superintendent of the road patrol will send to head quarters a "diary," kept by himself, according to Form No. 4, stating where he has been each day during the preceding month; the duties performed; occurrences; and any steps taken in consequence: detailing what stations he has visited during the month; the state of each; the condition of the horses, and if any of them are lame, or otherwise inefficient; the state of the arms, ammunition, appointments, clothing, and necessaries; the general conduct and discipline of the men, if they appear to have been attentive to their duties, and careful of their horses; if the forage is of good quality, and if there appears to have been any waste or misapplication of it.

77. Officers, except on duty, will not quit their districts without leave of absence.

78. Applications for leave of absence are to be made in time to allow an answer to be returned to them before the leave requested shall commence.

79. The Government horses are to be kept *strictly* for the use of the troopers.

80. Whenever a fire or disturbance takes place in Sydney, an immediate report will be made to the Inspector General; in the meantime the men will hasten to their barracks, saddle their horses, accoutre, and proceed as directed by their immediate officer.

81. When horses are taken to the forge, the men are always to accompany them, and pay attention to the manner of paring the hoof, shaping the shoe, and driving the nails, in order that they may acquire some degree of knowledge of the proper mode of shoeing, and be able, on an emergency, to put on a cast shoe without risk of laming.

82. The sergeants of the patrols are required to conduct themselves so as to merit the respect of every individual of the force; they must be particularly correct in their personal appearance and dress, as well as in their conduct; zealous and attentive in the performance of their duties, unremittingly watch over the conduct, dress, and carriage of the subordinate non-commissioned officers and troopers; they will be responsible for the drill and instruction of the men,—for strict obedience being paid to the regulations—for the regularity and correctness of the stores and forage,—for the proper care of the horses, and will be required to have a knowledge of all concerning them; and they will diligently assist their respective officers in their duties. The sergeant of the Sydney mounted patrol will report to the Metropolitan Superintendent, every morning at nine o'clock, the presence of the men, and his having visited the troop stables.

83. When horses are out on duty at night, the orderly non-commissioned officer will be held responsible that the horses are properly cleaned and made up before the men go to bed.

84. The several non-commissioned officers in charge will be held responsible that a fortnight's supply of forage is always in store, and if the contractor fails, to report the circumstance. They will be responsible that no forage of an inferior quality is received; and they are expressly forbidden entering into any dealings whatever for or on behalf of the contractor.

85. No forage is to be received in Sydney until inspected by the Metropolitan Superintendent, or a report made to him.

86. The non-commissioned officer on duty at Sydney barracks will see the horses paraded for watering, three times a-day, before feeding; he will take care that horses coming off duty are not taken to water for some time, and until *perfectly cool*.

87. All saddlery repairs must be inspected both before they go to, and after they come from, the saddler's shop, in order to ascertain that the charge is fair and reasonable.

88. The following certificate will be entered monthly on the back of the officers diary:—

I certify that I have strictly obeyed the regulations of the force, and enforced a due observance of them by all under my command.

89. The following returns will be sent to head quarters immediately after the 1st of the month or quarter.

- (1.) Monthly return:—(Form No. 1.)
- (2.) Quarterly roll and distribution of men and horses:—(Form No. 2.)
- (3.) Quarterly return of defaulters:—(Form No. 3.)
- (4.) Officer's monthly diary:—(Form No. 4.)
- (5.) Annual return of arms, stores, &c.:—(Form No. 5.)

#### FORMS OF ROUTES.

Form of route for horses:—(Form No. 6.)

Form of route for troopers:—(Form No. 7.)

90. The following will be the different orders of parade for the mounted patrol:—

Dress order.—Forage cap; shell jacket; trousers with white stripe; arms and appointments; (cloaks when ordered); white belts.

Bush



Bush order.—Bush dress, loose with black handkerchief; straw hat; fully armed; hand-cuffs; cloak; (hobbles, tether rope, neck strap, and necessities when requisite); black belt.

#### OFFICERS' UNIFORM.

Shell jacket (light dragoon pattern), blue with white facings, edged with silver lace, silver cord shoulder straps; trowsers, blue cloth, with white stripe (when in the bush *without* the stripe); pouch and belt of black patent leather, with silver ornaments; sword, light dragoon sabre with black leather knot; sword belt, black patent leather, with silver clasp and buckles; spurs, steel, swan-necked; cap, blue cloth, silver band with crown embroidered, silver edging to peak, black oilskin cover.

#### SUPERANNUATION ALLOWANCE AND GRATUITIES ON LEAVING THE SERVICE.

91. The following are the conditions of superannuation, and the gratuities in certain cases, provided by the Act, 16 Victoria, No. 33, sections 19 and 20 :—

“XIX. The conditions and proportions of such allowance, remuneration, or superannuation shall be as follows, that is to say: where any person applying for the same shall be under sixty years of age, it shall not be lawful to grant any such allowance, compensation, remuneration, or superannuation, unless as hereinafter provided, or upon certificate from some legally qualified medical practitioner, duly appointed in that behalf by the Governor, that such person is incapable, from infirmity of mind or body, to discharge the duties of his office, in which case, if he shall have served with diligence and fidelity for fifteen years, and less than twenty years, it shall be lawful to grant to him, by way of superannuation, an annual sum not exceeding one-half of the salary of his office; if above twenty years and less than twenty-five years, any sum not exceeding two-thirds of such salary; if above twenty-five years and less than thirty years, any such sum not exceeding three-fourths of such salary; and if above thirty years, any such sum not exceeding the whole of such salary; and if such person shall be above sixty years of age, and he shall have served fifteen years and less than twenty years, it shall be lawful, although there shall be no certificate of incapacity from infirmity or injury of body or mind, to grant him by way of superannuation, any annual sum not exceeding one-half of the salary of his office; if he shall have served twenty years and less than twenty-five years, any sum not exceeding two-thirds of such salary; if he shall have served twenty-five years and less than thirty years, any sum not exceeding three-fourths of such salary; and if he shall have served thirty years or upwards, any sum not exceeding the whole of such salary; and if any member of the force shall be disabled by any wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant to him such yearly allowance or remuneration as may in the opinion of the Governor be proportioned to the nature of the injury received, without reference to the length of his service; provided that such allowance or remuneration shall in no case exceed the whole of such salary; and that in calculating the period for which any such person has served, the time he may have served in the police of this Colony previously to the passing of this Act shall be reckoned.

“XX. It shall be lawful for the Governor to order that a gratuity not exceeding one month's pay for each year's service shall be paid to any officer or other member of the police force who shall be duly certified to be unfit for service, and to have served with diligence and fidelity for any number of years not exceeding ten; and a further gratuity of two months' pay for each year he shall have served exceeding ten years, and not exceeding fifteen years.”

92. The case of each member leaving the force and entitled to pension or gratuity is submitted to a Board, who report on the particular merits, and, subject to the provisions of the Act, recommend to his Excellency the Governor General the amount to be awarded.

93. A deduction of two per cent. is made from all pay for the superannuation fund, according to the provisions of the law.

#### POLICE INQUIRIES.

94. Members of the force offending against the law will be tried before the ordinary tribunals of the Colony. All offences against the subject, which can be legally investigated by the Magistrates, must be brought before Courts of Petty Sessions, a non-commissioned officer of the patrol attending all inquiries into charges affecting the conduct of the men: but all offences against discipline, all breaches of the rules and regulations of the establishment, and all charges affecting the character and credit of the force, but not cognizable by the ordinary tribunals, will be investigated by the Inspector General or the officers of the patrol, in whose discretion it will, in each case, rest, to take evidence on oath, and to have it committed to writing, or not. The decision arrived at and the punishment (if any) awarded, being in every case recorded with the offence charged.

#### CRIMES AND PUNISHMENTS.

95. Any member of the force who shall be guilty of disobedience of the lawful commands of his superior, or who shall strike or offer to strike his superior, or who shall behave with contempt towards his superior, or who shall be guilty of any oppressive or tyrannical conduct towards an inferior, or who shall directly or indirectly receive any bribe or gratuity, or who shall embezzle or misapply any public moneys, arms, ammunition, clothing, appointments, or stores, or who shall take and convert to his own

own use any of the necessities belonging to his comrades, or who shall wear any badge or party emblem, or who shall make use of any mutinous words, or be guilty of any mutinous or insubordinate conduct, or who shall knowingly make any false return or statement, or sign any false certificate or be privy thereto, or who shall make any alteration or erasure (for the purpose of fraud or deceit) in any public document, or who shall make any false entry in any official book or return, or who shall wilfully omit to make an entry therein, as to the performance of any duty, matter, or thing which ought to be so entered, or who shall by any concealment or wilful omission attempt to evade the true spirit and meaning of the orders and regulations of the force, or who shall refuse or omit to make a true and faithful return of all fines received by him, or to which he may be entitled, upon any convictions in which he shall have been a prosecutor or witness, or who shall be convicted of any offence by a Court of Justice, or who shall incur and refuse to pay any lawful debt, or who shall be guilty of gambling or drunkenness, or who shall misapply any money or goods levied under any warrant or taken from any prisoner, or who shall give notice, or otherwise cause to be intimated, either directly or indirectly, to any person against whom there shall be a warrant or order, notice thereof, with a view to the evasion of such warrant or order, or who shall divulge any matter which it may be his duty to keep secret, or who, knowing where any offender shall be residing or concealed shall not immediately inform his superior of the same, or shall not take due and prompt measures for the arrest of such person, or who shall wilfully or through negligence allow any prisoner to escape, or who shall use any cruel, harsh, or unnecessary violence towards any prisoner or other person, or who shall leave any post on which he shall have been placed as a sentry or other duty, or who shall absent himself from his district, division, or quarters without leave, or who shall be guilty of any prevarication before any court or upon any inquiry, or who shall behave in any scandalous or infamous manner, or shall be guilty of any disgraceful conduct, or who shall, when on duty, be seen in any public-house when not necessarily there, or who, being necessarily there, shall drink any fermented or spirituous liquor whatever, or who shall, when off duty, frequent public-houses, or any member of the force who shall be guilty of any profane or immoral conduct, or who shall violate any existing order or regulation, or any order or regulation hereafter to be made, shall be dismissed the service, or shall suffer suspension, loss of rank, fine, forfeiture of past services, or additional pay, or such other punishment as the Inspector General shall award, besides any punishment he may be liable to by law.

96. Constables\* neglecting to obey the lawful orders, warrants, and commands of a Magistrate are liable to a penalty of five pounds.

97. Any constable who shall be dismissed, or who shall cease to hold and exercise his office, who shall not within one week give up his arms, clothing, &c., is liable to three months' imprisonment and hard labor.

98. Any constable who shall resign his office, or withdraw, or absent himself from the duties thereof, without express permission in writing from the Inspector General, or before the expiration of three months from the date of his notice of intention to resign or withdraw, is liable to a penalty of ten pounds, or three months' imprisonment in default of payment.

99. All disorders and neglects which any constable may be guilty of, to the prejudice of good order and discipline, though not specified in the foregoing cases, may be punished by order of the Inspector General, by change of station, by fine, or by forfeiture of gratuity or share of gratuity which may at any time be coming to him.

100. Men of the force when committed to prison or suspended, will be struck off pay from the day of their being so committed or suspended, and will not receive any pay during the period of their imprisonment or suspension; and if found guilty and dismissed from the force for the crime for which they were committed or suspended, will not be entitled to pay for any part of the time they may be in confinement or under suspension; but if acquitted of the charge and not dismissed from the force in consequence of the evidence which shall have appeared, they will be entitled to pay for the time they were imprisoned or suspended.

#### ESCORTS.

101. Escorts form a very important part of the duty of the police. Strict impartiality must be observed in keeping the roster for this duty, and every means that experience, method, regularity, and systematic co-operation can devise, must be brought to bear upon it, in order to render it as light as the necessities of the service will allow.

102. The first consideration, and that which must never be lost sight of by escorts, is the security of the prisoners or commodities placed in their charge: to this all else must be secondary and subordinate. The first point, therefore, to be looked to by the police when employed on this duty, is that the prisoners or property they are to escort are delivered to them with due precautions for safe custody, and this they are to state in the receipt they give on taking them over.

103. The authority that, in the first instance, delivers to any escort prisoners or property, is that to prescribe, and is responsible for, the nature and degree of personal restraint to be imposed on prisoners, and the description of boxes or packages containing, and the fastenings securing, property, and neither should be deviated from, or in any way altered, by the escort, or successive escorts, in whose charge they are placed, unless under circumstances of such necessity as will fully justify the act. In all cases of the kind the escort, or constable in charge of the escort, making the alteration, will report clearly and at length upon the matter.

104.

\* Every non-commissioned officer and trooper of the mounted patrol is a constable.

104. Having thus received their charge, properly secured, it will be their duty, and consequently their responsibility, to guard against that state of security being diminished or impaired; for this purpose they will frequently and closely inspect the handcuffs, chains, &c., placed on the prisoners, and the fastenings of the doors, windows, &c., of any place of confinement: in like manner, as regards property, they will inspect the locks, seals, or other means by which the boxes or packages are secured. Neither by day nor night must their charge be separate from, or lost sight of by an escort.

105. Under existing circumstances, it becomes at times necessary for escorts to stop during the night at public-houses; this, however, must never be done when it can possibly be avoided. When escorts are compelled to stop at public-houses, they are not to drink, nor to allow the prisoners in their charge to drink any fermented or spirituous liquor whatever: they are to place the prisoners or property in the most secure and private room obtainable, and are to adopt all proper and necessary precautions against escape or abstraction.

106. Escorts with prisoners or property in charge are not to call or halt at public-houses during the day; the necessary provisions and refreshments they can procure at, and convey with them from, the place they have stopped at the preceding night.

107. On the march they are not to allow their prisoners to separate or straggle, and, therefore, the rate of marching must be regulated according to the powers of the prisoners.\* Neither acquaintances of the prisoners nor other persons are to be allowed to mix with, or accompany, the prisoners and escort.

108. The arms of an escort are invariably to be loaded; they must be kept from wet as much as possible, and always in a state for instant use. After rain they must be examined, and if the powder in the nipples appears in the least damp, the charge must be drawn, the arms thoroughly cleaned, dried, and reloaded. It must, however, be clearly understood, and constantly borne in mind, that nothing short of absolute and inevitable necessity can justify the police in firing upon prisoners endeavoring to escape, or upon other parties attempting a rescue.

109. Unless under the orders of a medical man or a Magistrate, the provisions furnished to prisoners under escort must be confined to the regulated allowance. When extras are allowed by a medical man or Magistrate, at the expense of the prisoner, the money, to procure such, must be delivered, with written instructions, to the constable in charge (his receipt being duly taken), who is to render a full and faithful account of his disbursements, certified by the prisoner, and accompanied by vouchers; if relieved, he is to hand over to the constable in charge of the relieving escort the balance in his hands, taking his receipt; he and those succeeding following the course prescribed for the first.

110. As prisoners are not, on any account, to be left in possession of money when under escort, any belonging to them, and not required for their use, as mentioned in the preceding paragraph, is to be made up into separate sealed packages, marked with the name of the prisoner, and the amount, and these separate parcels (with a list) to be enclosed in a strong sealed cover; a memorandum is to be delivered with this sealed parcel to the constable in charge (his acknowledgment and signature being taken to a duplicate retained): this memorandum and the sealed parcel he is to hand, with the seal unbroken, to the person into whose charge he delivers the prisoners, taking his receipt therefor.

111. In every case the person delivering to an escort prisoners or property, is to give with them a document duly signed, stating the number or kind delivered, retaining a duplicate signed by the constable in charge, who is to hand over to the relieving escort, or to the person to whom he gives over his charge, the original document, getting in return an acknowledgment that he duly delivered the prisoners or property therein set forth.

112. Generally speaking, it is not advisable to employ mounted men to escort prisoners on foot, and doing so is to be as much as possible avoided.

113. Escorts, after having handed over their charge are, except under special circumstances, on their return route to act as day patrols.

\* A law has been enacted, providing for the punishment of refractory prisoners, able, but refusing to proceed on foot to their destination.

#### APPENDIX.

(Form No. 1.)

#### MONTHLY RETURN OF DUTIES, &c.

(Form



(Form No. 2.)

QUARTERLY Roll and Distribution of Men and Horses of the Mounted Patrol for Roads, for the  
Quarter ending 18 .

Stations.	Names of Men.	Horses.	State of Horses and Remarks.

(Form No. 3.)

QUARTERLY Defaulters' Report of the Mounted Patrol, for the Quarter ending 30th 18 .

Date.		Rank and Name.	Crime.	Punishment.
Month.	Day.			

(Form No. 4.)

OFFICER'S DIARY of Duty performed from 1st to 31st of 18 , with Detail, as  
directed in Article 58.

Date.	Place.	How Employed.	Detail of Occurrences, &c. &c.

## CERTIFICATE.

I certify that I have strictly obeyed the Regulations of the Force, and enforced a due observance of them by all under my command.

Signature \_\_\_\_\_

The Inspector General of Police.

(Form

ANNUAL RETURN of Men, Horses, Arms, Ammunition, Accoutrements, Saddlery, Bedding, Furniture, &c., in possession of the Mounted Patrol, for the Quarter ending of , 18 .

[illegible]

POLICE AND HACKNEY CARRIAGE REGULATIONS

## POLICE AND HACKNEY CARRIAGE REGULATIONS.

(Form No. 6.)

Office, 18 .

Sydney,

## ROUTE.

also in charge

will march to-morrow, en-route to  
with the horses named in the margin, having  
which is to be given to

The horses are to be led, and on no account mounted, and at night be well groomed and stabled  
on the march.

The Officer or Non-Commissioned Officer at each Station will state the date and the condition in which  
those Horses arrive at and leave their Stations, as they will be held responsible for the same.

Stations.	Date of Arrival.		Names of Men in charge of Horses.	State the condition in which the Horses arrived at each Station.	Date of Departure.		Signature of the Officer or Non-Commissioned Officer Commanding at each Station.
	Day.	Hour.			Day.	Hour.	

Signature of the Officer Commanding \_\_\_\_\_

## ROUTE.

(Form No. 7.)

## MOUNTED PATROL.

The Detail named in the margin are hereby ordered to march from hence  
to where they will arrive on  
according to the following Route, viz. :—

DATE.	TO HALT AT.

To whom }  
it may concern. }

Given under my Hand, at  
this day of , 185 .

N.B.—The Troopers of the Mounted Patrol are strictly ordered to produce this Route whenever they  
apply for Rations, and to take care that the columns on the back are correctly filled up.

On arrival at their destination they are to deliver it to the Non-Commissioned Officer in charge.

STATE shewing the period to which the Horses have received Forage.

STATION.	Date of Issue.	Rations or Forage.	Signature of the Non-Commissioned Officer, Contractor, or other Person by whom the issue is made.

## No. 2.

THE TOWN CLERK to THE COLONIAL SECRETARY.

*Town Clerk's Office,  
Sydney, 20 February, 1860.*

SIR,

In compliance with the request contained in your letter of the 30th ultimo, I have the honor, by direction of the Right Worshipful the Mayor, to transmit herewith copies of the Omnibus and Hackney Carriage By-Laws, and the Carters and Drivers Act, now in force in this city.

I have, &amp;c.,

THE HONORABLE  
THE COLONIAL SECRETARY.

CHAS. H. WOOLCOTT,  
Town Clerk.

[Enclosure 1 in No. 2.]

## OMNIBUS AND HACKNEY CARRIAGE BY-LAWS.

WHEREAS it is necessary that provision should be made for licensing and regulating omnibuses, cars, hackney carriages, and cabs, and the owners, drivers, and conductors thereof, plying for hire within the City of Sydney, and within the distance of eight miles from the corporate limits thereof: Preamble

It is hereby ordered by the Municipal Council for the said City, appointed under the Act 20 Victoria, No. 36, by virtue of the powers and authority in them in this behalf vested by the said Act, that on the nineteenth day of January, in the year of our Lord one thousand eight hundred and fifty-nine, the following by-laws shall take effect, and they are hereby established to commence on that day accordingly, and all previous existing by-laws on the subject of omnibuses and hackney carriages so plying shall from that day be, and the same are hereby, abrogated.

I. No vehicle shall ply for hire within the said City, or within the distance of eight miles from the corporate limits thereof, until and unless the same be duly licensed in the manner hereinafter described. No vehicle to ply without a license

II. Before any license for plying a vehicle, or to drive or conduct the same shall be granted, the party requiring such license shall obtain from the Town Clerk, free of charge, a requisition in the form of the schedule hereunto annexed marked A, or to the like effect, and shall duly fill up and sign the same and deliver it to the Town Clerk; and in the case of drivers and conductors shall obtain a certificate from two respectable citizens, to the effect that the applicant is of good character and competent to act as such driver or conductor, as the case may be. Form of requisition.

III. No license shall be granted in respect of any vehicle, which, in the opinion of the Mayor and any two Aldermen, shall be unsafe or in bad repair, or otherwise unfit for the accommodation or conveyance of passengers therein, nor until and unless the number of such vehicle be painted thereon, on a plate or plates affixed thereon, outside on the panel of each door of such vehicle, or in such other place or places, and in such manner as the Mayor and any two Aldermen may direct. No license to be granted for vehicle in bad condition, &c.

IV. Licenses for proprietors, drivers, or conductors of vehicles shall be in the form contained in the schedule hereunto annexed, marked B, or to the like effect. Form of license.

V. Every license granted under these by-laws shall be under the common seal of the Municipal Council, and signed by the Mayor and any one of the Aldermen, and countersigned by the Town Clerk, and shall be in force from the date of such license until the thirty-first day of December next ensuing: and no such license shall include more than one vehicle. Provided that where the licensed vehicle shall be under repair, if the proprietor shall so desire, he may be permitted to substitute another for a period to be thereby specified by indorsement on the license, signed by the Mayor, and countersigned as aforesaid. License to continue in force to December 31st.

VI. For every such license there shall be paid to the City Treasurer annually for the benefit of the City Fund, the several rates set forth in the schedule hereunto annexed, marked C. Fee for License.

VII. No license shall be granted to any person to drive any vehicle unless he shall be twenty-one years of age, nor to act as conductor unless he shall be sixteen years of age. Age of driver or conductor.

VIII. Every conductor licensed under these by-laws shall whilst conducting be compelled to wear a badge (to be furnished to the proprietor of the omnibus or car, free of charge, at the time of the issue of the proprietor's license) and an uniform dress, of such description and in such manner as the Mayor and any two Aldermen may direct. Conductor to wear a badge and uniform.

IX. All licenses shall be made out by the Town Clerk or his assistants, and numbered in such order as he may think fit. License how made out.

X. No proprietor shall be at liberty to part with or lend his license, nor to part with his licensed vehicle to any person, without the knowledge and approval of the Mayor, and the registry of the name of the purchaser in the books of the Town Clerk, and on the license granted for such vehicle; and any proprietor who shall part with his vehicle without such approval and registry, shall be deemed the proprietor thereof, and subject as such to all the provisions of this by-law as fully as if no change of ownership had taken place; and the purchaser

purchaser of such vehicle who shall allow the same to be used or to ply for hire without such approval and registry, shall be subject to the same penalty as is imposed by this by-law on a person for plying without a license.

Who shall be deemed owner.

XI. The person or persons in whose name or names a license shall appear to have been obtained, shall be deemed the owner of the vehicle in respect of which the same shall have been taken out.

Proprietors liable for conduct of conductors.

XII. Every proprietor of a licensed omnibus or car shall be held responsible for the good conduct of the conductor or conductors employed by him, and shall be liable for all the penalties which such conductor or conductors may incur under these by-laws.

Change of residence to be indorsed on license

XIII. Whenever any person, named as the proprietor or one of the proprietors of a licensed vehicle, shall change his or her place of abode, he or she shall, within two days next after any such change, give notice thereof in writing, signed by him or her, to the Town Clerk, specifying his or her new place of abode, and the same shall be duly indorsed upon the license granted to such proprietor.

License may be revoked or suspended.

XIV. The license of the proprietor, driver, or conductor of any vehicle may be revoked or suspended by the Mayor, as he shall deem right (after three days' notice in writing given to such proprietor, driver, or conductor, to shew cause why the same should not be revoked or suspended, and opportunity thereupon given to shew such cause), in case either the proprietor, driver or conductor shall have been convicted before any justice of two offences against these by-laws, committed within the period of eight months next preceeding: and a certificate from the chief clerk of any police court in Sydney shall be deemed conclusive evidence of such convictions having taken place.

Driver or conductor not to part with license, proprietor not to employ unlicensed driver or conductor.

XV. No driver or conductor of a licensed vehicle shall lend or part with his license, nor shall the proprietor of any such vehicle employ any unlicensed person as the driver or conductor thereof.

Carriages to be inspected, and if unfit for use may be suspended.

XVI. The Mayor and any two Aldermen shall, as often as they may deem it necessary, cause an inspection to be made of all or of any licensed vehicle, and of the harness, and horse or horses used in drawing the same; and if any such vehicle, horse or horses, or harness, shall at any time be found by them unfit for public use, notice in writing in the form or to the effect contained in the schedule annexed, marked E, shall be given to the proprietor of such vehicle; and if after such notice he shall use or let to hire such vehicle, or suffer the same to be used or let, until the same or the harness, or horse or horses, used in drawing the same as the case may require, shall be in a fit condition for public use, the Mayor may suspend for such time as he may deem proper the license of such vehicle.

How number to be painted on vehicle.

XVII. The number of licenses granted for every omnibus or car in figures not less than four inches in height, and for every hackney carriage or cab in figures not less than two inches in height, and of proportionate breadth—white, upon a ground of black—shall be painted outside on the panel of the door or doors of such vehicles, or on such other part or parts thereof, or on a plate or plates affixed thereon, as the Mayor may direct, and such numbers shall be kept legible and undefaced, during all the time such vehicles shall ply or be used for hire.

Number of carriage and table of fares to be affixed inside carriage.

XVIII. The number of the license of every hackney carriage or cab, on a card or plate six inches by three, printed or painted in clear legible figures, and the table of fares fixed by the Municipal Council shall be affixed at the upper part of the front panel, or in such other place inside of such carriage as the Mayor may direct, and such card or plate shall be kept so affixed, and legible, and undefaced, during all the time the carriage shall ply or be used for hire.

Table of fares which may be varied from time to time.

XIX. No proprietor or driver of any licensed hackney carriage or cab shall demand, receive, or take, more than the several fares set forth in the schedule hereunto annexed, marked D: Provided that the sums so set forth may be varied from time to time by a resolution of the Municipal Council, as occasion may seem to them to require, and notice of such alteration shall be published in the *Government Gazette*, and in one or more of the daily newspapers.

Half-fare back in certain cases.

XX. Half-fare shall be allowed back to the place from which the carriage was engaged, whenever it shall have been taken from a distance greater than one mile from the corporate limits of the city.

Additional fare after 10 p.m. and before 5 a.m.

XXI. For so much of every drive and distance as may be performed by any licensed carriage after ten o'clock at night and before five o'clock in the morning, an addition to the ordinary fare of one-half shall be paid.

Fare to include fifty pounds of luggage.

XXII. The rates of fare established or to be established under these by-laws shall be inclusive of all charges for luggage under fifty pounds weight.

Fare for detention.

XXIII. If the driver of any carriage hired by distance be kept waiting in the course of the drive or journey above fifteen minutes, except when detained by the hirer for the purpose of returning, as hereinafter provided, he shall receive for every fifteen minutes detention, after the first fifteen minutes, if it be a cab eight-pence, and if a carriage, one shilling.

Fare for sending for but not employing carriage.

XXIV. Any person calling or sending for a carriage, and not further employing the same, shall pay as follows:—For a carriage, one shilling, for a cab, nine-pence, or the fare from the stand or the place from where the carriage or cab was engaged, at the driver's option; and if the person calling the carriage shall detain the same more than five minutes, he shall further pay for any time that the carriage may be detained not exceeding a quarter of an hour, if a carriage nine-pence, if a cab sixpence, and for any time not exceeding a second quarter of an hour, if a carriage nine-pence, and if a cab six-pence, and for any further time in the same proportion.

Distance how computed.

XXV. The distance shall be computed from the stand or place where the carriage was hired, and not from the stand where such carriage may usually ply.

XXVI.

XXVI. So far as concerns fares in these by-laws, any vehicle of whatever form or construction, for which a hackney carriage license has been taken out, if drawn upon four wheels, shall be deemed a hackney carriage, and if drawn upon two wheels, a cab.

What shall be deemed a carriage, what a cab.

XXVII. No proprietor or driver of any licensed hackney carriage or cab, having agreed to take any fare at any time or from any place, shall delay, neglect, or refuse to do so.

No owner or driver shall refuse to take a fare.

XXVIII. Any person having hired a licensed hackney carriage, and not paying the legal fare when demanded, shall on conviction before any Justice forfeit and pay to the owner or driver of such carriage such fare together with such further sum for damages, costs, and expenses for loss of time or otherwise, as the said Justice shall in his discretion think proper.

Penalty for refusing to pay legal fare.

XXIX. Every proprietor or driver of a hackney carriage or cab standing or plying for hire at any public stand appointed by the Municipal Council, shall be deemed disengaged, and be bound accordingly to take immediately any fare, notwithstanding any pre-engagement.

Any carriage standing for hire shall be deemed to be disengaged.

XXX. No omnibus or car shall ply for hire within the said city, or within the prescribed distance therefrom, unless the number of the license of such vehicle, and the number of persons such vehicle is licensed to carry, in words at length in the following form, that is to say—"Licensed to carry inside and outside," together with the names of the particular stands from and to which such omnibus or car plies, be painted on such conspicuous place or places on the outside of such omnibus or car as may be directed by the Mayor and any two Aldermen, in legible letters, white upon a ground of black, at least two inches in length and of proportionate breadth, nor unless the said words be printed on a card or plate six inches by three, in clear, legible letters, and such card or plate be affixed on the upper part of the front panel, or in such other place as the Mayor and any two Aldermen may direct inside of each vehicle; and no driver or conductor of any such omnibus or car shall carry in or by such omnibus or car a greater number of persons than the number so painted and printed thereon, nor ply from or to any other stands than those so as aforesaid printed on such vehicle; nor shall such driver or conductor permit or suffer any person, except the conductor, to be on the footsteps at the back of such omnibus: Provided that when any omnibus shall be altered the same shall be immediately brought for inspection to the Town Hall, and any required alteration in the number of passengers shall be made by indorsement on the license, signed by the Mayor and any two Aldermen, and countersigned by the Town Clerk.

Number of passengers to be carried by omnibus to be painted thereon.

Omnibus being altered, to be brought for inspection.

XXXI. The owner or driver of any licensed vehicle shall not permit the same to stand or ply for hire except at or from an appointed stand.

Not to ply except from public stand.

XXXII. The first omnibus or car that arrives at any public stand shall be the first to start therefrom, and the others in due rotation in the order in which they arrive at the stand.

Starting of omnibuses.

XXXIII. Each omnibus or car that starts from one of its stands must complete its journey to its other stand in reasonable time, without turning round or leaving the proper line of road from one stand to the other.

Completion of journey.

XXXIV. No driver or conductor of any omnibus or car whilst standing at its proper stand, nor on Sundays whilst in any part of the city, or the suburbs thereof, shall endeavor to attract notice by shouting, ringing of bells, blowing of horns, or other noise: Provided that the driver or conductor of any omnibus duly licensed by the Commissioner for Railways (and none other) shall be permitted the use of a whistle whilst such omnibus shall be performing its journey to and from the railway terminus.

Not to attract notice of passengers by whilst on stand nor on Sundays.

XXXV. Railway omnibuses shall be permitted to leave their appointed stands for their journeys to the railway terminus without waiting the lapse of ten minutes between the starting of two omnibuses, the first on the stand leading, and the others following in due succession.

Railway omnibuses to follow each other without waiting.

XXXVI. No omnibus or car proprietor, driver, or conductor, shall demand or recover from any passenger a larger fare than is shewn in large immovable figures on some conspicuous place both outside and inside the omnibus or car as the fare for which such omnibus or car plies.

No demand to be made for larger fare than is shewn in figures inside and outside omnibus.

XXXVII. Any person having taken his seat in an omnibus or car, and not paying the fare when demanded at the termination of his ride, shall on conviction before any Justice forfeit and pay to the owner or driver of such omnibus or car, such amount of over damages, costs, and expenses for loss of time or otherwise, as the said Justice shall in his discretion think proper.

Penalty for refusing to pay.

XXXVIII. The places specified in schedules F and G hereto annexed are hereby respectively appointed public stands for licensed vehicles: Provided that the Municipal Council may from time to time as they shall see fit, by resolution, alter the situations and number of the said stands, and shall publish the same in the *New South Wales Government Gazette*, and one or more of the daily newspapers.

Public stands.

XXXIX. At every fourth vehicle on every stand, there shall be left a space of at least eight feet for passengers to pass through.

Space of eight feet to be left at every fourth vehicle.

XL. Every vehicle on its arrival at any such public stand, shall be drawn to the end of and be the last of the rank of any vehicles that may be then on such stand, and at every such public stand all vehicles shall be arranged only in single rank.

Order of driving up.

XLI. There shall be an interval of at least ten minutes between the starting of every two omnibuses plying from any stand to the same place, except on the railway stands; and if, after the expiration of ten minutes from the starting of the previous one, the one next in succession occupying the first place in the line, be not prepared to start, it shall be drawn to the last place on such stand, and so on with each succeeding omnibus in their order, to make way for the one which is then prepared to start.

Interval starts.

Vehicle not to loiter in the street, nor refuse to give way to another vehicle.

No injury to be done to persons or property.

Driver must keep on or near side of road.

Not to stand longer in street than necessary.

To be placed at side where fare is taken up or set down.

Pace.

Passing each other.

No driver shall carry except to Police Office any violent or noisy persons, &c.

Vehicle and harness to be kept in good order.

Smoking not allowed.

Driver to be in constant attendance.

When lights to be used.

Not to carry more passengers than carriage can conveniently accommodate.

Muzzle and nose-bags to be used.

Property left in vehicle to be handed to owner, or taken to Town Hall.

If not claimed within 14 days how to be disposed of.

Copy of by-laws to be produced upon being asked for.

XLII. No driver of any vehicle shall suffer the same to stand or loiter in any street, or alongside of any other vehicle, nor refuse to give way if he conveniently can to any other vehicle, nor obstruct the driver of any other vehicle in taking up or setting down any person, or wilfully, wrongfully, or forcibly prevent, or endeavor to prevent the driver of any other vehicle from taking a fare.

XLIII. No driver or conductor shall, whilst driving, loading, unloading, or attending any vehicle, or whilst on any public stand, wilfully or negligently do, or cause or suffer to be done, any damage to the person or property of any one, or be guilty of any breach of the peace, misconduct, or misbehaviour, nor make use of any obscene, blasphemous, threatening, abusive, or insulting language, sign, or gesticulation.

XLIV. Every driver of any vehicle shall keep the same on the left or near side of the road, except in case of actual necessity or other sufficient reason for deviation, and shall permit any other vehicle to pass his carriage having a right so to do.

XLV. No driver shall, except whilst standing on his appointed stand, permit his vehicle, with or without horses, to stand in any part of the city longer than may be necessary for loading or unloading, or for taking up or putting down passengers, nor shall cause any obstruction in any part of the city.

XLVI. Every driver, whilst engaged in taking up or putting down any passenger, shall, during such taking up or setting down, place his vehicle as near as conveniently may be to that side of the street, and at a right line with the curb stone, at which the taking up or setting down is required.

XLVII. No vehicle shall be driven through any part of the city, or of the suburbs thereof, at a walking pace, nor at a pace faster than that of a trot.

XLVIII. No omnibus shall pass any other omnibus in the city or suburbs thereof, proceeding in the same direction, if the latter be proceeding on its journey at a pace faster than a walk.

XLIX. No driver or conductor shall carry or knowingly permit to be carried, in any licensed vehicle, except to some police-office or watch-house, any coffin, or deceased human body, or any person in a state of intoxication, or so violently or noisily conducting himself or herself, or otherwise so misbehaving as to occasion any annoyance, or as to disturb the public peace.

L. The proprietor of every licensed vehicle shall at all times, when plying or employed for hire, have the same in good order, with the harness perfect and in good condition, and the glasses and frames of such vehicle whole, and the leathers attached to the frames of sufficient length, and the inside clean and in good repair, and the whole ready and sufficient for duty, with the driver, conductor, and horses competent to perform the trip from stand to stand in due and reasonable time.

LI. No driver or conductor shall smoke any pipe or cigar whilst driving or conducting any licensed vehicle engaged on any fare, nor shall any passenger smoke inside or on any vehicle without the permission of the driver, or against the wish of any other passenger.

LII. The driver or conductor of every vehicle shall be constantly attendant upon the same when standing upon its appointed stand, or whilst plying or engaged for hire, nor shall the driver be at such a distance from his horses as to prevent his having control of the same.

LIII. Every licensed vehicle plying or engaged after sunset shall, except on clear moonlight nights, be provided with lights on either side and keep the same lighted while so plying for hire.

LIV. No driver of any licensed hackney carriage shall be compelled to carry more passengers than his carriage can conveniently accommodate.

LV. The driver of every licensed vehicle shall place a muzzle upon the head of any vicious horse whilst on the stand, and whilst feeding his horses shall use nose-bags to contain the forage, and shall not remove his horses' blinkers during the time of feeding.

LVI. In every case of property being left in any vehicle by the person who used the same, such property shall be delivered up to such person, or shall, within eighteen hours, be taken in the state in which it was found to the Town Hall, and there deposited with the Town Clerk.

LVII. Any property left in any licensed vehicle at any time, and not claimed within fourteen days next afterwards, shall be advertised in one or more of the public journals of the city, and if not claimed within three calendar months after such advertisement, such property shall be disposed of by public auction, and the proceeds, after paying all expenses and such reward to the driver or conductor as the Mayor shall determine, shall be given to such public institution for charitable purposes within the city as he may direct. And if the property shall be claimed by the owner within the said period of three months, the Mayor shall cause the same to be delivered to him on his paying any expenses incurred, and making such satisfaction to the driver or conductor bringing the same as he may think reasonable.

LVIII. The owner of every licensed vehicle at the time of obtaining the license for the same, and every driver of any such vehicle at the time of registering his license, shall, without any charge, have a printed copy of these by-laws delivered to him certified by the signature of the Town Clerk, and having the name of the owner or driver to whom the same is so delivered and the number of the license written distinctly thereupon; and such owners and drivers respectively, shall at all times have such copy, or some other copy of these by-laws, ready to produce, and shall upon request produce the same for perusal to any person having hired such vehicle; and every driver and conductor shall at all times when plying for hire have with him his license, and shall upon demand produce the same to any such person, or to the Inspector of Licensed Vehicles, or to any Justice of the Peace, or Inspector of Police requiring to inspect the same.



LIX. Every owner, driver, or conductor of a vehicle, and every vehicle, shall be deemed to be licensed if a document signed by such owner, driver, or conductor, purporting to be a copy of such license be produced by the Inspector for the time being, and it shall not be necessary to call upon the party prosecuted to produce the original license to enable the prosecutor to give secondary evidence, and every person or persons, and any vehicle shall be deemed to be unlicensed unless it appears on the production of the license register by the Inspector that a license has been duly issued. Proof of license.

LX. Such person or persons as may from time to time be in that behalf appointed by the Municipal Council, shall be the inspector or inspectors during the pleasure of the Municipal Council of all licensed vehicles plying for hire within the city, or the distance of eight miles from the corporate limits thereof; and such inspector or inspectors shall from time to time examine all such vehicles, and shall at all times see that, as far as possible, these by-laws are duly observed. Inspector may be appointed.

LXI. No owner, driver, or conductor of any such vehicle, or any other person, shall obstruct any such inspector in the execution of his said duties. No one shall obstruct him in the discharge of his duties.

LXII. For every offence against the provisions of these by-laws, the offender shall be liable to, and shall pay a penalty not exceeding ten pounds, nor less than ten shillings, to be recovered in a summary way before any justice, as by law is or shall be provided. Penalties for offending against these by-laws.

LXIII. No vehicle which shall be let to hire by special agreement only, or only when bespoken at the stable or residence of its owner, and which shall never publicly take its place on any stand, or ply for hire off the premises of its owner, shall be deemed a licensed vehicle within the meaning of these by-laws; nor shall the owner, driver, or conductor of such vehicle be subject to their provisions in any respect whatever. These by-laws not to apply to vehicles hired from premises of owners, and which never ply from public stands.

LXIV. Wherever the word "vehicle" shall be used in these by-laws, the same shall be understood to apply to either an omnibus, a car, hackney carriage, or cab; and an omnibus shall be meant to be a vehicle upon four wheels drawn by two or more horses, and a car a vehicle upon two wheels, for which omnibus licenses have been taken out; and a hackney carriage shall mean a vehicle upon four wheels, drawn by two or more horses; and a cab a vehicle upon two wheels, for which hackney carriage licenses have been taken out. Interpretation of "vehicle," &c.

JOHN WILLIAMS,  
MAYOR.

*Passed by the Municipal Council of the City of Sydney, this twentieth day of December, in the year of our Lord, one thousand eight hundred and fifty-eight.*

CHAS. H. WOOLCOTT,  
Town Clerk.

Approved—

W. DENISON,  
Governor General.

#### SCHEDULE A. (Section 2.)

##### A REQUISITION FOR LICENSE TO

To the Municipal Council of the City of Sydney.

I, \_\_\_\_\_, residing in \_\_\_\_\_ street in the city of Sydney, do hereby request that a license may be granted to me, to No. \_\_\_\_\_ within the said city, and within the distance of eight miles from the corporate limits thereof.

Dated \_\_\_\_\_ 185 .

##### DESCRIPTION OF

Build  
Color  
Lining and Trimmings  
Name

#### SCHEDULE B. (Section 4.)

This is to certify, that \_\_\_\_\_ is hereby licensed to \_\_\_\_\_ a certain \_\_\_\_\_ No. \_\_\_\_\_ within the city of Sydney, and within the distance of eight miles from the corporate limits thereof, from the date hereof to the thirty-first day of December next, subject nevertheless to all and every the by-laws, rules, and regulations in force relating thereto.

Given under the Common Seal of the Municipal Council of the City of Sydney, at the Town Hall, this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord one thousand eight hundred and fifty-

\_\_\_\_\_  
Mayor.

\_\_\_\_\_  
Alderman.

\_\_\_\_\_  
Town Clerk.

SCHEDULE



## SCHEDULE C.

(Section 6.)

A TABLE of Rates to be paid by Proprietors, Drivers, and Conductors of Licensed Vehicles.

PROPRIETORS OF.	ON OR AFTER 1ST JANUARY.	ON OR AFTER 1ST APRIL.	ON OR AFTER 1ST JULY.	ON OR AFTER 1ST OCTOBER.
Omnibuses .....	10 0 0	7 10 0	5 0 0	2 10 0
Cars .....	5 0 0	3 15 0	2 10 0	1 5 0
Hackney Carriages .....	4 0 0	3 0 0	2 0 0	1 0 0
Cabs .....	3 0 0	2 5 0	1 10 0	0 15 0

For every Driver's License—Ten Shillings.  
For every Conductor's License—Five Shillings.

## SCHEDULE D.

(Section 19.)

RATES AND FARES TO BE PAID FOR ANY HACKNEY CARRIAGE (NOT AN OMNIBUS) WITHIN THE LIMITS OF THIS BY-LAW.

*If Carriage drawn by two or more Horses.*

## FARES BY DISTANCE.

	£	s.	d.
For any distance not exceeding half a mile .. .. .	0	0	9
And for every half mile, or part of a half mile, over and above any number of miles, or half miles completed .. .. .	0	0	9

## FARES BY TIME.

For any time not exceeding one half hour .. .. .	0	2	3
And for every half hour, or part of a half hour after any number of half hours, completed .. .. .	0	2	3

AND FOR EVERY CAR OR VEHICLE DRAWN BY ONE HORSE, TWO-THIRDS ONLY OF THE ABOVE RATES AND FARES.

The above Fares to be paid according to distance or time, at the option of the hirer, if expressed at the commencement of the hiring; if not otherwise expressed, the Fares to be paid according to distance: provided that no driver shall be obliged to hire his carriage for a fare to be paid according to time, for any distance beyond one mile from the Corporate limits of the said City, nor within such limits, at any time after eight o'clock in the evening, and before six o'clock in the morning.

## SCHEDULE E.

(Section 16.)

I hereby certify that the No. now used and let to hire, and known by the following marks or description, [*here state marks or description by which the carriage may be identified,*] has been duly inspected and found not to be in a fit and proper condition for public use; and the License granted to to keep and use the said carriage is hereby suspended for the period of from this date.

Dated this day of 185  
Mayor.

Town Clerk.

## SCHEDULE F.

(Section 38.)

## OMNIBUS STANDS.

*For Omnibuses plying within the limits of the City.*

At the junction of Lower Fort-street and George-street North, along the wall on the east side, leading to Dawes' Battery.  
Parramatta Road, between the junction of New Town Road and Sydney Toll Bar, south side.

*For Omnibuses plying within the limits, and beyond the limits, of the City.*

Railway station, north side of entrance, and east side of Parramatta-street.  
Victoria-street, east side, south from top of William-street.  
York-street, on the east side of Wynyard Square, and north of Erskine-street.

*For Omnibuses duly licensed by the Commissioners for Railways, to carry passengers to and from the Railway Terminus, Sydney.*

Macquarie-place, opposite the Star Hotel.  
Bridge-street, opposite Bath's Hotel.  
Railway Terminus, Sydney.

## POLICE AND HACKNEY CARRIAGE REGULATIONS.

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## SCHEDULE G.

(Section 38.)

## HACKNEY CARRIAGE STANDS.

No more than the following number of carriages shall be allowed to stand at one time on any of the stands; that is to say:—

STANDS.	Number of carriages allowed at each Stand.
In Elizabeth-street, east side, between Market and King streets .. .. .	12
Adjoining the wall of Surveyor General's Office, between Bent and Bridge streets .. .. .	10
In College-street, adjoining Hyde Park fence, near Liverpool-street .. .. .	10
Opposite the New Court House, Darlinghurst, .. .. .	8
East side of Kent-street, thirty yards south of Argyle-street .. .. .	6
West side of Sussex-street, between Margaret-place and Erskine-street .. .. .	6
West side of Sussex-street, between Erskine-street and King-street .. .. .	6
The Haymarket, south side, between George and Pitt streets .. .. .	6
Elizabeth-street, east side, opposite Bathurst-street .. .. .	6
Parramatta-street, opposite Cooper's Distillery .. .. .	4
York-street, opposite George-street Markets .. .. .	6
Market-street, south side, from George to Pitt streets .. .. .	8
Fort-street, east side, near Trinity Church .. .. .	4
Bridge-street, south side, from corner New Pitt-street half-way to George-street .. .. .	6
Princes-street, opposite the National School .. .. .	4
From north-west corner of Macquarie-place, and Castlereagh-street, along the west side of Castlereagh-street to Circular Quay .. .. .	10
From south-west corner of Phillip-street and Bridge-street to south-east corner of Elizabeth-street and Bridge-street along south side .. .. .	8
From south-west corner of William-street and Victoria-street, along west side of William-street towards Liverpool-street .. .. .	6
From south-west corner of Devonshire and Elizabeth streets, along south side of Devonshire-street, towards George-street .. .. .	6
From south-west corner of Dowling and Woolloomooloo streets, south side of Woolloomooloo-street, towards Forbes-street .. .. .	6
Druitt-street, next the Old Burial Ground wall, towards Kent-street .. .. .	10
Commencing twenty feet from George-street, opposite Dock-yard, along north side of Argyle-street, towards Old Custom House .. .. .	6
Wynyard-street, north side, adjoining Wynyard-square .. .. .	10
Railway Station, north side of entrance, and east side of Parramatta-street .. .. .	10
Charlotte-place, south side, eastward of George-street .. .. .	6
Pitt-street, between Bridge and Hunter streets, west side .. .. .	6

[Enclosure 2 in No. 2.].

## CARTERS' AND DRIVERS' ACT.—1854.

WHEREAS it is expedient to amend the laws relating to carters and drivers, and the proprietors and owners of vehicles, within the limits of the City of Sydney, and to license and regulate such persons as may ply for hire therein or within the distance of eight miles from the corporate limits thereof, and other persons driving vehicles within the limits of the said city and the Sydney Hamlets: Be it enacted by His Excellency the Governor of New South Wales, with the advice and consent of the Legislative Council thereof, as follows:—

I. The following sections and parts of sections of the Act of Council, passed in the fourth year of the reign of His late Majesty King William the Fourth, and numbered seven, intituled "*An Act for regulating the police in the town and port of Sydney, and for removing and preventing nuisance and obstructions therein*," namely, so much of the fortieth section of the said Act as applies to the driver of any waggon, wain, cart or dray of any kind, who shall ride upon any such carriage, in any street or public place as aforesaid, not having some person on foot to guide the same (such light carts as are drawn by one horse and driven or guided by reins only excepted), the fifty-fourth, fifty-fifth, fifty-sixth, and so much of the sixtieth, sixty-first, and sixty-third sections of the said recited Act, as applies in any way to licensed carters, or the duties of Justices, either in or out of Sessions, with reference thereto; and so much of the thirty-second clause of the Act of Council, made and passed in the seventeenth year of the reign of Her present Majesty Queen Victoria, and numbered twenty-five, intituled, "*An Act to extend to the Sydney Hamlets, certain of the provisions of the Sydney Police Act*," as relate to the driving of any waggon, wain, cart or dray of any kind, shall be and the same are hereby repealed.

II. The word "vehicle" in this Act shall include every wain, waggon, cart, or dray plying for hire, drawn by one or more horses or other animals.

III. No vehicle shall ply for hire within the said City of Sydney, or within the distance of eight miles from the corporate limits thereof, until and unless the same be duly licensed by the Commissioners for the said city, appointed under the Act of Council made and passed in the seventeenth year of the reign of Her present Majesty Queen Victoria, and numbered thirty-three, intituled, "*An Act to dissolve the Corporation of the City of Sydney, and for the appointment of Commissioners in lieu thereof for a limited period*."

IV. Before any license for keeping such vehicle shall be granted, a requisition for the same shall be made at the offices of the Commissioners by the proprietor or one of the proprietors of the vehicle, and signed by him, in the form contained in the Schedule hereunto annexed, marked A, or to the like effect.

V. No license shall be granted in respect of any vehicle, to any person, either as proprietor or driver, unless he shall be of good name, fame, and character, nor in respect of any vehicle which in the opinion of the Commissioners shall be unsafe or in bad repair, or otherwise

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So much of section 40 as applies to drivers of waggons, &amp;c., and

Sections 54, 55, 56, and so much of 60, 61, and 63, as applies to licensed carters, and duties of Justices in reference thereto, and so much of section 32 of 17th Vict., No. 25, as relates to driving waggons, &amp;c., repealed.

Definition of word "vehicle."

No vehicle to ply without license.

Form of requisition by proprietor.

No license to be granted to proprietor or driver, unless of good character.

otherwise unfit for the conveyance of goods or merchandise therein, nor until and unless the number of such vehicle be painted thereon, on a plate or plates affixed thereto, on such place or places, and in such manner as the Commissioners may direct.

Form of license to proprietor.

VI. Licenses for proprietors of such vehicles shall be in the form contained in the Schedule hereto annexed, marked B, or to the like effect.

License to continue in force to December 31st.

VII. Every license granted by the Commissioners shall be under their common seal, and signed by one or more of such Commissioners, and countersigned by the Secretary, and shall be in force from the date of such license, until the thirty-first day of December next ensuing; and no such license shall include more than one vehicle: Provided, that where the licensed vehicle shall be under repair, or for any other reason, if the proprietor shall so desire, he may be permitted to substitute another, for a period to be thereby specified by indorsement on the license, signed and countersigned as aforesaid.

Fee for proprietor's license.

VIII. For every such proprietor's license there shall be paid to the City Treasurer the sum of two pounds annually, for the benefit of the City Fund, if the license be granted on or after the first day of January, and on or before the thirty-first day of March, in any year, and if after that date, then in the following proportions, namely, if on or before the thirtieth day of June, the sum of thirty shillings, if after that day and on or before the thirtieth day of September, the sum of twenty shillings, and if after that day, the sum of ten shillings.

Form of requisition for driver's license.

IX. Before a license be granted to any person as driver of any vehicle, a requisition for the same shall be made at the office of the Commissioners, and signed by the applicant, in the form contained in the schedule hereunto annexed, marked C, or the like effect.

Form of driver's license.

X. The licenses to drivers of vehicles shall be in the form contained in the schedule annexed, marked D, or to the like effect, and shall be numbered in such manner as may be approved of by the Commissioners; and for every such license there shall be paid the sum of five shillings to the City Treasurer, for the benefit of the City Fund.

To remain in force to 31st December.

XI. The license of every such driver, at whatever period of the year the same may be granted, shall remain in force only until the thirty-first day of December thereafter, and shall contain the number of the vehicle for which such license is granted; and when any such driver shall drive, or be engaged to drive another vehicle, he shall produce his license to the Secretary to the Commissioners, and have the number of the new vehicle indorsed thereon.

Regulations on change of master

XII. All licenses shall be made out by the Secretary to the Commissioners, and numbered in such order as may be determined by the Commissioners.

Licenses how made out.

XIII. Any person desirous of renewing his license on the first day of January, in any year, either as proprietor or driver, must make application in writing at the office of the Commissioners, on or before the previous fifteenth day of December.

Applications for new license when to be made.

XIV. No proprietor shall be at liberty to part with or lend his or her license, nor to part with his or her licensed vehicle to any person without the knowledge and approval of the Commissioners, and the registry of the name of the purchaser in the books of the Secretary, and on the license granted for such vehicle; and any proprietor who shall part with his or her vehicle without such approval and registry, shall still be deemed the proprietor of such vehicle, and subject as such to all the provisions of this Act, as fully as if no change of ownership had taken place, and the purchaser of such vehicle, who shall allow the same to be used or to ply for hire without such approval and registry, shall be subject to the same penalty as is imposed by this Act on a person plying without a license.

Proprietor shall not part with license, nor licensed vehicle without the approval of the Commissioners.

XV. Whenever the proprietor of any licensed vehicle shall employ or permit any licensed person to act as driver thereof, such proprietor shall require to be delivered to him, and shall retain in his possession the license of such driver during such time as he shall act or be employed as such: and in all cases of complaint affecting such licensed driver, where the proprietor shall be summoned to attend before a Justice, or be lawfully required to produce the driver, he shall produce the license of such driver, and if any driver complained of shall be adjudged guilty of the offence alleged against him, it shall be lawful for the Justice to make an indorsement upon the license of such driver, stating the nature of the offence and the amount of penalty inflicted.

Proprietor's to produce driver's license when called on.

XVI. When any driver shall leave the service of the proprietor, by whom he has been employed, and shall not have been guilty of misconduct in such service, punishable under this Act, such proprietor shall forthwith return to such driver the license belonging to him.

When driver leaves service of proprietor license to be returned.

XVII. No driver of a licensed vehicle shall lend or part with his license, nor shall the proprietor of any such vehicle employ an unlicensed person as the driver thereof.

Driver not to part with license. Proprietor not to employ unlicensed driver.

XVIII. The Commissioners shall, as often as they may deem it necessary, cause an inspection to be made of all licensed vehicles, and of the harness; and if any such vehicle, or harness, shall at any time be found unfit for public use, the Commissioners may cause notice, in writing, in the form or to the effect contained in the schedule annexed, marked E, to be given to the proprietor of such vehicle; and if after such notice he or she shall use or let to hire such vehicle, or suffer the same to be used, or let, until the same, or the harness, as the case may require, shall be in a fit condition for public use, the Commissioners may suspend, for such time as they may deem proper, the license of such vehicle.

Vehicles to be inspected, and if unfit for use may be suspended.

XIX. The number of the license granted for every such vehicle, in figures not less than two inches in height, and of proportionate breadth, white upon a ground of black, shall be painted on such part or parts of the said vehicle, or on a plate or plates affixed thereon, as the Commissioners may direct; and such number shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.

How number to be painted on vehicle.

XX. No proprietor or driver of any licensed vehicle shall demand, receive, or take more than the several fares or amounts for hiring to be fixed and determined by the said Commissioners, by any By-laws to be made under and in pursuance of the provisions of this Act:

Provided

Provided that the sums so set forth may be varied from time to time, by a resolution of the Commissioners, as occasion may seem to them to require, and notice of such alteration shall be published in the *Government Gazette*, the production of which shall be deemed *prima facie* evidence thereof.

XXI. Any person calling or sending for any licensed vehicle, and not further employing the same, shall pay the sum of two shillings, or the fare or hire from the stand, or from the place where the vehicle was engaged, at the driver's option; and if the person calling the vehicle shall detain the same, he shall further pay, for any time that the vehicle may be detained not exceeding a quarter of an hour, the sum of one shilling, and for any time not exceeding a second quarter of an hour the sum of sixpence, and for any further time in the same proportion.

Fare for sending for but not employing vehicle.

XXII. The distance shall be computed from the stand or place where the vehicle was hired.

Distance how computed.

XXIII. No proprietor or driver of any licensed vehicle, having agreed to take any fare or hiring at any time or from any place, shall delay, neglect, or refuse to do so.

No owner or driver shall refuse to take a fare.

XXIV. Any person having hired a vehicle, and not paying the legal fare when demanded, shall, on conviction before any Justice or Commissioner, forfeit and pay to the owner or driver of such vehicle, double the amount of the said fare or hiring, together with such damages, costs, and expenses for loss of time or otherwise, as the said Justice or Commissioner shall, in his discretion, think proper.

Penalty for refusing to pay legal fare.

XXV. The Commissioners shall have power to appoint stands for the vehicles referred to in this Act, and from time to time, as they shall see fit, by resolution, to alter the situations and number of the said stands, and the publication of the same in the *New South Wales Government Gazette* shall be sufficient evidence thereof.

Public stands.

XXVI. At every fourth vehicle on any stand there shall be left a space of at least eight feet for passengers to pass through.

At every fourth vehicle, space of eight feet to be left.

XXVII. Licensed vehicles shall take their stations on the stand in the order of their arrival, and when any vehicle shall be called or driven off any stand, the vehicle immediately behind shall draw up to the place vacated, and any other vehicle behind in the like order.

Vehicles to take their stations in the order of arrival.

XXVIII. Every proprietor or driver of a licensed vehicle standing or plying for hire at any public stand appointed by the Commissioners, shall be deemed disengaged, and be bound accordingly to take immediately any fare or hiring notwithstanding any pre-engagement.

Any vehicle standing for hire shall be deemed to be disengaged.

XXIX. No driver of any licensed vehicle shall suffer the same to stand for hire across any street or alongside of any other vehicle, nor refuse to give way, if he conveniently can to any other vehicle, nor obstruct the driver of any other vehicle in loading or unloading any goods or merchandize, nor wilfully, wrongfully, or forcibly prevent, or endeavor to prevent, the driver of any vehicle from taking a fare or hiring.

Vehicle not to stand across any street or alongside another vehicle, or to obstruct another driver from taking a fare.

XXX. No driver shall at any time whilst driving, loading, unloading, or attending any vehicle, wilfully or negligently do, or cause or suffer to be done, any damage to the person or property of any one, or be guilty of any breach of the peace, misconduct, or misbehaviour whereby a breach of the peace may be occasioned in any respect in such employment.

No injury to be done by driver to persons or property.

XXXI. Every person having the care or conduct of any vehicle shall keep the same on the left or near side of the road, except in case of actual necessity or other sufficient reason for deviation, and shall permit any person or other vehicle to pass his vehicle having a right so to do.

Driver must keep on near side of road.

XXXII. No driver shall permit his vehicle, with or without horses, to stand in any part of the City longer than may be necessary for loading or unloading, except while standing for hire in some lawful place for that purpose or waiting for the return of the hirer.

Vehicle not to stand longer than necessary.

XXXIII. Every driver whilst engaged in loading or unloading his vehicle, shall place the same as near as conveniently may be, to that side of the street at which the loading or unloading is required.

Vehicle to be placed at side where fare is loaded or unloaded.

XXXIV. No driver shall, while having the care of any vehicle, use any obscene or blasphemous language, or any threatening, abusive, or insulting words, or become drunk whilst in charge thereof.

No obscene or blasphemous language to be used by driver.

XXXV. The proprietor of every licensed vehicle shall at all times, when plying or employed for hire, have the same in good order, with the harness perfect and in good condition, and the whole ready and sufficient for duty, with the driver and horses, or horse, competent to perform any drive or distance in due time that may be reasonably required.

Vehicle and harness to be kept in good order.

XXXVI. No licensed owner or driver, or any other person having the care and charge of any vehicle as hereinbefore described, whether licensed or otherwise, and drawn by one horse or other animal only, shall ride on such vehicle unless he shall be provided with reins to guide such one horse or other animal, and provided that the animal drawing the same shall not be allowed to proceed out of a walking pace, and no licensed owner or driver or any other person having the care and charge of any vehicle whether licensed or otherwise and drawn by two or more horses shall ride on such vehicle within the limits of the City of Sydney and the Sydney Hamlets.

No person to ride on vehicle without reins.

XXXVII. Any person committing any offence against the provisions of the previous section may be apprehended by any constable or police officer, and conveyed before a Justice of the Peace to be dealt with according to law.

Persons offending against provisions of previous section may be apprehended.

XXXVIII. The driver of every vehicle shall be constantly attendant on the same when plying for hire on any public stand or engaged for hire.

Driver to be in constant attendance on vehicle.

Muzzle to be placed on vicious animals.

Nose-bags to be used and winkers not removed when horses feeding.

Property left in vehicle to be handed to owner or taken to Commissioners' Office within eighteen hours.

If not claimed within fourteen days how to be disposed of.

Inspectors of vehicles may be appointed.

No one shall obstruct him in the execution of his duties.

Penalties for offending against this Act or any By-law made in pursuance hereof.

Powers given by 11 Vict., No. 21, to Sydney City Council, as to hackney carriages, hereby given to Sydney Commissioners.

Commissioners may make rules, &c., for regulating persons, vehicles, and horses licensed under this Act.

and may enforce the same by penalties.

Commissioners to hear and decide complaints.

XXXIX. The driver of every licensed vehicle shall place a muzzle upon the head of any vicious horse whilst on the stand waiting for hire.

XL. Every driver who shall feed his horses whilst on the stand waiting for hire, shall use nose-bags to contain the forage, and shall not remove his horses' winkers during the time of feeding.

XLI. In every case of goods or merchandize being left in any licensed vehicle or with the driver thereof by the person who hired the same, such property shall be delivered up to such person, or shall within eighteen hours be taken in the state in which it was found to the Commissioners' Office and there deposited.

XLII. Any property left in or upon any licensed vehicle at any time, and not claimed within fourteen days next afterwards, shall be advertised in one or more of the public journals of the City; and if not claimed within twelve calendar months after such advertisement, such property or goods shall be disposed of by public auction, and the proceeds after paying all expenses, and such reward to the driver as the Commissioners shall determine, shall be given to such public institution for charitable purposes within the City as they may direct: And if the property shall be claimed by the owner within the said period of twelve months, the Commissioners shall cause the same to be delivered to him on his paying any expenses incurred, and making such satisfaction to the driver bringing the same as they may think reasonable.

XLIII. Such person or persons as may from time to time, be in that behalf appointed by the Commissioners, shall be the Inspector or Inspectors, during the pleasure of the Commissioners, of all vehicles licensed under this Act, plying for hire within the City, or the distance of eight miles from the corporate limits thereof; and such Inspector or Inspectors shall, from time to time, examine all such vehicles, and shall at all times see that, as far as possible, this Act, and all and every the By-laws to be made in pursuance hereof, are duly observed.

XLIV. No owner or driver of any such vehicle, or any other person, shall obstruct any such Inspector in the execution of his said duties.

XLV. For every offence against any of the provisions of this Act, or any By-laws which may be made in pursuance of the provisions thereof, the offender shall be liable to and shall pay a penalty not exceeding Ten Pounds nor less than Ten Shillings, to be recovered in a summary way, before any Justice or Commissioner as by law or this Act is or shall be provided.

XLVI. It is hereby declared and enacted, that all and every the powers and privileges given to and conferred on the Council of the City of Sydney by the Act of the Governor and Legislative Council, made and passed in the eleventh year of the reign of Her present Majesty Queen Victoria, and numbered twenty-one, for the licensing and regulating hackney carriages within the City of Sydney, and its vicinity, and the conduct of the owners and drivers thereof, are hereby given to and conferred on the Commissioners for the City of Sydney; and all by-laws now or hereafter to be made in pursuance of the said Act shall be valid and effectual, to all intents and purposes whatsoever.

XLVII. It shall and may be lawful for the said Commissioners from time to time, and at all times, to make such general rules, orders, and by-laws for the better ordering and regulating of all and singular the persons, vehicles, and horses required to be licensed under this Act, as in the judgment of the said Commissioners may be required for public propriety, safety, accommodation, or convenience; and from time to time to alter, vary, amend, or repeal all or any of such rules, orders, and by-laws; provided that such rules, orders, and by-laws, when so made or altered, shall not be repugnant to the provisions of this Act: And it shall and may be lawful for the said Commissioners to fix and ordain therein such reasonable penalties and forfeitures as to them may seem fit for all offences against any breaches of such rules, orders, and by-laws, such penalties and forfeitures not to exceed Ten Pounds for every one offence, and to subject offenders against same to imprisonment in the common gaol or house of correction for the breach of any such rule, order, or by-law, there to be kept for any time not exceeding thirty days: And it shall and may be lawful for the said Commissioners, in their discretion, to make void or suspend the license or licenses of every offender who shall be convicted of any two offences against this Act or the said by-laws, unless the party before whom such conviction shall be had, against such offender shall, at the time of such conviction, state in writing on his license that such punishment as he has adjudged against such offender shall be "without prejudice to his license:" Provided always that such new rules, orders, and by-laws and every alteration, amendment, or repeal of the same, shall be approved of by the Governor of the said Colony: and that after such rules, orders, and by-laws, or any alterations, amendment or repeal of the same shall have been so made and approved of, the same shall be published in the *New South Wales Government Gazette*; and all such rules, orders and by-laws, and every alteration, amendment and repeal of the same, when approved of as aforesaid, shall be good and valid, as fully and effectually, to all intents and purposes whatsoever, as if the same were particularly mentioned, expressed, and enacted in this present Act.

XLVIII. The Commissioners for the said City, or any one of them, shall be, and are hereby authorised and empowered to hear and determine, in a summary way, at such place or office as they may at the time use or occupy, all offences or supposed offences against this Act, or the last recited Act, made and passed in the fourteenth year of the reign of Her present Majesty Queen Victoria, and numbered twenty-one, or the by-laws now made, or hereafter to be made, in pursuance of the provisions of the said Acts, and to make such order or adjudication as to them shall seem meet, and such order or adjudication shall have the same force and effect, and be as final and conclusive as though the same had been made by any



any Justice or Justices of the said Colony, and shall be enforced in like manner and in pursuance of the provisions of the law in force for regulating proceedings before Justices of the Peace in a summary way; and any person convicted of any offence against the said Acts or any by-law now or hereafter to be made in pursuance hereof shall have the same right to apply for a writ of prohibition as though the complaint had been heard and determined by any Justice or Justices, and all such proceedings before the said Commissioners shall be held in a place open to the public at the time.

XLIX. In citing this Act or the last recited Act in any Act of Council, or in any instrument, document, or proceeding, it shall be sufficient to use the expressions, "The 'Carters' and Drivers' Act of 1854," "The Hackney Carriage Act of 1847," and in any process for enforcing the remedies or penalties given or imposed by this Act, or the Hackney Carriage Act of 1847, or any by-law now made or hereafter to be made in pursuance of the provisions thereof, it shall be sufficient, without specifying more particularly the cause of complaint or offence, to refer by number according to the copies of the Act printed by the Government Printer, to the section or sections under which the proceeding is taken, or to the by-law and the number of the sections thereof as published in the New South Wales Government Gazette.

How this Act,  
and 11 Vict., No.  
21, may be cited.

CHARLES NICHOLSON,

SPEAKER.

*Passed the Legislative Council, this twenty-fourth day of November, }  
one thousand eight hundred and fifty-four.*

WM. MACPHERSON,

CLERK OF THE COUNCIL.

*In the name and on the behalf of Her Majesty, I assent to this Act.*

CHAS. A. FITZ ROY,

GOVERNOR GENERAL.

*Govt. House, Sydney,*

*30th November, 1854.*

#### SCHEDULE A.

##### A REQUISITION FOR LICENSE TO KEEP A VEHICLE.

To the Commissioners for the City of Sydney.

I, \_\_\_\_\_, residing in \_\_\_\_\_ street, in the City of Sydney, do hereby request that a license may be granted to me to keep, use, employ, and let a vehicle, No. \_\_\_\_\_, to ply for hire within the said City, and within the distance of eight miles from the corporate limits thereof.

Dated

A.D., 185 .

DESCRIPTION OF VEHICLE.

#### SCHEDULE B.

##### PROPRIETOR'S LICENSE.

No. .

This is to certify, that \_\_\_\_\_, is hereby licensed to ply for hire a certain Vehicle, No. \_\_\_\_\_ within the City of Sydney, and within the distance of eight miles from the corporate limits thereof, from the date hereof to the thirty-first day of December next, subject nevertheless to all and every the by-laws, rules and regulations relating thereto.

Given under the common seal of the Commissioners for the City of Sydney, at their Office, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and fifty.

Passed by the Commissioners for the City of Sydney on the day of \_\_\_\_\_ A.D. 185 .

\_\_\_\_\_  
Chief Commissioner.

or

\_\_\_\_\_  
} Commissioners.

\_\_\_\_\_  
Secretary to the Commissioners.

#### SCHEDULE

## SCHEDULE C.

## A REQUISITION FOR LICENSE TO ACT AS DRIVER OF A VEHICLE.

To the Commissioners of the City of Sydney.

I, \_\_\_\_\_, residing in \_\_\_\_\_ street, in the City of Sydney, do hereby request that a license may be granted to me to act as driver of a vehicle, No. \_\_\_\_\_ for which a license has been granted to ply for hire within the said City, and within the distance of eight miles from the corporate limits thereof.

Dated \_\_\_\_\_ 185 .

## SCHEDULE D.

## DRIVER'S LICENSE.

No. \_\_\_\_\_

This is to certify that \_\_\_\_\_, is hereby licensed to act as driver of a certain vehicle, No. \_\_\_\_\_, licensed to ply for hire within the City of Sydney, and within the distance of eight miles from the corporate limits thereof, from the date hereof to the thirty-first day of December next, subject nevertheless to all and every the by-laws, rules, and regulations now in force relating thereto.

Passed by the Commissioners for the City of Sydney, at their office, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 185 .

\_\_\_\_\_ Chief Commissioner.

or

\_\_\_\_\_ } Commissioners.

\_\_\_\_\_  
Secretary to the Commissioners.

## SCHEDULE E.

We, \_\_\_\_\_, do hereby certify that we have caused the vehicle, No. \_\_\_\_\_, now used and let to hire, and known by the following marks or description (*here state marks or description, if any*) to be inspected, and find the said vehicle not to be in a fit and proper condition for public use, and we do hereby suspend the license granted to \_\_\_\_\_ to keep and use the said vehicle for the period of \_\_\_\_\_ from this date.

\_\_\_\_\_ } Commissioners.

## SCALE OF FARES.

No proprietor or driver of any licensed vehicle shall demand, receive, or take more than the following fares or amounts, namely:—

From any wharf, stand, or place in Sydney, or within eight miles thereof, to a distance not exceeding half a mile, three shillings.

For every additional half mile or part of half a mile, one shilling and sixpence.

## PUBLIC STANDS.

The following places are appointed as stands for vehicles licensed under the "Carters' and Drivers' Act for 1854":—

Queen's Wharf.

York-street, along the line of Markets.

Market Wharf.

Argyle-street West.

Macquarie-place.

Margaret-place, end of Sussex-street.

Margaret-place, east end, near George-street.

West of Campbell-street Market.

(Signed) { GILB. ELIOTT, Chief Commissioner.  
F. O. DARVALL, } Commissioners.  
JOHN RAE, }  
(Signed) CHAS. H. WOOLCOTT, Secretary.

## POLICE AND HACKNEY CARRIAGE REGULATIONS.

45

## No. 3.

RETURN of all Fees paid, and Penalties enforced, under the Dog Acts, at the various Police Offices of the Metropolis and Townships in the Colony, during the year 1859, as far as can be ascertained by accounts in this Office :—

PLACE.	FEES PAID FOR REGISTRATION.			FINES PAID UNDER 6 WM. IV., NO. 4.		
	£	s.	d.	£	s.	d.
Albury .. .. .	3	10	6	.....		
Armidale .. .. .	4	8	0	.....		
Bathurst .. .. .	20	6	0	12	0	0
Berrima .. .. .	2	1	0	.....		
Braidwood .. .. .	2	10	0	.....		
Brisbane .. .. .	6	1	0	.....		
Carcoar .. .. .	1	8	0	.....		
Cooma.. .. .	2	5	0	1	0	0
Campbelltown .. .. .	0	19	0	.....		
Dungog .. .. .	1	7	6	.....		
Deniliquin .. .. .	1	0	0	.....		
Gundagai .. .. .	3	15	0	.....		
Goulburn .. .. .	2	10	0	.....		
Liverpool .. .. .	0	6	0	.....		
Maitland .. .. .	19	3	6	2	0	0
Mudgee .. .. .	4	11	0	.....		
Murrumbidgee .. .. .	1	7	0	0	5	0
Muswellbrook .. .. .	4	3	0	.....		
Newcastle .. .. .	22	17	0	.....		
Parramatta .. .. .	1	9	0	.....		
Port Macquarie .. .. .	1	19	6	.....		
Queanbeyan .. .. .	1	15	0	.....		
Raymond Terrace .. .. .	4	19	0	.....		
Rockhampton .. .. .	0	18	0	.....		
Scone.. .. .	4	12	0	.....		
Singleton .. .. .	5	19	6	.....		
Sydney .. .. .	174	16	0	6	7	0
Tamworth .. .. .	0	10	0	.....		
Tumut .. .. .	3	11	0	.....		
Wellington .. .. .	1	2	6	.....		
Wollongong .. .. .	2	17	0	.....		
Windsor .. .. .	15	5	0	.....		
Wingham .. .. .	.....			1	0	0
Yass .. .. .	6	18	0	.....		
Total..	£	331	10 0	22	12	0

W. C. MAYNE,

A. G.

Audit Office, Sydney,  
3 February, 1860.

Sydney: Thomas Richards, Government Printer.—1860.

[Price, 1s. 11d.]

417—G





1859.

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**Legislative Assembly.**  
**NEW SOUTH WALES.**

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**POLICE FORCE.**  
 (DISTRIBUTION OF, THROUGHOUT THE COLONY.)

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*Ordered by the Legislative Assembly to be Printed, 13 October, 1859.*

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RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 28 September, 1859, That there be laid upon the Table of this House,—

“ A Return shewing the alterations made, or contemplated, for  
 “ the current or ensuing year, in the distribution of the Police  
 “ Force throughout the Colony, specifying the Police and Elec-  
 “ toral Districts in which such alterations have been made, or  
 “ are intended to be made ; the extent of reduction or of increase  
 “ in each District ; the cost or saving of the same, as the case  
 “ may be ; and the reasons, if any, for reduction or increase in  
 “ each case.”

(*Mr. Forster.*)

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RETURN shewing the contemplated alterations in the distribution of the Police Force throughout the Colony; the extent of Increase or Reduction in each District; the cost of, or saving upon the same, and the reasons for such Reduction or Increase.

POLICE DISTRICT.	ELECTORAL DISTRICT.	VOTED FOR 1859.		PROPOSED FOR 1860.		INCREASE.		DECREASE.		REASON FOR INCREASE OR REDUCTION.
		No. of Police.	Amount of Salaries.	No. of Police.	Amount of Salaries.	No. of Police.	Cost.	No. of Police.	Saving.	
Sydney, Metropolitan ..	East and West Sydney ..	157	£ s. d. 18,243 0 0	157	£ s. d. 18,458 0 0	....	£ s. d. 215 0 0	....	£ s. d. .....	The difference in pay between 4 Sergeants and 4 Ordinary Constables; the additional Sergeants being required to take charge of the Police in four of the new Municipalities within the Metropolitan District.
	Canterbury .....									
	The Glebe .....									
	Newtown .....									
	Paddington .....									
Sydney, Horse Patrol ..	St. Leonard's .....	18	2,095 0 0	18	2,095 0 0	....	.....	....	.....	
Sydney, Water Police ....	.....	20	2,326 0 0	20	2,326 0 0					
		195	22,664 0 0	195	22,879 0 0	....	215 0 0	....	.....	
Albury .....	The Hume .....	13	1,407 0 0	10	1,110 0 0	....	.....	3	297 0 0	In order to lessen the expenditure for Police purposes.
Armidale .....	New England .....	11	1,206 0 0	11	1,224 0 0	....	18 0 0	....	.....	Two Constables reduced at Armidale, and 1 District and 1 Ordinary added for Bundara.
Bathurst.....	Bathurst .....	18	1,922 0 0	16	1,729 0 0	....	.....	2	193 0 0	In order to lessen the expenditure for Police purposes.
Balranald and Native Police .....	Balranald .....	8	990 0 0	21	2,143 0 0	1	23 0 0	....	.....	To substitute Ordinary Police for Native Police, to be stationed thus—1 Chief 3 Ordinary at Wentworth, 1 District 2 Ordinary at Fort Bourke, 1 District and 2 Ordinary at Minindi, with a Native Tracker at each station.
		12	1,130 0 0							
		20	2,120 0 0							
Berrima .....	Camden.....	8	878 0 0	6	680 0 0	....	.....	2	198 0 0	In order to lessen the expenditure for Police purposes.
Binalong .....	The Lachlan .....	7	791 0 0	6	693 0 0	....	.....	1	98 0 0	Do. do.
Braidwood.....	Braidwood .....	4	443 0 0	4	478 0 0	....	35 0 0	....	.....	To raise Chief Constable from 2nd to 1st Class.
Brisbane.....	Brisbane .....	16	1,708 0 0	16	1,708 0 0					
	Carried forward..	97	10,475 0 0	90	9,765 0 0	1	76 0 0	8	786 0 0	

RETURN—Continued.

POLICE DISTRICT.	ELECTORAL DISTRICT.	VOTED FOR 1859.		PROPOSED FOR 1860.		INCREASE.		DECREASE.		REASON FOR INCREASE OR REDUCTION.
		No. of Police.	Amount of Salaries.	No. of Police.	Amount of Salaries.	No. of Police.	Cost.	No. of Police.	Saving.	
	Brought forward ..	97	£ s. d. 10,475 0 0	90	£ s. d. 9,765 0 0	1	£ s. d. 76 0 0	8	£ s. d. 786 0 0	
Bombala.....	Monaro .....	4	441 0 0	4	441 0 0					
Broulee .....	Eden .....	5	541 0 0	5	541 0 0					
Camden and Picton....	{ Camden and part of Narellan .....	10	1,092 0 0	8	895 0 0	....	.....	2	197 0 0	In order to lessen the expenditure for Police purposes.
Campbelltown .....	Narellan .....	7	789 0 0	5	592 0 0	....	.....	2	197 0 0	Do. do.
Carcoar .....	Carcoar .....	11	1,206 0 0	9	1,009 0 0	....	.....	2	197 0 0	Do. do.
Cassilis .....	Upper Hunter .....	6	655 0 0	5	557 0 0	....	.....	1	98 0 0	Do. do.
Condamine .....	Darling Downs .....	4	476 0 0	4	476 0 0					
Cooma .....	Monaro .....	4	476 0 0	5	592 0 0	1	116 0 0	....	.....	{ One Ordinary Constable reduced at Cooma, and 1 District and 1 Ordinary Constable added, to be stationed at Nimitybell.
Dalby .....	Darling Downs .....	4	441 0 0	4	441 0 0					
Deniliquin .....	The Murray .....	8	890 0 0	6	693 0 0	....	.....	2	197 0 0	In order to lessen the expenditure for Police purposes.
Drayton .....	Darling Downs .....	9	992 0 0	9	992 0 0					
Dubbo .....	The Bogan .....	11	1,199 0 0	10	1,101 0 0	....	.....	1	98 0 0	Do. do.
Dungog .....	The Williams .....	4	455 0 0	4	455 0 0					
Eden .....	Eden .....	5	541 0 0	5	541 0 0					
Gayndah .....	The Burnett.....	7	791 0 0	7	791 0 0					
Gosford .....	Wollombi .....	5	541 0 0	4	443 0 0	....	.....	1	98 0 0	Do. do.
Goulburn .....	Goulburn .....	20	2,138 0 0	16	1,742 0 0	....	.....	4	396 0 0	Do. do.
Gladstone .....	Leichhardt .....	12	1,386 0 0	12	1,386 0 0					
Grafton .....	The Clarence .....	5	542 0 0	5	542 0 0					
	Carried forward ..	238	26,067 0 0	217	23,995 0 0	2	192 0 0	23	2,264 0 0	

## RETURN—Continued.

POLICE DISTRICT.	ELECTORAL DISTRICT.	VOTED FOR 1859.		PROPOSED FOR 1860.		INCREASE.		DECREASE.		REASON FOR INCREASE OR REDUCTION.
		No. of Police.	Amount of Salaries.	No. of Police.	Amount of Salaries.	No. of Police.	Cost.	No. of Police.	Saving.	
	Brought forward ..	238	£ s. d. 26,067 0 0	217	£ s. d. 23,995 0 0	2	£ s. d. 192 0 0	23	£ s. d. 2,264 0 0	
Gundagai .....	The Tumut .....	7	743 0 0	6	645 0 0	....	.....	1	98 0 0	In order to lessen the expenditure for Police purposes. Do. do.
Hartley .....	Hartley .....	7	756 0 0	6	658 0 0	....	.....	1	98 0 0	
Ipswich .....	Ipswich .....	14	1,507 0 0	14	1,507 0 0					
Kiama .....	Kiama .....	3	315 0 0	3	315 0 0					
Leichhardt .....	Leichhardt .....	3	315 0 0	3	315 0 0					
Maitland .....	East and West Maitland ..	25	2,626 0 0	20	2,133 0 0	....	.....	5	493 0 0	Do. do.
Macleay .....	The Hastings .....	6	548 0 0	6	548 0 0					
Macdonald River ..	Hawkesbury .....	1	100 0 0	1	100 0 0					
Manning River .....	The Hastings .....	3	315 0 0	3	315 0 0					
Maryborough .....	The Burnett .....	5	577 0 0	5	577 0 0					
Moama .....	The Murray .....	4	441 0 0	4	441 0 0					
Molong .....	The Bogan .....	9	1,000 0 0	9	1,000 0 0					
Moulamein .....	The Murray .....	4	476 0 0	4	476 0 0					
Mudgee .....	Mudgee .....	7	778 0 0	6	680 0 0	....	.....	1	98 0 0	Do. do.
Murrurundi .....	The Upper Hunter .....	4	440 0 0	3	342 0 0	....	.....	1	98 0 0	Do. do.
Muswellbrook .....	The Upper Hunter .....	5	541 0 0	4	443 0 0	....	.....	1	98 0 0	Do. do.
Newcastle .....	Newcastle .....	12	1,293 0 0	10	1,097 0 0	....	.....	2	196 0 0	Do. do.
Orange .....	Orange .....	6	655 0 0	5	557 0 0	....	.....	1	98 0 0	Do. do.
Parramatta and Liverpool	Parramatta and Liverpool	20	2,097 0 0	16	1,703 0 0	....	.....	4	394 0 0	Do. do.
Paterson .....	Paterson .....	5	541 0 0	4	443 0 0	....	.....	1	98 0 0	Do. do.
Patrick's Plains .....	Patrick's Plains .....	6	642 0 0	5	544 0 0	....	.....	1	98 0 0	Do. do.
	Carried forward ..	394	42,773 0 0	354	38,834 0 0	2	192 0 0	42	4,131 0 0	

RETURN—Continued.

POLICE DISTRICT.	ELECTORAL DISTRICT.	VOTED FOR 1859.		PROPOSED FOR 1860.		INCREASE.		DECREASE.		REASON FOR INCREASE OR REDUCTION.
		No. of Police.	Amount of Salaries.	No. of Police.	Amount of Salaries.	No. of Police.	Cost.	No. of Police.	Saving.	
			£ s. d.		£ s. d.		£ s. d.		£ s. d.	
	Brought forward ..	394	42,773 0 0	354	38,634 0 0	2	192 0 0	42	4,131 0 0	
Penrith .....	The Nepean .....	10	1,092 0 0	8	895 0 0	....	.....	2	197 0 0	In order to lessen the expenditure for Police purposes.
Port Macquarie.....	The Hastings .....	5	541 0 0	4	443 0 0	....	.....	1	98 0 0	
Port Stephens .....	The Williams .....	4	414 0 0	3	316 0 0	....	.....	1	98 0 0	
Queanbeyan ..	Queanbeyan .....	8	891 0 0	6	693 0 0	....	.....	2	198 0 0	
Raymond Terrace.....	The Lower Hunter .....	5	575 0 0	3	377 0 0	....	.....	2	198 0 0	Do. do.
Rylstone.....	Hartley .....	4	440 0 0	3	342 0 0	....	.....	1	98 0 0	Do. do.
Scone .....	Upper Hunter .....	5	541 0 0	4	443 0 0	....	.....	1	98 0 0	Do. do.
Shoalhaven .....	Shoalhaven .....	4	414 0 0	4	414 0 0					
Tamworth .....	Liverpool Plains .....	11	1,193 0 0	11	1,193 0 0					
Tabulam.....	The Clarence .....	9	970 0 0	7	772 0 0	....	.....	2	198 0 0	Do. do.
Tenterfield.....	Tenterfield .....	4	440 0 0	3	342 0 0	....	.....	1	98 0 0	Do. do.
Tumut .....	Tumut .....	5	541 0 0	4	443 0 0	....	.....	1	98 0 0	Do. do.
Wagga Wagga.....	Murrumbidgee .....	5	589 0 0	4	491 0 0	....	.....	1	98 0 0	Do. do.
Warialda .....	The Gwydir.....	6	658 0 0	6	658 0 0					
Warwick .....	Darling Downs .....	4	441 0 0	4	441 0 0					
Wee Waa .....	The Gwydir.....	6	658 0 0	6	658 0 0					
Wellington.....	Wellington .....	6	655 0 0	5	557 0 0	....	.....	1	98 0 0	Do. do.
Wellingrove .....	Tenterfield .....	4	443 0 0	5	557 0 0	1	114 0 0	....	.....	One Ordinary Constable reduced at Glen Innes, 1 District and 1 Ordinary Constable added, to be stationed at Inverell.
Windsor .....	Windsor .....	13	1,379 0 0	10	1,084 0 0	....	.....	3	295 0 0	
Wollongong .....	Illawarra .....	6	677 0 0	5	579 0 0	....	.....	1	98 0 0	In order to lessen the expenditure for Police purposes.
	Carried forward ..	518	56,325 0 0	459	50,532 0 0	3	306 0 0	62	6,099 0 0	Do. do.

## RETURN—Continued.

POLICE DISTRICT.	ELECTORAL DISTRICT.	VOTED FOR 1859.		PROPOSED FOR 1860.		INCREASE.		DECREASE.		REASON FOR INCREASE OR REDUCTION.
		No. of Police.	Amount of Salaries.	No. of Police.	Amount of Salaries.	No. of Police.	Cost.	No. of Police.	Decrease.	
	Brought forward ..	518	£ s. d. 56,325 0 0	459	£ s. d. 50,532 0 0	3	£ s. d. 306 0 0	62	£ s. d. 6,099 0 0	{ In order to lessen the expenditure for Police purposes. Do. do.
Wollombi .....	Wollombi .....	4	414 0 0	3	316 0 0	....	.....	1	98 0 0	
Yass .....	Yass .....	7	778 0 0	6	680 0 0	....	.....	1	98 0 0	
		529	57,517 0 0	468	51,528 0 0	3	306 0 0	64	6,295 0 0	{ Two Sergeants, 3 Corporals, and 9 Troopers added, for the purpose of doing duty on the new Gold Fields, opened during the year in the Northern District.
Gold Police, Gold Escorts, and Mounted Patrols throughout the Colony..... (In various Electoral Districts of the Colony.)		155	18,275 0 0	169	19,850 0 0	14	1,575 0 0	....	.....	
Detective Police throughout the Colony .....		9	1,123 0 0	9	1,123 0 0					

## SUMMARY, shewing the Total INCREASE or DECREASE.

POLICE DISTRICTS.	VOTED FOR 1859.		PROPOSED FOR 1860.		INCREASE.		DECREASE.		
	No. of Police.	Amount of Salaries.	No. of Police.	Amount of Salaries.	No. of Police.	Cost.	No. of Police.	Saving.	
		£ s. d.		£ s. d.		£ s. d.		£ s. d.	
Sydney { Metropolitan .....	157	18,243 0 0	157	18,458 0 0	....	215 0 0			
{ Horse Patrol .....	18	2,095 0 0	18	2,095 0 0					
{ Water Police .....	20	2,326 0 0	20	2,326 0 0					
	195	22,664 0 0	195	22,879 0 0	....	215 0 0			
Country Districts .....	529	57,517 0 0	468	51,528 0 0	3	306 0 0	64	6,295 0 0	No.
Gold Police, Gold Escorts, and Mounted Patrols throughout the Colony .....	155	18,275 0 0	169	19,850 0 0	14	1,575 0 0			£ s. d.
Detective Police throughout the Colony .....	9	1,123 0 0	9	1,123 0 0					
TOTALS .....	888	99,579 0 0	841	95,380 0 0	17	2,096 0 0	64	6,295 0 0	47
									4,199 0 0
									Total Decrease.
									17 2,096 0 0
									" Increase.
									Decrease on the whole.

Sydney, 11 October, 1859.

JOHN McLERIE,  
Inspector General of Police.

1859.

Legislative Assembly.

NEW SOUTH WALES.

## QUEANBEYAN POLICE.

(CORRESPONDENCE IN REFERENCE TO.)

*Ordered by the Legislative Assembly to be Printed, 12 October, 1859.*

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 28 September, 1859, That there be laid upon the Table of this House,—

“Copies of all Correspondence, during the present year, between  
“the Executive Government and the Bench of Magistrates at  
“Queanbeyan, or any person or persons, having reference to  
“applications for additional Police in any part of the District,  
“or to the reduction of the Police Force in the said District.”

(Mr. Forster.)

## SCHEDULE.

NO.	PAGE.
1. W. Forster, Esq., to the Colonial Secretary, relative to the unprotected state of the Mielago portion of the Queanbeyan Police District .. .. .	2
2. The Under Secretary to the Bench of Magistrates, Queanbeyan, requesting to know whether a constable cannot be stationed at the above place. 2 September, 1859 .. .. .	2
3. The Bench of Magistrates, Queanbeyan, to the Colonial Secretary, in reply. 8 September, 1859 .. .. .	3



## QUEANBEYAN POLICE.

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No. 1.

W. FORSTER, ESQ., to THE COLONIAL SECRETARY.

SIR,

Having just received a communication, dated August 3, and signed by twenty-eight persons representing themselves, and who, I have no doubt, are residents at or near Mielago, in the District of Queanbeyan, complaining of the unprotected state of the locality in question, which, in the words of my correspondents, has been "long left without any protection whatever, although being on the mail road leading from Queanbeyan to Cooma, and distant from each place thirty miles," and requesting that steps may be taken to provide for the deficiency complained of; I do myself the honor to bring the matter under your notice, and respectfully to recommend that a sufficient sum may be placed on the Estimates to meet the necessities of the case, which I believe to have been not in the least exaggerated by my correspondents, who further state, as an additional reason for their request, that "the crime of cattle stealing, which keeps daily increasing in this portion of the district as well as other places, requires looking after." I have the honor also to suggest, that the frequent mail robberies which have recently occurred in the interior of the Colony render it advisable not to leave so large an extent of the Main Southern Road to the important district of Maneroo without police.

I have, &c.,

WILLIAM FORSTER.

THE HONORABLE

THE COLONIAL SECRETARY.

The Inspector General of Police.

C. C.

B.C., 20 Aug.

A recommendation of the same nature as this was made by the Queanbeyan Bench, but as the Chief Secretary in re-casting the Estimates of 1860, with a view to reducing the Police Expenditure, has taken off two ordinary constables from the existing strength of the Queanbeyan Police, no increase can be entertained.

J. M'L.,

I. G. P.

B.C., 30 Aug.

No. 2.

THE PRINCIPAL UNDER SECRETARY to THE BENCH OF MAGISTRATES, QUEANBEYAN.

*Colonial Secretary's Office,*

*Sydney, 2 September, 1859.*

GENTLEMEN,

In transmitting herewith a copy of a letter from Mr. Forster, M. P., relative to the unprotected state of Mielago in your district, I am directed by the Colonial Secretary to inquire whether you cannot station a constable at that place.

2. I am desired at the same time to acquaint you, that, in preparing the Estimates for the next year, with a view to the reduction of the police expenditure, a reduction of two ordinary constables will be made in the strength of your Police Establishment.

I have, &c.,

W. ELYARD.

THE BENCH OF MAGISTRATES,  
Queanbeyan.

No. 3.

## No. 3.

THE BENCH OF MAGISTRATES, QUEANBEYAN, to THE COLONIAL SECRETARY.

*Police Office, Queanbeyan,*  
8 September, 1859.

SIR,

In acknowledging the receipt of your letter of 2nd instant, inquiring whether we cannot station a constable at Mielago, and conveying a communication from Mr. Forster, M. P., relative to the unprotected state of that part of this district,—

We do ourselves the honor to state, for your information, we do not feel justified in detaching one of four constables stationed at Queanbeyan on the duty adverted to, that number being no more than commensurate with the demands of the town, and the performance of the duties pertaining to the Police Office and chief lock-up, as we took occasion to intimate in our letter of 29 July to the Inspector General of Police. We may observe that, by same opportunity, we took leave to recommend that addition be made to the force for the ensuing year, to the extent of one district and one ordinary constable at Mielago, and one district constable at Bungendore.

We have, &c.,

HENRY HALL, J. P.  
A. CUNNINGHAM, J. P.  
W. F. HAYLEY, J. P.  
WM. DAIR, J. P.  
CHAS. E. NEWCOMBE, P. M.

THE HONORABLE

THE COLONIAL SECRETARY.



1859.

*Legislative Assembly.*  
NEW SOUTH WALES.

**AUSTRALIAN NAVAL STATION.**  
(DESPATCH RESPECTING THE.)

*Ordered by the Legislative Assembly to be Printed, 20 September, 1859.*

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

(Circular.)

*Downing-street,*  
14 July, 1859.

SIR,

With reference to previous correspondence on the same subject, I have to acquaint you that a communication has been received from the Admiralty, reporting that Captain Loring, Commanding Her Majesty's Ship "Iris," has been appointed a Commodore of the Second Class, and that the Australian Station has been made a separate Naval Command, independent of the Commanders-in-Chief of Her Majesty's Ships in the East Indies and China.

It is further stated, that in addition to the ships noted in the margin, and which are mentioned by Captain Loring as numerically sufficient for the service which they have to perform, the Lords Commissioners have attached the "Pelorus," a Screw Corvette of 21 guns, to the Australian Station.

The Niger.  
Cordelia.  
Iris.  
Eik.

I have, &c.,  
NEWCASTLE.

GOVERNOR

SIR W. T. DENISON, K.C.B.,

&c.,                      &c.,                      &c.



1859.

Legislative Assembly.

NEW SOUTH WALES.

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## NAVAL COLONIAL ALLOWANCE.

(DESPATCH RELATIVE TO RE-ISSUE OF.)

---

*Ordered by the Legislative Assembly to be Printed.*

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• THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.

No. 23.)

*Downing-street,*

10 March, 1859.

SIR,

With reference to your Despatch, No. 158, of the 27th of October, I have to inform you that I have learned with much satisfaction that the local Legislature had assented to the re-issue of the Colonial Allowance to the crews of the Ships of War on the Australian Station.

I have, &c.,

E. B. LYTTON.

GOVERNOR SIR W. DENISON, K.C.B.,

&c.,      &c.,      &c.



1859-60.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**NOMINATION OF NAVAL CADETS IN THE COLONY.**  
(DESPATCH RELATIVE TO.)

*Ordered by the Legislative Assembly to be Printed, 24 January, 1860.*

(No. 35.)

*Downing-street,*  
10 November, 1859.

SIR,

I have much pleasure in informing you, that the Lords Commissioners of the Admiralty have been pleased, at my recommendation, to place at the disposal of the Secretary of State, annually, some nominations to Naval Cadetships, in favor of candidates recommended to the Secretary of State for this purpose by the Governors of the principal Australian Colonies. The number of such nominations which can be conceded is necessarily very limited, but it will enable me to present to you, in each year, one nomination, to be made in favor of any candidate who may appear to you fully eligible for introduction into Her Majesty's Naval Service.

The enclosed extract of the letter from the Admiralty will place you in possession of some particulars about admission and subsequent training, and you will perceive that further regulations will be hereafter supplied.

I have, &c.,  
NEWCASTLE.

GOVERNOR SIR WILLIAM DENISON, K.C.B.,  
&c.,      &c.,      &c.,  
New South Wales.

*EXTRACT of a Letter from Mr. Romaine to Mr. Merivale, dated Admiralty, 15  
October, 1859.*

"The candidates will be allowed to undergo a preliminary examination (conducted strictly in accordance with the regulations) on board the senior officer's ship on the station; but in the event of their being found qualified, it will still be necessary that they should be sent to this country, to be entered on board the Training Ship at Portsmouth where they will be subject to the same regulations as all other cadets.

"I am further to acquaint you, that the age for admission is about to be altered, and the regulations, generally, are now undergoing revision, but my Lords will supply you with copies, so soon as they shall have been finally decided upon."

Sydney: Thomas Richards, Government Printer.—1860.





1859-60.

## NEW SOUTH WALES.

## NAVAL CADETSHIPS IN THE COLONY.

(FURTHER DESPATCH, ENCLOSING NEW REGULATIONS.)

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR GENERAL.

Downing-street,

1 January, 1860.

SIR,

I transmit to you, herewith, copies of new regulations which have been issued by the Lords Commissioners of the Admiralty affecting candidates for Naval Cadetships. These regulations will come into operation on 1st April next.

I have, &amp;c.,

NEWCASTLE.

[Enclosure.]

## NAVAL CADETS.

*THE following Regulations will come into operation in regard to persons nominated to Naval Cadetships on or after the 1st of April, 1860.*

I. No person will be nominated to a Cadetship in the Royal Navy who shall be under 12 or above 14 years of age at the time of his first Examination.\*

II. Every Candidate, on obtaining a nomination, will be required to pass an Examination at the Royal Naval College at Portsmouth, within three months of nomination. In the special cases of nominations granted to the sons of natives of Her Majesty's Colonies, a Candidate will be allowed to pass a *preliminary* examination on board the Flag or Senior Officer's Ship on the Station; but such examination must be passed in strict accordance with these regulations; and should the Candidate be found qualified, it will still be necessary that he should be sent to England to be entered on board a Training Ship, where he will be subject to the same regulations as other Cadets.

III. The Candidate must produce a Certificate of Birth, or declaration thereof made before a Magistrate.

IV. The Candidate must be in good health and fit for the Service, that is, free from impediment of speech, defect of vision, rupture, or other physical inefficiency.

Candidates will be required—

1. To write English correctly from dictation, and in a legible hand.
2. To read, translate, and parse an easy passage from Latin or from some Foreign Living Language.

N.B.—The aid of a Dictionary will be allowed for these Translations.

And to have a satisfactory knowledge of—

3. The leading facts of Scripture and English history.
4. Modern geography, in so far as relates to a knowledge of the principal countries, capitals, mountains, and rivers. To be able to point out the position of a place on a Map when its latitude and longitude is given.
5. Arithmetic, including proportion, and a fair knowledge of vulgar and decimal fractions.
6. A knowledge of the definitions and axioms of the first book of Euclid.

As drawing will prove a most useful qualification for Naval Officers, it is recommended that Candidates for the Service should be instructed therein.

V.

\* These Examinations will take place on the first Wednesdays in the months of March, June, September, and December.

V. If the Candidate be found unqualified at his first examination, he will be allowed a second trial at the next Quarterly Examination. Should he not pass this second Examination he will be finally rejected.

VI. If the Candidate succeeds in passing the required Examination, he will be at once appointed to a Training Ship for the purpose of instruction, rigging of ships, seamanship, the use of nautical instruments, &c.

List of instruments and books which each Cadet will be required to have on entry:—

Sextant.

Case of mathematical instruments, containing a good protractor.

Spy-glass.

French grammar and a dictionary containing sea terms.

A book on navigation.

Euclid's elements.

Book of geography. (Sullivan's 2s. Ed.)

Book on use of mathematical and nautical instruments.

A book on the steam-engine.

Colenso's arithmetic and algebra.

Jean's Trigonometry.

Boyd's Naval Cadet's Manual.

The Ship's Library will contain books of instruction.

1859.

Legislative Assembly.

NEW SOUTH WALES.

## MAJOR OF BRIGADE.

(PAPERS RELATIVE TO LODGING ALLOWANCE IN LIEU OF QUARTERS.)

*Ordered by the Legislative Assembly to be Printed, 15 December, 1859.*

THE SUPERINTENDENT OF THE SYDNEY MINT to THE COLONIAL SECRETARY.

*Sydney, 9 August, 1854.*

SIR,

Adverting to your verbal instructions of the 13th ultimo, authorising me to commence the erection of the Mint Buildings, I have the honor to state that, as it is desirable that the operations of the work should be pursued with vigour, and every effort made to complete the buildings as early as possible, it is very necessary that the whole of the offices and premises lately occupied by the Military Staff should be given over to this Department, and arrangements made for the future office accommodation of the Military officers and persons now occupying a portion of these premises.

2. I therefore beg to bring the same under your notice, and would feel obliged by your giving directions accordingly.

I have, &amp;c.,

THE HONORABLE

THE COLONIAL SECRETARY.

JOSEPH TRICKETT,

Superintendent.

W. ELYARD, Esq., to THE BRIGADE MAJOR.

*Colonial Secretary's Office,**Sydney, 12 August, 1854.*

SIR,

I do myself the honor, by direction of His Excellency the Governor General, to request the favor of your report on the enclosed letter from the Superintendent of the Sydney Mint, urging the necessity of the Staff offices being at once given over to that Department.

I have, &amp;c.,

THE BRIGADE MAJOR.

W. ELYARD.

## MAJOR OF BRIGADE.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,  
Sydney, 24 August, 1854.*

SIR,

Having submitted your letter of the 12th instant, with its enclosure, to the Lieutenant-Colonel Commanding the Troops, I have the honor to state, for the information of His Excellency the Governor General, that as the offices at present occupied by the Military Staff in Macquarie-street are required for Mint purposes, as stated in Mr. Trickett's letter of the 9th instant, it will be necessary that office accommodation, as per margin, should be provided, to enable the Officer Commanding the Troops, and the Brigade Major's Department, to carry on their respective duties.

I have, &amp;c.,

AUGUSTUS JENNER. Capt.,  
M.B.

THE HONORABLE

THE COLONIAL SECRETARY.

W. ELYARD, ESQ., to THE COLONIAL ARCHITECT.

*Colonial Secretary's Office,  
Sydney, 15 September, 1854.*

SIR,

I am directed by the Governor General to annex, for your information, the copy of a communication received from the Brigade Major, reporting on a letter from the Superintendent of the Sydney Mint, respecting the occupation of the Staff Offices for Mint purposes; and to inform you that His Excellency approves of your procuring the office accommodation required, reporting the arrangement you purpose to make.

I have, &amp;c.,

W. ELYARD.

THE COLONIAL ARCHITECT.

W. ELYARD, ESQ., to THE BRIGADE MAJOR.

*Colonial Secretary's Office,  
Sydney, 28 September, 1854.*

SIR,

With reference to your letter of the 24th ultimo, reporting on a communication from the Superintendent of the Sydney Mint, respecting the occupation of the Staff Offices for Mint purposes, I am directed by His Excellency the Governor General to inform you, that the Colonial Architect has been authorised to procure the office accommodation required, and as soon as this has been accomplished a further communication will be made to you on the subject.

I have, &amp;c.,

W. ELYARD.

THE BRIGADE MAJOR.

THE COLONIAL ARCHITECT to THE COLONIAL SECRETARY.

*Colonial Architect's Office,  
Sydney, 2 November, 1854.*

SIR,

In attention to your letter of the 15th September last, No. 297, respecting the appropriation of the premises in Macquarie-street for Mint purposes, and instructing me to procure the necessary accommodation for the Staff Officers;—

2. I do myself the honor to state, that after making every inquiry, and repeatedly advertising, it has been found impossible to obtain suitable premises for the offices in question. It has been proposed, therefore, with the concurrence of the Brigade Major, to rent a residence for him, and to appropriate the building in Bent-street, now occupied by him as quarters, for the offices of the Military Staff.

3. A house at Potts' Point, recently vacated by Colonel Gibbes, has been offered, and is approved by Captain Jenner. It is stated in the enclosed letter that the proprietor is putting it into good repair, and when the works specified are completed I consider it will be  
very

One room as  
office for the  
Lieut. Col. Com.  
One room as  
office for the  
Major of Brigade  
One room as  
office for the  
Clerks.  
And accommo-  
dation for the  
Brigade Clerks  
(2.)  
Enclosure  
returned as re-  
quested.

## MAJOR OF BRIGADE.

3

very suitable. The rent demanded is £400 per annum, and it will only be let for a term of three years. As it does not appear probable that any more eligible arrangement will be practicable, I would recommend that these terms be acceded to.

I have, &c.,

THE HONORABLE  
THE COLONIAL SECRETARY.

WM. WEAVER,  
Col. Architect.

W. ELYARD, Esq., to THE BRIGADE MAJOR.

*Colonial Secretary's Office,  
Sydney, 9 November, 1854.*

SIR,

With reference to my letter of the 28th September last, I am now directed by His Excellency the Governor General to inform you, that an arrangement proposed by the Colonial Architect had been sanctioned for converting the present Brigade Major's Quarters into Staff Offices, and for providing a residence for that officer at Potts' Point.

I have, &c.,

THE BRIGADE MAJOR.

W. ELYARD.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,  
Sydney, 16 November, 1854.*

SIR,

With reference to your letter of the 9th instant, stating that His Excellency the Governor General had sanctioned the arrangement proposed by the Colonial Architect, for converting the present Brigade Major's Quarters into Staff Offices, and for providing a residence for that officer at Potts' Point, I do myself the honor, by direction of the Colonel Commanding the Troops, to state, that before that officer vacates his present house it is very desirable that it should be understood that at any future time the Major of Brigade shall, if dissatisfied with the description of quarters selected for him, or at the rate of lodging allowance voted by Government in lieu of quarters, have the option of resuming possession of the premises in Bent-street.

I have, &c.,

THE HONORABLE  
THE COLONIAL SECRETARY.

AUGUSTUS JENNER, Capt.  
B. M.

W. ELYARD, Esq., to THE BRIGADE MAJOR.

*Colonial Secretary's Office,  
Sydney, 22 November, 1854.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 16th instant, stating, by direction of the Colonel Commanding the Troops, that before the Brigade Major vacates his present residence for the house provided for him at Potts' Point it is desirable that it should be understood that at any future time the Major of Brigade shall, if dissatisfied with the description of quarters selected for him, or with the rate of lodging allowance voted by the Legislative Council in lieu of quarters, have the option of resuming possession of the premises in Bent-street.

2. Having laid your communication before the Governor General, I am directed to acquaint you, for the information of the Colonel Commanding, that this is a very different application from that which His Excellency understood you proposed to make, namely, that in the event of the Legislative Council refusing at any future period to provide a quarter for the Brigade Major equal to the one to be vacated by him, and to be appropriated as Military Staff Offices instead of those given up to the Mint, the Brigade Major should be allowed to resume his present quarters in Bent-street, Staff Offices being provided elsewhere; to which latter arrangement His Excellency has no objection.

I have, &c.,

THE BRIGADE MAJOR.

W. ELYARD.

THE

## MAJOR OF BRIGADE.

THE UNDER SECRETARY FOR LAND AND WORKS to THE PRINCIPAL UNDER SECRETARY.

*Department of Land and Public Works,  
Sydney, 31 July, 1857.*

SIR,

I am directed to request that you will have the goodness to move the Honorable the Colonial Secretary to cause Mr. Secretary Hay to be informed of the grounds on which a private residence has been provided at the public cost for the Brigade Major.

I have, &c.,

THE PRINCIPAL UNDER SECRETARY.

NICL. FITZPATRICK.

THE PRINCIPAL UNDER SECRETARY to THE UNDER SECRETARY FOR LAND AND WORKS.

*Colonial Secretary's Office,  
Sydney, 6 August, 1857.*

SIR,

In reply to your letter of the 31st ultimo, requesting that the Secretary for Land and Public Works may be informed of the grounds on which a private residence has been provided at the public cost for the Brigade Major, I am directed to state that the Staff Offices in Macquarie-street being, it appears, required for the Mint, an arrangement was made in 1854 by which the building occupied as the Brigade Major's Quarters in Bent-street was given up for Staff Offices, on a residence being provided for the Major of Brigade. This will be further explained by the enclosed papers and memorandum referring to them, dated 28th August, 1855, which I am directed to transmit for the information of Mr. Secretary Hay.

I have, &c.,

THE UNDER SECRETARY  
FOR LAND AND WORKS.

W. ELYARD.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,  
Sydney, 16 November, 1857.*

SIR,

I have the honor, by direction of the Lieutenant-Colonel Commanding the Troops, to bring under your notice that the lease of the house taken by the Colonial Government for the Official Residence of the Major of Brigade, at Potts' Point, expires in the course of the present month, and that it is highly desirable that the lease of the same house should be renewed, or that another one should be taken by the Colonial Government in lieu thereof.

I would further beg to call your attention to a letter on the subject from the Honorable the Colonial Secretary, dated 22nd November, 1854, by which you will perceive it is provided "that in the event of the Legislative Council refusing at any future period to provide quarters for the Brigade Major equal to the one to be vacated by him, and to be appropriated as Military Staff Offices, instead of those given up to the Mint, the Brigade Major should be allowed to resume his present quarters in Bent-street, Staff Offices being provided elsewhere."

I have, &c.,

THE HONORABLE  
THE COLONIAL SECRETARY.

HENRY KENT,  
Captain 77th Regt., M. B.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,  
Sydney, 25 November, 1857.*

SIR,

Adverting to my letter of the 16th instant, and to a recent interview that I had with you, I have now the honor, by direction of the Lieutenant-Colonel Commanding the Troops, to state, that in the event of the Legislative Council not finding it convenient to let me resume possession of the premises in Bent-street formerly occupied by the Major of Brigade,

## MAJOR OF BRIGADE.

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Brigade, and now used as Military Staff Offices, I should be satisfied with a lodging allowance of two hundred pounds a year, to take effect from the 24th ultimo inclusive, that being the date on which my predecessor, Major Jenner, left the Colony.

I have, &c.,

THE HONORABLE  
COLONIAL SECRETARY.

HENRY KENT,  
Captain 77th Regt., M. B.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,  
Sydney, 17 December, 1857.*

SIR,

I have the honor, by direction of the Lieutenant-Colonel Commanding the Troops to call your attention to two letters, dated 10th November, and 25th November, respectively, on the subject of the Major of Brigade's future place of residence, and to remind you that they still remain unanswered.

I have, &c.,

THE HONORABLE  
THE COLONIAL SECRETARY.

HENRY KENT,  
Captain 77th Regt., M. B.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,  
Sydney, 28 December, 1857.*

SIR,

Adverting to the correspondence which I have had the honor to hold with you relative to the future residence of the Major of Brigade, I have now the honor, by direction of the Lieutenant-Colonel Commanding the Troops, to state that it will be necessary for you to come to some decision soon in the matter, as A. C. G. Price has been ordered to close his accounts on the 31st, and there will be no funds after that date wherewith to pay my lodging allowance.

I have, &c.,

THE HONORABLE  
THE COLONIAL SECRETARY,  
Sydney.

HENRY KENT,  
Captain 77th Regt., M. B.

THE PRINCIPAL UNDER SECRETARY to THE BRIGADE MAJOR.

*Colonial Secretary's Office,  
Sydney, 19 January, 1858.*

SIR,

With reference to your letter of the 28th ultimo, and former correspondence, on the subject of quarters for the Brigade Major, I am directed to inform you, that, under the advice of the Executive Council, an allowance will be made to you for providing yourself with quarters, at the rate of two hundred pounds per annum, commencing from the 24th October last, being the date on which your predecessor, Major Jenner, left the Colony. A communication to this effect has been made to the Treasury, with a view to the issue of this allowance.

I have, &c.,

THE BRIGADE MAJOR

W. ELYARD.

THE PRINCIPAL UNDER SECRETARY to THE SECRETARY TO THE TREASURY.

*Colonial Secretary's Office,  
Sydney 19 January, 1858.*

SIR,

I am directed by the Colonial Secretary to transmit, for the information of the Colonial Treasurer, a copy of a letter which has been addressed to the Brigade Major, apprising him of the allowance authorised to be made to him for providing himself with quarters,



quarters, under the advice of the Executive Council; and to state that the unexpended balance of the appropriation for the rent of the Brigade Major's residence for the year 1857-58 is to be applied towards this expense.

It will, of course, be necessary to provide for this allowance in future Estimates.

I have, &c.,

THE SECRETARY

W. ELYARD.

TO THE TREASURY.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,*

*Sydney, 21 December, 1858.*

SIR,

As lodging allowance for the Major of Brigade does not appear in the <sup>£200 per annum.</sup> Estimates for the year 1859, I have the honor to request you will have the goodness to make provision for that year, as also from the 10th of the present month, at the rate authorised by your letter of the 19th January last.

I have, &c.,

THE HONORABLE

CHAS. NASMYTH,

THE COLONIAL SECRETARY.

Major of Brigade.

THE PRINCIPAL UNDER SECRETARY to THE BRIGADE MAJOR.

*Colonial Secretary's Office,*

*Sydney, 30 December, 1858.*

SIR,

I am directed to acknowledge the receipt of your letter of the 21st instant, requesting that a lodging allowance for you might be placed on the Estimates for the year 1859, as well as from the 10th of the present month, at the rate of £200 a-year.

In reply, I am desired to inform you that, before applying to Parliament for a lodging allowance for you, the Government wishes to have a certificate that you cannot be provided with quarters in the Victoria Barracks; the Legislative Assembly having recently intimated that a lodging allowance should not be charged while accommodation could be had there. The Imperial Government having expressed an intention of handing over all Military Buildings to the Colony, the Colonial Legislature claims the right to decide upon their appropriation, so far as it can be carried out without setting aside Military Regulations.

I have, &c.,

THE BRIGADE MAJOR.

W. ELYARD.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,*

*Sydney, 6 January, 1859.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 30th ultimo, relative to lodging allowance for the Major of Brigade; and, by direction of the Colonel Commanding the Troops, to enclose a certificate from the Assistant Military Storekeeper and Barrack Master, shewing that "permanent accommodation as provided for by the Regulations, "cannot be afforded in the Victoria Barracks for the Major of Brigade on a scale of "accommodation in accordance with his rank as a Staff Field Officer; that the buildings do "not afford the conveniences which are required for an officer who has not the benefit of "an established Mess, as enjoyed by Regimental Officers; and further, that on the arrival "of the officers and men in augmentation of the garrison, there will be barely sufficient "room (if sufficient) for the accommodation of the Regimental Officers."

Under these circumstances I trust there will not be an exception made in my case; but that I may be placed on the same footing as my predecessors, and be allowed the lodging money authorized by your letter of the 19th January last; or that the building in Bent-street,

## MAJOR OF BRIGADE.

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street, at present used as the Brigade Office, may be restored to its former use, viz., the residence of the Brigade Major, in accordance with the terms under which it was vacated for the purpose of being converted to its present use, as conveyed in a letter dated "Colonial Secretary's Office, Sydney, 22 November, 1854."

I have, &amp;c.,

THE HONORABLE

THE COLONIAL SECRETARY,  
Sydney.

CHARLES NASMYTH,

Major of Brigade.

[Enclosure.]

Barrack Office,  
Sydney, 4 January, 1859.

I certify that I am of opinion that permanent accommodation, as provided for by the regulations, cannot be afforded in the Victoria Barracks for the Major of Brigade on a scale of accommodation in accordance with his rank as a Staff Field Officer; that the buildings do not afford the conveniences which are required by an officer who has not the benefit of an established Mess, as enjoyed by Regimental Officers; and further, on the arrival of the officers and men in augmentation of the garrison, there will be barely sufficient room (if sufficient) for the comfortable accommodation of the Regimental Officers.

PERCIVAL WILKINSON,

A. M. Storekeeper and Barrack Master.

(True Copy.)

CHARLES NASMYTH,  
Major of Brigade.

THE PRINCIPAL UNDER SECRETARY to THE SECRETARY TO THE TREASURY.

Colonial Secretary's Office,  
Sydney, 25 January, 1859.

SIR,

I am directed to request that you will have the goodness to move the Colonial Treasurer to cause the necessary amount to be placed on the Supplementary Estimate for the present year to meet the expense of a lodging allowance to the Brigade Major.

I have, &amp;c.,

THE SECRETARY

W. ELYARD.

TO THE TREASURY.

THE AUDITOR GENERAL to THE PRINCIPAL UNDER SECRETARY.

Audit Office Sydney,  
25 February, 1859.

SIR,

Referring to your letter to the Brigade Major, No. 3, of the 19th January, 1858, authorizing an allowance to him in lieu of quarters, at the rate of £200 per annum, I have the honor to report, for the information of the Honorable the Principal Secretary, that sufficient provision has not been made to continue the allowance at the full rate authorized; as 9s. 6d. a day, or £173 7s. 6d. only, is included under this head in the Estimates for the current year.

I have, &amp;c.,

THE UNDER SECRETARY

W. C. MAYNE,

TO THE GOVERNMENT.

A. G.

THE PRINCIPAL UNDER SECRETARY to THE AUDITOR GENERAL.

Colonial Secretary's Office,  
Sydney, 9 March, 1859.

SIR,

In acknowledging the receipt of your letter of the 25th ultimo, stating that sufficient provision has not been made to continue the allowance to the Brigade Major in lieu of quarters, at the full rate authorized, as 9s. 6d. a day, or £173 7s. 6d. only is included under this head in the Estimates for the current year,—I am directed by the Colonial Secretary to inform you, that it is only intended to provide for the above officer a lodging allowance proportionate to his rank.

I have, &amp;c.,

THE AUDITOR GENERAL.

W. ELYARD.

THE

THE ACTING BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,  
Sydney, 23 March, 1859.*

SIR,

I have the honor to draw your attention to a letter from this office, dated 6th January last, relative to lodging allowance for the Major of Brigade, and to request you will favor me with a reply thereto at your earliest convenience.

I have, &c.,

THE HONORABLE  
THE COLONIAL SECRETARY,  
Sydney.

CHAS. N. LOVELL, CAPT. R.A.,  
Acting Brigade Major.

THE PRINCIPAL UNDER SECRETARY to THE BRIGADE MAJOR.

*Colonial Secretary's Office,  
Sydney, 29 March, 1859.*

SIR,

I am directed to inform you, with reference to your letters of the 6th January and 23rd instant, respecting an allowance of lodging money being made to you as Brigade Major, that a sum to provide you with an allowance proportionate to your rank was placed upon the Supplementary Estimate and submitted to the Legislature, but that the Legislative Assembly having declined to vote the amount, there are no funds at the disposal of the Government out of which it can be paid.

I have, &c.,  
W. ELYARD.

THE BRIGADE MAJOR.

THE PRINCIPAL UNDER SECRETARY to THE SECRETARY TO THE TREASURY.

*Colonial Secretary's Office,  
Sydney, 29 March, 1859.*

SIR,

With reference to my letter of the 25th January, respecting the sum to be placed on the Supplementary Estimate to defray the expense of a lodging allowance to the Brigade Major, I am directed to annex the copy of a communication made to the above officer, apprising him that the Legislative Assembly having declined to vote the amount, there are no funds at the disposal of the Government out of which it can be paid.

I have, &c.,  
W. ELYARD.

THE SECRETARY  
TO THE TREASURY.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,  
Sydney, 15 April, 1859.*

SIR,

I am directed by the Colonel Commanding to acknowledge the receipt of your letter of the 29th ultimo, intimating that the Legislative Assembly having declined to vote the allowance for lodging money to the Major of Brigade, there are no funds at the disposal of the Government out of which the allowance can be paid.

In conformity with the terms on which Major Jenner, the then Brigade Major, gave up the Brigade Major's quarters for its present purposes, as contained in your letter of the 22nd November, 1854, viz.,—"that it should be understood that at any future time the "Major of Brigade shall, if dissatisfied with the description of quarters selected for him, or "with the rate of lodging allowance voted by the Legislative Assembly in lieu of quarters, "have the option of resuming possession of the premises in Bent-street,"—I am now directed by the Colonel Commanding to request that the premises in question be placed in a state of repair, and made over to the Brigade Major, accommodation for the office clerks and messenger being provided elsewhere.

Pending

## MAJOR OF BRIGADE.

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Pending the completion of these arrangements, I am further directed to request that compensation in lieu of the lodging allowance specified in your letter of the 19th January, 1858, be issued to the Brigade Major until the quarters referred to are handed over.

I have, &c.,

THE HONORABLE

THE COLONIAL SECRETARY,  
Sydney.

CHAS. NASMYTH,

Major of Brigade.

THE BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,*

*Sydney, 2 May, 1859.*

SIR,

I have the honor, by direction of the Colonel Commanding the Troops, to call your attention to my letter of the 15th ultimo relative to lodging allowance or quarters for the Major of Brigade, and to request you will favor me with a reply thereto as early as possible, as it is highly desirable to submit the whole correspondence to the Major General Commanding the Forces, who is now in this Colony.

I have, &c.,

THE HONORABLE

THE COLONIAL SECRETARY,  
Sydney.

CHARLES NASMYTH,

Major of Brigade.

THE PRINCIPAL UNDER SECRETARY to THE BRIGADE MAJOR.

*Colonial Secretary's Office,*

*Sydney, 5 May, 1859.*

SIR,

In acknowledging the receipt of your letter of the 2nd instant, respecting the lodging allowance or quarters for the Brigade Major, I am directed to state that the Government applied to Parliament for the lodging allowance in question, which the Assembly declined to vote, on the ground that accommodation for that officer could be provided within the Victoria Barracks, and that no funds are now at the disposal of the Government for meeting the charge.

2. The Colonial Secretary desires me to add, that the subject shall be again brought before Parliament when it assembles.

I have, &c.,

THE BRIGADE MAJOR.

W. ELYARD.

THE PRINCIPAL UNDER SECRETARY to THE AUDITOR GENERAL.

*Colonial Secretary's Office,*

*Sydney, 5 May, 1859.*

SIR,

I am directed to annex the copy of a letter addressed to the Brigade Major, stating that the Legislative Assembly declined to vote the lodging allowance for that officer, but that the subject will be again brought before Parliament when it assembles.

I have, &c.,

THE AUDITOR GENERAL.

W. ELYARD.

THE AUDITOR GENERAL to THE PRINCIPAL UNDER SECRETARY.

*Audit Office, Sydney,*

*4 May, 1859.*

SIR,

The Brigade Major having included in his statement of drafts against his cash credit for the month of April last a sum of £50 as a payment made to himself for lodging allowance for the period from 1st January to 31st March last, I have the honor to request that I may be informed whether any communication has been made to that officer since the date of your letter to him of the 29th March, which would authorise him to receive lodging allowance at the rate charged, viz., £200 per annum.

I have, &c.,

W. C. MAYNE,

THE PRINCIPAL UNDER SECRETARY.

A. G.

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THE PRINCIPAL UNDER SECRETARY to THE AUDITOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 17 May, 1859.*

SIR,

In acknowledging the receipt of your letter of the 4th instant, on the subject of the lodging allowance to the Brigade Major, I am directed to refer you to my communication of the 5th of this month, stating that no funds were now at the disposal of the Government for meeting the charge, but that the subject would be brought before Parliament when it assembles.

I have, &c.,  
W. ELYARD.

THE AUDITOR GENERAL.

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E. A. RENNIE, Esq., to THE PRINCIPAL UNDER SECRETARY.

*Audit Office, Sydney,  
17 May, 1859.*

SIR,

Not having received a reply to my letter of the 4th instant, respecting the amount claimed and paid by the Brigade Major as his lodging allowance, for the quarter ended 31st March last, I have the honor to call your attention thereto, and to request the favor of an early answer.

I have, &c.,  
E. A. RENNIE,  
(For the Auditor General.)

THE UNDER SECRETARY  
TO THE GOVERNMENT.

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E. A. RENNIE, Esq., to THE PRINCIPAL UNDER SECRETARY.

*Audit Office, Sydney,  
20 May, 1859.*

SIR,

In reply to your letter of the 17th instant, No. 68, I do myself the honor to point out that your communication of the 5th of this month does not authorise the Brigade Major to draw the allowance for lodging, and that in the meantime the £50 referred to in my letter of the 4th instant remains due to the Bank, and which, as there are no funds at the disposal of the Government for the purpose, should be at once replaced by the Brigade Major.

I have, &c.,  
E. A. RENNIE,  
(For the Auditor General.)

THE UNDER SECRETARY  
TO THE GOVERNMENT.

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THE PRINCIPAL UNDER SECRETARY to THE BRIGADE MAJOR.

*Colonial Secretary's Office,  
Sydney, 7 June, 1859.*

SIR,

The Auditor General having reported that a sum of £50 has been drawn by you for house rent which has not been authorised, I am directed by the Colonial Secretary to request that you will have the goodness to adjust the over-payment.

I have, &c.,  
W. ELYARD.

THE BRIGADE MAJOR.

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THE PRINCIPAL UNDER SECRETARY to THE BRIGADE MAJOR.

*Colonial Secretary's Office,  
Sydney, 31 May, 1859.*

SIR,

I am directed to acknowledge the receipt of your letter of the 15th ultimo, requesting, by direction of the Colonel Commanding, that you may be put in possession of the old Brigade Quarters in consequence of the Legislative Assembly having refused to vote your lodging allowance.

## MAJOR OF BRIGADE.

11

2. The Executive Council, to whom your communication has been referred, having deliberated upon the subject in question, still adhered to the opinion communicated to you in my letter of the 25th January last, that the appropriation of the building in Bent-street as a residence would be likely to lead to inconvenience in making those general arrangements that will become necessary on the transfer of the above, with other buildings, from the Home to the Colonial Government; but while in this respect the Council were unable to recommend a compliance with the desire of the Colonel Commanding, and while, in the face of a direct vote of the Legislative Assembly, they were not prepared to recommend that any payments should be made on account of lodging allowance to you, they were of opinion that the matter was one which might, with propriety, be submitted to Parliament, for re-consideration; and they advised that the Legislative Assembly be again invited to make the necessary provision in a Supplementary Estimate for the year.

I have, &amp;c.,

THE BRIGADE MAJOR.

W. ELYARD.

THE PRINCIPAL UNDER SECRETARY to THE AUDITOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 7 June, 1859.*

SIR,

I am directed by the Colonial Secretary to transmit, for your information, the copy of a letter addressed to the Brigade Major respecting his lodging allowance. May, 1859.

I have, &amp;c.,

THE AUDITOR GENERAL.

W. ELYARD.

THE PRINCIPAL UNDER SECRETARY to THE SECRETARY TO THE TREASURY.

*Colonial Secretary's Office,  
Sydney, 31 May, 1859.*

SIR,

With reference to my letter of the 25th January last respecting the placing of a lodging allowance for the Brigade Major, proportionate to his rank, on the Supplementary Estimate, I am directed to state that the Executive Council have advised that although the Legislative Assembly has refused to vote the allowance in question, the Assembly be again invited to make the necessary provision in a Supplementary Estimate for the present year.

I have, &amp;c.,

THE SECRETARY

TO THE TREASURY.

W. ELYARD.

THE AUDITOR GENERAL to THE PRINCIPAL UNDER SECRETARY.

*Audit Office,  
15 June, 1859.*

SIR,

In acknowledging the receipt of your letter of the 7th instant, No. 83, enclosing the copy of a letter addressed to the Brigade Major, respecting his lodging allowance, I have the honor to draw your attention to my communication of the 20th ultimo, reporting that a Draft of that Officer for £50 is still due to the Bank, and to request the instructions of the Honorable the Principal Secretary as to the course to be adopted with regard to it.

I have, &amp;c.,

THE UNDER SECRETARY

TO THE GOVERNMENT.

W. C. MAYNE,

A. G.

THE

THE PRINCIPAL UNDER SECRETARY to THE AUDITOR GENERAL.

*Colonial Secretary's Office,  
Sydney, 20 June, 1859.*

SIR,

With reference to the inquiry contained in your letter of the 15th instant, respecting the sum of £50 drawn by the Brigade Major for house rent, which has not been authorised, I am directed to inform you that the above officer has been requested to have the goodness to adjust the overpayment.

THE AUDITOR GENERAL.

I have &c.,  
W. ELYARD.

THE ACTING BRIGADE MAJOR to THE COLONIAL SECRETARY.

*Brigade Office,  
Sydney, 19 July, 1859.*

SIR,

The whole of the correspondence on the subject of quarters for the Major of Brigade, or an allowance in lieu thereof, having been referred for the consideration of the Major General Commanding the Forces, I have the honor to enclose a copy of a letter received in reply, conveying an authority for the lodging allowance which the Legislative Assembly refused to vote for this officer to be paid from the Military Chest, pending the re-consideration of the question, as stated in the latter part of your letter of the 31st May last.

I have, &c.,  
CHAS. N. LOVELL, CAPT., R.A.,  
Acting Major of Brigade.

THE HONORABLE  
THE COLONIAL SECRETARY.  
Sydney.

[Enclosure.]  
VICTORIA.

*Assistant Military Secretary's Office,  
Melbourne, 1 July, 1859.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 22nd ultimo, enclosing correspondence on the subject of lodging allowance in lieu of quarters to the Major of Brigade at Sydney, as the Colonial Government had made no such provision in the Estimates for the present year, and submitting that that officer should receive lodging allowance, at the rate of £200 per annum, from the 10th December, 1858.

In reply, I beg to inform you that the Major General Commanding is pleased to approve of the above arrangement; and that the amount be paid from the Military Chest, pending the re-consideration of the question by the Legislative Assembly of New South Wales.

Colonel Perceval, C.B.,  
Commanding the Troops, Sydney,  
New South Wales.

I have, &c.,  
J. MARTIN BLADEN NEILL,  
Lieut. Col., D. A. General.  
(For A. M. Secretary.)

(True Copy.)  
CHAS. N. LOVELL, CAPT., R.A.,  
Acting Major of Brigade.

1859-60.

*Legislative Assembly.*

NEW SOUTH WALES.

## TROOPS FOR NEW ZEALAND.

*Ordered by the Legislative Assembly to be Printed, 5 April, 1860.*

W. DENISON,  
*Governor General.*

*Message No. 30.*

The Governor General informs the Legislative Assembly that Despatches having been received from the Government of New Zealand, requesting that as large a reinforcement of Troops as can be spared from the Australian Colonies should be forthwith despatched to New Zealand, His Excellency has communicated the substance of these Despatches to the Major General in Command, with the expression of an opinion that a Force consisting of 125 men of the 12th Regiment, 40 Artillery, and 6 Sappers, may be temporarily detached from the Colony of New South Wales for the service in question.

*Government House,  
5th April, 1860.*

Sydney: Thomas Richards, Government Printer—1860.

[Price, 6d.]

492—





1859-60.

NEW SOUTH WALES.

## ANNUAL ORDNANCE RETURNS.

Presented to both Houses of Parliament, by Command.

ASSISTANT MILITARY STOREKEEPER to COLONIAL SECRETARY.

*Military Stores Office,  
Sydney, 21 February, 1860.*

SIR,

In compliance with your letter of the 18th instant (10), I enclose,—

1st. A Return of all Moneys received by or payable to the War Department under the provisions of the Act of Council, 4 Victoria, No. 2.

2nd. A Return of all messuages, lands, tenements, and buildings vested under the same Act.

I have, &c.,

PERCIVAL WILKINSON,  
Assistant Military Storekeeper.

[Enclosure No. 1.]

*Military Stores Office,  
Sydney, 21 February, 1860.*

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, and buildings vested in the principal Officers of Her Majesty's Ordnance in New South Wales under the provisions of the Act of Council, 4 Victoria, No. 2.

NIL.

PERCIVAL WILKINSON,  
Assistant Military Storekeeper.

[Enclosure No. 2.]

*Military Stores Office,  
Sydney, 21 February, 1860.*

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 4 Victoria, No. 2.

DESCRIPTION OF PROPERTY.	CONTENTS OF LAND.	WHERE SITUATED.			DATE OF DEEDS OF GRANT.	PURPOSES FOR WHICH AUTHORIZED.
		Parish.	Town.	County.		
Part of Goat Island.....	a. r. p. .....	Petersham .....	.....	Cumberland.....	30 January, 1844 ....	Magazine and Stores.
	1 2 34	Brisbane .....	Stanley .....	Stanley.....	21 July, 1843 .....	
	0 1 9	St. Luke .....	Liverpool .....	Cumberland.....	4 August, 1843 .....	
Lands.....	0 0 13	St. John .....	Parramatta .....	do. ....	do. ....	Sites for Military Barracks.
	0 1 31½	do. ....	do. ....	do. ....	do. ....	
	0 3 39	St. Matthew .....	Windsor .....	do. ....	do. ....	
	0 0 16	St. Philip.....	Sydney .....	do. ....	30 January, 1844 ....	
Pinchgut Island .....	.....	Alexandria .....	.....	do. ....	do. ....	For the Harbor Defences.
Land on which Dawes' Battery is erected	7 2 11	St. Philip.....	Sydney .....	do. ....	31 July, 1844 .....	
	14 3 24	Bathurst .....	Bathurst .....	Bathurst .....	18 December, 1844....	For Military purposes.
Lands.....	7 1 18	St. John .....	Parramatta .....	Cumberland.....	30 January, 1846 ....	Sites for Military Barracks.
	16 1 25	Newcastle .....	Newcastle .....	Northumberland ....	5 January, 1847 .....	
	29 2 17	Alexandria .....	.....	Cumberland.....	31 July, 1850 .....	

PERCIVAL WILKINSON,  
Asst. Mil. Storekeeper.

MEMORANDUM.—The whole of the Lands and Buildings vested, as well as those simply in charge of the War Department, have been formally handed over to the Colonial Government in compliance with Despatch from Secretary of State. No legal transfer, or cancellation of Deeds of Grant, has yet been made.

[Price, 6d.]

Sydney: Thomas Richards, Government Printer.—1860.

1859.

## NEW SOUTH WALES.

## DEFENCES OF THE COLONY.

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

Presented to both Houses of Parliament, by Command.

## No. 1.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

(No. 6.)

*Downing-street,*

11 March, 1858.

SIR,

I have to acknowledge your Despatch No. 127, of the 14th August, 1856, forwarding copy of proceedings of yourself and Council, with reference to the general question of the Defence of the Town and Harbour of Sydney. In the same Despatch you lay before Her Majesty's Government certain proposals as to the manner in which the pay and maintenance of the Troops required for their defence should be henceforth provided.

2. I find that Her Majesty's former advisers had given to those proposals their fullest attention; and the delay in answering your Despatch has arisen only out of the importance and extent of the subject, involving as it does the general principles which must regulate the military relations between the United Kingdom and the Colonies under free institutions.

3. Her Majesty's Government assume, on the authority of your experience, that your observations respecting the obstacles which at present oppose the formation of a Militia Force for the defence of the Colony are well founded. This being the case, the principle laid down by Lord Grey, in his Despatch to Sir Charles Fitz Roy of the 21st November, 1848, appears to them the sound one. The force to be maintained by this Country in the Australian Colonies should be that which may be reasonably required for defence against possible aggression; and (to adopt Lord Grey's words) "if a greater amount of force is required, the local Legislature should make provision for the pay and allowances of an additional number of Her Majesty's regular Army"; that is to say, the Imperial Government is prepared to execute the duty allotted to it of serving distant possessions against foreign enemies; while if troops are required by any Colony beyond the amount necessary for this purpose, they will readily assist to the best of their ability in furnishing those troops, if they can be spared, and provided the Colony will pay for them.

4. Your proposal is that the pay and allowances of the troops should be halved between the Mother Country and the Colony. This proposal, taken as a method whereby the principle above stated may be carried in a broad and general way into execution, has the great merit of simplicity, and being calculated to dispense with minute changes of plan, and to obviate disputes; but it would seem difficult to adopt this rule unless your own further proposal were incorporated with it—that the Colony should possess, through the vote of its Legislature, the responsibility of determining the amount of force which should be maintained in it, whether in peace or in war. Her Majesty's Government do not, as at present advised, see in what manner this suggestion could be adopted, without compromising that independent action of the central authority of the Empire. The Executive in this

country having full information as to its available force, and as to the different calls on that force in the various portions of the Empire, can alone be in a position to decide what force is required, and what force can be spared, for purposes of defence against foreign aggression, in each particular point. If every Colony were to assert a voice in this matter, as in your proposal it would have to do, I do not see in what manner the general defensive arrangements of the Empire could be conducted.

5. Her Majesty's former advisers, therefore, came to the opinion (from which, so far as I have yet been able to consider the subject, I see no reason to dissent), that, for the present, it was better not to alter the existing system, whatever might be the temporary inconveniences which the necessity of varying arrangements, from time to time, might lead. Her Majesty's Government are of opinion that this country should continue to maintain the force at present maintained by it in Sydney, namely,—the four companies of Infantry. They have no objection to the Colony's retaining, at present, the additional two companies of Infantry and the one of Artillery, if the Colony is prepared to pay for them, as hitherto. They count on the liberality of the Colony for continuance of those extra allowances to all the eight\* companies to which the comparative dearness of the Colony has given rise, and concerning which, indeed, no question is raised in your Despatch.

6. Further, they concur in your view, that the expense of the construction and maintenance of Military works and building should be defrayed by the Colony, and consequently, that the buildings, such as barracks, stores, magazines, &c., should be transferred to the Colonial Government. The Officer in command of the Forces will be placed in communication with yourself, in order to the execution of this portion of the arrangement.

7. With regard to that portion of your Despatch which relates to the Naval Defences of the Colony, I cannot do better than communicate to you a letter addressed to this Department by order of the Lords of the Admiralty, in January, 1857, in which the whole subject is fully discussed. Her Majesty's Government are prepared, generally, to adopt the views of their Lordships, and hope that you may be able, with the advice of your Council, to arrive at some practical conclusion, which may be in accordance with these views.

I have, &c.,

GOVERNOR

SIR WILLIAM DENISON, K.C.B.,  
&c., &c., &c.

STANLEY.

[Enclosure in No. 1.]

THE SECRETARY TO THE ADMIRALTY to MR. MERIVALE.

Admiralty, 24 January, 1857.

Sir,

Having laid before my Lords Commissioners of the Admiralty your letter of the 23rd ultimo, enclosing a Despatch from Sir William Denison, on the subject of the naval and military defence of New South Wales, and the portion of the expense thereof to be borne by that Colony, I am commanded by their Lordships to acquaint you, for the information of Mr. Secretary Labouchere, that they are glad to have received this Despatch in *extenso*, because although a considerable portion of it refers only to military matters, that portion of the subject is very important in its bearings upon the general question; and although Sir William Denison's Despatch relates to New South Wales only, the question of the service to be performed by Her Majesty's naval and military forces for colonial defences and colonial purposes generally, is in fact raised by this Despatch.

It is not the province of this department to enter into the question as regards the principle, as to whether any or what part of the expense for defence against an enemy is to be borne by the Mother Country and the Colonies respectively; and my Lords will therefore abstain from any comment on Sir William Denison's Despatch, and proceed to the consideration of the question only so far as regards the naval service, on the assumption that a certain portion of expense is to be borne by the Colonies, both for their own internal purposes, and for their exterior defence. They wish, however, to preface their observations by one remark, which will more particularly apply to the naval defence of our colonies, though it is applicable to other questions connected with service by sea, namely, that it is impossible to treat separately each colony of a group, without reference to the other Colonies in the immediate neighbourhood. The same observation may be made as regards military operations by land, but in a very much less degree; an attack by an enemy's force may be so made, as to require the co-operation of the troops in different Colonies in order to resist it, but in general the land defence must be purely local by garrisons, or a body of men covering and

\* Seven probably intended.

and protecting the town or points assailed. This is not the case as regards the service at sea, and there is therefore a difficulty in apportioning the expense of naval defence, which hardly exists as to the land defences of our Colonies. My Lords wished to call Mr. Labouchere's attention to this point at the commencement of their observations, as many questions are more or less affected by this consideration.

They now proceed to questions of 1st "communication," that is to say, the transmission of letters, troops, or stores, which services are usually performed by a Government.

As regards the former, the Mails of this country are, with only one or two (and those temporary) exceptions, performed by private persons under contract, and the latter services are also generally executed by the vessels of private owners, manned and navigated by them; sometimes the whole vessel is so hired, sometimes both men and stores are sent in vessels carrying other freight, under arrangements between the Government and the owners.

My Lords see no reason why similar services in the Colonies should not be provided for in a similar manner by the Colonial Governments; vessels were recently taken up at Halifax to move troops, and in such a case as sending a detachment from one part of a colony to another, my Lords see no reason why the same course should not be pursued.

If the Colony thinks it more advantageous to have a Colonial vessel belonging to the Government, to be employed for these purposes, my Lords see no reason against it. Mr. Labouchere will of course observe, that if this service extends beyond the limits of any one Colony, *e. g.*, between Sydney and Hobart Town, the concurrence of two or more Colonies or Governments is necessary, if it is not to be done in such cases by this Country.

At present a sum of money is taken in the transport vote for intercolonial communication, which, however, includes that between different parts of the same Colony.

2. Local defence. By local defence my Lords intend to confine themselves to the mere defence of the coast and harbour of a colony, by means of vessels only calculated for such service, and in fact only to be employed in case of an attack on the coast, such as floating batteries, small gun boats, and similar vessels.

My Lords are of opinion that such vessels should be Colonial vessels to be manned by crews organized as a Colonial Militia would be. The men might in fact never be required actually to serve; it would be absurd therefore to keep them on board these vessels. They would reside on shore, be occasionally drilled in the use of guns and arms, and be called out when wanted, as sea fencibles; or as my Lords propose, to organize the Naval Coast Volunteers in this Country. The same force also might be trained and employed to man coast batteries.

It is obvious that such a force could not be furnished from this Country.

The only provision which it appears necessary to make as regards them, is, that in the case of one of Her Majesty's Ships being present when any attack is made calling for the services of such a force, it should, in order to ensure unity of action, be placed for the time under the command of the Senior Officer of Her Majesty's Ships, who is on the spot.

As regards this description of service each Colony is independent of any other.

3. General defence. In considering the question of defence, my Lords have confined the local defence of the Colonies within the very narrow limits of the preceding observations, because they believe it to be perfectly impossible as regards *Naval* defence to assign to anything beyond such measures as have already been indicated, a mere local character.

During the recent war considerable uneasiness was felt and expressed by the ports on the eastern side of Scotland, and also on the north-eastern parts of England, at the absence of all ships of war from their neighbourhood, and yet it must be obvious that far more efficient protection was afforded to them by confining the Russian vessels of war to their own ports, or by occupying the Sound and the Belts, through which, during such occupation, no Russian vessel could pass, than by the same force being scattered from Peterhead to Yarmouth.

In like manner, great alarm was felt and great complaints were made in India, at the absence of any naval force in their Seas, but, in truth, the defence of India was more effectually carried by the British force being in the neighbourhood of the Russian force, and ports in Tartary and Kamschatka, than if they had been in the Bay of Bengal; whilst the safety of the Australian Colonies, of our other Eastern Possessions, and of our trade generally was secured at the same time and by the same course.

My Lords are aware that the cases above quoted are to some extent exceptional, but they have referred to them as being of recent occurrence, and as strong instances in which local defence was most effectually attained by a course of proceeding which was complained of by the parties on the spot, and with the *appearance*, if the question was not well considered, of no regard being paid to them; if, further, the question be confined within the narrower limits of the defence of the Australian Colonies alone, it would be obvious to Mr. Labouchere, on even the slightest consideration, that it cannot be provided for as regards each Colony *separately*, but must at the same time be provided *for them all*. Vessels, which if stationed separately at each Colony for its protection, would fall an easy prey to an enemy's force attacking them in succession, would, if *united*, form a squadron capable of adequately defending the whole from any probable amount of force which could be brought to that part of the Globe.

How and where the Naval force shall be employed for the protection of these Colonies, must depend upon circumstances, and must be left to the unfettered discretion of the Naval Commanders.

In the late war, the ships were most effective for this purpose on the coast of Tartary. In another war the force may probably have to be stationed elsewhere, but that which is quite clear, is that it cannot be so ill applied, as if attached to each Colony so as to impede its being withdrawn from that particular spot and sent elsewhere, and employed in such way as the  
Admiral

Admiral or Senior Officer may think most advisable for the purpose of meeting the enemy in the most advantageous manner. It is perfectly impossible to localise Naval defence. At the time of Lord Nelson's well-known pursuit of Admiral Villeneuve the protection of the Coasts of England might have been as effectually secured by an action in the West Indies, as by Sir Robert Calder's action in the Bay of Biscay, or the subsequent battle of Trafalgar.

My Lords consider the foregoing considerations decisive against any Colonial Marine for the purposes of defence now under discussion.

It is impossible to suppose that each Colony would not wish to retain its own vessels in its own immediate neighbourhood, and would not object to their being sent away for the defence of any other Colony; such a feeling is so natural that it must be expected to exist on the part of the Colonies and Colonial Governments, and to disregard it would obviously cause great complaints and discontent on their part. At the same time it is clearly indispensable that such an armed force should act with and under the command of the Queen's Naval Commander, in order to insure an united and efficient force in case of need, and it is impossible not to see how much his operations might be thwarted and even defeated by such a feeling.

There are other considerations into which my Lords think it unnecessary to enter relating to the discipline and management of a Colonial Force. The Indian Navy is an example of such a force on a larger scale, with greater advantages in many ways than can belong to what would necessarily be a smaller service in any of our Colonies. Several vessels of this force acted under the orders of the Admiral Commanding-in-Chief in the Chinese War, and rendered efficient service, but it was obvious to the Naval Officers that there were defects in its organization, and that in any joint operations with Her Majesty's ships, without great care, serious difficulty might easily have arisen between the two services.

The experience then acquired should act rather as a warning against the creation of such a force, than as an example to be followed in circumstances less favorable to the prospects of success.

There are also other reasons against a local force, more applicable, perhaps, to other Colonial Possessions than to the Australian Colonies. For instance, nothing contributes so much to the health of the ships employed in the West Indies as their being sent, from time to time, to the northern parts of the North American Station, being replaced by ships from thence.

A West Indian Colonial force would, necessarily, always serve in the West Indies, without the possibility of such a change, and must suffer materially in health in consequence.

My Lords are, therefore, clearly of opinion that the Naval defence of all the Colonial Possessions of Her Majesty, beyond the mere local defence adverted to in the earlier part of this letter, must be provided for by the Queen's Navy, under the uncontrolled orders of the Queen's Naval Commanders, and that this is the only effectual mode of attaining that end.

It does not appear to my Lords that this conclusion materially affects the question of any contribution from the Colonies towards the expense of maintaining such a force; but certainly, according to their views, if such a contribution is made, it ought to be divided amongst adjacent or neighbouring Colonies, in some fair proportion to their importance or their resources. It is not for my Lords to determine such questions, but they conceive that, if Her Majesty's Government determined that the principle of such contribution is to be adopted, some such arrangement as the following might be advantageously made as regards the Australian Colonies, including, of course, New Zealand; premising that the numbers and figures are taken merely for the sake of illustration.

Let it be assumed that in ordinary times there should be kept such a force in Australian waters as would number about 1,000 men, and cost £100,000 per annum. The particular vessels would be changed, as suited the general convenience of the Station; there might sometimes be more, sometimes less force in that part of it, but on the average that force should be at or near one or other of the Australian Colonies.

Those Colonies amongst them, all of whom would derive protection from such a force, ought to contribute one-third, or one-half, or two-thirds, or any other proportion of the above sum as may be determined upon.

If, in the event of war, the force in the neighbourhood is doubled, so should the contributions.

This increase of contribution not to be required if the increased force on their coast was merely temporary, caused by the presence of an enemy, because ships ought to be and would be withdrawn from other parts of the Station to meet the enemy wherever he might shew himself, just as they might be withdrawn from the Australian waters for a similar purpose; but if the force permanently stationed in their neighbourhood were increased, then it would only be fair that they should contribute a larger sum.

There remains one more question, viz.:—as to several descriptions of service which are often required by Colonial Governors from officers commanding ships of war.

In cases of real emergency, there is no service of any kind which the Navy is not ready to render; such has always been the case, and will, my Lords are confident, always be the case with officers of Her Majesty's Navy, but in some recent instances demands have been made which seemed to my Lords not properly to fall within the scope of Naval service.

In the state of almost independence to which many of our Colonies are approaching it is only reasonable that they should assume part, at least, of the burthens which are incident to all Government, and it is not reasonable that the Mother Country should be charged with the maintenance of vessels to perform ordinary duties of a purely Colonial character.

If, however, the Colonies contribute towards the expense of maintaining a force on their coasts, and thus, without additional charge to this Country, render it possible to keep a larger number of vessels in the neighbourhood, it may be reasonable that a greater latitude should be given to the demands for service on the part of the Colonies.

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My Lords have thought it advisable to state their views thus fully for the information of Mr. Labouchere, in order that he might be aware of the grounds on which my Lords have come to their conclusions.

These conclusions are in fact two:—

1. That for Colonial or Inter-Colonial communication, and for the mere local defence of the coasts, vessels to be hired or provided by the Colony and a Colonial force are the best.
2. That for all purposes of general defence of one or more Colonies, a Naval force of the Queen's Navy, under the sole control of the Commanders of Her Majesty's Navy is indispensable.

How far the Colonies shall be called upon to contribute towards the maintenance of such part of that force as is, under ordinary circumstances, kept in the neighbourhood of adjacent Colonies, and in what proportions it is for Her Majesty's Government to determine.

I am, &c.,

R. OSBORNE.

## No. 2.

### MINUTE OF HIS EXCELLENCY THE GOVERNOR GENERAL.

IN laying before the Council the Despatch from the Secretary of State in reply to mine of 14 August, 1856, in which I forwarded a copy of the proceedings of the Executive Council of 23 July, 1856, with relation to the defences of the Colony, it is desirable that I should refer to the principles affirmed by the Executive on that occasion, and which formed the basis of my Despatch. These principles may be stated as follows:—

1st.—The joint and equal liability of the Colony and the Mother Country to contribute to the expense of the Military and Naval Force required to protect the Colony from aggression from without, but the sole liability of the Colony to defray any extra expense arising out of circumstances peculiar to the Colony itself.

2nd.—The power of determining the maximum number of troops and vessels of war to be employed annually in the defence of the Colony, to be vested in the local Government and Legislature.

3rd.—The sole liability of the Colony to erect and maintain all necessary buildings, as barracks, stores, &c., for both Army and Navy; also such forts, batteries, and other works of defence as may be thought necessary, the understanding being that the property in all existing buildings should be vested in the Colony.

The Secretary of State, while admitting the simplicity and convenience of the first principle, and its tendency to obviate disputes, is not prepared to carry it into effect, as by taking it in connection with the second principle, which vests the power of determining the strength of the force to be employed in the Legislature of the Colony, the independent action of the central authority of the Empire would be impaired.

I cannot however but think that his Lordship must have misunderstood the meaning of the expression in my Despatch when I said—"the local Government should have, as in point of fact it must have, through the vote of the Legislature, the responsibility of determining the amount of the Military force to be maintained, either in peace or war, for the defence of the Colony." I never imagined that the Local Legislature should be vested with the power of determining arbitrarily the strength of the force to be employed, but merely that it necessarily would have the power of determining the *maximum expense* which it was willing to incur; the whole responsibility of deciding as to the number of troops to be sent, within the limits of the maximum, would belong to the Imperial Government.

Taking this view of the subject, his Lordship is disposed to abide by the existing arrangements—to maintain at the expense of the Imperial Government four companies of infantry at Sydney, leaving the Colony to pay for the company of artillery, and for any additional force which it may require. I may observe, however, that the inconvenience of the existing arrangement, which confers upon the force paid by the Colony the character of a local corps, has been shewn very lately in the case of the artillery, which has been detained here, contrary to the wishes of the military authorities, in deference to the opinion of the Legislative Assembly.

Should it ever be considered absolutely necessary on the part of the military authorities to move this company from Sydney, grounds will be afforded for complaint on the part



part of the Colony, which would not exist were the principle of joint liability on the part of the Colony and the Mother Country affirmed.

It will be for the Council to consider carefully the subject of the defence of the Harbour and City of Sydney, and to decide whether any steps should be taken to supplement the force of four companies, the expense of which is to be borne by the Imperial Government, either by applying for an additional military force, or by organising a local militia, or encouraging volunteers to embody themselves. In my opinion, the cost of an effective militia would be excessive, and the issue of arms and clothing to an ineffective body would be a sheer waste of money. I am still of opinion that the local police of the City of Sydney might be made effective at a comparatively moderate cost, and that a body of 300 men might then be added to the strength of the military body; these might be supplemented by volunteers, some of whom might be drilled as artillery and some as rifles—could an arrangement of this kind be carried out, any increase of the military force, at present at all events, might be unnecessary.

The Secretary of State accedes to the proposition that all the existing military buildings, &c., should be transferred to the Colony—subject, of course, to the understanding that proper accommodation is to be provided for the troops and room for the stores, &c., for military and naval purposes; under these circumstances, it would appear to be needless to introduce the Bill transferring the Ordnance property to the Secretary of War.

With reference to the assistance required from the Navy, the Secretary of State has forwarded a memorandum from the Lords Commissioners of the Admiralty, in which the whole question of the naval defence of the Colonies is dealt with upon a far more extended scale than was contemplated by me. My Despatch had reference simply to the defence of Port Jackson, and for this special object it was considered necessary to have a Steam Gun Boat—a scheme was submitted by which while the vessel was furnished and kept in repair by the Imperial Government, as the forts, and barracks, and stores are by the Colonial Government, the cost of wages and provisions should be shared equally between the Mother Country and the Colony.

The Lords Commissioners of the Admiralty object to this portion of the scheme. and propose that the Gun Boat should be built, maintained, armed, and manned by the Colony; to such a scheme there are very many objections. In the first place, the whole cost of the naval defence of the Harbour, and of protecting British capital and interests would be thrown upon the Colony; in the second place, the expense of such a vessel would be enormous, looking to the rate of wages prevailing here; in the third place, the means of maintaining proper discipline on board such a vessel would be altogether wanting. The remarks made by the Lords Commissioners of the Admiralty with reference to the Indian marine are sufficient to shew the nature of the difficulties which are felt even in India, and such difficulties would be enhanced ten fold in Australia—the experiment has been tried in Victoria, and, I believe, most unsuccessfully.

With regard to the general naval defence of the Colonies, coupled as it is with the protection of trade, the principles laid down by the Lords Commissioners of the Admiralty are quite correct—such defence would be best provided for by the presence of an effective squadron acting on the offensive; but I am not aware that it was ever contemplated that a vessel other than a gun boat should be permanently stationed in this or in any other Colony, or that such a vessel should not be at the disposal of the Senior Naval Officer; the main principle contended for in my Despatch is that a local force, whether naval or military, must be inefficient, and it was for that reason that I wished the whole of the force to assume an Imperial character. The Secretary of State expresses a hope that I may be able, with the advice of my Council, to arrive at some practical conclusion, which may be in accordance with the views propounded by the Lords Commissioners of the Admiralty, but as these views do not assume any very definite form, it is difficult to arrive at any practical conclusion with regard to them.

Under the first head, transmission of letters, troops, and stores, the Colony does already make its own arrangements; if it be necessary to move troops from one part of the Colony to another, the expense would, under the present arrangement, be borne by the Colony or the Mother Country, according as the troops moved were paid exclusively by  
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the Mother Country or the Colony; according to the scheme suggested by me, the expense would be borne in equal proportions by the Mother Country and the Colony.

With regard to local defences, I have already given my reason why I believe the plan proposed by the Lords Commissioners of the Admiralty would be expensive and inefficient.

With regard to the general naval defence of the Colonies, I quite agree with the Lords Commissioners, that it must be provided for by the Queen's Navy, under the uncontrolled order of the Queen's Naval Commander. But it appears to me that the question of the contribution from the Colonies towards the expense of maintaining the necessary Naval Force, is materially effected by such an admission; it is for instance impossible, by their Lordships own shewing, to arrive at any conclusion as to the position to be occupied by a fleet for the defence of any given Colony, and it may be, indeed it certainly would be the case in these seas, that a squadron, which might act efficiently for the defence of Australia and its commerce, would, at the same time, protect New Zealand, the Mauritius, and very probably also the Indian and China Trade. How would it be possible then to allot to each of these Countries their definite share of the expense? I confess I do not see my way to any practical solution of the question.

W. DENISON.

### No. 3.

#### MINUTE OF HIS EXCELLENCY THE GOVERNOR GENERAL.

THE Despatch which I have now brought under the consideration of the Council, with the enclosed letter from the Lords Commissioners of the Admiralty opens up two distinct questions, namely, that of the defence of the Colony from external aggression by a force acting within the Colony itself, and that of the prevention of such attacks by the action of a force altogether external to the Colony. It will simplify the consideration of those subjects if I treat of them separately; for although there is no question that if the second could be effectively carried out, the first might be altogether disregarded; yet, as this cannot be, it behoves us to discuss both, to ascertain the relation they bear to each other, and to decide upon the character of the system which under present circumstances will be most appropriate for the Colony, that is, which will give an adequate amount of protection at the least expense.

In former Minutes, the subject of the local defence of Port Jackson was fully discussed, and a scheme submitted, which embraced the erection of certain works—their proper armament—the character and amount of the military force which would be adequate to their defence—and the amount of naval assistance which would be required to make this defence thoroughly effective, by affording to the troops employed sufficient notice of the approach of the enemy. A suggestion was also made as to the mode in which the military force should be organized, and as to the proportion in which the expense of the whole scheme of defence should be divided between the Mother Country and the Colony. The whole of these papers were submitted to the Legislature on the 20th November, 1856, with a recommendation that certain additions should be made to the amount appropriated towards the construction of certain works of defence; and the attention of the Legislature was specially called to the principle upon which the expense of maintaining the naval and military force was proposed to be divided between the Mother Country and the Colony.

The Legislature voted the necessary sums for the continuation of the works of defence, but no other action was taken in the matter; and the subject having been referred by me to the Secretary of State, the Despatch now before the Council is a reply to that reference. Lord Stanley in this communication adopts the principle enumerated by Lord Grey, that the force to be maintained by the Mother Country in the Australian Colonies should be that which may reasonably be required for defence against possible aggression. If a greater force is required, the local Legislature should make provision for the pay and allowances of an additional number of Her Majesty's regular forces. This I may observe is on the supposition that an efficient military force of militia could not, under the present circumstances of the Colony, be properly organized and made effective, a supposition which I believe to be perfectly correct. His Lordship admits that the principle adopted by the

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Executive Council in July 1856, relative to the division of the expense of maintaining the military and naval force required for the defence of the Colony, has the great merit of simplicity, and of being calculated to dispense with minute changes of plan, and to obviate disputes; but under a misconception, I believe, of the expression used in my Despatch, "that the Government of the Colony should have, as in point of fact it *must* have through the vote of the Legislature, the responsibility of determining the amount of force which ought to be maintained," his Lordship observes, that Her Majesty's Government do not see in what manner this suggestion could be adopted, without compromising the independent action of the central authorities of the Empire. All, however, that I intended by the expression before quoted, was that the Legislature would necessarily determine the *maximum amount* of the force for the payment of which it would provide funds. I never of course contemplated the exercise of a power of demanding the establishment, and maintenance of a specific number of troops within the Colony; and I cannot but hope that, should the Council and the Legislature affirm the principle before laid down, Her Majesty's Government will not persevere in their objection.

The only other point alluded to in the Despatch, to which it is necessary to draw the attention of the Council, is that in which Lord Stanley says, that Her Majesty's Government is prepared to adopt generally the views contained in the letter of the Lords Commissioners of the Admiralty, and expresses a hope that I may be able, with the advice of my Council, to arrive at some practical conclusion in accordance with those views.

It appears to me that, with regard to the local defences, their Lordships have discussed the subject upon general principles, without reference at all to the local and peculiar circumstances of the Colony. They observe that the vessels employed for the defence of the coast should be Colonial vessels, manned by crews organized as a Colonial militia; that the men would reside on shore, be occasionally drilled in the use of guns and arms, and be called out when wanted. Their Lordships also observe, that the same force might be employed to man coast batteries. In making these remarks, however, their Lordships have altogether overlooked the fact, that the whole scheme of defence of Sydney is based upon the supposition that such a militia could not be organized, so far as to be effective. In fact in time of war with any naval power, the men intended to work the guns in the batteries must be in a constant state of readiness, that is, they must be always embodied. It would be too late to call them out when the enemy came in sight. In the same way as the single gun-boat required is, as was shewn in my former Minutes, intended to supply the men for a couple of boats to row guard at the mouth of the Harbour, and to support these boats by her fire, while she would at the same time give notice to the troops in the batteries to prepare for action. It is evident that the crew must be permanently attached to the vessel, must live on board, and be subject to the strict discipline of a man-of-war. It is hopeless to expect that such discipline could be maintained on board of a Colonial vessel, and I trust therefore that the Lords Commissioners of the Admiralty may be induced to re-consider this portion of the subject; and as the Colony proposes to take upon itself the cost of maintaining all the batteries, barrack, and military buildings, while the troops which are stationed here are under the entire control of the Officer appointed by Her Majesty, and are subject to the provisions of the Mutiny Act; so the Admiralty will provide and maintain the single gun-boat which is required, placing it under the command of an officer of the Navy, and subjecting the men to the strict rules of naval discipline, without which it is evident that the expense of maintaining the vessel would be thrown away. Should their Lordships assent to this, the Colony would, in accordance with the principle before stated, pay one-half of the cost of maintaining the vessel.

I now come to the question submitted under the third head of the letter of the Lords Commissioners of the Admiralty, namely, the "*general defence*" of the Colonies. By this their Lordships mean that system of protection which is extended to the Colonies by the action of the fleets and squadrons of Her Majesty's Navy upon the naval force of the enemy, either by blockading them in their harbours, or by attacking them wherever they may be encountered.

The views enunciated by their Lordships I believe to be perfectly correct. I am convinced that the system of awaiting attack near the coast which it is an object to defend, is sure to lead to reverses and defeat; that the system of offensive action is in every way the most

most effective mode of securing either a Colony or the Mother Country from attack. From this, however, it would follow that, if the Colonies are to be asked to contribute towards the expense of such general defence, the rates of the contributions must be determined according to some general principle applicable to all; for the fleet which by its offensive action shut up the Russian Naval Force in the River Amoor, or at Petropaulowski, was contributing to the security of the Australian Colonies, New Zealand, and, indeed, to all the Colonies in the Pacific. It also protected the British trade with India, China, and South America. I cannot, therefore, see how it would be possible to arrive at any determination of the proportion in which the expense of maintaining this fleet could possibly be shared between the different parties interested.

I may observe also with reference to the question raised by their Lordships, "how far the Colonies shall be called upon to contribute towards the maintenance of such part of the naval force as is, under ordinary circumstances, kept in the neighbourhood of adjacent Colonies;" that as the Imperial Government, were the Colonies to form a State or States separate from the Mother Country, would have to maintain a much larger force than at present for the protection of British interests, as is shewn by the fact of the large force maintained on the coasts of North and South America, it would seem to be inadvisable to require the Colonies to contribute towards the expense of a force over which they can exercise no control, and which is in fact very much lessened by the very circumstance that the squadron is cruising on the coast of a Colony, and not upon that of an independent State or States.

The point raised by their Lordships relative to the conveyance of troops and stores, would seem to me to be merged in that of the local defence. If the Mother Country is to contribute towards that defence in any proportion, it would of course share, in that proportion, in all the expense of maintaining and moving troops. I cannot, I confess, see any ground for placing the cost of conveying troops upon a different footing from that of their maintenance in a proper state of efficiency for action. It would be, I think, desirable that the whole subject should be brought under the consideration of the Legislature, either by the appointment of a Committee of the Legislative Assembly, or by the submission of certain specific resolutions for adoption, which will exhibit clearly the views of the Government and Legislature with relation to the different questions raised in the Despatch of the Secretary of State.

W. DENISON.

#### No. 4.

##### MINUTE OF HIS EXCELLENCY THE GOVERNOR GENERAL.

THE Despatch opens up a very wide question, namely, the relative obligations of the Parent State and its Colonies, so far as the defence of the latter against external aggression is concerned.

This subject was mooted by me in a Despatch No. 127, dated 14 August, 1856; in which, while submitting a special scheme for the defence of New South Wales, I attempted to lay down the general principles upon which the Mother Country and the Colonies should contribute towards the expense which the adoption of any such scheme would necessarily occasion. The Secretary of State, in a Despatch No. 6, dated 11 March, 1858, while admitting in general terms the advantages which would result from the adoption of a general principle, stated that Her Majesty's Government were not prepared to carry it so far as regarded the pay of the troops was concerned. In the same Despatch was enclosed an elaborate Minute from the Lords Commissioners of the Admiralty, in which, after alluding to a specific proposition of mine with relation to the defence of Sydney Harbour, their Lordships discuss the general principles upon which the Naval Defence of the Colonies should be conducted, and allude to the possibility that the Colonies may be called upon to pay a portion of the cost of such Naval Defence.

I believe that the general principles laid down by their Lordships are perfectly correct, and that the Naval Defence of these Colonies, or more generally, of any country, would be far more effectively provided for by a squadron cruising in the track of the enemy,

or blockading them in their harbours, than were the defending force to confine itself to purely defensive operations in the immediate vicinity of the coast of the country to be protected. There are, in the case of these Colonies, two very palpable objections to the latter course; one of which is based upon military, and the other upon political considerations.

It is contrary to all sound principle to concentrate a force, which has to defend a long line of coast, at any point of that coast, as a successful attack might be made upon some undefended point long before the covering force could make its way to the scene of action; for instance,—were Sydney to be the head quarters of the force, Melbourne or Hobart Town might be attacked, and the shipping or town destroyed, long before vessels from Sydney could run down to their assistance. The same remark would apply, were Melbourne to be the head quarters. Three or four days would be required for the squadron to work up either to Sydney or Hobart Town; and unless the local defences of these places were in a condition to resist an attack from such a force as might reasonably be expected to proceed against them, the benefit which would be derived from the presence of an Australian squadron would be but trifling.

The political objection to which I have alluded is based upon the conviction that jealousies would be created between the different Colonies, were any preference shewn for one as the principal head quarters of the squadron.

It may be inferred from what I have said above on the subject of the military objection which exists to a system of naval defence confined to the Australian waters, that although the presence of such a squadron would do much to keep foes at a distance, and to secure our trade, both foreign and coasting, it would yet be ineffectual to secure the Colonies from attack and from serious injury, unless proper preparations were made to enable each Colony to defend itself by the erection of batteries and the maintenance of the troops necessary to man them.

This has been done, to a great extent, at Sydney; some few additional arrangements are required to perfect the works, and the presence of a steam gun-boat would be essential to the internal defence of the Harbour in time of war. Much too has been done at Hobart Town, where, before I left Tasmania, four batteries were completed and armed, the guns from which bore upon the anchorage in front of the town,—and though some additions might be made to these, and a fifth battery constructed near the site of the old Government House, yet even with the existing batteries, properly armed and manned, it would be difficult for a vessel or vessels to take up a position to bring any effective fire upon the town, without being subjected to severe loss and damage.

I differ then from the gentlemen who have addressed to Sir Henry Young the letter enclosed in the accompanying Despatch; in that I do not lay so great a stress as they do upon the presence of a sufficient force in these seas, to justify the Government in making this an Admiral's command. I am, however, of opinion, that the force in these waters, at present, is not in any way adequate to the duty which it is called upon to perform. There is, as yet, but one vessel of 20 guns, the "Iris," (the "Herald," a surveying vessel, being employed upon special service,) for the whole of the Australian Station, which includes the whole of the Australian Colonies, New Zealand, and the Islands in the Pacific Ocean. This vessel is at present employed to the northward in visiting the New Hebrides and Woodlark Islands, the Captain having received instructions to punish the savages of the latter island for murdering the crew of a wrecked vessel. He will be occupied on this duty for between four and five months. I have received intimation that a brig,—the "Sappho,"—has been ordered to this station, and that a steamer,—the "Cordelia,"—is also expected to arrive here. Ample employment, however, will be found for both of these vessels in the South Seas and New Zealand, where the relations of the Government with the natives require to be maintained by the constant presence of a ship of war, so that the single corvette will still be the only vessel in the Australian waters, a force evidently inadequate to comply with the demands for support and assistance, to which a trade, of an extent almost unequalled in any group of Colonies, is sure to give rise.

I have not, as yet, alluded to the assertion made in the letter addressed to Sir Henry Young,—“that the Australian Colonies are not indisposed to take upon themselves a just share of liability for their own defence and the maintenance of British supremacy.” That  
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this is the case I do not entertain any doubt, but, as I said before, the discussion of such a subject opens up a very wide question,—no less than the relative obligations of the Parent State and the Colonies with relation to the defence of the latter. I have considered this part of the subject so far as the defence of a particular Colony is concerned, in my Despatch, No. 127, dated 14th August, 1856, and I see no reason to alter the opinion I therein expressed, that the principle which has been adopted with regard to cost of the mail service, (in which the joint interest of the Colony and the Mother Country is admitted) should regulate the contribution of the Mother Country and the Colony, towards the expense of the force which it may be necessary to maintain, to secure the Colonies from external aggression.

This, however, had reference only to the cost of the troops required to man the different batteries and such gun boats, or any naval force of a specially local character, as it might be necessary to maintain. I did not enter upon the question of general naval defence of the Colonies, as I was not in a position to do so at the time; and I only now proceed to discuss the subject as being brought specifically before me,—first by the letter of the Lords Commissioners of the Admiralty, and second by the Despatch and Enclosure from the Governor of Tasmania. It is evident, from what the Lords Commissioners of the Admiralty allege themselves, that the naval defence of a Colony or a group of Colonies, is best provided for by such a general disposition of the vessels at the command of the Government as may enable them to act offensively against the enemy:—that, for instance, it would be safer to blockade a French force either at the Isle of Bourbon or in the Port de France, in New Caledonia, than to wait until it suited the Officer in Command at these points to sally forth to attack us. But in such a case, the naval defence of these Colonies is coupled up with that of all the other Colonies in this part of the World,—with that of India, the Cape of Good Hope, the Mauritius, New Zealand, &c.; and it would be difficult, if not impossible, to arrive at any satisfactory determination of the proportion of the expense payable by each, except upon some general principle applicable to all. The mere fact, that on account of their local advantages, the inhabitants of Australia are able to contribute towards the expense of this external system of defence, ought not, in my opinion, to be considered any reason for establishing a difference between them and their neighbours. Until, therefore, some general principle can be arranged equally applicable to all Colonies, I should not be disposed to recognise the justice of a claim that the Governments of these Colonies should contribute towards the expenses of the squadron maintained in these seas, for the purpose, during peace, of watching generally over the operations of the trading portion of the community; and, in time of war, of affording protection to the commerce of Australia. And I am the more inclined to take this view from the fact that a very large proportion of the foreign trade of these Colonies is carried on with English capital in English ships, the Colonial capital being principally engaged in the coasting trade and other occupations of local interest.

W. DENISON.

#### No. 5.

THE GOVERNOR OF TASMANIA to THE GOVERNOR GENERAL.

*Tasmania,  
Government House,  
Hobart Town, 8 July, 1858.*

SIR,

At the request of my Responsible Advisers, I have the honor of enclosing a copy of my Despatch to the Right Honorable the Secretary of State, and of a letter from them addressed to me, on the defence of this Island, and of the Australian Colonies in time of war.

I have, &c.,

H. E. F. YOUNG.

HIS EXCELLENCY

SIR W. DENISON, K.C.B.,  
GOVERNOR GENERAL,  
Sydney.

[Enclosure



[Enclosure 1 in No. 5.]

No. 51. Executive.

Tasmania,  
Government House,  
Hobart Town, 5 July, 1858.

My Lord,

I have the honor to submit to your Lordship's consideration, that however general and well-grounded is the opinion in Great Britain and in Australia, that the strength of Her Majesty's Naval Forces in every quarter of the Globe is a material and important element of the safety of each Dependency of the Crown, it would be very politic and satisfactory that the National Flag should be seen more frequently than has heretofore been customary on the coasts and in the ports of Tasmania. The useful moral effect of such a display would seem at present to be attainable, with sufficient frequency, only by an increase to the squadron in the Australian Seas. The visits of a man-of-war to Hobart Town in the last five years have been as follows:—

15th May, 1853—"Calliope," 26 guns.  
27th March, 1854—"Electra," 14 guns.  
14th May, 1854—"Fantome," 12 guns.  
4th May, 1855—"Fantome," 12 guns.  
13th March, 1856—"Juno," 26 guns

I have the honor to enclose copy of a representation which has been sent to me to-day by my Responsible Advisers, forcibly representing that no measures for an effectual defence of this City are capable of being made without the aid of a British Naval Force, and that the presence of such a force is indispensable to the security of the Colony against war.

I have also to request for Tasmania, as I did for South Australia when in office there, before the last war, that a supply of arms of the most approved and latest construction should be sent to Hobart Town as soon as possible, and that this supply should include, at least, 1,000 Enfield Rifles, with the necessary ammunition and equipments. At the instance of my Ministry, I send copies of this Despatch, and of their letter to me, to the Governors of the adjacent Colonies for such concurrence as they may desire to express in the suggestion from Tasmania, that the Australian Command at Sea should be made an Admiral's Station.

I have, &amp;c.,

H. E. F. YOUNG.

The Right Honorable  
Lord Stanley,  
&c., &c., &c.

[Enclosure 2 in No. 5.]

Sir,

We have had under our consideration for some time the necessity of a combined representation from the different Colonies of Australia to the Imperial Government, setting forth that the period has now arrived at which it is imperatively necessary that measures should be taken for their protection in the event of war between the Mother Country and any other Power.

The commerce of these Colonies, as your Excellency is already aware, is scarcely second to that of any of the Dependencies of the British Crown. It is one in which almost exclusively British capital and industry are invested; and the character of a considerable element in it, gold, is peculiarly liable to attract the hostile designs of an enemy.

The Australian Colonies are not, we believe, indisposed to take upon themselves a just share of liability for their own defence, and the maintenance of British supremacy; but they are so recent in their origin, their signal advance in population and in wealth has taken place within so brief a period, and their interests have been pursued hitherto so much apart from, and independently of, each other—no occasion in fact having arisen for their co-operation in a great and common object—that it would, we feel, be wholly misjudged, were the Imperial Government to leave them to themselves in the exigency for which we wish adequate provision to be duly and promptly made. In fact we are persuaded that without the guidance and the fostering aid of the Mother Country, no measures calculated for a serious emergency will, or can be made by these Colonies.

We would, therefore, most earnestly beg of your Excellency, to urge upon the Imperial Government to make the Australian Colonies an Admiral's Station, and that a Naval Squadron be maintained on it at least equal to that of any other Power in these seas. We need not advert to the Naval armaments maintained in the Pacific by other Powers for the defence of their Possessions, which are far less valuable and expensive than those of Great Britain.

The City of Hobart Town is so situated as to be incapable of any effectual defence, otherwise than by a Naval Force. The approach to it by Storm Bay and the River Derwent is unimpeded by any difficulties of navigation, and the breadth of the river is such as to render resistance by fortifications, and more particularly such fortifications as the revenues of this Colony would suffice to provide, quite hopeless. In the presence, then, of a Naval force, is the only security of the City, and thereby of the Colony. But we would, nevertheless, respectfully advise Your Excellency to apply to the Imperial Government for a thousand Enfield Rifles, with the necessary ammunition and equipments.

More

More mature deliberation and professional experience may indicate the advisability, at a future period, of steps being taken by the different Colonies of Australia, which do not at present suggest themselves; but, meantime, we should feel that we exposed ourselves to a charge of dereliction in a duty, the seriousness of which may be made but too apparent, we know not how soon, were we to wait supinely for some overt occasion before we sought to propitiate the care and consideration which the magnitude and the defenceless situation of these Colonies both demand.

We feel also that by opening this question with the British Government, and with the neighbouring Colonies, an important step will have been made towards its final and satisfactory settlement.

We would respectfully advise that your Excellency address the Secretary of State on this subject by the first Mail, and that copies of your Despatch and of this letter accompany the communication which we have recommended, to the Governors of the other Australian Colonies, should your Excellency see fit to comply with the course we have advised.

We have, &c.,

FRANCIS SMITH.  
WM. HENTY.  
FREDK. M. INNES.

His Excellency the Governor,  
&c., &c., &c.

### No. 6.

#### *PROCEEDINGS of the Executive Council with respect to the Defence of the Australian Colonies.*

Minute No. 58-31. Dated 2 August, 1858.

#### PRESENT:—

His Excellency The Governor General.  
The Honorable The Vice-President of the Council.  
The Honorable The Secretary for Lands and Public Works.  
The Honorable The Attorney General.  
The Honorable The Colonial Treasurer.

His Excellency the Governor General lays before the Council a Despatch from Sir Henry Young, Governor of Tasmania, enclosing, at the request of his Responsible Advisers, a copy of a Despatch which he has recently transmitted to the Right Honorable the Secretary of State for the Colonies, and also a copy of a letter addressed to him by those gentlemen on the subject of the defence of Tasmania, and the Australian Colonies generally, in time of war.

2. In this Despatch, which is based on the letter of his Advisers, Sir Henry Young strongly urges upon the Secretary of State the necessity for making the Australian Colonies an Admiral's Station, and for maintaining in these seas a Naval Squadron equal, at least, to that maintained therein by any other Power; and the object of the present reference to this Government is to invite the Colony to strengthen that representation by a similar expression of opinion.

3. Sir Henry Young's Despatch, and the letter of his Ministers, also open up other questions connected with the defence of the Australian Colonies; but these His Excellency the Governor General is not, at present, prepared to submit for the consideration of the Council, and only now desires their advice as to the propriety of adopting, and acting upon, the specific suggestion of the Tasmanian Government.

4. The Council are not disposed to lay so great a stress as, it would appear, Sir Henry Young and his advisers do, upon the presence in these seas of a sufficient force to justify the adoption of the step advocated by them, and are not, therefore, prepared to recommend that any representation should be addressed to Her Majesty's Government on behalf of this Colony, urging the necessity for making the Australian Colonies an Admiral's Station. They are, however, of opinion, that the naval force at present stationed in these Colonies, consisting, as it does, of only two available vessels, is not in any way adequate to the protection, either in peace or war, of British and Colonial interests, and they recommend that His Excellency should bring this expression of opinion under the notice of Her Majesty's Government, and urge the expediency of strengthening that force.

EDWARD C. MEREWETHER,  
Clerk of the Council.



## No. 7.

THE GOVERNOR GENERAL to THE SECRETARY OF STATE FOR THE COLONIES.

(No. 156.)

*Government House,  
Sydney, 26 October, 1858.*

SIR,

I received some months ago a Despatch from Lord Stanley, No. 6, dated 11 March, 1858, in reply to one of mine, No. 127, dated 14 August, 1856, on the subject of the defence of Sydney Harbour.

The questions raised in this Despatch, and especially those to which reference is made in the letters addressed by the Secretary of the Admiralty to Mr. Merivale, are of two kinds; the first has reference to the special defence of this Colony, and of this, as it will be brought specially under the consideration of the Legislature, at an early period, I will postpone the consideration until I can inform you of the result of such consideration. The second has reference to more general questions, classified under the heads of *communications* and *general defence*, and I will now proceed to state the views entertained by myself and the Members of my Executive Council with relation to these.

Under the former their Lordships include the conveyance of Mails, to which it is unnecessary for me to allude, as in the case of the Australian Colonies this is the subject of a special contract.

With regard, however, to the conveyance of troops and stores, the proposition of their Lordships, that the transport of troops from one Colony to another, and from one part of a Colony to another part of the same Colony, should be provided for at the expense of the Colony or Colonies concerned, opens up the general question,—“by whom are the troops, “required for the defence of the Colonies, to be paid?”

If by the Colony, then of course all the expenses contingent upon their movements to and fro, whether to the Colony from England, or from another Colony, or within the limits of the Colony itself, must be defrayed from Colonial funds.

If, however, any share of the responsibility of defending a Colony is to rest with the Mother Country, as is admitted in Lord Stanley's Despatch, then there does not appear to be any reason why the former should be charged with the whole expense of the transport of troops.

The principle suggested by me in former Despatches, that the expense of the movement and maintenance of the troops required for the defence of the Colony should be shared equally between the Mother Country and the Colony, appears to me to be one which would meet every difficulty and obviate every chance of disagreement between the Colony and the Mother Country.

The subject of the “general defence” of these Colonies has been brought under the notice of the Government of New South Wales, in a special manner, by Sir Henry Young, who has forwarded to me copies of a Despatch addressed to the Secretary of State, covering a Minute addressed to him by his advisers on this subject.

The substance of this was a recommendation that the Australian Colonies should be made the head quarters of a squadron under the command of an Admiral. I forward, herewith, an extract from the proceedings of my Executive Council with relation to this proposal, which will give you an outline of the views entertained by myself and my Council on this particular question; and I will avail myself of this opportunity of stating my view of the more general question submitted to the Lords Commissioners of the Admiralty.

This appears to me to come under two separate heads. The first may be said to be a professional question, namely—what is the best mode of employing a given naval force for the defence of a particular portion of the Empire?

The second, which bears upon the question of the relationship between the Mother Country and the Colony, may be stated thus:—Ought not some share in the cost of maintaining a naval force for the “general defence” to be defrayed by the Colonies interested?

The answer to the professional question is most correctly given in the letter of the Secretary of the Admiralty. There cannot be any doubt that the defence of any country against attacks by sea is best provided for by offensive movements against the fleets or harbours

of

of the enemy. This very fact, however, would seem to render impracticable any attempt to come to an understanding with an individual Colony as to the relative amount of the benefits conferred by a particular squadron upon itself, other adjacent Colonies, and the Mother Country. Take the instances adduced by their Lordships.—There can be no doubt that the Naval defence of these Colonies was best provided for during the war with Russia by the fleet on the Coast of Tartary; but then this fleet, as is shewn by their Lordships, secured India from aggression, and protected the trade of England with China and the countries generally which are washed by the Pacific Ocean. How would it be possible to measure the relative amount of the benefit conferred upon India, the Australian Colonies, New Zealand, Mauritius, &c., by the action of this fleet; and how would it be possible to distinguish in the protection given to the trade of the Colonies the amount of interest for which the Mother Country ought to contribute?

A practical solution of the question may, perhaps, be arrived at by a consideration of the objects which the Government proposes to itself in sending vessels of war to different parts of the world. For instance, there is one squadron on the East and another on the West Coast of South America. The motives for maintaining those squadrons are, probably, partly political, but they have reference also to the security of trade. In the security thus afforded, however, all nations partake; and it would be as impossible to define the amount of benefit which any individual Colony would derive from the presence of these ships-of-war, as it would be to measure that conferred upon any other trading community. Then, again, with relation to the Australian Colonies, a small naval force will be sufficient to protect all interests so long as these remain part and parcel of the Empire. But were a separation to take place, it would be found necessary for the security of British interests to maintain a much larger force than is now required. Would it then be fair or right to ask the Colonies to contribute towards an expense which their very position as Colonies renders comparatively light? In truth, however, this question is only a portion of one of a much more general character, and until a satisfactory definition can be given of the obligations imposed by the relations which exist between a Colony and the Parent State, it would in my opinion, and in that of my advisers, be unadvisable to press upon the Governments of these Colonies any partial proposition of the kind alluded to in the letter of the Lords Commissioners of the Admiralty, as such a course would only tend to elicit debate, and would afford no assistance towards the solution of the general problem.

I have, &c.,

W. DENISON.

THE RIGHT HONORABLE

SIR E. BULWER LYTTON, BART.,

&c., &c., &c.

## No. 8.

### *PROCEEDINGS of the Executive Council with respect to the Defences of the Colony of New South Wales.*

Extract from Minute No. 59-27. Dated 11 July, 1859.

#### PRESENT:—

His Excellency The Governor General,  
The Honorable The Vice-President of the Council,  
The Honorable The Secretary for Lands and Public Works,  
The Honorable The Attorney General,  
The Honorable The Colonial Treasurer.

ADVERTING to the proceedings on the 2nd August, 1858, and on previous dates, with respect to the defence of the Colony of New South Wales, in the event of foreign aggression, His Excellency the Governor General invites the attention of the Council to the intelligence received by the last Mail from England of war having broken out on the Continent of Europe, and consults them as to the propriety of taking early measures, with the view of guarding against the danger of predatory attack to which, in the progress of events, and from causes not now foreseen, the Colony, and more particularly the City of Sydney, may become exposed.

2. The Council are fully alive to the duty that devolves upon the Government of making timely provision, even when the probability of danger is remote, for the protection of

of the Colony against the attacks of an enemy, and they propose that the fuller consideration of the subject, which has already, with reference to previous Minutes of His Excellency the Governor General, occupied their serious attention, should be resumed at an early period. At present they deem it advisable that advantage should be taken of the opportunity that will be afforded by the departure of the Mail steamer during the present week, of ordering from England a supply of rifles for the purpose of arming any Volunteer, Militia, or other forces, that it may eventually become expedient to raise.

3. They therefore advise that an order be despatched for a supply of two thousand rifles, of the latest and most approved construction, and proved in the customary manner for the use of Her Majesty's regular Troops, with all necessary accoutrements, to be forwarded to the Colony with the utmost expedition.

4. The Council further advise that the necessary instructions be forwarded to the Oriental Bank, in London, to pay for the arms in question, on account of the Colony, at a cost not exceeding £10,000.

A. ORPEN MORIARTY,  
Clerk of the Council.

### No. 9.

THE GOVERNOR GENERAL to THE SECRETARY OF STATE FOR THE COLONIES.

No. 77.

*Government House,  
Sydney, 13 August, 1859.*

SIR,

I have the honor to inclose herewith a letter addressed to Major General Hay, School of Musketry, Hythe, requesting him to procure for the Government of this Colony 2,000 stand of the most approved rifles, for the purpose of arming any military force which the Colony may think it advisable to raise.

I am sensible that I have no right to call upon General Hay for advice and assistance in this matter; would you therefore submit this application to the War Department, and obtain the permission of His Royal Highness the General Commanding-in-Chief, for General Hay to act for us in this matter.

I have, &c.,  
W. DENISON.

THE RIGHT HONORABLE

SIR E. BULWER LYTTON, BART.  
&c., &c., &c.

*[Enclosure in the foregoing.]*

*Government House,  
Sydney, 13 August, 1859.*

Sir,

The Government of New South Wales is anxious to obtain the very best weapon which modern science has devised, for arming the military force which it may have to organize.

I know no person in England whose opinion on this important subject can have so great a weight as your own; and I am induced therefore to apply to you both for advice and assistance. Will you therefore kindly decide for me, among the many conflicting weapons which have been presented to you for trial, which is the most efficient. My own feeling at present is in favor of Whitworth's rifle; but I leave the decision entirely in your hands. Will you also take upon yourself to order, for the service of this Colony, 2,000 stand of the most approved weapons, with all the necessary accoutrements, of the simplest and most desirable description? It would probably be as well that we should have a certain quantity of ammunition made up—say 50 rounds per gun, with the necessary means of manufacturing more when required.

Should you kindly accede to my request that you would act for me in this matter, a notification to the Manager of the Oriental Bank in London, to that effect, will place at your disposal a sum of £12,000; and should this not be sufficient to cover the cost of the rifles, &c., any further amount which may be required will be transmitted without delay.

With many apologies for the trouble I am asking you to take,—

Major General Hay,  
&c., &c., &c.

I remain, &c.,  
W. DENISON.

The rifles, when procured, may be transferred to the Agent of the Colony, whose name and direction will be notified to you by the next Mail.

## No. 10.

*PROCEEDINGS of the Executive Council, with respect to increase of the Military Force in this Colony.*

Extract from Minute, No. 59-28. Dated 18 July, 1859.

## PRESENT :—

His Excellency the Governor General.  
The Honorable the Vice-President of the Council.  
The Honorable the Secretary for Lands and Public Works.  
The Honorable the Attorney General.  
The Honorable the Colonial Treasurer.

THE Council having met pursuant to summons, His Excellency the Governor General, referring to the proceedings on the 28th ultimo and 11th instant, consults them as to whether, under the altered aspect of affairs arising from the intelligence from Europe received by the last Mail, it would not be advisable to take measures for retaining in this Colony the additional companies of the 12th regiment whom it is otherwise the intention of the Military authorities, consequent on the decision arrived at by the Council on the date first mentioned, to despatch during the present week to their original destination in Tasmania.

2. It is understood that a contract has already been entered into for the conveyance of these troops, but that the contract may be cancelled at a cost of about £150; and from communications which have already taken place with Colonel Percival, C.B., and the Major General commanding the Forces, it appears that the Military authorities, though willing that the additional force should remain in Sydney, are not prepared to take the responsibility of directing their retention here at the expense of the Imperial Treasury, until the local Parliament (whom it has been proposed to invite to make the necessary provision for the increased expenditure) should have met and considered the subject.

3. The Council, after a very full deliberation, determine to adhere to the advice tendered by them on the 28th ultimo. While they cannot fail to perceive and admit, that in the present unsettled state of public affairs in Europe, contingencies may arise to render it desirable that the services of additional troops should be promptly available in connection with local objects of precaution or defence, they do not consider that, under present circumstances, any such emergency exists as to justify them in advising that the Government should incur a further large expenditure for military purposes without the sanction of Parliament, now so soon expected to be in Session.

A. ORPEN MORIARTY,

Clerk of the Council.

## No. 11.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

(No. 39.)

Downing-street,  
5 May, 1859.

SIR,

I have to acknowledge the receipt of your Despatch, No. 156, of the 26th of October last, with its enclosures, in continuation of the discussion as to the naval and military defences of New South Wales and of the other Australian Colonies, and further explaining the views which were entertained on this subject, so far as it had then been considered by yourself and your Executive Council.

Having referred those papers to the Secretary for War and the Admiralty, I transmit, for your information, copies of the answers from both that department as well as the War Office. The former of these two letters does not call for any comment; the latter announces the measures which it has been decided to adopt for considerably strengthening the naval force on the Australian Station; and intimates the probable separation, under the command of an officer having the rank of Commodore, of the squadron in the Australian Seas from that under the East India and China Station. It further states the arrangement which the Board of Admiralty are prepared to adopt with reference to the transport of troops.

troops. By that arrangement, it is proposed that the charge of the conveyance of troops from England to the Colonies, and of their removal from one Colony to another should be defrayed by the Imperial Government, on the general understanding that the removal of troops by sea from one part of a Colony to another should be at the cost of the Colony.

This division of the expenses is in itself very favorable to the interests of the Colonies, but it should always be borne in mind, that, although such is the general arrangement, peculiar circumstances may arise which would necessitate the immediate transport of troops from one Colony to another, in order to check internal discord, as in the instance of the Ballarat riots in Victoria, or for other purely local purposes, in which cases, it will be only just and reasonable, that the cost of removing troops should be paid by the Colony so requiring their presence.

It must further be understood, that it is the intention of Her Majesty's Government shortly to appoint a Committee for the purpose of reporting on the whole question of Military expenditure in the Colonies, and that any existing arrangements may be liable to modification on the recommendation of that Committee.

I have, &c.,

CARNARVON,

(in the absence of Sir E. B. Lytton.)

GOVERNOR

SIR W. DENISON, K.C.B.,

&c. &c. &c.

[Enclosure 1 No. 11.]

War Office, 19 February, 1859.

Sir,

I have laid before the Secretary of State for War your letter of the 8th instant, transmitting copies of a Despatch, and its enclosures, from the Governor of New South Wales, and requesting to be furnished, for Sir E. B. Lytton's information, with any suggestions which may occur to Major-General Peel on the several points adverted therein.

I am, in reply, to request that you will observe to Sir E. Lytton, that Major-General Peel wishes that the question raised by the Governor, with which this department is more directly concerned (the amount of force to be maintained in New South Wales, and the extent to which the Colony should contribute towards the cost thereof) is to be brought under the consideration of the Colonial Legislature; and he feels it to be unnecessary, therefore, in the meantime to enter further upon that subject. The other question discussed relates to the amount of naval assistance to be afforded, and whether the Australian Colonies should be constituted an Admiral's station. General Peel presumes that Sir E. B. Lytton will communicate with the department of the Lords Commissioners of the Admiralty on this portion of Sir William Denison's Despatch.

I am to add, that General Peel is not aware of any communication from this department in which the general question is raised, as to the extent to which the Colony should contribute towards the expenses of the transport from one station to another, within the Australian command, of troops and stores; and can only infer, from the reference made to it in Sir William Denison's Despatch, that it is adverted to in the correspondence which has passed between the Admiralty and the Colonial Office.

I have, &c.,

B. HAWES.

H. Merivale, Esq.,

&c., &c., &c.

[Enclosure 2 in No. 11.]

Admiralty, 18 March, 1859.

Sir,

Having laid before My Lords Commissioners of the Admiralty your letter of the 8th February last, with its enclosures from the Governor of New South Wales, relative to the general question of the naval and military defences of that Colony, I am commanded by their Lordships to state, for the information of Secretary Sir E. Bulwer Lytton, that they see no reason to depart from the general views expressed in the letter addressed to you from this department on the 24th January, 1857.

As regards the questions of local defence and the amount of naval force required to be stationed for the general protection of the trade of the Australian Colonies, and of Tasmania and New Zealand, My Lords deem it probable that the amount of force maintained in the seas adjacent to the Colonies will, in future, require to be larger than at former periods, and two additional Ships of War have recently been ordered to proceed from China to join the Senior Officer at present commanding the ships stationed for that service.

My Lords have also had under consideration the expediency of a complete separation of the squadron in the Australian seas from that under the command of the Flag Officer on the East Indian and China station; but they are of opinion that an officer with the rank of Commodore will be sufficient for all general purposes at present.

It

It does not appear to their Lordships to be more incumbent upon this department, or more necessary than at the date of the former Admiralty letter, namely, January, 1857, that they should enter particularly into the questions affecting the conveyance of the Mails, or the transport of troops and stores to the Colonies in general; but as regards the principles by which the cost of such services should be regulated, My Lords may be permitted to observe, that the cost of the conveyance of troops from England to the territories of the East India Company was defrayed, and freight was provided, to the latest period, by that Company.

The conveyance of troops, however, from England to the Colonies, and their removal from one Colony to another, might, perhaps, be reasonably defrayed by the Imperial Government, on the general understanding that the removal of troops, by sea, from one part of a Colony to another, should be at the cost of the Colony.

The cost of naval force for the general protection of the trade of the Colonies should be defrayed by the Imperial Government under all circumstances.

In all cases, however, in which special demands for assistance might be made by the Colonies, under circumstances not evidently resulting from external aggression, or from attacks of aboriginal tribes upon the frontiers, or within the Colonies, the cost of freight and of the maintenance of additional troops should be chargeable on the Colonial Government; but in no case should additional charges be imposed upon the Colony on account of the increase of naval force, except where special allowances may be necessary from peculiar local causes.

With these remarks my Lords would wish only, once more, to refer to their Despatch of 24th January, 1857.

I am, &c.,

H. CORRY.

Herman Merivale, Esq.,  
&c., &c., &c.,  
Colonial Office.

## No. 12.

### MINUTE OF HIS EXCELLENCY THE GOVERNOR GENERAL.

#### *On the Organization of the Military Force required for the defence of the Australian Colonies.*

IN former Minutes I have gone fully into the question on the defence of Port Jackson, and in these I have alluded to the character and strength of the military force which it will be necessary to maintain, in order to render the batteries which have been constructed available for the protection of the City. My object on the present occasion is to bring before the Council the data upon which an opinion may be formed as to the organization by which this military force may be made most effective and most economical.

Before, however, I enter upon this subject, it is necessary that I should bring clearly before you the relative liabilities of the Mother Country and the Colonies, so far as regards the defence of the latter.

It is, I am aware, not unusual to insist upon the obligation of the Mother Country to take upon herself the defence of Her Colonies, upon the assumption that the relation between the two is that of parent and children. This analogy, however, could only hold good in the infancy of a Colony. So soon as the child is capable of action the relation between the parent and it is one of mutuality; the parent is bound to aid in the defence of the child, but the child is under still more stringent obligations to assist the parent in every way.

Analogies such as these afford, however, no safe ground upon which to establish complicated systems of political relationship. The tie that binds together the parent and child is but very faintly imaged in that which connects the Parent State and the Colony; and it would be hopeless to depend upon such a mere cobweb as this when the interests of the two parties had ceased to be identical.

A more cogent argument upon which to base the obligation of the Mother Country to take upon herself the charge of defending her Colonies, may be found in the acknowledged fact, that in most instances the risk to the Colonies arises from some difference between the Parent State and a foreign power, with reference to matters in which the Colony has little or no direct interest. It must not, however, be forgotten that it is owing entirely to its connection with a Parent State whose power is sufficient to make itself respected, that a Colony, especially when it has extensive commercial transactions with foreign countries, escapes from the risks which beset the weak in their dealings with the strong. Questions as to the jurisdiction of the Courts of the Colony over foreigners, which are now referred to the Home Government, and form the subject matter of negotiation between England and other countries would,

would, were there no such referee at hand, be settled summarily by a demand on the part of the foreign power for redress—a demand enforced by threats which a small state would be unable to withstand; instances of this are too frequent to require to be quoted. Though, then, the Colony runs some risks from its connection with the Mother Country, it escapes many others.

On the other hand the liability on the part of the Mother Country to contribute towards the defence of the Colonies is not unrequited. To a Country like England, whose mercantile transactions extend throughout the world, it is of enormous importance to have in every sea, ports and harbours to resort to where its merchants are welcomed as friends and relatives. If this be an advantage in time of peace it is enhanced tenfold in time of war.

The importance attached by the French to the possession of such friendly harbours is evidenced by the efforts which they are now making to establish themselves in New Caledonia and other of the islands in these seas. These positions are looked upon not so much as Colonies, where a surplus population may find comfort and the means of accumulating wealth, but as military outposts, upon which fleets or detached vessels may fall back when either pressed by a superior force, or in want of repair, or of provisions and stores.

There are thus advantages to both parties in the ties which connect the Colonies with the Mother Country, but I should deprecate most strongly any attempt to balance those which accrue to the one party against those enjoyed by the other; in fact it would be impossible to do so, and the attempt would only lead to disappointment, and would introduce feelings which should never exist between friends and relatives.

The Mother Country has thus an interest in the defence of a Colony:—when this is in its infancy exposed to danger, whether from within or without,—aid is freely given; the military and naval force is employed without stint; and a heavy expenditure, the weight of which falls upon the people of England, is incurred without complaint or demur. When, however, the Colony increases in strength and wealth, a call is naturally made upon it to furnish a portion of the means required for defence against either external or internal enemies. This appeal is replied to in some Colonies by the organization of a militia, in which service, under certain circumstances, is compulsory upon the whole population,—the Mother country maintaining at the same time a regular force of sufficient strength to serve as a reserve upon which the militia might form, and by which it would be most effectually supported.

The Colonies, however, in which the establishment of a militia, or of some analagous military force, is most readily responded to, are those in which the necessity of some organized system of defence, either against an internal enemy as at the Cape, or against a hostile force from without as in Canada, is ever present to the minds of the community. Each individual in those Colonies feels that he has a direct interest in promoting the efficiency of the militia, and he willingly sacrifices so much of his time as may be required, in order to perfect himself in those exercises which are necessary to enable him to do his duty as a soldier.

In other Colonies where, from local circumstances, the chance of attack by any sufficient hostile force is but small, or where, if made by an efficient force, the damage from such an attack would be of a local instead of a general character, the organization of a militia would not commend itself to the public mind as a matter of urgency; the danger would be too remote to operate in any way in inducing individuals to sacrifice their time in military exercises; and a militia, if created by law, would be a force upon which no dependence could be placed.

It appears to me that this would be the case in the Australian Colonies generally. There are no enemies at hand of whom they have any reason to be afraid. Those by whom they may, under certain circumstances, expect to be attacked, have it only in their power to damage certain points upon the coast, and could never, in any way, come in contact with the inhabitants of the interior. Then again, in these Colonies the wages of labor are very high, and the sacrifice made by a man who devotes a certain number of days in the course of the year, to military training, is far greater than in other Colonies, where wages are lower.

Should the Government think fit to remunerate the militia man for the loss of time expended in drill, the cost to the Treasury would be excessive when compared with the results produced.

Service



Service then in the militia in these Colonies would be either onerous to the individual or burdensome to the State, and it would, therefore, be advisable to provide, if possible, some efficient substitute for a force of this kind. This, it appears to me, might be easily arranged by an engagement on the part of the Colony, to defray a proportion of the cost of the regular troops, which would be required for its defence; and this proportion might fairly be estimated, as in the case of the Postal contract, at one-half of the pay and allowances of the whole military force required. The Colony would then, as it does now, provide the accommodation required for the troops; it would also erect and maintain all the fortifications which it might be deemed advisable to construct, while the Imperial Government would organize the troops; subject them to a well-established system of discipline; place them under its own Military law; and maintain the whole force in an efficient state.

Arrangements such as these, however, should not, when once entered into, be lightly abrogated. Troops must not be asked for by the Colonies under the pressure of a fear of invasion, and then sent away when this fear has ceased: neither on the other hand is it desirable that troops, detached for special Colonial service, should be moved to other parts of the world, without the consent of the Governments of the Colonies.

It appears to me that all difficulties connected with such an arrangement would be met by the establishment of a local regiment as in Canada, Ceylon, the Cape, and elsewhere. This regiment, when once organized, might be recruited in the Colony, and its strength might be increased or diminished, according to the state of the political relations of the Empire, without any difficulty, either by adding to or diminishing the number of men in each company, or by increasing or reducing the number of companies. An arrangement such as this might be made to embrace the whole of the Australian Colonies. A regiment of Australian rifles consisting of two battalions, would furnish a force which, when supplemented with a few companies of artillery, would be sufficient for the defence of all the Australian Colonies; for when the railroads now in contemplation are completed, facilities will be afforded for concentrating a very large proportion of the force either at Melbourne or Sydney, as may be required, and the means of moving men from Melbourne to Tasmania or elsewhere, are always in readiness.

The estimates appended to this Minute will give a correct idea of the cost of a single battalion of such a regiment, and of the expense of a militia force of the same strength.

From these it would appear that the actual cost of a battalion of 8 companies of 80 men, including the existing Colonial allowance to officers and men, would be £38,925 per annum. The Imperial Government would pay £14,291, leaving in round numbers £24,500 to be provided by the Colony.

The cost of an equivalent body of militia, that is a body of equal strength, would in time of peace be, perhaps, in a small degree inferior to that of a regular regiment; but in time of war, when it would be necessary to keep a force permanently embodied, the expense of the militia would mount up rapidly, and could not, I think, be estimated at less than double that of the regiment of the line.

Looking then, in the first place, to the necessity which exists for the maintenance of a military force, in order to secure the City from the risk of seeing the batteries raised for its defence used for its destruction, and in the second place to the advantage which would be gained, both as regards the efficiency of the force and the cost to the Colony, by the substitution of regular troops for militia, I should strongly recommend that an application be made to the Imperial Government, requesting that a regiment should be embodied for local service in New South Wales, or—should the other Colonies approve—in Australia generally, under such limitations and conditions as have been sketched in this Minute, but which will of course require to be elaborated and perfected by the military authorities here and in England.

W. DENISON.

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ESTIMATE



ESTIMATE for the Pay, &amp;c., of the Officers, Non-Commissioned Officers, Drummers, and Privates, for a Regiment consisting of 8 Companies, for one year.

Numbers.	RANKS, &c.	RATE PER DIEM.		DAILY RATE.		ANNUAL RATE.		Forage.	Command Money.	Non-Effective Allowance.	Contingent to Companies.	Clothing.	DEDUCT		Difference in cost of Rations to public, above that paid by each individual.	Lodging Allowance.
		Imperial.	Colonial.	Imperial.	Colonial.	Imperial.	Colonial.						Rations.	Income Duty.		
		£ 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.
1	Lieutenant-Colonel .....	0 17 0	0 11 3	0 17 0	0 11 3	310 5 0	205 6 3	127 15 0	54 15 0	20 0 0			2 5 7½	6 17 7	6 16 10½	
	Major .....	0 16 0	0 7 0	0 16 0	0 7 0	292 0 0	187 15 0	63 17 6					2 5 7½	6 1 8	6 16 10½	
8	Captains .....	0 11 7	0 5 8	4 12 8	2 5 4	1,691 3 4	827 6 8						18 5 0	35 4 7	54 15 0	
8	Lieutenants .....	0 6 6	0 5 0	2 12 0	2 0 0	949 0 0	730 0 0						18 5 0	29 15 5	54 15 0	
	Ensigns .....	0 5 3	0 5 0	2 2 0	2 0 0	766 10 0	730 0 0						18 5 0	15 19 4	54 15 0	
	Allowance to Officer Instructor .....	0 2 6		0 2 6		45 12 6		63 17 6						0 19 0		
1	Paymaster .....	0 12 6	0 5 8	0 12 6	0 5 8	228 2 6	103 8 4						2 5 7½	4 15 0	6 16 10½	
1	Adjutant .....	0 10 0	0 5 0	0 10 0	0 5 0	182 10 0	91 5 0	63 17 6					2 5 7½	3 16 0	6 16 10½	
1	Quartermaster .....	0 6 6	0 5 0	0 6 6	0 5 0	118 12 6	91 5 0	63 17 6					2 5 7½	2 9 5	6 16 10½	
1	Surgeon .....	1 2 0	0 8 0	1 2 0	0 8 0	401 10 0	146 0 0	63 17 6					2 5 7½	8 7 3	6 16 10½	
1	Assistant Surgeon .....	0 10 0	0 7 0	0 10 0	0 7 0	182 10 0	127 15 0						2 5 7½	3 16 0	6 16 10½	
1	Sergeant Major .....	0 3 2	0 2 6	0 3 2	0 2 6	57 15 10	45 12 6					2 14 0	5 6 5½	3 16 0½		
1	Quartermaster Sergeant .....	0 2 8	0 2 6	0 2 8	0 2 6	48 13 4	45 12 6					2 14 0	5 6 5½	3 16 0½		
1	Schoolmaster .....	0 4 0	0 2 6	0 4 0	0 2 6	73 0 0	45 12 6					2 14 0	5 6 5½	3 16 0½		
1	Paymaster Sergeant .....	0 2 6	0 2 6	0 2 6	0 2 6	45 12 6	45 12 6					2 14 0	5 6 5½	3 16 0½		
1	Orderly-room Clerk .....	0 2 6	0 1 0	0 2 6	0 1 0	45 12 6	18 5 0					2 14 0	5 6 5½	3 16 0½		
1	Hospital Sergeant .....	0 2 8	0 1 0	0 2 8	0 1 0	48 13 4	18 5 0					2 14 0	5 6 5½	3 16 0½		
1	Armourer Sergeant .....	0 2 0	0 1 0	0 2 0	0 1 0	36 10 0	18 5 0					2 14 0	5 6 5½	3 16 0½		
1	Sergeant Instructor .....	0 2 2	0 2 6	0 2 2	0 2 6	39 10 10	45 12 6					2 14 0	5 6 5½	3 16 0½		
1	Drum Major .....	0 2 0	0 1 0	0 2 0	0 1 0	36 10 0	18 5 0					2 14 0	5 6 5½	3 16 0½		
8	Color Sergeants .....	0 2 6	0 1 0	1 0 0	0 8 0	365 0 0	146 0 0					21 12 0	42 11 8		30 8 4	
24	Sergeants .....	0 2 0	0 1 0	2 8 0	1 4 0	876 0 0	438 0 0					64 16 0	127 15 0		92 5 0	
32	Corporals .....	0 1 4	0 1 0	2 2 8	1 12 0	718 13 4	584 0 0					60 6 0	170 6 8		121 13 4	
16	Drummers .....	0 1 1	0 0 6	0 17 4	0 8 0	516 6 8	146 0 0					38 8 0	85 3 4		60 16 8	
608	Privates .....	0 1 0	0 0 6	30 8 0	15 4 0	11,096 0 0	5,548 0 0					1,155 4 0	3,236 6 8		2,311 13 4	
	Good Conduct Pay .....					392 0 0										
	Rewards for good shooting .....					126 4 7										
	Provost Sergeant .....	0 1 0		0 1 0		18 5 0										
	Allowance to Schoolmistress .....					18 0 0										
	Allowance to Assistant do. ....					4 0 0										
	Officiating Clergyman .....					91 0 0								1 17 11		
	Allowance for Apprehension of Deserters .....					10 0 0										
	Excess of Provost Expenditure .....					160 0 0										
	Allowance for Stationery, Orderly-room .....					32 0 0										
	Ditto Paymaster .....					16 0 0					292 0 0					
73	Contingent Allowance to 8 Companies .....															
80	Women, ½ 95 Daily Rations .....														866 17 6	
160	Children, ½ .....															
	Lodging Allowance .....															1,400 0 0
	TOTAL .....			52 3 10	28 6 9	10,899 3 9	10,363 3 9	447 2 6	54 15 0	20 0 0	292 0 0	1,356 12 0	3,780 15 10	119 19 2	3,730 1 8	1,400 0 0

## RECAPITULATION.

					PAY AND ALLOWANCES.					
					Imperial.			Colonial.		
					£	s.	d.	£	s.	d.
Annual Pay, &c.	...	...	...	...	19,899	3	9	10,343	3	9
Forage Allowances	...	...	...	...	447	2	6			
Command Money	...	...	...	...	54	15	0			
Non-Effective Allowance	...	...	...	...	20	0	0			
Contingent to Companies	...	...	...	...	292	0	0			
Clothing	...	...	...	...	1,356	12	0			
Rations	...	...	...	...	3,780	15	10			
Rations in excess paid for	...	...	...	...	3,730	1	8			
Lodging Allowance	...	...	...	...	1,400	0	0			
TOTAL	...	...	...	...	30,980	10	9	10,343	3	9
Deduct Rations paid for by Officers and Men...					3,780	15	10			
					27,199	14	11	10,343	3	9
				£	37,542	18	8			
Fuel...£1,003 18 0 }	...	...	...		1,268	16	8			
Light... £264 18 8 }	...	...	...							
TOTAL	...	...	...	...	38,811	15	4			

Numbers.	RANK, &c.	PEACE. Rate, per day.	WAR. Rate, per day.	PEACE. Amount, per ann.	WAR. Amount, per ann.	CLOTHING.	RATIONS.	FORAGE ALLOWANCE.	FUEL AND LIGHT.	PEACE.	WAR.
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1	Lieutenant-Colonel .....	1 10 0	1 10 0	547 10 0	547 10 0			127 15 0		Annual Pay... 21,462 17 6	35,601 12 6
1	Major .....	1 0 0	1 0 0	365 0 0	365 0 0			63 17 6		Clothing .... 1,754 0 0	3,508 0 0
8	Captains .....	15 0	15 0	2,190 0 0	2,190 0 0					Rations ....	13,140 0 0
8	Lieutenants .....	10 0	10 0	1,460 0 0	1,460 0 0					Forage..... 383 0 0	.....
8	Ensigns .....	7 6	7 6	1,095 0 0	1,095 0 0					Fuel and Light ....	1,268 16 8
	Allowance to Adjutant ....	5 0	5 0	91 5 0	91 5 0			63 17 6			
1	Paymaster .....	15 0	15 0	273 15 0	273 15 0						
1	Quartermaster .....	10 0	10 0	182 10 0	182 10 0			63 17 6			
1	Surgeon .....	15 0	15 0	273 15 0	273 15 0			63 17 6			
1	Sergeant-Major .....	5 0	6 6	91 5 0	118 12 6	3 0 0					
1	Quartermaster Sergeant ....	3 6	5 0	63 17 6	91 5 0	3 0 0					
8	Colour-Sergeants .....	3 6	5 0	511 0 0	730 0 0	24 0 0					
24	Sergeants .....	3 0	4 6	1,314 0 0	1,971 0 0	72 0 0					
32	Corporals .....	2 6	3 6	1,470 0 0	2,044 0 0	88 0 0					
16	Drummers .....	1 6	3 0	438 0 0	976 0 0	44 0 0					
608	Privates .....	1 0	3 0	11,096 0 0	22,192 0 0	1,520 0 0					
	Good-conduct pay, and Prizes and Allowances, Stationery, and Contingencies .....	.....	.....	500 0 0	500 0 0						
	Pensions, &c.....	.....	.....	.....	500 0 0						
	Barracks, or lodging allow- ances for Officers .....										
	For men .....										
	TOTAL.....£			21,462 17 6	35,601 12 6	1,754 0 0	13,140 0 0	383 5 0	1,268 16 8		

To this must be added the interest of money expended in providing Barrack accommodation and lodging money for Officers. This is included in the Estimate for the Regiment—at least a sum of £1,400 is taken for lodging allowance. In the Estimate the Officers' pay is put at lower rate than they are now receiving; it would, probably, have to be increased to the extent of £2,000 per annum.

720 Rations, exclusive of women and children,  
at 1s. per diem, £13,140.

## No. 13.

## MINUTE OF HIS EXCELLENCY THE GOVERNOR GENERAL.

In a Despatch received by the last Mail, the Secretary of State drew my attention to the fact that war had broken out in Europe, and that great anxiety must exist as to the general peace of the world; it was also stated that, without exciting unnecessary alarm, it would be desirable that the Government should be prepared with any precautions requisite for the safety of the Colony. In the wisdom of the course indicated I most fully concur, and I propose to draw the attention of the Members of the Executive Council to the precautions which it may be advisable for the Government to adopt, and to the amount of the expenditure for which application will have to be made to the Legislature.

Before, however, I attempt to discuss the steps which it may be desirable to take to place the Colony in a proper state of defence, it will be necessary to consider carefully and dispassionately the nature of the danger against which we have to provide; and with reference to this, I do not think that I can give my opinion more clearly or more definitely than I have done in a former Minute of mine on the defence of Sydney, dated 10 February, 1855; I there said—"It is evident that, in order to decide upon the character of a defensive system, we must first get a clear idea of the nature of the attacking force, and of the various modes in which its operations can possibly be conducted. What then are the various descriptions of hostile force which may be directed against the City of Sydney? These are—

- " 1st. A fleet, having on board a body of troops, whose number and equipment would be such as to warrant an attempt to land and carry on operations against the City, either in conjunction with the fleet or independently, the ultimate object being to take possession of the City and the Colony, and to hold the same either temporarily or permanently.
- " 2nd. A number of heavy frigates, without troops on board, whose object would be to carry off or destroy the shipping in the harbour, and to lay the City under contribution.
- " 3rd. A few frigates or privateers, whose object would be the same as that last mentioned.

" With regard to the probability of an attack by a fleet having troops on board in number sufficient to enable them to act independently, we may at once dismiss it from our thoughts. I am not aware of any nation which would venture to move a body of troops to such a distance from its resources for the purpose of attacking Colonies peopled with Englishmen, having a population of upwards of half a million, and supported by the whole strength of the British Empire; and, indeed, were such an attack possible or even probable, the works which have been suggested would offer no guarantee against it, or, indeed, be of the least service in enabling us to resist it; we have, therefore, only to discuss the mode of resisting attacks from the sea."

These opinions have in no respect been altered or modified. I am still of opinion that there is no nation in the world which would venture to disembark such a force on the shores of Australia as would be competent to attack a City containing from 60 to 80,000 inhabitants, and having at its disposal an organized military force, small it may be in number, yet sufficient to act as a nucleus round which the irregular force, which such an attack would bring into action, would form. It may perhaps, however, be as well that I should go a little more at length into the reasons which have induced me to form this opinion, as I am aware that some persons, both here and in Victoria, are disposed to believe that such a system of attack is not only possible but probable.

What force would be requisite for the attack of a town containing from 60 to 80,000 inhabitants disposed to defend themselves?

What material must such a force have at its disposal?

It would, it appears to me, be the extreme of rashness, were a less force than 5,000 men to be landed for such a purpose, and these should be accompanied with a proper proportion of artillery, a most essential element in the attack of a town, and for this purpose from 20 or 30 guns would be required.

Is it then probable that any Nation would incur the risk and expense of sending out such a force to these seas, upon the very uncertain contingency that it would, in the first place,

place, succeed in running the gauntlet through the different squadrons cruising at various points between England and Australia, and in the second, of finding the Colonies, on its arrival, so entirely unprepared for resistance, or so willing to submit, as to induce them to yield without a struggle?

I think such a contingency is one against which it would be unnecessary to take any immediate precaution; it is so remote that I, though feeling deeply the responsibility which is imposed upon me as Governor, of neglecting no precaution which may conduce to the security of the inhabitants of New South Wales, should not feel justified in recommending the Legislature to provide against it, as the steps which it would be necessary to take for that purpose would involve a heavy annual outlay. The only danger then against which provision should be made is that of an attack by a naval force, and to the precautions which it will be desirable to take, looking to the possibility of such an attack, without reference to its probability, I will now address myself. I must, in the first place, call your attention to the preparations which have been already made to provide against this contingency.

In the first place works have been erected at various points which command the Harbour and the anchorage near the town. At the extremity of the Domain a battery for 8 guns has been erected, 2 of these have already been mounted, and the remainder are in readiness and might be placed in battery in a few days. Fort Denison is completed and armed; it mounts 15 guns and has barrack accommodation for 58 men; a detachment of Artillery is quartered in this Fort. Fort Kirribili is completed; 5 guns are mounted and barrack accommodation for — men is provided. Dawes Battery is complete; 20 guns are mounted there; a barrack for 100 men has been constructed at the rear of the Fort and part of a company of Artillery is quartered there. Fort Macquarie has at present 18 guns mounted; of these, however, only 11 may be considered as serviceable, and these are of a lighter calibre than it would be desirable to retain in such an important position.

There are then 59 guns mounted or in readiness to be mounted in positions where they would be very effective for the defence of the Harbour and the Town.

The first point to be determined will be the advisability of erecting any works in addition to those above mentioned.

It appears to me that a work is wanted at Garden Island for the purpose of looking into the Bay in the rear, only a portion of which is seen from Fort Denison. This work should be made capable of defence against men landing on the Island, that is,—it should be a closed work with a scarp of from 30 to 40 feet in height; it should be armed with from 3 to 4 guns of heavy calibre and long range, such as those which have lately been invented by Sir W. G. Armstrong, for besides looking into the Bay before mentioned, it will also look well up the channel, between the Sow and Pig's and Bradley's Head.

It would also be desirable to complete Fort Macquarie by finishing the flank which was at one time begun on the east face, so as to carry five heavy guns; by inclosing the space in rear of the Fort, so as to secure it from being taken by a rush; by raising the two Towers at the east and west angles, so as to protect the guns in the faces of the works from enfilade; and by making embrasures in the parapets of the battery to protect the guns, which are now, on account of their small height above the water, very much exposed to the fire from an enemy's vessel. Heavier guns should be mounted on the north and east faces, and in the Tower, while the present 24-pounders might be placed on the west face looking up the Harbour. When these works are completed there will be 73 guns in battery, of which 67 will be in positions most effective for the defence of the Town, and of these 62 will bear upon vessels entering the Harbour.

As far, then, as material is concerned, I do not think that more is at present required for the defence of the Town. Batteries upon the Middle and South Heads, and on the Sow and Pigs, would, it is true, add very much to the security of the Harbour; but the expense of erecting these, and of maintaining the force required to man the guns, would be so great as to be out of all proportion to the risk against which they are intended to guard.

The next question for consideration is, as to the means at the disposal of the Government to make the guns effective.

At present the military force in Sydney consists of — companies of the 12th regiment, mustering about 370 men; one company of artillery, numbering 105 effective; a detachment of engineers, consisting of 28 men; altogether about 500 men. Now on reference

reference to a former Minute of mine, dated in April, 1855, I find that I estimated the minimum force which would then be required at 1,000 men, of whom 600 were to be infantry of the line, and 400 artillery. This number was required to work the guns, most, if not all of which, would be in action at once; and at the same time to afford the necessary amount of support against an attack, should men be landed from the enemy's vessels, some of the works, especially that at Mrs. Macquarie's Chair, being open batteries, it is now proposed to make an addition of 8 or 9 guns to those already mounted; a proportionate addition must therefore be made to the military force. About 1,100 men then would be required for the proper defence of the Town.

In my former Minute I stated that it would be desirable, that of the force required 600 should be trained and effective infantry, and I expressed an opinion that it would be desirable to obtain from the Imperial Government the services of a regiment of the line. I still adhere to this opinion. The perfect organization and discipline of the men will make them much more effective than any force which it would be possible, under existing circumstances, to embody in the Colony. An irregular force, consisting of volunteer companies of riflemen, would be very useful as skirmishers, should any attempt be made to land and move into the country. A few companies might also be useful in the defence of the Harbour should attempts be made to land; but under heavy fire from shipping; and when the fate of the city may depend upon prompt obedience to order and steady discipline, a trained force cannot be dispensed with. I should suggest, then, that application be made to the Government, to increase the force at Sydney to the extent mentioned; of the remaining 500 men, 130 consist of trained men—artillery and engineers, and therefore the force which it will be necessary to raise will consist of 370 or say 400 men, all of whom should be trained as artillerymen.

In my former Minute, I suggested that inducements should be held out to the police of the town to serve as artillerymen. These men are to a certain extent trained; they are amenable to discipline; and from this circumstance will probably be more effective than volunteers. Arrangements might be made without any difficulty for their instruction; their efficiency as police and as artillerymen would be very much enhanced were they quartered in barracks.

If 200 police could be trained, the force required to supplement these and the artillery would not exceed 200 men; these might consist of volunteers,—3 companies, of 80 men, would provide a sufficient force for working the guns in all the Batteries. It would be desirable to hold out some special inducements to those who volunteer for a service, which may cause them to be placed in positions of no ordinary danger; in return, some established routine of training should be demanded from them.

It would be as well, in addition to the artillery, to encourage the formation of a few companies of riflemen. The amount of this encouragement may be a matter for consideration. Arms and accoutrements would be provided and perhaps uniform; the number however for which these should be provided might be limited to, say, 300.

Having now brought the subject clearly before the Council and stated my own opinion, I would suggest that, before action be taken upon any suggestions which have been made, a reference should be made to the officer in command of the troops, with a request that he would consider carefully the general question of the defence of the Port and City of Sydney; and state for the information of the Government, the amount and character of the force which he would consider sufficient for their protection under the various contingencies to which a war may give rise.

I should wish Colonel Perceval to be furnished with a copy of this and the former Minutes on the defences of Sydney.

It would also be desirable that the Commodore should be requested to consider the same subject, with reference to the co-operation which it will be possible for the naval force under his command to afford in case of an attack, calling his attention to that portion of my Minute, of 14th April, as has reference to that branch of the subject.

It would also be desirable that Commodore Loring should be requested to afford the Government the benefit of his advice upon the general question of the Defence of the Harbour and Town against a naval force, as his knowledge and experience may enable him to make most valuable suggestions.

W. DENISON.

## No. 14.

*PROCEEDINGS of the Executive Council, with respect to the defences of the City and Port of Sydney.*

Extract from Minute No. 59-29. Dated 25 July, 1859.

## PRESENT:—

His Excellency The Governor General.  
 The Honorable The Vice-President of the Council.  
 The Honorable The Secretary for Lands and Public Works.  
 The Honorable The Attorney General.  
 The Honorable The Colonial Treasurer.

UPON the invitation of His Excellency the Governor General, the Council resume the consideration of the subjects connected with the defences of the City and Port of Sydney, to which their attention has already been directed, as mentioned in the proceedings on the 11th instant, and previous dates.

2. His Excellency thereupon lays before the Council a Minute, in which he informs them that in a Despatch received by the last Mail, the Secretary of State drew his attention to the fact that War had broken out in Europe, and that great anxiety must exist as to the general peace of the world; and stated that without exciting unnecessary alarm, it would be desirable that the Government should be prepared with any precautions requisite for the safety of the Colony. His Excellency intimates his full concurrence in the wisdom of the course indicated, and proceeds, at considerable length to draw the attention of the Council to the precautions, which it may be advisable for the Government to adopt, and to the amount of the expenditure, for which application will have to be made to the Legislature.

3. It is unnecessary here to recapitulate the subjects embraced in His Excellency's Minute, and the several suggestions embodied therein, the importance of which is such as to call for a more mature consideration than the Council have at present had the opportunity of devoting to them, and with respect to which it is not his wish that the Council should at the present stage arrive at a decision. His Excellency now more particularly consults the Council as to the propriety of a reference being made without loss of time to the officer in command of the troops, with a request that he would consider carefully the general question of the defence of the Port and City of Sydney; and state for the information of the Government, the amount and character of the force which he would consider sufficient for their protection, under the various contingencies to which a war may give rise.

4. The Council express their entire concurrence in the propriety of the proposed reference to the officer commanding the troops, and taking advantage of a further suggestion of His Excellency, they advise that he should refer direct to Colonel Perceval, C.B., and forward for that officer's information copies of His Excellency's present, and former Minutes on the defences of Sydney.

5. The Council further coincide in the opinion stated in the concluding portion of the Minute now before them, that it would be desirable that the Commodore of the Station should be requested to consider the same subject with reference to the co-operation which it will be possible for the naval force under his command to afford in case of an attack, and that his knowledge and experience may enable him to make most valuable suggestions. They therefore express a request that His Excellency should also place himself in communication with Commodore Loring, calling his attention, as proposed to that portion of His Excellency's Minute of the 14th April, 1855, which has reference to this branch of the subject; and requesting him to afford the Government the benefit of his advice upon the general question of the defence of the harbor and town against a naval force.

A. ORPEN MORIARTY,  
 Clerk of the Council.

## No. 15.

## MINUTE OF HIS EXCELLENCY THE GOVERNOR GENERAL.

I LAY before the Council the Reports which I have received from Commodore Loring and Col. Perceval on the Defence of the City and Harbour of Sydney. Col. Perceval includes two separate reports on the same subject from Col. Barney, R.E., and Major Nasmyth.

The following remarks will, perhaps, enable the Council to form an opinion as to the extent to which it will be desirable to adopt the recommendations contained in these different documents.

The subject divides itself into two parts—

1st. The works required for the defence of the harbour.

2nd. The mode of organizing a military force sufficient to maintain these works against attack, and to make them available for the defence of the harbour and city.

Commodore Loring and Col. Barney deal with the first of these two subjects.

Col. Perceval and Major Nasmyth refer entirely to the second.

The relative advantages of ships and batteries are very correctly stated by Commodore Loring. It is a well understood rule that a ship which can lie within 300 or 400 yards of a battery, in still water, will generally silence it; the ship has the advantage of greater concentration and rapidity of fire, and the battery to which she can oppose her broadside within the distance stated will probably soon have to cease firing. If, however, there are several batteries, and these are so arranged that when a vessel is broadside on to one she is stern on to another, which can thus rake her fore and aft, this advantage ceases; for the chances are, that before she could silence one battery there would hardly be a gun left on her decks from the fire of the raking battery. The suggestions as to the construction of embrasures, and as to other details contained in Commodore Loring's letter, are very valuable, and it would be desirable that attention should be paid to them.

With reference to the defence of the harbour by the existing batteries, Commodore Loring is of opinion, that though these would inflict heavy damage upon an enemy, yet a squadron of six or seven vessels would be justified in running the gauntlet through them, and he thinks that this might be done successfully; in which case, though the vessels would be much damaged, the town would be at their mercy. He is, therefore, in favour of supplementing these by works which would prevent the entrance of vessels; and, with this view, he recommends that the eastern entrance of the harbour should be permanently blocked up, by a sort of rough stone embankment, and that a boom should be prepared to shut up the western entrance, guns being mounted at various points about the Middle Head to bear upon vessels entering the harbour or trying to force the boom.

There are several considerations involved in this suggestion to which I wish to draw your attention; but I fully concur in the opinion expressed by Commodore Loring, that in case of an attack by a *very superior force* safety only could be secured by some such plan as proposed; that is, by preventing the entrance of this force into the harbour, or by detaining the vessels so long under the fire of forts as would be likely to cripple them, and render them less able to cope with the fire of the forts inside.

With regard to the details of the plan proposed, I should, as an engineer, hesitate to recommend the stoppage permanently of the eastern entrance, the consequence of which, when once executed, can with difficulty be foreseen, and which, if found to be injurious, are irremediable. The immediate effects would of course be to increase the velocity of the run of tide; and this, while it might aid in deepening the western channel, by bringing a greater scour on the silt at the bottom, would yet have an effect upon vessels beating in and out in light winds; it would also make the maintenance of a boom more difficult, bringing a greater strain upon the moorings, and giving greater velocity to the vessels attempting to break it. Then again, as the material for making the breakwater across the eastern entrance must be the soft friable sandstone in the immediate vicinity, the action of the sea upon this would gradually convert it into loose sand, which would eventually be swept by the eddies into various places, making shoals at points which now it would be difficult or impossible to foresee. I would rather, therefore, should it be decided to make an attempt to keep vessels out of the harbour, run a second boom across the eastern entrance, than attempt to block it up altogether.

With



With reference to the boom itself, the cost of constructing and maintaining it will not be trifling. The light wood which would be required to float it is not easily procured here, and when procured is by no means durable. Then again, I do not feel certain that it would be possible to construct a boom which is to be moveable readily, and which yet would be strong enough to resist the force and weight of a vessel coming against it at full speed, aided by the tide; or to moor it so securely as to be certain that it would retain its position. A boom too involves works to defend it. These works must be close enough to bring a heavy fire upon boats or vessels employed to cut the timber adrift, or to unshackle the chains which moor the boom; and I question whether this object could be obtained, without carrying out the original scheme of erecting a tower on the Sow and Pigs, as well as other works both on the South and Middle Heads.

It must not either be forgotten, that the presence of an impediment of this kind must be a great check to the trade of the port. To be of any use the boom must be closed at night, so that no vessels could go in or out of harbour between sunset and sunrise. This delay would be increased by the necessity of consulting the tide. In fact, there are very many questions in addition to that of the mere security to the harbour which must be taken into consideration before such a plan as this can be adopted.

With reference however to that very question of the security of the harbour—is the chance of injury to the town from an attack by so large a squadron as that mentioned by Commodore Loring so great as to make it worth while for the Colony to spend a large capital in such works as are suggested, and a large annual sum in maintaining the force necessary to defend them? In considering this question, it must not be forgotten that it is by no means probable that so large an enemy's force would be allowed to sail for these seas without being followed by at least an equal number of English vessels; and even were this not the case it is certain that were war to break out between England and any country in possession of a powerful navy—the number of vessels upon the Australian command would be speedily increased—and if these should not be capable of meeting the hostile force in the open sea, they would be found quite capable of resisting it when assisted by the batteries in the harbour. The view taken by Colonel Barney of the importance of works at the South and Middle Heads is unquestionably correct, but the same remark applies to this as to the suggestion of Commodore Loring, is the outlay warranted by the risk? Would it be wise to expend a large sum in order to provide against a possible, but very improbable contingency? With reference to the risk of this town being bombarded by a vessel or vessels lying in Chowder Bay I do not think that it is very great; in the first place, the distance to the nearest point of the town is very great, and it is hardly to be supposed that a vessel would be allowed to take up her position and lie at her ease there while the Colony was in possession of guns, which could in a few hours be brought to bear upon the vessel from a height which would bring a plunging fire upon her deck.

Having thus remarked upon the first of the topics brought under discussion, I will now allude to that part of the subject which has been treated by Colonel Perceval and Major Nasmyth, namely,—the strength and constitution of the military force which it would be desirable to organize.

I quite concur in the view taken by Colonel Perceval of the inexpediency of introducing a "volunteer" force into the calculation of the number of men actually required for working the guns and defending the batteries. The number stated in my former Minute and which is accepted by Colonel Perceval, namely,—1,100 men, should be composed of men thoroughly trained and disciplined, and I will proceed at once to consider the mode in which he proposes to raise this force which he estimates will in addition to the force of the regiment quartered here, to that of the artillery and sappers, and to the police which it was proposed to organize, amount to 220 men. This he proposes to create by embodying a local militia consisting of three companies of artillery of 80 men each—in addition, however, to these Colonel Perceval advises the formation of six companies of rifles of 50 men each, making a total of 540 men, the cost of which, according to the scheme laid down in his report, would amount to £15,297 per annum in time of peace, and to £40,000 per annum and upwards in time of war.

When, however, the Government has to apply to the Legislature to provide means for organizing so expensive a force, it becomes necessary to consider whether some other mode,

as effective and more economical, might not be devised for raising and maintaining the requisite number of men. On considering this subject I retain the same opinion which I expressed to the Secretary of State in a Despatch No. 127, dated in August, 1856, that the interests of both the Colonies and the Mother Country would be better consulted were the military force in the Colonies to consist entirely of regular troops, than were efforts made to supplement a small regular force of infantry and artillery by militia and volunteers. Objections were made to the plan submitted by me on the occasion alluded to, but these objections were based upon a misconception of the meaning of an expression in my Despatch. I think it would not be difficult to prove to the Secretary of State the soundness of the principle by which the liability of the Mother Country and the Colonies to contribute to the defence of the latter in equal proportions is affirmed; or to convince the Legislature that such a mode of supporting the military establishment necessary for the defence of the Colony is at once the most effective and the most economical. It is not necessary, at present, to go further into the details of the schemes proposed by Colonel Perceval or Major Nasmyth, or to discuss the chances of attack by different descriptions of force; these will of course have to be carefully considered both in the Mother Country and the Colony, should the scheme of which I have given an outline be adopted; but it is unnecessary that I should go into the subject at present.

W. DENISON.

### No. 16.

*H.M.S. "Iris,"*  
Sydney, 31 July, 1859.

SIR,

I have the honor to acknowledge the receipt of your letter of July 26th, and the enclosures, relative to the defence of Sydney and its harbour from an attack by sea.

There can be no doubt but that a strong squadron is the true defence for any sea coast; but as men-of-war are costly articles, and as, in the event of war, it is possible that England might be too much occupied at home to be able to increase the naval force out here, it becomes necessary to consider how Sydney Harbour can be best defended by the means within reach.

A squadron sufficiently strong to attempt an attack on the place would be more than the present naval force in these seas could contend with. Against such a force the ships could only be considered as floating batteries, to be moored either outside the forts and out of the line of their fire, or abreast of Dawes' Battery to guard its northern flank. In the former case, it would be necessary to retain the whole ships' companies in order to repel any attempt on the part of the enemy to board. In the latter, where the guns only have to be looked to, one-half, or certainly one-third, of the seamen could be spared to assist in the batteries on shore.

Sufficient advantages should be offered to the merchant seamen in port to induce them to attend daily at the batteries for two or three hours drill, and this would insure their soon becoming able assistants to the trained artillerymen.

At present there is no vessel under my command that is suitable to act as a "Look-out Vessel," according to your suggestion at page 12 of the printed report.

The most formidable description of defence that can be opposed to shipping is that which is so placed that it cannot be approached within a short range, and which is also so skilfully scattered and disguised that it does not present a conspicuous target to be fired at.

The most favorable circumstance in which an attacking ship can be placed is when she can rapidly take up a position (and it must be remembered that all future warfare will be carried on by swift steamers) in smooth water, and within a short distance of a conspicuous battery.

In this case the rapidity of her fire, arising from circumstances which can seldom be attained on shore, and also the concentration of her whole broadside on some few embrasures, gives her a very great advantage over the usual form of land battery.

Under almost any other circumstances, but more particularly if she is in a sea way and is boomed off to a long range by shoals or other impediments, she is under great disadvantage.

Being

Being constantly more or less in motion, many of her shot will miss the mark, more especially if that mark is skilfully colored and disguised by grass or bushes, or by any means that shall make it difficult to distinguish it from surrounding objects.

I understand that recent experiment has shewn that four inch wrought iron (which proved so effectual in the floating batteries at the bombardment of Kinbourne against 75 cwt. 32 ps. at 700 yards) is not sufficient to resist a heavier calibre at a shorter range. But this is no reason why it should be altogether discarded. It is the best resisting power that has been hitherto brought into notice, and I would recommend that it should be employed; and that when embrasures are required, they should be reversed with the pivot of the gun under, or very slightly in the rear of, the muzzle.

The batteries now erected are quite sufficient to protect this place from an attack from one or two frigates or privateers, as specified in the 3rd description of attack to be guarded against.

The transport of troops and material of war from any distant country to New South Wales for hostile purposes is all but impossible.

But a squadron of ships might come even from Europe and arrive in perfectly efficient order, and then it only becomes a question of how many ships could be spared by the enemy for this purpose.

No doubt the number and position of the batteries, and their peculiarities would be well known to the enemy, and it is scarcely to be supposed that he would send an inadequate force. If they came in sufficient force, I have no doubt but that they could enter, and run the gauntlet, and overpower the batteries.

The very advantages which make Sydney so excellent a harbour for mercantile purposes and the protection of shipping, namely, the smoothness and uniform depth of its waters close up to the shores, are very great disadvantages as regards its defence against shipping. The smoothness of the water gives to the ship's gun the same accuracy of aim that is attainable from a shore gun. The depth of the water enables the ship to approach so close to the batteries that her whole broadside can be brought to bear on a few guns only.

Again, steam power and the very great speed which has now been attained by ships of war (10, 11, and even 12 knots being not uncommon), has altogether changed the nature of the defences required against shipping from what they were only a few years ago. In attacking Sydney a ship need not expose herself until she is close up to Bradley's Head. From thence to the flank of Dawes' battery can be run in 10 minutes, and in the same space of time each one of the other batteries may be similarly flanked and unable to assist its neighbours.

Unpleasant and dangerous as this "running the gauntlet" may be, there are yet plenty of gallant men of all nations who would attempt it. And I think that, although the ships would be hit hard, yet the chances are in favor of their being able to pick up their berths in efficient fighting condition.

If there are six good batteries in Sydney Harbour, I think that seven proportionately good ships would be warranted in entering and attacking them.

If the people of New South Wales and the inhabitants of Sydney are content with this limited means of defence, the batteries, as at present, are quite sufficient to repulse any enemy that is likely to be brought against them on the first outbreak of war. A further erection of batteries inside the harbour would entail more expense, and the necessity of more artillerymen to man the guns, without definitively ensuring sufficient protection; and it must be borne in mind that, under any circumstances of attack, alike whether the enemy be defeated or not, much damage must be done to both public and private property if he be permitted to come into the harbour and open fire.

But cannot the natural defences of the harbour be turned to account to *prevent* his entrance? The shoal at its entrance, the three cliffy heads which form that entrance, and the heavy swell and sea which always exist there, are very great local advantages.

The batteries, as formerly proposed, would scarcely be sufficient to stop swift steamers, and again a boom would not be sufficient if undefended. But the two combined would be a very serious impediment to the present class of ships.

The

The harbour's mouth, from the point outside Camp Cove to George's Head, is 1,700 yards across. One half of this, or even much more, could be partially stopped up with stone, and this without causing any very material alteration in the practical navigation of the entrance beyond an increase of the strength of the tide-stream.

Strong booms composed of chain cable, floated by light wood, could be prepared and kept on a convenient part of the beach during time of peace, and ready for service in time of war, to be hauled over to George's Head or Obelisk Point at night, or if suspicious vessels were in the offing.

The *best* of guns should be mounted at the Heads in such positions as would enable them to bear on the enemy's ships whilst entering the Heads, and when stopped by the boom. And it would be very preferable that these guns should be detached, and masked in every practicable manner, and not too close to their work.

It is possible that an enemy might attempt to land and storm these guns.

It is not very easy to man and arm boats under fire and in a sea way; but, in order to guard against this contingency, it would be advisable to erect strong towers in the rear (somewhat similar to the one on Fort Denison) for the guns' crews to retreat to. These forts, being well retired, and at considerable elevation, could scarcely receive much injury from the fire of the shipping, and being placed in commanding positions could pour down grape and canister, and rifle balls, on the storming party.

If it be determined to expend more money in the erection of batteries inside the harbour, I would recommend that retired positions should be chosen, where a long range could be brought to bear on the ships with comparative impunity. It is to the advantage of the ship to get close to her work, and *vice versa*.

WILLIAM LORING,  
Commodore.

#### No. 17.

*Victoria Barracks,  
3 August, 1859.*

WITH reference to the Minutes of His Excellency the Governor General on the defences of the Colony—communicated to me by his direction with the request that I should consult with Colonel Barney, and Captain Lovell, Commanding Royal Artillery, and after carefully considering the general question of defence for the Port and City of Sydney, that I would communicate with the Government the amount and character of the force which would be sufficient for this purpose in the event of an European war, in which England might be engaged—I have the honor to report that having consulted with the Officers above named, I requested them to furnish separately, in writing, their views on the several matters submitted as the best means of giving the Local Government the information required, in as far as these Officers were individually concerned.

I have also called on Major Nasmyth for a report, directing his attention especially to the possibility of a combined attack by land and sea, as from his late experience in European warfare I considered that he could best furnish the information which would enable the Government to judge as to the probability of an attack of this nature being carried out on this port, in the event of hostilities.

These several reports are herewith forwarded, and the remarks which they severally contain deserve due consideration.

Having myself but slightly studied the subject of fortification I do not consider that my opinion could bear any weight with regard to the position or nature of the batteries to be employed for the defence of the port. I shall, therefore, only offer a few observations on the number and description of troops that will be required for the defences as now proposed. With respect to numbers, I concur in the estimate made by the Governor, that 1100 men trained as—

650 Artillery,  
450 Infantry,

would be sufficient to defend the port against a small naval force.

The manner in which the Governor proposes that this force should be constituted, in as far as the regular troops and police are concerned, I also fully concur in; but as I consider that this force is calculated at the lowest number that it would be prudent to attempt the defence, I cannot concur in the expediency of introducing volunteers into the calculation.

Taking, therefore, for granted that the regular force of the garrison will be provided as recommended by the Governor, and that the police are also made available for duty, there would still be 220 men required.

This number, I conceive, would be best provided by embodying a local militia force either by ballot or by voluntary enlistment; and I should recommend that this body of men should be trained as artillerymen, for which purpose the corps should consist of three companies of 80 men each.

The militia is a truly constitutional force, and although in times of peace the expense may be felt to be burdensome, yet as it engenders that spirit by which alone the efforts of a free people can be directed to the defence of their country and institutions, its true value must be at once perceived, especially when war threatens.

Although a corps of the strength above stated would be sufficient for the defence of Sydney under the circumstances which we are now considering, yet for the reasons stated I would strongly recommend to the Government of this Colony that a militia rifle corps, to consist of six companies of fifty men each, should be also embodied.

The Colony being thus provided with local corps of artillery and rifles, they could be rapidly augmented as occasion required, and it would, in a measure, make it in times of danger independent of the Imperial troops, should the necessities of England ever require that such be withdrawn.

These militia corps, if embodied, should be perfectly drilled, by selecting artificers, such as carpenters, masons, and smiths, for the artillery; this might be accomplished in from four to six months, by devoting four hours a-day to drill. The riflemen would require about the same period, and the same hours daily to make them effective. When this body was drilled, they should be assembled twice a-week for practice and drill instruction, and any man on these occasions being found to have lost efficiency to be required to assemble daily until again reported effective. By these arrangements it will be perceived that only four hours a day would be required at the most from these men for regimental purposes, allowing besides this two hours for coming from their homes and returning to them; after being dismissed, they would still have a considerable portion of the day to devote to their usual occupations.

These rules being known and promulgated, together with any others that may be found expedient, I am of opinion that there would be no difficulty in procuring the number of men required if a small amount of pay was given throughout the year. I do not think that this could be established under the following—

Artillerymen.....	9d.
Riflemen .....	6d.

The officers and non-commissioned officers of these corps would require a regular professional education, and as they might have to devote the greater portion of their time to their regimental duties, they should receive liberal allowances.

The expense of these militia corps for the number stated might be roughly estimated as under—

9 Captains and Adjutants.....	10s. per diem.....	£1,662
18 Subalterns .....	5s. „ .....	3,325
36 Non-Commissioned Officers ...	2s. 6d. „ .....	3,325
240 Artillery.....	9d. „ .....	3,235
300 Rifle .....	6d. „ .....	2,700
Clothing per annum, being furnished biennially .....		1,000
		£15,297

The clothing to be provided by the Government, and to be required to last two years; it should be worn only when on duty, on Sundays, and holidays.

No other expense to be incurred by the Government, except when called out against the enemy, when the pay of all ranks should be doubled for the officers and non-commissioned officers, and for the men to be four times the amount, and rations provided for the men and their families.

A liberal scale of pension should be established in case of the men being wounded when in action, and, if killed, a compassionate allowance granted to the widow and children.

Should corps such as I have now suggested be established, it would give a sufficient force to man and cover the batteries, as proposed in the Governor's Minute, without the aid of the police.

I will now refer to the possibility of a combined attack by land and sea. This, I consider not only possible, but in the event of this port being attacked, I am of opinion that this would be the mode adopted by the enemy. From the general nature of the country, I do not think that artillery would be landed by the enemy, but that a strong body of riflemen would be thrown on shore in one or more places, for the purpose of taking the batteries or the harbour in reverse. The present force (or rather that suggested) is a body of 450 riflemen for their protection; this, I think, should be augmented therefore in the following manner—

A mounted battery or, if possible, two should be organised; this I think could be effected by the present mounted police force with very little extra expense to the Colony.

A volunteer mounted rifle corps, armed with double barrelled breech-loading rifles, consisting of four troops, of 25 men each,—100 men.

A volunteer rifle corps, consisting of ten companies, of 50 men each,—500 men.

These volunteers to be armed and clothed by Government, and when called out against the enemy, to receive pay the same as the militia.

The corps being organised to the extent named, could be rapidly augmented to double the number, if required.

The effect therefore of an organization to the extent named, would be to deter any enemy attacking this place without an organized force of, at least, double the number, and thereby diminishing the probability of an attack at all.

There are several other matters to be considered with respect to the defences, as concerns the ordnance and other stores to be provided, but these will be best considered by duly constituted Boards, when the extent to which preparation is to be made is finally settled.

However great the expense may be, I feel that I am only advocating the best interests of the Colony in recommending the permanent organization of a local force, and that such organization is absolutely necessary, if any defence is intended; I would cite, that such is the opinion of all the best commanders, both naval and military, and this is so strongly urged in the words of Dr. Arnold, that, I trust, I may be pardoned in here quoting them:—

“One of the most certain of all lessons of military history, although some writers have neglected it, and some have even disputed it, is the superiority of discipline to enthusiasm. Much mischief has been done by an ignorance or disbelief of this truth; and if ever the French had landed in this Country in the early part of the late war, we might have been taught it by bitter experience.”

J. M. PERCEVAL,  
Colonel Commanding Troops.

#### No. 18.

*MEMO. for Information of Colonel Perceval, C.B., commanding the Garrison, on the subject of the Defences of Port Jackson.*

I take it for granted that the repairs and additions to the works of defence, as suggested by His Excellency the Governor General, will be immediately carried into effect, and the works properly armed and supplied with ammunition, &c.; this done, sufficient protection to the City of Sydney will be afforded against any attack by a naval force entering the port, for the purpose of laying the city under *contribution*, and for which purpose only I apprehend that any attack will be made. It must, of course, be understood, that a military force will be raised sufficient to man the batteries, leaving a body of men to be disposed of as necessity may seem to require.

The foregoing observations apply to a *direct* attack upon the works of defence, but I may observe that in all probability no such risk would be run, as the object of enforcing contributions,



contributions, in my opinion, may be attained without any risk whatever, and without approaching the batteries.

On reference to Captain Denham's chart of Port Jackson it will be observed that in absence of any defences or obstructions at the entrance of the port, one or more frigates may, without difficulty, or even coming within sight of the proposed advanced work on Garden Island, take up a position immediately to the eastward of Bradley's Head, and under cover of that Head shell the city, from which it is distant only 3,500 yards; a few shells being thus projected would probably be followed by a flag of truce, requiring a large sum of money, or the alternative of bombardment, and there can be but little doubt that the money would be forthwith raised, and without further risk than that to be expected from field guns and rifles, which no doubt would be immediately moved to the scene of action; it is probable, however, that the intended mischief would be done previous to the field guns being placed in a position to open fire.

In this view of the case a question arises as to the necessity for works at the entrance of the Port; it has always been admitted that works of defence are necessary, both on South Head and Middle Head, in addition to the existing batteries, which only form a portion of the general system of works required for the protection and security of the port and city; indeed, plans of such works have been submitted, approved, and partially carried into effect, and perhaps the great objection to their completion arose from a deficiency of military strength to admit of their being properly garrisoned.

The site at Middle Head appears to me to be the most important; it not only immediately commands the approach by sea but also the entrance to and anchorage in the Sound and Middle Harbour, where vessels may, at present, ride at anchor in perfect safety, ready to intercept any ships entering the port; the site is also most favorable, from its character—solid rock—admitting of a secure work, with ditch of sufficient depth to render it safe against escalade. Such a work would answer as a keep for the protection of batteries in its vicinity, on lower and more efficient levels, for the protection of any impediments by which it may be considered necessary to obstruct the channel; however, a work of the required strength could not be constructed without a large expenditure, both of money and time, and possibly, would not, even if immediately commenced, be ready to meet any threatened emergency.

Under these circumstances, and in reference to the possible early visit of an enemy, it would seem prudent, or even a matter of necessity, that measures be adopted for closing up the channel; at all events the means for so doing should be in such a state of preparation as to admit of its being done *immediately* on a signal being made of *enemy's ships in sight*. This matter, as well as the precaution of keeping a proper look-out, by boats or otherwise, will not, I am satisfied, escape the observation of the Commodore in command of the Naval Forces in these seas, and who will, no doubt, should he deem it advisable, make application for any additional force he may consider necessary to enable him to meet, successfully, an enemy's squadron, especially detached to this hemisphere.

The next point for consideration is the strength of military necessary for manning the batteries, leaving a sufficient force to act in any manner which circumstances might render necessary. I believe it to be clearly understood that the number of men required for the batteries amounts to the full strength of the garrison; it therefore becomes necessary that every man should be made capable of working the guns and acting with the men of the royal artillery, and thus no force will be left to meet any unforeseen contingencies. It is perhaps desirable that 1,000 men should be raised and drilled, and armed with the best rifles, and further, that a body of seaman (volunteers) be raised for the purpose of acting against shipping.

Referring to the ordnance field brigades it would seem advisable that measures be adopted to admit of the guns being manned and taken into the field at such points as may be found necessary; for this purpose horses as well as men will be required.

The last observation I have to make refers to a supply of heavy ordnance as well as platforms and carriages and other stores; I am led to understand that the officer in command of the detachment of royal artillery has been instructed to supply a list of such guns, &c., as he may consider necessary, but I may be permitted to observe that there is a great deficiency of ordnance, &c., in the country, in fact, entirely insufficient to meet any casualty which would undoubtedly occur in case of an attack on the batteries.

GEO. BARNEY,

3 August, 1859.

Lieutenant-Colonel.

No. 19.

## No. 19.

*Brigade Office,  
Sydney, 3 August, 1859.*

AFTER the perusal of Sir W. Denison's Minute, it is with no little diffidence that I venture to submit my opinion as to the most probable mode of attack which would be adopted by an enemy attacking the Town and Harbour of Sydney, and as to the most efficacious means of baffling him, as His Excellency has expressed his opinion that the contingency, which appears to me as feasible, is very improbable.

With reference to the method by which an enemy would attack, the undermentioned appear to me the most likely to be adopted, viz. :—

1st. Simply a naval attack.

2ndly. An attack by a land and sea force combined.

With reference to the scheme first stated, it occurs to me that when the additional batteries proposed to be erected by His Excellency are completed and armed, with those now in existence, there will be sufficient to deter an enemy from attempting to force his way past them and the boom that is proposed to be thrown across from the Sow and Pigs shoal to the North Shore. However, the present batteries might be improved by having the barracks bomb-proof for the men, and the magazines rendered water-proof.

Materials, such as sand-bags, gabions, fascines, as well as field guns, and ammunition, &c., &c., might be kept in readiness to be transported to the points where it may be subsequently found expedient to erect temporary batteries. With this view a field battery and small train ought to be organized without delay, as such an establishment could not be rendered efficient without the men and horses being drilled and broken in to their work. The same remark applies to the artillery generally, which force alone should consist of not less than 1,000 men. To make the police force so far available for this purpose would, no doubt, place a very eligible body of men, all of whom are to a certain degree disciplined, at the disposal of the officer commanding, but at the same time their municipal duties would be neglected, or indifferently performed by special constables; I would, therefore, suggest that artillery, in common with the cavalry and infantry which I propose to raise, should be supplied by means of the ballot, making every male inhabitant, with certain exceptions, between the ages of 24 and 40 liable to serve.

With regard to the second contingency—of a combined land and sea attack.

Doubtless it would be a very serious undertaking for any Nation, however enterprising, to send out from Europe an adequate force to levy contributions, which, with a little privateering, would be all that would be attempted on such an out of the way place as Sydney; and the mere knowledge of a strong force being in readiness here would have a very great moral effect in deterring an enemy from entertaining the idea. As far as the transport of the attacking force and its material is concerned I conceive it perfectly feasible. During the last war several of the French frigates transported (without interfering with their own efficiency) as many as 1,200 men, (some of the line of battle ships from 1,000 to 1,500) and, allowing for the difference of the length of the voyage, we may conclude that 800 infantry might be taken in each of that Nation's steam frigates, and accompanied with tenders for the conveyance of provisions, &c., might be capable of landing an expedition in an efficient state.

Artillery against an open Town like Sydney, and for the purposes of such an expedition, would not be requisite now that the rifle has been proved to be so formidable; and there can be no question that 2,000 disciplined and resolute men (who could be brought out in three frigates armed as they are now) would, by being landed on many portions of the coast which are quite practicable, not only take the whole of the batteries now existing in the rear, thereby facilitating the entry of his navy, but would be in a position to dictate terms to the Town.

With a view of meeting this contingency, I would suggest, on the principle I have already proposed, augmenting the present force to 1,000 artillery men, 500 mounted rifles, and 2000 dismounted,—total, 3,500 men.





1859-60.

## NEW SOUTH WALES.

## RIFLES.

(REPORT ON SELECTION OF ARMS FOR THE GOVERNMENT OF N. S. W., BY MAJOR-GENERAL HAY.)

Presented to both Houses of Parliament, by Command.

MAJOR-GENERAL HAY to GOVERNOR GENERAL.

*School of Musketry,  
Hythe, 25 November, 1859.*

Sir,

I have had the honor to receive from the War Office your letter of the 13th August last. In reply I beg to assure you that, while I feel highly honored by the confidence you repose in my judgment in the selection of arms for the Government of New South Wales, I am fully sensible of the responsibility such confidence entails. I have gladly undertaken the commission entrusted to me, and have executed it to the best of my ability. As, however, in your letter, you have requested me to obtain the very best weapon which modern science has devised, and, as I have selected the long Enfield rifle pattern, 1853, I feel it right to explain why I have chosen this weapon, the Whitworth rifle being very superior.

1stly. Her Majesty's Government has not recognised for muskets any other bore than .577 inch. The Whitworth rifle (although using the same charge as the Enfield,  $2\frac{1}{2}$  drams powder, and 530 grains lead) is .45 inch; great difficulty would, therefore, be experienced in procuring, at all times, ammunition—in fact, if required in large quantities, it would entail the expense of establishing a laboratory for its manufacture—the efficiency, I may say the actual utility, of all descriptions of rifles being regulated entirely by the nicest adaptation of the ammunition to the rifle, which has already been too clearly proved by the frequent failure of the Enfield rifle both in the Crimea and more recently in India.

2ndly. Mr. Whitworth not having as yet organized his manufactory for rifles on a sufficiently large scale, considerable delay in the supply of 2,000 rifles would be inevitable, which, in the present unsettled state of affairs on the Continent, might prove embarrassing.

3rdly. The first cost of the Whitworth rifle would be considerably more than that of the Enfield, owing principally to the superior material used in the manufacture of the barrel, and the incomplete arrangements at present existing for manufacturing in large numbers. From the above reasons, but above all, feeling that to recommend a weapon not having the full support of Her Majesty's Government would entail a considerable present outlay, and, possibly, future inconvenience, I have, although fully impressed with the superiority of a rifle of smaller bore than that now in the Service, hesitated to select such rifle, and have adopted the safer course, under all the circumstances of the case, in recommending the regulation long rifle with bayonet. I have given the preference to the long rifle over the short one with sword of same bore and rifling—

1stly. Because I consider it more efficient.

2ndly. Because it is considerably cheaper.

465—

3rdly.

3rdly. Because, being less difficult to manufacture, it is not only more easily supplied but less difficult to "view," rendering the supply of 2,000 stand more to be depended on in regard to perfection and uniformity of manufacture.

In conclusion, I trust that the result of my efforts to carry out your views may prove that I am not undeserving the confidence with which you have honored me. I shall at all times have much pleasure in furnishing you with all the information in my power, bearing on the subject of the rifle or rifle shooting, for the full development of which I feel deeply interested.

I remain, &c.,

CHARLES HAY,

Major-General.

1860.

## NEW SOUTH WALES.

## FEDERAL INSTITUTIONS.

(FURTHER PAPERS RESPECTING.)

Presented to both Houses of Parliament, by Command.

## SCHEDULE.

NO.	PAGE.
1. Chief Secretary, South Australia, to Colonial Secretary, New South Wales, forwarding copies of the Report of the Committees of the South Australian Parliament on the subject of Colonial Federation, and copies of Addresses relating to them of the two Houses of Legislature of that Colony. 4 February, 1858 .. .. .	2
2. Chief Secretary, Victoria, to Colonial Secretary, New South Wales, forwarding a copy of a Progress Report of a Select Committee of the Legislative Assembly upon the Federal Union of the Australian Colonies, together with the Report of a former Committee therein referred to. 25 February, 1860 .. .. .	4

Former Papers :—Report of Legislative Council. 20 October, 1857.

Legislative Assembly Papers, 177 and 179. 10 November, 1857.

## FEDERAL INSTITUTIONS.

## No. 1.

UNDER SECRETARY, SOUTH AUSTRALIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

(114-58.)

*South Australia,  
Chief Secretary's Office,  
Adelaide, 4 February, 1858.*

SIR,

I have the honor, by direction of His Excellency Sir R. G. MacDonnell, and in the absence of the Chief Secretary, to enclose, for the information of the Government of New South Wales, copies of the Reports of the Committees of the South Australian Parliament, on the question of Colonial Federation, together with copies of the Addresses of the two Houses to His Excellency the Governor-in-Chief, transmitting their Reports; and I am instructed to state, that the Government of South Australia will be glad to learn that the Governments of the other Australian Colonies, respectively, have taken action in the matter.

I have, &c.,

OLIVER K. RICHARDSON.

Under Secretary.

[Enclosure 1 in No. 1.]

Session 1857-8. Address No. 9.

*To His Excellency SIR RICHARD GRAVES MACDONNELL, Knight, Companion of the Most Honorable Order of the Bath, Captain-General and Governor-in-Chief of Her Majesty's Province of South Australia, &c., &c., &c.*

May it please your Excellency:

The humble Address of the Legislative Council of South Australia,—

SHEWETH:—

That at a meeting of the said Council, holden on the seventh day of January, 1858, it was Resolved—

Parliamentary  
Paper, No. 190.

That the Report of the Select Committee of the Legislative Council on Federation be forwarded to His Excellency the Governor-in-Chief for his information; and that His Excellency be informed that Mr. George Hall had been appointed by the Legislative Council as the Delegate to represent the Council at any Federal Conference which may be held in the Australian Colonies.

J. H. FISHER,

President.

*Legislative Council Chamber,  
11 January, 1858.*

[Sub-Enclosure 1 in No. 1.]

(No. 190.)

SOUTH AUSTRALIA.

REPORT OF THE SELECT COMMITTEE OF THE LEGISLATIVE COUNCIL,  
APPOINTED TO REPORT ON AUSTRALIAN FEDERATION.

YOUR Committee have to report that, having considered the subject of the Federation of the Australian Colonies, as remitted to them by your Honorable House, and having conferred with the Select Committee of the House of Assembly appointed for the same purpose, they now submit the resolutions arrived at by the Committees in conference, and adopted by themselves.

W. YOUNGHUSBAND, Chairman.

*Legislative Council Chamber,  
10th November, 1857.*

*Resolutions of the Select Committees of the Legislative Council and House of Assembly, met in conference to consider the subject of the Federation of the Australian Colonies.*

RESOLVED:—

1. That although, under existing circumstances, the formation of a Federal Legislature would, in the opinion of the Committees, be premature, there are, nevertheless, so many topics in which the Colonies have a common interest, and in which uniform legislation would be desirable, that the Committees consider it expedient to adopt some measures to secure these objects; and, in addition to the topics referred to in the correspondence transmitted by the

the Secretary of State for the Colonies to His Excellency the Governor, and laid upon the Table of both Houses on the 23rd of September, 1857, the following have occurred to the Committees as fitting subjects for consideration, viz.:—Patents and Copyrights, Law of Insolvency, Professional Qualifications, Uniform time of Meeting of Parliaments.

2. With a view to the more general discussion of these various subjects, and of others in which the Colonies are mutually interested, the Committees recommend, in conformity with the suggestion originating with the Legislature of Victoria, that three Delegates be appointed—one by the Legislative Council, and two by the House of Assembly—to meet Delegates to be appointed by the other Colonies, at such places as may be agreed upon. The expenses of such meeting to be borne by each of the Colonies interested, in proper proportions.

3. The Committees, moreover, recommend that the Delegates appointed should not be authorised to bind the Legislature of this Colony to adopt any decision or resolution which the united Conference may come to; but that their mission should be, simply, to discuss such matters as may be brought before the Conference, and to report the result of such discussion to the Legislature.

[Enclosure 2 in No. 1.]

House of Assembly,  
21 January, 1858.

Sir,

The House of Assembly having this day resolved, "That the Report of the Select Committee on Federation, and the names of the Delegates appointed by this House, be forwarded to His Excellency the Governor-in-Chief for his information,"—

I have the honor to enclose herewith, for the information of your Excellency, copy of the Report of the Select Committee appointed by the House of Assembly on the 16th October, 1857, "to inquire into and report on the subject of Federation of the Australian Colonies." Parliamentary Paper, No. 188.

I have also the honor to inform your Excellency that, on 23rd December last, the Honorable R. D. Hanson, and R. R. Torrens, Esq., were elected by the House of Assembly "as Delegates to meet Delegates to be appointed by the other Australian Colonies, in accordance with the Report of the Federation Committee."

His Excellency  
The Governor-in-Chief.

I have, &c.,  
G. S. KINGSTON,  
Speaker.

[Sub-Enclosure 2 in No. 1.]

(No. 188.)

SOUTH AUSTRALIA.

# REPORT OF THE SELECT COMMITTEE OF THE HOUSE OF ASSEMBLY, APPOINTED TO REPORT ON COLONIAL FEDERATION.

Your Committee beg to report that, in accordance with the resolution by which it was appointed, it proceeded to confer with the Committee appointed for a similar purpose by the Legislative Council, and that resolutions were agreed to concurrently by each Committee, which resolutions your Committee now beg to report to your Honorable House as follows:—

Resolutions of the Select Committees of the Legislative Council and House of Assembly, met in conference to consider the subject of the Federation of the Australian Colonies.

## RESOLVED—

1. That although, under existing circumstances, the formation of a Federal Legislature would, in the opinion of the Committees, be premature, there are, nevertheless, so many topics in which the Colonies have a common interest, and in which uniform legislation would be desirable, that the Committees consider it expedient to adopt some measures to secure these objects; and, in addition to the topics referred to in the correspondence transmitted by the Secretary of State for the Colonies to His Excellency the Governor, and laid upon the Table of both Houses on the 23rd of September, 1857, the following have occurred to the Committees as fitting subjects for consideration, viz.:—Patents and Copyrights, Law of Insolvency, Professional Qualifications, Uniform time of Meeting of Parliaments.

2. With a view to the more general discussion of these various subjects, and of others in which the Colonies are mutually interested, the Committees recommend, in conformity with the suggestion originating with the Legislature of Victoria, that three Delegates be appointed—one by the Legislative Council and two by the House of Assembly—to meet Delegates to be appointed by the other Colonies, at such places as may be agreed upon. The expenses of such meeting to be borne by each of the Colonies interested, in proper proportions.

3. The Committees, moreover, recommend that the Delegates appointed should not be authorised to bind the Legislature of this Colony to adopt any decision or resolution which the united Conference may come to; but that their mission should be, simply, to discuss such matters as may be brought before the Conference, and to report the result of such discussion to the Legislature.

R. D. HANSON, Chairman.

10th November, 1857.

## No. 2.

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

*Victoria, Chief Secretary's Office,  
Melbourne, 25 February, 1860.*

SIR,

7 Feb., 1860.  
9 Sept., 1857.

In accordance with a resolution of the Legislative Assembly of this Colony, I have the honor to transmit herewith a Progress Report of a Select Committee of that House upon the Federal Union of the Australian Colonies, together with the Report of a former Committee, therein alluded to, and I am to request that you will move His Excellency the Governor General to bring the subject before the Legislature of New South Wales, with a view to obtain its sanction to the proposed conference of Delegates from each of the Australian Colonies.

I have, &amp;c.,

WILLIAM NICHOLSON.

[Enclosure 1 in No. 2.]

VICTORIA.

PROGRESS REPORT FROM THE SELECT COMMITTEE UPON  
FEDERAL UNION.

THE question remitted to your Committee for consideration admits in their opinion of but one solution. Any plan of Federal action, likely to command the sympathy and confidence of the entire Colonies must originate in a manner which will place it beyond suspicion of local influence. And they concur with the Committee of 1857 in believing that this object will be best attained by entrusting, in the first instance, the construction of such a plan to a Conference of Delegates selected and empowered for this duty by the Colonial Legislatures.

With this view they recommend that the negotiations formerly held on the subject with New South Wales, South Australia, and Tasmania, be renewed. The two latter Colonies, when the project of a Conference was first proposed, promptly acceded to it; and, though an objection originated with New South Wales which retarded any joint action, they have reason to believe that it was of a temporary nature, and has disappeared before the urgency with which the question is invested, by the necessity of a united defence of the territory of Australia in case of war.

Your Committee recommend that the renewal of these negotiations be entrusted to the Chief Secretary, and that the Report of the Federal Committee of 1857 (adopted by the Assembly on the 11th of September, and by the Council on the 17th of November, in that year) be transmitted with the present Report to the Governments of the other Colonies, as containing the necessary details of the arrangement in which they are invited to concur.

*Committee-room,**7 February, 1860.*

[Enclosure 2 in No 2.]

VICTORIA.

REPORT FROM THE SELECT COMMITTEE UPON FEDERAL UNION OF  
THE AUSTRALIAN COLONIES.

THE necessity of a Federal Union of the Australian Colonies for legislative purposes, and the best means of accomplishing such an union if necessary, having been referred to the present Committee, they have given these questions of national polity the prolonged and deliberate consideration which their importance demanded.

On the ultimate necessity of a Federal Union, there is but one opinion. Your Committee are unanimous in believing that the interest and honor of these growing States would be promoted by the establishment of a system of mutual action and co-operation among them. Their interest suffers, and must continue to suffer, while competing tariffs, naturalization laws, and land systems, rival schemes of immigration, and of ocean postage, a clumsy and inefficient method of communicating with each other, and with the Home Government on public business, and a distant and expensive system of judicial appeal exist; and the honor and importance which constitute so essential an element of national prosperity, and the absence of which invites aggression from foreign enemies, cannot perhaps in this generation belong to any single Colony of the Southern Group; but may, and we are persuaded would, be speedily attained by an Australian Federation representing the entire.

Neighboring States of the second order inevitably become confederates or enemies. By becoming confederates so early in their career, the Australian Colonies would, we believe, immensely economise their strength and resources. They would substitute a common national interest for local and conflicting interests, and waste no more time in barren rivalry. They would enhance the national credit, and attain much earlier the power of undertaking works of serious cost and importance. They would not only save time and money, but attain increased vigor and accuracy, by treating the larger questions of public policy at one time and place; and in an Assembly, which it may be presumed, would consist of the wisest and most experienced statesmen of the Colonial Legislatures, they would set up a safeguard  
against

against violence or disorder—holding it in check by the common sense and common force of the Federation. They would possess the power of more promptly calling new States into existence throughout their immense territory, as the spread of population required it, and of enabling each of the existing States to apply itself, without conflict or jealousy, to the special industry which its position and resources render most profitable.

The time for accomplishing such a Federation is naturally a point upon which there are a variety of opinions; but we are unanimous in believing that it is not too soon to invite a mutual understanding on this subject throughout the Colonies. Most of us conceive that the time for union is come. It is now more than eight years since the Privy Council reported to Her Majesty that "the want of some such general authority for the Australian Colonies began to be seriously felt." At present, a Federal Assembly would not only have the control of a larger territory than any of the Great Powers possess in Europe; but of a population exceeding that of several of the smaller Sovereign States, and of a revenue which equals or exceeds the revenue of the Kingdoms of Belgium, Sweden and Norway, Hanover, Holland, Naples, Hungary, Turkey, Bavaria, Saxony, or Greece. Some of the most renowned Federations in history had less population or wealth, and certainly possessed infinitely inferior agencies of Government than belong to an age of telegraphs and railways.

On the best means of originating such an union we are unanimous. No single Colony ought to take exclusive possession of a subject of such national importance, or venture to dictate the programme of union to the rest. The delicate and important questions connected with the precise functions and authority of the Federal Assembly, which present themselves on the threshold of the inquiry, can be solved only by a Conference of Delegates from the respective Colonies. The course we recommend, therefore, is, that such a Conference should be immediately invited. To it will properly belong the duty of determining whether the plan of union to be submitted to the people shall propose merely a Consultative Council, authorised to frame propositions for the sanction of the State Legislatures, or a Federal Executive and Assembly, with supreme power on national and inter-colonial questions; or some compromise between these extremes. And to it also must be referred minor questions such as the following, which press for a decision:—

If a Consultative Council be adopted—can it act without the aid of ministers charged to submit measures for its consideration? Is it desirable to constitute it a court of impeachment for the Colonies? Shall its deliberations be restricted to certain specified questions; and if so, to what questions?

If the plan embrace a Federal Legislature and Executive—is the Legislature to consist of one or two branches? Must an absolute majority of its members, or the representatives of a certain number of States concur, to make its decisions law? Are its laws to take effect directly on the entire population of Australia, or only after the assent of their respective States? Are they to be administered by the existing Colonial Judiciatures, or by Federal Courts? If its orders are violated by any State of the Federation how are they to be enforced? Shall it possess the power of taxation, or only of assessment on the respective States?

In either case—where shall the Federal body sit; or shall it be rotatory? If the latter—shall the Governor of the State where it sits for the time being exercise the royal prerogative on its bills, or must they be sent to the Governor General or senior Governor?

These, and similar questions, must be determined before a coherent scheme of federation can be framed; but we do not feel at liberty to offer any opinion upon any of them.

In order to invite a Conference of the Colonies it is necessary to make some specific propositions, and we, therefore, recommend:—

1. That the Legislatures of New South Wales, South Australia, and Tasmania, be requested to select three Delegates each, two of whom might be members of Assembly, and one a member of Council, to meet three Delegates from this Colony.
2. That these delegates assembled in Conference be empowered to frame a plan of Federation, to be afterwards submitted, for approval, either to the Colonial Legislatures, or directly to the people, or to both, as may be determined; and to receive such further legislative sanction as may appear necessary.
3. That the expenditure incident to the Conference shall be borne by the respective Colonies, in whatever proportions may be fixed by the Conference itself.
4. That the Conference shall hold its meetings in whatever place the majority of the Delegates may determine; their decisions being interchanged in writing within a month of their elections being completed.

If your Honorable House think fit to adopt these recommendations, it will be necessary to present an address to His Excellency the Governor, praying that he may communicate with the Governors of the other Colonies named, requesting them to submit the proposal to their respective Legislatures for consideration.

And we would further recommend that this Report be communicated by Message to the other House, inviting their concurrence in the selection of Delegates for Victoria, in case the project is accepted by the other Colonies.

In conclusion, your Committee are fully convinced that a negotiation demanding so much caution and forbearance, so much foresight and experience, must originate in the mutual action of the Colonies, and cannot safely be relegated even to the Imperial Legislature.

Committee-room,  
8 September, 1857.





1859-60.

Legislative Assembly.

NEW SOUTH WALES.

# PROPOSED ANNEXATION OF A PORTION OF NEW SOUTH WALES TO SOUTH AUSTRALIA.

(DESPATCH RELATIVE TO.)

*Ordered by the Legislative Assembly to be Printed, 28 February, 1860.*

W. DENISON,

*Governor General.*

*Message No. 28.*

The Governor General lays before the Legislative Assembly a copy of a Despatch, with which he has been honored by the Secretary of State, bringing under notice the delay which has taken place in communicating to the Imperial Government the opinion of the Legislature of New South Wales, as to the proposed transfer of a small portion of Territory lying between South Australia and Western Australia to the former Colony.

It would appear from the report of the Law Officers accompanying this Despatch, that by the 46th Clause of the Act of the Legislature of New South Wales, 17 Vict., cap. 41, full power was reserved to Her Majesty to detach from New South Wales the portion of Territory in question.

The Secretary of State however is naturally desirous of acting in the matter with the full concurrence of the Government and the Legislature of New South Wales, and the Governor General trusts that he may be enabled to report that no objection exists on the part of the Legislative Assembly to the proposal to place this Territory, which is now subject to no law, under the control of the Government of South Australia.

*Government House,*

*28th February, 1860.*

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

(No. 32.)

*Downing-street,*

*21 October, 1859.*

SIR,

I have to acknowledge your Despatch, No. 189, of the 4th of December last, addressed to Sir E. B. Lytton, in which you inform him that you proposed consulting the Legislature on the subject of the proposed separation from New South Wales and transfer to South Australia, of the portion of Territory lying between the Western boundary of South Australia and the Eastern frontier line of Western Australia.

I have hitherto waited for the result of your promised consultation with the Legislature; but I must remind you that this is a question of practical importance to South Australia, although of none, as far as I can perceive, to the Colony under your Government, and that the decision has been long delayed.

\* 440—

I

I annex copy of an Opinion which I have received from the Law Advisers, according to which you will perceive that the Crown has full power to affect the proposed change.

I am still, however, anxious to take no definitive step without previous communication from yourself.

GOVERNOR

SIR W. T. DENISON, K. C. B.

&c., &c., &c.

I have, &c.,  
NEWCASTLE.

[Enclosure in preceding Despatch.]

Lincoln's Inn,  
September 28, 1859.

My Lord Duke,

We were honored with your Grace's commands, signified in Mr. Merivale's letter of the 10th September instant, in which he stated that he was directed by your Grace to bring under our consideration the following questions, viz. :—

In the early settlement of Australia the Commission of the Governor of New South Wales extended from the eastern coast westward to boundaries so fixed from time to time, as to include any possible extension of the Colony in that direction; and by a Commission which was issued to the Governor of New South Wales in the year 1830, the western boundary of that Colony was fixed at the 129th degree of east longitude. Under the authority of the Act of the Imperial Parliament, 10 Geo. 4, cap. 22, the Colony of Western Australia was established, and by the Commission of the Governor of Western Australia, which was issued in the year 1831, the eastern boundary of that Colony was made identical with the western boundary of New South Wales, viz., the 129th degree of east longitude.

And that, in the year 1834, an Act was passed—4 and 5 Wm. 4, cap. 95—"to empower His Majesty to erect South Australia into a British province or provinces, for the colonization and government thereof;" that under that Act it was provided that it should be lawful for His Majesty, with the advice of his Privy Council, to erect within that part of Australia situated between the meridians of the 132nd and 141st degrees of east longitude, and between the Southern Ocean and the 26th degree of south latitude, and to establish one or more provinces, and to fix the respective boundaries of such provinces within the limits so indicated, and filling the whole area, the present Colony of South Australia was established. That the consequence of such limitations of the boundaries of the several Colonies was, to leave between the respective boundaries of Western Australia and Southern Australia—that is, between the 129th and 132nd degrees of east longitude and south of the line 26 degrees, north latitude—a portion of territory still considered to form a portion of New South Wales, although, from its geographical position, far beyond the influence of the social institutions of that Colony; that that tract was, as yet, uninhabited, but the progress of pastoral occupation, advancing from the neighbouring Colony of South Australia, began to require the use of it.

That when the Bill passed the Legislature of New South Wales, which now forms the Schedule of the Act, 18 and 19 Victoria, chapter 54, intituled, "*An Act to enable Her Majesty to assent to a Bill, as amended, of the Legislature of New South Wales, to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty*," the 46th section which defined the boundaries of the Colony, contained the following reservation :— "Provided always, that nothing herein contained shall be deemed to prevent Her Majesty from altering the boundary of the Colony of New South Wales, nor from detaching from the said Colony that portion of the same which lies between the western boundary of South Australia and the 129th degree of east longitude, reckoning from the said meridian of Greenwich."

Mr. Merivale was pleased to say that it would appear, therefore, that the power to detach that portion of New South Wales was legally vested in the Crown by the above Act; and also, that by the recent Letters Patent erecting Moreton Bay into a Colony, by the name of Queensland, the boundary between New South Wales and Queensland was specially defined, and to the definition our attention was now particularly directed.

Mr. Merivale also asked—"Is the territory above described bounded by Western Australia to the west, by Southern Australia to the east, and by the line 26th degree south latitude to the north, now part of New South Wales, or is it part of Queensland?"

"If it is still part of New South Wales, can the Crown exercise the power reserved to it by the Act 18 and 19 Victoria, cap. 54, without making any provision as to the public debt contracted by the Colony of New South Wales, both prior and subsequent to the passing of that Act?"

On this subject Mr. Merivale was pleased to refer us to a former opinion of the Law Officers on the question of the division of the debt between New South Wales and Moreton Bay, and to call our attention to the circumstance, that the power to detach this territory was not only confirmed to the Crown by Act of Parliament, but that the Act was founded on the voluntary proceeding of the Legislature of New South Wales, which itself incurred the debt, and which conferred (so far as its authority went) this power on the Crown.

In

In obedience to your Grace's commands we have perused the statement and documents submitted to us, and have the honor to report—

That with respect to the first question, we think that the territory in question is part of New South Wales and not of Queensland. But we are apprehensive that we may not rightly understand the case, as we cannot see how any difficulty could have arisen on the subject, inasmuch as it appears to be clearly stated in the Letters Patent creating Queensland that the 141st meridian of east longitude shall be its western boundary, which leaves eight or nine degrees of longitude between such western boundary and the eastern boundary of the territory in question.

With respect to the second question, we think that by force and effect of the proviso contained in the 46th section of the Local Act (Scheduled to the Act of the 18th and 19th Victoria) it is competent to the Crown to exercise its prerogative right of altering the boundaries of the Colony of New South Wales to the extent at least of detaching that portion of it, which lies between the western boundary of South Australia and the 129th degree of east longitude, without making any provision as to the public debt contracted by the Colony of New South Wales, either prior or subsequent to the passing of the local Act.

The express words of the proviso make the present case different from that reported on by the Law Officers in October, 1856.

We have, &c.,

RICHARD BETHELL.  
HENRY S. KEATING.



1859.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**CUSTOMS LAWS.**

(CERTAIN MEMBERS OF THE SYDNEY CHAMBER OF COMMERCE.)

*Ordered by the Legislative Assembly to be Printed, 18 October, 1859.*

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

The humble Petition of the undersigned Members of the Sydney Chamber of Commerce,—

**SHEWETH:—**

That the attention of your Petitioners has lately been specially called to the state of the Customs Laws of this Colony, and from a mature consideration thereof your Petitioners are of opinion that those laws are founded upon principles unjust in themselves, unnecessarily severe, and calculated to inflict enormous injustice upon innocent parties.

That the code at present in force in this Colony is the same in substance as that formerly in force in the Mother Country, but which has long since been ameliorated by the equitable principles adopted by the authorities there, and which code was upwards of six years ago abolished by act of Parliament, and the previous equitable practice made obligatory by law.

That a continuance of the antiquated and unjust system now in force and acted upon here is calculated to be most injurious to the commercial interests and general welfare of the community at large, and it is, therefore, in the opinion of your Petitioners, highly desirable that the general principles of the present imperial code should be forthwith introduced into this Colony.

Your Petitioners therefore humbly pray that your Honorable House will take the premises into consideration, and pass a measure in reference to the Customs Laws of the Colony in accordance with the principles of the code now in force in the United Kingdom.

And your Petitioners will ever pray, &c.

*[Here follow 32 Signatures.]*

*Chamber of Commerce,  
Sydney, September, 1859.*

Sydney: Thomas Richards, Government Printer.—1859.



1859.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**CUSTOMS DUTIES AT NEWCASTLE AND MORPETH.**

(RETURN IN REFERENCE TO, FROM 1 JANUARY, 1858, TO 30 JUNE, 1859.)

*Ordered by the Legislative Assembly to be Printed, 5 October, 1859.*

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales on 23 September, 1859, for—

“ A Return, shewing separately the amount of Duties collected  
“ at Newcastle and Morpeth respectively, from 1st January to  
“ 31st December, 1858, and from 1st January to 30th June,  
“ 1859.”

(Mr. Close.)

RETURN, shewing separately the amount of Duties collected at Newcastle and Morpeth respectively, from the 1st January to 31st December, 1858, and from the 1st January to 30th June, 1859.

	NEWCASTLE.	MORPETH.
From 1st January to 31st December, 1858 ...	3,536 10 5	3,112 6 9
From 1st January to 30th June, 1859 ... ..	3,188 7 0	2,276 9 6
TOTALS ... .. £	6,724 17 5	5,388 16 3

*Custom House, Newcastle,*  
4 October, 1859.

C. BOLTON,  
Sub-Collector.

Sydney: Thomas Richards, Government Printer.—1859.





1859.

Legislative Assembly.  
NEW SOUTH WALES.

SEIZURE OF OPIUM PER "KATE HOOPER."  
(PETITION RELATIVE TO.)

*Ordered by the Legislative Assembly to be Printed, 18 October, 1859.*

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

The humble Petition of the undersigned Members of the Sydney Chamber of Commerce, Bankers, Merchants, Tradesmen, and others,—

HUMBLY SHEWETH :—

That the attention of your Petitioners having been called to the circumstances connected with a Seizure of Opium on board the American ship "Kate Hooper," on the 17th of June last, by the Customs authorities of this Port, and the confiscation and sale of the same, they are of opinion that Captain Johnson and the owners of the Opium have been treated with undue severity, and that a punishment has been inflicted which is altogether in excess of what was due to the offence with which Captain Johnson stands charged.

That it is unjust that the innocent owners of the Opium should be punished by the confiscation of their property, for an omission on the part of Captain Johnson to report it to the Customs authorities here, inasmuch as the owners had no control whatever over his actions.

That the infliction of a very moderate fine upon Captain Johnson would have answered the ends of justice.

That a Select Committee of the Chamber of Commerce having carefully investigated the circumstances connected with the case, report that they have not found any ground for suspecting an intention on the part either of Captain Johnson, shippers or consignees of the Opium, to commit any breach of the Customs Regulations; copy of which Report your Petitioners beg leave to append.

Your Petitioners therefore humbly pray that your Honorable House will take the premises into consideration; and if the facts are found to be in accordance with the above-named Report, that your Honorable House will afford such redress in the matter as to your Honorable House may seem meet.

And your Petitioners will ever pray, &c.

[Here follow 400 Signatures.]



1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## SEIZURE OF OPIUM PER "KATE HOOPER."

(PETITION OF CERTAIN CHINESE MERCHANTS OF VICTORIA.)

*Ordered by the Legislative Assembly to be Printed, 3 February, 1860.*

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

The humble Petition of Lei Long, Lei Ting, A Son, and A Pou, merchants, trading in Melbourne, in the Colony of Victoria, under the style or firm of Tong Sang,—

SHEWETH:—

That, by a certain vessel named the "Kate Hooper," the master of whom was Edward Perry Johnson, bound from Hong Kong to Sydney and Melbourne, certain merchants resident at Hong Kong shipped a quantity of Opium to the order of your Petitioners, and for which proper bills of lading were duly signed by the master of the said vessel, such Opium to be delivered in Melbourne.

That there is within the Colony of New South Wales a law requiring all articles subject to an import duty to be entered in the manifest of the ships importing such articles.

That there is an import duty on Opium imported into New South Wales.

That there is a rule or ordinance that, on the arrival of any vessel into the Port of Sydney, the master shall be furnished with the rules and regulations in force in such port, and a receipt taken from the master in proof of their delivery.

That this rule or ordinance was evidently made with the view to prevent masters of vessels arriving from foreign parts innocently or unwittingly committing any breach of the Port or Customs Regulations, and in these regulations is inserted the law requiring articles upon which an import duty is payable to be inserted in the ship's manifest.

That, upon the arrival of the said ship, "Kate Hooper," in the Port of Sydney, no copy of the rules and regulations of such port was delivered to the master of that vessel, and the said master was therefore in ignorance of the existence of the law requiring articles upon which an import duty is payable to be entered in the ship's manifest, and, arriving from a distant port at which no such law is in operation, the said master did not insert in the ship's manifest the Opium he was conveying to Melbourne in the "Kate Hooper."

That the Opium was, on account of the omission above stated, seized by the Customs authorities and sold, as your Petitioners are informed, for about fifteen hundred pounds, a price much under its real value.

That the master of the "Kate Hooper," and others interested in mercantile pursuits resident in Sydney, petitioned the Government of New South Wales against this what they deemed harsh and unprecedented proceeding, but without success, no redress having been afforded.

That it is not your Petitioners' province to question the equity or policy of any law your Honorable House may see fit to pass, but we will simply call attention to the fact that in no civilized country is it usual to punish unintentional infringements of the law, more especially when the punishment falls directly on those not cognizant of, and utterly unable to prevent, any such infringement, instead of on the person who committed the error.

That the whole circumstances clearly shew that the master of the "Kate Hooper" had not any intention to defraud the Revenue or commit a breach of the Customs Regulations, for no concealment was used, and the Opium was openly exposed in the cabin of the vessel, when, had any concealment been deemed necessary, it could have been most easily effected, in consequence of the smallness of bulk occupied by this valuable article of commerce.

That, on the arrival of the "Kate Hooper" in the Port of Melbourne, your Petitioners demanded from the master the delivery of the Opium in the terms of the bills of lading, which, of course, he was unable to comply with.

That legal proceedings for the recovery of the value of the Opium were then taken in the Supreme Court of Victoria, and from the inability of such master to satisfy the claim, and it being supposed that he was about to leave the Colony, resulted in his imprisonment, from which, however, he was released, under the operation of the Insolvent Laws of Victoria.

That your Petitioners then took proceedings in the Supreme Court, under the Foreign Attachment Act, against the owners of the vessel, and obtained an order from the Court to attach certain articles and stores, the goods of the said owners, then being on board the said "Kate Hooper," the said order directing the master of that vessel to deliver into a store in such order described within eight days from the date thereof the goods and articles so attached.

That, in the interval between the service of the order of the Court and the time limited for the delivery of the goods and articles therein set forth, the vessel, "Kate Hooper," clandestinely, and without any clearance from the Customs, left the Port of Melbourne, without having obeyed the order of the Court, and has not since been heard of.

That, according to the register of the said "Kate Hooper," I. A. Hooper appears as the sole owner of that vessel.

That I. A. Hooper resides at Baltimore, in the United States of America, and is, therefore, without the jurisdiction of the Australian Colonies, and so far as your Petitioners can ascertain, has neither goods nor responsible agents in Victoria, and your Petitioners are therefore left without remedy.

That your Petitioners, having thus taken every means within their power to recover from the master and owner of the "Kate Hooper" the value of the Opium seized and sold in Sydney in manner herein set forth, and not having even by implication participated or encouraged, but rather punished and pursued, the actual wrong-doer, trust that their case is one calling for relief from the Legislature of New South Wales.

Your Petitioners, therefore, respectfully pray, that your Honorable House will take the matter of this Petition into your earnest consideration, and inquire into the facts stated, and grant such relief as your Honorable House may deem fit.

And your Petitioners will ever pray.

[Here follow 4 Signatures.]

1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## SEIZURE OF OPIUM PER "KATE HOOPER."

(PETITION OF LEI AFOO.)

*Ordered by the Legislative Assembly to be Printed, 24 April, 1860.*

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

The humble Petition of Lei Afoo, of Sun Wooi, near Canton, in China, at present in Sydney, a passenger on board the "Oithona," from Hongkong to Melbourne, Merchant,—

SH EWETH:—

1. Early in the year one thousand eight hundred and fifty-nine your Petitioner purchased at Hongkong aforesaid, through the house of his agents there—Tong Sang—a quantity of Opium and other Merchandise, for shipment to Melbourne in the "Kate Hooper."

2. Having furnished the necessary funds for the purpose to such his agents, your Petitioner returned to his residence at Sun Wooi, a distance of about two hundred miles from Hongkong.

3. After Petitioner's departure from Hongkong aforesaid, five boxes of such Opium were, with other merchandise of Petitioner, shipped by his said agents—Tong Sang—in such vessel, the "Kate Hooper," to Melbourne, for sale there on Petitioner's account, the residue of Petitioner's purchase of such Opium being afterwards shipped at Hongkong aforesaid, in another vessel for Melbourne, also consigned to the house of Tong Sang there, on Petitioner's account.

4. Your Petitioner heard no more of the matter until he received at Sun Wooi aforesaid information of the seizure, by the Government at Sydney, of the Opium so shipped to Melbourne, on Petitioner's account, in the "Kate Hooper," for an alleged infraction of the Customs or Harbor Regulations.

5. Your Petitioner has arrived in the Colony from China aforesaid, for the purpose mainly of seeking redress, is innocent of, and has not been party or privy to, any alleged infringement of the Customs or Harbor Regulations, or of any alleged attempt to defraud Her Majesty's Government, and throughout the transaction in which the seizure arose has acted honestly and in good faith.

6. Your Petitioner is the one on whom the loss occasioned by such seizure falls, the consequences of which have been very serious to him.

Your Petitioner therefore humbly prays your Honorable House to take the premises into consideration, and to inquire into and afford redress to your Petitioner, in respect of his said grievances; and your Petitioner prays that your Honorable House will be pleased to cause justice to be done and relief afforded in the premises.

And your Petitioner will ever pray, &c.

LEI AFOO.



1859-60.

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**Legislative Assembly.**

NEW SOUTH WALES.

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SEIZURE OF OPIUM PER "KATE HOOPER."

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REPORT FROM THE SELECT COMMITTEE

ON THE

SEIZURE OF OPIUM PER "KATE HOOPER,"

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

---

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

5 June, 1860.

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SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

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1860.

[Price, 2s. 2d.]

544—a



1859-60.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF  
THE LEGISLATIVE ASSEMBLY.

VOTES No. 79. FRIDAY, 13 APRIL, 1860.

7. Seizure of Opium per "Kate Hooper":—Mr. Hay moved, pursuant to notice,—
- (1.) That a Select Committee be appointed to take into consideration the various Petitions presented to this House, relative to the Seizure of certain Opium on board the ship "Kate Hooper," and to inquire into and report upon the matter thereof, with power to send for persons and papers.
- (2.) That such Committee consist of the following Members, viz.:—Mr. Parkes, Mr. Broughton, Mr. Gordon, Mr. Weekes, Mr. Morris, Mr. Wilson, Mr. Jenkins, Mr. Forster, Mr. Samuel, and the Mover.
- Debate ensued.
- And Mr. Terry requiring that the proposed Committee be appointed by Ballot,—
- Question—(1.) That a Select Committee be appointed to take into consideration the various Petitions presented to this House, relative to the Seizure of certain Opium on board the ship "Kate Hooper," and to inquire into and report upon the matter thereof, with power to send 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:—Mr. Weekes, Mr. Forster, Mr. Gordon, Mr. Morris, Mr. Samuel, Mr. Parkes, Mr. Wilson, Mr. Broughton, and Mr. A. Campbell.

VOTES No. 107. TUESDAY, 5 JUNE, 1860.

3. Seizure of Opium per "Kate Hooper":—Mr. Hay, as Chairman, brought up the Report from, and laid upon the Table the Proceedings of, and Minutes of Evidence taken before, the Select Committee to whom was referred, on the 13th April last, the subject of Seizure of Opium per "Kate Hooper."
- Ordered to be printed.

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1859-60.

## SEIZURE OF OPIUM PER "KATE HOOPER."

## REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 13th April last "*to take into consideration the various Petitions presented to this House, relative to the Seizure of certain Opium on board the Ship "Kate Hooper," and to inquire into and report upon the matter thereof, with power to send for persons and papers,*"—have agreed to the following Report:—

To enable them to arrive at a satisfactory conclusion on the subject of their inquiry your Committee have taken the evidence of various witnesses, including all those proposed on the part of the Collector of Customs in support of his decision. They have also examined the various papers laid before them by the Government, and those produced by the Secretary of the Chamber of Commerce, as well as other correspondence and documents connected with the shipment of the opium, and with the legal proceedings taken by the consignees against the master of the ship and the ship herself.

It appears that on the 15th day of June, 1859, the American ship "Kate Hooper" arrived in Port Jackson for the purpose of landing her Chinese passengers and a few articles of cargo, the chief portion of her cargo being destined for the Port of Melbourne. She was boarded by one of the Tide Surveyors, Mr. Collier, who placed a Tide Waiter, Mr. Wright, in charge. On the 17th, by arrangement with Mr. Collier, Mr. M'Koy, another of the Tide Surveyors, went on board to examine the ship's stores. In the meantime the captain had made his report at the Custom House. While Mr. M'Koy was on board, two boxes containing opium were removed from one of the state rooms and placed in the principal cabin, in order to get at a case of pictures for the landing of which his permission had just been sought. On Mr. M'Koy's observing these, he directed his attention to the state room, where he found eight more boxes of opium. The whole ten he immediately seized. On further investigation, twenty-two small packages (tins) of opium were discovered in the cabin of one of the passengers; with respect to these twenty-two tins, it appears in evidence that they were the remaining portion of a quantity which had been in use by some of the passengers during the voyage, and as no question has been raised as to their seizure they

they may be dismissed from further consideration. As regards the ten boxes, the master admitted his responsibility at once, and, on Mr. M'Koy pointing out as the ground of the seizure their omission from the manifest, produced the bills of lading, endeavoured to explain the cause of the omission, and craved leave to amend his report. Mr. M'Koy, however, did not feel it to be consistent with his duties to do otherwise than lodge the opium in the Queen's Warehouse and report the matter to the Collector of Customs. The application to amend was therefore directed to that officer, and was supported by the American Consul, and accompanied by various statements and affidavits. The Collector did not think it right to comply with the application.

In the meantime no attempt seems to have been made to find out who were the real consignees or owners of the opium, or to give to them an opportunity of shewing the absence of any design to smuggle on their part, or of any complicity in such design between them and the master of the ship. Of the bills of lading produced, that of 3 of the 10 boxes of opium was in favor of Tong Sang, and that of the other 7 boxes and 4 boxes of merchandize in favor of Lei Leong. Now, Tong Sang appears to be a well-known firm in Melbourne and Hong Kong, consisting of various partners, neither of whom individually bears that name, but of whom Lei Leong appears to be one. It appears to be customary for individual Chinese to trade in connection with various partners, each partnership being distinguished by a different *shop name*, as it is called by the witness Leau Appa. Of this character, Tong Sang seems in reality to be, although by mistake, occasionally assumed as the name of individual members of the firm. There seems to be *reason to believe* that a passenger on board the "Kate Hooper" who carried with him duplicates of the bills of lading was no other than Lei Leong of the firm of Tong Sang. If so, however, he was unquestionably destitute of all knowledge of the English language, and in Sydney found himself totally helpless, unable to protect his interests, or to place anyone else in a position to do so. This passenger, whether the identical Lei Leong or not, forwarded by post the bills of lading to Melbourne, to be handed to Tong Sang there. The firm of Tong Sang in Melbourne has a connexion with Messrs. Foxton, Jones, and Co., of that city, through whom all their Custom House and other business requiring a familiarity with the English language and customs is transacted. Upon receipt of these bills of lading, Foxton, Jones, and Co., immediately opened a correspondence on behalf of the consignees, and through their Sydney agents, Messrs. Herring, Harper, and Co., with the Government of this Colony; it does not however appear that any facilities were afforded to them for shewing the innocence of their principals.

The result of the whole was, that the seizure was confirmed and the goods sold.

On the arrival of the ship in Melbourne the master refused to deliver the cargo consigned to Tong Sang and Lei Leong, except as the freight was paid, and was, of course, unable to deliver the ten cases of opium for which that firm held the bills of lading, either in the name of the firm or in that of the individual partner, Lei Leong. In consequence,  
 legal

legal proceedings were resorted to, which resulted in a verdict against Captain Johnson, who thereupon took the benefit of the Insolvent Act. Then it was found practicable to proceed against the ship in the Vice-Admiralty Court, but the consequences of that suit the master contrived to evade by taking the ship surreptitiously to sea. After thus at great expense availing themselves of every remedy they had in law, the consignees petitioned your Honorable House.

This summary may serve to elucidate the following statement of the conclusions at which your Committee have arrived, and of the considerations which have influenced them.

The Customs Act 9 Vict., No. 15, makes all goods liable to duties and not duly reported subject to forfeiture; but your Committee cannot believe that the power thus given was ever intended to be exercised except where it should appear upon inquiry that there was good ground for believing that the failure to report was connected with a design to defraud the revenue. The failure to make a full and true report lies entirely with the master. The shippers and consignees of goods can by no means guard against it; neither have they any voice in his nomination, nor control over his actions. They have simply a recourse against him, often doubtful, and likely, as in this case, to be ineffectual. It was on these grounds probably that in British ports the power itself has been given up in the recent amendment of the Customs Laws. The responsibility of the master is enforced by fine should he be unable to give a satisfactory explanation of the omission; but with respect to the goods, a power of detention only is provided, to be followed, no doubt, by forfeiture in case it should be proved that such omission is part of an attempt to smuggle. The old law, which was precisely the same in this respect as that now in force in the Colony, enabled the authorities to reach cases where there was every reason short of legal proof to believe that the omission to report was of that character. And your Committee consider that it would be unjustifiable to enforce the forfeiture against the owners under any other circumstances.

Were the circumstances in this case such as to indicate an intention of defrauding the revenue? The Collector of Customs was undoubtedly impressed with the notion that the whole was a concerted scheme, which had been defeated by the activity of his officers. Still, his letter to the Treasury of 20th June, reporting the facts of the case and his decision, conveys but very imperfectly the grounds for such an impression. Indeed he appears, both from that letter and from his evidence, to have believed that with respect to the confirmation of the seizure he did all which was incumbent upon him when he satisfied himself that the law had been broken, and to have received any explanation offered only with a view to the question whether further proceedings ought to be taken or not.

It has, however, been represented, in support of his decision—1st. That there was an attempt to conceal the opium: 2nd.—That it was *marked* in an imperfect and unusual way: 3rd.—That the conduct of Captain Johnson at the time of the seizure was such as to indicate a consciousness

consciousness of guilt; and 4th.—That the irregularities attending the shipment of the opium—its absence from the freight list, and the separation of the bills of lading from those of the rest of the cargo—shewed a fraudulent design from the beginning.

As to the first of these allegations, your Committee do not see, in the evidence, anything to shew concealment, beyond the mere neglect of the master to report. The state room, where the opium was stowed, was often left open, and indeed did not admit of being securely fastened, owing to the lock being out of repair. The adjoining state room was assigned to the officer in charge, and he slept there nightly. Some of the boxes of opium were removed openly to the public cabin while the Tide Surveyor was on board, and it was then that Mr. M'Koy first saw and recognized these boxes as containing opium.

2nd. As to the marking of the boxes, although some of the evidence is contradictory, it seems to your Committee clear that most, if not all, of the boxes were marked by the same sort of label which has been exhibited to your Committee. It is very peculiar and formal in its appearance, and seems to be a sort of export certificate indicating the regular payment of certain dues at Hong Kong. Near the centre of this label are the words "Prepared Opium," in distinct type. It may be matter of doubt whether a portion was not marked by large letters painted on the boxes; but even the labels your Committee consider to have been sufficiently distinctive to prevent that character of suspicion sought to be attached on this ground

3rd. Your Committee fail to recognize anything in the master's behaviour that would shew in him the consciousness of any guilt greater than an amount of neglect which might expose him and his owners to very serious inconvenience.

4th. With respect to the irregularity attending the original shipment, on which the Collector appears very much to rely, it appears that the "Kate Hooper" was chartered by a Chinese merchant, and that Russell and Co., a very respectable house in Canton, were the agents of the ship. By them the freight list was made up from the bills of lading in their possession at the time, and delivered to the master along with those bills of lading sealed up on the 22nd of April. The bill of lading of the 7 boxes of opium, and 4 boxes of silks consigned to Lei Leong, is dated 23rd April; as also that of a box of samples consigned to Messrs. Towns and Co., of Sydney. These, therefore, could not be included in a sealed packet dated 22nd April, nor would the items probably be found in a freight list made up and delivered on the same day. But the bill of lading of 3 boxes of opium in favor of Tong Sang bears date the 21st of April, and might, therefore, be expected to be in the sealed packet, which it is not, nor is the item in the freight list. The shipping order for that quantity is dated 28th April; for the 4 boxes of merchandize, and 5 boxes of opium from Lei Leong, on the 21st; and for the remaining 2 boxes from Lei Leong on the 22nd. They are signed in the same way as all the other shipping orders accompanying the bills of lading in the sealed packet;

packet; and are accompanied by counterpart receipts of even date, made out in the same handwriting, and with the signature of the mate attached. In each case the orders and receipts and bills of lading purport to be for cabin freight.

Apart from the memorandum in the cargo-book, which bears that these goods were actually received on board on the 23rd, and which is rendered less authoritative than it otherwise would be by the slovenly way in which this record appears to have been kept throughout, there is little reason to disbelieve the statements of the captain, mate, and others, to the same effect, rendered extremely probable as they are by Russell and Co.'s letter, and by the testimony of various mercantile men. These last see nothing unusual in the fact of bills of lading and counterpart receipts bearing a date anterior to the actual shipment of the goods, or to the day on which the copies of the former seem to have been placed in the hands of the agents of the vessel. As to the allegation that on becoming aware of this additional shipment Russell and Co. were likely to have made out an amended freight-list, it appears to be sufficiently rebutted by the consideration that being cabin freight it was of no importance, as between the charterers and the owners, but at the utmost involved a very small additional commission to themselves.

Hong Kong is a free port, with no provision for carrying out the usual Customs Regulations in their integrity. An officer of the Government grants a clearance to ships leaving the port, but it appears that no manifest is presented to, or certified by him, and consequently with regard to such ships several of the provisions of our Customs Law cannot apply. Besides, it is known that not only there, but in the Eastern ports generally, shipments are conducted in an exceedingly loose way, so as to deprive the circumstances attending the shipment of this opium, upon which the Government has relied so much as an evidence of fraudulent intention, of all force whatever.

Your Committee, therefore, have come to these conclusions:—

- 1st. As regards the master, that he was guilty of a neglect of his duty. He did not take any care to make that full and true report of his cargo which he ought to have known was imperative in the port he was about to visit. His explanation amounts to this,—That having no proper manifest, he adopted the course not unusual of trusting to his freight list, forgetting, what he knew to be the fact, that it was imperfect. Your Committee cannot for a moment hold this to be a valid excuse. The very looseness in the mode of conducting shipments at Hong Kong should have put him more on his guard. Your Committee therefore consider that he ought to have been proceeded against for the penalty to which he had rendered himself liable, viz., a fine not exceeding £100, and recoverable before any two Justices of the Peace.

2nd.

2nd. As regards the forfeiture and sale of the opium, your Committee conclude that they did not proceed upon any proper investigation, and ought not to have taken place. The seizure by the officer was no doubt warranted and proper; but the Collector appears to have taken a narrow view of his duty when he assumed that, in deciding upon its confirmation, he had only to inquire whether the law had been infringed. Your Committee would be loath to discourage an officer surrounded by so many difficulties, and who seems to be zealous in the performance of his duties, but these difficulties must be increased if the administration of a law necessarily giving very large powers is conducted as arbitrarily, and with as little judicial care, as it seems to have been in this instance. Your Committee are of opinion that a sufficient case was placed before the Executive Government to demand of it the institution of an impartial inquiry. The Government not having granted such an inquiry, your Committee feel justified in recommending that your Honorable House should take such steps as may appear necessary to make some amends for the injury sustained by the owners of the opium seized and sold. But the seizure and sale having been conducted in accordance with the law, the Government cannot be expected to do more than make restitution of the actual proceeds of the opium, under deduction of the amount of duty payable on its importation.

3rd. With respect to the question which may be supposed to arise, as to who are to be considered as the owners of the opium,—your Committee do not observe that there is any contest amongst those who have come before you. The Petitioner Afoo has referred to Tong Sang as his authorized representative; and Lei Leong has joined with his partners of the firm of Tong Sang, in obtaining judgment for the whole of the opium as described in the two several bills of lading.

4th. Your Committee are of opinion that the provisions relative to the due report of cargo should be assimilated to those now in force in Great Britain, and that some tribunal should be established by which, after due inquiry, such questions as the present may be decided, instead of their being left, as at present, to the mere discretion of the Collector. And they hope that these, with other amendments of the Customs Law of the Colony, long desired and long delayed, may engage the early attention of the Legislature.

JOHN HAY,  
Chairman.

*Legislative Assembly Chamber,  
Sydney, 5 June, 1860.*

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## PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 19 APRIL, 1860.

## MEMBERS PRESENT :—

Mr. Broughton,	Mr. Morris,
Mr. Hay,	Mr. Samuel,
Mr. Weekes.	

John Hay, Esq., called to the Chair.

Order of the House, dated 13th instant, appointing the Committee,—read.

The several Petitions,—of certain "Members of the Sydney Chamber of Commerce, Bankers, Merchants, Tradesmen, and others"; "of Lei Leong, Lei Ting, A Sou and A Pou, Merchants, trading in Melbourne, in the Colony of Victoria, under the style or firm of "Tong Sang,"—and "of Lei Afoo, of Sun Wooi, near Canton, in China, at present in Sydney, a passenger on board the 'Oithona,' from Hong Kong to Melbourne, Merchants,"—referred on the date of appointment, produced and laid before Committee.

Petition of Lei Afoo (*unprinted*) read.

Committee deliberated upon the mode of pursuing the inquiry.

*It was Resolved,*—

- (1.) That Copies of all Correspondence on the subject, between the Government and the parties, be obtained, for the information of the Committee.
- (2.) That evidence be taken—firstly, of those complaining of the seizure; and secondly, of officers in support thereof.

Summonses for attendance at the next meeting directed to be issued in the names of H. Cherry, Esq., *Secretary, Chamber of Commerce*, and J. J. Herring, Esq.; to the former with instructions to produce the documents in his possession appertaining to the question.

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

TUESDAY, 24 APRIL, 1860.

## MEMBERS PRESENT :—

J. Hay, Esq., in the Chair.

Mr. Broughton,	Mr. Samuel,
Mr. Morris,	Mr. Weekes,
Mr. Parkes,	Mr. Wilson.

H. Lane, Esq., *Under Secretary to the Treasury*, called in and examined.

Witness produced the Correspondence between the Government and parties concerned, together with certain documents relating to the matter, as per following Schedule :—

1. Master of "Kate Hooper" to Collector of Customs, 17 June, 1859.
2. Ditto ditto, 18 June, 1859.
3. Tide Surveyor M'Koy to ditto, 20 June, 1859.
4. Collector of Customs to Secretary to Treasury, 20 June, 1859.
5. American Consul to Colonial Treasurer, 25 June, 1859.
6. Master of "Kate Hooper" to Administrators of Government, 6 July, 1859.
7. Ditto to Colonial Secretary, 18 July, 1859.
8. Various Mercantile Firms to Colonial Treasurer, 20 July, 1859.
9. J. J. Herring to ditto, 21 July, 1859.
10. Gurner and Robberds to Collector of Customs, 22 July, 1859.
11. Secretary to Chamber of Commerce to Colonial Treasurer, 23 July, 1859.
12. Resolution of Chamber of Commerce—(Enclosure to preceding) 23 July, 1859.
13. Tide Surveyor M'Koy to Collector of Customs, 7 September, 1859.
14. Memorandum of Freight of "Kate Hooper," (Hong Kong) 21 April, 1859.
15. Account Current—the "Kate Hooper" with Russell and Co., (Hong Kong) 21 April, 1859.
16. Freight List, (Hong Kong) 21 April, 1859.

Witness withdrew.

Committee deliberated, whether at once to enter upon the information contained in the Papers presented by witness, and

*Resolved*,—That such Papers be held over for perusal and consideration at the next sitting.H. Cherry, Esq., *Secretary, Chamber of Commerce*, called in and examined.

Witness produced all Papers and Documents connected with the subject, in the possession of the Chamber of Commerce, at the time of adopting the Report of its Committee, together with a Copy of the said Report, on which the Chamber's Petition to the House was based. (*Vide* Principal Documents specified in Minutes of Evidence, 59 to 72.)

Witness withdrew.

J. J. Herring, Esq., *Representing certain Chinese Parties*, called in and examined.

Witness withdrew.

[Committee adjourned to Thursday next, at *Eleven o'clock*]



THURSDAY, 26 APRIL, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Forster,  
Mr. Parkes,

Mr. Samuel,  
Mr. Weekes.

Committee met to consider certain Documents and Papers, pursuant to Resolution at the previous sitting.

The Departmental and other correspondence, produced by the Under Secretary to the Treasury on the 24th instant, read and considered.

Accompanying Documents examined.

Committee then proceeded with the several Documents and Papers received from the Secretary to the Chamber of Commerce on the 24th instant.

Report of the Select Committee, chosen by Ballot, at a Special General Meeting of Members of the Sydney Chamber of Commerce, held 27 July, 1859, for the purpose of considering the recent seizure of Opium on board the American ship "Kate Hooper," read.

And various documents examined.

The Chairman then produced certain further Papers, furnished by Mr. J. J. Herring (a Witness examined before the Committee) consisting of letters (5) from Messrs. Foxton, Jones, and Co., Melbourne, to Messrs. Herring, Harper, and Co., Sydney; letter from Tong Sang, Hong Kong, (14 April, 1859,) to Lei Lung and Tong Sang (Melbourne) together with Certificate from six Melbourne firms, respecting the value of ten (10) cases Opium, as per annexed invoices (Chinese, and translated) at date of ship's arrival there; and certified copies of legal documents (7) in case of Tong Sang v. Captain Johnson, of the "Kate Hooper"—(Supreme Court, Melbourne),—

Which Committee also proceeded to examine.

Committee deliberated.

Messrs. W. H. Williams, M. Bayley, F. McKoy, and J. Collier, to be summoned as witnesses for the following Tuesday.

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

TUESDAY, 1 MAY, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Broughton,  
Mr. A. Campbell,  
Mr. Morris,

Mr. Parkes,  
Mr. Samuel,  
Mr. Weekes.

W. H. Williams, Esq., called in and examined.

Witness withdrew.

M. Bayley, Esq., called in and examined.

Witness withdrew.

Mr. J. Collier, 1st Tide-surveyor, H. M. Customs, called in and examined.

Witness withdrew.

Mr. F. McKoy, 2nd Tide-surveyor, H. M. Customs, called in and examined.

Witness withdrew.

Evidence of Mr. J. J. Herring, corrected by witness upon revision.—The Chairman brought under notice certain corrections and additions proposed herein.

Corrections admitted.

Addition to Answer No. 135 disallowed.

Remaining additions (Answers 135 and 142) ordered to be appended to the Evidence.

(Vide Appendix, Notes 1 & 2.)

The attendance of Messrs. F. Spence and C. Wright to be summoned for Thursday.

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

THURSDAY, 3 MAY, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Broughton,  
Mr. Forster,

Mr. Morris,  
Mr. Parkes.

Mr. F. Spence, 8th Clerk, H. M. Customs, called in and examined.

Witness withdrew.

Mr. C. Wright, Extra Tide-waiter, H. M. Customs, called in and examined.

Witness withdrew.

The Chairman drew attention to the collection of documents and papers in the possession

possession of the Committee, with a view to elicit opinion upon the expediency of making a selection of such as would be valuable for report to the House.

Consideration deferred to a future day.

Directions given for summoning the Collector of Customs, Mr. M. Flinn, and Mr. H. Leau Appa, for the ensuing day.

[Adjourned to To-morrow, at Twelve o'clock.]

FRIDAY, 4 MAY, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Broughton,	Mr. Parkes,
Mr. Forster,	Mr. Samuel,
Mr. Morris,	Mr. Weekes.

W. A. Duncan, Esq., *Collector of Customs*, called in and examined.

Witness withdrew.

Mr. H. Leau Appa called in and examined.

Witness withdrew.

Mr. M. Flinn, *Coastwain, H. M. Customs*, called in and examined.

Witness withdrew.

Committee deliberated, more especially upon the conflicting evidence of the various witnesses touching the marks or labels indicative of the contents of certain opium cases comprised in the seizure under investigation.

*It was Resolved,—*

“That further evidence be taken respecting such labels, and with this view, that the several purchasers at the sale of the opium in question, be summoned to attend at the next sitting of the Committee.”

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

TUESDAY, 8 MAY, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Morris,	Mr. Samuel,
Mr. Parkes,	Mr. Weekes.

Mr. A. Tange, *Purchaser of certain opium seized ex “Kate Hooper,”* called in and examined.

Mr. J. Black, *Purchaser of certain opium seized ex “Kate Hooper,”* called in and examined.

Witness withdrew.

Mr. Mackellar (on), *Boatman, H. M. Customs*, called in and examined.

Witness withdrew.

Mr. A. Tange, *Purchaser of certain opium seized ex “Kate Hooper,”* further examined.

Witness withdrew.

Mr. Hall, *formerly Boatman, H. M. Customs*, called in and examined.

Witness withdrew.

Committee deliberated, and, with the view of having copies of the evidence for consideration when again convened,

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

TUESDAY, 15 MAY, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Broughton,	Mr. Forster,
Mr. A. Campbell,	Mr. Samuel,
Mr. Weekes.	

It had been impracticable as yet to procure copies of the Evidence, even so far as the manuscript had been placed in the hands of the printer; whilst the transcribed Evidence of witnesses examined on the 1st instant, furnished only yesterday by the short-hand writer, was still under revision by the several witnesses, in the usual course.

Evidence corrected by witnesses upon revision—The Chairman submitted certain corrections and omissions proposed herein.

Mr. F. McKoy.—Corrections allowed; omission in Answer No. 518 disallowed; but note to be supplied indicating withdrawal, desired by witness.\*

\*The note in question was accidentally neglected on transmission of the Evidence for printing, and therefore inserted here:—

(Page 19, Answer 518.) Note:—In revising his Evidence, witness desired to omit the words *Veni, Vidi, Vici*.

Mr. F. Spence.—Corrections allowed.

Mr. C. Wright.—Corrections allowed; alteration in Answer No. 611 to appear as a foot note to original.

Omission of certain Question and Answer between Nos. 686 and 687 of a private and irrelevant nature, allowed.

Committee directed summons to be issued for the attendance of J. N. Beit, Esq., as a witness for to-morrow, at *Eleven o'clock*.

[Adjourned accordingly.]

WEDNESDAY, 16 MAY, 1860.

MEMBERS PRESENT:—

None.

Mr. Beit was in attendance as a witness, but in the absence of the Chairman no Member proceeded to the Committee Room.

[By direction of Mr. Samuel, meeting convened and witness summoned for Friday next, at *Eleven o'clock*.]

FRIDAY, 18 MAY, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Forster,  
Mr. Parkes,

Mr. Wilson.

Mr. Samuel,  
Mr. Weekes,

J. N. Beit, Esq., called in and examined.

Witness withdrew.

Committee deliberated, and, anticipating the early circulation of copies of the former Evidence, instructed the Chairman to prepare a Draft Report, for consideration at the next sitting.

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

TUESDAY, 22 MAY, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Broughton,  
Mr. Forster,  
Mr. Parkes,

Mr. Samuel,  
Mr. Weekes,  
Mr. Wilson.

Committee deliberated.

*It was Resolved,—*

“That sufficient Evidence has now been taken to enable this Committee to proceed to a Report.”

Committee further deliberated, reviewing the points elucidated by the Evidence, and suggesting contents of proposed Report.

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

FRIDAY, 25 MAY, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. Broughton,  
Mr. A. Campbell,  
Mr. Forster,

Mr. Wilson.

Mr. Parkes,  
Mr. Samuel,  
Mr. Weekes,

The Chairman laid before Committee a Draft Report.

Draft Report read.

Committee deliberated upon the several points in proposed Report.

Copies of Draft to be furnished to Members prior to Committee being next convened.

The Chairman sought the opinion of Committee in reference to selecting certain of the various Papers furnished by witnesses, for the purpose of appending the more important to Report when brought up.

Committee deliberated.

*It was Resolved,—*

“That from the several documents referred to, it will be unnecessary to form any appendix to proposed Report.”

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

TUESDAY,

TUESDAY, 29 MAY, 1860.

By direction of the Chairman, meeting called for this day postponed to Friday next, at *Eleven* o'clock.

FRIDAY, 1 JUNE, 1860.

MEMBER PRESENT:—

Mr. Hay.

In the absence of a Quorum of the Committee, meeting called for this day lapsed. By direction of the Chairman, convened for Tuesday next, at *Two* o'clock.

TUESDAY, 5 JUNE, 1860.

MEMBERS PRESENT:—

J. Hay, Esq., in the Chair.

Mr. A. Campbell,

Mr. Forster,

Mr. Wilson.

Copies of Draft Report having been duly circulated amongst Members, Committee met to further consider same.

Committee deliberated.

And after the introduction of certain *verbal* and other amendments,—

Motion made (*Mr. Campbell*) and *Question*—That the Report, as amended, be the Report of this Committee—*agreed to*.

Chairman requested to report same to the House, together with the Minutes of Evidence.

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1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SEIZURE OF OPIUM PER "KATE HOOPER."

TUESDAY, 24 APRIL, 1860.

Present:—

MR. HAY,  
MR. WEEKES,  
MR. PARKES,MR. SAMUEL,  
MR. BROUGHTON,  
MR. WILSON.

JOHN HAY, Esq., IN THE CHAIR.

Henry Lane, Esq., called in and examined:—

1. *By the Chairman*: You are Secretary to the Treasury, Mr. Lane? Yes.
2. You are aware that the case of the seizure of opium per "Kate Hooper" was brought before the Government some time ago? Yes.
3. The papers, I suppose, passed through your hands? Yes, these are they.
4. You have got the papers? Certified copies of them.
5. Certified copies of the papers? Yes, of letters received in the Treasury Department.
6. What are the papers you now hold? Letters received in the case of the seizure of opium on board the "Kate Hooper."
7. Will you hand them in? Yes. (*Witness handed in the documents.*)
8. Are you cognizant of the facts connected with this case excepting so far as they are disclosed in these papers? Excepting so far as they are disclosed in these papers.
9. You are not? I am not.
10. *By Mr. Weekes*: All the original documents excepting the letters of which these are copies were returned to the parties? Yes.
11. The documents relating to the seizure, such as bills of lading and shipping notes, were returned to the parties? Yes.
12. You think you have copies of most of the documents sent in? Yes.
13. But you have not included them in this parcel? No.

24 April, 1860.

Henry Cherry, Esq., called in and examined:—

14. *By the Chairman*: You are Secretary to the Chamber of Commerce? Yes.
15. You are aware of the case of the seizure of opium, connected with the American ship "Kate Hooper," being brought before the Chamber for its consideration? Yes.
16. And you have in your possession the various documents which were placed before the Chamber to enable them to arrive at a correct judgment? Yes.
17. Have you brought those documents with you? Yes.
18. The various documents which were in the possession of the Chamber of Commerce? The documents on which the Chamber of Commerce drew up the report.
19. What are those documents? They consist of letters and the ship's manifest. First on the list are letters from the American Consul, at the time of the seizure of the opium, to the Government,

H. Cherry,  
Esq.

24 April, 1860.

## MINUTES OF EVIDENCE TAKEN BEFORE THE SELECT COMMITTEE

- H. Cherry Esq.  
21 April, 1860.
- Government, or to the Collector, and afterwards to the Government; then the bills of lading of the ship. There is also correspondence from the owners of the opium in Melbourne through their agents here, and a copy of the Chamber's Report.
20. You have no objection to produce them? No. That is the copy of the Chamber's Report (*handed in*). This is an opinion from Mr. Johnson, solicitor (*handed in*), which the Chamber took in reference to the case. The Chamber laid the case before Mr. Johnson.
21. Have we a copy of the case as submitted to Mr. Johnson? I rather think that was done in person by Mr. Williams, or some other member of the Chamber.
22. And you have not a copy of the case as submitted? No; Mr. Williams spoke to me, and I went with the captain to state his case to Mr. Johnson.
23. *By Mr. Parkes*: Was there any written statement of the case? Not to Mr. Johnson. The captain went in person, and I went with him. There was no written statement.
24. *By the Chairman*: There was no written statement? There was no written statement. These are copies of letters from Hong Kong. They are in Chinese, with translations made both in Melbourne and here by two Chinese interpreters. Leau Appa was the person here; I do not know the name of the person in Melbourne. The original documents are here, also the envelope (*handed in*).
25. What is the nature of those letters? They relate to the shipment of opium from Hong Kong to Melbourne; one came by the "Cyclone," and the other by the mail steamer. The letter forwarded by the "Cyclone" was in the hands of one of the passengers, and the other came through the post.
26. Do they contain advices of the shipment of all the opium seized? Yes, of the ten cases—not of the small packages—merely the ten cases we are treating about. I have also letters here from Messrs. Foxton, Jones, and Co., the English agents of the house in Melbourne.
27. *By Mr. Weekes*: What house? The Chinese house.
28. What house is that? Tong Sang and Lei Leong.
29. In partnership? At Hong Kong.
30. In both places? Yes; this letter is signed Tong Sang and it is addressed Messrs. Tong Sang and Lei Leong.
31. Carrying on business in both places as Tong Sang? And Lei Leong.
32. *By Mr. Samuel*: And Foxton, Jones, & Co., is an English name they have assumed? It is an English firm carrying on the business for the Chinese house in Melbourne. They have done so for the last three or four years.
33. *By the Chairman*: Who represents Foxton, Jones, & Co. in Sydney? Messrs. Herring, Harpur, & Co.
34. Do you think they would be enabled to give us some reliable information with regard to the character of the houses of Foxton, Jones, & Co., and Tong Sang, and the parties concerned in this opium? Yes, I am sure they would.
35. As agents of Messrs. Foxton, Jones, & Co., they will be likely to know those things? Yes; I am personally acquainted with Mr. Foxton, and have been for many years.
36. You are? Yes.
37. With Mr. Foxton? Yes.
38. Has he been in Melbourne for many years? I have known him since 1852 in Melbourne; in fact he was connected with me in business there for two or three years. I mean that I used to transact business with him.
39. Was he at that time acting as agent for Chinese? Not that I am aware of. I left Melbourne in 1855. If you will allow me to leave this book (*produced*) I will do so. It contains a copy of the letter to the Collector to which this is an answer (*letter produced*).
40. This is a letter from the Collector of Customs? I was instructed to apply to the Collector for information, previous to the adoption of the report, by the Chamber. The Collector said he could have thrown a different light upon the matter if he had been referred to, and the adoption of the report was postponed for a fortnight, and I was ordered to apply to the Collector for information. This is his answer (*letter handed in*)—and I can leave the book containing a copy of the letter I wrote to him applying for that information.
41. You will leave that book for the letter to be copied by the Committee? Yes.
42. *By Mr. Weekes*: Did the Chamber of Commerce investigate the matter? Thoroughly.
43. What witnesses did they examine? They examined no witnesses further than the papers and documents laid before them. There were no witnesses, with the exception that at a preliminary meeting (before the appointment of the Select Committee of the Chamber who reported upon the matter and who drew up that report) Captain Johnson was introduced by Mr. Williams, and made a statement; but subsequently to that no person was examined. It was simply on the documents that the committee drew up the report. Oh, I beg pardon, I should say that Mr. Herring was examined with reference to the papers from Melbourne.
44. Then the Committee examined Mr. Johnson, the commander, and Mr. Herring, the representative of the Melbourne firm? They did not examine Captain Johnson, they merely heard his statement. He made a verbal statement, but was not examined at the time he made that statement. I am not certain, but I do not think the Select Committee was appointed then. I think it was the General Committee that heard him, and they called a general meeting of members, from which a Select Committee was appointed to go through the documents and make a report.
45. They took no evidence from any of the Customs authorities? They took no evidence whatever, I may say, except Mr. Herring's, and that was in reference to these letters. It was through Mr. Herring that these letters were sent from Melbourne.
46. *By the Chairman*: They proceeded, then, in drawing up their report, upon the documents

- ments before them—upon Mr. Johnson's statement, verbal and written, and upon Mr. Herring's evidence, which was illustrative of the character of those documents, I suppose? Yes.
47. Then when we have those documents, we shall have all the documents the Chamber of Commerce had before them? All that the Chamber of Commerce had before them.
48. *By Mr. Weekes:* Then it was simply an *ex parte* examination? You can hardly say that there was any examination of witnesses at all. The investigation was solely from the documents.
49. And hearing the statement of the Captain of the "Kate Hooper"? They heard his statement, because they had to get some statement upon which to call for a Select Committee of the Chamber.
50. But they sought no information whatever bearing upon the question from the Customs authorities? Yes, they did.
51. You sought none? Yes, we did seek some, and here is the letter applying for the information.
52. Was that subsequent to the report? Previous to the report being adopted, on the suggestion of Mr. Alexander Campbell.
53. *By Mr. Parkes:* But it is not the practice of the Chamber of Commerce to take evidence in anything like a *quasi-judicial* manner, is it, on any question? It is not at all usual, except in arbitration cases. The Chamber have no power.
54. But in the ordinary course of their business they do not take evidence, do they? No.
55. What you did in this case was to receive a statement of the grounds of grievance? Yes.
56. You took it up, in fact, as a one-sided affair: you took the grievance side, believing the statement to be founded on facts? Yes.
57. And you trusted to other bodies to inquire as to how far it was a valid grievance? Yes. When Mr. Johnston and his agents could get no redress from the Government, the Chamber appealed. (*Letter and answer read and handed in.*)
58. *By the Chairman:* Then the Committee came to a conclusion, and reported upon the documents which were before them? Solely.
59. Have you got a list of those documents? I have. (*List handed in.*) I think this is a correct list of the documents.
60. These are the documents handed to Mr. Johnson for examination: are these the same documents that were before the Committee, and upon which they came to a conclusion? Yes.
61. I see mentioned here first the ship's cargo book: have you got that? Yes. (*Handed to Chairman.*)
62. The ship's freight list? Yes.
63. Bills of lading and book? Yes.
64. Two bills of lading loose, and three mate's receipts; three orders, Russell and Co., and account current? Yes.
65. True copy of cash memorandum? Yes.
66. Then there is a lot of loose letters? (*Witness handed in letters from Herring, Harpur, and Co., and Foxton, Jones, and Co.*) There is also a letter here which is an original. This is also from Herring, Harpur, and Co. These are Captain Johnson's loose letters and statement (these are the first documents we had before the Committee), and there is an affidavit from Mr. Herring. (*All handed in.*)
67. And Captain Johnson's memorial to the Chamber comes after that document? This is his statement to the Chamber.
68. Chief officer's, steward's, and seamen's affidavit, and Joseph Herring's affidavit? They are here.
69. Loose letters marked A to X consecutively? Those are the letters before the Government.
70. Captain Johnson's affidavit—have you produced that—that is next in order? This is Captain Johnson's affidavit.
71. It is attached to the letters? Yes.
72. A copy of the harbor regulations? Yes. (*Handed in.*)
73. Then are these all the papers that were before the Chamber? Yes, the entire.
74. And we have now the materials before us upon which —? You have the same material upon which the Chamber drew up its Report.
75. You have not received any documents since, have you? No.
76. All the papers produced by you were received previous to the Report? Yes.
77. *By Mr. Weekes:* Then, since the Report of the Chamber of Commerce, you have not received any documents throwing further light upon the subject? None whatever.

Joseph James Herring, Esq., called in and examined:—

78. *By the Chairman:* You are a member of the firm of —? Herring, Harpur, and Co. J. J. Herring, Esq.
79. What is the business of your firm in Sydney? Principally that of wine merchants and importers.
80. Are you the Sydney agents of Messrs. Foxton, Jones, and Co., of Melbourne? Yes. 24 April, 1860.
81. And as such, you would become cognizant of some of the circumstances connected with the seizure of opium on board the American ship "Kate Hooper"? Sometime in July, I received a power of attorney from Foxton, Jones, and Co., to act for them here, and to protect their interests. I put it into my pocket before I came. Here it is. (*Power of attorney produced.*)
82. Was that the first you had to do with the case? The first we had to do with the case, as far as my recollection serves me. It is now about twelve months ago. The first letter I wrote to them bears upon that.



- J. J. Herring Esq.** 83. The power of attorney is dated the 13th July, 1859? My first communication is about the 18th July. I received intelligence first about the 8th July, and my first communication to Foxton, Jones, and Co., is dated on the 18th of the same month.
84. This power of attorney was sent to you for the purpose of enabling you to look after their interest in connection with this opium? Yes; but in the first instance, prior to that, I received a telegram from Foxton, Jones, and Co., requesting me to see that the "Kate Hooper" did not discharge here, or to let them know if she did so, and sailed away from the port—or if she transhipped her goods, that authority would have enabled me to act, in case of such a thing taking place.
85. Was that first communication written in consequence of their hearing of the seizure? In consequence of their hearing of the seizure.
86. Do you know anything of the owners of that opium—Tong Sang and Co.? Yes. I know Tong Sang very well. I have been frequently in Sang's company at Melbourne, both at the office of Foxton, Jones, and Co., and at their own office, in Little Bourke-street. They are considered highly respectable people.
87. What is the nature of the business of the firm? Importers.
88. Chinese importers? They sell up at the mines; they make consignments to the different mining cities. I suppose they have agents there.
89. Do you know anything of the partners of the house of Tong Sang? I know Tong Sang; I do not know the partners; I have seen them. Sang is the only one that speaks English. I could not get on with any of the rest.
90. Do you know the other partners individually? I merely know them by sight.
91. You do not know them to individualise them, and call them by their names? No.
92. Has Tong Sang constantly resided in Melbourne do you know? Always.
93. You do not know whether he has any other name? I do not.
94. Do you find the Chinese you have come in contact with always called by one name? I think so.
95. But you are aware that the house consists of several partners? I have since learned that the house consists of several partners.
96. And I think you said that you had seen those partners? I have seen Lei Leong, who I think is one.
97. Lei Leong? I should be sorry to swear that. I do not know their names very well. Tong Sang & Co. is the name of the firm in Melbourne.
98. Then, further than knowing Tong Sang and a general acquaintance with the character of the house, your knowledge of —? The individuals composing the firm, is small. Tong Sang is the only one.
99. Do you know what is the nature of Foxton, Jones, & Co.'s connection with the firm of Tong Sang? Foxton, Jones, & Co. are warehousemen, and when Tong Sang and several other Chinese houses have consignments in, or, sometimes, a whole cargo of goods, those goods are taken principally to Foxton, Jones, & Co.'s warehouse. They get all the bills of lading from Tong Sang & Co., and frequently they get advances from the banks and pay money to those houses while the goods are in their stores. I daresay they can store in their place three or four thousand tons of goods.
100. And they do, in point of fact, store the goods of those Chinese merchants? They do store their goods. They are essentially the Chinese house of Melbourne. Foxton, Jones, & Co. have that connection.
101. And their practice is to receive the bills of lading on account of Tong Sang & Co.? Yes, on account of Tong Sang & Co. They receive the bills of lading. They lighter the goods and cart them into the store. If Tong Sang wants advance on them he negotiates through them—the goods being there.
102. He negotiates the advances through Foxton, Jones, & Co.? Through Foxton, Jones, & Co.
103. In fact, they form a medium of communication between the Chinese houses and the banks? Yes, when required.
104. And do their English business? Yes, they do their importing business. By English business I understand that portion which requires a knowledge of our language and customs.
105. What steps did you take in consequence of receiving the power of attorney and the telegram following it? I called on Mr. Dawson, of the firm of Rodd & Dawson, and consulted with him, and then we went up to the Colonial Treasurer's.
106. Yes? In the interval the bills of lading had come into my hands from Melbourne. I do not recollect whether they came with that power of attorney or whether they came afterwards, but I think I took that power of attorney and the bill of lading to the Colonial Treasurer's at the same time, and laid them before him, with Mr. Dawson.
107. About what time was that? Well, it must have been soon after receiving that power of attorney. It must have been in the beginning of July or about the middle of July.
108. You had nothing to do with the representations which were made by Captain Johnson or on his behalf? Not at all.
109. You acted solely on account of the owners of the opium? Solely on account of the owners of the opium.
110. What was the result of your representations to the Government? Well, the result was that they were of no avail. I think two or three days afterwards the opium was sold. It was sold so quickly after the final decision of the Government was made known that we had no time to make any communication with our friends.
111. Do you know anything of the value of the opium? I have a letter here bearing upon that. This was written on the 4th August, and it says, "We observe that the opium has been sold considerably under its actual value. The market value of it here, duty paid, would have been £2,250." That was written at the time.

112. And that is from Messrs. Foxton, Jones, and Co.? That was sent from Foxton, Jones, J. J. Herring, Esq., and Co.; but when I was last in Melbourne I got the Chinese invoices, and I had Aou Lo, a Chinese interpreter, who speaks English as well as I do, to make translations of them. I then got a certificate from some of the first houses there as to the market value of this particular item at that period. I think those documents would be in the possession of Mr. Cherry. 24 April, 1860.

113. Do you recollect what was the market value, as you ascertained it in that way? I think it amounted nearly to this advice of Foxton, Jones, and Co.

114. What was the opium sold for? I forget; but I think about £1,200.

115. Did you take any proceedings against Captain Johnson, or had he sailed for Melbourne? He had sailed for Melbourne.

116. Before you had any opportunity? We found here that we were not able to do anything, and he was compelled to go to Melbourne to discharge his cargo. The whole of his cargo was for Melbourne, and Messrs. Foxton, Jones, & Co. took proceedings there; indeed, their legal proceedings there cost nearly £300 in addition to the loss.

117. Their legal proceedings against Captain Johnson cost nearly £300? Yes. I think Mr. Cherry will have the documents—the taxed bill of costs, and all the different proceedings in the Admiralty Court and elsewhere.

118. What was the result of those proceedings—did they obtain a verdict against Captain Johnson? Captain Johnson declared himself insolvent.

119. He became insolvent—well? They then tried to recover on the ship, but they found themselves, I believe, at a loss there, because in order to get at the ship they must get at the owners first. But at any rate, before the question could be settled the vessel left. The captain, we imagine, must have been hidden below. He was the party they could have seized. The ship went away in charge of the mate. They attempted to stop her at the heads, but she got away, and they have had to pocket their loss.

120. Did you know anything of any Chinese passenger on board the "Kate Hooper" who was in any way connected with this opium? I did not.

121. Do you know any one who carried a letter? I do not.

122. Do you know whether there was any one on board the ship who had any control over the opium as agent or owner? I think not. I am sure I do not know. I heard something about it from Mr. Weekes at the time; but the first and only time I heard of it was in the Colonial Treasurer's room.

123. Do you know whether there was a passenger on board the ship who carried letters to Tong Sang & Company? I do not know that there was, but I heard that there was. I heard it in Melbourne, and I think Foxton, Jones, & Co., tell me that in their communications. Those letters have been in Mr. Cherry's hands. I have been hunting for the documents since I received the summons to attend here, but I have been unable to find even the telegrams. So that I could not refresh my memory.

124. You do not know anything about this Chinese passenger then? No.

125. You do not know whether he went to Melbourne or remained in Sydney? I do not.

126. Here is a packet of letters which has been handed in by Mr. Cherry—perhaps you will tell us whether you know anything of these letters (*Duplicate letters from Hong Kong*)? I have seen them before.

127. Were these handed by you to the Chamber of Commerce? Yes.

128. And these are all from Foxton, Jones, & Co.? Yes, the original documents.

129. These, I suppose, are the letters to which you alluded? Yes, some of them.

130. Did you make an affidavit, Mr. Herring, connected with this case? I believe I did, but I almost forget.

131. Can you recognise that paper? Yes, that is my signature at any rate.

132. Perhaps you will be good enough to look over that document (*Affidavit*)? Yes, I should have had no hesitation in making that.

133. Well, there is no difficulty about ascertaining to whom the opium really belonged or to whom the proceeds were properly payable? No, not at all.

134. *By Mr. Weekes*: There was no difficulty? No.

135. To whom do you consider the proceeds were payable? To Tong Sang and Co. (*Vide Note 1, Appendix.*)

136. Were both the bills of lading for this opium consigned to Tong Sang—as you stated that they belonged to Tong Sang and Co.? One was sent by the mail.

137. Excuse me; I am now referring to the bills of lading themselves: were they both consigned—on the face of them—to Tong Sang or Tong Sang and Co.? That I cannot tell you: I think one was to Lei Leong.

138. Both? Well, I do not know whether I have seen both.

139. You stated that you had no doubt as to the ownership being proved? I said that I had no doubt, but of course there is a reservation. I have no doubt in my own mind as to who are the right owners.

140. I do not mean the two bills of one set; there were two different shipments? Oh, now I understand.

141. Were the bills of lading for both shipments of opium consigned to the same party? I do not know whether they were. One, I think, was a consignment and the other for the house.

142. Then from whence do you derive your information as to there being no doubt as to the ownership of the opium? I forget which parcel did belong to Tong Sang; the large one, I think—the 7 cases. The smaller one was a consignment to them on behalf of another party—the 3 boxes. I was under the impression that the whole 10 were Tong Sang's. You see it is so long ago that the details have gone from my mind. (*Vide Note 2, Appendix.*)

- J. J. Herring, Esq.** 143. Then, in point of fact, you are informed that there is no doubt as to the ownership? Well, I have seen Tong Sang and had some conversation with him. He is the loser at any rate, at present. He has that short in his bank account.
- 24 April, 1860.** 144. The paper you hold in your hand is for—how many cases of opium? Three boxes.
145. Shipped by whom in Hong Kong? By Tong Sang.
146. Shipped by them? Shipped by them.
147. And consigned to whom? Tong Sang; one house in China consigned to the sister house here.
148. And the other is for—? For seven boxes.
149. Who are they shipped by? Lei Leong, consigned to Lei Leong.
150. You said that the opium was sold so quickly that you had not time to correspond with your friends in Melbourne—Messrs. Foxton, Jones, and Co.? Yes.
151. Are you aware what time the seizure was made—do you recollect the date? I think it was some time in June.
152. Do you recollect when the sale was made? I do not.
153. Was it a month after that? No, not a month after the commencement of my correspondence with Foxton, Jones, and Co. It seems to have been a long time after the seizure before they were aware of it, or before I had any communication made to me. The 4th July seems to have been the date of their first advice.
154. Will you look at that letter (21st July, 1859)?—Do you remember if that is a copy of a letter sent by you to the Colonial Treasurer? Yes; I recollect that now.
155. What is the date of that letter? The 21st July.
156. Do you remember how long after the seizure that was? I should say it was about a fortnight, but I cannot recollect. I do not know what was the date of the seizure. I did not pay much attention at the time of the seizure, because I had no interest in the matter. It was not until after the seizure that I got this communication from Foxton, Jones, and Co. that I knew that they had any interest in the matter.
157. Then on reconsideration do you still say that there was not sufficient time afforded you to correspond with Melbourne on the subject before the sale? There might have been time for a letter and a reply, but on a subject of so much importance there was not time to get the necessary documentary evidence.
158. Did you ever make any application to the Government to postpone the sale, in order to enable you to receive such documents, or state that such documents were necessary to your case—do you remember making any application of that kind? I think I called with Mr. Dawson upon the Colonial Treasurer on that subject, and we had a conversation in reference to it, and he stated that the Government were very anxious to come to a just decision, or words to that effect.
159. Do you recollect the time? It would be shortly after that letter; I dare say within a week, perhaps.
160. The 21st July? Yes; it would be within a week of that letter. I know I called with Mr. Dawson upon the Colonial Treasurer, and upon Mr. Robertson also.
161. But there was ample time for all parties concerned to correspond, over and over again, with Melbourne, between the time of the seizure and the time of the sale? Well, there might have been. There was not after I became interested in the matter.
162. Do you mean that there was not time? Between the actual sale and the time of the seizure there was; but not between the forfeiture and the sale. When that was confirmed by the Government the sale was made very quickly. After the decision of the Government was made known (I would not say the seizure) very little time elapsed before the sale.
163. Do you know whether the captain said that the shipper and owner of this opium was a passenger aboard his ship? The owner! No, he never said that the owner was a passenger; I think not.
164. You are not aware that he did? I am not aware that he did; but he was careful in what he said to me, because my interest was antagonistic to his.
165. *By the Chairman:* There is a petition presented to the Assembly by a Chinese calling himself Afoo,—do you know anything of Afoo? Afoo was here when I was in Melbourne, and when I returned he had gone to Melbourne. I have a copy of that petition here now.
166. You have not seen him? I have not seen him.
167. You do not know precisely the connection of Afoo with Tong Sang? Nothing further than that petition sets forth.
168. Do you think the assertions of that petition are likely—that he is likely to be the owner? I know the respectability of the connections of Tong Sang and Kael Ming. Those are first rate houses, and I think, myself, I should place reliance upon it.
169. According to that Tong Sang appears to have been employed by Afoo? Yes, Afoo. I have heard since I came up—Mr. Harpur told me—that it was Afoo that suffered the loss, and he had come to look after the matter.
170. Tong Sang was only acting then as agent? Tong Sang appears to have been the agent.
171. For Afoo? For Afoo.
172. In the shipment of the opium? Yes. Afoo states himself, does he not, that it is his loss?
173. *By Mr. Welles:* Then Tong Sang & Co. in Hong Kong are not the owners? Tong Sang.
174. According to your own statement? According to the petition Afoo is the owner, seemingly.
175. *By the Chairman:* But they represent the owner? They represent the owner; they are owners as far as we are concerned.
176. *By Mr. Welles:* Because we got no further back just now than Tong Sang being the owner at Hong Kong—now we are getting another step, and it is Afoo? Very likely, it is not the slightest consequence which is looked upon as the owner.

177. *By the Chairman:* I suppose there might be a dozen interested in the opium coming through Tong Sang—three or four people very often conclude to make a joint shipment? J. J. Herring, Esq.

Yes.

178. And one person acts as agent? Yes, and ostensible owner. It does not alter the merits of the question. 24 April 1860.

179. You have not known Tong Sang to be accused of any smuggling transactions? Never. I think the firm is quite above anything of that sort.

180. Is that a characteristic of Chinamen generally? Well, I daresay when it is to their interest to be honest and honorable men they would not condescend to smuggle. They are some of them men of large property.

## APPENDIX.

NOTE 1.—The designation of the house both in Hong Kong and Melbourne is not Tong Sang and Co., but Tong Sang.

NOTE 2.—This answer not by any means conveying my meaning, I beg to substitute the following:—From my knowledge of the bills of lading being in Tong Sang's possession, and one of them at least being in favor of that firm, and further that the whole of the opium was consigned to them in the usual way of business.

TUESDAY, 1 MAY, 1860.

Present:—

MR. SAMUEL,  
MR. MORRIS,  
MR. A. CAMPBELL,

MR. PARKES,  
MR. BROUGHTON,  
MR. WEEKES.

JOHN HAY, ESQ., IN THE CHAIR.

J. H. Williams, Esq., called in and examined:—

181. *By the Chairman:* You are a merchant in Sydney, I believe? I am.

182. And you took some interest in the question as to the seizure of opium on board the American ship "Kate Hooper"? I did.

183. Some question arose as to the regularity of the shipping documents? Yes, there was a question. J. H. Williams, Esq.

184. As to the dates, I think, borne by the boat notes? And bills of lading.

185. And bills of lading? Yes, they did not correspond.

186. Do you recollect what was the particular discrepancy dwelt upon by the Customs authorities? I do not recollect now, but I have a copy of a letter I addressed to Messrs. Russell & Co. on the subject.

187. You wrote to Russell & Co., seeking an explanation? I wrote immediately after the case was closed by the Government—after the opium had been seized and sold—asking for such information as they could give me with reference to the particulars of the shipment. Shall I read this letter?

188. Perhaps you will be good enough to read it? (*Vide Appendix A.*)

189. What is the date of that letter? The 5th August, 1859. On this occasion, if I may be permitted, I will say that, from inquiry which I have recently made, I have no reason to suppose that the owner of the opium was on board the ship; or that Lei Leong was on board at all. I think you have a copy of the reply of Messrs. Russell and Co. to that letter.

190. Is this the letter received by you in reply? Yes. (*Vide Appendix B.*)

191. Did you at one time suppose that the owner of the opium was aboard the ship? Yes; but I arrived at the conclusion from what Captain Johnson himself said, and he gave as his reason—that the Collector of Customs told him—that on the seizure being made this man aboard the ship burst into tears and evidently was in great distress that the opium should have been seized. That, however, is quite consistent with the fact of his being simply in custody of the bill of lading, and not Lei Leong, or in any way interested in the opium at all. Because, from what we understand of the Chinese laws, if an act of fraud or speculation be committed by a Chinaman, not only himself but also his family are held responsible by the Government. Therefore, it is quite consistent with the fact that he should have burst into tears and still have had no interest whatever in the opium. I have a copy of a translation of a Chinese letter, of which I presume you have the original, dated Hong Kong, 14th April, 1859, in which it appears that instead of Lei Leong being the person to whom the bill of lading was intrusted it was Hung Fou, and that Lei Leong is a partner in the house of Tong Sang, and so far as I can understand is resident in China, and has never been here or in Melbourne. And the statement of Afoo, which I presume the Committee has before it, is quite consistent with the statements contained in this letter, that "three cases of opium are upon account of our own house, and seven cases on account of Lei Leong." Five cases of this opium were intrusted to Lei Leong, a partner of the house of Tong Sang, by Afoo, for shipment to Melbourne.

192. What is that letter? This is a copy of a translation of a letter from Tong Sang. I think it is Tong Sang.

1 May, 1860.

J. H.  
Williams,  
Esq.  
1 May, 1860.

193. With reference to what you state just now, Mr. Williams, I see that the name here given of the passenger (in the bill of lading) to whom it had been intrusted was Hung Fou?

194. And your opinion is clearly that Lei Leong, the shipper of the opium, was not on board the vessel at all? Yes.

195. Notwithstanding the contrary impression of Captain Johnson at one time? Yes; but you will bear in mind how he arrived at the impression. He says he did not know the man was on board, and would not know him if he saw him in the street. We know that after these circumstances having been mentioned to him by the Collector he assumed it as being a fact, and I believe has admitted it in his correspondence. Such was the representation made to me by him all along. The way he arrived at the conclusion was by the remark made by the Collector in reference to the feeling he exhibited when the opium was seized.

196. *By Mr. Weekes:* But the feeling exhibited would not induce the captain to believe that his name was Lei Leong? Yes, he might do so. Lei Leong being the shipper of the opium is naturally believed to be the owner, and the feeling manifested was only such as he might believe would be exhibited by the owner of the opium. When you consider that the family of the man as well as himself are responsible for his honesty and faithfulness it is quite consistent—considering him not to be the owner—that he should manifest such feeling on the seizure being made.

197. *By the Chairman:* Is there anything to lead you to believe that Lei Leong, the shipper of the opium and a partner of the firm of Tong Sang, was a passenger aboard the ship? Nothing whatever. There was no other circumstance to lead Captain Johnson to believe it, so far as I am aware.

198. And nothing has transpired since, to your knowledge? Nothing that I am aware of. Everything that has transpired since has confirmed me in the opinion that he was not there. You see in my letter to Russell & Co. I express a doubt; but every circumstance that has since transpired has confirmed me in the opinion that he was not there.

199. It is alleged on the part of Captain Johnson that, although the mate's receipts bear date the 20th and 21st. April, these receipts, having been made out with the shipping orders, do not necessarily shew that the goods were actually received on board the ship at that date? Oh! but it is very plain to every man who has anything to do with shipping goods. If I am the agent of a ship, and you send me 100 bales of wool: twenty of them came into day, and the mate's receipt and shipping order are made out. But perhaps the whole hundred bales do not arrive on board until three or four days after. They have probably to be screwed or pressed. The mate does not look particularly to see that the date of the receipt corresponds with the date at which the goods are received on board the vessel. He simply looks to see whether he has got the goods according to mark and number; that is all he looks to. It is a thing of every day occurrence.

200. Then I am to understand that that is a thing of frequent occurrence? Yes.

201. *By Mr. Weekes:* Is it not rather peculiar to wool? No, I think not.

202. Is there not something peculiar about wool—that when it arrives on the wharf it is retained to be pressed before it is stowed away? Nothing whatever.

203. Is that the custom with other goods intended for shipment—do they not generally go on board at once? No; hides or any other merchandise shipped from this place would be liable to go on board in the same way; and opium would be liable particularly in China. No doubt the Tong Sang house advances to those shippers of opium as wool is advanced upon here, and when they get the documents, for instance, from Russell & Co., that the opium is placed under their charge, they may get their money. The one case seems to me to be analogous to the other. There, however, ships do not lay alongside a wharf, but in the stream.

204. In point of fact it appears that many of those shipments took place at different times for different portions of the goods included in the same shipping order? No; what I imagine is this: these goods are taken to Russell and Co's. "go downs" there as they are called. They come in different parcels, and as they come in the shipping order and mate's receipt are written out. It is evident that they have been written by the same hand and at the same time. These are all sent with the boat when a parcel of these goods is taken. For instance, if two or three cases of opium were to come in they would not send the boat with them specially, but wait until there is a cargo. Or, when they have all the opium that is to go on board they send the boat and take it, and the receipts go on board with it. I believe it is in evidence that the ship was actually under-way when this opium was taken on board.

205. *By Mr. Weekes:* You are aware that these cases of opium, and the freight on them, are omitted altogether from Russell & Co's. freight list? Yes.

206. The documents shew also that Russell and Co. were aware of this intended shipment? Of course they do.

207. Is it not rather improbable that a house knowing there was to be a shipment of goods, and having made out the shipping notes, would abstain from making some inquiry whether those goods had been shipped or not, in order to include them in their freight list, and also in the bill which they made out against the ship—on which they charge a commission? Well, they themselves reply to that question.

208. Say, for instance, in your illustration in the case of wool;—the agent of the ship having advice that 50 bales of wool have come down to the wharf, sends an order to receive the wool on board—would it not be the ordinary course that they should make some inquiry whether those 50 bales had gone on board at once, that it might be included and a commission charged? It would not be usual in a case of this sort, because if the captain gives up his cabin or any one of his cabins to freight he receives the benefit, and it is not usual for commission houses to charge on the captain's adventure one way or the other.



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209. When you say the captain's adventure you mean cabin freight? Yes. This freight is distinguishable from a portion of the cabin freight. A portion of the cabin freight in this ship is under deck. That appears upon the freight list. But this opium is in the cabin occupied by the captain himself.

210. *By the Chairman*: This is his adventure? I cannot say that it was; but such is usually the case.

211. *By Mr. Weekes*: And you do not know that there is any distinction in this case? There is in this case.

212. One below and another above? Yes.

213. No other distinction than that? I cannot answer, because I do not know what arrangement may have been made.

214. But you are assuming a distinction of course between the one below and the other on deck? Not only that, but because one appears on the freight list, and also because the captain asserts that there was a distinction—he says so all along.

215. Can you understand such a distinction as that? I can, perfectly well.

216. Perhaps you will favor us with an explanation of the distinction. You say the cabin freight is the privilege of the captain—where then is the distinction between the freight below and the freight above, both being cabin freight? I do not say it was in this case. I say that such frequently is the case, and may have been the case in this instance. The cabin occupied by the captain and officers is considered to be his perquisite.

217. And cabin freight is included in Russell and Co's. freight list? Yes; but you may say that the cabin below is the ship's hold, for the purposes of cargo if not taking passengers. It was not used as a cabin at all on this voyage. It is appropriated as a cabin in cases of necessity.

218. Then I do not see that you give any grounds for this distinction? It is simply an opinion.

219. *By the Chairman*: The charterer does not appear to have had the privilege of putting goods in any portion of the cabins? No.

220. That was a privilege belonging either to the captain or the owners of the ship? It was stipulated in the charter party that the owners should have that privilege.

221. And you think—this opium being not in the cabins below, but in the captain's cabin above—that the agents (Messrs. Russell and Co.) might not have intended to charge a commission? No; and even if they had the commission probably would not have amounted to twenty shillings, and it would have been hardly worth their while to make up a second freight list for that. The commission on the freight of that opium, I presume, would not amount to twenty shillings.

222. And they might not think it worth their while to make up a supplementary freight list for the sake of this twenty shillings? They evidently did not know —

223. *By Mr. Weekes*: Evidently did not know that the opium was on board either? No.

224. They do not say so? They say that it frequently happens in passenger ships going to Australia and California. It is the usual thing for cabin freight to come on board at the last moment.

225. The shippers of the opium assert that the opium was all taken on board in one day? The captain and mate say so.

226. Now how can you account for the fact that the bills of lading for that parcel of opium, which all went on board on one day, bear two separate dates? From the simple fact that the bills are filled up with the shipping notes. They are two distinct ones. Lei Leong is the shipper of one parcel, and Tong Sang is the shipper of the other. From subsequent evidence it appears that the second shipment—7 cases of opium—was intrusted to Tong Sang's house by people residing in the country districts. They came to Hong Kong and shipped the opium at the last moment for Afoo, leaving the whole matter in Tong Sang's hands. That is how I account for two bills of lading; and, as the opium did not go aboard the ship until the day she sailed—until the ship was under-way—when the captain took the papers, I presume he signed the bill of lading at that time.

227. The order of Russell and Co., to receive the opium on board, was in one case dated the 20th? Yes.

228. And the bill of lading the 21st? Yes.

229. And they assert that it was only shipped on the 23rd? Yes.

230. How do you reconcile those three things? I do not see any inconsistency; there is nothing irreconcilable—nothing unusual. The same thing occurs in bills of lading frequently. If you are making a shipment you send the bills of lading to me, and you send one parcel to-day and another to-morrow, and so on. It is not usual for the captain to sign at once; he probably does not sign until he goes to sea.

231. Yes, but signing is a very different thing from dating? You may make out your bill of lading to be dated the day you send it to my office.

232. Is not this the natural course: first there is an order to receive the goods on board, and then when they are ascertained to be on board the bill of lading would be dated? I do not think so.

233. *By the Chairman*: The bills of lading are prepared at the same time as the shipping order? Yes; we frequently have bills of lading dated a month before the signature. The goods may be received on board—

234. It is so? Yes; it is a thing of every day occurrence here.

235. *By Mr. Weekes*: Is it not one of the greatest protections to the Customs of every port in the world that the entire cargo should be reported? Unquestionably the whole cargo ought to be reported; there is no doubt about that.

236. Is it not a thing well known, or ought it not to be well known to every captain that such is the case? Is it not the general practice? Every man is bound to know the law.

J. H.  
Williams,  
Esq.

1 May, 1860.

237. But is it not a thing so well known as to render it inexcusable in a captain of any experience to omit to do so? I do not know that it is. For instance, here is a captain on his first voyage: he would not be supposed to know so well as a man who had been long conversant with such matters.

238. Does a captain, generally speaking, take the berth without having gone through the regular gradations? No.

239. Is not his experience as chief mate——? No, they have nothing to do in American ships with the Custom House business.

240. But a man cannot go round the world and remain in that state of ignorance in which you are supposing American officers to be? I believe them to be as intelligent as most masters of ships. I am prepared to admit that in this case the captain was bound to know the law; but any man may commit an error.

241. Do you know any port where the omission to report leads to a confiscation of the goods not reported? In no port of the world, if it can be shewn that it was not designed.

242. Are you acquainted with the present Customs Act of England? Yes.

243. The 16th and 17th of Victoria? I think it is the same.

244. Have you the 164th section there? No, but I have the 107th section.

245. It is stated here that the master of every ship arriving in any of the British possessions in America or the Channel Islands, whether laden or in ballast, shall come directly and before bulk be broken, to the Custom House for the port or district where he arrives, and there make a report in writing to the proper officer of Customs in the same form and manner as hereinbefore provided on the arrival of any ship in the United Kingdom so far as the same may be applicable; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of fifty pounds, and if any goods be not reported such goods shall be forfeited,—were you aware of that? No; I am aware that the practice is quite different—quite the reverse: that the goods are taken to the Queen's warehouse, and that, where it is specially shewn that there was no design to smuggle or defraud the revenue, the goods are given up and a fine is imposed.

246. Yes; that is, each case is judged on its merits—by its surrounding circumstances? Yes. The 107th section provides, that where an omission is made in the manifest it may be amended if the duty involved be under £20. (*Witness read the clause to which he referred.*)

247. You state in your letter to Russell & Co. that the captain was not aware that the shipper of the opium or any portion of it was a passenger on board? Yes; and I say afterwards that it is still very doubtful whether such a party came in the ship.

248. That is opposed to his statements to the Government? I explained to you how his statement to the Government arose—from his having been led to believe that he was on board by the Collector of Customs himself.

249. By the Collector? By the Collector relating to him the feeling manifested by the man on board when the opium was seized. The inference has arisen altogether from that. Captain Johnson adopted it, and in his correspondence admitted it to his own injury.

250. Then he stated the particular fact upon the authority of the Collector of Customs? Unquestionably.

251. That the emotion of the Chinaman made it out that he was Lei Leong? Yes, he adopted the view of the Collector.

252. *By the Chairman:* My impression from his letter was that he had discovered it in some way not known before? The only way he discovered it was in the way I have stated. There was a looseness in the correspondence in the first place, which tells very much against him; but, so far as Captain Johnson is concerned, he is beyond the reach of either benefit or harm by any action which may be taken in the matter,—it is the people who have innocently intrusted their property to him that will suffer.

253. *By Mr. Weekes:* Do you know how Captain Johnson left Melbourne? Yes.

254. In what way? Clandestinely.

255. With his ship? Yes.

256. *By the Chairman:* It was in consequence of proceedings taken by Tong Sang? Yes, in consequence of a subterfuge, it may be said, by which the ship was seized. They assumed, for the purpose of getting possession of the ship, that a portion of her sails and stores were purchased by the freight of this opium,—otherwise they could not attach the ship.

257. At whose instance? At the instance of Tong Sang,—which certainly does not look like collusion?

258. In the first instance they proceeded against Captain Johnson? Yes.

259. And he became insolvent? Yes.

260. And then his ship was seized? No, the ship was not seized, but they attached the sails and stores.

261. And ordered them to be sent ashore? Yes.

262. But they were not sent ashore? No.

263. *By Mr. Weekes:* Had this opium been landed here or on the coast, or at Melbourne, would there have been anything to shew in the ship's papers that there had been anything contraband landed? There would have been nothing to shew on the ship's papers, but there would have been something to shew in the hands of Tong Sang, who held the bills of lading for this opium.

264. But it is of such an important character—the insertion of all the cargo in the manifest (or what answers to the manifest)—that there is no way of tracing if any smuggling of this kind has been transacted, if omitted? But there was no manifest. There is no Customs there to give a manifest. It is simply a clearance; that the “Kate Hooper” had cleared out that day with a general cargo.

## ON THE SEIZURE OF OPIUM PER "KATE HOOPER."

265. And the agents sealed up all the bills of lading they knew to be aboard? With the exception of those which were sent after his accounts were closed.
266. Which they did not know were on board? I cannot say. They were made as all shipments are made —.
267. That might be? Yes.

J. H.  
Williams,  
Esq.

1 May, 1860.

## APPENDIX A.

Sydney, 5 August, 1859.

Messrs. Russell & Co., Hong Kong.  
Gentlemen,

Captain Johnson, of the ship "Kate Hooper," having had ten cases of opium seized on board his ship, in consequence of his not having made an entry of them at the Custom House here on his arrival, and having appealed from the decision of the Collector to the Governor and Executive Council, and his appeal having been refused, and the opium condemned and sold, for, amongst other reasons, alleged inaccuracies in his statements; and it being our intention, on behalf of Captain Johnson, to appeal from the decision of the Government to the Legislative Assembly, it is important that we should be furnished with an affidavit from your firm, or rather some member of your firm, embracing all the particulars connected with the shipment of the opium in question.

It is assumed by the Government here, that the fact of this opium not appearing upon the ship's freight list, when it must have been known to you that it was in process of shipment, in connection with its non-entry here, is of itself *prima facie* evidence of an intention to smuggle. In reply, Captain Johnson says the opium was cabin freight, and that it was not shipped until after his accounts with you had been closed; both of which he alleges as reasons for its non-appearance on the freight list. The Government rejoins by saying, that other portions of the cabin freight are embraced in the freight list, and that the order from your house to receive at least one portion (three cases, we believe,) of it on board, and the mate's receipts of its having been received on board, were dated the day prior to his accounts being closed, viz., May\* 20th, and that the bill of lading of that portion is dated 21st May, the day upon which his accounts with you were closed; while the orders and mate's receipts for seven cases are dated respectively 22nd and 23rd May, and the bill of lading for this parcel is also dated the 23rd May. These discrepancies they regard as an additional reason for inferring an intention to defraud the revenue.

In one of his letters to the Government, Captain Johnson says that you were the shippers of the opium, assigning the respectability of your house as a reason why an intention to defraud should not be suspected.

On inspection of the bills of lading, it turns out that two Chinamen were the shippers; and it is said, that the shipper and owner of seven cases is a passenger on board. Captain Johnson's statement, that you were the shippers is easily explained to merchants, from the fact of your being the only parties whom he knew in the matter. The Government, however, affect not to be able to understand how such a mis-statement can be reconciled with honest intentions. He further says, that he was not aware of the shipper and owner of any portion of the opium being a passenger on board, and it is still doubtful whether such a party came passenger in the ship. If the fact that he did not can be established, it would be a strong circumstance in Captain Johnson's favor.

We should be glad to receive all such particulars respecting the shipment, as you may think would be of service to a man in Captain Johnson's circumstances. Captain Johnson did not consign his ship to us, nor did he apply to us for advice until after the seizure had been made, and a considerable portion of the correspondence had taken place. There has, no doubt, been a looseness in conducting the case, which is unfavorable to him; but there has been nothing whatever to warrant even suspicion of an intention on his part to smuggle. On the contrary, all that he has done has been open and above board, and a very strong degree of sympathy is felt for him in this community.

After remaining here about six weeks, he sailed for Melbourne on the 31st ultimo, where he arrived yesterday; he has consigned himself to our house there. He will, without doubt, be obliged to give up his ship there in order that he may be on the spot to prosecute his claims before the Legislative Assembly.

If possible, we will enclose copy of Captain Johnson's appeal to the Government.

The whole question has been now referred by him to a Committee of the Chamber of Commerce for investigation and report upon the facts, preliminary to an appeal to the Legislature.

The Legislature will meet at the end of the present month, and it is therefore important that we should be early in possession of any facts to his advantage which it may be in your power to supply.

Respectfully yours,  
WILKINSON, BROTHERS, & CO.

\* I believe this should have been April instead of May.—J. H. W.

## APPENDIX B.

Hong Kong, 8 November, 1859.

Messrs. Wilkinson, Brothers, and Co., Sydney.

Dear Sirs,

We beg to acknowledge the receipt of your valued favor of 5th August, giving to us full particulars of the unfortunate case of Captain Johnson, of the "Kate Hooper," of whose serious loss we learn with great regret.

While we are, of course, most anxious to do all in our power to aid him in this matter, we have to regret that we can produce little or nothing in the shape of evidence beyond what is already in your possession.

There can be no question but that the opium was regularly shipped—the different shipping orders, the mate's cargo book, and the bills of lading, all of which are with you, afford the best and clearest evidence of this fact. It is the same routine through which all cargo shipped hence, passes. Nothing is wanting to prove a strict uniformity to the custom in this respect, and all the cargo shipped by the "Kate Hooper" was shipped in the same way. These documents are, in fact, the only ones that could be produced to prove due regularity in the shipment of the opium, and we should think they would be amply sufficient in themselves to prove right intentions on the part of Captain Johnson, as any intention to smuggle implies an arrangement with that effect to the shipper, and in such case we could not suppose Captain Johnson so unwise as to sign a bill of lading which makes himself and the ship responsible in case of miscarriage.

At this lapse of time we cannot recal the circumstances attending the shipment of the opium, or explain why it does not appear on the freight list, but we have no doubt whatever that the bill of lading for it was signed after the ship's freight list had been made out and her accounts closed.

Such late shipments, as cabin freight, are not unusual in passenger-vessels going to Australia or California. The freight list is made out from the Captain's copies of the bills of lading, and any bill of



J. H.  
Williams,  
Esq.  
1 May, 1860.

of lading not signed when the freight list was made out would not be represented on that document. The fact that one bill of lading was dated 21st April, is no proof that it was signed on that day, and until it was duly signed the Captain's copy could not be in our possession. The freight list we have always understood is not a document required by any Custom House, and the omission to record any shipment therein is not therefore proof of any sort, either for or against the master of a vessel.

The only mistake that becomes apparent to us in this affair is that Captain Johnson must have made out his inward manifest from the freight list instead of his copies of the bills of lading, the mate's receipts, and the mate's cargo book. If he had taken these usual precautions in making out and checking his manifest this calamity would have been avoided.

We trust, therefore, that the appeal to the Legislative Assembly may be successful, and that Captain Johnson may be saved this heavy loss arising from so apparent a mistake.

We remain, &c.,  
RUSSELL & CO.

Mr. Marshall Bayley called in and examined:—

Mr. M. Bayley. 268. *By the Chairman*: Are you a Custom House Agent Mr. Bayley? Yes.

269. And you were employed by the captain of the "Kate Hooper"? Yes, I was.

1 May, 1860. 270. For what purpose? To report his ship.

271. Was that done in the usual course? Yes; it was done in the usual way. The only thing it differed in was, that he brought me his manifest from Hong Kong as made by his agents instead of bringing me his bills of lading. It is customary with London ships, or all ships with long manifests, for the captain to bring his bills of lading. But at Hong Kong he received this manifest from Russell and Sturgess, his bills of lading being done up together, and he believed it to contain a correct account of his cargo. He was perfectly satisfied to report his ship upon these.

272. And did you make any representation to him upon the subject? No; I merely asked him whether this was a correct account of the cargo on board his ship, and he said it was.

273. That was in fact the freight list? Yes; the freight list. The way in which the opium was omitted was, no doubt, its being put on board as he was going down the harbor. It was shipped the very last thing, and all freight that went in the cabin—in fact the cabin was considered the perquisite of the captain. If he took passengers or freight in the cabin, according to his charter party it was to be his. This opium was put on board as he was under-way. A bill of lading accompanied the ship, but it was not done up with the others—could not have been, I suppose.

274. This is what you heard subsequently? Yes.

275. You were not informed of it at the time by the captain? No; it was after the seizure.

276. Did he apply to you when the seizure was made? Yes, he did. He requested me to make an application to amend the manifest in the usual way. I made the application, but the Collector refused it. He said the goods were already seized, and that he could not then allow the manifest to be amended. Now, with London ships, it has occurred to me more than once that vessels, on coming here, have received Geneva for instance, foreign spirits, on board, whilst they are coming down the pool, and then a cocket seldom accompanies the ship, and frequently the bills of lading of the goods so shipped are not done up with the captain's ordinary bills of lading, and they are omitted from his manifest when he reports inward. If such an accident occurs it is usual to allow the Custom House Agent to amend the manifest.

277. Do you know that to be done? It has been done in my case several times. It has not been done latterly—since the present Collector has been here; but it was done in Colonel Gibbes' time once or twice, when the tide-waiter on board has seen Geneva at hand on board the ship, but no entry, he has referred to his manifest; and, if he found that it was not contained in the manifest, he has sent word that this gin is in the ship, and that I had better amend the manifest for it.

278. You were not present when the opium was seized, I suppose? No, but I know all the particulars of it. There was no attempt at concealment whatever. The tide-surveyor was on board the ship at the time. The captain was breaking out this opium to get at a case of pictures he had to deliver in Sydney.

279. *By Mr. Weekes*: Were you on board? No.

280. You are speaking from hearsay? From hearsay.

281. *By the Chairman*: Do you know anything of a passenger who was said to have brought bills of lading of that opium? I heard that the representative of the opium was on board,

but it turned out on inquiry that he was not.

282. That is the shipper? No, the person who was supposed to be the consignee of the opium.

283. The consignee? It was reported at first that the consignee was on board, but on subsequent inquiry it was found that he was not the consignee, nor the owner, but had a verbal message from the shipper either to look after it or —

284. Had he not bills of lading? He may have had bills of lading. It is very customary, I believe, for these Chinese merchants to intrust a person with the bill of lading, and to watch the conveyance.

285. Did you see this passenger? No, I did not. But, on inquiry being made of him, he disowned at once any proprietorship of the opium at all.

286. *By Mr. Weekes*: In your presence? No.

287. You heard so? Yes.

288. All that you have been now stating you have heard—it is mere hearsay? This portion of it—Yes, excepting what came immediately under my own notice.

289. *By the Chairman*: It has been stated on the part of the consignees of this opium and the captain, that the date of the receipt of the opium on board ship—the date of the mate's receipt

receipt was not, in fact, the date upon which it was received; can you conceive how that <sup>Mr. M. Bayley.</sup> might take place? Only as an act of carelessness. I think that such a thing might occur. For instance, the mate might possibly make a mistake in the day of the month even, if he <sup>1</sup> May, 1860. were in a hurry.

290. But these receipts seem to have been sent down with the shipping orders—written out in the same handwriting. Is it within your experience that the mate would sign receipts thus made out, and sent down with the shipping orders, and bearing the same date, although the goods might not come on board until some days afterwards, without altering that date? Yes. I know, for instance, here, that the mate of a ship will give a receipt for wool without having the wool—without it coming on board, if he knows that it is coming to the ship. He might have signed these receipts before he received the opium in the same manner. They might have said, "We have so many cases of opium under-way, they will be here shortly; will you be good enough to sign the receipt?"—and he may have signed it in this way.

291. Supposing that forms of receipt were made out at the same time as the shipping orders in the same handwriting, and on the same day, would the mate alter, or is it probable that he would not alter, that date, although the goods were not actually received on board until some days after? I think it quite probable that the mate would sign the receipts without looking at the date at all. So long as he knew the number of packages to be correct I think that would be all he would care about. My experience of mates certainly is that they are not so particular as that. They seldom look at the dates of receipts.

292. Was it usual, before this took place, for the pilots to deliver copies of the harbor regulations to masters of vessels? In all cases; but at this time they could not. I believe there were no copies in existence.

293. You are informed that no copy had been delivered to Captain Johnson? Yes.

294. And you attribute it to the fact that they were out of print? Yes; I can easily understand the captain of a vessel like the "Kate Hooper," in the hurry attendant on arriving in port, omitting the opium in the way he did without any intention of smuggling. I am quite certain from what I saw of the captain before and since he came here, that it is just the very last thing that would have entered his head.

295. *By Mr. Weekes:* You say the vessel came in in a hurry: was she not originally destined for this port? Yes, and to go on to Melbourne.

296. She landed all her Chinese passengers here, or the greater part of them, did she not? No; she took away eighty.

297. Out of—? Five or six hundred.

298. When Captain Johnson came to you, did you not caution him to report the whole of his cargo, or say that it was necessary? Yes, the remark I made to him was this: "Does this contain the whole of the cargo in your vessel?" and he said, "Yes, I believe it does," but I do not think he thought the question at the time of such importance that he took time to consider. He said, "Yes, it does."

299. Is it not really an important thing that a cargo should be fully reported? Yes, it is a very important thing.

300. Is it not one of the greatest checks to a contraband trade—to smuggling, that a cargo should be thoroughly reported? Yes.

301. Therefore, so far as that is concerned, it was the omission of a most important and well-known duty? Yes, but still it was an accident that might have happened to any man in the hurry of his coming into port.

302. *By the Chairman:* It does occasionally happen? It does happen.

303. You have been allowed to amend? Frequently in cases of free goods. I do not think there is a ship that comes from London in which there is not an amendment required.

304. Free goods? Yes.

305. You said there were cases in reference to dutiable goods? In several cases I have been allowed to amend the manifest, but not from my own detection. They received advices from the officer on board that these goods were there without being manifested.

306. *By Mr. Weekes:* Do you know any instance of the report being allowed to be altered after the seizure of the goods? No.

307. There is a space of time allowed by law, I believe, during which a captain may amend his report, giving him time to collect his papers and refresh his memory—is there not a time allowed? Our regulation is that a captain may amend his manifest at any time, provided the goods are not seized. He has twenty-four hours to report his ship in, but there is no specified time for amendment.

308. *By Mr. A. Campbell:* Did the captain apply to you to amend his manifest afterwards? After the seizure.

309. What explanation did he give you why he did not put it into the manifest before? I have just explained that to the Chairman. This opium was put on board his vessel while the ship was under-way, after he had cleared, and the bill of lading was not done up with the ordinary bills of lading, nor was it contained in the freight list. The freight of the opium was to be his own perquisite, and consequently Russell and Sturgess did not care about the commission on that freight. They had nothing to do with the freight upon it.

310. But I understood that the opium was in the cabin? Yes, it was.

311. He must have known that opium was there—did he give you any information why he did not report it before—he had seen it almost every day since he left China? It never struck him that this opium in the cabin was not in his freight list.

312. *By the Chairman:* Was it in his own cabin? In his own cabin.

313. The cabin he was using? I am not quite certain about that. The opium was exposed to the view of anybody coming into the cabin, and marked opium outside distinctly.

314. *By Mr. Weekes:* In answer to the last question you stated that the opium was marked distinctly? Yes.

Mr. M. Bayley. 315. Have you seen those cases? No, I have not seen the cases.

316. Then how can you state that they were marked distinctly—can you state whether they were marked in letters an inch long, or half an inch long, or a quarter of an inch long? I am only stating that they were marked distinctly from the statement of others.

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317. Then you are not aware that what is said to be marked distinctly was in writing as small as ordinary print? No, I do not know what sort of letters it was in.

318. *By Mr. A. Campbell*: Are you aware that the captain has stated that he was not aware that it was necessary for him, as a shipmaster, to report the whole of his cargo coming into this port? He made this remark, that he did not know that it was necessary to report cargo intended for Melbourne.

319. He said so? Yes.

320. Have you ever known a shipmaster ignorant of that fact, that it is necessary to report his cargo in any port where there is a Custom House? Yes, I put the question to several captains after this occurred, and they all admitted that they did not know that it was necessary to report cargo intended for another port. They even said that had the case been theirs they should in all probability have omitted all the cargo intended for Melbourne.

321. The commanders of vessels trading between this and \*England? Yes; one in particular—I forget the name of the vessel—that came from Hong Kong.

322. *By Mr. Weekes*: The "Cyclone"? I am not sure of the name of the vessel.

323. *By the Chairman*: Do you recollect the name of the captain? No.

324. Was he an American captain? Yes.

325. *By Mr. A. Campbell*: Do you know the value of this opium? The Chinaman said that when it reached Melbourne it would be worth some £3,000.

326. *By Mr. Weekes*: You said that the captain stated that he was not aware that it was necessary to report the Melbourne cargo? Yes.

327. Are you not aware that he did report his Melbourne cargo, or a portion of it, at this port? He did.

328. Is that consistent with his statement that he thought it unnecessary to do so? It happened in this way: he left the reporting of his ship to me, and gave me his freight list. He did not observe whether I reported his Melbourne cargo. The freight list was considered to contain everything.

329. The Sydney cargo was a trifling portion? Yes, a very small quantity was intended for Sydney.

330. *By the Chairman*: You were aware that it was necessary to report the Melbourne cargo? Yes, and for that reason I asked him whether that was all the cargo he had.

331. *By Mr. A. Campbell*: Then in point of fact it was Melbourne cargo chiefly? Yes.

332. *By Mr. Weekes*: You say that other captains took the same view. It must arise from—what?—ignorance? No, the custom of their own ports.

333. Do you mean to say that it is the custom of any port to permit a ship partly to report? I believe it is in America, from what these captains say.

334. *By Mr. A. Campbell*: Do you know any British port yourself? No.

335. Have you ever heard of any? No; your law is that they shall report everything in the ship.

336. *By Mr. Weekes*: Is it possible that the revenue can be protected if such a course were allowed? Well, there would be certainly more difficulty in detecting smuggling.

337. *By Mr. A. Campbell*: I should think it would be impossible? Well, it would. But Hong Kong is a free port. They allowed him to clear in the most careless manner, and I suppose he thought he might be equally careless when he arrived here.

338. *By the Chairman*: You, I suppose, do not mean to acquit him, at all events, of great carelessness? It appears carelessness, but I can very easily understand a man committing the error.

339. *By Mr. A. Campbell*: Do you mean to say that there is no Custom House at Hong Kong? None at all. There is a Port Office—I think they call it. The only clearance a vessel brings is a slip of paper with nothing more than the name of the ship, the tonnage, and the signature of the Port Master. Had the captain intended smuggling he had three days to perform any act of smuggling he might wish. He was three days in port before this opium was discovered, and had many opportunities of landing it had he wished to do so.

340. *By Mr. Weekes*: You suggest that only—you do not know whether he had opportunities? Of course.

341. It is possible he might not have had such an opportunity as he would like? No.

342. *By the Chairman*: In point of fact, you think he could have had no difficulty in landing the opium during the time he was in port? None.

343. *By Mr. A. Campbell*: He could have landed it? Yes; but of course it is only an opinion.

344. *By Mr. Weekes*: In reporting a cargo there is some formality attached to it is there not? Yes.

345. He not only states what is its general character, but has to make a deliberate affirmation, has he not, or declaration? Yes; he declares to the best of his knowledge that this is a correct account of the cargo on board.

346. And you think Captain Johnson made that declaration and statement to you that it was his whole cargo, forgetting that he had this opium on board? Yes, I think so.

Mr.

\* NOTE (*By witness upon revision*).—This question, to the best of my recollection, was "between this and Hong Kong."

Mr. James Collier, called in and examined:—

347. *By the Chairman*: You are employed in the Customs Department? Yes.  
 348. What is your position? Tide-surveyor.  
 349. Do you know anything of the ship "Kate Hooper"—were you on board that ship when she was here in the course of last year? I was.  
 350. When did you go on board? On the 15th June, I think it was she arrived.  
 351. And did you go on board immediately she arrived in the harbor? Yes, before the anchor was dropped.  
 352. Were you the first Customs officer who boarded the ship? I was.  
 353. Do you know anything of the circumstances connected with the seizure of certain opium on board? I know that a certain quantity of opium was seized by one of my colleagues.  
 354. When was that? On the 17th June.  
 355. Two days after? Two days after her arrival.  
 356. Two full days? Yes.  
 357. Were you aboard the whole of the time? No; I was on board on the 16th, I went down to visit the officer who had been placed on board by me upon the arrival of the vessel.  
 358. Were you on board at the time the opium was seized? No, I was not.  
 359. You did not see this opium at all then? No; not until it was brought to the Custom House.  
 360. And you are not aware of how the opium was stowed? No, only from the report that it was stowed in one of the cabins in the state room.  
 361. *By Mr. A. Campbell*: But you did not see it? I did not see it.  
 362. *By the Chairman*: You did not see anything to lead you to suppose that there was any intention to smuggle this opium, did you? No.  
 363. Who was the tide-waiter on board? Mr. Claudius Wright.  
 364. Are you aware, Mr. Collier, whether he was in the ship at the time the opium was seized? He was.  
 365. Then, I believe, you have been summoned here by mistake instead of Mr. Wright? He is the officer who was on board the whole of the time; up to the 31st July he remained there. I placed him on board on the 15th.  
 366. *By Mr. A. Campbell*: You always do so place an officer on board a ship when she comes in? Yes.  
 367. *By Mr. Weekes*: You had been on board previously to the seizure? On the 15th and 16th.  
 368. Did you examine the ship's stores? No; I went for the purpose of examining the stores—which is the usual practice—but the captain had got his cabin locked. I only saw the tea and sugar. He had cigars and tobacco and wine in his cabin. So I deferred the rummaging until the following day, and then Mr. McKoy went down for me to rummage the ship. I asked him to go down.  
 369. You had been unable to complete the rummaging in consequence of the captain's cabin being locked? Yes.  
 370. Was that the cabin where the opium was afterwards found? No; that was the cabin near to the officers' on the port side of the ship. The captain's cabin was on the starboard side.  
 371. Do you know whether that cabin was locked? No.  
 372. Did you examine it? The door was open.  
 373. *By the Chairman*: You saw that the door was open? Yes.  
 374. *By Mr. Weekes*: Then you did not attempt to rummage the ship? No.  
 375. Then you were not prevented by the cabin being locked?—I understand you to say that it was in consequence of the cabin being locked that you did not complete the search? That contained the principal part of the stores.  
 376. *By the Chairman*: The cabin which was locked? Yes.  
 377. *By Mr. Weekes*: Then when you search a ship do you search all——? We do not expect to find the stores in the captain's cabin, but in the lazaret; but it appears that he had all his small stores in his private cabin. It is not the usual practice to have them in the cabin.  
 378. *By the Chairman*: And finding this, you did not make the rummage at all? I did not go on with the rummage; I promised to be down on the following morning.  
 379. *By Mr. A. Campbell*: You say that the door of the cabin containing the opium was open on the 16th? Yes, it was open, but I did not look into the cabin. I was sitting with my back to the cabin, writing the time in the tide-waiter's book.  
 380. Do you know whether the opium was in there? No.  
 381. Did you see it? No.  
 382. That was on the 16th? Yes.  
 383. And the following day you saw that the opium was in it? No.  
 384. How do you know it was the same cabin? From the statement of the tide-waiter and Mr. McKoy.  
 385. When you place an officer on board, what are his duties and responsibilities? To attend to any discharge; and, if no discharge takes place, to see that nothing is taken out without an entry being passed.  
 386. And without his permission? Without his permission.  
 387. And in fact he has no permission except an entry be passed? Except an entry is passed.  
 388. Was it possible for this opium to be taken ashore without his knowledge? I should say not. He was sleeping in the next cabin to it. Therefore, it was impossible for the opium to be taken out without his knowing something about it.  
 389. *By Mr. Weekes*: That would depend upon the soundness of his sleep? Well, he must sleep very sound indeed to——

Mr. J. Collier.

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Mr. J. Collier. 390. He is not expected to keep watch? No.

391. He turns in with the rest of the crew? Yes.

1 May, 1860. 392. *By Mr. A. Campbell*: You think that it was not possible to have taken the opium ashore between the 15th and 17th? I should say not.

393. *By the Chairman*: That depended upon the accident of the officer sleeping next to the cabin? Yes, he was a very good officer; we generally select one of the best we have.

394. *By Mr. Weekes*: That would depend upon his being a light sleeper—in case of the opium being taken up quietly and lowered over the side? I do not say it could not be done. It must be a very bold attempt to do it, with an officer close to.

395. *By the Chairman*: But supposing the officer had not been so close to the opium, which was just as likely; supposing the opium had been in another part of the ship, might it not have been very easily sent ashore without his knowledge? Yes.

396. *By Mr. A. Campbell*: Or, supposing he had been sleeping in any other part of the ship? Yes.

397. *By the Chairman*: Then the great security here against the captain landing this opium in the meantime arose from the fact of its having been arranged, or chanced, that Mr. Wright was sleeping in the cabin next to it—that is so, is it not? Yes.

398. *By Mr. A. Campbell*: Who discovered it first when the seizure was made? I was not there, and I only know from what I have heard.

399. You never saw anything of it? No; the tide-waiter would be able to tell you more.

400. *By Mr. Weekes*: Had you gone into that cabin and found the cases there you would have felt it your duty to have made the seizure? I should.

401. *By Mr. A. Campbell*: The law is that the cargo should be reported when it comes into this or any other British port? Yes.

402. Is it in your experience, I know it extends over a great number of years? Twenty years.

403. Have you ever seen, or have you frequently seen, instances of dutiable goods being omitted to be reported? Yes, it has happened frequently.

404. Either from an omission of the captain, or ignorance of the law,—which? From both.

405. Have you seen many captains ignorant of the state of the law in that case—that it is necessary to report? No, not very frequently; they generally understand the law pretty well.

406. When a ship comes in it is necessary that she should report everything on board, even to a dozen of wine or a bottle of brandy—cabin stores? It is so.

407. And is that always done? Yes.

408. Or, is it frequently omitted? It has been omitted very frequently, and seizures have been made.

409. And have you known the cargo often to be omitted? Yes; cargo has been omitted, but no seizure has taken place.

410. The captain is allowed to amend? Yes.

411. I suppose that, as a rule, if he applies for amendment to his manifest before any seizure is made it is, as a matter of course, allowed? It has been allowed.

412. As a matter of course? Yes.

413. Have you ever known a case in which a captain has been allowed to amend after a seizure, and the seizure given up? Yes.

414. You have known a case in which a seizure was made, and the goods afterwards given up? Yes; several times it happened with myself.

415. What power have you to give up a seizure when it is once made? The Collector has power; he decides. It rests with the Collector.

416. I am speaking of you? We do not give it up of ourselves.

417. You have no power? We have no power; the matter is referred to the Collector, and it is for him to decide upon it.

418. The Collector has the power of giving up the seizure? It has been so. The Collector has very frequently given up seizures after they have been made, and the captain has been allowed to amend.

419. You have known that to be the case? Frequently.

420. *By Mr. Weekes*: The present Collector? No. Colonel Gibbes frequently would award a fine to the officer, and the seizure would be given up—a fine of £2, or £5, or £10.

421. *By Mr. A. Campbell*: Do you know what power the Collector has of giving up a seizure by the Customs law—I suppose you are acquainted with it? The Collector has always exercised the power to do so—I suppose by referring to the Government.

422. *By the Chairman*: Is it usual for copies of the harbor regulations to be delivered to masters of ships entering the port? Copies of the regulations should be given to all masters entering the port.

423. *By Mr. A. Campbell*: Was a copy given in this case? We do not give it. It is the pilot's duty to issue the regulations.

424. *By the Chairman*: You have heard that it was not done in this case? Yes.

425. Do you know the reason? They were out of print.

426. Had they been so for any considerable length of time? Yes; I think for a month or six weeks; a month, I think—about a month. I know that for some time the ships were without regulations being issued to them.

427. *By Mr. A. Campbell*: Were you present at the sale of the opium, after the seizure? No, I did not go into the store.

428. *By the Chairman*: Did you see the opium? Yes.

429. You saw this particular opium? I saw a case opened prior to the sale.

430. Did you observe whether the cases were marked as opium? Yes, they were.



431. How were they marked? "T T Opium"—I think the mark was T T.  
 432. How was "Opium" marked upon the cases—was it distinct? Yes, what I saw was.  
 433. Was it in printed letters? In printed letters.  
 434. What size? About an inch.  
 435. *By Mr. Weekes*: The word "Opium"? Yes.  
 436. You have no doubt about that, Mr. Collier? I have not the slightest doubt.  
 437. *By the Chairman*: Then if it has been stated that there was no mark on those cases, shewing that they contained opium, larger than ordinary print, it would be untrue? The size of the letters was an inch—fully an inch.  
 438. An inch? An inch—"Opium." I saw it on several cases while in the store.  
 439. What was the character of these packages? They contained small tins weighing net about four ounces; I think they were six ounces gross.  
 440. Then these were packed away in boxes? In boxes. 120 tins in each case, weighing 60 pounds net.  
 441. Is opium generally packed in cases of any peculiar appearance—could you readily distinguish by their appearance these opium cases? Not unless they bore some mark. You would not distinguish them from cases of ginger. They are a similar case to ginger cases.  
 442. *By Mr. Weekes*: Then if Mr. McKoy has stated that these cases were not marked distinctly he is in error? Well, I think so, because they were discovered from the mark on the cases—"Opium." Mr. McKoy must be in error, and I think he has stated wrong there. The cases, one or two of them, I think, were put upon the cabin table, and the attention of the officer was called to them by the mark "Opium." I am so certain that they were marked "Opium," because I saw them in the store, and in letters of one inch—fully an inch. The principal part of the cases come in that way.  
 443. That is in the ordinary way? Yes; these are the same. They were marked, I am quite certain of that.  
 444. Are you referring to all the cases now, or to a portion only? To a portion. I would not speak for all of them. I do not think they were all marked "Opium," but they were all marked "T. T." That was the mark of the shipper I suppose.  
 445. Were they marked in Chinese characters as well? I think they were.  
 446. Had you gone on board instead of Mr. McKoy it is probable that you would have been the seizing officer? I have no doubt of it, if my attention was drawn to it, as in this case, by the tide-waiter.

Mr. J. Collier.

1 May, 1860.

Francis McKoy, Esq., called in and examined:—

447. *By the Chairman*: You are in the Customs Department? I am.  
 448. What is your position? Second tide-surveyor.  
 449. Can you tell us what you know of the circumstances attending the seizure of opium on board the "Kate Hooper"? I will shortly relate it. On the morning of the 17th June I boarded the "Kate Hooper." She was then laying between Garden Island and Bradley's Head.  
 450. Had you any communication with Mr. Collier? Yes; I had communication with Mr. Collier before boarding her. She was Mr. Collier's ship. He was unable to see some stores in consequence of the captain being absent and having taken the keys on shore with him on the previous day. He requested me to go down and examine these stores, and I said I would do so in my rounds. I boarded the vessel. The captain was not on board, but he came off shortly afterwards. Between the captain's coming on board and the seizure, an application was made to me by some person—some shore person—to allow a box of pictures to be landed. I said "Certainly, when I have ascertained that they are pictures, and not obscene ones." They went to take this box of pictures from a cabin, or rather from what they called a state room of the cabin, and when they were in the act of so doing I saw a number of other boxes, and some that struck me as being opium boxes. As I had three day previously had some altercation on board another American ship about some opium (that made me particularly regard this as opium)—I told my coxswain, whom I had at hand, that I should have to make a seizure very shortly; and the captain in the meantime came into the cabin.  
 451. That was the first you had seen of the captain? No; I saw him before and communicated to him the purpose for which I came off. However, we did not proceed to business immediately. The American Consul and the captain adjourned to a room to have some refreshment, where they invited me also to come. The mate and the shore-going man removed a couple of boxes out of the state room in order to get at the pictures, and those boxes were two of the opium boxes I subsequently seized.  
 452. What did they do with them when they moved them? They moved them from the state room to either the table or the bench alongside of it.  
 453. In the cabin? In the cabin. I said, "Captain, I see you have got some opium here, how is it that you have not reported it?" He said, "Not reported!" "No," I said. I pulled out the manifest. He said, "Allow me to see." He looked down it, and said, "The clerk must have made a mistake." He immediately went into his own cabin and brought out in his hand a bundle of papers. He said, "I have got the bills of lading." He also said, "I recollect now, it was shipped after I cleared, and I have got bills of lading for it." Then, again, he said, "It is cabin freight and ought not to be reported—at all events it is cargo for Melbourne." He made two or three excuses in that way. So I replied, "Well, as it is not reported, and as it is a very highly dutiable article, it becomes my duty to attach it;" and I did so.

F. McKoy,  
Esq.

1 May, 1860.

F. M'Koy,  
Esq.

1 May, 1860.

454. Had the captain come on board until the time application was made to you for permission to land these pictures? The captain had come on board.
455. Had you then spoken to him? I had.
456. But he was not with you at the time this application was made? No, the application was made by a boatman—I forget his name now. I think it was a boatman. He said he wanted to take those pictures ashore, and I said, "Certainly, provided they are not obscene, and I see the contents of the box."
457. Who removed the opium from the cabin? The bulk of it was moved by my crew.
458. In the first instance? This shore-going man and the mate of the vessel.
459. Were they removed before this application was made to you—the two boxes? They were not.
460. You did not, in the first instance, go into the cabin? I did so. Immediately on my boarding the vessel I went into the cabin.
461. You did not, in the first instance, go into the state-room? I did not.
462. You first saw the boxes of opium? I first saw the boxes of opium.
463. Which were removed by the mate to get at those pictures? Yes.
464. And it was on seeing those that you first discovered that the opium was in the state-room? On seeing those. There were a number of other boxes, as well as the opium, in the state-room.
465. But these boxes were removed after application had been made to you? Yes.
466. And placed upon the cabin table, or on the bench? Or on the bench.
467. While you were looking on? Yes; I was in and out of the cabin.
468. There was no attempt made to conceal those boxes? There was no attempt whatever on the part of the mate or the shoreman to conceal those boxes. In fact, I am not aware that they actually knew the contents of them, and had it not been for the circumstance that occurred three days previously, most probably I should have passed them myself.
469. These boxes had to be removed to get at the pictures? Yes.
470. As to the appearance of the boxes; were they marked in any way to say what they contained? No; I did not observe any mark on the boxes when on board the vessel.
471. Do you mean those two? On these boxes or any other, which would indicate to me that they contained opium. But on subsequently examining the boxes, by direction of the Collector of Customs, in the Queen's Warehouse, I discovered in small print —.
472. In small print? In small print, the words "Prepared Opium." Indeed I had prosecuted my search for sometime without success, and one of my boatmen I had then in the Queen's Warehouse —.
473. *By Mr. Weekes*: What were you searching for? We were searching for the marks.
474. *By Mr. Parkes*: "One of the boatmen," you were about to say? As I was about to leave I said, "The captain has certainly made a mis-statement here." One of the boatmen said, "I think there is a mark on that." I turned over several boxes, and at last I found on the ledge of one the words "Prepared Opium," with an array of Chinese characters.
475. Did you examine all the boxes? Yes; in a great many instances the labels were torn off.
476. And in no case did you see any more distinguishable mark? Decidedly not.
477. You did not see the letters "Opium" in characters an inch long? No.
478. You are positive? I am positive as I live, for I looked specially for it. Upon that point I brought the whole of my boat's crew to make the examination, so that my testimony can be supported by them.
479. Was there any other officer present when the seizure was made? There was a tide-waiter on board.
480. What is his name? Wright.
481. He was present, was he? At the time I made the seizure.
482. He had been on board the ship from the time of her arrival? Yes.
483. *By Mr. Parkes*: What was the object of your visit—to jerk the vessel? Not exactly. We could not jerk her, because she had part of her cargo for Melbourne on board. My object was just to examine her stores and see if they corresponded with the entries.
484. How often does a tide-surveyor visit a vessel while she is in port? Thirty or forty times, and oftener during her stay in port—sometimes at night.
485. Does any officer visit the vessel when she is going out? Sometimes vessels are visited. Either an officer is placed on board, or they are visited when they are taking a quantity of dutiable goods from bond or for drawback. We then place an officer on board to see that those goods are there, as far as can be ascertained. He quits the vessel at the Heads. This rule is invariable as regards vessels going to the South Sea Islands, or to places where there are no Custom Houses.
486. *By the Chairman*: Where was this state-room? It was about the centre of the cabin on the port side, or rather the right hand side as you go into the cabin.
487. *By Mr. Parkes*: Do you go into the cabin from the deck? From the deck.
488. *By the Chairman*: It was a poop —? They call it a raised deck, not a poop. It is a build peculiar to American vessels.
489. The state-room was not the one in which the captain slept—it was not the captain's cabin? The captain's cabin was behind these state-rooms, or rather between the state-rooms and the wheel, and was shut off from the cabin and state-rooms by a door, having also a door astern leading to the wheel.
490. Was the captain's cabin on the opposite side? No; he occupied the whole range immediately astern.
491. That was in the stern cabin? In the stern of the vessel.
492. And the state-room was on the port side? On the port side.

493. Did you observe when you went on board whether the door of that state-room was locked? No; I was not sure whether it was locked or not when I first went on board; but I ascertained subsequently that it could not have been, because I tried to lock it on going away, and I found that the key would not act.

494. Then it was not locked? It was not locked; but the door was closed to.

495. It was closed to when you visited the vessel—before it was opened to remove the pictures? Before it was opened to remove the pictures.

496. Do you know whether the tide-waiter—Mr. Wright—slept on board the vessel? I cannot answer you that question. I do not know of my own knowledge. I believe he slept in the cabin.

497. Do you know whether it was in the adjoining state-room to that in which the opium was? I cannot say for certain.

498. *By Mr. Parkes*: I think you said that the chief mate assisted this shore-going man to remove the boxes which were placed on the table in the cabin? Yes, the chief mate assisted him.

499. Was there anything peculiar in his manner? I did not observe anything peculiar in the chief mate's manner.

500. Did he seem to have any knowledge that that was a thing requiring to be concealed? He did not appear to me to have any knowledge of the kind. I may observe that all the opium I have seen, or nearly all with the exception of that on board the "Kate Hooper," has been distinctly marked in large letters on the lids of the boxes "Opium" or "Prepared Opium." A vessel which left Hong Kong about the same time as the "Kate Hooper" also brought to Sydney a number of boxes of opium, and the were marked in large characters "Opium" or "Prepared Opium" on the lids. A vessel called the "Oithona," which I boarded about three months ago, had a great number of boxes on board. In every case the boxes were marked "Opium" in large letters on the lid, in black paint.

501. *By the Chairman*: You afterwards found some opium in another part of the vessel, did you not? I found subsequently—I think on the same day—a quantity of opium in the cabin of a Chinese passenger.

502. How much? 20 tins, I think.

503. These tins were not in boxes, I suppose? Not in a box.

504. They would amount to about how much each? I believe that two go to the pound.

505. *By Mr. Parkes*: Was that in the same part of the vessel—below decks? No, on the raised deck, amidships. The deck-house I think they call it.

506. In the cabin of a Chinese passenger? Yes. I understand also that the Chinese passenger was the one to whom the opium or a part of the opium I had already seized belonged.

507. The same passenger? The same passenger.

508. Did you see that passenger? Yes.

509. To whom the 20 tins belonged? Yes; I will explain to you. I boarded the vessel in the afternoon again, and this person came on board. He went into the cabin very hurriedly and looked about. We were then in the act of examining another box which struck me as being an opium box, but I found that it contained closely packed Chinese clothing. This person came into the cabin, and the Chinese steward spoke to him; he appeared to be in a state of distraction; very shortly afterwards he left the cabin and returned to the shore in the same boat in which he came off. I asked who he was, and was told that he was the owner of some of the opium, or "the owner of the opium" I believe were the words.

510. By whom? By the Chinese steward. I think by the Chinese steward—I will not say for certain. I said, "Where is his cabin?" I then sent the boat's crew aft, and they overhauled his cabin and found 20 more tins. That was the circumstance which induced me to overhaul his cabin.

511. *By Mr. Weekes*: Then the Chinaman in whose cabin you found these 20 tins afterwards was stated to be the owner of the 10 cases of opium you had seized? Yes.

512. *By the Chairman*: By whom was it stated? I understood that he was stated to be the owner of the opium by the steward, I think.

513. But you are not quite sure? I certainly understood it from somebody.

514. Was it from the captain? No, it was not told to me by the captain—he was not on board on this occasion.

515. Was it from the mate? Well, I am not sure that it was not from the mate.

516. *By Mr. Weekes*: But if it was from somebody must it have been from either the mate or the steward—was that it? Either the mate or the steward.

517. You are sure it was one of the two? It was some person in the cabin. I cannot bring myself so closely—I looked upon it in this way, that it was immaterial to me to whom it belonged.

518. *By the Chairman*: You did not concern yourself much about this passenger? I did not concern myself much about him. I considered it my duty simply to go, to see, and to take. *Veni, vidi, vici.*

519. But if any one has said that these cases, or any of them, were marked "Opium" in letters an inch long that must have been what is inconsistent with the fact? He must have made a mistake.

520. But if he says he was sure? Oh, well, if he says he was sure, I am sure that they were not.

521. You are sure that none of them were marked in any other letters than small print? I went down for the special purpose of examining them. The Collector of Customs handed me a letter from the captain, in which a statement was made to the effect that the contents of the boxes were marked on them. I believed at the time that such was not the case.

522.

F. M'Koy,  
Esq.  
1 May, 1860.



- F. McKoy, Esq. 522. Did anyone see those boxes beside your boatmen and yourself in your presence? Several persons.
- 1 May. 1860. 523. Do you know whether they were seen by Mr. Collier when they were in the Queen's store? I do not know. It is possible that they were, because just before the sale, at the time of taking the inventory, Mr. Collier could have had an opportunity of seeing them certainly.
524. You are quite certain that they had no mark indicating that they contained opium larger than small print? There is no part of the question I am so positive upon as that, from the simple fact that I went down to the Queen's warehouse for the especial purpose of seeing.
525. Not one of the ten cases? I certainly did not see it on one of the ten cases.
526. You examined them particularly? I examined them particularly.
527. And none of the ten cases could have had any mark? No; no mark of opium except in the way already described by me. They had, however, on the lid, in large painted letters, "keep this side up," a trade mark of two letters, and a number underneath. I brought several men to assist in examining for the opium mark.
528. Who? My boatmen—Flinn, McKellon, and a little man who has left since, of the name of Hall.
529. You did not ask anyone else? Well, it was a point so trifling that I only cared about satisfying myself.
530. *By Mr. Weekes*: But you went for the express purpose of searching for the mark? Yes.
531. And did you examine every case? Every case was examined by myself and men.
532. *By the Chairman*: You are not quite certain that every case was examined by yourself? I believe every case was.
533. Who took the inventory? Mr. Spence, a clerk in the Customs.

THURSDAY, 3 MAY, 1860.

Present:—

MR. MORRIS,  
MR. PARKES,

MR. BROUGHTON,  
MR. FORSTER.

JOHN HAY, Esq., IN THE CHAIR.

Mr. Francis Spence called in and examined:—

- Mr. F. Spence. 534. *By the Chairman*: You are an officer in the Customs Department? I am.
535. What rank do you hold? I am eighth clerk in the department.
- 2 May. 1860. 536. Do you recollect the circumstance of the seizure of opium on board the "Kate Hooper"? Yes, perfectly well.
537. Had you anything to do with that seizure? Only in my official capacity as Customs auctioneer.
538. And what did you do in that capacity? I saw the cases after they were delivered into the Queen's store, where they were received as seized goods, and I was present whilst the weights were taken, and an estimate made of the amount of duty. I then divided them into lots, and sold them.
539. You were not on board at the time of the seizure? No, I was not.
540. And you first saw the opium after it was landed? Yes, when it was in the Queen's store.
541. Did you take an inventory of the packages? Not until they were prepared for sale, and then I took them in my official account sales, a list of which I now produce.
542. Did you take the brands or marks? No, we only numbered them in our own lists.
543. You did not take the brands you found on the cases? No, I only numbered them in lots, 1, 2, 3, 4, and so on; and by that I sold them.
544. Then was this opium sold in one lot? No, in several lots, as shewn in my book, which contains the particulars of prices realised.
545. I observe by your book that 22 tins of opium were sold in one lot? Yes; they were a loose lot, not contained in a package.
546. Was each case sold separately? Yes; each case, containing 120 tins, was sold by itself.
547. What description of case were they contained in? The cases were like the ordinary two dozen wine cases. They were plain deal cases about two feet by one foot.
548. Were they of ordinary deal, or were they of Chinese wood? I cannot say what wood they were made of; I did not examine them particularly. They appeared to be made of some white wood.
549. Did you notice any mark of them? Some of them were branded with a T in a diamond and T underneath.
550. Did you notice anything else? There was a white label on some of them, with Chinese characters on it.
551. Were the cases marked "Opium"? I do not remember having seen them so marked.
552. Can you say positively that they were not? No, I cannot. It is now some time ago since this occurred; and I did not take particular notice of the cases at the time, because I never

never anticipated that there would be any question about them. To the best of my recollection, however, there was only an ordinary brand on them; they had this white label on them that I have described. The label had four columns of Chinese writing on it. Mr. F. Spence,  
3 May, 1860.

553. And nothing else? I do not remember anything else.

554. Were they all branded the same? No; there were three or four different brands.

555. But you recollect none of them? No, only the one I have described.

556. Then you cannot say whether or not the word "Opium," or the words "Prepared Opium," was marked on the case? No, I cannot.

557. In your list you did not take the brands or marks of the cases? No, I did not. I never have done so. I followed the official form, and merely numbered the lots. This was my first sale after my appointment as Customs auctioneer, and I followed the ordinary form. Perhaps, however, it would have been better if I had taken the brands.

558. You were not instructed to take the brands or marks of the cases? I was not.

559. Were you left entirely to yourself in the arrangements you chose to make for the sale? No; there is a regular rule with regard to the selling. The goods are first marked; being numbered in lots for sale. Then the duty upon each lot is estimated, and then it is put up to auction at the amount of duty due on it. We only sell to realise the duty, and if it fetches that, that is all we care about.

560. With regard to taking the marks and brands, you say you received no instructions? None, particularly.

561. Supposing any claim should be hereafter made respecting any package of goods sold by you, how do you suppose it possible to identify it, when you do not take the brands or marks? It is very rarely that we have a case of this kind, where there are so many cases all so much alike.

562. But supposing there had been a hundred cases, all with different brands, as in this case there appears to have been three or four different brands, how do you think it would be possible for any one to establish his claim to the proceeds of the sale of his property? There is no doubt that a difficulty presents itself here; but I rather think the marks of the cases would be embodied in the seizing note.

563. Presuming that they are so given, how would it be possible to identify the particular cases of opium sold with those seized, so as at any future time to give the owners of the goods seized an opportunity of establishing their right to the proceeds of the sale? I doubt whether we could do so in that particular case. If we wanted to identify any particular case sold with the case seized we could only do so through Mr. Tange or Mr. Black, the purchasers of the cases.

564. Are you now the Customs auctioneer? I am.

565. And this you say was your first sale after taking that office? It was.

566. Had you been appointed Customs auctioneer long before this seizure took place? I was appointed just before it took place.

567. And the book you produce is the usual form of book for entering the sale of seized goods? Yes. It has been got up expressly for entering seizure sales.

568. The form was not got up for this particular sale? No, the form has been in existence for this long time, though not in this book. The forms were printed and have been in use for a long time, and as soon as I was appointed Customs auctioneer I had them put together in a book in this way.

569. Then you had this book made? Yes. The idea of the desirability of tracing any particular case never presented itself to me before; because, as far as we are concerned, we put the articles down in one lot, as goods seized, and no distinction is made.

570. But, supposing a large seizure to be made of various goods with different brands? In that case we should give the particular brands.

571. There is no column in this book for the brands or marks of cases? No, there is not. We sold the opium by the brands on the tins. I allude to the white label. On that was the owner's or manufacturer's mark, and when we shewed that to the Chinamen they all knew what the character and quality of the article was.

572. The bills of lading, however, would refer to the brands on the cases, and not to this trade mark? No doubt they would.

573. And there is no possibility from your book of sales to identify the cases corresponding with those contained in the various bills of lading? No. Now I know that the cases belonged to different owners I see that it would have been advisable to enter the marks or brands; but I did not know it at the time, and that was one reason why I took no notice of the brands.

574. You still use the same form of entry in your book? Yes.

575. Have many sales taken place since then? Yes, if you refer to the book you will find several.

576. By Mr. Parkes: I should infer from this book that the system of seizure was very strict? Yes it is.

577. I see here that a few bags of coffee were seized? Yes, the officer was obliged to do so. He found them in the vessel, and they were not on the ship's manifest; and if he had not seized them the tide-surveyor would have rendered himself liable to have been reported for neglecting his duty.

578. Where was it seized? This particular coffee was found on board of one of the mail steamers, where one of the ex-stewards had it on his own account. He left the vessel, and there was no one to claim it, so it was seized.

579. What is done on a seizure being made? As soon as they are seized the goods are all entered in a book kept for the purpose, and if in a month no claim is made they are sold for the duty.

- Mr. F. Spence. 580. *By Mr. Broughton*: Did you make any effort to discover if there were any marks on the cases beyond those white labels you have described? I certainly did not consider it to be my duty to do more than to ascertain what brands were on the tins, and to do this I ordered a case to be opened.
- 3 May, 1860. 581. *By the Chairman*: You consider that all you have to do is to sell the goods? Yes. The cases are placed in the Queen's store, and I am told to sell on a particular day. I get the best price I can for the goods, and that is all that I consider to be my duty.
582. You do not note down the brands or marks, or make any provision for the future identification of the goods? No.
583. The goods having been once condemned you do not consider it at all necessary to provide for their identification at any other time? I do not; but I must say that I think it will be better to do so in all future cases, as this case has shewn the present practice to be mischievous.
584. Do you think that if these cases had borne any known brand, or the mark of any mercantile firm of this city, that any note would have been taken of them? I do not think so, not more than has been done in this case. All the note that we take of goods is the number of the lot for me to sell them by.
585. If the coffee that was seized had been branded, would not the brand have been shewn in your book? No, we should not have taken notice of the brand.
586. How would you have entered it? As so many bags, representing such a weight.
587. Have you heard that there is a difference of opinion amongst those who saw those cases as to whether they carried on them a noticeable mark to shew that they contained opium? I heard some remark made at the Custom House yesterday that led me to infer that there was, but that is all.
588. Then you cannot say whether there is such a difference of opinion or not? I cannot.
589. Or give us any positive evidence as to whether the cases were distinctly marked "Opium" or not? No; I only know what was on one case—the one I opened—and that I have mentioned to the Committee.

Mr. Claudius Wright called in and examined:—

- Mr. C. Wright. 590. *By the Chairman*: You are an officer in the Customs Department? I am.
- 3 May, 1860. 591. What situation do you fill? That of extra tide-waiter.
592. But as an extra tide-waiter are you always employed? No; we take our turn with the permanent tide-waiters.
593. *By Mr. Parkes*: Will you state to the Committee the system by which you are employed? When it is my turn for duty, I am ordered to be in attendance to go on board. When a vessel comes in, the tide-surveyor takes me in his boat and puts me on board.
594. When do you go on board? So soon as the ship arrives.
595. What do you do then? I have orders to stop and examine everything, and not to let anything off the ship without a proper warrant.
596. And how long do you stop? I stop on board until the vessel is jerked by the tide-surveyor, when her cargo is out, and all her stores examined.
597. What does the tide-surveyor do? He goes and looks at the hold, and examines the stores that are left, to see if they agree with the captain's list. He examines the hold to see that no dutiable articles are concealed there.
598. Then he searches the ship throughout, and goes through the hold? Yes.
599. Who goes with him? Sometimes he goes by himself, sometimes I go with him, and sometimes his boatmen.
600. Then you are taken off when the cargo is out? Yes.
601. Are you allowed any leave of absence whilst you are in charge of a vessel? Yes; sometimes I apply for two hours leave when I have my linen to take ashore, or anything else I may require; because, having no person to go ashore for me, I am obliged to do so.
602. Is any person sent in your place whilst you are absent? Yes; another officer is always placed on duty in that case. But we never get leave of absence unless when we are alongside of another ship that has a Custom House officer on board, and then he takes charge of the two ships.
603. When did you board the "Kate Hooper"? On the 15th June.
604. How long after her arrival? Directly she arrived; she could hardly have got her anchor down when I went on board of her.
605. Did the captain appoint you any place to sleep in? The mate gave me a room adjoining the cabin.
606. Is that the cabin in which the opium was found? It was seized in the next cabin but one to mine.
607. Did you keep on board during the whole time she was discharging? Yes; but she did not discharge much of her cargo; she only landed 248 packages of tea, chests and half-chests.
608. Then it was when the tide-surveyor came on board to jerk the ship that the seizure was effected? No, it was when he came to examine the stores.
609. How long after you went on board? I was placed on board on the 15th, and the seizure was made on the 17th.
610. *By the Chairman*: Then you were on board all the time? Yes.
611. In the interval, between your boarding and leaving the ship, did you obtain any leave of absence? No. I did not leave the vessel from the time I was placed in charge until I left for good.\*

612.

\* NOTE (by witness upon revision):—An error. I left the vessel by order of the tide-surveyor, and was relieved by another officer to sign the abstracts, on the 3rd of July, for five hours.

692. And you have nothing else beyond your half-guinea a day, when on board ship, to look Mr. C. Wright to? Yes; sometimes we get some export work.
693. What do you get for that? If we are employed from 9 till 12 o'clock we get 5s. 3d.; 3 May, 1860. and if for the whole day we get 10s. 6d.
694. This export work, I presume, is taking goods out of bond for exportation? Yes.
695. How do you conduct these exports? We see the drays loaded, and follow the goods till they are delivered or shipped.
696. But suppose you have to take goods out of Moore's Bond to go down to the Circular Quay to be shipped, and that these goods occupy six different drays, how do you manage to follow them? I start them all at once, and tell them to keep close together, and then I keep close to them.
697. You take them all in one train? Yes; but it is seldom that we have so many as six drays to look after at once. The most we have is three or four, and when they are started I order them to keep close together, and I keep in the centre of them. Sometimes a drayman will not keep his horse back, and then if he will not obey my orders, I call a policeman, if I see one, and direct him to stop the horse until I can come up.
698. The drays are all licensed now by the Custom House, and you have not this difficulty? No; I am speaking of the time previous to this arrangement.
699. How many extra tide-waiters are there? Twelve or thirteen.
700. And all have an equal chance of employment? Yes; we go on in turns.
701. And all are more or less subject to remain unemployed for five or six weeks? Yes.

FRIDAY, 4 MAY, 1860.

Present:—

MR. MORRIS,  
MR. BROUGHTON,  
MR. WEEKES,

MR. SAMUEL,  
MR. FORSTER,  
MR. PARKES.

JOHN HAY, Esq., IN THE CHAIR.

William Augustine Duncan, Esq., called in and examined:—

702. *By the Chairman:* You are Collector of Customs? Yes.
703. And you have wished to be examined in reference to this inquiry into the seizure of opium on board the "Kate Hooper"? Yes; I stated to the Treasurer that I should be glad to be examined if he thought my evidence of any use in the matter.
704. Perhaps you would wish, so far as you know them, to state the circumstances connected with the seizure in your own language? Well, I believe the correspondence will shew that.
705. The correspondence which has been laid before us? I suppose that the correspondence laid before the Committee will shew that. I may merely state that the tide-surveyor went on board the vessel and examined her stores in the usual way. He found these cases of opium, seized them, and reported the seizure to me. I requested that the opium should be brought to the Queen's warehouse. I asked some questions of the seizing officer about it—as to whether the cases were marked, and the circumstances in which he found them, and it appeared to me to be a very proper case for a seizure. The captain of the ship called very soon after and claimed the goods as being partly the property of a passenger on board, and partly the property of a firm in Melbourne. He stated, what rather surprised me, that they were marked in large letters "Opium" (the cases contained prepared opium); that rather surprised me, because the officer had stated to me that they were not marked "Opium" at all, I then had them examined in the Queen's warehouse, and they were reported to have the words "Prepared Opium" in very small printed letters—not at all in the way that opium cases are usually marked, but in small printed letters.
706. Something of the size of these letters "NEW SOUTH WALES" (*at the head of Lei Afoo's printed petition*)? That is about the size they were described to me, and I was informed that they were on the same piece of paper with some Chinese characters; that the Chinese characters were upon what might be called the lid of the box, and the English letters were turned down over the side.
707. And that that was the only mark upon any of the boxes? Oh, no; there was in very large letters "Keep this side up," and some initial letters which I do not recollect.
708. Who examined the boxes with a view to make this report? Mr. M'Koy, and the coxswain and crew of the boat. My instructions were for the boatmen to turn over every case very carefully, and to examine every case, and I have no doubt they did so.
709. In making that inquiry did it not strike you that it would be desirable on a point of so much importance to ask some one else than the officer immediately concerned in the forfeiture to report? If I had thought of the inquiries that have been taking place since I daresay I should have done so, but it did not occur to me at the time. I was in the position of judge in the matter. I had not then confirmed the seizure, and I thought it was better to have the seizing officer's evidence, which is always taken in these matters. If the claimant of the goods likes he can produce any other evidence he chooses. The seizing officer is something in the position of a prosecutor. He produces the best evidence he can to sustain the seizure, and the other party the best he can to prevent its being confirmed.

W.A. Duncan,  
Esq.  
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W.A. Duncan, Esq. 710. You say that you considered yourself in the position of a judge? Yes, to a certain extent, because it depended upon me whether the seizure was confirmed or not.

711. But, the proprietor of the goods not being, necessarily, present when the report was called for, do you not think it would have been desirable to have had a report from a disinterested person? Well, I understood that the proprietor of a considerable portion of the goods was present,—that is, that he was in the harbor—that the claimant of a portion was on board the ship.

712. You say that the captain in the first instance told you that part of the goods belonged to —? No; I think it was the seizing officer first, and the captain afterwards.

713. The seizing officer in the first instance? Yes; he told me that the Chinaman was in a great way about the seizure—almost jumping overboard from vexation.

714. Did you mention that to the captain? I did.

715. You mentioned that to the captain? I mentioned it to the captain, and the captain said he was the proprietor of a portion of the opium.

716. After your mentioning this? Yes.

717. The captain did not first report it to you? I am pretty sure it was the officer who reported it in the first instance.

718. Was any attempt made by you to ascertain who were the owners, or to whom the opium was consigned? No; we never do inquire into the ownership of goods seized. All we have to do with is the question, whether the law has been complied with or broken. The parties themselves who make the claim have to establish the ownership when it is necessary to do so. The goods were not reported in the vessel at all.

719. No; but you say you occupied the position of a judge in the matter,—what steps were taken, or what facilities were given to the captain? I had a number of interviews with the captain. I heard all he had to say, and was prepared to listen to any evidence he might adduce. I also heard what the officer had to say on behalf of the seizure, and it appeared to me a good case for seizure. In fact I never knew a case where I thought there was more clear evidence of an intention to smuggle.

720. You say that there was clear evidence of an intention to smuggle: will you just mention what it was? In the first place I ascertained from the Custom House agent who "entered in" the vessel that he had particularly cautioned the captain that he must report all his cargo carefully.

721. Was the captain present when you ascertained this? Yes, on two different occasions Mr. Bayley stated that, and the captain admitted it.

722. Yes, did Mr. Bayley? Mr. Bayley said he told the captain that we were now very strict in this port, and that he must be careful to report all his dutiable goods. He asked whether it was necessary to report goods for Melbourne as well as Sydney, and he said "decidedly so;" in fact all the Melbourne cargo was reported except the opium.

723. Did Mr. Bayley state that he told the captain expressly before he reported the vessel that it was necessary the goods for Melbourne should be included? He did so, and the captain admitted it. It was Mr. Bayley's duty as an agent to do so.

724. Mr. Bayley has not told the Committee that in his evidence? He certainly did say, in the presence of the captain, that he had cautioned him particularly as to reporting the whole of his cargo. The fact of his having reported the Melbourne cargo shews that he did that, if we admit the truth of the captain's statement that he did not think it was necessary to report the Melbourne cargo. The captain gave as a reason why the opium was not reported—that it was for Melbourne; but the fact of his having reported the Melbourne cargo shewed that he had got a caution about that. And then the unusual way in which the cases were marked appeared to me a suspicious circumstance, and also the continual change of shippers and consignees. I think, so far as I can make it out from the Chinese names, the shippers and consignees have been changed about half-a-dozen times in the course of the statements made to me from one time to another about it.

725. Do the bills of lading seem to be consistent? The captain in making his claim produced two bills, but those two bills were distinct from those relating to the other cargo of the ship. The bills of lading belonging to the general cargo were stitched up something like a bank cheque book and covered and dated the day before clearance; and the two bills belonging to the opium were pinned together separately. That certainly appeared to me to be another suspicious circumstance. The answer he made to that was that they were put on board after the vessel cleared; but on looking at the dates that appeared to be not the fact.

726. Was there not another bill of lading along with them? There were only two.

727. Some box of samples consigned to Towns & Co.? Only two bills of lading were exhibited to me, and they were pinned together; and I observed that one was dated the day before the date upon the cover upon the other bills of lading, and one the day after.

728. One the day after? I think so.

729. And this third bill of lading, to which you have alluded as not having been included in the sealed up packet of bills of lading, was not exhibited to you? It was not exhibited.

730. You never heard of that? I never heard of it before to the best of my recollection.

731. You say that the captain told you that these boxes were marked, in large letters, "Prepared Opium"? He told me that.

732. And the only evidence you had to shew that it was not so was the evidence of the seizing officer? And that of the coxswain and boat's crew. I saw the boxes afterwards in the Queen's Warehouse, but when I saw them it was after the Executive Council had confirmed the seizure.

733. Did you examine them yourself when you saw them? I did not turn them over and examine them closely, but I saw nothing upon them except a few Chinese characters; with the exception of those large letters mentioned, I saw no other English letters upon them.



734. You saw no English letters upon them? With the exception of "Keep this side up." W.A. Duncan,  
Esq.
735. You did not examine them so closely as to see the marks of the label? I am quite positive that any person coming into the room and seeing them in the position in which I saw them cased up, would have never observed the word "Opium" upon them. 4 May, 1860.
736. Did you examine any of the other officers in reference to this seizure—the tide-surveyor for whom I believe Mr. McKoy was acting on that occasion—Mr. Collier? I think I had some conversation with Mr. Collier about the matter, but I have no distinct recollection of it. He was not present at the seizure, and could say but little about it.
737. Did you examine Mr. Wright, the tide-waiter? No, I did not.
738. Then, in point of fact, you did not hold any investigation into the circumstances at all? Oh, yes, I did.
739. But in a conversational way? It was not done in a strictly judicial way certainly. It never is done in that way. But I heard all the information that I thought could bear upon the question. I heard all the captain could adduce, and I heard what the seizing officer could adduce.
740. But not in a judicial way?—there is no record of what you call the evidence? The evidence given in cases of seizure never is taken down. I have never known an instance in which evidence has been taken down in the case of seizure. The Collector satisfies himself by the best evidence he can get, either that the law has been broken intentionally, or that it has not. If he thinks it a mere mistake, he gives up the seizure. If he thinks there is an intention to smuggle, he confirms it.
741. Then there is nothing afterwards to guide the Executive, supposing the decision of the Collector is appealed against—nothing to refer to—no record of the evidence or proceedings? Generally, as in this case, there is the correspondence between the claimant and the Collector. The present law does not contemplate appeals to the Executive, in case of seizures.
742. The whole thing is in the discretion of the Collector? Quite so. It is, according to the present law, entirely in the hands of the Collector. The legal mode of appeal is to the Courts, not to the Executive—9 Vic., No. 16, section 110, &c.
743. Do you not know that, in point of fact, the harbour regulations were not delivered to the captain by the pilot, according to law? The captain stated so.
744. Do you not know that they were out of print at that time? I believe they were at that time.
745. And had been for a month? I do not know. I recollect hearing at the time that they were out of print; but that belongs to the Pilots' Department. The Customs has nothing to do with it.
746. You do not consider yourself to have anything to do with it? We never had. The law requires the pilot, I believe, to hand a copy of the harbour regulations to the masters of ships when they arrive in this port; and I should have thought the omission in this case some excuse for Captain Johnson, except from the fact that came to my knowledge, that he had been particularly cautioned to report correctly. I have not the slightest doubt that was the case.
747. We have had a tide-waiter examined before us—an *extra* tide-waiter—do you think that system of employing extra tide-waiters, who are not in constant employment by the Customs, and who are apt to be out of work altogether for weeks at a time, is safe and beneficial? I think, as things existed formerly, it was most pernicious. When I took charge of the department there were thirty-six extra tide-waiters upon the list, and I think that never more than about fifteen, during the time these thirty-six were on the list, were engaged in ships at one time. The consequence was, that the rest were idle and starving, and open to any sort of tampering—which is very often attempted here. I think that system is most pernicious. However, I recommended to the present Colonial Treasurer that a number of them should be discharged, and I think we had seventeen discharged in one day; and I now never appoint any except they are absolutely wanted, so that they are now nearly as fully employed as the permanent officers.
748. But still they have no security? They have no security. They are liable to be dismissed at any moment, or to be for days without a ship.
749. And they are without any claim on the department at all? They get no pay except when they are on board.
750. And their services count for nothing? Except when they are actually on board. Then they get 10s. 6d. per day.
751. So that there is nothing in fact to attach them to the department, or to give them that tendency—which a secure provision might do—to do their duty, and withstand influences to which they are subject? They are certainly not in the position in which I should like to see officers who have such a charge as they have, for the duties of tide-waiters in this port are more responsible than those performed by similar officers in any other port in the world that I know of.
752. In point of fact, you consider the position a very responsible one? I do.
753. And if they are not faithful, and withstand temptation, the revenue might be plundered to a very great extent? Very much depends upon the character of the men; but we often find a man who is very poor, whose pay is exceedingly small, do his duty better than the rich, or the better paid officer.
754. No doubt that will frequently happen; but you consider that upon the faithfulness and vigilance of these men very much depends? Yes, very much.
755. Quite as much as upon officers who are more highly paid? No doubt of it.
756. By Mr. Weekes: You are now referring, Mr. Duncan, to the extra tide-waiters that you are compelled to take on? Yes.

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757. But you have increased the number of permanent tide-waiters, have you not, in reforming the system? There were only four of them formerly; there are now twelve.
758. And those gentlemen have fixed salaries? They have a fixed salary of £100, and they get five shillings per day besides when they are actually employed.
759. Then the persons you alluded to, in answer to a question put by the Chairman, are those you are obliged to take on when a press of shipping arises? Exactly, and I never put any on the list, except I actually want them.
760. The placing of a larger number on the permanent staff has rendered the aid of those extra ones, I suppose, very trifling compared with former times? No doubt.
761. *By Mr. Parkes*: Are these permanent tide-waiters and extra tide-waiters employed in performing precisely the same kind of duties? Almost the same.
762. Is there any distinction? There is hardly any distinction, except this, that I instruct the tide-surveyors to keep the permanent men constantly on board on account of their being in the receipt of permanent pay; with that exception there is no distinction.
763. With regard to those extra men,—what are they paid? Ten shillings and sixpence per day.
764. *By Mr. Morris*: When employed? When employed; only when employed. It may be said that, in fact, they are now for the most part permanently employed.
765. *By Mr. Parkes*: An extra tide-waiter examined before this Committee stated, that he had added up his pay for the year, and that it amounted only to about £110? I think that is very probable.
766. Which would shew that he had been unemployed for a considerable time? Of course the fixed tide-waiters get the preference on account of their receiving pay whether they are employed or not. I consider it desirable to keep them constantly employed, because they are a certain burden upon the revenue. I daresay some of the extra tide-waiters may get little more than £100, as a few days may elapse between their being taken off one ship and boarded on another.
767. *By the Chairman*: Are these the two bills of lading that were shewn to you? Yes, I think they are the same.
768. They are dated the 21st and 23rd April, I think? Yes, these are the same.
769. You see the third bill of lading there—a box of samples? I do not think this was with them; at least I have no recollection of having seen it before.
770. You see this is dated the 23rd? Yes; the 23rd was the date of the port clearance from Hong Kong.
771. That package was not included in the manifest, I believe? I do not recollect ever having seen this before. I am pretty sure there were only two pinned together when Captain Johnson exhibited them to me.
772. That is the package of bills of lading which was shewn to you? Yes; it is just as I said. The package is dated the 22nd, and one of the bills of lading is dated the 21st; the other the 23rd, which was the date of the port clearance.
773. *By Mr. Weekes*: Do you think, Mr. Duncan, that if a case similar in all respects to this had occurred in England that it would have led to the forfeiture of the goods? I have not the slightest doubt about it.
774. You are aware that under certain circumstances the captain is allowed to amend his report? Yes, and we do so here. Almost every day I allow reports to be amended.
775. Is it not usual sometimes to impose a small fine where the captain makes a misreport? We never inflict the fine here.
776. Do you know whether it is the practice at home? In England they do; and I believe my predecessor inflicted the same fine here, but not finding anything in our law about it, I did not think proper to take upon myself the responsibility of enforcing it. In England they do inflict a small fine.
777. But not in cases similar to this? I am positive that in a case of this magnitude they would not allow the opium to be entered for duty.
778. Do you find many cases of attempted smuggling by vessels arriving from China? I do not think there has been a single Hong Kong vessel here since I have been in charge where some attempt has not been made to smuggle opium. On board the last ship, which is in the harbor now, we made two different seizures.
779. *By the Chairman*: How much did you seize? I do not remember the exact quantity.
780. *By Mr. Morris*: Were they small quantities? Yes, small quantities.
781. *By Mr. Weekes*: Was it anything like fifty or sixty tins? Hardly so much the last one, I think, but I could not say positively.\*
782. *By the Chairman*: Something like the other parcel seized at this time—22 tins? Chiefly separate tins concealed by the Chinamen. In this case they had tins concealed behind some of the timbers in the hold of the vessel. The officer went on board to give them notice that all opium not delivered up and duty paid within a certain time would be seized. The time elapsed, and then a search was made, and the tins found concealed behind some of the timbers of the vessel. The officer, of course, brought them ashore.
783. Have any cases of opium been seized? I was going to say the next vessel, but at any rate another vessel, after the arrival of the “Kate Hooper,” I believe, “ran” five cases of opium.
784. *By Mr. Weekes*: Was that the “Golden State”? I think so, to the best of my recollection.
785. Do you remember whether there were some cases of opium duly reported, but that subsequently—the same day or within 24 hours—the captain requested permission to amend his

\* NOTE (by witness upon revision):—The two seizures were of 51 tins.

his manifest and insert five other cases, which were only entered as merchandise? I think it was the "Golden State." At any rate, I know there was a vessel in which five cases were duly reported as opium and five cases reported as merchandise; and the captain afterwards came up and requested permission to amend his manifest and report five other cases of opium, which I allowed. W.A. Duncan,  
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786. Did the "Golden State" go on to Melbourne or stop here? I think she became leaky here, and that her cargo was transhipped to another vessel.

787. Were there five cases transhipped from the "Golden State" to a vessel bound to Melbourne—five cases of opium? Yes.

788. Were those five cases landed at Melbourne? They were not. At least the cases were.

789. And not the opium? No; they were lauded as Chinese pictures in Melbourne.

790. Then, what were exported from here as five cases of opium were landed in Melbourne as five cases of Chinese pictures? Yes.

791. What do you gather from that fact? There was a good deal of correspondence about it, which ended in nothing; but my impression is, that either in the hold of the importing ship or the exporting ship the cases were unpacked and pictures substituted, and the opium brought ashore and smuggled here.

792. Must it not have been the case, that either here or at Melbourne the opium was smuggled? I have no doubt about it. I believe it was done here.

793. Do you know whether the five cases on board the "Golden State," as originally reported, were similarly marked to those seized on board the "Kate Hooper?" To the best of my recollection the five cases originally reported—

794. The five originally reported as opium? Yes, in the first instance were marked, as opium usually is, in large letters; and the other five for which he amended the manifest were marked something like the opium on board the "Kate Hooper."

795. *By the Chairman:* How does your impression arise? It was reported to me at the time, and I am pretty sure of it. I daresay some of the officers could explain it better; but I have no doubt about it.

796. Do you remember whether Mr. M'Koy reported to you that those five cases for which the captain was allowed subsequently to amend his report, were marked similarly to those on board the "Kate Hooper?" He did.

797. Did he also report that the five cases entered openly as opium were marked distinctly in large characters "Opium?" In large letters, as opium is usually marked.

798. As far as your experience goes, is opium imported legitimately into this market marked in the legible manner described? I think it is usually marked in a very legible manner.

799. In distinct, large, characters—"Opium"? In large characters, "Opium." I cannot positively say that there are no exceptions to that; but so far as it has come under my notice I think that this is the usual practice.

800. Do you know whether Mr. Tange was the purchaser of this forfeited opium? I think he purchased about half of it.

801. Are you aware whether any subsequent examination has been made of those cases? I asked Mr. Tange himself how the cases were marked, and he stated that they were all marked with these small letters. There was a piece of paper with large Chinese characters, and at the bottom of the Chinese characters were the words "Prepared Opium." His statement corresponds exactly with that of Mr. M'Koy and the coxswain of the boat, whom I examined on the subject.

802. Did the "Golden State" arrive here after the seizure of the opium on board the "Kate Hooper?" Yes.

803. Have you any reason to believe that it was from a knowledge of that fact that the captain applied for leave to report the five cases he had omitted to report? I have no doubt it was from having heard that sharp proceedings had been taken here in former cases. Of course I only speak from conjecture, but I have no doubt about it.

804. Will you look at that petition—who does that purport to be from?—What Chinamen? Lei Afoo, or something of that kind.

805. Does he state there that he forwarded or shipped any certain number of cases of opium, or that he directed the shipment of any certain number of cases of opium? Yes; "five boxes of such opium were, with other merchandise of petitioner, shipped by his said agents—Tong Sang."

806. Five boxes? Yes.

807. Five boxes of opium were shipped for Lei Afoo by Tong Sang—will you examine the bills of lading of the forfeited opium and state if you ascertain from them that five boxes of opium were shipped by Tong Sang? The number five would not appear to have been shipped by any one according to this bill of lading.

808. How are they shipped in the various bills of lading? Shipped by Lei Leong, 7 boxes of prepared opium; shipped by Tong Sang, 3 boxes of prepared opium.

809. Then the bills of lading do not support the statement of the petition of Lei Afoo, that five boxes of opium were shipped by Tong Sang on his account on board the "Kate Hooper?" Nor does the petition support the statement of the captain himself that the quantities were in seven and three boxes respectively.

810. Then, in point of fact, so far as the bills of lading say, five cases of opium were not shipped by Tong Sang in the "Kate Hooper?" Not according to the bills of lading, certainly.

811. What was it that led to the statement of the captain that the owner was on board—I think you made a remark just now to the effect that it was in reply to some statements? I rather think it was the seizing officer that first reported the fact about one of the passengers claiming the opium, and being in a very excited state—that he was almost disposed to jump overboard.



W.A. Duncan, Esq. overboard from vexation. When the captain called upon me I mentioned this to him, and he said—"Yes, the owner of a portion of it is on board."

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812. The owner of a portion? That the owner of a portion of it was on board; and then he mentioned the name of two Chinamen in Melbourne to whom it was consigned. It was afterwards claimed by Foxton, Jones, & Co.,—different persons altogether from the Chinese consignees that Captain Johnson mentioned to me. It was this circumstance of so many shippers and consignees that threw so much suspicion upon the matter in my own mind. It seemed that there ought not to be so many owners of the same goods in a fair, straightforward transaction.

813. Then, as you state that the captain said that the owner of a portion of the opium was on board, he could not have arrived at that conclusion from the fact of the great excitement of the Chinaman on the forfeiture being made? I do not think he said anything about the excitement of the Chinaman—I think it was Mr. M'Koy.

814. It might be natural for him to conclude that he had an interest in the opium, from seeing his great excitement, but that would not lead him to believe that he was owner of a part only? Well, I do not know how he came to the knowledge. If he ascertained it at all, he must have ascertained it from the man himself, I presume.

815. I made this allusion, because preceding witnesses have stated that it must have been from the excitement of the Chinaman that he was taken to be the owner of the opium on board. Now the captain states that he was the owner of a portion. This shews that a direct communication to the captain of the fact had been made by some one? It would seem to follow, certainly; but I do not know what communication he had with the captain; I only know that he said the Chinaman was the owner of a portion of the goods.

816. *By the Chairman:* But Mr. M'Koy told you, that he judged from the excitement of the Chinamen that he was the owner of some of the opium? I think Mr. M'Koy stated that he claimed to be the owner of the opium.

817. Of what opium? Of the opium, or a portion of the opium, seized.

818. Of a portion of the cases? At this distance of time I could not state positively; but I think I understood from Mr. M'Koy, in the first instance, that he was the owner of the whole of the opium; but from a conversation I had with the captain afterwards, it appeared that he claimed only a portion of it. Mr. M'Koy said the Chinaman was very much excited, and that he said the opium was his, and he thought he was going to jump overboard.

819. Was any claim made to you previous to the sale, on the part of the owners, or purporting to be on the part of the owners of the opium? No, the claim was entirely made on the part of the captain. No one else appeared until the thing was out of my hands altogether.

820. Then was there any communication made to you from Herring, Harpur, and Co.? I think not. I think it was all through Captain Johnson, but the correspondence would shew. There may have been some other communications afterwards, but I do not recollect any. I know I had three or four interviews with Captain Johnson on the subject, and several letters passed between us.

821. You have spoken of a great many owners appearing to claim this opium? Yes; there were Russell and Co., and Foxton, Jones, and Co., and the captain himself, and Lei Leong, and then several other Chinamen, whose names I cannot recollect.

822. But did Russell and Co. make any claim? They made no claim to me; but the captain made one of his grounds of claim the respectability of the shippers, Russell and Co., of Hong Kong.

823. Have you seen any bills of lading addressed with any other name than Lei Leong and Tong Sang? No.

824. Have you heard of any? There were two Melbourne Chinamen's names mentioned by Captain Johnson to me, as being the owners of the opium or the consignees. Then I was surprised when Foxton, Jones, and Co., turned up as being the pretended consignees.

825. But would you be surprised at Foxton, Jones, and Co., claiming on the part of a Chinese house in Melbourne? But they did not do so, I think. I recollect seeing a letter in one of the Sydney papers —.

826. I think you must be mistaken? I may be. I may have forgotten some of the circumstances.

827. But Foxton, Jones, and Co., seem, from the documents before us, to have claimed solely as the agents of Tong Sang, and never on their own account? The captain claimed them as his own property afterwards.

828. How do you expect a claim to be made by a Chinese house carrying on business in the Colonies—would you not expect it to be made through some European agents? Well, I should think they would make their claim through their solicitor, or through another mercantile house. But my recollection certainly is that Foxton, Jones, and Co., claimed on their own account, as consignees. A letter appeared in the *Sydney Morning Herald* from them on the subject. I have that impression on my mind, because I know I was very much surprised at the time.

829. Would you be surprised if the name of Lei Leong was that of one of the partners of the house carrying on business in Melbourne under the name of Tong Sang?—would you have any cause for surprise in that? Oh! certainly, he might be a partner in any firm.

830. Would you be surprised if a house of Chinese merchants, consisting of four members in Melbourne, managed certain of their business which required intercourse with such gentlemen as yourself—who do not seem to be perfectly conversant with the names even of Chinese—through a European house? I should want an interpreter if I had to do business with Chinese.

831. Would you be surprised if a Chinese house in Melbourne, carrying on business to a considerable extent, found it convenient to carry on their Custom House business and other business

business of that kind through a European agent? But my impression certainly is that they claimed it as being themselves the consignees. W.A. Duncan, Esq.

832. Foxton, Jones, & Co.? I have a strong impression of that kind; in whatever way it has got into my mind I do not know. However, I looked at all the general circumstances of the case, and I satisfied myself in the first place that the law had been broken. That was the chief thing for me. And taking all the circumstances together, it must have been intentional, I think. 4 May, 1860.

833. You have said that you believed that in England, in a case like this, the goods would have been forfeited just as they were here? I have no doubt of it.

834. Under what clause of the English Customs Act do you think this would have been done? The officers in England have the same power of seizure we have here. The only thing is this, that under the new English Customs Act they substitute a fine where proof is adduced that there was no intention to smuggle; but no such proof was adduced here.

835. But you say the English Customs officers have the same powers. That power is modified, I apprehend. The Custom House authorities do not proceed except in so far as they are authorized by the Acts of Parliament? The power to seize is derived from the Crown, regulated, of course, by Acts of Parliament. All difficult cases of that kind are referred, in the first instance to the Commissioners of Customs, and if there remains any doubt about any case it is referred to the Lords of the Treasury.

836. And there is an investigation? Always.

837. Something of a judicial character? One of the Commissioners of Customs sits, I think, twice a week, to hear all appeals from the Collectors of the different ports.

838. They take evidence, do they not? Yes.

839. And that is a matter of record? Yes.

840. It is not so here.—And if the Commissioners have any doubt about it, they refer it to the Lords of the Treasury? Yes.

841. Do you think they proceed according to the Customs Act? Yes.

842. Have you examined that Act to see under what clause a forfeiture would be created under similar circumstances in England to this forfeiture? \* By a regulation of the Board of Customs, issued subsequently to the passing of the Act to which you allude—which is dated 1853, I think—they will only allow goods which have been introduced contrary to law to be entered for duty when the duty does not exceed £20. I conclude from this that, in cases where the duties exceed £20, the goods are forfeited. (Board's Orders L, p. 119.)

843. These are goods which there has been an attempt to land, are they not? Well, seizures are generally made, in England, when goods are attempted to be landed. They require them to be reported there, as here, however.

844. Under penalty? Under penalty.

845. Not under pain of forfeiture? I feel perfectly satisfied, from reading the regulations of the Board of Customs, and Hamel's Customs Laws, which are the only interpretations of the Act I have to go by, that a large quantity of highly dutiable goods such as these would not be admitted to duty on such an explanation as that which was offered here.

846. But you cannot refer us to the clauses of the Act under which that could be done legally? I know that the new Act is somewhat different from the old law in that respect, and from our law. (*Vide Appendix A.*)

847. You have said that no fine could be imposed upon the captain in this case under our law, did you not, in the former part of your evidence? I think not. I think there is nothing to give power to the Collector to inflict fines here. My predecessor did it; but I do not think myself authorized to do it, and do not do it.

848. But is there not a clause in force here, which makes the neglect to report any goods, subject the captain to a fine of £100? But you have the trouble of summoning the captain to appear before a bench of magistrates, and the loss would be ten times more than the value of the fine. I never do bring a case before the court here.

849. But is not such an investigation in England equally troublesome? That is made by the Customs at once, without going before the court. Here we should have to go before the court.

850. Every sort of investigation will be troublesome? I should think it no trouble to hold such an investigation here as there; but, if you have to file an information, and attend a court for a whole day—yourself and your officers being taken from their duty, it would be impossible to do anything of the kind.

851. *By Mr. Samuel:* You are aware that there have been investigations after seizures, and, I think, you have taken evidence upon oath? Not in cases of seizure, I think.

852. Do you recollect a case in reference to two cases of wine, and two cases of brandy—Captain Ferguson? Yes.

853. In that case, I think, you took evidence? I may have done so. I am not sure.†

854. *By Mr. Weekes:* Are you aware whether in any of the British Possessions the neglect to report goods leads to their forfeiture? I believe in all of them.

855. And the practice you are now pursuing is one consonant with the practice in British Possessions? I am quite sure it exists in the American Colonies. I believe it exists in all the Colonies, and I think it ought to exist.

856. You are aware that such is stated in the Customs Act; that such is the law in the British Possessions,—in America at all events? Yes.

## APPENDIX

\* NOTE (*by witness upon revision*):—By section 209 of the Imperial Customs Act the goods were seizable.

† NOTE (*by witness upon revision*):—I find, on reference, that it was done, in this case, at Mr. Samuel's request.

W.A. Duncan.  
Esq.

## APPENDIX A.

But, I believe, the opium would have been seized and condemned under the 209th section of the English Act, and the interpretation put on it by the English Law Officers, and by its commentator Hamel, p. 210. (*Vide* Board's Orders I, p. 366, for Attorney and Solicitor General's opinion that "actual landing need not be proved.")

4 May, 1860.

## APPENDIX B.

By the Act 16 and 17 Vic., c. 107, s. 181, goods not reported are forfeited in the American Colonies. For Victoria, *Vide* the Act 21 Vic., No. 15, Sect. 42 and 145. For New Zealand, *Vide* the Act 21 and 22 Vic., No. 40, Sect. 42, 153, 157. The law of the United States, to which the "Kate Hooper" belonged, not only enacts forfeiture of goods not reported, but inflicts a penalty on the master equal to, and in some cases *thrice*, their value.—*Sawyer's U. S. Shipmaster's Guide*, pp. 38 and 39.

Mr. Henry Leau Appa called in and examined:—

Mr. Henry  
Leau Appa.

4 May, 1860.

857. *By the Chairman*: What is your business, Mr. Appa? I am keeping a store here.  
858. Were you here when the seizure of opium took place on board the ship "Kate Hooper" some months ago? Yes, Sir.  
859. Were you in Sydney then? Yes.  
860. Do you know any of the passengers on board that ship? Yes.  
861. Did you know a Chinaman named Hung Fow or any name like that? Yes, Hung Fow.  
862. *By Mr. Forster*: Is it a name, or does it only mean "merchant"? It is a name—a passenger's name.  
863. *By the Chairman*: Was he the owner of any opium aboard that ship, do you know? No; I heard say that the opium was going to Melbourne.  
864. But Hung Fow,—did not the opium on board that vessel belong to him? No.  
865. There was a small lot of opium, twenty-two tins, I think? That belonged to Lei Chung.  
866. The twenty-two tins? Twenty-one tins and a half; one belonged to one passenger for his own use.  
867. Which? Lei Chung and his six mates used one. I recollect he told me he brought one case from Hong Kong, and used nineteen and a half, and left twenty-one and a half going to Melbourne.  
868. Then Lei Chung had brought a case of opium from Hong Kong, and nineteen and a half tins had been used on board ship by the Chinese passengers? Yes; there were six passengers who brought the case for their own use and divided it.  
869. And they had used nineteen tins and a half, and had twenty-one and a half left? Yes.  
870. Which were seized? Yes.  
871. Did Hung Fow carry any bills of lading? Yes; he carried a bill of lading going to Melbourne for Tong Sang, I remember.  
872. What did he do with the bill of lading? He going to Melbourne for Tong Sang—give it to Tong Sang to pay the freight to captain.  
873. Did he send that in a letter or take it on himself? Hung Fow carry it for Tong Sang. Tong Sang at Hong Kong send bill of lading by Hung Fow, a passenger by the "Kate Hooper," to give that bill of lading to Tong Sang, in Melbourne—Tong Sang to pay the freight and get the opium.  
874. When the opium was seized, what did Hung Fow do then, do you know? Hung Fow, I think, sent the bill of lading to Melbourne.  
875. By the post? Yes.  
876. Where did Hung Fow go himself? In the same ship.  
877. Afterwards? Yes, afterwards.  
878. Where is he now, do you know? Hung Fow—I think he is going to China; I heard so.  
879. Was he connected, do you know, with Tong Sang in business? No, he has nothing to do with Tong Sang; he only brought some cargo by the same ship, I believe.  
880. Do you know any of the partners in Melbourne of the house of Tong Sang? Yes, I know them; I knew them at Melbourne before I came here.  
881. Who is Tong Sang? Tong Sang is the shop's name in Hong Kong. There is the Hong Kong Tong Sang and the Melbourne Tong Sang carrying on business—the same company.  
882. Tong Sang is not the name of one of the partners? No; that is the shop's name.  
883. The name of the firm? Yes. In China some put names for their different shops. Four or five Chinese carry on business and put up one name.  
884. Do you know Lei Leong? Yes. There are ten cases of opium; seven cases belong to Lei Leong and three belong to Tong Sang.  
885. Seven cases, you believe, belong to Lei Leong himself? Yes. I understand that one of the merchants came to Sydney a little while ago; his name is Lei Afoo, I think. There seven cases for Lei Leong: five cases belonged to Lei Afoo; two cases belong to Lei Afoo's cousin, going to Melbourne; and three cases belong to Tong Sang, going to Melbourne.  
886. Then, what do you suppose these seven cases consigned to Lei Leong were made up of? The seven cases —.  
887. Yes; you say that five cases belong to Lei Afoo? In China, Lei Afoo gave the money to Lei Leong to send to Tong Sang's care for Lei Leong.  
888. And five of these seven cases, you say, belonged to Lei Afoo,—at least he told you so? Yes.  
889. And two cases belonged to his cousin in Melbourne? No, to his cousin in China. They all sign Tong Sang House.

890. Is Lei Leong in Melbourne? Lei Leong—I stranger to him. I do not know whether he is in Melbourne or not.
891. You do not know whether he is a partner in the house of Tong Sang? I believe he has got some little share in Tong Sang, but I am not quite sure in my saying.
892. Did you see the opium that was seized? After it was sold I saw it in Mr. Tange's office.
893. You did not see it before it was sold? No, I never saw it before.
894. When you saw it was it marked? Yes, I saw a mark. At the top they had got a piece of white paper with some letters that he did pay the Custom House duty at Hongkong. He put that paper on before he took the opium from Hong Kong.
895. Was it marked in English? I went into Tange's office and saw this. I not very particular looked; I only looked at the China letter. I believe there was English letter too, but I am not quite sure. Then afterwards I translate one letter from Hong Kong, to Melbourne Tong Sang—a Chinese letter.
896. A Chinese letter? Yes; Mr. Wills brought it to me. It is a letter from the Hong Kong Tong Sang, sent to the Melbourne Tong Sang, by the English mail.
897. Is that the letter (*shown to witness*)? Yes.
898. That is the letter you translated? Yes.
899. This is a correct translation of the letter? Yes.
900. Dated 1859—that is not correct, I suppose? Yes, I think that is the same letter I translated.

Mr. Henry  
Leau Appa.

4 May, 1860.

Mr. Michael Flinn called in and examined:—

901. *By the Chairman*: Were you coxswain of Mr. M'Koy's boat at the time of the seizure of the opium on board the "Kate Hooper"? Yes.
902. You saw the boxes of opium which were seized? Yes.
903. Did you examine the ten cases carefully? Yes.
904. And how were they marked? There was no mark on them at all with the exception of T and CC—at least I could not describe—there was nothing to indicate the boxes containing opium.
905. Not on any of the boxes? There was one—written in small letters on one corner—"Prepared Opium"—very small indeed.
906. How large? It might be as large as "New South Wales," (*at the head of petition*) and it might be smaller; it was not larger.
907. And that was only upon one box? Only upon one box.
908. There was no mark on any of the other boxes indicating that they contained opium? There were some Chinese characters, which of course I cannot understand. There was no mark in English indicating that it was opium, but on one box out of the ten.
909. And the letters on that were not larger than those? ["NEW SOUTH WALES"]. They are not larger than those, I could swear.
910. I suppose you did not get any share of these forfeitures? I was entitled to nothing at all. There had been an alteration. All the boats had been turned over under the supervision of the harbor master; therefore I was entitled to nothing. Previously I was.
911. Did you get anything at all? Mr. M'Koy gave me something, but that was a private affair; he need not have given me anything except he chose.
912. *By Mr. Weekes*: Were the marks on the box itself or on the label? Under the label.
913. On paper or on wood? I could not say to that, Sir, but with the Chinese characters on the corner it was about three inches each way, and that would appear in each case as though it had been attempted to be torn off.
914. There was a label on each case—a label marked with Chinese characters? Yes.
915. And was the bottom part of that label torn off in several of the cases or all of them? On most of the cases the Chinese papers had been torn off.
916. The labels had been torn off? It appears as though it had been attempted to remove them from the cases.
917. And you are quite sure that on each of those cases there was no distinct mark—"Opium"? There was nothing to indicate that the cases contained opium.
918. *By the Chairman*: No mark at all?—I think you said—? I beg pardon, there was a mark T or CC, but nothing to indicate that the cases contained opium.
919. *By Mr. Weekes*: Did you make that observation on the cases at the time of seizure, or at a subsequent time, or both? Well, at the time Mr. M'Koy went into the cabin I was walking on the poop. (As coxswain, wherever the tide-surveyor goes I am supposed to go also.) He comes to me and says, "Flinn, I think there is some opium in the cabin." I went into the cabin, and the moment I saw the cases I said—"That is the description of a case that usually contains opium"—and I said, "I believe that case does contain opium."
920. You said that was the usual description of case that contained opium? Yes.
921. But you saw nothing to indicate that but your own knowledge of the cases? It was the usual description of case I have seen in my experience in the Customs used as opium cases.
922. After the seizure and landing of the opium were you directed to inspect the boxes with a view of seeing what marks were upon them? A day or two afterwards Mr. M'Koy called me into the Queen's Warehouse to see the cases. He also called the boatman.
923. Who was the boatman? William Mackellar.
924. Did you make an examination on that occasion? Yes.
925. Of all the boxes? Of all the boxes. They were piled up one on top of another.
926. And you took them off? I took them off myself.

- Mr. M. Flinn. 927. And you examined each one? One I did not see myself. Mr. McKoy said there is "Prepared Opium" on one of the boxes—which I have referred to.
- 4 May, 1860. 928. That is one you referred to previously? Yes.
929. Beyond that there was nothing to indicate that the cases contained opium? No.
930. Not the word "Opium" in small or large characters? With the exception of this one. When the Chinese affair was torn off you could see the mark in small letters—"Prepared Opium"—very small, Sir, indeed.
931. *By Mr. Forster*: That was an accidental discovery, was it not? Quite so, to my knowledge.
932. There was nothing at all that would lead you to suppose the information would have been given to Mr. McKoy if he had not found it out himself? Not to my knowledge. I was simply ordered to get the boat in readiness, and I did so, and proceeded to the "Kate Hooper" as she was lying between Garden Island and Bradley's Head.
933. And what was the impression produced on you by the conduct of the officers of the vessel when the discovery was made—did they seem astonished? No; but the captain seemed astounded at Mr. McKoy telling him it was not on the manifest.
934. Did the captain appear to be informed for the first time of the opium being on board? I could not say that. Mr. McKoy pulled the papers out of his pocket and said, "There is no mention of opium on your manifest, and I must seize it."
935. Was it concealed? It was in the side cabin.
936. Was it covered? There were a quantity of cases containing wearing apparel. When Mr. McKoy saw the case he called to me.
937. *By the Chairman*: It was on the cabin table when you went down, was it not? No.
938. It was not in the main cabin? In a side cabin on the port side.
939. Neither on the table nor on the floor? No; there was a waterman on board.
940. It was in the side cabin? In the side cabin.
941. And not in the main cabin? Not to my knowledge.
942. Not on the floor? No.
943. *By Mr. Morris*: Two cases? No; I did not see it.
944. *By Mr. Forster*: Was there none on the deck at the time, or in any other part of the ship? The ship had not a poop, but a raised deck.
945. *By the Chairman*: When Mr. McKoy took you down, he took you straightway into the side cabin? Into the side cabin.
946. *By Mr. Forster*: And there you saw the opium? Yes; it was placed underneath a case of Chinese wearing apparel.
947. *By the Chairman*: Did you see any pictures? Yes. A waterman was on board, to remove those pictures. I believe they were to go to Melbourne.
948. If Mr. McKoy told us that a certain portion of this opium was on the cabin table when he first saw it, would not that surprise you? When Mr. McKoy discovered the opium on board he said,—“Flinn, I believe there is opium on board”; and I said,—“I believe that case is opium.”
949. You came into the side cabin? Yes. I said,—“I believe, Sir, that case contains opium.” He says,—“Why?” I said,—“From my experience, I believe it does contain opium.”
950. Where was the case of pictures? In the same cabin.
951. It had not been moved? No; it had been —
952. The box of pictures? Yes.
953. It still was in that cabin? It was still in the cabin—no, it was removed out of the side cabin into the saloon.
954. Were you not aware that a portion of this opium was removed, in order to get at the pictures? I could not say to that.
955. That it was brought out of the side cabin for that purpose, and put on the table of the cabin? I did not see it removed from the side cabin to the saloon.
956. But there were, when you went down, no cases of opium in the principle cabin? None, to my knowledge.
957. *By Mr. Forster*: Then you saw the opium before it was removed? Yes.
958. *By the Chairman*: Before it had been removed at all? Yes.
959. *By Mr. Samuel*: You said that the captain appeared to be astounded that the opium was not in the manifest? Yes.
960. Do you know in what way he expressed his astonishment? Yes. He first said,—“It belongs to some Chinamen on board.” It was about—I could not say the time; I had no watch. In about a quarter of an hour afterwards he said,—“I do not wish to smuggle; but it is the property of some Chinamen in Melbourne.” That was counteracting his previous statement.
961. *By Mr. Weekes*: Then at the time of the seizure the captain said it was the property of a Chinaman on board? At the time of the seizure; and a quarter of an hour afterwards he said it belonged to some Chinese in Melbourne.
962. *By Mr. Samuel*: Did he produce the bills of lading then? He did; but previous to making that statement he had produced the bills of lading. Mr. McKoy said, “Well, Sir, I have to seize this because it is not in your manifest.”
963. He immediately produced his bills of lading? Mr. McKoy remarked that his bills of lading were of no use to him; it was not on his manifest, and he would have to abide by the rules and seize the opium.



TUESDAY, 8 MAY, 1860.

Present:—

MR. WEEKES,  
MR. PARKES,MR. MORRIS,  
MR. SAMUEL.

JOHN HAY, ESQ., IN THE CHAIR.

Mr. A. Tange called in and examined:—

964. *By the Chairman:* What are you Mr. Tange? I am a merchant.

965. Residing in Sydney? Yes.

966. Did you purchase some of the opium sold after the seizure from the "Kate Hooper?" 8 May, 1860. Mr. A. Tange.

I bought a lot of five cases.

967. Did you see the whole of the cases sold? Yes, but did not look at every case.

968. With regard to the five cases you bought, did you examine them afterwards to see how they were marked? Yes, and to the best of my belief there was the merchant's mark on the top of one case, ST or TS, and on the other four TT. There was a label printed in red, black, and white, about six inches square; and I believe it is a similar label to those upon the cases of opium I imported myself; as it states that the fee has been paid in Hong Kong, and that the article is prepared opium. It is a nearly square label, with Chinese characters in the body of it, and at the bottom, in English letters, it states that the fee upon the prepared opium, amounting to 600 taels, has been paid. Labels similar to these seemed to have been torn or rubbed off one of the cases. I saw them on some of the cases. (*Vide Appendix A.*)

969. The labels were upon some of the cases, and might have been upon all? Yes.

970. Of what size do you think the label was—how many inches square? About six inches or eight inches.

971. Is this (*a copy*) about the size? They were rather larger than that.972. Do you see these letters (*on a piece of a torn label*)? Yes; part of the words "Prepared Opium" are still there. The portion of a label in question was torn from a case of opium belonging to me, now in Moore's bonded warehouse. It is not a portion of the opium that I bought out of the "Kate Hooper."

973. That seems to be part of a label, of which the rest has been torn off? Yes, and it is the same sort of a label as that upon the opium cases I import. It states that it is prepared opium, and that the fee of 600 taels has been paid.

974. The words "Prepared Opium" were, as far as you can remember, in letters about that size? Just the same; I think there is no difference whatever.

975. What house was that opium prepared by? By a very respectable merchant at Hong Kong, from whom I sometimes receive goods; his name is Wo Hang. I do not mean that Wo Hang prepared the opium, but that he was a large shipper of prepared opium, and I have had consignments of opium from him. I understand he is to be the great loser by this seizure of opium.

976. You had a good bargain with that opium? I am satisfied with that bargain; but some of it I sold to those who obtained more than I did by it. It was not sold at the extreme rate stated by Mr. Campbell.

977. What was the value of the opium? At that time it was about twenty-five per cent. above the price we gave; it afterwards rose, having become scarce, and the bargain was considered better on that account.

978. But irrespective of the rise in the price of opium, it was sold at twenty-five per cent. below the real value? Yes. After the price rose to the extreme point it would have been seventy-five per cent.

979. *By Mr. Weekes:* Was there any other mark on the cases than that I have described as being in small pica capitals—appearing to be portion of the words "Prepared Opium"? I believe not; I did not observe anything of the sort.980. *By the Chairman:* Nothing painted on the case? Not on these cases. I have seen it on some cases, but not on these.981. *By Mr. Weekes:* You have had your attention called to it by Mr. McKoy wishing to ascertain the kind of mark upon the cases? Yes; last week I was called up before the Collector.

982. Shortly after the purchase? I believe the cases were sent to Melbourne at that time.

983. You believe that the Chinaman you mention, Wo Hang, was a great loser by the transaction? I have heard so from the captain of a ship recently arrived from Hong Kong, the "Francis P. Sage." He said Wo Hang was a vast loser by the seizure of opium on board the "Kate Hooper."

984. *By the Chairman:* Did Mr. McKoy apply to you shortly after the sale? I think it was he who came to my office a short time after I made the purchase.

985. That was shortly after the sale? Yes, it was a long time ago since he spoke to me. Mr. McKoy applied to me (as I have said in answer to a previous question) last week, to see the Collector—I believe that he was also the person who spoke to me shortly after the sale.

986. Did you tell him the same as you have told the Committee? I do not remember the conversation.

987. *By Mr. Weekes:* Is it within your recollection of his calling upon you that you said you did not observe the words upon the cases until he pointed them out? I do not know that.988. *By the Chairman:* Mr. McKoy was not the first person who drew your attention to the marks on the cases? I looked at the cases before they went to Melbourne. I heard something in town about them, and I looked at them well.

- Mr. A. Tange. 989. On the similar kind of boxes you have yourself imported from this house of Wo Hang there are similar labels? I have not yet seen those on board the ship, as she only came in to-day; but I am pretty certain they will have the same label upon them, that is to say, it will state it to be prepared opium, upon which the fee has been paid. (*Vide Appendix A.*)
- 8 May, 1860. 990. Do you deal much in opium? Yes, I have imported a good deal myself; I have about £4,000 worth in this vessel which has just arrived.
991. You are aware that a fee is paid for the export of opium? By this label I should think so.
992. *By Mr. Weekes:* When you say a fee is paid for the export of opium, you mean that it is paid to the Chinese Government? Yes; it has to be paid to the Mandarins I believe.

## APPENDIX A.

NOTE (Answer 968):—

I did not mean to be understood that any of the cases had the appearance of having had a label rubbed or torn off.

Perhaps from the fact of my not expressing myself so fluently and correctly as an Englishman, taken in connection with the fact that more than one of the Committee addressed me at one time, I may in this or other instances during my examination have expressed myself somewhat confusedly.

NOTE (Answer 989):—

The cases of opium as the "Francis P. Sage" (alluded to), I have since seen, and find a portion of them marked in large letters on the top, "Prepared Opium," &c.; another portion I have not examined. I shall be happy to shew the entire shipment to the Committee, or any Member of it.

A. TANGE.

Mr John Black called in and examined:—

- Mr. J. Black. 993. *By the Chairman:* You are a Custom House Agent, I believe, Mr. Black? A Custom House and Commission Agent.
- 8 May, 1860. 994. Did you buy some opium seized by the Customs authorities on board the "Kate Hooper"? I purchased five cases. The document I now shew you is the debit note of the purchase, signed by Mr. Spence, the Customs auctioneer. The brands are one TS, and four TT.
995. Had these cases any other marks upon them besides these merchant marks? These cases, I believe, were marked "Prepared Opium."
996. Do you know how or in what shape that mark was upon them? The letters, I think, were about an inch long, and either painted or printed upon paper in the usual way, or by stamping the mark.
997. You are not sure which? I am not.
998. Were they all marked in the same way? I only saw a few of the cases that were sold, they were ordered to be removed to another warehouse.
999. Could these letters be anything else than "Prepared Opium"? They could be nothing else.
1000. What became of the opium you purchased? We sent it up the country.
1001. In the cases? I believe part of it was taken out and repacked by the Chinaman to whom we sold it.
1002. You do not know what became of the cases? I do not.
1003. None of them are in your possession? No; the party to whom we sold might have the cases in his possession.
1004. Did you notice any labels on the boxes? No; I do not recollect any labels being upon them; but to the best of my belief the words "Prepared Opium" were in pretty large letters.
1005. Much larger than these on the paper I now hand to you? Much larger than those.
1006. *By Mr. Weekes:* Was your attention particularly drawn to the marks? My attention was only drawn to the marks as a purchaser; and besides being on the cases I purchased, I saw the same marks on others. There were only a few cases on which the marks could be seen, these were in front, the rest at the back, as the cases were put upon each other; and on the day of the sale, a good deal of room was occupied by the other seized goods in the bond.
1007. Then it was with a view to ascertain the mark that you closely examined some of the cases, and observed upon them the words "Prepared Opium"? The Custom House auctioneer exhibited some tins from one case, and this case was hid by the number of people bidding; but my clerk informed himself that it was taken out of one of these cases, and I then took no further interest in it but as a purchaser. My clerk saw more of the opium than I did.
1008. *By the Chairman:* Do you know whether he took any notice of the marks on the cases? I asked him yesterday if he did; and he said he had, like myself, seen the mark, but could not speak more positively of it than I could.
1009. *By Mr. Weekes:* Was it marked on the side "Prepared Opium"? Yes.
1010. You did not see the lid? It is my belief that it was on the side of that we purchased, which was branded Cum Keong Sang.
1011. The mark which you say was about an inch long was on the side, as the top was not to be seen? The top could not be seen.
1012. *By the Chairman:* And something like these words on on this label, "Loy Yuen"? That is not the same brand, but the letters were in about the same size.

Mr.

Mr. Mackellar called in and examined:—

Mr. Mackellar.

8 May, 1860.

1013. *By the Chairman*: You are one of the Custom House boatmen? Yes, Sir.  
 1014. Do you recollect the seizure of opium on board the "Kate Hooper"? I do.  
 1015. Do you recollect the appearance of the cases of opium which were seized? I believe they were about 18 inches long and about 15 inches broad.  
 1016. Did you take notice of the particular marks upon them? I took notice of a T in diamond, with a T under it or over it, I am not sure which, on the side of the cases. There was a little strip of white paper with printing upon it, about six inches square, with some Chinese characters upon it, and some words hardly so large as pica capitals.  
 1017. Those letters in capitals were nothing but the words "Prepared Opium"? Nothing else.  
 1018. Were the Chinese figures upon the same paper? Yes; upon the lid.  
 1019. There was a small strip of paper on the side? Yes.  
 1020. Not upon all the cases? No. Mr. Hall, when giving up searching the cases, called out he found one. That was only on one case.  
 1021. Were there any Chinese characters upon the paper? I could not say that; but to the best of my knowledge there were.  
 1022. On the same piece of paper on which there were the words "Prepared Opium"? The words "Prepared Opium" were on a different piece of paper at the corner.  
 1023. Were any of these pieces of paper torn? Where the English words were they were much torn, not where the Chinese characters were.  
 1024. On this strip of paper? Yes; so that this one only could be made out.  
 1025. Did you see any symptoms of its being torn off other cases? There were symptoms of its being rubbed or chafed off by the working of the ship when stored away with other cases upon them.  
 1026. Did you examine the cases? As they came into the boat from the ship I did so as well as I could.  
 1027. You saw the cases then, and by the top took them to be opium cases: was there any label upon them like the one you now see? Not to my knowledge; I did not see it.  
 1028. You examined them particularly? Yes; and I am sure there was no such label as that upon them, for I examined them in the Queen's warehouse.  
 1029. *By Mr. Weekes*: Were there any words other than the words "Prepared Opium" upon the strip of paper you speak of? No; none.  
 1030. *By the Chairman*: It could not be a label like this upon which the words were? No; a small strip.  
 1031. Was the print as large as that on this label, or the letters as large? No, I do not think they were.  
 1032. Might it not have been that label pasted partly on the top and partly on the side? It was not; the English print was on the side, and the Chinese letters on the top.  
 1033. *By Mr. Morris*: Were the Chinese characters on paper? I think so, but I will not say for certainty. They were smaller letters than either of these.  
 1034. *By Mr. Weekes*: Were the words "Prepared Opium," which you say you saw, as large as that you see there? No; not so large.  
 1035. *By the Chairman*: You are certain the words "Prepared Opium" were not on the paper on the top? I am.  
 1036. There were nothing but Chinese characters there? Nothing but Chinese characters and black English letters, "This side up."  
 1037. Are you entitled to any share in the proceeds of this seizure of opium? Well, I believe, in the way it is laid out in the Colony, I am not; but at Home, when among the crews in the channel, I have had shares of seizures. Mr. McKoy made us a present of a little, but I believe we were not entitled to it.  
 1038. But by Mr. McKoy's goodwill? He made a present of a £10 note to each of the men.  
 1039. *By Mr. Parkes*: How much did Mr. McKoy get, did you hear? I do not know.

Mr. A. Tange recalled, and further examined:—

1040. *By the Chairman*: Is the label on the case you see there like the label on the cases Mr. A. Tange. you purchased? I believe that is the same label, and you will find it on all opium cases.  
 1041. You observed that on the cases? I believe that was just the label on the cases of 8 May, 1860. opium I purchased.  
 1042. These labels generally have the same signature, "Tien Yuen, opium farmer" upon them? Yes.  
 1043. Some are marked with black letters? Yes, and there is a stamp on the tins.  
 1044. When the cases are marked with these black letters, are they marked in the middle, or in the corner? Sometimes in the middle, and sometimes on one side.  
 1045. *By Mr. Weekes*: Is it customary to mark cases of opium on the front, instead of on the lid? The shipper will sometimes do so, to shew on looking at the cases that they contain opium, and make the mark in large black letters; but whether it is customary to do so, I cannot tell.  
 1046. *By the Chairman*: Opium is sometimes so marked, but not always? No; I have three cases in my store now, which are not so marked.

Mr.



Mr. Hall called in and examined:—

- Mr. Hall. 1047. *By the Chairman*: You are one of the Customs boatmen? I was in the Customs boat, but I left it some time ago to go to the Snowy River Diggings.
- 8 May, 1860. 1048. You remember the seizure of opium from the "Kate Hooper"? Yes.
1049. You were one of the boatmen in Mr. M'Koy's boat? Yes.
1050. What do you recollect of the seizure? I recollect taking the opium on shore to the warehouse, and pointing out some small print to Mr. M'Koy; it was the words "Prepared Opium."
1051. Was it not upon all the cases? I do not know whether it was upon all of them; I saw it upon several cases. I did not think Mr. M'Koy had seen it, and I called him back to shew him the letters.
1052. Then it might have been upon all the cases for aught that you know? Yes.
1053. Do you see the words "Prepared Opium" there? Yes. That is about the size of the letters, and the Chinese figures were similar.
1054. Was it upon paper like that? Yes.
1055. Was it upon the lid of the box? I think it was upon the corner of the box.
1056. Was the whole label on the side of the box, or was one part turned over the edge? Part of it was turned over the edge or corner.
1057. Were the Chinese characters upon the side or upon the top? I think they were upon the top.
1058. Your impression is that the label was turned over the edge at the corner, with the lower portion on the side and the upper portion on the top? Yes.
1059. You saw that on several boxes, and it might have been on all? Yes; they did not all come through my hands.
1060. Did you see any other marks on the boxes besides TT and TS—such as "Prepared Opium," in large letters? None.
1061. Were you down in the cabin moving the opium? Yes.
1062. Where was the opium when you first saw it? In one of the state-rooms.
1063. All of it? Yes; there were some boxes on the top of it which we had also to move.
1064. Were there not some boxes in the cabin under the table when you first saw it? Not that I saw. There were some boxes of clothing on the top of the cases, which were moved off the top of those in the state-room.
1065. Who moved them? The other men; I was the last man that went to help.
1066. *By Mr. Morris*: Were all the English words on this label on the cases that you examined; that is, besides the words "Prepared Opium"? Well, I do not recollect whether they were or not, I only looked to the words "Prepared Opium," which I pointed out to Mr. M'Koy.
1067. These other words might have been there though you did not notice them? Yes.
1068. *By Mr. Weekes*: Until you found out these small letters in the words "Prepared Opium," it was your impression that it was not marked at all as opium? Yes.
1069. And that was your reason for calling Mr. M'Koy's attention to it? Yes.
1070. Are you prepared to say the cases were not marked with letters an inch in length with the words "Prepared Opium"? I do not remember seeing any mark in large letters.
1071. Did you examine the cases to see the marks? Yes.
1072. *By Mr. Morris*: Every case particularly? Not particularly.
1073. *By Mr. Samuel*: Did you not know then that they contained opium? We knew that before taking them on shore.
1074. What reason then had you for pointing out these marks? Because I did not think Mr. M'Koy saw them.
1075. *By Mr. Parkes*: Did you open the case? No.
1076. You knew their contents? Yes, of the boxes.
1077. Did you see the seizure? Yes.
1078. Is it usual to ascertain the contents of packages before seizure? I believe it is.
1079. Did you ever see goods seized on the mere appearance of the packages? No; I think I never did.
1080. Were you in the Customs service at Home? No.
1081. Did you profit by this seizure? Yes.
1082. To what extent? £10.
1083. Who gave you that? Mr. M'Koy.
1084. Did you receive it as a portion to which you were entitled or as a gratuity? I consider it as my portion.
1085. *By Mr. Samuel*: Did you consider yourself entitled to a portion of the seizure? I did consider so.
1086. *By Mr. Weekes*: Did you ascertain from any source what was the fair proportion to which you were entitled by law? No.
1087. You took it for granted this was right? Yes.
1088. *By the Chairman*: Do you know now to what you were entitled? No. I have been since told that I was not entitled to it, but from experience do not credit that.
1089. *By Mr. Parkes*: You say you were present when the packages were taken from the ship—were none of them opened? I believe not. We found about twenty-five tins in the cabin—that was opened.
1090. In another part of the ship? Yes.
1091. The boxes taken out of the cabin were not opened? No.
1092. They were seized merely upon the word of the officer on the ship? Yes.
1093. *By the Chairman*: You were not present, I think you say, when the seizure was made? I was the last man called up out of the boat; and when Mr. M'Koy found opium in the state-room, he called me up to move the things.

1094. Were you not aware that some of the boxes were removed from the state-room before Mr. M'Koy saw it at all? No.
1095. *By Mr. Parkes*: You came up as soon as the other men? Very nearly.
1096. *By Mr. Samuel*: Were you there when Mr. M'Koy first spoke to the captain about the seizure? No.
1097. How did you know they were opium cases? I have handled opium boxes in India and other parts, and can easily tell them.
1098. *By Mr. Weekes*: Are there not similar cases containing ginger, preserves, and other articles? Yes.
1099. *By the Chairman*: How could you tell these were opium cases then? By the weight.
1100. *By Mr. Samuel*: You did not handle them before you were satisfied that they were opium cases? No, Sir.
1101. Was it from the appearance, or the weight, that you came to the conclusion that the cases contained opium? Well, I handled several after Mr. M'Koy said they were opium, and I considered, from their weight, that there was opium in them.
1102. When they were first seized, were you quite clearly of opinion that they contained opium? Yes.
1103. From their appearance, or from handling them? From their appearance.
1104. *By the Chairman*: You first saw the marks when the cases were deposited in the Queen's warehouses, and then saw the label on them? Yes.
1105. You could not then have looked particularly for any mark, or you must have seen it. You could not have examined the boxes carefully without seeing a mark like that. Did you examine them, with a view to see if they were marked, before they went into the Queen's warehouses? No; but they are generally marked in large letters with the word "Opium."
1106. Were the boxes deposited one upon the other? Yes.
1107. Might there then not have been a mark in letters an inch long without your seeing it? When they were coming out of the ship we looked particularly for large letters, and they then went into the warehouse.
1108. Is a label quite as noticeable as a word in large letters? No.
1109. Would you overlook a label like that? Well, many kinds of boxes have a lot of Chinese figures on them.
1110. *By Mr. Parkes*: Did you board any other vessels having Chinese passengers? Yes.
1111. To look after opium? Yes.
1112. Did you find any? Yes, we took some before I left the boat. Mr. King brought it out of the ship; it must have been nearly a hundred weight.
1113. *By Mr. Samuel*: Do you recollect what remark Mr. M'Koy made about the words "Prepared Opium" being upon the cases? No; I know that he looked at the boxes.
1114. *By Mr. Parkes*: How long were you in the Customs, Mr. Hall? Altogether about two years and a-half in the boats; not in the Custom House boat particularly.
1115. Did you ever take any part in any seizure except this? No.
1116. *By Mr. Weekes*: Did you claim your share? No.
1117. *By Mr. Parkes*: Who gave it you? Mr. M'Koy.
1118. Did he tell you to keep a sharp look-out in future? Yes.
1119. *By Mr. Morris*: Did you get a share in any other seizure—or do you usually get a share? I was not concerned in the gold seizure; but it was given, but not to me, although not generally expected.

Mr. Hall.

8 May, 1860.

FRIDAY, 18 MAY, 1860.

Present:—

MR. FORSTER,  
MR. HAY,  
MR. PARKES,

MR. SAMUEL,  
MR. WEEKES,  
MR. WISDOM.

JOHN HAY, ESQ., IN THE CHAIR.

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

1120. *By the Chairman*: You have requested to be examined with reference to the subject of this inquiry? I have some desire of being examined, because it is really a luxury to be able fully to support the Government in a case where they have been called to account.
1121. What information can you give us with regard to this matter? I think the information is upon the general practice and the law of the case, which appears to me to be of more importance to the Legislature than the simple facts which have been brought before the Committee.
1122. Then we may clear the way, I think, by ascertaining whether you can give us any information of your own knowledge with regard to the particular case which has been referred to the Committee? You mean the facts of the case?—I cannot.
1123. You are not cognisant of them? No; I know nothing whatever of them except what I have gathered from public report, and from hearing the evidence of witnesses before this Committee.
1124. Perhaps you will state, in your own words, what you know of the general Customs laws,

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laws, in so far as they support the decision of Government in this case? The great object of the Customs laws is, as the Committee are aware, not only to protect the revenue, but also to protect the fair trader, and for that purpose, one of the most important of the Customs laws is, that any vessel, arriving from any part of the world in any part of the British Dominions, should have a full and true account of all her cargo which she takes in; because she is not only liable in the port where she arrives, but she is liable to be searched as soon as she comes in British waters, which are three leagues from the coast; and if the account is not a true one, it cannot be ascertained whether she is light—which expression I suppose the Committee understands—which means, she has parted with some of her goods before arriving at the port of destination. This forms part of the Customs laws.

1125. Then that would be an account made up at the port of departure, and which she carried with her from the port of departure, otherwise it could not be of any use for the purpose you mention? Yes, exactly so; and I have heard in this Committee, witnesses—both mercantile and other—who have given you information, that in British free ports, there being no Custom House, this cannot be obtained. This is an absolute fallacy. It is erroneous information; because, where there is no Custom House in a free port, the Governor is supposed to execute these duties, for which purposes he appoints a public officer, generally designated a port officer.

1126. Do you know, in point of fact, whether that is the practice at Hong Kong? It is, certainly.

1127. You have heard the evidence of merchants trading with Hong Kong, and they have made the statement, that the fact is entirely to the contrary of that? I have heard it. I was present, and I was very much astonished that such answers should be given. That is one of the reasons why I rather wished to be examined.

1128. What is your knowledge of the practice relative to clearing at Hong Kong? There is a port officer, who will certify the clearing and the manifest. The difference is this,—where there is a Custom House established, the Custom House will not allow a ship to depart without a clearance; but in a free port, like Hong Kong, a ship may go without a clearing or manifest. The port officer has no power to detain a ship, or prevent its departure, but is there to certify if she goes to a British port. It is knowledge that is imparted to every British captain, and it must also be known to any foreign captain who avails himself of the new Navigation Laws, which allows him to trade intercolonially, that he must do so.

1129. You say "he must do so"—he must not do so? He must do so.

1130. He must obtain his clearance? He must obtain the signature of the port officer for that purpose.

1131. Under what penalty? No penalty.

1132. Why then do you say "he must do so"? Because at the port of arrival—

1133. Is he subject to any penalty for not obtaining that clearance? I do not know that there is any penalty.

1134. Why do you say he must do so? He may be subject to great difficulties if he does not. In this case, the matter would have been very simple if he had had his manifest certified by the port officer; he could not plead afterwards that it was after his departure, because his clearance would have been the last thing, he would have had his opium put on his manifest. But I was going on to state that the Navigation and Customs Laws, with respect to having a full and true account of the cargo, are so stringent, that even in those foreign parts where there is no diplomatic agent, the captain of a vessel departing from such a port must have his clearance, or at least his manifest, certified by a British merchant resident. The law requires from every vessel trading to British ports that she shall have some account by which it can be traced whether she has all the goods on board that she has taken in.

1135. That does not seem to apply in the present case, because the forfeiture here was on account, not of the absence of clearance at Hong Kong, but on account of the imperfect manifest delivered here. However perfect that manifest had been as to the goods on board, it could not have had any effect in enabling the officers to detect whether the ship had been lightened before she arrived in these waters? It is quite natural that this question should have arisen, in consequence of what I mentioned to you, if you refer to the law upon the subject, which I believe has been differently construed—it says the ship is to report, and the goods shall be forfeited, unless it can be shewn to the satisfaction of the Collector, or the Chief of the Customs, that it is only a mistake;—now, if the vessel had arrived with a manifest on board, upon which this opium was placed, but it had been merely omitted in the report, that would have been one of the few excuses which would have justified the Collector in passing it.

1136. Do you not think that would have made it more suspicious if it had been in his clearance and not in his manifest? There is no clearance—if it had been in his manifest.

1137. You say there ought to be a clearance? No doubt; the manifest is merely certified by the port officer.

1138. Supposing it might have been in one or the other, but that it had been omitted from the report here, would not that be rather a suspicious circumstance? On the contrary that would have been an extenuating circumstance.

1139. How so? I do not know whether you have the Customs laws here.

1140. By what laws are these matters regulated here? By British law.

1141. Do you not know the Colonial Customs Act under which the regulations are framed? I was not aware of that, and I do not think there was the power of passing such an Act.

1142. Do you not know the Customs regulations in force in this port? Yes.

1143. Do you know whether they refer to a Colonial Act? They possibly may, but the Act is only an adopting Act, with some alterations.

1144.

1144. It is a very elaborate Act to which those regulations now in force refer, and which is different in many respects from the English law? Mr. Weekes, you have it there,—is it not an adopting Act?

*Mr. Weekes:* No.

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1145. *By the Chairman:* Do you know, in point of fact, that the Act at present in force in this Colony was based upon the Act formerly in force in Great Britain? Yes.

1146. That is to say you suppose it was, but you were not aware that the Customs here were regulated by a particular Colonial Act? I never conceived it possible they could be; because the Customs themselves were under British authority. This Colony, before the Constitution Act, could have had no power to alter the Customs Act.

1147. It is an elaborate Act, 9th Victoria, No. 15, by which these matters have been regulated ever since its passing;—it was passed in the time of Sir George Gipps? I think you will find it refers to the Imperial Act; I know there must be an Act to adopt and adapt.

1148. This is not an Act adopting and adapting, however far it adopts—it is an independent piece of legislation? I do not know whether I heard in this Committee the Imperial Act quoted, wherein it says that the goods shall be forfeited unless it can be proved to the satisfaction of the Collector that no fraud was intended, or something to that effect. Have you got that clause?

*Mr. Weekes:* That is from the English Act of the 16th and 17th Victoria. I only brought that forward to shew that in some cases they adopted the same course in England that under our local Act the Customs have taken in that matter.

1149. *By the Chairman:* Is this the clause—the 164th clause, 16 and 17 Victoria, cap. 107—in which, with reference to any ship arriving in any of the British Possessions in America, or the Channel Islands, it is provided, that "If any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of £50, and if any goods be not reported, such goods shall be seized"? Yes, unless—

1150. No, that is all? As I understood Mr. Weekes, the same is in our law.

1151. *By Mr. Weekes:* This is in our law, 9th Victoria, No. 15, 9th section, "and that all goods liable to duty on importation not duly reported, or which being so liable, shall be unladen contrary hereto, shall be forfeited"? It is the same thing a little differently worded; I have always understood that is the law in all British Dominions.

1152. *By the Chairman:* Do you know whether it is the law in relation to ships arriving in Great Britain now? Yes.

1153. How do you know that? From the general practice. I have not been home the last ten years.

1154. Not since this Act, 16 and 17 Victoria, 107, became law? I have not been home since.

1155. That is the law by which Customs matters are now regulated in England? Yes.

1156. Can you say of your own knowledge whether, with regard to ships arriving in Great Britain, what has now been stated as the law relating to ships arriving in British America, the Channel Islands, and this Colony is the law relating to them? I have not the Act before me, but I have not the slightest doubt about it; it is interwoven with the policy of the Navigation Act, and, from what I heard of the late Act, I believe it to be, though simplified, more stringent. I think you will find if you have the Act before you, that upon these points it will be more stringent. Stringency is required on account of the Navigation Act, which allows foreign vessels to trade inter-colonially.

1157. Have you the knowledge of this Act to enable you to say whether it provides greater stringency or relaxes the rigid rules formerly in force? I cannot say, for I have not the Act; but I know, from the practice of Great Britain, that everything relating to the Customs is upon a more stringent and sound footing than before.

1158. If I were to tell you that this Act, in several particulars, relaxes the stringency of the former enactments, you could not possibly say, not knowing this Act, whether that was a correct statement or not? It would speak for itself. It might, apparently, to those persons who are not perhaps so intimately acquainted with the trade, appear to relax the stringency, when in point of fact it increases it.

1159. The 50th clause provides for the report of ships arriving in Great Britain before bulk is broken; the 51st goes on to say, "If such master shall wilfully fail to make such report according to the particulars herein before set forth, so far as the same are applicable to the same ship, cargo, and voyage, or if the particulars or any of them contained in such report be false, such master shall forfeit the sum of £100". Now perhaps Mr. Weekes, who is more conversant with the Act than myself, will point out some clause for the forfeiture of goods not reported in Great Britain—I have not been able to find it out? They would be forfeit; that makes the Act only more stringent and imposes a penalty beyond the seizure of the goods.

1160. *By Mr. Weekes:* I take this to be the mere penalty on the master, the goods are still liable under the general construction of the Act? Yes.

1161. This is for his neglect—he is personally liable? He is personally liable, there is no doubt of that; and the goods are subject to seizure also. However, if it is said, and it is clear from the Chairman's statement, that you have an Act in force here, it appears to me of very little use to refer to new Acts not adopted in this country. My own opinion is, that the Government—the Executive—have acted in this matter perfectly correct, with the only exception that they ought not to have submitted to this inquiry. I think it is an absolutely Executive matter, in which the Legislature has no power. You cannot make any *ex post facto* law; the seizure by the Officer of Customs is either legal or illegal. If he has made

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an illegal seizure, the officer himself who has made the seizure is liable; if the seizure is legal, I cannot see that the Legislature can interfere.

1162. *By the Chairman:* But the Legislature has interfered? Yes, it has interfered so far as to make inquiry; but I think they have no proper power of interference.

1163. These are general reasonings that I think might come from anyone, and which we do not require evidence upon? *I think, taking the matter as it has come before the Committee, it stands thus:—that all the symptoms by which a large amount of smuggling evidently has always been carried on in this Colony appear in this case. I can very well conceive that a captain may bring some goods and omit them in his manifest, and consequently also in his report; but then, at least, he should have the bills of lading properly attached to the others. Another thing is, a difference would have been made by the Customs if the goods had been under hatches—a very great difference. Here everything is combined which indicates that every precaution is taken which a smuggler would take. He takes the goods on board, does not manifest them, does not put them under hatches, but puts them on deck, where they are easy to be got at at sea. The Customs will naturally make a great difference whether goods are placed under hatches or not; but here the goods are taken in after the whole cargo has been completed, and are not put under hatches. This is the evidence you have,—the goods are not put upon the manifest,—they are not reported, and the bills of lading are kept separate from all the rest; so that if the vessel lands these goods before she gets in what is conceived to be her port of destination there is no trace left. A vessel in that case may take in any quantity of goods, and may go round the whole coast and smuggle; therefore it is for these purposes these laws are enacted, and I think the Executive would be extremely wanting in their duty if they were not to protect the free trader as well as the revenue, by not allowing these practices to be continued. I am not going to turn informer, but I can state that it has been done to a great extent.*

1164. *By Mr. Samuel:* It is not imperative upon the port officer to certify to this manifest? It is if the captain asks him.

1165. It is not imperative upon the captain to ask it? No, but it is necessary for the captain's safety. The Chairman asked what was the penalty to which he was liable; he is liable when he comes into any British port to be boarded by any man-of-war, or any revenue officer, and if he has not a certified manifest on board, his vessel is liable to seizure.

1166. *By Mr. Weekes:* Have you been at Hong Kong? No.

1167. *By the Chairman:* Can you tell us of your own knowledge whether, in point of fact, the officer at Hong Kong does certify to any manifest? Decidedly so.

1168. Of your own knowledge such is the practice now? No shipowner that understands his business will allow his captain to depart without it.

1169. Is it the practice that the port officer signs the manifest? He signs the manifest if it is presented to him; that is the difference between a Custom House and a port officer.

1170. As there are such contradictions in the evidence, perhaps you will have the goodness to state how you come to know this? By my own practice.

1171. Have you been in the Hong Kong trade? Both in the Hong Kong and Singapore.

1172. Have you had vessels there? Yes.

1173. Within what time? Within the last seven years.

1174. How long is it since you had your last from Hong Kong? About six years.

1175. Then was the manifest signed by the port officer? Of course.

1176. But it is not of course? It was then; but it is not only in British ports, but in foreign ports, it is required.

1177. The clause quoted by Mr. Weekes speaks of the signing of the certificate of clearance of the ship, and not of the cargo? It is very true, it may not be there contained. It is difficult in such an examination as this to go through the voluminous clauses of the different Acts. It is sufficient for the merchant to know what he has to do, and of this I am clear, that no merchant would allow his ships to go to any British port without having his manifest signed by some authority. I think you will find this partly in the Navigation Laws—the Customs Laws are not sufficient for the purpose, you must take them in connection with the Navigation Laws; but this is certain, that any vessel may be boarded by a British man-of-war, or by a revenue officer, as soon as she comes within the waters three leagues from the shore; without this there would be no possibility of preventing smuggling—the most dangerous description of smuggling.

1178. *By Mr. Weekes:* By the omission of any portion of the cargo from the manifest, might not the captain of a ship be able to smuggle all round the world with impunity? It is for that purpose this law is enacted to prevent this.

1179. Is not the object of a correct report being insisted upon by the Customs in order that, where a vessel touches at different ports, at each port they may be able to detect the omission? Decidedly so; it is for this particular purpose of protecting the revenue and the free trader that the account of all the goods taken in at the port of loading should be manifested, that at the port of destination it may be possible to trace where and how the goods have been disposed of. On former occasions, when matters of Customs were before a Committee of the Legislature, perhaps Mr. Weekes will recollect, although at that time no particular matter of smuggling had been found out, I told the Committee then that the regulations were so lax that it was possible to smuggle largely, and that they required altering; and this was one of the modes of smuggling which I had no doubt, for I am not an informer, was then practised to a large extent, particularly by American vessels. The Legislature having now permitted foreign vessels to participate in inter-colonial trade, we must run great risk of smuggling unless these regulations are stringently upheld. If the Customs are honestly administered, and this particular law is carefully attended to, I contend that this country will have nothing to fear from smuggling.

1180. Supposing these goods had been shipped for a contraband object, as they were not inserted in the manifest, would there have been any means of tracing or of detecting the contraband transaction? Certainly not; and as I said before, I know nothing of this case beyond what has appeared before this Committee, and otherwise before the public; but I conceive that every precaution was taken that a smuggler would take to avoid detection. They are four in number:—the goods are not manifested; the bills of lading are not filed with the others; the goods are not under hatches; and they are not reported. If any of these four requirements had been complied with, it might have led to a mitigated view being taken of the matter by the heads of the Customs or of the Treasury, power being left, as I believe it is, to the Executive, to take such mitigated view; but where all these circumstances combine I think the Executive would have been entirely without excuse if they had allowed it to pass. There is not a single feature which might have been regarded as a mitigating circumstance.
1181. In point of fact, omitting to put goods in a manifest is smuggling made easy? That is for the purpose; but as I say it might by possibility have been a casual omission, if the goods had been otherwise shipped as usual, that is under hatches, and the bills of lading had been filed with the others.
1182. *By Mr. Samuel:* Supposing a vessel coming from a free port, as Hong Kong, had dutiable goods on board, and when she came here they were not on board, but were reported as short-shipped, would not that be an infringement of the law? Indeed it would be; the ship would be liable to seizure.
1183. In what way, because these articles were not in the manifest? Because they were not on board.
1184. Would she be liable to this port? Liable to any port; she is liable to be seized in the waters even if she does not make a port.
1185. *By Mr. Parkes:* Where do you find that in the law; in any British statute? Yes.
1186. *By Mr. Samuel:* I say a foreign ship coming from a free port has goods in her manifest, and when she arrives the captain says he has not got them, and never received them? That you do not know.
1187. Assuming we do not know, is she liable then? To seizure when she is found light; that you will find in British law.
1188. *By Mr. Parkes:* I do not think that you will find that in any statute? You will find that it is so with ships found light.

J. N. Deit,  
Esq.

18 May, 1860.





1859-60.

*Legislative Assembly.*

NEW SOUTH WALES.

**PENSIONS.**(DESPATCHES RELATIVE TO THE PENSIONS OF COLONEL GIBBES, AND MESSRS. GARLING, NASH, AND  
BRAMWELL, LATE OF THE CUSTOMS DEPARTMENT, SYDNEY.)*Ordered by the Legislative Assembly to be Printed, 2 May, 1860.*

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR GENERAL.

(No. 44.)

*Downing-street,  
22 December, 1859.*

SIR,

I duly received your Despatches, No. 33, of the 10th of April, and No. 42, of the 12th May last, relating to the applications which had been made for retiring allowances by certain Officers of the Customs Department in New South Wales.

I forwarded those Despatches to the Lords Commissioners of the Treasury for their consideration and that of the Commissioners of Customs, and I transmit for your information a copy of their Lordships' answer, enclosing the copy of a Report from the Commissioners of Customs. 3 Dec., 1859.

I have to call your attention to that part of the letter from the Treasury which refers to the allowance which the Colonial Government may think proper to award to Colonel Gibbes from Colonial funds for services rendered by him since the transference of the Customs Department to the Colony.

I have, &c.,  
NEWCASTLE.

[Enclosure.]

*Treasury Chambers,  
3 December, 1859.*

SIR,

With reference to your letters of 30th June and 17th August last, and the Despatches therewith transmitted from the Governor of New South Wales on the subject of the grant of retired allowances to certain officers belonging to the Customs Department in that Colony, I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Duke of Newcastle, that they have received with much regret the statement of the misconduct of an officer occupying so important a position as that of Collector of Customs at Sydney.

They have fully considered the case, and have arrived at the painful conclusion that, according to the strict interpretation of the Superannuation Acts, Colonel Gibbes has forfeited his claim to a retired allowance.

It appears, from the Report of the Commissioners of Customs, copy of which is herewith transmitted, that during his employment under the Imperial Government the Commissioners found it necessary to express their dissatisfaction at the irregular manner in which the various branches of the Customs had been carried on, arising from neglect of supervision on his part. July, 1859.

Colonel Gibbes had, however, continued in the public service for several years since that period, and had he retired at the time of the transfer of the Customs Establishment to the Colonial authorities in 1852 some allowance would probably have been granted to him.



The subsequent instances of negligence stated in the papers now before them render it impossible for their Lordships to recognise his services as having been performed with diligence or with strict fidelity to the obligations of his office, and without those qualifications the conditions of the Superannuation Act are not complied with.

Their Lordships are, however, unwilling to leave an officer of the advanced age and long services of Colonel Gibbes without any provision for his future support.

Considering that his integrity is unimpeached, and that it appears from the testimonial transmitted, that those under whom he has served entertain the highest respect for him, their Lordships are of opinion that they would be justified in exercising the discretion vested in them by the 9th section of the Act, and granting him, as a compassionate allowance, a pension at the rate of Four hundred pounds per annum in respect of his services to the Imperial Government.

So far as their Lordships are enabled to judge, it appears to them very doubtful whether his subsequent services to the Colonial Government have been such as to induce the Colonial authorities to make any addition to this pension. It will rest with them to consider whether the recent irregularities in the Customs Department have been attributable to culpable negligence on the part of Colonel Gibbes, or whether they have resulted in his case from the infirmities inseparable from his advanced age.

In any case, their Lordships are of opinion that such additional pension, if any, should not exceed One hundred pounds per annum.

Their Lordships will defer their decision upon the cases of the other three officers, until they shall have received the report of the Commissioners of Customs upon those of Mr. Nash and Mr. Bramwell, the particulars of which were transmitted with your letter of 17th August last.

H. Merivale, Esq., C.B.,  
&c., &c., &c.

I am, &c.,  
GEO. A. HAMILTON.

[Sub-Enclosure.]

TO THE LORDS COMMISSIONERS OF HER MAJESTY'S TREASURY.

YOUR Lordships having referred to us the annexed letter from Mr. Merivale, transmitting, by the desire of the Duke of Newcastle, a copy of a Despatch from the Governor of New South Wales, enclosing applications from certain officers belonging to the Customs Department in that Colony, viz. :—

Colonel J. G. N. Gibbes, Collector,  
Mr. F. Garling, Landing-surveyor,  
„ F. Bramwell, Landing-waiter,  
„ D. Nash, Warehouse-keeper,

praying to be allowed to retire from the Service with the usual amount of superannuation allowance, together with a full report of the circumstances which have led to the retirement of those officers from the public service,—Mr. Merivale at the same time stating, that His Grace would be glad to be informed of the decisions which your Lordships, after consulting with this Board, might arrive at on these applications, and that the enclosures which are wanting will be forwarded on receipt of the duplicate Despatch,—

We Report,—

That we have carefully considered the papers which have been transmitted from New South Wales respecting the fraud upon the Customs Revenue of that Colony, which has been effected by the non-shipment on board the “*Louisa*” of certain goods removed from a bonded warehouse for the alleged purpose of being exported by that vessel, but which had been taken into consumption without payment of duty, as well as the applications of the officers, whose services the Colonial authorities have deemed it necessary to discontinue, praying for superannuation allowances.

The evidence produced before the Board of Inquiry, by which the circumstances connected with the fraud were investigated, affords ample proof that the administration of the Customs Department at Sydney has been conducted with great laxity and want of system, and that the fraud could not have been perpetrated if a proper supervision and control had been exercised over the subordinate officers.

The Governor and Executive Council having, however, adopted measures for the re-organization of the Customs service, we refrain from offering any observations respecting the state of the department, and will confine our Report to the claims of the officers to be granted retiring allowances.

The Governor and Executive Council have required that the Collector and three other officers above-named should retire from the service, being of opinion that the administration of the affairs of the Customs could no longer properly be entrusted to men by whose negligence a state of things had been induced which had led to indifference on the part of the subordinate officers, and from this to a great loss of revenue to the Government; and in this opinion we have to express our full concurrence.

The Executive Council have, however, recorded their desire not to prejudice, by the removal of these officers from the department, any claims to pensions or retiring allowances which they might be entitled by the rules of the service to prefer, and adverting to the number of years they have been employed under the Imperial Government and the Colonial authorities, and to the fact that they do not appear to have been implicated in any fraudulent transaction, we beg to submit whether your Lordships may not be induced to assign to them

## PENSIONS.

3

them superannuation or compensation allowances, under the regulations of the Superannuation Act, having also to observe that at the period when their connection with the Imperial Government ceased, nothing had transpired which would have interfered with the grant of compensation allowances to them in like manner as to the officers of Customs in the West Indies and British North America, whose offices were abolished.

The particulars of the total periods of service of Colonel Gibbes, and of Mr. Garling, landing surveyor, and of their salaries under the Colonial Government, are contained in the statements (on the approved superannuation form) forwarded by the Governor of New South Wales. These statements will enable your Lordships to comply with the request of His Excellency that you would fix the total amount of allowance to be allotted to them; but these officers having been employed for several years under this Board, a portion of the allowances will be payable out of the revenues of the United Kingdom, under the provisions of your Lordships' Order of the 19th March, 1851, by which your Lordships informed us that, upon the retirement or superannuation of officers who had held appointments under this Board, and whose services were transferred to the Colonial Governments in New South Wales and certain other Colonies, provided such retirement took place with the testimonials and under the conditions required and enjoined by the Superannuation Act, such allowance as the said Act might warrant in respect of services anterior to the date of transfer and cessation of contribution to the Superannuation Fund would be accorded by your Lordships, and would be payable from this revenue; but that any grants of additional superannuation, or retired allowance in respect of services subsequent to the date of transfer of the establishment would depend upon the Colonial Governments.

With the view, therefore, to place your Lordships in possession of the particulars of the services and salaries of Colonel Gibbes and Mr. Garling, under the Imperial Government, we annex statements thereof in the usual form, in which the periods of their services have been limited to the date of the transfer of the Department to the Colonial authorities, and their salaries to the rates at which they were paid at the time of such transfers, having to refer to our Report of the 31st October, 1854, No. 1200, upon a former application of Colonel Gibbes to be placed on the Superannuation List, which he subsequently withdrew—to which we beg your Lordships' attention; and we will transmit similar statements to your Lordships in respect to the other two officers, Messrs. Bramwell and Nash, so soon as we have received the additional papers on their cases referred to in the letter of Mr. Merivale.

The manner in which Colonel Gibbes discharged the duties of Collector of Customs at Sydney, while he was under our immediate control and supervision was brought to the notice of your Lordships in our reports specified in the margin, in respect to the adjustment of numerous surcharges which had been raised on his accounts by Mr. Barnes, Collector of Customs at Van Diemen's Land, who was employed by this Board to investigate the state of the Customs Department at Sydney, in the year 1846, and in consequence of whose report we had found it necessary to express to Colonel Gibbes, the Collector, our dissatisfaction at the irregular manner in which the various branches of the Customs had been carried on, arising from neglect of supervision on his part, and to enjoin him to exercise an active control and superintendence over every part of the department for the future. Colonel Gibbes has, however, although not an efficient and diligent officer, performed his duties with fidelity, and he has never been charged with any offence.

Mr. Garling served with diligence and fidelity, whilst under our superintendence, and has never been charged with any offence.

As respects the claim of Colonel Gibbes to be considered an Imperial Officer on the ground that he continues to hold a Commission from this Board as Controller of Customs and Navigation Laws, we have to observe that similar commissions were issued under your Lordships' directions to the principal officers of the Colonial Customs in all of the British Possessions abroad upon the discontinuance of the Imperial Officers of Customs, but the services rendered under such commissions have been for the interest and accommodation of the traders and shipowners in the Colonies, and have never been recognised as entitling the holders thereof to remuneration from the Imperial Government, and we submit to your Lordships that Colonel Gibbes' claim should not be admitted.

*Custom House,*  
21 July, 1859.

THOS. F. FREMANTLE.  
EDWD. SAURIN.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR GENERAL.

(No. 19.)

*Downing-street,*  
17 February, 1860.

SIR,

With reference to my Despatch, No. 44, of the 22nd December last, informing you of the decision of the Lords Commissioners of the Treasury in respect of the amount of pension to be assigned to Colonel Gibbes from the Imperial Treasury, on account of his services as Collector of Customs in New South Wales while acting under Her Majesty's Commissioner of Customs, I transmit, for your information and guidance, the copy of a further letter from that Department, which will apprise you of the rate of pension which their Lordships

10 February  
1860.

Lordships are prepared to assign, from the same source, to Messrs. Garling, Nash, and Bramwell respectively, whose resignations in the local Customs Department were provisionally accepted by you at the same time with that of Colonel Gibbes.

I have, &c.,  
NEWCASTLE.

[Enclosure.]

Treasury Chambers,  
10 February, 1860.

Sir,

With reference to your letter of the 17th August last, upon the subject of the superannuation of certain officers of the Customs Establishment in New South Wales, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Duke of Newcastle, that they have had under their consideration the circumstances connected with the removal of Messrs. Garling, Nash, and Bramwell from the Colonial Customs Establishment above-mentioned. They would observe that it appears very doubtful whether, if that establishment had been under the control of Her Majesty's Government when the transactions occurred which resulted in the removal of these gentlemen, any retired allowances would have been granted to them.

Their Lordships having, however, communicated with the Commissioners of Customs in reference to their services in the Imperial Customs Establishment, prior to the 30th September, 1852, are informed that, while under the superintendence of that Board, they performed their duties with diligence and fidelity, and had not been charged with any offence.

Under these circumstances, their Lordships are of opinion that they would be justified in acknowledging their services to the above date, and in awarding to them compensation in respect of those services.

They will, therefore, signify to the Commissioners of Customs their approval of the payment of compensation allowances at the following rates, viz. :—

Mr. F. Garling, Landing-surveyor, &c. ...	£200 per annum.
Mr. D. Nash, Locker, &c. ....	£54 15s. 2d. per annum.
Mr. J. Bramwell, Tide-surveyor, &c. ....	£54 15s. 2d. per annum.

calculated upon their salaries and services up to the 30th September, 1852.

It will rest with the Colonial Legislature to consider, as in the case of Colonel Gibbes, whether any addition should be made to the allowances from the revenue of the Colony, in respect to the subsequent Colonial service.

In his Despatch of the 10th April, 1859, Sir William Denison, in requesting that their Lordships would decide the amount of the pensions to be granted to these officers, in reference to their combined Imperial and Colonial services, submits that this Board should fix the proportion properly chargeable to the Colony.

In reference to this point my Lords would observe, that the Superannuation Act requires the production of a certificate stating that the officer had performed his duty with diligence and fidelity, and they apprehend that no such certificate could properly be given in the case of any of these officers for their service subsequent to the transfer.

In the absence of such certificate they are unable to take the pensions into consideration, as requested by the Governor; but, at the same time, they do not wish to prejudice the claims of these officers in the event of the Colonial Legislature deeming it advisable to consider their claims for the Colonial service.

Their Lordships further observe that pensions have been "provisionally" awarded by the Governor to Colonel Gibbes and to the other gentlemen in respect to their Imperial service.

These provisional pensions considerably exceed the amounts which their Lordships have now sanctioned, and they request that the future payments may be adjusted in accordance with their present decision.

Directions will be given to the officer in charge of the Treasury Chest to issue the allowances which have been sanctioned to these four officers.

I am, &c.,  
GEO. A. HAMILTON.

H. Merivale, Esq.,  
&c., &c., &c.

1860.

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*Legislative Assembly.*

NEW SOUTH WALES.

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# REPORT OF THE BOARD

APPOINTED TO INQUIRE INTO

DISPUTES BETWEEN THE COLLECTOR OF CUSTOMS,

AND

CUSTOMS' AGENTS, AND OTHERS;

WITH

APPENDIX

AND

MINUTES OF EVIDENCE.

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ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

13 *April*, 1860.

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SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

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1860.

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1860.

**DISPUTES BETWEEN THE COLLECTOR OF CUSTOMS AND  
CUSTOMS' AGENTS AND OTHERS.**

**REPORT.**

*Sydney, 23rd March, 1860.*

SIR,

Having, in compliance with your request of the 30th November last, inquired into the differences which have arisen between the Collector of Customs on the one hand and the Colonial Sugar Refining Company, and Messrs. Metcalfe and Powell, Custom House Agents, on the other, as detailed in correspondence forwarded to us, we have the honor to report as follows:—

The principal complaints of the Collector against the Custom House Agents are,—

1. That Mr. Metcalfe exercised an influence in the department not warranted by his position.

2. That the firm of Metcalfe and Co. submitted for the Collector's signature a blank clearance, to be afterwards filled up by them as they might choose.

3. That, previous to Mr. Duncan's appointment to the position of Collector, Mr. Powell, in the presence of two of the Long Room Clerks, used the following words, with reference to the new Collector:—"If any man comes here and attempts to carry out the law in its integrity, we will very soon walk him out":—and that he has done his very best to verify these words.

4. That Mr. Powell concealed from the knowledge of the Collector for about three weeks, and until called upon to refund the money, the fact of a short shipment of about 40 bags of sugar by the "Moa" for New Zealand, on which drawback had been allowed.

5. That Mr. Metcalfe indorsed on the warrant for the shipment of the sugar per "Moa," an amount greater by 40 or 43 bags than that actually shipped; such indorsement being a false one.

6. That the case of the "Moa" was by no means a solitary case of irregularity or attempt at fraud on the part of Messrs. Metcalfe and Powell, the latter having frequently indorsed warrants for drawback, and Mr. Duncan's correspondence with the Collectors of other Colonies, and the comparison of the drawbacks paid by Mr. Duncan, since he took office, with those paid by his predecessor, proving that during Mr. Duncan's administration the Sugar Company and their agents have been prevented from defrauding the public of many thousand pounds.

7. That Messrs. Metcalfe and Powell have been guilty of great irregularities in at least four different instances by passing *over entries* for drawback. In one case, having described ten tons of sugar entered for drawback as "refined," which on examination proved "bastards," making a difference of 1s. 8d. per cwt. in the amount of drawback.

8. That Mr. Powell offered the most persevering opposition to the orders of the Collector, to weigh everything shipped for drawback, and to obtain regular forms of declaration before granting drawbacks.

9. That Messrs. Metcalfe and Powell had, as agents for the Sugar Company, taken out of bond 231 tons of sugar, representing a duty of £1,155, and by a false representation



to the Executive Council were enabled to obtain a remission of duty on sugar, thus abstracted, in one case amounting to £700, and in another to £1,350—the representation being that the sugar was weighed for duty, and that the deficiency had arisen from waste.

10. That on one occasion Mr. Powell entered for drawback six casks or hogsheads of sugar, whilst four only were shipped; also, that after the searcher had been made aware of the short shipment, Mr. Powell asked him to indorse on the warrant the shipment of six hogsheads.

11. That on another occasion, Mr. Powell attempted to tamper with one of the officers of the department, and to get from him a document belonging to the Collector's office.

12. That Mr. Powell's letter of the 9th August last, addressed to the manager of the Sugar Company, contains reflections on Mr. Duncan's honesty and impartiality, and is a "tissue of misrepresentations."

There has been no evidence produced to justify the first charge. The influence exercised by Mr. Metcalfe and his partner appears to have been due to their superior knowledge of Customs laws and business, and to the confidence reposed in them by the late Collector. It has been shewn that they have frequently been instrumental in protecting the revenue by correcting the mistakes of the officers of the Customs. The confidence of the head of the department, which they have thus deserved, has led in some instances to altercations between them and the junior officers, and to reference of the matter in dispute to the Collector. The majority of these cases appear to have been settled in favor of Messrs. Metcalfe and Co., and on that account there has arisen (for we can trace no other cause) a dread among some of the officers of the department of the power and influence of the Agents. The general evidence is strong in support of the conclusion that Messrs. Metcalfe and Powell have, in the position of Custom House Agents, rendered great assistance in forwarding the public business, and protecting the revenue; that except in one instance, in which Mr. Powell was concerned, to which we shall presently allude, they have never attempted to set aside existing laws or practice, or to act against the decision of the head of the department.

The charge of submitting for signature a blank clearance, rests on the following evidence: In order to facilitate the clearance of Melbourne steamers, and to enable them to take in free goods, such as fruit and perishable articles, to the latest hour, the late Collector established the practice of taking the declaration of the captain of the vessel on the "contents outwards" or clearance to within a few hours before the vessel's departure, by which time all drawback or bonded goods had been entered in it, and the signature of the clearing clerk placed under the last entry. Free goods were permitted to be shipped after this, and to be added to the clearance below the signature of the clearing clerk, the officer at the wharf countersigning the completed documents.

The clearance submitted by Mr. Powell for the present Collector's signature appears to have been not a blank clearance, but one of this character. It was submitted according to a practice which had not been revoked. Mr. Duncan has since discontinued this practice and substituted another; but it does not appear that the one complained of was insecure, or that it afforded facilities for obtaining goods out of bond, or for shipping dutiable goods without the passing of the proper entries. We are, therefore, of opinion that, in continuing it, Mr. Powell was justified by the regulations of the late Collector.

The third charge,—that Mr. Powell made use of the following expression with reference to the Collector who might succeed Col. Gibbes,—“If any man comes here, and attempts to carry out the law in its integrity, we will very soon walk him out,”—has been substantially proved, though it appears that the expression was qualified at the time by the following:—“We know our duty, and if he does not know his we will not have him.” These expressions were made use of in an idle conversation which took place on the 29th March last, at Mr. Maddock's desk, in the presence of that gentleman and Mr. Mackenzie. The latter officer took down the conversation at the time, thinking it might help him against Mr. Powell, in the event of his attempting to turn Mr. Mackenzie out of his office. The memorandum of the conversation appears to have been preserved without action being taken on it until applied for by Mr. Duncan, and then to have been produced.

It

It is due to Mr. Powell to point out that this conversation took place some six weeks before Mr. Duncan's appointment as Collector, and before Col. Gibbs' successor had been named; also, that it contained no allusion to any particular person. It is also right to remark, that no evidence has been produced which would lead to the conclusion that Mr. Powell has endeavored to act in accordance with the threat conveyed in his remarks during the administration of the present Collector.

The charge of concealment from the knowledge of the Collector of a short shipment of sugar by the "Moa," on which drawback had been allowed, is not justified by the evidence, which shews that particulars of this transaction, sufficient to justify a refund of the drawback overpaid, were not received in Sydney until the arrival of the "Spray," on 24th June. The drawback was refunded on the 27th or 28th.

The charge of having falsely indorsed a drawback warrant is directly connected with the short shipment by the "Moa." It appears that Mr. Russell, who was the drawback officer employed in the shipment of the sugar per "Moa," received, according to the established practice, from the carter employed by the Sugar Company, a ticket of every load brought for shipment. Being employed that day at several places on drawback duty, he was not able to pay sufficient attention to satisfy himself of the quantities of sugar actually shipped, and ultimately, after inquiring at the Sugar Company's office, took the assurances of the mate and captain of the vessel that the whole of the sugar entered for shipment had been placed on board the vessel. He next informed Messrs. Metcalfe and Powell, the agents of the Sugar Company, of these circumstances, and led these gentlemen to make further inquiry of the Sugar Company. The answer received was that the whole of the sugar had been shipped, that the Company had sent it down, and held receipts to shew that it had been shipped. After this Mr. Metcalfe or Mr. Powell wrote, at Mr. Russell's request, on the back of the drawback warrant the quantity of sugar stated to have been shipped, which Mr. Russell subsequently copied in the form of a certificate, to which he attached his signature. It is on account of this act that the agents are charged with having made a false indorsement. The evidence bearing on this transaction clearly proves that Mr. Russell was in the habit of obtaining assistance in the manner described. He urges as the reason that he has been 20 years in the service, is bad in eyesight, is getting infirm; and has applied to retire on a pension. He has, however, on the testimony of the landing-surveyor Mr. Still, been entrusted with a far greater amount of duties than any one officer can perform, and has generally sought the assistance of Custom House Agents to check his own calculations.

The information thus conveyed can give no validity to the warrant until it has been supported by the signature of the officer who, in the case under consideration, sought it, and has no further effect than if conveyed on a separate slip, or obtained by reference to the agents' papers. Information of this character rendered by Messrs. Metcalfe and Powell, on several occasions, has been of benefit to the service, and though in the case of the "Moa" it has proved incorrect, we believe it was then furnished according to established practice, after due inquiry, and in good faith.

A portion of the sixth charge has been considered and disposed of in our conclusion on the fifth. As regards the remainder, viz., that resting on the testimony of the drawbacks paid by Mr. Duncan, since he took office, compared with those paid by his predecessor, it has been satisfactorily met by a return furnished by Mr. Powell and the Sugar Company, shewing that the falling off of drawback claims is, in a great measure, due to the establishment of a Sugar Refining Company at Melbourne, and the consequent diminution of shipments to that port.

The evidence in respect to the seventh charge is as follows:—It has been the practice of the Sugar Company to give notice to their agents, Messrs. Metcalfe and Company, of the quantity and quality of sugar intended to be shipped by a particular vessel. On this information the agents pass the entries. The shipment then commences under the care of a Customs officer, whose duty it is to certify to the quantity actually shipped on the back of the entry or shipping bill. After shipment, the Sugar Company send a second statement to their agents, viz., their account of the quantity and quality actually shipped, and on this amount, if found to agree with the shipping officer's account, the drawback is claimed, and finally

finally paid. The export entry or shipping bill, has always been regarded as an approximate entry, and indeed must be so, for the reasons given in Mr. Forrest's evidence.

The drawback is not paid on the shipping bill, but on the debenture, which is prepared in the Custom House from the shipping officer's statement of the quantity and quality of sugar actually placed on board, which is declared to by the agents, and countersigned by the officer, as correct.

The Collector has produced evidence of Mr. Powell having, on two occasions, passed incorrect entries for sugar, one on the 4th October last for 23 tons and 2 cwt. of refined sugar by "Moa" for Auckland, the sugar actually shipped having been 11 tons bastards and 16 cwt. 5lbs. of refined sugar; the other on the 6th September for 15 tons of refined sugar by Tasmanian steamer for Hobart Town, the sugar shipped being 5 tons of refined and 10 tons of bastards. It appears, as regards the former, that the original entry was made out by the agents in error, the notice from the Sugar Company having been for 22 tons of bastards and 22 cwt. of refined sugar. Mr. Powell, however, was the first to correct the error, and by informing the shipping officer of the precise quantity shipped he protected the Revenue. In the second instance the error in the original entry was corrected in due course by the Customs officer who shipped the sugar. In both cases the drawback was paid on the correct amount after the agents and the officers had agreed.

The charge of irregularity, as referring to this class of cases, has not been established.

8th Charge.

There has been no evidence produced to support the eighth charge. It has been instanced by Mr. Duncan, in support of this, that the Sugar Company, in order to annoy the Collector and impede the public business, put sugar in "immense" casks, which the Customs officer had no means of weighing; that, on another occasion, an officer sent to the Sugar-house to weigh sugar was treated with ridicule. These instances, if proved, would not reflect on the Custom House Agents, unless connivance for the purpose between them and the Company were shewn. It has, however, been proved by documents of the Sugar Company laid before us, that casks of the size of that complained of had frequently been shipped previous to this, and that their dimensions were not extraordinary. The charge of incivility from the Sugar Company has not been made out, and there has not been any instance brought forward in which Mr. Powell offered opposition to the orders of the Collector, regarding the regular forms of declaration previous to the granting of drawbacks.

9th Charge.

The ninth charge, though preferred against Messrs. Metcalfe and Powell, has been accepted and defended by the Sugar Company as a charge against them, the Agents having acted throughout the transaction to which it refers under their instructions. Taking the imputations contained in it in the order in which the transactions occurred, it appears that, on the 23rd July, 1857, the Executive Council allowed to be written off the Customs books 260 tons of sugar less the amount overpaid on certain cargoes, being a portion of 10,371 tons belonging to the Sugar Company, imported by them in the two years ending December, 1854. This permission was granted on the representation of the Collector that the sugar had, according to law, been weighed in and out of bond. He having however previously twice stated that it had not been weighed out, Mr. Duncan argues that he had been induced to alter his first opinion through the false representations of Mr. Metcalfe; and in support of his argument states, that he had seen a letter from the agents to the late Collector, containing a statement that these sugars had been weighed out. The absence of this letter is however rendered unimportant by the testimony of Mr. Turner, the locker at the Sugar Bond during the period in question. This officer states positively that the whole of these sugars was delivered out by weight, thus supporting the statement imputed to Mr. Metcalfe, and confirming that which led to the decision of the Executive Council.

The second deficiency in point of time is that of 141 tons, which is stated to have occurred in cargoes imported by the Sugar Company from October, 1855, to February, 1856, on which they claimed an allowance for waste of 3 per cent., in accordance with an agreement which they allege was sanctioned by the late Collector, to the effect that 3 per cent. loss for the first 3 months should be the recognised allowance on all sugars. Such an agreement it was beyond the power of the Collector to make. It was, however, accepted by the Company, and acted on by them until March, 1859, when being called on to explain their deficiencies, attention was drawn to the illegality of the arrangement, and the decision of

of the Treasury upon the claim was, that it should be allowed, but that in future the law should be observed.

The third deficiency, or that of 231 tons, is said to be on cargoes imported from April, 1856, to January, 1857. Of this quantity 198 tons are claimed to be written off under the agreement alluded to, and under the circumstances which led the Treasurer to allow the second claim. The remaining portion is as yet unaccounted for, but, as suggested by Mr. Ross, may possibly be adjusted after a comparison of accounts between the Customs and the Sugar Company. Considering the whole of the evidence bearing on this question, we are of opinion that nothing has been adduced to justify the charge brought by Mr. Duncan against Messrs. Metcalfe and Powell, or to reflect in any way on the integrity of the Sugar Company or their agents.

With reference to the tenth charge, it appears that on the 10th February, 1859, the 10th charge. Sugar Company sent for shipment 6 hhds. of loaf sugar, weighing 56 cwt. 8 lbs. net. They received the mate's receipt for this shipment, and entered it in their books accordingly. Two of these hogsheads were afterwards re-landed, and put into store. Mr. Powell, who acted in this matter, was at first led to believe, by seeing the receipt of the mate of the vessel, that the six hhds. had been shipped; but Russell, the shipping officer, was aware that two of the six had been deposited in store, and refused to sign for the shipment of more than four. Upon this, according to Mr. Russell's evidence, Mr. Powell said, "He would get Russell to sign for the whole six casks, because, if the other two had not been shipped, they would be sure to be so by the next vessel." Russell, however, refused to sign for the six, because he knew that only four had been shipped.

According to this evidence Mr. Powell has endeavored to obtain from the shipping officer a certificate which, he knew, would be incorrect. His object in doing so was, apparently, to hasten the despatch of the vessel, in which another Custom House Agent was concerned. There is no ground for supposing that he designed to defraud the revenue, as the two hogsheads short shipped were, on the 19th of the same month, put on board the "Monarch" for the same port. Though, however, the object for which Mr. Powell requested the signature of the Customs officer has been established to our satisfaction, it cannot, of course, be admitted as an excuse for his conduct. This charge has, therefore, been proved.

The charge against Mr. Powell of attempting to tamper with one of the officers of 11th charge. the department, and to obtain from him a document belonging to the Collector's office, rests upon the following evidence:—On the 21st of November last, Messrs. Metcalfe and Powell, on behalf of the Sugar Company, addressed a letter to the Collector of Customs, informing him that, having on the arrival of the "Virginie" passed entries for the whole of her cargo of sugar according to the bags described in the manifest and by the bills of lading, they were, according to practice, proceeding to pack unsound bags into others more suitable, which would cause a slight excess of bags over the quantity reported, when the landing-waiter considered it necessary to amend the manifest. On this the Collector's decision was asked, and given that the manifest need not be amended.

Some days before the sitting of the Board of Inquiry, Mr. Powell sent one of his clerks to Mr. Kidd, the landing-waiter, into whose hands it had passed, for this document. The request was refused. Mr. Powell then applied, in person, to Mr. Kidd for a copy of the letter, and at the same time told Mr. Kidd that if he had any hesitation about giving it he would obtain an order from the Board for its production; this also was refused. Mr. Kidd states that the circumstance of Mr. Powell sending for the letter by a clerk, and his anxiety to obtain it, made him think there was something of more importance about it than he could see. If Mr. Powell had applied for it in person, Mr. Kidd would have thought nothing about it, but have handed it over to him at once; but Mr. Powell's sending for it soon after he had dispatched it to the Collector appeared strange. Mr. Powell, in meeting this charge, states that he desired a copy of the letter because the Collector had, in connection with it, made some very offensive remarks bearing on Mr. Powell; that he applied for the letter, or a copy of it, by one of his clerks, quite publicly and openly, in order to make such use of it as his friends might advise.

It does not appear from the evidence that Mr. Powell's application was irregular, or that he used any undue influence to obtain the letter he required. The charge of tampering is therefore unsupported by evidence.

As

12th charge.

As regards the last charge, viz:—That Mr. Powell's letter of the 9th August last, addressed to the manager of the Sugar Company, contains reflections on Mr. Duncan's honesty and impartiality, and is a "tissue of misrepresentations." It appears to us that Mr. Powell has, without sufficient grounds, stated that Mr. Duncan exhibited partiality in favor of Messrs. Robey and Co. in the shipment of their sugar by "Spray," and in favor of Gilchrist, Watt, and Co., who, on the 10th May, claimed drawback on 5 tons 8 cwt. of sugar shipped by the "Lady Denison." Mr. Duncan has justified his conduct in both cases. There is a further imputation in the same letter, that Mr. Duncan, in his public capacity, had taken a position hostile to the general claims of the Sugar Company and their agents, on account of an alleged interference of Sir Daniel Cooper in favor of the Company, of which he complained. It appears, however, that though Mr. Duncan deprecated the interference of Sir Daniel Cooper (of which, however, there is no evidence), he did not make use of any expression which could imply that he would on that account oppose the just claims of the Sugar Company.

The other statements in Mr. Powell's letter have been satisfactorily established or explained.

Mr. Powell, in reply to this charge, admits that he wrote his letter under feelings of great annoyance at the character of the reports which Mr. Duncan had made to the Treasurer. These reports bear date the 13th July and 4th August, 1859, and contain imputations of fraudulent intentions, which there is no evidence to justify, against Mr. Ross, the manager of the Sugar Company, and Messrs. Metcalfe and Powell, their agents.

Under these circumstances, Mr. Powell's conduct is, perhaps, in some measure pardonable.

Towns & Co.  
Tea deficiencies.

In the correspondence that has been referred to us, Mr. Duncan brings a charge against Messrs. Towns and Co. of having abstracted, or allowed to be abstracted, from their bond, with the knowledge that duty had not been paid thereon, 747 packages of tea, mark—K 436. Allusion is also made to a further deficiency of 38 chests and 131 half chests, a portion of brand I 436, which was not found in bond when Mr. Still took stock in August 1857.

These teas were a portion of the cargo ex "Hirondelle," from Shanghai reported inwards on the 6th August, 1856. The greater part was bonded in Towns and Co.'s stores under two bond marks:—K 436 and I 436, and charged against the bond in the lockers book. Subsequently the locker of the bond, at that time Mr. Newton, in recording delivery for home consumption of a portion of lot I 436 placed it to the credit of K 436. On discovering his mistake, he erased this entry and made the remark on the margin of the leaf:—"Entered in error—should have been I 436."

The remark though intended to refer to the *credit* entry was taken by every subsequent locker to refer to the entries on both sides of the folio, and to imply that no such lot as K 436 was under bond. It has thus happened that Mr. Newton's successors have allowed all teas bearing the mark K 436 to be taken from store under the impression that the duties thereon had been already paid.

As regards the firm of Towns and Co., it is stated by Mr. Stuart, and there are other grounds for believing, that it was the practice of the Customs, in regard to bonded goods, to allow entries for home consumption to be passed in advance of immediate wants, on the understanding that the goods on which duty had been paid might remain in bond an unlimited period, and be removed at the pleasure of the merchants; also to permit goods bearing any bond mark to be issued in place of the particular lot, upon which the duty had been paid, provided that the merchant kept his payments of duty in advance of the deliveries. It also appears, under this arrangement, to have been left to the Customs officers to claim duty, the merchant keeping no accounts of duties paid on particular cargoes, looking to the locker's account as his check, and passing fresh entries when called on by the officers. Mr. Stuart has shewn that the tea in question was not removed from the bond in any clandestine manner, that, on the contrary, its delivery extended over a period of eight months. It was only when the Customs took stock for an overtime sale of goods that a balance against the firm was discovered, and as soon as claimed paid for.

Our

Our conclusion, from the evidence bearing on this matter, is, that the issue without payment of duty of the 747 packages of tea is to be attributed to the lax system regarding the issue of bonded goods which was then tolerated by the Customs, and not to any fraudulent intent on the part of Messrs. Towns & Co. This conclusion is strengthened by the fact that the firm had, previous to the storing of this tea, entered into a bond with the Customs for its safe custody, to the extent of double the amount of duty payable on it, and could, therefore, have no beneficial object in abstracting that which was charged against them in the Customs books, and for which they would some day have to render account. In respect to the deficiency, as reported by Mr. Still, of 32 chests and 131 half-chests, we are satisfied that Messrs. Towns & Co. delivered to purchasers, after the date of this stock-taking, sufficient tea of this particular mark to justify the assumption that it was in the bonded store at the time Mr. Still took stock, though it escaped his notice.

Connected with this charge is one against Mr. Garling of having altered the weights as originally fixed by the landing-waiter of teas imported by the "*Hirondelle*."

Our conclusion, from the evidence, is that Mr. Garling acted thus on just grounds. Mr. Stuart, of the firm of Towns & Co., to which the teas were consigned, has produced the invoice of the cargo, which shews that Mr. Kidd's estimate of the weights was above the invoice weights, and above the usual weights of chests of tea imported, to which those fixed by Mr. Garling closely approximated.

The question of certain drawbacks claimed by the Sugar Company for sugar shipped to New Zealand in July last, and disallowed by the Collector, has also, by Treasurer's minute on Mr. Grafton Ross's letter of 5th December, been referred for our opinion.

The evidence warrants the conclusion, that in 1852 the late Collector sanctioned certain regulations having reference especially to the weighing for drawback the refined sugars of the Sugar Company. These regulations were of the nature of those stated in Mr. Grafton Ross's letter of the 26th July, 1859, referred to us. Though they have been acted on for seven years in the department, they do not appear to have been placed on record, and were thus unknown to Mr. Duncan. Soon after the present Collector took office he gave verbal directions that all sugars for drawback should be weighed, so that the Government might be satisfied that the amounts claimed for drawback were correct. He communicated in this manner with Mr. Powell, agent for the Sugar Company, and general Custom House Agent. He did not refer especially to the privileges of the Sugar Company, as he was not aware of their having any. Mr. Powell, being thus led to believe that the new rule was intended to refer to the general business of drawbacks only, and not to the Company's in particular, did not communicate with the Sugar Company. On the 9th July, Mr. Duncan first put his order in writing.

The drawbacks which have been disallowed were claimed for sugar shipped in the "*Kate Kearney*," "*Spray*," and "*Lord Worsley*" previous to this date, the two former vessels having cleared on the 8th and the last on the 9th of July, and were refused on account of the Sugar Company having adhered to the practice previously sanctioned in their case, and having omitted to weigh the sugar in the presence of an officer previous to shipment.

Mr. Ross has put in a certificate, attached to proceedings, of the due landing of some of these sugars at the ports of destination, and has offered to obtain similar certificates in regard to the remainder, and has also shewn that no intentional opposition to the Collector's modified regulations was ever offered by the Company.

It appears to us there is sufficient evidence for concluding that, previous to the 9th July, the Custom House Agents and the Sugar Company were not aware of Mr. Duncan's desire to submit the Company's refined sugars to the same checks in regard to drawbacks as the sugars of other exporters; and, under the circumstances, we consider the drawbacks which have been refused for their sugars shipped in the "*Lord Worsley*," "*Kate Kearney*," and "*Spray*" should be allowed to the extent to which certificates have been, or shall be, hereafter produced of their safe deliveries at the ports of destination.

Having

Having stated in detail our conclusions on the main charges or complaints preferred by the Collector, we deem it right, in justice to those who have been accused by him, to submit the following remarks:—

There has been no evidence produced to reflect in the slightest degree on Mr. Metcalfe's integrity, capacity for business, or general demeanor, as a Custom House Agent.

Of Mr. Powell it has been proved, that he expressed himself in an hasty manner to some subordinates in the long room regarding the steps he was prepared to take against any future Collector mindful of the public interests; that he endeavored to obtain an incorrect certificate from the officer, Russell; and that, acting under a sense of provocation received, he has without sufficient cause accused the Collector of partiality in the discharge of his public duties. In other respects, Mr. Powell has been shewn to be an agent faithful in the discharge of his duties, zealous to protect the public interests, and desirous of conforming to established laws and regulations.

Mr. Ross and Mr. Stuart have satisfactorily defended the firms which they represent from the imputations cast upon them.

These several parties have just grounds to complain of the treatment they have received at the hands of the Collector. Many expressions used by him, which are scattered through the correspondence and evidence, and more especially many of those, in his letter to the Government, which bear on Messrs. Metcalfe and Powell, and in his reply (pages 73 to 78) to the defence of the agents, are altogether unjustifiable. Whilst the Collector's ruling desire has without doubt been to reform a department which had become greatly disorganized, and to protect the public interests with the utmost vigilance, he appears repeatedly to have expressed opinions formed in haste reflecting on the integrity of others. Without knowledge of the practices existing in the Customs, under sanction of authority, at the time he took office, he has found fault with those who acted in conformity with them; and thus, having been led into altercations with the Sugar Company and their agents, he has, without consideration, charged them and others with disgraceful practices, of which he has failed to produce any evidence.

We have the honor to be,

Sir,

Your obedient servants,

E. W. WARD,

H. H. BROWNE,

JNO. M'LERIE.

P. S.—The documents accompanying this Report are,—

1. Correspondence and Minutes of Evidence printed.
  2. Manuscript papers marked,—
    1. With letters, from A to X.
    2. With numbers, from 1 to 25.
-







declaration that they were short-shipped here. This led to inquiries from the shipping officer, and an examination of his papers, and I regret to say, the result is unsatisfactory as regards both; for he appears never to have examined the sugar, or counted the bags, or seen it weighed or shipped, but to have taken all his information from the Company's Agents, or their notes which accompany the drays. Further, these notes themselves shew a deficiency of 40 mats upon the quantity for which drawback was paid. The warrant (which, till the transaction was complete, should have never left Mr. Russell's hands) bears an indorsement of the alleged actual shipment, partly in Mr. Russell's handwriting, partly in that of Mr. Metcalfe, and partly in that of some person unknown. I enclose the warrant herewith, and I must add that I consider the conduct of Mr. Metcalfe, as a Custom House Agent, very reprehensible, and that of Mr. Russell indefensible. And I cannot but express my surprise, that on the return of the "Moa," no intimation of this short landing should have been made to me by the Company or their Agents, who must then at least, if not before, have become aware of the error.

The Secretary to the Treasury.

I have, &c.,

W. A. DUNCAN.

I am not quite certain whether, from the grave nature of the charges contained herein against Mr. Russell, I ought not immediately to suspend that officer. He ought to be required forthwith to give such explanation as he may be able of the circumstances of this case, which exhibits, as far as I can gather, most culpable neglect.

From the statement of the Collector, I think it desirable that Mr. Metcalfe should also be called upon to report on the irregularity referred to.

E. C. W.

29 June, '59.

[No. 2.]

*Custom House, Sydney,  
4 July, 1859.*

Sir,

With reference to the Honorable Treasurer's Minute of the 29th ultimo, I have called on Mr. Russell and Mr. Metcalfe to report on their respective parts, in the transaction of the short shipment of sugar per "Moa," and I have now the honor to transmit their answers, together with my own remarks on the margin of each letter.

I purpose to place the charge of the drawbacks in other hands as Mr. Russell is clearly unfit for so important a duty. Mr. Weekes will be able to judge from the correspondence whether any further censure is necessary.

I have, &c.,

W. A. DUNCAN.

To the Secretary  
to the Treasury.

The system must indeed have become lax that could lead so experienced an officer as Mr. Russell to conduct so important a duty as that of drawbacks, in a manner which might subject the Revenue to any amount of loss. As the Collector states that he is about to place in other hands the charge of drawbacks, any further proceeding with regard to Mr. Russell may not be necessary, but I regard the explanation offered by him to be very unsatisfactory. Shippers for drawback will, no doubt, be more particular in future.

E. C. W.

4 July, 1859.

*Sydney, 2 July, 1859.*

Sir,

In accordance with the request contained in your letter addressed to me of the 30th June, I beg to reply to your questions as follows:—

1.—Upon finding that the Sugar Company's entry was for forty bags in excess of the quantity for which I had Customs receipts, I applied to the chief officer of the "Moa" and was informed by him that the sugar was on board, but that he had mislaid the Customs ticket.

2.—As above stated, I was assured by the chief officer that the sugar was on board the "Moa;" this, together with the Sugar Company's assurance that they felt satisfied such was the case, and in fact that they had received payment from the owner of the vessel for the quantity now said to be short, as well as the captain's signature to the warrant, was the reason which induced me to pass the matter without causing further detention in the clearing of the ship.

3.—My reason for allowing Messrs. Metcalfe and Co. to indorse the quantity on the warrant was in order to expedite business, and because Messrs. Metcalfe and Co. had been in the habit of marking the quantities on the warrants in shipments made by the Sugar Company previously.

4.—With reference to the last question I have only to say that the Sugar Company, in giving notice of their intention to ship loaf sugar, cannot give the exact weight until the same is packed—immediately before shipment; they, therefore, give as near an estimate as possible, and anything short of the quantity appears in the shape of a short shipment—drawback on actual weight shipped only being claimed.

I have, &c.,

GEORGE N. RUSSELL.

The Collector of Customs.

COLLECTOR'S

## COLLECTOR'S REMARKS.

- 1.—Mr. Russell should have seen the goods shipped and counted the bags; the cart notes are of no value without this.
- 2.—The shipping officer is not to take any man's assurance, but to have the testimony of his own eyes. The sugar certainly never was on board.
- 3.—I cannot conceive any act of an officer more absurd and irregular than to allow a shipper of goods to indorse the quantity, for drawback.
- 4.—This is no answer to the question. Why did Mr. Russell allow a person unknown (even to himself,) to write off the short shipment? After all, the "short shipment" written off in this case, for 7cwt. and 7lbs., was, by whomsoever written, not the real short shipment but a fictitious one, whatever the writer may have meant it to be.

W. A. D.

Sydney, 1 July, 1859.

Sir,

In reply to your letter of the 30th ultimo, calling upon me to explain that portion of the transaction of the shipment of sugar per "Moa," for drawback, for which I, as Agent to the Colonial Sugar Refining Company, am answerable—

1.—I beg to say that notice of the said shipment was given in the usual manner, and the entry was passed in the prescribed form.

2.—I was not aware that my indorsing the warrant with the quantity shipped for the drawback officer was a serious breach of the rules of the department, or I should not have done so; it was only done by me to assist the drawback officer, who is not an expert writer, in a manner in which I have for many years been in the habit of doing, when requested, and which I never before heard any objection to.

3.—I was not aware of the short shipment until yesterday and therefore could not have reported it to you.

I beg to assure you that I am, at all times, anxious to protect the Revenue, and to conduct the business confided to me in the most correct manner; and trusting that you will do me the justice to believe such to be the fact,—

I have, &c.,  
M. METCALFE.

The Collector of Customs.

## COLLECTOR'S REMARKS.

1.—Yes; but the entry was afterwards indorsed by Mr. Metcalfe himself, certifying the shipment of 40 bags more than the actual quantity.

2.—With such a practice as this, what is to prevent a dishonest merchant or agent (a Stewart or a Gibbes, for example) from receiving drawbacks upon any quantity of goods which may have never been shipped? I do not, of course, mean that Mr. Metcalfe would do anything of this kind; I only object to the practice.

3.—This may be, but Mr. Metcalfe's partner (Mr. Powell,) and the Sugar Company were aware of it, as Mr. Powell admitted, when first questioned by me on the subject.

W. A. D.

[No. 3.]

Colonial Sugar Refining Company's Offices,  
George-street, Sydney,  
11 July, 1859.

Sir,

We are informed by Messrs. Metcalfe, Powell, and Co., our Custom House Agents, that the sugar shipped by us for drawback in the steamship "Lord Worsley," was, by order of the Collector of Customs for the Port of Sydney, struck out of the manifest of that vessel at the time of the clearance, although the customary notice of the shipment had been given by us to the Customs.

We understand the reason assigned for this extraordinary step to be, that the sugar was not weighed by the drawback officer; but if such was the case, it was because the new verbal orders just issued by the Collector were of such a nature that we could not immediately comply with them.

The sugar was accompanied, *as usual*, by two cart notes, one addressed to the master of the ship, the other to the landing waiter, who could, had he thought fit, have ordered it to be weighed on the wharf (the proper place we submit) before being shipped.

How the master of the steamer could declare to the truth of his manifest after that sugar entry was erased we do not understand, but we deem it our duty to beg that you will inquire.

We further respectfully request that you will order that the drawback of this sugar be paid to us, and that you will cause such arrangements to be made for the future shipment of drawback goods, as, with due regard to the safety of the Revenue, may not be alike oppressive and annoying to a Company that contributes so large a proportion of the General Revenue of the Colony.

I have, &c.,  
J. GRAFTON ROSS,  
General Manager, Colonial Sugar Company.

The Honorable  
The Colonial Treasurer.

[No.

[No. 4.]

Custom House, Sydney,  
13 July, 1859.

Sir,

I have read the letter of the Manager of the Colonial Sugar Company, addressed to the Honorable the Colonial Treasurer, complaining of my having caused certain sugar shipped in the "Lord Worsley" by the Company for drawback to be struck out of the manifest of that vessel, and I have the honor to report thereon, as follows:—

1. The sugar was struck out of the manifest by the clearing clerk, in the regular discharge of his duty; he having no certificate of the export officer for its shipment.

2. On the 6th instant an entry for 10 tons of sugar was passed for drawback; the export officer went to the clerk of the Company to inquire when they would be prepared to have it weighed and shipped; he at first got an indefinite answer, but called again, when the clerk told him "he did not know when the sugar would be ready, perhaps it was not yet made"; on proceeding to the vessel, however, on other business, he found that the shipment had been going on the whole morning without any examination.

3. On the 8th the Company made another entry of 3 tons for drawback by the same vessel; the notice of shipment was not received by the officer till the 9th, while the goods had actually been shipped on the 7th, of course without examination. Would I have been justified in allowing the drawback under such circumstances, more particularly after the recent case of the "Moa," in which the same Company and the same agents received drawback on at least 40 bags more than they had shipped, and were cognizant of the short shipment, if not from the first, at least from the 9th till the 24th June, without giving me any notice of it, or refunding the drawback; neither of which they did, even there, of their own motions?

4. What Mr. Ross calls my "new verbal orders," were fully discussed and explained to the clerk and agents of the Company. Nothing could have been easier than a compliance with them; they were simply that my officers should have the opportunity afforded them of ascertaining the quantity and weight of the sugar shipped for drawback, of which they had been hitherto in utter ignorance.

5. Mr. Ross says that "the sugar was accompanied *as usual* with two cart notes"—no doubt,—so was the sugar per "Moa," and yet it never got on board. But the truth is, the agents of the Company were perfectly aware that I would not take the weights from them, nor the quantities from their cart notes, and they had no right to expect me to do so. The imagination can place no limit to the extent of fraud that might, or rather *must*, follow such a drawback system as this.

The "oppressive and annoying" arrangements of which Mr. Ross complains are purely imaginary. If he will give me due notice of his intended shipments, and afford my officers the means of ascertaining the weight of the goods he shall find no difficulty in obtaining his drawback; but I will not allow him or his agents to force me to retain a system, from which, if the Revenue has not suffered enormously, it must be because the exporters have resisted a temptation such as never existed at any other Port.

I have, &amp;c.,

W. A. DUNCAN.

The Secretary to the Treasury.

[No. 5.]

Colonial Sugar Refining Company  
Offices, George-street, Sydney,  
26 July, 1859.

Sir,

I have the honor to acknowledge receipt of your letter of the 18th instant, enclosing copy of a letter from the Collector of Customs to the Under Secretary of the Treasury, dated 13th July, reporting upon my letter, addressed to you on the 11th instant, with reference to certain sugars struck out of the manifest of the steamship "Lord Worsley," and, in compliance with your request, beg to submit the following further explanation on this subject.

2. A short statement of the nature of the regulations made by the late Collector for the recovery of drawbacks by this Company, and a true account of the circumstances that have induced the new Collector to terminate such arrangement, will be the easiest way of placing this matter before you in its true light.

3. As soon as the Act was passed in 1852, authorizing the granting of drawback on refined sugar, &c., manufactured in and exported from this Colony, the late Collector framed the following regulations—*specially for this Company*, which were considered as affording sufficient protection to the Revenue, and at the same time not oppressive to the Company.

The Collector ordered, as follows:—

1. That we should give to the Customs due notice of our intended shipments of refined sugar for drawback.
2. That each cart load of such sugars should be accompanied by a ticket addressed to the Custom House Officer on board the vessel, specifying the number of packages and net weight—(as per specimen annexed.)
3. That as the Company had a uniform size for their refined sugar packages and the net contents stamped thereon, he (the Collector) would not require such refined sugar to be reweighed before shipment, for as a further security he always had the liberty of inspecting the books of the Company to ascertain the weight actually charged to the purchasers.
4. This arrangement has been carried out with satisfaction to both parties for seven years, and during this period only two instances of mistake—caused each time by the blunders

of

of a carter—have occurred, and in each case the amount of drawback over received was the insignificant sum of £5, or, in all, £10 sterling.

5. The second of these mistakes took place about two months since; 28 tons of bastard sugar left our Sugar House to be put on board the brig "Moa," bound for New Zealand, and drawback was claimed and received on this quantity; but only 27 tons were landed in Auckland, that is one ton short. I was informed of this fact a few days after the return of the "Moa" to this port, (about 8th June last,) and at once instituted inquiries. The warehouse clerk affirmed that the sugar left our stores,—the master of the vessel declared at the Customs that the whole quantity was on board,—the drawback officer received the same information from the mate, and further the owners of the "Moa"—also purchasers of the sugar—after satisfying themselves, I presume, of the correctness of our account, paid us for the same quantity and weight as that for which we claimed drawback. With these facts before me I could not be expected—without full inquiry—to refund to the Collector the amount of drawback,—especially as I had not then—nor have I yet been satisfied that the sugar was actually short-shipped. Sooner, however, than have any difference with the Collector in so trivial a matter, the £5 was refunded.

6. I have been specially explicit on this point as Mr. Duncan evidently lays great stress upon his assertion that we were for some time aware of the error without informing him of it, or of our own motion—repaying the drawback.

7. I hardly think it necessary to take any notice of the uncourteous tone—to use the mildest term—of the latter portion of Mr. Duncan's third paragraph. He knew perfectly well that exactly 40 bags (1 ton) were short landed in Auckland, and yet he must say—at least this quantity, and well aware also of the reasons above given that prevented me from communicating with him immediately after the "Moa's" return, he sees fit to add "and the Company was cognizant of the short shipment—if not from the first at least from the 9th to the 24th June—without giving me any notice, &c." This imputation and the reference in other portions of the letter to the magnitude of the fraud that in Mr. Duncan's imagination must follow the system of drawback specially instituted for this Company—are, I submit, quite uncalled for and rather reprehensible when applied to a Company composed of gentlemen of known integrity and high commercial standing, and which has paid during the last two years upwards of a quarter of a million sterling to the General Revenue of the Colony.

8. I, through the Agents of the Company, represented to the Collector all these facts relative to the case of the "Moa," and he expressed himself perfectly satisfied with our conduct in the matter, but he shortly after thought it is duty to cancel the old arrangement at a moment's notice, and ordered that all sugars for drawback should be reweighed before shipment. On the 6th instant we received a notice—through a drawback officer—that he must see such sugars weighed at the Sugar House. We objected to this on several grounds, and told the officer we should communicate with the Collector. The usual notice of an intended shipment of two tons of sugar per "Spray" had been sent to the Custom House some time previously, and at the very time the message was being delivered to us the goods had left the Sugar House, and were on the way to the vessel. It was then quite impossible for us to comply with the demand then for the first time made, and yet, notwithstanding the Collector is aware of these facts, he positively refuses to allow us the drawbacks.

9. On the 8th July, my shipping clerk—Mr. Stokes—waited upon the Collector and fully explained our grounds of objection to the sugar being weighed at the Sugar House, and shewed that it really was an unnecessary expense and inconvenience, both for the Government and the Company, for the whole of the sugar to be weighed,—that the weights were stamped upon packages of uniform size,—that an officer could not possibly attend to all our shipments,—and that we of course claimed drawback upon the weight charged the purchasers, who would soon complain if the weights were incorrect. Mr. Duncan in reply assured Mr. Stokes that he would cause a few bags of our sugar to be weighed, and, if correct, would assume that they were a fair average of the whole. Mr. Stokes further informed him that from the nature of our large export business it was quite impossible to give notice to the Customs of the exact time all shipments would be ready to go forward, on one day or the next, but that we always gave as long a notice as possible.

10. On the 6th July we gave notice of intended shipment per "Lord Worsley," and the drawback officer applied as to the time we could go to the Sugar House to see the sugar weighed, and he was informed that we did not know when it would be ready for shipment—"perhaps it was on its way then"—perhaps it would not be made for a day or so. The Collector does not mention the first part of this answer, which was most distinctly given in my presence; the sugar it appears was got ready sooner than I expected, and was shipped on the morning of the 7th, but the shipping clerk was not aware of the fact until he received the mate's receipts for the same. Mr. Duncan states, that the sugar in question was struck out of the manifest in the regular discharge of his duty; this of course means that he obeyed the Collectors orders to this effect. Mr. Duncan does not explain, however, how it was that he allowed his officer to accept the declaration of the Master of the "Lord Worsley" as correct, though he knew he had falsified it by striking out of his manifest dutiable goods which he was certain were on board.

11. On the 8th July, Messrs. Metcalfe, Powell, & Co., made, as our agents, a formal written application to the Collector, to modify his regulations.

12. In the 5th paragraph, Mr. Duncan states that 3 tons of sugar were shipped by the Company on board the "Lord Worsley" on the day before we gave the notice for the same. This is quite incorrect; the notice was given by us at the Custom House during the morning of the 8th July, and if the officer did not receive it until the 9th, the fault was not ours. The sugar left our stores at between 2 and 3 P. M. on the 8th, as per accompanying certificate, and not on the 6th as stated by the Collector.

13. I have here only mentioned the refusal of drawback on our goods shipped per "Spray" and "Lord Worsley." Some sugars have also been exported per "Kate Kearney," and we are informed that upon these drawbacks will not be granted, for similar reasons, we presume, to those expressed in the letter now under reply.

14. I think I have stated sufficient to prove that the "oppressive and annoying" arrangements, mentioned in my last, and not purely imaginary, and to justify myself in bringing the case before your notice; my object in doing so, is respectfully to request you to instruct the Collector to pay over to us the drawback on the sugars shipped per steamship "Lord Worsley," and also per sailing vessels "Spray" and "Kate Kearney," and to order him, if not to revert to the former arrangement; to frame such new regulations as may duly protect the Revenue, and at the same time not be the cause of expense or inconvenience to this Company.

I have, &c.,

The Honorable  
The Colonial Treasurer,  
Sydney.

J. GRAFTON ROSS,  
General Manager.

No.

Sydney, 185 .

Shipped by the Colonial Sugar Refining Company,  
The Product of Sugar, imported per  
To the Custom House Officer on board the

Brisbane Sugar Works,  
Sydney, 15 July, 1859.

Sir,

On the 8th instant, in accordance with instructions to that effect, I despatched from these works to the "Lord Worsley," on account Messrs. Gilchrist, Watt, and Co., as under:—

N.E. & Co. (120) one hundred and twenty mats, 2 qrs. each, new No. 2 pieces.  
The drays were loaded at 2 to 2-30 P.M., and the receipts returned to me at about 4-30 same afternoon.

J. Grafton Ross, Esq.,  
Manager, C. S. R. Company.

I have, &c.,  
J PERRY.

I marked the above sugar N.E. & Co., on the day and about the hour abovenamed.

E. FISHER.

*For the Collector.*

The responsibility of taking such steps as may be considered necessary for the due protection of the Revenue, must obviously rest with the Collector, who will I have no doubt afford such accommodation to the mercantile community generally, as may not be inconsistent with this protection. If the dates in the within letter from the Sugar Company are correct, the parcel of sugar exported per "Spray" was on its road to that vessel at the time the intimation was first made to them of a change in the regulations. Provided that such was the case, I think the drawback on this parcel should be allowed, as having been shipped in ignorance.

E. C. W.  
2 August, 1859.

The confusion of facts and dates in the correspondence renders it very difficult to arrive at a satisfactory conclusion, as related by Mr. Ross. I considered the circumstances of the shipment of sugar per "Spray," warranted me in deciding that the drawback should be allowed, and I had minuted to that effect; but the further report of the Collector, stating that *long before* the date of that shipment he had stated to the agents of the Company, and to their managing clerk, that the sugar shipped for drawback must be weighed in the presence of an officer, and that the case of the "Moa" had caused him to renew that notice, of which all parties were aware some days before the shipment in question, and that there was no real difference between the case of the "Spray," and that by "Lord Worsley," "Lord Ashley," and "Kate Kearney," would not, I conceive, justify me in interposing. It would appear that the change in the regulations was communicated by the Collector to the agents and officers of the Sugar Company, who must have neglected to have informed Mr. Ross.

E. C. W.  
8 August, 1859.

[No.

[No. 6.]

*Custom House, Sydney,  
4 August, 1859.*

Sir,

With reference to Mr. Ross's letter of the 26th ultimo (herewith), and the Honorable Treasurer's Minute thereon of the 2nd instant, I think it necessary, before paying the drawback on the sugar in question, to make a few remarks on Mr. Ross's statements.

1. As to the regulations under which the drawback system was conducted before my time, and which Mr. Ross wishes to have restored, I am bound to say that, coupled with the absence of the exporter's declaration, and the employment of a simpleton as the sole export officer, it does not appear to me possible to devise a scheme better calculated to facilitate extensive frauds without the possibility of detection. If, as Mr. Ross says, "only two instances of mistakes" have been discovered, this proves the difficulty of discovering them under such an unheard of arrangement,—not that no more mistakes have occurred. I have a strong belief, founded on the general irregularity of the Company's Custom House business, that many such mistakes have occurred; and I shall have shortly to draw the Honorable Treasurer's attention to some facts bearing on this subject. Indeed, under so loose a system, mistakes and even frauds must have occurred. There was not even the peril of a false declaration between any exporter and any amount of drawback he might venture to claim under the regulations of which Mr. Ross so highly approves.

2. With respect to the case of the "Moa," I still maintain that it was Mr. Ross's duty, as an honorable man, and his agents' duty, under their bond, immediately to inform me of the non-shipment of the sugar upon which they had the drawback. If he ridicules the small amount, I dwell upon the very great principle involved.

3. I shall not defend the "tone" of my letter from Mr. Ross's remarks, even by quoting the example he had previously set me; but when he finds fault with the expression, "at least this quantity," and says, I "know perfectly well that exactly 40 bags were short landed in Auckland," he makes a grave accusation which I rebut with the simple fact that the Collector at Auckland wrote me that 43 bags were short landed. I had also good reason to use the words "if not from the first"; but, of course, Mr. Ross is in error in assuming that I meant any inference that may be drawn from these irregularities to apply to any "gentlemen of known integrity" who may happen to be shareholders in the Company.

4. I now come to the dates upon which Mr. Weekes thinks the drawback may be allowed on the sugar by the "Spray." As given by Mr. Ross, however, these dates are extremely inaccurate. Long before the date of that shipment, I stated to the Agents of the Company, and to their managing clerk, that the sugar shipped for drawback must be weighed in the presence of an officer; difficulties were thrown in the way, but the case of the "Moa" caused me to renew my notice—of which all parties were aware some days before the shipment in question.

There is, therefore, no real difference between the cases of the sugar by the "Spray," and that by the "Lord Worsley," "Lord Ashley," and "Kate Kearney," to which Mr. Ross refers. If the drawback be paid on one, it will be claimed and should be paid on all; and a regulation which is already working well, without the slightest hindrance to trade, will be so far nullified, and my authority weakened.

I have, &amp;c.,

W. A. DUNCAN.

The Secretary to the Treasury.

Having been informed by the chief officer of the S. S. "Lord Worsley," that the three tons of sugar referred to in the Export Warrant, No. 159, for drawback, was shipped on the 7th instant under these circumstances, the warrants are returned without execution.

DONALD MACPHERSON, L. W.

*Sydney, 12 July, 1859.*

Sir,

I have the honor to place before you the following particulars relative to shipment of sugar for drawback on the steamship "Lord Worsley":—

Immediately on receipt of notice for drawback, I called at the office of the Colonial Sugar Refining Company, and requested them to appoint a time that I could see the sugar weighed previous to shipment.

In answer to my request, I was informed that they did not know what time it would be ready—perhaps in a day or two, or not till the end of the week.

I called again at the office and urged the necessity of my seeing the sugar weighed and shipped, in order to secure the drawback, and was told that they did not know when it would be ready—perhaps it was not made yet; they then referred me to Metcalfe and Co., who would give me the necessary information; on applying to Mr. Powell, he stated that he knew nothing about it; I then said, as I have called upon the Sugar Company so often about this, that they must notify me when ready to ship, as I had several other notices for drawback to complete—one of which being for tea on the same vessel; I discovered that the Colonial Sugar Refining Company had been sending down sugar the whole of the forenoon, without notifying me of the same.

I am, &amp;c.,

J. M. CHAPMAN,

Officer of Drawback.

To

W. A. Duncan, Esq.,  
Collector Customs.

C. —



## C.—EXPORTS.

Sydney, 8th day of July, 1859.

In the "Lord Worsley," a British ship, Johnson, Master, for Auckland. Colonial Sugar Company, per M. Metcalfe and Co., Agents.

Marks & Nos.		Produce.	Value.
£15	Three tons Bastards .....	N. S. W.	£96
	Drawback.		
	No. 159.		

Entered outwards, 5th day }  
of July, 1859. } Grafton Wharf.

J. LANE.

I, R. A. Cape, clerk to M. Metcalfe and Co., Agents for the Colonial Sugar Company, do declare that the above sugars is manufactured from Foreign raw sugar, upon which the import duty of 5s. per cwt. has been paid.

Declared before me this 5th day of July, 1859.

ROBT. W. A. CAPE.

## C.—EXPORTS.

Sydney, 8th day of July, 1859.

In the "Lord Worsley" a British ship, Johnson, Master, for Auckland. Colonial Sugar Company, per M. Metcalfe & Co., Agents.

Marks & Nos.		Produce.	Value.
£15	3 tons bastards ... ..	N. S. W.	£96
	Drawback.		
	No. 159.		

Entered outwards 5th day }  
of July, 1859. } Grafton Wharf.

J. L.

## C.—EXPORTS.

Sydney, 6th day of July, 1859.

In the "Lord Worsley," British ship, Johnson, Master, for Auckland. Colonial Sugar Refining Company, per M. Metcalfe and Co., Agents.

Marks & Nos.		Produce.	Value.
£ s. d.			
33 6 8	Five tons refined sugar .....	N. S. W.	£330
25 0 0	Five tons bastards sugar.....	"	£170
58 6 8	No. 88.		

Declared before me, this 6th day of July, 1859.

GEO. WALL.  
Wharf,

Entered Outwards, Custom House, }  
Sydney, 5th day of July, 1859. }

J. LANE.

I, George Wall, clerk to M. Metcalfe and Co., Agents for the C. S. Refining Co., do declare that the above sugar was manufactured from Foreign raw sugar, upon which the import duty has been paid.

GEO. WALL.

[No.

[No. 7.]

Colonial Sugar Refining Company,  
Offices, George-street, Sydney,  
15 August, 1859.

Sir,

I have the honor to acknowledge receipt of your letter of 8th August, replying to my application for payment of drawback upon sugars exported per "Lord Worsley," "Spray," and "Kate Kearney." I note that you do not consider you are justified in interposing in the matter, and that, relying upon Mr. Duncan's statement, you are of opinion that the change in regulations was communicated to our agents, Messrs. Metcalfe, Powell, and Co., "long before" the date of the "Spray's" shipment.

As containing a positive denial of this statement, I have the honor to enclose you a letter addressed to me by Mr. Powell (one of the firm of Messrs. Metcalfe, Powell, and Co.), who also adverts to other circumstances bearing upon my application, the perusal of which will I trust induce you to reconsider the case.

As to one of the parcels of sugar upon which we are refused drawback, viz., that per "Lord Worsley," I have obtained a certificate from the Customs officer at Auckland, of the full number of packages having been duly landed at that port, which I beg to enclose. If it be objected that the weight is not specified, I can produce the books of the Company, shewing that the weight for which the consignee there actually paid is the same as that claimed for drawback.

I am daily expecting similar certificates for the sugars per "Spray" and "Kate Kearney."

With these documents (Mr. Powell's letter, and the certificate of Customs officer), I trust the Government will see the justice of sanctioning the payment of the drawback we claim upon these sugars, especially as it is now upon record that other persons under similar circumstances have found little or no difficulty in obtaining the drawback upon their goods.

I have in conclusion to express the regret of the Directors that this Company, almost the sole representative of manufacturing enterprise in the Colony, and contributing a fourth of its general revenue, should have been singled out by Mr. Duncan as deserving of the obstacles and annoyances he appears desirous of placing in its way, and this more particularly when he acknowledges himself actuated by motives such as those expressed during his conversation with Mr. Powell.

I have, &c.,

J. GRAFTON ROSS,  
General Manager,  
Colonial Sugar Refining Company.

The Honorable  
The Colonial Treasurer.

Sydney, 9 August, 1859.

Sir,

I have carefully read Mr. Lane's letter to you, in reply to your communication with the Honorable the Treasurer in reference to the disputed drawback payments.

Mr. Duncan's statements must be wholly unfounded, and I fear that the obscurity of dates and circumstances are of his creation.

I assert most unhesitatingly that I had no intimation of Mr. Duncan's wish to have Company's sugar weighed for drawback, except as I shall hereinafter shew.

A difficulty, which has been most ridiculously magnified, occurred in the "Moa's" shipment, in consequence of the carelessness of the Custom House officer. The Collector did not say that he intended reporting the matter to the Government, but expressed himself satisfied with my explanation and with the general correctness of the Company.

We on the 1st and 4th of July, entered for shipment on board the "Spray," twenty-two tons sugar, which was not weighed by the Customs either at the sugar-house or on the wharf, upon which drawback has been allowed. The new regulations commenced on the 6th July by another officer, with a further shipment on board the "Spray" of two tons sugar, upon which drawback is not allowed in consequence of his not having seen the same.

The officer might have seen the sugar at the ship—this he refused to do, his instructions from the Collector being to weigh at the sugar-house.

The impossibility of acting upon such instructions was demonstrated to the Collector by his own officer in my presence, and he three days after the commencement of the new practice (which has caused all the inconvenience of which you have complained) reverted to that which had been in force previously, and under which no difficulty has arisen except in the case of the "Moa," and one other case about three years since, involving errors to the amount of £10, which was repaid to the Customs immediately upon discovery.

"Long before" is a very indefinite and ambiguous term; I assert that I did not receive any such intimation at any time, except from Mr. Chapman, the newly-appointed officer, on the 6th July. I immediately sent him to your office, where he repeated that his instructions from the Collector required that the sugar should be weighed by him at the sugar-house.

There was no renewal of the practice of weighing sugar, simply because no sugar manufactured by the Company had been weighed previous to the error in the "Moa's" shipment, nor subsequently until the appointment of Mr. Chapman on the 6th.

All parties could not (as stated) have been aware of that which did not exist until the entry for the two tons on board the "Spray" on the 6th July, and I with confidence

state



state that no difficulty would have arisen had the Collector allowed that which he allowed before and has since allowed.

Robey and Co.'s sugar, shipped by the "Spray," was not weighed either at the works or on the wharf, but the Collector allowed the drawback upon the bags as counted in the ship's hold, taking other bags to represent the weight. I suggested that the same course should be followed for the Sugar Company, which was objected to by the Landing Surveyor.

Again, on the 18th May, Messrs. Gilchrist, Watt, and Co., claimed drawback upon 5 tons 8 cwt. sugar, which had been shipped fully a week before the entry was passed; and although no officer of Customs had weighed or seen the sugar Mr. Duncan authorised the allowance of the drawback, only deferring the payment until a certificate could be produced of the unloading.

I may terminate my remarks by informing you that three days since I had a conversation with Mr. Duncan in reference to the Sugar Company's drawbacks, and endeavoured to prove to him that no substantial ground existed for disallowing the drawback, and offered to procure certificates of the due landing of the sugar from the ports of discharge.

Mr. Duncan said he did not doubt the correctness of the whole transaction, and imputed no blame whatever to us as Agents, and that he very likely would have been inclined to allow the drawback had it not been for the impertinent character of Mr. Ross' letter, and the running about by Sir Daniel Cooper from Minister to Minister in a matter he did not understand.

I am, &c.,

JAMES POWELL,

of the Firm of Metcalfe, Powell, and Co.

J. G. Ross, Esq.

Custom House, Auckland,

23 July, 1859.

I hereby certify that the three hundred and forty-four mats sugar marked E, consigned to Ellis of this place, were duly landed, ex "Lord Worsley" steamer, Johnston, master, from Sydney, July 10th, 1859.

THOS. H. ELY,

Landing Surveyor.

[No. 8.]

Custom House, Sydney,

18 August, 1859.

Sir,

I do myself the honor to acknowledge the receipt of a further letter from Mr. Ross to the Honorable Treasurer, on the subject of the disputed drawbacks on sugar, together with a letter from Mr. Powell, Custom House Agent to Mr. Ross, on the same subject, on which two documents I am requested to report.

1. This discussion is assuming a very disagreeable aspect. If the assertions of Mr. Powell in the latter production were true, the strong language of Mr. Ross would be more than justified, and I should deserve to be dismissed from the public service with ignominy, as having been guilty of falsehood and partiality. If, on the contrary, Mr. Powell's statements are a tissue of misrepresentation, he is, I submit, an unfit person to hold a license from this office. Before replying to Mr. Ross, therefore, I think it necessary to test the worth of the evidence on which his letter is founded.

2. Mr. Powell sets out by a general accusation of falsehood against me as regards "statements," "dates and circumstances." Descending to particulars he asserts, "most unhesitatingly," that before the 6th July he "had no intimation of Mr. Duncan's wish to have the Company's sugar weighed for drawback." Could Mr. Weekes conceive that this is a mere quibble? Yet such is the fact. In a conversation, to which Mr. Powell afterwards refers, he admitted in the presence of Mr. Still and Mr. Llewellyn that "I had spoken to him on several previous occasions respecting the weighing for drawback, but that I did not specify the Company's sugar in particular!" Why should I? I never meant to make any distinction either for them or against them. (*I append statements of Mr. Still's and Mr. Llewellyn's recollection of this conversation.*)

3. I do not understand what Mr. Powell means by saying that the deficiency of the sugar per "Moa" has been "most ridiculously magnified." Nor is it correct that it occurred "in consequence of the carelessness of the officer," although he ought to have detected it. But how is it that the manager and agents of the Company strove hard to have this most careless officer retained at his post, and when that could not be, to prevent his dismissal from the service? That I ever expressed my satisfaction with Mr. Powell's part in this affair, is the direct reverse of the truth.

4. If the sugar entered on the 1st and 4th July was not weighed, it was contrary to the searcher's instructions, contrary to my belief, and that of the landing surveyor. But with such an officer as Mr. Russell it was easy for Mr. Powell to obtain any terms of shipment. On the 6th July that officer was replaced by Mr. Chapman, and the drawback on the entry of that day was refused, because the goods had been shipped without notice, and the officer was unable to ascertain either the quantity or weight. The statement of Mr. Powell that "the officer might have seen the sugar at the ship—this he refused to do," is, I am informed by that officer, and Mr. Still, untrue (*see their letters annexed*), as is Mr. Powell's assertion that he "suggested that the same course should be followed for the Sugar Company" that had been adopted in Messrs. Robey and Company's case. Mr. Still has no recollection of any such suggestion, and I am quite sure it was never made to me. In Messrs. Robey's

case

case every bag was counted, and the weight ascertained with tolerable accuracy. Mr. Powell well knows that I would have been satisfied with similar evidence of the weight in the case of the Company's shipments; yet with this knowledge he has the hardihood to put the two cases in contrast as a proof of my partiality—partiality in favor of persons who are quite unknown to me!

5. Mr. Powell has repeatedly asserted that the proposal to weigh at the sugar-house emanated from me. It was with the view of meeting the convenience of the Company, and their alleged difficulty of weighing on the wharf, that I consented to this arrangement, which was never meant to be permanent. When, however, I found my officer laughed at by the clerks of the Company,—when he was told that “perhaps the sugar was not yet made”—they knowing at the time that it was actually shipped, of course all notion of weighing at the sugar-house was abandoned. When, however, Mr. Powell states that I “three days after ‘the commencement of the new practice reverted to that which had been in force previously,’” he asserts that which he knows to be utterly untrue. (*Vide Mr. Still's letter, also Mr. Chapman's, appended.*)

6. Mr. Powell says that, “Again, on the 18th May, Messrs. Gilchrist, Watt, & Co., ‘claimed drawback on 5 tons 8 cwt. sugar, which had been shipped fully a week before the ‘entry was passed, and, although no officer of Customs had weighed or seen the sugar, Mr. ‘Duncan authorised the allowance of drawback, only deferring the payment until a certificate ‘could be produced of the unloading.’” Mr. Powell, however, omits to observe, that on that occasion I gave notice to the agents—himself among the number—that in no future case would I allow drawback, unless my officers were enabled to examine the goods. *This occurred just eight days after I took charge of this office, and had Mr. Powell told the whole story, it would have explained in part what I meant when I used the relative expression ‘long before the 6th July,’ which he thinks so ambiguous. The Honorable Treasurer will bear in recollection, that before my time there was no evidence whatever of the true quantities shipped for drawback, and no declaration before the Collector as to the correctness of the transaction.*

7. Mr. Powell's version of the conversation mentioned in his two last paragraphs is substantially contradicted by Mr. Still and Mr. Llewellyn, who were present. To their fair and honest statements I add my positive assertion that Mr. Powell did admit several conversations having taken place on the subject of weighing sugar for drawback before the 6th July (though not specially the Company's sugar); that I never expressed my satisfaction with his conduct as a Custom House Agent; that I never exonerated the manager of the Company from blame in opposing all my reforms, although I expressed much respect for some of the individual shareholders; and above all, that I never said that “I would have been ‘inclined to allow the drawback had it not been for the impertinent character of Mr. Ross's ‘letter, and the running about of Sir Daniel Cooper, &c.’” I had in fact decided not to allow the drawback before Mr. Ross's letter existed. (*Vide notes of Mr. Still and Mr. Llewellyn, appended.*)

8. Having thus disposed of Mr. Powell's facts, the argument of Mr. Ross founded on them of course falls to the ground. The charge of partiality is perfectly ridiculous, if not something worse. I never exchanged words, to my knowledge, with either Messrs. Robey and Co. or Gilchrist and Co. If these have found me desirous of affording them every facility they required, it is because they shewed a willingness to comply with the law, and my reasonable orders. If I have been firm with the Sugar Company, it is because their clerk and agents have set all my orders at utter defiance, fancying they had influence enough to cause them to be rescinded, in which I trust for the honor of the Government and the safety of the Revenue they will find themselves mistaken. To me it can be of no consequence whether these drawbacks are paid or withheld. I have given my opinion on that head honestly, as was my duty, and I consider the decision now out of my hands.

9. I cannot, however, conclude this letter, long as it is, without remarking on Mr. Ross's concluding paragraph. If it be Mr. Ross's meaning that because the Company he represents is about “the sole representation of manufacturing enterprise in the Colony”—that, therefore they ought to possess privileges at the Custom House denied to private merchants, then I totally dissent from the doctrine. I believe the age of bounties and protection has expired and ought never to be resuscitated. But, however this may be, the law makes no distinction between manufacturer and importer, and I make none. The “obstacles and annoyances” have all proceeded from the Company's servants and agents, not from me. I admit that my mode of administering the Custom Laws will interfere with the profits hitherto enjoyed by the Company, independently of what may be assumed as the probable results of their former drawback system. I would draw the Honorable Treasurer's attention to the practice they have been allowed to carry on of taking large quantities of sugar out of bond without weighing, or paying the full duty. I find that in the Auditor General's queries for the December Quarter of 1856 upwards of 260 tons of sugar representing about £1,350 of duty had been taken out of bond by the Company without payment of duty—that an application made to the Government, supported by an incorrect statement of facts for a remission of this large sum, and that the Executive Council, deceived as to the facts, allowed the deficiency to be written off.

10. Again, in the first quarter of the present year, a deficiency of 141 tons was discovered, representing duty to the amount of £700 and upwards, and was disposed of in a similar way.

11. In addition to these cases, which had already come under the notice of the Government, I have now to state that we have discovered deficiencies in the sugar belonging to the Company now appearing to be in bond to over 231 tons, representing duty which ought to be now in the Treasury, amounting to £1,155, and which upon the system hitherto enjoyed

enjoyed by the Company would be lost to the Revenue in like manner:—doubly lost in fact, because on this very sugar which has never paid duty at all, drawback has been allowed long since. And Mr. Fancourt informs me that these 231 tons by no means included all the actual deficiencies.

12. I know, of course, what the agents of the Company have said about waste—the English allowance, and so forth; but I am prepared to prove, if necessary, that their representations on the subject are incorrect. These deficiencies all occurred before the appointment of Mr. Still. Up to that time no locker superintended the weighing out of the Company's sugar. Mr. Still had a locker appointed, and thus solved the problem of the alleged waste, which instead of three and four per cent. claimed by the Company and allowed, has never exceeded one-half per cent., while in several instances the sugar has actually increased in weight! Any further remark would be superfluous.

In conclusion, since the part of this letter referring to Mr. Powell was written, I have called upon the agent of Messrs. Gilchrist, Watt, and Co., to whose drawback on the 18th of May he refers, to state what occurred on that occasion. Mr. Bayley's note herewith, entirely agrees with my own recollection of what took place, and demonstrates against Mr. Powell, that even so far back as the 18th May—eight days after I took charge, the new regulations respecting drawback, which Mr. Powell asserts "most unhesitatingly" were not issued till the 6th July, were actually initiated. Adding this to the other proofs I have adduced of his utter recklessness of truth and his gross disrespect to myself, as well as his habitual opposition to all my efforts to reform this establishment, I beg to request that the Honorable Treasurer will, in accordance with the 60th section of the Act, 9 Victoria, No. 15, obtain the concurrence of His Excellency the Governor General to my revocation of Mr. Powell's license. His partner, Mr. Metcalfe, appears to have no license, or at least, has not given bond as an agent according to law.

I have, &c.,

W. A. DUNCAN.

The Secretary to the Treasury.

Custom House, Sydney,  
17 August, 1859.

Dear Sir,

In reply to your request that I will state if the extracts, as per margin, from a letter addressed by Mr. Powell, of the firm of Metcalfe and Co., accord with my recollection of a conversation in my presence between yourself and Mr. Powell, as well as with other circumstances connected with certain drawbacks claimed by the Sugar Company last month, I beg to remark as follows, namely:—

"I assert most unhesitatingly that I had  
"no intimation of Mr. Duncan's wish to have  
"the Company's sugar weighed for drawback  
"(before 6th July.)"

Mr. Powell, on being reminded by you that you had spoken to him on several occasions respecting the weighing of drawbacks, admitted you had done so, but that you had not specifically mentioned the Sugar Company.

"Mr. Duncan said he did not doubt the  
"correctness of the whole transaction, and  
"imputed no blame whatever to us as Agents."

I cannot recollect any allusion being made to the conduct of the Agents during the conversation.

"He very likely would have been inclined  
"to allow the drawback, had it not been for  
"the impertinent letter of Mr. Ross, and the  
"running about of Sir Daniel Cooper, &c."

I did not understand your remarks in that light, because you exclaimed in reply to an observation from Mr. Powell, "What feeling can I have in the matter—several of the Company I know and respect—Sir Daniel Cooper is a personal friend, and his uncle in London has rendered me services," and other words were made use of to the same effect.

"The officer might have seen the sugar  
"at the ship (the 'Spray')—this he refused  
"to do."

I am given to understand by the officer in question that this was not the case.

"The impossibility of acting on such  
"instructions was demonstrated to the Collector in my presence, and he, three days  
"after the commencement of the new practice,  
"reverted to that which had been in use previously."

The old practice has not been reverted to since the first order was issued on the subject.

"The landing-surveyor refused to allow  
"the bags to be counted in the hold, and the  
"quantity ascertained in that way, as the  
"Collector had allowed in the case of a parcel  
"of Robey & Co's."

I have no recollection of any application being made to me in the matter at all. I am informed that the officer did proceed on board, but could not see the Company's bags. Messrs. Robey and Co's. the officer stated were stowed in the hold above them, and were in consequence examined.

Yours, &c.,

W. CATHCART STILL.

W. A. Duncan, Esq.,  
&c., &c., &c.

Custom

Custom House, Sydney,  
17 August, 1859.

Dear Sir,

In reply to your letter of this day's date desiring me to give you my recollection of the tenor of a conversation between you and Mr. Powell, respecting the mode of shipping drawback goods, I will endeavor to do so as well as my memory serves me.

From your letter, it appears that Mr. Powell says:—

"1st. I assert, most unhesitatingly, that I had no intimation of Mr. Duncan's wish to have the Company's sugar weighed for drawback, namely, before the 6th July.

"2nd. Mr. Duncan said he did not doubt the correctness of the whole transaction, and imputed no blame whatever to us as agents.

"3rd. Mr. Powell adds, that you said that you would very likely have been inclined to allow the drawback, had it not been for the impertinent character of Mr. Ross' letter, and the running about of Sir D. Cooper from Minister to Minister in a matter he did not understand."

My statement is:—

1st. I distinctly understood Mr. Powell to admit that he had had several conversations with you respecting the system you desired to carry out in the mode of shipping drawback goods.

2nd. What I understood was, that you did not doubt the integrity of the Sugar Company, but I do not recollect your approving of the transaction *at all*; and, as regards the conduct of Mr. Powell, I have heard you over and over again complain of his apparent desire to thwart you in carrying out the regulations you were anxious to introduce.

3. I do not remember your saying anything which would bear out this statement; but it appeared to me that Mr. Powell was desirous to understand you to say that you would have allowed the drawback, had it not been for the offensive proceedings of some of the parties, and it was at this stage that I drew your special attention to what Mr. Powell said he understood you to mean—upon which you observed—"why, what personal feeling could I have against Sir D. Cooper or Mr. Knox, who are my personal friends;" in fact, at this part of the conversation, although "deprecating the insulting mode adopted in the matter, and the interference of Sir D. Cooper," you distinctly denied any personal feeling whatever.

Yours, &c.,

W. A. Duncan, Esq.

W. N. LLEWELLIN.

Sydney, 18 August, 1859.

Sir,

I have the honor to submit the following explanation relative to certain statements made by Mr. Powell, in reference to two tons sugar, shipped on board the "Spray," wherein he states the officer might have seen it at the ship, which he refused to do.

In reply to which I beg to say that, when I applied at the office on receiving the notice, Mr. Stokes informed me that it had been shipped two days previously; therefore it was impossible for me to have seen it without discharging cargo, which I did not think it my duty to do.

With regard to his statement of the old system having been reverted to, I may state such is not the case, for since the 8th day of July all goods for drawback have been examined previous to shipment by the searchers and landing-waiters, at their respective stations on the water side.

Mr. Powell also states that he suggested to the landing-surveyor that the same course should be adopted for the Sugar Company as that for Robey and Co.; this could not have been done, from the fact of my not having been able to see it, as in the case of Robey and Co.'s sugar, which was stowed on top of the other goods in the hold.

I have, &c.,

The Collector of Customs.

J. M. CHAPMAN.

Sydney, 19 August, 1859.

Dear Sir,

In reply to your note of this day's date, I beg to state that the conversation which took place on the occasion in question was, as nearly as possible, the following:—

I requested to be allowed the drawback on the goods shipped, upon my producing the certificate of their having been landed at their port of destination (the requisite notice not having been served upon the landing-waiter in the regular way); stating, at the same time, that when an omission of this kind had occurred, on previous occasions, it had been customary to allow the drawback on production of such certificate.

Your reply was, that as this was one of the first cases that had occurred *since the new regulations with regard to drawbacks had been passed*, and that, as in all probability it was not generally known out of the Custom House, you would be inclined to allow the drawback upon my producing the certificate from the Collector of Customs of the Port to which the goods were consigned, of their safe landing. At the same time you gave me fully to understand, that on no future occasion, whatever the circumstances might be, would you allow drawback on goods for which the proper notices had not been given.

This is almost *verbatim* the conversation that occurred.

I remain, &c.,

W. A. Duncan, Esq.,

M. BAYLEY.

&c., &c., &c.

[No,

[No. 9.]

Custom House, Sydney,  
30 August, 1859.

Sir,

I deem it necessary again to submit to the consideration of the Honorable Treasurer, the systematic opposition of the manager and agents of the Sugar Refining Company to my regulations for the shipment of goods for drawback.

1. It will be remembered that before I took charge, no declaration was made by the shipper, and no officer weighed the goods or saw them shipped; there was little or nothing, therefore, to prevent a person so inclined from obtaining drawback for goods that were never shipped. I took the earliest opportunity of putting a stop to this loose system, by requiring the exporters to make a proper declaration before me, and the searchers to examine and weigh the goods before shipment. To this regulation the merchants generally have made no opposition, while the most harassing and persevering resistance has been made to it on the part of the Sugar Company from the commencement to the present time.

2. In addition to the obstacles mentioned in previous correspondence, on the 10th instant the Company shipped  $2\frac{1}{2}$  tons of sugar, between 11 and 12 cwt. of which was packed in a large cask, which they well knew we had no means of weighing; the searcher ascertained by boring that it contained sugar, but could only guess at the weight, or take it at the shipper's word.

3. Again late in the afternoon of the 26th entry was passed on behalf of the Sugar Company for 6 tons of sugar for drawback; the searcher on the station heard nothing about the shipment till about half-past 12 on the following day (Saturday), when going on board the ship, the mate informed him that 5 tons of the sugar had been already shipped; on Monday he was informed in like manner that the remainder had been shipped on Saturday afternoon after he left the station. I enclose the Company's shipping notes for this sugar; remarking 1st, that the dates of all save one have been altered from 2nd to 27th; 2ndly, that the bill relating to the lot last shipped still bears date the 2nd August; and 3rdly, that although addressed to the Custom House Officer, they were never presented to him, on the part of the Company, but to the mate of the ship, who handed them to the searcher after the presumed shipment,—the last of them two days after.

Under such circumstances, it becomes necessary that I should receive the Honorable Treasurer's instructions how I am to meet this opposition. Whether I am to yield to it, and pay drawback on any quantity that may be declared to, or to insist upon this Company affording us the same facilities as others for the examination of their debenture goods.

I have, &amp;c.,

W. A. DUNCAN.

The Secretary to the Treasury.

No.

Sydney, 27 August, 1859.

Shipped by the Colonial Sugar Refining Company, 32 mats refined sugar,  
20 : 0 : 0 net, the product of sugar, imported by  
To the Custom House Officer on board the Louis and Miriam.

No.

Sydney, 27 August, 1859.

Shipped by the Colonial Sugar Refining Company, 32 mats bastards, 20 : 0 : 0  
net, the product of sugar, imported per  
To the Custom House Officer on board the Louis and Miriam.

No.

Sydney, 27 August, 1859.

Shipped by the Colonial Sugar Refining Company, 32 mats refined sugar,  
20 : 0 : 0 net, the product of sugar, imported per  
To the Custom House Officer on board the Louis and Miriam.

No.

Sydney, 27 August, 1859.

Shipped by the Colonial Sugar Refining Company, 32 mats bastards, 20 : 0 : 0  
net, the product of sugar, imported per  
To the Custom House Officer on board the Louis and Miriam.

No.

Sydney, 27 August, 1859.

Shipped by the Colonial Sugar Refining Company, 40 mats bastards, 20 : 0 : 0  
net, the product of sugar per  
To the Custom House Officer on board the Louis and Miriam.

No.

Sydney, 2 August, 1859.

Shipped by the Colonial Sugar Refining Company, 40 mats bastards, 20 : 0 : 0  
net, the product of sugar, imported per  
To the Custom House Officer on board the Louis and Miriam.

[No.]

[No. 10.]

Custom House, Sydney,  
2 September, 1859.

Sir,

In preparing a list of goods in the warehouses for an overtime sale, a great number of deficiencies have been discovered, the particulars of which I herewith enclose, for the Honorable Treasurer's information, and instructions as to their disposal, so that our books may be made to correspond with the actual stock on hand.

1. A good many of the smaller packages are stated to have been used to fill up, and omitted to be written off the books. This explanation no doubt implies great negligence, but if it be admitted as correct, I would propose to write these off at once, as also those reported to have been destroyed by the floods. In other cases I purpose to make a formal demand of the duty, and I wish to know what course I should pursue in the event of its being refused.

2. The most important items are the deficiencies in sugar. The first three of these shew a deficiency of  $8\frac{1}{2}$  per centum on the whole, which, if assumed as waste, is perfectly monstrous, the real deficiency in this climate having been proved by repeated experiments to be next to nothing. The sugar has in fact been taken out of the warehouse without payment of duty, and the deficiencies should have been brought to account in the overtime sales of 1856 and 1857.

3. There is something mysterious about the 747 packages of tea deficient in Towns'. The tea seems to have been taken into consumption almost immediately after it was warehoused without payment of duty; and it seems a question whether the mere payment of the duty, which has been made now, should satisfy the Government, seeing that the goods must have been abstracted, not only with the knowledge of the locker (Newton), but with the knowledge and by the order of some person connected with the firm of Towns and Co. Nor does the mystery end with this. I forward herewith the red book of the vessel from which this tea was landed. From this it appears that the landing-waiter's *net weight* of this parcel was reduced by the late landing-surveyor from 32,354 lbs. to 29,134 lbs., being a loss to the Revenue of the duty on 3,220 lbs. of tea; and the same book shews that a still larger reduction was made on the net weight of another lot of tea consigned to Messrs. Towns and Co., by the same ship; making altogether a loss to the Revenue of the duty on 6,970 lbs. of tea. The landing-waiter, Mr. Kidd, who is still in the department, assures me that the *original net weight* was ascertained by him by actually turning out the tea.

4. The other items to which I would specially call the Honorable Treasurer's attention are a quantity of coffee missing from Fisher's and the Exchange warehouses, 3 cases of cigars missing from Pollard's, 33 cases of gin missing from Lloyd's, 58 packages of tea missing from Mitchell's, 2 cases of brandy missing from Pollard's, and 6 cases of Geneva missing from either Campbell's or Pollard's.

5. It does seem strange that all these deficiencies, if they escaped attention at previous overtime sales, were not brought to light and accounted for, or written off in 1857, when stock was taken in all the warehouses by Mr. Still, and the exact quantities on hand detailed by him for the purpose of comparison with the books. As, however, Mr. Garling and Mr. Nash, who appear to be the parties responsible for these omissions and discrepancies, are no longer in this department, I do not know that I can do more than forward the list with these few remarks.

It will be understood that the list does not include all the actual deficiencies, but such only as came to light in preparing for a sale of goods bonded more than three years since.

I have, &amp;c.,

W. A. DUNCAN.

The Secretary to the Treasury.

The Collector will call for a report from Mr. Still, especially as to his stock-taking of all the goods in bond in 1857.

E. C. W.

8 Sept., '59.

Mr. Still's *original* report of 1857 herewith, together with an explanatory Nemo., and a letter from Messrs. Towns and Co., which so far as it does explain refers to another lot of tea, on which also there appears to have been a large deficiency. None of the 747 packages were in bond in 1857. The parties who compared Mr. Still's report with the books are no longer in the Department, and have left no traces of their labors. The stock of sugar was not taken at the time, but there seems to have been no restriction on the owners taking what they pleased, and even claiming drawback on it afterwards if they had the courage.

9 Sept., 1859.

W. A. D.

From a note by Mr. Fancourt it appears that the Locker at the Bond brought the matter to the notice of Messrs. Towns and Co., and the duty was paid on 3rd August, while the first intimation given to me was 2nd September. It was, I conceive, the duty of the Locker or Warehouse-keeper, or both, to have reported to the Collector forthwith, as it appears that the matter was commonly talked about more than a month ago. Application should be made in the cases referred to, and the result reported. The matters connected with the tea and sugar must be dealt with separately.

E. C. W.

14 Sept., '59.

The Collector of Customs.

Sydney,



Sydney, 19 September, 1859.

Sir,

In answer to your letter of this date respecting 747 packages of tea ex "Hirondelle," in 1856, had been removed from Towns' Warehouse without payment of duty.

In reply, I beg leave to state that the stock-taking at that time, by Mr. Still, was compared in the Warehouse-keeper's Office by the Clerks in that branch of the Department, having myself little or no time to attend to the comparison, therefore those duties were left entirely to the persons employed in the Office, and as they made no report to me of any deficiency of tea in Town's Bonded Store I considered it to be correct.

I have, &c.,

The Collector of H. M. Customs.

D. NASH.

Sydney, 31 August, 1859.

Sir,

In reply to your letter of this date we beg to say that we cannot trace out how the error in regard to the "Hirondelle" has arose.

It has been the usage with our Custom House Clerk, when getting near the end of a cargo to pay duty on the balance, as per Customs warehouse-book, which appears to have been done in this instance.

On examining the book kept by Mr. Coleman (our former clerk in that department), we find he has left a memo. of a difference between his and the Customs account, which we have reason to believe he brought under notice of those in charge of the department at the time, as we are given to understand that a pencil memorandum exists in the Customs books to the effect that these teas were duty paid.

Mr. Coleman left our service shortly after, and we suppose the matter has since lain in oblivion until recent bringing up the arrears of the Customs books brought it to light.

It was not brought to our notice by Mr. Coleman, or by any one in your department, until recently, when having, by examination of the accounts relative to the cargo, satisfied ourselves that it had not been paid, we ordered its immediate payment.

We understood that about ten years ago stock was taken of all goods in the Bonded Warehouses; but how it escaped detection then we are unable to understand.

We have made inquiry and the above is the only explanation we can give, and we believe you will find that while our clerk, at the time, considered that it was not duty paid the Custom House considered that it was, and instructed its delivery.

We have, &c.,

W. A. Duncan, Esq., Collector of Customs.

R. TOWNS & Co.

#### MEMO.

When I took stock at Towns' Warehouse, in August, 1857, I sent in my inventory to the Customs Warehousekeeper, to be compared by him with the Registers. He had the locker then in charge of the bond to assist, and the absence of the tea ex "Hirondelle," (12436) without payment of duty, had these officers properly compared the return, should at once have been detected.

My duty was merely to put down what I found; it was the duty of the Warehousekeeper to discover what was missing, as he had charge of the Registers, which shew all that each bond is charged with. The memorandum alluded to in Messrs. Towns and Co's letter, is in the handwriting of Newton, who was then locker, and refers to a different parcel of tea by the same vessel, marked I 436, of which 69½ chests were in bond when I took stock.

W. CATHCART STILL.

8 September, 1859.

Landing Surveyor.

Mr. Still should endeavor to find the document referred to by Mr. Soares, as it is the most important one connected with the transaction.

E. C. W.

14 Sept., 1859.

#### MEMO.

Custom House, Sydney,

15 September, 1859.

The document was retained by the locker, in order to assist him in checking the items as the discrepancies were afterwards reconciled. He is not in the Department now, and I cannot find the Memo. among the papers he left behind him.

I am positive no allusion was made to the tea ex "Hirondelle," marked K 436, but another batch by the same vessel, marked I 436, was mentioned, and on referring to the Stock Books it will be seen that 238 half-chests were paid for in September, 1857, on the audit of the return being finished. My return shews that only 69 of these half-chests were in bond at the time. I trust it may be clearly understood that the landing and bonding of these teas took place the year before I entered the Customs department.

W. CATHCART STILL,

Landing Surveyor.

Custom

*Custom House, Sydney,*  
15 September, 1859.

Mr. Kidd will be good enough to state *when* he weighed the tea belonging to Towns & Co., ex "Hirondelle," in 1856, and *how* he ascertained the *net weight*—whether a certain number of chests were turned out, or otherwise.

W. A. D.

To the best of my recollection, with the assistance of my messenger and two Chinamen in the employ of Messrs. Towns & Co., I weighed, as the vessel was discharging, one package of each descriptions of tea per "Hirondelle," and I can safely assert that the net weights, as shewn in my Red Book, are the weights actually found to be in the several packages. I emptied each package into a sheet, and weighed the sheet separately.

JOHN KIDD.

The tea was weighed in Messrs. Towns & Co's Bonded Store.

J. K.  
15 September.

[No. 11.]

*Custom House, Sydney,*  
20 September, 1859.

Sir,

With reference to previous correspondence on the subject of the 747 packages of tea, ex "Hirondelle," abstracted from Towns' Bond, I forward herewith a memorandum from Mr. Still respecting the document referred to by Mr. Soares, which, it seems, did not refer to the tea in question, but to another lot of 238 half-chests then on the Customs books, duty unpaid, and only 69 of which were actually in bond at the time stock was taken.

I enclose also letters from Mr. Garling, late landing surveyor, and Mr. Nash, then warehouse-keeper, neither of which, however, throws any light upon the subject.

The statement of Mr. Garling, that he ascertained the net weight as "corrected" by him by weighing, seems to be irreconcilable with that of the landing waiter, Mr. Kidd, who says, "I weighed, at the time the ship was discharging, one package of each description of 'tea per 'Hirondelle,' and I can safely assert that the net weights, as shewn in my red 'book, are the weights actually found in the several packages.'" He adds, "I emptied each 'package into a sheet, and weighed the sheet separately."

With respect to the smaller deficiencies in the warehouses, I have called upon the parties to produce the packages or pay the duty, but hitherto without result.

On the subject of the large deficiencies in sugar I await further instructions.

I have, &c.,

To the Secretary to the Treasury.

W. A. DUNCAN.

*Sydney, 19 September, 1859.*

Sir,

I have to acknowledge the receipt of your letter of the 15th instant, asking information for the Honorable Treasurer relative to the delivery of certain teas from Towns' Warehouse, ex "Hirondelle," in 1856 or 1857, and in reply beg to state that stock was taken in all the Bonding Warehouses in January, 1857, by direction of the Honorable the Minister for Finance, for the purpose of ascertaining whether any deficiencies existed, and if the tea in question was delivered prior to that it ought of course to have been then discovered and reported at the time.

With respect to the alteration in the weights I beg to observe, that when the return was sent in by the landing-waiter, the importers, Messrs. Towns and Co., objected to the weights as being heavier than the teas were invoiced to them in China, I consequently caused the contents of several of the packages to be turned out and weighed net, when it was found that the actual net weights were agreeable to the corrections made by me.

I have, &c.,

The Collector of Customs,  
&c., &c., &c.

FRED. GARLING.

[No. 12.]

*Custom House, Sydney,*  
11 October 1859.

Sir,

With reference to previous correspondence on the subject of irregularities in the shipments for drawback of the Australian Sugar Refining Company, and of their Custom House business generally, I forward herewith a letter and certificate from the Collector at Auckland, informing me of a deficiency in a quantity of sugar shipped here, per "Moa," for drawback, and short landed there to the extent of 9 cwt. 23 lbs.

Also a certificate from the Collector at Hobart Town, shewing that in a quantity of sugar landed there, a deficiency was found of 11 cwt. 2 qrs. on the quantity on which drawback was paid here.

In accordance with these certificates, I called upon the Company's Agents to refund the drawback on these deficiencies. I enclose their answers, on which I would only remark that the way in which Mr. Powell pretends to account for the loss of more than a ton of sugar is perfectly absurd.

The



The officers in New Zealand no doubt charge duty on all that reaches them. As to the weighing by the officers here, this is often rendered impossible by the way in which the Company pack their sugar in large casks, which happened in one of these very instances.

As a further example of the Customs entries passed on behalf of this Company, I append an entry, in the handwriting of Mr. Powell, declared to and signed by him, for 15 tons refined sugar. Under the old system drawback would have been doubtless claimed, and if claimed, certainly paid on 15 tons at 6s. 8d. per cwt. This sugar was, however, examined (though I fear not very accurately weighed) by the landing-waiter; and on referring to his indorsement it will be seen that only 5 out of the 15 tons was refined sugar, the other 10 tons being bastards.

I have, &c.,  
W. A. DUNCAN.

The Secretary to the Treasury.

C—EXPORTS.

Sydney, 6th day of September, 1859.

In the "Tasmania," a British ship, Clinch, master, for Hobart Town. Colonial Sugar Refining Company, per Metcalfe, Powell, & Co., Agents.

MARKS & NOS.		PRODUCE.	VALUE.
£100	Fifteen tons refined sugar .....	N.S.W	325
	No. 1,131.		350

Entered Outwards,  
6 day of Sept., 1859.

Patent Slip Wharf.

J. LANE,  
Pro. Col.

I, James Powell, Agent for the Col. Sugar Ref. Co., do declare that the above sugar is manufactured from Foreign raw sugar, upon which the export duty of 7s. per cwt. has been paid.

Declared before me this 6 Sept., 1859,  
Custom House, Sydney.

JAS. POWELL.

Received the within fifteen tons of sugar on board the steam ship "Tasmania."

WILLIAM LYON,  
Chief Officer.

Shipped the within mentioned sugar, the following being the particulars, viz. :—

160 bags refined sugar, weighing..... 5 tons net.  
320 bags bastards do., weighing..... 10 do.

15

DONALD MACPHERSON,  
Landing-waiter.

7 September, 1859.  
2:30 P.M.

Sydney, 7 October, 1859.

Sir,

We beg to acknowledge the receipt of your letter calling upon us to refund an amount alleged to have been overpaid upon Sugar shipped by the "Tasmania" to Hobart Town.

We have referred to the Colonial Sugar Refining Company for information upon the subject, and find that the sugar in question was weighed at the sugar-house immediately before shipment, which weight is certified by the landing-waiter to be correct. The Sugar Company are therefore unable to account for the discrepancy between the weights, and conceive that they are not accountable for any difference in the system of weighing and taring in the two Colonies.

We have, &c.,  
METCALFE, POWELL, & Co.

To the Collector  
H. M. Customs.

NEW

## APPENDIX TO THE REPORT.

29

## NEW SOUTH WALES.

Custom House, Sydney,  
8 September, 1859..

To the Collector of Customs, Hobart Town.

Shipped on board the "Tasmania," Clinch, master, for your Port.

## FOR DRAWBACK.

Marks.	Numbers.				Description of Goods.	Total Contents.
						T. cwt. qrs. lbs.
					Ale & Beer..	
					Coffee ....	
					160 Bags Refined Sugar ....	5 0 0 0 net.
					32 three-quarter-chests Tea ..	1920 ..
					Wine.....	
					320 Bags Refined Sugar ....	10 0 0 0 ..

W. A. DUNCAN,  
Collector of Customs.

Port of Hobart Town.

The above mentioned goods have been duly landed here, viz. :—

480 Bags Sugar, weighing 14 tons 8 cwt. 2 qrs. net.

32  $\frac{3}{4}$ -Chests Tea, " 1920 lbs. net.

H. D'ARCH,  
Collector of Customs.

NOTE.—It is requested that this document be returned, with a Report as to the due Receipt of the Goods.

Sydney, 11 October, 1859.

Sir,

We beg to acknowledge the receipt of your letter of the 8th instant, calling upon us to refund the duty alleged to have been overdrawn on 9 cwt. and 23 lbs. sugar.

We have inquired into the matter, and find that the sugar was shipped in the usual manner, having been first weighed at the sugar-house, and the weight certified by the searcher at the time of shipment.

We desire to suggest that the allowances for tare, loss during the voyage and at the time of discharge, may possibly account for the deficiency referred to.

We have, &c.,

To the Collector H. M.'s Customs,  
Sydney.

METCALFE, POWELL, & Co.

20 September, 1859.

Memorandum.

The weight of the teas landed from the "Moa," from Sydney, 25th August, 1859, were duly weighed in my presence, and finding them unusually small, I called in the Landing Surveyor to see them, and he was satisfied that they were wrongly reported in the Sydney cockets.

J. M. TABUTEAU,  
2nd L. W.

To Wm. Young, Esq.  
Collector.

Custom House, Auckland,  
20 September, 1869.

Sir,

I have the honor to report the great variation in the capacity of packages of teas and weights of sugars cleared from your port for drawback, the quantities having been accurately ascertained by opening and examination, and are noted on the shipping bill, which I return to you as requested. I need scarcely observe exporters under these circumstances would obtain a much larger amount of drawback than they are entitled to, or *vice versa*.

I have, &c.,

The Collector of Customs,  
Sydney.

WILLIAM YOUNG,  
Collector.

NEW

## NEW SOUTH WALES.

Custom House, Sydney,  
13 August, 1859.

To The Collector of Customs, Auckland.

Shipped on board the "Moa," Anderson, master, for your port.

FOR DRAWBACK.

Marks.	Num- bers.	Chests.	Half- Chests.	Mats.	Hhd.	Description of Goods.	TOTAL CONTENTS.
DZ 613 617				136	1	Total weight of the Sugar ..... Refined Sugar .....	tons. cwt. qr. lb. 23 12 0 24 4 1 1 19 net.

	cwt.	qrs.	lbs.
80 bags refined sugar, entered by H. Ellis ...	40	0	0
1 hhd. of loaf do. ...	11	0	0
461 bags sugar, entered by M. Somerville ...	225	0	0
424 bags bastards and No. 2 sugar, entered by Graham ...	196	0	24
	472	0	24

W. A. DUNCAN.

Collector of Customs.

Port of Auckland.

The above mentioned goods have been duly landed here.

WILLIAM YOUNG,

Collector of Customs.

NOTE.—It is requested that this document be returned, with a Report as to the due Receipt of the Goods.

[No. 13.]

Custom House, Sydney,  
22 November, 1859.

Sir,

I enclose for the information of the Honorable Treasurer a comparative list of monthly payments for drawback during the last three years. It is a very remarkable document, and will, if I mistake not, shew at a glance that there was great need of a stringent check upon these payments; it will account also for the enmity that my restrictions have excited against me, on the part, chiefly, of certain agents, who profited largely by the former laxity.

You will perceive that in the early part of last year from £3,000 to £6,000 a month were paid for drawbacks. Towards the end of the year a visible decrease, corresponding with the date of the "Louisa" case, is visible, but with the month of May, when I took charge, the thousand's column disappears from the list altogether. During the six months I have been here the amount paid by me has not been nearly one-half of that paid by my predecessor during the six previous months; and the amount paid from May to October, 1858, is nearly three times that paid from May to October, 1859. This, too, at a time when the New Zealand trade (to which the bulk of drawback goods usually go) is greatly on the increase.

I saw, on the very day I took charge of this office, that from the then looseness of the drawback system enormous frauds were practicable under it. These figures prove that frauds must have been practised extensively; for no coincidence could run uniformly through six successive months, beginning with the exact period of the change.

Unfortunately for me the public, who hear so much against me emanating from the men whose frauds I have checked, have no knowledge of the large sums I have saved to the country in this and other ways, by carrying out the intention of the law.

In connection with this subject, I would respectfully draw the Honorable Treasurer's attention to some previous correspondence on the way in which the Custom House Agents of the Sugar Company transact their business (*Vide* my letters of the 29th June, 18th July, 4th August, 18th August, 30th August, 2nd September, and 20th September). In calling attention to these letters, I must express my regret that the late Government did not afford me that support against these Agents to which my zeal for the public service should have given me a claim; for I do not believe that at any other port in the Empire a Custom House Agent would have been allowed to retain his license one hour after indorsing, and falsely indorsing too, a landing-waiter's warrant, as Mr. Metcalfe did; retaining a drawback thus obtained long after he was aware the goods were not shipped, as Mr. Powell did; to say nothing of the unparalleled misconduct subsequently exhibited by the latter up to the present time.

On the subject of the deficiencies alluded to in some of these letters, it will be necessary to obtain the Honorable Treasurer's decision, as we are about preparing for the December overtime sale, and the books must be balanced.

I have, &c.,

W. A. DUNCAN.

The Secretary to the Treasury.

A Comparative Statement of the Amounts paid for Drawbacks and refund of Duties, for the years 1857, 1858, and 1859.

	1857.			1858.			1859.		
	£	s.	d.	£	s.	d.	£	s.	d.
January .....	2,036	8	0	6,123	13	0	1,923	0	0
February .....	3,316	1	7	3,459	17	4	1,874	0	6
March .....	987	19	10.	3,617	6	0	1,790	7	11
April .....	2,045	9	2	2,325	19	6	1,279	7	10
May .....	1,783	3	10	2,045	15	1	884	15	10
June .....	2,243	19	0	1,580	10	5	967	0	0
July .....	1,404	15	9	2,648	1	8	860	3	3
August .....	1,350	0	1	2,288	16	9	729	13	5
September .....	1,417	10	6	2,004	6	5	909	2	10
October .....	1,636	7	3	1,990	13	6	622	19	9
November .....	1,264	18	7	1,925	0	0	.....		
December ... ..	1,364	1	5	1,887	2	3	.....		
	20,850	15	0	31,897	1	11	.....		

22 November, 1859.

W. A. DUNCAN,  
Collector.

[No. 14.]

Sydney, 22 November, 1859.

Sir,

It is with much regret, and with many apologies, that I now address you, but as I have for some months been subjected to great annoyances and insults in my business, by the conduct of the Collector of Customs to my partner Mr. Powell, and more especially yesterday, I have no other resource left than to appeal to you, as the head of the Revenue Offices, to afford me the protection to which I am entitled.

Almost from the commencement of his taking office, the Collector has chosen to misrepresent our intentions, and in consequence of Mr. Powell having had occasion to represent to his principals, the Sugar Company, certain unfairness in the Collector's decisions as to drawbacks claimed by the Company, Mr. Duncan has not only embraced every opportunity to disparage Mr. Powell, to persons applying to him in reference to business in our office, but has also, most unwarrantably, as I conceive, refused him admission to his room, or to have any personal communication with him.

I am sure I need not inform you how inconvenient and prejudicial such behaviour is to our business, and as I am certain no valid reason (nor any reason at all beyond personal dislike) can be given for this conduct of the Collector's, I do myself the honor to request that you will make inquiry into the matter, should you deem it necessary to do so, and that you will instruct that Officer that no personal feelings can be allowed to influence his conduct to anyone in business, and representing, as we do, nearly one-third of the merchants of this Port.

I need not remind you, as you are well aware of the fact, that I have upwards of twenty years carried on the business of an Agent at the Custom House, and that during that long period the Government have never heard any complaints of the manner in which business has been transacted in my office, and Mr. Powell has now been with me seven years, and is equally, if not more capable, than myself, of carrying on the business, and has always shewn himself most desirous and willing to carry out such instructions in the mode of transacting the business as the Collector of Customs has from time to time directed.

I have, &c.,

M. METCALFE.

The Honorable

The Secretary for Finance and Trade.

[No. 15.]

Custom House, Sydney,  
24 November, 1859.

Sir,

With reference to the accompanying letter of Mr. Metcalfe, I have the honor to report:—

1. There is no foundation for the statement that Mr. Metcalfe has been "subjected to great annoyances and insults in his business," by me. No one who knows me will believe that I would wantonly insult the humblest person living. I never had an angry word with Mr. Metcalfe; and my intercourse with his partner, Mr. Powell, has been confined to my giving an affirmative or negative to his official applications, with, at times, a reason for my refusal, when pressed by him. This, and no more, took place on the day to which Mr. Metcalfe refers, "more especially."

2. Neither, "from the commencement of my taking office," nor at any time, have I misrepresented Mr. Powell's or Mr. Metcalfe's intentions. I had to deal only with their acts,

acts, and with the probable result to the Revenue of their unparalleled mode of doing their Custom House business; and when I found them offering me blank clearances to sign, to be filled up afterwards, as they chose; when I found that they had obtained from the Executive Council a remission of duty to a large amount, by means of a false representation; when I discovered that Mr. Metcalfe was confessedly in the habit of supplying the place of the searcher with respect to debenture goods entered by himself; when he had the audacity to indorse a searcher's warrant of shipment, and receive the drawback on the quantity thus indorsed, the proper officer never having seen the goods; when I afterwards discovered that the quantity thus indorsed was false, being 40 or 43 bags of sugar in excess of the quantity actually shipped; when I found that Mr. Powell was confessedly aware of the deficiency, (probably before the drawback was paid,) certainly full three weeks before I accidentally discovered it; that during these three weeks Mr. Powell neither mentioned the deficiency to me, nor refunded the drawback, as any honorable man would have done; when I found that Mr. Powell made the most desperate efforts after this to prevent goods shipped for drawback from being examined by my officers, and stirred up others to do the same; when I found by correspondence with the Collectors of the other Colonies that the quantities of goods here shipped for drawback were rarely received to the extent borne on the manifests; when I found that, despite the obstacles thrown in the way of my Regulations, the payments for drawbacks decreased more than one-half from the day I took charge; when I every day heard that Mr. Powell was stirring up the mercantile community against me by false representations; when I had to report on a letter of his to the Manager of the Sugar Company, (Treasury, No. 5144,) in which he misrepresents my words and acts in the most shameless manner, as I then proved. (See my letter No. 189.) After these and many similar instances of Mr. Powell's conduct, I admit that I lost all respect for that person, and for the safety of the Revenue which I protect, and the dignity of the Office which I hold, I determined (with the Governor General's consent, as the law requires,) to withdraw his license. Why that consent was withheld, I have never been informed: I can only say, I never deemed its refusal possible; and while awaiting that permission, I allowed Mr. Powell to pass his entries as usual, but refused to have any further personal intercourse with him. He has, however, forced his conversation upon me several times—once bursting forcibly into my room, although the messenger informed him that he could not see me, and he himself knew that I was engaged with others at the time.

3. Mr. Metcalfe makes it a ground of complaint that I refuse to see Mr. Powell. A perusal of his letter to Mr. Ross, above referred to, and my answer, will shew the impossibility of my conversing with Mr. Powell without a witness.

4. As to what Mr. Metcalfe says about "personal feeling," it is perfectly ridiculous. I know nothing of Mr. Powell but what I know officially. Forgetful of his position as a Custom House Agent, (the mere creature of the Collector by law) and of the due respect and obedience he owes to the Head of the Department, he has done everything in his power to thwart me in my efforts to reform the service, and has not succeeded. Mr. Metcalfe boasts that he represents nearly "one-third of the merchants of the Port." This, itself, is a monstrous evil, on the face of it, but I believe it is diminishing. It grew from the circumstances that Mr. Metcalfe was understood to be able to accomplish for his constituents nearly all he pleased; it will decline when merchants find that all agents are treated alike, and are often quite unnecessary.

5. If, during the last twenty years, "the Government have never heard any "complaints" against Mr. Metcalfe, I can only say, so much the worse for the Government and the public. Mr. Metcalfe ruled the Department, and pleased the merchants, and who was to complain? Even the other agents profitted by the precedents created by Mr. Metcalfe's influence, and the clerks dared not utter a word. Yet I hesitate not to assert that that influence has more than any other cause—more perhaps than all causes put together, been the bane of this establishment.

6. When I took charge of this Office, I was told by Mr. Cowper that the Government looked to me to reform it. I was quite prepared for the opposition that the expected reforms would create, and my answer was, "I know I can reform it if the Government support me,—if that support is withheld, no man can." At first I was supported well, and reform was rapid and successful, until it became my duty to report the abstraction from the warehouse by an eminent firm, of 747 half-chests and bags of tea, and numerous irregularities of a like nature by the Agents of the Sugar Company, when all at once personal and political influence was brought to bear against me, and although I have not relaxed in my exertions in the least, I have felt that I was deserted by the late Government, and others have made me feel that they were aware of it. I regret the necessity of being compelled to ask from the Government a decision which should have been given by others at the proper time, but is absolutely necessary for the interest of the public service, that Custom House Agents should be made aware that they are not in the position of Advocates to take advantage of every point of law, or evade it altogether, in favor of their clients, but simply persons licensed by the Collector, for the public convenience, to write bills of entry and other papers for persons who are unable or disinclined to write for themselves, and that they are liable to immediate removal for any act of fraud, or leading to fraud, against the Revenue, or of insubordination or disrespect to the Officer from whom they hold their license.

I have, &c.,

The Secretary to the Treasury.

W. A. DUNCAN.

EXTRACT

*EXTRACT from Proceedings of the Executive Council on the 14th July, 1857, Minute No. 57-33.*

As it appears that under the Act 16th and 17th Victoria, No. 107, all deficiencies on sugar are allowed if the sugar be duly weighed in and out of the Bonding Warehouse, and that the law has in that respect been duly complied with in the present case, the Council are not aware of any reason why the deficiency in question should not be allowed and written off.

EDWARD C. MEREWETHER,

Clerk of the Council.

23rd July, 1857. No. 57-506.

The authority of the Executive Council must be obtained; and if the Crown Law Officers approve of such a course, I recommend that Colonel Gibbes' (the Collector) proposal to close the account be adopted.

S. A. D.

4 June.

Will the Collector of Customs say, for the information of the Executive Council,—In the case of the sugar, 10,371 tons, &c., in which waste 260 tons 18 cwt., &c., is proposed to be "written off,"—was this sugar entered by invoice weight, and not weighed in; and was the weighing out the first ascertained weight of the sugar.

S. A. D.

30 June.

It appears that the whole of the sugar in question, viz., 10,371 tons, was weighed in, and also weighed out, but frequently without reference to particular cargoes; and thence arises the apparent over-payment on two or three of the parcels.

The balance short paid, therefore, is the actual deficiency, as ascertained upon the last delivery. Such being the fact, it would be better not to return the over-payment by special certificate; and the right way of settling the matter is, I submit, to bring the whole quantity together, and deduct the over-payment from the short-payment, and write off the balance as loss by waste and other causes.

J. GIBBES,

Collector of Customs.

3 July, 1857.

This Minute is not *strictly* in accordance with the former explanation given. Had the facts been so stated at first, there cannot be a doubt that the law has been satisfied, and the explanation would have sufficed.

As this has been before the Executive Council, I think it should be referred again, with my recommendation that the allowance pass.

S. A. D.

7 July.

Custom House,

Sydney, 11 April, 1857.

Sir,

In the Auditor General's observations and queries on my accounts for the quarter ended 31st December, 1856, appears the following:—

"260 tons 18 cwt. 0 qr. 2 lbs.

"This large quantity of sugar, representing duty amounting to upwards of £1,300, is written off in the Warehouse Register as deficiency in the different importation, caused by waste, &c., from drainage and atmospheric causes.

"In accordance with the 71st clause of the 9th Victoria, No. 15, the power to remit duties is vested in the Governor General and the Executive only.

"This authority, therefore, will be required.

"With regard to the proposed deduction of 80 tons 15 cwts. 1 qr. 17 lbs. from the above amount, as this is virtually a refund of the duties, the sanction of the Honorable the Minister for Finance and Trade will be required before it can be passed in this Office.

To which I have made the following answer:—

"The 71st clause alludes solely to goods lost in going into or being taken out from the Warehouse, or in transitu, and not in any way to deficiencies.

"The 73 section provides for all deficiencies in goods liable to fluctuation of quantity.

"The 8 and 9 Victoria, cap. 91, sect. 22, allowed three per cent. for waste on sugar for three months, and I therefore thought that the claim of the Sugar Company of 1½ was very moderate, not having perceived that the 16 and 17 of Victoria, cap. 107, had done away with the fixed allowance, and granted all deficiencies, however great, on weighing out.

"These sugars, however, had not been weighed out, and I therefore do myself the honor to request that the authority asked for may be given.

"I have, &c.,

J. GIBBES,

Collector of Customs.

"The Secretary to the Treasury."

The

The Collector of Customs :

Some further explanation is necessary. Will the Collector report—

- (1.) Upon what quantity of sugar is the 260 tons 18cwt. 0qr. 2lbs allowed?
- (2.) What deduction is alluded to in the 2d par., 2nd page, 80 tons 15cwt. 1qr. 17lbs.?

Before laying before the Governor General and Executive Council, please reply to these queries.

S. A. D.  
14 April.

- (1.) On 10,371 tons 4cwt. 2q. 9lbs. belonging to the Sugar Company, and imported by them in 2 years ended 22nd December, 1854.
- (2.) The 80 tons 15cwt. 1q. 17lbs. is an over-payment of duties on *three* of the cargoes imported within the above-mentioned periods, which being only a clerical error, was on making up the account of the sugar, deducted from the short payments as the readiest way of adjusting the account, otherwise the money could have been claimed by a certificate of over entry.

J. GIBBES, Collector,  
18 April, 1857.

I think, as a general rule, it will be better for the future to adhere to the form of obtaining certificate of non-entry. I think accounts should not be otherwise adjusted as the custom here.

S. A. D.  
23 April.

I presume that this means the matter is to pass as it stands; but that in future it must be done by over entry.

J. GIBBES, Collector,  
24 April, 1857

Can the over-payment of the duty on the 80 tons 15 cwt. 1 qr. 17lbs. be admitted as a set off against the deficiency of 260 tons 18 cwt. 0 qr. 2 lbs., the claims of like kind being in future made on certificates of over-entry? The Civil Crown Solicitor will kindly give opinion.

Treasury,  
27 April, 1857.

H. LANE.

I am of opinion that the over-payment of the duty on the 80 tons 15 cwt. 1 qr. 17lbs. cannot be admitted as a set off against the deficiency of 260 tons 18 cwt. 0 qr. 2 lbs.

W. W. BILLYARD,  
Civil Crown Solicitor.

As a general principle I agree with the Civil Crown Solicitor, but in this particular case I think it would be more to the advantage of the Government to deduct the 80 tons 15 cwt. 1 qr. 17lbs., from the 260 tons 18 cwt. 0 qr. 2 lbs., and allow the difference of 180 tons 2 cwt. 2 qr. 13 lbs., to be written off the books as waste, which will meet the case and close the account.

J. GIBBES, Collector,  
9 May, 1857.

[No. 16.]

Royal Mint, Sydney,  
5 December, 1859.

Sir,

A mass of correspondence, referring to differences between you and Messrs. Metcalfe and Powell, on behalf of the Sugar Company, in which you bring certain charges of fraud or irregularity against the Custom House Agents, having been referred for investigation and report to a Board, consisting of members named in the margin, they desire me to request that you will put these charges in a succinct form, and forward them to me, with a view to a copy being furnished to Messrs. Metcalfe and Powell, before the inquiry is proceeded with.

You will also be good enough to furnish, in the like form and for a similar object, a statement in detail of those deficiencies found to exist (as stated in your report to the Treasury, dated 2nd September last) in Messrs. Towns & Co.'s Bonded Stores, in those of the Sugar Company, or in any other which you consider of sufficient importance to justify an inquiry.

I have, &c.,  
E. W. WARD,  
Chairman.

[No.

Capt. Ward,  
H. H. Browne,  
Capt. McLerie,



[No. 17.]

Custom House, Sydney,  
6 December, 1859.

Sir,

I do myself the honor to acknowledge the receipt of your letter of yesterday, and in compliance therewith to state, as succinctly as I can, the chief grounds of my complaint against Messrs. Metcalfe and Powell, Custom House Agents.

1. When I took charge of the office in May last, I found that Mr. Metcalfe occupied, not the humble position of a writing-clerk, licensed by the Collector, during good behaviour, to pass entries for the accommodation of the public, but rather that of a Commissioner of Customs, ruling the whole department. This is a fact well known to every person in any way connected with the Custom House. One of the first acts I was called upon to perform was to sign a blank clearance, prepared by Messrs. Metcalfe & Co., for a vessel, leaving it to be afterwards filled up by them as they might choose. The very presentation of such a document by agents of long experience ought, in my opinion, to have terminated their connection with the Custom House.

2. About the same time my attention was called to the fact that the agents were in the habit of obtaining drawbacks for goods without going through the regular forms of declaration, &c. To this loose practice I immediately put a stop, by which act alone, I have good reason to believe, I have saved the revenue many thousands of pounds. Certainly it procured me the enmity of Messrs. Metcalfe & Powell.

3. With reference to this subject I may state that before I took charge, Mr. Powell, in the presence of two of the long-room clerks, used these words with reference to the new Collector:—"If any man comes here, and attempts to carry out the law in its integrity, we will very soon walk him out." The words were written down by Mr. Mackenzie, one of the gentlemen alluded to, and I copy them from the original memorandum; nor were they altogether an empty threat, Mr. Powell has certainly done his very best to verify them; he has tasked to the utmost a talent of no ordinary kind, with the view of driving me from my post by the most harassing opposition to all my regulations for the examination of drawback goods, and for the general improvement of the service.

4. From letters received from the Collectors of the neighboring Colonies I had learned that the quantities of drawback goods borne on the manifests as having been shipped here, were rarely if ever landed there in their integrity; and in particular, I was informed on the 24th of June that of one lot of sugar shipped per "Moa," for New Zealand, 43 bags had been short landed. The Manager of the Sugar Company acknowledged that they became aware on the 8th June that 40 bags had been short shipped, and that the same morning Mr. Powell was informed of the fact. But Mr. Powell, instead of immediately informing me of the mistake, supposing it such, and refunding the drawback, as any honest agent would have done, concealed the matter for about three weeks, until I called upon him to refund the money. This fact alone ought in my opinion to have put an end to Mr. Powell's career as a Custom House Agent, and I shall be surprised indeed if the Board do not concur with me in this opinion.

5. But even this is not the worst feature of this case. On looking over the papers of the "Moa," I found to my astonishment that the indorsement of the *shipping warrant*, which should have been in the handwriting of the searcher, Mr. Russell, was in that of Mr. Metcalfe himself. Further inquiries proved that the searcher never weighed the sugar, never counted the bags,—never saw it in fact; and Mr. Metcalfe acknowledged that he was quite in the habit of enabling this officer (a weak minded man, appointed to this exclusive duty on his own recommendation) to complete his drawback warrants, he, Mr. Metcalfe, receiving the largest share of the money paid on them! From the knowledge of Custom House documents acquired by the Board during a former investigation, I need hardly say that a *warrant* is by far the most important paper we have, and that any tampering with such a document, more particularly by a party interested, as Mr. Metcalfe was, is about the greatest offence that can be committed against the rules of the department. No one knows better than Mr. Metcalfe that if he had done an act like this in England, he would have never been allowed to pass another entry as an agent, even if the quantity indorsed had been the true quantity. But it is admitted that the indorsement was false, being 40 or 43 bags in excess of the actual shipment. Under such a system as this, what was to prevent a dishonest agent from receiving any ordinary sum of money, as drawback, for goods never shipped. Even the merchant, in whose name he acted, might remain for ever in ignorance of the transaction.

6. My confidential correspondence with the Collectors of the other Colonies satisfies me that the case of the "Moa" was by no means a solitary case; and if the Board will compare the sums paid by me for drawback during the last seven months with those paid by my predecessor during any seven months within the last two or three years, there is, I conceive, but one way in which they will be able to account for an abrupt falling away of nearly two-thirds, commencing with the very day on which I took charge. Nor have I been yet able to reduce these payments altogether to their just dimensions. Since the case of the "Moa" I have had to call the intention of Messrs. Metcalfe, Powell, & Co. to at least four different instances of over entries for drawback passed by them. In one instance I found they had described ten tons of sugar entered for drawback as "refined," which on examination proved to be "bastards," making a difference of 1s. 8d. per cwt. in the amount of drawback.

7. After the case of the "Moa" I removed the searcher, Russell, notwithstanding the efforts of Mr. Metcalfe and the Manager of the Sugar Company to retain him at that duty; and I insisted on every thing shipped for drawback being weighed. To this Mr. Powell offered the most persevering opposition; and a correspondence arose between the Manager of



the Sugar Company and the late Colonial Treasurer, in which Mr. Powell took a part. I would refer the Board to a letter from Mr. Powell to Mr. Ross, and to my report thereon; and I would respectfully ask their decision on the proposal with which I conclude that report. I have to complain that political influence prevented the late Government from deciding that question; for I learned by an accident that the correspondence was submitted by Mr. Weekes to Mr. Cowper, at the request of Sir Daniel Cooper (a large shareholder in the Sugar Company), and by Mr. Cowper to Sir Daniel, who had interviews with the Ministers on the subject; but the result, if any, was never communicated to me.

8. I should state, however, that before this I had discovered that Messrs. Metcalfe and Co., as agents for the Sugar Company, had taken out of the warehouse, without payment of duty, about 231 tons of sugar, representing £1,155 of duty; that Messrs. Towns & Co. had taken out of their warehouse in the same way 747 packages of tea. These deficiencies and others of less moment I reported to the Treasury, and requested to know what I was to do in the matter. I was told to demand the duty on the smaller deficiencies (most of which might have been fairly written off); but, up to this time I have received no instructions to close Towns' warehouse, nor to demand the £1,155 from the Sugar Company. It is right to add that, by a false representation to the Executive Council, Messrs. Metcalfe and Co. were enabled to obtain a remission of duty on sugar thus abstracted, in one case amounting to £700, and in another, to £1,350. The representation was, that the sugar had been weighed for duty; and that the deficiency had arisen from waste. The truth is, that the sugar had not been weighed for duty, and that there is no such waste on sugar in this climate; repeated experiments made by Mr. Still, the landing surveyor, having proved that the weight sometimes increases, and never decreases to any considerable extent. I submit that the duty should not only be demanded on the present deficiency, but the remissions thus improperly obtained should be cancelled, and the agents punished as they deserve.

I have many other just grounds of complaint against Messrs. Metcalfe and Powell, but as they relate to personal disrespect to myself, as the head of this department, I will not dwell on them.

I now leave this long-pending case in the hands of the Board, who, from their former investigation into the state of this department, and their very able Report on the subject, are, I believe, perfectly competent to deal with it.

I have, &c.,

W. A. DUNCAN.

1859.

## NEW SOUTH WALES.

## MINUTES OF EVIDENCE.

MONDAY, 12 DECEMBER, 1859.

Present :—

CAPTAIN WARD, IN THE CHAIR.

H. H. BROWNE, ESQ.

CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs; and Messrs. Metcalfe and Powell, Custom House Agents, were called in.

*Captain Ward*, as Chairman of the Board, said: I have received from the Under Secretary of the Treasury, the following letter.—(Letter from Henry Lane, Under Secretary to the Treasury, to Captain Ward, R.E., dated 30 November, 1859, appointing Board of Inquiry, and referring correspondence to them, was read.) The correspondence alluded to was read over by the Board, but as it was very voluminous, I thought it better to communicate with Mr. Duncan on the subject. This I did in the following letter.—(Letter from E. W. Ward, Chairman of the Board, to W. A. Duncan, Esq., Collector of Customs, dated 5th December, 1859, requesting that the charges against Messrs. Metcalfe and Powell, might be placed in a succinct form, was read.) In reply to this, I received the following letter from Mr. Duncan.—(Letter from W. A. Duncan, Esq., Collector of Customs, to Captain Ward, R.E., dated 6th December, 1859, containing charges preferred by Mr. Duncan against Messrs. Metcalfe and Powell, was read.) In consequence of receiving this communication, I wrote the following letters to Mr. Duncan, and to Messrs. Metcalfe and Powell.—(Letters dated 7th December, 1859, from E. W. Ward, Esq., Chairman of the Board, to W. A. Duncan, Esq., Collector of Customs; and to Messrs. Metcalfe and Powell, informing them of meeting of the Board, and requesting them to be prepared with evidence, were read.) That is all the correspondence that has occurred, and I may now say, that the Board have decided on conducting the inquiry in this way:—In the first place, Mr. Duncan, who appears here in a character somewhat analagous to that of a prosecutor, will make his statement as to the charges he prefers, and will then bring forward evidence in support of them. We will then hear Messrs. Metcalfe and Powell, in their defence. We shall afterwards go into the matter of the Sugar Company, and then hear any complaints or charges that Messrs. Metcalfe and Powell may have to make against Mr. Duncan. Our inquiry will not end here if anything should occur in the course of the examination to lead us to carry it further; at the same time, we wish to give all parties notice, that we are desirous of affording them every opportunity to bring whatever charges they may choose, and that the Board will be prepared to examine into them. As Mr. Duncan, as I have said, is in the position of prosecutor, the Board will hear him first.

Mr. Duncan addressed the Board:

*Mr. Duncan* said: The first statement in my letter has reference to the position occupied by Mr. Metcalfe in the Customs Department. A Custom House Agent, as I understand it, occupies a very humble position, being merely a clerk licensed by the Collector of Customs to pass entries for persons who do not understand the process, or who are unwilling to take the trouble of it. It is a very humble position, entirely under the control and held only at the will of the Collector of Customs, in whose power it is at any time to withdraw his license, upon the commission of an act of insubordination to the Collector or breach of the

Mr. Duncan.  
12 Dec., 1859.

**Mr. Duncan.** the rules of the department. Here, however, I found to my astonishment, on assuming office as Collector, that the Collector of Customs was almost in a subordinate position in relation to that occupied by Mr. Metcalfe; and I shall be able to prove from the testimony of officers of the department that Mr. Metcalfe was able to do exactly what he pleased with my predecessor in office. That, if at any time a discussion arose between officers of the department and himself, his partner, or his clerks, of whom he has several—all mere boys, and some of them exceedingly forward and impertinent—he had only to walk into the Collector's room to have the matter decided in his favor, and against the Customs Officer. That, in consequence, he and his subordinates domineered over the officers, and treated them with marked discourtesy and disrespect. On coming into office I found this to be the case, and, as a matter of course, I at once resisted; and the consequence has been this collision between myself and Messrs. Metcalfe and Powell. I can prove this to have been the state of things, and also that before I was appointed to the office Mr. Metcalfe's partner, Mr. Powell, made a remark, in the presence of two clerks in the office—one of whom took down a memorandum of the conversation at the time. The memorandum I now hand in; and the two clerks will come forward and verify the conversation, fully bearing out the statement made in my letter. This remark of Mr. Powell was, "If the new Collector attempts to carry out the law in its integrity, we will soon walk him out." This was the remark, and I believe the same expression, or one to a similar purport has been used by the same parties within the last week. With such a feeling openly displayed against me by a mere subordinate clerk, attached by surffiance to my department, what security can I have in the unpalatable reforms I have been and am still engaged in making, that I shall not be continually thwarted, and that these agents are not thus insidiously employed in carrying out their threat of ousting me from the Collectorship. Coming to the second part of the paragraph, I shall prove by the Clearing Clerk, Mr. Lane, that a document was put into my hands, prepared by Messrs. Metcalfe and Powell, in a blank state; that I was requested to sign it in that state, leaving the blank to be filled up by the agents in any way they liked. As I remark in my letter, the very presentation of such a document by agents of long experience ought to have been sufficient to justify me in at once terminating their connection with the Custom House. I found also that Debentures for drawbacks were never properly declared before the Collector; that the agent was in the habit of filling up the Debenture without making the declaration prescribed by law, and that though he might attach his name to it, he did not make the declaration,—so that the mere signature amounted to nothing, being in law no declaration at all. I shall also be able to prove that, previous to my time, Mr. Metcalfe was in the habit of obtaining money on drawback goods before the documents were signed. One case is mentioned in my letter, in which I received on the 20th June a letter from one of the Collectors of Customs at New Zealand, informing me that 43 bags of sugar had been short landed from the "Moa." The fact of this short shipment was known to the manager of the Sugar Company so early as the 8th June, and the circumstance was stated to Mr. Powell at the same time. Yet it was not until three weeks afterwards, and only after my application to him for repayment of the drawback, that the amount was refunded. I know that the small amount of the drawback has caused some to ridicule this matter—but the Board must remember that a principle is involved of very considerable importance—and that thus the question becomes one of consequence, irrespective of the actual loss to the revenue. The very fact that a Custom House agent should conceal from the Collector his knowledge of a short shipment, and that for a period of three weeks, shews that he must be a person quite unfit for his position. I know that in London an agent who would be guilty of such a thing would be instantly dismissed; and I refer the Board to the English regulations upon this point. Upon receiving this letter from New Zealand, I at once looked up the papers connected with the shipments, and to my astonishment found that the warrant, which is in the possession of the Board, is contrary to all Custom House practice endorsed by the person who received the drawback, instead of by the Officer of Customs who supervised the shipment:—that is, that the certificate of the quantity shipped, and for which drawback was to be received, was given by the person who received the drawback. I need hardly say, that a thing of this kind would not be tolerated for an instant in the London Customs, nor should it be here.

**Captain Ward:** I do not see this warrant amongst the papers handed to us.

**Mr. Duncan:** It ought to have been handed to you from the Treasury, but Mr. Metcalfe admits the endorsement of the warrant in his letter of the 1st July, 1859. But even if he did not admit it, it would be of little consequence, because I can produce a hundred or a hundred and fifty warrants all indorsed by Mr. Metcalfe or Mr. Powell in the same manner. Here are a number that I have taken at haphazard, being those that have first presented themselves. (*Warrants put in and marked from A to I inclusive.*) One of them has no indorsement at all, another appears to be indorsed by their clerk, and others again by themselves. I shall prove by the searcher, that he always took the quantity of sugar shipped for drawback by the Sugar Company from Mr. Metcalfe or Mr. Powell; and that he never weighed the Company's sugar that came down to be shipped. This searcher, Russell, informed me that he had been told by Mr. Metcalfe, that he was to take the weights of all sugars coming down from the Sugar Company from him, without re-weighing; and also that Colonel Gibbs had told him the same thing—that he need not weigh the Sugar Company's sugar, but might take the weights from Mr. Metcalfe. In fact, Mr. Metcalfe admitted to me that he was quite in the habit of furnishing the weights of the Company's sugar to the searcher, Russell.

**Mr. Metcalfe:** I admitted nothing of the kind.

**Mr. Duncan:** I recollect your making this admission most distinctly, and am prepared to swear that you did so, if necessary. (*Vide Mr. Metcalfe's written admission, Appendix.*)

*Appendix.*) But the very fact of the agents' indorsing the warrant in the face of the law, which expressly insists that no drawback shall be given, without the goods being previously weighed—even if they had the express permission of the Collector, and even supposing that the endorsement was correct—ought alone to have at once terminated their connection with the Custom House. The law is very clear upon this point, and I refer the Board to the Act 9th Vict. No. 15, sect. 41. This is the general clause relating to drawbacks, but there is something more specific, in relation to sugar, in the Act 19 Vict. No. 14, sect. 5. This clause declares that there shall be allowed on all sugars entered for exportation, certain drawbacks, provided that the sugar be weighed and shipped under the care of a proper officer of Customs. Now they, as Custom Agents of long standing ought to have known this law, and to have known also that to have shipped as they did any drawback goods, unless under the care of a proper officer of Customs, is an offence against the law, and such a breach of all Custom House rules and regulations as ought to put an end to their Custom House agency. I beg also to call the attention of the Board to the fact, that notwithstanding all the vigilance I can exercise relative to these drawbacks, irregularities are still going on, though in a much smaller way than previously. In more than one instance a larger amount has been received for drawback than ought to have been paid, the quantity certified having been more than that really shipped. In addition to the several instances alluded to in the correspondence before the Board, I hand in letters from the Collector of Customs at Geelong, and from the Collector at Melbourne—the one referring to a short shipment of 557 pounds of tea, and the other to a short shipment of 200 pounds; the entries in both these cases having been passed by Messrs. Metcalfe and Powell. There is also another case in which entries were passed by this firm for sugar for drawback, to the extent of 23 tons 3 cwt., the whole of which was passed as refined sugar. It had been all very nearly passed and shipped when the Landing Surveyor happened to be going by. He looked into one of the bags and saw that instead of being refined it was bastard sugar. An examination was then made, and it was found that no less than 11 tons of this sugar that had been entered as "refined," was only "bastard." The Board will see that the shippers would have received a drawback of 6s. 8d. per cwt. as for refined sugar, upon sugar on which a drawback of only 5s. is allowed; and that the revenue would have been defrauded to the extent of 1s. 8d. per cwt. I shall also be able to prove—though I have not been able to find the documents connected with this transaction—from the evidence of two witnesses, that upon one occasion six casks of sugar were entered for drawback by Mr. Powell, whilst four only were shipped; and that this was done in such a clumsy manner, that even the searcher, Russell, a man not famous for sharpness, was enabled to see through it; for, happening to pass along the Flour Company's Wharf, he saw two of the casks of sugar that ought to have been shipped lying there after the other four had been put on board. Russell will explain all this, but it seems that he asked the captain or mate to take the sugar on board, and that they refused because the room in the vessel was wanted for other goods. After this, and after Russell had been made aware that only four hogsheads had been shipped, Mr. Powell asked him to indorse the warrant for the six, thereby certifying that that had been shipped that really had not been. Russell of course refused to do so; and in the excitement of the moment, he uttered, on returning to the office, some wild exclamation about being asked to do something against his conscience, that drew the attention of one of the clerks to the matter. However, Russell was asked by Mr. Powell to sign for six hogsheads when only four had been shipped, and when he had seen them after the vessel in which they were proposed to be shipped had left the port, in a shed or store upon the Flour Company's Wharf. I do not know that it will be necessary for me to prove the first portion of the next paragraph of my letter (No. 7); but with regard to the correspondence between the late Treasurer and the manager of the Sugar Company, I would particularly call the attention of the Board to the letter of Mr. Powell of the 9th August, as well as to my reply of the 18th August, and to the letters of Messrs. Llewellyn, Still, Chapman, and Bayley, all having reference to the conversation alluded to by Mr. Powell. I beg the particular attention of the Board to this letter of Mr. Powell, because from its utter want of truth, as well as from the great disrespect therein shewn to myself, I would ask the Board whether they consider it proper that the head of a department should be compelled to have dealings with a person, a mere subordinate, who could so far forget himself, as to be guilty in an official correspondence, of such an utter want of truth and principle as this letter evinces. I do not think that it will be necessary for me to prove the statement made by me in my letter to the Chairman of the Board on the 6th inst., that the correspondence was submitted by Mr. Weekes to Mr. Cowper, at the request of Sir Daniel Cooper (a large shareholder in the Sugar Company), and by Mr. Cowper to Sir Daniel Cooper, who had interview with the Ministers on the subject. The matter was alluded to by me under a feeling of regret that one, who had made such efforts as I had done, to reform the department of which I had taken charge, should be thwarted in his exertions by political influence, and without some inquiry being made into the circumstances I alleged. The reason why I would rather not go into this matter is, that the knowledge of this reference having been made to Mr. Cowper and Sir Daniel Cooper came to me by pure accident, and in a way that I think I can scarcely avail myself of the information.

*Captain Ward:* You had better go into this matter, because in this part of the letter you make as it were a kind of charge against Mr. Weekes and Mr. Cowper.

*Captain M'Leir:* Mr. Duncan had better go into this matter, because it is one of the charges made against him by Mr. Powell, in the letter of the 9th August. That forms the strongest reason for explaining this matter.

*Mr. Duncan:* I can prove the existence of the correspondence, though it is not in my possession. It came into my hands, though probably it was not intended, together with the other correspondence on the subject, which was referred to me after it had been returned by Sir Daniel Cooper to Mr. Cowper, and by the latter to Mr. Weekes.

*Captain*

Mr. Duncan.

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*Captain McLerie*: Then, I presume, it came before you officially.

*Mr. Duncan*: It came with the other correspondence forwarded to me—no doubt unintentionally. The letter I refer to, was one from Mr. Weekes to Mr. Cowper, containing a minute of Mr. Cowper's in the corner, and I think some short remark of Sir Daniel Cooper, in returning the correspondence to the Premier. That letter I returned to Mr. Lane, the Under Secretary of the Treasury.

*Mr. Brown*: In the 6th paragraph of your letter of the 24th November, you state this very point still more strongly than you have afterwards done.

*Mr. Duncan*: Then the matter had better be gone into. In June last, I ordered a list of overtime goods to be made out. The Board are perhaps aware that every half-year we have a sale of overtime goods, that is, of goods that have been in a bonded store over three years. At the end of last half-year I requested the warehousekeeper to make out a list of these overtime goods; and when the list was completed, and the goods were sought for in stores, it turned out that there were a very great many deficiencies. I believe a copy of the warehousekeeper's list of these deficiencies is in the hands of the Board. These deficiencies were very numerous; but, with the exception of those of the Sugar Company and in Towns and Co.'s store, they were not generally of very great importance. In that list I found a heavy deficiency of tea in Towns and Co.'s store. This, I may state, has nothing whatever to do with Messrs. Metcalfe and Powell; but I mention it here, as exemplifying the system I had to battle against. Some two years and a-half ago, Towns and Co. took out of their bonded store 747 half-chests and boxes of tea, without paying the duty that should have been paid before removal from the store. When this came to my knowledge, I reported it to the Government.

*Captain Ward*: Has the duty been paid since?

*Mr. Duncan*: It has. But I conceive that the mere payment of the duty is not sufficient in such a case. I also discovered that Messrs. Metcalfe and Co., as agents for the Sugar Company, took out of the warehouses, without payment of duty, 231 tons of sugar, representing £1,155 of duty. When I ascertained the fact, I reported it to the Government; but as yet, I have received no answer to my communication. When my report was sent in, the late Treasurer requested me to collect the duties upon the smaller articles that had been found to be missing; but with respect to the charge against Towns and Co., and against the Sugar Company, I have had no answer nor instructions whatever up to this hour. Now, I think, I have good reason to complain of this, because such neglect of my efforts as the head of a department by the Government, is calculated to weaken my authority, and to lessen my power of reform, as well as to prevent me from doing many other things that I otherwise would do, in order to eradicate the abuses that have been so long growing up in this department.

*Captain Browne*: How did you receive the duty upon the missing tea; did you receive it from Towns and Co. by the authority of the Government, or simply by your own act?

*Mr. Duncan*: It was not by any special authority that it was received; but so soon as Mr. Stewart, who is managing partner in the colony of the firm of Towns and Co., learnt that the discovery had been made, that the 747 packages of tea were missing out of his store, he rushed up to the Custom House, and before I could interfere, he passed entries for it and paid the duty on it. This very large deficiency led me to look back into the books to see what kind of system had been going on previously. I then found that these deficiencies were quite a common thing. I found that Towns had taken out other teas. I discovered that on two previous occasions, the Sugar Company obtained remissions of duty. Of £705 in one instance, and of £1,350 in another; and this upon sugar taken out of the warehouse illegally, without weighing and without passing proper entries. The sugar had been taken out by entries of Messrs. Metcalfe and Powell, and the remission was made of the larger amount, upon the representation of Mr. Metcalfe that the sugar had been duly weighed, and that the deficiency had arisen from atmospheric causes. I shall, however, be able to prove, that the sugars never were weighed, as they should have been in the presence of an officer of the Customs; and the law expressly declares, that no remission whatever shall be made, except under these circumstances.

*Mr. Browne*: Was there any application from Mr. Metcalfe in respect to these remissions?

*Mr. Duncan*: I have seen and read a letter from Mr. Metcalfe, in which he says that the sugars on which the deficiency arose of £1,350 were weighed. Now, Colonel Gibbs' letter, of 11th April, 1857, most distinctly states that the sugars had not been weighed out. Here then is a manifest contradiction.

*Mr. Browne*: We have not that letter of Mr. Metcalfe's amongst the correspondence referred to us?

*Mr. Duncan*: It ought to have been. I will endeavour to get it from the Treasury, and lay it before the Board; but without it I think I can substantially prove what I assert,—that Mr. Metcalfe stated that the sugars had been weighed out, when in reality they had not. Taking the Minute of the Executive Council of 15th July, 1857, it is there stated, that "As it appears that under the Act 16 and 17 Vict. No. 107, all deficiencies on "sugars are allowed if the sugar be duly weighed in and out of the Bonding Warehouse, "and that the law has in that respect been duly complied with," &c. This evidently shewed that there was at the time, before the Executive Council, some statement that the sugar had been duly weighed in and out of Bond. I think I can also prove, from a letter of Mr. Metcalfe's, dated 31 March, 1859, which I now hand in, (*Letter handed in and received by the Board*) that an admission is therein made, that his statement with reference to a previous claim for wastage had been that the sugar had been re-weighed. I find by this



this letter, which has reference to the £705 allowed for waste, that the £1,350 previously allowed on the same score by the Government, was obtained by misrepresentation—for whilst in that Mr. Metcalfe admits that the second lot, for which he was then claiming, had not been re-weighed, he asserts “in the first the deficiency was discovered by actual re-weight, “ and in the second the deficiency is assumed to be the amount allowed by law.” Mr. Duncan.  
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*Mr. Metcalfe:* This passage has reference to a previous quantity altogether.

*Mr. Duncan:* It refers to that sugar which is alluded to in the Minute of the Executive Council. In a previous part of his letter, Mr. Metcalfe says, speaking of the three per cent. allowance, that “this allowance covered all waste before ascertained by “re-weighing;” but I shall be able to prove that it never was so ascertained, and that even if it were, as he declares, “assumed to be the amount allowed by law, which we understood to “be a fixed allowance,” he was not in a position to claim remission in the second instance, seeing that he had not complied with the requirements of the law by re-weighing. In order to shew the Board that I am not single in the opinion I here express, I will read to them a Minute of the Auditor General, dated 23 March, 1859 (*See Appendix*), to the statement transmitted to him relative to this loss by waste in the weight of sugar. (Mr. Duncan read the document.) An act of this kind, if committed against the Customs of England, would be a misdemeanor, and would be punishable by indictment. Upon this point I refer the Board to Hamel’s Laws of the Customs. I refer to the English law, because Mr. Metcalfe is exceedingly fond of quoting it upon all occasions, in order to shew that he was right. Now it is true that the English Customs do allow three per cent. waste for the first three months upon sugars, but it is only when it can be shewn to them by actual re-weighing that waste to this extent occurs. In this case, however, the sugar had not been in Bond anything like three months, the half of it having been taken out three days after warehousing, and the whole of the remainder within five weeks. Under no circumstances, however, will the English Customs allow one pound waste, unless the quantity be duly weighed in and out of Bond. But whatever way the law might be there, it was very clear and distinct in this colony, the wording of the Act being unmistakeable. (Mr. Duncan then quoted from the English Customs Act, in relation to the allowance for drawback.) Our Colonial Act goes to exactly the same point, the fact being that our merchants here complain that our Colonial Act is far too stringent. (Mr. Duncan here quoted from the Customs Act of New South Wales, relative to the allowance for waste upon spirits and tobacco, &c.) It was evident that under this Act dutiable goods could only be taken out of Bond, either according to the original quantities, or that the actual quantity or weight was to be ascertained by re-gauging or re-weighing. There is nothing here in our law that will enable sugar to be taken out of Bond or upon a re-weigh, except upon the original entry. I maintain, then, that all this sugar has been taken out of Bond illegally and fraudulently by these gentlemen, and that the Ministers of the Crown in granting these remissions have been led into a wrong construction of the law of the case. Under the English law no abatement of the duty for loss in the weight of sugar is allowed, until after the actual deficiency has been ascertained by re-weighing; and that in computing this deficiency three per cent. is regarded as the maximum deficiency to be allowed, and is not by any means the regular recognized allowance. No allowance whatever is made for damage in sugar; and our own law is substantially the same in these respects.

*Captain M’Lerie:* Do you find any record in your office of three per cent. being allowed here for waste on sugar?

*Mr. Duncan:* No, there is nothing of that kind in our law, but I know that in England that allowance is made, or anything under it, when ascertained by weighing.

*Captain M’Lerie:* It has not been a regular allowance here?

*Mr. Duncan:* There is no record of anything of the kind in my office, to my knowledge, and it would be contrary to our law. All that has been done is that there have been remissions of the duty made occasionally by the Executive, upon what I call false representations—and in my opinion, contrary to law.

*Capt. M’Lerie:* You have no law, authority, or custom, then, for such an allowance?

*Mr. Duncan:* Nothing. The only thing I have before me is the Minute of Mr. Weekes, the late Treasurer, in which he allows the remission, and a previous Minute of the Executive Council, already referred to.

*Capt. M’Lerie:* There is no general rule, then?

*Mr. Duncan:* No; and I believe that the granting these remissions is illegal and unconstitutional. I have now generally to complain of Mr. Powell’s constant attempts to evade the law in every possible way; and, in reference to this investigation, I have also to charge him with having attempted to tamper with one of the officers of my Department, and to get from him a public document belonging to my office. It is quite evident that Mr. Powell does not at all understand his position at the Custom House, and that he imagines himself to be of more importance in the office than the head of the department, instead of being as he is, a mere writing clerk, holding office at the discretion of the Collector. I do not attach much importance to the fact—but I think it right the Board should know that Mr. Powell has attempted to get a document out of the hands of one of my officers.

*Capt. Ward:* In the correspondence before us you state something about the regulations you made with reference to the drawbacks; would you not wish to offer some observations upon this point?

*Mr. Duncan:* I shall shew by the shipping officers that obstacles of every kind have been put in my way, and that, notwithstanding the directions I had given that it should be done, I could not get the goods in all cases weighed for drawback. The first excuse was that there were not proper weights attached to the wharfs. I found that there was some foundation

**Mr. Duncan.** tion for this complaint, and to remedy this it was suggested that the drawback officer should go to the Company's store and weigh the sugar there. I consented to this arrangement as a temporary expedient, never intending it to be permanent; but I soon found that it was made the subject of ridicule. I admit that there was some reason for this, because, though the arrangement was made for the Company's convenience, it was ridiculous that a Custom House officer should leave the wharf, where he ought to be watching the shipment, to go to a private store to see the goods weighed. Seeing my efforts to accommodate them thus spurned, I gave up this arrangement at the end of a few days, and then I made them weigh the sugar on the wharf. When they found this, they adopted the plan of putting the sugar into immense casks or hogsheads, which we could not weigh, not having on the wharf the necessary machinery for doing so. The case of the sugar per "Lord Worsley," also shews the system of obstruction that was pursued. On receiving notice of the shipment, I sent one of my officers to the Sugar Company's store to inquire when it would be convenient to weigh the sugar for drawback. The reply that the officer received was, that they "did not know when it would be ready, perhaps it was not made yet." On receiving this answer the officer left the store and walked down to the wharf to look after another shipment by the same vessel, when to his astonishment he found that the sugar was then in the process of being shipped, and that they had been shipping it all the morning. This is a very fair specimen of the sort of thing I have had incessantly to put up with from the Company and their agents, Messrs. Powell and Metcalfe.

**Mr. Browne:** Did you promulgate this order relative to the weighing of drawback sugars in writing?

**Mr. Duncan:** Not at first. In the first instance it was a mere verbal one, and this put me at some disadvantage, as they thought, in the correspondence, because they said they were not bound by it. In point of fact, however, they knew perfectly well about the regulation, because it had been discussed between us, before the 6th July, the date on which the shipment per "Lord Worsley" was made. Mr. Powell was fully aware of it, before that shipment was made, and knew that he would have to act upon it. The letter from Mr. Powell to the manager of the Sugar Company is one of the most extraordinary productions that I ever had to read, and I am desirous that it and my reply should be particularly noticed by the Board. I may mention that in a few days more I shall have some more deficiencies to report in the Company's sugar, but though I know there are deficiencies I do not yet know their extent. The list of overtime goods for the last six months is now being made out, and in a few days a new list of deficiencies will have to be reported in the Sugar Company's bonded goods.

**Mr. Browne:** With regard to the verbal order, did you ever make it a written one?

**Mr. Duncan:** Yes, shortly afterwards. About the time this correspondence was going on, I recollect allusion having been made to the fact that this was merely a verbal order, and I then promulgated it in writing. But I have to issue very many orders in the course of the day, to direct one officer to do this and another to do that, and the extent of my order in this case was no doubt to direct the drawback officers to see all sugars entered for drawback weighed before it was shipped. Issuing so many orders as I do in the course of the day, it would be physically impossible for me to commit them all to writing.

**Mr. Browne:** Did you give any direction, in the first instance, to the Sugar Company or their agents?

**Mr. Duncan:** I repeatedly mentioned my intention to Mr. Powell and to their clerk. The order was given in the first instance to my own officers, and it was not necessary that I should issue orders to the Company or to the Custom House agents. Indeed it should not have been necessary for me to make any order at all upon the subject, because under the law it is illegal to pay drawback, unless upon the re-weighing of the goods, and the Custom House agents ought to know this.

The Board requested Mr. Duncan to call whatever witnesses he might consider necessary to substantiate his case.

**Mr. Thorn Bate Mackenzie, called in and examined:—**

- Mr. T. B. Mackenzie.**  
12 Dec., 1859.
1. *Examined by Mr. Duncan:* You are a clerk in the Customs office? I am.
  2. Do you remember having a conversation with Mr. Powell some short time before I was appointed Collector of Customs? I do.
  3. Will you be good enough to state what he then said? The conversation was a very short one, and was purely accidental. I went to Mr. Maddocks' desk on some business, and whilst standing there, somebody said something about the new Collector of Customs. My remark was, knowing the lax manner in which business had lately been conducted in the department, "I hope we shall have a cast-steel man." Mr. Powell's remark to that was, "Any one who comes here as Collector, if he attempts to carry out the law in its integrity, we will very soon bundle him out." My impression was, that the words "bundle him out" were used, but on referring to the note I took at the time, I find that I put down the words "walk him out;" therefore, I suppose those must have been the words employed.
  4. *By Captain Ward:* You took down the memorandum at the time? I did.
  5. Will you read the memorandum? Yes; it is as follows:—"29th March, 1859.—Query suggested,—Who is to be our new Collector? *Myself:* I hope he will be a cast-steel man and then things will go on properly. *Mr. Powell:* If any man comes here and attempts to carry out the law in its integrity, we will very soon walk him out. *Myself:* "Mr. Powell, I think you will not repeat what you have just said, viz.: 'If any man comes here

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"here as Collector, and attempts to carry out the law in its integrity, you will soon walk 'him out.' Mr. Powell: Yes, I will repeat it; we know our duty, and if he does not know 'his, we will not have him. Myself then suggested that the agents had better have the 'appointment of Collector and officers, and then it would be a good trade with them."

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6. By Mr. Duncan: Had you occasion to see Mr. Powell on the business of the office pretty often? Yes, pretty often.

7. Are you aware whether both Mr. Metcalfe and Mr. Powell have exercised considerable influence in the Custom House; more so, in fact, than any mere Custom House agent ought to do? I have not the slightest doubt about their having done so.

8. Are you aware that, at one time, Mr. Metcalfe occupied a large room in the Custom House to himself, whilst the other Custom House agents were crowded together into one room? When I first went there, Mr. Metcalfe occupied a room at the back of the building, and the warehousekeeper's room was as it is now, that is, two rooms communicating by a large doorway. Mr. Metcalfe caused the communication to be closed, and took possession of the front room; the warehousekeeper and his clerks were put into the other room, to which there is an entrance round the passage; and the keeper of the register was placed into the room vacated by Mr. Metcalfe, and of which room I took possession on my appointment to that duty. My health suffered very severely in consequence.

9. Did this change take place with the permission of the late Collector of Customs? I presume it must have been with his permission. The clerks could hardly have been moved without it.

10. Have you seen Mr. Powell behind the railings in the Long Room examining the books and papers? Yes, almost daily.

11. Is that proper? No; I consider it most improper, more particularly as regarded the entries. I was responsible for these, and they were so frequently taken out of my hands, by Mr. Powell, that at last I went to the Collector (Colonel Gibbs,) and told him that I could not be answerable for them if Mr. Powell was to be allowed to take them away as he did. He told me I was perfectly right, and when Mr. Powell came next for them, I declined to let him have them. He and Mr. Metcalfe then made application privately to Col. Gibbs, and the result was that authority was given to them to receive these entries from me at half-past three o'clock every day.

12. In fact, then, they seemed to have the complete run of the place? Yes; so much so that when I first went into the office, I received a caution not, under any circumstances, to offend Mr. Metcalfe. I should have endeavored to act under this caution, but before long the conduct of Mr. Metcalfe became so unbearable that I determined, situation or no situation, not to put up with it. I was informed too, that as regarded these entries, Mr. Metcalfe made money out of them by the use of the information they contained; and I thought that if anything was to be made of them the clerks in the office ought to get something of it. I mentioned this to Mr. Powell, and said I thought the clerks had as much right to make something out of it as he had. He said he would take care that no clerk should have a farthing out of it if he could help it.

Mr. Powell: Am I expected to meet the charges that this witness may choose to bring against me.

Captain Ward: This evidence is not taken as a charge. We receive it solely as showing the influence you are said to exercise in the department.

Mr. Duncan: One of the charges against Messrs. Metcalfe and Powell, is that they exercised an influence in the Custom House that was totally subversive of my authority. If they have had access to the various parts of the department in the way the witness has described, I submit that neither I nor my officers can do our duty in such a way as we would wish. If a mere Custom House agent is to come into the office and get whatever papers he may select to take away and do with as he pleases, no man could ever conduct the department satisfactorily.

Captain Ward: The witness had better not wander away from the question; let him answer the question as nearly as he possibly can.

13. By Mr. Duncan: Did he ever threaten to have me turned out of the department? I never heard him say so.

14. Was not the general bearing and manner of both partners that of persons having great authority in the place—was it not presuming and dictatorial? Very much so.

15. Does this remark apply more particularly to the one or other of the partners? No; to both alike.

16. Have they insulted you in the discharge of your public duty? I hardly know what a public officer is entitled to look upon as an insult in his public duty. I know that they have given me a great amount of trouble, and that I have had considerable annoyance with them.

17. Have you ever had occasion to complain to the Collector of Customs of their conduct? Not to you; but there was one occasion, when I was appointed collector of pilotage dues, when I had to make complaints of Mr. Powell's conduct.

18. What I wish to find out is this, whether Mr. Metcalfe or Mr. Powell, or either of their clerks, who are mere boys, has not been exceedingly forward and rude in his manner? As far as my experience has gone with regard to the clerk, George, I never had any fault to find with him.

19. There is no charge pending against the boys, but I would ask you whether the influence that is exercised by Mr. Metcalfe and Mr. Powell is beneficial to the Customs Department, or the reverse? It is quite the reverse of beneficial.

20. Have you had occasion to take notice of the system of drawbacks that was pursued prior to my taking office as Collector? Yes; I was not long in forming an opinion upon that subject.

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21. Will you state what that opinion is? Why the whole system rested on the responsibility of one single officer, with whom it rested to declare that such and such goods had been put on board ship. This officer in making his declaration often had to rely upon the *ipse dixit* of the mate or the agent, and I have reason to believe that very frequent misrepresentations have been made.

22. The drawback officer had at one time a desk in your room? He had.

23. Had Mr. Powell occasion to see him there pretty often on business? Yes, Mr. Powell, as well as others, came to see him there; but that did not last for long. I noticed that there was always a good deal of whispering whenever Mr. Powell came in; and I said to Mr. Russell that I could see no occasion for so much whispering and mystery in a public office and about a public matter. After that Mr. Powell always sent for Mr. Russell to his own office. On another occasion Mr. Russell came into the office in a very excited state saying, "I will not be bounced into it;" "I will not do it." I asked him several times what was the matter, and all he said was, "I will not be bounced into it by anybody." At last, when he became more cool, he told me that Powell had a warrant for the shipment of six casks of sugar, that these had come down to the wharf, but that only four of them could be taken on board, so that there were two short shipped. The six casks were stated to weigh three tons; and Mr. Powell had been bothering him to sign for the whole three tons,—to sign for the six casks when only four were shipped. This he said he had refused to do, and asked me what I thought. I told him I thought he had done quite right. He then handed me the warrants, and said, "Will you tell me what these four casks make in weight?" I said I would, took the papers from him, and gave him the total. I then said, "Now let me see what the other entry is?" He gave me the warrant of the two short-shipped casks, and from what I remember of their weight, I am sure that if the whole six had been shipped they would not altogether have weighed more than four and a-half tons. This was the case; and yet Mr. Powell was pestering Russell to sign for six casks when only four had been shipped.

(The following is witness's marginal note to this reply.)

"This is an error: I should have said two and a-half tons. In all cases, in speaking of the weight of the said casks, I do so to the best of my recollection. I am only sure that the six casks did not amount to the three tons as represented."

24. Did I in your presence call upon Russell for an explanation of this matter? You did.

25. Did he admit the transaction? No, he denied all knowledge of it at first.

26. But afterwards? He admitted it afterwards. He said at first that he had forgotten all about it; but he afterwards remembered it all.

27. By Capt. Ward: You say that Mr. Metcalfe and Mr. Powell exercised great influence in the Customs Department,—what sort of influence was it? I scarcely know how to answer your question.

28. Give us some example of the influence he employed? When I first went to the office I was given to understand that I must take care not to offend Mr. Metcalfe,—or rather, I was told not to offend "Michael the Archangel,"—for that is the name he is known by in the department.

29. That is not an answer to my question. Did either of them exercise an undue influence in the department; if so, give us an example of it? I scarcely know how to answer you. But I recollect on one occasion, when I had passed an entry of some goods for Mr. Bailey, one of Metcalfe and Powell's clerks came to me and asked me to pass an entry for the same goods that I had passed before. I told him that it was more than I dared to do such a thing. He went away, and then Mr. Powell came to me and said, "Pass this entry for me in place of the one you passed for Mr. Bailey." I told him that I could not pass the two entries for the one set of goods. Mr. Metcalfe next came and asked me to do the same thing; and I said it was more than I could venture to do. He then went into the Collector's room and complained of my refusal. I went to the Collector myself and explained the matter to him, and he said I had done quite right. A short time afterwards Mr. Metcalfe called me down to his room and began abusing me. When I found this, I said to him that I did not come down for that purpose; and that the next time he wanted me for no more than this he had better come up stairs to my room to say it.

30. In this case then the Collector supported you? He did.

31. Is there any other case that you can remember? No, not in my experience.

32. There is not another example that you can adduce? No.

33. You say that Mr. Powell was in the habit of coming behind the rail in the Long Room—have you seen other Custom House agents do the same thing? They have come there occasionally.

34. In this respect, had Mr. Powell any preference over the others? He used to come there occasionally.

35. Others have been also allowed there? Oh, yes; in the event of their having business there was no impediment to their coming in.

36. There was no preference then given to Mr. Powell? No, not particularly.

37. By Mr. Duncan: Is it not a matter of general notoriety that they had a great deal of influence in the department? Yes.

38. By Captain Ward: The Board do not wish for evidence of general notoriety, they wish to get at particular cases, from which to judge for themselves; you say that the conduct of Mr. Metcalfe and Mr. Powell was unbearable in a great degree, will you give us an example of this? The first thing I had to complain of was this—I was appointed Receiver of the Pilotage Dues. My experience in the public service taught me that I ought never to receive cash without at the same time taking a voucher and giving a receipt for it. I found that this had never hitherto been done, and I determined upon acting upon my own system,

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system, though had I gone on in the old way I might easily have put a hundred or two into my pocket without anybody being a bit the wiser of it. When Mr. Powell came to me to pay the pilotage rate on one of the vessels for which his firm was agent, I told him I must have a voucher for the amount he paid. The rate is paid upon the draught of water of the vessel, and for this reason the voucher is necessary, because the amount of rate varies. I said "You must give me a writing or memorandum of the amount you pay." He said "No; it has never been done before, and I am not going to do it now." I went to the Collector (Colonel Gibbes), and he pooch-pooched the matter. Feeling sure that there was no remedy likely to come from that quarter, I went to Mr. Lane at the Treasury and explained the matter to him. He said I was quite right—he said, "Do not let the matter drop." I did not press the matter on, because at the end of the year the rate would be levied on the tonnage of the vessel, instead of on the draught of water, and then the voucher would not be so necessary. To prevent any objection, however, I drew up the forms of vouchers myself, only requiring the parties paying to fill in and sign them. Mr. Powell however, refused to do either.

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39. Did you go to the Collector and ask him to carry out your views? I did.
40. What did he do? Nothing. Mr. Powell met me in Mr. Llewellyn's room, and began speaking of this matter. He said that we, the Custom House clerks, would never do anything if it was not for the agents. I was going away when he said that I would be a d— fool if I did not stop to listen and hear what he had to say. I answered that I should be a d— fool if I did, and went away.
41. Then when you asked for vouchers, the then Collector did not think them necessary? He did not.
42. Did Mr. Powell ever interfere with you, in the conduct of your business? Yes, in the instance I have just given.
43. Have you any other instance to adduce of what you call his unbearable conduct? That must depend upon what you consider to be unbearable conduct. A great deal depends upon a person's temperament—I am of a warm temper and cannot put up with much—I conceive his conduct generally to have been unbearable.
44. We want facts more than opinions. We can draw our own influences when we have the facts before us; if you can give us these facts, do so? Their whole conduct was very much of the same kind throughout.
45. Did either Mr. Metcalfe or Mr. Powell ever interfere with you in the discharge of your duty; when there was an established law or order of the Collector, did either of them interfere to prevent its being carried out? No, I cannot say that he did, except in this case.
46. He never prevented you carrying out a law or order of the Collector? No.
47. *By Captain Browne:* The instances you have referred to took place under the late Collector of Customs; can you give us any instance of improper conduct on the part of Mr. Metcalfe or Mr. Powell since Mr. Duncan has taken charge of the department? Since then I have not been in the same room that I was in before.
48. During the time you have alluded to the department was in a very disorganised state, and I want to know if there has been any impropriety of conduct since then? I cannot say; since then I have been in a different room.
49. *By Mr. Powell:* Did you have any difference of opinion with me, after the affair of the brig "Louisa"? I cannot remember having any difference with you.
50. Did you have any personal quarrel with me? No; not that I remember.
51. You remember no quarrel? No; but I remember you writing me a letter apologising for language you had used; and I wrote you an answer.
52. Have you got that letter still? Yes, at home.
53. Do you remember telling me that I was picked out of the gutters in Thames-street? No, those were not my words.
54. When did the conversation you say you had with me relative to the new Collector take place? On the day the memorandum bears date.
55. What day was that? On referring to it, I find it was on the 29th March.
56. Were you at that time in the Long Room? No, I had a room of my own.
57. A small room connected with the warehousekeeper's room? Yes; I was at that time in the room before described as vacated by Mr. Metcalfe.
58. What business had you upstairs then? That is nothing to you.
59. I appeal to the Board to have my question answered? I had business there.
60. Why did you write all this conversation down? Because on one occasion you told me something which you afterwards denied having said. I told you then that I would not in future believe you on your oath—that was the reason I took it down, and that was why I repeated the words to you, so that you should not be able to deny it afterwards.
61. Did you write those words down with a view to their ulterior use? Not to this use that is now being made of them.
62. For any ulterior use? Yes, I took them down for use in the event of your attempting, as you threatened to do, to turn me out of the office. I thought that having this by me might help me against you.
63. Who was I talking to at the time? Well, I forget who was there; Mr. Maddocks I know was there.
64. Do you not know that Mr. Maddocks is fond of joking? Yes, he may be.
65. And he often says things in jest that he does not mean in earnest? He may perhaps be guilty of that folly.
66. You yourself are not guilty of it? I may be sometimes, but it is very seldom.
67. What were your duties when in the Long Room? First, keeping the pilotage account, then

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then keeping the immigration register, taking stock of the daily consumption of the home issue of spirits, and several other things.

68. You have nothing to do with the drawbacks? No.

69. And know very little about them? Not much.

70. And yet you say you had suspicions respecting them? Yes; because the money was refunded out of the revenue upon the receipts of an officer, who in most instances did not know of his own knowledge whether the goods had been shipped or not.

71. However you had no authority for forming these suspicions? No, if I had had any you would have heard of it before this.

72. You know of no fraudulent act of mine or of Mr. Metcalfe's in relation to these drawbacks? No, I do not.

73. I believe I have not spoken to you since the quarrel we had? No; you have latterly evinced a kind of desire to be nice in your dealings with me.

74. Since then, I have never spoken to you except upon matters of business? No.

75. Have you ever at any time heard me make any remarks or see me do anything that was calculated to set aside the forms of the department? Yes, decidedly. You tried to do that which would have set aside my duty.

76. At the time I made the remarks you took down, was it known who was to be the new Collector of Customs? No; for if it had been, the question would not have been put.

77. Was not Mr. Duncan at that time appointed? He might have been; but if he was I was not aware of it.

78. Was I excited when I made use of the language? I do not know when you are excited—I have heard you make use of very strong language when you were to all appearance as cool as you are now.

79. You say that I said "We know our duty, and if he does not know his we will pack him off"? I do not pretend to remember the precise words, but they are as I have taken them down.

80. You say that the influence of myself and Mr. Metcalfe was used in an improper manner—do you know of any one case when it was so used? I have already said that I cannot of my own knowledge state any distinct case. However, judging from the appearance of Russell on the day he refused to sign for the six casks of sugar, I should say that there must have been some undue and improper power at work with him.

81. You knew nothing of the Custom House duties until you came into the department? No.

82. And you only performed one duty when you were removed into the warehouse room? No, but when in the Long Room I did almost every kind of duty.

83. What induced you to bring this statement you took down under the notice of Mr. Duncan? Simply because he asked me for it.

84. You have said that I was in the habit of obtaining the entries from you every afternoon? Yes, your boy used to fetch them.

85. Did I take them away? Not you, but your clerk used to get them for you.

86. Did he take them for the purpose of copying them? I do not know what he did with them, I know he used to get them.

87. And we got them every afternoon? Yes, every afternoon. You may, perhaps, have missed taking them sometimes.

88. Were they removed from your room? They were.

89. Were they returned to you? Yes; I think I used to find them in my drawer the next morning.

90. Did you ever miss any of them? No.

91. Have you ever missed a whole day's entries? Yes, once.

92. And did you not afterwards find them in the Long Room? I do not recollect where I found them, though I have an indistinct recollection of once missing a day's entries.

93. Did not the then Collector give us authority to have these entries? He did.

94. You say we made money of them? I did not say that.

95. You know that as an officer of Customs you are not allowed to take any fee or reward for whatever you may do in your public capacity? I do, perfectly.

96. What did you mean then by saying that if there was to be anything made out of these entries you ought to have it? What I said was, that if any advantage was to be derived from it the clerks in the office ought to have it. The Government do not object to the clerks being paid for anything they may do in their own time.

97. You were held responsible for these entries? Yes, and that was the reason why I objected to your having them.

98. Did you say that to Colonel Gibbes? I did, and he said that I need not let them go unless I chose.

99. Do you know if they are given now? Yes, I believe they are.

100. You never received any insult, I believe, from me? I never received anything else from you to my knowledge.

101. You never received any opposition from me in doing your duty? I scarcely recollect a case in which I had to do with you in which I did not have some considerable difficulty.

102. Was the manner of our boys at all insulting to you? No.

103. We had a man for a time who was scarcely as civil as he might be; did you ever complain to us of his conduct? I did not; I had no occasion.

104. You know nothing of the drawback system except that it is open to abuse, from misrepresentation? No.

105. And upon what do you ground this belief—is it from facts that have come to your knowledge or from your general impression? I have given my opinion and I think I am not called upon to do any more than that.

106. When Russell was in your room there were other persons besides myself who used to visit him there? There were.
107. Then there was nothing particular in my being there? Only in the whispering; and then, when I remarked upon this, it did appear strange that you should send for him down to your office.
108. With regard to the six hogsheds or casks of sugar that were to be shipped, will you explain more fully about them? I have said all I know. Six were to be shipped, but only four were on board, there being two short-shipped, and yet you wanted Russell to sign for the six.
109. Did you ascertain the weight? I did. The order was for the shipment of three tons, and when the sugar came down there were two casks included in each ticket. On adding up the weights of these I found that even if the whole six had been shipped they would have been short of the three tons.
110. But you said before that the whole six casks together only made four and a-half tons? What I meant to say was, that the total quantity was short of that which was ordered to be shipped. The whole six casks were intended to represent three tons, but on totting up the entries I found that the six did not weigh more than two and a-half tons.
111. This is a different statement to what you made before; will you have the goodness to again detail the whole particulars, so that we may understand you? Mr. Russell came into the room and appeared very much excited. I asked him what was the matter, and he said "I will not be bounced into it;" I asked what they were bouncing him into and he replied, "Mr. Powell wants me to sign for three tons of sugar, and I have only shipped four casks out of the six." He gave me the tickets and asked me to be kind enough to tell him what the four casks made. He did not say that there were two casks short-shipped; I myself made that remark; but what he said was, that he had only shipped four out of the six casks that ought to have made the three tons weight. He said to me, "Give me the total of the four casks." I added them up, and thought they were not of the weight to make up three tons of the six of them, so I then asked him for the weights of the other two short-shipped casks; he gave them to me, and on adding them to the others I found that the whole six casks would, if weighed, not have amounted to the three tons ordered for shipment.
112. Then the whole six hogsheds together made half-a-ton less than the quantity entered for shipment? Yes; if Russell had done what you wanted, you would have received drawbacks on half-a-ton more than you had shipped—even if the whole of the six hogsheds had been shipped—but as two were short-shipped you would further defraud the Government of the drawback on them.
113. The most that would have happened would have been that we should have shipped half-a-ton less than we passed entries for, the drawback being paid, not on the quantity we pass for shipment, but on the receipt of the Customs officer? It seems to me that in trying to get the receipts for the whole quantity passed, you were trying to get the drawback for more than a half-a-ton more than you ought to have done had the whole of the six hogsheds been shipped—but two being short-shipped, you would have defrauded the Government of the amount of drawback on them.
114. Was the drawback paid upon the whole quantity? That I do not know.
115. How is that? Why, when I had explained the whole thing to Russell I thought no more about it.
116. Why did you not bring this matter under the notice of the Collector, if you thought there was anything wrong about it? Because there was no necessity, as I thought that Russell was doing his duty in the matter.
117. Why so? Because he had refused to sign what you had so much pressed him to do, and I knew that he would still refuse to sign unless you coerced him.
118. Did you, in point of fact, report this matter to the Collector? I did not.
119. You say, that on your first entering the Department, you were specially warned against the danger of offending Mr. Metcalfe; may I ask you whom you were warned by? By Mr. Llewellyn.
120. Do you know what induced him to give you this warning? No, I do not.
121. He is chief clerk in the office, I believe? He is.
122. If he knew of anything wrong in the office with regard to Mr. Metcalfe, do you not think that he ought to have made you acquainted with it? Well, I do not know why he should make me in particular acquainted with it.
123. You say that I wished you to pass two entries for the same goods? Yes, and so you did.
124. Had not the entry been passed wrong in the first instance? No, I am quite sure that it was right.
125. Might not the goods have been wrongly described? No; they were not. Mr. Bailey came to me with a full description of the goods, and I was perfectly right in passing the warrant for them as I did.
126. Was the new entry insisted on? Yes, by you and by Mr. Metcalfe—but I would not give way.
127. On account of an error in description? No; you said it was because Mr. Bailey had had no authority to pass the entries.
128. You say that Mr. Metcalfe sent for you afterwards? Yes, I suppose he did; his boy came up to me and told me Mr. Metcalfe wanted me.
129. Did you speak in an abusive manner of Mr. Metcalfe after you left his room? Yes; I said that the next time he wanted me for such a purpose—that was for the purpose of abusing me—he might come up stairs to me, instead of sending for me to come to him.
130. You are aware that, as an officer of the Customs, you are not permitted to enjoy any fee, perquisite, or reward, for anything you may do in that capacity? I know it well.

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Mackenzie.

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131. And yet you thought you ought to have a share in any advantage that was to be derived from the entries? I never said so.
132. With reference to the pilotage dues and the vouchers,—were you not in the habit of receiving from the pilots the certificates of the draught of water of vessels brought in by them? Yes, I was.
133. What other voucher than this could you require? I wanted a voucher from the party paying, shewing the draught of water for which he paid.
134. But why did you require this when you had the pilot's certificate? Because the vessel paying by her draught of water, might have to pay less on going out of port than on coming in; and as the pilots did not generally send in their certificates until three or four days after a vessel had sailed, I required some voucher of the draught of water paid for. For instance, you might pay me a smaller sum than you ought to have done; and then, the vessel having gone, how was I to know but what you might turn round and say, "Ob, I paid for a draught of 15 or 16 feet"—or you might say you had paid the money when you had done nothing of the kind.
135. You received from the pilot a certificate of the vessel's outward draught of water? Yes; but not until after she had gone out.
136. Then I cannot understand how you can require a voucher from me, when you have the pilot's certificate? Sometimes it is a week before I get the certificate of the outward draft from the pilot. If you pay me without a voucher, I am entirely at your mercy; for the vessel having gone away, it would be useless for me to say to you I want the fee for 20 feet draught, and you have only paid me for 14 feet.
137. Did you expect me to supply you with information, in the same way as if I were a Government servant? I asked for no information—I merely wished you to shew how much you paid and what for.
138. You say you went to Mr. Lane on the subject? I did.
139. Why did you go to him? I went to him, because I found it was of no use to go to the Colonel, as I could get no redress there.
140. Did you think it right to go to him, after the head of your department had virtually settled the matter? Certainly.
141. Would you have done so, had it been in Mr. Duncan's case? No, I should not.
142. Then why did you do it in the case of Colonel Gibbes? Because I felt, as many other officers of the department had done, that there was no chance of justice with him in cases in which Mr. Metcalfe was concerned.
143. You said you might have pocketed a good deal out of the pilot fees without anybody being the wiser? Yes; and you know very well that I might have done so.
144. Then you think that the system recommended by me, is an improvement upon the old plan? I do not know what your system is.
145. The system that has been adopted this year, is better than the one followed last year? Yes, certainly.
146. Since you have been down stairs have I ever trespassed on your room? I do not recollect that you have; you may have come in occasionally.
147. On the particular occasion when Russell came into your room as you say, in a very excited state, was it your impression that he had been taking a glass too much? It was, at first; but that impression was afterwards removed.
148. *By Mr. Metcalfe:* You charge me with abusing you, and telling you that you did not understand your duty? Yes; you said in a blustering tone, "Why don't you do your duty, Sir;" "Do you know your duty, Sir." I left your room saying, if that was what you wanted, you had better come up stairs to me; I went to the Collector, and told him what had occurred, and he said that I had no business to go down to you.

Mr. George Norton Russell called in and examined:—

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1. *By Mr. Duncan:* You are an officer in the Customs Department? I am.
2. You were for some time drawback officer at this port? I was.
3. You were appointed to that office by the late Collector? I was.
4. Do you know at whose suggestion you were so appointed? No, without it was Mr. Lewellin who spoke for me.
5. Did Mr. Metcalfe recommend you? I do not know. When the Collector told me I was to take the office, I told him I would rather not have it. I said that the responsibility was so great that I would much sooner that he would get some one else; but he said I must do it or he would report me.
6. It was a portion of your duty, whilst drawback officer, to attend to the shipment of debenture goods, and to indorse the warrants? It was.
7. Did Mr. Metcalfe ever say to you that you were not to weigh the Company's sugar for drawback? He did.
8. Did you act upon that statement? No. When Mr. Metcalfe told me I was not to weigh the Company's sugar, but take their weights, I went to the Collector and asked him whether I was to do so—the Collector told me, that when the Company sent sugar down, I was to take the number of bags and see that they were correct; and then, that I should take the Company's weight for the bags and give a receipt for them.
9. And you did so? Yes, after the Collector had told me this.
10. What Collector was this? Colonel Gibbes.
11. After receiving this order from the Collector, you took the Company's weight from their own documents? Yes.



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12. Then you did not weigh it at all? Yes, I did, two or three times. I weighed it at the Grafton Wharf and the Flour Company's Wharf; on these occasions I took five bags and weighed them, and averaged the others by this weight; whenever I did this I found the weight to be correct.
13. But if the officers of the Company had been inclined to be dishonest they might have been so, the sugar not being weighed after them? Yes.
14. There was nothing to prevent their being so, if they were so disposed—there was no check upon them? No, only in the number of bags.
15. Did you take the weights and indorse the warrants with them, exactly as the figures were put before you by Mr. Powell? Yes; I would get the tickets sent down by the carter with each load, and would see that there were the number of bags specified—I would then sign the warrants for the weight of the bags given by the Company.
16. Do you recollect a short shipment of sugar by the "Moa"? Yes, they were short forty bags.
17. Will you state how that occurred? If I had the warrants I could explain it better than without them. (*Mr. Duncan here handed in a number of warrants, and witness proved the handwriting of Mr. Powell to the warrants marked from C to I inclusive.*)
18. Will you now mention what you recollect of the short shipment by the "Moa"? There was a quantity of sugar to be shipped to New Zealand by the "Moa," for Mr. Robertson, the merchant, of Jamison-street. I was ordered to see this sugar shipped; but having to do by myself everything connected with the drawbacks, I was so busy, and my attention was required in so many places, that I could not pay that attention to this shipment that ought to have been paid—I received from the carter the ticket with each load—the Company were in the habit of sending down duplicate tickets with each load; one for the mate of the vessel, and the other for the drawback officer. On these tickets were marked the number of bags sent on each dray. On this occasion forty bags were sent down on each load. When the whole number had been received I went on board the vessel, to check the mate's receipts and to sign for the whole quantity received on board. On looking over these tickets, however, there was one short; and the mate said, as an excuse for not having it, that the wind had blown it away, and it had been lost overboard. I told him I could not sign for these forty bags, and he said that he knew the sugar was on board, and would swear that it was; the captain also came and said the same thing; he said he knew he had the sugar on board—that he would sign the declaration to that effect. When he said this I thought it was all right—that they ought to know what they had on board better than I did, so I signed the warrants.
19. Who cleared the vessel? Mr. Metcalfe. I spoke to him about the short quantity, and he shewed me the note from the Company, in which it was stated that so many tons had been sent down and received on board, and that he was to pass entries for that quantity.
20. How was it discovered that there were 40 bags short? When the ship arrived in New Zealand, the Custom House authorities there found 40 bags short of the quantity shewn on the manifest, and communicated with this port on the subject. The matter was inquired into, and I was brought forward to prove how the mistake had occurred. I went down to Mr. Metcalfe, and afterwards to the Sugar Company; but the Company said that it was all right, that they had sent the full quantity down to the ship, and that Mr. Robertson had paid them for it, and therefore they presumed it had been received. I was obliged to believe it was all right when the Company insisted so strongly that they had sent the quantity on board, and when the captain and mate also declared that they were ready to swear they had received it on board; that was the reason why I signed the warrants for it.
21. Did you make no objection to signing the warrants under such circumstances? Yes, I did; I asked for the tickets, and finding one short, I asked where it was; the mate said that as it was a very blustering, blowing day, the wind had perhaps caught it and blown it overboard.
22. Did you speak to Messrs. Metcalfe and Powell about it? Yes; and they said they would make inquiry into the matter.
23. But before you signed the warrants? Yes; I went to them, and they sent to the Sugar Company's place to inquire into the circumstance. The answer from the Company was that the full quantity of sugar had been shipped; that they had sent it down, and held receipts to shew it had been shipped.
24. Who told you this was the answer? Messrs. Metcalfe and Powell.
25. Which of them? I cannot say which.
26. Who wrote the warrants that you signed? Mr. Powell.
27. Do you remember, some time ago, shipping four casks of sugar at the Flour Company's Wharf? Yes.
28. Will you state the circumstances of that case? Yes. I got an order to ship six casks of sugar from the Sugar Company for Mr. Sayers. I went down to see them shipped; they were marked from 1 to 6, and the weight was specified on the tickets; I saw four of the casks shipped, and I then said to the officer of the vessel that there ought to be six; he said that he would not take more than four on board, for though he had room for the other two, yet it was engaged for persons who were regular shippers by the vessel; I signed for the four casks at that time. I afterwards went down again to the wharf to see about the other two casks; and when I got down to the wharf, the men were in the act of rolling these other two casks into Mr. Sayer's stores. When I came back to the office Mr. Powell came to me and said that he would get me to sign for the whole six casks, because though the other two casks had not been shipped, they would be sure to be so by the next vessel; I refused to sign for the six, because I knew that four only had been shipped.
29. How many entries were passed for the sugar? I cannot say. I think there was only one

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- one entry for the four casks. There was another vessel took the other two casks away, and a different entry must have been passed for them.
30. Then Mr. Powell pressed upon you to sign for the six casks? Yes, he did. He said he was informed by the Company that they were shipped—but I said I knew they were not, and that I would not sign for that which I knew was not correct.
31. Do you remember saying something to Mr. Mackenzie upon this subject? Yes, I do.
32. What was it? I do not recollect exactly, but it was something like this, "Is this not a pretty thing to ask me to sign for what I know is not shipped?"
33. Did Mr. Mackenzie make some calculations for you? Yes, he reckoned up the weight and told me that if the whole six casks had been shipped they would not have amounted to the quantity mentioned in the warrant. The total weight of the casks differed from the weight ordered to be shipped.
34. Is this a common occurrence? Sometimes. I have received warrants for the shipment of 80 tons, and when I came to put it on board, I have found two or three tons short shipped.
35. Has this been the case with other parties, as well as with the Sugar Company? No, I got directions to see that the sugar shipped from the grocers or any of the shops in the City, was weighed before it was received on board ship; this was not done with the Sugar Company's shipments, and that is the way the differences occur.
36. Do the Sugar Company alone enjoy this privilege? No, Mr. Robey has the same privilege; but all the sugar from the grocers' shops or merchants' stores, I had to see weighed.
37. *By Captain Ward*: Do the Company enjoy the same privilege, now that the present Collector is in office? I believe so.
38. *By Mr. Powell*: How long were you drawback officer? Some four or five months before the present Collector took charge of the department.
39. And you held that office for about eight months? Yes, about that.
40. You think you were appointed to that office at the suggestion of Mr. Lewellin? Yes.
41. You do not know whether Mr. Metcalfe interfered in any way? No; I know that Mr. Metcalfe and the Collector were very intimate, but how I got appointed to the office before others who were better suited for it, I do not know.
42. Do you think that Mr. Garling recommended you? I do not know; I know this, that I went to Mr. Garling so soon as I heard I was appointed, and told him that I did not wish to incur the responsibility when there were so many better suited for it than I was; he said he knew nothing about it, but that I must do the duty, or else Colonel Gibbes would have to report me.
43. However you did object to taking the office? I did.
44. Did I advise you to take the office? I do not recollect your giving me any advice at all upon the subject.
45. You have asked my advice upon different occasions? I have, and very good advice I always got from you.
46. Why did you object to taking the office? Because of the very great responsibility; it was a very responsible office, and one man had to do all the work, which was a great deal too much for any man to do properly; I wanted assistance very much, but I could not get it.
47. With regard to taking the Company's weight for sugar shipped for drawback, you did not take Mr. Metcalfe's mere word? No, I did not; I had the Collector's authority also, or else I would not have done it.
48. He told you to take the number of bags received, and then to compare the weight on the tickets with that marked on the warrant? Yes.
49. Do not the bags of sugar, particularly the refined and bastard, run pretty evenly about the same weight per bag? Yes, they run about forty to the ton.
50. The bastards run about forty bags to the ton? Yes; they generally make them that, by the size of the bags.
51. And the refined runs thirty-two bags to the ton? Yes.
52. Then forty bags of sugar generally go to the load—to the dray load? Yes.
53. And a ticket comes down to you and to the officer of the ship with each dray load? Yes.
54. If you had a drawback entry for ten tons of sugar, and if fifteen loads of a ton each came down to the vessel, what would you do? I should take no notice of the other five loads; I have only to do with the ten tons entered for drawback; I would, however, get the tickets for the whole.
55. You have explained that duplicate tickets were sent down with each load of sugar, one for the vessel and one for the Customs officer, is that the plan pursued now? Yes; we follow the same practice with regard to the tickets.
56. I believe the landing-waiters and searchers are all now appointed as drawback officers? Yes.
57. And they follow the same plan that you pursued? Yes; only being more of them they are able to look closer after the shipments.
58. I believe you have no means of weighing the large casks of sugar that come down to the wharf? No.
59. And so you are compelled to take the Company's weight? Yes.
60. What is the largest cask of sugar you have seen come down from the Company? Ten or twelve hundredweight. There was one cask that came down to the wharf to be shipped for the Company that was entered as weighing so much, but when I came to weigh it, I found that it was two hundred weight short of the weight entered.
61. Was there a ticket sent down with the cask? Yes.
62. Did the weight on the ticket agree with the actual weight of the cask? Yes, but not with the weight in the entry.

63. However, where the sugar was in bags, you were satisfied to take the number and estimate the weight? Yes.
64. If a larger number of bags were sent down than you had tickets for would not that strike you? Yes, certainly; but I should have nothing to do with anything beyond the quantity entered.
65. The tickets you speak of are a separate and distinct thing from the warrants? Yes.
66. They merely shew the quantity sent by each dray, the number of bags, and the weight? Yes. I receive one with each dray load, and I hold them until the whole of the goods is received on board.
67. You then compare your tickets with those held by the officer of the vessel? Yes; but his ticket is in a different form to mine.
68. Will you look at the Warrant produced (B); it is signed, I believe, by Mr. Clifford? Yes.
69. He has signed it for you, has he not? Yes.
70. This other warrant is in your handwriting? It is.
71. It is not signed? No.
72. Have you put anything—any mark or sign—to induce you to believe that the goods herein named were shipped? No; I see nothing.
73. Now, referring to the drawback warrants, C and D, I find that in each of these cases, where I have written information for you, you have re-written that information underneath, in your own hand? I have.
74. Was that your ordinary custom? It was.
75. I noted this information down for your guidance and you subsequently copied it? Yes.
76. The only object of my making this memorandum, being, to supply you with information? Yes.
77. And in all cases were you in the habit of satisfying yourself by a reference to the mate of the vessel, and a comparison of his tickets with yours, that the goods named in the warrant were shipped? I was.
78. You said, I think, that it was impossible for you to look properly after the shipments, without having assistance? Yes.
79. And that this was the reason why you did not attend so particularly as you ought to have done to the shipments by the "Moa"? Yes.
80. The mate, however, signed for the whole quantity that the Company said they had sent down? He did.
81. And the captain offered to sign for all, as well as to swear that it had been received on board? Yes.
82. What reason have you for believing that there were forty bags short-shipped? I only know because the ticket was not forthcoming, and because the cargo was found to be forty bags short in New Zealand; I did all I could to make inquiry; I went down to the Sugar Company for an explanation, and they said that the sugar was there and that they had been paid for it by the shipper.
83. You think now that the sugar was on board? I cannot think anything else for the Company said they sent it—the officers of the vessel declared that they received it—and Mr. Robertson paid for it; and this he would not have done if the sugar had not been there.
84. Now with regard to the six casks of sugar of Mr. Sayers—I believe they were cleared for shipment in one of that gentleman's own vessels? Yes.
85. And the Captain signed for four only of the six casks, although he saw the other two lying down on the wharf? Yes.
86. Mr. Giffard told you that these other two casks were shipped? No; you did.
87. I did not deceive you, for they were actually shipped the next day, in another of Mr. Sayers' vessels? I thought you would not do so, for you have never led me wrong; but I could not go against my conscience and sign for six casks, when I knew that only four were shipped.
88. You saw the other two casks put into the store? Yes.
89. And you know that they have since been shipped away? I do.
90. How many hogsheads did you sign the debenture for? For four.
91. On the occasion when you spoke to Mr. Mackenzie about this matter, had you been drinking? No, I had not; I have been a teetotaller on principle for many years past.
92. Do you weigh all the sugar that is shipped from the grocers' shops? Yes.
93. The sugar then goes down to the ship, and you get the mate's receipt for it? Yes.
94. Did you not also weigh the Company's raw sugar? There was an officer put on duty at the Company's store, and he used to weigh the raw sugars and give me the weights.
95. Did you weigh them yourself? Yes; I have done so often.
96. This was distinct from the arrangement made for taking the Company's own weights? Yes, that had reference to the refined and bastard sugars.
97. Did you not say that you sometimes re-weighed the Company's refined sugars? No; I did so once, and found the weight correct.
98. Who succeeded you in the drawback department? Mr. Chapman.
99. How long did he carry it on? About a month.
100. Are the Company's refined sugars weighed now? Yes; the present Collector desired that they should be so.
101. You shipped fifteen tons Company's sugar for Captain Tinley—did you not weigh that? No, not all; I took a load and weighed it, and found that it was equal to weight; upon finding that it was so, the landing waiter was satisfied as to the rest.
102. Is it not the practice now to weigh all sugars previous to shipment for drawback? It is.

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103. Then, on the 1st November last, you shipped twenty-five tons Company's sugar for Captain Tilney, in the "William and Alfred," and found on re-weighing that the weight was correct? I did not re-weigh the whole—I only weighed two drafts, and they being correct, I assumed that the others were so.

104. How many years have you been in the Customs Department? I obtained my commission about twenty years ago.

105. Your eyesight is now bad? Yes.

106. And you getting infirm? Yes, I am so.

107. Have you latterly applied to the Government for a pension? I have.

108. Will you tell me what your conversation with Mr. Duncan was, relative to the two casks of sugar short-shipped of the six cleared for Mr. Sayers? Yes. The Collector called upon me to give him the necessary information about the six hogsheads of sugar cleared for Mr. Sayers. I could not at first bring the matter to my memory, and I told the Collector so; he said that he wanted only the truth of the matter, but that the truth he would have; he said I could not have forgotten it; he then rung the bell for Mr. Mackenzie; when Mr. Mackenzie came up, he told the Collector all that had occurred in the office between him and me; I tried to bring the matter to my recollection, and when I went home I thought over it all, and it came back to me.

109. Did Mr. Duncan hold out any threat respecting your pension, in the event of your not stating what you knew? No. All Mr. Duncan said to me was that I was to tell the truth and be afraid of nobody, for that nobody would hurt me if I spoke the truth; but that he would have the truth, and if I did not tell it, all he would have to do would be, to write a few lines to the Government, and then I would not get my pension.

110. When the Collector sent for you in the first instance and asked you about the four casks of sugar, was your memory clear upon the subject? No; not at that time.

111. And then he said to you, that if you did not tell the truth he would have to write a few lines and you would lose your pension? Yes.

112. Did you not look at this as a kind of coercion? No. All he said was that I was to speak the truth and nobody would hurt me. I went home and began to think over the matter in the evening; and then I came to him in the morning, and told him that I had brought everything to mind about the sugar.

113. Was the matter of the pension again referred to in the morning? No.

114. During the time you have been in the Customs, have you received anything in the shape of fee or reward from either Mr. Metcalfe or myself? No, certainly not.

115. *By Mr. Duncan:* Had you any conversation with Mr. Powell respecting what I said to you about the sugar? Yes.

116. When? Immediately afterwards. Directly after you spoke to me I went to Mr. Metcalfe, and asked who it was that had been writing letters to the Government relative to my neglect of duty about the drawbacks;—they said that it had not been them.

117. What did Mr. Powell ask you respecting the conversation? Nothing. I told him all that you had said; he said it was not they who had written about me, and asked what it was all about. I then told him what you had said to me.

118. Did I hold out any threat towards you? No; only in saying that if I did not speak the truth you would prevent my having my pension.

119. *By Capt. Browne:* When you received one of these warrants made up by Mr. Powell or Mr. Metcalfe, did you take the trouble to ascertain its correctness? Yes, by examining them with the tickets I received.

120. You checked them also by the indorsements made by Mr. Powell? Yes; and I wrote my certificate by that.

121. Were the other agents in the habit of making similar indorsements for you to check the warrants by? No; only Messrs. Metcalfe and Powell.

122. *By Mr. Powell:* When the Collector called you in and asked about the six casks of sugar, you knew that he had spoken to Mr. Mackenzie on the subject? Yes, he told me he had.

123. *By Capt. McLerie:* Have you ever indorsed warrants without having seen the goods or articles mentioned in them? No; I must be satisfied, before indorsing the warrants, that the goods were on board ship.

124. How did you satisfy yourself? By the tickets sent down to me by the Sugar Company, and by the receipts from the chief officer or captain of the ship, with which I checked the tickets.

125. Then you took the tickets and checked them by the ship's receipts? Yes.

126. And you might do this without seeing the goods? I will not swear that I saw all the goods I signed for.

(EXTRACTS referred to in Mr. Duncan's statement of 12 December, 1859.)

16 and 17 VICT., c. 107.

"16.—The Commissioners of Customs may, and they are hereby authorised, to grant licenses, in such form and manner and to such persons as they shall think fit, to act as agents for transacting business, which shall relate to the entry or clearance of any ship, or of any goods, or of any baggage, in any of the ports or places in respect of which such appointments as aforesaid now are, or hereafter shall be made, so long as such appointments shall remain in force; and by order, under their hands, may cancel or revoke any license so granted to any such person for fraud or misconduct; a copy of such order, stating the cause of dismissal, shall be delivered to such person, or to his clerk, or left at his usual place of abode or business; but such person shall be at liberty to appeal to the Commissioners of Customs in manner provided by sections thirty-three and thirty-four of this Act, for an investigation and re-consideration of the case; and if no such appeal be made within three days after the delivery of a copy of such order, or if such order shall be confirmed, such license shall be void: And the Commissioners of Customs, on granting any such license, are hereby empowered to require bond to be given by every person to whom such license shall be granted (not being one of the sworn brokers of the City of London, and acting as such agent in the port of London), with one sufficient surety, in the sum of one thousand pounds, for the faithful and incorrupt conduct of such person and of his clerks, acting for him, both as regards the Customs and his employers; and all licenses, heretofore granted by the Commissioners of Customs, to any persons to act as agents shall be valid, until revoked, and all bonds taken for the faithful and incorrupt conduct of such persons, shall remain in full force: Provided always, that any person or any persons in copartnership may, with the approval of the Commissioners of Customs, appoint a clerk or servant to transact such business on his or their behalf, and the name, residence, and date of appointment of such clerk or servant shall thereupon be indorsed on the License of such person or persons, and shall be signed by him or them in the presence of and attested by the Collector or Comptroller of Customs at the port for which such License is granted, and all such appointments shall be recorded in a Register to be kept at the Custom House for that purpose; and no person shall act as such clerk or servant unless so appointed, indorsed, and recorded, nor act for or on behalf of any other than the person or persons so appointing him; and every such appointment may be revoked by the Commissioners of Customs at any time by order under their hands.

"95.—If any goods shall be taken out of any warehouse without due entry of the same with the proper Officer of Customs, the occupier of such warehouse shall forthwith pay the duties due upon such goods; and every person so taking out any goods without payment of duty, or who shall aid, assist, or be concerned therein, and every person who shall wilfully destroy or embezzle any goods duly warehoused, shall be deemed guilty of a misdemeanor, and shall, upon conviction, suffer the punishment by law inflicted in cases of misdemeanor.

"109.—No warehoused goods shall be taken or delivered from the warehouse, except upon due entry, and under the care of the proper officers, for exportation, or upon due entry and payment of the full duties payable thereon for home use, except goods delivered into the charge of the Searchers to be shipped as stores, in such quantities as the Collector or Comptroller shall allow, subject to the directions of the Commissioners of Customs, and under such regulations as they may see fit to make.

"110.—Upon the entry of any goods to be cleared from the warehouse for home use, the person entering such goods shall deliver a bill of entry, and duplicates thereof, in like manner and form, containing the same particulars as are hereinbefore required on the entry of goods to be delivered for home use on the landing thereof, as far as the same may be applicable, and shall at the same time pay down to the proper Officer of Customs the full duties payable thereon, not being less in amount than according to the account of the quantity taken by the Landing Waiter or other proper officer on the first entry and landing thereof, except as to the following goods, viz., tobacco, wine, spirits, figs, currants, raisins, and sugar, the duties whereon, when cleared from the warehouse for home use, shall be charged upon the quantity of such goods, ascertained by weight, measure, or strength at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency or difference between the weight, measure, or strength ascertained on landing and first examination of any such last-mentioned goods and that ascertained at the time of actual delivery has been caused by illegal or improper means, in which case the proper Officer of Customs shall make such allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause."

WEDNESDAY, 14 DECEMBER, 1859.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, Esq.,

CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs; Messrs. Metcalfe and Powell, Custom House Agents; and Mr. Ross, Manager of the Sugar Company, were present during the examination of witnesses.

Mr. Duncan handed in a letter from Col. Gibbes to the Secretary to the Treasury, dated 2nd March, 1857, relative to the deficiency in the sugars warehoused by the Sugar Company, and stated that he had not been able to find at the Treasury the application from Mr. Metcalfe to which that letter referred. He also handed in another Minute of the Auditor General in relation to the second claim of the Company for allowance of duty on the ground of alleged deficiency by waste, dated 6th May, 1859. He further handed in an opinion of the Crown Law Officer, (J. B. Darvall, Esq.) on the illegality of the remission claimed, and dated 10th March, 1857. He further handed in a warrant for the shipment of the three tons of sugar alluded to by the witness Russell at last meeting of the Board.

Mr. John Alfred Maddox called in and examined :—

Mr. J. A.  
Maddox.

14 Dec., 1859.

1. *By Mr. Duncan:* You are second clerk in the Custom House? I am.
2. Do you remember, some time before I took charge of the department, Mr. Powell stating anything about turning out the new Collector? Yes, I remember his making an observation before me. I forget what led to the remark, but we were talking about who was to be the new Collector, and about the arrangements he would make when he came into office, and Mr. Powell said that any Collector coming there and carrying out the regulations in their integrity, would not be there long—that they, the agents, would soon have him out.
3. Are you not aware that Mr. Metcalfe and his partner were very great authorities in the Custom House at one period? Mr. Metcalfe always had a great deal of influence in the department, having been there so many years as agent.
4. Do you think that influence has been exercised by him beneficially for the public service? Why, the agents, generally try to push their business through the office as quickly as they can—this leads to errors. They try to push it through just to serve themselves, and without reference to the public service; and then if what they want is not done for them, we sometimes give offence,—I mean if we detain them we give offence. The agents are very impatient, and there are now so many that they cannot all be served at once. I think the agents a great benefit to the public, and facilitate the business of the department.
5. Have you not very often known the clerks to refuse to do things that were irregular, and that then Mr. Metcalfe had an interview with the Collector and got what he wished? When he required any matter that came within my duty—and in saying this I do not speak for the other clerks, but only for myself—and I may say that I have not taken notice of any particular matters; but when I refused to do what he wanted, he went to the Collector and got what he required. Whether the matter was one that I was right in refusing to do, I cannot now recollect. There is only one case that I remember particularly, and I recollect it, because it led to my being called up before the Collector. It was when I had the duty of clearing ships, Mr. Metcalfe came to me to clear out a vessel for which he was agent. I forget what her name was, and I refused to clear the vessel because it was after hours, and the papers were not in. Some of the entries for the outward cargo were under bond entries. Mr. Metcalfe went to the Colonel, and after an interview with him the Collector cleared the ship, taking the captain's declaration. When I saw this I wrote upon the manifest that the vessel had been cleared irregularly in every respect. This memorandum of mine was shewn to the Colonel, who sent for me into his room and made some very severe remarks upon the liberty I had taken in making any observations upon a document bearing his signature. I apologized to him, and stated that it was out of no disrespect to him that I had done it, but solely for the purpose of clearing myself in the matter in the event of any remarks being made upon it. That is the only circumstance that I can remember as having occurred to myself. It happened many years ago when I was clearing clerk. But there were frequent occasions when the agent was not satisfied, and he then went into the Collector, and if he got his sanction of course the clerks were put on one side. Mr. Metcalfe generally got what he required from the Colonel.
6. Was it not matter of notoriety that he could obtain whatever he wanted from the late Collector? It was generally considered that he had great influence with the Collector, especially when he was in the long room. He had an office there, and was almost one of us, having access to all our papers.
7. Did you not find it necessary at last to obtain an order that no one should come within the rail? Yes. After I returned to my duty, after the "Louisa" affair, I wrote an order out for the Collector to sign, prohibiting all persons from coming within the rail. I took it in to him to sign, but Mr. Metcalfe asked him not to sign it until he had made a few remarks upon it. He then stated that it would be exceedingly detrimental to his interests, because he would be prevented from having many papers that he wanted in order to make out his accounts. He did all he could to prevent Colonel Gibbes from signing the order, but at last the Collector did sign it. After that notice was posted up, I was insulted on several occasions by the agents, and told that I should not remain there long; that they would soon have me out.
8. Did Mr. Powell ever threaten you in this way? I don't recollect his having done so. He behaved on several occasions in the most abusive manner, and insulted me most grossly. I am not singular in this respect, for he has done so to others. When the order was first given, one of the agents asked me to hand him twenty volumes of the Import Entries at a time over the rail, only to impede and annoy me. I mention this to shew the system of obstruction that was carried on to everything that was calculated to benefit the service. Before the Collector signed the order, Mr. Metcalfe stated to the Collector that if he was kept outside the railing and denied access to the documents, &c., that it would put a stop to his business. Mr. Metcalfe asked me, before the Collector, if he came behind the rail whether I should turn him out. I said I should not turn him out, but ask him what he wanted. I told Mr. Metcalfe he should have any information he required in office hours. The matter was arranged, and, after some little annoyance, the rule has worked well so far; but at first I had to put up with a good deal of annoyance from some of the agents.
9. Had not Mr. Metcalfe the whole end of the long room to himself? Yes, at one time.
10. Had he not after that a whole room to himself? Yes, he used to have one room down-stairs.
11. Were not the warehouse-keepers turned out of the room they occupied in order to make a place for him when he returned from England? Yes; the room was divided, but I do not know for what cause.
12. Was it not the case that in consequence of their interference there was hardly any law or

or regulation in the proceedings of the Custom House? It was. The agents had so much stronger power than the clerks that it led to great irregularities. They always enforced their own measures, by reason of the Collector giving way to them upon all occasions. So that, though in the execution of our duty, the orders issued by the Collector would be set aside; for Mr. Metcalfe had only to go in to the Colonel to get them countermanded.

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13. Do you not think that this tended in a great measure to create the disorganization that the department so long suffered under? For my own part, I on some occasions certainly felt that I was not sufficiently supported by the Colonel. But I had to consider my duty, and that was to obey the directions of the head of the department. I saw the loose and easy way he had of doing business, and I had to do the best I could to keep things straight. Not long before the "Louisa" affair I was reported to the Colonel by Mr. Metcalfe for obstructing his business. I certainly felt very much hurt at such a charge being brought against me, especially as it was groundless. The cause of it was that I had refused to take his bonds, and I had had repeatedly to bring the same thing under the notice of the Collector. These bonds were made out in the names of the clerks of the firms who imported the goods, instead of being in the names of the firms themselves. The manifest shewed the goods to belong to these firms and not to the clerks, whilst the entries also were made out in the names of the firms. Then the bonds, being given by other parties, did not of course agree either with the manifest or with the entries. Besides this, they were altogether irresponsible persons who gave the bonds, and I felt it to be my duty to bring the matter under the notice of the Collector.

14. *By Captain Ward:* How did the Collector deal with this matter? He listened to all that was said, and made no reply. The Collector might have been engaged at the time with Mr. Metcalfe on other business.

15. Did he do nothing in the matter? No; the Collector used to say that he was not particular about the import bonds; sometimes he told me not to take the bonds, and sometimes he would send for the agent. I had also to report to the Collector that the agents neglected to sign their bonds.

16. *By Mr. Duncan:* You were at one time drawback clerk? I was.

17. Are you not aware that Mr. Metcalfe often obtained cheques for the amount of drawback before the debentures were completed? Yes, I remember instances of cheques being given to him for the amount of drawback on goods when the debentures had not been jerked. The cheque was given to him, and his debenture was jerked after he had been paid. This, however, is so long ago that I hardly remember the process that was then followed. The only reason I remember these instances is because I was responsible for the correctness of the amount, and I know that I used to wonder how it was that Mr. Metcalfe could manage to get the money before his account was passed.

18. *By Captain Ward:* Who advanced the money, or gave the cheque? Colonel Gibbs.

19. During the time you have been in the Customs, have you ever found Mr. Metcalfe or Mr. Powell breaking the Collector's rules, or acting against his orders? No; I never allowed them to do so.

20. Have they ever acted against the orders of the department? I have no distinct recollection of their having done so.

21. You complain, however, that they were in the habit of passing by the officers of the department and going direct to the Collector for his opinion? I make no complaint of their having done so; but it was the case that, if Mr. Metcalfe could not get his business through the office by reason of any irregularity, he used to go to the Collector and get it done there.

22. And you found that to be a hardship? Yes, I felt that I was not being supported in my duty.

23. You say that they have spoken to you in an abusive manner; will you give the Board an instance of this? I forget any particular instance, but I remember upon one occasion that I told Mr. Powell that he was telling a falsehood, and his answer was, "Do not tell me 'I am a liar, Sir, or I will knock you down.'"

24. Do you know of any other instance? No; I do not remember one.

25. Were Messrs. Metcalfe and Powell the only agents who were in the habit of coming behind the rail? No, all the agents used to come there.

26. They were not then specially privileged in this respect? No, not since Mr. Metcalfe's office was removed from the long room. The rule was made because we complained of being unable to get on with our business by reason of the agents coming behind the rail in the long room.

27. Then Messrs. Metcalfe and Powell were not specially privileged to go behind the rail? No.

28. You thought, however, that they had an undue influence in the department? I did.

29. Can you give an example of the exercise of this influence? No, except by the fact that they were in the habit of putting one on one side like a mere cypher.

30. *By Mr. Browne:* Since this notice has been published have they been in the habit of going behind the rail? No.

31. How long has this notice been issued? Some months previous to the present Collector taking office.

32. Since the "Louisa" business? Yes.

33. Have they ever broken this rule? No; except once, when Mr. Powell came behind the rail for some papers; but he had understood that the head of each firm should be allowed behind, and on this point he had made a mistake. It was explained to him, and he did not come behind again.

34. Then have not then, in fact, broken the rule? No, they have not.

- Mr. J. A. Maddox.  
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35. *By Mr. Powell*: With regard to the conversation you had with Mr. Mackenzie and myself, do you remember every word that took place? No, I do not; for I took no note of it at the time. I do not remember the whole of the conversation, but I remember what I have stated in answer to question No. 2.
36. Was it after the "Louisa" affair? It was.
37. How long before the appointment of the new Collector? That I cannot tell.
38. At all events, it was before a new Collector had been appointed? Yes.
39. Was it known at the time that Colonel Gibbes was about to leave the office? It was supposed that he would, though nothing was then known positively.
40. Have you been consulted in this matter by Mr. Mackenzie? No; I had a distinct remembrance of the conversation myself, without consulting him.
41. Has not Mr. Mackenzie spoken to you about it, within the last few days? I think he has done so; no doubt he has mentioned the matter to me.
42. Are you sure of this? I think I may say that I am.
43. Did he recall the whole conversation to your mind? Yes; Mr. McKenzie asked me whether I remembered what you stated about any Collector carrying out the regulations in their integrity, &c.
44. And when he mentioned it, you recollected it all distinctly? Yes, perfectly.
45. Have you lately had any conversation with the present Collector about what you could prove in this matter? I can hardly remember whether the Collector mentioned the matter to me or not.
46. Surely you can remember whether he has spoken to you on the subject? I do not remember.
47. I will ask you distinctly, and I wish to have a definite answer: Have you had any conversation with Mr. Duncan relative to this matter? I will say that I have, if that will suit you; but to tell truth, I cannot exactly remember whether any question was put to me about this conversation. One or two things, I know, were mentioned to the Collector—about the bonds and the drawbacks—but I do not remember speaking of the conversation.
- Mr. Duncan*: I may say at once, to prevent further questioning, that I did speak to Mr. Maddox about the conversation.
48. *By Mr. Powell*: Did you volunteer the statement about these things, or was it sought from you? I hardly know; I have spoken of them in the office, and they may have come to the Collector's ears.
49. Then was your statement made in the first instance to the Collector, or did it reach him through an intermediate party? They may have been brought to his knowledge by an intermediate party.
50. Who was that party? I cannot say, because I do not know whether the statements were made to the Collector by myself or by an intermediate party.
51. But you have said they may have been made by an intermediate party; in that case, who would it be? I decline to answer that question.
52. *By Captain Ward*: You have said that certain information had been given to the Collector, and that it reached him through some intermediate party; now we must know who that party was? If it was through an intermediate party, it must have been through Mr. Llewellyn. It might have been through him, or he must have been by at the time I made the statement to the Collector. I hardly know, however, how it was.
53. *By Mr. Powell*: You speak about the agents hurrying their business through your office; I believe, as a general rule, this is the case with all agents? Yes, they are always in a hurry.
54. Is there anything very wrong in that? No; only sometimes it causes them to be very impertinent, and leads to errors and irregularities.
55. Were you ever asked to do anything improper? I have been asked to do things that I ought not to do.
56. But an improper thing,—have you been asked to do anything absolutely improper? Yes; I have been asked to take bonds that were improperly made out. But I never did anything that I conceived was irregular when I could avoid it,—when I was not ordered to do so by the Collector.
57. You are quite sure of that? Yes; I never did.
58. You have said that the clerks in the office, at times, refused to do certain things for Mr. Metcalfe or myself? No; I distinctly stated, in the commencement of my evidence, that I spoke only for myself.
59. Then, as regards yourself; have you often refused to do things for Mr. Metcalfe and myself? Yes; I allude to the bonds, as regards yourself; as regards Mr. Metcalfe, I allude to years gone by.
60. And for what reason? When I have refused, it has always been because what I was asked to do was irregular.
61. Yet when you have refused to do what was asked, the Collector has afterwards ordered you to do it? Yes.
62. What were the irregularities of which you had to complain, and which the Collector afterwards sanctioned? I have never taken notice of many things that I might have done had I known that they would have been subject of inquiry. I cannot therefore state now any particular instance, except the one I have already mentioned, when the Collector cleared a ship after I refused to do so.
63. Do you know whether it was necessary that, in all the cases referred to him by Mr. Metcalfe, the Collector should have refused the application? I do not.
64. Mr. Metcalfe could not have been wrong in all cases? No, certainly not in all cases.
65. Do you know of any one case in which you are satisfied that he was wrong? I cannot remember one.
- 66.



66. Can you remember the name of the ship that the Collector ordered to be cleared after you had refused? The Collector did not order the vessel to be cleared, but took the captain's declaration; I had then to make up the clearance. I have already said that I cannot.
67. How many years ago is it since this happened? It is a very old affair. I was then clearing clerk, and jerked the inward papers. I cannot say what year it occurred. I was clearing clerk from 1847 to 1852; I remember it particularly, because after I had made my remarks in red ink on the manifest, I took it to Mr. Webb the chief clerk, and desired him to lay it before the Collector.
68. Do you think that Colonel Gibbes was satisfied with Mr. Metcalfe's explanation? He may have been, but I was not. But the vessel should not have been cleared without my initials.
69. Was it not sufficient for you in your subordinate capacity, that the Collector should be satisfied? It was not, because I was responsible for any irregularity.
70. How is it that you, who cannot remember what occurred only a few days back, can recollect what happened so long ago? Because of the circumstances of the case, and of my being set aside in a matter when I was clearly right, and because of my being called before the Collector and reprimanded when I was only doing my duty. Besides the whole thing was so irregular that I could not help remembering it.
71. Do you think if you had time you could find the papers connected with that case? Yes, I could. It is a mere question of time.
72. Were not the other agents, besides Mr. Metcalfe, accustomed to see the Collector on matters connected with their business? Yes.
73. And they used to carry their points with the Collector, against the clerks, the same as Mr. Metcalfe did? I do not think that any of them had the same influence with Colonel Gibbes that Mr. Metcalfe had.
74. But did they not carry their point in opposition to your judgment? I can hardly answer that, because in general matters, so long as the Collector gave his permission for anything to be done, I had nothing more to do than to follow his directions; but with the particular case I have alluded to I had everything to do, because I was responsible for any irregularity.
75. I believe that every one of the agents have at different times questioned your decisions, and appealed to the Collector? Yes, I have no doubt they have.
76. In such a case their only resource was to appeal to the Collector? Certainly.
77. Do you not think that it is extremely probable that in consequence of Mr. Metcalfe's great knowledge of the Customs Laws, he was enabled to put his case in such a way before the Collector as almost invariably to carry his point? Yes, he might.
78. Have you any very great knowledge of the Customs Laws? No; my duty is more of a mechanical character, and does not require any great study of the law, so that I leave that to the Collector.
79. You have not then studied the Customs Laws? No, only so much as is necessary for the performance of my duties.
80. Have you studied them so much as to make yourself completely master of them in every respect? No; I have not studied them so much as you have, or as you pretend to have done, for you told me one day that every point you had, you would have the law for it.
81. Was it not necessary that the agents should have access to the papers of the department, in order to obtain, especially in the case of drawbacks, such particulars as are indispensably necessary for the use of the department; have we not in fact to supply information for the use of the department? I do not know to what you allude.
82. Do you not know that it is necessary for the agents to insert in the warrants the numbers and dates of the entries of the goods, before they can obtain drawback on them? Yes, it is.
83. And to do that they must have access to the Customs books? Yes, and the Customs give them the opportunity of doing this.
84. All the agents I believe have that opportunity afforded them? They have.
85. You are much given to joking, I believe? I joke sometimes.
86. And you sometimes lose your temper? Yes, I may at times.
87. Did I ever complain to the Collector of your not being at the office in proper time in the morning? You did; one morning I was two minutes late, and you reported it to the Collector.
88. Do you not happen to know that it was a subject of remark by Mr. Donaldson that you were always late? No, I do not.
89. Since the alterations in the department you find things all go on well? Yes; only we have plenty of work to do. The reduction of two clerks in the office has left our hands full.
90. Have you any complaint to make against Mr. Metcalfe and myself as agents now, since these alterations? No; only that you and others have behaved yourselves in a very discourteous manner. I have no complaint to make against Mr. Metcalfe. I have never been insulted by Mr. Metcalfe.
91. Now, with reference to the bonds;—you have said, I believe, that the late Custom House Board was not pleased with the manner in which these bonds were made out—they being given in one name and the entries been made out in another? Yes; the Board was not pleased with the parties allowed to execute the bonds.
92. Did you ever make any representation about this? I did; I represented it several times to the late Collector.
93. Have you ever done so to the present Collector? No; I have had no occasion to do so. The bonds are now made out regularly, and are all executed before the entries are passed.
94. You have taken bonds since then? Yes.

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- Mr. J. A. Maddox.  
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95. And in the manner recommended by the Board? Yes.
96. Now, about these drawbacks that were improperly given before the debentures were checked—did not this happen in Mr. Barnes' time? Yes.
97. Was it reported to him? Yes, I believe it was.
98. Did he do anything in the matter? I am not aware.
99. Was he not here purposely to investigate any irregularities in the Customs Department, and to recommend alterations where he thought them necessary? Yes.
100. And yet he did nothing in this matter? That I cannot say.
101. You state in one part of your evidence, when asked for an instance of offensive conduct on my part, that I on one occasion gave you considerable offence because you told me that I had been guilty of a falsehood? Yes. I told you that you had uttered a falsehood, and you replied, "Don't tell me I lie, Sir, or I will knock you down."
102. It is not a very extraordinary thing for a gentleman to get out of temper when he is accused of falsehood? It was your manner that was offensive.
103. You say that I went in behind the rail in the long room the first day after the order for the exclusion of agents was promulgated? You did.
104. I went in, I believe, to transact some business with Mr. Lane? That I do not know.
105. At all events, Mr. Lane is not a man who is likely to allow an improper privilege to any one? No; certainly not.
106. And I went to speak to him? That I cannot say; you may have done so.
107. *By Mr. Browne*: I would wish to ask you whether the clearance comes to you now, before it goes to the Collector for his signature? Yes; I take the captain's declaration to the manifest.
108. Does the content come to you to be declared before the clearance is made out for the Collector's signature? Yes, in office hours.
109. Have you ever been called upon, by Mr. Metcalfe or Mr. Powell, to take a declaration to a blank content, since the appointment of the present Collector? No; I only take the declarations to clearances passed in office hours. I know however that they bring steamers clearances to the Custom House in blank; the captain declares to them, and the content is afterwards made up at the wharf under the supervision of an officer of Customs.
110. Have you received any such? No. If any content is brought to me that is not complete and not signed by Mr. Lane I do not pass it. There were some contents brought to me not filled in, and I was asked to take the captain's declaration to the blank form to be finished afterwards, but I do not remember the particular circumstances.
111. You did not take the declaration? No. In that case I would not do it without express orders.
112. Can you say whether these were tendered to you by Mr. Powell? I cannot say, for I do not remember the particular circumstances.
113. *By Mr. Powell*: Did I ever present a blank content to you for the purpose of taking the captain's declarations to it? No; I cannot recollect your having done so.
114. Were you ever asked by me to sign a blank clearance? No, not to my recollection.

Mr. Thomas Fancourt called in and examined:—

- Mr. Thomas Fancourt.  
14 Dec., 1859.
1. *By Mr. Duncan*: You were at one time Jerker in the long room of the Custom House? I was.
2. It was your duty to examine ships' papers? It was.
3. Has Mr. Metcalfe or Mr. Powell ever interfered with you in the performance of this duty? I have refused to sign documents for them, when I have not had the papers complete.
4. They have asked you to sign under such circumstances? They have.
5. Were such papers ultimately signed? Yes. They went in to the Collector, and he gave orders for the vessel to be cleared.
6. Was that often the case? Yes, it happened many times that vessels were cleared by the Collector's orders.
7. When the necessary papers were incomplete? Yes.
8. Did not Mr. Metcalfe at one period exercise a most extraordinary influence over the Collector? I cannot say that he had more influence over him than any of the other agents.
9. Have you not heard it commonly mentioned in the department that such was the case? I have; but I do not know of it to my own knowledge.
10. And he often obtained clearances irregularly? Not he himself, but his firm did. In these cases the Collector gave his sanction to the clearance.
11. Were such things as these beneficial to the good order of the establishment, or to the regularity of its mode of conducting business? No, quite the contrary. It was very much against it.
12. You are now warehouse-keeper? I am.
13. Did you not some time ago make out a list of overtime goods in the different bonded warehouses? Yes, very soon after I took charge of the warehouse department.
14. Can you produce the original list then made out? I can. (*List of Overtime Goods produced.*)
15. The items in that list are very numerous? They are.
16. On comparing that list with the goods actually in the bonded stores, did you find any large quantity of tea deficient? Yes; I found between 800 and 900 packages of tea missing from Towns' Warehouse.
17. Will you refer to the list, and state the exact quantity? Yes. I found on opening the books

books that duty had not been paid on 747 packages of tea, containing in the whole 29,134 lbs. I found that the account of this tea was standing open in our books, and I at once applied to the Locker at Towns' store for information respecting it. He informed me that there was no such marks or brands of tea in the bond; and he informed me that there was no such bond mark as K 436 in the store or books, that it must belong to another mark by the same vessel I 436, that the brands must have been substituted by mistake for some other mark.

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18. Ultimately, however, they paid duty on it? Yes. I then applied to the locker to give me date of delivery and number of packages of tea by that vessel, and whether delivered for home consumption or exportation. He then applied to Towns' respecting it, and when he came up to the Custom House in the evening he informed me that the duty would be paid the next day; but it was not paid until the day following.
19. Did you find any large deficiency of sugar in the Sugar Company's stores? Yes, a very great quantity. The whole amount of the deficiency in the stock of sugar was 297 tons 8 cwt.
20. That includes the deficiency in some of the private stores? Yes; that is the total deficiency. The quantity missing from the Sugar Company's stores was 231 tons.
21. These sugars were found to have been taken out of bond? Yes. They were stated by the locker as not being in bond when applied to; yet the account was standing open in our books.
22. *By Captain Ward*: Who were the agents who paid the duty on the tea? Towns and Co. are their own agents.
23. Then the duties were paid in by them? Yes; they paid in between £300 and £400.
24. *By Mr. Browne*: How was the money paid in? In the usual way—by entries.
25. Is it the custom to allow money to be paid in for duty upon overtime goods missing from the stores? If a deficiency takes place in the bond in overtime goods it has to be accounted for, and then we take the duties due upon the overtime entry.
26. It is the custom then to receive these duties? It is.
27. *By Mr. Powell*: How long have you been warehouse-keeper? Since the 1st June last.
28. When you were jerker, and we obtained clearances for ships from the Collector, contrary to your opinion, do you think that there was anything absolutely wrong in the clearance itself, under the circumstances? No. In the instances I refer to the papers were not complete. All the forms of the department had not been properly complied with.
29. Since you have been in the Custom House you have, I believe, done almost every duty in the department? Yes.
30. Did you ever have charge of the drawback department? Yes, many years ago.
31. Did you ever find anything wrong in our office in the way in which we obtained drawbacks? No; only I must say that I did not like the system pursued.
32. But you always found us correct in our transactions? Yes.
33. Then your objection to the system has no reference to our mode of carrying it out? No.
34. From what you saw of the warehouse-keeper's books when you first took charge of them, do you think that, up to the time of your taking the office, any reliance was to be placed in them? I found a very great number of mistakes in them.
35. Are not mistakes turning up daily? Not daily; but mistakes are sometimes shewn to exist.
36. Do you believe that Mr. Nash kept the books correctly? I do.
37. But, notwithstanding his correctness, mistakes have turned up? Yes.
38. Did you generally find, in your experience in the office, that I was always correct in my transactions with the department? Yes; I always found you pretty correct.
39. Have you ever found anything very incorrect about our way of doing business? No; I cannot say that I have.
40. Have you ever seen anything about our mode of doing business to make you suspect that there was anything wrong in it? No.
41. *By Mr. Duncan*: What made you say that you disliked the system of drawbacks pursued, when you were drawback officer? Because, in former times, the landing waiter signed the papers without knowing whether the goods were shipped or not.
42. You know the landing waiter Russell, and the particular kind of man that he is? Yes.
43. Do you think that when he was drawback officer, he could see all the drawback goods that were shipped, and examine and weigh them where necessary? No; he could not. It would be impossible for any one man to do it.
44. Is he not rather a simple minded kind of a man? He is.
45. And a man that could be very easily imposed upon? I do not know anything about his private character.
46. I do not refer to his private character, but to his intellectual capacity; is he not a man of that particular kind of stamp that is led to believe anything? Well, I believe he is.
47. Was he at all fitted for the office of drawback clerk? No; not at all.
48. *By Mr. Powell*: You attribute the looseness that existed in the department to the want of care on the part of the officer, and not to an advantage being improperly taken of it by the Custom House Agents? That, I cannot say.
49. You do not think, however, that any advantage was taken of it by the agents? I do not pretend to say whether it was so or not.
50. Do you think that Mr. Chapman, when he was drawback clerk, could have done the whole of the duties of that office? No, I do not; nor could any one man.
51. Did you know that he was appointed to that office? I did not.
52. *By Mr. Browne*: Is there a deficiency in the sugar bonded by other firms, to the same extent as that found in the Sugar Company's sugars? Yes, nearly about the same.



- Mr. Thomas Fancourt.  
14 Dec., 1859.
53. What is the per centage of deficiency? About seven or eight per cent., but this is merely a guess.
  54. Has the same thing occurred with respect to the other Sugar Company which is in existence? I cannot say. These returns have reference only to the one company,—the Colonial Sugar Refining Company.
  55. Mr. Robey's company was not in operation, I presume, at the time for which these returns were made out? It was not.
  56. *By Mr. Metcalfe*: When you say that the per centage of deficiency averages from seven to eight per cent., do you speak from your own actual knowledge? No; but I speak only from memory.
  57. Does this return specify the names of the vessels by which the sugars were received, and the weights of the respective cargoes? It does.
  58. Have you checked it by the entries in your books? I have.
  59. And you believe that all the entries are correct? I do.

Mr. John Lane called in and examined:—

- Mr. J. Lane.  
14 Dec., 1859.
1. *By Mr. Duncan*: You are Clearing Clerk at the Customs? I am.
  2. Do you remember some time in May last bringing me a blank clearance to sign for a steamer? I do. It was on the 1st June.
  3. And I refused to sign it? Yes.
  4. It was not altogether a blank clearance, because some entries were made in it. There was, however, a long blank left to be filled up at the wharf? There was.
  5. Who prepared that document? It was prepared in Messrs. Metcalfe and Powell's office by some of their clerks.
  6. *By Captain Ward*: Who handed it to you? Either Mr. Powell or one of the clerks.
  7. But you cannot say which? I cannot.
  8. *By Mr. Powell*: Is this anything like the document I handed to you? It is. (*Document produced by Mr. Powell.*)
  9. Does it differ in any form from the kind of clearance that you are in the habit of giving now? Yes; the document I give now is a complete one, and contains no blank.
  10. With that exception it is the same as this? It is.
  11. And this form I now produce is the form of clearance now given? It is.
  12. You give out now a blank clearance with the Custom House seal attached, and this clearance is filled up at the wharf, and signed by the Customs Officer on duty there? The ordinary clearance is made out and declared to by the captain, and is then signed by the Collector. After this a blank clearance is sealed, but not signed, and is sent down to the officer on duty at the wharf; he fills up any additional goods that may be put on board, and then signs the document.
  13. You term this the additional clearance? We do.
  14. And it is for free goods only? Yes.
  15. It is sent down to the wharf with the Customs seal attached? Yes.
  16. The additional goods shipped are entered into the content, the officer takes the captain's declaration to this addition, and then signs the additional clearance? Yes.
  17. *By Mr. Duncan*: What was it I objected to? You objected to sign the clearance, because a blank was left in it to be filled up afterwards.
  18. *By Captain Ward*: Before Mr. Duncan's time, when a steamer was about to clear, what was the system pursued? The clearance and content were brought down with a vacant space left for any additional goods. The Collector then signed, and the space was afterwards filled in by the agent with whatever goods were put on board.
  19. To this the present Collector objected? Yes. He objected to having any space left, or to signing for goods that did not appear on the manifest at the time he signed. He then told me that an additional clearance should be made out for such goods as were not on the manifest when he signed.
  20. The usual plan then was to leave a blank to be filled in on the wharf? Yes.
  21. *By Mr. Duncan*: And that blank might be filled up with dutiable goods? Yes.
  22. It being passed at the Customs, but being filled in at the wharf, the Customs had no further control over it? No.
  23. *By Captain Ward*: In this case, however, Messrs. Metcalfe and Powell, in presenting this document, did not depart from the custom sanctioned by the previous Collector? They did not.
  24. *By Mr. Browne*: Was there a particular officer appointed for clearing these steamers? No, it was done by whichever of the landing-waiters happened to be on duty at the time.
  25. Was he authorised to take the captain's declaration, and to pass the ship? I am not aware.
  26. Was he authorised to take it before Mr. Duncan's time? I am not aware. The declaration of the captain was always taken at the Custom House before the Collector signed.
  27. Then the landing-waiter really had no check upon the goods shipped? No.
  28. Then what did he do there? He merely saw the goods shipped.
  29. *By Captain Ward*: Then a vessel cleared at the Customs with only a portion of her cargo entered on the clearance? Yes, in the case of Melbourne steamers.
  30. And yet the master made a declaration that these were the contents of his vessel? Yes.
  31. *By Mr. Browne*: How did the Custom House get a record of the goods that were sent down on board afterwards? They sent in a paper in which the additional goods were filled in.
  32. Who sent this in? The agents of the vessel.

33. Did the other agents, who acted for the steamers, do their business in the same way as Mr. J. Lane. Messrs. Metcalfe and Powell? Yes, I believe so.
34. There was no difference in their mode of conducting this business? No; not to my knowledge. So far as I am aware that was the practice, though I give no opinion as to its correctness. 14 Dec., 1859.
35. When Mr. Duncan became Collector he put a stop to that system? He did.
36. Was the document you offered him for signature on the 1st June the first that you presented to him in that shape? It was.
37. And since then the custom has been put a stop to? It has.
38. Has any inconvenience to the shipping arisen in consequence of this alteration in the mode of clearing? I do not know of any.
39. By Mr. Duncan: The blank portion of the clearance might, under the old system, have been filled up with dutiable goods? No doubt it might.
40. And we had no control over the vessel to prevent it? No.
41. By Mr. Powell: Can you suppose it possible that dutiable goods would be entered upon the blank in the clearance after that document had left the Custom House? Their doing it would be quite possible, but I cannot see any reason for their doing so.
42. Could they have shipped dutiable goods on board without entries being passed for them? No. They might be written down on the clearance, but they could not be put on board.
43. They could not be obtained out of bond, without entries being passed for them in the usual way? No, certainly not.
44. And so they could not be put on board? No.
45. Then even if dutiable goods were entered on the manifest, would the revenue suffer by it? No.
46. In fact, no entry for dutiable goods would be taken at the Customs for shipment by a vessel the clearance of which had left your hands? No, they would not.
47. When this system of which Mr. Duncan complains was in force, was it not your practice to fill in the goods for which entries were passed up to the latest hour for taking entries? It was.
48. And when that was done you used to initial after the last entry—both on the content and the copy? Yes.
49. So that no goods could afterwards be inserted except after your initials, and you were thus able to see what additional goods were shipped; then on the following morning entries were passed for the free goods that appeared on the manifest, in addition to those checked off by you? That was the practice.
50. If any goods had been inserted on the clearance that were not afterwards entered at the Custom House you must have heard of it from Melbourne, or wherever else the steamer went? That I cannot say.
51. Was it not the practice also for the landing-waiter to countersign the clearance at the wharf? I do not know.
52. It was only a short time before the clearance was presented to you in blank that a change was made in the practice of clearing? The change has only been made within the last few months.
53. When the captain made a declaration only for such goods as then appeared in the manifest, did he not declare to the content to the best of his belief? That is the form I believe.
54. Since you have filled the position of clearing clerk have you ever found our firm throwing any impediment in the way of your duties? No.
55. Have you always found us correct? Yes. I must say that your business is much better conducted than that of the other agents.
56. When you were drawback clerk, have you ever found, when drawback entries came to you, that there were errors in the indorsement? I have.
57. And have I not called your attention to them, and had them sent back for correction? You have.
58. Do you remember one case of the "Moa," in which Mr. Godfrey was concerned, where I pointed the error out to you? No, I do not recollect, unless I had the papers to refer to.
59. You have found, however, that we have always put our papers before you in a correct manner? Yes. I always make a point of seeing that they are so.
60. We always gave you every assistance in our power? You did.
61. Has this system of blank or additional clearances led to any abuse? That I cannot say.
62. Is it not as easy, under this system of blank clearances, for parties to commit a fraud upon the revenue as it was under the old system? I cannot say.
63. By Captain Ward: Just explain to us what the system is that is now adopted? The system now pursued with regard to steamers is this.—The captain comes to the Custom House about one o'clock, when the goods passed for entry are put upon the manifest. The captain then makes a declaration, and the Collector signs it. Then a blank clearance is furnished and sealed with the Custom House seal. This is sent down to the landing-waiter at the wharf, who fills in whatever additional goods may be shipped. He takes the captain's declaration to it, and, signing it himself, sends it back to the Custom House.
64. Then there are in fact two clearances? Yes, one before the Collector at the office, and an additional one by the officer on the wharf.
65. Is there anything to prevent dutiable goods from being shipped after the vessel has been cleared by the Collector? Yes; the officer at the wharf would not enter them on the additional clearance, as his orders are to enter free goods only.
66. But the agent might do it? No; the landing-waiter would not permit it.
67. By Mr. Duncan: Would it not be possible to put dutiable goods into a steamer while going

- Mr. J. Lane. going down the harbor, or from alongside of a ship, and thereby to cheat the revenue? Yes; quite possible.
- 14 Dec., 1859. 68. In the event of such goods being taken on board, would it not be possible to bring them back here from Melbourne? Yes.
69. And in that case, in the event of discovery, was there anything under the old system of clearance to bind the captain in any way in respect to such goods? No, there was not.
70. By Mr. Powell: Do you recollect clearing the steamer "Lord Worsley," for Auckland? I do.
71. Do you remember a large quantity of sugar being on board that vessel, and entered in her manifest, and that you struck out of the manifest by the Collector's orders? Yes, I do.
72. Did not the captain in that case, when he declared to the content, make a false declaration? Yes.
73. And was he not compelled to make it, by reason of the goods being struck out of the manifest when he knew them to be on board? If you will allow me, I will explain that matter. Before I went down to clear the ship a difficulty had arisen with the landing-waiter about some sugar shipped for drawback, which the officer had not seen. I went to the Collector, and asked him what I should do in the matter. He said he would not allow drawback on it, and ordered me to strike it out. In the haste of the moment, however, instead of striking it out for drawback, I made a mistake and struck it out of the manifest altogether.
74. Then if goods are on board ship, do you think you are justified in striking them out of the manifest? That I do not know. They were ordered to be struck out for drawback, and striking them altogether out of the manifest was my error. At all events, I had no warrant for their shipment.
75. Then as regards this supposed transshipment that Mr. Duncan has suggested—if any number of casks of spirits or tobacco were taken out of a ship as he says, what check have you got under the new system to prevent it? None that I see.
76. Then the present system would not at all interfere to prevent this kind of thing, any more than the old one? No.
77. Was the old system of clearance authorised by Colonel Gibbes? I am not aware.
78. And it was the regular system of the port? Yes, since I joined the department.

MONDAY, 19 DECEMBER, 1859.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, ESQ., | CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs; Messrs. Metcalfe and Powell, Custom House Agents; and Mr. Ross, Manager of the Sugar Company, were present during the examination of witnesses.

Mr. Duncan said: Before proceeding to call any witnesses, I would wish to state to the Board, that I have twice applied to the Secretary of the Treasury for the letters I alluded to on the last day of meeting; one being from Mr. Weekes to Mr. Cowper, and the other the application of Mr. Metcalfe for the first remission, and alluded to in Colonel Gibbes' letter, handed in by me at the last meeting of the Board. The letter from Mr. Weekes to Mr. Cowper, came to me enclosed with the other correspondence, and I returned it to Mr. Lane, who states that the correspondence has since passed through a variety of hands, and now this is wanting as well as the important letter of Mr. Metcalfe, and the drawback warrant indorsed by him.

Captain Ward: It has not been forwarded to us with the other correspondence.

Mr. Duncan: As to the letter of Mr. Metcalfe, the contents of it are to be very clearly ascertained from the Minute of the Executive Council, allowing the remission of duty.

Captain Ward: No doubt Mr. Metcalfe can furnish us with a copy of that letter.

Mr. Metcalfe: I have not a copy of it.

Mr. Duncan: Instead of these missing documents, however, I have received from the Treasury, a copy of a memorandum from Mr. Ross, in which that gentleman states, that I have, by a verbal notice, done away with an arrangement that has been in force for the last seven years, and with which no fault had been found. Now, I did not know that such a regulation as Mr. Ross speaks of existed, neither have I any record of it in my office. I do not, in fact, think that any such regulation exists in a written form, for no record of it is to be found. If then it was a mere verbal order of the late Collector, which I believe it was, I had quite as much right to alter it verbally, as he had to make it. That memorandum I now hand in. (*Memorandum of Mr. Ross, dated 12 July, 1858, handed in.*)

Mr. Duncan: A statement was made by Mr. Powell, that documents were now as freely taken out of the long room, as they were formerly. I confess that I was extremely astonished at hearing this statement, and I addressed a note on the subject, to the clerks occupying the long room; their answer I now produce. (*Letter to W. A. Duncan, from clerks in the long room, of Custom House, and dated 19 December, 1859, handed in.*)

Mr.

*Mr. Duncan* : I also hand in Mr. Powell's bond, and I think that when the Board read it, they will find that he has broken its conditions, and has not acted as an agent should do. (*Bond of Mr. Powell handed in.*) Mr. Metcalfe has, I believe, been acting illegally as a Custom House Agent for many years past, as he has been acting without having given a bond, at least it is not to be found in the Custom House, nor any record of its existence.

*Mr. Metcalfe* : I beg to say that I gave the regular bond as a Custom House Agent, in 1838.

*Mr. Duncan* : I shall have to day to give some evidence of the way in which Mr. Powell has been tampering with an officer of my department, and endeavouring to get an official document out of his possession. It is also said that he is endeavouring to get up some very strange evidence in this case. I cannot say all that I have heard on this subject, but there are rumours afloat of a most extraordinary character. I shall proceed to shew, by the evidence given by Mr. Powell before the Board that formerly sat upon this department, that upon that occasion, he deceived the Board in the evidence he then gave. It affects the former system of drawbacks, and the necessity that existed of some such change as that which I have made, and which has led to all this opposition. (*Mr. Duncan quoted from the evidence given by Mr. Powell, before the Customs Board of Inquiry, page 57, question 40; page 58, question 41; and page 60, question 92.*) Now to shew you the falsity of this statement, I produce a return, made up of Mr. Russell's book, of three days work done by him. This is taken from the book in which Mr. Russell kept the accounts of the drawbacks. I find from this, that one day's work, (the first there returned) that no less than 237 loads were shipped off in the one day by the drawback officer Russell; and amongst that quantity, there were no less than 3,832 bags of sugar. Russell certifies to having shipped and examined these 237 loads in one day, a thing that it was physically impossible for any man to do. (*Return handed in with Warrants appended, of the shipment of 3,832 bags of sugar.*) To shew also the facilities that Mr. Metcalfe had of doing business in the Custom House during the time of the late Collector, I produce two written orders made by the Collector, they being the only written orders that I was able to find in the office. Both these orders are in the hand writing of Mr. Metcalfe, signed by Colonel Gibbes (*Orders handed in.*)

*Mr. Duncan* then proceeded to call evidence.

*Extracts from Mr. Powell's Evidence before the former Board, referred to by Mr. Duncan in Mr. Duncan's statement of this day, December 19, 1859.*

- "40. You think the quantity of goods (by the "Louisa") should have excited suspicion?  
 "Yes If it had been a box of tobacco or a case of cigars, he (Mr. Bramwell) might have signed the papers without further consideration.  
 "41. Do you think the extraordinary amount of goods said to have been taken on board for one day could not have failed to draw his attention? It is an extraordinary amount of goods; I never 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.  
 "92 *By Mr. Browne*: Do you think it possible for one officer to have put all these goods on board in one day? This signature is to the document, but I never got such a day's work done; if I could 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."

*Extract from Mr. Manton's Statements before the former Board, p. 51.*

- \* \* \* "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. I will say nothing about drawbacks, or the recently appointed party to superintend that duty, or hint at whose recommendation he was established."

Mr. Robert Sempill called in and examined:—

1. *By Mr. Duncan* : You are now clerk to Mr. Justice Dickinson? I am.
2. You were once a clerk in the Custom House? I was.
3. How long ago? In 1851.
4. You had occasion at that time to transact business with Mr. Metcalfe? Yes.
5. Just state to the Board what occurred between you and Metcalfe when in the execution of your duty? There was a difference between us soon after I went to the department with respect to the conduct of my particular part of the business.
6. Will you state how that difference arose? Mr. Metcalfe's clerks were in the habit of pressing me to dispose of their business in priority to that of other people. On all these occasions I refused to give them any priority, or to make any difference between them and other people.
7. After your refusing to do this for the clerks, did Mr. Metcalfe interfere? Yes. He brought his entries to me himself. I at that time kept the import journal, and had charge of the ships' manifests. On my refusing to give his clerks a priority, he brought his entries to me himself.
8. What did he say? On the first occasion when he came I refused to attend to him before I had disposed of the business of others who were there before him. On one particular

Mr. R. Sempill.

19 Dec., 1859.

Mr. R. Sempill. ticular occasion, however, subsequently, when I happened to have a great many manifests on my hands, two of his clerks came together with a number of entries, and put them on my desk, requesting me to attend to them at once. I refused to pass them, or to check them off the manifests until the entries presented before they came in—and for which other people were waiting—were disposed of.

19 Dec., 1859. 9. *By Captain Ward*: Are you alluding now to some particular occasion? I am.

10. What was the name of the vessel for which they wished to pass the entries? That I cannot say. They were no doubt for several vessels, for I had eight or nine ships on hand at the time.

11. *By Mr. Duncan*: And Mr. Metcalfe wished his business to have precedence over that of others? Yes, that was what he wanted, and he tried to get it for a long time. On this particular occasion, however, the difference came to a settlement, for when I would not pass the entries for his clerks they went down and informed him, and in a few minutes he came up himself. He said to his clerk, "Here, give me those entries." He snatched the papers from him, and throwing them down before me in a most rude manner, said, "Here, Mr. Sempill, check off these entries for me." This he said in a very excited and passionate manner. I said to him, "Mr. Metcalfe, these gentlemen about my desk came here before you, and I shall attend to them first. I shall take every one in his turn as he has come 'in before me.'" He said, "I do not care, Sir, you shall pass these for me now at once. Do 'it, Sir, at once.'" I replied, "I shall not do it until your turn comes." And with that he went away from my desk muttering threats, and immediately after his chief clerk came up and took away a ship's manifest from my desk, and took it down stairs. After business hours on that day, I wrote a complaint to the Collector of Mr. Metcalfe's conduct to me. I stated what had occurred, and asked the Collector for his determination in the matter. The Collector never answered that letter, but he personally told me what the consequence would be to myself if I persisted in making a complaint against Mr. Metcalfe.

12. *By Captain Ward*: What did he say those consequences would be? The Collector sent for me into his room next morning, and said to me, "I have received this letter from you, and I do not know what to call it, whether it is a mark of your dissatisfaction of the place you have got, or what." I replied to him, "It is not an expression of dissatisfaction, but a complaint that I make against Mr. Metcalfe, and I want your settlement of it." He then said, "I will receive no complaint against Mr. Metcalfe; he is a gentleman who has been a Custom House Agent for many years, and who has the full confidence of the Government and of the whole mercantile community. Therefore, if you say anything against him, you must be prepared to put up with the consequences." He afterwards added, "You are a young man who has only just come into the department, and I advise you to withdraw this letter." I said that I could not do that for I was in the right, and that I wanted the matter settled if only to guide my practice in future. The Collector said a great deal more to me in the same strain that I do not recollect, and the result was that I left the room without any settlement of the matter. However, from that time Mr. Metcalfe ceased to annoy me.

13. How long did you remain in the Customs after this? About four or five months.

14. Did you leave the department in consequence of that letter? Not wholly.

15. But partly? Yes. I thought the Collector had acted unjustly towards me, and when I subsequently made a representation to the Government stating that I wished to get out of the department, not for that but for other reasons, in reply the Colonial Secretary directed me, if I had any charges or representations to make that I must do so through the head of my department. For the reasons stated I declined to do this, or to bring forward any charges unless permitted to do so in my own way; and as it was insisted upon, and I refused, my services were dispensed with.

16. You were discharged? I first requested to be removed to another department, as I could not remain in the one I was in.

17. And you were not removed? I was not, and then I sent in a letter and said I resigned my place in the department, and then, after further correspondence, I received a letter from the Colonial Secretary to say I was discharged.

18. *By Mr. Duncan*: Independent of this matter between you and Mr. Metcalfe, did you observe that he had an extraordinary amount of influence in the department? No doubt he had.

19. From such knowledge of the department as you acquired whilst there, do you think that that influence was calculated to tend to the safety of the public revenue or the reverse? I have no doubt that the great influence he had there tended to the prejudice of the revenue. I stated to the Government in the letter I wrote to them on the occasion referred to, that if the irregularities were done away with that I found to exist (on the part of Mr. Metcalfe and others) that the revenue would be increased to the extent of £50,000 or £60,000 a year. I was only two or three months in the department when I saw that its business was carried on in a very bad state. It was this made me wish to be removed. I felt considerable uneasiness at being there, because there were so many persons mixed up in what I perceived to be wrong, and I desired to get away from it.

20. *By Captain Ward*: In your letter to the Colonial Secretary did you give that as your reason for desiring to be removed? No; I did not specially do so, for I did not desire to make charges that I knew I could have made against some persons. I said there were irregularities which gave me great anxiety, and I was called upon to specify any charges I had to make through the Collector, and that was a course that I was not desirous of taking.

21. But you inserted charges in your letter to the Colonial Secretary? I said that there were very great irregularities existing in the department.

22. And you were called upon to make good this charge? I was.

23. And you declined? Yes; unless permitted to make charges exactly in the way I thought proper. 24.



24. And you were then dismissed? The Colonial Secretary in his letter said I was discharged. Mr. R. Sempill.
25. *By Mr. Metcalfe:* You had to pass the free entries? Yes, and entries for dutiable goods. There were *ad valorem* duties at that date. 19 Dec., 1859.
26. But you did not receive the duties? No; but I passed the entries,—I checked them from the manifest, and entered them in the import journal.
27. Did you ever find any of my entries wrong? I do not know how you mean.
28. I mean as regards the amount of duty? It was no part of my duty to calculate it. That was done by another clerk, and I merely marked the entry off from the manifest.
29. Will you inform the Board how my influence tended to the prejudice of the revenue? I had my own opinion on that point.
30. How was it formed? Amongst the clerks in the office it was generally spoken of, that Mr. Metcalfe could do as he liked in the department.
31. Then it was merely formed on hearsay? Exactly, and upon solid facts.
32. Can you tell the Board of any one case in which the revenue has suffered by means of my influence? I cannot at this distance of time remember any one particular case that I knew of at the time, though there were many.
33. If you heard of them, why did you not report them to the Collector or the Government? Because it was dangerous to say anything there. I had already experienced this, and I wanted to get out of the concern as quickly as I could.
34. You say that I wanted you to put the business of other persons on one side in order to do mine? Yes.
35. Did you not know that I represented a great number of firms? You did.
36. And considering that I represented two-thirds of the merchants of Sydney ought I not to have some precedence in getting their entries passed? No, you had no such right.
37. But ought not all the entries I brought to be passed before others? Yes, when those who came to the desk before you had been disposed of, but not till then.
38. You know Mr. Llewellyn? I do.
39. Have you had any conversation with him about this matter? Nothing beyond this:—Mr. Llewellyn and I have been intimate for fifteen years, but I had not seen him for some months, when the other day he called at my office. He told me of this Inquiry, of which I had not then heard, and informed me that the Collector had heard that I had had some difference with Mr. Metcalfe relative to the business of the office, and wished to know whether I would give evidence respecting it before the Board. I said I would, and that was all the conversation that occurred. I wish to add that in addition to the irregularity I charged against you, and that I have already mentioned, it was stated in my letter of complaint to the Collector, that after I had refused to pass your entries one of your clerks came to my desk and took away the manifest of a ship I was then discharging; that I called to him not to do so, but he took no notice of me; that I afterwards sent the messenger down to your room for it twice, and the answer you sent back was, that you would return it when you had done with it.
40. I remember nothing about that? I made the charge at the time, because of the great inconvenience it caused. There were a great number of persons waiting to pass entries, and they could not do so whilst you had the manifest away. This caused them considerable delay, and must have greatly prejudiced their business. (*Witness here handed in the original draft of the letter of complaint against Mr. Metcalfe, directed to the Collector of Customs, and dated 5 February, 1851.*)
41. *By Captain Ward:* The letter you now hand in is the one upon which you complain the late Collector did not support you? It is—the original draft.
- Mr. Metcalfe:* The Collector thought it of so little importance that I have never seen it.
42. *By Mr. Duncan:* Were you cautioned not to quarrel with Mr. Metcalfe if you wished to remain in the department? I was.
43. *By Mr. Metcalfe:* Who warned you? I cannot recollect. There were so many then in the department who have since left that it is hard to remember names of the persons who warned me.
44. *By Mr. Browne:* At that time when Mr. Metcalfe pressed you to pass his entries were there many arrivals at the port—was the Custom House pressed with business? Yes; business was on the increase. I know that at that time I had eight or nine manifests of English ships on hand.
45. And the *ad valorem* duties were then in operation? They were.

Mr. John Kidd called in and examined:—

1. *By Mr. Duncan:* You are an officer in the Customs? Yes; I am a landing-waiter. Mr. J. Kidd.
2. Do you remember some time ago being offered a bribe by a merchant's clerk? I do. 19 Dec., 1859.
3. Will you state the circumstances? So far as I can remember it was some four or five years back. The occurrence took place on a Saturday. The vessel had sailed; it was, I think, the "Mary Grant," and I think I must have been landing-waiter for her. The papers were handed me to sign, and I found that the ship had sailed. It was a drawback for two hundred casks of bottled beer that was claimed. I said I could not sign the warrants, as I had not seen the goods shipped, and as I knew that the vessel had sailed. Mr. Metcalfe's clerk came to me in the first instance with the warrants, and requested me to sign them; but I declined to do so. He afterwards came back to me with Mr. Powell's compliments, and would I be good enough to sign the warrants as the goods had been shipped.

- Mr. J. Kidd. I refused to do so. A clerk in the office of Mr. Clarke, the American merchant, then came to me and asked me if I would sign. He said it was not Mr. Metcalfe's fault that the goods had gone on board so late as not to have been inspected by the landing-waiter, but his in not having attended to them in time. He pressed me very hard to sign, saying that he would lose his situation if by his neglect this loss should occur to his principals. I declined to sign the papers, but at the same time I would see what was to be done in the matter, and would take the documents with me to the Custom House. He walked down with me, and on the road he repeated that he should lose his situation if the papers were not signed, and at last said, "If you will only sign them for me I will make you a handsome present." I at once turned round to him, and told him that, after his saying such a thing as that to me, I could hold no further conversation with him, and I left him. I immediately went down to the Custom House, and at once informed Mr. Powell of what had occurred.
- 19 Dec., 1859. 4. *By Captain Ward*: Was this gentleman in any way connected with Messrs Metcalfe and Powell? No; he was clerk to the merchant who was shipping the goods.
5. *By Mr. Duncan*: But Mr. Powell pressed you to sign the papers? He did. I went down to him, and told him of the insult I had been offered, and he expressed himself extremely sorry that any person should have so outraged my feelings; but before I left him he again pressed me to sign the papers.
6. Did they ultimately get the drawback? They did; Mr. Powell told me not very long ago that they got it.
7. Do you remember the date of this shipment? Yes, it was in August, 1855.
8. Do you think you would recollect the documents connected with the transaction? Yes, I am almost sure I should if I saw them.
9. Could you remember the handwriting? Yes. I am almost certain they are in the handwriting of Mr. Harris.
10. And you think you would remember them? Yes, I think so.
11. Is this document (*Warrant handed to witness*) in Mr. Harris' handwriting? It is.
12. Is it anything like the document you were asked to sign? It is, and I am almost sure that it is the same; but, after this lapse of time, I cannot of course speak positively to the document. The circumstances of the case, however, are extremely vivid in my mind.
13. *By Mr. Browne*: Was there not a rule in force that the landing-waiters were expected to sign documents for goods they had never seen: I mean a rule promulgated by Mr. Barnes when he was here? I think the landing-waiters used to do so, generally speaking; but they would not sign for goods shipped at any wharf except the one they were stationed at.
14. Did you not give evidence before the late Board of Inquiry into the Customs Department that you were the only landing-waiter who refused to sign warrants for goods that you had not seen shipped? I think I did say so; but I should have qualified that statement by saying that I have done this myself sometimes. I generally refused to sign where I had not seen the goods shipped, and that is what I should have said. I refused to sign for goods I had not seen shipped unless I had some clear knowledge that they had been so, or was satisfied from other causes of the correctness of what I signed to.
15. Would not other landing-waiters, in accordance with Mr. Barnes' regulation, have signed this warrant that was presented to you, and that you refused to sign without seeing the goods shipped? Of course I cannot say what others would have done, I can only speak for myself.
16. Was it not an ordinary thing at that time to go up to the first landing-waiter they met, and get him to sign the drawback warrant for goods he had never seen? It may have been with others, but I never did it for drawback.
17. *By Mr. Duncan*: You are not quite certain that this is the warrant you have alluded to, but you think it is? I do.
18. I believe it is necessary for the master or mate of the vessel in which the goods are shipped to sign the warrant as well as the landing-waiter? It is.
19. And the document is not available until it is so signed? No.
20. Now I ask you to look at these three drawback warrants, on each of which the money has been paid, and say whether they are properly indorsed? No. The proper indorsement is that the captain or mate certifies that he has received on board such or such things, and signs his name; then the landing-waiter's signature comes under that of the officer of the ship.
21. These are not signed in any way by the officers of the vessel in which the goods were shipped? No.
22. Consequently they contain in the body of them a false statement by the agents, Messrs. Metcalfe and Co.? No; I cannot say that.
23. Have they not acted improperly as Custom House Agents, in obtaining drawbacks on such documents as these? Only in so far as they are not indorsed. (*Series of warrants of shipments per "Mary Grant" put in.*)
24. *By Captain Ward*: Is there anything on the face of these warrants to shew that Messrs. Metcalfe and Powell have acted improperly? No, not on the face of them, but there is on the back of them. They want the indorsement of the officer of the ship on the back of the warrant.
25. *By Mr. Duncan*: From their knowledge of the regulations of the department, should they not have known that the warrant was in an unfinished state, inasmuch as there should have been indorsed upon it the receipt for the goods of the captain or officer of the ship? Most decidedly so.
26. However, this you can say, that the documents were put in by Metcalfe and Powell in an incomplete state? Yes.
27. Did not Mr. Powell, some days before the sitting of the Board, endeavour to obtain an official

official document out of your possession? Yes. He sent one of his clerks to me for an official document signed by himself and addressed to you, and bearing a minute in your handwriting relative to the discharging of the sugar by the "Virginia." As I was the landing-waiter on duty, this document, with the Collector's memorandum, was sent down to me, and about half-an-hour after I received it, Mr. Powell's clerk came to me, and asked if I would restore that letter. The request was such a very extraordinary one that it at once aroused my suspicion, and I of course declined to accede to it. I sent word back that I should be happy to do anything I could to oblige Mr. Powell, but that it was inconsistent with my duty to comply with his request. I have since retained the document in my possession.

Mr. J. Kidd.

19 Dec., 1859.

28. As Mr. Powell wishes for the document I now produce it. Is this the letter you allude to? It is. (*Letter of Mr. Powell of the 21st November, 1859, put in.*)

29. This is the letter which you declined to give up? It is.

30. After your sending him back that message, did he press you further on the point? Yes, he asked me to let him have a copy of it, but as he was so pressing in the matter it made me suspicious as to what his motives were; and so, under the circumstances, I thought it better not to let him have it.

31. By Mr. Powell: Can you tell us how many landing-waiters there were at the Circular Quay at this time? Two.

32. Was it the practice of landing-waiters to interfere with each other's duties—being stationed at different wharfs? I cannot give a reply to that.

33. If you had been stationed at Campbell's Wharf, and another officer had been stationed on the Circular Quay, would the officer on the Quay have given receipts for drawback goods shipped at Campbell's Wharf? I cannot say what others would have done; I should not have done it. (*The Board stated that they were satisfied from the evidence given before them during a previous inquiry, that it was the custom of landing-waiters to sign for anything they were asked.*) Note by witness: It should be understood that the export officer had previously signed the back of the warrant specifying the shipment of the goods previous to presenting the document to the landing-waiter who then indorsed it.

34. I find that the whole of these papers are signed by Mr. Rolleston, who was an officer at that Quay—now I would ask you whether you think it likely, that knowing, as everybody did, your custom of refusing to sign for what you had not seen shipped, you would have been asked to sign these papers? Yes; I am quite sure I was asked to sign, but whether that particular paper or not I will not say.

35. Were you stationed at the Circular Quay? No; at Macnamara's Wharf.

36. And the vessel you allude to loaded at Campbell's Wharf? I do not recollect.

37. And you swear you were asked to sign for two hundred casks of bottled beer shipped in her? I am prepared to do so, more or less.

38. Are these the papers you refer to? I have already said that I am not sure upon that point.

39. Has it always been the practice to obtain the signature of the officer of the ship on the back of the drawback warrants? It ought to be there, or the warrants would not be correct.

40. What I ask you is, whether it has been the practice to obtain these signatures? The regulation is and was that, having received the goods on board, the captain or mate should certify on the back of the warrant that he had done so.

41. I am not speaking of the regulation, but of the practice: let me ask if you have always insisted upon having the signature of the officer of the ship before you placed your own at the back of the drawback warrant? I may have omitted doing so, but I do not think I have.

42. Was there any order from the Collector to the effect that the signature of an officer of the ship was required? As to that I cannot say, because I had so very little intercourse with the officer that I might not have heard of the order.

43. Did you in practice get such a receipt? Yes, I did.

44. Was it the practice of the other officers of the department? I do not know about them; I know it was mine.

45. Do you not happen to know that this regulation requiring the signature of the captain or mate to a drawback warrant has only been in force within the last ten months? No, I do not; the practice has been in force since I have been in the department—now more than twenty years.

46. And that it was made in accordance with one of the recommendations of this Board on the occasion of its former sitting? No. I think it was always in force, though it might have been set aside by some parties.

47. As a matter of fact, is there one warrant out of five hundred of those in the Custom House that bears the mate's receipt? I cannot say; but they should have it.

48. With reference to the Company's sugar, I would wish to ask you whether it is the custom to weigh the Company's sugar exported? I have not been in the habit of having any. I am not stationed at a wharf where it is shipped.

49. You were at one time stationed at the Flour Company's Wharf? I was.

50. You shipped the Company's sugar there? Yes.

51. Did you weigh it? Yes. When there was any quantity of it I generally applied for a tide-waiter to do so, and I got the weights from him. This was for raw sugar only.

52. But I am speaking of Company's refined sugar,—that in uniform sized bags? I cannot remember having shipped any.

53. Just try and remember whether you have or not; I have seen some very heavy shipments of yours,—of 80, 90, and 100 tons in a parcel? At what wharf?

54. At the Flour Company's Wharf? I do not recollect having done so; but I know that whenever



- Mr. J. Kidd. whenever any large quantity came down I always applied for a tide-waiter to weigh it, and then by his accounts of the weights I indorsed the drawback warrant.
- 19 Dec., 1859. 55. Do you know the Sugar Company's tickets sent down to the Customs Officer with each load of sugar? Yes, I do for refined sugar.
56. Did you take them as representing the weight of sugar sent down? Yes, I did. It was the rule to do so.
57. You were in the habit of taking them, each ticket representing the weight of the load with which it was sent? Yes, it was understood that the landing-waiters were to do so.
58. From whom did you understand this? From the Officer of the Department.
59. Then, when the tickets were sent down, one was handed to you with each load of sugar? Yes.
60. And when the whole quantity was sent down you added up the quantities mentioned in the tickets, and signed for the amount? Yes.
61. With reference to the bribe that was offered to you, I have nothing to do with that? No; but I told you of its being offered to me by Mr. Clarke's young man, almost immediately after it occurred.
62. And I regretted that you should have been so outraged? Yes.
63. Do you think that I am a kind of person to insult you in such a way? No, I do not.
64. Your memory seems so indistinct in relation to the documents that it is no use to ask you any questions concerning them? Well, I am not sure that this is the document that was handed to me.
65. Are you sure that it is in Mr. Harris' handwriting? I am.
66. Because I think I can shew that they are not? It is my impression that it is Mr. Harris' writing.
67. How long is it since you were stationed at the Flour Company's Wharf? I have not been stationed there for some considerable time past.
68. And you have had nothing to do with the shipment of sugar lately? No.
69. You are now at an import wharf? Yes.
70. Coming now to the letter that you say I sent to get back; was there anything about this document that made you regard it with suspicion? No; but the circumstance of your asking for it back again made me think that there was something of more importance about it than I could then see. I suspected that there was something more in it than I could comprehend, as you seemed so anxious about getting it back, and sending your clerk to me for it. If you had come down yourself and asked for it I should have thought nothing about it, and I should have handed it over to you at once; but your sending your clerk for it so very soon after having despatched it to the Collector, certainly struck me as strange.
71. Did I not tell you that if you had any hesitation about giving it I would get an order from the Board for a copy? You did, or something to that effect.
72. About this bribing matter; did you volunteer to the Collector to give this evidence? I did.
73. To the Collector directly? Yes.
74. Was it given at the instigation of any one? No, of no one on earth. I felt that it was a duty I owed to the head of my department to make him acquainted with these matters. On Saturday last I told you that such cases had occurred, and that I had to inform you as a friend that if I was asked about them I must tell the truth.
75. Did I attempt to prevent your taking that course? No; you denied all knowledge of the matter at first, but afterwards when I called circumstances to your mind you referred to your books and remembered all about it.
76. By Mr. Duncan: Was that regulation about receiving Company's sugar without weighing in force before I took charge of the department? Yes, long before, for refined sugar only.
77. You took the weight from their tickets? Yes, and added up the amount of the tickets and signed for it.
78. You never received any directions from me to receive any merchants' tickets for weight of sugar? Never.
79. Latterly you have had very little to do with exports? No, I am at an import wharf.
80. By Captain Ward: Why was it that you did not report this case of attempted bribery? I had my reasons for not doing so. In the first place I was not a favorite with Colonel Gibbes and others in the department; and because upon several other occasions I have reported cases to him and I have been very badly treated.
81. Then you did not report it because you thought you would not be supported? I am certain I should not have been. I should have been sure to have got the worst of it if I had reported it.
82. At the time you were engaged in the exporting of sugar, did you allow to other parties the same privilege that you gave to the Sugar Company? I do not think I did.
83. But you always allowed it to the Company? We did.
84. Have you latterly, as landing-waiter, received any orders from the present Collector as to the shipment of sugars for drawback? Yes; he has told me himself verbally that his injunctions were most imperative upon all officers shipping for drawback to take care and see that all goods were weighed.
85. By Mr. Powell: You have received, then, an imperative order from the present Collector that all sugars and goods should be weighed before shipment for drawback? Yes; what Mr. Duncan said was that all goods were to be weighed or measured, but that with regard to tea and sugar he was particularly anxious that attention should be paid to them, and that they should be carefully weighed.
86. By Mr. Duncan: I never made any distinction between shipments by one party and shipments by another? No, certainly not.

A List of shipments during the temporary appointment of Mr Chapman as Drawback Officer, for which refund of duties has been refused.

Mr. J. Kidd.  
19 Dec., 1859.

NAME OF SHIP.	DATE OF CLEARANCE.	DESCRIPTION OF GOODS.
Kate Kearney.....	8 July, 1859 ...	{ Half-ton refined sugar. Half-ton bastards sugar.
Spray .....	8 ditto ...	{ 3 tons sugar. 5 tons refined sugar.
Lord Worsley .....	9 ditto ...	{ 5 tons bastards sugar.

William Cathcart Still, Esq., called in and examined :—

1. *By Mr. Duncan* : You are Landing Surveyor at this port ? I am.
2. How long have you been in the department ? Nearly three years.
3. When you joined it the department was in a very disorganized state ? It was.
4. What is your opinion of its recent working as compared with when you first joined ? It is greatly improved.
5. Will you state where the Sugar Company bonded their sugar about that time ? It was bonded at Campbell's Store.
6. Did they bond in any other store than Campbell's ? No ; it was bonded in that part of Campbell's Store, on Campbell's Wharf, known as Knox's Bond.
7. Who was the locker in charge of that bond ? Mr. Anderson had charge of Campbell's bond, but there was no one to attend to the other store where the Sugar Company's sugar was bonded.
8. Mr. Anderson I suppose had charge of that store also ? Yes, he was supposed to be in charge of it ; but I need not say that it was impossible for the one locker to look properly after the two stores.
9. Was it the practice to weigh the sugar of the Company out of bond ? When I took charge of the Warehouse branch of the department, it was impossible to weigh the sugar at Knox's Bond—the locker's time being entirely taken up at Campbell's.
10. Then, in point of fact, it was not weighed ? It was not.
11. Did you make any alteration in this respect ? Yes ; it struck me at once that this was wrong, and, when my appointment as Inspector of Warehouses was confirmed, I at once made certain recommendations to the Ministry, relative to the appointment of additional lockers. They were appointed, and one was put in charge of Knox's Store.
12. When was this done ? I think in the month of May or June, 1857. My appointment as Inspector of Warehouses was confirmed in April, and it took me about a month to make myself acquainted with the department, to send in my recommendations, and to get the necessary officers.
13. You are aware that a considerable deficiency was found in the Sugar Company's Store ? Yes ; I perceive, by the figures in the books of the department, that there is a deficiency charged against that bond.
14. You have had some experience in this matter—now do you think that this large amount of deficiency shewn against the Company could have occurred from waste ?  
*Mr. Powell* objected to this question as not affecting Mr. Metcalfe or himself.  
*Captain Ward* thought that the case of the Sugar Company's deficiency should not now be gone into, as the parties charged were not then before the Board. Even if it could be shewn that the deficiency had occurred by illegally taking the sugar out of bond, that would in no way affect the position of Messrs Metcalfe and Co.  
*Mr. Duncan* referred to the Act of Parliament, regulating the duties of Custom House Agents ; and submitted that the whole of the correspondence connected with the deficiency, having been conducted by Mr. Metcalfe, that gentleman had made himself liable.  
*Mr. Metcalfe* : I wrote as the agent of the Sugar Company, and so signed myself.  
*Mr. Ross* : The Sugar Company take all the responsibility of Mr. Metcalfe's communication.
- Captain Ward* : If Mr. Duncan can shew that Mr. Metcalfe knowingly made any misrepresentation for the purpose of defrauding the revenue, then the evidence will be admissible.
- Mr. Duncan* : In his letter, handed in by me to the Board, Mr. Metcalfe states that the waste was more than 3 per cent. ; now, if I can shew it was not, surely that is something to his prejudice.
- Captain Ward* : That statement was made on behalf of the Sugar Company, and that Company have accepted the responsibility of the statement ; therefore, we cannot see that Mr. Metcalfe is bound by it, he only making it in pursuance of instructions.
15. You know something about the former as well as about the present system of drawbacks ? I do.
16. Do you think the system formally pursued, afforded very great facilities for fraud ? It did.
17. Will you state how you arrived at that conclusion ? The goods were frequently shipped without anybody connected with the Customs department knowing anything about them, whilst

- W. C. Still, Esq.  
 19 Dec., 1859.
- whilst the necessary documents seem to have been signed by the landing-waiters entirely as a matter of course, without any reference whatever to the actual weights or quantities of the goods shipped. The indorsement on the drawback warrant was merely a copy of the shipping note, and was not made after actually ascertaining the weights or quantities of the goods. It was done entirely as a matter of course.
18. You know Mr. Russell, the landing-waiter? I do.
19. He was at one time drawback officer? He was.
20. Do you consider that he was suited for that office? I did not consider him a very efficient officer.
21. Do you think that he could attend to the shipment of 250 loads in a day? He could not do it, nor could any one else.
22. Do you not think that there was frightful danger to the revenue from such a state of things as this (*Mr. Duncan read from document handed in on previous day, a list of shipments certified to have been made by Mr. Russell, on 11 December, 1858, and 6 January, 1859.*)? No one man could have shipped all those goods in one day.
23. Do you think that with such a system as that, where such a large quantity of goods had to be shipped in one day, by one officer, the revenue could be safe? It would be impossible to check the exports—utterly impossible. You might as well have done away with the officer altogether, as expect him to do such an impossibility.
24. Under such a system, the shipping officer was a mere name without being of any real effect, as far as the protection of the revenue was concerned? Yes; he was, in many instances, really nothing more than an imaginary person.
25. You are aware that a different system is now adopted? I am.
26. Will you describe to the Board the change that has been made? The system at present is, that instead of one person being appointed as drawback officer, the whole of the landing-waiters act as export officers. When the drawback goods come down to the wharf for shipment, the officer on duty takes possession of them, and weighs them before they are shipped, and then indorses the warrant in accordance with the ascertained weight.
27. The landing-waiters, in fact, now act as searchers? Exactly.
28. Have you not had very great difficulties thrown in the way of enforcing the new regulations? I have. There appears to be some prejudice against them on the part of a portion of the community. They complain that the change is for the worse and not for the better.
29. Is that your opinion? No; I entirely differ from them in that respect.
30. Do you know, of your own knowledge, that considerable difficulties have been thrown in the way, as regards weighing the Sugar Company's sugar? I believe there have been.
31. Have you not been called upon to interfere?—  
*Mr. Powell* objected to this line of examination, as it affected the Sugar Company, and not Metcalfe and Co.
- The Board thought this was going into the charge against the Sugar Company.
32. You have read a letter from Mr. Powell to Mr. Ross, on which I asked you to make some comments? Yes, I recollect it perfectly.
- Mr. Duncan* pointed out to the Board, that in that letter, Mr. Powell fully identified himself with the whole of the business whereby these obstacles had been thrown in the way of carrying out the regulations of the department; and that such acts affects Mr. Powell's position as a Custom House Agent.
- The Board thought it a matter that affected the Sugar Company.
- Mr. Ross*, on behalf of the Sugar Company, disclaimed any responsibility that might attach to Mr. Powell's letter.
- Mr. Duncan*, after the ruling of the Board, would not pursue this matter, as the correspondence would speak for itself.
33. Do you remember, subsequently to this letter, an occasion upon which Mr. Powell burst into my room, after the messenger had been told by me to inform Mr. Powell that I could not see him? I do.
34. Did he not insist upon forcing his conversation upon me at a time when I was engaged speaking upon business with another gentleman? Yes. He mixed in the conversation, and you requested him to leave the room. After some time and some remarks had been made, he went out.
35. Do you not think that the irregularities of Messrs. Metcalfe and Powell has been the cause of these deficiencies in the Sugar Company's Bond?—
- Mr. Powell* objected to this question. The Board had already ruled that his firm had nothing to do with these deficiencies.
36. *By Captain Ward*: Do you not think that the deficiencies arose rather from the laxity of the system pursued previous to your being appointed? Possibly.
37. The whole of the Custom House Agents did their work in much the same kind of way as Mr. Metcalfe? There was not much difference between them.
- Mr. Duncan* said: I admit that the business of the department was carried on under circumstances of great laxity, and that to some extent Messrs. Metcalfe and Co. were the creatures of those circumstances; but what I complain of is, that they have thrown obstacles in the way of my reforming the department as thoroughly as I wish, and either I must put down this opposition or must resign my post. In making good my charge against them I confess my utter inability to separate the charge against them from that of the charge against the Sugar Company.
38. *By Mr. Duncan*: Nearly all my out-door orders were given through you? They were.
39. Have you ever seen the slightest indication on my part of a desire to favor one firm more than another? Certainly, I have not.
40. Do you believe, from all you have seen of me, that I am not at all the man to extend favor

favor to one firm more than to another? You are not. I do not think you would favor anybody. W. C. Still, Esq.

41. Has any case ever come to your knowledge in which I have done so? I am aware of no case in which you have displayed favor to any one. 13 Dec., 1863.

42. *By Mr. Browne*: How are the rules of the department promulgated—are they written rules or merely verbal orders? Sometimes the one and sometimes the other.

43. Have you written rules for the guidance of the officers in relation to their duty as regards drawback goods—rules, for instance, that would be applicable to this particular case of the Sugar Company? We have; and I can, if the Board desires it, shew them a copy of the rules I drew up on the subject.

44. Are they promulgated with directions to the officers to act on them? Yes; they are written by the Collector himself, or else copied by me from memoranda made by him.

45. And are given to the officers in the shape of definite orders? Yes. I produce a copy of the rules respecting drawbacks. (*Regulations produced.*) These were written out by me, and they lie open on my desk to be read when the officers come every morning to sign the "Attendance Book."

46. *By Mr. Duncan*: In addition to these there are printed regulations issued for the guidance of each branch of the service? There are.

47. That have been drawn up and printed by me since I have been here? Such is the case.

48. In the cross-examination of Mr. Russell by Mr. Powell the latter tried to elicit from the witness, and partly succeeded, an answer to the effect that there was still some partiality shewn to the Sugar Company, in the way of shipping sugar for drawback—is that the case? The only difference between the Sugar Company and other exporters is, that we do not weigh the whole of their sugar but only a sufficient number of bags to enable us to be satisfied that the weight of the whole tallies with the amount indorsed on the warrant.

49. Are you not aware that it is impossible to weigh some of the Company's sugar, on account of its being packed in large casks? Yes, that has been a difficulty. We have no means on the wharf of weighing these casks. It is the wharfinger's duty to have all necessary weights upon the wharf; but, though they have been applied to, they have failed to supply them in all cases. The department has since taken steps to remove this difficulty for the future at some of the stations.

50. *By Mr. Browne*: Was this order with respect to drawback goods issued previous to the question arising upon the refusal of the Collector to pay drawback upon the goods alluded to in this correspondence of the Sugar Company? I cannot say positively without reference to the papers.

51. At what date did that order come into force? In July.

52. What orders were in force previous to that? The same orders to weigh, &c., only verbal ones.

*EXTRACTS referred to in Mr. Duncan's Statement.*

NEW SOUTH WALES CUSTOMS ACT 9 VIC., No. 15.

"68. And be it enacted, that upon the entry and landing of any goods to be warehoused, the proper officer of the Customs shall take a particular account of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse except upon due entry and under the care of the proper officer for exportation, or upon due entry and payment of the duty for home use."

"73. And whereas spirits and tobacco, and certain other goods are liable in time to fluctuation of quantity by the effect of the atmosphere, or other natural causes: Be it therefore enacted, that it shall be lawful for the Collector or other principal officer, or for the proprietor or importer of any such goods as aforesaid to require the same to be re-gauged, re-measured, or re-weighed, at the time when the same shall be declared from the said warehouse, and the duties respectively payable thereon shall be paid according to the quantities ascertained upon such re-gauging, re-measuring, or reweighing, unless it shall be mutually agreed by and between the said parties, that the said duties shall be paid on the quantities originally entered."

19 VICT., No. 14.

"5. There shall be allowed upon the exportation of refined sugar made in this colony, the amounts of drawback following, &c."

"Provided that such sugars respectively shall be shipped under the care of the proper officer of Customs, in order that the shipment and exportation thereof may be duly certified on the debenture."

9 VICT., No. 15.

"59. And be it enacted, that it shall not be lawful for any person to act as agent for transacting any business at the Custom House which shall relate to the entry or clearance of any ship, or of any goods, or of any baggage, unless authorised to do so by license of the Collector or other principal officer of Her Majesty's Customs, who is hereby empowered to require bond to be given by every person to whom such license shall be granted, with one sufficient surety, in the sum of two hundred pounds for the faithful and honest conduct of such person, and of his clerks acting for him; and if any person shall act as such agent, not being so licensed, or if any person shall be in partnership in such agency with any person not so licensed, such person shall, in either case for every such offence, forfeit the sum of one hundred pounds, &c."

"60. And be it enacted, that it shall be lawful for the Collector or other principal officer of Customs, with the concurrence of the Governor of the said Colony, by any order under his hand to revoke any such license, and that after a copy of such order shall have been delivered to any such licensed person or his clerk, or left at his usual place of abode or business, such license shall be void."

TUESDAY,

TUESDAY, 20 DECEMBER, 1859.

Present :—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, Esq.,

CAPTAIN McLERIE.

Mr. Duncan, Collector of Customs; Messrs. Metcalfe and Powell, Custom House Agents; and Mr. Ross, Manager of the Sugar Company, were present during the examination of witnesses.

William Cathcart Still, Esq., called in and further examined :—

W. C. Still,  
Esq.

20 Dec., 1859.

1. *By Mr. Duncan*: Are these Regulations now produced those which were drawn up and issued by me, and printed by authority of the Government? Yes. They point out the duties to be performed in the different branches of the office. (*Printed Custom House Regulations handed in.*)

2. *By Mr. Browne*: At what date were they issued? They were issued from time to time to the different branches of the department as they were printed.

3. *By Mr. Powell*: In part of the evidence you gave yesterday you state, in reference to the system pursued before your time, that goods were shipped without the Customs officers knowing anything about them; is that the fact? I believe it to have been the case in very many instances.

4. How could the drawback have been obtained if the office knew nothing about the shipment of the goods on which the drawback was claimed? I judge that such was the case from the experience I have gained since I took charge of the landing branch.

5. But I wish to know how the shipper could obtain the drawback without the officer knowing anything about the goods being shipped? It was obtained.

6. The drawback warrant had to bear the indorsement of the officer? Yes; but it did not follow that because he indorsed the warrant that he saw the goods.

7. *By Captain Ward*: It was necessary that the signature of the proper officer should be obtained to the drawback warrant? Yes; but the officers used to sign as a mere matter of form.

8. Your impression is then that the signature of the officer to the document, on which the refund of duty was obtained, was affixed as a mere matter of form? Yes. The goods were put on board without any inspection by the landing-waiter, and then the warrants were sent to him to sign, and he signed them as a mere matter of form.

9. That is, in other words, that these officers grossly neglected their duties? I consider so.

10. *By Mr. Powell*: But the debenture for payment would not be issued until the signature of the landing-waiter to the drawback warrant had been first obtained? No.

11. You have now, in your opinion, instituted a better system? Yes, far better.

12. Are not the evils of the late system attributable to the careless manner in which it was carried out by your predecessor in office, rather than to anything particularly wrong in the system itself? That I wish to say nothing about; I only give an account of the system as it was actually worked.

13. If the signature of the officer was given as a mere matter of form was he not responsible for signing in such a manner? I give no opinion upon that point. I merely state the facts that have come to my knowledge.

14. Do you consider yourself responsible for these signatures now? I do. I consider myself responsible for passing over any neglect of duty that occurs in my branch.

15. Then, if the landing-waiter now gives his signature as a matter of form, you look upon yourself as being responsible? Yes, in some degree.

16. Previous to Mr. Russell's appointment as drawback officer, did not the searchers always certify to the shipment of drawback goods? Yes, they were supposed to do so.

17. And is not the same system followed now,—do not the searchers sign for drawback goods? Yes; but not on the same system as formerly.

18. I want a plain answer, yes or no; do not the searchers sign for drawback goods now, the same as they did previously? If I answer yes I shall not convey a correct impression. What I say is that the searchers do sign for goods as they did formerly, but in a very different manner; for they sign now only after actual observation has assured them that the goods have been shipped in the quantities named in the drawback warrant. This they did not do formerly.

19. Do you know that the practice before Mr. Russell's time was to take the ticket of the weight of sugar sent down from the Sugar Company, the officer weighing such a number of bags as would enable him to estimate the weight of the whole? I cannot speak of anything in connection with the Sugar Company's shipment before Mr. Russell's appointment.

20. Did he take the weights in the manner I have described? I always understood that he ascertained the weight of sugar shipped. My impression certainly was that he took the weight of each load as it came down.

21. What, of all the bags,—that he weighed each bag? No, not the whole; but that he took a certain number of bags from each load and weighed them, and approximated the weight of the load.

22. You believe that the weight was ascertained by actual weighing, before he signed the drawback warrant? Yes, by weighing such a number of bags from each load as would allow him to approximate the weight of the whole.

23. You remember when Mr. Chapman was appointed drawback officer? Yes.

24. Was it not understood that he was to weigh all sugars for shipment prior to indorsing the drawback warrant? Yes; the orders he received from me were not to indorse for anything of which he had not previously ascertained the exact weight or quantity.

25.



25. Then he was to weigh the Company's sugar as well as that of other parties? Yes; but he was only three days in that office. From something, however, that then occurred, we went back to the water-side practice. W. C. Still,  
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26. That is that you went back to the old system? No, not to the old system; I should be ashamed to make an admission of anything of the kind. 20 Dec., 1859.
27. Will you tell us what took place on Mr. Chapman's appointment, and what instructions you gave him? I do not remember giving him any other than general instructions. Something occurred that induced the Collector to supersede Mr. Russell, and I then directed Mr. Chapman temporarily to undertake the duty. I directed him to attend to all the drawback notices left unacted on by Mr. Russell; further than instructing him that he must see everything weighed that he undertook to certify as having been shipped, my orders were general.
28. You did not give him any special instructions with reference to the Sugar Company's shipments? No, nor with regard to any person in particular; I gave him general instructions.
29. Throughout the correspondence that the Board has had referred to them, I find that Mr. Duncan appears to be under the impression that all sugars were weighed previous to shipment by drawback, and that he never intended to make any distinction between one shipper and another;—now are you aware whether, in point of fact, any distinction has been made? There has been a slight distinction; I believe that the Sugar Company waited on the Collector, and—
30. Do you know that of your own knowledge? Well, I was not present at any conversation that took place upon the subject.
31. You believe, however, that there was some understanding with the Sugar Company in regard to the weighing of their sugar? Yes, I understood that there was an arrangement by which the sugar of the Company was to be approximated; that so many bags should be weighed from each load as would enable the officer to approximate the weight of the load.
- Mr. Powell* handed in a letter from Metcalfe and Co. to the Collector of Customs, dated 8th July, 1859; and reply of Collector to same of date 16th July, 1859.
32. According to that correspondence it is clear that some distinction was to be made? The distinction is very slight indeed. We take a fewer number of bags of the Company's sugar to weigh than we do of the merchants; because the sugar of the Company being packed in regular sized bags we can arrive at the exact weight by weighing a few of their bags, whilst we are obliged to weigh all those shipped by other persons.
33. By such a system of averaging would it not be possible for one officer to ship 260 loads in one day? No. It would be hardly possible for one man to count them into the ship, still less to weigh them, as there are forty bags to each load. Then he would have to weigh some of each load, and it would not be possible for such a number of drays to discharge in the time. Then another thing is, that they might not all be going to discharge at the same wharf, and this would render the thing utterly impossible.
34. How many loads could one officer ship in a day? Well, I suppose the Company would seldom send down more than twenty tons in one day for shipment by the same vessel, and one officer might ship that quantity.
35. Could thirty tons be shipped in a day? Yes, at one or two stations, with an officer at each.
36. In applying this to a particular example, I would ask you whether the quantity of goods in the "Louisa" case could have been shipped in one day? Not by one officer.
37. Is there any difference in exporting free goods from the warehouse, and shipping goods for drawback? Yes; for in the case you refer to the officer ought to have taken the drawback goods down to the ship.
38. Does he take them down to the ship now? No, they are delivered to him on the wharf.
39. And in the case of export goods from the warehouse, does the officer accompany them? No.
40. *By Captain Ward*: Was it the practice at the time of the "Louisa" case, for the officer to accompany dutiable goods from the bond to the wharf? He was supposed to do so.
41. But in practice did he do so? The regulation was that he should.
42. Did he do it? It was his orders to do so.
43. Then I suppose you mean to say that it was the regulation but not the practice? Yes.
44. In point of fact, the officers could not accompany all they had to ship—they were not numerous enough? They were not.
45. Could one officer have shipped off this quantity of goods in one day, if sent down to him to the wharf? No.
46. One officer could not do it? No.
47. *By Mr. Powell*: There is some prejudice I believe against your system of weighing sugar? Yes.
48. There is also some objection made to stripping tea? There is.
49. And those objections are made by the merchants generally? Yes.
50. Do you know anything about the tares of the bags of the Sugar Refining Company? The allowance of tares rests with the shipping officer.
51. Have you any idea of what the tare of a bag of bastards sugar would be, in exportation? I myself rarely saw them.
52. You have not taken a shipment of them? No.
53. You have seen the sugar? Yes.
54. Can you form any estimate of what the tare on one of these bags would be? About 2lbs.

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55. Have you tried them? Only on importation am I called in respecting tares of sugars.
56. How many bags would you consider it necessary to weigh in a parcel of twenty-six tons—say 1,000 bags? We do not generally get such a large lot as that together—we get some on one day and some on another, and then we weigh a dozen bags or so, and count the others, and so approximate the weight and indorse the warrant accordingly.
57. Will you turn to the printed instructions this morning handed in, and read the 34th regulation relative to the duty of drawback officer? I have read it.
58. It says there that the landing-waiter “shall re-gauge or re-weigh if necessary;” does he exercise his own discretion as to the necessity for re-gauging or re-weighing? I hardly understand your question.
59. In other words then, has the landing-waiter any discretionary power as to the necessity for re-gauging or re-weighing? No, certainly not, he acts only under his instructions.
60. But if a case of any difficulty, unprovided for by his instructions, should arise, has he any discretion? No. In such a case he would refer to me.
61. If sugar were sent down to the wharf for shipment for drawback, would he weigh it or would he refer to you as to the necessity for doing so? He would weigh it.
62. But in case of its being sent down in these large hogsheads that have been spoken of? He would then refer to me; that is precisely a case in point.
63. *By Captain Ward:* Then if any case of difficulty occurred, the landing-waiter would refer to you? Yes.
64. And he had instructions to see the whole of the sugar, shipped for drawback, weighed before shipment—with the exception of that shipped by the Sugar Company, of which a portion only was weighed? Yes.
65. *By Mr. Powell:* You said, in answer to Mr. Duncan, that, on a certain occasion, I burst into his room? Yes; you came in after I had heard him tell the messenger not to admit you. He told the messenger to say that he could not see you.
66. You do not know if the messenger gave me that message? No, of course I do not.
67. Do you know if I knocked at the door previous to entering? I should presume that you would do so, seeing that it is a usual thing with gentlemen.
68. And, when I knocked, I was told to walk in? That I do not know.
69. Do you know what was said on the occasion? Not the exact words; but the nature of what the Collector said was, that he declined to have any communication with you.
70. Was his manner excited? It certainly was; but, it was very natural that it should be so, under the circumstances.
71. Do you remember anything particular he said? Well, I cannot say I recollect every word; but, if you repeat any particular observation, perhaps I may recollect it.
72. Did he say, “You are a dangerous man”? I do not recollect the particular words; but I remember words being made use of to the effect that he could not trust you on account of some observations you had previously made, misrepresenting what he had said.
73. Did I ask him for a cheque? That I do not remember. The conversation became very personal after this remark of the Collector, and ended by your walking out.
74. Was Mr. Llewellyn present at this time? I do not remember if he was present when Mr. Duncan’s observation was made; but he was there, I think, at the close of the conversation.
75. You do not recollect his telling me that I was a dangerous man? I do not recollect the precise words he used; but what he said conveyed to my mind the impression that you were a person that he would not communicate with, unless in the presence of a third person.
76. But you say, in the letter you wrote in answer to Mr. Duncan’s request on the 17th August, “I do not remember”? Yes; but that had reference to another conversation.
77. You do not remember whether he told Mr. Llewellyn to give me a cheque? I do not.
78. Do you think my conduct was offensive or improper, or such as you, for instance, would have taken offence at? I feel reluctant to give an opinion upon what is a merely personal matter. There are many antecedent matters that have to be taken into account.
79. But taking my manner alone, and separating it from these circumstances, was it, in your opinion, offensive? Well, if you had come into my room after I had sent the messenger to say that I could not see you, I should have considered it so.
80. Are you prepared to say that the messenger gave me that message? No, I did not hear him tell you; but I heard the Collector give the order to the messenger.
81. Putting aside this question, after my entry into the room, was my conduct of such a character as to be considered offensive to the Collector? Considering the directions I had heard him give to the messenger, I consider that you were wrong in intruding upon the Collector.
82. But was there anything insulting either in my words or my conduct, after I had entered? You certainly persisted in remaining, after the Collector had told you to retire.
83. In remaining, was I guilty of any insulting or improper conduct? It was conduct that was likely to irritate the Collector.
84. That was the fact of my remaining in the room, but nothing that I said? I cannot remember anything offensive that you said.
85. Do you remember my referring to a cask of sugar that had been sent down to the “Louis and Miriam,” that was so large that the officers could not weigh it? You may have done so, but the Collector would not enter into anything with you, he was engaged in business with another person.
86. Who was he engaged with at the time? He was talking to me about some matters connected with the department, when you intruded upon the conversation.
87. Did not your conversation with the Collector arise after I entered the room? No; we began it before you came in, and your entrance interrupted it.
88. Did not Mr. Duncan remark, in my hearing, upon the ungentlemanly and discourteous manner

manner of the Sugar Company, in sending down a cask of sugar too heavy for you to weigh? We were talking about some business of the kind, when you came in—some drawback business. W. C. Still,  
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89. Do you remember some large casks of sugar being sent down for shipment? I do. 20 Dec., 1859.

90. They were 11 cwt. or 12 cwt. each, I believe? Yes.

91. And you had no means of weighing them on the wharf? We had not.

92. Would any inconvenience have arisen if you had provided yourselves, as you ought to have done, with the means of weighing them? No, certainly not; but it was the wharfingers duty to provide them, and not ours. We called upon all the different wharfingers to furnish the necessary mechanical appliances, but some have neglected to do so.

93. You have since provided yourselves with the means of weighing these casks? Yes; upon some wharfs, but not upon all.

94. And you can weigh these large casks now? I am not sure if any of them have been sent down to us since we have provided for them.

95. Yes, some very large ones have been sent? I cannot say without reference to papers.

96. Are you aware that there have been some goods sent off latterly, that the officer has not weighed at all, with the entries indorsed? Certainly not, to my knowledge.

97. Do you not know of some tea having been shipped off by Mr. Caldwell, under these circumstances? Yes, the officer refused to certify on the warrants, by my instructions.

98. And the drawback is to be paid upon production of the certificate from Auckland, of their delivery at that port? I cannot say, without reference to the papers.

99. Do you remember some tea being shipped by the "John Omerod," by Gilchrist, Watt, and Co.? No, I do not.

100. Do you recollect the shipments by the "Spray," and "Lord Worsley"? Yes; I recollect hearing of them, but the first was specially arranged between the Collector and the officer, and I personally had nothing to do with it.

101. Have you ever found Mr. Metcalfe or myself offer you any opposition in the execution of your duty? No; I have nothing to allege against you.

102. Have any of your officers ever complained to you of any opposition on our parts, to the regulations of the department? No; I do not recollect any complaints being brought to me.

103. Have I not, since you have held the office of landing surveyor, given you every assistance, by furnishing you with documents when necessary? I make no charge against you.

104. Have I not furnished you with documents to enable you to carry out reforms in your department? To what reforms do you allude?

105. Particularly with reference to this pricking note system you have established? Yes; but you have condemned it since.

106. Have I not furnished you also with valuable information? Yes; I have had many conversations with you, from which I have received information.

107. With reference to the "Louisa" case, did I not give you every assistance towards enabling you to arrive at the discovery of the frauds? You did.

108. I gave you information as to certain public-houses, where you were likely to discover some of the spirits? Yes, you shewed every disposition to aid us in the discovery.

109. I gave you information about Goldring's share in the business? You did; but it was not till after I had heard of it from other quarters. I was there twice before I received any information from you.

110. *By Mr. Duncan:* You have been asked about the instructions given to Mr. Chapman, relative to weighing all goods for drawback; was not his appointment a merely temporary arrangement, in order to permit us to perfect the pricking note system? Yes; it was only intended for two or three days.

111. Merely to keep the work going on? Yes, whilst we were completing our arrangements with the licensed carters, and bringing in this waterside practice. Chapman was brought in to give us time to get this system into operation.

112. We were obliged to hasten on our proposed system somewhat prematurely, in consequence of what we had seen in the cases of Russell and Chapman? Yes, we brought it into operation in July.

113. Now, with respect to what Mr. Powell has asked you, as to whether it is in the discretion of the officer how many bags he shall weigh in order to arrive at the average weight—you say that the officer has no discretion? No. In case of any difficulty he would refer to me.

114. And if you had any doubt in the matter? I should take your instructions.

115. Do you not think that in cases of some kinds of goods,—such as chests of tea, and the Sugar Company's manufactured sugars, which are in packages of regular sizes,—that the fair average weight can be ascertained by weighing a certain number of packages? Yes, I think so.

116. And that by doing this the revenue can be sufficiently protected? Yes; I see no objection to it.

117. Then, with respect to the interview which Mr. Powell has confounded with one that occurred previously; I had occasion to call upon you for a report upon that first interview? You had.

118. And you were obliged in that report to contradict some of the statements made by Mr. Powell in the letter to which I referred? I was.

119. Then the interview relative to which he has this day questioned you is a second interview? It is.

120. You heard me tell the messenger that I could not see Mr. Powell? I did.

121. Do you not think that, situated as I am, if a person, who has so misrepresented a conversation as Mr. Powell has to your knowledge done, comes and asks for an interview with



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- with me, there would be some danger to me in entering upon a conversation with him, without witnesses? I should have acted in the same way as you did, if the person had behaved in the same manner to me as Mr. Powell has done to you.
122. You were present at the first conversation? I was.
123. And Mr. Llewellyn also? Yes.
124. *By Mr. Powell:* To which conversation do you refer? To that to which Mr. Duncan's letter refers.
125. *By Captain Ward:* You were present, then, at both interviews? I was.
126. *By Mr. Powell:* In your written statement, in reply to Mr. Duncan's note to you, you representing him as having said, "What feeling can I have in the matter? Sir Daniel Cooper is a personal friend of my own."—What led to that conversation, and to the introduction of Sir Daniel Cooper's name? The Collector mentioned Sir Daniel Cooper's name in some way, and you seemed to take what he had said in a wrong light, and then he said what you have quoted.
127. But I want to know what led to the introduction of Sir Daniel Cooper's name? The conversation was with reference to drawbacks and the Sugar Company; and Sir D. Cooper's name was mentioned in connection with the Company.
128. Did I introduce it? No. I have already said it was mentioned in some way by Mr. Duncan.
129. Then how could he have alluded to it, unless there had been some previous conversation on the subject to which he was referring? What I state is that the Collector casually mentioned Sir D. Cooper's name; you asked him a question upon it, and said, "Am I to understand —"
130. That is not to the purpose. Was Sir D. Cooper's name introduced by me or by Mr. Duncan? I have told you before that it was by Mr. Duncan.
131. What reason had he for introducing the name? I cannot recollect every word of the conversation, but there must have been some reason for it, for the name was used in answer to something you said. You asked some question or made some remark, in reply to which the Collector used Sir D. Cooper's name. You then seemed to misunderstand his reply, and said, "Am I to understand then that any mere personal feeling is to interfere with the payment of this drawback?" That was the effect of what you said, but I do not recollect the exact words.
132. Do you recollect my saying to Mr. Duncan that this had now ceased to be an abstract question, and had become a personal one? Yes, I do, now that you mention the words.
133. However, you are sure that Sir Daniel Cooper's name was first mentioned by Mr. Duncan? Yes.
134. *By Mr. Duncan:* Did I not make some complaint about Sir Daniel Cooper going to the Treasury and interfering in this matter? Yes, you did.
135. And it was in that way that his name arose? It was.
136. *By Mr. Powell:* Did he make any complaint about Sir Daniel Cooper's interfering at the Treasury? He did.
137. Were not the whole of the drawbacks that have been refused to the Sugar Company for sugars shipped during the time that Mr. Chapman held office? No, I think not. To the best of my recollection there were only two vessels that took in sugar during that time, the "Spray" and the "Lord Worsley." I can only speak of one case that came under my own personal knowledge—that of the "Lord Worsley."
138. Were not all the drawbacks for the shipments by the "Kate Kearney," the "Spray," and the "Lord Worsley," refused during the time of Mr. Chapman's holding office, and when your department was in a more than ordinarily disorganised state, owing to the arrangements making for the introduction of the new system? I cannot say positively, without reference to the various documents.
139. *By Mr. Duncan:* Do you not recollect this shipment being refused upon similar grounds at a later date? (*Papers produced.*) Yes. I recollect the mode in which that shipment was made.
140. These warrants I produce are not indorsed? They are not.
141. Will you explain what this matter was? It was a shipment of goods by the "Louis" and "Miriam," on the 26th August. The goods were put on board the vessel without the officer having been made acquainted with the fact, and for this reason he refused to sign the warrants. I recollect that on the Monday after I had been made acquainted with the circumstances, I went down to the mate of the vessel, and he told me that some of the goods had gone on board after the officer had left his station on Saturday at half-past one. The officer would not certify to the shipment of the goods because they had been put on board without his knowledge.
142. A portion of the goods, I believe, had been put on board before the officer saw them, and the rest of them on Saturday afternoon after he had left? Yes. The mate told me that the carters who brought the sugar down had been in the habit of handing him the notes that were intended for the Custom House officer, and that he was accustomed to hand these notes to the officer when he came down to the ship, and that there had never been any difficulty about checking the warrants with these notes. This had always been the case previously, and he was not aware of any alteration in the system. (*The documents relative to the shipment per "Louis and Miriam," on the 26th August were then handed in.*)

Mr. Cyrie D. Cecil called in and examined :—

1. *By Mr. Duncan*: You have only lately arrived in this Colony? I have.
2. You were for some time Clerk to a Custom House Agent in London, and Custom House Clerk to a merchant in the same place? I was.
3. From your experience of the practice of the Custom House Department in London, are you enabled to say what the consequences would be to a Custom House Agent who indorsed the quantities on the back of a drawback warrant? I never knew of such a case in London.
4. But what would the consequence be, if such a thing did occur? I am unable to say, because I never knew a case of the kind to occur.
5. Would such a thing be for an instant permitted? No, certainly not.
6. Would a Custom House Agent hold his license for a day after it was known that he did such a thing? I do not think he would.
7. That would be the case if he indorsed the warrant, even though he indorsed the proper quantity? I have no doubt it would.
8. But if the quantity so indorsed by the Agent were shewn to be incorrect, and that he indorsed for drawback more than was actually shipped, would it not be still more likely to be the case? No doubt of it.
9. Would not his license be immediately cancelled? Yes, in London it would be.
10. Suppose again, that an entry had been passed for six casks of sugar for drawback; and that the searcher had ascertained that four only of the six had been shipped; and that after learning this, the searcher was asked by the Custom House Agent to certify to the shipment of six :—Would any Custom House Agent be allowed to pass a single entry after such a fact was made known? No, I am sure he would not; but I only speak of London, as I do not know the practice of other ports.
11. Suppose also the case of a Custom House Agent who should ask an officer of the Customs to certify to a shipment for drawback that he had never seen, and after the vessel had left the port? He would be considered as having tampered with the Custom House Officer, and the matter would end in an investigation. What the consequences would be to the agent I cannot say.
12. In the latter case he would be considered as having tampered with the officer? Yes.
13. Have you ever heard of such a thing being done in London? No.
14. Supposing a large quantity of sugar to have been taken out of bond, representing an amount of duty of £1,300 and odd, and that the Custom House Agent represented to the Collector that the sugar had been weighed, and that the deficiency had been caused by waste—if it were shewn afterwards that the deficiency had not so arisen, would not the agent be held responsible, even though his principal had so instructed him? I do not quite understand your question.
15. Supposing sugar to be taken out of bond without payment of duty, without entry, and without weighing, and that there was a representation by the agent that the sugar had been weighed, and that the deficiency had been caused by waste, would not the agent be held responsible by the Collector, even though his principal had so instructed him? It would have to be proved, in the first instance, that the agent knew all about the matter.
16. But it would not save him to say that he was the mere instrument of his principal? If he was proved to have known all about it when he made the statement, he would be held to be answerable, but not without.
17. Are not the Custom House Agents in London obliged to be very respectful in their behaviour towards the superior officers of the Customs? They are.
18. Did you ever hear of such a thing occurring in the long room of the Custom House of London, as an agent saying, that if a Collector did his duty, or carried out the law, that they would soon walk him out? It would depend a great deal upon the manner in which such a thing was said.
19. But if it were said in earnest, and the statement then made was followed up? The Collector, for his own sake, would have to follow the matter up.
20. *By Captain Ward*: How long were you in the London Custom House? I was never attached to the department; but I was four years clerk to a Custom House Agent, and in charge of the Custom House business of a merchant's office.
21. *By Mr. Powell*: You know what shipping bills are? I do.
22. Will you look at this warrant, and say if it is anything like the shipping bill used in England? I believe it is substantially, but I do not at this moment recollect the exact words of the shipping bills. However, substantially there is no difference between the two. Latterly, however, I have seen more of the shipping bills of the East Indies, where they are in a much more simple form than in England; and from what I remember, those of the East Indies more resemble this warrant than do those of England.
23. These shipping bills go down to the docks, and are then returned to the establishment in Thames-street? Yes.
24. The Customs officers have charge of them the whole time? Yes.
25. Are the short shipments shewn on this document? Yes, they have to be taken off the Bill.
26. By the agent—the party preparing it? No; the Custom House officer has to do that.
27. The drawback is not paid on the shipping bill? No; on the debenture.
28. Who prepares that—the agent? No; it is prepared in the Custom House.
29. And the exporter or the agent prepares the shipping bill? Yes.
30. Can you get goods out of bond at all in London without the necessary documents being first deposited at the Customs? I should not like to say that you could not, because I have heard of some extraordinary things being done by a well-known importer in London.

Mr.C.D. Cecil.

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- Mr.C.D.Cecil. 31. Have you ever heard of 500 casks of sugar being taken out of bond in England, and nothing being known about it? I have not, but I have been absent from England some years.
- 20 Dec., 1859. 32. Would the officer deliver 500 tons of sugar from the bond unless he had first received a locker's order? Certainly not, unless he were conniving with some other parties to defraud the revenue.
33. The Collector of the Port of London is subordinate to the ruling and decision of a Board? That I cannot say. I have not been an officer of the Customs, and am not aware of its internal management.
34. You have had, I presume, more to do with waterside practice? Yes, a great deal, more particularly in the country house where I was employed.
35. You have had nothing to do with the actual import and export of goods? No.
36. By Mr. Duncan: The debenture is prepared, not on the quantity entered on the warrant for drawback, but upon the quantity actually shipped? Yes; and a declaration made by agent or exporter as to its correctness.

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Mr. Robert Sempill called in and re-examined:—

- Mr.R.Sempill. 1. By Mr. Duncan: You were asked yesterday who it was that warned you not to quarrel with Mr. Metcalfe, and you said that you could not remember who it was:—You have since I believe recollected who it was? Yes; it was Mr. Jones who specially warned me. He was a sort of Secretary to the Customs, and was most intimate both with the Collector and Mr. Metcalfe.
- 20 Dec., 1859. 2. Will you state, as nearly as you can recollect, what he said to you? He said "He advised me as a friend not to have any conflict with Mr. Metcalfe, as if I did it would result in my being dismissed. That he would get me dismissed in a minute, he had such a great power in the department."
3. You were asked by Mr. Metcalfe yesterday, if you could mention any case in which the revenue had suffered by the mode in which he did business. You said then that you could not. Have you since remembered any? I could find hundreds of such cases if I had access to the papers of the department.
4. Will you mention the nature of them? In his passing entries for dutiable goods, such as wheat, tea, sugar, duties on brandy were quantitative, and other articles upon which an *ad valorem* duty was fixed.
5. From the mode in which he passed entries, and paid duty on *ad valorem* goods, you think the revenue suffered? Yes, I am certain it did.
6. In what way? From the declaration he made as to the value of the goods; many of these were false declarations, and came into my hands almost daily.
7. By Captain Ward: Did you know them to be false at the time? Not when I first went into the office, for I was not then up in the routine of the department, having only just joined it.
8. You found it out afterwards? Yes. At first I did not know anything about the system upon which the business was conducted, or about the law of the case, but when I had been there some time, and had become acquainted with the routine of the office, and had looked up the law, I found out that many of these declarations were false.
9. That the declarations were knowingly false? Yes; he must have known that they were so.
10. What makes you think so? Because he could not help knowing it, for he must have known the value of goods as well as any man in Sydney. I found it out when I had only been a very short time in the office—it was so apparent.
11. Did other officers of the department know of it also? Yes; some of them did.
12. Did you report this to the Government? No. I wished to report it, but the Colonial Secretary, Mr. Deas Thomson, dictated conditions, and the way in which I was to do it, and so I declined.
13. By Mr. Browne: In declaring as to the value of *ad valorem* goods, did Mr. Metcalfe do this part of his duty differently from the other agents, or did they all make the declaration alike? They were all alike. Mr. Metcalfe was permitted to do it, and then the other agents insisted upon their right to do the same thing.
14. And to what did the false statement in the declaration have reference? To the value of the goods.
15. How was the value calculated? At the discretion of the agent.
16. Not on the value of the goods in the market? No; it did not come up to that—less 75 per cent. in many cases.
17. And in your calculation of the value were you guided by the wholesale or the retail price of the goods? By the Act of Parliament—which says "the true price and value."
18. By Mr. Duncan: Then false certificates as to the value of import goods were sent in by Mr. Metcalfe? Yes.
19. At a time, too, when he was in a position to know their true value? Yes, certainly.
20. By Captain Ward: Did he see the goods then so as to judge of their value? No, I do not see how he could, since they would be in the ship, and would remain their till entries were passed.
21. By Mr. Browne: Did you, on receiving these entries, ask for the production of the invoices? No; I had no power to do so, or I would have insisted upon having them.
22. Do you know the rate at which the goods were invoiced? No; but when I knew that a cargo of sugar for instance was passed at a declared value of £10 a ton, when the market price was £25 a ton, I could not help perceiving that there was something wrong.

23. *By Mr. Duncan*: Are you aware that this declaration was by law equivalent to an oath? I am. Mr. R. Sempill.

24. *By Captain Ward*: Are there any other cases besides these certificates of value of *ad valorem* goods, in which the revenue has suffered through Mr. Metcalfe? Not that I remember now. 20 Dec., 1859.

25. The papers to which you wish to have access will refer to these *ad valorem* duties? Yes; if the papers I wish to find are in the Customs—I am given to understand that there are hundreds of them deficient. I wish to say, that besides Mr. Jones, I was warned by Mr. Arnold, who was next clerk to me, not to fall out with Mr. Metcalfe. I may also state in reference to a question asked me by the Chairman of the Board, yesterday, that I was discharged from the Custom House because I would not specify any charges I had to make, and I refused to do that unless I could bring them forward in my own way. The Colonial Secretary first directed that I should bring them through the head of the department, Colonel Gibbes; and for the reasons I have stated I declined to do this. He then stated conditions under which my statements would be received, and I positively refused to advance any charges except in the way my discretion pointed out as the proper mode. Upon the occasion of my discharge I saw Sir Charles Fitzroy, and on the first application I made for a Government employment after that he gave me the place.

WEDNESDAY, 28 DECEMBER, 1859.

Present:—

CAPTAIN WARD IN THE CHAIR.

H. H. BROWNE, ESQ.,

CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs; and Mr. Metcalfe and Mr. Powell, Custom House Agents, were present during the proceedings.

Captain Ward read a letter received from Mr. Stewart, of the firm of Towns and Co., requesting to be heard before the Board. (*Letter dated 21 December, 1859.*)

Captain Ward also read a letter from Mr. Ross, requesting to be furnished with certain correspondence and returns.

The Board directed the returns to be furnished.

Mr. Duncan handed in the following protest:—

#### PROTEST.

With respect to the decision of the Board, not to receive evidence respecting the deficiencies in sugar, and the obstacles thrown in the way of weighing sugar for drawback, on the ground that what Messrs. Metcalfe and Powell have done in these matters they have done as agents for the Sugar Company, who are alone responsible, I protest against this decision on the following grounds:—

1.—Because, although it may be true that in ordinary mercantile affairs, the principal and not the agent is responsible, the position of a Custom House Agent is quite different. A Custom House Agent receives special advantages upon special conditions. If he allow himself, under the pretext of agency, to be made the instrument of defrauding the revenue; if he declare what is false, to enable his employer to under-pay his duties; if he is instrumental in removing goods from the warehouse without payment of duty; if he afterwards allow himself to be made the instrument of a false representation to the Government, with a view of obtaining a remission of the duty on goods thus illegally taken out of bond; and, if he lend himself further to throw obstacles in the way of the officers in their duty of protecting the revenue; then I say that such an agent is not protected by his agency from personal responsibility to the Collector of Customs, and to the Government, for these acts.

2.—Because the doctrine laid down by Mr. Metcalfe at last meeting of the Board, that in making false declarations, he is merely acting under instructions from his employers is grossly immoral as well as contrary to the terms and conditions of his license. A Custom House Agent ought not, I conceive, to be an instrument for enabling an importer to lie, or perjure himself by proxy. A jury would not convict a merchant for a false declaration made by his Custom House Agent.

For these reasons I hold, that the Custom House Agents are personally responsible to the Government for their acts performed in that capacity; and I assert my right, therefore, to tender evidence on the whole question now before the Board.

W. A. DUNCAN.

*Captain Ward* said: The Board do not decline to hear any evidence you may have to produce, provided it be brought forward at the proper time; but, at this stage of the proceedings, when they are examining into the alleged criminality of Messrs. Metcalfe and Powell, they decline to hear evidence regarding those acts of which Mr. Ross accepts the whole responsibility. Produce evidence to convict Messrs. Metcalfe and Powell with any deficiencies of sugar, evidence of privity or negligence on their part, and we will hear it. Otherwise, as Mr. Ross has accepted the whole responsibility regarding the deficiencies, it is not fair to place it on the agents.

*Mr. Duncan*: I know nobody in the matter but the Custom House Agent; the only business of the Company with me is done through them.

*Captain*

*Captain Ward* : But Mr. Ross takes the responsibility of this upon himself.

*Mr. Duncan* : That does not relieve the Custom House Agents. I do not recognise Mr. Ross in the matter.

*Mr. Browne* : An agent in passing goods must every day make declarations, in which he depends upon the information furnished him by his principal, since he cannot know the interior of cases of goods. He has to pass entries for goods he never sees, and must take their description from others. It was for that reason that the oath was abolished; but it was perceived to be an immoral practice to allow a man to swear to that which he could not know was true. For that reason, then, I think that you ought to shew that Mr. Metcalfe had a knowledge of these improprieties before you can charge them against him.

*Captain Mc Lerie* : I quite go with the Collector of Customs if he can shew us that Mr. Metcalfe wilfully and knowingly made a false declaration.

*Mr. Duncan* : I am shut out from doing this by the unaccountable loss of certain important documents. Four of these which I require to substantiate my case are most unaccountably missing. I have already mentioned that a letter of Mr. Metcalfe, and a letter of Mr. Ross, bearing memos. of the Treasurer and Chief Secretary, are missing. In addition, the warrant indorsed by Mr. Metcalfe, on which I could have shewn a deficiency in the shipment by the "Moa," independent of the forty bags short, cannot now be found.

*Captain Ward* : I go farther than the other members of the Board, for if you can shew any negligence on the part of Messrs. Metcalfe and Powell, that they did not take all proper precaution, and that the revenue suffered in consequence, then they would be amenable, though in a lesser degree.

*Mr. Duncan* : I contend that I have already shewn that they made a false statement.

*Mr. Browne* : At all events, the same facts that you now seek to urge against Messrs. Metcalfe and Powell will come out in the examination into the Sugar Company's case; and then, if it be found that blame attaches to Messrs. Metcalfe and Powell, it will be as easy to apply the evidence to them then as it is now. The only effect of our decision is, that we do not wish to attach fraud where no guilt really applies.

*Mr. Duncan* : All I claim is, that I may bring my whole case before the Board.

*Mr. Metcalfe* : If upon hearing the Sugar Company's case, Mr. Ross finds that I have done anything that I ought not to have done, he will at once say so; and if I am open to blame I shall not escape.

*Captain Ward* : Or even farther: if it is shewn that from your not having taken proper precaution any mischief has occurred, you will be held liable.

*Mr. Metcalfe* said: I propose to confine myself to those charges which Mr. Duncan has brought against me individually, and leave Mr. Powell to deal with those advanced against us as partners. I confess myself to be very much astonished at the nature of the charges brought against me; but I have heard nothing from any of his witnesses which seems to me to demand an answer. I will, however, trouble the Board with a few observations, and if there is any point in the evidence which I fail to touch, and on which they may require information, I shall esteem it a favor if they will direct my attention to it. It appears to me that Mr. Duncan holds very erroneous ideas as to the position, rights, and duties of Custom House Agents. The phrases he uses in his correspondence, that they are "creatures of the Collector," and removable at his pleasure, are, I conceive, quite untrue. Nor are they "humble writing clerks," but persons acting in a fiduciary character towards the Crown and their principal, who give bond to the Crown for their "faithful and honest conduct," and in return are entitled to receive from the Crown every reasonable and proper accommodation, and such respect as would be paid to their principals were they to transact their own business. Again, they are not removable at the will of the Collector; but the sanction of the Governor must be obtained, before their removal can be effected. Indeed, in this respect their position is better than that of an attorney who may be struck off the rolls by order of the Judges. In other respects the position of a Custom House Agent and an attorney are very similar, and to shew that their position is thus recognised by the Custom House authorities in London, I can state it as a fact that several licensed agents have seats given to them in the Long Room in the Custom House in London. All agents have not the privilege; indeed it would not be possible to grant it to all, but twelve or more have it still, and I contend that it is a proper and useful privilege to grant to a limited number of persons, thoroughly acquainted with the laws and rules of the Customs. Mr. Duncan, however, makes it a grave charge against me that I had a room to myself! I will inform the Board that that room was given to me by Mr. Barnes, the gentleman appointed by the Commissioners of Customs to inquire into the working of the department; and the late Collector was always of opinion that the Customs officers derived considerable benefit from the presence of a few agents. I am certain that had the Minister for Finance understood the working of the department he would not have consented to Mr. Duncan's proposal to eject us; but he did not wish, as he informed me, to incur any responsibility. To shew the Board clearly that our eviction was not Mr. Duncan's act solely, I must acquaint them that one week had not elapsed since his taking office before he wrote to the Government for permission to eject us. I have Mr. Cowper's reply, dated 20th May, to a note of mine of the 18th. Mr. Duncan took office on the 10th, in which he states that the reason given for ejecting us was that the health of the officers was suffering from a bad office,—in which very office, I may state, the Steam Navigation Board used to hold their meetings and have their Secretary, and which my partner and clerks occupied for a year or more during my visit to England, and to which they had been moved at the instigation of Mr. Llewellyn and Mr. James Stewart, the smuggler. Can the Board believe that I would have continued to occupy the position of a Custom House Agent, if it was of the humble social character Mr. Duncan represents it to be? I was offered the appointment Mr. Duncan now holds, but conceiving that I enjoyed the respect of  
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the mercantile body of this city, and having a good connection, I declined it. I have also been offered partnership by Mr. Mort, where my income would have been three times as large as it now is, but I declined that, and also partnerships offered by two merchants, because I believed that the business I carried on was one that was not degrading to a gentleman or a man of honor. And yet, now I am told by a person, whose only experience in Custom House matters has been gathered by being Collector at a mere coasting port, that my position is that of a "humble writing clerk"—"a creature of the Collector." I beseech the Board to give this matter their consideration, and to say whether they consider my position to be of the nature described by Mr. Duncan. I am then charged with acting as a Commissioner of Customs, but not one single act of usurpation of authority has been proved. Mr. Mackenzie says that I asked him to pass a second entry, and that Col. Gibbes decided against me. Was this like a Commissioner? I can assure the Board that I should not have asked for a second entry had I not known that it was perfectly legal; even a third entry I have known to be passed in England for the same goods. But in the case in point the facts are these. The agents of the vessel passed entries to clear the goods which were in the way, and our friends' goods were described by them as hardware, valued at £300, when in point of fact they were drapery, worth about £3,000. Now, there is no law in this Colony to allow an agent of a ship or a captain to enter other persons' goods; therefore, the first entry by the agent of the ship was illegal, and our entry would have been legal, whilst the returns to the Government would have been correct; whilst, as passed, they were manifestly wrong. Again, Mr. Maddox says that I appealed to Col. Gibbes against the decision of the clerks, and generally gained my point. No doubt. The clerks were ignorant of law, and, sticking to routine only, often wished to detain a vessel because some importer had neglected to pass perfect entries for goods, or because some unimportant document had not been returned by the searchers. I assert that the public business of the port would have been much impeded had these gentlemen, who, on their own admission, knew nothing of the law, had their own way. As to Mr. Sempill and his charges, I can afford to pass them by with almost silence. The moroseness of his character, and his gross ignorance of mercantile business, render explanation unnecessary; besides, if there had been reasonable grounds for charging me with fraud, can the Board believe that Mr. Deas Thomson would have shielded me and dismissed him. I shall content myself by asserting that his statements, as to my behaviour to him, are gross fabrications. But how comes it, that such a man, who was, as he tells you, dismissed from the department eight years ago, should be brought forward now to bring charges that have no relation to the present Collector. Does it not clearly prove that a conspiracy, to injure me and my partner, has been formed by Mr. Llewellyn, and that Mr. Duncan has allowed himself to be made a party to it. See how insidious are Mr. Duncan's charges. The Treasurer is invoked over and over again (without our being made acquainted with it) to cancel our licenses. But it is evident that the Treasurer did not believe the statements, or we should have been called upon for an explanation. The charges are re-iterated, and one charge is made to have the appearance of two. In the "Moa's" matter, first, Mr. Duncan says he does not impute anything wrong to me in indorsing the warrant for the officer.

*Mr. Duncan:* I deny that I say anything of the kind. My words will bear no such construction.

*Mr. Metcalfe:* I allude to the Collector's remarks on my letter of 1st July, 1859, in p. 3 of the correspondence; and then I would place, in juxtaposition with that remark, the quotation from his letter of the 22nd November, p. 20, in which he states that I falsely indorsed the warrant, and that my connection with the Custom House ought to cease. Then he asserts that I recommended the appointment of Mr. Russell, as drawback officer; and a little further on, that I used great endeavours to keep him in office. Where he got his information from I know not, and can only surmise. I can, however, give it a most flat contradiction. I did not recommend Mr. Russell's appointment, but, on the contrary, I recommended that he should not be appointed. It was Mr. Garling who insisted on his appointment; and as to using exertions to retain him after the "Moa's" business, it is simply untrue.

*Mr. Duncan:* Did you not call upon me and ask me to retain Mr. Russell in office.

*Mr. Metcalfe:* No, I did not.

*Mr. Duncan:* Both you and Mr. Ross came down to my office, and requested me to do so.

*Mr. Metcalfe:* No, certainly not. Mr. Russell asked me to interfere in the matter, and I distinctly refused. I admit that I did not think that he deserved dismissal, but I took no part whatever in the matter; and as to my indorsing the warrant, I shall only say that I did what I believed was right, and that I am still of the same opinion. To shew that Mr. Duncan does not really attach any importance to a document being filled up by a merchant or agent, for the signature of the Customs officers, he has himself issued instructions that the lockers orders, by which delivery from the Bonding Warehouse is obtained of goods on which the duty may amount to thousands, shall be filled up by the merchants or agents, for the signature of the warehousekeeper.

*Mr. Duncan:* That is the law.

*Mr. Metcalfe:* It is not so in England. But how can the Collector say that I assumed authority. I have not had more than half a dozen interviews with him, which were of a friendly character; and, since June, I have not been in the Custom House an hour in the course of any week; and yet my influence is said to continue. If it is so, I can only accept it as a great compliment that, notwithstanding all the undisguised hatred and malice shewn by the Collector and his friends, I should be looked upon as an authority and guide in matters relating to the department. I again beg to assure the Board that I never used the influence I possessed to the prejudice of the revenue. I have been deeply grieved to hear Col. Gibbes

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and his regulations so lightly spoken of. My knowledge of that gentleman emboldens me to say, that no one understood the business of the department better than he did; and had he only required from his officers the same amount of zeal and knowledge that he himself possessed and practised, things which have happened would not have come to pass. Col. Gibbes suffered from having incompetent people about him, whom his kindness of heart did not permit him to have removed. The Board will have observed that all the witnesses admit that the other agents had the same privileges accorded to them that we had. And yet we are singled out for persecution on account of some mysterious influence which cannot be explained. I again assert that my influence, if I had any, arose solely from my knowledge and the officers' ignorance of the laws and regulations of the Customs; and it is surely not to be wondered at that persons newly appointed to office should seek advice from those who really do understand the business and are willing to give it. As nothing to the contrary has been proved, I think I am not assuming too much in saying that my influence in the Customs Department has been very beneficial. As to improvements in carrying out the business of the Customs, I confess I can see none, except that the officers are more active than formerly; and I venture to say, that so long as the present system of weighing cargoes into the warehouse exists, there will always be deficiencies which cannot easily be accounted for. I now confidently leave my case in the hands of the Board, who I am persuaded are desirous to do even-handed justice.

*Captain Ward:* Mr. Duncan, in his opening address, states that previous to his time you were in the habit of obtaining money for drawback previous to the debenture being signed.

*Mr. Metcalfe:* That I do not admit; but I have received the money before the debenture has been examined and checked. This, however, was solely by reason of the dilatory way in which business was done in the office, so that it sometimes took a fortnight to examine and check the debenture. He made me an advance on account, knowing that I was always at hand in case he found anything wrong.

*Captain Ward:* In what state were the debentures when the money was paid to you?

*Mr. Metcalfe:* Quite complete, with the exception of the signature of the clerk, who examines them as to the correctness of the amount. The signatures of the searcher and the agent were affixed.

*Mr. Duncan:* The evidence has shewn how much value is to be attached to the searcher's signature.

*Mr. Browne:* Col. Gibbes, I believe, kept his own account of payments and gave his own cheques for moneys due?

*Mr. Metcalfe:* Yes. That was the way it was done. I used to go to him and ask him to give me a cheque on account.

*Captain Ward:* With respect to the short shipment by the "Moa;" the Board would like to know the particulars of that case; and to hear some reason from you why you kept back the refund so long as you did?

*Mr. Metcalfe:* I know nothing of that case; Mr. Powell had the whole management of it, and he will explain it. As to my indorsing the warrant, the officer, who is short-sighted, came to me with the shipping note in his hand, and asked me to be good enough to indorse on the warrant the quantities contained in the shipping notes. The captain had given him a receipt for the full quantity, and to do the officer a service I did indorse the warrant for him, but in accordance with the documents he shewed me and the information we had from the Sugar Company.

*Captain Ward:* In acting as agent for the Sugar Company, how do you transact your business? What authority do you have for passing the entries?

*Mr. Metcalfe:* We have first a notice of drawback. (*Witness hands in a book labelled "Notices for Drawback"*) The Company sends this down to us, and we then prepare the entry, on the face of which we declare that the Import Duty has been paid upon it.

*Captain Ward:* Is this declaration necessary?

*Mr. Metcalfe:* Yes; it was established by a regulation of Colonel Gibbes. This entry is then sent down to the searcher on the wharf, and he weighs the goods or not to satisfy himself as to the quantity shipped. This quantity being ascertained, he indorses it upon the back of the document, the indorsement shewing the actual quantity shipped. This may be a little less than the quantity named on the face of the document.

*Captain Ward:* Can you shew me the "Moa" business in your book?

*Mr. Metcalfe:* Yes. I produce the notices of drawbacks, and shew that on the 3rd May I received an order to ship twenty-eight tons of bastard sugar by the "Moa" for Auckland. After this the Company sends us down another book, in which are contained the actual shipment and short shipment. The book which contains the "Moa's" shipment I have not here now; but here is a copy of it. The book contains all the particulars of quantities, packages, and weights, and when the officer asks us to do so we indorse his warrant from that book.

*Mr. Browne:* Then you only indorse the warrant with what the Sugar Company sends down to you.

*Mr. Metcalfe:* Exactly. The entry respecting the "Moa" is as follows:—2 hhds. 22 cwt. 2 qrs. 21 lbs.; amount of drawback, £44 6s.; 216 mats, 110 cwt., 1,120 mats, 560 cwt.: drawback on the two, £140.

*Captain Ward:* There are some deficiencies at Melbourne and Geelong, that you might allude to?

*Mr. Metcalfe:* Mr. Powell will explain all these matters.

*Mr.*

*Mr. Powell* said: Before I commence my statement in defence, I must call the attention of the Board to a letter I wrote to the Collector of Customs, asking him to furnish me with information indispensably requisite to enable me to get up my case in reply to Mr. Duncan's charges. To that letter I had no reply, and on the following day I wrote another letter, to which likewise I received no answer. As the papers I then asked for are not produced before the Board, I beg to submit to the Board, that having been called upon to answer these charges preferred against me by Mr. Duncan, I am entitled to have the documents necessary for my defence. The Board must have perceived that very many difficulties must encounter me on every side in answering these charges, and that these difficulties are very much enhanced by the refusal of Mr. Duncan to furnish me with the papers I require. (*Letters from Mr. Powell to the Collector of Customs, dated 22 December, 1859, requesting to be furnished with the papers of certain vessels, and 23 December, 1859, requiring an answer to letter of previous day, put in by Mr. Powell and read.*)

*Captain Ward*: Mr. Duncan, did you receive that letter?

*Mr. Duncan*: I did; but it was not at all likely that I was going to give public documents into the hands of a private person.

*Mr. Powell*: On a former occasion Mr. Duncan promised to furnish us with any documents in his possession that we might consider necessary for our case; and as I am laboring under very great difficulties in proving my case, I trust that the Board will at all events relieve me from this one.

*Mr. Duncan*: The papers have been already looked out by the clerks in my department, and if Mr. Powell will state the object for which he is going to use them, I have no objection to hand them over to the Board. Some of these papers, however, are partly of a private nature, and as the correspondence is not yet complete, I should not wish them to be made public.

*Captain Ward*: To what correspondence do you allude?

*Mr. Duncan*: To that from the Collectors at Auckland and Melbourne.

*Captain Ward*: You can furnish us with extracts containing the official portions of them, or such portions of them as you may not object to produce.

*Mr. Duncan*: I wish first to know for what object they are to be produced.

*Captain Ward*: Let them be sent in, and the Board will take care that they are not improperly used.

*Mr. Powell*: In answering the charges made by Mr. Duncan against myself, I claim the indulgence of the Board for the manner in which I may deal with them. I shall feel great difficulty in separating the charges made against Mr. Metcalfe from those that specially refer to myself. The charges brought against us in Mr. Duncan's letter of the 6th December are of so general a character that they have enabled him to introduce other charges throughout the inquiry. I propose therefore keeping in view as far as possible the charges first made, and also commenting as briefly as possible upon the new matter introduced. I entirely differ from Mr. Duncan as to his opinion of the character and position of a Custom House Agent. I cannot regard myself, as the Collector in his letter of the 24th November to the Secretary of the Treasury regards me, as the "mere creature of the Collector" by law, or as holding my license at his will; neither do I admit that he has the right to cancel my license or to interfere with me in any manner, except he can shew that I have been guilty of fraud or misconduct, and I only understand misconduct to mean, anything that may peril the safety of the revenue. Neither do I admit that I hold my license by sufferance, as stated by Mr. Duncan. I give bond, and have to find surety for my good conduct, and that license can only be cancelled with the concurrence of the Governor General. Upon this point I refer the Board to the 9th Vict., No. 15, Sect. 60. By a previous clause it is provided that the Collector of Customs shall have power to grant licenses to persons to act as Custom House Agents, they giving bond with one security in £200 for the faithful and honest discharge of their duties. Then the 60th clause provides that it shall be lawful for the Collector, with the concurrence of the Governor, to revoke any such license, clearly evidencing that the Collector of his own act should not have this power.

*Mr. Duncan*: What does the bond say? That it is to be given up whenever the agent shall be called upon to do so by the Collector.

*Mr. Powell*: The bond is only given under the Act, and consequently the Act must be taken to over-ride the bond. Thus then the Collector can grant, but cannot revoke a license. But further than this, if the Board will do me the favor to refer to page 86 of Hansmill's Customs Laws, they will find by a decision of Lord Abinger's that licensed agents are not in any way the servants of the Customs, and are to be viewed as necessary and valuable auxiliaries against fraud by securing identity where frauds may be perpetrated. An agent may be made the unconscious instrument of a fraud by false representations on the part of the persons employing him, but how can it be imagined possible that any respectable agent would peril his license by shielding his principal if he knew that a fraud was contemplated. Yet, according to Mr. Duncan's theory, agents are responsible for the acts of their principals. In answer to this allegation of Mr. Duncan, I put before the Board the view upheld in Woolrich's Commercial Law, p. 321. Here it is very clearly laid down that "where the agent communicates to the party with whom he is dealing that he does not himself undertake any responsibility, and discloses his principal, he is not liable." This is what we as Custom House Agents most unmistakably have done.

*Mr. Duncan*: The quotation does not apply, since it refers to a commercial and not to a Custom House Agent.

*Mr. Powell*: The same principle applies in all cases; we gave up the name of our principal, and so relieved ourselves. Had I considered it necessary, I could also have brought the



the authority of Macculloch upon this same point. I will now endeavor to answer the charge made against me by Mr. Duncan with reference to the blank clearance, and I think I shall be able to shew that, so far from its being a matter of such magnitude as to require the termination of my connection with the Custom House, it was perfectly harmless, and that it has been shewn in evidence that no fraud could possibly have been committed; that it was sanctioned by Mr. Duncan's predecessor, and altered to suit the wishes of Mr. Duncan, without complaint or opposition on our part; and further, that in substance the same form of clearance is now allowed. In order to facilitate the clearance of the Melbourne steamers, and to enable them to take in free goods, consisting chiefly of fruit and other merchandise of a perishable character, till the time of the vessel's departure, the late Collector permitted an additional clearance to be made at the wharf. He objected to the clearance being signed by the officer then in charge of the wharf, and was in the habit of signing the clearance for all goods for which entries had been passed, to within about two hours of the vessel's departure; all drawbacks or bonded goods being satisfactorily accounted for, and the signature of the clearing clerk placed under the last entry in the outward content. The free goods at the wharf were then filled in, in continuation, the declaration made, and the clearance countersigned by the officer on the wharf. The same system was submitted to Mr. Duncan, in the usual course, and he objected to sign, not a blank clearance as stated by him, but a clearance which it was intended to have filled up in the course established by his predecessor. How Mr. Duncan can assert that we filled in the clearance as we chose, when he knew that it would be countersigned by the officer at the wharf; how he can continue now to let us have blank clearances, with the Customs seal affixed, and filled in by the clearing clerk for free goods only, to be afterwards signed, witnessed, and declaration taken by his own officer on the wharf, and then insinuate the possibility of fraud, I am at a loss to understand. I will specially refer the Board to the evidence of Mr. Lane, clearing clerk, on this subject, which shews clearly the impossibility of any fraud being committed under the present, or under the past system; and I think the Board will agree with me, that there is no practical difference between the two plans, and certainly not the slightest shadow of a pretence for depriving me of my licence, for presenting a document for Mr. Duncan's signature, of which I have heard no complaint in any shape or form from him, except in his letter to the Board, dated 6th December, 1859. To prove this, I put in the papers of the "City of Sydney," of 10th May, 1859; and of the "London," of the 14th May, 1859, which I would ask the Board to examine. The object I have in doing this, is to shew the practice that existed in Colonel Gibbs' time; and then to shew that which is now followed, so that the Board may see how very little difference there is between the system of Mr. Duncan, and that of his predecessor. It will be here seen, that the clerk has initialled the manifest, and that no drawback or bonded goods are entered after these initials. After it had been thus initialled, it was submitted to the Collector, who signed it. Any goods afterwards taken on board were entered beneath the initials, and were looked after by the landing-waiter at the wharf. Now the only change that Mr. Duncan has made has been to have these additional goods entered upon another manifest, instead of being upon the same one as the other goods shipped by the vessel. I now beg to draw the attention of the Board to the alleged loose system of obtaining drawbacks for goods without going through the regular form of declaration. Declaration has always been made upon the face of the warrant, merely as to the fact of payment of duties upon importation. I further hand in a form, shewing the declaration made in the first instance upon the face of the warrant.

*Mr. Duncan* objected: This is not the declaration I object to, and Mr. Powell knows it, and is endeavoring to lead the Board away in a wrong direction.

*Mr. Powell* only put in this form to shew the Board the system pursued from the beginning.

*Captain Ward*: The Board think the form had better not be put in, as Mr. Duncan objects, and as it has nothing to do with the case.

*Mr. Duncan*: My objection goes to the fact, that money was obtained on the debentures without the declaration having been first signed.

*Mr. Powell*: I am aware that such is the objection, and that is the one that I am prepared to answer. But I will proceed.—The declaration, in the form I have shewn the Board, having been made, it is passed to the clerk receiving the entry, although the mere form of acknowledging a signature, which is perhaps seen by that gentleman fifty times a day, has been admitted. The declaration on the debenture, by which the money is paid, is the only declaration of importance, as pledging the declarant to the fact that the goods are really and truly exported. Before this declaration is made in the presence of the Collector it is necessary to have the debenture examined by the drawback clerk, who closely compares it with the searcher's warrant. It is then necessary to procure the signature of the searcher who saw the goods shipped, and when this is done the document is ready for declaration before the Collector. With reference to the loose practise complained of by the Collector, and by the abolition of which he states he has saved to the revenue many thousands of pounds, I think I have shewn that he could have saved nothing, so far as the declaration at the time of entry is concerned; and by the time the declaration reaches him, the declaration or non-declaration could not result in a penny of advantage to the revenue. The practice of Col. Gibbs was to take the whole of the debentures from me, first asking me if my signature was attached to each debenture, and taking a general declaration as to the truth of the statements contained. Mr. Duncan's practice requires me to make declaration upon each separate document. It might as well be urged that we should repudiate our receipt for the money because the landing surveyor was not witness to the payment of the money, although the document requires his signature as such. I cannot understand what the

the Collector means by stating the very questionable hypothesis of saving thousands of pounds; or admitting any doubt of possibility of such saving, why he should have incurred our enmity, as he complains in the second section of his letter, upon the mere absence of declaration to a signature which could be proved at any time. I now hand in for the consideration of the Board the debentures with the necessary declaration attached.

*Mr. Duncan*: That is the only declaration to which my letters allude, and the one that I consider of importance. It was, however, so little thought of by my predecessor, that I myself, on the first day I came into the Custom House to take charge of the department, saw Col. Gibbes sign two large bundles of these, without Mr. Powell or Mr. Anybody else being present to make the necessary declaration.

*Mr. Powell*: In that case the declaration must have been taken in the way I have just described.

*Mr. Duncan*: I cannot conceive it to be legal to take declarations in that manner.

*Captain M'Levie*: I have seen informations on oath taken in the same way at the Police Court.

*Captain Ward*: The debenture is signed, however, before you receive the money?

*Mr. Powell*: Yes. The signatures have all to be obtained before the declaration is made. When that is made and signed the money is paid on the Collector's signature. There is one thing that I would remark upon, and that is that this declaration to the debenture may at first sight appear at variance with the declaration on the warrant, but this discrepancy arises out of the system of short shipments that has been introduced.

*Captain Ward*: The Board fully understand this.

*Mr. Powell*: The third complaint the Collector makes against me is in reference to some words said to have been uttered by me, the truth of which I entirely deny. The evidence in support of this charge is brought by Mr. Mackenzie, a junior clerk in the department, who represents that he wrote down these words at the time of their utterance, for the purpose, as he says, of making use of them when opportunity might offer. This testimony is corroborated by Mr. Maddox, whose memory Mr. Mackenzie refreshed especially for this purpose; and Mr. Duncan admits in the cross-examination of Mr. Maddox by myself, that he, Mr. Maddox, with the assistance of Mr. Mackenzie, called to mind the conversation referred to. I need not remind the Board of the manner in which Mr. Mackenzie gave his evidence; the insolent malice indicated by his answers, his gross and studied disrespect towards Mr. Metcalfe, and his servile flattery of Mr. Duncan, prevent the necessity of any attempt on my part to refute that person's testimony. Of Mr. Maddox I have little to say, his entire ignorance of Customs Laws, by his own admission, and of his duty, have been already on a previous occasion sufficiently demonstrated to require any further comment from me. The absurdity of supposing such a speech could be made by me, when at that time the late Collector had not retired from office, and it was not known that he would retire, is so palpable that I need not trouble the Board with any further remarks. I emphatically deny that I ever offered any opposition whatever to the Collector, or that I have offered opposition to his regulation for the examination of drawback or any goods, but, on the contrary, I assisted him, until I found that my suggestions were unwelcome. I first suggested to the Collector the propriety of the locker's delivery order being signed by the cashier as well as by the warehousekeeper. This has been carried out in a very imperfect manner, and the whole warehousekeeper's department is carried on in an unbusiness-like manner. It was my special desire to have introduced a sound and practical plan, based upon the English practice; but, finding the Collector wedded to mere theory, and observing his jealousy, suspicion, and distrust of practical suggestions, I abstained as far as possible from offering any opinion upon the management of the department. The fourth paragraph of Mr. Duncan's charges relates to the short shipment of one ton of sugar per "Moa," and I beg particularly to call the attention of the Board to the fact that Mr. Duncan prejudices my case by expressing the surprise he will feel if the Board does not concur with him in the necessity of cancelling my license; but when I have placed before the Board the whole facts of this matter, and produced the evidence in support of those facts, I shall be content to accept their decision. On the 3rd May last we passed an entry for twenty-eight tons bastards, and seven tons refined sugar for drawback; the Sugar Company, upon completion of their shipment, returned to us as having been shipped by them—2 hhds, 1 ton 2 cwt. 3 qrs. 21 lbs.; 216 mats, 5 tons 10 cwt.; and 1,120 mats, 28 tons; making a total of 34 tons 12 cwt. 3 qrs. 21 lbs., shewing a short shipment of 7 cwt. and 7 lbs. The mate's receipt appears first on the back of the warrant, agreeing with the returns made by the Company; the indorsement was made by Mr. Metcalfe at Russell's request, bills of lading were signed by the captain, invoices were rendered to the purchaser, and payment made by him for the quantity of sugar referred to. I knew nothing of any short shipment beyond the 7 cwt. and 7 lbs. until the return of Captain Bowden to port.

*Captain Ward*: At what date was this?

*Mr. Powell*: I cannot remember the date; however, we shall call Captain Bowden as a witness, and he will remember the date. On the captain's return to port, he told me that something was wrong with the sugar; but what that something was, he could not say with any degree of certainty. He told me that at his request the Collector of Customs at Auckland would write to Sydney upon the subject. I at once instituted inquiries, the result of which will be found in Mr. Ross's letter of the 26th July, paragraph 5, where he says—"With these facts before me, I could not be expected, without full inquiry, to refund to the Collector the amount of drawback—especially as I had not then, nor have I yet, been satisfied that the sugar was actually short shipped." I referred this matter then in the first instance to Mr. Ross; but, being unable to obtain any satisfactory explanation, I determined to wait the Collector's letter from Auckland. The very fact of the whole

quantity of sugar believed to have been shipped having been supplied by the Company, indorsed by Mr. Metcalfe on the warrant, and placed upon the clearance, is a clear proof that we had no intention of committing a fraud. It must also be evident to the Board that the Auckland authorities would require from Captain Bowden some explanation for the protection of their revenue, and in the absence of such explanation they would require him to pay the duty. The sugar has not been discovered to this day, although it left the sugar-house in due course for shipment; and the carman who was responsible for its delivery has been compelled to pay for the sugar and the duty thereon. I do not understand that I did anything wrong in the matter, and having during three years received drawback amounting to £51,000, and having never had a mistake (except one of a similar character for one ton of sugar which has afterwards found at Wanganui instead of Nelson, for which port it was supposed to have been shipped) I cannot conceive that my career as a Custom House Agent should be so summarily put a stop to, as Mr. Duncan so frequently desires in his correspondence with the Treasury.

*Captain Ward*: Before we go further, it is important that we should know the exact date when the "Moa" came back to Sydney.

*Mr. Powell*: The drawback was received by us on the 9th May, and we repaid it on the 27th June.

*Mr. Duncan*: The 29th June.

*Mr. Powell*: Our cheque is dated the 27th June, and I presume that was the day the money was paid; and we were called upon by the Collector to explain the matter on the 30th June, after the money had been paid.

*Captain Ward*: But the date of the vessel's arrival?

*Mr. Powell*: That I have not got. The 6th paragraph of the Collector's complaints against me refers to the confidential correspondence which he asserts satisfies him that the "Moa's" is by no means an isolated case. Now, if the case were as the Collector has represented it, can the Board believe that Mr. Duncan would have hesitated to bring such serious charges before them, like many other statements he has made partaking of the same vague and indefinite character, which has characterised his assertions throughout the whole of this inquiry. If this confidential correspondence that I have asked from him be produced, I think the Board will find on reading it that it will bear but one interpretation, and that is, that errors have been occurring in both ways, sometimes against the revenue, sometimes in its favor. I feel that this will be the case. I know that when the time comes for explaining these deficiencies, I shall be able to shew the reason for the occurrence of these errors. Can Mr. Duncan suppose, that because he took office, the system of fraud which he alleges to have been in existence, ceased immediately; or that his coming into office could have any effect upon the amount paid for drawback? If he does, he makes a great mistake. The amount of drawbacks depends entirely upon commercial principles. The falling off of the intercolonial trade is too well known to require any comment at my hands. Again it is well known that consequent upon glutted markets goods are shipped for the sake of obtaining advances and drawback. In the return I now lay before the Board, it will be seen that the drawback claimed from the Government has fluctuated and decreased during the last two years, whilst the causes of this fluctuation are shewn in the remarks made on the opposite side. It will be seen also that Mr. Duncan is entirely wrong in stating that the bulk of these drawback goods found their way to New Zealand, and that this trade is on the increase, as by this return the very reverse is shewn.

*(Return of amount of drawback received by Messrs. Metcalfe and Powell during each month from November, 1856, to November, 1859, put in.)*

*Mr. Powell*: Mr. Duncan would have us believe that the falling off in the amount paid for drawbacks is owing to an increased vigilance in his department; I, however, find other, and as I conceive better, reasons for it,—in the falling off in the intercolonial trade, in the rival sugar works established here, and in the large establishment that has been for some time at work in Melbourne, and which now supplies many of those markets hitherto fed from here. That since the commencement of 1859 the export of sugar and the consequent amount required for drawback has been falling off. To shew how far I am correct in my surmises, I would direct you to any month given in Mr. Duncan's table. Take for instance the month of January, 1858, and you will find that during that month the Government paid £6,123 for drawback. Now by looking at our return it will be seen that we claimed on behalf of the Sugar Company, during this same month, £6,429, a larger amount than that paid altogether by the Government. The difference between the two amounts arises solely from the fact of our not having put in our debentures within the month.

*Captain Ward*: Can you tell us where the sugar went to?

*Mr. Powell*: The entries are very numerous, but I find exports to Melbourne, Geelong, Hobart Town, Adelaide, and Auckland. Of the total, £51,000, here shewn to have been claimed by us as drawback, £23,000 was claimed for shipments to Victoria, Tasmania, and Adelaide, the rest being for New Zealand and other ports. We are now deprived of nearly the whole of the Victorian, Tasmanian, and Adelaide trade, and much of the New Zealand, by this new Sugar Company that has come into operation in Melbourne.

*Captain Ward*: When was that Company started?

*Mr. Powell*: Some time in 1858. I contend that my statement is fully supported by the figures of this return, and that I have shewn that the falling off in the drawback is owing to the falling off in the sugar trade of the Colonial Sugar Company, owing to the establishment of a sugar-house in Melbourne. In fact I have it in my power, if the Board could spare me the time to explain the causes of the fluctuation in the drawback for every month;—for instance, the apparent increase of the drawback in February, 1859, was owing to some large orders the Sugar Company had to execute; and of this amount we had to claim

£150

£150 as drawback on sugar exported to Adelaide alone. In addition to his other complaints, Mr. Duncan says, incidentally, that he has not been able to reduce these payments for drawback to their just dimensions. I would ask Mr. Duncan what these just dimensions are; and upon what data he would fix them? I have always believed that it is the duty of the Collector of Customs solely to collect and protect the revenue, and that when he officially steps out of his way to interfere with the operations of trade, such interference is uniformly attended with annoyance and vexation. The alleged deficiencies I shall refer to before I have finished my remarks. The charges contained in the seventh paragraph, which refers to my letter to Mr. Ross, I propose to deal with separately, and shall therefore pass them over here, merely remarking that Mr. Duncan's charges take a very much wider range than I can be expected to follow, since the late Government, the Speaker of the Legislative Assembly, and the Executive Council, are all more or less censured by Mr. Duncan, whilst the whole force and weight of his censure have been brought to bear upon the weakest and the one the least able to support it—myself. The accident by which Mr. Duncan became possessed of the knowledge of the political influence which he deprecates, the manner in which he became possessed of the document, and the use he so improperly made of it are matters which I hope will engage the consideration of the Board. The conclusion of these charges contains a general accusation of personal disrespect to the Collector of Customs; I have only to say that I have seen Mr. Duncan but once since the 9th August, 1859, and up to that period I do not find in the printed correspondence any such charge made against me. Since that time I have had none but written communications with Mr. Duncan, and I challenge him to produce one instance in which I have shewn a want of respect to his office, although I have received frequent provocations by rude messages sent to me, and by most uncalled for comments made upon my written applications. I shall now deal as briefly as I can with the printed correspondence before the Board. And first as regards the short shipment by the "Moa." Mr. Duncan seems to lay great stress upon this, alleging that the shipment was improperly made, and that Mr. Metcalfe's conduct in the matter was reprehensible. Now, I assert that, even if the shipment had been made by a person utterly unknown to the department, it was by no means improperly placed; but, made as it was by Mr. Metcalfe, a gentleman so long and so well known to the Customs, it was perfectly right and correct in every respect. The circumstances were plainly these:—On the 3rd May entry was passed for 7 tons refined, and 28 tons bastards sugar; the quantity shipped was as follows:—2 hds., 1 ton 2 cwt. 3 qrs. 21 lbs.; 216 mats, 5 tons 10 cwt.; 1,120 mats, 28 tons; in all, 34 tons 12 cwt. 3 qrs. 21 lbs. The quantity short shipped was shewn on the warrant as 7 cwt. 0 qrs. 7 lbs. The short shipment was indorsed on the warrant by a person well known, whom I can and will produce, if I am shewn the warrant. The short shipment as indorsed was believed by all concerned to be correct; and it was so in all except one ton.

*Mr. Duncan:* Then, if that be the case, Mr. Metcalfe's indorsement must be false.

*Mr. Powell:* I repeat that the reduction of 7 cwt. 7 lbs., was made by us on account of the short shipment, and was correct. The whole shipment was thus correct, save and except only as regards the one ton, which we admit to have been wrong. How, I would ask, we could possibly have known, before the return of the vessel, that the sugar was one ton short—that the whole quantity sent down had not been shipped? Mr. Duncan, however, insinuates that we must have known it, for in his letter of the 29th June, he says,—“I cannot but express my surprise, that on the return of the “Moa,” no intimation of this short landing should have been made to me, by the Company or their agents, who must then, at least, if not before, have become aware of the fact.” Does Mr. Duncan imagine that the Company would have charged the purchaser, who was owner of the ship, for a ton more sugar than went on board, for the sake of defrauding the revenue of £5, an insignificant sum as compared with the value of the sugar? The thing is almost too absurd to imagine. Will the Collector deny, that I, in his presence, spoke of Russell as a totally unfit person to have so great an amount of responsibility placed in his hands? Besides, I knew it to be a physical impossibility for any man, however active, to perform the duties of the office without assistance. This was proved in the case of Mr. Chapman, as that gentleman informed Mr. Duncan, again in my presence, that he was unequal to the task. I now wish to shew the Board, the change that came over Mr. Duncan's opinion relative to this matter of the “Moa,” within a very brief period. In his note to Mr. Metcalfe's explanation, of the 1st July, he says (p. 3 of the correspondence,)—“I do not, of course, mean that Mr. Metcalfe would do anything of this kind.” Afterwards, however—whatever it was that wrought the change—we find Mr. Duncan writing, on the 22nd November (p. 20 of the correspondence) in the following terms:—“In calling attention to these letters, I must express my regret that the late Government did not afford me that support against these agents to which my zeal for the public service should have given me a claim; for I do not believe, that at any other port in the empire, a Custom House Agent would have been allowed to retain his license one hour, after indorsing, and falsely indorsing too, a landing-waiter's warrant, as Mr. Metcalfe did.” These passages, placed side by side, scarcely need any comment from me, as they speak quite forcibly enough for themselves. When I saw the Collector on the subject of this short shipment by the “Moa,” he told me that there was a very grave offence, upon the part of some person, in having indorsed the warrant for the shipment of the sugar by the “Moa;” and he said that if he knew who had written these remarks, he would punish him severely. I, at once, said that the writing was Mr. Metcalfe's, and that we were prepared to defend the course we had taken; and I tendered, pending inquiry, any amount the Collector might think necessary, to cover the deficiencies proved. The Collector threatened to prosecute the captain, and dealt out threats in all directions. I knew the matter to be perfectly fair and honest, and had no fear of anything the Collector could bring against us.

*Mr.*

*Mr. Duncan :* There was this, however, to be said against the captain, and that cannot be got over: he declared here, that the goods were on board his ship; whilst he declared in Auckland, that they had never been put on board. The declaration, in both cases, being in the nature of an oath.

*Mr. Powell :* The captain makes his declaration to the best of his knowledge and belief, and a mistake is as likely to occur in shipping goods as in anything else. I will now endeavor to explain why the sugar by the "Lord Worsley" was struck out of that vessel's manifest. All goods have to be entered and made shipped by the searcher, and had a free entry been passed for the sugar, the officer would have certified at once to the shipment; and to evade this consequence, an illegal and improper act was allowed to shield the department, and deprive the Company of a sum to which they were and are legally and morally entitled. I draw the attention of the Board to the papers of the "Lord Worsley" of 9th July. They will there see that entry was made of 344 mats and 2 hogsheads of sugar. The sugar was taken on board, and the quantity entered on the manifest as correct, and yet this was struck out of the manifest, and thus the captain, when he came to declare to his content, was forced to make a false declaration, by reason of the sugar which he knew to be in the ship not being on the manifest. Here it was certain that the sugar had been shipped, and I assert that it was much more wrong to compel the captain of the "Moa" to make what he knew was a false declaration than for the captain of the "Moa" to make a declaration which at the time of making he believed to be true. The sugar was entered for drawback, but the searcher objecting that he had not seen the goods shipped, the warrant was not passed. In consequence of this disallowance no entry was passed, the sugar was struck out of the manifest, and the Company were thereby defrauded of the amount of drawback which they ought to have received. Now I refer the Board to the papers of the "Spray" of the 8th July, and the "Kate Kearney" of the 8th July; it will be seen from them that a different course was pursued upon these occasions. (*Papers produced and examined.*) In the case of the "Kate Kearney" I find a claim made for 40 mats, 10 hogsheads, and 10 tons of sugar, which the officer says he has not seen, but which were yet allowed and passed for drawback, and left upon the manifest. The same thing occurs in the case of the "Spray," and I allude to these cases here solely to shew that different kinds of conduct were pursued in different cases, just as it happened to suit the humour of the officers. I shall have to refer to these vessels again when I come to the review of the letter I wrote to Mr. Ross, in which these three vessels are mentioned. I shall then go fully into all the facts that led me to write this letter. I would direct the attention of the Board to the practice of passing free goods. The entry is sent in describing the goods, the officer signs it, and it is passed at once, and the goods are shipped without any question from the searcher. Now had I passed an entry for 500 bags of sugar free, they would have been shipped by the searcher without remark, but in consequence of the drawback being claimed upon them, this difficulty has arisen, and these objections have been taken in order to prevent us from receiving the money. On the 13th July, in a letter to the Treasury, Mr. Duncan declares that we, as agents, were aware of his intention not to take the weights of the Company. Now I propose to shew that, not only was I not aware of any change made in this respect, but that, in fact, no change whatever has been made, the same system being followed as had been hitherto pursued. In his letter of the 13th July, Mr. Duncan writes:—"Mr. Ross says that the sugar was accompanied *as usual* with two cart notes—no doubt, so was the sugar per 'Moa'; yet it never got on board. But the truth is, the agents of the Company were perfectly aware that I would not take the weights from them, nor the quantities from the cart notes, and they had no right to expect me to do so." Then again in his letter of 4th August, 1859, p. 7, Mr. Duncan says:—"Long before the date of that shipment (per 'Spray'), I stated to the agents of the Company, and to their managing clerk, that the sugar shipped for drawback must be weighed in the presence of an officer." Mr. Chapman, on 12th July, 1859, p. 7, writes:—"I called again at the office, and urged the necessity of my seeing the sugar weighed and shipped, in order to secure the drawback;" and then again, under date 19th August, p. 13, he says:—"With regard to his statement of the old system having been reverted to, I may state such is not the case, for since the 8th July, all goods for drawback have been examined previous to shipment." On the 30th August, p. 14, Mr. Duncan writes:—"I took the earliest opportunity of putting a stop to this loose system, by requiring the exporters to make a proper declaration before me, and the searchers to examine and weigh the goods before shipment. To this regulation the merchants generally have made no opposition, while the most harrassing and persevering resistance has been made to it on the part of the Sugar Company from the commencement to the present time." In his letter of the 18th August, p. 10, paragraph 2, he says:—"I never intended to make any distinction, either for them (the Sugar Company) or against them;" whilst Mr. Still, on 17th August, p. 12, says:—"Mr. Powell, on being reminded by you that you had spoken to him on several occasions respecting the weighing of drawbacks, admitted you had done so, but that you had not specially mentioned the Sugar Company." Mr. Still answers the Collector's letter very carefully, and it is completely silent about the weighing. The reason for this silence I shall presently have occasion to shew. I have shewn the Board that Company's sugars are not weighed now.

*Mr. Duncan :* Not all weighed.

*Mr. Powell :* Will the Collector deny that he now takes the average of the Company's refined sugar?

*Mr. Duncan :* Of the Company's refined sugar, certainly, or of chests of tea, or of anything of a uniform weight.

*Mr. Powell :* I submit then that all along the Company's sugar has been averaged for drawback, and that Mr. Duncan has given orders himself that such should be the course pursued;



pursued; and yet he says that he never made any distinction between Company's and other sugar. Now, we have distinct evidence that no other sugar than the Company's was ever averaged. Other sugar was always weighed. I have shewn the Board that Company's sugars are averaged, and not weighed, even now; and from the cross-examination of a witness brought here by the Collector himself, I have proved that on the 1st December, only a few weeks back, no less than twenty-five tons sugar were shipped by the Sugar Company and were not weighed, a few bags only having been taken and weighed for average—the same practice in fact that has always existed, and in reference only to the Sugar Company's shipments. The whole correspondence I have quoted generally bears out this same point. The evidence also shews that it was by the orders of Mr. Duncan that this was done, and not by any act of the Customs officer. Thus my statement contained in my letter to Mr. Ross is substantially borne out by the evidence and the correspondence, as well as by Mr. Duncan's own letter and statement. What I said was,—“There was no renewal of the practice of weighing sugar, simply because no sugar manufactured by the Company had been weighed previous to the error in the “Moa's” shipment, nor subsequently, until the appointment of Mr. Chapman on the 6th.” Now, I ask the Board whether this statement has not been substantially borne out? In the commencement of my letter I say,—“I assert most unhesitatingly that I had no intimation of Mr. Duncan's wish to have Company's sugar weighed for drawback, except as I shall hereinafter shew.” It is clear here from the reservation I make, that I mean that I had no intimation of Mr. Duncan's wish to have the whole of the sugar weighed. It has been shewn that only a few bags were weighed, and that then the bags were counted and averaged by the ascertained weight of these bags. And yet the Collector says he wanted to have the whole of the bags weighed. Now Mr. Still admits that he authorised Russell to weigh only a portion of the bags in order to average the weight, and there can therefore be no doubt about this course having been sanctioned by the Collector. Will the Board be prepared to believe that Mr. Still, the second officer in the department, authorised that which his principal has endeavoured to make you believe he never did or would sanction? In disavowing this sanction, Mr. Duncan deals with the matter in such a manner as prevents me from speaking of it calmly, since he throws discredit on the acts of his worthy predecessor in office, by assuming that the non-weighing of Company's sugar for drawback had been a fertile source of fraud. On the 22nd November, in his letter to the Treasury, Mr. Duncan represents that he has reduced the amount of drawback one-half. I presume that he means that he has effected this by his system of weighing the goods entered for drawback. If so, I can inform him that his predecessor did the same. I have had drawback refused me by Colonel Gibbes for this reason, but that gentlemen was always satisfied with the production of a certificate of one landing. If he has saved anything by this system of weighing, he certainly gained none of it by the Sugar Company. This was simply because (except during the three or four days of Mr. Chapman's being in office, during which time he most improperly prevented the Sugar Company from obtaining drawback, amounting in all to about £75) the Company's Sugar has not been weighed, and I have shewn the authority of Mr. Duncan for this course. If we are to have more quibbling about the “Moa,” let me remind the Board that he has worn this one ton completely threadbare, commencing on the 29th June, and insisted upon during the whole of this correspondence. In fact the “Moa's” one ton short shipment seems to be always present to his distorted imagination, and he does not appear to be able to get rid of it. The position I have taken is even more strongly proved by the fourth paragraph of Mr. Duncan's letter of 18th August, 1859. He there says,—“If the sugar entered on the 1st and 4th July was not weighed, it was contrary to the searcher's instructions, contrary to my belief, and to that of the landing surveyor.” If Mr. Duncan pleads that he did not alter his plan until the 16th; then I refer him to our letter of the 8th. The suggestions contained in that letter were adopted at once, and Mr. Chapman was removed from an office the duties of which he had the honesty to declare he could not fulfil, and the old system was reverted to. I refer the Board specially to this, as proving the truth of the statement contained in my letter of the 9th August, 1859,—a letter which I hope the Board will pardon my egotism when I say that it is utterly impossible for the Collector to refute the statements therein made. And again, I invite the attention of the Board to the fact that no difficulty of any kind has occurred since that date. Short shipments have passed without challenge, qualities have not agreed with the claim, and in spite of the Collector's opposition the respect of the officers of the department has not been diminished for us, nor have they ceased to place that reliance on the good faith of the Sugar Company, which gentlemen and men of honor are always ready to place in each other. If the Board will refer to the papers of the “Louis and Miriam” of the 26th August, they will find that we entered for drawback for shipment by that vessel two tons refined and four tons bastards sugar. An objection was made to signing the warrant, as the searcher had not seen the sugar shipped.\* This is the only case of difficulty that has arisen, with the exception of those which occurred during the time Mr. Chapman had charge of the drawback department. From that time to the present nothing of the kind has occurred; and yet during the three days of Mr. Chapman's management the Company was deprived of drawbacks amounting in the whole to £75. Our not having lost a single drawback since shews that the system under which the Sugar Company were so heavily mulcted must have been a wrong one, especially as on reverting to the old system no inconvenience, either to the department or to exporters, has arisen. Upon all this the Collector endeavors to build up

\* We have not forfeited a single drawback from the time of reverting to the system adopted by Col. Gibbes. An objection, it appears, was made in the case of the “Louis and Miriam.” We, however, received the drawback without difficulty.

up charges of dishonesty and fraud, and resorts to charges, the character of which only betrays his inexperience, and proves that he has been advised by a person whose entire ignorance of Customs practice was brought under the notice of the Board during the "Louisa" investigation; it is not to be supposed that the Collector, so recently arrived in Sydney, would have been likely so soon to have come down to the Government to make such charges as these, unless he had been urged on by some other person, who furnished the necessary material.

*Captain Ward:* To whom do you refer?

*Mr. Powell:* To Mr. Llewellyn. A very great point is made or attempted to be made of my having claimed for 15 tons refined sugar, per "Tasmania," and then only having shipped 5 tons, the remainder being of an inferior quality. Now, the Collector tries very hard to make it appear that we have done something exceedingly wrong in thus claiming drawback upon sugar of a different quality to that which was really shipped; but in this, as in other things, he has entirely mistaken his ground. The fact is that we received an order from the Company to clear outwards for drawback 15 tons of refined sugar. We entered the sugar for drawback, and sent notice to the proper officer, the description and quality of the sugar being notified on the face of the notice. For these we can claim if the goods are shipped; but we know as well as the Collector himself that we can only claim for the quality and the quantity actually shipped. Thus, then, we drew our debenture only for 5 tons refined and 10 tons bastards, the quantities and qualities certified by the landing-waiter to have been shipped. I direct the attention of the Board to the copy of the warrant in page 18 of the correspondence; and if they will turn to the original document in their possession they will see that what I have said is correct. The Board will see that the amount mentioned in the warrant is nothing more than a notice to the Customs authorities of the intention of the exporter to ship about that quantity; the subsequent indorsement by the searcher being the actual guide as to quantity and quality. Thus, then, we send in a claim for drawback on a certain quantity of sugar, but we get the money only for the actual quantity and quality that we ship; and we do not get paid for more than the officer knows and certifies to have been actually shipped irrespective of what appears on the face of the warrant.

*Captain Ward:* As it appears from the warrant, the transaction seems regular enough.

*Mr. Duncan:* The warrant now produced is not the one that I handed to the Board. The one I gave in bore an indorsement by myself and another by Mr. Still, neither of which is on the back of this document.

*Mr. Powell:* Had the Collector consulted us before making these charges; had he ever expressed his dissatisfaction with our mode of conducting business, or had he hinted at the apparent impropriety of any of our acts, we might have set him right. Such a course of conduct however appears to be foreign to his principles and to his nature, and whilst we have been pursuing our established practice, the Collector has, without our knowledge, been employed in misrepresenting us. But this will form matter for a future occasion. The practice at one time was to give notice, prior to shipment, of the estimated quantity and quality of the goods about to be shipped. When the shipment was completed a perfect entry was passed for the whole shipment, the officer retaining the notices. This plan worked well, but it was set aside by the late landing surveyor, Mr. Garling. The notices were done away with, or rather were made into entries, and thus documents which previously were looked upon as imperfect notices were passed as entries with the understanding that the perfect shipment was to be indorsed upon them. Hence it is that the shipments do not agree with the face of the entries, the entry being only approximate to the quantity intended to be shipped, whilst the drawback is payable only on the quantity indorsed. We can shew cases where, from various causes, principally from the Sugar Company being unprepared to execute the order, 12, 13, and even 30 tons have been short shipped in this manner. The old system was to give an imperfect notice to the landing-waiter, and then to pass entries when the shipment was completed. This was altered by turning the imperfect notice into the entry, and from this the system of short shipment has arisen. As the whole approximate quantity was put on the entry, it became necessary to indorse the short shipments afterwards. I can instance several cases of this.

*Captain Ward:* I do not know to what point this has reference.

*Mr. Powell:* It is merely to shew that the short shipment indorsed on the warrant is not to be taken as assuming anything wrong.

*Captain Ward:* It has not been said that it is.

*Mr. Powell:* Then I will leave that point. Now, if the Collector supposes that he has discovered a fraud because the return on the back of the warrant does not agree with the front, then he shews no superior amount of penetration. The same thing was a daily occurrence with his predecessor, who, understanding the arrangement, and having a perfect knowledge of the business, regarded our check as a safeguard and a wholesome assistance to his officers. The sugar shipped on the 1st and 4th July amounted in all to 19 tons. It was not weighed, yet drawback was allowed. How does Mr. Duncan suppose that, after he had called for and obtained a report from Russell, dated the 2nd July, on the 4th, that officer would voluntarily violate the Collector's orders or lend himself to a fraud? Mr. Duncan says that with such an officer I could obtain any terms of shipment. I repudiate the malignant insinuation, and will rely upon my character to refute so false an accusation. In paragraph 5 of his letter of 18th August, Mr. Duncan says,—“When, however, Mr. Powell states that I, ‘three days after the commencement of the new practice, reverted to ‘that which had been in force previously,’ he asserts that which he knows to be utterly ‘untrue.’” I think I have clearly proved to the Board that Mr. Duncan did in fact revert to

to the system previously in force, namely, that of averaging sugar shipped by the Company, all the evidence of those most likely to be acquainted with the actual working of the system going to shew that this was the mode of shipment in Colonel Gibbs' time. I come now to what is the most important part of the matter to me, as well from some important additions having been made to it, Mr. Ross, on the part of the Sugar Company, having repudiated any responsibility connected therewith. I allude to my letter to Mr. Ross of the 9th August, 1859; and I may say here that I wrote that letter under feelings of very great annoyance at the character of the report that Mr. Duncan had made to the Treasurer. When that report was shewn to me, and I found that it reflected very sharply upon our firm and upon our character as Custom House Agents, and that it was penned after Mr. Duncan had himself told me that he was perfectly satisfied with our conduct, I felt annoyed at having such a statement sent abroad against me, without my having any opportunity of refuting it. When I found Mr. Duncan using such an expression as this—"that on the return of the 'Moa,' the agents must then at least, if not before, have become aware of the error"—I felt so much vexation and annoyance that I wrote this letter to Mr. Ross. I first assert that I had no knowledge of Mr. Duncan's wish to have Company's sugar weighed for drawback. This I have already succeeded in proving. The next two paragraphs refer to the matter of the "Moa," and that of the "Spray," both of which I have already gone into very fully. In the 9th paragraph, I say "there was no renewal of the practice of weighing sugar." In the 11th paragraph, again, I state, "Robey and Co.'s sugar shipped by the 'Spray' was not weighed either at the works or on the wharf, but the Collector allowed the drawback upon the bags as counted in the ship's hold, taking other bags to represent the weight. I suggested that the same course should be followed for the Sugar Company, which was objected to by the landing surveyor." How will the Collector attempt to deny that this course was followed with regard to Robey's sugar? And yet, if the Board will refer to the correspondence, they will find that in his replies to the queries of the Collector Mr. Still says—"I have no recollection of any application being made to me in the matter at all." The fact was, that I asked to have the same thing done for the Sugar Company as had been done for Robey and Co., and I was refused. The matter that I am now about to refer to is one of a disagreeable nature, as it has reference to a gentleman who ought not to have had his name dragged into this inquiry. It has reference to the remarks made as to Sir Daniel Cooper. In the last paragraph of my letter, I state that Mr. Duncan said to me that "he very likely would have been inclined to allow the drawback, had it not been for the impertinent character of Mr. Ross's letter, and the running about by Sir Daniel Cooper from Minister to Minister in a matter he did not understand." I have already stated, and I repeat the statement, that no person was present at that interview but Mr. Duncan and myself; I assert that such was the case. Of course this is a mere matter of assertion on my part, and of contradiction on the part of Mr. Duncan, and between our two statements the Board will have to decide. I shall therefore make only a very few remarks in support of my statement. I say that this conversation with Mr. Duncan did occur at a time when no other person was present; Mr. Duncan denies this, and I can only pledge my honor that such was the case. Mr. Duncan in his letter says—"Mr. Powell's version of the conversation mentioned in his two last paragraphs is substantially contradicted by Mr. Still and Mr. Llewellyn, who were present." I say, on the contrary, that I had this conversation with Mr. Duncan at a time when no person but he and myself was present, and that he made use of the words I have just read. The Board have heard the evidence on this point and can judge of its value, but for my own part I seek for no other proofs of the correctness of my statement than those I am now about to adduce. In the first place, I know nothing of the Sugar Company beyond their Custom House business. I do not know who are its directors and shareholders, nor was I aware that Sir Daniel Cooper had taken any interest in the matter. I can safely say that I had no intimation of such interference, if it may be so called, until Mr. Duncan informed me of it. The words in my letter are exactly as spoken by Mr. Duncan. I will now refer to the letters of Mr. Duncan's officers on this point. Mr. Still is very judicious in his answers, but Mr. Llewellyn, with less prudence and care, writes—"Although deprecating the insulting mode adopted in the matter, and the interference of Sir D. Cooper, you distinctly denied any personal feeling whatever." Mr. Still, on the other hand, very judiciously appears not to remember anything about it. The idea of personal feeling being indulged in by the Collector against Sir D. Cooper is so absurd that it does not require the slightest consideration. It is, however, in its other bearings, that this point has to be viewed, viz., in that of political influence. In other parts of the correspondence, the Collector complains bitterly of this. And how has he arrived at this conclusion? By an accident, namely, the improper use of a Treasury document, which was never intended for his perusal, the Collector learns that the correspondence was submitted by Mr. Weekes to Mr. Cowper, at the request of Sir D. Cooper, who had interviews with the Minister on the subject. Now, I could have known nothing of all this, so that if my statement in this letter of 9th August is not correct, then I must have been gifted with a second sight, and have learnt, by mysterious influences, that which was really a fact, and a fact too that displeased Mr. Duncan so much, that he invites the present Government to pass a censure upon their predecessors in office, as well as upon the Speaker of the Legislative Assembly. It is only with the personal question I have to deal, and I confidently point to the confirmation of my statement by Mr. Llewellyn, as well as to the subsequent *animus* of the Collector against the late Government, upon the same grounds as those upon which he bases the charge of untruthfulness against me; and they being beyond his reach, he now brings the whole force of his anger to bear upon the weakest of those who have offended him, and the one the least able to bear the brunt of his displeasure—myself. We find by a careful perusal of the letters and minutes, that apart from the question of the Sugar Company, the Government



Government did not appear to listen to the repeated, violent, and impudent attempts of the Collector to injure Mr. Metcalfe and myself, by disposing of us as obstacles standing in his way. In the last paragraph of his letter, Mr. Duncan speaks of my "utter recklessness of truth and gross disrespect," to himself. Throughout this correspondence, only one letter is written by me, and that a letter to Mr. Ross, sent by that gentleman to the Treasurer, and thence to the Collector. I do not complain of Mr. Ross so using the letter; every word contained in it is true, and there is nothing disrespectful to the Collector to be found in it. I fairly criticised his acts, and shewed clear reasons for his conduct. Upon this he builds a quarrel with me, and again and again, whenever an opportunity could be seized, he, not satisfied with endeavoring to injure me in other ways, has advised that my license should be withdrawn, whilst at the same time he insinuates that Mr. Metcalfe has no license at all, thereby offering an insult almost unworthy of notice. And now, with reference to the deficiencies, I will offer a few words. The deficiency in the case of the "Tasmania," upon 15 tons—480 bags—sugar, is stated at 11 cwt. 2 qrs. That being the case, I want to know what tare has been allowed on these goods. This is not stated, and no allowance is made for breakage of bags or waste on the voyage. It appears, with reference to this sugar, that it was entered for drawback as refined, but the officer accidentally passing by, opens a bag and finds the sugar to be bastards instead of refined. This, of course, became matter for very grave suspicion; and then, when the sugar reaches Hobart Town there is found to be a deficiency, Mr. Duncan's suspicions are at once verified. But, looking at the quantity shipped, and the amount of deficiency, I should like to know what tare has been allowed for the packages.

*Captain Ward*: What do your bags weigh?

*Mr. Powell*: Eleven ounces, including the ropes with which they are tied. Now it must occur to the Board that sugar, in the heat and dampness of a ship's hold, must drain; and consequently the bags would become heavier on reaching Hobart Town, than they were on leaving Sydney, and this will account for very many deficiencies. The other deficiency of 9 cwt. and 23 lbs., which the Collector refers to, but the particulars of which he has suppressed, will carry ridicule with it when known. The astounding deficiency of 9 cwt. and 23 lbs. is upon a shipment by the "Moa," of 1 hhd. and 965 bags, in all 24 tons, which is all we passed for, not 24 tons 1 cwt. 1 qr. and 19 lbs., as stated by the Collector. The quantity certified by the Collector at Auckland is 23 tons 12 cwt. and 24 lbs., making a deficiency upon the entry of 7 cwt. 3 qrs. and 4 lbs., or 872 lbs. upon 965 bags and 1 hhd. Again I ask, what tare Mr. Young, the Collector at Auckland, has allowed? The actual weight of the bags I have already stated to be 11 ozs.

*Mr. Duncan*: A portion of this shipment was in a large cask, that I had no means of weighing. This is one of the obstacles thrown in my way that I have had so much reason to complain of.

*Mr. Powell*: We found, however, that the deficiency was 872 lbs. upon 965 bags, or not 1 lb. per bag. We have nothing before us to shew what tare was allowed for these bags, and it is very probable that some reference may be made to this in the correspondence I have asked for, that has taken place between Mr. Duncan and Mr. Young. There is every reason to believe that Mr. Young's letter shews that discrepancies occur in both ways. The Collector is silent upon a point which should have had great weight with him before he indulged in such reckless charges of fraud; and this silence will require some explanation from him. Had the correspondence I have asked for been produced I feel quite certain that it would have fully made out our case. I now come to the matter of the deficiency of the tea, which we were called upon to account for on the 5th December. I hand in two debentures for drawback on tea, which have been refused payment;—one for tea shipped by the "Jeannie Dove," and the other by the "City of Sydney." I also ask the Board to favor me with the Red Book of the "Osprey." (*Book produced.*)

*Mr. Duncan*: I shall object to this being produced, if it is intended to prove by the inward weight the weight of the export packages, as it is a document entirely beyond our control.

*Mr. Powell*: I merely wish to refer to it, my case is clear enough without it. On the 31st October we entered for drawback, by instructions from Messrs. Thacker, Daniell, and Co., to ship by the "City of Sydney," to Melbourne, 200 half-chests of tea, branded D in triangle, W F under, Nos. 13 and 14. On the 4th November we again received instructions to ship to the same port 110 and 90 half-chests tea, Nos. 13 and 14, branded also D in triangle, W F under; and on the same day, by the "Jeannie Dove," to Geelong, 50 chests No. 12, 7 half-chests No. 13, and 193 half-chests No. 20; all branded as the others. We made our claim for the drawback, and the landing-waiter was supplied with a note of the weights. Thus we shipped by the "City of Sydney," No. 13, 100  $\frac{1}{2}$ -chests tea, and No. 14, 100  $\frac{1}{2}$ -chests tea, each 46 lbs. net, making in the whole 9,200 lbs. These, when weighed in Melbourne, where 1 lb. more is allowed for tare, make only 9,000 lbs. net, being 45 lbs. instead of 46 lbs. per package, and shewing an alleged deficiency of 200 lbs. on the shipment. Now, in the original import ship there was not a single package weighed to 45 lbs.; thus shewing that a more liberal system is pursued in Melbourne than here in reference to tare. By the following steamer we shipped to the same port—No. 13, 110  $\frac{1}{2}$ -chests tea, and No. 14, 90  $\frac{1}{2}$ -chests tea, at 46 lbs. each, in all 9,200 lbs.; and we have heard no question about difference of weight. By the "Jeannie Dove" to Geelong we shipped, No. 12, 50 chests at 82 lbs., No. 13, 7  $\frac{1}{2}$ -chests at 46 lbs.; and No. 20, 193  $\frac{1}{2}$ -chests at 47 lbs.; the same quality and numbers except in the case of the No. 20. Now, assuming a difference in tare on the 50 chests of 3 lbs. each, or 150 lbs.; on the 193 half-chests of 2 lbs. each, or 386 lbs.; and on the 7  $\frac{1}{2}$ -chests of 3 lbs. each, or 21 lbs.; and the whole deficiency, 557 lbs., would stand accounted for. Now, how does it happen that we ship two parcels of Nos. 13 and 14 by successive

successive steamers, and that we claim for each the net weight of 46lbs. per package; the qualities marks are the same, and are all marked in China, shewing the respective chops of the tea, and yet that one lot is returned deficient, whilst the other is not. The one is shipped on the 31st October, and the other on the 4th November, no very great difference in time; and yet there is this extraordinary discrepancy in weight of 1 lb. per package. This, no doubt, appears strange; but then again we ship the same marks and brands to Geelong, and there they are made lighter than they were in Melbourne. I can only say that the whole of the teas referred to were imported by an influential mercantile house, and weighed at the time of entry by a very careful officer, and the quality and marks kept separate. And yet when weighed in Melbourne they are found to be 1 lb. short, whilst in the import ship there was not one that represented 45 lbs. weight. Now, can the Board understand that tea landed in Sydney, and weighed and having the quality Nos. on the package, thus giving the drawback officer full opportunity to test the import weight, should be passed by the searcher as correct, thus confirming the import officer, and then be found weighing at Melbourne upon one occasion 45 lbs., upon a second occasion 46 lbs., and at Geelong lighter than at either Melbourne or Sydney. It is tiresome to be obliged to bring all these statements before you; but it shews clearly that the Collector's system of writing to the other colonies is only productive of annoyance, whilst it is destitute of all practical good. The example I have given shews plainly that if the Melbourne weighing is correct the importer has been overcharged, and has a perfect right to receive back his overpayment upon such overcharge. The principle which we advocate, and which is acknowledged by the Customs Laws in England is, that drawback should be paid upon the goods as shipped, and that bond should be given for the due landing of the goods in the same manner as for goods from warehouse. We contend that we have a perfect right to receive drawback upon proving due shipment of the goods, and that if the vessel went down at the heads we should be quite entitled to claim our drawback. How is it that we are never called upon to account for deficiencies in goods removed from the warehouse? Why, then, when goods are shipped for drawback under the supervision of a Customs officer, who is supposed to weigh and take every precaution, are we called upon for deficiencies which, if they exist, can only be a censure upon the officers who certify to the shipment? And I would ask the Collector whether we are the only parties who have had deficiencies. Did he not commence a correspondence with a certain mercantile house upon the same subject? Has he reported that to the Government; and, if not, how is it that we are singled out for this vexatious and annoying distinction?

TUESDAY, 3 JANUARY, 1860.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, ESQ.,

CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs; Messrs. Metcalfe and Powell, Custom House Agents; and Mr. Ross, Manager of the Sugar Company; were present during the proceedings.

*Captain Ward* produced a drawback warrant for the shipment of certain sugars, bearing an indorsement by Mr. Still and by the Collector.

*Mr. Duncan* said that was the document he had referred to, and admitted that he had been in error in stating that it referred to the 15 tons shipped per "Moa."

*Captain Ward*: May I ask the object for which this has been put in?

*Mr. Duncan*: My object is to shew that, in the first place, the whole quantity had been entered as refined sugar; so that, if it had been shipped without discovery, the shippers would have been able to claim a drawback of 6s. 8d. per cwt., instead of 5s. The examination of Mr. Still, however, shewed the sugar to be "bastards" instead of "refined," and that it was not therefore as represented. In consequence of this 5s. per cwt. only was allowed for drawback.

*Captain Ward*: But this is understood to be only an incomplete document, and the quantity entered upon the face of it only to be regarded as approximate.

*Mr. Duncan*: Admitting such to be the case, which, however, I deny, still the warrant has indorsed on it the same quantity and quality as shewn upon its face. This indorsement bears the signature of the Customs officer, Godfrey, who made the shipment.

*Captain Ward*: And after this indorsement was made, it was discovered that the qualities were not as represented.

*Mr. Duncan*: Yes. In passing, accidentally, Mr. Still examined the sugar, and found it to be "bastards" instead of "refined."

*Mr. Browne*: Still that does not alter the complexion of the other case of the 15 tons, of which Messrs. Metcalfe and Powell declare themselves to have given the first information.

*Mr. Duncan*: Yes, if their story is to be believed; but I deny its correctness.

*Mr. Powell*: As this still appears to be a vexed question, I may be pardoned for making a few remarks upon it. I had understood at the last sitting that the entry made in the first instance did not pledge the maker to make his claim for drawback in accordance

with the quantities and qualities shewn on the face of the warrant. The fact is, the first entry made is merely an imperfect one, standing in place of a notice of the exporter's intention to ship certain goods. Then, as to what has to be claimed as drawback, reference has to be made to the back of the warrant, on which is indorsed the actual quantities and qualities shipped. Now, as to the case of the "Moa," the Collector complains that he was not able to assure himself as to whether the two hds. weighed the 22 cwt. as described. If he had examined the Company's tickets he would have found that they did so.

*Mr. Duncan:* But I do not recognise the Company's tickets.

*Mr. Powell:* The Collector has already used them as evidence, having put them in in proof of shipment in the case of the "Louis and Miriam." However, to shew that no credit was due to Mr. Still in this matter, I hand in a note that I wrote to the officer, calling his attention to the error. In consequence of this the officer backed his note in accordance with my return. (*Letter produced and read.*) I also produce the books of the firm, in which are entered the notices for drawback, and where the sugar is entered as "bastards," the mistake in the entry having been a merely clerical one on the part of one of our clerks. (*Book produced and extract read.*) Thus, I think, I have shewn that I was the first to call attention to the mistake, which I admit was made, though accidentally, in our office.

*Captain Ward:* When did you discover the error?

*Mr. Powell:* At the time of shipping the goods.

*Captain Ward:* When was the entry passed?

*Mr. Powell:* On the 4th October, and the shipment was made on the 14th October; on that date we wrote this note.

*Captain Ward:* To whom?

*Mr. Powell:* To the Custom House Officer, Mr. Godfrey.

*Mr. Duncan:* I called the attention of the Board to this admission; and to the gross impropriety of a Custom House Agent writing to a Custom House Officer in a matter of this kind.

*Captain Ward:* Did you inform the office of this mistake, before Mr. Still pointed it out?

*Mr. Powell:* Certainly I did.

*Captain Ward:* Did you know of this having been done?

*Mr. Duncan:* No; I never heard of this letter before. Had I known of it, I certainly should have reprimanded Mr. Godfrey for not reporting the matter, particularly with regard to this letter. I can only say that I do not believe this statement.

*Mr. Powell:* And I can only say that Mr. Duncan saw this on the date upon which it professes to be written, and this I can prove. When the warrant came up it was backed by the officer as being all refined sugar. When I found, I wrote a note to Mr. Godfrey, and this note, with the warrant, was taken and shewn to Mr. Duncan, who expressed great annoyance at the carelessness of his officer.

*Mr. Duncan:* But the very fact of writing to one of my officers upon such a subject was a gross breach of discipline.

*Mr. Powell:* The Collector was shewn the letter at the time, and if he had any complaint to make against us for writing it, that complaint ought also to have been made at the time. (*Letter again read.*)

*Mr. Duncan:* I recollect now the words "Please compare." I must have seen the document.

*Mr. Powell:* As Mr. Duncan remembers having seen the document, I repeat that if I had done anything wrong in writing to the officer, he should have complained of it when he saw the letter, and not now. Now, with regard to the short shipment by the "Moa," I find that the vessel returned to port on the 8th June; the "Spray" arrived on the 24th June, bringing a letter from the Collector of Customs at Auckland to the Collector at Sydney, which Captain Bowden had asked him to write. The Collector's letter arrived then on the 24th, the 25th was Saturday, a broken day; and on Monday the 27th I paid Mr. Duncan a cheque for the amount stated. He has said that I did not pay it to him until the 29th, but I am in a position to prove that I paid it, and he received it, on the 27th. His own letter, printed with the correspondence, dated the 29th June, shews that he must have received the cheque before that date, because he speaks there of a "surcharge of £5 on sugar shipped for drawback, which I paid into the Treasury yesterday." This shews, beyond doubt, that the money was paid before the 29th. But I have other evidence to shew that it was paid on the 27th—the Monday after the vessel arrived; and when I gave him the cheque, he expressed himself perfectly satisfied with the conduct of the Sugar Company in the matter, and also with our conduct as Custom House Agents. In concluding my observations upon this case, I respectfully ask the Board what Mr. Duncan has proved. He commenced by promising to prove Mr. Metcalfe's undue influence in the department; I ask, has he done so? While evident desire has been shewn by Maddox and Mackenzie to readily answer a general charge, no particular instance has been adduced; and their grievance appears to be, that Mr. Metcalfe respected, and was respected, by the late Collector. Mr. Duncan was understood to offer proof of marked discourtesies by myself and clerks in our office towards his officers, yet no proof is brought forward. On the contrary, one of his witnesses speaks in terms of the highest compliment of the manner in which our business has been performed; and I think the Board will agree with me, that the manner in which Mr. Lane gave his evidence is a strong proof of its fairness and truthfulness. Mr. Kidd and Mr. Russell both speak well of us; and even Mr. Still, a most reluctant witness where we have been concerned, had no fault to find. Of Mr. Mackenzie, I will say but little; he says he never received anything but discourtesy or insult from me, and my coolness has been to him

a source of anger. This person's conduct in the department, the malice he has evinced towards us, and the utter absence of any appreciation by him of the position he holds—all of which were so reprehensibly displayed before the Board—lead me to augur, as I think successfully, that his evidence will have but very little weight with you. But I think that it must appear strange to the Board that the Collector has not brought forward witnesses from his department who, from their long experience and personal knowledge of Mr. Metcalfe and myself (the result of daily intercourse and a full acquaintance with the business and forms of the establishment) should be able to give the Board valuable information. It is evident that Mr. Llewellyn has busied himself very much in getting up this case against us. We find him prompting Mr. Maddox and Mr. Mackenzie, and seeking the almost forgotten Mr. Sempill for the purpose of disturbing records which have not seen the light for nine years. Had Mr. Kidd been more candid, or had I put my questions more carefully, I should, I think, have found the same hand dealing with him also. I should much like to know, too, whether Mr. Llewellyn is one of the officers who begged to be excused giving evidence, fearing Mr. Metcalfe's personal influence. Having held the position of secretary to the late, and holding the same position under the present, Collector, and having the correspondence under his care, who should have been so well able to prove Mr. Duncan's case as this secretary—the same person who was censured by the "Louisa" Board—the intimate friend of the Stewart's and Gibbes, and always ready to uphold them as patterns of commercial integrity. Is it feared that we should elicit uncomfortable facts? If not, why does Mr. Llewellyn shun this inquiry. The man who was most ready to assist James Stewart in removing us from our room, and who used every exertion to oppose Mr. Metcalfe and injure his business during his absence from the Colony, found at last a fitting opportunity of pouring his evil tale into the ears of Mr. Duncan, and that gentleman, naturally suspicious, received as truth that which Colonel Gibbes would have spurned as slander. If Mr. Duncan found Mr. Metcalfe's influence so potent on the first day he took office, and if frauds have diminished from that time; if drawback has been fraudulently obtained, and Mr. Duncan checked it from the day he took office, I take it only Mr. Llewellyn could have thus succeeded in flattering Mr. Duncan to the top of his bent. Why was not Mr. Collyer—why was not Mr. Rucker—why were not Mr. Mowle and many other gentlemen having great experience in the department called upon to give some of these sweeping denunciations such as we have already heard? And why, I ask, was not Mr. Fancourt—a valuable, exact, and careful officer—called upon to give testimony against us, if these allegations have any truth in them? They were not so, because it is evident to me that Mr. Duncan's witnesses had to be drilled into the parts that they were to be called upon to play, and that these gentlemen could not have been so easily dealt with as others have been. I will illustrate my meaning by the case of Russell, in the matter of the "Zone's" 4 bds. of sugar. Mackenzie, in his evidence, says that in the first instance Russell denied all knowledge of the matter. Russell confirms this—he says that the Collector insisted upon having what he termed the truth. Russell still not remembering, the Collector rings his bell and Mr. Mackenzie appears and gives the narrative for Russell's information. Russell then says that he tried to recollect the matter, that he went home and thought about it, and that then it all came back to him. And Mr. Duncan tells this witness, whom he speaks of as a simpleton, that unless he speaks the truth, he will write a few lines, and the old man will not have his pension. Can it be wondered at that, after this, this simpleton—this weak-minded infirm old man as Mr. Duncan calls him—with a large family, with notice to leave his situation at the end of the year, and with no prospect in the future—beginning again the world at an age when most persons desire to retire from active life—can it be wondered at I say that all should have come back to him after the introduction of the narrative of Mackenzie, and his hesitation and his positive denial should have given way before the Collector's threat? I hope for the honor and credit of the Collector that he may be able to remove the impression that this matter has left upon my mind. Then Mr. Kidd's evidence is of a very questionable character. His slips before the "Louisa" Board were very palpable. His excessive vanity overcomes that love of truth and sense of honor which I know form part of his nature; yet how can I reconcile that Pharasaical boast which is ever present with him—that whatever others did, he was always right? I shall shew by the few documents I have been able to obtain with much difficulty from the Collector, that he has stated that about which he is ignorant. I have not seen the papers to examine them, but I feel sure of being able to find in them sufficient to shew the Board that Mr. Kidd has spoken without thought. I now refer to the papers of the "Content" of March, 1858, and the "William" and Alfred" of January, 1858. (*Papers produced.*) I find here five quarter-chests tea which Mr. Kidd signs for without the mate's receipt; fourteen chests of tea, also signed for by him, but with no mate's receipt. I find a warrant for one ton of sugar, shipped and indorsed by myself for Mr. Kidd; also for five tons raw sugar, represented to have been shipped, but for which there is no mate's receipt. Then there are forty quarter-chests tea, sixty-three bags raw sugar, and many other drawback goods, all shipped by Mr. Kidd, and without any mate's signature. I have no doubt that I could produce twenty other cases of the same kind, if my time and the time of the members of the Board permitted me to do so. Now as regards the practice of short shipment, if the Board think it necessary, I am prepared to prove this practice.

*Captain Ward:* I think that has been admitted to be the practice of the port.

*Mr. Duncan:* As regards quantity, but certainly not as regards quality. I contend that it is unlawful to pass an entry for refined sugar and then to ship bastards in its place.

*Captain Ward:* The entry ought to be as correct as it possibly can be, without impeding business.

*Mr.*

*Mr. Duncan* : As regards quantity ; but with respect to quality there ought to be no mistake, or look what the result would be if it were left only to the honor and honesty of the exporter to get drawback upon whatever quality he chose.

*Mr. Powell* : However, in the case brought against me by the Collector I have shewn that I was the first to give information of the error—a merely clerical one—that had been made. I turn now to the papers of the "Airdale," October, 1859. (*Papers produced.*) This will shew that the Custom House officers make mistakes the same as the Custom House Agents. On the 7th we passed an entry for sixteen tons bastards and one ton refined sugar. The officer signed on the back of the warrant for fifteen tons bastards and two tons refined sugar. Knowing this indorsement to be wrong, we refused to take drawback for a larger quantity of refined sugar than we knew we had shipped. I waited upon Mr. Lane on the matter, and he, attaching more importance to our books than to the indorsement of the Customs officer, guarded himself by taking a copy of the entry in our book, and paid us drawback on that, and not on the officer's indorsement.

*Captain Ward* : Who indorsed the warrant ?

*Mr. Powell* : It is indorsed by Mr. Hunt.

*Captain Ward* : Where is the evidence that you declined to take the drawback ?

*Mr. Powell* : In our books and in those of the Sugar Company. (*Books produced and entries read therefrom.*) I might, if I thought proper, bring up many other cases, of of this kind to shew that we were, as a rule, very much more correct in our business than were the Custom House officers ; but this one instance will suffice. And now, in answer to the Collector's statement, that the Company's weights were not taken by his officers, I turn to the papers of the "Breadalbane," September, 1859, in which two hogsheds are indorsed on the warrant as Company's weight. This warrant also shews an indorsement for 18 cwt. more than the quantity actually shipped.

*Mr. Duncan* : Who is it signed by ?

*Mr. Powell* : By Mr. Eames.

*Mr. Duncan* : A new man, only just appointed, and not yet up to his duty.

*Mr. Powell* : But it is not the new men only who do this sort of thing. I have instances of its having been done by Kidd and Godfrey. In fact there are very few in the department that will not be found making mistakes at times. And here in fact was the great secret of our influence with the late Collector. That gentleman knew perfectly well that he could always rely upon us, and that our correctness was a good check upon his officers. The present Collector, however, wishes to be entirely independent of us, to be rid of us in fact ; but he will soon find how utterly impossible it will be for him to rely upon his own officers, when our check is removed. During the carrying out of this arrangement, which has been shewn to be a very imperfect one, the Collector charges us with having been guilty of various frauds and wrong doings. He brought Mr. Kidd here to prove something against us in reference to some bottled beer ; but in this the evidence quite broke down. We put in the warrants, and they were found to be indorsed by Mr. Rolleston. Finding himself beaten upon that position, the Collector turns round and says, "Oh ! this is a drunken officer." But there is evidence of there being many such as he amongst the Customs officers, and it is somewhat remarkable, that this very man should have been recommended for a pension.

*Mr. Duncan* : Not by me.

*Mr. Powell* : If he was a drunkard, why was he not reported ?

*Mr. Duncan* : He was so, and was dismissed in consequence.

*Mr. Powell* : These matters are now being raked out, rendering this a most unpleasant inquiry ; but, as regards drunken officers, they were plentiful enough in the Customs Department, though I admit that we have a superior class of officers now in the department. I will now say a few words with regard to the document which Mr. Duncan charges me with endeavouring to get out of the possession of one of his officers. I certainly was desirous of obtaining a copy of it, but in order that the character of the letter may be understood, I should like to have it read. It is simply an application I make to the Collector, on the part of a master of a ship, relative to the repacking of sugar. (*Letter read.*) This document was written on behalf of a customer of our firm, and I will explain the reason I had for desiring a copy of it. In connection with this application, the Collector made some exceedingly offensive remarks in reference with myself. When this came to my knowledge, I sent down, not at all in a private way, but quite publicly and openly, by one of my clerks, to obtain a copy of the letter and the memoranda appended, in order to enable me to make such use of it as my friends might advise. There was nothing at all surreptitious in the way I did this. All I sent for was a copy of the document, and when it was refused to me, I at once said that I would apply for it through the Board.

*Captain Ward* : Was the application made after this Board had commenced sitting ?

*Mr. Powell* : No. It was in consequence of certain conversations arising out of this letter, in which the Collector made use of some very offensive remarks in reference to me, that Mr. Metcalfe wrote to the Treasurer demanding this investigation. We felt it to be due to our firm not to let the Collector's most unwarrantable remarks go on in the way they were going, without some notice being taken of them on our part. In his letter of the 24th November, when called upon to report upon Mr. Metcalfe's letter of the 22nd—and here I would impress upon the Board the fact that it is we, and not Mr. Duncan, who have asked for and obtained this inquiry, shewing thereby that we have no disposition to avoid meeting any charge of fraud, or of whatever else the Collector can bring against us—in this letter, he says, "There is no foundation for the statement that Mr. Metcalfe has been 'subjected to' great annoyances and insults in his business' by me." Now, I am myself an evidence of Mr. Metcalfe having received both annoyances and insults at the hands of the Collector or by his means.

*Captain*



*Captain Ward*: This is travelling out of the present charge, and going into the complaints you have to make against the Collector.

*Mr. Powell*: I shall not then pursue this subject further. And now, in conclusion, I beg to say that we shall be very ready to place all the books of our firm before the Board, so that the Board may see the whole nature of our transactions with, and on behalf of, the Sugar Company, and how we have received the drawbacks on their behalf. Any inquiry the Board may think proper to institute into any of the entries we shall be most happy to assist them in, either by tracing them through our books, or by whatever course the Board may deem necessary.

*Mr. Browne*: There is one point alluded to in your letter of the 9th August, which I conceive to be a most important one, and yet you have not touched upon it in your address. I allude to the 11th and 12th paragraphs, in which you impute favoritism to Mr. Duncan in allowing drawback on a shipment of sugar to one Sugar Company, in a way that he would not permit to the shipment by the other Company. I do not know whether you intend to offer evidence of this, but you have not dwelt upon it here; and unless it be proved, the Board will doubtless be of opinion that you have made a most unjustifiable charge against the Collector.

*Mr. Powell*: I have alluded to it in commenting upon the documents; and further, I think, that in the course of this inquiry documents have been produced that have afforded full proof of what I say.

*Mr. Duncan*: If there is any object in proving the fact of my allowing the shipment of sugar by Robey and Co., I am quite willing to admit that I did so. The Board, however, will see that this was done on the 18th May; just eight days after my taking office, and before I could have had time to make any rules.

*Captain Ward*: You say that you returned the drawback on the ton of sugar missing from the "Moa," on the 27th June, after the "Spray" came in.

*Mr. Powell*: I did.

*Captain Ward*: Why did you not refund it at once, when the "Moa" returned?

*Mr. Powell*: Because, as I have said, though we had intelligence that something was wrong, yet the news was not of such a character that we could depend upon it. Mr. Ross, however, in his letter of the 26th July, gives his reasons for not refunding the money; and the Board must remember that we were only agents in the matter; that the money to be refunded was Mr. Ross's, and not ours; and that we could not return it without first receiving Mr. Ross's authority.

*Captain Ward*: Then it was not until the "Spray" came in that you received such information as satisfied you that the sugar had not been shipped?

*Mr. Powell*: Not until then.

*Mr. Duncan*: My charge is not so much that the money was not refunded at once, as that the deficiency was not reported to me by the agents as soon as they had ascertained it.

*Mr. Powell* reminded the Board that he had not yet received the correspondence promised to be laid upon the table by the Collector.

*Mr. Duncan* said he had the documents with him, but declined to produce them until he knew what purpose they were to serve. They could not be received as evidence.

*Captain Ward*: What is the object for which you require these papers?

*Mr. Powell*: Mr. Young, in his letter of the 20th September, speaks of the great variation in the capacity of packages of tea and weights of sugars; and I want to see, by a reference to the certificates returned, if there is not something in our favor as well as against us. By his using the word "variation," I assume that the difference has not always been in the one way.

The Board held that the papers might be used for this purpose.

*Mr. Duncan* protested against the documents being received as evidence.

(Correspondence, and certificates of goods landed at certain ports, produced.)

*Mr. Powell*: I find here a shipment by the "Sea Gull," to Wanganui, wherein it is certified that 170 cwt. of sugar net had been landed there. We claimed drawback on only 165 cwt. 2 qrs. 2 lbs., so that the certificate shews a difference of 5 cwt. in our favor. I would again point out to the Board, that my only object in examining these papers is to shew that if there are mistakes against us there are also some in our favor, and that these certificates are not really to be relied upon. I have here an exemplification of the practice of taring:—Here is a shipment of 424 bags sugar, shipped by us as 10 tons net. When weighed in New Zealand, they turn out to be only 9 tons 16 cwt. 0 qrs. 24 lbs., shewing a deficiency against us of 3 cwt. 3 qrs. 4 lbs. Now it is quite clear that if 1 lb. per bag is allowed for tare, the full discrepancy will be exactly made up. This is an important point for us; because we have been called upon to account for deficiencies, all of which may be accounted for by the difference of tares allowed in different ports. We contend that the deficiencies of 9 cwt. and 11 cwt. charged against us by Mr. Duncan are to be accounted for in the same way.

Mr.

Mr. Edward B. Forrest called in and examined:—

Mr. E. B.  
Forrest.  
3 Jan., 1860.

1. *By Mr. Powell*: You are clerk in the Sugar Company's office? I am.
2. Will you explain to the Board what you know of the short shipment by the "Moa"? On the 3rd May we gave notice to the Custom House authorities of our intention to ship per "Moa" for Auckland 7 tons refined, and 28 tons bastard sugar. By the 5th May we had shipped as per Day Book the following quantities:—On account of Messrs. Henderson and Co., 1 hhd. loaf, weighing 10 cwt. 21 lbs; 40 mats refined, 1 ton; and 40 mats bastards, 1 ton. On account of Mr. Somerville, of Auckland, 1 hhd. loaf, 12 cwt. 3 qrs.; 96 mats refined, 2½ tons; and 360 mats bastards, 9 tons; and on account of Mr. Robertson, of Sydney, 80 bags refined, 2 tons; and 720 mats bastards, 18 tons—making in all 2 hhds. loaf, weighing 22 cwt. 3 qrs. 21 lbs.; 216 bags refined, weighing 110 cwt.; and 1,120 bags bastards, weighing 560 cwt., or 34 tons 12 cwt. 3 qrs. 21 lbs. Invoices and bills of lading were made out in the usual course and signed, and we received payment from the different parties for the various parcels. When the "Moa" returned, Mr. Robertson gave us notice that there had been about one ton short shipped, but he was not in a position to say anything definite on the subject, as the papers certifying the short shipment were to come by the "Spray". Of course the matter then stood over until the "Spray" arrived, which she did on the 24th June. Mr. Robertson then gave us notice of the one ton having been short shipped, and that he claimed upon us for that quantity. The other consignees wrote us to say that they had received their various parcels according to invoice.
3. Do you state all this of your own knowledge? I know it from the books and letters of the Company.
4. And you know that Mr. Robertson informed the Company of the short shipment on the arrival of the "Moa"? Yes. He knew there was a short shipment, but he was not in a position to say what claim he had against the Company until the "Spray" arrived, as by her he was to receive advices relative to the short shipment. When she came in he made his claim on us for one ton, 40 bags, as having been short shipped.
5. What further do you know of this matter? On the 27th June I saw the Collector and explained to him how the mistake had arisen—that it had arisen from some error of our draymen, and that the sugar had really left our stores to go down on board the "Moa." He expressed himself satisfied so far, and asked me to let him know if we found out that the sugar had gone anywhere else. He said that if I tendered him a cheque for the amount of drawback received on the sugar that he would accept it. I then went to Mr. Powell, and told him what had taken place between the Collector and myself. This was on Monday the 27th June.
6. *By Captain Ward*: Have you heard anything of the sugar? No, up to the present time we have not been able to discover where the sugar went to. We have given it up as lost, and have charged our contractor with it.
7. What contractor? The drayman who contracts for our work. He is responsible, and will be made to pay for it.
8. Has he actually paid for it? It is charged against him. We have a running account with him, settled half-yearly, and in that account he is debited with this sugar.
9. *By Mr. Powell*: Has the amount been refunded to Mr. Robertson? Yes.
10. *By Captain Ward*: At what date? I can hardly remember.
11. It was after the return of the "Spray"? Yes. He gave us a bill at four months for his account on the 5th May. This fell due on the 8th September, and on its being taken up, we gave him a cheque for the amount charged in our account for the missing ton.
12. Then you had no distinct evidence to shew that the sugar had not actually gone on board the "Moa"? No; up to the present time we believe that it did go there.
13. Has the drayman been charged the duty as well as the price of the sugar? Yes, just the same as if he had purchased it for home consumption, or had lost it in the streets.
14. *By Mr. Powell*: Do you recollect a case of the kind occurring previously? Yes, I believe there was one case of the kind occurred before, but just at this moment I forget the name of the ship to which it happened. A ton of sugar was taken to the wrong vessel, owing to her lying at the same wharf as the vessel by which it should properly have been shipped.
15. Was that the sugar that was afterwards found at Nelson? No; it was to have gone to Melbourne, and it went to Geelong instead.
16. You do not remember a case that occurred when the sugar was afterwards found at Nelson? No, I do not.
17. Do you know of your own knowledge of the shipment of sugar by the "Zone"? Yes. On the 8th February we gave notice to the Customs of our intention to ship three tons refined sugar by the "Zone" to Melbourne. We sent from the sugar-house 6 hhds. numbered 638, 639, 640, 641, 642, and 643, and weighing net 56 cwt. 8 lbs. We received the mate's receipt for their shipment, and they were entered in our books accordingly. We made out invoices for them as shipped, and sent them into Mr. Sayers, the purchaser. We heard no more about the matter until the ship was just on the point of sailing, when I received a note from Mr. Powell informing me that only four hogsheads were on board. This was just when the vessel was clearing, and four hogsheads only were then entered on the clearance. I went down to the Custom House, and saw Mr. Chamberlain upon the subject; and he said that in order to make room for something else the two hogsheads had to be left behind, and that the Company could only claim drawback on the four hogsheads on board. The two hogsheads taken out of the vessel were Nos. 642 and 643, weighing together, net 18 cwt. 3 qrs. 15 lbs. In consequence of this we altered our entry to four hogsheads only, making a short shipment of the two hogsheads taken out of the vessel.
18. What was done with the other two? They were afterwards sent in another vessel in a subsequent

subsequent shipment of sugar by Mr. Sayers. They appear with eighteen others on the manifest of the "Monarch."

Mr. E. B.  
Forrest.

3 Jan., 1860.

19. Will you tell the Board what your practice is in passing entries for drawback? We first give a notice to the Customs of the quantity we intend to ship. This is done in the rough, estimating the number of tons. (*Book produced to shew the nature of the notice.*) In shipping raw or loaf sugars it is impossible to say the exact quantity that will be shipped until it is weighed; consequently the notice is only a rough estimate. We, however, give notice of the exact quantity as soon as possible after we have ascertained it by weighing. When it is shipped entry is made in another book in which the exact quantity shipped is entered, and if it be anything short of the quantity for which notice has been given it appears in the shape of a short shipment, as in the case of the "Zone."

20. And on the tickets the quality of the sugar, as well as its quantity and weight, is marked? Yes.

21. *By Captain Ward*: What tickets do you allude to? To those sent down to the vessel with each dray load that leaves the sugar-house.

22. Who are they directed to? One is for the mate of the vessel, on which he gives his receipt; and the other is specially for the Custom House officer, with the qualities, quantities, and weights marked, and sent down to him on board the ship as a check upon our entry.

23. *By Mr. Powell*: Does it not sometimes happen that the Sugar Company receive orders for sugar that they are unable from various causes to execute? Yes, it has been the case.

24. Orders for the shipment of which you have given notice to the Customs? Yes.

25. Do you remember a shipment on the 6th September, for Hobart Town, of ten tons bastards sugar in lieu of the same quantity of refined that had been entered? Yes.

26. The entry was for fifteen tons refined sugar, and I presume from your sending down ten tons bastards you were not able to ship the quality in accordance with the original intention? No doubt it was so.

27. You, however, regard the first entry sent in as an imperfect one? Yes; I look upon it merely as a notice that we intended to ship if possible.

28. *By Captain Ward*: Can you bring the circumstances of the case you have just been asked about to your recollection? No, I cannot.

29. Then it may or may not be as you have said, that the Company were unable to furnish the quality for which entry had been made in the first instance? Yes; but if we engaged freight for fifteen tons of sugar by any particular vessel we were bound to make up that quantity.

30. Then after freight has been engaged, if you cannot execute an order to the exact letter, you make up the quantity as nearly as you can? We do this in cases where we make a shipment on our own account. If we engage freight we have to pay for the full quantity engaged, and circumstances sometimes compel us to make an alteration in the qualities first intended to be shipped.

31. *By Mr. Browne*: Can you say whether this shipment—the "Tasmania's"—was on the Company's account? Yes, I am aware that it was.

32. *By Mr. Powell*: However, regarding the first entry as a mere notice, it was very immaterial which you shipped? Yes; we might have shipped either the one or the other, provided we sent down proper descriptions on our tickets.

33. What are the weights of the mats and bags? The bags, that is those made of linen or canvas, weigh about six ounces; and the mats from twelve to fifteen ounces, according to their size.

34. All your refined sugars however are weighed net? Yes, they are weighed into the bags.

35. If there is any difference in the weight of the sugar at the out ports, it must arise from a difference in the tare allowed? Yes. We weigh the sugar here into the bags, putting a particular weight into each, so that there can be no mistake about tare.

36. Have you ever had any complaints of short weight from purchasers of sugar at the out ports? No; we have never had any difficulty in this respect.

37. You have never been called upon to refund on account of deficiency in weight? Never by any of our customers.

38. *By Mr. Browne*: As I understand you, the Company makes no allowance for tare? Never, on refined sugar. We weigh the sugar altogether irrespective of the package which is to contain it, and you will find that the net weight in the bags is always a trifle over the ton.

39. You do not weigh it in the bags? No. The exact net weight is charged to our customers, as weighed to them into the bags.

40. *By Mr. Powell*: Do you recollect a shipment by the "Spray," and another by the "Lord Worsley," upon which drawback was refused. I do.

41. Can you inform the Board, from memory, of anything connected with those shipments? As to the quantity we shipped?

42. No; but with regard to the shipments not having been allowed for drawback?—You saw Mr. Duncan respecting them, I believe? No; I never saw him on this subject.

43. *By Mr. Duncan*: Do you remember Mr. Chapman calling upon you respecting a shipment of sugar? I do.

44. Can you say when you first ascertained the non-shipment of the 40 bags of sugar by the "Moa?" On the return of that vessel to this port.

45. What did you then learn? Mr. Robertson came to us and said, that he should have a claim to make against us for a short shipment; but he could not give us the particulars until the "Spray" arrived, as he was to receive his advices by that vessel.



Mr. E. B.  
Forrest.

3 Jan., 1860.

46. Did you communicate this to Mr. Powell? I did not; because, from what Mr. Robertson said, I did not know whether it was one ton or more that was short.
47. Who were the other parties to whom you shipped? Henderson and Co., Mr. Somerville, and Mr. Robertson.
48. On what date were they shipped? Between the 3rd and 5th May.
49. And when was the sugar purchased by these parties? Somerville has a monthly order, Henderson and Co. ordered by the "Moa," and Mr. Robertson's order might have been given a week or a fortnight before the sailing of the vessel.
50. Was the sugar purchased prior to the sailing of the vessel? It was.
51. And yet the Company received the drawback? They did.
52. Are you aware that their doing so was illegal? No, I am not.
53. Look at the 42nd clause of the Customs Regulation Act, in which it is provided that drawback shall be received only by the owner of the goods at the time of shipment? I have read the clause.
54. Do you not think now that it is contrary to law for the Company to claim and receive drawback after they have sold the goods? No; we consider ourselves to be the owners of the goods until they are delivered. And besides, Somerville and Henderson and Co., being in Auckland, could not collect here the drawback claimable on the goods they purchased from us.
55. *By Mr. Browne:* Let me understand you with regard to the freight; do you say that when you engage freight, you have to pay for the quantity engaged, whether that quantity be sent on board or not? Yes; if we engage freight for 5 tons, the captain looks to us to send that quantity. If we do not send it, we have to pay for the room reserved for that quantity, just the same, if the captain insists upon it.
56. Then in the case of the "Tasmania" had the Company engaged the freight? Yes; we had engaged freight and given notice at the Customs of our intention to send down 15 tons refined sugar; but not being able to complete this quantity of refined, we sent down 10 tons of the one quality, and 5 of the other, so as to make up the quantity for which freight had been engaged.

Mr. Nicholas Giffard called in and examined:—

Mr. N. Giffard.

3 Jan., 1860.

1. *By Mr. Powell:* You are a Custom House Agent? I am.
2. You know the landing-waiter Russell? I do.
3. You recollect when he was drawback officer? Yes.
4. Have you ever made an indorsement on a drawback warrant for him? I have.
5. Do you consider that you did wrong in so doing? Certainly not, I did it to oblige the officer.
6. The indorsement to this warrant (*warrant produced*) is in your handwriting? It is.
7. Have you been called upon by the Collector to account for your having made this indorsement? I have not.
8. Do you consider that by your making this indorsement the safety of the revenue was in any way imperiled? Certainly not. I wrote it for the convenience of the officer and at his request.
9. Do you remember a shipment of sugar for Robey and Co. on board the "Spray," to which the officer refused to certify? I do.
10. Subsequently, however, the bags were counted in the ship, and other bags were taken and weighed to represent the weight of the bags shipped? Yes. Some other bags in Robey and Co.'s stores that were said to be of the same weight were weighed in the stores, and the landing-waiter took this to represent the weight of those shipped.
11. Did the officer see the bags? Yes, he saw them in the ship, and counted them, but he had not seen them weighed.
12. Do you remember a shipment of tea by the "Breadalbane," on which drawback was refused? Yes, some shipped by Mr. Caldwell.
13. Has the drawback been since allowed? It has not been paid, but it has been promised; the certificate of landing is in the hands of the Collector.
14. Did the Customs officer see that tea shipped? I think he saw the packages, but he did not weigh it.
15. With respect to the matter of the "Zone," will you state what you know about it? I was agent for Mr. Sayers' vessels, of which the "Zone" is one. Late one afternoon he sent down word to me to say that the "Zone" must be cleared out that day. On coming down to the Custom House to see what entries had been passed for the vessel, I found amongst others an entry of 6 hhds. loaf sugar. As these were entered for the Sugar Company, and Mr. Powell did that Company's business, I called upon him to see if the 6 hhds. had gone on board. He could not tell me at the time, but whilst we were in conversation Mr. Forrest came into the office, bringing with him a receipt from the mate of the vessel for the 6 hhds. as having been shipped. Mr. Russell, the drawback officer, was present at the time, and I turned round to him and said, "You need not be alarmed now, because there is the mate's receipt for the 6 hhds. shipped." Russell declined to sign for them; and just then Mr. Chamberlain came in and said that four only had been actually shipped; that the six hhds. had been put on board, but that two had been re-landed to make room for other goods; and that these two hhds. re-landed had been put into store until the next voyage.
16. Had Russell signed for the 6 hhds, do you think that drawback would have been claimed for them? Not when only 4 hhds. were shipped. The claim would have been made only on the quantity actually sent away.

17. *By Captain Ward*: Was Russell present during the whole of this transaction? Yes. He was there when I went in; and, as I was agent for the ship and anxious to get her cleared, I asked him not to go away until I had got him to sign the warrant. Mr. N. Giffard.  
3 Jan., 1860.
18. Did Mr. Powell ask him to sign? I do not know. I know that I was the person most interested in getting him to sign, because I was desirous of getting the vessel cleared.
19. Did Mr. Russell offer any particular objection to signing; did he seem at all excited? No. He did not wish to sign until he knew certainly whether the goods had been shipped or not; but to ascertain this he had to go down to the Flour Company's Wharf; and it would then have been too late to clear.
20. Do you mean to say that Russell did not go down to the wharf at all? He did go down, but the hhds. were not there when he went. He certified to the four on the mate's receipt for the six, and on the representation of Mr. Chamberlain that four had been shipped out of the six.
21. *By Mr. Powell*: You had a far greater object than I had in getting Mr. Russell to sign the warrant? Yes; my object was to get the vessel cleared, but you could have had no particular object.
22. I had no interest in getting Mr. Russell to sign for 6 hhds. when only 4 hhds. were shipped? None that I can see.
23. *By Mr. Duncan*: Do you know whose sugar it was? Yes; it was Mr. Sayers'.
24. Was the entry for drawback made in Mr. Sayers' name? No; it was made in the name of the Company, because no one else could pass it.
25. Are you aware that, under the 42nd sect. of the Customs Regulation Act, that is not legal? I am not.
26. As a Custom House Agent you ought to be acquainted with this? I certainly did not; and besides, the Company will not allow any one but themselves to pass entries for drawback on their sugars. The Company have always been allowed to do so, and I do not see how any other person could claim it.
- Mr. Browne*: I do not know how this point bears upon the question before us.
- Mr. Duncan*: It shews the system of illegality that is going on, and that I am trying to put down, and the result of which has been to bring me into these difficulties that now surround me.
27. You say that the 6 hhds. were put on board, and that two of them were re-landed? Yes.
28. Were you agent of the ship at the time? Yes.
29. Are you aware that by thus re-landing these two hhds., not only the goods themselves, but the vessel from which they were landed became forfeited? No; I certainly am not. At the time of re-landing, the goods had never been made shipped by any officer of Customs, neither was drawback claimed, and therefore not liable to forfeiture. The Sugar Company never claimed upon the entry of the 6 hhds.; they only claimed for the 4 hhds. actually sent away.
30. *By Mr. Powell*: Have you been called upon by the Collector to account for any deficiencies? Yes; some little time ago I was asked to account for deficiencies in a shipment of tea.
31. Do you happen to know whether I endeavored to obtain drawback upon the 6 hhds. said by the mate's receipt to have been shipped by the "Zone"? I do not; but I should imagine that you would only claim for the 4 hhds. actually shipped.
32. Now, could I, as a Custom House Agent, have obtained the drawback on the 6 hhds.? No; not without the indorsement of the Customs officer.
33. It was on the producing the certificate of landing of the tea at Auckland, to the Collector here, that he promised Mr. Caldwell that the drawback would be paid—as before stated the certificate is in his possession—you say that drawback on the tea by the "Breadalbane" was promised on receipt of a certificate of landing at the port of discharge—to whom was the promise made? To Mr. Caldwell.
34. Who by? By the Collector, Mr. Duncan.
35. *By Mr. Duncan*: Who told you that I had ever made such a promise? Mr. Caldwell. He called upon me, immediately after he had had an interview with you, and he then told me what I have now stated.
36. Has the drawback been paid up to the present time? No, it has not.

WEDNESDAY, JANUARY 4, 1860.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, ESQ., | CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs; and Mr. Metcalfe and Mr. Powell, Custom House Agents, were present during the proceedings.

Mr. James Bowden called in and examined:—

1. *By Mr. Powell*: You were Captain of the "Moa," the trip she took in May last, to Auckland? I was. Mr. J. Bowden.  
4 Jan., 1860.
2. You indorsed the warrant for the shipment of a certain quantity of sugar by your vessel to Auckland? I did.
3. And after your arrival in Auckland you found some of the sugar short? Yes, forty bags.

- Mr. J. Bowden.** 4. At the time you signed the warrant you believed that the sugar really was shipped? Yes, and I signed bills of lading for the same quantity.
- 4 Jan., 1860. 5. Who did the sugar belong to that was missing? To the owner of the ship.
6. *By Captain Ward:* When you got to Auckland will you tell us what occurred? I found that we had short shipped forty bags of sugar, and I requested the Collector of Customs there to write to Sydney and explain the matter. I did not bring his letter with me, as I had to leave Auckland very hastily. When I came back to Sydney I reported the short shipment to Mr. Powell, and to the owner of the ship.
7. You brought back no letters with you? I did not.
8. It was merely a verbal message then that you gave to Mr. Powell? Yes.
9. What did you say to him? I told him that the sugar was one ton or forty bags short.
10. What did he say when you told him this? He said he was very sorry there should have been any error.
11. When did you discover the error? Not before the vessel was unloaded at Auckland.
12. Did you tell Mr. Ross about it when you came back? No.
13. Then the only persons you communicated with were Mr. Robertson and Mr. Powell? Yes; Mr. Robertson would be sure to inform the Sugar Company of the mistake.
14. *By Mr. Browne:* At whose suggestion did you sign the bill of lading—was it on your mate's receipt for the goods having been shipped? That must have been produced in the office before I would sign.
15. And your mate's receipt was given upon the Company's tickets sent down with each load? Yes, that is the usual way of doing the business.
16. These tickets then must have been correct before you signed the bills of lading? Yes.
17. You say you brought back no communication from the Collector at Auckland to the Collector here? No; I do not think that I brought back any mail, because I came away from Auckland very hastily. I had to be in Sydney by a particular day in order to join the "Prince Alfred," of which I was to have charge; and for that reason, I hurried my departure. However, as soon as I had entered the "Moa" inwards on my arrival, I reported the error to Mr. Powell.
18. Was there any doubt expressed by the Custom House authorities as to whether you had the full quantity of sugar cleared on board? No; not by the authorities here.
19. Did you hear anything about a ticket being blown away? No; I heard nothing about it.
20. *By Mr. Duncan:* Do you know the exact number of bags that were missing? Yes; forty bags.
21. Are you sure of that? Yes.
22. Are you certain it was not forty-three? I think not.
23. You were called upon to make a declaration as to the contents of your vessel, before leaving the port? I was.
24. And you then declared that these 40 bags were in your vessel? Yes; I believed them to be there.
25. And in Auckland, did you not make a declaration that these 40 bags were short shipped in Sydney? I did.
26. And yet you made this declaration, after declaring in Sydney that they were shipped? Yes; I suppose I did.
27. Does not that appear a strange mode of proceeding, declaring one thing in Sydney, and another in Auckland? Yes, it does; but then we know that these errors will sometimes arise.
28. Did you report this short shipment at the Custom House on your return? No; I only reported it to Mr. Powell. I did not know you then.
29. Your knowledge of me had nothing to do with the matter—why did you not report it to the Custom House? Mr. Metcalfe has done my Custom House business for the last twelve years, and I have never had anything to do with any body else.
30. Then you expected that they would have reported it to the Custom House? Yes, if they thought it necessary.
31. *By Mr. Powell:* You did not hear anything of 43 bags being short at Auckland? Not that I recollect; only 40 bags were short to my knowledge.
32. Do you recollect telling me that you had reported the deficiency in Auckland, and that the Collector there would write up to the Collector here about it? Yes, I do.
33. Did the Collector in Auckland call upon you to pay the duty on the missing bags? No.
34. You made a declaration that they were short shipped, and that saved you? Yes.

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Mr. Augustus Birnie, called in and examined:—

- Mr. A. Birnie.** 1. *By Mr. Powell:* What office do you hold? I am fourth landing-waiter in the Customs Department.
- 4 Jan., 1860. 2. How long have you been a landing-waiter? I can hardly recollect the exact time.
3. You have had some experience in the system of claiming drawbacks? I have.
4. Have you, at any time, found anything wrong in the drawback entries? No; I do not recollect anything.
5. You are in the habit of making short shipments on the back of drawback warrants? Yes.
6. Do you consider that there is any irregularity in that? No, I do not.
7. Was it your practice, before the appointment of Mr. Russell as drawback clerk, to average the weight of Company's sugar that was shipped for drawback? Not generally the practice, but I have done it.

8. It was, however, the recognised plan of shipment? Yes; but for the fine sugars only. *Mr. A. Harris.*
9. You never averaged the raw sugars? No; we always weighed them.
10. You have never found that I have asked you to do anything out of the course of your duty? *4 Jan., 1860.*
- No; I do not recollect anything of the kind.
11. *By Captain Ward:* Is it customary to allow an agent to record a short shipment on the back of the drawback warrant, for the information of the landing-waiter? They have never done anything of the kind for me.
12. You always did that for yourself? Yes.
13. Do you happen to know if it is allowable in other cases than your own? No, I do not.
14. Do you consider that there is any harm in the agent doing this? No; not if the short shipment be recorded correctly, and the landing-waiter satisfies himself that it is so, before he signs.
15. You do not think that in doing this, a Custom House Agent exceeds his duty? I do not think so. It hardly matters who writes the short shipment, provided it is correct; and that the landing-waiter ascertains it to be so before he signs.
16. *By Mr. Duncan:* But, supposing the landing-waiter has not seen the goods, is there anything wrong in the agent himself indorsing the short shipment? Yes, if he asks the landing-waiter to sign it.
17. What would you do in such a case? I should certainly decline to sign under such circumstances.
18. It would be wrong then? Yes, certainly.
19. *By Captain Ward:* Do you mean that it would be wrong for the landing-waiter to sign it, or for the agent to put the memorandum on the back of the warrant? It would be wrong for the landing-waiter to sign; but I do not see that there would be anything wrong in putting the memorandum on the back.
20. *By Mr. Duncan:* Would it not be wrong for a Custom House Agent to ask you to sign to the correctness of a document when you had not seen the goods alluded to in it? It would not be wrong if he knew the document to be all correct; but I should decline to sign it until I had satisfied myself that it was so.
21. Have not cases occurred in which drawback goods have been actually shipped before entries were passed for them or notice of the shipment been given? We used to ship the Company's sugars on their notes that were sent down. With every load the Company send down a receipt to the mate of the vessel in which it is to be shipped, and a cart note for the Customs officer, and upon these we used to act.
22. But has it not been the case that the sugars have been shipped before you got these notes? Yes, in some cases.
23. But under any circumstances you would not sign the debenture for the payment of the drawback unless you were satisfied that the goods had been shipped? No, I would not.
24. Do you take the Company's tickets now? Yes, as a check upon our own account of the shipment.

Mr. James Collyer called in and examined:—

1. *By Mr. Powell:* You are an officer in the Customs? Yes, I am senior tide surveyor. *Mr. J. Collyer.*
2. How many years have you been in the department? Nineteen.
3. And during that time you have filled most of the offices in the out-door department? *4 Jan., 1860.*
- I have.
4. In that time have you ever found our firm doing anything wrong in so far as the revenue is concerned? No.
5. Have we ever asked you to do anything for us out of the course of your duty? You have not.
6. You have generally found us correct in all business matters? Yes.
7. *By Captain Ward:* Do warrants for drawbacks come under your inspection? Not now, but they did some six or seven years ago, when I was landing-waiter.
8. Do you think it proper for a Custom House Agent to indorse the amount of short shipment on the back of the drawback warrant? It would be for the landing-waiter who makes the shipment to say this.
9. My reason for asking the question is this—Mr. Russell, the late drawback officer, seems to have been in the habit of having certain information indorsed on the back of the drawback warrant by the agent, for him to sign. Do you think there is any harm in this? No, I think not.
10. There is not anything wrong in an agent making an indorsement on the back of the warrant of the quantities actually shipped? No; not if the officer afterwards satisfies himself that the indorsement is correct.
11. *By Mr. Metcalfe:* Would you have signed such an indorsement without previously assuring yourself of its correctness? Most assuredly I would not.
12. *By Mr. Duncan:* You think, then, that there is nothing wrong in an agent indorsing a drawback warrant? I do not, if the officer satisfies himself before signing that it is correct.
13. You have not been so long in the Customs without having read the old orders for the conduct of business? I am afraid I have not read them.
14. Was there not an order made that the drawback warrant was not to leave the hands of the Customs officer, after it quitted the long room, until it was brought back completed? I am not aware of any such order.
15. Are you not aware that goods for drawback have been shipped without the knowledge of the Customs officer? In my time we always had notice of the shipment.

Mr. J. Collyer. 16. Have you not heard that this has been done? It has been done with none that I have shipped. We always had a printed notice, shewing the kinds and quantities of the goods that were about to be shipped.

4 Jan., 1860.

17. Then you never indorsed a drawback warrant for goods you had never seen? No; we could always see the goods, and I made a point of doing so.

18. Would it not be wrong for an agent to ask an officer to indorse a drawback warrant when he had not seen the goods he was indorsing for? Yes; because the officer, if he signed, would not be doing his duty.

19. *By Captain Browne*: Was it not the practice for the landing-waiter to sign without being really acquainted with the shipment of the goods, and understanding that the order of Mr. Barnes was to be carried out in that way? Yes, under that order the officer frequently signed on goods that he never saw; but that was on the report of the man who accompanied the cart from the bonded store to the vessel, that the goods were shipped. This applied, however, only to spirits and tobacco.

20. He signed on the faith of the export officer's certificate? Yes; and very often the goods were shipped at a different wharf from that at which he was stationed.

21. *By Captain Ward*: Have you ever had anything to do with the clearance of vessels, or with taking declarations on contents outwards? No, I have not.

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Mr. George Norton Russell called in and re-examined:—

Mr. G. N.  
Russell.

1. *By Mr. Powell*: You were lately an officer in the Customs? Yes; my connection with the department ceased on the 1st instant.

4 Jan., 1860.

2. Have you ever been called upon to sign drawback warrants for goods you have never seen? Yes, I have.

3. Will you state the instances in which this has been required of you? I was called upon by Mr. Bayley to examine a quantity of sugar that was being shipped by Messrs. Gilchrist and Watt. I told Mr. Bayley that I had just then such an immense deal of business to do that every one must come in his turn. He said that the ship was just going to clear, and pressed upon me to go down and see the sugar weighed. He continued to press this on me, and at last I consented to go down to the store. When I went there I saw the storekeeper at Gilchrist and Watt's, who laughed when he saw me, and asked me what I wanted. I said I wanted to see the sugar weighed that they were about to ship. He then said, "It has been shipped these last five days." I then asked what I had been sent down there for, away from my business, when the sugar had been already shipped. He said he did not know, he only knew the sugar had been shipped. I said that as I had not seen the sugar I would not sign the drawback warrant. He said that I must do it. I insisted that I would not. He said that I would be made to do it. I then came up to the Collector and told him that I had been called upon to sign for over five tons of sugar that I had never seen, and that when I went down to weigh it I found that it had been shipped five days before. Some conversation then ensued between the Collector and Mr. Bayley, and at the end of it the Collector insisted upon my signing the warrant. I did not wish to do it; but he insisted upon my doing so, and I signed it, though I said that it was not right to make me sign for what I had never seen.

4. What Collector did this? The present Collector, Mr. Duncan. I said that my orders from the late Collector were to see all sugars weighed that were shipped for drawback; but he called upon me, in the presence of Mr. Bayley, to sign the warrant, and I did so.

5. Is there any other case in which you have been required to do the same thing? Yes, in the case of some tea—7 chests, that were shipped by the same firm. I did not see them, but I was called upon, by the same authority, to sign the certificate of their shipment.

6. *By Mr. Duncan*: Did I ever ask you to sign a warrant for any body? You did. You made me sign for what I never saw.

7. *By Mr. Browne*: When did this take place? It happened in May last.

8. And you say you were made to sign? Yes. I persisted right or wrong not to sign, because my responsibility in the matter was very great; and I ought not to have been asked to sign for what I did not know was correct. I never would sign for anything I was not sure about.

9. *By Mr. Duncan*: Do you mean to say that you never signed for any goods without first seeing them? No; I never signed for anything but what I had previously weighed.

10. Will you look at this list of three days work, copied from your book—(*Return produced*)—and say if you saw even the half of these goods shipped? I must have seen them all, except the Sugar Company's shipments. There is a large quantity of their sugar in the list, and this I did not see, because I was directed by the Government to take their weights from the tickets.

11. Putting this sugar out of the question, did you see all the other goods shipped? I could not swear that I did.

12. *By Mr. Powell*: You still assert that you were called upon by the Collector to sign for sugar that you had not seen shipped? Yes, I do.

13. *By Captain McLerie*: Was any one present when Mr. Duncan ordered you to sign? Yes, Mr. Bayley; he was in the room all the time.

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Mr.

Mr. William Passmore called in and examined:—

1. *By Mr. Powell:* You are a landing-waiter in the Customs? I am.
2. How long have you held that post? Since 1854.
3. You have had some experience of the drawback system during that time? I have.
4. Do you know whether the practice prevailed of taking the average of the weights of the Sugar Company's shipments of sugar for drawback previous to the time of Mr. Russell's appointment as drawback clerk? Yes; the order was to take the Sugar Company's weights.
5. Who gave that order? The late landing surveyor.
6. You were in the habit of making short shipments on the back of the drawback warrants? I was.
7. Do you think there would be anything wrong in an agent doing this for you? Not if I satisfied myself afterwards that he had done it correctly.
8. You would not sign it without first doing this? No, certainly not. I would not sign for what I knew nothing about.
9. Have you ever been asked by our firm to do anything in an irregular manner, or out of the strict line of your duty? I have not.

Mr. W.  
Passmore.

4 Jan., 1860.

Mr. Stewart Mowle called in and examined:—

1. *By Mr. Powell:* You are a tide surveyor in the Customs? I am.
2. You, at one time, had charge of the drawback accounts? I had.
3. During the time you had charge of those accounts did you discover any irregularity in our manner of claiming drawbacks? In what way?
4. In the manner in which the warrants were indorsed or our claims made? No, I did not.
5. You never saw anything to lead you to fancy that we were in any way guilty of a fraud upon the revenue? No; I should have reported it if I had.
6. Have you ever observed any irregularities in our method of transacting business? I have not.
7. Have we or any one in our office ever treated you with incivility or disrespect? Not at all, but quite the contrary.
8. Have we not shewn every disposition to assist the officers of the department in their business? Yes, you have.
9. *By Captain Ward:* Mr. Metcalfe is charged with having exercised undue influence in the Customs Department, now I would wish to ask you whether he has had any illegitimate influence in the department, or whether, in fact, he has had any influence that was not due to his great influence? Not upon me.
10. Has he had it upon any of the officers of the department? Not to my knowledge.
11. Have you ever known him to act against the regulations of the department, or against any law or other authority in force there? I have not.
12. As a general rule has he done his best to carry out the laws and regulations of the department? I think so; I always found him inclined to do what I wished.
13. Did you ever know him oppose the Collector or his regulations? No.
14. *By Mr. Duncan:* Are you not aware that Messrs. Metcalfe and Powell had greater influence in the Customs Department than any one else? No, I am not.
15. Was it not matter of common remark that they had this influence? Yes, it was.
16. Do you know if there was any foundation for this remark? No, I do not; but I know that it was remarked.
17. *By Captain Ward:* Can you mention anybody that you heard make this remark? When I first came from Twofold Bay, it was the general impression and remark throughout the department that Mr. Metcalfe had this influence; and I may mention the names of Mr. Maddox and Mr. Llewellyn as having said this.
18. Have these remarks been confirmed by anything you have since seen? No, they have not.
19. How long have you been in the department? I have been in Sydney for the last four years, and a greater portion of that time I have been in the long room.
20. *By Mr. Duncan:* Are you not aware that influence has been exercised in your favor, more or less, by Mr. Metcalfe? I am not. I do not recollect his using any.
21. Were you not at one time an aspirant for promotion? I was.
22. And Mr. Metcalfe made some great exertions in your favor? I know that he was kind enough to say that he would do so.
23. Are you not aware that both Mr. Metcalfe and Mr. Powell have used threats against some of the officers of the department? No, I am not.
24. Have you not heard them complain that such was the case? I have not.

Mr. S. Mowle.

4 Jan., 1860.

Mr.



Mr. Henry Moore, called in and examined :—

- Mr. H. Moore. 1. *By Mr. Powell*: You are a locker in the Customs Department? I am.  
 4 Jan., 1860. 2. Were you at any time doing duty on the Australian Steam Navigation Company's Wharf? I was.  
 3. In what capacity? As acting tidewaiter.  
 4. What were you in the habit of doing with regard to the clearances of steamers? I was only a very short time at the clearances. I took the papers and witnessed the captain's signature to them.  
 5. The captain's declaration and the documents were sent down to the wharf to you, and you countersigned them with respect to any additional articles shipped? I did.  
 6. They being first signed at the Custom House by Colonel Gibbes? Yes.  
 7. Were drawback goods ever inserted upon the clearance after the papers came to you? Not that I remember, but I was only a short time at this branch. Before I left I had to attend to the shipping of the sugar sent down for drawback.  
 8. That would not appear on your clearance? No. I inserted only free goods on the manifest after it came to me.  
 9. *By Mr. Duncan*: How long were you employed in this way? From two to three months; not more.  
 10. Do you remember any instance of a steamer having gone away without your clearance? Not that I remember. I do not think that such a thing ever happened to me.

Mr. Henry John Rucker, called in and examined :—

- Mr. H. J. Rucker. 1. *By Mr. Powell*: You are in the Customs Department? Yes. I am third clerk in the Custom House.  
 4 Jan., 1860. 2. How long have you been in the department? Eleven years.  
 3. During that time you have been engaged in almost every branch in the long room? I have.  
 4. You have for some time been drawback clerk? Yes.  
 5. During the time you have had charge of that branch, have you found anything irregular or improper in our manner of claiming drawback? Not that I remember.  
 6. Have you found that we in any way obstructed you in the execution of your duty? No. Not in any way that I am aware of.  
 7. Have you ever been treated with any incivility or want of respect either by us or by the clerks in our employment? No.  
 8. Have you had handed to you a certificate of the landing of the tea of Mr. Caldwell's, shipped by the "Breadalbane," on which drawback was refused? Yes, I think I have.  
 9. Did you understand that that drawback would be allowed on receipt of that certificate? At first I did.  
 10. Who led you to believe that it would be allowed? I think it was Mr. Llewellyn.  
 11. Have you received any instructions with reference to that drawback now? I took the certificate to the Collector, and asked him how I was to enter it upon the sheets; and he said, I was to lay it by for the present.  
 12. Your impression, however, was, that it would be allowed? Yes, up to that time it was.

Mr. Francis Spence, called in and examined :—

- Mr. F. Spence. 1. *By Mr. Powell*: You are a clerk in the Custom House? I am.  
 4 Jan., 1860. 2. You were at one time a clerk in our office? I was.  
 3. And during the time you were there you were acquainted with our mode of conducting business? I was.  
 4. Do you know of any irregularity in our way of doing business? I do not.  
 5. *By Captain Ward*: How long have you been in the Custom House? Nearly five years.  
 6. And you left Messrs. Metcalfe and Powell's office to go into the Customs? Yes.

(Messrs. Metcalfe and Powell then handed in certain correspondence as part of their evidence.)

WEDNESDAY,

WEDNESDAY, 11 JANUARY, 1860.

Present :—

H. H. BROWNE, ESQ., IN THE CHAIR.

CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs; Messrs. Metcalfe and Powell, Custom House Agents; and Mr. Ross, Manager of the Sugar Company, were present during the proceedings.

Mr. Robert Sempill called in and re-examined :—

1. *By Mr. Browne*: You stated, on a former occasion, that you could produce proof of your Mr. R. Sempill.  
assertion that Mr. Metcalfe had exercised in the Customs Department an influence detrimental 11 Jan., 1860.  
to the revenue and at variance with his position as a Custom House Agent; are you now  
prepared to do so? I am. On that occasion—19 December, Question 32—Mr. Metcalfe  
challenged me to produce proofs of what I asserted, and that I am now prepared to do, by  
producing a few warrants, as examples of the mode in which his business was done.

2. Will you state the instances to which you allude? I first produce the report of the  
*French ship "Arche d'Alliance," of Havre, from Lombard to Port of Sydney, with the copy*  
*of her manifest inwards, and the declaration of the master, of date October, 1851. I produce*  
*a warrant for the importation of dutiable goods by that ship. It is passed by Mr. Metcalfe,*  
*but the declaration upon it is signed by one of his clerks. That declaration states that she*  
*is a British ship, and from London. By that declaration 42 bolts of Osnaburgh are passed*  
*as British goods, and as of the declared value of £5 for the whole, and duty paid thereon 10s.;*  
*and I say that that declaration is a false one. I produce another warrant passed by Mr.*  
*Metcalfe, on his own declaration, for rice imported by same ship, the value being fixed at*  
*£3 and a fraction per ton; the value of rice at the time being, in Sydney, £4 to £7 per ton.*  
I produce another warrant passed, on the declaration of Mr. Metcalfe, for 6 tons of resin,  
imported by the same vessel; the value being declared at £2 per ton, the price in Sydney  
being then £15 per ton. I produce another warrant passed for rice (warrant No. 697), in  
which the value is declared at £3 per ton, the Sydney price being £4 to £7. I next produce  
an entry for copper, imported by the "*Oceanic*," from Manila, 7,601 lbs., passed by Mr.  
Metcalfe on a declaration, stating the value at less than 2½d. per lb., the whole being entered  
at a value of £70. (But in the body of the declaration the value is stated at £7 only, which  
I presume to have been a clerical error.) I also produce a warrant and declaration for coffee,  
imported in the "*Velocity*," from Adelaide, 3 tons 10 cwt, the value being declared at £30  
per ton, the market price in Sydney being at the time £112 per ton. I produce another  
warrant and declaration, dated March 10, of coffee imported from Adelaide; value declared  
at £30 per ton, the Sydney market price being £112 per ton. I produce another warrant  
and declaration, of the 17th January, for 40 quarter-casks of Marsala wine; the declared  
value being £100. I produce another warrant and declaration, dated 17 March, for 950  
broad palings, imported from Launceston; the declared value being £2. I produce another  
warrant and declaration, dated 28th March, 1851, for American caught sperm oil, imported  
by the United States ship "*Massachusetts*;" the declared value being £31 10s. per ton, the  
Sydney market price at the time being £72 per ton. I produce another entry, passed  
on the next day, the 29th March, 1851, for British caught sperm oil, by the "*Nelson*,"  
British ship; the value being stated at £60 per ton, no duty being payable. I produce  
another warrant and declaration, passed on the 19th April, 1851, for 2,120 bushels  
of wheat, from Launceston, the declared value being 2s. 6d. per bushel, whilst the  
market price in Sydney was 7s. 10d. per bushel. I also produce a warrant and  
declaration on the same date, for potatoes imported from Hobart Town, by the "*Six*  
*Brothers*," 80 tons, at a declared value of £2 a ton, the market price in Sydney  
being £4 10s. per ton. I produce a warrant and declaration, passed on 19th April, for flour  
imported by the "*Sarah*," from Launceston, the declared value being £9 per ton, whilst the  
Sydney market price was £20. I produce a warrant and declaration, dated 19th April, for  
4,046 bushels wheat, imported by the "*Sarah*," from Launceston, the declared value being  
2s. 6d. per bushel, whilst the Sydney market price was 7s. 10d. per bushel. I produce a  
warrant with declaration, also on the 19th April, for 1,500 bushels of wheat, imported by  
the "*Favorite*," from Launceston, and passed by Mr. Metcalfe for T. W. Smart, at a declared  
value of 2s. 6d. per bushel, Mr. Smart's report of the price given by him for inferior  
Colonial wheat at his mill at that time being 8s. per bushel. I produce a warrant and  
declaration, dated 23rd April, for 9 tons cordage, by the "*Arabia*," from Manila, the  
declared value being £20 a ton, whilst the Sydney market price was at the time £50 a ton.  
I also produce an entry of the 26th June, for sugar, by the "*James Gibson*," from  
the Mauritius, the declared value being £2 4s. per ton for 8 tons, £5 10s. per ton for  
6 tons, £7 14s. per ton for 1 ton; the market price being then from £22 to £24 per ton.  
I produce a warrant and declaration, dated 11th August, for coffee imported by the  
"*Caldew*," from Batavia, 27 tons of the declared value of £25 per ton, the market value  
in Sydney then being from £51 to £84 per ton. I also produce an entry, passed on the  
11th September, 1851, for sugar by the "*Richard and William*," from the Mauritius, 25  
tons being of the declared value of £10 per ton, 20 tons of the value of £9 per ton, and 40  
tons of the value of £8 per ton; the Sydney price being then about £30 for such sugars.  
I also produce a warrant and declaration, passed on the 10th November, 1851, for black oil  
imported by the "*Emma*," from Auckland, the declared value being £10 per ton, whilst in  
Sydney the quotation for black oil was on the 25th October—the nearest quotation I could  
find—from £38 to £40 per ton. I also produce a warrant and declaration, passed on the  
18th September, 1851, for sugar imported by the "*Stratheden*," 50 tons at £9 per ton, and



Mr. R. Sempill. 60 tons at £10 per ton; the Sydney value of sugar of the same quality being at the time £22 per ton. I produce a warrant and declaration, passed on the 5th January, 1852, for 11 Jan., 1860. flour by the "Tamar," from London, 19½ tons on a declared value of £117 12s., or about £6 per ton, the actual price in Sydney being £12 per ton. I produce a warrant and declaration, passed on the 17th January, 1852, for rock salt imported by the "Tamar," 25 tons on a declared value of £5, that is, 4s. per ton, the price in Sydney at the time being £2 10s. per ton. I also produce a warrant with declaration, of the 1st December, 1851, for rice imported by the "Duchess of Northumberland," from Calcutta, 242 tons at a declared value of £3 per ton, the price in Sydney at the time being from £5 to £8 per ton. I produce warrant on declaration, of the same date, for 7 tons of sugar at a declared value of £7 per ton, the price in Sydney at the time being from £18 to £20 per ton. And I also produce a warrant and declaration, passed on the 2nd December, 1851, for 50 tons rice by the same ship, at a declared value of £3 per ton, the price in Sydney at the time being from £5 to £8 per ton. These entries were all passed by Mr. Metcalfe. They are produced by me as examples only of the way business was transacted. In addition to these cases, there are many more that I could have adduced for the period I served in the Customs, but the records of the Custom House for that time are not in a good state of preservation, many being quite illegible, and others entirely destroyed by damp.

3. Did these entries come under your notice whilst you were engaged in the Customs Department? Most of them did; a few of them, however, occurred not in my time.

4. Whose indorsement is this on the back of this warrant? I have been told it is Mr. Garling's.

5. What does that indorsement mean? I do not know, except from hearsay; I do not know Mr. Garling's signature, except I have been told that this is it.

6. Did you bring the cases you have here mentioned under the notice of the Government; did you, in your letter of complaint, let the Government know of these frauds upon the revenue, that were being carried on by Mr. Metcalfe? I did not mention these or any other cases specially. No inquiry was gone into.

7. Do you happen to know whether the entries you have adduced are exceptions to the general rule, or whether the entries, made at that time, were all made in the same way with regard to values, by other agents? There was very great variation in the declared values of goods entered.

Mr. Metcalfe having been asked if he had any question to put to the witness, said:—The goods are all entered here, and the landing surveyor has, in each case, approved of the value set against them. If any false value had been put to them, it was in the power of the Government to stop the goods and take them at the value entered, if they chose to do so; but in no case was the valuation on the entry objected to. Besides, we have no interest in the matter, the values are given to us by the merchants who import, and that is all we know of the matter.

8. By Mr. Browne: Are you aware whether such was the case, that is, whether the Custom House authorities had power to take the goods at the declared value and sell them? No doubt they had that power by law,—expressly by the Act of Parliament,—and they ought to have exercised it in many of the instances I have alluded to; but they did not do their duty in this, as in many other cases.

Mr. Metcalfe: I have no interest in these values. The importer tells me that the value is so much, and I never see the goods, and am bound to believe him, and enter them as of that value. Afterwards, when the Customs officer approves, I can, of course, have nothing to say.

9. Mr. Browne: Are you aware of what the law was with respect to the value of goods imported, at the time these entries were passed? Yes; the law (Act of Council, 9 Vic., No. 15, section 22,) provided, that the duties should be paid on a declaration of their value by the importer or his agent; and section 54 of the same Act provides a penalty of £200 for every false declaration of the value or otherwise of goods entered; and the Act of Parliament, 2 William IV., No. 14, substituted those declarations in lieu of the oaths formerly required, and provided a penalty of £100 for every false declaration; and the Act of Parliament, 5 and 6 William IV., c. 62, further provides that every false declaration shall be punishable as perjury.

10. Did the law state whether the duty was to be fixed on the value existing in the colony at the time of the importation, or upon the value invoiced to the importer? The Act provided, that in case of any difference of opinion, between the importer and the Customs officer, as to the value of the goods imported, the value was to be determined by the ruling market price in the port of importation.

11. By Mr. Duncan: With respect to Mr. Garling's approval of the value, and the option of the Customs to seize the goods and take them at the declared value in cases where they imagined a proper declaration had not been made,—do you think, from the influence that Mr. Metcalfe had with the then Collector, and with Mr. Garling, that there was any probability of his values being questioned? I do not know what particular influence Mr. Metcalfe had, but I do know that the surveying officer did not do his duty in one case out of five hundred. In almost every case, the value was entered entirely at the discretion of the agent, without any reference to the real value or market price. I was asked, at a former meeting of the Board, on 19 December (Question 44), with reference to the state of business in the Custom House, whether there was not a large increase of business in that department just about the time when I was there, and when Mr. Metcalfe pressed me so much to pass his entries, before those of other parties; and, to satisfy the Board, I have made out a return, from which I find that the *ad valorem* duties received at the Port of Sydney were, in 1849, £16,775; in 1850, £17,833; and in 1851, £22,930; that the value of goods imported was,

was, in 1850, £1,333,413; and in 1851, £1,563,931: and that the number of ships entered at the Customs, Port of Sydney, was, in 1850, 421 vessels, with an aggregate tonnage of 126,185 tons; and in 1851, 553 vessels, with an aggregate tonnage of 153,002 tons. Mr. R. Sempill.  
11 Jan., 1860.

12. You were asked if you made a special report of the cases you have mentioned, and you have said that you did not; but did you not offer to substantiate these and other charges if the Government gave you the opportunity? I did not make any special charges, but when I was called upon to specify charges I said I was willing to prove all I had alleged, but that I must do it in my own way. The Government required that I should do it in their way, but I would not be forced to do it under the conditions that the Government laid down. I have heard that it has been stated before this Board that Mr. Llewellyn has improperly had something to do with procuring my attendance here as a witness. With respect to any conversation that has taken place between myself and Mr. Llewellyn, and about which Mr. Metcalfe questioned me on a former day—19 December, Question 39—I now say that I have had no conversation with Mr. Llewellyn or any one else on the subject of this inquiry. On the contrary I have carefully avoided it, and have expressly refrained from asking anything about it. At the present moment I do not know what is the Collector's complaint against Metcalfe and Powell, or what is the subject matter of the present inquiry. I have also here a note as to the importance of these declarations of value for the levying of *ad valorem* duties, and I would hand this in as an answer to Mr. Metcalfe's remark—on 19 December, after my answer to question 41—that my complaint to Mr. Collector Gibbs against him “was one of so little importance that he had not even heard of it.” This note also shews that Mr. Metcalfe was then guilty of a *violation of the law* of the Customs Regulations—S. V., i.e., of Act of Council 9 Vict., No. 15, secs. 13 and 14, and promulgated by the Lords of the Treasury.

Mr. Duncan, before proceeding to reply, said that he should have to mention the names of one or two gentlemen whose opinions bore out his statements, and whom the Board might call in evidence if they thought fit. He was himself desirous of calling them, but from the case being closed was precluded from doing so.

Mr. Browne said that if the Board thought it necessary, these or any other witnesses that were necessary to elucidate any point would be called upon to give evidence.

Mr. Duncan then addressed the Board as follows:—

In offering to the Board a few observations on the defence made by Messrs. Metcalfe and Powell, I labor under the disadvantage of not having the evidence before me, nor, indeed, any notes of it. If, therefore, my memory shall be found in any way defective as to any portion of the evidence given on either side, I must crave some indulgence from the Board, on this ground. If the report of the short-hand writer bear out substantially what I shall say, absolute verbal accuracy will not be looked for.

On another ground I feel that I require some indulgence. The letters in which my charges against Messrs. Metcalfe and Powell were originally made were written to the Minister of my department, from time to time, as the facts arose, and were of the nature of privileged communications. They were often written in haste, under an enormous pressure of business, and in the heat of conflict with a variety of persons, officers, merchants, agents, and others whose interests were affected by the reforms and regulations which I was then engaged in making. They contained my impressions at the time, and I see now very little in them to retract. On the contrary, they give but a very feeble notion of the difficulties that have been thrown in my way by the parties referred to, and more especially by Messrs. Metcalfe and Powell. They give absolutely no notion whatever of the enormous extent to which I know this revenue has been defrauded by the loose system of which I believe Mr. Metcalfe to have been the principal author, and which loose system, coupled with his uncontrolled sway at the Custom House, has enabled him so to serve his constituents and increase their number, that he can boast that he “represents nearly one-third of the ‘merchants of Sydney.’”

But a person in my place may know much, with a moral certainty, he may have just grounds to suspect much more than he knows, and it may be his duty to communicate this knowledge and these suspicions to the Minister of his department, and yet he may not possess one tittle of legal evidence of the facts. When, however, these facts come to be investigated by a commission like the present, no doubt such a body will feel bound to adhere—if not strictly—at least in some degree to the established rules of evidence; and in such case it will be admitted that much that may be perfectly true—much that may be certainly known—cannot be proved. All I can expect of the Board, under these circumstances, is to give due weight to the proofs actually adduced, and to make fair inferences where the evidence may fall somewhat short of strictly legal proof. If this be done I have no hesitation in asserting that my case against Messrs. Metcalfe and Powell is in all essential points proved, and that it will be the duty of this Board to recommend their removal from the Custom House, where they have done so much evil, and where their continued presence would be subversive of my authority as the head of the department.

My first charge against this firm was that they had asked me to sign a clearance before it was filled up or the goods shipped. I submit that this is completely proved by the evidence of Mr. Lane. I might have added a similar request, in a much more reprehensible form, made by Mr. Metcalfe since this investigation commenced. He has asked me to sign a clearance which would have allowed a vessel to carry a cargo coastwise to a port where there is no officer, discharge there, load there for a foreign port without entries,

warrants, or anything else, and depart whithersoever her commander pleased—all under the same false and illegal clearance! And he has done me the honor to complain to the Treasurer that I would not be guilty of so illegal an act.

On the subject of my requiring the claimants for drawbacks to make declaration in proper form of their shipments, the fact has not been denied by Mr. Powell, but he endeavored, if I understood him rightly, to convey to the Board the notion that these declarations were really made before my time as well as since. I can only say that all my clerks assert the contrary, that Mr. Powell himself admitted the contrary to me in May last, and that on the 10th day of that month I myself saw Colonel Gibbes attest a great number of these declarations in the absence of Mr. Powell and all the other declarers. That very day I announced my determination to give these declarations all due solemnity. The announcement did create a little stir in the office. I believe it made claimants more cautious, at any rate the drawbacks immediately fell off more than one half, as I have proved by a return before the Board. Mr. Powell has put in a return of a different kind, with a view to account otherwise for this remarkable falling off. I have had no opportunity of examining this document, but I heard enough of it read by the chairman to satisfy me that it proves nothing to the point.

I next charged Mr. Powell with having threatened to "walk out the new Collector" if he attempted to carry out the law in its integrity, and this before he knew who the new Collector was to be. This has been clearly proved by Mr. Mackenzie and Mr. Maddocks, and by an original memorandum made by the former at the time. Mr. Powell made desperate efforts to depreciate the testimony of these gentlemen; he had the effrontery to put an infamous question to the former, knowing his very excitable nature, and to a certain extent he succeeded in ruffling his temper, but he utterly failed in shaking the testimony of either witness, and I am confident that the Board must regard this fact as undoubtedly proved. Nor do I think that there can be any doubt in the mind of any one, who has read the papers before the Board, that Mr. Powell has fully acted up to what he said on that occasion. But I admit that I am unable to convey to the Board by direct evidence any adequate conception of the almost supernatural perseverance with which Mr. Powell, aided by the social and commercial influence of his partner, has pursued his object. I can only say that it has wasted my time, injured my health and spirits, and caused me again and again to deliberate with my family on the prudence of resigning an office which I have attained by long and faithful service, which is my sole dependence, and which I honestly believe myself peculiarly qualified to fill with advantage to the public. What has most pained me in my intercourse with Mr. Powell is his incessant lying.

*Mr. Powell* called the attention of the Board to this expression.

*Mr. Browne*: I think it would be much better if this case could be divested of personalities. The use of these strong words can have no other effect than to embitter private feelings, and, speaking for myself, I know that they will not have the effect that is anticipated on the Board.

*Mr. Duncan*: I can find no other word that is applicable to Mr. Powell's continued want of veracity, and I must decline to withdraw the word.

*Mr. Browne*: It is not for us to dictate to you, but the Board would advise you to moderate the tone of your address.

*Mr. Powell*: Let the word stand. It will shew the public the kind of man we have to deal with.

I do not know that I have ever had from him, either orally or in writing, two consecutive sentences of naked truth. In his letter to Mr. Ross, at page 9 of the printed correspondence, I have counted fourteen deliberate falsehoods. The most material of them are proved to be such by letters of Mr. Still, Mr. Llewellyn, Mr. Chapman, Mr. Bayley, and Mr. Macpherson, at pages 7, 12, and 13. That letter was never intended for my eye. It was intended to do its work silently with the Sugar Company and with the Speaker of the House of Assembly, whose name is insidiously introduced into it, when in a happy moment Mr. Ross sent it to the Treasury, by which accident it is now in the possession of the Board. How many similar letters Mr. Powell may have written to his other constituents I can only judge from the false prejudices he has succeeded in creating. This one at any rate we have, and I would earnestly request the Board to read it, with my answer and the letters referred to, and to judge of my position at the head of a large and most onerous department, with such a man stationed among its officers—in constant contact with them, and tampering with them,—the managing partner too of a firm representing "nearly one-third of the merchants of Sydney."

Mr. Powell has, however, made an effort to justify some portions of that letter, and I would beg the attention of the Board to the disgraceful means he has resorted to for that purpose. He has called Mr. Russell, and instructed him to tell the Board that I compelled him under a threat to indorse the warrant for Messrs. Gilchrist's sugar which he had not seen shipped. Mr. Russell certainly did boldly and deliberately make that statement, and stuck to it. I ask, did the Board believe him? I feel confident no one present did believe that I ever asked Mr. Russell to sign a warrant for the shipment of goods without knowledge of the fact—far less that I did so under a threat. Here Mr. Powell has surely overacted his part. I hope it can hardly be necessary for me to deny that I pressed Mr. Russell against his conscience to sign a warrant. The Board have had ample evidence of the flexibility of his conscience in signing for drawbacks, but, to remove all doubt on the subject, I have requested Mr. Bayley, who was present in the room, to state what really took place. Here is one of the cases on which I leave it to the Board to say whether they will call for the evidence of the party alluded to or not. After mentioning the condition on which I agreed to allow the drawback, Mr. Bayley says, "You then sent for Mr. Russell, and instructed him in my presence that he might make the goods shipped immediately on

"my

"my producing the above certificate of the landing of the goods. This was every word that passed, to the best of my recollection." So far Mr. Bayley, whom the Board may call and examine, if it should be deemed necessary.

The Board will observe that the allowance of the drawback was, in this case, contrary to the ordinary rule made to depend on the Collector's certificate at the port of landing, not on that of Mr. Russell, who in fact did not sign till that certificate was produced long after. Mr. Powell called Mr. Giffard to prove that I had very recently promised a drawback to Mr. Caldwell under similar circumstances, and certainly Mr. Giffard boldly asserted the fact. But when asked by me how he knew it, he was obliged to admit that it was pure hearsay. The truth is that I refused drawbacks to Mr. Caldwell and one or two others in similar circumstances, but told them they might obtain certificates of landing which would be taken into consideration after the Government had decided the claims of the Sugar Company, which are now before this Board. Was there anything wrong or inconsistent in this?

I turn from this lamentable exhibition of Mr. Powell and his witness to his attempt to explain away the printed evidence of his falsehood in reporting to Mr. Ross a conversation he had with me on the subject of the Sugar Company's drawbacks. The Board will remember that in the first instance he attempted to shew that the conversation in question was the same that took place when he burst forcibly into my room after I had refused to see him. This, however, was too glaringly false to deceive the Board for a moment. Mr. Powell was made feel his error, and it became necessary to shift his ground. This *one* conversation having been proved to be *two*, he wished afterwards to make it *three*, in order to exclude the witnesses who prove so clearly his mendacity. I ask the Board if they ever saw a more lamentable failure? Can a doubt exist in the mind of any one who reads the correspondence that the conversation alluded to in Mr. Powell's letter to Mr. Ross is the identical conversation that took place in the presence of Mr. Still and Mr. Llewellyn? And can any blame be attached to me if, after such an exhibition of malevolent falsehood, I refused to give him another opportunity of misrepresenting my words? I am in the habit of speaking out rather unguardedly what I may happen to think at the moment, on all public matters and public men, and I constantly say things that, reported by a mendacious auditor like Mr. Powell, might bring something more dangerous about my ears than even the Speaker's wig. Unless, therefore, I could adopt a habit of circumspection, which I despair of ever attaining, I must, at whatever cost, keep walls or space between me and such men as Mr. Powell. I am happy to believe that few such men exist.

My next charge against Messrs. Metcalfe and Powell was their having concealed, for about three weeks, a short shipment of sugar on which they had received drawback; and that on reference to the shipping warrant the quantity was found to have been indorsed, not by the searcher, on whose indorsement drawbacks are paid, but by Mr. Metcalfe, himself the recipient of the drawback. This I have asserted to be an unpardonable offence in a Custom House Agent, and I have proved my assertion by the evidence of Mr. Cecil as to what would be thought, in London, of such an indorsement. This, even if the indorsement had been correct, but it is admitted that in the case of the sugar per "*Moa*" the indorsement was false. I use the word *false* advisedly, because an indorsement has no reference to what may have been *intended* to be shipped, but to what the searcher *knows to be shipped*. But Mr. Metcalfe's indorsement is not only false as regards the short shipment of 43 bags, but it is false even supposing them to have been shipped. Mr. Metcalfe indorsed for the whole quantity shewn on the face of the warrant 35 tons, while the Company do not pretend to have shipped more than 34 tons 12 cwt. 3 qrs. 21 lbs. It seems that Mr. Russell could not make Mr. Metcalfe's indorsement tally with the Company's weights, and he succeeded in getting some third party to write off 7 cwt. 7 lbs. from the quantity indorsed by Mr. Metcalfe. The Board are aware that the original warrant, together with other important papers connected with this inquiry, has been mysteriously abstracted from the correspondence, but there is left therein sufficient secondary evidence of the facts here stated.

The Board have heard from Mr. Cecil what would be thought of such a transaction in England, supposing it possible that it could take place there.

Mr. Powell has not been able to deny that, aware of the short shipment on the 8th June, he allowed the "*Moa*" to enter, discharge, load, and depart again without informing me of this breach of the law. Is it possible to justify such conduct in a licensed agent? Is it not a violation of his bond?

To return to the indorsements. I produced a number of drawback warrants indorsed by Mr. Powell in the same way. Whether these indorsements were true or false will probably never be known, nor does it in my opinion make any difference as regards this inquiry. The Board have seen the searcher Russell, in whose name the indorsements were made. They have seen how little he knew, or could know of the enormous shipments for which he was nominally responsible; they have seen that the drawback system—the searcher being their mere tool—was entirely in the hands of the agents to take what they pleased, more especially in the case of the Company's sugar; they have seen that the belief of the Government and the public that Customs officers were engaged in watching the shipment of goods for drawback was a perfect delusion; and they will say if men who could be parties to such a gigantic imposture, or rather its authors, should continue in the position of licensed agents.

It has been said that this abominable system was expressly sanctioned by the late Collector as regards the Sugar Company. No proof has, however, been adduced, and I do not believe that Colonel Gibbs ever signed such a regulation. Unless the contrary be proved, I shall believe the arrangement to have been made between Mr. Metcalfe and his tool, Russell, with the Collector's authority. And surely such a scheme more pregnant with fraud was never devised.



It is not to be expected that many proofs can be adduced of actual fraud on the part of these agents. The officers who may have been cognizant of such frauds cannot expose them without either condemning themselves as accessories, or at least exposing themselves to have all their own faults brought to light in retaliation. The treatment of Mr. Mackenzie and Mr. Kidd by Mr. Powell shews to what extent even comparatively good officers expose themselves to annoyance by exposing frauds. Yet it has been proved, beyond all question, by Mr. Mackenzie, aided by the unwilling memory of Mr. Russell, that Mr. Powell did urge the latter to make a fraudulent indorsement of two casks of sugar that were either short shipped, according to Mr. Russell, or illegally re-landed according to Mr. Giffard; and it has been proved, equally beyond question, that Mr. Powell again and again pressed Mr. Kidd to make a false indorsement for drawback, even after the latter informed him that he had been offered a bribe by a third party to sign for it. And we have it in evidence that after Mr. Kidd had persisted in his refusal, Mr. Powell obtained the drawback by means of a less scrupulous officer. Mr. Powell, I admit, proved that Mr. Kidd, himself, had not been always so scrupulous as he ought to have been, and as he had led the Board to believe. It was difficult for any man wholly to escape the general contagion; but I have no hesitation in saying, from my observation of his character, that, compared with many others, Mr. Kidd *was* scrupulous, and that his testimony respecting Mr. Powell is not to be gainsayed. Mr. Powell called Mr. Collyer—an officer of very loose notions of duty—to prove that, in his opinion, there was little harm in an agent's indorsing a warrant for the searcher; but even Mr. Collyer failed him here. He could not justify Mr. Powell in asking a searcher to sign for a shipment of which he had no knowledge, not even the mate's receipt. Still Mr. Collyer did justify Mr. Powell and his partner to some extent, by saying that he saw no harm in an agent's indorsing warrants to be afterwards signed by the searcher. If so, why not add the searcher's name? Why not dispense with the searcher altogether, and save his salary? I am astonished that any man—and particularly an old imperial officer like Mr. Collyer—would damage his own reputation here, and his future prospects with the Imperial Board by giving utterance to such a doctrine. Very different is the language of Mr. Fancourt (and here is another case in which the Board can call in the party as an evidence or not as they may think proper), who from his earliest years had an acquaintance with the practice of the London Docks, and whom the Board may recall and examine on this point. Mr. Fancourt says, "I am satisfied that no such thing is done in London, neither would it be allowed. In my opinion if an officer was to sign such a document he would stand a good chance of losing his situation." (*Vide letter annexed.*) This accords with the straightforward evidence of Mr. Cecil, and with every principle of integrity and common sense. And if further proof were necessary it is furnished by Mr. Deane, an old imperial officer, whom it is yet competent for the Board to call and examine, and who is the third and last of the witnesses I referred to, and who states (*vide answers annexed*) that it is most decidedly improper for a landing-waiter to allow any one to indorse for him; that he never allowed an agent to indorse a warrant; that the Board of Customs would not tolerate such a practice, which might open the door to great irregularity and fraud. Mr. Powell's own notions of indorsements were not quite so loose when he wished to establish for himself a character with the former Board, by denouncing the irregularities of others. At page 59 of the evidence then given, Mr. Powell is asked with reference to certain warrants in the "Louisa" case:—

"63. Whose handwriting is that in? The agent's; but I see the export officer, Mr. Newton, acts as a clerk, in a manner; he has indorsed these documents, which is a very unusual circumstance.

"64. Whose duty is it to make these indorsements? The locker's duty." If, therefore, it was irregular for an officer of the department to indorse for another, surely it is tenfold more irregular for an agent—a party interested—to indorse the quantities on which he is to be paid. I observe, also, that in a note to his evidence, Mr. Powell, who opposes all examination for drawback now, states that it is the practice in London to examine such goods—"the exporter attending to open and close the packages," (p. 58.) On the same page, in answer to a question respecting Mr. Bramwell's having signed a shipping warrant for goods he had not seen, Mr. Powell had no hesitation in saying that he thought it "VERY WRONG." But Mr. Powell was then Queen's evidence. He is now the defendant. The case is altered with him; and that which was then "very unusual" and "very wrong," is now "all right" and praiseworthy.

There are in the hands of the Board two drawback warrants in which Messrs. Metcalfe and Powell enter some ten and eleven tons, respectively, as refined sugar, which, on examination, were discovered to be bastards, and entitled to the lower drawback only. Mr. Powell has claimed to be the first to point out the error in one of these cases; but I do not remember that he proved it, and I do not believe it, far less that he would have done so in the quiet old regime. He attempted to justify the false entry and declaration on the face of the warrants by the instructions received from the Sugar Company, but on referring to the book in which these instructions were entered, it was found that they did not agree with the entry. Mr. Powell here also displayed his wonderful power of mixing truth with falsehood by stating that the indorsement of the warrant was everything, the entry on the face of it nothing. This is really true as to the quantity, but quite false as to the quality or description of the goods. A false entry as to the quality or description of the goods would in England expose the agent to a penalty of £100. In our Colonial law, I believe, it is of the nature of perjury. And on this subject of false declarations I confess to some surprise that the Board should have entertained for a moment Mr. Metcalfe's argument that such a declaration is the act of the principal and not that of the agent. In morals it is certainly not so, nor is it so in Customs law. The Act 16 and 17 Vic., c. 107, s. 198, says,

"If

"If any person shall make and subscribe any false declaration, or make or sign any declaration, certificate, or other instrument required to be verified by signature only, the same being false in any particular \* \* \* every person so offending shall, for every such offence, forfeit the penalty of one hundred pounds."

If this penalty were enforced with rigour against Messrs. Metcalfe and Powell, I believe the gross amount of penalties would more than pay the whole public debt of this Colony. I do not believe that there ever existed such a system of falsehood as the Custom House declarations of these agents exhibit. Even now that their debenture declarations are properly taken, I believe that there would be no difficulty in proving the majority of them to be substantially false, and the drawback thereby illegally obtained.

I had charged Mr. Metcalfe with obtaining for the Sugar Company, by means of a false representation, a large remission of duty on sugar illegally abstracted from the bond. The letter of Mr. Metcalfe on which I relied to prove this has, like the famous "Moa" warrant, and other important documents connected with this inquiry, disappeared, the correspondence having been twice at least in the hands of persons connected with the Sugar Company. I do not know what the Board think of this strange disappearance of public documents; for my own part I have formed without difficulty my own conclusion. Even without this letter of Mr. Metcalfe's, however, I undertook to prove the false representation; but the Board refused this portion of my evidence, on the ground that Mr. Metcalfe was acting under the advice of his employers, the Sugar Company, who alone should be held responsible. I thought, and I still think, this was an erroneous ruling of the Board; but I have no doubt the transaction will be brought to light in another way, and substantial justice done. The Board will shortly see with what facility the agents of the Sugar Company enabled that firm to take hundreds of tons of sugar out of bond without payment of duty; and, consequently, to obtain drawback of duty which was never paid, thereby committing a double fraud on the revenue. It will then better appear whether or not it was safe to take the Company's weights, and their agents' indorsements, with Mr. Russell's valuable signature attached, as the sole authority for paying away many thousands of pounds of the public moneys. Nor do I imagine that the Board will be satisfied with the production of two pass-books, which they have had no opportunity of comparing with the private books of the agents and of the Company, and with the accounts and correspondence of both parties. If the Board are not prepared for this immense investigation, and to carry it out with a minuteness and perseverance corresponding with the sharpness and cunning of these men they have to deal with, I submit that these pass-books are of no importance whatever in this inquiry. And if Messrs. Metcalfe and Powell repeat their assertion that I am too "suspicious," I refer them to the evidence of Mr. Sempill as to the gigantic frauds practised on the revenue by Mr. Metcalfe in years gone by,—frauds compared with which the case of the "Louisa" sinks into complete insignificance. Sugar worth, as per *Herald's* Wholesale Price List, £23 per ton, entered for duty at £2 8s. to £5,—coffee worth £70 per ton entered at £25 to £30, rice worth £5 to £8 entered at £3, black oil worth £38 to £40 entered at £10 per tun, and so on without end.

One of Mr. Metcalfe's plans of operation was to secure to his own creatures such offices in the department as he required the control of. In this he generally succeeded. Mr. Russell's appointment was one of these, according to universal belief in the office. Mr. Manton (himself at one period a tool of Mr. Metcalfe) stated the same thing to the former Board, and I have no doubt of it. Mr. Metcalfe, however, denies it, and says it was the appointment of his *alter ego*, Mr. Garling. Be it so. On my taking charge I found the first and second clerks in disgrace with the Government, partly through the restraint with which they evidently made their statements before the Board in the "Louisa" case, and partly through the efforts of Messrs. Metcalfe and Powell to make the most of the awkward figure they then made. I well remember the effect that Mr. Llewellyn's evidence made upon myself, to his prejudice, when I read it, at a distance. I cannot wholly justify it now, but I now understand the cause of it. He knew that the influence of these agents was the chief, if not the sole, cause of the irregularities then made manifest, but neither he nor any other had the courage to risk his own dismissal by denouncing them. But I believe that Mr. Llewellyn and Mr. Maddocks were both greatly instrumental in restraining the evil, and they were to be got rid of. Their places were to have been filled by friends of the firm. Mr. Mowle was to take the place of one, several proteges of Mr. Metcalfe were successively named for the other high office, and Mr. Spence, an ex-clerk of Mr. Metcalfe, was to have been warehousekeeper. I was almost led into the snare myself; and if Mr. Powell had not displayed his irregularities too soon, and thereby put me on my guard, no doubt Mr. Mowle would be now secretary, or cashier, and Mr. Spence warehousekeeper. However, I began to "suspect" in time to enable me to do justice to both the aspirants and the intended victims; and while Mr. Mowle and Mr. Spence, as in duty bound, have been here to express their gratitude to their patrons, Mr. Llewellyn and Mr. Maddocks remain at their posts, the duties of which they discharge, in my opinion, faithfully and conscientiously. And while alluding to Mr. Llewellyn, I would, in justice to him, notice the desperate efforts made by Mr. Powell to drag him into this present affair, by representing him as the originator of the difference between myself and these agents, and the chief mover of this inquiry. I assure the Board that this is utterly untrue. Mr. Llewellyn never said one word to me unfavorable to these agents till I myself discovered their shamefully irregular mode of doing their business, and until I called upon him to assist me in instituting such inquiries as I thought necessary in the matter. He has simply given me the assistance it was his duty to give. In fact, if I have any fault to find with Mr. Llewellyn it is that he is, and has been all along, too much afraid of these agents; and if he is a little bolder now than formerly, it is no doubt because he sees that they are now likely to become harmless. It is greatly to Mr. Llewellyn's

Llewellyn's credit that, being naturally nervous and timid, and well aware of Mr. Metcalfe's power, he has never been of Mr. Metcalfe's party. I respect him for this; but that he, or any one in the department, or out of it, is capable of leading me by the nose in a matter of this kind, will not be believed by those who know me best, and whose chief complaint against me is that I will "neither be led nor driven."

These remarks have extended so far beyond what I intended, that I must pass over much that Messrs. Metcalfe and Powell said in their defence, but failed to prove. The defence of the latter was, indeed, rather a string of falsehoods and recrimination against myself, than a defence of his own misconduct; and I have to apologise to the Board for my inability to avoid interrupting his continual mis-statements, during an address that occupied nearly two sittings. I pass over his attempt to persuade the Board—from the simple fact that I allow average weights to be taken when possible—that my regulations are the same as those that previously existed. The Board have seen enough of the old system, and they have copies of my rules and instructions, and they can judge if they are the same. They will, however, consider the difficulties I have had to contend with in carrying out these regulations by means of officers, too many of whom, as we have seen, incline to my opponents, and to the former easy way of getting over their duty. It will be necessary to make very large allowances on this score, and at the same time to consider the continual pressure on me for relaxations of particular rules; the numerous appeals to the Treasury against my decisions; my desire on the one hand to enforce the law strictly, and at the same time to give every safe facility to legitimate trade. It will be necessary to consider that I have to give decisions twenty times a-day on points many of which would each require a whole day's consideration to decide them well; that every such decision forms a precedent, which men like Mr. Powell are always ready to avail themselves of, and strain beyond its proper limits (witness the cases of Gilchrist's, Robey's, and Caldwell's drawbacks); that my every act is watched and recorded for hostile purposes; that those who seek interviews with me are followed and listened to, and our conversations misrepresented. If all these circumstances are duly weighed, I think the Board will be surprised that Mr. Powell and his partner have been so unsuccessful in fault finding, and that they will receive credit for prudence in withdrawing their formal charges which were to have terminated the Board's labors. Except that this abandonment of their case will save some valuable time, I cannot say that I am thankful for it; nor can I meet them half-way in their concluding effort to reduce the whole matter to a personal misunderstanding. There is no misunderstanding whatever. I believe we understand each other perfectly; at least I am quite sure I understand them, and I shall take care, now that matters have gone so far, that the whole community understand us both, unless, indeed, which I sincerely hope, the report of this Board shall be such as to relieve me from the necessity of ever bestowing another thought on Messrs. Metcalfe and Powell, sometime Custom House Agents at this port.

I now leave my case in the hands of this Board, with the most perfect confidence as to the ultimate result.

*Mr. Duncan* proposed to hand in as evidence the letters from Mr. Bayley, Mr. Fancourt, and Mr. Deane, alluded to by him in his address.

*Mr. Powell* objected, unless he could have an opportunity of replying to him.

The Board determined upon taking time to consult as to whether the letters now handed in by Mr. Duncan should be retained as evidence. If they were so, Messrs. Metcalfe and Powell would have an opportunity given them to refute the allegations contained in the documents; if they were not, they would be returned to Mr. Duncan.

*Mr. Metcalfe* now wished to address the Board on the subject of his charges against Mr. Duncan.

*Mr. Browne* said the Board cannot think of proceeding in that way. They have been bound to consider the position that Mr. Duncan holds, and the fact that he has taken the course that has caused this misunderstanding solely for the protection of the revenue, and looking upon him, moreover, in the light of an imperial officer, we give him the first opportunity of putting his case before us, as against Messrs. Metcalfe and Powell, Mr. Stewart, and the Sugar Company. These being concluded, we will hear your charges against Mr. Duncan, and he will then have full and fair opportunity to defend himself. We had, however, understood at the last meeting that it was not the intention to press these charges against Mr. Duncan.

*Mr. Metcalfe*: Surely it is not the intention of the Board to shut out our case.

*Mr. Browne*: No. The Board will be quite prepared to hear you at the proper time if you insist upon going on with it.

*Mr. Metcalfe*: We consider that we have proved a great deal of our case in the evidence that has been already given, and we thought that time might be saved by handing in this correspondence, and hearing a few remarks from me, which would conclude our case at once.

*Mr. Browne*: If the charges are brought, Mr. Duncan must have full notice and full opportunities of replying in the same way as notice and opportunity were given to you.

TUESDAY, 17 JANUARY, 1860.

**Present:—**

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, ESQ.,

CAPTAIN McLERIE.

Mr. Duncan, Collector of Customs; and Messrs. Metcalfe and Powell, Custom House Agents, were present during the proceedings.

The Chairman announced that he had received a communication from Mr. Stewart, of the firm of Towns & Co., who, in consequence of a domestic affliction, would not be able to go on with his case to-day, as had been agreed upon.

The Chairman now said, with reference to the letters appended to Mr. Duncan's statement, made at the last meeting of the Board, that it seemed to him objectionable to refuse to receive anything that was offered in the shape of evidence, and that in this view the Board concurred with him; the Board had, therefore, decided to receive the letters. At the same time, if Mr. Metcalfe or Mr. Powell wished to make any remark in reply to the statements contained in those letters, they will be entitled to do so.

The following letters were then read as part of the evidence:—

*Custom House, 7 January, 1860.*

Sir,

I do myself the honor to state, in answer to your question to me, whether from the long experience I had in the Docks in London, a Custom House Agent would be allowed by the Customs authorities to indorse a warrant for the due delivery of goods for drawback or export, and then the searcher to sign it for shipment.

I am satisfied that no such thing is done in London, neither would it be allowed. In my opinion, if an officer was to sign such a document, he would stand a good chance of losing his situation.

W. A. Duncan, Esq.,  
Collector of Customs.

I have, &c.,  
THOS. FANCOURT.

My dear Sir,

*Sydney, 9 January, 1860.*

As you were for many years a landing-waiter at this port, and one who was admitted to have a thorough knowledge of the out-door business of the Customs department, I should esteem it a favor if you would give me your opinion on the following subject:—

A landing-waiter, having shipped some goods for drawback, takes the warrant to the Custom House Agent who passed the export entries, and gets him to make the usual indorsement on the back of it, instead of writing it himself,—to which he then places his signature in the usual way.

The points upon which I wish to have your opinion are these:—

- 1st. Is it proper for the landing-waiter to allow any one except himself to write upon the back of a warrant for goods shipped by him for drawback?
- 2nd. Is an agent justified in writing upon the back of a warrant for goods shipped for drawback under any circumstances whatever?
- 3rd. Would such a practice be approved of by the Board of Customs?
- 4th. Would not such a practice open the door to great irregularity, and probably admit of fraud upon the revenue?

J. L. Deane, Esq., &c., &c.

Believe me, &c.,  
W. N. LLEWELLIN.

*Ans. 1.* Most decidedly not.

*Ans. 2.* I never allowed such a thing, nor am I aware of such a circumstance ever having taken place during my time; but it used to be the practice of the agents to send us the Memo. to indorse upon the export warrant.

*Ans. 3.* No. See Landing-Waiters' Instructions, issued by the Commissioners, Art. 4.

*Ans. 4.* It might, in the event of the landing-waiter being called upon to sign these documents in a hurry, as was frequently the case.

J. L. DEANE,  
Late 1st Landing-Waiter.

*Circular Quay, Sydney,  
4 January, 1860.*

Dear Sir,

Having learnt that a misrepresentation of facts connected with an allowance of drawback to my clients, Messrs. Gilchrist, Watt, and Co., has been made to the Board now sitting on the Customs Department, and being anxious they should receive a correct statement, I beg to offer you the following history of the case as it really occurred,—either for your own satisfaction or for the purpose of laying before the Board, as you may deem expedient.



I made application that a drawback might be allowed Messrs G., W., and Co. on some sugar which they had shipped inadvertently, without the requisite notice for drawback having been given,—presenting at the same time the “captain of the ship’s” receipt for the sugar on board. You at first refused, but on consideration you said, “this being one of the first, if not the first case (I forget which) that had presented itself since your taking office, you would allow the drawback on my producing the certificate, from the port of destination of the sugar, certifying the goods had been landed there.”

At the same time you stated, that on no future occasion would you recognise a drawback claim without all the forms of our Custom House were complied with. You then sent for Mr. Russell, and instructed him in my presence that he might make the goods shipped immediately on my producing the above certificate of the landing of the goods.

This was every word that passed to the best of my recollection.

I have, &c.,

M. BAYLEY.

W. A. Duncan, Esq.

*Captain Ward*: We will now hear any remarks that may be offered upon these letters.

*Mr. Metcalfe*: The letter of Mr. Fancourt is intended only to throw dust into the eyes of the Board. The London Shipping Bill, which answers the purpose of our warrant, though signed by the searcher, is filled up by the merchant; and there every entry is made on the face of the document, there being no indorsements on them. Upon this point I quote from Beedell’s British Tariff, 1853–4, which says, “The shipping bills filled up and signed by the exporter as agent for the consignee of the ship, and countersigned by the searcher, shall be the clearance for the goods enumerated therein; and if any of such goods shall consist of tea, spirits, or tobacco, the exporter or his agent shall furnish to the searcher an account thereof, containing the number and description of the packages, and the respective quantities contained therein, which, when certified by the searcher, shall accompany the ship, and have the same force and effect as the cocket in use prior to the passing of this Act.”

*Mr. Powell*: I shall confine myself mainly to the letter of Mr. Bayley, and there is much in that that is calculated to lead the Board astray. All that I have endeavoured to shew has been that the ship could not be cleared without the signature of the landing-waiter Russell, and that we, as agents of the ship, were anxious to clear her, so that I was in attendance when he left the Collector’s room. Now Mr. Lane’s evidence goes to shew that he would not have cleared the vessel had not all the warrants been returned to him signed by the landing-waiter, and that, consequently, the presumption is that Mr. Russell did, as he says he did, sign the warrant.

*Captain Ward*: As Mr. Powell is directing his observations to this particular point he had, perhaps, better wait until he hears the letter from Mr. Duncan to the Board, opening up a new phase of the question.

[The letter from Mr. Duncan to Captain Ward, dated 12 January, attached to this Appendix, was then read.]

Custom House, Sydney,  
12 January, 1860.

Sir,

Some discussion having arisen at the Board yesterday, in your absence, as to the reception of three letters handed in by me, the decision on which was deferred, I am desirous that my object in handing them in may not be misunderstood. I am aware that, according to the strict rules of the Courts, I could not at that stage call new evidence, but the Judge has power to call and recall witnesses at any stage, and may be requested to do so by either party. In my address I suggest that Messrs. Bayley, Fancourt, and Deane, may be called by the Board, should they have any doubt on the points to which their letters refer; and the letters are handed in, not as evidence, strictly speaking, but to enable the Board to judge whether they should be called or not. If the Board should think it unnecessary to call them, then their letters may either be received or rejected; and in the latter case the allusion to them in my address will stand *quantum valeat*.

Another matter occurred yesterday which has given me great pain. At the previous sitting, Mr. Powell called Mr. Russell to prove, and he certainly did say, boldly, that I required him, against his will, to sign for Gilchrist’s drawback, and that under a threat from me he did sign. This I, of course, denied; and Mr. Russell’s statement appearing to be received with signs of incredulity, Mr. Powell supported his witness with a statement to the effect that he was waiting in the passage leading to my room, the door being open, and that he heard the conversation as given by Mr. Russell. On this I exclaimed, “Good God! the plot ‘thickens’—or something like that.”

Now, in my address, yesterday, I had made some severe remarks on this gentleman-like position of Mr. Powell, listening at my door, when he absolutely denied having said anything of the kind, and, to my still greater surprise, neither Captain Browne nor Captain McLerie remembered it. In consequence, I had no help but strike out from my address a castigation which Mr. Powell’s unguarded, but characteristic, avowal exposed him to.

As you were not present yesterday, I am anxious to know if you remember this avowal of Mr. Powell, which places him beyond recovery in the position either of a spy, or of something still worse.

And

And I would beg to remind you of a similar undue advantage obtained on the second day, I think, of this investigation. In my opening statement on the previous day I said that Mr. Metcalfe had confessed that he was in the habit of indorsing warrants for drawback. This Mr. Metcalfe indignantly denied. At next sitting I alluded to this denial of Mr. Metcalfe, and produced a number of warrants indorsed by his partner, when Mr. Metcalfe immediately denied that he had made any such denial on the previous day, and appealed to the Board, who supported him. Now in the short-hand writer's notes of my address, assent to me for revisal, Mr. Metcalfe's interruption on the first day is faithfully reported, thus confirming my statement on the second day, and disproving Mr. Metcalfe's, and shewing also the imperfect recollection of the Board.

I shall certainly be greatly disappointed if your recollection of Mr. Powell's statement, denied by him yesterday, prove to be equally imperfect, for I think it concerns the honor of the Board much more than it does mine, that Messrs. Metcalfe and Powell should be prevented from saying and unsaying the same things in this way.

Apologizing for giving you this trouble, but forced to it by the extraordinary position in which my zeal for the public service has placed me,—

Captain Ward, R.E.,  
Royal Mint.

I am, &c.,  
W. A. DUNCAN.

The Board decided to receive the letters. I recollect Mr. Duncan making use of the words "the plot thickens," which I understood to refer to Mr. Russell's evidence on his second examination. I did not hear Mr. Powell make the statement imputed to him by Mr. Duncan. As regards Mr. Metcalfe's alleged admissions and subsequent denial, it appears to me that Mr. Duncan persists in confusing a memorandum furnished by Mr. Metcalfe to a Customs officer at his request, with an assumption of the officer's duty in indorsing that information on the warrant with a fraudulent intent. Mr. Metcalfe has admitted the former several times—never the latter. In my opinion, whatever he has done in this way has been *bonâ fide*, and for the benefit of the public service.

E. W. W.  
12 January.

This is my view of the matter.

H. H. B.  
13 January.

I concur also in this view of the matter.

J. M'L.  
13 January.

*Captain Ward:* With regard to this letter, I have already said that the Board have decided upon receiving the letters appended to Mr. Duncan's address. I may also state that I do not recollect hearing the expression attributed to Mr. Powell. I now come to the other letter, bearing upon the point alluded to in Mr. Bayley's letter to the Collector.

[The letter to Captain Ward, dated 13 January, was then read, as follows:—]

Custom House, Sydney,  
13 January, 1860.

Sir,

Since I wrote to you, yesterday, a most important fact in the present inquiry has come to my knowledge, which will remove all doubt, if any still exist, as to Mr. Powell's and Mr. Russell's veracity in the matter of Gilchrist's drawback. You will remember Mr. Russell stated most boldly that he signed the warrant at the time under a threat from me, and when, at last meeting, I argued against the probability of this on the ground that the debenture was not passed till the following month, when a landing certificate was received from Nelson, Mr. Powell, as the members of the Board then present will recollect, stated that it was not the *debenture* but the *warrant* that Mr. Russell signed, and that he had to sign it to clear the ship.

Now I propose that the Board recall Mr. Lane, the clearing clerk, who will produce the warrant with both the duplicates thereof, not one of which has Mr. Russell's name indorsed upon it up to the present hour!

But for Mr. Powell's intrepidity in denying his own words as to his having overheard what indeed was never spoken, I should have taken it for granted that Mr. Russell did sign the warrant, not on the day mentioned (18th May), but on the 30th June, the date of the debenture, and after the arrival of the landing certificate from Nelson (dated 20th June).

Such, however, is not the fact. I was curious to ascertain *when* Mr. Russell did sign, and the result of my inquiry is that he never signed at all!

Captain Ward, R.E., Royal Mint.

I have, &c.,  
W. A. DUNCAN.

*Captain Ward*: I presume Mr. Powell will not object to hear Mr. Lane examined, as should he establish all that is here alleged, he (Mr. Powell) will have little doubt as to the want of credibility that attaches to the evidence of Mr. Russell.

*Mr. Duncan*: Excuse me; but my letter goes still further, for the Board must surely remember that Mr. Powell has over and over again affirmed that he was waiting for Russell's signature to this document in order to clear his ship, and that it was his expectation of this that kept him hanging about my door on the occasion in question. At the same time Mr. Powell has affirmed that he must have got this signature before he cleared the ship; consequently it becomes a matter of considerable importance to me that Mr. Lane should be examined, so that from his evidence the Board may see the kind of character for veracity that Mr. Powell has, and the kind of men I, in my public capacity, have to struggle with.

*Captain Ward*: The Board will hear Mr. Lane.

Mr. John Lane called in and re-examined:—

- Mr. J. Lane. 1. *By Mr. Duncan*: Do you remember clearing some sugars shipped by Messrs. Gilchrist, Watt, & Co., by the "Lady Denison"? I do.
- 17 Jan., 1860. 2. Do you produce the original drawback warrant? I do.
3. Who is it indorsed by? The writing is mine; and it is indorsed with the copy of a notice written I believe by Mr. Bayley, and signed by you on the back of my copy of the warrant. This indorsement on the searcher's warrant is written by me and signed by you.
4. How do you account for this indorsement on the warrant? The warrant handed to the drawback officer, Russell, had not been returned, and without it I could not clear the vessel. Mr. Bayley then went into the Collector's room with my copy of the warrant in his hand, and I suppose had some conversation with him, and afterwards came out with this indorsement on the warrant—"Allow the within entry to pass, pending advices from Nelson."
5. Was the drawback officer's warrant signed? No; it came back from him blank, and without a signature, thereby assuming that the goods had not been shipped. No doubt the officer had not seen the goods shipped, and had declined to sign for them. When I found this, I wrote a duplicate of the entry made on my copy of the warrant, and you signed it.
6. *By Captain Ward*: Are these the only warrants issued? No; there are three copies of the warrant, but the third one does not go into the hands of the officer.
7. *By Mr. Duncan*: The third copy, I believe, is sent down to the Auditor General? It is.
8. Have you seen that copy? I have.
9. Does it bear Mr. Russell's signature? No, it is not signed by him. It has only his initials in one corner.
10. Have you received the landing certificate for these goods from Nelson? I do not receive them, and am not aware whether they have been received. I was not aware that I should have been called upon to give evidence on this matter, or I would have looked up the papers.
11. *By Mr. Powell*: I could not have cleared the ship without this indorsement by Mr. Duncan? No; not unless all the warrants had been duly returned as shipped.

*Mr. Powell* said: In my letter of the 9th August I state, that "Messrs. Gilchrist, Watt, and Co., claimed drawback upon 5 tons 8 cwt. of sugar, which had been shipped fully a week before the entry was passed; and although no officer of Customs had weighed or seen the sugar, Mr. Duncan authorised the allowance of the drawback, only deferring the payment until a certificate could be procured of the unloading." This is all I ever wished to prove, and this I believe I have substantially proven. Of course with Mr. Russell's statement I can have nothing to do, except in so far as it bears out what I allege, and this I contend has been done by Mr. Duncan's own remarks. All I know of the matter at issue between Mr. Russell and the Collector is, that I was waiting in the passage to get the documents necessary for clearing the ship, when Mr. Russell came out and said that the Collector had authorised him to sign the papers. As the vessel was subsequently cleared I could not but imagine that Mr. Russell's statement was correct.

*Captain Ward*: You will, however, admit now that Russell's evidence is of no value?

*Mr. Powell*: I do; but the Board must remember that I have no responsibility on that account.

# INQUIRY INTO DEFICIENCIES OF TEA IN TOWNS & CO'S. BOND.

TUESDAY, 17 JANUARY, 1860.

Present :—

CAPTAIN WARD, R. E., IN THE CHAIR.

H. H. BROWNE, ESQ.,

CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs, was present during the proceedings.

Mr. Frederic Garling called in and examined :—

1. *By Mr. Duncan* : You were formerly landing-surveyor at this port ? I was.
2. The Board are now engaged in making inquiry into a deficiency of tea that has occurred in Towns & Co's. bond, and as it appears that you made some alteration in the weights of the tea entered in the red-book of the "Hirondelle," they are desirous of hearing your explanation of it—here is the red-book and the alterations to which I refer ? (*Book produced.*) Yes ; I see there are some alterations with my initials to them.
3. But with respect to the alterations, how were they made ? They appear to have been returned by the landing-waiter at a certain weight, and then to have been altered by me.
4. How did you come to do this ? When the return of the landing-waiter was sent in and reached the importers, they appealed against the weight as being more than the tea had been invoiced to them in China. Upon this being done, I went down to Towns's bond, and, in the presence of Mr. Stewart, weighed the tea ; that is, I weighed a few packages from each class of tea net, and then struck an average of the whole, and these figures are what the packages turned out according to my calculation.
5. Was the landing-waiter who returned the weights present during the second weighing ? I am not sure.
6. Who was the landing-waiter ? It was Mr. Kidd. I have no doubt but that I drew his attention to the error, if I did not give him formal notice. I do not, however, remember whether he was present at the re-weighing or not. It is my impression, however, that Towns & Co. wrote to the Custom House respecting the weights of the tea, and said in their letter that the weight was more than they had paid for in China.
7. When they made this complaint, did they shew you their invoice ? That I cannot say, but I have seen their invoice since ; but even this alteration that I have made rates the weights at considerably more than the average of teas generally ; I should say by 7lbs. or 8lbs. per chest more than the weight of the tea generally imported.
8. There are some of the lots, however, that you did not alter ? Some of them were correct, I suppose, and did not require alteration. There were a great many marks or chops as they are called, shewing the different qualities of tea, and each mark had to be weighed separately.
9. It has, however, been remarked that all the larger quantities, those numbering 400 and 500 packages, have been altered, whilst the smaller quantities, of less than 100 packages, have not been so—how is this accounted for ? I cannot say. They were all weighed, and the weight of those were altered that required to be so. The alteration was made, and the initials were put to them at the same time ; I recollect the whole thing perfectly well.
10. You have no recollection of the packages beyond having weighed them—no recollection I mean of the particular brands or marks ? No.
11. What I want to call your attention to is the fact that the weight of all those brands containing the larger quantities of packages are altered, whilst those containing only a small number of packages remain as the landing-waiter had first entered them ; now this may be a coincidence, but, if so, it is a strange one, and one that has been subject of remark—can you say how this has happened ? I do not know. I only know that I weighed them all, and altered those that had been entered too high ; and even now they are higher than the average weight of teas imported into this Colony.
12. *By Mr. Browne* : The course that you adopted in altering the entries of the landing-waiter was, I presume, a usual one ? Yes. If anything was found to be incorrectly entered we altered it. This instance, however, is rather an unusual one, because so many packages were found to be over weight.
13. Is it customary to alter the entries in the red-book without consulting the officer who made those entries ? Whenever I have had to make alterations I have given the officer notice. I did so on the present occasion to Mr. Kidd, and I believe he was present at the re-weighing, though I am not certain about this.
14. You say that an application was made to the Customs, relative to the weights, by Messrs. Towns & Co. ? Yes.
15. Was it in writing ? My impression is that it was so.
16. Was this application made before the goods were entered into the warehousekeeper's book at the Customs ? That I do not know.
17. *By Mr. Duncan* : You had charge at that time of the warehousekeeper's department ? No ; that branch was in charge of the warehousekeeper himself.
18. Do you know how the teas got out of the bonded store ? No ; the locker in charge will be the person to speak to that. The goods would be delivered into his charge.
19. Did you not examine his books to see that these teas were duly entered ? I examined his

Mr. Frederic  
Garling.

17 Jan., 1860.

- Mr. Frederic Garling.  
17 Jan., 1860.
- his teas occasionally, but then the amount of business that devolved upon me as landing-surveyor and inspector of warehouses was so very great in 1856 and the two previous years, that it was impossible for me to examine all the books as carefully as ought to be done, or, in fact, for me to do one-half the business that I had to attend to. This became so apparent at last, that a separate appointment of an inspector of warehouses was made, that the work might be properly done.
20. You are not aware then that these teas got out of bond without paying duty? No. That would be the locker's business, and he would have to report to me.
21. You received no such report? I did not.

Mr. Thomas Fancourt called in and examined:—

- Mr. Thomas Fancourt.  
17 Jan., 1860.
1. *By Mr. Duncan*: You are warehousekeeper at the Customs? I am.
  2. Do you recollect, in June or July last, finding a deficiency in Towns and Co's. bonded store? I do.
  3. Will you state what you found? I found that there were 644 half-chests and 103 boxes of tea deficient in Towns and Co's. stores, weighing in all 29,134 lbs.
  4. And these were deficient at the end of June last? Yes.
  5. And no duty had been paid into the Customs upon that quantity of tea? No, not at that time.
  6. The duty was paid on it a few days after you made the discovery? Yes. When I discovered that this large quantity of tea was standing open in our books, I sent word to Mr. King, the locker at Towns and Co's. bond, that such was the case, and that they were overtime goods, having been in bond over three years. Mr. King informed me that there was no such mark in the bond as that which I had sent him, namely, K 436; and that these teas must be a portion of the I 436 entered by mistake as K 436. When I found the goods standing open in my books, I wrote to the locker to know the exact dates of the receipt into bond, and the delivery of any parcels, together with the number of packages then on hand. When Mr. King came up to the Custom House in the evening, he told me that he had spoken to Towns and Co. about the tea, and that the duty on it would be paid the next day. It was not, however, paid till the day following, that was on the 3rd August.
  7. Then these 747 packages all belong to the K 436 mark? Yes.
  8. Did you discover anything respecting the I 436 brand? No; they appeared properly as entered and delivered in the stock book.
  9. Were there not some of them short? I believe that when Mr. Still came to take stock, he found some of the I brand short.
  10. Can you state how many of this I 436 brand appear by your book to have been delivered from bond, since February, 1857? 38 chests and 750 half-chests.
  11. And how many since April of that year? The delivery commenced in April, so that the same number as I have mentioned were delivered since then.
  12. Do you happen to know how many packages of the I brand were reported by Mr. Still to be in bond at the time of his stock-taking? I do not.
  13. *By Captain Ward*: Then the locker reported to you that the goods you alluded to in your note had never been in bond? He did. The present locker informed me that the tea did not appear at all in the store books.
  14. If it had been received into bond, it would have appeared in the locker's book? Yes, indubitably.
  15. What inference would you draw from the fact of this tea not appearing in the locker's book? That it did not go into bond at all; but that it went into consumption at once.
  16. *By Mr. Duncan*: I believe there was a man dismissed from the Customs for delivering goods out of this very store without the duty being previously paid on it? Yes; there was a case of the kind. A man named McGrath was so dismissed.
  17. And with regard to the goods not appearing in the books of the present locker, if the old books had chanced to have been filled up and removed, and new books substituted for them, of course the entries would not appear? They would not.
  18. *By Captain Ward*: Has this change of books been made? I do not know.
  19. Have you any impression as to whether such has been the case or not? I have not.
  20. Who is the present locker at Towns's store? Mr. King.
  21. Was he the locker at the time the goods were received? No, I think not. Mr. Newton was the locker at this time.
  22. Have you had any means of tracing these missing teas? Yes; I have traced them in so far as my books are concerned.
  23. And what have you found? I found that the teas were entered in my book as being still in bond, and being overtime goods, I at once wrote to the locker about them; and he then said they were not in bond.
  24. Have you gone any further than this? Yes; I got out the red-book of the "Hirondelle," and examined it by my entries, and finding the entries to be correct, I shewed the red-book to Mr. Duncan, for his decision on the matter.
  25. *By Mr. Browne*: What makes you think that the goods were not received into bond? Because there was no trace of the brand in the store books, or in my book; and with such a large quantity of tea as this, some of it must have appeared as having been taken out of bond.
  26. But the very fact of the red-book having been sent to you shews that the goods must have been received into bond. I believe it is the landing-waiter's place to see that the goods are safely lodged in bond before sending you the red-book? It is; and it is evident that

that the landing-waiter must have had the right marks and brands, because he is very particular in specifying them, with the different weights of each.

Mr. Thomas  
Fancourt.

27. *By Captain McLerie* : Do all the deficiencies in the store occur in tea imported by the "Hirondelle?" Yes, all.

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28. In which of the lots did the greatest deficiency occur? In the brand K 436. The whole of that was wanting.

29. Is there no signature of the locker to the red-book? No; at one time he used to sign the red-book as acknowledging the receipt of the goods in bond; but at this particular time, that custom had been done away with.

30. *By Mr. Duncan* : Just look at the red-book of the "Hirondelle," you will see there that the weights of different parcels of tea have been altered; now, does it not seem to you that this alteration of weights is a verification of the fact of the goods being in bond? Yes. I see the weight of half-chests of tea altered from 48 lbs. to 43 lbs., and this would seem, as you say, as if the goods had really been in bond.

31. Whose initials are those? They are the initials of Mr. Garling; they are Mr. Garling's own figures too that have been inserted for those erased.

32. Is it a usual or an unusual thing to have alterations of this kind made in the red-book? So far from its being usual, it would not be sanctioned by the Customs at Home.

33. *By Captain Ward* : But is it a usual thing here—has it been done before? Yes, repeatedly.

34. Do these weights appear in your warehouse-book as originally entered in the red-book, or as subsequently altered? In my book they appear to have been entered as in the red-book, and then similar alterations to those made in the red-book have been made in my book. All the packages appear to have been entered in the first instance at the heaviest weight, and then to have been subsequently altered to the lighter one.

35. There is no record in the Customs to shew that these teas were actually received into bond? No, nothing beyond this book. At one time, as I said before, the locker used to sign the red-book as an acknowledgment that he had received the goods into bond. This practice was discontinued, I do not know by whose authority; but as I found that we were thus left without any actual proof of the goods having been received into bond, I called the attention of the Collector to the point, and the practice of signing the book by the locker was resumed.

36. Who came down to you to pay the duty on these teas? Mr. Brown, a gentleman in Towns & Co.'s office. When he came down I spoke to him respecting it, and he told me that he knew that the duty had not been paid (long ago). I told him that if he knew that he ought to have come down and paid it; he told me that it was our business to look after it, not his. There the matter ended. I then went up to the Collector and informed him, and wished to know whether I could pass the entries; and he told me yes, which was done accordingly; of course our warehouse-book is not signed by the present locker for the delivery, as the goods were not in existence, and he spoke to me on the subject.

Mr. William Cathcart Still called in and examined:—

1. *By Mr. Duncan* : You took stock of the goods in Towns & Co.'s bonded warehouse in 1857? I did.

Mr. W. C. Still.

2. How many packages of tea did you find there altogether? I cannot say precisely from memory, but you will find them all given, with their respective bond marks, in the return sent in by me to the Collector.

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3. Can you not say from memory, as that return has been mislaid in the Treasury, how many packages of tea were missing; were there not a considerable number of packages missing? I believe there were.

4. Now, referring to your memo. of 8th September, how many of the brand I 436 did you find in bond? That memorandum was taken from and sent in with my return, and I find by that that there were 69 half-chests of the brand I 436 in bond when I took stock of Towns & Co.'s warehouse, and none of the brand K 436.

5. You are quite certain that such was the case? The return was made up by me to the best of my ability, and I believe was correct.

6. In what month was it that you took stock? Early in August.

7. And there were none of the K brand, and only 69 half-chests of the I brand? Yes.

8. Your original stock-taking account was handed by you to me? It was, with a memo. of mine attached.

9. That was forwarded by me to the then Treasurer, and you were afterwards called upon by the Treasurer to further explain your return and memorandum? Yes; and I then attached the second memorandum to it, as appears in the printed correspondence, page 16.

10. Do you know what day in August it was that you took stock in Towns & Co.'s bond? I cannot say now the precise day, but I know it was early in August. I commenced the stock-taking of all the bonds in July, and had finished early in August. This was the second stock-taking I had had. When I took stock the first time, I was directed by the then Collector to omit, in my returns, the tea, coffee, sugar, molasses, and chicory that were in bond. In the second stock-taking I included all these. Since that time I have had introduced a "stock journal," with different columns for the different articles in bond, so that when kept up from day to day, its columns will correspond with the quantities of the different articles in bond at the time. By this it may be seen at any time what is actually in bond at each store, so that such a matter as this now before the Board is not likely to occur again.



- Mr. W. C. Still. 11. *By Captain Ward*: Did you report the result of your stock-taking? I did.
12. And were you informed that there was a deficiency in that store? No, I never heard officially anything about it. It was the business of the Customs warehousekeeper to look into the matter when he received my return, and I suppose that he and his assistants overlooked the matter. It would be the duty of the warehousekeeper to inform the bonded storekeeper of any deficiency that appeared on his books, and to call upon him to pay up the duties.
13. And you say that no one reported to you that there was this large deficiency of tea in Towns and Co.'s store? No one did so. I was not informed of it until the duty on the missing teas had been paid.
14. And you found only part of the I brand, and none of the K brand? No. As regards the K brand I found an entry of tea of that brand in the stock-book, but on the page opposite there was written, in the handwriting of Mr. Newton, who was locker at the time, the words "Entered in error—should have been I 436."
15. What did you infer from that? That the locker was ignorant of its having gone into bond at all.
16. *By Mr. Browne*: But does not this red-book, having been received at the Customs from the landing-waiter, indicate that the goods mentioned therein have been received in bond? It does not always follow that goods are taken into bond because they have been entered for bond. If you pay duty at once on passing your entry you will get a locker's delivery order there and then, and the landing-waiter will deliver the goods from the ship's side if required, at the same time the goods will appear in his red-book as passed into bond.
17. Then it might happen that a delivery order might come down whilst the goods are in the act of being landed? Yes.
18. *By Mr. Duncan*: Yes, but look at this red-book of the "Hirondelle," and you will see this K 436 brand entered there, with the packages at a certain weight as certified by the landing-waiter; these weights have been subsequently altered, and is it not a fair presumption that the goods were in bond in order that this alteration should be made? I should say so.
19. By whom are those alterations made? I could not say from my own knowledge.
20. You see the initials there? Yes.
21. Whose are they? I see the initials F. G., and I presume they are Mr. Garling's.
22. Now does not this alteration imply that the goods have been bonded, and that the weight has been verified in bond? It does; but yet the goods may have been landed and examined both by the landing-waiter and the landing-surveyor without having been bonded by the former officer.
23. Then again, if the same alterations as have been made in the red-book appear to have been made in the warehousekeeper's book, would not that be an indication that the goods had been received into bond? No doubt it would; but speaking generally, even this could be done without the goods going into bond at all. At the same time I think it a very singular kind of proceeding to alter the landing-waiter's figures without some explanation appearing, accompanied by the landing-waiter's initials, who informs me that he actually weighed those teas at the time, and never heard of the after correction.
24. You would not like to make such an alteration? I should not; and if I felt myself called upon to do so it would only be in the presence of the officer who made the original entry, whose signature should accompany mine.
25. *By Captain Ward*: What is about the average weight of a half-chest of tea? From 43 to 44 lbs.
26. Then do you consider 48 lbs. per half-chest, as originally entered here, above the average weight? Yes.
27. From what you have said I gather that the entry in this red-book is no positive indication that the goods there named went into bond? No, it is not.
28. What was an indication in those days of goods having been received? It is impossible to say what was an indication in those days of goods going into bond, as the regulations were so lax, and the lockers did not receipt the red-books as they do now. In this particular case it must depend entirely upon the recollection of the officers concerned, as to whether the goods were sent into bond or not. My return of stock will shew that they were not in store when I visited Towns's warehouse in August, 1857.

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Mr. Thomas Fancourt called in and re-examined:—

- Mr. Thomas Fancourt. 1. *By Mr. Duncan*: What quantity of the I 436 brand was in bond in the beginning of August, 1857, according to your books? They paid duty upon 38 chests and 200 half-chests, the quantity charged against them in my books.
- 17 Jan., 1860. 2. How many packages must have been missing from the bond if Mr. Still, at his stock-taking, only found 69 half-chests in store? There must have been 38 chests and 131 half-chests that had been delivered out of bond without paying duty. The duty on the whole lot of 38 chests and 200 half-chests was paid on the 7th and 12th September.

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Mr.

Mr. John Kidd called in and examined :—

1. *By Mr. Duncan* : You are a landing-waiter in the Customs? I am.
2. Do you remember landing a quantity of tea from the "Hirondelle," in 1856? Yes, perfectly well.
3. Where was it landed? At Towns's Wharf. The vessel was consigned to Towns and Co., as far as I can remember.
4. Did you ascertain the weight of the tea? I did.
5. Will you state to the Board by what process you arrived at the weight? I arrived at it in the usual way. The packages varied in size, being chests, half-chests, and boxes of different brands or marks. When I had got a list of the packages and brands, I had one of each kind opened, and the tea was poured out into a sheet and weighed net, and the remaining packages were averaged from the weight thus ascertained.
6. Was that done on the wharf, or in the store? The plan I followed was this :—I waited till the whole of the tea had been landed and placed in the bond, and then when all the packages had been stacked up together according to the sizes and brands, I took a package from each and ascertained its weight in the way I have described.
7. Then you are able to state positively that you weighed one of each kind of package, and so ascertained its weight? I am.
8. These are your initials affixed to the red-book of the "Hirondelle"? They are.
9. And this book contains a list of the goods bonded ex "Hirondelle"? Yes; it is the book issued to me for that purpose by Mr. Garling.
10. You will observe that your weights have been changed in this book? Yes, I see they have been.
11. Can you say who has done this? I see Mr. Garling's initials to the alterations, so I presume they have been made by him.
12. Which of these weights do you conceive to be correct—you see there is a great difference between them? Yes, I see that; where I make the weight 44 lbs. per half-chest, he makes it only 42 lbs., and that makes a great difference in the total weights of these large parcels.
13. Which of these two weights, then, do you conceive to be the true one? I may say that I am sure that I was right; for whenever I have had to weigh goods I have always been exceedingly careful, and whilst I am honestly liberal to the merchant I take care never to wrong the Government by whom I get my bread. I hardly think I could possibly have made such mistakes as some of these would be.
14. Then you think yours to be the true weight? Yes. I can honestly say that, to the best of my belief, I think it is so.
15. You can say also, of your own knowledge, that the tea got into the warehouse? Yes; it was there that I weighed it.
16. And you do not know how it got out again? I do not; it was only latterly that I was aware that it could not be found.
17. *By Captain Ward* : Who took charge of the tea from you? The locker of the bond. I forget who filled that office at that time.
18. Is it your duty to see the packages landed by you entered in the locker's book? No; nor was it customary at that time to get the locker's receipt to the red-book for the goods there entered. He used to sign the red-book at one time, but just then this custom had been discontinued.
19. Do you think it possible that, whilst that tea was being taken into bond, a home consumption warrant may have come down, and some part of the shipments may have been delivered on that warrant from the ship's side? No; for I never weighed one single package of the tea until the ship had been discharged, and the whole of the cargo had been received in bond.
20. You did not weigh any of it then from the ship's side? No; the whole of it was weighed in bond.
21. Such an order may have come down however after your weighing in the bond? It might; after I had weighed and entered it in the red-book, I had nothing more to do with it.
22. But you are quite certain that no order for the delivery of any of the tea came down to you whilst you were weighing? I am quite sure of that.\*
23. It has been stated that an order for home consumption may have come down to you whilst the weighing was going on, and that thus some of the tea being delivered on that order, would not go into bond at all? Such a thing might happen, but in this case the tea was all in bond before I weighed any of it. Had a delivery order come down, none of the tea would have been delivered until I had put my signature upon the order, to verify the correctness of the weights of the parcels. In all cases when merchants are anxious to get their goods into consumption at once, and this is often the case, they must come, in the first instance, to the landing-waiter for his initials, to verify the weights or quantities, otherwise the warehousekeeper does not know what amount of duty to receive, and he would free no delivery order without seeing the landing-waiter's initials to the warrant in the first instance. This is his only guide as to the correctness of the entry.
24. *By Captain Ward* : But in case of a delivery order coming down just after your weighing, the goods delivered on that order would not be entered in the locker's book? Yes;

Mr. J. Kidd.  
17 Jan., 1860.

\* I have since ascertained that a home consumption entry was passed for a portion of this tea before it was weighed, but it never came through my hands; it was passed improperly as a *prime entry*, at an assumed weight, and afterwards completed by a post entry; this, however, was most irregular after a warehousing entry had issued.—J. K.



- Mr. J. Kidd. Yes; it would pass through his book just the same, even though the goods were delivered at the ship's side; yet if they are entered for bond they will pass through the locker's book.
- 17 Jan., 1860. 25. *By Mr. Browne*: Supposing you had made a delivery of part of the goods from the ship's side, how would the transaction appear in your red-book, what kind of entry would you have made? The delivery would not have appeared in my red-book, but the persons paying the duty would not have got the tea without my initials to the delivery order; this would have been given over to the locker, who would have entered the goods as delivered from bond.
26. Then it is possible for the tea to get into this red-book without going into bond at all? It is.
27. And supposing an order for delivery to have come down whilst you were weighing this in bond, there would be no record of the delivery of the goods? No.
28. So that, in fact, it would stand recorded in your red-book that certain goods had gone to the warehouse when they had done nothing of the kind, but had been delivered for consumption? There would be the record of the delivery order to check it; but then such an entry would not have been passed at the Customs without my initials in the first place, as I have already described, and I am quite certain that I never initialled any order of the kind. It is a long time ago, and of course I speak to the best of my belief; but I am almost positive no such order came to me.
29. *By Captain Ward*: Were you present when the figures in the red-book were altered? I was not; I have not the slightest recollection of seeing this alteration of the figures until a few months ago.
30. *By Mr. Duncan*: You were not present then when Mr. Garling re-weighed the tea? I was not.
31. *By Captain Ward*: Can you recollect whether, at the time of making delivery of the tea from the vessel, any order for delivery for home consumption came down to you? I could almost swear they never did; but of course, after such a lapse of time, I cannot speak with entire certainty.
32. Are you quite sure that you weighed all these teas in bond? Yes, quite; and I remember well that I did not commence operations until the whole cargo was in the warehouse.
33. Had a delivery order come down, would you have been the proper officer for it to have come to? Yes, if I still retained the red-book, the order would come to me for my initials for the guidance of the warehousekeeper; when I give him up the red-book he has that to guide him, and does not need my initials.
34. You are certain that no order would have been given without your initials? Quite certain, so long as I retained the red-book, for, seeing my initials, the warehousekeeper knows that the weights and quantities of the entry are correct; of course, when the book has gone in there is no necessity to come to me.
35. What is about the average weight of a chest of tea? They range from 81 lbs. to 84 lbs.
36. And of the half-chests? About 44 lbs. net.
37. Then 48 lbs. is above the average weight of half-chests of tea? It is, rather; though, some time ago, I weighed teas here (congous) that ran as high as 87 lbs. the chest.
38. Then 48 lbs. per half-chest is rather too high? Yes, I think it is; but weights vary very much.
39. You see these are hysonskins and not congous? Yes, but they vary very much. I have weighed teas some years ago that ran as high as 95 lbs. the chest.
40. Now, let me ask you, with respect to these alterations—do you think those alterations were made *bonâ fide*? Well, I honestly think that he could not have weighed them.
41. You, however, weighed them? I did.
42. How many did you take of each lot? I took a package of each kind. Sometimes, if I had any doubt, I weighed two packages, and took the mean of the two weights.

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WEDNESDAY, 25 JANUARY, 1860.

**Present:—**

CAPT. WARD, R. E., IN THE CHAIR.

H. H. BROWNE, ESQ.

CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs; and Mr. Alexander Stuart, Merchant, were present during the proceedings.

Mr. Alexander Stuart was called in and examined:—

- Mr. A. Stuart. 1. *By Captain Ward*: You are a partner in the firm of Towns and Co.? I am.
- 25 Jan., 1860. 2. You have seen the evidence taken at the last sitting of the Board, relative to certain teas alleged to be missing from your bond? I have.
3. The Board wish to ask you a few questions relative to that tea, and when those are answered the Board will hear any further statement you may wish to make. The first question we wish to ask is respecting the alteration of the weights of some teas marked I 436, and K 436, in the red-book of the "Hirondelle." Certain figures were entered in that book by the landing-waiter, and have since been altered by Mr. Garling, making the packages of a less weight than they previously were. It has been urged to us that the reason

reason for doing this was, that it had been shewn to Mr. Garling that the invoice weight of Mr. A. Stuart. the tea in China was less than that entered in the red-book—can you establish this fact? I can. With regard to the actual alteration in the red-book I can say nothing; that is a <sup>25 Jan., 1860.</sup> Custom House book, and I have never seen it; but I can detail the circumstances under which the alterations in the weights of the tea were made. On the 6th August, 1856, this cargo of tea was imported by the "Hirondelle," and a bond entry was passed on the following day for the whole cargo. However, when the hatches were opened for the purpose of discharging the cargo, it was found that a considerable portion of the upper part was damaged, the vessel being an old one, and the decks rather leaky. It was, therefore, considered injudicious to put this in bond, and it went at once to auction for sale. Accordingly, entries were passed for home consumption for 40 chests, 200 half-chests, and 50 boxes of tea. Our having done this is totally at variance with Mr. Kidd's statement, in which he expressed himself as quite certain that no home consumption entry had been passed prior to the goods going into bond. By a reference to the Custom House books of our firm I find that duty was paid on the 9th August upon 40 chests, 200 half-chests, and 50 boxes of tea. Of course it was quite impossible that we could know the exact weight of the tea, and under those circumstances we followed the ordinary custom, which was to pass the entry at the *presumed* weight of the teas, leaving the *exact* weight to be ascertained when the cargo was discharged, when any difference between the actual weight and that upon which we had paid could be adjusted. We, therefore, passed entries at the following approximate weights, namely—80 lbs. for the chests, 40 lbs. for the half-chests, and 12 lbs. for the boxes. The number of packages I have named were delivered from the ship's side, and never went into the bonded warehouse at all. I have indisputable evidence to shew that, between the 8th and the 13th August, there were delivered to Messrs. Frith and Payten, auctioneers, 168 packages of tea, which were sold by that firm, as damaged tea, on the 13th August. This clearly proves that, at all events, this number of packages never went into bond, but went direct from the ship's side to the auction rooms, where they were surveyed and sold. As a further corroboration of this statement, I produce a copy of the *Sydney Morning Herald* of the 13th August, 1856, in which the following advertisement occurs:—

Damaged Teas.

On account of whom it may concern.

Ex Hirondelle, Rees, master, from Shanghai.

To Grocers, Tea Dealers, and others.

**FRITH and PAYTEN** are instructed to sell, at the Sydney Auction Rooms, 41, Pitt-street, this day, the 13th instant, at half-past 10 o'clock,

168 packages of teas, damaged by sea water—					
RT&Co.—	Slight	Much	RT&Co.—	Slight	Much
1 half-chest congou	11	1	24 half-chests congou	7	1
2 ditto ditto	14	1	34 chests ditto	7	
3 ditto ditto	14		7 ditto ditto	2	
4 ditto ditto	5		13 10-catty boxes ditto	6	2
8 ditto ditto	10	1	15 ditto ditto	3	1
9 ditto ditto	1		17 5-catty ditto ditto	0	1
10 ditto ditto	2		25 half-chests hysonskin	5	
11 ditto ditto	2	2	27 ditto ditto	5	
18 ditto ditto	7	1	28 ditto ditto	13	2
19 ditto ditto	7	1	29 ditto ditto	1	
20 ditto ditto	1		30 ditto ditto	10	
21 ditto ditto	2	2	31 ditto ditto	2	
22 ditto ditto	5	1	32 boxes ditto	1	2
23 ditto ditto	3	1	33 ditto gunpowder	3	

Besides these that went to the auction rooms, there were others that turned out on examination not to be damaged, and which were not put into bond. Of those that went to auction, there were of the congou, I 436, 9 chests, 163 half-chests, and 12 boxes; and of the hysonskin, or K 436, there were 39 chests and 12 boxes. There seems to have been some confusion made in drawing out this advertisement, for the half-chests are called in our invoice three-quarter chests, but have been set down in the advertisement as half-chests. The remainder of the cargo, in the ordinary course, went into bond. After it was there, it became the duty of the landing-waiter to satisfy himself as to the weight of the packages. Upon this point there is some variance between Mr. Kidd's statement of what occurred, or of the manner in which he declares that he ascertained the weight, and the practice existing in those days. I do not speak of the custom *now*, but it is well known that in August 1856, it was not the custom for landing-waiters to weigh one package from each chop or brand and number, but only one of each particular kind of package, chests, half-chests and boxes. These teas were part congous and part hysonskins of several chops or brands, and the custom in those days was not to weigh one package of each brand and number, but to weigh one chest, one half-chest, and one box of the whole lot, and from that to average the weight of the other packages. It was not until long subsequent to this importation that the practice of weighing one package of each mark or number was introduced. When this was commenced I objected to it very strongly, and wrote a letter on the subject to the then Collector, condemning the innovation, and shewing that it destroyed a very great quantity of tea owing to the increased number of packages we were obliged to open and turn out. In all cases where this has been done, we are forced to make an allowance to the grocer who takes them, as from their being broken and opened they are regarded as ullage or damaged packages. When it is considered that in a cargo of tea there are sometimes as many as 70 or 80 chops, and that there are chests, half-chests, and boxes of each, the Board will see that in weighing one package of each chop or brand, the importer must be put to very considerable expense. I suggested that the officer should be allowed to select some few numbers or brands from the invoice, that he should weigh them, and by the weight thus ascertained

*Mr. A. Stuart:* ascertained, check the weights in the invoice. If these were found to be correct, then the invoice weights should be taken. I mention this fact to shew that I am certain that at the time of this importation it was not the custom to weigh one package of each chop of tea.

25 Jan., 1860.

*Mr. Duncan* objected to any statement of this kind being received in direct opposition to *Mr. Kidd's* solemn evidence.

*Mr. Stuart:* Accusations have been made by *Mr. Duncan* against me and my firm, which I consider to be of a most unwarrantable character, and in defending myself from them I conceive I am at liberty to comment in any way I may think proper upon the evidence adduced.

*Mr. Duncan:* I have made no accusations against your firm. I have merely laid a series of facts that have come to my knowledge before the Government, but I made no accusation beyond what the facts themselves conveyed, consequently I must say that I do not know to what the witness alludes.

*Mr. Stuart:* The accusations I allude to are conveyed in a letter, dated 24th November, 1859, from *Mr. Duncan* to the Secretary of the Treasury. In the sixth paragraph of that letter, on page 22 of the correspondence, I find that *Mr. Duncan* says, "When I took charge of this office, I was told by *Mr. Cowper* that the Government looked to me to reform it. I was quite prepared for the opposition that the expected reforms would create, and my answer was, 'I know I can reform it if the Government support me,—if that support is withheld no man can.' At first I was well supported, and reform was rapid and successful, until it became my duty to report the abstraction from the warehouse by an eminent firm, of 747 half-chests and bags of tea." Now, this expression, "abstraction from the warehouse" is what I consider to be an unfounded and calumnious statement against our firm, and one that, for the sake of our mercantile character, I feel bound to rebut in the most complete manner. *Mr. Duncan* may possibly look upon it in the light of a mere statement of a fact, but I regard it very differently. I look upon it as a most serious charge against the character of our firm, and one which, if substantiated against us, would make us liable to punishment by the Criminal Court of the Colony. What is abstraction from the warehouse but stealing; and surely *Mr. Duncan* cannot deny that that is a serious accusation. But the sting of the thing is in the passage that follows,—for *Mr. Duncan* infers that, after this important discovery of the abstractions had been made by himself or his agents and reported to the Government, the matter was hushed up, in consequence of my connection with the then head of the Government,—for he goes on further to state, that after reporting the offence, and when expecting its immediate punishment, he found that "all at once personal and political influence was brought to bear against me; and, although I have not relaxed in my exertions in the least, I have felt that I was deserted by the late Government." These are the passages that form the ground of charges against me. Evidence has been taken, in order to endeavor to substantiate those charges. I have a right in my defence to comment at full length upon that evidence, and to shew if I can how little reliance is to be placed upon some of the most important parts of it. In doing this I have made a statement to the Board as to what the practice then was; and if they do not think proper to take my statement, they can investigate its correctness by taking the testimony, not of *Mr. Kidd*—who is implicated in the matter, and is not likely to give evidence to shew that he had been guilty of neglect—but from some of the other landing-waiters in office at the time. If this be done I am convinced that my statement will be borne out, and that the Board will find that what *Mr. Kidd* states was not the practice at the time these teas were taken into bond; but that, on the contrary, it was only within the last two years that the opposition was offered by importers against what was then considered to be an innovation upon the existing practice; namely, the weighing one package of each chop and number separately. I was proceeding to shew, when interrupted by *Mr. Duncan*, that a certain part of the original invoice of tea was duty paid for home consumption, and was delivered from the ship's side, and that the rest was duly received into bond. It then became the duty of *Mr. Kidd* to ascertain the weight of tea thus received into bond. He did so, as he considered, no doubt, correctly; but as we considered, very much beyond the real weight. The matter was reported to me, and mentioned as perfectly absurd—the weights being far above those of the Chinese invoice; and I thereupon instructed our Custom House clerk to appeal against the weights set against the packages by the landing-waiter. The appeal in those days lay to the landing-surveyor, which office was then filled by *Mr. Garling*. The appeal was made; and on receiving it *Mr. Garling* came down to our store, and in my presence weighed a certain number of the various packages—more than in those days it was usual to weigh; but as I was appealing against his officer, I wished to satisfy him perfectly that everything was correct. When he weighed the tea, I held in my hands the invoice of the packages; and the weights he made them corroborated very nearly the correctness of the weights in the invoice. All the boxes he made more than the invoice; and in this way,—that where a box was a little over 13 lbs. he made it 14 lbs., giving the Government the advantage of the odd weight. I produce the original invoice of the tea, from the house of *Russell & Co.*, of Shanghai, bearing the signature of that firm; but as it may as well be said that this invoice has been prepared for the occasion as that books and documents have been altered to suit our views, I shall, if the Board wishes it, call a number of persons who will verify the signature of the firm. Now, there may be some difference between the Custom House and us in the weights of individual packages, but in the total quantity of the tea the difference is very slight. The Board will see by the invoice that the total weight of the Congou tea (marked I 436) was 92,694 lbs., but the whole of this was not entered for home consumption, as 150 chests and 675 half-chests were exported; the weight of these was 41,813 lbs., leaving 50,881 lbs. to be accounted for. In his re-weighing, *Mr. Garling* made the chests rather more than the invoice weight, whilst

whilst the half-chests were about a pound less. I may mention, with reference to this, and Mr. A. Stuart, to a remark I made a short time ago as to the entering in favor of the Customs, the weights above the even pound, that it was one of the instructions to the Custom House Officers of London by a Treasury Order upon the subject of weighing tea, that in doing this, the chest shall in the first instance be weighed gross, and that if it shall prove to be any weight over and above an even pound, this extra weight shall be given up in favor of the merchant. Thus, if a chest weighs gross 120½ lbs., then only 120 lbs. are entered against the merchant; the package is then turned out, and tared with a standing beam, so as to give any little advantage that there may be of weight to the importer. This order is dated, I believe, in 1852, and was made upon the representation and complaint of the influential tea importers of London; they explained to the Treasury Board that, owing to the remains of dirt in each chest, the importer of tea found himself a loser of three-quarters of a pound of tea on each package, from the Customs officers taking advantage of any additional weight above a pound on the part of the Government. Owing to this representation being made to the Commissioners, they sent notice to the Customs that in weighing this allowance was to be made to the merchant to cover this source of loss. The quantity of tea left then, after the 150 chests and 675 half-chests were exported, was 50,881 lbs. as shewn by the invoice.

Mr. Duncan asked if the Board would consider the invoice as evidence.

Mr. Stuart: The Board of Customs in London constantly take them as such.

Mr. Duncan: But it is known that here two or three different kinds of invoices for different purposes come out here with goods. In saying this, I do not, by any means, wish to insinuate that such is the case in this instance; but I mention it as a known fact, to shew that these invoices are not admissible as evidence in an inquiry of this kind, and Mr. Stuart acted wrongly in putting it before Mr. Garling.

Mr. Stuart: I shewed it to him, solely for the purpose of convincing him that his weights on re-weighing were borne out by it.

Captain Ward: Mr. Garling accepted the invoice at the time, as corroborative evidence of the weight, and we do not think that we should be now justified in rejecting it.

Mr. Duncan thought the *bonâ fide* of the invoice ought at least to be proved before it was taken as evidence.

Captain Ward was of opinion that it lay with Mr. Duncan to shew that the invoice had not been drawn *bonâ fide*.

Mr. Stuart: Returning to the argument, I was shewing that the quantity of tea left, after the exportation of the 150 chests and 675 half-chests was, according to our invoice, 50,881 lbs.; whilst, according to the Customs account, as altered on re-weighing by Mr. Garling, the quantity was 50,350 lbs.—no very great difference, as the Board will see the one account is within 531 lbs. of the other. Now I think I have proved as one step, that the weight, according to our invoice, which gives the amount as weighed out in China by the pound, was 50,881 lbs.; whilst I can shew by the Customs books, if they are produced, that according to Mr. Garling's re-weighing, the weight was 50,350 lbs. I therefore consider that I have now corroborated the statement made by Mr. Garling, in the evidence given before the Board on a previous day, that when he re-weighed the tea at my request, and in my presence, he arrived at very nearly the correct weight as by my invoice; and certainly at the full weight to which the Customs were entitled. Whereas the weight entered by Mr. Kidd would have acted so very heavily upon us as importers, that we felt bound to appeal against it. So much was this the case, that I assure the Board, that had our appeal to Mr. Garling been ineffectual, we should have carried it to the head of the department, the Collector. Now, Mr. Kidd, though he assessed the tea at 48 lbs. the half-chest, acknowledges to the Board that the weight was heavier than usual, or than he ever knew before. I can only add to this, that it is very much heavier than I have ever known it to be, for though I have seen chests of tea that weighed 91 lbs., yet the half-chests have never to my knowledge exceeded 45 lbs. Our instructions to our correspondents in China have been for some time not to send us half-chests containing more than from 40 to 42 lbs. The reason for this is obvious, as, whilst we pay for it by the pound, and whilst we pay duty to the Customs by the pound, we only sell by the chest, and in selling the half-chest is only calculated as containing from 40 lbs. to 42 lbs. net. The consumer consequently only pays us on that calculation and on no more, whilst we have to pay on the full weight, both in respect to prime cost and duty. The standard weight of tea is taken to be 84 lbs. the chest and 42 lbs. the half-chest; and for a long time here, prior to Mr. Duncan's day, the universal custom was to assume the weight of the chest to be 80 lbs., and of the half-chest 40 lbs.; and if the Board had before them only one landing-waiter of those days to examine, I think I could shew that this case of the "Hirondelle" was one of the first, if not the very first, case of approximating the weight of a cargo by actual weighing. I would again press upon the Board, that they should give their particular attention to the very positive manner in which Mr. Kidd speaks of the circumstance, and the certainty with which he affirms that there was no entry for home consumption of any part of the cargo prior to its receipt into bond. My reason for doing this is not to impute blame to Mr. Kidd, for he did no more than other landing-waiters were at that time in the habit of doing, and in fact only followed out the system then in force; but I desire that the Board should see that the whole concern has occurred through the very lax manner of doing business that was then followed by every branch of the Customs Department. Neither do I stand here to support that system, for I readily admit that it was, in some respects, most lax and improper. Nor do I desire in any way to stand in the way of Mr. Duncan's reforms, some of which I consider to be beneficial, whilst of others I may be allowed to hold a different opinion, although I by no means wish to prevent his carrying out those that are beneficial. But at the same time I wish to shew that the whole system was

loose

Mr. A. Stuart. loose and irregular, and that this alone has been the cause of the present misunderstanding. Mr. Kidd says, in his evidence, that it would be impossible for any entry for home consumption to have been passed, or any goods to have been delivered from the ship's side, without his knowledge; but, in the face of this, I assert that such an entry was passed, and this could be easily proved if the Board would call before them the Custom House clerk who at that period was in the habit of receiving payment of the duties. By a reference to the Custom House books it will be found that, on the 7th or 8th of August, we passed a home consumption entry for and paid duty on the quantity of goods I have mentioned, whilst the ship was being discharged. The Custom House book of home consumption entries was subsequently produced, and the entries produced in corroboration of this statement, that these goods were taken from the ship's side. The sale of the goods by Frith and Payten, on the 13th, is also corroborative of this. Had a proper system been adopted by the Custom House officers, I take it that Mr. Kidd's initials to the entry would have been absolutely necessary before it could have passed, or before the goods could have left the ship's side; but I assert that a proper system was not followed, and hence these misunderstandings.

Mr. Duncan: Mr. Kidd said distinctly that the goods could not pass through the Customs without his signature.

Mr. Stuart: I admit that they could not do so *now*, but I call attention to the very different custom that existed then to what exists now; and the production of the Custom House entry proves that in fact they did pass without his signature. I entirely concede that the custom was not a correct one, but, nevertheless, it was the custom; and, as it was one that was highly convenient at times to the merchants, it is not to be wondered at that they followed it. I contend then, that in those days we could pass home consumption entries and take goods from the ship's side, not only without the landing-waiter's signature, but also without his knowing any thing at all about it until done. That such was the case here was evident from Mr. Kidd's own confession, and from the fact that the goods were received and sold by Messrs. Frith and Payten on the 13th, or a few days after the vessel's arrival. I again say, that I do not accuse Mr. Kidd of any neglect, but I desire to shew that a lax system of doing business prevailed in the Customs at that time, and in establishing this, I shew how the whole matter has occurred. Referring again to the invoice, it will be seen that the weight of the bysonskin (K 436 mark) is shewn to have been 29,175 lbs. when shipped at Shanghai. The amount paid duty on by us was 29,134 lbs.—the weight according to Mr. Garling's re-weighing. Had we paid duty upon the weight shewn upon the first weighing by Mr. Kidd, our firm would have been out of pocket a very large amount; he having made the total weight 32,354 lbs., instead of 29,134 lbs. Mr. Duncan does not regard the matter in this light; for he says that by this alteration of the weights the Government has been defrauded of duty upon 3,220 lbs. of tea.

Mr. Duncan: That is, assuming Mr. Kidd's weighing to have been correct.

Mr. Stuart: That ought not to have been assumed. Very little inquiry would have convinced him, and prevented all this unpleasantness; and I am sure that a line from him to me would have brought him as full an explanation as we could give. In his letter of 2nd September, 1859, to the Secretary of the Treasury, Mr. Duncan says—"I forward herewith the red-book of the vessel from which this tea was landed, from which it appears that the landing-waiter's net weight of this parcel was reduced by the late landing-surveyor, from 32,354 lbs. to 29,134 lbs., being a loss to the revenue of the duty on 3,220 lbs. of tea; and the same book shews that a still larger reduction was made on the net weight of another lot of tea consigned to Messrs. Towns & Co. by the same ship; making altogether a loss to the revenue of the duty on 6,970 lbs. of tea."

Mr. Duncan: That is quite true.

Mr. Stuart: I maintain that it is not true; and I will now proceed to shew why it is not true. Had Mr. Duncan investigated closely the quantity of this cargo that was taken into home consumption, he would have found that the difference of weight between the estimate of Mr. Kidd and the weights in our invoice upon the quantity of tea upon which we paid duty was nothing like as large as he supposes it to be. He insists that there has been a loss to the revenue of the duty on 6,970 lbs. of tea; but this assumes that the whole cargo was taken for home consumption; whereas, had he made inquiry, he would have found that instead of this, a very large portion of the cargo, amounting nearly to the half of the whole weight, was exported soon after arrival, and that upon this there could have been no loss to the revenue, even though there had been a reduction of 50 lbs. per chest; for, whether they were entered at 100 lbs., or whether they were entered at 10 lbs., could make no difference to the revenue, since they were exported and no duty was paid on them. Thus, then, Mr. Duncan's assumed loss to the revenue would, at all events, be reduced to one-half. My statement of the transaction and that given by Mr. Garling fully corroborate each other in every particular, and I think we are entitled to quite as much credence as Mr. Kidd, especially as we are borne out by the China invoice that I have produced. I take it now that I have shewn that the whole weight of tea imported by the "Hirondelle" has either been exported by us, or entered for home consumption, and duty paid; and that, therefore, there has been no loss to the revenue. But the weights returned by Mr. Kidd were so manifestly high, that, as I have before said, if Mr. Garling had not reduced them we should have gone to the higher authority, the Collector, to do so, so perfectly were we convinced that Mr. Kidd's estimate was erroneous. With reference to Mr. Still's evidence—his first statement that he found some 3,000 or 4,000 packages missing from our store must surely have been a slip of the tongue, or must have been taken down in mistake, so that I shall pass that over. Mr. Still then says, "I found none of the K 436 mark in the store." Does Mr. Still mean by this that he took no note of any of that brand in the store, that they were not brought to his knowledge, or that he looked for them and could not find them? It could not have been the



the latter, because no notice was given to us, and therefore he could not have looked for that brand. Mr. Still's idea of taking stock is, however, very different from mine. He appears to be content to take a list of what appears to be in store, and then considers he has done all that is necessary, whereas my idea of a stock-taking is, not merely to take what is in the place, but also to compare that with the list of what ought to be in it. My reason for calling the attention of the Board to this is that because he says in reply to questions, that he found only so many of one brand, and none of the other, it might be imagined, and it certainly appears so from the way the questions are put, and the answers given, that he had been looking for the brand and could not find it in the bond, whereas the actual fact was, that he merely went through the store, and took a list of what he found there. Now, this shews again the continuous laxity of the former system, as I contend that there cannot be anything like a proper stock-taking unless the person goes through the store with a list in his hand of what ought to be in it, to compare as he goes along with what he actually finds there, or unless he compares his list afterwards with some book in the Customs containing an account of what ought to be in each store. Had this been done, when he failed to find the K 436 brand, he would have naturally asked if there were any other room or store in which bonded goods were kept; in that case the matter would have been brought to our mind, and would have led us to apply to our books, when the whole thing could have been satisfactorily explained. Mr. Fancourt says that there is nothing to shew that the goods went into bond at all; but there are the Customs books to shew that they did do so, and if these had been compared with the locker's store-book, the discrepancy which occurred only within the space of a few weeks of Mr. Still's stock-taking would have been at once discovered. To shew this, I may mention that Mr. Still examined the store twice within the period of a few months. In the beginning of 1857, he took stock for the first time, and he then brought under our notice certain irregularities, such as the missing of a case or two of gin, and other small matters, owing no doubt to the pilfering of subordinates either in our own employ or in that of the Customs; he says that at that time he did not take stock of the tea and sugar, though it was my impression that he did do so. Now, it so happens that the bulk of the K 436 brand left our stores between the two periods of his stock-taking, for, though a portion of this brand left the ship's side as I have shewn, yet the larger part went into store, and Mr. Kidd is correct in saying that it was received into bond, whilst Mr. Fancourt and Mr. Still, who stated that it might not have gone in at all, are wrong. Any one looking at the store-book will find that the thing is as clear as possible with but a word or two of explanation. Every one connected with the Customs who has hitherto looked at the note entered of Mr. Newton, to which allusion has been made in the correspondence, then locker at our bond, has thought that it referred to the whole of the K 436 brand. The Board will remember that it was mentioned in evidence, that against the entry of the K 436 brand, there was this note in Mr. Newton's hand-writing:—"Entered in error, should have been I 436." Now I shall be able to shew that this note never referred at all to the import of this brand into the warehouse, but to a mistake of Mr. Newton's in entering for home consumption the chests and half-chests of this brand, instead of the brand I 436, having, in fact, written in the entry for home consumption upon the wrong folio. Finding it out, he has erased it, and then made the note that has led to this confusion. But, instead of regarding it in this light every person who has hitherto had charge of the books has considered that this note cancelled the whole entry, and imagined thereupon that no such brand as K 436 was ever received into bond, so that when Mr. Still took stock in 1857, it was believed that there should be no such brand as the K 436 in bond. To shew that such was the impression in the Custom House, our Custom House clerk went down to pay duty upon the balance of the "Hirondelle's" cargo, and he paid upon 38 chests and 150 half-chests, which was the whole balance that the Custom House books shewed against that cargo. The whole thing has evidently originated from a confusion between the I 436 and the K 436 marks, the note of Mr. Newton having led the locker who succeeded him to imagine that the import entry of the K 436 was cancelled. When applied to to deliver these teas he would have assumed that they were duty paid, and have permitted them to be taken out as free goods. It may seem strange that such a thing as this should have occurred, and I quite admit that it is so; but I think I have shewn the Board that from the laxity of the system formerly pursued such a thing was perfectly possible. Such cases did occur, though it might be but seldom. Then again our liability was complete in every way, for on passing the import entry we give our bond to the Customs, the condition of the bond, under a heavy penalty, being that we should pay duty upon all the cargo not exported. Hitherto the Custom House has placed implicit confidence in our firm, and our custom has been to pay, from time to time, a certain amount to cover duties upon entries we might wish to pass. We had several cargoes of tea in store whilst we had that of the "Hirondelle," and it often happened that a grocer coming into our store to purchase tea would take a fancy to some particular brand more than to another; and we have been treated with such confidence by the Custom House authorities, that we could send out of our bond any particular kind of tea that our customer might select, even though we had not a home consumption warrant for that tea open at the time; *provided, however*, that we had such a warrant open for some other brand of tea. When we had an open warrant, we were allowed to regard the whole of the teas in store as one lot, so long as the warrant remained open, with the understanding, however, that when any other brand than that for which the warrant was taken out was sent out of store, we should pass entries for it as soon as practicable. When our warrants were nearly out the locker would tell us that it was so. On receiving this notice we always paid in, perhaps from £200 to £300. This, no doubt, may appear to the Board to be a very loose system. I admit that it was so, I do not attempt to defend it; but being permitted, and being

Mr. A. Stuart.  
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Mr. A. Stuart. being evidently a very great convenience to large mercantile firms, I am not to be blamed if I took advantage of it as well as others. It was a loose system, but I confidently appeal to Mr. Duncan to say whether such was not the case. That having been the custom, I conceive that it would have been far more gracious of Mr. Duncan if he had said in his letter to the Secretary of the Treasury, that, in consequence of the very lax system pursued in the department at the time, certain mistakes had arisen, rather than to charge our firm with *abstracting* the tea from the store, especially when he knew that the Customs held our bond for the payment of any duties that might be found to be receivable upon the cargo in question, and that, therefore, the Government could not be defrauded or suffer loss. Our firm was not like a stranger in the Colony, or one about whom there was any doubt as to the ultimate payment of the money due, as it must have been known to Mr. Duncan that he could have got from us at any time any amount that was found to be payable by us. I may again remark that when our Custom House clerk, Mr. Coleman, went down to the Custom House in 1857 to pay duty on the balance of this cargo, he paid it upon the number of chests and half-chests that were asked for. At the same time he pointed out that there were these hysonskins marked K 436 then in bond. A reference was made to the locker's books, and all the Customs officers taking the same view of it, that the whole entry had been annulled by Mr. Newton's note, he was told that this brand was considered as duty paid. Mr. Coleman was not, however, satisfied with this, and I find that to the original warrant for the tea he has pinned the remarks I now produce, jotted down in his own handwriting, being to the effect that some discrepancy in this K 436 mark existed between ours and the Customs books. I have no doubt that he intended to call my attention to the matter, but shortly after this he left the Colony. He is still in our employ, but is engaged in the Melbourne branch. I conceive from this that he was not satisfied that the whole thing was paid, and put this note in his book for reference at some future time. The matter has lain there since then, my attention having never been called to it, and I not knowing of its existence; and it was not until these bonds which the Custom House held came in their due course to be examined that it became evident for the first time that duty had not been paid on this K 436 mark, that it had not been exported, and that consequently it ought still to be in store. It will be seen, I think, now, that the mistake in reference to this brand has occurred solely in consequence of the very imperfect and careless way in which the books of the Customs Department were at that time kept. The Board will naturally ask how it was that some of the teas went away without any entry being passed for them, but I can only say that that is a point upon which I am unable to give them any information, any more than I am able to say how it happened that the two teas which formed the one cargo should have received a separate bond mark.

Captain Ward: To what do these letters refer?

Mr. Duncan: They are the Custom House brand. As the cargoes are received they are marked alphabetically, commencing with the year with A 1, and running on B 1, C 1, until the alphabet is exhausted, when it is commenced again with the next number, as A 2, and so on.

Mr. Stuart: The most curious thing is, that though both these teas belonged to the same cargo, and were both passed at the same time, they have been marked with a different letter. I now produce the locker's store-book (*book produced*). Turning to the entry of the I 436 brand, the Board will see that when a bonding warrant is passed at the Customs the goods are entered upon the left-hand side of the book, or, as we may call it, the Dr. side of the book, debiting the store with the quantity of goods received into it; then, as entries are passed for the goods, either for home consumption or for export, they are entered upon the other, or, as it may be called, the Cr. side of the book. The cargo was entered inwards for bond on the 6th August, the day of the vessel's arrival, and the entry having been passed on that day, the red-book bears that date; but there is an omission in the red-book, since it does not bear the date of its return to the Custom House by the landing-waiter, and I appeal to Mr. Duncan to say whether this ought not to have been done. If this date had been affixed it would have prevented us much trouble, for it would have shewn that the home consumption entry was passed whilst the red-book was in the hands of the landing-waiter. According to the dates in the locker's book, then, it appears that the import entry was passed on the 6th August, and that on the 8th August an entry for home consumption was passed for 40 chests, 200 half-chests, and 50 boxes of this I 436 tea, and that this shipment is credited with that entry, the goods having been landed from the ship's side. Now, there ought to be something like a counterpart of this book in the Custom House, and as the entry for exportation that I have before referred to appears here, it ought also to appear in the Customs book, and if so Mr. Duncan ought to have been acquainted with it. However, the entry here quite justifies me in my statement that so very many chests and half-chests having passed the Customs for exportation, and not having been taken into home consumption, the allegation of Mr. Duncan that the revenue had suffered to the extent of 6,970 lbs. by the alteration of the weights, is altogether an erroneous one. Coming now to the K 436 mark, the Board will see that the date of entry is precisely the same as that of the I brand. Now, by looking on the credit side of the book it will be seen that precisely the same number of chests, half-chests, and boxes have been booked to the credit of this brand as being entered for home consumption as were booked on the preceding page to the credit of the I brand. From this it is perfectly evident to me that Mr. Newton entered the home consumption entry of the I tea by mistake against the K brand. Finding his mistake out, he has entered it in the proper place, and has then scored out this entry for home consumption, putting a note against the erasure, "Entered in error—should have been I 436." Now this clearly means that the delivery should have been I 436, and that it has been entered in error against the K 436. But every Custom House officer who has examined this book has imagined

imagined that the note referred to the whole entry, and that not merely the delivery but the whole entry—import and delivery—had been made in error. It was reported to me that such was the case, and I was under that impression until I came to look at the book for myself. Immediately I saw it, the whole thing became at once evident to me, and I am the more confirmed in my view of the case from the fact that the entry of the delivery of the goods has been very neatly erased with a ruler, whilst the debit entry of the cargo has been erased subsequently in a very much less careful manner, no doubt by some officer who followed Mr. Newton as locker, and imagined that the note referred to the whole entry. This, however, was not very extraordinary, since it appears that every Custom House officer who has seen the books has held the same view. Mr. Still and Mr. Fancourt both had the same notion. From some remarks that passed during the examination of the witnesses on the last day of the Board's meeting an inference has been attempted to be drawn that as Mr. Newton has been connected with other transactions of a discreditable character, that therefore he has been acting in conspiracy with us in order to make it appear that these goods were not in bond. When I first came into the room this morning I asked Mr. Duncan to get the names of the lockers who had been employed in our bond from the date of the import of this tea, until the last of it left the store. My object in wishing for this was to shew that Mr. Newton was not the whole of this time in our store; as, if he had been, he would have known the meaning of the entry, and we should not have been able to get the tea out without having first paid duty on it. But he remained at our store only a very short time after this importation, and two others succeeded him during the time I have mentioned; and these, seeing Mr. Newton's entry, have fancied that the whole thing was cancelled, and that this brand of tea was all duty paid and done with. This book, moreover, conclusively shews, that this brand of tea went regularly into our bonded warehouse, though a small portion of it was landed from the ship's side, under the home consumption warrant. This must have occurred by some chance or accident, and is to be accounted for by the very loose manner in which this part of the business was transacted at that time by the Customs officers. That it is so is apparent from the admissions of the officers themselves, as they tell the Board in their examination, that no evidence could be got that the tea had been received into bond; and that the fact that it did so, must be entirely left to the recollection of the officer or to the sense of honor of the importer. Mr. Kidd says, that he lands the goods from the ship's side, and that then they ought to go into bond, when he has nothing more to do with them; and further, that though prior to 1856, the locker was accustomed to give a receipt for the goods placed in bond, yet that, at the particular time of this importation, this practice had fallen into desuetude; and that, therefore, the Customs had no check by which to know whether the goods landed ever went into bond.

*Captain Ward*: Except the locker's entry in his store-book.

*Mr. Stuart*: That was no check, because he gets a document from the Custom House, directing him to receive into bond certain goods and packages, and it is these that he enters in his store-book.

*Captain Ward*: But does he not enter them by actually counting them into the store?

*Mr. Stuart*: I think not, because if he did so, the goods would appear in his books as received in smaller parcels and at different dates. For instance, in the case of this tea, it is all entered in his book under one date and in one entry; whereas the landing of so large a cargo, must have taken several days. Instead of entering the parcels as they are received, he waits until the vessel is discharged, and he receives his memorandum from the Custom House officer. The home consumption entry was for the congou I 436, but part of the hysonskin, or K 436, went from the ship's side, although the Customs officer had no home consumption entry for it. Now, though this K tea left the ship, the whole amount of the shipment appears in the locker's book as if it had gone into bond. Now, it is quite clear that these packages did not go into the store, nor was there any home consumption warrant for them; but, as they are entered in the locker's book, he ought either, to have them in store or hold a delivery order for them. He had neither the one nor the other, and, therefore, it is evident to me at least that these debit entries were made from the Custom House warrants, and not from the locker's actual receipts into warehouse. The K tea that was received into store remained there for a long time,—the bulk of it for 6 or 8 months. The deliveries ranged over that period, and, as there were not many of them, perhaps it would be as well that I should specify the different dates. In addition to those which I mentioned as having gone from the ship's side, on the 3rd September, 35 chests and 67 boxes were delivered; and on the 13th September, 3 boxes; on the 22nd October, 1 chest; on the 7th, 28 boxes 1 chest; on the 13th November, 10 packages; on the 30th, 100; on the 22nd January, 2; on the 23rd February, 10 and 135; on the 21st March, 153, 16, and 50; on the 30th April, 1; and on the 22nd May, 97; and one or two others on different dates, making up the whole quantity. When we get the return of the lockers that I have asked for, it will be found that there were no less than three lockers engaged in our bond during these deliveries; and the fact that these goods were taken out duty free under the rule of three different lockers corroborates still more the statement of Mr. Still and Mr. Fancourt that the impression was that the whole of the entry of the K tea was expunged, and that it was duty paid. As regards our firm, we could not check the entry, because we kept no account of duties paid on cargoes, as the locker's account was our check. We paid in a large sum on account of duties, and, if this was exhausted, when we sent down to the store for goods, the locker would inform us that we could not have them until more duty was paid. If we had a delivery warrant for tea open, and we sent down for more than the warrant was open for, the locker would tell us that the warrant was only open for so many, and that we must get a new warrant for what balance we required.

When



Mr. A. Stuart. When this was brought to our notice we sent round to the Custom House and paid duty on such a number as would keep us a few packages in advance. In consequence, however, of the locker's imagining that this tea was duty paid, they have not checked us in our orders for delivery of it, and thus, until the matter was brought under our notice in August last year I knew nothing about it. In July last the goods would have been three years in bond; and having to be cleared out as overtime goods the bond was examined, and then it was found that these teas had not been accounted for. The Custom House thereupon sends down to the locker of our store, and he returns for answer that there is no tea of the kind in store. He mentioned the matter to one of our clerks; and then, of course, it was brought under my notice. I understand that when Mr. Duncan was asked why he received the duty on these goods his reply was, that it was not received with his authority; but that I, having learned that the fraud was discovered, at once rushed up to the Customs House and paid the duty on the goods, before the matter had been fairly brought under his notice. So far, however, from "rushing up" to pay it when I learnt of the affair, I can inform the Board that the duty was not paid until several days after I was first informed of it. The matter was mentioned to me in July last; and when informed of it I said that it was impossible that such a thing could have happened, and that there must be some mistake about it. I was pressed by the locker to look into the matter; but being very busy just at that time, I told him that I could not attend to it for some days. Mr. Ferguson, our chief clerk, however, pressed the matter on my notice from day to day, and said the locker was anxious to have it settled; therefore, although I was very much pressed with business at the time, and had told him several times that the matter must lie over for a time, at last I looked into it. Now, though the matter was brought to my notice in July (I think about 28th or 30th of that month), yet it laid over until the 3rd August, when I spent some hours in taking out from our books the quantities of tea that had been sold by us, in order to see if the duty had been paid. On referring back through the cash-book and ledger, I found that the duties had not been fully paid; and when I had clearly satisfied myself of this, I at once gave a cheque for the money. Thus the matter was named to me at the end of July; and through the pressure of Mr. Ferguson, I looked into it on the 3rd of August; so that at least four days must have elapsed from the time of my being acquainted with the deficiency and the payment of the duty; and this did not look like any undue haste. When my clerks first named the matter to me I was greatly astonished how such a thing could have happened; and, as a matter of course, I wished to make some inquiry before I paid so large a sum as £300 or £400 for duty which I had been always led to believe was paid. No doubt it is a reasonable assumption that if in this matter I had had an idea of defrauding the revenue, I should have rushed up, as Mr. Duncan says, to pay the duty the moment it came to my knowledge that the fraud was discovered. That is the natural assumption, and it was, no doubt, to lead to such an inference that it was said that I "rushed up" to pay the duty. But as I had no intention to defraud the revenue, and as the mistake originated with the Customs officers and not with our firm, instead of "rushing up" I let several days elapse in order to make inquiry before I paid the money. The way I arrived at a conclusion was by referring to our ledger and taking out the cash payments. The task was not a very long one, because the debit entries to a cargo are very few, consisting only of the original cost of the goods, freight and charges, landing charges, and payments of duty, whilst the credit entries are very numerous, every parcel of goods sold being entered. The entries then being so few, as soon as I got the time to spare, an hour or so enabled me to convince myself that the duty had not been paid, when, as I have said, I at once gave a cheque for the amount. I took out from the ledger the duties that we had paid on account of the cargo on each particular date, and by adding them up I found that duty was short-paid upon 23,900lbs. of tea. It then became plain to my mind, that however the mistake had arisen, it had occurred, and there was nothing left but for us to pay the money. I mention all these facts thus particularly in order to shew the Board that there was no undue haste on our part, and that so far from "rushing up" to the Custom House to pay the duty, we proceeded carefully and cautiously in the matter, making all due inquiry before we paid the money claimed. In substantiation of the statement I made a short time ago, relative to the quantities of tea delivered, I now hand in the receipts of the different parties to whom the tea was delivered, in order to shew that the account I have furnished is correct. The signatures to these receipts I am prepared to verify if the Board should think it necessary. Mr. Still says in his evidence that he found only 69 half-chests of the I 436 tea. Now I was not with him when he took stock, and am not, therefore, able to say whether he took down all the goods, or went through the whole store; but I know that there was at the time a very considerable quantity of tea in the store, and that there was every probability, from the manner of his taking stock—that is, his not being furnished with a list of the goods that ought to have been in store—that he might be in error. To shew that he must have been so, I am prepared to prove that we got out of store about the time of, or subsequent to, Mr. Still's investigation of its contents—that is, between the 22nd July and the 15th October—705 half-chests of tea of that brand. So that, at the time of Mr. Still's stock-taking, instead of 69 there must have been 705 half-chests of the I 436 tea. But supposing his investigation to have been subsequent to the 22nd July, I can state positively that we got out of store 181 half-chests since his stock-taking. We can shew that 50 half-chests were delivered to us under an export warrant on the 9th September; and on the 12th September following, Betteridge & Haydon received 120 half-chests; these, with one or two small deliveries, make 181 half-chests.

Mr. Duncan: Are those the dates of delivery?

Mr. Stuart: No, they are the dates of the warrant in each case; but though they are

are only the dates of the warrant, I presume that the Custom House preserves some record of the date of delivery from the store, and I would ask Mr. Duncan if such is the case. Mr. A. Stuart.

*Mr. Duncan:* There has been a practice grown up of allowing goods to remain in the bonded store after entry has been passed for and duty paid on them. This practice I am trying all I can to put a stop to. 25 Jan., 1860.

*Mr. Stuart:* That is what I wish to come to. I wish to shew that there was such a practice in existence.

*Mr. Browne:* If the delivery is doubted, you can send for your books, and the Board will receive them in evidence.

*Mr. Stuart:* Supposing in the interim that these deliveries have been proved, I have shewn that after Mr. Still took stock we delivered 181 half-chests of tea of this cargo, and this number is not very far from the amount charged against us by the Customs. They say that we should have had 200 half-chests in bond, and we shew that we had 181. This discrepancy in numbers on so large a cargo is not very great, and can be accounted for when it is borne in mind what I before remarked, that having different cargoes of tea in bond we were not very particular about taking the tea from the particular cargo for which we held a warrant, but allowed our customers to suit themselves according to their choice. I would press this particularly upon the attention of the Board, for though such a practice as I have described might not be permitted under the keen administration of Mr. Duncan, yet it was the custom formerly, and I appeal to that gentleman to say whether such a thing was not perfectly possible under the more lax manner of conducting the business of the Custom House that was formerly permitted. In those days the Custom House were quite satisfied so long as we kept our payments a-head of our deliveries, and permitted us to suit our convenience in the cargoes we delivered. To shew that this was the invariable rule, I can produce the books of our firm, and if the Board will take the trouble to investigate our deliveries upon any of the cargoes of tea we have received they will find that the practice that has been followed until within the last few months has been such as I have described. Again, further to disprove the statement made by Mr. Duncan, that any loss to the revenue could have occurred through this cargo and by our means, I may be permitted to remind the Board that the Custom House held our bond for this cargo conditioned to pay the whole amount of duty thereon, and if the authorities were in any way dissatisfied with our mode of dealing with the goods, or were led to believe that any of them were surreptitiously taken out of bond, they could at once have put the bond in force and have made us pay compensation to the Government.

*Mr. Browne:* What is the amount of penalty fixed in the bond?

*Mr. Stuart:* It is fixed at double the amount of the estimated duty; so that, presuming we were attempting to feloniously take away the tea from the store, as Mr. Duncan insinuates, we could have actually had no object in doing so, because we should have had to pay the duty in the end, whenever our bond came to be examined. I press this point particularly upon the attention of the Board, because the whole sting of this part of the charge lies in Mr. Duncan's statement that the tea was "abstracted" from the warehouse. Now I do not so much blame Mr. Duncan for reporting this matter to the Government, but for the language in which it is couched. For instance, it is possible that Mr. Duncan may make a statement which he believes from the information he has received to be perfectly true, but which may yet, upon explanation, be shewn to be without foundation. I, knowing better, tell him that he is mistaken or misinformed, and do not accuse him of directly telling a lie, even though his statement be proved to be fallacious. It is just that very difference in manner of stating the matter that I complain of in Mr. Duncan's letters. In his letter of the 2nd September, he says, "seeing that the goods must have been abstracted, not only with the knowledge of the locker, Newton, but with the knowledge and by the order of some person connected with the firm of Towns and Co." And in his letter of the 24th November, he says also, "it became my duty to report the abstraction from the warehouse." Now, Mr. Duncan finds that a quantity of tea is missing from our warehouse, and surely he might have satisfied himself with stating that fact, without charging us with abstraction, which he must know is a felony, and punishable as such. But not contented with this, Mr. Duncan goes even further, and charges me with having, after committing this felony, used my personal influence to prevent exposure and punishment. In saying this, he evidently alludes to the connection between Mr. Cowper and myself; and in answer to this I may say, that I never spoke to Mr. Cowper about this matter but once, and that I was not aware that it had been brought under the notice of the Government, until I saw the notice on the business paper of the Assembly. I never mentioned the affair to Mr. Cowper, nor he to me, until Mr. Flood gave a notice of motion, inquiring into the case of the "Hirondelle." Mr. Cowper first called my attention to the motion, and asked me what was this about this tea of mine, at the same time pointing out this motion of Flood's. I said I did not know what the matter was, but that the tea had been taken out of bond, and the duty paid upon it. Mr. Cowper then said, "But there is something further than that, there is some charge about altering the weights of the tea." I said that such a thing as that was absurd, but that I would look into the matter, and let him know about it; he replied, that he did not wish to know about it, that it was not in his department, but in Mr. Weekes'. A few days after this, I went up to Mr. Weekes' office, and shewed him the invoices of the tea, to satisfy him as to the alteration in the weights. So that after this explanation, which contains every word that transpired between myself and Mr. Cowper, I most indignantly repudiate the idea that any personal influence was brought to bear in the matter. But I can tell Mr. Duncan, still further than this, when he charges us with abstracting goods from the store, that the system of conducting the business of the Custom House has been such, that the collection of the duty has to a very great extent been left to the honor of importers, and

Mr. A. Stuart. and that though irregularities may have occurred amongst parties whose characters were not unimpeachable, and that though goods may have been taken out of store without paying duty by persons who were afterwards unable to pay the penalties recoverable on their bond, that our firm has always stood high in the confidence of the Custom House authorities; I can tell him that we have had cargoes of tea and sugar in our stores that have never had a Custom House lock upon them at all, that the Custom House officers had no more idea of what was done with other cargoes than the Board has, and that some of these officers have been so incapable or so ignorant of their duties that they have not counted the packages as they have been landed. On one occasion it was reported to me by our storekeeper that a man who was in charge of our bond went to sleep drunk in his box with the keys of the store beside him for anyone to take and make use of that thought proper. With such facts as these before us, what right has Mr. Duncan to charge a firm, that has always been correct in its dealings with the Customs, with a misdemeanor, merely because through a mistake of his own officers a quantity of tea is not accounted for, and that quantity, though it looks large when reduced to pounds, only a very small one when compared with the business of our firm, which passes through its hands every month a much larger quantity of tea than this. If such things as these were carried on by the Custom House officers, what is more natural than that the merchants should fall into the same loose system, particularly when it offered them a convenience in their business, and when the Government could suffer no ultimate harm so long as they gave bond and paid duty on everything they took from store. I would mention also another matter that arises out of this, in an allusion that was made by one witness, I do not remember which, to a matter that occurred in our store. The witness was asked by Mr. Duncan, "Was it not from this bond that an officer of Customs was dismissed for delivering tea for which no entry had been passed?" And the answer to this question was, "It was." Now, a more insidious way of putting this matter before the Board could not have been found than this; because the inference from this question and answer would be naturally that the case now under the consideration of the Board was not the first of the kind that had occurred to implicate us, especially as the inquiry ended there, and the witness was not asked whether the goods so taken out were held in bond on our account or not. The fact was, however, that the tea belonged to Smith, Campbell, and Co., and not to us. The goods were stored by us for that firm, and they sent down an order to us to deliver the goods. This, of course, we were prepared to do upon their order, we having nothing to do with the payment of duty, which the Custom House officer in charge of the store has to look after. When the order came down to us, we marked on it, for the guidance of our storeman, to deliver the tea. They then went to Macgrath, the locker in charge of the store, and, having passed no entry for the tea, they asked him to deliver it, as it was to be sent on board a vessel that was then on the point of sailing—that there was no time to pass an entry then, but that an entry would be passed for it the first thing on the following day. Macgrath, following up the system that was then in force of keeping a sort of account current with particular firms, allowed the tea to go out of bond without passing an entry. Having done this, he should have taken care that on the following day that firm redeemed their promise. He did not do so, and Smith, Campbell, and Co., omitted to pass the entry on the following day, though when the matter came to be inquired into they pleaded that they had done so quite through inadvertence on their part. Macgrath believing that, according to custom, an entry was passed on the following morning, soon forgot all about the matter, until it was discovered in some such a way as this deficiency has been. The matter was investigated, and it was found that the tea had been exported without any warrant at all, and the locker was dismissed. Had this explanation been given when the question was asked and answered it would have caused the case to assume a very different complexion. I now produce my warehousekeeper's book (*book produced*), in order to shew the delivery of the "Hirondelle's" tea since Mr. Still's stock-taking. From this I shew an entry, on the 9th September, of 50 half-chests tea, ex "Hirondelle," delivered to Bannatyne and Co.; on the 18th September there is a delivery of 3 chests and 2 half-chests; on the 14th September, 1 half-chest; on the 12th September there are deliveries to Betteridge and Haydon of 20 half-chests, 5 half-chests, 15 half-chests, and 60 half-chests; on the 10th, a delivery to the same firm of 20 half-chests; and on the 15th October a delivery of 7 half-chests. In reference to Mr. Still's stock-taking, I would once again press upon the Board the utter impossibility of any man taking stock accurately unless he has with him a list of the articles that he ought to find in the store, or compare it with such list or book afterward. I will now content myself with calling any of the old lockers who were in the Customs at the date of this affair, to speak as to the practice of delivering the goods, and I will then leave my case in the hands of the Board.

Mr. Thomas Thompson called in and examined:—

- Mr. Thomas Thompson. 1. By Captain Ward: How long were you a locker? Three and a-half years.  
 2. What are you now? A landing-waiter.  
 3. Were you a locker in 1857? I was.  
 25 Jan., 1860. 4. In what store? In Towns & Co.'s.  
 5. Can you inform the Board of the practice in respect to the delivery of goods from bond—as to whether in delivering them you adhered to the terms of the warrant? Yes, strictly.  
 6. Supposing a warrant to be issued for the delivery of teas ex "Hirondelle," and Towns & Co. asked you to allow other teas to go out of bond on that warrant, would you have allowed it? Most certainly I should not have allowed it.

7. *By Mr. Stuart:* Leaving the practice of the present day altogether out of mind, and reverting to that which was followed some years ago—has it been the custom for lockers to allow, or have you ever allowed, tea or sugar to go out of bond (though you had not at the moment the warrant for their delivery) on the promise of the importer that the amount of duty should be sent up to the Custom House and an entry passed? I do not remember any circumstance of the kind. It is possible, however, that I may have allowed the delivery of packages when I knew that you had sent up to the Custom House for a warrant.
8. You are much stricter now in every department of the Customs than you were a few years ago? Yes, much stricter.
9. You take care now to have all correct? Yes.
10. But in former days there was not such a strict adherence to rules and regulations, or to the exact terms of a warrant? There was not. I have heard that lockers have not always adhered to the terms of a warrant.
11. And so long as the general amount of duty was paid, the particular mark or cargo named in the warrant was not necessarily adhered to? I do not say anything about that.
12. You have heard of goods going out of bond before the warrant for them had been received? I have.
13. And you have had considerable experience as a locker? Yes.
14. And it is within your experience that such was the case, although you never did it? It is.
15. Was it not matter of notoriety that the Customs lockers were not very particular? Yes, I know that they were not.
16. And that persons would say to the locker—"We want this or that out of bond, and will send down and pass an entry for them to-morrow"? I cannot say that I know of that being done.
17. *By Captain Ward:* Was it ever a rule of the Customs that a merchant should be allowed to pay in a certain sum to the Customs on account of duty, and should then be permitted to take out bonded goods so long as he kept within the amount that he had paid? Not that I recollect.
18. *By Mr. Stuart:* It was more a matter between the locker and the importer than between the Collector and the importer? I should imagine it would be. I never heard of such a rule.
19. Do you ever do so? No, I do not think I ever let anything go out of store without a warrant, except in one instance, when I let you have out a case of brandy for your own private use.
20. *By Mr. Browne:* While a locker in former years, if you received an order for the delivery of 300 packages of tea would you allow them to remain in store, and deliver them in tens or twenties, as they were asked for, until the order was expended? I have been obliged to do so.
21. Then while that order was in force were you particular in issuing only the numbers and marks mentioned in that order? Yes, and as I delivered them I wrote them off on the back of the order.
22. Then by this means a delivery order might be made to spread over the space of a month? Yes, it has done so in several instances.
23. Was it the practice to take duty in advance on portions of a cargo? Not that I am aware of. When duties were paid warrants would issue for the delivery of the goods on which duty had been received.
24. If you got a warrant for 300 chests tea, and you had delivered 275, and that then the owner of the stores sent an order for the delivery of 35 chests, would you say to him that the warrant was only open for 25 chests and that you would deliver no more; or would you, supposing it to be a case of emergency, let the other 10 chests go? I would not let them go. I always made a point of having the duty paid before I delivered anything from the stores.
25. *By Captain Ward:* Did you ever allow the merchant to take one brand out of the store instead of another? No, never.
26. *By Mr. Stuart:* Are you aware that other lockers have not been so strict as you have been? I am aware of it. I know that this has been done in many cases, and that the lockers have got into trouble through it.
27. When you took charge of our bond you introduced there a more strict state of things than had existed formerly? I did.
28. You found that there had been very considerable irregularities in the deliveries from our bond? I did.
29. And these irregularities you remedied? I did.
30. Whom did you succeed in our store? Mr. Newton was there before me.
31. You know the locker's store-book? I do.
32. Have you seen this entry of "Hirondelle's" tea, I 436? I must have seen it when I had charge of the book.
33. Look at that entry and at Mr. Newton's note at the end of it, and tell me what you understand by it? I understand from that, that this entry should have been K 436, and that it has been entered I 436 in error, and that there was no tea of this kind received into the store.
34. Then, if you had received warrants for this other K tea, that would have satisfied you that all in the store had been paid for? It would.
35. *By Mr. Duncan:* Can you tell how much of this tea was in bond when you left the store? Yes; all that was entered in the store-book must have been then in the bond. I had to hand the goods over to the next locker who relieved me, and I had them all built up ready to count and hand over when he came to tally them with the books.

Mr. Thomas  
Thompson.

25 Jan., 1860.

- Mr. Thomas Thompson. 36. There were no very specific regulations for the guidance of lockers in those days? There were not.
- 25 Jan., 1860. 37. You were left pretty much to yourselves to do what you thought right? Yes.
38. *By Captain Ward*: When goods are landed and entered for bond are they delivered to you? They would be delivered from the ship by the landing-waiter.
39. And how then would you take account of them? I take my account from the landing-waiter's receipt.
40. Do you give a receipt for what you take into store? I do now; but no receipt was given by the locker at that time.
41. Then, after the landing-waiter had discharged the cargo, there was no check upon it, so as to learn what actually came into bond? No, there was not.
42. So that if an order came down for the delivery of a couple of hundred chests of tea, and that order was executed before the tea got into bond, no one would know anything about it? Yes, the locker would know that he did not receive it.
43. But if a home consumption entry was passed for it, and it was delivered on the wharf under that? In that case it would go through the books. If a cargo is entered for bond, every package is entered into the store-book, and any delivery, even from the ship's side, will have to pass through the store-book, though the goods have never actually come into bond.

TUESDAY, 7 FEBRUARY, 1860.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, ESQ.

CAPTAIN McLERIE.

Mr. Duncan, Collector of Customs, and Mr. A. Stuart, Merchant, were present during the proceedings.

Mr. George Ferguson called in and examined:—

- Mr. George Ferguson. 1. *By Captain Ward*: What is your position in Towns and Co.'s office? I am chief clerk.
2. Do you remember the landing of the tea ex "*Hirondelle*," in 1856? I know that it was landed.
- 7 Feb., 1860. 3. What more do you know respecting it? I know that the greater portion of it went into bond, and was issued from time to time.
4. And was it issued with the consent of the locker? It was always issued by the locker. We could take nothing out of bond without his knowledge.
5. And the whole quantity of tea was issued, with his knowledge, in different parcels at different periods? Yes.
6. With respect to the duty, how was it paid? At different periods too, as we required the tea.
7. How did you do it? We went down to the Custom House, and passed entries for it.
8. Did you go several times on account of this cargo? Yes, frequently. A cargo of this kind would extend over many entries.
9. With respect to the K 436 brand, did you pass many entries for that? No; it was all paid for at one time.
10. How was that? It was a different number and bond mark from the rest of the cargo.
11. What caused that difference? Some Custom House regulation.
12. How was the duty paid? It was all paid at once, but only latterly; in August last.
13. But in what way? We thought it had been paid before. We had no intimation from the locker that it was not paid, and we therefore considered that the duty on the entire cargo had been paid.
14. What made you consider this; did you not look to your books to see if it were so? No; we looked to the locker to let us know where duty was required. We supposed that we had paid duty on the whole of the remainder of the "*Hirondelle's*" cargo. We sent down to pay duty at the Custom House, on the balance of that vessel's cargo, and paid upon what appeared against us in the Customs books; having done this, we thought that all was paid, and did not know the reverse until latterly.
15. What process do you go through in paying duty on home consumption entries? We pass an entry for so many packages, and take them out as we require them. If we require more than the locker holds an order for, that is, if we are getting to the end of our entry, the locker lets us know, and we pay more duty.
16. Then when you wanted to take out any of the K 436 tea, you passed the usual entries for it at the Custom House? No; this seems never to have been done at all. When we paid up duty on the balance of the cargo, we were under the impression that this tea was paid for, and could be taken out of bond without passing entry for it. We lost sight of the fact that there were two brand marks for the cargo in the Custom House books.
17. But when you came to issue the tea you would see that it bore different brands? No, not necessarily; the bond mark is not put upon all the packages.
18. Where was the mark put then? Only upon a package here and there in several hundred.
19. Has it never been the practice to put the bond mark upon every chest? No.



20. How is it done then? The tea is stacked up in the store, and one chest in each stack or division is marked. Mr. George Ferguson.
21. Were you not aware that one portion of the cargo had received a different bond mark from the other? No, we were not. 7 Feb., 1860.
22. So that when you paid on the balance of the I 436 you thought you had paid duty on the remainder of the whole cargo? Yes.
23. But how comes it that, having passed entries at the Customs only for a certain number of chests of tea, you were allowed to issue more than that number from the bond? That I cannot say.
24. Did you keep no account in your books of the deliveries made in satisfaction of the different entries? No, we have not done so hitherto.
25. Then, having passed an entry for so many chests of tea, you go on drawing tea from bond on the strength of that entry, until the locker stops you? Yes; he goes on delivering until he has given us the full quantity he owes us on the delivery order, and then we pass entry for another lot.
26. Then as you get delivery of the goods named in the order, he ticks them off on the back of the order until the quantity is completed? Yes, I presume so.
27. But he must have come to the end of his delivery orders long before all these teas went out of bond? That was his business, not ours.
28. Who was locker at the time these teas were in course of delivery? There were several lockers there during that time.
29. Then your only check upon the entries passed by you was the warning you got from the locker when the delivery order was exhausted? We have always been in the habit of passing entries for a certain portion of the cargo. On receiving the delivery order we hand it to the locker, and he keeps it. When he has delivered somewhere about the quantity named in the order, he lets us know, and we then pass entry for more.
30. Then the locker would let you know when the first portion of the cargo, the I 436, was all delivered? No, for when we paid duty on the balance of the cargo, we thought that all the tea had been paid for.
31. How was it first brought to your notice that the duty on the K 436 had not been paid? The locker applied to me for information respecting the K 436 tea, and told me he had received notice from the Custom House that there should be so many parcels of that tea in bond, and requiring him to furnish information respecting it. He told me that he had looked into the matter, and found that the tea was not there. He spoke to me two or three times, and at last I did look into the matter, and found that the duty was not paid. When I had satisfied myself upon this point, I went to Mr. Stuart and explained the matter. He also looked into it, and when he found that the statement from the Custom House was correct, he paid the duty.
32. Was that the first time that you became aware of the fact that the duty was not paid? Yes.
33. When was this? In the latter part of July, when the locker mentioned the matter to me and requested me to look into it.
34. That was at the end of July last? Yes.
35. And when was the duty paid? From a week to ten days after I was first spoken to; at all events some few days afterwards.
36. What position does Mr. Brown hold in Towns and Co.'s employ? He attends to our Custom House business.
37. You are senior clerk to him? I am.
38. Would he be likely to know about these teas not being duty paid? No. The locker applied to me in the first instance; and there was no possibility of Mr. Brown knowing anything about it, because he was not performing the duty of Custom House clerk at the time the supposed balance of duty on these teas was paid.
39. There was no probability of his knowing at that time that the duty on the K 436 was not paid? There was no possibility of such a thing. Besides, if he had known it he would have mentioned it to me when the matter was first spoken of. Mr. King, the locker at our store, did not know of it, and if he did not Mr. Brown could not have known it.
40. By Mr. Duncan: You said that the tea had two bond marks, and that this had been on account of some Custom House regulation? Yes, I believe so.
41. What is your reason for believing it? Because they would not have been put on the packages unless from some Customs regulation. We should not have put the marks on of ourselves, for we did not require them.
42. But it is quite contrary to the Customs regulations to put two bond marks upon one cargo? All goods that go into bond are marked by the Customs.
43. Not with two marks? It was not at Towns and Co.'s request that this was done. Had they had any reason for wishing the cargo under two marks I should have known it.
44. You say you knew of the landing of this tea? Yes. I did not know how many packages were landed each day, or to what part of the store they went, but I know that they were landed.
45. You say you could not trace this matter in your books; but do you mean to say that your accounts are kept in such a way that you did not know whether duty upon so large a quantity as 740 packages of tea was paid or not? We might have known by looking through our books, but it was not brought to our notice to look first. We had to do it at last, and then found that the duty was not paid.
46. Do you keep your books by double entry? We do.
47. And do you mean to say you did not know this? Such was the case. Double entry would not take notice of what was never entered.

Mr. George  
Ferguson.

7 Feb., 1860.

48. You say that your practice is to pay duty on a quantity of tea, and then to take it out by degrees as you want it,—does that allude to your present or your former system of doing business? To the former and to the present system too. We must pay the duty before we can take the goods out of bond.
49. But, having passed an entry for 100 chests of tea, do you still continue the system of taking them out of bond a few at a time as you want them? Yes; we cannot take them all out at once.
50. *By Mr. Stuart:* Does the importer or the Custom House place the bond mark on goods? The Custom House.
51. Therefore, when you say that the second mark was placed on the cargo by some Customs regulation, you mean that it was done by order of some Custom House official? Yes.
52. The importer has nothing at all to do with the bond mark? No.
53. The importer keeps one key of the bonded store, the other being retained by the Custom House officer? Yes.
54. Does the owner of the bond consider himself as the custodian of the goods for the Customs? No.
55. When goods are required from the bond would the locker deliver them merely on the importer or storekeeper's warrant or order? Certainly not.
56. The locker is bound to take his orders only from the Customs authorities? Yes, always.
57. Does the storekeeper's man deliver upon the same order as the locker? No, he delivers on the importer's order.
58. Then two orders are necessary in order to obtain goods from bond? Yes, the locker and the storeman act independently of each other.
59. It is the duty of the storeman to get his master's order, and of the locker to get the order of the Custom House? Yes.
60. You said that Mr. Brown, the present Custom House clerk of Towns and Co. did not hold that situation when the "Hirondelle's" tea was in bond—can you say who was Custom House clerk to that firm at that time? Yes, Mr. Coleman.
61. Did not Mr. Brown hold a very subordinate situation in our office at that time? Yes, he did.
62. And it was not at all within his province to have anything to do with the Custom House business of the firm? No.
63. After duty had been paid upon a parcel of tea, was it possible that it might remain in the bonded store for some considerable time afterwards? Yes.
64. For a year or two? Yes, for an indefinite period.
65. Are you aware that a number of cases of champagne upon which we paid duty remained in store for two years afterwards? Yes; some of it remained for a longer period than that.
66. And it was taken out case by case as it was required? Yes; but it was not entirely taken out until very lately.
67. Are you aware that Mr. Still, shortly after his appointment as inspector of warehouses, gave instructions that this system of keeping goods in bond after the duty had been paid, should be discontinued? I know that notice was given to that effect, but am not sure that Mr. Still gave it.
68. Do you know when it was? I do not remember the period, but it was not very long since.

Mr. James Brown called in and examined:—

- Mr. J. Brown. 1. *By Captain Ward:* What is your position in Towns and Co.'s office? I am shipping clerk.
- 7 Feb., 1860. 2. Mr. Fancourt has stated in his evidence that, on one particular occasion when you came down to the Custom House to pay duty on the teas per "Hirondelle," the following conversation occurred between you:—Mr. Fancourt says, "When he came down I spoke to him respecting it, and he told me that he knew the duty had not been paid long ago. I told him that if he knew that he ought to have come down and paid it; he told me that it was our business to look after it, not his." Do you remember that conversation? Yes, I believe it was something to that effect.
3. Will you explain to the Board what you meant by saying that you knew of it "long ago?" I had known of it some three or four days.
  4. Then by "long ago" you meant some three or four days? Yes.
  5. How did you become aware of the fact? By the locker making an application to the firm respecting the goods.
  6. To whom did he make the application? To Mr. Ferguson.
  7. Did Mr. Ferguson acquaint you with the matter? He did; and gave me a memorandum of the facts, telling me to look into the thing, and I did so.
  8. And that was the first time that you became acquainted with it? Yes.
  9. *By Mr. Stuart:* When goods are taken into bond you are aware that a mark or brand is fixed on them? Yes.
  10. Is that done by order of the importer or of the Custom House? By the Custom House.
  11. The "Hirondelle's" cargo was landed in 1856, and a portion of it remained in bond until 1857—were you our Custom House clerk at that time? No.

12. Who was? Mr. Coleman.

13. You held a subordinate position in the office at that time? I did.

14. And it was not within your province to know anything about the Custom House business? It was not.

15. And you had no means of knowing that the duty had not been paid? No, none whatever.

Mr. J. Brown.

7 Feb., 1860.

Mr. Alexander Stuart called in and examined:—

1. *By Captain Ward:* Have you anything to add to your statement made the other day? Mr. A. Stuart. Only a few words. These two witnesses examined to-day complete the evidence that I have to offer; but there is one point to which I would once more particularly draw the attention of the Board; and that is—that the Custom House held our bond for the full amount of duty on the whole cargo, and that this is a practice that does not exist in England. There the importer gives no bond; and when goods are entered into a bonded warehouse they pass on a simple warehouse entry. The reason for the bond being required here is—that the Custom House Department in the Colonies is not expected to be so complete or so vigilant as the same department is in England; and on that account it has been considered necessary to take the bond of the importer, in case of any error occurring or of any goods being lost in bond. For the same reason, the period during which goods are allowed to remain in bond has been fixed at a much shorter date than in England. The time during which they may remain in bond has been fixed here at three years, and it is the same in all the Colonies. At the end of that time it is the duty of the proper officer of Customs to examine the bonds, and to see that the goods named in them have either been exported, entered for home consumption and duty paid, or that they are still in store. After the examination of the bond shews the goods to have been accounted for the giver of the bond is free; otherwise he may be called on for the fulfilment of his bond. Now in England goods are allowed to remain five years in the warehouse; and another great difference is, that there the warehouse is bonded; here it is the goods that are bonded. By the provisions thus made for the conduct of the business of the Custom House in the Colonies, it is evident that some inaccuracies and mistakes have been contemplated; and that it was intended that the Government should have a remedy at law against the importer in such a case; as they must from the bonds of necessity discover any deficiency whatever. Looking at this, I think the Board will see that it furnishes a very strong argument in favor of the supposition that no fraud could have been intended on our part; because it is we who give the bonds; and the person who gives them would not be mad enough to commit a fraud, when he knows that in the ordinary course of business it must of necessity be discovered. Another point is, that Mr. Still, soon after he was appointed, gave instructions that goods on which duty had been paid should not be allowed to remain in bond, and that those then in bond should be removed. Many goods were removed in consequence of these orders, particularly a quantity of champagne, which I have Mr. Ferguson's evidence to shew had been in bond, though duty paid, for over two years. Mr. Thompson's evidence goes to shew that the whole of the tea which ought to have been in bond was there when he left, because he stacked the whole up, and counted it over to his successor. He, however, considered the K 436 tea as not being under the Custom House care at all. It follows, from what I before proved, that the goods must chiefly have left the store after Mr. Thompson had handed them over to his successor, and most probably after Mr. Still had given his orders to remove all duty paid goods from the bond. The locker, considering the K 436 tea to be duty paid, would naturally be only too glad to get rid of it as soon as the importer could take it away. As the teas were taken out subsequent to the succeeding locker taking charge, and between the two stock-takings of Mr. Still, it is clear that the locker imagining he had no control over the goods considered he was only carrying out the views of his superior in hurrying them out of bond, and thus the error has arisen, as I formerly said, either through the mistake of the Custom House officers or the laxity of the system; and by the affixing of two different marks by the Customs to one cargo of tea, which, according to Mr. Duhean's own admission, is directly opposed to the Customs regulations, but over which we had no control.



## INQUIRY INTO THE COLONIAL SUGAR COMPANY'S DEFICIENCIES.

THURSDAY, 2 FEBRUARY, 1860.

Present :—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, ESQ., | CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs, and Mr. Ross, Manager of the Sugar Company, were present during the proceedings.

Captain Ward mentioned that Mr. Fancourt having made an addition to his evidence, Mr. Stuart had requested to be allowed to call a witness upon that particular point, and that the Board had decided that he should be permitted to do so.

Mr. Duncan called in and examined :—

- Mr. Duncan. 1. *By Captain Ward*: In the letter addressed by you to the Secretary of the Treasury, and dated 13th July, 1859, you state in the 5th paragraph :—" Mr. Ross says that the sugar was accompanied as usual with two cart notes—no doubt—so was the sugar per 'Moa,' and yet it never got on board. But the truth is the agents of the Company were perfectly aware that I would not take the weights from them, nor the quantities from their cart notes, and they had no right to expect me to do so." The Board would wish to know if you have any evidence to offer on this point, either by the production of some written order, or of the testimony of some person to whom the order was given? I gave no orders to the Sugar Company or to the merchants of the port, but to my own officials; and, at that time, having only just come into office, and having a large amount of business on my hands, most of my orders were given verbally.
2. In what way did you give the order that the sugar of the Sugar Company should be weighed? I gave the order to all the landing-waiters, and particularly to Mr. Russell, who was then drawback officer, that they were to weigh all goods shipped for drawback. Of course, in saying this, I did not mean that every package was to be weighed, but that a sufficient number of each kind of package was to be weighed to enable them to strike a fair average of weight. I stated over and over again to my officers that they were to weigh sugar and tea, and everything else that was shipped for drawback, and I was under the impression, until this case of the "Moa" occurred, that my orders had been followed.
3. Then you gave a verbal order? Yes.
4. That the Company's sugar was to be weighed? No. That all goods shipped for drawback should be weighed.
5. Did your officers understand from this that the sugar of the Company was included in this order? Most assuredly, "all goods" were mentioned.
6. And did Mr. Russell so understand it? Of course he did; because from conversations I had with him, he must have told the agents of the Company of my order.
7. Will you produce Mr. Russell to give evidence as to this point? After the manner in which Mr. Russell has given his evidence before the Board, I consider it would be almost an insult to the Board to offer Russell as a credible witness.
8. You have a distinct recollection of giving this order to Russell? Yes, most distinct. After I had first given the order I saw that there was still something very wrong about the drawbacks, and on one occasion I went down to Mr. Russell's place to speak to him more particularly on the subject, and to impress my orders upon him as forcibly as I could. His answer was, in his usual way, that he was very particular in these things, and never allowed anything to pass him. I was then under the impression that he did examine the goods.
9. What was the practice with regard to drawbacks before you gave this order to Russell? There was not a regular recognised practice in any one branch of the department at the time I took charge. I cannot say therefore that there was any established practice. The drawback system was the worst of all.
10. In his letter of 26th July, 1859, addressed to the Colonial Treasurer, Mr. Ross asserts that the late Collector framed certain regulations, specially for the Sugar Company, in regard to the drawback on refined sugar; is there anything in the Custom House—any record in writing—to shew that such an arrangement was made? I have never seen any record of the kind, nor have I ever seen any document in which such an arrangement is either mentioned or alluded to as having been made with the Sugar Company, or with anybody else. I first saw it mentioned in Mr. Ross's letter, from which you quote. I have made particular inquiry, and I am given to understand that there never has been in the Custom House any record of this sort; and unless such a thing were in existence, and that it came to my knowledge, I could not be expected to recognise it or act upon it. But the inference is, that there was nothing of the kind; for if you refer to the evidence of Mr. Powell, given before the former Board, he says, in answer to question 28, "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." And again, question 29: "The instructions given are not in writing? Never in writing, unfortunately." I conclude, therefore,

therefore, that the arrangement alluded to by Mr. Ross, if it existed at all, must have been <sup>Mr. Duncan.</sup> purely verbal.

11. You say that Russell was informed that he was to take the weight of all goods shipped <sup>2 Feb., 1860.</sup> for drawback; but were the Company informed that for the future all their sugars would be weighed? I never had any direct communication with the Company on the subject—my business was not with them, but with their agents; besides, I issue orders not to the Company or to the merchants, but to the officers of the department. Once or twice, however, I had conversations with the clerks of the Company, and this subject of the weighing formed part of those conversations.

12. Then, when you gave your orders to Russell you were not aware of any understanding or regulation of a contrary character that had been made between the Company and the late Collector? I had never heard of anything of the kind.

13. And therefore, you did not conceive it necessary to advise the Company of the order given by you to Russell? Certainly not.

14. Do you know whether Russell communicated to the Company your order on the subject of their sugars? I think he did; from circumstances that occurred subsequently, I conjectured that he had had some conversation with the Company respecting it; but I am not in a position to prove this.

15. So far as you are aware, then, neither the Company nor their agents were made acquainted with your order? Yes; I can swear distinctly that I spoke to Mr. Powell about it myself.

16. When did you first speak of it to Mr. Powell? I cannot take upon myself to speak distinctly as to the dates; but I can safely say this, that I have over and over again told Mr. Powell that I would not take anybody's weight for drawback goods.

17. We wish you could fix the date, as that is a material point? The only record I have to guide me in any way to the date is a conversation I had with Mr. Bayley, another Custom House Agent, upon the same subject. The conversation with Mr. Bayley took place on the 18th May; and, as Mr. Powell has very much more business in drawbacks than Mr. Bayley, it is more than likely that I should have quite as early had similar conversation with him. (*Vide Mr. Bayley's letter in printed correspondence.*)

18. Mr. Ross alleges that the Company had a particular arrangement with the Custom House in respect to their refined sugars? That could not affect me, as I was in no way cognizant of it.

19. But it may affect the Company in this way, that unless they were particularly informed that their sugars were to be weighed, even though the new regulation came to their knowledge, they might believe that, owing to the arrangement between them and the late Collector, the new regulation was not to apply in their case? I have no doubt whatever but that they were informed, but, unfortunately, I cannot prove it. I could only do so by calling Mr. Powell, who is the only person who could speak directly to this point; but as he is a party interested in this question, I should not think of asking for his evidence.

20. The Board would very much like to have some proof of this point, if you could produce it? The Board will see the position in which I am placed. The only conclusive evidence I could produce would be that of Mr. Powell, and him I cannot call.

21. Then you assert that, long before the shipment by the "Spray," the Company were aware that all sugar shipped for drawback must be weighed? I do. Their agents were.

22. Have you anything, beyond your own assertion, to shew that this was the case? Not as regards the Company specially, because there was no special order given by me for them; but it was a general order that all goods were to be weighed. Of course the Company's sugars were included in this order, but I never dreamt of making any special reservation either for or against the Company.

23. With the light that has since been thrown upon the matter, and the assertion that such an understanding existed with the late Collector, do you now think that the Company should have had some notice in reference to their sugars? I was not then aware of the arrangement, and could not therefore give the notice. I admit that I have since become aware that practically such a plan as that described was pursued, but I did not know whence the authority for it had proceeded, till I saw Mr. Ross's letter, nor do I feel quite certain of it now.

24. *By Mr. Browne:* But admitting that such a practice had been sanctioned, do you think it right that it should be cancelled without some communication being made to the Company? I did communicate my orders over and over again to the agent of the Company with whom only I had to deal. I had more trouble with the Company's drawbacks than with all the others put together.

25. *By Captain Ward:* Can you establish by evidence that there was any practice of weighing sugars for drawback prior to the 6th July? I cannot; for I believe that not only were they not weighed, but the packages were not even counted, and that drawback was granted upon any quantity that the shipper chose to claim for.

26. Then, as a matter of fact, it was not weighed? It was not; and was very often shipped before entries were passed at the Custom House. The inquiries arising out of the "Moa" case convinced me of this, though previously I was under the impression that my orders were being strictly carried out, and that all goods were weighed.

27. Then your impression now is that prior to the 6th July sugars for drawback were not weighed? Neither sugars nor any other goods, although shortly before that time I believed that they were.

28. In your letter to the Secretary to the Treasury of the 4th August, 1859, you say in the 4th paragraph:—"the case of the 'Moa' caused me to renew my notice;" do you mean by that that there had been any suspension of the order? What I meant by renewing the notice

- Mr. Duncan. notice was this, that I mentioned to the Custom House Agents, to Mr. Russell and to Mr. Still, my intention strictly to enforce the order previously given. Of course it was expected that they would communicate this notice to the parties severally interested in it in their respective branches. As to the original order there was never any suspension of it, but it came to my knowledge that after my order was given, they still went on in their own system in spite of my orders—at least Mr. Russell did, and I was determined to put a stop to it.
29. Then you do not intend by this passage to infer that the order had been suspended? Not at all, but solely this, that finding out when I called for the papers of the “Moa” that no less than forty bags were missing of the quantity then given, and that consequently Russell could not have done his duty or have obeyed my order, I renewed that order by repeating it with very strong injunctions that it was to be strictly followed.
30. By Mr. Browne: Was it about that time that you directed the landing-surveyor to put the order in writing? I cannot recollect the time when I directed it to be put in writing;\* but I know that I gave the direction in consequence of an observation of Mr. Powell’s. But when I first came into the office I had so many things to give directions about, that it would have been physically impossible to have put the twentieth part of my orders in writing. They have been since put in writing and many printed.
31. By Captain Ward: In your letter to the Secretary of the Treasury, dated 30th August, 1859, you bring forward some fresh irregularities on the part of the Sugar Company, and you then say, in paragraph 2, “In addition to the obstacles mentioned in previous correspondence, on the 10th instant, the Company shipped  $2\frac{1}{2}$  tons of sugar, between 11 and 12 cwt. of which was packed in a large cask, which they well knew we had no means of weighing; the searcher ascertained by boring that it contained sugar, but could only guess “at the weight, or take it at the shipper’s word.” We would ask you whether it was contrary to the usual custom to pack sugar in large casks? It was contrary to what they should have done, as they knew that we had no means of weighing them.
32. Did they know it? They could not help knowing it; and in point of fact I mentioned this matter because the packages were found to be light on their arrival at the port of destination. But not only did they send the goods in these hogsheads, but they sometimes put them on board before the Customs officer saw them, and sometimes even before we got the entry.
33. Then do you suppose this was a special proceeding, done purposely to annoy you? I must say that it looked very much like it.
34. Have you ever given the Company notice not to pack their sugars in such large packages? No; but they knew that the sugar would not pass without weighing, and that it could not be weighed in those packages.
35. By Mr. Browne: But you could not control the size of the packages? No, but I could refuse the drawback unless I could ascertain the weight.
36. By Captain Ward: In the third paragraph of the same letter you say, “Again, late in the afternoon of the 26th, entry was passed on behalf of the Sugar Company for six tons of sugar for drawback; the searcher on the station heard nothing about the shipment till about half-past twelve the following day, Saturday, when going on board the ship the mate informed him that five tons of the sugar had been already shipped; on Monday, he was informed in like manner that the remainder had been shipped on Saturday afternoon, after he left the station.” What is your special complaint in reference to this matter? That a portion of the sugar was shipped before the officer had had a proper opportunity to examine it, and that the rest was shipped after the proper hours of business.
37. And that the officer was thus not in a position to certify for the drawback? Exactly.
38. Then did the Company lose the drawback? No, the sugar was taken out of the hold and the weights ascertained, so that the Company got their drawback.
39. The shipping officer protested against the irregularity, and then the Company took steps to satisfy him? Exactly.
40. In the same paragraph you make some allusion to the dates on the Company’s shipping notes having been altered—will you explain this? I do not attach much importance to this point, but it is a curious thing, because these notes should bear date the day the goods are sent down.
41. Have you any imputation to make against the Company in reference to dates? No, I have not; but they or their agents are very fond of proving things by dates, and that makes me very cautious in admitting anything of the kind. Another thing is, that these notes, which we have in evidence should be given to the Custom House officer, were not given to him at all. This is a point that I am prepared to prove.
42. But you do not impute to the Company any intention to deceive the Customs by these changes of the figures? No; all I wish to shew by it is the general bad and irregular conduct of their agents in their dealings with the Custom House.
43. Coming now to your letter to the Secretary of the Treasury, of the 11th October, you say there “with reference to previous correspondence on the subject of irregularities in the shipments for drawback of the Australian Sugar Refining Company, and of their Custom House business generally, I forward herewith a letter and certificate from the Collector at Auckland, informing me of a deficiency in a quantity of sugar shipped here “per ‘Moa’ for drawback, and short landed there, to the extent of 9 cwt. 23 lbs. Also a “certificate from the Collector at Hobart Town, shewing that in a quantity of sugar landed “there

\* NOTE—I find, on reference, that I myself put the order in writing on the 9th July, but Mr. Still had given verbal notice to the officers some time previously, and, as I have already stated, I had long before mentioned my determination to the Agents and to Mr. Russell, the officer then in charge of the drawbacks.

"there a deficiency was found of 11 cwt. 2 qrs. on the quantity on which drawback was paid here." I would ask you with respect to these two parcels of sugar, whether they were shipped according to your amended regulations, and whether they were duly passed by your shipping officer? I believe that the shipping officer took the Company's weights, but this is by no means a singular case, for I have had their shipments returned to me as being short over and over again. Ever since the Board has been sitting, I have received several letters making complaints of the short weights of the Company.

44. As far as the Sugar Company was concerned, have they offered you all requisite facility for ascertaining the weight of their shipments? Yes, latterly; but I am afraid that some of my officers did not follow out my instructions as they should have done. No doubt the New Zealand officials are very strict, and charge duty on every pound actually landed. Allowances for tare may differ slightly at different ports. Still, however, it is strange that there should be so regular a deficiency in these weights.

45. *By Mr. Browne:* Are not the bastards sugar very wet when they are put into the bags fresh from the manufactory? No doubt they are, but not to such an extent as to account for so large an amount of deficiency. If the deficiencies were not so continual I should not have thought so much of the matter. I should have attached but little importance to a single case of deficiency, but when I find that shipment after shipment is reported short, I am bound to take notice of it. At the same time I make no charge against the Company, except that I think they weigh rather too close.

46. *By Captain Ward:* You impute no irregularity to the Company then, in this respect? No; I do not for a moment doubt the integrity of the Company, but it is no less a fact that the recipients of the sugar at the port of destination do not pay duty on the quantity of sugar that appears to go from here, and on which drawback is paid here.

47. What is your complaint, then, against the Company? All I mean to say is, that the Company are too keen and exacting upon the revenue here in their weights for drawback.

48. Could you not be just as sharp upon them in your turn? If I had officers all of whom I could depend upon I should be so.

49. Coming now to the general sugar deficiency, and taking first the case of remission of the quantity alluded to in the Executive Council Minute of 23rd July, 1857, which appears finally to close up the account of 10,371 tons of sugar, on which had occurred a deficiency, from waste, of 260 tons 18 cwt., the Board would wish to say, that if you can shew that this remission was obtained by misrepresentation, or that any incorrect statement of facts was made to induce that decision, the Board will open up this case; but that if you cannot do this, they will be inclined to let the decision of the Executive stand as final? The Minute itself shews that there must have been a false representation made. There was a document in existence, however, which has since most mysteriously disappeared, as I have before had occasion to remark—a letter from Mr. Metcalfe, applying for a remission of duty on this amount of deficiency, in which he stated distinctly that the sugars had all been weighed in and weighed out of bond. The Minute of the Executive Council clearly proves the existence of this letter, for it says that "deficiencies in sugar are allowed if the sugar be duly weighed in and out of the bonding warehouse," and that "the law has in that respect been complied with." Now, how did the Executive know that the law had been complied with, unless upon some representation to that effect having been made to them?

50. There is nothing in the correspondence before us to shew that any such letter was written by Mr. Metcalfe? In my opinion, the correspondence and Minutes shew that a claim had been put in by Mr. Metcalfe, on account of the Sugar Company, for a remission of duty, and that a representation was made by him that the sugars had been weighed in and out. The representation was made, and could have been made, by no other person than Mr. Metcalfe.

51. But can you in any way shew this to have been the case? I think Mr. Metcalfe's letter of the 31st March, 1859, which I before handed in, shews it, because in that letter he makes a distinction between the two deficiencies of 1857 and 1859, by stating that the first deficiency was discovered by actual re-weight, whilst the second was only assumed to be the amount allowed by law, which was understood to be a fixed allowance. (*Mr. Duncan here read the letter.*)

52. Allowing that it has been asserted that the deficiency of 1857, to which I am now confining my questions, was ascertained by re-weight, have you any evidence to shew that it was not so ascertained? I have several witnesses in attendance whom I wish to call before the Board. I have not examined them as to the testimony they could give, but I believe they will all prove that the sugars at that time were not weighed out of bond.

53. Have you any other evidence on this point? I have proved by Mr. Metcalfe's letter of 31st March, 1859, that he asserted that the deficiency was ascertained by re-weight. And I now produce a copy of a letter from Colonel Gibbs, or rather a minute of that gentleman, on a remark of the Auditor General relative to this deficiency, and dated 16th March, 1857, (*Minute produced*) shortly before the time that the Executive Council allowed the deficiency to be written off. He therein states that he allowed the claim of the Company to be written off, although the sugars had not been weighed out, conceiving that  $1\frac{3}{4}$  per cent. was a reasonable claim for deficiency.

54. It would appear from this, then, that Colonel Gibbs on his own motion allowed the deficiency of  $1\frac{3}{4}$  per cent., and not upon any representation of the Company that the sugars had been weighed out, since he states distinctly that they were not so? But in his minute of 3rd July, 1857, he states distinctly that the whole of the sugar in question was weighed in and weighed out; thus shewing that between the time of making the two statements that some representations had been made to him relative to the re-weighting. Upon this point also, I refer the Board to Mr. Metcalfe's letter of 26th February, 1857. (*Letter put in and read.*)

Mr. Duncan. 55. What is the deficiency you refer to in your letter of the 18th August, 1859, when, in the 10th paragraph you say, "Again in the first quarter of the present year a deficiency of 141 tons was discovered, representing duty to the amount of £700 and upwards?" That is the second lot that was written off by direction of the Treasurer.

2 Feb., 1860. 56. But it appears to us that the Minute of the then Secretary for Finance, Mr. Weekes, dated 16th May, finally disposes of this? I think I have given extracts from Acts of Parliament to shew that the Secretary for Finance took a mistaken view of this matter, and of the law.

57. By Mr. Browne: Has the amount been paid to the Company and the matter been closed? Nothing has been paid. The amount has been simply written off our warehouse-book in their favor.

58. By Captain Ward: In reference to this deficiency of 141 tons, the Secretary for Finance having allowed the Company to write it off, as appears by his Minute of 18th May, we would ask you if you can give us any valid reason for re-opening the question? All I can say is that the thing was quite illegal, and that Mr. Weekes had no power in my opinion to give an order contrary to law.

59. As a responsible Minister of the Crown he is answerable for his acts, and can be proceeded against by impeachment, but the Board are not the parties to take this step—have you any reason beyond this? I have not; but I would urge on the Board, that though a Minister of the Crown, the Secretary for Finance should not break the law any more than another. The whole tenor of my letter goes to shew that there has been an infraction of the law, which I conceived it to be my duty to point out, as there are other deficiencies still to be disposed of, and that unless my acts, which are done only for the good of the revenue and with no possibility of a personal object, are upheld against the Company, I cannot carry on my official business with that advantage to the country that I conceive to be desirable.

60. Unless it can be shewn that the remission has been made upon false premises, the Board cannot re-open the question? But see my position. There are other large deficiencies on my books, and here am I alone and unfriended, struggling with a powerful Company that has friends at every corner, only for the good of the revenue which I am bound in duty to protect, and it is absolutely necessary that I should be well supported, otherwise I must fail in protecting it.

61. Passing now to the third case of deficiency, to which you allude in the 11th paragraph of your letter of 18th August, where you say—"In addition to these cases, which had already come under the notice of the Government, I have now to state that we have discovered deficiencies in the sugar belonging to the Company, now appearing to be in bond, to over 231 tons, representing duty which ought to be now in the Treasury, amounting to £1,155." To what time does this deficiency refer? To the three years ending 30th June, 1857.

62. And is there any correspondence respecting it? No. It seemed to be useless to call upon the late Government to give any decision relative to the Sugar Company. I referred the matter to the Treasury, but got no answer, and though I once or twice drew attention to it, my appeals were unheeded.

63. How did you discover this deficiency? In making up the lists for the sale of overtime goods, the warehousekeeper, Mr. Fancourt, found that this quantity of sugar was still unaccounted for in his books, and on reference to the bond the sugar was found to be gone.

64. And you say that the Government have taken no notice of your letter bringing this matter under their attention? No; except that in one communication upon other minor deficiencies discovered, I was informed that this matter would have to lie over for further discussion.

65. During the three years over which the deficiency extends, you say that sugar was not weighed out of bond? No.

66. And in balancing your books for those years you found this deficiency? We did.

67. According to your calculation, what per centage of deficiency would this be on the whole amount bonded during those three years? I have made no calculation on the subject.\* I go by the law, which allows for no deficiency not ascertained by actual weighing.

68. From the 6th May last, you have made it imperative that all sugars should be weighed into bond and weighed out of it? I have.

69. So that such a discrepancy as this is not likely to occur again? No, it cannot.

Mr. William Cathcart Still called in and examined:—

Mr. W. C. Still. 1. By Captain Ward: How long have you been in charge of the bonded warehouses? Since the month of April, 1857.

2 Feb., 1860. 2. Have you since then taken notice of the deficiencies of sugar in bond—that is, of the loss by waste? I have.

3. And what do you find to be the average amount of loss since you have held your office? I will read from a memorandum I have taken of the quantity received into and delivered out of Knox's bond from July, 1857, to April, 1859. I make the deficiency of the quantity delivered to be under  $\frac{1}{4}$  per cent. the quantity received into bond.

4. And how long had the sugar been in bond? It was bonded at different times during the period I have mentioned.

5.

\* NOTE.—I find the deficiency to have been a little over 2 per cent. on the average; some parcels much more, and some less of course.



5. But what would be about the average time that the sugar would remain in bond? I can only give a guess at that. Perhaps each cargo would take from three months to six months to deliver. Mr. W. C. Still  
2 Feb., 1860.

6. How have you arrived at this per centage? During the time I have mentioned, 16,749 tons 13 cwt. 2 qrs. and 18 lbs. were received into bond, and during the same time there was delivered 10,732 tons 9 cwt. 1 qr. and 25 lbs. making a deficiency under one quarter per cent. of deliveries upon receipts.

7. Does it not strike you that any inference to be drawn from this must in a great measure depend upon the time the sugar is in bond? Yes, but as regards the separate lots of sugar, they did not all shew the same result. Some of them shewed an increase, others a decrease in weight.

8. If the whole of the quantity you have mentioned were to remain in bond for two years, surely the per centage of loss would be much greater than if the same quantity only remained there for a week? No doubt.

9. Consequently, in making the calculation it is important that we should know how long each lot was in bond? I cannot state that, as I have only brought a memorandum of the total quantities; but there has been a return made up of each cargo of sugar received into the bond during the period mentioned, which may give some information relative to the time the twenty-two cargoes were delivered.

10. It is of no use to tell us how many cargoes were received and delivered unless you can also shew us how long each remained in the bond? No man can speak from memory of so many matters, because different portions of these cargoes were taken out at as many different times. For instance, the Company might perhaps take half a cargo out of bond almost immediately, and then the remainder would be left in bond for six weeks or six months. The sugar was only taken out as the Company required it.

11. *By Mr. Browne*: Can you say what was about the average time that sugar remained in bond during the period you have stated? On the average, it takes three or four months to work off a cargo.

12. *By Captain Ward*: There might not be on an average more than 20 tons in bond at a time, and therefore the per centage of loss would be very much greater than you assume it to be; whilst if the whole quantity was in bond, the per centage would be a small one? I could not say what was the average quantity in bond during the time.

13. *By Mr. Browne*: How was this deficiency ascertained? By actually weighing the sugar in and out of bond. In July, 1857, we began with this system upon the first cargo that arrived, and the numbers I have read are taken from the locker's books.

14. Then how do the deficiencies in the locker's books, alluded to by Mr. Duncan, arise? They have nothing to do with me; they were all previous to my time, and occurred under a very different system to that which I have introduced into the warehouses.

15. What is about the average time that sugar stops in bond? Say about three or four months.

16. *By Captain Ward*: I cannot see that any value attaches to your memorandum, unless it can be shewn how long the sugar stopped in bond? Taking the receipts and deliveries for two years, I shew that, where parties are taking sugars in and out of bond, under one quarter per cent. is the amount to allow them for waste.

17. *By Captain McLerie*: Can you shew the quantity of sugar in store at the end of every three months of the two years? It would be a somewhat tedious job to do, to detail all the numerous small lots, delivered at various periods, from the twenty-two cargoes.

18. If the waste were only one quarter per cent. upon sugars bonded for two years, you would not consider that to be a great loss? Certainly not.

19. *By Captain Ward*: In your return you have given no weight of the different parcels, and no time during which they were bonded? No; I have not. I am merely detailing from a memo. of the total quantity.

20. *By Mr. Duncan*: Do you know who was the locker in charge of the Company's bond in 1854? I cannot say positively; Mr. Anderson had charge of Campbell's when I came into the department, and I think he had been there for the previous two years.

21. Who was there before him? Mr. Turner, I have heard mentioned—

22. Do you know who had charge there from 1852 to 1854? Most probably Mr. Turner.

23. *By Mr. Ross*: Are you not aware that it has frequently happened that the Company has passed an entry for bond for a whole cargo of raw sugar, and yet have paid duty on certain portions before landing, and that that sugar has been sent from the ship's side to the sugar works? Yes, there have been such cases.

24. In such a case your returns would shew the whole cargo as bonded, and the quantity taken from the ship's side as having been delivered from bond? They would.

25. So that the quantity you shew as delivered from bond would be increased by that which never was in bond, but which went from the ship's side? Yes.

26. What is the quality of the sugars that the Company ordinarily take from the ship's side—are they wet or dry sugars? Latterly it has been the wet sugar they have taken.

27. Have you noticed the qualities of sugar lately imported by the Company? I have.

28. Do you think that if they were bonded the loss on them by waste would be no more than one-fourth per cent? Some of it is very bad, and of course the loss would be greater.

29. More than a quarter per cent.? That I cannot say. We have had good and bad sugars in the list I take my average from.

30. I believe you have not had any large quantity of low sugars in Knox's bond? On the whole I should not call them of the lowest class. We have had good and bad.

31. *By Captain Ward*: Will not the dry nature of a store make some difference in the waste of sugar in bond? It will depend more on the sugar than the store.

- Mr. W. O. Skill. 32. But, practically, would not the loss of sugar be greater in a dry bond than in a wet one? Certainly. Some sugars might imbibe moisture in a damp store, whilst they would lose weight by evaporation in a dry one.
- 2 Feb., 1860. 33. Have you in practice found any difference in the amount of waste in different stores? I have found the deficiency very small all round the stores; in some we have even had a small overplus of weight in several cargoes.
34. *By Mr. Ross*: In the other stores did you find any qualities of sugar so low as ours? No. The sugars in the other bonds are much better in quality.
35. And being fine and dry sugars that might account for the gain in weight? In some instances that might be the case; certainly they are better qualities of sugars than the Company's.
36. *By Mr. Duncan*: Do you think that any sugar of the Company's was ever weighed out of bond before you took charge? I could never gather that it had been so. At all events it was never weighed out in the presence of an officer of Customs in the same way that has been done under my supervision.
37. Referring to the system of drawbacks, you are aware that considerable changes have taken place in the system of allowing drawbacks since I have taken charge, and that numerous obstacles have been thrown in our way by the agents and others to impede us in reviewing their weights? Yes; we have had considerable difficulty placed in our way in shipping goods for drawback, more particularly the sugars, owing to the want of proper arrangements on the part of the Company and other merchants.
38. On some occasions it has been impossible to ascertain the weights of sugars? Yes; they have been shipped without the presence of a Customs officer, and on many occasions in evident neglect of a compliance with the Customs regulations.
39. On some occasions, I believe, goods have been sent down on board the ship, before entry for them has been passed? They have.
40. And on other occasions they have been sent down after the officer has left his station? That has been the case I am informed.
41. *By Mr. Ross*: On more than one occasion? I cannot speak positively of its having been the case more than once from my own personal knowledge.
42. *By Mr. Duncan*: But there have been obstacles put in our way by the Company? Yes; we have had difficulties to contend with that might have been obviated had the Company made better arrangements for shipping their goods.
43. You remember the case of the "Moa," and the dispute that arose in July last, in reference to the allowance of drawback on sugar shipped by that vessel? I merely know the case from having read the papers connected with it. I have no personal knowledge of the facts.
44. You remember Mr. Chapman being appointed drawback officer? I do.
45. And some obstacles that arose in reference to some shipments made by him? Yes; he reported to me some difficulties he had in relation to two or three shipments of drawback goods.
46. Were you not under the impression that the drawback officer, Russell, weighed all sugars that were entered for drawback? I was; and more than once I warned him to be careful in carrying out his duty. He always told me that he was careful in weighing.
47. And I believe on one occasion when he said this, you told him that you would come down some time and see his process of weighing? I did. When he said he was so very careful, I told him that I should come down some day, when he did not expect me, and check his weights.
48. Was this before the 16th July? Yes, it was whilst Russell was drawback officer; and of course, before Mr. Chapman's appointment to that office.
49. *By Mr. Ross*: The order given by you to Russell would refer, I presume, solely to the general performance of his duty by that officer? To his general duty.
50. And had no specific reference to the Sugar Company? It included the Sugar Company as well.
51. Do you not happen to know that it was the custom not to weigh Company's sugar, but to take the weights from the Company's cart notes? I never heard of the custom, but I have not been long in this branch; it was only in May last that I took charge of the landing department.
52. You say that the arrangements of the Company were defective, and that the Customs officers were thereby caused much annoyance; in what way were they so? I think it is the duty of every shipper or his agent to make himself acquainted with the Customs regulations or arrangements; and that, consequently, the Company ought to have made better arrangements for us to take the weights of their sugars.
53. But the weighing is the business of the Customs, and has nothing to do with the Company? I think differently. It is the business of the shippers to provide us with assistance, and the means of weighing the sugar if we require them.
54. If the goods are sent down to the wharf at a proper hour, and the Customs officer is not at his post, surely you would not have them wait his arrival? It seems to me that the Company trust solely to their carters to get the goods on board the vessel without any reference whatever to the Customs officer being in attendance or not.
55. It is the custom for an exporter to give notice of shipment for drawback? It is.
56. The object of this notice is to give the Customs officer warning of the shipment? It is.
57. And then it is the officer's duty to be on the spot and look out for the goods? Yes.
58. How do you think it probable that the Company, after sending down to the wharf, would order their drays back from the wharf to some private store in order that the load should be weighed? They should do so if required, and I think should be glad of thus being

- being able to get their drawback. It is the duty of the exporter to give an opportunity of Mr. W. C. Still.  
the sugar being weighed in the presence of a Customs officer, otherwise the drawback will be lost from want of the officer's indorsement. 2 Feb., 1860.
59. But the Customs have latterly furnished the means of weighing? Yes, but the Customs were not bound to do this.
60. Have any private merchants been compelled to provide scales and weights for themselves? In many cases the merchants have sent down to the wharf scales and weights for themselves, sooner than risk the loss of drawback.
61. Has any application ever been made to the Sugar Company to furnish the means of weighing their shipments? Not that I am aware of. We had to do with the wharfingers only, and we called upon them to furnish the necessary scales and weights, but they have not taken notice of our demand in all instances.
62. Then you thought the wharfinger the proper person to supply the means of weighing? He is the proper person to have them on the wharf, but when the exporter knows that they are not supplied, he ought himself to provide us with those means.
63. That is a mere matter of opinion? Not at all; it is a matter of law and custom. The law declares that the weighing of goods shall be at the expense of the merchant.
64. Is there any law or custom here that the exporter shall furnish weights? There is custom and law, I consider, and many merchants have done so. As I have said, they have sent scales and weights down to the wharf when the wharfingers have not supplied them.
65. Have you ever requested the Sugar Company to furnish scales and weights? I have not.
66. Do you remember an order having been given in July last, by Mr. Duncan, that all refined sugars were to be weighed at the sugar-house? I do not.
67. Would it be part of an officer's duty to do this? I consider it would be the duty of the officer to ascertain the weight by some means.
68. By Mr. Browne: Do you think that the obstacles thrown in the way of the Customs were intended to defraud the revenue, by enabling the Company to obtain drawback upon what they did not ship? I do not believe that they intended any fraud; but as a matter of business I think they were bound to make better arrangements, in order to enable us to carry out the regulations respecting drawbacks.
69. You do not then attribute any fraud to the Company? I could not for an instant believe that they would be guilty of such a thing.

Mr. John Entwistle Turner called in and examined:—

1. By Captain Ward: Were you a locker in 1854? I was. Mr. J. E. Turner.  
2. Have you been many years in the Customs? I have, many years. 2 Feb., 1860.  
3. How many? About thirty.  
4. At what place were you stationed from 1852 to 1854? At Campbell's bond, I think.  
5. Were you stationed at Knox's bond? Yes, that is the sugar bond.  
6. Is Campbell's a sugar bond? Knox's bond was. It was part of Campbell's stores, and rented from Mr. Campbell by Mr. Knox.  
7. Was it the practice in those days to weigh the sugar out of bond? Yes; when it was for duty we always weighed it.  
8. Always? Yes, always.  
9. Then all the sugar in your time was weighed into bond and weighed out again? It was.  
10. Will you tell us how you used to manage? I did not weigh it all myself, but I used to go down and check Mr. Martin's weights now and then. I had charge of the spirit bond as well as the sugar bond,—so that, when I got an order for 50 or 100 tons of sugar, I used to go down and see to its delivery, as well as my time would admit.  
11. By Mr. Duncan: Were you present during the whole weighing? No, not at every draft, because, as I said, I had charge of the spirit bond as well; but I used to come down every opportunity I had and check the weights of the storekeeper.  
12. Is that the way you do now? No, not now, because there are two of us now, whilst then I had to look after both bonds. There is one locker now specially for the Sugar Company's bond.  
13. By Mr. Ross: You used to send back the weighing orders with an indorsement of the weight upon them? No; I got no weighing orders.  
14. You indorsed the weights on the warrants? No. I posted them up in the stock-book, and then compared them with the Customs books.  
15. You say you did not see all the drafts weighed? No, I could not do so. Campbell's spirit bond is a very large one, and orders are constantly coming down to it; and, under Mr. Donaldson's Ministry, a second locker was appointed.  
16. Was it possible, then, for you to see every draft weighed? No, it was not.  
17. How did you ascertain the weights if you did not see it all weighed? In this way. Suppose that 10 or 15 tons of sugar were going out of bond, I went down and opened the store, and stood at the steelyards whilst one or two tons were delivered. Then, perhaps, an order would come down to me from the spirit store, which I had to go and see delivered. When I had delivered that order I came back again to look after the weighing, perhaps in about ten minutes time.  
18. By Captain Ward: You are quite sure that you never allowed sugar to be taken out of bond, on the understanding that some day you would balance the books for the Company; that is, that you sent it out on trust as it were? No. The orders generally came in for regular amounts, 50 or 100 tons, and immediately I received them I commenced weighing for duty.



- Mr. J. E. Turner.  
2 Feb., 1860.
19. But how could you indorse for it if you never saw it weighed—how could you say that there was so much delivered? I can only say, that with all the duty I had to do, it was impossible that I could see it all weighed, as I was fetched away to deliver from the spirit store every five minutes.
  20. *By Mr. Ross*: Who was at the head of your particular department at that time? Mr. Garling.
  21. And was he aware that you could not do it? I cannot say. Any man who knows what the duty is must have known that it was impossible.
  22. *By Mr. Duncan*: As you were not present during the whole weighing, how did you get your weights? From Mr. Martin, but I used to look after him very closely, and he was never certain at any moment that I might not come down to the steelyards. On one occasion when I came down I saw half a ton of sugar that had just been weighed, and which I thought had been weighed too close; so I made them take it off the drays and had it re-weighed.
  23. Then, as you did not see the sugar weighed, the weights you certified to have delivered you had to get from some one else? Yes, I had to depend in a great measure upon Mr. Martin, but I was never long absent from the weighing, and he never knew at what moment to expect me.
  24. Who is this Mr. Martin? He was storekeeper at Campbell's bond, and used to weigh all the goods received and delivered from the store.
  25. And you had to trust to him for the weights? Yes; but I used to check him. It was utterly impossible for any one officer to do the duty in a proper way.

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Mr. James M. Chapman called in and examined:—

- Mr. J. M. Chapman.  
2 Feb., 1860.
1. *By Mr. Duncan*: You are a landing-waiter and searcher? I am.
  2. You have had occasion to weigh sugars shipped for drawback by the Sugar Company? I have.
  3. Have you had obstacles thrown in the way of your properly obtaining the weights of the sugar shipped? Yes. Upon one or two occasions I have had a difficulty in getting the goods weighed.
  4. When the new system of drawbacks was instituted you found difficulties thrown in the way of your weighing the goods? Yes; on account of their being no scales on the wharf, on the station I have been at.
  5. Do you remember in the beginning of July last going to the Company's place with a warrant for the shipment of sugar for drawback? I do, perfectly.
  6. Whom did you see on that occasion? One of the Company's clerks. His name, I think, is Stokes.
  7. You went there in relation to a shipment that was to be made by the "Spray"? Yes.
  8. To ascertain, I believe, when you could have an opportunity to weigh the sugar? Yes.
  9. You told me that you had no means of weighing on the wharf; and I said that if you could not weigh it on the wharf you might weigh it if you liked at the sugar-house? Yes, you did.
  10. And you asked the clerk when they would be ready to have the sugar examined? I did. I went there two or three times, and I asked him the same question upon each occasion; but I could get no information from him. He told me that he did not know even if the sugar was made yet.
  11. Have you ever had sugar sent to you to ship in packages that you could not weigh? No.
  12. None of the Company's large packages have come to you? No.
  13. *By Mr. Ross*: On the 6th July, when you first came to our office, you told Mr. Stokes, the clerk, that the Collector had sent you down to see certain sugars weighed? I told him that I had come down to see the sugars weighed that were about to be shipped for drawback by the "Spray."
  14. Did you not say that you had to go to the sugar-house to see it weighed? Yes, I think I did.
  15. You called twice, I think? Yes, twice or three times.
  16. When you called in the morning, the clerk said that I was not in, and that before you could go to the sugar-house, the matter must be referred to me? He said something of that sort.
  17. And when you called in the afternoon, was not his answer to you that he could not tell when the sugar would be ready; that perhaps it was on its way then, and perhaps it would not be made till the end of the week? Yes, something to that effect. He said he did not know if it was even made yet.
  18. Did they laugh at you, or treat you in any way improperly? They seemed not to care whether I weighed the sugar or not.
  19. Did he not say that it was utterly impossible for you to weigh it at the sugar-house? Yes. I found it so, for the sugar was on its way to the wharf whilst I was at your office.
  20. *By Mr. Duncan*: About that weighing at the sugar-house; did ever I say to you that it was necessary that the sugar should be weighed at the sugar-house? No; your orders to me were, "If you can satisfy yourself that the sugar is right in regard to weight, then sign the drawback." We had no facilities on the wharf for weighing; and it was impossible to weigh that sugar without them.

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Mr.

Mr. Donald Macpherson called in and examined :—

1. *By Mr. Duncan* : You are a landing-waiter and searcher ? I am.
2. You have had occasion to ship sugars for drawback in large quantities for the Sugar Company ? I have.
3. Have you not had occasion to complain to your superiors of obstacles having been thrown in your way in shipping these sugars ? I have. I have experienced very great difficulty in weighing from there being no weights nor beams.
4. Do you remember a shipment of sugar by the "Lord Worsley," about which there was some difficulty ? Yes ; I got the warrants for the shipment of three tons of sugar.
5. And did you proceed to execute them ? Yes ; but when I went to the wharf I found that the sugar was already on board.
6. Do you remember the date of the warrants ? No, I do not ; but I think the sugars were transhipped afterwards.
7. Was it subsequent to the 7th July ? Yes, it was.
8. What did the officers of the ship say when you went down ? That the sugar was covered up in the hold, and that I could not see it because there were other goods over it.
9. Did he say when the sugar was shipped ? Yes ; he said it had been on board some days.
10. *By Mr. Browne* : You say you proceeded to the vessel with the warrant when you got it ? I did.
11. Was she then lying at a sufferance wharf ? Yes, she was lying at the Grafton Wharf.
12. Is there a landing-waiter stationed there ? Yes, there is one between that and the adjoining wharf.
13. And the sugar went on board without his knowledge ? Yes. I got the warrants, but not having either seen or weighed the sugar, I could not certify to the shipment.
14. *By Mr. Duncan* : Do you remember some goods being shipped on a Saturday, on the 26th August last ? I do. I received the drawback warrants for a shipment on the "Louis and Miriam." I was at the wharf, and the drays came down with the first lot about 10 o'clock. Three or four other lots came down before one o'clock, and I then told the drayman not to bring any more, as I was going away, and if they were put on board without my seeing them the merchant would not get his drawback. On the Monday morning following I found that the remaining quantity had been sent on board after I had left on Saturday.\*
15. *By Mr. Ross* : How much remained to be sent on board after you left on the Saturday ? Two or three tons.
16. *By Mr. Browne* : And you left your station, although you knew that a shipment of sugar was going on ? Yes. I went away in accordance with the instructions, which permit us to leave off work at one o'clock on Saturday.†
17. Do you not conceive it to be your duty to remain on the wharf so long as any business remains to be done ? No ; not unless I receive notice that my attendance is required, sanctioned by the Collector or landing-surveyor.
18. *By Mr. Duncan* : I think you reported that 5 tons, out of the 6 tons entered, had been shipped before you had been there at all ? The quantity shipped is marked on the warrant.
19. Did you not report that you never saw the goods at all, and that when you went on board the vessel, the mate handed you the papers that had been sent down from the Sugar Company to you, and which had been left with him in your absence ? Yes, that was the case, as I now recollect the circumstances.
20. Did you not make at the time the memorandum I now produce ? I did. The memorandum produced contains a statement of the facts, and was made by me upon that occasion.
21. But this memorandum contains a very different statement to that which you have just given ; which is the more correct statement of the two ? That which is contained in the memorandum ; and I may add, that the whole facts of this particular case escaped me till I examined the papers drawn up by me at the time.
22. Then in point of fact you did not see a single package of the sugar delivered ? No ; I did not.
23. *By Mr. Browne* : Then did you see the carter, and did what you have stated take place with him ? Yes ; I perfectly remember seeing the chief officer, but not the carter, and telling him that I was about to leave.
24. Was this on the wharf ? Yes, I saw him on the wharf, and told him to take no more on board, as if he did so, I could not certify to the shipment of the drawback.
25. *By Mr. Duncan* : You were afterwards afforded an opportunity of seeing the sugar ? Yes, and I then indorsed a second set of warrants that were handed to me.
26. How did you ascertain their correctness ? By going down into the hold of the vessel, and

Mr. Donald  
Macpherson.  
2 Feb., 1860.

\* In answer to this question, I beg to state as follows, as I have since my examination examined the notes taken by me on the occasion :—About half-past 12 p.m. on Saturday, the 26th August, I received drawback warrants for the shipment of several tons of sugar, on board the "Louis and Miriam." On their receipt I went to the ship and told the chief officer to take no part of the sugar on board without giving me notice, as if he did so the merchant would lose his drawback ; he then informed me that a large portion of the sugar had been already on board, and that he acted as he always before had done to take the sugar on board when brought to the wharf, and to hand the shipping-notes to the officer when he called. A full report of the case was made by me at the time, to which I make particular reference.

† I knew, from the papers in my possession, that the shipment was not completed ; but, having no order from the Collector to remain on the wharf, I considered I was justified in leaving.

Mr. Donald Macpherson. and counting the bags, and weighing some of them. The Company sent me down a man to help me. This duty I performed by instructions received from the landing-surveyor.

27. *By Captain Ward:* What are the dates on which the the three vessels, the "Lord Worsley," the "Kate Kearney," and the "Spray," cleared at the Customs? The "Lord Worsley" cleared on the 9th July, 1859; the "Kate Kearney" on the 8th July, 1859, and the "Spray" on the 8th July, 1859. These dates I have learned from the ship papers at the Custom House now in the hands of the Board.

TUESDAY, 7 FEBRUARY, 1860.

Present:—

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, ESQ.,

CAPTAIN M'LERIE.

Mr. Duncan, Collector of Customs, and Mr. Ross, Manager of the Sugar Company, were present during the proceedings.

*Mr. Duncan said:* At the last meeting the Board requested me to state the percentage that the deficiency mentioned on the last day of meeting formed of the whole amount of sugar in bond. I have since made the calculation; I find that it amounts to something over two per cent.

Mr. J. Grafton Ross called in and examined:—

Mr. J. G. Ross. 1. *By Captain Ward:* You have heard the evidence that has been given, and have seen the correspondence that has been submitted to the Board—have you any remarks in explanation that you would wish to offer? When I applied to the Government, on the 5th December last, for my dispute with the Collector of Customs to be referred to the decision of a Board, I contemplated only having to make good my claim for certain drawbacks to be allowed to the Company which I believed had been improperly refused by the Collector. Now, however, after having been placed in possession of the printed correspondence between the Collector of Customs and the Colonial Treasurer, I find it becomes incumbent upon me to defend myself, and the Company I represent, from certain charges and insinuations which Mr. Duncan has seen fit to make;—the most important of which is, that the Company have (through their agents), by means of false representations, fraudulently abstracted from their bonded stores, without payment of duty, a very considerable quantity of sugar. I shall be as brief as I possibly can, and call only such evidence as will bear upon the main points of the case. For convenience I shall divide my remarks into three heads:—First, with reference to my claim for the drawbacks on refined sugar exported per "Lord Worsley," "Kate Kearney," and "Spray;" second,—as to the charges made by Mr. Duncan of obstructiveness and insinuations of fraud (especially in reference to the drawback system); and third,—as to the present deficiency in the bonded stocks of sugar, and the allowances for drainage and waste, which Mr. Duncan asserts to be the results of fraud and false representation. First,—as to the disputed drawbacks. I shall call evidence to prove that not until the morning of the 6th July had I, or any officer of the Company, any intimation of the intention of the Collector to alter the drawback system for sugars exported from the Colony previously in use, and which had been expressly framed for the guidance of this Company, no other persons or companies at that time existing who were engaged in the business of sugar refining. I shall shew that the officer who brought the verbal message of the Collector was not treated with discourtesy, or "laughed at," as Mr. Duncan asserts; that, on the contrary, he was made aware of the impossibility of his ever doing the duties the Collector had appointed him to; that he was told that shipments, notices of which he had received, might at that moment be going forward (as they actually were), or that they might not be made for a few days, and that it was almost always impossible to know the exact time the sugar would leave the refinery; not only was he told this plainly and distinctly, but the reasons why it was impossible were explained to him. Mr. Chapman has been called as a witness, and has confirmed all the foregoing. I shall prove further, that the notices of shipment were all given in the usual way, as well as shew the time and manner of shipment; but on these particulars I need not enlarge, for Mr. Duncan does not complain of any irregularity in this respect. The Board will, I imagine, have little or no difficulty in deciding whether or no the evidence adduced has borne out the statements made by Mr. Powell in his letter to me, dated 9th August; statements which Mr. Duncan admits (letter 18th August) would, if true, more than justify the complaints I made, and the strong language in which they are couched. Many of the assertions contained in my letter to the Treasurer were founded upon these statements, made to me by Mr. Metcalfe and Mr. Powell; for, having the fullest belief in the veracity of these gentlemen, I did not hesitate to make the use I did of the facts and opinions they brought under my notice, and which were repeated in the letter from Mr. Powell above referred to. I can hardly believe it possible that the decision of the Board should be adverse to the veracity of Mr. Powell; but whether it be so or on the contrary, the Board believe all Mr. Powell's assertions, it will equally be unnecessary for me to waste the time of the Board in attempting to prove over again that upon which all possible evidence has already been taken. I shall not,

not, therefore, try to prove that Mr. Powell had not received from the Collector notice of any alterations in the system of drawbacks for refined sugars, but leave this important point to the decision of the Board, merely remarking that, to my mind, it seems highly probable that—fresh from a port where no refined sugar is made or exported for drawback—Mr. Duncan may have fancied, at the time of the alleged conversations, that the system for drawbacks for refined sugars was exactly the same as that in force for other goods; whilst Mr. Powell, from long habit of viewing the two systems as distinct, never regarded these conversations as applying to refined sugars, for which a special system had long existed. Certain it is that neither myself nor any of the shipping clerks in my office ever heard of the proposed alterations until the morning of the 6th July, and I am quite at a loss to discover who was the managing clerk to whom Mr. Duncan, “long before the case of the ‘Moa’” (as he asserts in his letter of 4th August, page 9) “had made known his intention of having all sugar “for drawback weighed in the presence of an officer.” When the case of the “Moa” first came under notice of the Collector, I was not in the Colony, and the clerk who has for years past managed the shipping department of our office will presently be called to say whether or no he ever had received such a communication as the one represented. But, without doubt, had *this notice simply* been given, it would never have been objected to by myself or any member of the Company. We never wished to ship refined sugar for drawback without its being duly inspected by the proper officer, or even without means being taken to ascertain that the weight represented was the correct one. What I did object to was, that the Collector should take upon himself to order that this sugar should be weighed by his officer *out at our sugar-house*. He had no right ever to give such an order, or to expect compliance with it. He had no power to send his subordinates for such a purpose into the house, store, or manufactory of any one, much less had he the power to refuse drawback because his illegal orders were not complied with. The Board will please observe that, in my first letter to the Colonial Treasurer, I gave my opinion that the wharf is the proper place to weigh sugars before shipment. Indeed, custom everywhere points to the waterside as the only proper place where to inspect and weigh goods exported for drawback. I do not know of a single exception to this rule. I am quite aware that much of the refined sugar exported from Great Britain is weighed by excise authorities in the refinery, but in such cases the sugar house itself is a *bond*, and officers are constantly on the premises, superintending the receipt of every pound of raw material, and held answerable for a certain product or out-turn. No duty is paid upon the raw material, and the out-turn is always exported. So it is clear that no analogy can exist between the practice of shipping from such a refinery, and that which should obtain here, where all the raw material is duty-paid, and all work conducted without any government surveillance. That Mr. Duncan should propose such a course as he did is the best proof that at that time he was somewhat unfit to have the charge of the safety of the revenue. If this Company or I as its manager (for Mr. Duncan evidently wishes to draw some distinction between us) were the dishonest persons he at one time endeavored to prove us to be—for he now declines to press the charges he felt himself safe in making under cover of a partially privileged communication to the head of his department—if such were the case, what abundant facilities would not Mr. Duncan’s plan have afforded us for defrauding the revenue, without fear or chance of detection. The Board have, from former evidence, some idea of the large extent of our shipping business; it was a common thing to export 20, 30, 50, and sometimes even 100 tons each day, not to one vessel only, but to half-a-dozen; of course it would be easy for Mr. Duncan’s officer to weigh these sugars at the sugar-house—provided he staid there all day—but could he be ubiquitous enough to see that all of them safely reached their several destinations? What easier than for the packages to be changed, or the contents partially abstracted, during the transit from our sugar-house to the wharfs, a distance, as the Board may be aware, of between one and two miles. That a single officer, however zealous, could go backwards and forwards with each dray load, and yet see all shipped, is perfectly impossible; as indeed Mr. Chapman confessed to the Collector two days after his appointment. Mr. Duncan seems to have become ashamed of his plan of protecting the revenue, and wishes to father it upon some one else, but he does not say who; he says, however, through Mr. Still, that this arrangement was never intended to be permanent, a repetition of what he wrote on the 18th August, where he says that he consented to the arrangement merely with the view of meeting the convenience of the Company; a statement as devoid of probability as of truth. If it was consented to expressly to meet our views, the proposition would surely have emanated from an officer of the Company, and is it likely—is it possible—that we would, immediately it was put into force, oppose an arrangement to which we had taken the trouble to obtain the Collector’s assent? The idea is absurd; this plan must have emanated from either Mr. Duncan or one of his officers. Certainly it never originated with any member of the Company, or with Messrs. Metcalfe and Powell. It is a pity too, that Mr. Duncan did not think it necessary to inform those who were almost exclusively interested that this improper and oppressive regulation was only intended to last a few days, until some other arrangement had been made. Had he done this, I am sure that to have obliged the Collector of Customs we would willingly have submitted to any temporary inconveniences such an arrangement would cause; but, until I saw Mr. Duncan’s letter of 18th August, nothing ever transpired to lead me to any other belief than that Mr. Duncan devised this plan for protecting the revenue; a plan, however, that I have shewn is so defective, that, to use Mr. Duncan’s own forcible language,—“The imagination can place no limit to the extent of fraud that “might or rather must follow such a drawback system as this.” Since the above was written, I have heard Mr. Chapman’s evidence, and it appears from his own confession that in delivering the message that he must see all sugars weighed *at the sugar-house* he rather exceeded the instruction he received from the Collector, but the Board will remember that the message actually delivered to us by Mr. Chapman was that he must see *the sugar weighed at the sugar-*

Mr. J. G. Ross.  
7 Feb., 1860.

Mr. J. G. Ross. *sugar-house* and not a word about the wharfs; it was then, as far as we were concerned, a direct order from the Collector. Holding these opinions, I believe I should have been justified under the circumstances in openly resisting Mr. Duncan's order that all refined sugars for export should be weighed at the refinery; but it never was my wish or intention to come into collision with the Collector, or to endeavor to thwart his rightful authority, and the course I pursued will, I think, prove this. On the morning of the 7th July, I explained my views to Messrs. Metcalfe, Powell, & Co., and asked them to see the Collector on the subject. On the 8th July, those gentlemen addressed an application to the Collector, (the original of which has been put in evidence by Messrs. M., P., & Co.) On the same day, I instructed Mr. Stokes, the shipping clerk, to wait upon the Collector, and endeavor to get the matter settled, to offer a full and exact explanation of all the circumstances of the case as far as we were concerned, and to shew the impossibility of the drawback officer who had been appointed doing the work at all, much less satisfactorily. Mr. Stokes had the interview with Mr. Duncan; he will shortly relate to the Board what happened at that interview; he, of course, reported the conversation to me, and I hoped that the matter was amicably settled. Mr. Duncan seemed to acquiesce in my proposed mode of ascertaining the weight of refined sugars exported, and seemed also to comprehend that the plan he proposed was impracticable; this last supposition being the more probable as Mr. Chapman, upon representing to the Collector the impossibility of carrying out his instructions, was removed to another department and fresh arrangements made. But I was mistaken in my surmise, for, on the 10th or 11th July (I forget which) I was informed, by Messrs. Metcalfe, Powell, and Co., that the Collector positively refused to allow the drawbacks in question, even if certificates were produced of the due landing at port of destination. On receipt of this intelligence (and no answer having been received to our agent's application, dated 8th July) I addressed the letter to the Colonial Treasurer (dated 11th July, and printed in page 3 of the correspondence), in which I stated that "the new verbal orders" from the Collector were of such a nature that we could not immediately comply with "them"; and, also, recorded my opinion that the export wharf was the proper place where to weigh the goods. Whether the "new verbal orders" thus referred to had been previously communicated to Mr. Powell, I leave the Board to determine from the previous part of this investigation; but I hope to shew that they were "new" as far as any officer of the Company was concerned; and I shall do this with the sole view of removing any suspicion of want of veracity, or of courtesy, on our part, for I am of course well aware that the Company is responsible for the deeds of its recognized agents. Whatever decision, however, may be arrived at as to the notice given, there can, I think, be no doubt that the Board will determine that the orders themselves were highly injudicious, if not clearly illegal, and will have no difficulty in seeing that their nature was such that they could not possibly be immediately complied with, if at all. Mixed with a great many complaints of the obstructions I am said to have thrown in the way of the Customs authorities, and which I shall deal with presently, Mr. Duncan is fond of sneering at the system of shipping refined sugar for drawback, as arranged by the former Collector, and is pleased to think that the plan of which Mr. Ross so highly approves is most admirably adapted to facilitate extensive frauds, which, he has the temerity to add, "must have occurred." I feel that it is altogether unnecessary for me to defend, from a charge so vaguely put, a Company, the reputation of whose directors is fortunately beyond the reach of the malicious attacks of any person, even though he occupy a position such as Mr. Duncan now holds. The *animus* that actuated Mr. Duncan is so apparent, that I feel I can safely leave unsaid much that a just indignation would prompt. Bad as the old arrangement is represented to be, it is strange that Mr. Duncan still allows it to exist. I know he denies this, but the so-called new system, *as far as the Company is concerned*, is, I assert, exactly the same—not a single alteration having taken place in our mode of making shipments, giving notice, and passing entries. The object of the old arrangement was to avoid the heavy expense of weighing every bag of sugar upon the wharf; and one of the terms was, that as the Company had a uniform size for their refined sugar package, with the net weight stamped thereon, the sugar should not be re-weighed before shipment. The plain meaning of this being that the whole quantity should not be weighed; but it implies, almost of necessity, that the correctness of the weight marked on the single package, and its correspondence with the Custom House tickets, was to be ascertained. If the Customs authorities failed to provide an adequate number of officers to do the necessary work, and sufficiently to guard the revenue; or if, as is admitted to be the case, a general laxity prevailed throughout the department—but for which we certainly are not to blame—is that a sufficient reason why the Company and its manager should be so directly charged with fraud, and taunted for adherence to a system which, if properly carried out by the Customs authorities, allowed us no opportunity of defrauding the Government—a system which, *as far as any acts to be performed by the Company are concerned*, is still permitted, and applauded even by Mr. Duncan himself. Having endeavored to prove that no valid reason exists why we should not receive the drawback on sugars exported per "Lord Worsley," "Kate Kearney," and "Spray." I shall now, as the second part of my case, attempt to shew that all the charges of fraud, obstructiveness, opposition to all reforms, discourtesy, and want of honor, on the part of the Manager of the Company are false—without any foundation whatever. I would have been glad to have passed over all these charges; for I cannot but think that they are, in the eyes of the Board, more prejudicial to the accuser than to the accused. It may be, however, that this inquiry will be hereafter brought prominently before the public; and with such a probability I think it my duty—unless the Board express a wish to escape the infliction—to defend myself against such of those charges as are tangible. To the multitude of insinuations I can do no more than give the most emphatic denial. First, as to the case of



of the "Moa".—I shall prove that the whole circumstances of this shipment are exactly as detailed in my letter of 20th July; that the captain's receipt was actually obtained for the full quantity upon which we claimed drawback; that the owners of the sugar—who were also owners of the ship, and resident in Sydney—actually paid for such quantity; and I shall also bring a witness who will state that, to the best of his knowledge and belief, he himself despatched the whole quantity from the sugar store. I will bring forward another witness, who will relate what took place at an interview between himself and the Collector, when the whole circumstances were explained to him, and he expressed himself perfectly satisfied with the Company in the matter; and, were it competent for me, I could repeat words to the same effect addressed by Mr. Duncan to myself personally. If any of this evidence be worthy of belief, then it will be proved that there was not an officer of the Company who, until after the return of the "Moa," knew that the short-shipment took place. Mr. Duncan, on the 27th June, was of this opinion, and acquitted the Company from all blame; but on the 4th August, after an amicable intercourse had been somewhat disturbed, he has the audacity to write this statement:—"I had also good reason to use these words,—If not from the first the Company were aware of the short-shipment." He did not say upon what this good reason was founded; but he goes on to indulge in rather a clever sneer, which I presume he directed at myself personally; "for," says he, "the foregoing remarks, as to the conduct of honorable men, do not apply to gentlemen of known integrity who may happen to be shareholders of the Company." The sarcasm is, I suppose, intended to be severe, but fortunately the blow happens to fall harmless. At the date of the "Moa's" shipment I was absent from the Colony, on board a P. & O. steamer in the Indian Ocean. I did not return to Sydney until the 19th June. Domestic matters kept me away from the office for several days, and when there I had, after eight months' absence, many more important matters to attend to than to ascertain whether the duty on a single ton of sugar ought to be refunded or no. During my absence Mr. Knox managed the business of the Company—perhaps Mr. Duncan intended his observation to apply to him, but by a clerical error wrote my name instead! In his letter of 18th August, Mr. Duncan says,—“How is it that the manager and agents of the Company strove hard to have this most careless officer (Russell) retained at his post, and when that could not be, to prevent his dismissal from the service.” The agents of the Company have, I presume, answered this charge for themselves; I answer it by denying the accuracy of the statement. It is true that I did call upon Mr. Duncan for the purpose of interceding for the searcher, Russell, and the following is a truthful account of what passed between us. Old Russell came to me about 28th June, and in a great state of excitement told me he was about being dismissed the service, and would lose, with his salary and pension, all means of livelihood, and with tears entreated me to intercede for him with the Collector. I called upon the Collector and told him what Russell had said to me—explained fully, as far as I knew them, the particulars of the short-shipment per "Moa." I then said that had I not only a week or so before returned to the Colony, after many months' absence, I would have hesitated to interfere in the matter, but that as the error had occurred at a time that I was many thousands of miles away, I thought it right of me to represent the matter fairly, especially as I considered it hard that so old a servant of the Government should suffer severely for an error which had escaped the attention of many far abler men. Mr. Duncan, so far from imputing any sinister motives to me in making the visit, told me that of course he was satisfied with the conduct of the Company in the matter—he never, for a moment doubted our integrity; also, that Mr. Russell would not, he thought, be dismissed, but only removed to another department; he further informed me that the case had been referred to Mr. Weckes. I do not believe that the Board will be able to discover, in this interview, any grounds for supposing that I was actuated by improper motives in plainly stating the case to the Collector, although my doing so may have been in the hope of saving old Russell from poverty and want. I fear it has never entered Mr. Duncan's head that, in seeking this interview, I may have been influenced solely by charitable motives. To revert to the case of the "Moa." I just now expressed my surprise at the audacity of Mr. Duncan, in deliberately stating that he believed that we were aware of the short-shipment, at the very time we claimed the drawback. I use this strong language advisedly, for when Mr. Duncan wrote his letter of the 4th August, he was fully aware of the facts of the case, and must have known that in making this charge against the Company, he not only accused us of a wilful attempt to defraud the revenue, but also of the crime of swindling the purchasers of the sugar. The only supposition that Mr. Duncan could arrive at to maintain his statement would be, that, for the sake of £5 or less, a Company, such as I had the honor to represent, had actually conspired with the captain of a small coaster, to rob his masters, also the owners of the sugar, of a single ton of that commodity. If such is the opinion of Mr. Duncan, how is it, after stating to a Minister of the Crown that he had "good reasons" for forming these opinions, how is it he does not drag at once before a criminal tribunal those whom he believes to be guilty of a double felony, against a private individual and against the Government of the country. Mr. Duncan has repeatedly stated in the course of this inquiry, that he will bring no charge against myself, or against the Sugar Company; and I am willing to believe, that were he now able he would be glad to remove from his correspondence all such charges and insinuations as the foregoing, which are unfounded upon any reliable evidence, or rather are without any foundation at all. Mr. Duncan again, in his letter of 18th August, says he "he can never exonerate the manager of the Company from blame in opposing all his reforms." And again a little further on he adds, "If I have been firm with the Sugar Company, it is because their clerks and agents have set all my orders at utter defiance." But Mr. Duncan specifies no case, gives no instances,

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Mr. J. G. Ross. instances, and thus leaves me to fight the air. Of course no notice can be taken of such charges, which I can only answer by stating that they are false. I have never opposed the Collector, except in his attempt to force the improper system of weighing at the refinery. On the 20th August, Mr. Duncan is so fortunate as to find two cases, which he thinks are formidable enough to require the interference of the Government. I think I can produce evidence that will easily explain away what Mr. Duncan calls "this most harassing and persevering resistance." The first charge is that we—for the express purpose of annoying him—packed a small quantity of sugar in a very large cask, so large that it could not be weighed. Had there ever been any formal communication from the Collector, objecting to the size of such packages, I do not think he would have had a second time to complain. It appears, however, from Mr. Still's evidence, that at that time the Customs were not properly furnished with scales, weights, &c., but that now that deficiency having been supplied they are able to ascertain the weight of even the largest casks. To prove that these large casks were not specially picked out for the annoyance of the Collector or his subordinates, I will produce a book in which the size of the casks for some years past has been carefully registered, and which will shew that packages of the same size as that referred to have very frequently been shipped. The casks in which refined loaf sugar is exported from England and Holland average fully, I believe, 8 to 9 cwt. The other case indicative of the "harassing opposition" Mr. Duncan says I make to all his reforms is the following. Certain sugars were to be shipped per "Louis and Miriam." Notice thereof was duly given on the afternoon of the 26th of August last; but the searchers, it is said, heard nothing of this until the sugar, or the greater portion of it, was on board. I understand the rule at the Custom House to be, that all notices of shipment must be lodged at least the day previous to the shipment, so that each morning the waterside officers may know what drawback goods will probably be exported from their wharfs during the day. This particular notice, it is admitted, was lodged on the afternoon of the 26th August; the searcher knew nothing of the shipment until after half-past 12 the following day. This surely was not our fault. Then it seems 5 tons had been shipped. Ignorant, I presume, that any more was coming, the officer did not go near the wharf again until Monday, when he was told that another ton had been shipped after he had left the station. Mr. Duncan means, I suppose, to imply that we purposely sent this one ton sugar down so late in the day that it might evade the inspection of the Custom House officer. I will call evidence to prove that the drays taking the whole six loads left our sugar house before noon that day, and must have delivered these loads by one o'clock. What criminality Mr. Duncan's fertile imagination can discover in a clerk having altered—*before it left his charge*—the date from the 2nd to 27th August I cannot conceive, or how the revenue could be defrauded by his having omitted to make this alteration in one instance,—but it evidently must be great, for Mr. Duncan deems it his duty to bring the circumstance prominently before a Minister of the Crown. (See his letter of 30th August). Of all facts connected with the case of the "Tasmania," mentioned in Mr. Duncan's letter of 11th October (to the Secretary of the Treasury) I believe the Board are fully aware, and I have no doubt that they will arrive at the conclusion that though the notice of shipment may have been imperfect, that is a matter of very little importance, for the tickets to the Custom House officer, the accuracy of which it was his duty to ascertain, and by which the entry is checked, plainly set forth that only five tons of the fifteen were refined sugars, and that the remainder were bastards. When we sent documents expressly to the Customs authorities, specifying the exact particulars, surely no fraud could have been contemplated, and it becomes a matter of little moment what was our reason for deviating from the terms of the original notice, which certainly I never considered as binding in any respect. I need not refer to the case of the "Zone," in February last. No doubt Mr. Sayers acted improperly in taking drawback goods out of his vessel after they had once been put on board in the presence of an officer, although the said goods belonged to himself, but I feel sure that there is no necessity for me to add further evidence to that already taken to show that no blame whatever could possibly be attached to us or to our agents. To try to prove that there really exists very special and substantial grounds for looking very closely after this Company's shipments—apart, I mean, from the ordinary care and attention that should always be paid to such matters, Mr. Duncan says that he has ascertained by means of private correspondence with the Collectors at ports in the adjacent Colonies, that the weights of refined sugar landed at those ports is frequently less than that which appears in the manifest of the vessels. Two cases are mentioned, viz., per "Moa," on the 13th August, and per "Tasmania," on the 8th September. I don't know how Mr. Duncan persuaded himself that he had any right to ask us to make good certain alleged deficiencies after his own officers had carefully (I presume) ascertained that the weights for which entries were passed were the correct ones. He makes rather light of a suggestion that these deficiencies must have occurred through allowances for tare, loss during the voyage, and a system of weighing not so precisely accurate as that we pursue. The tare of our refined sugar bags averages from six to fifteen ounces, but 2lbs. is the tare allowed by general usage for such packages. Such a difference alone would more than account for the deficiency in the case of the "Moa," and reduce very considerably that of the "Tasmania." But, perhaps, the best answer I can give to these charges is this document I now hand in (*See Appendix A*), which is a certificate signed by 36 of the leading merchants, storekeepers, and grocers of this city, who here testify that, during the many years most of them have purchased largely from the Company, never have they discovered any deficiency in our weights. To prevent any quibble, I shall shew that all refined sugars are taken from store indiscriminately whether for shipment or for town delivery, so that it cannot be insinuated that though we may give full weight to purchasers on the spot, yet we may have cheated those at a distance who have not been present to protect themselves. I have omitted to state, when speaking of Mr. Duncan's letter of 18th August, that he charges the clerks of the Company

Company with wilfully deceiving the drawback officer, by informing him that probably certain sugar was not then made, "they knowing at the time that it was actually shipped." The shipping clerks of the Company—who will be called as witnesses—can easily rebut this falsehood. There are many minor insinuations plentifully strewed through the printed correspondence, but I shall not waste the time of the Board by referring to them. Perhaps, however, I ought to answer the charges of my having made use of the political influence of Sir Daniel Cooper to upset the authority of the Collector. I can do this in a few words. Sir Daniel Cooper is the Chairman of the Board of Directors of this Company; I brought the vexatious conduct of the Collector before the Board, and requested Sir Daniel Cooper, as head of the Company, to bring the matter under the notice of the Government; he asked me to give him particulars on paper; I did so, and he laid them before one of the Ministers without, I understand, any comment of his own. This was all that, to my knowledge, took place. To shew how careful the Board should be in accepting the accuracy of the statements of Mr. Duncan or Mr. Llewellyn, I hand in a note received from Mr. Knox (who has been absent in Melbourne for several months), in which he tells me he has never had the pleasure of Mr. Duncan's acquaintance (*See Appendix B*). Now, according to Mr. Llewellyn's letter of 17th August, either Mr. Duncan did say that Mr. Knox was one of his personal friends—a statement which this note would prove to be wilfully inaccurate—or, if Mr. Duncan did not say so, then the value of Mr. Llewellyn's account of this interview is much diminished. His memory having failed him in this one particular, it is very probable it has been equally defective in others. I will conclude these remarks upon the second part of my case by drawing the attention of the Board to the letter of Mr. Duncan, dated 22 November, enclosing a document shewing the amounts paid for drawback during the years 1857, 1858, and ten months of 1859, and proving—as Mr. Duncan thinks—how great was the need of a stringent check upon such payment, and how vast the profits of certain agents (and principals too, I suppose) under the former laxity of system. There is no doubt that Mr. Duncan fancied, or wished to make the Treasurer believe that he fancied, that his clever arrangement and ever watchful attention had saved the country from £500 to £1,500 per month in drawbacks alone, and this too at a time when shipments to New Zealand (whither, he says, the bulk of the drawback goods usually go) were greatly on the increase. This statement is of a similar character to nearly all made by Mr. Duncan in this inquiry; and though sorry to disturb Mr. Duncan's self-complacency by proving that he has not benefited the revenue to the extent he wishes to imagine, I shall have no difficulty in shewing how disingenuous and inaccurate he is. No doubt it appears strange at first sight that immediately the Collector took office the shipments for drawback greatly fell off; but the reason why, in our case, they so materially declined was, that on the 16th May last year a Sugar Refinery was opened in Melbourne, which not only destroyed our market in that Colony, but also in Adelaide, and partially in Tasmania, and the southern part of New Zealand. To the two Colonies first mentioned I do not think a single shipment from this of refined sugar has taken place since May last, and very little during the previous part of 1859, for it was anticipated that the Melbourne Sugar Refining Company would commence work much earlier than it did. This is the singular coincidence that Mr. Duncan thinks impossible. A statement (*See Appendix C*) put in by Messrs. Metcalfe, Powell, & Co. shews that out of £51,296 paid for drawback from 1st November, 1856, to November, 1859, £23,524 was paid to the Company on sugar exported to Victoria, Adelaide, and Tasmania. Add a proportionate sum to the amounts paid during 1859, and the deficiency will not be so startling as Mr. Duncan wishes to shew, but one easily accounted for by the notorious diminution of the export trade in other goods to Victoria. These figures then conclusively prove that to the cessation of shipments to Melbourne and Adelaide, consequent upon the opening of a Sugar Refinery at the former port, is attributable in our case the great falling off in drawback shipments. I now come to the deficiencies said to exist in present bonded stocks of sugar, and to certain allowances for waste and drainage stated by Mr. Duncan to be illegal. As the matter of past allowances has been, after a full investigation, settled by the Government, and as the present deficiencies have been caused by exactly similar circumstances to those which the Government considered sufficient to warrant them in allowing the former deficiencies to be written off; I do not think I shall have to do more than clearly put before the Board what those circumstances were. I think it right to add that, as Mr. Duncan has refused to bring any charge against the Sugar Company, I make this explanation merely to shew that our conduct in the matter has been strictly correct—and I do it without prejudice to the position in which we stand through the Government having already acknowledged the justice of our claim. Sometime during the year 1854, a representation was made to the late Collector of Customs to the effect that, as our refining sugars were generally of the lowest quality, a considerable deficiency was nearly always discovered between the quantity weighed into bond and that which appeared when it was again weighed out; and we suggested that, as an allowance of 3 per cent. for the first three months and 1 per cent. per month afterwards was permissible under the English Customs laws, 3 per cent. should be allowed us on sugars so bonded—3 per cent. only, whether they remained in bond for two months or two years. We applied for this allowance in order to save the expense of re-weighing, and the Collector granted it to ourselves and others, because he not only considered that such low quality sugars as we nearly always imported would lose fully this per centage in a very short time; but also, because, with such an arrangement one locker would be able to do all the work at Campbell's wharf where our sugars were stored. No minute supervision being required, as the Company would pay duty in every case to within exactly 3 per cent. of landed weight. To prove that I am correct in stating that such an arrangement did exist—besides calling a merchant to whom similar allowances have been made—I would direct the attention of the Board to the fact that Colonel Gibbes does not dispute the existence of the agreement as detailed in

Messrs.

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Mr. J. G. Ross. Messrs. Metcalfe & Co.'s letter of 31 March, 1859, which he certainly would have done had any of our representations been incorrect. Some time previously Colonel Gibbes had explained to the Government how it was he sanctioned a course which was afterwards thought to be illegal. This arrangement having been completed, it worked without interruption until about March, 1857, when the whole question was again opened by a query of the Auditor General's, referred to in a letter of the late Collector's, bearing date 11th April, 1857. This query had reference to certain deficiencies in cargoes imported between December, 1852, and December, 1854, *before the date of the arrangement with the Collector just referred to.* This is an important point, and I would ask the Board's attention to it, for I shall presently shew that, after the discussion raised by this query, and settled by the Executive Council Minute of 2nd July, 1857, in no instance has the 3 per cent. been deducted. Then it was that the validity of the Collector's arrangement was first questioned—never before then had it even been hinted at that he was pursuing an improper or illegal course. A letter written by Messrs. Metcalfe & Co. on our behalf, was about this time (2nd March, 1857,) addressed to the Collector, and handed by him to the Government, applying for an uniform allowance of 3 per cent. on account of waste on all raw sugars imported for the purpose of refining. I am sorry this letter is not forthcoming, so that I might quote the exact words used. Unfortunately Mr. Metcalfe has kept no copy. This letter had reference of course to the 3 per cent. which had been deducted from nearly all cargoes imported from about 1855 up to that time, and was a formal application for the sanction of the Government to the course allowed by the Collector for nearly two years previous. From a Minute of Mr. Donaldson's, dated 5th March, 1857, now for the first time seen, I find that Mr. Donaldson thought 2 per cent. enough, and it appears also that the Crown Law Officers were adverse to the application; but, no final answer, to the best of my knowledge and belief has ever been sent to me, or to Messrs. Metcalfe & Co. This, however, is not a point of much consequence, *as after March, 1857, the 3 per cent. has never been deducted.* In this same letter Colonel Gibbes records his belief (which it is hardly likely he would do from mere hearsay) that 3 per cent. was *not* an excessive allowance. Colonel Gibbes also alludes to certain allowances for waste on the cargoes imported, during two years ended December, 1854, when only  $1\frac{3}{4}$  per cent. was claimed by us, and allowed to be written off by the Collector. These letters were written at the same time the Auditor General's queries as to these very deficiencies re-opened the question of allowances. There is one sentence in Colonel Gibbes' letter of 2nd March, 1857, which, as it stands, is certainly ambiguous. It is this:—*"During the years 1853 and 1854, the Company has claimed only  $1\frac{3}{4}$  per cent. for waste, which I allowed to be written off the books as a natural deficiency in the quantity imported, but they have discovered it appears that such falls very far short of what they had lost."* I do not think the original words would convey exactly the same meaning. What it was our intention to represent when we instructed Mr. Metcalfe to write the letter was,—that we had ascertained that the loss on raw sugar for refining was greater than  $1\frac{3}{4}$  per cent., and this conviction had been arrived at principally from data supplied by certain later cargoes, upon which we paid duty, calculated at landing weights, a course we commenced at the time when the rate of duty was about being doubled, and, having paid upon full weight, we could not claim for the deficiency afterwards discovered by ourselves, and which we had every reason to believe was very much in excess of  $1\frac{3}{4}$  per cent. A letter from our agents, Messrs. Metcalfe & Co., dated 26th February, 1857, has since the above was written been handed in by Mr. Duncan. This letter—if not the one referred to in Colonel Gibbes' letter of 2nd March, 1857—must be of the same purport as that missing document. I am sorry that some of the expressions therein are not put so clearly as to make the intention of the letter apparent at first sight; at the time, no doubt, it was clear enough to all parties, numerous interviews on the subject having taken place. The Board will remember that, from about 1855 to beginning of 1857, Colonel Gibbes had sanctioned an arrangement by which exactly 3 per cent. was deducted from landing weight of sugar, and duty paid on the balance without reference to actual weight at all, which in most cases was never known. The question having been raised of the propriety of continuing this plan, Mr. Metcalfe, immediately after his return from England, and after several interviews with the Collector, wrote the letter of the 26th February, *"with the view of obtaining a definite decision as to the allowances to be made for drainage and waste by atmospheric causes,"* which previous verbal arrangement had fixed at 3 per cent. Mr. Metcalfe supports his application by reference to a statement of the deficiencies that existed in cargoes bonded during the period between December, 1852, and December, 1854, and which shews a loss caused by waste and drainage of about  $1\frac{3}{4}$  per cent. This is arrived at by deducting certain over payments on particular cargoes, a course, however, Mr. Metcalfe says, *which makes the loss appear less than it actually was,* and thus "that deficiency cannot be taken as a true index of the loss that is sustained by the Company." The next paragraph in this letter is the one that is rather obscure. Mr. Metcalfe there admits that certain sugars were not weighed out; and at first sight it would perhaps be thought that these sugars were those upon which the  $1\frac{3}{4}$  per cent. had been claimed and allowed by Colonel Gibbes (though not at that time sanctioned by the Government); but an attention to the context will clearly shew that it was not so. The sugars referred to as *not* weighed out were those imported *subsequent to 1854, and upon which, by verbal agreement with the Collector, 3 per cent. had been deducted without re-weighing.* That this assertion could apply to any others the Board will see to be impossible, for not only was Mr. Metcalfe aware that duty upon all sugars imported previous to 1855 had been paid upon the weights obtained through the Custom House from the locker in charge of the bond, but he had just before handed in a statement of the weights of those sugars,—copy of which I beg to lay before the Board (*See Appendix D*); a statement which bears upon the face of it the proof that the quantities mentioned are actual weights. The evidence of the locker, Turner,

Turner, on this point the Board has already heard, and it, with the foregoing remarks, must Mr. J. G. Ross, I think convince the Board that this application of the 26th February, 1857, was for a fixed allowance which would have a prospective effect as well as determine whether the 7 Feb., 1860. verbal arrangement for (3) three per cent. existing from 1855 to 1857 was to hold good. How the 260 tons 18 cwt. 0 qrs. 2 lbs., mentioned in Colonel Gibbs' letter of 11th April, 1857, is made up I cannot find out. My private account, which tallies with that furnished by Mr. Duncan, makes the figures 247 tons 17 cwt. 1 qr. 4 lbs., and I have no doubt this is correct. I had better here point out to the Board an error in the arrangement of the letters, minutes, &c., as pointed out at pages 23 and 24 of the correspondence now before the Board. Colonel Gibbs' letter of 11th April, 1857, should come first, and then Mr. Donaldson's minute of the 14th April, with others, which are rightly arranged, until that of 4th June, 30th June, 3rd and 7th July, which should all be read before the Executive Council Minutes of 23rd July, which has erroneously been placed first. In the first letter on the subject (Colonel Gibbs', 11th April, 1857) the late Collector accounts for the deficiency of 260 tons (which as I have just said I can only make 247 tons), but erroneously states that the sugar was not weighed out. This I have shewn was a mistake which he himself acknowledges, and rectifies on the 3rd July following,—when he distinctly says, "The whole of the sugar in question was weighed in *and also weighed out*, but frequently "without reference to particular cargoes, and thence arises the over-payment on two or three "of these parcels." It is not possible that Colonel Gibbs would correct a former misstatement in a matter of so much importance without having made careful inquiry as to what the facts of the case actually were. These explanations, as far as the 167 tons are concerned, I conceive, settle the question. Again, on about March, 1859, we were called upon to report as to certain deficiencies—then under the notice of the Government—in cargoes imported by us from October, 1855, to February, 1856,—deficiencies of 3 per cent. (the Board will please to observe) which occurred during the currency of the arrangement sanctioned by the late Collector, and *before* we had any intimation whatever that such an arrangement would not be approved by the Government. The Auditor General noted certain deficiencies which he believed to be excessive, but which we explained in our letter of 31st March, 1859, by referring to the foregoing agreement with the late Collector; and to shew our perfect good faith in the matter, we offered to make good the difference between the 3 per cent., as deducted, and the  $1\frac{3}{4}$  per cent., the loss before actually arrived at by re-weight; although we had all along believed the 3 per cent. to be the legally fixed allowance, and one that we were aware had been made to other merchants. Mr. Weekes, the then Colonial Treasurer, after considering the Audit Office Minute of the 2nd May, allowed the deficiencies to be written off as they stood (as per Minute of 6th May, 1859). This, I imagine, settled the question of the 141 tons deficiency, which cannot now be disturbed; unless Mr. Duncan can prove that the late Collector connived to defraud the revenue, by asserting, in the emphatic manner he did in his Minute of 3rd July, 1857, that the deficiencies, during the two years ended December 1854, were actually weighed out, *when such was not the case*. Mr. Duncan has tried to shew that these sugars were not weighed out in the presence of a Customs officer; Mr. Turner fully explained this point to the Board. If the Government appointed one officer to do work which it was perfectly impossible that he or any other single individual could do, we are not to be blamed; it was not our duty to regulate the working of the Custom House,—enough if we complied with its existing regulations, and obeyed all its lawful orders. It was sufficient for us to know, that the locker, after satisfying himself as well as he could of the correctness of our weights, sent those weights, attested by his signature, to the Custom House; and that upon them duty was paid. In the eleventh paragraph of Mr. Duncan's letter of 18th August last, he says, "In addition to these cases which have already "come under the notice of the Government, I have to state that we have discovered "deficiencies in the sugar, belonging to the Company, now appearing in bond, to over 231 "tons." Of this quantity, 198 tons are composed of the allowance of exactly 3 per cent., deducted under the arrangement with Colonel Gibbs, from cargoes imported from April, 1856, to 20th January, 1857; before (the Board will again observe) *we had any intimation that that arrangement would not be continued*, which notice we first received in about March, 1857. So, in fact, 198 tons of this 231 are in precisely the same position as the 141 tons referred to, and which were ordered to be written off by Mr. Weekes; and I trust the Board, not discovering any good reason for impugning the correctness of that gentleman's decision, will recommend that this deficiency be likewise written off. I am aware that it may be argued that Mr. Weekes was wrong in allowing a deficiency to be written off which had not been ascertained by re-weight, as is required by the strict letter of the law; but I hope the Board will agree with me in thinking that if the course Mr. Weekes pursued was not strictly legal, yet that it was both equitable and just. A certain arrangement having been sanctioned by the Collector—the exponent to the public of the Customs laws—that arrangement was afterwards discovered to be illegal; but before the discovery took place, it had been acted upon for more than two years, and under it, believing that we were pursuing a legal course, we took sugar out of bond without re-weighing; *and in so doing, we deprived ourselves of the means of ascertaining the actual deficiency*. Had we now any means of ascertaining the actual loss, no doubt it would be right for us to be called upon to declare it; but it seems to me to be most unfair to be deprived of any allowance whatever, because we acted upon an arrangement which not only ourselves but also the Collector of Customs at that time thought to be legal. The 30 tons or so remaining is, I believe, to be accounted for by difference in figures between our accounts and those of the Customs officers, and actual deficiencies on such small quantities of low sugars as have remained in bond for any time during the period, March, 1857, up to end of year 1858. I do not doubt that other small deficiencies from that time to the present exist, but they are, I fancy, very trivial in amount.

- Mr. J. G. Ross. If Mr. Duncan mentions any special cases, I shall, I am sure, be able to explain them to the satisfaction of the Board. I do not think it necessary to notice the very intemperate language Mr. Duncan makes use of in speaking of these deficiencies, nor his absurd insinuation—nay, direct charge—that drawback on the product of these “*stolen*” deficiencies had been claimed long since, and thus double duty had been lost to the revenue. (See letter of 18th August.) A moment’s reflection would have made even Mr. Duncan aware, that not only is it impossible to defraud the revenue *twice* in the manner described, but also that, as we do not export a tithe of our sugars, the inaccuracy of this charge is self-evident. Mr. Still has been called to give evidence as to the deficiencies that have been found to exist in our bonded stocks since the year 1857. He estimates these deficiencies at about  $\frac{1}{4}$  per cent., but the Board will remember that in cross-examination I elicited from that gentleman, that during this period it has very frequently happened that duty has been paid on the bulk of the low sugars in each cargo before such sugar has been landed. Thus, though the whole cargo has been entered for bond, yet the sugars on which the loss principally (if not altogether) occurs have been *taken out of bond at landing weights*—they never having actually passed through the bond, but have been sent from the ship’s side to our free stores at the Sugar Works. Mr. Still’s statement, therefore, can give no idea of the loss that would actually take place had the sugars remained any time in bond. The Company are, of late years, the only importers of the very low quality sugars upon which the deficiency claimed can take place. The other sugars that come to this market, Mr. Still rightly says, would lose little or nothing in weight if bonded in well-constructed stores. In England, no sugar of lower quality than ours are ever imported, and if the Government there permitted a loss of 3 per cent for the first three months for any raw sugars, I do not think it would be unreasonable to allow us this rate for the very lowest class sugars which we received between December, 1854, and February, 1857. There is no occasion to decide what the allowance shall be for the future. Ever since 1857 every ton has been carefully weighed out of bond in the presence of a Customs officer; and by the 16 and 17 Vict., cap. 107, any deficiency, however great, is allowed, unless proved to be the result of fraud. I wish the Board could see for themselves the condition of much of the sugars now in our stores at Campbell’s wharf, the molasses therefrom is dripping through from one floor to another, and it would require no great knowledge of the properties of that article to see that, during three months, the loss from drainage alone must far exceed three per cent. I am sorry I can produce no accounts showing what the loss in weight has been of late, for as I have just said, having erected free stores at the works, we have nearly always paid duty from ship’s side on the whole of the very low sugars which constitute the bulk of each cargo, and we do this in order to save expense of twice storing, re-weighing, and double cartage, for these charges more than counterbalance the duty we would save through keeping the sugars in store. As a further indication, however, of what it is likely to be, I will mention the low quality sugars ex ships “*Virginie*,” “*Esperance*,” “*Electra*,” “*Billeton*,” and “*Azzan*,” lately arrived from Manila, after being on board ship only a little more than two months, on landing shewed a loss in weight during the voyage of  $7\frac{1}{2}$ , 9, 10, and 13 per cent. (See Appendix E.) I do not think I have omitted any point upon which it is important that I should have touched, if I have, no doubt I shall be able to supply the omission in the evidence to be elicited from the various witnesses I shall call. In the foregoing I have endeavored to be as brief and yet as explicit as the importance of the various matters demands, but I fear I have dwelt almost too long upon the charges and insinuations Mr. Duncan has seen fit to bring against the Company, or myself as its manager; but as it is probable that the whole investigation will appear before the public in some shape or other, I have deemed it my duty to defend myself against all the tangible charges Mr. Duncan’s various letters contain—charges I hope to prove to be unfounded, ungenerous, and unjust. These disposed of, the Board will have no difficulty in recommending the immediate payment of the drawbacks claimed on shipments of refined sugar per “*Kate Kearney*,” “*Lord Worsley*,” and “*Spray*,” and the writing off of all deficiencies in bonded stocks that have arisen in the manner described, and I trust that in their Report the Board will record their disapprobation of the course pursued by Mr. Duncan, in daring to charge the Company I represent with fraud and dishonest practices, without having first ascertained from the evidence within his reach whether or no facts would bear out his statements.
2. Then you assert that previous to the shipment by the “*Lord Worsley*” you received no notice respecting the intention of the Customs to weigh all your sugar? We did not.
  3. But in your letter of the 26th July, 1859, to the Colonial Treasurer, you state, in paragraph 8, “we received notice, through a drawback officer, that he must see such sugars weighed at the sugar house”—and yet on the 8th, two days after receiving this notice, you make a shipment on the “*Lord Worsley*” without weighing—now how was it that you did not act upon this notice, which you admit to having received two days previously? Because I objected entirely to the proposed arrangement.
  4. You surely could not object to weighing somewhere? I heard nothing about the “*somewhere*.” The only thing the officer said was, that he was ordered to weigh at the sugar house.
  5. Was there no alternative given? None whatever. The officer came to us and said he was ordered to weigh at the sugar house; and when we objected, he went away, and I heard no more from him. I sent to the Collector, and then the conversation took place as described in the 9th paragraph of the letter you have quoted, about which I shall bring my clerk to give evidence.
  6. Have you received any certificate of the landing of the sugars shipped by the “*Spray*” and “*Kate Kearney*”? The certificate of the landing of the sugar by the “*Kate Kearney*” I have already handed in to the Government. With regard to the shipment by the “*Spray*”

I applied to the merchant who received it; but he has since got into difficulties, and my request has not been attended to. The certificate of the "Lord Worsley's" shipment was handed in by me to the Government, enclosed in my letter of the 18th August, and has been printed in the correspondence, and see the sugar shipped too. Mr. J. G. Ross  
Feb., 1860

7. What was your objection to allowing the officer to weigh at the sugar house? Because it was impossible that the officer could do it.

8. That was a matter for the consideration of the Customs authorities? Besides that it retarded our business. We objected to having strangers about our premises; and the character of the Custom House officers of former times was so notorious that we did not wish to have them there. But in addition to this, the Board must be aware that all sugar refiners are particular in this respect, and refuse to allow strangers about their premises.

9. And you can state positively that no refined sugar manufactured by the Sugar Company was weighed previous to the 6th July? Not within my knowledge. If it was I never knew of it. Our arrangement with the late Collector was such that it was not necessary to weigh it; and if it was weighed it was entirely on the part of the Customs and had nothing to do with the Company.

#### APPENDIX A.

Sydney, 30 January, 1860.

At the request of J. Grafton Ross, Manager of the Colonial Sugar Refining Company, Sydney,—

We hereby certify that, for many years past, most of us, the undersigned, have constantly purchased Refined Sugars from the Company, and that we never found the *net* weight of such sugars to be less than that which is stamped upon the packages in which the sugar is contained:—

- |   |   |
|---|---|
| 1. Gilchrist, Watt, & Co., Margaret-street, Sydney.                         | 19. Dickson & Company, Maitland.  |
| 2. John Watkins, Margaret-street, Sydney.                                   | 20. Josiah Harpur & Co., 426, George-street, Sydney.                    |
| 3. John Frazer & Co., Wynyard-square, York-street, Sydney.                  | 21. John Beames, 264, George-street.                                    |
| 4. Tucker & Co., 288, George-street, Sydney.                                | 22. David Cohen & Co., Spring-street, Sydney.                           |
| 5. Betteridge & Haydon, 422, George-street, Sydney.                         | 23. Thompson & Miller, 78, Clarence-street.                             |
| 6. Edward Chapman & Co., Clarence-street, Sydney.                           | 24. Dangar, Gilchrist, & Co., Clarence-street, Sydney.                  |
| 7. Church Bros., 329, George-street, Sydney.                                | 25. G. S. Leathes & Co., Market-street, Sydney.                         |
| 8. John Hughes, corner of George and Market streets, Sydney.                | 26. W. Allen & Co., 476, George-street, Sydney.                         |
| 9. S. Bennett & Co., 482, George-street, Sydney.                            | 27. L. Bergin & Co., 433, George-street, Sydney.                        |
| 10. William Love, 494, George-street, Sydney.                               | 28. Bergin, McMahon, & Co., 529, George-street, Sydney.                 |
| 11. John Caldwell, Pitt-street, Sydney.                                     | 29. Thomas M'Keown, 575, George-street, Sydney.                         |
| 12. J. V. Barnard & Co., 8, Barrack-street, Sydney.                         | 30. R. & J. B. Waddell, 454, George-street, Sydney.                     |
| 13. William Wright, formerly of Fort-street, Sydney.                        | 31. J. Grogan, 722, George-street, Sydney.                              |
| 14. John Robertson & Co., (per William Wright), 19, Jamison-street, Sydney. | 32. William Terrey, (pro. John Mais,) Haymarket, George-street, Sydney. |
| 15. Smith, Peate, & Co., George-street.                                     | 33. John Adams, George-street, Sydney.                                  |
| 16. Harrison & Attwood, George-street.                                      | 34. Patrick Farrell, George-street, Sydney.                             |
| 17. John Barlow, 758, George-street South.                                  | 35. Alfred Fairfax, George-street, Sydney.                              |
| 18. J. J. Peacock, New Zealand.   | 36. Philip Walsh, Parramatta-street, Sydney.                            |

#### APPENDIX B.

Victoria Sugar Company,  
Offices, 4 Queen-street,  
Melbourne, 16 January, 1860.

My dear Mr. Ross,

Referring to your remarks about the disputed drawbacks, I am at a loss to understand your meaning when you say that Mr. Duncan's letters express regret at being at issue with Mr. Knox, "one of his personal friends."

There must be some mistake in this, as I have not the pleasure of Mr. Duncan's acquaintance, and did not even know him by sight till you pointed him out to me a few weeks ago. A little bit of by-play, I presume.

J. Grafton Ross, Esq.,  
Colonial Sugar Co.,  
Sydney.

Believe me, &c.,  
EDW. KNOX.

Mr. J. G. Ross.

## APPENDIX C.

7 Feb., 1860. RETURN furnished by Metcalfe, Powell, & Co., shewing the amount of Drawback received by them, from November, 1856, to November, 1859.

		£	£
		712	266
		1,690	417
		1,465	200
		2,639	874
		733	252
		1,801	892
		1,230	707
		1,780	787
		962	51
		705	557
		1,071	744
		232	....
		984	360
November 5, 1856,	{ Shipments certified by the Searchers	913	69
to		1,130	374
November 30, 1858.	{ at the respective wharfs .....	5,527	5,094
		2,830	1,800
		2,001	1,140
		1,005	899
		1,942	906
		1,271	1,168
		536	167
		1,097	1,424
		2,165	822
		2,013	612
		1,328	1,019
		1,545	....
		1,413	266
November 8, 1858 ....	{	1,676	717
Dec. and Jan., 1859 ....		1,250	303
February, 1859 .....		872	291
March " .....	{ Mr. Russell appointed solely to super-	1,029	33
April " .....		920	115
May* " .....	{ intend Drawbacks .....	642	100
June " .....		438	15
July " .....		439	Nil.
August " .....	{	235	"
September " .....		240	83
October " .....		210	Nil.
November " .....		625	"
	{ Shipments certified by Searchers at		
	{ the respective wharfs .....		
		51,296	£23,524
	TOTAL .. .. . £		

The amount shewn in this column, received for sugar shipped by the Sugar Company, for sugar shipped to Melbourne, Adelaide, and Tasmania, only, and included in the amounts shewn in the first column.

\*Mr. Duncan appointed.

NOTE.—It must be remembered, that to a comparatively recent period the New Zealand, Tasmanian, Victoria, and South Australian Markets were supplied by the Sydney Colonial Sugar Refining Company. The falling off, in the amount of Drawback paid by the Government, is partly in consequence of the operations of a rival Company, and mainly to the fact of a large Sugar Refining Company having been started in Melbourne, which has secured the Victoria and Tasmanian Markets, and also those of the Southern and Middle Provinces of New Zealand.

## APPENDIX D.

STATEMENT of Sugars Imported by the Sugar Company, from December, 1852, to December, 1854.

DATE.	MARK.	NAME OF SHIP.	QUANTITY BONDED.	QUANTITY DELIVERED.	SHORT-PAID.	OVER-PAID.
1852.			tons. cwt. qrs. lbs.	tons. cwt. qrs. lbs.	tons. cwt. qrs. lbs.	tons cwt. qrs. lbs.
20 Dec. ..	E 196	Columbine.....	337 15 2 19	291 13 0 6	46 2 2 13	.....
1853.						
7 Jan. ..	P 200	Black River Packet	328 9 2 5	326 9 0 1	2 0 2 4	.....
28 Jan. ..	Y 205	Mary Bannatyne...	385 6 0 13	383 9 3 1	1 16 1 12	.....
7 Feb. ..	F 207	Achilles .....	498 3 2 3	489 7 3 26	8 15 2 5	.....
22 March ..	O 202	M. S. Elphinstone ..	289 4 0 1	287 5 0 27	1 18 3 2	.....
23 March ..	P 212	Tartar .....	621 2 1 25	627 2 1 6	.....	5 19 3 9
8 June ..	T 229	Sir Bevois .....	530 14 0 18	524 14 0 13	6 0 0 5	.....
27 July ..	S 237	Helen Baird .....	550 3 1 20	513 11 2 15	36 11 3 5	.....
29 Oct. ..	I 266	Martin Luther .....	426 1 0 2	417 14 1 6	8 6 2 24	.....
12 Dec. ..	I 281	Duke of Cornwall ..	607 16 0 20	596 11 3 22	11 4 0 26	.....
1854.						
24 Jan. ..	X 301	Florida .....	303 1 0 21	375 13 3 2	17 7 1 19	.....
27 Jan. ..	O 302	Francis Walker ....	444 13 1 6	444 13 1 6	.....	.....
23 Feb. ..	I 312	Allandale .....	396 11 1 18	433 12 0 0	.....	64 0 2 10
15 March ..	F 319	Caroline Chisholme..	429 5 2 13	439 5 2 13	.....	10 0 0 0
20 March ..	W 320	John Barrow .....	408 5 1 9	408 5 1 9	.....	.....
4 April ..	A 325	Sir H. Hardinge ....	671 16 3 23	645 14 1 13	26 2 2 10	.....
10 April ..	Q 326	Blair .....	389 17 0 10	352 7 2 19	37 9 1 19	.....
10 May ..	C 334	Duke of Northd. ....	674 11 2 20	674 2 2 16	0 9 0 4	.....
17 May ..	C 335	Kinnaar .....	457 7 3 11	457 7 3 11	.....	.....
1 August ..	F 346	Francis Walker ....	443 6 1 2	399 14 0 6	43 12 0 24	.....
3 Oct. ..	A 360	Arrogant .....	704 8 3 2	704 8 3 2	.....	.....
22 Dec. ..	X 373	Caroline Chisholme..	410 3 0 0	410 3 0 0	.....	.....
			10,371 4 2 9	10,203 7 2 24	247 17 1 4	80 0 1 19

Quantity Bonded ..... tons. cwt. qrs. lbs.  
10,371 4 2 9

Quantity Duty-paid and Delivered .... 10,203 7 2 24

167 16 3 13—or less than 1½ per cent. deficiency.

## APPENDIX E.

STATEMENT showing Loss on Wet Sugars during the voyage from Manila to Sydney, on the following:—

"Jocon Rosario," 7½ per cent. loss..		Shipped 490 tons net, as per Invoice.
		Landed 453 " "
		37 tons loss in weight. A few bags only slightly damaged.
"Electra," 10½ per cent. loss.....		Shipped 461½ tons net, as per Invoice.
		Landed 414½ " "
		47 tons loss in weight. Not a bag damaged.
"Virginie," 13½ per cent. loss ....		Shipped 680 tons net, as per Invoice.
		Landed 590½ " "
		89½ tons loss in weight. No damage in wet sugar.
"Billeton," 10 per cent. loss .....		Shipped 546½ tons net, as per Invoice.
		Landed 491½ " "
		55 tons loss in weight. No damage.
"Azzan," 9 per cent. loss .....		Shipped 342 tons net, as per Invoice.
		Landed 311 " "
		31 tons loss in weight. No damage in wet sugars.
"Esperance," 9½ per cent. loss ....		Shipped 406 tons net, as per Invoice.
		Landed 367 " "
		39 tons loss in weight. No damage.

EDW. B. FORREST.

Sydney, February 1, 1860.

## APPENDIX



Mr. J. G. Ross.

## APPENDIX F,

NEW ZEALAND.

Port of New Plymouth.

7 Feb., 1860.

THESE are to certify that John Gilmour did enter for home consumption, and pay the duties of Customs at this Port, on one ton of sugar imported per the "Kate Kearney," Driver, master, from Sydney, which appears on the clearance of the said vessel at that Port, bearing date the eighth day of July, 1859, as follows:—

"Ten cwt. refined sugar.

"Ten cwt. bastards do., for drawback of duties."

Given under my hand, at the Custom House, this 22nd day of September, 1859.

W. LEECH,  
Collector.

Mr. Henry Fisher called in and examined:—

Mr. H. Fisher. 1. *By Mr. Ross:* You have been for some time a large sugar importer? Yes, for twenty years past.

7 Feb., 1860. 2. And you have had some experience in the waste that occurs in sugar remaining any time in bond? I have.

3. Can you give the Board any idea of what you have found that waste to be—what per centage? So very much depends upon the description of sugar.

4. On low qualities of sugar, such as Taal and Zeba? My experience has chiefly been in in Java and Mauritius sugars.

5. These are sugars of a superior quality? Yes; they are very much drier.

6. And what have you found the waste in these to be? In looking over the invoices of several cargoes I have received, I find that the average has been about from 2 to 3 per cent. loss from the Mauritius invoice and the weight on landing in New South Wales of Mauritius syrup sugars.

7. But that is on the voyage? Yes; but from that I ground my belief that the Mauritius syrups would lose generally about the same quantity here during the first three months.

8. This statement is founded on actual experience? Yes; all my sugars have been weighed at the store door by the Custom House officer.

9. And you have found an average deficiency of from 2 to 3 per cent. from waste? Yes, on the syrup sugars; but on the cleared or centrifugal sugars it has not been so much; and in the finest descriptions of counter sugars I have had no loss at all.

10. Then we may take it, as your opinion, that from 2 to 3 per cent. is about the average loss by waste on Mauritius syrups? Yes; on three or four months' storage.

11. And the loss upon Taal and Zeba would be much greater? Yes; the loss, according to what experience I have had, would be very much greater. But I have never imported any of this sugar, though I have at times purchased it and warehoused it for other merchants, when, on green Taal, as much as from 5 to 8 per cent. loss has occurred in that time.

12. These sugars have more molasses in them than the Mauritius sugars? Yes; the process that the Mauritius sugars go through with the centrifugal machines, and with drying in the sun, takes the molasses out of them.

13. Do you recollect seeing Colonel Gibbes in reference to deficiencies of sugar in your bond? Yes; In 1855 or 1856, owing to some very large deficiencies in cargoes that I had imported, and all ascertained on actual re-weight, for I was always very particular in having all my sugar weighed in and out of store, by the Custom House officers, I entered into a correspondence with the Government. I then found that other sugar importers were corresponding with the Government upon the same subject—amongst them the Sugar Company; I was then asked by the Collector if I would be content to take a fixed allowance for waste of 3 per cent., as had been fixed by the Custom House of England by their board orders. I had an interview with the Collector, and compared books with him upon the point, and finding that the Board of Customs of England had decided upon a fixed allowance of 3 per cent. for all sugars for the first three months they were in bond, and 1 per cent. afterwards, by the authorities then produced, *vide* Beedell's British Tariff, 1853, I thought, perhaps, that might be sufficient. However, I took time to decide upon the offer; but after consideration, and after consulting other authorities, I insisted upon the sugars being re-weighed out of bond, as I found that I was entitled to call for the re-weighing if I thought proper.

14. *By Captain Ward:* Did Colonel Gibbes make you any promise? Yes; he offered me the fixed allowance of 3 per cent. for waste; and made the offer distinctly on behalf of the Government.

15. When did he offer it? It must have been somewhere about the end of 1855, or the beginning of 1856.

16. How did he offer it? He referred to his books shewing that that was the arrangement in England, and urged that, as it was considered satisfactory there, it ought to be so here.

17. Was his object the saving the labor of the Custom House officers in re-weighing? No. I understood it to be to prevent disputes that had arisen respecting the condition of sugar that had been bonded.

18. And you did not consider the allowance sufficient? No. I have known as much as 8 per cent. deficiency upon the invoice weight on landing here, through salt-water damage. I can instance the cargoes of the "Seahorse" and "Thames," imported by me, in which the loss by waste was quite 8 per cent.

19. Yes; but that would have reference to the loss upon the voyage, and not whilst in store? True; but the salt-water would be in it when landed, and the dissolution would go on quicker

quicker in the store than when in the hold of the vessel. In cases of damage of this kind I have known a loss of 3, 4, and even 5 per cent. within the first week of storing. Large quantities of sugar waste in this way. In the case of the "Seahorse," I was not the importer, but only the agent for her cargo, and, consequently, could have no interest in making the deficiency larger than it actually was; the reduction of weight after it went into the store was immense, and almost incredible. The reason is obvious, as when sugar is stored it is always stowed, no matter how you may pack it, in a way that the evaporation will be much greater than it can be in a ship's hold confined from the air. That was the reason why I objected to having the stated allowance proffered by Colonel Gibbes. I may also add, that I have sometimes noticed in very damp weather, and when sugar has been of a very dry quality, that it has turned out, on re-weighing, over the weight it was entered at; but any sane man must know, when this is the case, that the sugar itself does not increase; but that, from atmospheric causes, it imbibes moisture which it will throw off again under a different state of the atmosphere. By the English Customs regulations, where it can be shewn that water exists in sugar, a corresponding allowance is made; and the British Customs, in their drawback regulations on refined sugars, particularly guard against any undue per centage of moisture being passed in weight—the same, in common fairness, is applicable to charging duties, *vide* Beedell's British Tariff.

Mr. H. Fisher.  
7 Feb., 1860.

Mr. Edward B. Forrest called in and examined:—

1. By Mr. Ross: You have been for a considerable period a clerk to the Sugar Company? I have.
2. Do you remember, about the 6th July last, Mr. Chapman coming to our office? Yes, I remember it quite well.
3. Before that date had you heard that it was the intention of the Collector to require the refined sugars exported by the Company to be weighed? No, I had not.
4. Or to make any alteration in the system of the Company with regard to their shipments for drawback? No.
5. Do you remember, sometime about the 28th June, calling upon Mr. Duncan, according to my directions? I do.
6. Will you state what then took place? I called upon him with reference to a ton of sugar short-shipped by the "Moa," and explained to him how it had happened; that it had left our stores to go on board, and that we believed it had been shipped, and that we had obtained the captain's receipt for its shipment.
7. Did you offer to refund the drawback? I did. The Collector said he was quite satisfied with my explanation, and that if I tendered the money he would accept it. I went to Mr. Powell, and told him of what had taken place with the Collector, and he wrote out a cheque, and took it up to the Collector.

Mr. E. B.  
Forrest.  
7 Feb., 1860.

Mr. Julius Perry called in and examined:—

1. By Mr. Ross: You are warehouse clerk at the sugar store at the Company's works? I am, Mr. J. Perry.
2. Do you remember, sometime in May last, shipping a quantity of sugar per "Moa" for Auckland? I do.
3. You shipped some on account of John Robertson? I did.
4. Can you say what quantity was shipped? Yes—20 tons.
5. Are you confident that that quantity left the sugar-house? Yes, I am; quite confident.
6. You have been made aware that one ton of that sugar did not reach Auckland? I have.
7. And yet you have no doubt that the full quantity left the sugar-house? Yes.
8. You have a receipt-book in which you enter every load that leaves the sugar-house, and the name of every carter who takes it, and to which the carter gives his receipt? I have.
9. And do you find the stumps in that book to contain receipts for the full quantity that ought to have been shipped? I have the proper number of stumps for 20 tons, with the carter's name attached for every load.
10. Then you have no doubt about its having been shipped? No doubt whatever that it left the works with that intention. That has always been my belief.
11. Is there any difference made in the stores in the weights of sugars intended for shipment, and those for delivery in town? Not the least.
12. You deliver the bags of sugar, whether for shipment or for town, indiscriminately as you get the orders? I do.
13. Did the sugars ordered for shipment by the "Lord Worsley," "Kate Kearney," and "Spray," all leave the sugar-house? They did.
14. You have no doubt about it? None whatever.
15. There was no deficiency in the weight of any of the orders? Not to my knowledge.
16. Do you remember about the 6th August, shipping six tons of sugar by the "Louis and Miriam"? I do.
17. It was on a Saturday, I believe? It was.
18. What time did those loads leave the sugar-house? Five loads left between 9 and 10 o'clock, and the sixth left about 12 o'clock.

7 Feb., 1860.



- Mr. J. Perry. 19. Have you any means of ascertaining when these loads were delivered at their destination? I can only tell by what the draymen say when they bring me back their receipts.
- 7 Feb., 1860. 20. Were they all there before one o'clock? I know that five of them were, but I cannot speak for the sixth any further than that the drayman says most positively that he had partially delivered his load before gunfire at one o'clock.
21. Do you recollect my speaking to you shortly after the occurrence and asking you about it? I do, perfectly.
22. And you then gave me the same explanation that you now give the Board? I did.
23. And that explanation you believe to be correct? As regards the five loads, I am certain; and as to the sixth I know, from the drayman's own statement, which I now produce (*See Appendix*), that he partly delivered his load before one o'clock; and to the best of my recollection, he, on his return to the sugar-house, brought back a load of raw sugar from Campbell's store, and he could not have got that if he had not been there soon after one o'clock.
24. You explained to him, as you do to all the draymen leaving with loads, that the Customs ticket sent with each load was to be delivered to the Custom House officer in charge of the vessel? I did.
25. What did you tell him? That he must give his ticket to the Custom House officer before he took his load off the dray.
26. Then, if the carter neglected to do this it was his fault, and he did not follow his instructions? Certainly.
27. I believe there is not a single drayman employed by the Company that is not aware of this regulation? There is not. I have always been very particular in explaining it to them.
28. Have you ever received instructions from me or from anyone else to ship sugar in such a way as to cause annoyance to the Customs? I have not.
29. Have not the orders given you been rather in a contrary direction? They have.
30. What were they? Particularly not to ship sugar beyond certain hours, and that I have been very careful in observing.
31. On page 6 of the printed correspondence now before the Board is a certificate, dated 15th July, and signed by you, relative to the shipment of 120 mats sugar by the "Lord Worsley,"—do you recollect writing it? I do, and the printed copy before me is correct.
32. During the number of years you have been with the Company, have you ever heard any complaint from any one with regard to the short weight of our sugar? I never heard but one; about two or three years ago. Mr. Caldwell complained to me that one ton of his was light, but he never came to the office with a formal complaint about it. I met him accidentally in the Bank, and he mentioned the matter to me.
33. Can you tell me the tare of the bags used by the Company for packing sugar? They run from 5 ozs. and 6 ozs. to 8 ozs. I weighed a dozen of each kind the other day, and the following is the result:—12 double mats, to contain 2 qrs. 14 lbs., weighed 9 lbs. 13 ozs., being an average of  $13\frac{1}{2}$  ozs. each; 12 of the same kind, to contain 2 qrs., weighed 8 lbs. 1 oz., or an average of  $10\frac{1}{2}$  ozs. each; 12 Hessian bags, single, to contain 2 qrs. 14 lbs., weighed 6 lbs. 8 ozs., or an average of  $8\frac{1}{2}$  ozs. each; and 12 calico bags, to contain 2 qrs. 14 lbs., weighed 3 lbs. 7 ozs., or an average of  $4\frac{1}{2}$  ozs. each.
34. Will you explain to the Board the system of weighing that is followed at the sugar-house? Every bag of sugar is weighed singly. The bag is filled and put into one scale, and into the other is put the weight and a similar bag or mat to that which contains the sugar, doubled up and put under the weight. The bag of sugar is then filled up to the requisite weight.
35. Was there any sugar shipped on the "Lord Worsley" on the 7th July? Yes, there was some shipped on the 7th and some on the 8th July; but the particular mark referred to, the N. E. and Co., was shipped on the 8th July.
36. *By Mr. Browne:* Whose sugar was shipped on the 7th July? I almost forget; but I think it was for William Ellis, and that on the 8th was for Gilchrist, Watt, and Co.

## APPENDIX.

John McManus remembers the 27th August, and that he took a load of sugar to the "Louis and Miriam," at Grafton Wharf, on that day. His load was partly off when the one o'clock gun was fired. He gave the Custom House ticket to the mate of the vessel, because he saw no Custom House officer at the wharf.

22 December, 1859.

JOHN McMANUS.

Witness to the signature—  
J. PERRY.

Mr.

Mr. Charles Frederic Stokes called in and examined:—

1. *By Mr. Ross:* You are shipping clerk to the Colonial Sugar Refining Company? I am. Mr. C. F. Stokes.
2. How long have you held that situation? Some years.
3. You are in the habit of making shipments of refined sugars for drawback? I am. 7 Feb., 1860.
4. And are aware of the regulations under which we conducted those shipments in the time of Colonel Gibbs? I am.
5. Before the 6th July, had you any intimation from any one that it was the intention of Mr. Duncan to make a new arrangement? I had not.
6. Or that the old arrangement would be in any way disturbed? No.
7. From whom did you first hear of the alteration? From a Mr. Chapman, reporting himself as the drawback officer. On the 6th July, he came up to the Sugar Company's Office, about 10 o'clock in the morning, and said that he had received notice of a shipment of sugar for drawback, that he was the drawback officer, and that he had received instructions from the Collector to see the sugar we intended to ship weighed at the sugar-house.
8. Are you quite sure that he said "at the sugar-house?" He may have said "at our works;" I will not be certain.
9. Did he say anything about weighing at the wharf? No.
10. He said he came from the Collector? I presumed from what he said that he came from the Collector.
11. And what did you tell him? I said that it would be impossible to tell him when the sugar would be ready, that we had just then a great many shipments on our hands, and that these were weighed at different times, and never altogether, and that thus he could not see it weighed.
12. Did he make any reference to the shipment of which he had received notice? Yes; I think it was the shipment by the "Spray."
13. What did you say about that shipment? I only said that I could not tell him when that shipment would be ready.
14. Did you say anything about the sugar being on its way then? No; not at that time. I said that I could not possibly say when it would be ready; that you were not in, and that I should have to refer the matter of weighing at the sugar-house to you.
15. That was in the morning, but when he came in the afternoon? I told him that the sugar might be ready then, perhaps it was on its way then, or it might not be ready for two or three days.
16. Did you lead him to think that he could not do what he desired? Yes; I said that the sugar-house was so far from the wharfs at which the sugar was generally shipped that if he went from one to the other with each ton as it was weighed, and then back again to see more weighed, he would never be able to complete the shipments in time.
17. And there was nothing said about weighing on the wharf? Nothing.
18. About a day or two after this you called upon Mr. Duncan? Yes; I think on the 8th July.
19. What took place then? Mr. Duncan told me that the drawback on the sugar shipped by the "Spray" would not be allowed; I asked him why, and he said that his reason for refusing it was, that the officer had not seen it weighed, and that he was determined to allow no drawback unless the Custom House officer had seen the goods weighed and put on board.
20. Did you say anything about taking the average weight of the bags? I did. I told him what our system had been, and he said he had changed all that, and that he thought we knew of this alteration before.
21. Did you say anything about Robey & Co? Yes. I said I had heard that in making the alteration, some allowance had been made to Robey & Co. on some of their sugar shipped per "Spray," and that he might do the same by us. His answer was, that the two cases were different, for that we had had notice of the change, but Robey & Co. had not.
22. Did you explain to Mr. Duncan why you thought the new arrangement would not work? Yes, as well as I could, I explained to him how we weighed the sugar at the works, that the bags were of uniform size, and that after this if the officer weighed a few bags on the wharf for an average of each load, that would be sufficient for the protection of the revenue. After thinking a bit, he said he thought so too.
23. Did you ask him whether in the event of your getting a certificate from Auckland of the due landing of the sugar there he would allow the drawback? I did, and he said he would see about it when the certificate came up, but would make no promise.
24. You made use of some particular words on that occasion? I did; I said that the Company would not forego their claim to this drawback.
25. What did Mr. Duncan reply? He said that was his business and not the Company's.
26. Have you any memorandum of the date on which you gave notice of the shipment of the sugar by the "Lord Worsley"? Yes; I produce our notice book. Two lots were shipped, one on the 7th July, the other on the 8th July; notice of the first shipment was sent on the 6th July, and of the other on the 8th, the day it was shipped. For all shipped I got the mate's receipts, but I did not know before I got them that the sugar had been actually sent on board.
27. When you spoke to Mr. Chapman on the morning of the 6th July, did you know that the sugar per "Spray" had been shipped? No, I could not tell whether it was so or not, until I got the mate's receipt.
28. When did you ship the "Spray's" sugar? I gave notice on the 1st, 2nd, 6th, and 7th July. The last notice was on the 7th for one ton.
29. When did you first know of the shipment? Not until the next morning, when I got the receipts.

- Mr. C. F. Stokes.  
7 Feb., 1860.
30. When was notice of the shipment by the "Kate Kearney" given? Notice for shipment for drawback was given on the 5th, and the shipment was made on the 6th, but I did not know of the shipment until after I saw Mr. Chapman.
31. How was that? Because we had not had the particulars up from the works at the time.
32. I believe they only send up from the works to the office at stated times, in consequence of the distance? Yes.
33. 344 mats of sugar, marked E, were shipped in the "Lord Worsley," in July last; can you give me the net weight of the consignment? It was 180 cwt., or 9 tons, and 2 hhds. refined sugar.
34. Is there any separate entry passed for loaf sugar? No; the sugars are all passed in one entry, I believe.
35. Will you tell the Board what the book now produced contains? It contains a memorandum of every hogshead of loaf sugar packed at the works.
36. When does the first hogshead appear to have been sent out? In February, 1857.
37. What are the average weights of these hogsheads? They run from 13 cwt. 2 qrs., down to 12 cwt. and 11 cwt., and less.
38. Then in sending down for shipment a hogshead weighing 11 cwt., there was nothing very remarkable? Not at all.
39. *By Mr. Duncan:* Was the interview you had with me at the Custom House, relative to the weighing for drawback, the first time I had spoken to you on the subject? Yes; that was the first time that I saw you.
40. The first time at all? Yes.
41. You say you did not know at your office the particular times at which shipments were made? No; we could not tell the exact time.
42. Then if you did not know, how was the officer to know? He should be ready on his station at any time, to examine goods when they come down to be shipped.
43. But surely some opportunity should be given to him to see the goods, in order that their shipment may be duly certified? The same opportunity was given to him as always had been given.
44. The goods, however, were actually put on board in the officer's absence, and you will not say that that gave him an opportunity to examine them? It was his duty to be on the station when the goods arrived.
45. Then do you consider that it would be either prudent or proper in me to allow drawback on goods when no opportunity has been given to my officer to examine them? He always had the opportunity when the Company's goods were shipped. His opportunity was, having received notice, to have been there when the sugar came down to the wharf.
46. Do you think it more proper that the officer should be at the wharf, waiting your convenience to send down sugar for shipment, when you have confessed that you do not know within three or four days when it would be ready, than that the sugar should have to wait a short time for the officer? If goods had to wait for the attendance of an officer, nearly all export business would be put a stop to.
47. Has it had that effect? It does retard us more if the officer is not present. If he is on the wharf, to meet the goods, it is no inconvenience.
48. *By Mr. Ross:* Practically, has there been any alteration from the time of the late Collector, in what the Company have to do now? No. The only thing is, that we have to give notice of shipment earlier. We must now give a day's notice, and cannot, as formerly, give notice at ten and ship at twelve o'clock of the same day.
49. The notice, however, is still in the same form? Yes; we send down precisely the same notice, only earlier.

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Mr. Alexander Simm called in and examined:—

- Mr. A. Simm.  
7 Feb., 1860.
1. *By Mr. Ross:* You are accountant to the Sugar Company? I am.
2. Do you remember a new officer of Customs calling at our office in July last? Yes; immediately after Mr. Russell had been suspended.
3. Do you recollect what he said? I do.
4. Will you repeat it to the Board? He said he wished to see the sugar weighed, and asked when it would be ready, as he would then go down to the sugar-house and see it weighed before it was shipped.
5. Did he say any thing about seeing it weighed at any other place than the sugar-house? No.
6. Was he laughed at, or treated in any way uncourteously? Not in the least.
7. What was said to him? He was told that it would be impossible for him to see it weighed. That there was no certainty of when it would be ready, as it might then be on its way to the wharf, or might not be made for some days.

## CHARGES AGAINST MR. DUNCAN.

TUESDAY, 7 FEBRUARY, 1860.

CAPTAIN WARD, R.E., IN THE CHAIR.

H. H. BROWNE, ESQ.

CAPTAIN M'LEBIE.

Mr. Duncan, Collector of Customs, and Mr. Powell, Custom House Agent, were in attendance.

*Captain Ward* said that the Board wished to know if Messrs. Metcalfe and Powell desired to go on with their case by calling further evidence, or whether they would be satisfied to allow it to rest upon the evidence already given, much of which bore upon the complaint Mr. Metcalfe had made.

*Mr. Powell* said he had no wish to take up the time of the Board, or to re-open the inquiry. He should call no further evidence, but wished to put in some correspondence in support of his case.

*Mr. Duncan*: If that correspondence is put in I shall feel called upon to call evidence respecting it.

*Mr. Powell*: In that case, I shall only ask the Board to permit me to put in evidence the following letter, written by me to Mr. Duncan :—

*Sydney, September 2, 1859.*

Sir,

The interview which I had with you yesterday left the impression on my mind that you have a personal ill-feeling towards me. I deeply regret that such should be the case, and I write this to assure you that it is my earnest desire to co-operate with you in carrying out any changes that you may consider desirable; and if, in my position as Agent or substitute for any merchant, I have occasion to question the propriety of any arrangements made by your officers, or to ask for the modification of any of the rules of the department, I trust that you will consider that I am not offering you personal opposition, but merely seeking to advance the interests of my principals where they do not run counter to the safety of the revenue.

I am sure that you will do me the justice to say that in all my communications with you I have acted in a courteous and gentlemanly manner, and I beg that you will from henceforth receive me as a person desirous to assist, rather than to thwart your wishes, and if in the course of business I have the misfortune to differ with you, you will do me the justice to believe that I am only doing that which I believe to be in consonance with the spirit though perhaps not the letter of the law.

I am, &c,  
JAMES POWELL.

W. A. Duncan, Esq.

*Mr. Duncan*: I have no objection to the letter being received; but I would remind the Board that this letter was written after Mr. Powell's letter to Mr. Ross, and after Mr. Powell had burst forcibly into my room at the Custom House, in the manner that has been described. With this remark attached to it, I shall not object to it. (*The Board received the letter in evidence and the proceedings terminated.*)



1859-60.

Legislative Assembly.

NEW SOUTH WALES.

# MINUTE OF THE EXECUTIVE COUNCIL

IN THE MATTER OF THE

## DISPUTES BETWEEN THE COLLECTOR OF CUSTOMS AND CUSTOMS AGENTS AND OTHERS.

*Ordered by the Legislative Assembly to be Printed, 24 April, 1860.*

*PROCEEDINGS of the Executive Council in the matter of the Report of the Board,  
relative to disputes between the Collector of Customs and certain Mercantile Firms.*

5 April, 1860.

HIS Excellency the Governor General lays before the Council the Report of a Board, consisting of the Deputy Master of the Royal Mint, the Immigration Agent, and the Inspector General of Police, which was appointed on the 30th November last, to inquire into certain disputes which had arisen between the Collector of Customs on the one hand, and the Colonial Sugar Refining Company, Messieurs Metcalfe and Powell, Custom House Agents, and Messieurs Towns and Stuart, merchants, on the other.

2. The correspondence out of which the inquiry has arisen, together with the evidence taken by the Board, accompanies their Report, and both having been printed, and a copy being hereto appended, it is scarcely necessary to detail in the body of this Minute the various matters in dispute between the Collector and the persons with whom he has been at issue; and it may be sufficient here to record that these matters involve charges impugning the integrity of the latter in their business transactions with the Customs Department, and, consequently, with the Public Treasury.

3. In their report the Board recite *seriatim*, as furnished by himself, the principal charges brought forward by the Collector, and state in detail the conclusions to which they have been led by the evidence adduced before them upon each specific charge.

These, except in the case of Mr. Powell, wholly relieve the persons accused from the imputations sought to be fixed upon them by the Collector, and in closing their Report the Board deem it due to those gentlemen to express themselves as follows:—

“There has been no evidence produced to reflect in the slightest degree on Mr. Metcalfe’s integrity, capacity for business, or general demeanor as a Custom House Agent. Of Mr. Powell it has been proved that he expressed himself in a hasty manner to some subordinates in the Long Room regarding the steps he was prepared to take against any future Collector mindful of the public interests.

"That he endeavored to obtain an incorrect certificate from the officer, Russell; and  
 "that, acting under a sense of provocation received, he has without sufficient cause accused  
 "the Collector of partiality in the discharge of his public duties.

"In other respects Mr. Powell has been shewn to be an Agent faithful in the  
 "discharge of his duties, zealous to protect the public interests, and desirous of conforming  
 "to established laws and regulations.

"Mr. Ross (who represents the Sugar Company) and Mr. Stuart have satisfactorily  
 "defended the firms which they represent from the imputations cast upon them.

"These several parties have just grounds to complain of the treatment they have  
 "received at the hands of the Collector.

"Many expressions used by him which are scattered through the correspondence and  
 "evidence, and more especially many of those in his letter to the Government which bear on  
 "Messrs. Metcalfe and Powell, and in his reply to the defence of the Agents, are altogether  
 "unjustifiable.

"Whilst the Collector's ruling desire has, without doubt, been to reform a Depart-  
 "ment which had become greatly disorganised, and to protect the public interests with the  
 "utmost vigilance, he appears repeatedly to have expressed opinions formed in haste reflecting  
 "on the integrity of others.

"Without knowledge of the practices existing in the Customs, under sanction of  
 "authority at the time he took office, he has found fault with those who acted in conformity  
 "with them; and thus, having been led into altercations with the Sugar Company and their  
 "Agents, he has without consideration charged them and others with disgraceful practices, of  
 "which he has failed to produce any evidence."

4. Having carefully perused the Report and Evidence which has been circulated  
 amongst the Members, the Council desire to record their concurrence in the opinions expressed  
 by the Board. It is not, however, without regret that the Council have been compelled to  
 arrive at this conclusion, as they conceive it due to the Collector to bear in mind that he  
 had to contend with great difficulties when he assumed the charge of the Customs Depart-  
 ment.

At the time of his appointment that Department was completely disorganised; and  
 he unquestionably experienced considerable opposition in making those reforms which were  
 necessary.

But giving Mr. Duncan every possible credit for zeal in the performance of his duty,  
 and for an earnest desire to promote the public interests solely, the Council are of opinion  
 that there can be no sufficient justification offered for his attacks upon the personal integrity  
 of parties, unsupported as those attacks now appear to have been by any evidence.

It is quite clear to the Council that such a course is not calculated to aid him in the  
 performance of his duty, but must on the contrary tend to nullify in a great degree all his  
 endeavors to make his department efficient; and they advise that this expression of their  
 opinion be communicated to Mr. Duncan by the Honorable the Colonial Treasurer.

MICL. FITZPATRICK,

Acting Clerk of the Council.

No. 60-306.

1859-60.

Legislative Assembly.

NEW SOUTH WALES.

DISPUTES BETWEEN THE COLLECTOR OF CUSTOMS,  
AND  
CUSTOMS' AGENTS, AND OTHERS.

(SELECTIONS MADE BY THE COLLECTOR FROM THE MANUSCRIPT PAPERS MARKED  
A TO X, AND NUMBERED FROM 1 TO 25, REFERRED TO IN THE POSTSCRIPT TO  
THE REPORT OF THE BOARD, ORDERED BY THE LEGISLATIVE ASSEMBLY  
TO BE PRINTED, 13 APRIL, 1860.)

*Ordered by the Legislative Assembly to be Printed, 2 May, 1860.*

S.

Sydney, 8 July, 1859.

Sir,

We have the honor, on behalf of the Colonial Sugar Refining Company, to request that you will not insist upon the refined sugar shipped for drawback being weighed in the Sugar Company's warehouse, prior to shipment, as it entails upon them an expense and inconvenience; and the safety of the revenue may be protected by another and more simple course.

On every bag of sugar *the weight is marked*, at the time of its being filled; it is then stacked in the sugar-house, and when sold is sent to the buyer or to the ship, in which last-named case notice is given to the Customs. If, therefore, the drawback officer, or the searcher attending the shipment, would weigh a few, or, if not found to agree with the weights marked on them, *all the bags on the wharf*, the revenue would be protected, and the expense of weighing would not fall heavily on the Company.

As an additional security the Company will have no objection (should you require it) to give you a memorandum of the actual weight charged by them to the purchasers.

We have, &c.,  
METCALFE, POWELL, & Co.

The Collector of Customs.

*Custom House, Sydney,*  
16 July, 1859.

Gentlemen,

In acknowledging the receipt of your letter of the 8th instant, requesting me, on behalf of the Colonial Sugar Refining Company, not to insist upon refined sugar, shipped for drawback, being weighed in their warehouse, and suggesting some arrangements in respect to such shipments, I do myself the honor to acquaint you, that the weights will in future be taken on the wharves, under the supervision of the landing-waiters, and that I shall be satisfied with the average weight as proposed, so long as I find the Company's weighing accurate.

I have, &c.,  
W. A. DUNCAN,  
Collector of Customs.

Messrs. Metcalfe &amp; Co.



## DISPUTES BETWEEN THE COLLECTOR OF CUSTOMS,

## T.

## C.—EXPORTS.

Sydney, 26 August, 1859.

In the "Louis & Miriam," a British ship; Vanderwood, Master; for Port Cooper.  
Colonial Sugar Refining Company, per Metcalfe, Powell & Co., Agents.

Marks & Nos.	Produce.	Value.
13 6 8 Two tons refined sugar ...	N. S. W.	£130
20 0 0 Four do. bastards do. ...	"	160
33 6 8		

I, James Powell, Agent for the Colonial Sugar Refining Company, do declare that the above sugar is manufactured from Foreign raw sugar, upon which the duty of 5s. per cwt. has been paid.

JAS. POWELL.

Declared before me, this 26th August, 1859. Custom House, Sydney. No. 972.  
Grafton Wharf. Entered outwards, — August, 1859. J. LANE, pro Col.

## C.—EXPORTS.

Sydney, 26 August, 1859.

In the "Louis & Miriam," a British ship; Vanderwood, Master; for Port Cooper.  
Colonial Sugar Refining Company, per Metcalfe, Powell & Co., Agents.

Marks & Nos.	Produce.	Value.
13 6 8 Two tons refined sugar ...	N. S. W.	£130
20 0 0 Four do. bastards do. ...	"	160
£33 6 8	Drawback.	No. 972.

Grafton Wharf. Entered outwards, — August, 1859. J. LANE, pro Col.

William C. Still, Esq.,  
Landing Surveyor.

Flour Company's Wharf,  
29 August, 1859.

Sir,

I have the honor to report, that at 45 minutes past 12 o'clock, on Saturday afternoon last, the messenger left the enclosed warrants with me, at the Flour Company's Wharf. Immediately on receipt I went on board the "Louis Miriam," at the Grafton Wharf, to inform the Chief Officer, that before he shipped the sugar he would require to acquaint me of its arrival at the wharf, that I might satisfy myself as to its quality and quantity before shipment; when he informed me that five tons of the sugar had already been shipped.

Under the circumstances I deemed it prudent to report the matter to you; as it will be impossible for me, without first examining the sugar, to sign the necessary papers for the securing of the drawback to the merchant.

I have, &c.,  
DONALD MACPHERSON,  
L. W.

(Memo.)

Flour Company's Wharf,  
29 August, 1859.

Referring to my communication of this date, respecting the sugar shipped on board the "Louis Miriam," I beg to enclose the shipping notes sent by the Sugar Company, addressed to the "Custom House Officer"; four of which, marked A, I received from the Chief Officer of the ship, on Saturday last, at 1 p.m.; and the one marked B I received in presence of the landing surveyor, this afternoon; the sugar therein mentioned having been shipped after my leaving the station on Saturday.

DONALD MACPHERSON,  
L. W.

## X.

(1.)

## A.—IMPORTS.

Sydney, 28th day of October, 1851.

Ex the "Arche d'Alliance," a British ship, Cagalis, master, from London.

D. N. Joubert, per M. Metcalfe, Agent.

42 botts Osnaburgh, value £5. British, without certificate, duty 10s.

I, Alfred T. Wood, clerk to M. Metcalfe, agent to D. N. Joubert, do declare that the goods named in this entry are of the value of five pounds.

Declared before me, 28th October, 1851 657.

R. S. WEBB, pro Col.

ALFRED T. WOOD.  
R. S. WEBB, pro Col.

Bon Accord.

(2.)

(2.)

## A.—IMPORTS.

Sydney, 16th day of October, 1851.

*Ex* the "Arche d'Alliance," a French ship, Cagalis, master, from Lomboek.D. N. Joubert, *per* M. Metcalfe, Agent.

Marks and Nos., 3,000—250. 250 bags rice, 13 tons, value £40. Foreign, duty £2.

I, M. Metcalfe, agent to D. N. Joubert, do declare that the rice named in this entry is of the value of forty pounds.

Declared before me, 16th October, 1851.

227.

M. METCALFE.

R. S. WEBB, *pro* Col.R. S. WEBB, *pro* Col.

Botts.

(3.)

## A.—IMPORTS.

Sydney, 18th day of October, 1851.

*Ex* the "Arche d'Alliance," a French ship, Cagalis, master, from Lomboek.D. N. Joubert, *per* M. Metcalfe, Agent.

6 tons rosin, value £12. Foreign, duty £1 4s.

I, M. Metcalfe, agent to D. N. Joubert, do declare that the rosin named in this entry is of the value of twelve pounds.

Declared before me, 18th October, 1851.

327.

M. METCALFE.

R. S. WEBB, *pro* Col.R. S. WEBB, *pro* Col.

Botts.

(4.)

## A.—IMPORTS.

Sydney, 27th day of October, 1851.

*Ex* the "Arche d'Alliance," a French ship, Cagalis, master, from Lomboek.D. N. Joubert, *per* M. Metcalfe, Agent.

110 bags rice, 5 tons, value £15. Duty 15s.

I, M. Metcalfe, agent to D. N. Joubert, do declare that the rice named in this entry is of the value of fifteen pounds.

Declared before me, 27th October, 1851.

647.

M. METCALFE.

R. S. WEBB, *pro* Col.R. S. WEBB, *pro* Col.

Bon Accord.

(5.)

In the "Oceanie"—Radou, to Manila.

Sight

Twenty-four barrels cocoanut oil; about 3,300 lbs. old copper.

I, Henry Beaver, clerk to M. Metcalfe, the known agent of H. Moore, of the goods above-mentioned, do hereby declare that to the best of my knowledge and belief, the consignees have not received sufficient invoice, bill of lading, or other advice, from whence the quality, quantity, or value of the goods above-mentioned can be ascertained.

HENRY BEAVER.

Signed and declared this 5th day of March, 1851,

In the presence of

R. S. WEBB, *pro* Col.

Let this sight pass for the goods above-mentioned, to be landed and examined by the importer in presence of the proper officer, previous to passing a perfect entry for the same.

Dated, the 3rd March, 1851.

R. S. WEBB, *pro* Col.

Deloitte Wharf.

I certify I have examined the within copper, weighs nett 3 tons 7 cwt. 3 qrs. 13 lbs. for duty, or 7,601 lbs.

March 11.

C. NEVILLE, L.W.

Total value for duty, £70.—FRED. GARLING, L. Sur.

3 tons 7 cwt. 3 qrs. 13 lbs. copper. Value, £70. Duty, £7.

Sight completed, 20th March, 1851.

I, H. Beaver, clerk to M. Metcalfe, agent to H. Moore, do declare that the copper named in this entry is of the value of seven pounds.

HENRY BEAVER.

Declared before me, this 20th March, 1851,

R. S. WEBB, *pro* Col.

2793.

R. S. WEBB, *pro* Col.

(6.)

4 DISPUTES BETWEEN THE COLLECTOR OF CUSTOMS,

(6.)

A.—IMPORTS.

*Sydney, 15th day of January, 1851.*

In the "Velocity," British ship, McVeigh, master, from Adelaide.

L. and S. Spyer, *per* M. Metcalfe, Agent.

Marks and Nos.,  $\diamond$  1-50. 50 bags coffee (foreign) 70 cwt. Value, £105. Duty, £10 10s.

I, M. Metcalfe, agent to L. and S. Spyer, do declare that the coffee named in this entry is of the value of one hundred and five pounds.

M. METCALFE.

Declared before me, 15th January, 1851,

JNO. WM. JONES, *pro* Col. 434.

Circular.

Value Appd.—F. GARLING, L. Sur.

(7.)

A.—IMPORTS.

*Sydney, 10th day of March, 1851.*

In the "Wild Irish Girl," a British ship, Todd, master, from Adelaide.

Smith, Campbell, and Co. *per* M. Metcalfe, Agent.

Marks, K. 58 bags coffee (foreign), 72 cwt. Value, £108. Duty, £10 16s.

I, M. Metcalfe, agent to Smith, Campbell, and Co., do declare that the coffee named in this entry is of the value of one hundred and eight pounds.

M. METCALFE.

Declared before me, 10th March, 1851,

R. S. WEBB, *pro* Col. 2435.

R. S. WEBB, *pro* Col.

Value Appd.—F. GARLING, L. Sur.

(8.)

A.—IMPORTS.

*Sydney, 17th day of January, 1851.*

In the "Jane Catherine," a British ship, Wilson, master, from London.

R. Campbell, *per* M. Metcalfe, Agent.

Mark, X. 30 quarter-casks Marsala wine (foreign). Value, £100. Duty, £15

R. S. WEBB, *pro* Col.

I, M. Metcalfe, agent to R. Campbell, do declare that the wine named in this entry is of the value of one hundred pounds.

Declared before me, 17th January, 1851.

R. S. WEBB, *pro* Col. 564.

M. METCALFE.

Bon Accord.

(9.)

A.—IMPORTS.

*Sydney, 17th day of March, 1851.*

In the "Nautilus," a British ship, Dryden, master, from Launceston.

J. W. Gosling, *per* M. Metcalfe, Agent.

950 broad palings, V. D. Land. Value, £2. Duty, 4s.

I, H. Beaver, clerk to M. Metcalfe, agent to J. W. Gosling, do declare that the palings named in this entry are of the value of two pounds.

Declared before me this 17th March, 1851.

R. S. WEBB, *pro* Col. 2700.

HENRY BEAVER.

R. S. WEBB, *pro* Col.

Circular.

Value Appd.—F. GARLING, L. Sur.

(10.)

A.—IMPORTS.

*Sydney, 28th day of March, 1851.*

In the "Massachusetts," a United States ship, Chase, master, from South Sea Fishery.

F. W. Clarke, *per* M. Metcalfe, Agent.

1 barrel sperm oil,—30 gallons, U. S. Value, £3 15s. Duty, 7s. 6d.

I, M. Metcalfe, agent to F. W. Clarke, do declare that the oil named in this entry is of the value of three pounds fifteen shillings.

M. METCALFE.

Declared before me this 28th day of March, 1851.

R. S. WEBB, *pro* Col.

3034.

R. S. WEBB, *pro* Col.

Circular.

(11.)

A.—IMPORTS.

*Sydney, 29th day of March, 1851.*

In the "Nelson," a British ship, Spurling, master, from South Seas.

Flower, Salting, & Co., *per* M. Metcalfe, Agent.

120 barrels sperm oil, 12 tuns. Value, £720. British caught.

Deloitte's.

3077.

R. S. WEBB, *pro* Col.

(12.)

(12.)

A.—IMPORTS.

*Sydney, 19th day of April, 1851.*

In the "William," a British ship, Coffey, master, from Launceston.

T. C. Breillat, *per* M. Metcalfe, Agent.

583 bags wheat, 2,123 bushels, V. D. Land. Value, £265 7s. 6d. Duty, £13 5s. 5d.

I, M. Metcalfe, agent to T. C. Breillat, do declare that the wheat named in this entry is of the value of two hundred and sixty-five pounds seven shillings and sixpence.

Declared before me, 19th April, 1851.

537. M. METCALFE.

R. S. WEBB, *pro* Col.R. S. WEBB, *pro* Col.

Flour.

Value Appd.—F. GARLING, L. Sur.

(13.)

A.—IMPORTS.

*Sydney, 19th day of April, 1851.*

In the "Six Brothers," a British ship, Courtenay, master, from Hobart Town.

J. Macnamara, *per* M. Metcalfe, Agent.

80 tons potatoes, V. D. Land. Value, £160. Duty, £16.

I, H. Beaver, clerk to M. Metcalfe, agent to J. Macnamara, do declare that the goods named in this entry are of the value of one hundred and sixty pounds.

Declared before me, 19th April, 1851.

566. HENRY BEAVER.

R. S. WEBB, *pro* Col.R. S. WEBB, *pro* Col.

H. T. Pkt.

Value Appd.—F. GARLING, L. Sur.

(14.)

A.—IMPORTS.

*Sydney, 19th day of April, 1851.*

In the "Sarah," a British ship, Grant, master, from Launceston.

Lewis Grant, *per* M. Metcalfe, Agent.

150 bags flour, 15 tons, Tasmania. Value, £135. Duty, £6 15s.

I, M. Metcalfe, agent to L. Grant, do declare that the flour named in this entry is of the value of one hundred and thirty-five pounds.

Declared before me, 19th April, 1851.

540. M. METCALFE.

R. S. WEBB, *pro* Col.R. S. WEBB, *pro* Col.

Flour.

Value Appd.—F. GARLING, L. Sur.

(15.)

A.—IMPORTS.

*Sydney, 19th day of April, 1851.*

In the "Sarah," a British ship, Grant, master, from Launceston.

T. C. Breillat, *per* M. Metcalfe, Agent.

804 bags, 1260 bushels,—4,046 bushels wheat, V. D. Land. Value, £505 15s. Duty, £25 5s. 9d.

I, M. Metcalfe, agent to T. C. Breillat, do declare that the wheat named in this entry is of the value of five hundred and five pounds fifteen shillings.

Declared before me, 19th April, 1851.

539. M. METCALFE.

R. S. WEBB, *pro* Col.R. S. WEBB, *pro* Col.

Flour Wharf.

Value Appd.—F. GARLING, L. Sur.

(16.)

A.—IMPORTS.

*Sydney, 19th day of April, 1851.*

In the "Favorite," a British ship, Stericker, master, from Launceston.

T. W. Smart, *per* M. Metcalfe, Agent.

No., 450 bags. 1500 bushels wheat, Tasmania. Value, £187 10s. Duty, £9 7s. 6d.

542. R. S. WEBB, *pro* Col.

I, M. Metcalfe, agent to T. W. Smart, do declare that the wheat named in this entry is of the value of one hundred and eighty-seven pounds ten shillings.

Declared before me, 17th April, 1851.

M. METCALFE.

R. S. WEBB, *pro* Col.

Grose's.

Value Appd.—F. GARLING, L. Sur.

(17.)

A.—IMPORTS.

*Sydney, 23rd day of April, 1851.*

In the "Arabia," a British ship, Davis, master, from Manila.

R. M. Robey, *per* M. Metcalfe, Agent.

333 packages cordage (foreign), nine tons. Value £180. Duty, £18.

I,

I, H. Beaver, clerk to M. Metcalfe, agent to R. M. Robey, do declare that the cordage named in this entry is of the value of one hundred and eighty pounds.

HENRY BEAVER.

Declared before me, this 23rd April, 1851.

R. S. WEBB, *pro* Col.

645.

R. S. WEBB, *pro* Col.

Campbell's Wharf.

Value Appd.—F. GARLING, L. Sur.

(18.)

A.—IMPORTS.

*Sydney, 26th day of June, 1851.*

In the "James Gibson," a British ship, Clarkson, master, from Mauritius.

H. H. Beauchamp, *per* M. Metcalfe, Agent.

Mark, B. 50 casks brewers' sugar, 8 tons.....value £17 12 0

Mark, B over Belle Sonnes. 91 bags sugar, 6 tons ... „ 33 0 0

Mark, Indus. 15 bags sugar, 1 ton ..... „ 7 14 0

Total value.....£58 6 0—duty £2 16s. 4d.  
Mauritius.

I, H. Beaver, clerk to M. Metcalfe, agent to H. H. Beauchamp, do declare that the sugar named in this entry is of the value of fifty-eight pounds six shillings.

HENRY BEAVER.

Declared before me, this 26th June, 1851.

R. S. WEBB, *pro* Col.

2992

R. S. WEBB, *pro* Col.

Circular.

Value Appd.—F. GARLING, L. Sur.

Post of No. 2,992. 26 June.

A.—IMPORTS.

*Sydney, 14th day of July, 1851.*

Ex the "James Gibson," a British ship, Clarkson, master, from Mauritius.

H. H. Beauchamp, *per* M. Metcalfe, Agent.

15 cwt. 3 qrs. 15 lbs. brewers' sugar .....value £1 16 0

12 cwt. 2 qrs. 16 lbs. sugar ..... „ 3 12 0

Mauritius. £5 8 0 — duty 5s. 5d.

I, M. Metcalfe, agent to H. H. Beauchamp, do declare that the sugar named in this entry is of the value of five pounds eight shillings.

M. METCALFE.

Declared before me, this 14th July, 1851,

R. S. WEBB, *pro* Col.

260.

R. S. WEBB, *pro* Col.

Circular.

Appd.—F. G., L. Sur.

(19.)

A.—IMPORTS.

*Sydney, 11th day of August, 1851*

Ex the "Colden," a British ship, Snow, master, from Batavia.

Flower, Salting, & Co., *per* M. Metcalfe, Agent.

H over G, No. 291. } 492 bags coffee, 27 tons.....value £675—duty £67 10s.  
H over 7, No. 201. }

I, M. Metcalfe, agent to Flower, Salting, and Co., do declare that the coffee named in this entry is of the value of six hundred and seventy-five pounds.

M. METCALFE.

Declared before me, this 11th Aug., 1851.

R. S. WEBB, *pro* Col.

1356.

Moore's.

Value Appd.—F. GARLING, L. Sur.

(20.)

A.—IMPORTS.

*Sydney, 11th day of September, 1851.*

Ex the "Richard William," a British ship, Brigstock, master, from Mauritius.

Smith, Campbell, and Co., *per* M. Metcalfe, Agent.

SC&Co., Nos. 282 }

" " 124 }

" " 40 }

" " 105 }

" " 112 }

" " 76 }

" " 16 }

" " 300 }

" " 155 }

" " 20 }

" " 40 }

" " 58 }

446 bags sugar, 25 tons ..... value £250 0 0

309 bags sugar, 20 tons ..... „ 180 0 0

573 bags sugar, 40 tons ..... , 320 0 0

Mauritius. £750 0 0—duty £37 10s.

I,

I, H. Beaver, clerk to M. Metcalfe, agent to Smith, Campbell, and Co., do declare that the sugar named in this entry is of the value of seven hundred and fifty pounds.

HENRY BEAVER.

Declared before me, this 11th Sept., 1851,

R. S. WEBB, *pro* Col.

Bon Accord.

Value Appd.—F. GARLING, L. Sur.

2698.

(21.)

A.—IMPORTS.

*Sydney, 10th day of November, 1851.*

Ex the "Emma," a British ship, Brooks, master, from Auckland.

Smith, Campbell, & Co., *per* M. Metcalfe, Agent.

4 casks black oil, one tun, New Zealand, value £10. Duty, £1.

I, H. Beaver, clerk to M. Metcalfe, agent to Smith, Campbell & Co., do declare that the oil named in this entry is of the value of ten pounds.

Declared before me, 10th November, 1851,

R. S. WEBB, *pro* Col.

1152

HENRY BEAVER.

R. S. WEBB, *pro* Col.

Circular.

Appd.—F. GARLING, L. Sur.

(22.)

A.—IMPORTS.

*Sydney, 10th day of September, 1851.*

Ex the "Stratheden," a British ship, Turner, master, from Manilla.

R. Campbell, *per* M. Metcalfe, Agent.

Mark S.—1278 bags sugar (Zebu) 50 tons, value ..... £450 0 0

Marks J 272, Y 630, N 825.—1727 bags sugar, 60 tons (Pampanga, Manilla) value ..... 600 0 0

£1,050 0 0—duty £52 10s.

I, M. Metcalfe, agent to R. Campbell, do declare that the sugar named in this entry is of the value of one thousand and fifty pounds.

M. METCALFE.

2883

R. S. WEBB, *pro* Col.

Declared before me, 18th September, 1857.

R. S. WEBB, *pro* Col.

Campbell's.

Value Appd.—F. GARLING, L. Sur.

(23.)

A.—IMPORTS.

*Sydney, 5th day of January, 1852.*

Ex the "Tamar," a British ship, Stagner master, from London.

Smith, Campbell, & Co., *per* M. Metcalfe, Agent.

Mark, Indian Mills. 200 barrels flour, Foreign—39,000 lbs. 19½ tons. Value, £117 12s. Duty £5 17s. 8d.

3875

R. S. WEBB, *pro* Col.

I, M. Metcalfe, agent to Flower, Salting, & Co., do declare that the flour named in this entry is of the value of one hundred and seventeen pounds twelve shillings.

M. METCALFE.

Declared before me, 5th January, 1852.

R. S. WEBB, *pro* Col.

Circular.

Value Appd.—F. GARLING, L. Sur.

(24.)

A.—IMPORTS.

*Sydney, 17th day of January, 1852.*

Ex the "Tamar," a British ship, Stagner, master, from London.

R. Campbell & Co., *per* M. Metcalfe, Agent.

25 tons rock salt. British (without cocket.) Value, £5. Duty, 10s.

I, H. Beaver, clerk to M. Metcalfe, agent to R. Campbell & Co., do declare that the salt named in this entry is of the value of five pounds.

HENRY BEAVER.

Declared before me, 17th January, 1852.

568

R. S. WEBB, *pro* Col.

R. S. WEBB, *pro* Col.

Circular.

Value Appd.—F. GARLING, L. Sur.

(25.)

(25.)

## A.—IMPORTS.

Sydney, 1st day of December, 1851.

Ex the "Duchess of Northumberland," a British ship, Freeman, master, from Calcutta.  
Smith, Campbell, and Co., per M. Metcalfe, Agent.

Mark, TR in diamond. 3,000 bags rice, 220 tons, value..... £660 0 0  
Mark, TR in diamond over TB. 300 bags rice, 22 tons, value ... 66 0 0  
Mark, KS in diamond over TB. 100 bags sugar, 7 tons, value 49 0 0

Bengal.

£775 0 0—duty £38 15s.

I, M. Metcalfe, agent to Smith, Campbell and Co., do declare that the goods named in this entry are of the value of seven hundred and seventy-five pounds.

Declared before me, 1st December, 1851.

2183

M. METCALFE.

R. S. WEBB, pro Col.

R. S. WEBB, pro Col.

Towns.

Appd.—F. GARLING, L. Sur.

(26.)

## A.—IMPORTS.

Sydney, 2nd day of December, 1851.

Ex the "Duchess of Northumberland," a British ship, Freeman, master, from Calcutta.  
James Gilbert, per M. Metcalfe, Agent.

Mark, G in diamond over TR. 750 bags rice, 50 tons, value £150. Duty £7 10s.

I, H. Beaver, clerk to M. Metcalfe, agent to James Gilbert, do declare that the rice named in this entry is of the value of one hundred and fifty pounds.

Declared before me, 2nd December, 1851.

2192

HENRY BEAVER.

R. S. WEBB, pro Col.

R. S. WEBB, pro Col.

Moore's.

Appd.—F. GARLING, L. Sur.

## No. 1.

Sydney, 31 March, 1859.

Sir,

In reply to your inquiry respecting the balances of the various cargoes of sugar imported by us from Manila, and which remain outstanding in your warehouse-keeper's books, we beg to say that they are the deficiencies of 3 per cent. upon the several cargoes, as compared with the landing weights.

We were under the impression that the allowance of an *actual* 3 per cent. for the first three months had become a recognised one, and as this allowance covered the waste *before ascertained by re-weighing*, we deemed it to be unnecessary to re-weigh before taking the sugar from the warehouse.

In the early part of 1857 we were called upon in a similar manner to account for a deficiency of 167 tons 16 cwt. 3 qrs. 13 lbs., which was shewn by the Customs books to exist on 22 cargoes of sugar, imported into Sydney from January, 1852, to December, 1854; and we then satisfied the Government that the deficiency was waste in re-weighing from drainage and such like causes; and the quantity was ordered to be written off in the books as such.

The difference between the two cases is this:—In the *first* the deficiency was discovered by actual re-weight; and in the *second* the deficiency is assumed to be the amount allowed by law, which we understood to be a *fixed* allowance.

Should the Government think that the actual deficiency is the correct one for allowance, we are prepared to pay the duty on the difference between the two; but, as the *full* allowance has, in more than one instance, been made to private merchants, we conceived that as manufacturers we were *at least* entitled to a similar privilege. We ought not to omit to mention that all our sugars are of a wet description, and that the ascertained loss on them during a voyage of little more than two months is from 7 to 9 per cent.

We remain, &amp;c.,

COLONIAL SUGAR REFINING COMPANY,  
M. METCALFE.

From the above statement it would appear that the importers are satisfied with the allowance made for waste, but are willing to abide the decision of the Government on their case.

J. GIBBES, Collector.

6 April, 1859.

## No. 2.

Audit Office,  
2 May, 1859.

No doubt the 73rd clause of the 9th Vic., No. 15, allows all deficiencies on goods warehoused, caused by "the effect of the atmosphere or other natural causes," but only on the condition that the goods are *re-weighed* on leaving the warehouse, which does not appear to have been done in this instance.—(See letter from the Colonial Sugar Company herewith.)

herewith.) The deficiencies referred to appear to be excessive in the particular cases referred to in my Memo. of 23rd of March last, and for this reason authority was requested from the Honorable the Minister for Finance to pass the account.

The Secretary to the Treasury.

W. C. MAYNE,  
A. G.

It appears that the sugars referred to were taken from the bond without re-weighing, and if so, I apprehend the *actual* deficiency cannot now be ascertained. As, however, the Collector states that the total of deficiencies does not exceed the allowance fixed by Act of Parliament for waste in sugars, of 3 per cent., I think the account may be passed. As it does not follow that the waste in sugars *must* always be 3 per cent., it would be more satisfactory to ascertain, by weighing, the *actual* deficiency.

E. C. W.  
6 May, 1859.

Audit Office, Sydney,  
23 March, 1859.

Forwarded to the Honorable the Minister for Finance, for his decision touching the deficiencies of sugar alluded to in query No. 9, herewith. A statement is transmitted, shewing the quantities and dates when the several parcels of sugar were bonded, and the quantities and dates when these were removed from the warehouses; also a memorandum shewing the loss on Y 399 in 9 months, and the loss on G 407 in 7 months. I must confess myself incredulous as to any importer silently submitting to a loss of nearly 17 tons of sugar out of less than 512 tons, in a period of 9 months, particularly when 452 tons of the whole quantity bonded were taken out within 11 weeks, 150 tons of the 452 having been taken out 24 hours after bonding. Still more incredulous must I admit myself to be as to any importer silently submitting to a loss of nearly 28 tons of sugar out of a little over 862½ tons, particularly when 400 tons of the whole quantity bonded were taken out on the fourth day after bonding, when 240 tons more were taken out on the 15th day after bonding, and when 150 tons more were taken out in 5 weeks after bonding;—that is, when 790 tons out of 862½ tons were all taken out in five weeks after bonding.

The Under Secretary to the Treasury.

W. C. MAYNE,  
A. G.

For the Collector's observations.

C. C.  
24 March.

The Landing-surveyor will be so good as to report on this matter.

W. N. L.  
24 March, 1859.

The Sugar Company having been called on for explanation, have put in the accompanying letter of this day's date.

J. GIBBES, Collector.  
31 March, 1859.

### No. 3.

*Referred to in Mr. McKenzie's Evidence.*

Memo.

29 March, 1859.

*Query suggested: Who is to be our new Collector?*

*Myself: I hope he will be a cast steel man, and then things will go on properly.*

*Mr. Powell: If any man comes here and attempts to carry out the law in its integrity, we will very soon walk him out.*

*Myself: Mr. Powell, I think you will not repeat what you have just said, viz:—"If any man comes here as Collector and attempts to carry out the law in its integrity, you will soon walk him out."*

*Mr. Powell: Yes, I will repeat it. We know our duty, and if he does not know his, we will not have him.*

*Myself then suggested that the agents had better have the appointments of Collector and officers, and then it would be a good trade with them.*

### No. 4.

Custom House, Sydney,  
2nd March, 1857.

Sir,

I have the honor to transmit herewith an application from the Colonial Sugar Refining Company through their Custom House Agents, Messrs. Metcalfe and Co., to be allowed from and after the passing of the Act of Council 19 Vict., No. 14 (1855), a uniform allowance of 3 per cent., on account of waste, on all raw sugar imported for the purpose of refining.

531—B

They



*They state, and I believe it to be the case, that this will by no means cover the loss they sustain between the time of warehousing the sugar and the period at which it is taken out to undergo the process of refining.*

During the years 1853 and 1854, the Company has claimed only  $1\frac{3}{4}$  per cent. for waste, which I allowed to be written off the books as a natural deficiency on the quantity imported; but they have discovered, it appears, that such allowance falls very far short of what they had lost.

In England, 3 per cent. used to be allowed for the first three months, and 1 per cent. for every additional month that the sugar remained in bond, making 12 per cent. per annum; but by the 16th and 17th Victoria, cap. 107, it seems that 3 per cent. for waste is fixed, let the time be long or short.

The Secretary to the Treasury.

I have, &c.,  
J. GIBBES,  
Collector of Customs.

*Treasury,—B.C., B—330.*

I do not read the law in England as the Collector or as Messrs. Metcalfe, do.

I understand that 3 per cent. is the maximum, and that in England the *ascertained* waste within this margin only is allowed.

I do not feel authorised to accede to Messrs. Metcalfe and your request without the opinion of the Law Officers that I may legally assess the waste. I should feel disposed to fix 2 per cent. as quite high enough. Refer in the form agreed upon to the law officers.

S. A. D.  
5 March, 1857.

## No. 5.

*Crown Solicitor's Office,  
Sydney, 10 March, 1857.*

Sir,

Returned.  
B.C.

Referring to your blank cover Minute of the 5th instant, transmitting letters from Messrs. Metcalfe and Company, and the Collector of Customs, respecting an application of the former on behalf of the Colonial Sugar Refining Company for an allowance of 3 per cent. on account of waste on raw sugar imported for refining, and requesting me to submit the same for the opinion of the Law Officers, I do myself the honor to state that having laid the matter before the Honorable the Solicitor General, he has advised as follows:—

"I do not see any authority in England under the 16th and 17th Vict. Customs' Act, by which an arbitrary allowance on sugar or spirits can be made.

"The 110th section requires the duty to be paid on the amount delivered, and that amount is to be ascertained by re-weighing, re-measuring, or re-gauging.

"The Customs' Regulations Act in force in this Colony, 9th Victoria, No. 15, s. 73, enables the Collector or the Proprietor to have the amount of duty ascertained at the time of the delivery of goods out of bond by re-weighing, re-gauging, and re-measuring, as regards particular goods such as sugar, spirits, &c., but I see no authority to compound, but only to reduce the claim for duty by distinct proof of diminution.—J.

"B. DARVALL, 7 March, 1857."

I have, &c.  
W. W. BILLYARD,  
Civil Crown Solicitor.

*Collector of Customs Minute on observation on B.C.—330.*

What the Solicitor General states is, I am aware, the case in regard to the provision of the 16th and 17th Victoria, cap. 107, but that Act is not, I apprehend, binding on the Customs of New South Wales; and if all the sugar in the bonding warehouses of the Sugar Company is to be weighed out when removed for refining, I cannot attend to it without some additional strength in officers, and consequently additional expense.

Since this Department was handed over to the Colonial Government the Board of Customs have ceased to send me the Acts of the Imperial Parliament, and although the above-mentioned Act was passed in August, 1853, I do not think that it reached me until the early part of 1855; and then, although I read through its 363 sections in a cursory manner, I did not take notice of the change that had been made in the allowance for waste of sugar in bond.

I therefore allowed the claim of  $1\frac{3}{4}$  per cent. by the Sugar Company to be written off in the warehousekeeper's books for the years 1853 and 1854, although the sugar had not been weighed out, and I trust that the Government will sanction this proceeding, as the allowance is less than that named by the Minister of Finance for the future.

If from the passing of the present tariff in September, 1855, the allowance is fixed at 2 per cent., I think the Sugar Company will not object, and that it will facilitate business and save expense.

J. GIBBES,  
Collector of Customs.

16 March, 1857.

*Custom*

**No. 10.***Custom House, 5 February, 1851.*

Sir,

I beg respectfully to call your attention to the conduct of Mr. Metcalfe, Custom House Agent, as I cannot discharge my duty in a correct or proper manner, if I meet with such obstruction and arrogance as he has inflicted on me.

I may state for your information that I have at present in my hands the manifests of nine English ships, and that I was engaged this morning in marking off entries of goods, at a particular time, when I had two or three persons waiting for me to mark off their entries in their respective turns. Mr. Metcalfe's clerk came to my desk with an entry, and in a minute or two he followed himself, and exclaimed, "What! have you been kept waiting all this time to get this passed? Give it to me. Here, Mr. Sempill, mark this off." I said I would attend to him as soon as I had done with those who came before him. In the course of a few minutes his clerk came to my desk, and without any permission from me, he took the manifest of the "Blonde," down stairs, and did not bring it back again for more than half an hour, during which interval a person came to me to mark off an entry of goods by this vessel.

I would not have made this complaint if I did not feel compelled to request your interference, as I know that it is impossible for me to perform my work in a satisfactory and in an efficient manner, unless Mr. Metcalfe's irregularities are put an end to. He seems at present to think that he has a right to have his business transacted before that of other parties, even to their prejudice, and in unison with this idea he assumes a most offensive, overbearing, and insolent behaviour.

I am, &amp;c.,

ROBERT SEMPILL.

The Collector of Customs,  
Sydney.

**No. 12.***Sydney, 26 February, 1857.*

Sir,

We have already presented to you a statement of the Colonial Sugar Refining Company's bonding account for sugar, with a view of obtaining from you a definite decision as to the allowance to be made to them for drainage and waste by atmospheric causes.

You will perceive by the account that we have rendered you, that duties have been paid by them to within  $1\frac{1}{2}$  per cent. of the imported quantity, but as several errors were committed in over-paying, by accident, on the cargoes of some of the vessels (which we intend to apply for the return of), that statement cannot be taken as a true index of the actual loss of weight sustained by the Company.

We are aware that it may be urged that the Company had always the opportunity of re-weighing the sugars in the presence of the Custom House Officers before paying duties thereon, and that by the Act of Council, 9 Vict., No. 15, duties are only chargeable on the actual weight delivered, but as such an operation would be both tedious and expensive, and as the actual loss from the causes above stated is much greater than the Sugar Company ask for at your hands, we apprehend that such an objection would not be taken by you.

It is clear from the perusal of the English Customs Orders, that a very large allowance is there made, by Act of Parliament, 8 & 9 Vict., cap. 91, sec. 22, it is directed that "in warehouses of special security the duty is to be charged on the weight actually delivered, and in warehouses not of special security, 3 per cent. for the first three months, and 1 per cent. for every subsequent month during which it shall have been warehoused" shall be allowed (clearly, we think, without re-weighing); this is a larger allowance than the Sugar Company demand, but as it is a well ascertained fact that the waste and drainage of sugar during the first month after arrival is very great—fully 3 per. cent.—they ask that in all cargoes of sugar warehoused by them, such an allowance be made to them in full of all claims whether the sugar remains in bond a longer period or not.

We have, &amp;c.,

METCALFE &amp; CO.

The Collector of Customs.

**No. 16.**

*Colonial Sugar Refining Company,  
Offices, 264, George-street,  
Sydney, 18 February, 1860.*

Dear Sir,

I beg to enclose a note just received from Colonel Gibbes, in reply to the questions which the Board requested me to put to him as to the existence of a special arrangement for drawbacks with this Company.

It is hardly to be wondered at, that the Colonel has only a "faint recollection" of an agreement made eight years ago, and which had never again to be brought prominently under his notice.

This note—with the admissions of Mr. Duncan and several of the Custom House Officers, who appeared as witnesses—will, I think, prove to the Board that a special arrangement with the Company did exist, and was acted upon almost daily for many years.

I am, &amp;c.,

J. GRAFTON ROSS,

Manager.

Captain Ward,  
Chairman of the Customs Inquiry Board,  
Sydney.

*Yarrowlumla,*

[Enclosure to No. 16.]

Yarrowlumla, Queanbeyan,  
13 February, 1860.

Dear Sir,

I beg leave to acknowledge the receipt of your letter of the 2nd instant, which only reached me this day.

The Post Office is ten miles from this place, and we therefore do not send regularly for our letters; but, nevertheless, if your's was posted on the 2nd, it should have arrived on the 5th, and on that day I did send and got letters.

In reply to your question, I beg to say that I have a faint recollection that some application was made to me several years back, by, or through Mr. Metcalfe, to regulate the shipment of the Company's sugar for drawback, but what arrangements were made, I am sorry to say, I do not remember.

I am, &c.,  
J. GIBBES.

To the General Manager of the  
Colonial Sugar Refining Company,  
George-street, Sydney.

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## No. 17.

Sydney 21 December, 1859.

Gentlemen,

Having been led to understand that, in the correspondence referred to you, as the groundwork of an inquiry into certain matters in dispute between the Collector of Customs and Messrs. Metcalfe, Powell, and Co., our name has been dragged in by Mr. Duncan, in his official capacity, in a most unwarrantable manner, by accusing us of abstracting tea from the Customs warehouse, an imputation which we indignantly repudiate. We have the honor to request that you will not close your inquiry without taking evidence from our Mr. Stewart as to the facts of this case, which are not set forth by Mr. Duncan in their true light.

We have, &c.,  
R. TOWNS & CO.

To Captain E. W. Ward, R.E., H. H. Browne, Esq., Captain M'Lerie—Committee, &c., &c.

I have informed Mr. Stuart that it is the intention of the Board to call on him, as representing Towns and Co., to explain the tea matter.

E. W. W.  
22/12.

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*EXTRACT from Account of Stock taken at Towns' Bonding Warehouse:—*  
69 half-chests tea, ex "Hirondelle."

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Sydney: Thomas Richards, Government Printer.—1860.

[Price, 1s. 2d.]

1859-60.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**CUSTOM HOUSES ON THE RIVER MURRAY.**  
(PETITION RELATIVE TO.)

*Ordered by the Legislative Assembly to be Printed, 26 June, 1860.*

To His Excellency Sir William Thomas Denison, Knight, &c., &c., &c.

The Petition of the Inhabitants of the Town and District of Albury, in the Colony  
of New South Wales, in Public Meeting assembled,—

HUMBLY SHEWETH :—

That your Petitioners have read with surprise and regret the Proclamation re-establishing Custom Houses on the River Murray, believing, as they do, that the course pursued will prove most disastrous to the prosperity of the Town and District of Albury.

That your Petitioners consider the establishment of Inland Custom Houses is wrong in principle and absurd in practice, and that the application of the present Customs' Laws to inland towns is injurious to their commercial interests and oppressive to the people in general.

That the distance of Albury from the metropolitan market renders it impossible to procure supplies overland from Sydney with anything like regularity or in good condition. Your Petitioners are therefore of opinion that the imposition of Customs' duties, on goods crossing the Murray from Victoria, instead of benefiting the Revenue will only tend to annihilate trade and injure and depreciate land and property in the district.

That the imposition of Customs' dues on goods imported into this Colony from Victoria is in reality to place a prohibition on the dealings of the honest trader, and offers a premium to the fraudulent practices of the smuggler, while the cost of a preventive service along the Murray frontier will entirely absorb the Revenue derived from the established dues.

That the operation of the Customs' Act in Albury, in the year 1855, resulted in the almost entire stagnation of trade and the serious depreciation of property in this district; and since the removal of this obnoxious impost the progress and prosperity of the Town is sufficient evidence of the importance of maintaining our commercial relations with Victoria.

Your Petitioners would, therefore, humbly pray that your Excellency, in consideration of the premises hereinbefore set forth, will be pleased to annul and revoke the Proclamation establishing Custom Houses on the River Murray.

And your Petitioners will ever pray, &c.

[Here follow 728 Signatures.]



## ERRATA.

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Page 2, last par., line 6,—read Postmasters.

Page 3, first par., line 2,—read “have” instead of “has.”

Page 4, fourth par., line 11,—read “the harbour” for “the water.”

Page 7, last par., last line but one,—read “1,272 miles” for “1,044 miles.”

1859.

## NEW SOUTH WALES.

## POST OFFICE.

(FOURTH ANNUAL REPORT FROM THE POSTMASTER GENERAL.)

Presented to both Houses of Parliament, by Command.

THE POSTMASTER GENERAL to THE HONORABLE THE COLONIAL SECRETARY,  
transmitting the Annual Report for 1858.

General Post Office,  
Sydney, 25 May, 1859.

SIR,

In accordance with instructions, I have the honor to transmit my Fourth Annual Report on the Post Office Department, being that for the year 1858.

2. The delays that have occurred in transmitting the Reports of former years, have, as you are aware, been caused from the fact, that the First Annual Report was not called for until the 21st July, 1856; and that, since that period, it has been thought inexpedient by the Government to present more than one Annual Report during any one Session of Parliament.

## EXTENSION OF INLAND SERVICE IN 1858.

New Postal Lines, to the extent of 872 miles, have been established during the past year.

In the Western District, the extended postal communication consists of a branch line from Bathurst to Caloola (12 miles); one from Molong to Obley (35 miles); an extension of the Wellington and Dubbo Line to Cannonbar (125 miles); a cross line connecting Dubbo and Munderoran (60 miles); and the extension to Condobolin on the Lachlan River, of the line already established as far as Bundaburra (85 miles).

In the Southern District, there has been established a branch line connecting the Oaks and Burragorang with Picton (14 miles); and one connecting Camden and the Oaks (21 miles). The coast line as far as Eden has been rendered complete by the establishment of a postal line from Bodalla to Bega (60 miles); and a line from Bombala to Delegate (11 miles) has carried the postal communication in that direction to within a mile or two of the Victorian frontier. A branch line from Marengo to Morangarell (25 miles) has also been established.

The postal extension in the Northern District comprises branch lines from Dungog to Bandon Grove (9 miles); Wallabadah to Quirindi (20 miles); Rocky River to Uralla (5 miles); a line from Goonoo Goonoo to Nundle (Hanging Rock), *via* Bowling Alley Point (35 miles); and one from Armidale to Walcha (32 miles). In addition to this, Ipswich and Warwick have been connected (103 miles); a coast line from Casino to Brisbane has been established (120 miles); and the connexion between the Northern and Western Districts has been facilitated by the establishment of a line from Wee Waa to Coonabarabran (100 miles).

The additional communication afforded on existing postal lines includes a second daily mail to Penrith (33 miles); a fourth weekly communication between Singleton and Murrurundi (71 miles); and between Hartley and Mudgee, *via* Bowenfels and Running Stream, with Branch Post to Rylstone (89 miles); a third weekly communication between Orange and Molong (21 miles); Molong and Wellington (43 miles); Merton and Mus-

wellbrook (20 miles); and a communication twice instead of once a week between Stroud and Port Macquarie *via* Tinonee (98 miles); between Tinonee and Wingham (6 miles); Tinonee and Cundletown (4 miles); and between Glen Innes and Wellingrove (15 miles). The extra accommodation extends, consequently, over 400 miles of postal lines.

Several changes have been effected during the past year with respect to postal lines, chiefly consisting of the substitution of one line for another. Thus, the line from Cowra to Bundaburra takes the place of the line from Canowindra to Bundaburra; the communication to Paterson is from East Maitland *via* Largs, instead of from Morpeth *via* Hinton; the line from Stroud to Port Macquarie is *via* Tinonee instead of *via* Wingham, the line to Wingham being made a branch line from Tinonee, from which latter place also, instead of from Andrew's Inn, Cundletown is now reached. Farther north, the line from Jerry's Plains to Merton has also been discontinued; the Merton, Merriwa, and Cassilis Mails being now conveyed *via* Muswellbrook instead of *via* Singleton; and a direct Postal Line from Goonoo Goonoo to Nundle, on which the Mail was conveyed by Troopers, has been abandoned in favor of the route by Bowling Alley Point already alluded to. A line from North Brisbane to Burnett Inn has been substituted for that between Ipswich and Burnett Inn; whilst a line from Burnett Inn to Taroon has caused the line from Condamine to Taroon to be dispensed with. The line from Drayton to Burnett's Inn, which was discontinued in 1857, was resumed in 1858. The substitution of a line from Maryborough to Gladstone, in lieu of the one from Gayndah to Gladstone, completes the list of changes.

As it not unfrequently occurs, that the ordinary Mail from Brisbane to Ipswich has left before the arrival of the Sydney Steamer, a contract has been entered into which provides for the Mails being at once conveyed from Brisbane to Ipswich on all such occasions. I may here add, that Ipswich has benefited during 1858 by the appointment of a letter carrier.

The number of miles travelled by the Mails in 1858, was 1,454,242, being 164,856 in excess of the number travelled in 1857.

Twenty-five new Post Offices have been established during 1858, viz., in the Western District, at Caloola, near Bathurst; Obley, near Molong; Cannonbar, in a north-westerly direction beyond Dubbo; Sackville Reach, on the Hawkesbury; Bald Hills, near Tambaroora; and Condobolin, on the Lachlan. In the Southern District, Offices have been established at the Oaks and Burragorang to the westward of Picton; at Major's Creek and Araluen, on the line from Braidwood to Mullenderree; at Nimitybelle, on the line from Cooma to Bombala; at Morangarell, near Marengo; and at Delegate, to the southward of Bombala. The new Offices in the Northern District consist of Bandon Grove, to the north of Dungog; Largs, between East Maitland and Paterson; Quirindi, to the westward of Wallabadah; Toowoomba, 4 miles to the north of Drayton; Uralla, 5 miles to the south-east of Rocky River; Bowling Alley Point, on the Peel River Gold Diggings; Timbarra, near the Fairfield Gold Diggings; and Rockhampton, on the Fitzroy River. In the vicinity of Sydney, Offices have been established at Waverly, Five Dock, Canterbury, and Hunter's Hill.

The Office known at first as Vinegar Hill, has been designated Rouse Hill; that at Stoney Creek, having been removed to Iron Bark, has received the latter designation; and the Woolshed is now called Gunnedah, the Government name for the Township. The Post Offices at Falconer, to the north of Armidale, and at Running Stream, on the line to Mudgee, have been discontinued, chiefly from the impossibility of obtaining eligible persons to hold the office of Postmaster.

The number of Colonial Post Offices on the 31st December, 1858, was 221.

Six more persons have been authorized to sell Postage Stamps in the City, making the total number of places at which Stamps can be procured in Sydney, inclusive of the chief Office, 31. As many applications have been made to me by persons residing in Country Towns, for authority to sell Postage Stamps, I think it well to state that I have not up to the present time felt that I should be justified in granting such authority; as by so doing, the commission received by the Country Postmaster, and which forms part of their scanty remuneration, would be diminished. It becomes, however, a question, whether such authority to sell Postage Stamps should not for the sake of the Public be granted to persons residing in some of the larger Towns, the Postmasters of such Towns being compensated for the loss of commission by an increase to their salaries.

The



The extension of the Southern Railway to Campbelltown, in May last, and that of the Northern Railway to West Maitland, in July last, has been taken advantage of for the conveyance of the Mails on those lines. The extension of the Northern Railway was too trifling to prove of much advantage, but the extension of the Southern Railway has enabled me to accelerate the arrival of the Goulburn Mails in Sydney by 12 h. 45 m.; and to make the arrival of the Sydney Mails at Goulburn one hour earlier. With this exception, the position of the Post Office Department, with respect to the railway, remains exactly the same as pointed out in my last Report. It has to pay for the conveyance of the Mails the sum fixed by the Railway Department, viz., £11 10s. a mile per annum, and has no practical control over the hour of arrival or departure of the Mail trains.

Since the 1st November last the Mails to and from Armidale, on the Great North Road, have travelled by night as well as by day; by which change they arrive at Armidale 24 hours sooner; and at West Maitland, from Armidale, 15 hours earlier. Sydney, however, does not benefit by this latter acceleration, in consequence of no steamer leaving Morpeth in the evening.

I have already, in my former Reports, called attention to the inconvenience arising from the circumstance of the hour of arrival and departure of the Hunter River steamers being beyond the control of the Post Office Department. To obviate, however, this inconvenience, and to render existing circumstances as favorable as possible, the letters brought by the Hunter River steamers, when these arrive prior to 6.30 P.M., are delivered at the General Post Office up to 7 P.M. the same evening; and letters addressed to the Hunter River Districts are forwarded the same night, when posted before 7.30 P.M. In the first case the public had previously to wait until the following morning for their letters; and, in the second, two hours additional time for correspondence is afforded them, 5.30 P.M. having formerly been the time for closing such Mails. A sum of £100 per annum has been voted to be divided amongst the four clerks who are obliged to work after office hours, to ensure the above accommodation. Travelling by night has likewise been adopted on the Bathurst line, during eight months of the year, by which change the Mails are conveyed to their destination in 24 hours less time than in 1857. The hour for closing the Western Mails in Sydney has also been changed from half-past 4 P.M. to 1 P.M.,—an alteration that I was not disposed to consider advantageous, especially as regards Sydney, for it breaks through a postal practice that has for a long time been enforced, and has always been considered beneficial, viz.,—that of bringing the country Mails into the metropolis as early as possible in the morning, and despatching such Mails as late as practicable in the evening. This arrangement is readily understood,—economizes the time of the public,—enables them to post all their letters at the same hour; and, moreover, permits a record of the *full* business transactions of the day being despatched on the day itself. I am bound, however, in fairness, to state, that except from some intermediate towns, no complaints have arisen as to the present Western Time Table, which appears to be working well; but I trust that this vital change may not be considered to form a precedent for the future.

The following Tabular Statement shews the extent of Postal Lines, the total cost, and the average cost per mile of the Conveyance of Inland Mails.

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.	Total Cost of Conveyance.	Average cost per Mile.
	MILES.	£ s. d.	MILES.	£ s. d.	MILES.	£ s. d.	MILES.	£ s. d.	£ s. d.
1857....	38½	11 10 0	1,598	12 11 8	5,371	3 7 6	7,007½	38,690 8 9	5 10 6
1858....	54	11 10 0	1,524	13 8 3	6,125	3 9 6	7,703	42,354 17 8	5 9 11
Increase	15½	.....	....	0 16 7	754	0 2 0	695½	3,664 8 11	....
Decrease	....	.....	74	.....	....	.....	....	.....	0 0 6

"The results given by this Return, with reference to previous statements, appear at first sight somewhat anomalous, but are capable of explanation. There is nothing to notice in the portion relating to the railway, beyond the increase in the number of miles, and that the cost is still more than double the general average cost per mile.

The extent of "coach" postal lines shows a decrease of 74 miles, which must be explained by the extension of the railway; the use of horses instead of coaches on some lines; the circumstance that the substitution of one postal line for another has caused variations in the distance travelled; that the distances, as shown on the Post Office Map lately issued from the Survey Office, are not the same as those formerly acted on by this department; and lastly, that advantage has been taken of this map to rectify errors made in former years, as to the distances in question.

These remarks to some extent apply to "horse" postal lines, which it will be observed have only increased, according to the Return, 754 miles; whilst the extent of the new lines (all of which are horse lines) given by me is 872 miles. In neither of these cases is the accuracy of the amount given as the average cost per mile affected, so far as 1858 is concerned, although the comparison of the averages with those for 1857, and the increases or decreases shewn thereby, are necessarily made fallacious; but it has been thought better to make no change in the Return for 1857, which forms a statistical document for that year. It will be noticed that, according to this Return, there is a slight decrease in the general average cost per mile.

Great improvements have taken place during the past year, with respect to the delivery of letters in the Sydney Suburbs. Prior to the 1st November last, letters for the Glebe, Camperdown, Newtown, Redfern, and Paddington, were sent to the District Post Office, to remain there until called for. Since that date, however, a letter carrier has been appointed for each of these suburbs (one for Balmain having been appointed previously, viz., from the 1st April), and they start from the General Post Office every morning at 9 A.M., for the purpose of delivering the suburban letters. Those addressed to places beyond the limits of the delivery are left as heretofore at the District Office. The Balmain delivery includes all that portion bounded by the water and a line extending from the Dry Dock along College-street, William-street, Darling Road, and Jane-street, to Johnson's Bay. The Glebe delivery is bounded by the City boundary, the water, Johnstone's Creek, and the Parramatta Road as far as Annandale Bridge. The adjoining delivery of Camperdown includes the whole of that locality, and the Parramatta Road from the Cook's River Road to Annandale Bridge; the Old Cook's River Road and the Newtown Cemetery being its principal boundaries. The Newtown delivery extends as far as Blackstone's public-house on the Newtown Road, and includes a considerable portion of the Kingston Estate. The Redfern delivery comprises Redfern and a portion of Chippendale and South Sydney. The Paddington delivery extends to Carisbrook Cottage on the Old South Head Road, and includes a considerable portion of the locality north of that road.

Complaints have been made that the letters circulating between the City and the Suburbs, or passing from one Suburb to another, are subject to the Country rate of postage instead of the Town rate, which is the one payable when the letters are posted for delivery within the same Suburb, or posted in the City for delivery therein. This is a matter that has been regulated by the 15 Vic., cap. 12, and is one over which the Post Office has no control whatever.

#### NUMBER OF LETTERS, PACKETS, BOOK PACKETS, AND NEWSPAPERS.

The following Tabular Statements shew the number of Letters, Packets, Inland Book Parcels, and Newspapers, that passed through the Post Offices in New South Wales, during 1858. From the commencement of the year, I have received from all Post Offices a Return of Letters, Packets, and Newspapers posted in one week during each month, which enables me to give the Statistics under the head of my Report more correctly; but at the same time prevents any minute comparison with the results of former years, the Statistics relating to which were partial, and were based on Estimates or on Returns derived from the General Post Office alone.

No.

No. 1.  
LETTERS.

Town (Sydney.)	Inland.	Ship received.	Total number delivered.	Ship despatched.	Total number passing through New South Wales Post Offices.
277,113	*2,476,515	†361,764	3,115,392	†367,817	3,483,209

\* Includes Country Town Letters.

† Includes Book Packets.

No. 2.  
INLAND PACKETS AND BOOK PACKETS.

Packets posted with the ends closed.	Packets and Book Packets posted with the ends open.	Total.
24,095	44,469	68,564

No. 3.  
NEWSPAPERS.

Inland.	Ship received.	Total number delivered.	Ship despatched.*	Total number passing through the New South Wales Post Offices.
2,013,400	395,463	2,408,863	399,277	2,808,140

On reference to my last Report, I find by the Returns given therein, that 3,515,870 letters, packets, and book packets are estimated to have passed through the New South Wales Post Offices in 1857; 2,214,411 being the number of newspapers (exclusive of provincial papers). By the Returns for 1858, it appears that 3,551,773 letters, packets, and book packets passed through the Post Offices of the Colony, and 2,808,140 newspapers. As the latter number includes the provincial newspapers, the increase of 1858 is at once accounted for. As the general increase in the number of all letters, &c., (35,903) is smaller, as will be seen by a Return hereafter given, than is the increase on ship letters alone, viz., 72,165; it would appear that there is a decrease in the number of inland letters, &c., as compared with those received and despatched during the preceding year. As previously explained, however, it may be that the number for the previous year was over estimated; although, as stated in my last Report, the best procurable data at that time were made use of.

It is worthy of notice, that the 2,408,863 newspapers delivered throughout the Colony were conveyed and distributed gratuitously, neither the General Revenue, nor that of the Post Office, benefiting by an accommodation that very largely increases the annual expenditure of the Department.

The following Tabular Statements relate solely to Ship Letters and Newspapers:—

LETTERS.

YEAR.	DESPATCHED.			RECEIVED.			TOTAL.
	Australasian Colonies.	United Kingdom.	Foreign Countries.	Australasian Colonies.	United Kingdom.	Foreign Countries.	
1857 .....	140,239	190,683	11,420	133,875	168,130	13,069	657,416
1858 .....	141,527	212,862	13,428	131,960	214,941	14,863	729,581
Increase ..	1,288	22,179	2,008	.....:	46,811	1,794	72,165
Decrease ..	.....	.....	.....	1,915	.....	.....	.....

NEWSPAPERS.

## NEWSPAPERS.

YEAR.	DESPATCHED.			RECEIVED.			TOTAL.
	Australasian Colonies.	United Kingdom.	Foreign Countries.	Australasian Colonies.	United Kingdom.	Foreign Countries.	
1857 .....	159,814	230,190	18,808	83,037	272,004	10,322	774,175
1858 .....	148,986	232,938	17,353	82,250	296,523	16,690	794,740
Increase ..	.....	2,748	.....	.....	24,519	6,368	20,565
Decrease..	10,828	.....	1,455	787	.....	.....	.....

The increase in the total number of ship letters is large, compared with the increase for 1857, which was only 15,242. It is, like the increase for the previous year, chiefly owing to the increase of the number of letters passing between the Colony and the United Kingdom. This class of letters has increased at the rate of nearly 28 per cent. in the number received, and at more than 11 per cent. in the number despatched. There is a singular falling-off in the number of letters passing between this Colony and the other Australasian Colonies. The increase for 1857 over 1856 was only 976, and during the past year there has been a decrease of 627 letters. I am unable to account for this decrease, unless it can be attributed to commercial depression.

The foreign letters, which comprise those not going through the United Kingdom, excluding, however, those sent *via* Marseilles and Trieste, continue to increase rapidly in number. The increase for 1857 was 1,353, whilst for the past year it was 3,802. No doubt this increase is owing to the influx of foreigners, and to the more direct and regular communication with India, China, &c., that exists now than did in former years.

The newspaper return is numerically less favourable than that of 1857, the increase in the total number being only 20,565, whereas in the former year it was 63,893.

The decrease is to be found chiefly in the newspapers passing between the United Kingdom and the Colony, which in 1858 shews an increase of only 27,267, against an increase in 1857 of 58,313.

The number of newspapers passing between New South Wales and the Australasian Colonies has fallen off considerably, there being a decrease of 11,615, against an increase in the previous year of 6,642.

The number of foreign newspapers shews an increase of 4,913, against a decrease in the previous year of 1,062.

21,415 letters posted in the Colony during 1858 were returned to the writers as unclaimed, viz., 15,560 addressed to places within the Colony; 1,849 addressed to Victoria; 755 to the United Kingdom; 153 to other places beyond the seas; and 3,098 returned as insufficiently stamped. There is a small decrease in the number of letters thus returned, 22,223 having been the number for 1857. The number of letters addressed to parties residing in the Colony, and returned to their writers as unclaimed, has, however, increased; the number being 2,560 more than in the previous year. The number of unclaimed letters returned from Victoria has considerably decreased, 1,849 being the number against 4,243 in the previous year. The same has to be said of letters returned to the United Kingdom, their number being only 755, against 1,040 in the former year. The number returned from other places beyond the seas has slightly increased, 153 being the number, against 120 in 1857.

The number of insufficiently stamped letters shews a decrease of 722, but it is nevertheless sufficiently large to prove that great carelessness still characterises the stamping of ship and overland Victorian letters, which are the only class of letters that are returned for being insufficiently stamped, the reason being that in these cases (the letters for the United Kingdom being excepted) there are no means of otherwise obtaining the amount of insufficient postage. 8,064 of the letters received from beyond seas were returned as unclaimed, viz., 4,999 to the United Kingdom, against 4,608 in the previous year; 2,204 to Victoria, against 1,779 in the year 1857; and 861 to other parts, against 1,266 in the former year.

## REPORT FROM THE POSTMASTER GENERAL.—1858.

7

95,199 registered letters passed through the General Post Office in 1858, being an increase over the preceding year of 8,285.

The quantity of gold that passed through the office was 945 ozs.

The regular establishment of Escorts has of course had the effect of diminishing the quantity of gold forwarded by post.

## REVENUE AND EXPENDITURE.

The following Tabular Statement shows the Revenue and Expenditure of 1858, compared with that for 1857.

YEAR.	REVENUE.	EXPENDITURE.	EXCESS OF EXPENDITURE.
	£ s. d.	£ s. d.	£ s. d.
1857 .....	35,715 13 3	63,865 8 3	28,149 15 0
1858 .....	39,953 15 8	69,507 16 8	29,554 1 0
Increase .....	4,238 2 5	5,642 8 5	1,404 6 0
Decrease .....	.....	.....	.....

This Return is far less favorable than one furnished by me in my last Report, in which I compared the Revenue and Expenditure of 1857 with that of 1856. The Revenue of 1858 has only increased about 12 per cent., whereas the increase for 1857 over that for 1856 was about 21 per cent. The Expenditure has increased at the rate of nearly 9 per cent., whilst in 1857 there was a decrease of nearly 3 per cent., and in 1856 of about 2 per cent. The excess of the Expenditure over the Revenue has increased £1,404 6s., whereas in 1857 the comparison between the Revenue and Expenditure with that of 1856 shewed an amount in favor of the former year of £8,030 14s. 4d. The following Statement will, however, give more detailed information on the subject.

REVENUE.					EXPENDITURE.				
YEAR.	Sale of Stamps.	Fees for Private Boxes.	Postage on Unpaid Letters.	TOTAL.	SALARIES.	Conveyance of Mails.	Contingen- cies.	TOTAL.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1857.....	34,030 15 11	287 14 0	1,397 3 4	35,715 13 3	19,835 4 8	41,234 8 5	2,704 15 2	63,865 8 3	
1858.....	38,500 1 2	275 2 0	1,178 12 6	39,953 15 8	20,530 8 5	45,463 13 10	3,513 14 5	69,507 16 8	
Increase	4,469 6 3	.....	.....	4,238 2 5	694 3 9	4,139 5 5	808 19 3	5,642 8 5	
Decrease	.....	12 12 0	218 10 10	.....	.....	.....	.....	.....	

This Return shews that an increase has taken place on the principal head of Revenue, viz., the sale of stamps, amounting to £4,469; whilst a decrease, amounting in the aggregate to £231 2s. 10d., has taken place on the items of private boxes in the General Post Office, and the postage on unpaid letters. The small decrease on the item of private boxes is probably caused from the increased facilities for delivery by letter carriers; and I attribute the decrease in the item of postage on unpaid letters, which includes those insufficiently stamped, to the fact that the public are more accurate in their stamping, and that samples of merchandize (a fertile source of surcharge) have been rarely transmitted through the Post, since the increased postage rates on this description of packets came into operation, viz., on 1st April, 1857. The sale of stamps is probably less than it would otherwise have been, from the same cause. The Expenditure, as might be expected, has increased under every head. That under the head of Salaries includes the following additions to the Department, viz., a Postal Inspector, a letter-carrier at Ipswich, and 5 suburban letter carriers, from 1st November, 1858; a letter-carrier at Balmain, from 1st April, 1858; and the appointment of 25 Country Postmasters at different dates during the year. The increase of expenditure under the head of Conveyance of Mails includes the sum of £1,050 disbursed by the Government, to meet the expense of Supplementary Mails transmitted to Melbourne, there to overtake the regular contract ships; as also provision for the 1,044 miles of additional postal communication which has been established during the year.

The

The expenditure on Contingencies, during the year 1858, has been swelled by the following items, viz.:—6 iron pillar boxes, for the country; stamps, seals, and stores for new Post Offices; uniforms for the additional letter-carriers; with, in some instances, the allowance of forage for country letter-carriers, and a new boat for the use of the General Post Office. These explanations will shew that the increase of expenditure is consequent on increased postal accommodation, and is not to be attributed to undue extravagance.

The Return does not include the £20,000 voted to cover the proportion to be paid by New South Wales towards Steam Postal Communication with England, as to which the account from Great Britain has not yet been finally rendered.

#### IMPROVED ORGANIZATION.

In my Report for 1855, I explained the system of sorting inland letters which was adopted from the 1st October of that year. This is still in existence, and works satisfactorily. At the same period, a general revision of the forms and books used on the despatch and receipt of Inland Mails took place; but as a Board was then enquiring into the state of the Department, it was thought desirable that the new forms should be referred to the Board before being finally adopted, and they were consequently submitted to them. Apparently, the matter was considered by the Board as one of detail, on which they were not called on to report, and which might safely be left to the head of the Department, and no further steps were taken with regard to these forms until the end of 1857, when I caused them to be printed, and subsequently brought them into use from the 1st January, 1858. The alterations may be explained as follows:—Prior to 1858, upon making up a Mail, the letters had to be classified, and the letters and newspapers counted, the necessary entries for both being made upon the letter bill under distinct headings. These letter bills formed, with the exception of a return furnished each November by the Country Postmasters, the only source from which the number of letters and newspapers passing through the Post Office could be determined. The information thus derived from the letter bills was entered in books kept in the Sydney and Country Post Offices, but the books kept in Sydney only were referred to for statistical purposes, as the books kept in the Country offices were not available for reference; and, in consequence, the letters passing between Country Post Offices, and not *via* Sydney, were not entered in the annual returns transmitted for the Blue Book; the returns, therefore, not being as full as was expedient. I may add, that even if the information given by the books kept at the Country Offices had been collected, which would have entailed much labor, the result would not have been strictly correct, from the fact that letters and newspapers *passing through* several offices on their way to their destination were counted and entered both on receipt and despatch at *each* intermediate office, and would consequently have appeared in the general return twice, thrice, and in some cases oftener. A further disadvantage attending the system was the time spent by the clerks and Postmasters in classifying and counting letters and newspapers, and that, too, at the very period when every moment was an object, and every delay prejudicial. The only *advantage* that could be put forth in favor of the system was, that in the event of a Mail robbery, the number of letters and newspapers contained in the Mail could be ascertained by reference to the office books. As this is not thought essential in Great Britain, where the letter bills substantially resemble those now adopted in this office, it did not appear to me, that for the sake of providing for a contingency, I should be justified in allowing a defective system to remain in existence, more especially as perfect reliance could not be placed upon the accuracy of the entries on the letter bills, owing to the short time allowed for making these out; and as an approximation to the number of letters and newspapers contained in any particular Mail could in almost every case be obtained from the despatching office. The entry of the number of letters and newspapers on each letter bill was therefore discontinued, and another mode employed for obtaining this information.

The amount of postage continued to be entered on the bills, but under two heads only—"Inland" and "Foreign," instead of appearing under 5 heads, as before. The duties connected with the letter bills were further simplified, by adopting the practice of dating them by means of the date stamp, instead of by handwriting, by which greater certainty of accuracy was ensured, and to some little extent, a supervision over Country Postmasters, as to their keeping their dated stamps in order, obtained. To render the duties as simple and compact as possible, the addresses of the registered letters, which had previously been entered on the margin of a time bill, were entered on the face of the



the letter bill itself, which thus afforded every necessary information concerning the Mail it accompanied; and the time bill was dispensed with. To afford facilities for reference, a difference was made between the form of letter bill despatched from Sydney, that received from Country Post Offices at Sydney, and that used for cross Posts. As regards Country Post Offices, the letter bills used were formerly made out in duplicate,—the originals accompanying the Mail, and serving to check the receiving Postmaster's account,—and the duplicates being retained by the Postmasters until the expiration of the month, when they were sent to the General Post Office, as vouchers for the despatching Postmasters. The use of these duplicates was to check the credit side of the Postmasters' accounts, on which was entered the amount of postage originally debited, and for which they claimed credit, the letters on which the postage was charged not having been delivered by them; but it is clear that these duplicates could be no real check on the accounts, as both were made out by the same party. It also not unusually occurred, that during the whole month there was nothing to credit; nevertheless the "margins," as they were called, were drawn out, forwarded to the Chief Office, and there underwent the full process of examination. To simplify matters and ensure a more effectual check, a distinctive letter bill was adopted, only to be used when letters bearing postage for which the despatching Postmaster claimed credit, or when letters prepaid in money in lieu of stamps, were forwarded in the Mail. This bill accompanies the ordinary letter bill, and is retained by the receiving Postmaster, by whom it is afterwards transmitted to the Chief Office, to check the account of the despatching Postmaster; thus reducing considerably the labors of the Postmasters, and of the clerk who checks the accounts, and furnishing, in addition, a more efficient voucher, seeing that the receiving Postmaster, who is not interested in the accounts, has now to transmit this extra bill, as examined by him, instead of a duplicate bill, reaching this Office through the Postmaster, whose accounts such bill was supposed to check.

Previous to 1858, it was customary to allow country Postmasters to retain the letter bills received at their respective offices until the end of the month, when they were sent, with the Postmaster's accounts, to the Chief Office. As no means could well be adopted in the Account Branch to ascertain whether all the letter bills (which formed the only check upon the accounts made out by the Postmasters) were sent up to Sydney, it became necessary to devise some means to effect that object; and it is now made incumbent on the receiving country Postmaster to send back to the despatching office, by the return Mail, the letter bill received by him, after signing, stamping, and entering the particulars thereof in his Letter Bill Book; the despatching Postmaster being made responsible for the transmission to Sydney of the full number of bills despatched by him, and being instructed, in the event of any not being returned to him, to report the circumstance at once. The return of letter bills to the despatching office, as before explained, does not include the extra bills despatched, nor has it reference to those sent to the General Post Office.

The unclaimed letters transmitted to Sydney from the country offices were, prior to 1858, always forwarded with the ordinary letters, which led to confusion and mistakes, and to time being occupied in sorting these when such time was more urgently required by the Inland Branch for the treatment of the current letters. This inconvenience has been obviated by transmitting such letters direct, in sealed packets, to the office where they are to be dealt with, a special letter bill accompanying them. The alterations in the Letter Bill Books correspond in a great measure with the changes in the letter bills. In the country offices, the two books (Receiving and Despatching Mails) formerly in use, have been amalgamated. In the Sydney office the "rough" books, formerly used to enter the particulars of the letter bills have been discarded, the particulars being at once entered in the "fair" book. The books that had to be kept by the letter carriers have also been set aside, the number of letters taken out by them for delivery no longer being counted; and a sufficient check, as regards the postage received by them, being maintained by the use of one general book, which includes all their accounts. The mode now adopted for obtaining a return of the number of letters, packets, book packets, and newspapers, is as follows. Every Postmaster is required to send in a return of the number of letters, &c., posted at his office from the 16th to the 22nd of each month, the Sydney Inland Letter Office following the same course. From these returns the average for each month is derived, and the yearly average calculated. A complete return of the ship letters received at and despatched from the General Post Office being kept, the returns thus required from each Post Office are sufficiently

accurate for all practical purposes, and the result is certainly more reliable and correct than any return of a similar kind yet furnished by this Department. I have elsewhere referred to a time bill, upon the margin of which was entered the addresses of registered letters, and which was enclosed in the mail-bag. These time bills were only sent from Sydney, in addition to which a way bill, which however specified no time, accompanied the Mails upon some of the principal lines. The addresses of the registered letters being no longer entered on the Sydney time table, it was decided to adopt one that would give the name of every office at which Mails were received or despatched, the number of the bags, together with the hour of arrival and despatch; and that this bill should be conveyed by the mailman or guard to be presented at every office on the road, the necessary entries being made thereon by the Postmasters. This time bill is now in use throughout the Colony, and, when duly filled in, is transmitted to Sydney, by which means the office is in the possession of valuable information concerning the transmission of every Mail. I anticipate being able further to simplify and improve many of the forms I have alluded to in this section, and to render them still better adapted to effect the purposes for which they are intended.

#### MISCELLANEOUS.

I alluded so fully in my Report for 1857 to the short comings of the Mail Contract on which the Colony depended for its Postal Communication with the United Kingdom, that it is unnecessary I should in this Report go over the same ground. I append, however, a return shewing the actual days of arrival and departure of the Mail Contract Steamers during 1858. The days of despatch have in every instance been adhered to, except in the case of the January Mail, which was detained two days for the accommodation of the public, in order to allow time for replies being sent to the correspondence arriving by the "Simla."

The Return shews that with one exception, that of the "Emeu," which brought the June Mails, the rule has been that the Mails should invariably arrive after the stipulated time. There was no September Mail; and the July Mail did not arrive until the succeeding month. I sincerely trust that the Post Office Report for 1859 will shew a very different and improved state of things.

I am glad to be able to state that the Department has at length obtained the services of a Postal Inspector, an appointment that has been urgently needed for a very long period. During the two months of 1858 that succeeded his appointment, Mr. Levinge, the gentleman selected, was chiefly engaged in arranging Time Tables, and making himself master of various points that required attention, both as to the Postal Contracts and Postal Routes. I cannot, therefore, give in this Report the details of his first Tour of Inspection, which embraced the main Southern Road as far as Albury, and some of the Southern Branch Lines. I anticipate the greatest benefit from Mr. Levinge's appointment.

The Mail Contracts and the Country Post Offices require a supervision far more minute and more local than can be afforded by correspondence with and from the General Post Office; whilst, as regards the Postal Routes to be pursued, and the new Postal Lines to be established, I am too often dependent for the decisions arrived at, on the opinion of residents who may take a one-sided, and sometimes an interested, view of the matter.

Foremost of the present requirements of the Department, I must again advert to the absolute necessity that exists for a new General Post Office. The Annual Reports of 1855 and 1856 allude to different extensions and alterations that have from time to time been made; and I may state in this Report, that at the present time a new Inland Room is in course of erection, which will be of considerable benefit. But these alterations necessarily afford but inadequate and partial accommodation. The disconnection of the various offices, and the general want of space, continue to be severely felt, and can never be effectually remedied until a Post Office, commensurate with the importance of the Colony and its metropolis, is completed.

A new Post Office, on an extended scale, would not only allow of branches being added to the Department, but would consolidate the work of the office, and concentrate the duties of its clerks. At present the Report published by a Government Board, held on the Post Office, in 1851, is as applicable as ever, and I cannot do better than transcribe it:—

"THE



## "THE PRESENT POST OFFICE.

"This is, in our opinion, very ill adapted for the business required to be carried on in it; and its unfitness will be more and more felt as that business increases; nor is it practicable (according to the opinion of the Colonial Architect) to alter or extend the accommodation (save temporarily) so urgently required, owing to the walls and other parts of the building being in so dilapidated a state, and so weakened by repeated alterations. Under these circumstances, and considering that the very large piece of ground on which the present Post Office stands is extremely valuable, and would, if sold, in all probability realise a sum nearly sufficient to cover the cost of erection of a new Post Office, we are of opinion that it would be greatly to the advantage of the public if a site were reserved on some of the ground in the Old Barrack Square, still undisposed of, and a new Post Office erected thereon on a scale suitable to the present and increasing wants of the community, and in keeping with the great improvements now going on in that quarter of the city; and that when completed the present Post Office, and the ground on which it stands, should be sold to the public."

Referring to the branches which I have stated might be added to the Department, the establishment of a Money Order system, in connection with the Post Office, would be, with the present building, impossible; and yet its establishment in the sister Colony of Victoria, points to the necessity of preliminary steps being shortly taken by this Colony, towards being in a position to establish an institution which is so popular in the Mother Country. The Telegraph wires too have for some time past been brought to the Post Office, but except in or over the passage there is no space for a Telegraph Room, nor has the building of such room been commenced. In every point of view, therefore, the erection of a new Post Office is a work that cannot long be deferred.

I must here also bring under the notice of the Government, the applications that have from time to time been received from many of the large provincial towns, for Government Post Offices to be erected therein. The increasing postal business of these towns, the disadvantages attending the employment of Postmasters who have other engagements, and the gradually increasing staff of provincial letter carriers that has become necessary, are all strong reasons for the adoption of some such measure.

It may be that it would be expedient and economical to have Telegraph Stations under the same roof as these Post Offices, although I think it doubtful whether the same party could discharge the duties conjointly of Postmaster and Telegraph Clerk.

I have, &c.,

W. H. CHRISTIE,

Postmaster General.

RETURN shewing the actual and specified days of Arrival and Departure of the Mail Contract Steamers during 1858.

ARRIVAL.			DEPARTURE.		
NAME OF VESSEL.	Actual Date of Arrival.	Specified Date of Arrival.	NAME OF VESSEL.	Actual Date of Departure.	Specified Date of Departure.
	1858.	1858.		1858.	1858.
Simla .....	11 January	9 January	Columbian .....	13 January	11 January
Victoria .....	25 February	8 February	Simla .....	11 February	11 February
European .....	15 March	10 March	Emeu .....	11 March	11 March
Columbian .....	29 April	9 April	Victoria .....	11 April	11 April
Australasian .....	15 May	9 May	European .....	11 May	11 May
Emeu .....	9 June	9 June	Australasian .....	11 June	11 June
Victoria .....	6 August	9 July	Emeu .....	11 July	11 July
European .....	17 August	9 August	Columbian .....	11 August	11 August
No Steamer .....	in September	8 Sept.	European .....	11 Sept.	11 Sept.
Emeu .....	13 October	9 October	Victoria .....	11 October	11 October
Columbian .....	21 Nov.	9 Nov.	Emeu .....	11 Nov.	11 Nov.
European .....	15 Dec.	9 Dec.	Columbian .....	11 Dec.	11 Dec.

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1859-60.

## NEW SOUTH WALES.

## POST OFFICE.

(FIFTH ANNUAL REPORT FROM THE POSTMASTER GENERAL.)

Presented to both Houses of Parliament, by Command.

THE POSTMASTER GENERAL to THE UNDER SECRETARY, TREASURY, transmitting the  
*Annual Report on the Post Office Department for 1859.*

*General Post Office,  
 Sydney, 22 June, 1860.*

SIR,

In accordance with former instructions I have the honor to transmit, for the information of the Honorable the Colonial Treasurer, and to be laid before the Legislative Assembly, the Fifth Annual Report on the Post Office Department, being that for the year 1859.

## EXTENSION OF INLAND SERVICE IN 1859.

On the 31st December, 1858, the whole extent of the Postal Lines in New South Wales was 7,743 miles. On the same date of last year the extent was 8,737 miles, inclusive of 1,558 miles now in the Colony of Queensland, shewing an aggregate increase of Postal Lines amounting to 994 miles during the past year.

The postal lines established during the year extend over a distance of 1,298 miles. On 93 miles of this distance the Mails are conveyed by coach; on 1,205 miles on horseback.

The new lines in the Western District comprise a branch line from Sackville Reach to Lower Portland (6 miles); a cross line connecting Mangrove Creek with Gosford (about 12 miles); one connecting Mudgee and Wellington (57 miles); a branch line from Mudgee to Merrendee (25 miles); the extension of the Mudgee and Mendooran line to Coonamble (90 miles); and that of the Bathurst and Calula line to Long Swamp (10 miles).

Furthermore, the line which extended in 1858 to Condobolin, on the Lachlan River, has been prolonged to within 60 miles of the junction of the Lachlan and Murrumbidgee, and thence to Lang's Crossing Place, on the latter river (210 miles).

This line is of great importance to parties engaged in forwarding stock to the sister Colony of Victoria, who had previously no means of receiving intelligence during the overland journey of the state of the Victorian market, or of receiving instructions from their employers.

On all the lines mentioned above, a weekly communication on horseback has been carried out.

I have further to note the extension to Pyramul (4 miles) of the line hitherto terminating at Pure Point, and upon which extension a bi-weekly postal communication on horseback has been established; as also a direct line by coach, connecting Parramatta and Richmond (22 miles), six days in the week.

The additional postal lines in the Southern District include a branch line from Goulburn to Kenny's Point (28 miles); one from Burrowa to Reid's Flat (40 miles); a cross line passing through Reid's Flat and connecting Wheeo and Cowra (65 miles); a branch line from Braidwood to Nerriga (46 miles); and the extension of the Bodalla and Bega line to Pambula *via* Merimbula (30 miles); which last extension effectually completes the entire coast line from Wollongong to Eden.

On the above lines the Mails were, during the past year, conveyed weekly and on horseback.

In addition to these lines the Southern District has benefited by the establishment of a line from Tumut to Adelong (10 miles); and from Tarcutta to Adelong (30 miles); the communication being effected on horseback, on both lines, three times a week.

A branch line has also been established from Major's Creek to Oranmore (20 miles); and a cross line from Lang's Crossing Place to Deniliquin (80 miles); this last being a continuation of the Lachlan River postal line already referred to. On both these lines the communication is bi-weekly by horse post.

To these additions I have finally to add a line from Braidwood to Nelligen, on the Clyde River (35 miles), which line is in connection with the Sydney steamer; and one from Gundaroo to Queanbeyan *via* Gininderra (31 miles). The Mails on these two lines are conveyed twice a week by coach.

In the Northern Districts there have been established branch lines from Gosford to Kincumber (7 miles); Gresford to Eccleston (20 miles); Tinonee to Redbank (12 miles); East Maitland to Mount Vincent (16 miles); and Murrurundi to Oakey Creek (90 miles). Upon these lines the communication is weekly, and on horseback.

On the following branch lines the communication is twice a week, and by horse post, *viz.*, from Singleton to Fordwich (16 miles); and from Tenterfield to Table Land, at the Timbarra gold diggings (16 miles). To these I have to add a fortnightly communication between Gladstone and Rockhampton (70 miles); and a weekly one between Dalby and Gayndah (115 miles); and between Condamine and Taroon (80 miles); the last being a line again resumed. On the three last lines the Mails are conveyed on horseback.

A line from the General Post Office, Sydney, to Randwick (5 miles), upon which the Mails are conveyed six days a week by vehicle, completes the list of new postal lines for 1859.

It was found necessary, from difficulties connected with the Government Punt, to discontinue during the past year the postal line from Sydney to Gosford *via* Peat's Ferry (48 miles), and to substitute a communication *via* Mangrove Creek. There being already a line from Camden to Oaks, the line from Picton to Oaks (10 miles) was discontinued.

The line from the junction of the Pambula and Kameruka Roads to Bega (56 miles) has likewise been discontinued; the present communication being from Bombala to Bega *via* Pambula.

The line from Drayton to Burnett Inn (130 miles) was discontinued during the past year.

The lines from Goode's Inn to Gayndah and from Dubbo to Mendooran were not in existence during the whole year, but came into operation, the first on the 1st April, and the last on the 1st of August.

The contract taken for the conveyance of Mails three times a day between the General Post Office and the Railway Terminus (2 miles) ceased at the expiration of 1858, the service having since been performed by the department.

The contract for the conveyance of Mails to and from the Chief Office and Redfern, Glebe, Newtown, St. Peter's, Camperdown, and Petersham (10 miles), daily, has also ceased, in consequence of the appointment of suburban letter carriers. There only remains a contract for the convenience of St. Peter's (5 miles), the Petersham Mails being conveyed by railway.

Various changes in postal routes have taken place during the past year. A line from Richmond to Camden (34 miles) has been substituted for the line from Windsor to Camden (39 miles). The communication to Bundaburra and Condobolin again starts from Canowindra, instead of from Cowra.

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The Mails are now conveyed between Orange and Wellington *via* Ironbarks (60 miles), instead of by Molong (73 miles), which, besides being a shorter route, is more advantageous to the mining population of the district.

The performance of the contract for the conveyance of Mails between Dubbo and Canonbar (125 miles) having become almost impossible, the line was made to terminate at Drungalee (101 miles). A postal line starting from Mudgee and passing through Avisford, Louisa Creek, Richardson's Point, and Pure Point (16 miles) has replaced two lines, one of which ran from Mudgee to Avisford and Louisa Creek (14 miles), and the other from Mudgee to Richardson's Point and Pure Point (14 miles).

The line from Camden to Oaks (10 miles) has been made to pass by Brownlow and Lowe's Hill (14 miles), which prolongs the distance, but affords greater accommodation.

The Ipswich and Burnett Inn line has been reverted to in lieu of that from Brisbane to Burnett Inn; and a line from Gayndah to Taroona has taken the place of the one from Burnett to Taroona.

The twice a day communication between Sydney, St. Mark's, and Watson's Bay (6 miles), and the daily Mail between the General Post Office and Paddington and Waverly (4 miles) have been discontinued.

There is now a daily post to and from Sydney, St. Mark's, Waverly, and Watson's Bay (7 miles), and a letter carrier delivery at Paddington.

Very considerable additional accommodation has been afforded on existing postal lines during the past year.

A second daily Mail has been established between Parramatta and Windsor (19 miles). The communication between Goulburn and Yass (49 miles) has been made six times instead of thrice a week; as has also been the case on the line from Campbelltown to Picton *via* Riversford (17 miles).

The Mails have been conveyed three times instead of once a week between Oaks and Burragorang (22 miles); Orange and Ironbarks (30 miles); and Deniliquin and Moama (50 miles).

A thrice instead of twice a week communication has been established between Gundagai and Tumut (20 miles); Yass and Albury (196 miles); and Tarcutta and Wagga Wagga (25 miles). A second weekly communication has been arranged between Goulburn and Binda (53 miles); Binda and Tuena (25 miles); Wagga Wagga and Deniliquin (180 miles); Braidwood and Moruya (47 miles); Bateman's Bay and Moruya (20 miles); Pambula and Eden (10 miles); Louisa Creek, Richardson's Point, and Pure Point (6 miles); Port Macquarie, Rolland's Plains, and Kempsey (40 miles); and Dungog and Bandon Grove (10 miles). The foregoing details shew an increased accommodation during the past year of 819 miles.

The Mails between Cooma and Bombala were conveyed during the past year by coach, thereby giving the district the benefit of the book post which a horse post does not give.

The following Tabular Statement shews the Extent of Postal Lines, the Total Cost, and the Average Cost per mile of the Conveyance of Inland Mails:—

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.	Total Cost of Conveyance.	Average Cost per Mile.
	MILES.	£ s. d.	MILES.	£ s. d.	MILES.	£ s. d.	MILES.	£ s. d.	£ s. d.
1858....	54	11 10 0	1,624	12 17 8	6,065	3 8 7	7,743	42,354 17 8	5 9 5
1859....	54	11 10 0	1,765	12 12 0	6,918	3 5 2	8,737	45,408 8 0	5 3 11
Increase	..	....	141	.....	853	.....	994	3,053 10 4	....
Decrease	..	....	....	0 5 8	....	0 3 5	....	.....	0 5 6

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This Return is satisfactory. It shews an increase in the total extent of postal lines of about 50 per cent. over that afforded in 1858; and, at the same time, a marked diminution in the increase of the total cost of conveyance of Inland Mails. 1858, compared with 1857, shewed an increase in the total extent of postal lines of 695 miles, and an increase in the total cost of Inland Mails of £3,664 8s. 11d.; whereas, in the past year, an increase of 994 miles in the extent of postal lines took place, whilst the increase of cost was only £3,053 10s. 4d. The extent of railway lines, and their cost, continues the same.

There is a slight variation in the figures given, as having reference to the Statistical Return for 1858, but it is caused by my being able to give some postal distances more correctly.

Forty-six new Post Offices have been established during 1859, viz.,—in the Western District at Long Swamp, 10 miles from Calula; at Long Creek and Campbell's Creek, on the Meeroo Gold Fields; at Coonamble, 90 miles from Mundooran; at Drungalee, 101 miles from Dubbo; at Lower Portland, situate at the junction of the Colo and Hawkesbury Rivers; at Pitt Town, about 4 miles from Windsor, on the line to Wilberforce; at Eastern Creek, between Prospect and St. Mary's; at Rydal, between Hartley and Bathurst; at Merrendee, 25 miles from Mudgee; at Black Rock, between Ironbarks and Wellington; at Keen's Swamp, on the line from Hartley to Mudgee, near to the site of the office at Running Stream (discontinued); at Kirkconnell, on the main Western Road between Bathurst and Meadow Flat; and, finally, at Cobbora, at the junction of the postal lines from Dubbo to Mundooran, and Mudgee to Mundooran.

In the Southern District there have been established offices at Bateman's Bay, at the mouth of the Clyde River; at Nelligen on the Clyde River; at Kenny's Point, Lake George; at the Adelong Diggings; at Gillinbah, between Wagga Wagga and Lang's Crossing Place, on the south side of the Murrumbidgee; at Reid's Flat, about midway between Wheeo and Cowra; at Lang's Crossing Place, on the Murrumbidgee; at South Gundagai, on the south bank of the Murrumbidgee, on the Main Southern Road; at Ginninderra, between Gundaroo and Queanbeyan; at Oranmore, about 20 miles from Braidwood; at Nerriga, about 46 miles from Braidwood; at Boro, at the junction of the Goulburn and Braidwood and Goulburn and Queanbeyan Roads; and at Woonona, about 6 miles from Wollongong, on the road to Appin.

The office at Moulamein, between Deniliquin and Balranald, and the one at Euston, between Balranald and Moorna, have been re-established. The offices established in the Northern District are, at Miller's Forest, on the Lower Hunter; at Eccleston, beyond Gresford; at Redbank, on the Manning River; at Kincumbar, near Gosford; at Oakey Creek, about 90 miles from Murrurundi, and about 15 miles from Coolah; at Fordwich, 16 miles from Singleton; at Ulmarra and Lawrence, on the Clarence River; at Mount Vincent, 16 miles from East Maitland; at Gloucester, on the line from Stroud to Tinonee; at Maryland, between Tenterfield and Warwick, on the frontier of Queensland; at Limeburner's Creek, between Raymond Terrace and Stroud; at Table Land, Timbarra Gold Diggings; at Lismore, between Casino and Richmond River Heads (Ballina); and at Moonbi, about 14 miles from Tamworth, on the Main Northern Road.

In the vicinity of Sydney, offices have been established at Randwick, on the Coogee Road, and at Bourke-street South, Surry Hills.

The Post Office at Canonbar was discontinued from 1st January of last year; and that at Pure Point from 1st February.

The office at Byron has been removed to Inverell, which name it now bears; and the office at Richardson's Point has been designated Windeyer, that being the Government name for the township.

The separation of Moreton Bay reduced the number of New South Wales Post Offices by fifteen; the total number of such offices on the 31st December, 1859, was 252, being an increase of 31 over the number at the end of last year.

Twelve more persons have been authorized to sell Postage Stamps in Sydney, making the number of places in the city at which Postage Stamps can be procured 43, including the chief office.

The

## REPORT FROM THE POSTMASTER GENERAL.—1859.

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The necessity for authorizing persons residing out of Sydney other than Postmasters to sell stamps has been recognised, and licenses have been issued to two persons, one residing at Balmain, and the other at Newcastle.

Four additional Iron Letter Receivers have been erected in Sydney, and two in the Country Districts, during the past year.

## NUMBER OF LETTERS, PACKETS, BOOK PACKETS, AND NEWSPAPERS.

In my Report for 1858 I gave, for the first time, estimated Returns of the number of letters, &c., based upon the Returns received month by month from every Post Office in the Colony. As might have been expected on the introduction of the new system, errors and omissions occurred, which I trust I have been enabled to avoid in the Returns given for 1859. As the comparison however between 1858 and 1859 might mislead if the former Return were now adhered to, I have caused the data for the year 1858 to be carefully checked, and fresh information obtained, and have altered the Returns accordingly, which change will account for the Statistical Return for 1858, as now given, not being precisely the same as that which appeared in the previous Report.

The following Tabular Statements shew the Number of Letters, Packets, and Book Parcels, and of Newspapers, that passed through the Post Offices of New South Wales (that of Sydney included) during 1858 and 1859 :—

## LETTERS.

YEAR.	INLAND.		Ship Received.	Total Received.	Ship Despatched.	Total Number passing through New South Wales Post Offices.
	Town.	Country.				
1858.....	259,737	*2,477,190	357,948	3,094,875	363,856	3,458,731
1859.....	348,844	*2,843,310	355,863	3,548,017	377,563	3,925,585
Increase .....	89,107	366,120	.....	453,142	13,712	466,854
Decrease .....	.....	.....	2,085	.....	.....	.....

\* Includes town letters posted out of Sydney.

## PACKETS AND BOOK PARCELS.

YEAR.	INLAND.		Ship Received.	Total Received.	Ship Despatched.	Total Number passing through New South Wales Post Offices.
	Closed at the ends.	Open at the ends.				
1858 .....	26,910	48,906	3,816	79,632	3,961	83,593
1859.....	28,735	33,293	4,264	66,292	4,084	70,376
Increase .....	1,825	.....	448	.....	123	.....
Decrease.....	.....	15,613	.....	13,340	.....	13,217

## NEWSPAPERS.

YEAR.	Inland.	Ship Received.	Total Received.	Ship Despatched.	Total Number passing through New South Wales Post Offices.
1858.....	2,012,179	395,463	2,407,642	399,277	2,806,919
1859.....	2,376,754	394,590	2,771,344	406,684	3,178,028
Increase ....	364,575	.....	363,702	7,407	371,109
Decrease.....	.....	873	.....	.....	.....

On

On examining the Return that relates to letters, it appears that the town letters, *i. e.*, letters posted in Sydney for delivery therein, have increased at the rate of nearly 34 per cent.; and the country letters, *viz.*, those circulating between the Country Post Offices, or between Sydney and the Country, have increased nearly 15 per cent.

The former augmentation no doubt arises from the increasing practice of transmitting letters by post in place of by messengers, and also from the advantages offered by the third delivery.

The ship letters received have decreased at the rate of rather more than  $\frac{1}{2}$  per cent., and those despatched have increased at the rate of nearly 4 per cent. I shall have occasion further on to comment on the class of letters that cause the above increase and decrease.

The total number of Letters passing through the Colony has increased at the rate of more than 13 per cent.

The next Return that claims attention is that relating to packets and book parcels.

The inland packets closed against inspection appear to have increased at the rate of nearly 7 per cent., whilst those open at the ends have decreased at the enormous rate of nearly 32 per cent. These results require some explanation, as they are so different to what might have been anticipated.

The inland packets and parcels have, since the 1st April, 1857, been divided into two classes—1st, Those still allowed to be posted under the 8th Clause of the 15th Victoria, No. 12, and which are closed against inspection; and, 2nd, Those posted with the ends open. The former class includes merely a few articles excepted when the 8th Clause of 15th Victoria, No. 12, was repealed by the 20th Victoria, No. 26, whilst the latter comprehends almost every description of packets or book parcels transmitted through the post.

That a considerable decrease would take place with regard to Packets closed against inspection (which were formerly a numerous class, but are now reduced to a few articles; and seeing that the postage on closed packets is ordinarily letter rate, whilst on packets open to inspection, it is a reduced rate) might have been anticipated.

It might further be supposed that the public would not transmit the same description of articles through the post upon the condition of leaving the ends of their parcels open.

On the other hand, the reasons that would have led me to expect a decrease on the number of packets closed against inspection would, on the whole, have led me to expect an increase in the number of those transmitted with the ends open.

I can only account for the very different results by believing that the Country Postmasters may, through want of attention or intelligence, have allowed packets closed at both ends to be transmitted at reduced rates of postage, which packets ought, when closed, to have been charged letter rate; and have also failed to classify correctly in their Returns the two descriptions of packets, by misapprehending the headings of the columns of the Return Form sent to them to be filled up. However this may be, it is clear that, on the whole number of packets forwarded in 1859, there is a decrease of nearly 16 per cent., which I account for by the absence of packets containing packets of merchandize.

The ship packets received shew an increase of nearly 12 per cent.; and those despatched have increased at the rate of more than 3 per cent.

The General Return having reference to newspapers comes next under examination. The most remarkable fact in this Return is the large increase shewn in the number of Colonial newspapers. The increase is at the rate of more than 18 per cent. There is a small decrease in the ship newspapers received, and an increase in those despatched of about 2 per cent.

It is worthy of note that, of the 3,178,028 newspapers passing through the New South Wales Post Offices, only 256,051 have contributed during the past year to the Colonial Revenue, leaving 2,921,977 which were forwarded to and from all parts of the Colony gratuitously.

A trifling additional sum is, however, collected from newspapers posted upwards of seven days after publication.

The



## REPORT FROM THE POSTMASTER GENERAL.—1859.

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The following Tabular Statements refer solely to Letters, Packets, and Book Parcels, and Newspapers passing through the Ship Room.

## LETTERS.

DESPATCHED.				RECEIVED.			
YEAR.	To Australasian Colonies.	To and through United Kingdom.	Direct to Foreign Countries and British Possessions not already enumerated.	From Australasian Colonies.	From and through United Kingdom.	Direct from Foreign Countries and British Possessions not already enumerated.	TOTAL.
1858 .....	139,777	210,755	13,324	130,538	212,694	14,716	721,794.
1859 .....	139,570	220,795	17,203	132,966	202,768	20,129	733,431
Increase ..	....	10,040	3,879	2,428	....	5,413	11,637
Decrease ..	207	....	....	....	9,926	....	....

## PACKETS AND BOOK PARCELS.

DESPATCHED.				RECEIVED.			
YEAR..	To Australasian Colonies.	To and through United Kingdom.	Direct to Foreign Countries and British Possessions not already enumerated.	From Australasian Colonies.	From and through United Kingdom.	Direct from Foreign Countries and British Possessions not already enumerated.	TOTAL.
1858 .....	1,750	2,107	104	1,422	2,247	147	7,777
1859 .....	1,741	2,208	135	1,449	2,614	201.	8,348
Increase ..	....	101	31	27	367	54	571
Decrease ..	9	....	....	....	....	....	....

## NEWSPAPERS.

DESPATCHED.				RECEIVED.			
YEAR.	To Australasian Colonies.	To and through United Kingdom.	Direct to Foreign Countries and British Possessions not already enumerated.	From Australasian Colonies.	From and through United Kingdom.	Direct from Foreign Countries and British Possessions not already enumerated.	TOTAL.
1858 .....	148,986	232,938	17,353	82,250	296,523	16,690	794,740
1859 .....	135,891	256,051	14,742	82,470	293,425	18,695	801,274
Increase ..	....	23,113	....	220	....	2,005	6,534
Decrease ..	13,095	....	2,611	....	3,098	....	....

From the letter Return it appears that the ship letters despatched to the Australasian Colonies have decreased in a trifling degree, and that those received have only increased at the rate of nearly 2 per cent.

The letters sent to and through the United Kingdom have increased at the rate of nearly 5 per cent. ; but those received have decreased at about the same rate; such decrease, in fact, causing the decrease in the total number of ship letters received, which has been already commented on.

The letters passing between this Colony and Foreign Countries, and British Possessions not already alluded to have increased; those despatched at the rate of more than 29 per cent., and those received at the rate of nearly 37 per cent.

The total number of ship letters passing through the office during 1859 shews an increase of less than 2 per cent. There is a marked falling off perceptible when this increase is compared with that for 1858, which was 11 per cent.

The

The Return of packets and book parcels is more satisfactory. With the exception of those received from the Australasian Colonies there is an increase in every class of packets, &c., the increase in the total number being at the rate of nearly 1 per cent.

The newspaper Return shows results somewhat similar to that of the letters, and the increase in their total number is almost nominal.

The newspapers sent to the Australasian Colonies have decreased at the rate of nearly 9 per cent., whilst those received have increased nominally only.

The number of newspapers despatched to the United Kingdom have increased at the rate of more than 9 per cent, but those received have decreased at the rate of rather more than 1 per cent.

Of the Foreign newspapers those despatched shew a decrease of more than 15 per cent., but those received an increase of more than 12 per cent.

Taken as a whole, it will be seen that these Returns shew a very trifling increase on the number of ship letters, packets, and newspapers passing through the department during 1859, compared with the number for 1858.

19,838 letters were returned to the writers as unclaimed; of these 15,083 were addressed to places within the Colony; 3,498 to the Australasian Colonies; 1,164 to the United Kingdom; and 93 to other places beyond the seas.

The first named class are less in number by 477 than they were in 1858, when they amounted to 15,560. Considering the large increase in the total number of inland letters, this is satisfactory.

The letters returned that were originally addressed to the Australasian Colonies have increased, the number being for 1858 only 3,084. This result is somewhat unaccountable, seeing that the letters despatched to such Colonies during 1859 shew a decrease of 207 compared with the number for 1858.

The letters addressed to the United Kingdom have decreased, the number for 1858 being 1,260. This shews a more satisfactory delivery, as the total number of letters despatched to that country during 1859—exhibit, when compared with the number for 1858, an increase of nearly 5 per cent.

The number of unclaimed letters addressed to other Foreign parts for 1858 was 114, so that there is a decrease in this class of letters also.

The number of letters addressed to the Colony, and returned as unclaimed, is as follows:—To the Australasian Colonies 2,846, against 2,710 in 1858; to the United Kingdom 5,105, against 5,009 in 1858; to other parts beyond the seas 295, against 296 in 1858.

The increase in the first class of letters is explained by the increase in the correspondence; but in the case of the English letters a decrease is what might have been expected, seeing that that class of correspondence has decreased at the rate of more than 4 per cent.

The number of letters returned as insufficiently stamped was 2,402, against 3,098 in 1858. The decrease shews that there is a slight improvement in the care taken by the public to stamp their letters sufficiently; although the list is swelled by the misconception on their part as to the postage to be paid on letters addressed to Queensland on the separation of that Colony from New South Wales. Considerable carelessness is, however, evidenced by the fact, that 3,087 letters were returned, the majority of which were wholly unstamped, whilst others had defective addresses. 319 of the letters returned to the writers contained money, or articles of value; 112 of such letters having been registered. 89,260 registered letters passed through the General Post Office during 1859, being 5,939 less than during the previous year. Of this number 67,934 were Inland Letters; 14,947 passed to and from the United Kingdom; 5,886 to and from the Australasian Colonies; and 493 to and from other parts beyond the seas.

1,414 ounces of gold were received at the General Post Office during the past year, being 469 ounces more than in 1858.

## REPORT FROM THE POSTMASTER GENERAL.—1859.

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## REVENUE AND EXPENDITURE.

The following Tabular Statement gives the Revenue and Expenditure for 1859, compared with that for 1858.

YEAR.	REVENUE.			EXPENDITURE.			EXCESS OF EXPENDITURE.		
	£	s.	d.	£	s.	d.	£	s.	d.
1858 .....	39,953	15	8	69,507	16	8	29,554	1	0
1859 .....	43,678	14	8	71,370	16	11	27,692	2	3
Increase .....	3,724	19	0	1,863	0	3	.....		
Decrease .....	.....			.....			1,861	18	9

This Return is rather more favorable than the similar one given in my last Report. The Revenue has only increased at the rate of about 9 instead of 12 per cent., but, on the other hand, the Expenditure has increased at the rate of less than 8 per cent., instead of 9 per cent., which was the increase for 1858. There is consequently a decrease in the excess of the Expenditure over the Revenue, whereas, in 1858, there was an increase.

It may be well to state that the Postal Revenue from Queensland was lost to this Colony from the beginning of December last, during which month the Postal Expenditure, in connection with that Colony, was defrayed by the Queensland Government.

The following Statement gives further details on the subject.

REVENUE.										EXPENDITURE.											
Year.	Sale of Stamps.			Fees for Private Boxes.			Postage on Unpaid Letters.			TOTAL.	Salaries.			Conveyance of Mails.			Con-tingencies.			TOTAL.	
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
1858 ..	38,500	1	2	275	2	0	1,178	12	6	39,953	15	8	20,530	8	5	45,463	13	10	3,513	14	5
1859 ..	42,144	19	4	275	12	6	1,258	2	10	43,678	14	8	22,177	15	4	47,614	7	9	1,578	13	10
Increase	3,644	18	2	0	10	6	79	10	4	3,724	19	0	1,647	6	11	2,150	13	11	....		
Decrease	....			....			....			....			....			....			1,935	0	7

The Revenue has increased under every head; the sale of Postage Stamps, the chief source of revenue, shewing, as a matter of course, the largest increase.

The Expenditure shews a considerable increase under the head of Salaries; whilst, on the other hand, the amount paid by the Department under the head of Contingencies has decreased by £1,935 0s. 7d.

The increase of Expenditure on the item of Conveyance of Mails, of £2,150 13s. 11d., is about one-half that of 1858 over 1857.

The increase in the item of Salaries is owing, firstly, to the appointment of the Postal Inspector, of a Letter Carrier at Ipswich, and of six Suburban Letter Carriers for Paddington, Redfern, the Glebe, Newtown, Camperdown, and Balmain.

Of the above appointments, however, it is but right to state that the Postal Inspector and five of the Suburban Letters Carriers commenced duty on the 1st November, and the Balmain Letter Carrier on the 1st July of the preceding year.

The Clerical Staff of the General Post Office has cost about £150 more than it did in 1858, and the rest of the staff, including a Mail Boy and two Newspaper Sorters for six months more in 1859 than in 1858, to about £336.

Forty-six new Post Offices have also been established during the year, each Postmaster being paid at the rate of £12 per annum, and the salaries of some of the Country Postmasters have been increased as compensation for the increased amount of business transacted by them.

The postal facilities above alluded to would have caused a still greater increase of postal expenditure in the item of Salaries, had it not been that, on the 1st March last, the boatmen attached to the General Post Office, together with boats, were handed over to the

Government Boat Establishment in Sydney, and placed under the order of the Harbor Master.

The decrease in the amount of Contingencies is chiefly to be accounted for by several items of expense,—such as stationery, stamps, stores, seals, and fuel, which were met by the Department in 1858,—being made chargeable on other Departments during the year 1859.

The new postal lines, and the increase of communication on old established lines, fully enumerated in section No. 1, more than justify the increase of expenditure under the head of Conveyance of Mails; for, I am happy to state, that chiefly from cheaper Mail Contracts in 1859 than in 1858, the Government have been enabled from savings in other Contracts, to pay claims for increased Mail communication to the amount of £2,758 in excess of the increased expenditure, which is set forth in the Return.

#### STEAM COMMUNICATION WITH ENGLAND.

The following Return gives the actual and specified days of Arrival and Departure of the Mail Contract Steamers during 1859 :—

ARRIVAL.			DEPARTURE.		
NAME OF VESSEL.	Actual Date of Arrival.	Specified Date of Arrival.	NAME OF VESSEL.	Actual Date of Departure.	Specified Date of Departure.
Royal Mail Company.	1859.	1859.	Royal Mail Company	1859.	1859.
	23 January	9 January	Oncida .....	31 January	11 January
	10 February	8 February	Salsette .....	12 February	12 February
	24 March	10 March	Emeu .....	14 March	14 March
Oncida .....	4 May	9 April	Malta .....	14 April	14 April
Benares.....	14 May	8 May	Columbian .....	14 May	14 May
Northam .....	10 June	8 June	Benares.....	14 June	14 June
Salsette.....	10 July	8 July	Northam .....	14 July	14 July
Bombay .....	11 August	8 August	Salsette.....	15 August	14 August
Emeu .....	10 Sept.	7 Sept.	Bombay .....	14 Sept.	14 Sept.
Benares.....	9 October	8 October	Emeu .....	14 October	14 October
Malta .....	16 Nov.	9 Nov.	Benares.....	14 Nov.	14 Nov.
Columbian .....	15 Dec.	8 Dec.	Malta .....	14 Dec.	14 Dec.

A perusal of this Table does not afford grounds for much congratulation, and a great improvement in punctuality must take place before the Colonists will be satisfied that the advantages derived by them are fully commensurate with the amount of the New South Wales subsidy.

For the first four months of arrival, and for the first month of despatch, the steamers were those of the Royal Mail Company; during the last eight months the vessels of the Peninsular and Oriental Company have brought the mails; but in no single instance during the year did they arrive on the day specified. In two cases the homeward mails were despatched before the arrival of the outward ones, and in one instance the outward mails reached Sydney on the day of the departure of the homeward mails. In every case a supplementary mail was deemed expedient, the outward mail being invariably too late, and the Colony was thus put to additional expense to obviate the inconvenience experienced by the non-fulfilment of the contract.

In four cases out of the eight, a Colonial steamer was specially engaged to convey the supplementary mails, at a cost to the Colony of £300.

In the four other cases supplementary mails were sent down by the Colonial steamers, the usual gratuity of one halfpenny a letter being paid thereon; the total sum thus paid being £1 7s. 1d.

To meet the expenditure thus caused, the only amount received was the proceeds from the late fees on letters so sent, which are estimated to amount in the aggregate to £183 5s.

The letters from the country that arrived too late for the mail steamer, but in time for the supplementary mail, were transmitted without any extra fee being paid thereon.

MISCELLANEOUS.

## MISCELLANEOUS.

I must again call attention to the urgent necessity for a new General Post Office. The want of space and the disconnection of the various offices are inconveniences that are being more felt every day, and the prospect of a Post Office being built that may be equal to the requirements of this increasing city seems more remote than ever, seeing that the site which has been available for eight years past for that purpose is no longer so, and that no new site has as yet been purchased.

I have been in communication, during the past year, with the Secretary to the General Post Office, Melbourne, and with the Postmaster General of South Australia on the subject of the Money Order System, which has been in operation in Victoria since the 1st July, 1858, and in South Australia from the 1st January, 1859.

In Victoria there are seventeen Money Order Offices, exclusive of the one in Melbourne, but they are, in every case, attached to Post Offices, conducted by officers on the staff of the Department, and whose whole time is consequently devoted to the Postal Service alone.

In Melbourne, one clerk's services are required for the issue and payment of money orders, the remaining business in connection with the system being transacted in the Accountant's office.

In August last 803 money orders, representing a sum of £3,295 16s. 10d., were issued in Victoria, and the amount of business was said to have increased steadily since the introduction of the system.

In South Australia fourteen Money Order Offices were established, inclusive of Adelaide, and a special clerk was, at first, employed for the issue and payment of the orders at Adelaide, but the business was found to be too limited to necessitate his services, and in October the duty was performed by one of the permanent staff, and the office was only open for one hour during the day.

In order that the system might have a fair trial in this Colony, although there are minor difficulties to be got over, I sent in (in the beginning of the present year) to the Government an estimate of the probable expenditure necessary to introduce and carry on a Money Order System in this Colony. I proposed that the service should be extended to seventeen Post Offices, exclusive of Sydney, and that it should be brought into operation from 1st July next. I estimated the expense for the last six months of 1860 at £650, but stated that an advance from the Treasury of a sum estimated at £2,000 would be necessary until the system was fairly underweigh.

With the confined space already alluded to, it would be not easy to find room for an office for the issue and payment of money orders in the General Post Office, but I proposed that it should be managed by railing off part of the entrance hall or lobby. It is essential that it should be on the ground floor, and the only other available spaces are taken up by the Superintendent's Office, the sale of stamps' room, and the store room for the use of the Department.

In considering and searching for information with respect to the Money Order System, my attention has been attracted to a new advantage which it is proposed in the United Kingdom the system shall confer, and which certainly promises to be of no slight importance, and would be of great advantage in this Colony. I allude to the proposal, that Money Order Offices should be made the medium for the deposit and withdrawal of moneys in the Savings' Bank, as it is obvious that many provident persons might have ready access to a Money Order Office, although residing far from a Savings' Bank.

The plan, which is very simple, may be briefly explained as follows:—a working man who presented himself at a Money Order Office with a sum—say £4—for the Savings' Bank would obtain a money order to that amount, and enclose it in a printed form to the Savings' Bank Manager, who would in course of post return to him the usual voucher, and the transaction would be complete. In withdrawing the money, he would have to transmit by post this voucher to the Savings' Bank, and he would receive in return a Post Office money order to that amount, minus the commission.

The plan is not intended to compete in the slightest degree with the Savings' Banks, but to extend the benefit of such institutions to districts that are as yet without them. One excellent

excellent feature is that each depositor would have a Government guarantee for the safe transmission of his savings, whilst more frequent opportunities for depositing would be given, as Money Order Offices are open *every day* for not less than six hours.

The scheme, which originated with Mr. C. W. Sikes, of the Huddersfield Banking Company, has been approved of by the late Mr. Baines, M.P., for Leeds, Sir Rowland Hill, K.C.B., Secretary to the General Post Office, London, and the Managers of the Money Order Department of that establishment.

The Council of the Dublin Statistical Society, Archbishop Whately, President, have passed a resolution recording their entire approval of the principles of the plan, considering it to be specially applicable to Ireland; and at the Social Science Meeting at Bradford, Lord Brougham in his address drew the attention of the audience to the scheme.

That it would be particularly advantageous in this Colony, there can, I think, be no doubt; indeed, it seems to me one of the strongest arguments in favor of the establishment of a Money Order System.

The late Government having expressed a wish that I should submit a plan by which the delivery of the English Mails could be accelerated, I accordingly proposed that the letters should be sorted on board the Mail Packets before their arrival in Sydney.

I made three propositions:—1st, that the sorting of the letters should commence at Melbourne, which would have entailed an expense of £1,400 per annum, and allowed only of the sorting of the letters *via* Marseilles; 2ndly, That the sorting should commence at Nepean Bay, which would have occasioned a cost of £1,730 per annum under the present system of Admiralty Agents, and would have allowed all the letters to be sorted; 3rdly, That Post Office Sorting Clerks should be substituted for the Admiralty Agents, and take charge of the New South Wales Mails from Nepean Bay, previous to which period they could be under the charge of an Officer of the Mail Steamer.

I ascertained from the Inspector, and from the Agent of the Peninsular and Oriental Company, that this proposition—which was the one I was disposed to recommend—would probably reduce the expenditure necessary to £650 per annum, and of course confer the same advantages as my second proposal.

As the third proposition, however, could not at once be acted on, owing to the Inspector of the Peninsular and Oriental Company not being in a position to state positively the terms upon which it could be carried out, which were to be those already sanctioned on board the Homeward Mail Steamers in the Mediterranean, as also because the concurrence of the Home Government was necessary, I recommended that the estimate necessary for carrying out the second proposition should at once be laid before the Executive Council, and that steps should be taken to ascertain the views of the Home Government on the subject.

Until the passing of the Act 22 Vict., No. 19, the 55th clause of the Railway Act, 13th Victoria, gave me the power to control the time of departure and arrival of the Mail Trains, though I never received authority to exercise such power. The postal disadvantages attendant on my not being able to fix the time of arrival and departure of the Mail Trains is shewn by the present Railway Time Table, which causes the morning Mails from the westward to arrive at the Station at 8.25 A.M., only thirty-five minutes before the time fixed (9 A.M.) for the delivery of such Mails by letter carriers.

Before the Railway existed, and when the correspondence was much less, the Western and Southern Mails were received at the Post Office at 8 A.M. It is, therefore, manifest that the morning delivery at 9 A.M. must be unpunctual, or that the Western Mails must be delivered at the second delivery, 1 P.M.

As at present there is no early train from Campbelltown, and with the view of mitigating the evil above alluded to, by being able to sort the Southern Mails before the Western ones come in, I have been obliged to sanction the objectionable arrangement of bringing in the Southern Mails overnight, which of course deprives the residents in the South of some twelve hours' correspondence; but even with this arrangement the Western Mails can rarely, if ever, be sorted so as to be delivered at the appointed hour.

Attention has been called to the matter, and I am disposed to hope, either that an early train may be put on from Campbelltown to reach the station-house at Sydney at 7.35 A.M., which was the former arrangement; or, if this cannot be conceded, that the anomaly

anomaly may be got rid of by a morning train leaving Campbelltown in connection with the present first train from Parramatta, the first delivery of letters being fixed to take place at 9-30 A. M., in which case punctuality and some degree of certainty may at all events be insured.

I append the Postal Inspector's Report for 1859, which gives information as to his tours of inspection during the year.

There is certainly considerable improvement in the performance of the Country Postmasters' duties since they have been enabled to acquire a further knowledge of these from that officer's personal supervision.

I have, &c.,

W. H. CHRISTIE,  
Postmaster General.

## APPENDIX.

General Post Office,  
Sydney, 8 June, 1860.

Sir,

In obedience to your request that I would furnish you with a short statement of my proceedings during the past year, 1859, I beg to submit the following:—

My first tour of duty as Postal Inspector was to the southward, upon which I started early in February, and visited the Post Offices at Liverpool, Campbelltown, Narellan, Camden, Picton, Berrima, Marulan, Goulburn, Gunning, Yass, Jugiong, Gundagai, Tarcutta, Ten Mile Creek, Albury, Wagga Wagga, Adelong, Tumut, Burrowa, and Binalong, and inspected the horses, carriages, &c., employed by the contractors for the conveyance of Mails between these places.

My next tour was to the northward, as far as Wide Bay. Upon this tour, which extended over the districts of the Burnett, Darling Downs, Moreton Bay, Liverpool Plains, &c., I inspected the Post Offices at Maryborough, Gayndah, Goode's Inn, Ipswich, Brisbane, Towoomba, Drayton, Dalby, Warwick, Maryland, Tenterfield, Table Land, Dundee, Glen Innes, Wellingrove, Armidale, Uralla, Rocky River, Bendemeer, Tamworth, Carrö, Gunnedah, Gulligal, Wee Waa, Moree, Warialda, Bingera, Barraba, Manilla, Breeza, Quirindi, Wallabadah, Murrurundi, Goonoo Goonoo, Scone, Aberdeen, Muswellbrook, Singleton, Lochinvar, Maitland, East Maitland, and Newcastle; and the horses, carriages, &c., employed in the Mail Service between these places.

The reports and my journals, which I have already furnished to you, contain the details of my observations on these tours, and it affords me much pleasure that I am able to state that the alterations which I have felt authorized to make in the Time Tables, and those of my suggestions which met your approval and were acted on have given general satisfaction.

The Mail Contractors generally have performed their work fairly, but although I am willing to make allowance for the difficulties which they have to contend with in wet weather, particularly on lines which are travelled at night, I must say that there is much room for improvement in the average rate of speed at which the Mails travel, and I trust that it will be proportionably increased as the roads are put in repair and the creeks bridged.

The American coaches which have been introduced (by Mr. Gill the Mail Contractor) on the Northern Road will, if generally adopted throughout the Colony, be of considerable advantage to the Mail Service, as these vehicles are much better suited for our roads than the carriages which are generally used.

The new forms of letter bills, accounts, books, as also the date stamps, &c., are, I am glad to find, generally appreciated by the Postmasters; and as, in almost every instance, I found a desire on the part of the Postmasters to avail themselves of my instructions as to their duties, I have no doubt but that a marked improvement in the management of Country Post Offices generally will be the result.

I noticed on the Northern Roads that considerable improvements were carried out. From Brisbane to Drayton the creeks were nearly all bridged, and the cuttings and sites of the bridges remarkably well chosen.

The road at Moonbi Pass and the crossing-place between Bendemeer and Carlisle's Gully were very much improved; indeed, the improvements on the line first mentioned, *i. e.*, Drayton, are equal to those which I have seen in Victoria.

The want of a uniform time is productive of great inconvenience as regards punctuality in the arrival and despatch of the mails, and I would respectfully suggest that Sydney time should be Post Office time all over the Colony. In those places to which Electric Telegraph extends this might be easily carried out.

As it would also be a great advantage to the public if the Telegraph and Post Office were in the same building, I would also beg attention to this subject before the Telegraph Stations are finally fixed.

It appears to me to be desirable that the Post Offices in the principal Towns should exercise some supervision over the neighboring offices. If such arrangements could be made it would tend much to improvement and uniformity of system, as well as greatly assist the Inspector in the performance of his duties.

In conclusion I beg to state, that during these tours, on which I examined the working of sixty-three Post Offices and thirty-one Mail Contracts, which extended over a distance of nearly four thousand miles, and occupied a period of nearly nine months, it is particularly gratifying to me to be able to say, that not only the Postmasters, Contractors, and those connected with the Mail Service, gave me all the assistance in their power, but I received from the Government officials, the resident gentry, and members of the Press, much valuable information respecting the postal requirements of the districts through which I passed, and I feel myself bound to take this opportunity to acknowledge their kindness, and of thanking them for the attention I received at their hands.

The Postmaster General,  
&c., &c., &c.,

I have, &c.,  
T. W. LEVINGE.





1859.

## NEW SOUTH WALES.

STEAM POSTAL SERVICE *via* PANAMA.

(FURTHER CORRESPONDENCE WITH E. C. MEREWETHER, ESQ., RELATIVE TO.)

Presented to both Houses of Parliament, by Command.

## SCHEDULE.

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## STEAM POSTAL SERVICE *via* PANAMA.

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### No. 1.

EDWARD C. MEREWETHER, ESQ., to THE COLONIAL SECRETARY.

*5, Cannon-street, City,  
8 February, 1859.*

SIR,

Referring to the Under Secretary's letter of the 18th December last, I now do myself the honor to report to you, for the information of His Excellency the Governor General, that having duly embarked on board the Mail Steamer "Columbian," I reached London on the evening of Saturday the 5th instant, and on the 7th, in pursuance of your instructions, presented at the Colonial Office the Despatch accrediting me to Her Majesty's Government, and formally announced my arrival in a letter in which I also intimated that I was prepared to wait upon the Secretary of State upon any day that he might be pleased to appoint.

2. I have this day seen the three gentlemen nominated by you to form, with Mr. Hamilton, the Committee of Advice, and it affords me much pleasure that I am enabled to state that they all expressed a cordial desire to meet the views of the Government of New South Wales in the matter, and readily consented to act as members of the Committee.

3. As it was obviously desirable that they should without delay be in possession of the scope and tenor of my instructions, I at once proposed that we should meet at an early day for the purpose, and a meeting has accordingly been arranged for Friday, the 11th instant.

4. The departure of the February Mail will probably be postponed some days in consequence of the delay in the starting of the vessel at the Sydney end of the line, and I trust therefore that I may be enabled to transmit to you by it the Minutes of the Proceedings of the Committee.

5. You are doubtless aware by this time that since the issue of the Notice calling for Tenders for the Suez route, no further steps have been taken by Her Majesty's Government for carrying out the intention expressed in the postscript to that Notice with respect to inviting Tenders for the Panama service; and, as far as my present information goes, there is no immediate intention of proceeding with the scheme.

6. It is with much gratification that I have to report to you that Mr. E. Hamilton, in his capacity of Governor of the Australian Agricultural Company, has placed a room in the offices of the company at the disposal of myself and the Committee—an act of courtesy and consideration which I venture to express a hope may be suitably acknowledged.

I have, &c.,

EDWARD C. MEREWETHER.

THE HONORABLE

THE COLONIAL SECRETARY,

&c.,      &c.,      &c.,  
New South Wales.

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### No. 2.

EDWARD C. MEREWETHER, ESQ., to THE COLONIAL SECRETARY.

*5, Cannon-street, City,  
23 February, 1859.*

SIR,

Referring to my letter of the 8th instant, I now do myself the honor to enclose for your information copies of the Minutes of the Proceedings taken by the Committee of Advice on the 11th instant, and at a subsequent meeting held yesterday, the 22nd instant.

2. The Minute of the 22nd contains a general statement of my proceedings up to that date, and, in transmitting these documents, I do not consider it necessary to say more than that I earnestly trust that I may receive by return of post, an authority to guarantee the £50,000, irrespective of the New Zealand contribution; for if it is really desired to secure the establishment of the route, this must be conceded, or the New South Wales subsidy must be increased, as in common with the members of the Committee, I am quite satisfied that the service will not be undertaken for a subsidy of £100,000.

I have, &c.,

EDWARD C. MEREWETHER.

THE HONORABLE

THE COLONIAL SECRETARY,

&c.,      &c.,      &c.,  
New South Wales.

*MINUTES of the Proceedings of a Committee consisting of Edward Hamilton, Esq., Robert Towns, Esq., Donald Larnach, Esq., and George A. Lloyd, Esq., being a Committee appointed in London by the Government of New South Wales, to assist with their advice and co-operation, Edward C. Merewether, Esq., the Agent of the Colony accredited to Her Majesty's Government in England, for the purpose of negotiating the establishment of Steam Postal Communication between Sydney and Great Britain, by way of the Isthmus of Panama.*

FRIDAY, 11 FEBRUARY, 1859.

Pursuant to previous arrangement the Committee met at the Offices of the Australian Agricultural Company, 5, Cannon-street, City, where a room had been kindly placed at their disposal by Mr. Edward Hamilton, the Governor of the Company.

There were present at the Meeting—

E. C. Merewether, Esq., Agent, in the Chair.

E. Hamilton, Esq.

D. Larnach, Esq.

R. Towns, Esq.

G. A. Lloyd, Esq.

And it is here desirable to record that, at the opening of the proceedings, the three last named gentlemen expressed themselves willing to accept office as Members of the Committee, according to the terms of a letter bearing date the 10th December, 1858, addressed to them individually by Mr. Cowper, the Chief Secretary of New South Wales, and personally delivered to them by Mr. Merewether.

Mr. Merewether then proceeded briefly to explain the question, in so far as it was known to his Government at the date of his departure from Sydney; and having laid before the Committee the various documents specified in the margin, read his letters of appointment and instruction, in the latter of which it is stated that Mr. Hamilton has consented to act as one of the Committee, and furthermore, in the event of the death or inability to act of Mr. Merewether, to assume the duties of Agent.

The Committee then proceeded to consider the following question, which presented itself upon a perusal of the "Panama Route Postal Act," viz.:—whether the amount appropriated by that Act is to be regarded as a moiety of the whole subsidy to be paid for the maintenance of the service, and therefore inclusive of any sums that might be contributed towards it by New Zealand as well as by the Australian Colonies, or otherwise.

After some deliberation, and having before them, in addition to the above-mentioned documents, a private communication bearing upon the point, addressed to Mr. Merewether by Mr. Cowper, the Committee inclined to the opinion that under the terms of the Act the subsidy of £50,000 guaranteed by the Colony of New South Wales does not include, and is irrespective of, any sum that may be contributed towards the service by the Colony of New Zealand;—and acting upon this view they advised that if inquired of in the matter, Mr. Merewether should so answer to Her Majesty's Government.

Mr. Merewether then informed the Committee that, on Monday the 7th instant, he had presented at the Colonial Office, a Despatch from the Governor of New South Wales, duly accrediting him to Her Majesty's Government, and had by letter formally notified his arrival to the Right Honorable the Secretary of State for the Colonies, and applied for an interview;

1. Printed copies of the Minutes of the Proceedings taken by the Executive Council of New South Wales, on the 9th, 16th and 23rd of August, 1858, on the matter of Steam Postal Communication with Great Britain.  
2. Printed copies of certain Resolutions, adopted by the Legislative Assembly of New South Wales, on the 8th September, 1858, in reference to the establishment of Steam Postal Communication by way of Panama.  
3. Printed copies of the Panama Route Postal Act of 1858, as passed by the Assembly, and assented to by the Governor General.

10th December, 1858, with accompanying documents.

interview; but that as yet he had received no reply to that communication, and until he received the instructions of the Secretary, as to the course which he must next adopt, he was not in a position to inform them further in the matter.

The Committee then adjourned *sine die*.

E. C. MEREWETHER,  
Agent.

EDWARD HAMILTON,  
D. LARNACH,  
G. A. LLOYD,  
Members of the Committee.

TUESDAY, 22 FEBRUARY, 1859.

At a Meeting of the Committee duly convened by the Agent, and held at their Office, in Cannon-street, this day;—

PRESENT:—

Edward C. Merewether, Esq., the Agent, in the Chair.

Edward Hamilton, Esq.  
Robert Towns, Esq.

Donald Larnach, Esq.  
George A. Lloyd, Esq.

Mr. Merewether read the Minutes of Proceedings on the 11th instant, and the Committee recommended that they should be entered as a correct record of their proceedings on that date, but as they had been afforded an opportunity of again reading the Postal Act in connection with the Resolution of the Legislative Assembly, and had seen reason to doubt whether the opinion they had adopted was in exact accordance with the views and intentions of the Government and Legislature of New South Wales, they were not prepared to confirm the advice tendered on that occasion, viz.,—that if inquired of in the matter, Mr. Merewether should assume the responsibility of informing Her Majesty's Government that the subsidy guaranteed by the Colony of New South Wales towards the establishment of the Panama Route does not include any sum which might be contributed by the Colony of New Zealand in aid of the service. Fully impressed, however, with the important bearing of this question upon the ultimate success of the scheme, they recommended that, if enquired of in the matter, Mr. Merewether should hold out the prospect that the Government of New South Wales, when apprised of the insufficiency of the amount at present appropriated by the Postal Act, will be disposed to guarantee the £50,000, irrespective of any sum which may be contributed by New Zealand.

The Committee further recommended that Mr. Merewether should, by the Mail which will leave London for Australia to-morrow evening, forward to the Government of New South Wales copies of this and the previous Minutes, and apply for further and specific instructions upon this head.

Mr. Towns having dissented from the recommendation, and maintained that according to his view and understanding of the terms of the Postal Act and the Resolution of the Assembly, the subsidy guaranteed by New South Wales was intended to be irrespective of any sums which might be contributed, either by New Zealand or the rest of the Australian Colonies,—The Committee advised that his dissent should be entered upon the Minutes, as also any protest that he might wish to have recorded.

Referring to the previous proceedings, Mr. Merewether next informed the Committee as follows:—

- 1st. On the 17th instant he had waited upon the Secretary of State for the Colonies by appointment, and that Sir Edward Bulwer Lytton had at once referred him to the Department of the Treasury, as the proper channel from which to obtain further information as to the views and intentions of the Government with respect to the objects of his mission.
- 2nd. That, acting upon this instruction, he had, on the 18th instant, sought and obtained an interview with Mr. Stephenson, the principal clerk in the Treasury, who stated that Sir Stafford Northcote, with whom the negotiation would have to be conducted, had only recently entered upon his office, and was scarcely prepared at present to take up the question, but that as soon as he had made himself master of the subject, for which only a few days would be required, arrangements would be made for discussing it.
- 3rd. That the opinions expressed by Mr. Stephenson encouraged the belief that, if it could be satisfactorily shewn that the Panama route could be so worked in connection with the Suez route as to afford a fortnightly communication, and could be carried out at a reasonable cost, the Government would still be disposed to complete the intention expressed in the postscript of the notice calling for tenders for the Suez route, but that information as to the probable cost would be a necessary preliminary.
- 4th. That he had accordingly instituted inquiries on both the points indicated by Mr. Stephenson, and had ascertained that the service could be so arranged as to alternate fortnightly with the Suez service; and that there are several Companies willing and prepared to tender for its performance, at rates, it is true, in excess of the subsidy contemplated by the Government of New South Wales, but still not so much so as to render their rejection inevitable—£140,000 has been named by one Company as a sufficient and remunerative subsidy.

Mr.

Mr.

Mr. Merewether further informed the Committee, that having ascertained that, by the November Mail, Despatches had been transmitted to the Governors of the several Australian Colonies, on the subject of Steam Postal Communication by way of Panama, he had, immediately after his interview with the Secretary of State, requested to be furnished with copies of any Despatches that may have been addressed to His Excellency Sir William Denison in reference to the question, since the departure of the October Mail.

Mr. Towns laid before the Committee the undermentioned letters, and in compliance with a request to that effect consented that they should remain in the office for the perusal of the Members at a future day :—

Letter from David Hoadley to E. B. Neill, Esq., dated New York, 4th January, 1859, as to the question, whether the Government of New Granada, had the right to insist that a tax be paid to them on all Mails crossing the Isthmus of Panama.

Letter from Patrick Gibson to E. B. Neill, Esq., dated 13th January, 1859, regarding the treaty between Great Britain and New Granada, as to the amount to be paid by the former to the latter for the passage of the Mails across the Isthmus.

Letter from R. W. Cameron to the Honorable Robert Towns, dated Boston, 25th January, 1859, respecting Tenders for the Postal Service between Great Britain and New South Wales, *via* Panama, &c.

The Committee then adjourned *sine die*.

E. C. MEREWETHER,  
Agent.  
EDWARD HAMILTON,  
D. LARNACH,  
GEORGE A. LLOYD,  
Members of the Committee.

### No. 3.

THE COLONIAL SECRETARY to EDWARD C. MEREWETHER, ESQ.

Colonial Secretary's Office,  
Sydney, New South Wales,  
1 June, 1859.

(M. 14-681.)

SIR,

I have received your letters of the 8th and 23rd of February last, reporting your arrival in England, and forwarding Minutes of the Proceedings of the Committee of Advice, who were associated with you, containing a general statement of the proceedings taken by you, from the time of your arrival, as Agent for this Colony, in connexion with the subject of Steam Postal Communication *via* Panama.

2. You report that the information which you had been enabled to obtain, had convinced you that the establishment of the desired line of communication, *via* Panama, could not be calculated upon for the subsidy of £100,000, originally estimated as sufficient for the purpose, and that you had therefore considered it necessary to take the opinion of the Committee upon the following question, which, upon perusal of the "Panama Route Postal Act," had seemed to you to present itself, viz.:—"Whether the amount appropriated by that Act should be regarded as a moiety of the whole subsidy to be paid for the maintenance of the Service, and, therefore, inclusive of any sums that might be contributed towards it by New Zealand as well as by the Australian Colonies, or otherwise."

The Committee, although at first inclining to a different opinion, had considered that the information which they possessed, of the views and intentions of the Government and Legislature of this Colony, did not justify them in advising that you should assume the responsibility of informing Her Majesty's Government that the sum of £50,000 would be contributed by this Colony, irrespectively of the contributions of any of the other Colonies interested in the same object; but they recommended that you should, if inquired of in the matter, hold out the prospect that this Government, on being apprised of the insufficiency of the amount at present appropriated, would be disposed to guarantee the sum in question, without reference to any other contributions.

3. Under these circumstances you express a hope that you may receive authority to guarantee that the full sum of £50,000 will be contributed by this Colony alone, towards subsidising a Mail Service *via* Panama.

4. The Government having had under review the proceedings which have taken place, from time to time, during the consideration of this subject, and having maturely deliberated

deliberated upon the question, now more particularly submitted, are of opinion, that the Committee, in the advice which they tendered to you with regard to the interpretation of the Act, 22 Victoria, No. 15, have rightly construed the intentions of the Legislature, in passing that Act, namely,—as authorising the Government to make arrangements with Her Majesty's Government, whereby a subsidy to the extent of £50,000 (inclusive of other expenses) might be guaranteed by this Colony, but reserving a right to the Government of agreeing with the other Australasian Colonies, or any of them, for their sharing in the benefits of the proposed Postal Service, upon such terms as should seem fit.

5. At the same time it is desired that the Government of New South Wales should be understood as willing to co-operate, to the fullest extent that can reasonably be expected in any general arrangements, consistent with the spirit of the Resolutions passed by the Legislative Assembly, on the 8th September, 1858, of which you have been provided with copies, that may tend to the improvement of the Mail Communications between these Colonies and the Mother Country, and I have therefore to state, for your guidance, that the Government will be prepared to invite the local Parliament to make such provision towards the subsidising a Postal Service generally (comprising a line *via* Panama) as may be considered fair and reasonable, not exceeding the sum of £50,000 per annum, an amount which, from the best information that can be obtained, is believed to be rather in excess of the share which this Colony can fairly be called upon to contribute to the general service.

EDWARD C. MEREWETHER, ESQ.,  
&c., &c., &c.

I have, &c.,

CHARLES COWPER

#### No. 4.

EDWARD C. MEREWETHER, ESQ., to THE COLONIAL SECRETARY.

5, Cannon-street, City,

18 March, 1859.

SIR,

Referring to my letter of the 23rd ultimo, I now do myself the honor to transmit to you, for your information and consideration, a copy of the Minutes of the Proceedings taken by myself, and the gentlemen forming my Committee of Advice, since the date of that communication.

You will perceive from this that the first interview afforded to me by the Assistant Secretary to the Treasury, at which the members of the Committee were present, and the subject of my mission was discussed at some length, resulted somewhat unsatisfactorily, but that at the second interview I obtained from Sir Stafford Northcote a written statement of the views and intentions of Her Majesty's Government, couched in the following terms:—

"In case the difficulties of the transit across the Isthmus can be got over, and in case the time within which the service can be performed *via* Panama can be made to fit the time within which it is performed *via* Suez.

"And in case the Government receive a full assurance that one-half the whole expense of both the services *via* Suez, as well as *via* Panama, will be borne by the Colonies, they will be prepared to call for Tenders for the service, but will not bind themselves to accept such Tenders, should the amount demanded appear to them unreasonable.

"It is understood that the whole service from England to Australia is to be included in the Tender."

You will also observe that Sir Stafford Northcote subsequently explained and modified the third stipulation by saying that the Government would not consider £100,000 an unreasonable amount to be demanded for the service; and by consenting to call for Tenders so soon as the next Australian Mail has arrived, with the understanding, however, that they would resort to the step, simply as a means of ascertaining the probable cost, and would not pledge themselves to accept any of the Tenders.

Almost all the information which I am at present in a position to afford with respect to the various points involved in the stipulations, already appears in the Minutes or their Appendices, and further comment at my hands would almost seem unnecessary; but as the  
Committee

Committee expressly advised that I should draw your attention to the question of the assurance required by the Imperial Government, I will offer a few remarks upon the subject.

You will see that the Committee when deliberating upon the question, resolved that I should not be justified in giving the assurance in question, even if Her Majesty's Government would accept my individual pledge, and little doubt can be entertained of the correctness of this view, as whilst on the one hand I am unable to guarantee a moiety of the cost of the Panama service because it will not exceed the amount appropriated by the Legislature, so on the other my powers are straitened as I am unable to bind the Colony to contribute unconditionally to the Suez route, and the Imperial Government will not hold Victoria responsible for the whole moiety (although she has guaranteed it,) but only for her proportionate share.

It is clear therefore that I am not in a position to give the assurance required, and to place me in that position you must not only authorize me to extend the guarantee of New South Wales to a full moiety of the sum required for the Panama service, but you must also obtain and forward to me a distinct pledge from the Government of Victoria that they have already guaranteed to Her Majesty's Government the full moiety of the Suez service, and are willing to adhere to that guarantee.

I trust that I have not expressed myself more strongly than the necessities of the case demand, as I feel perfectly convinced, and in this I shall be borne out by my colleagues, that Her Majesty's Government will not grant their assistance until they have received the assurance that they require.

I have, &c.,

EDWARD C. MEREWETHER.

THE HONORABLE

THE COLONIAL SECRETARY,  
Sydney.

5, Cannon-street, City,  
15 March, 1859.

At a Meeting of the Committee held this day.

PRESENT:—

Edward Merewether, Esq., the Agent, in the Chair.

Edward Hamilton, Esq.

Donald Larnach, Esq.

Robert Towns, Esq.

G. A. Lloyd, Esq.

Mr. Merewether having read the Minutes of the Proceedings on the 22nd ultimo, which were duly confirmed, laid before the Committee, for their information, the following papers:—

1st. Copies of three separate Despatches from His Excellency Sir William Denison to the Secretary of State for the Colonies, on the subject of Steam Postal Communication with Australia, *via* Panama, dated, respectively, the 10th August, 10th September, and 6th November, 1858.

2nd. A copy of a Despatch from the Right Honorable the Secretary of State for the Colonies, dated November 16th, 1858, forwarding to His Excellency Sir William Denison a copy of a Treasury Letter and Minute on the same subject, and other papers.

3rd. A copy of the Despatch from His Excellency Sir William Denison, accrediting Mr. Merewether to Her Majesty's Government, dated December 3rd, 1858.

Adverting then to an interview which he had obtained, on the 5th instant, with Sir Stafford Northcote, Assistant Secretary to the Treasury, and at which the Members of the Committee had been present, Mr. Merewether read a draft memorandum setting forth the substance of what had passed on the occasion, and requested from the Committee an expression of opinion as to its general correctness.

The Committee agreed that the memorandum in question was a fair statement of the substance of what transpired at the interview, and advised that it be recorded on the Minutes. (*Vide Appendix A.*)

Mr. Merewether next informed the Committee, that on Wednesday last, the 9th instant, as he had not received the information promised by Sir Stafford Northcote, and referred to in the concluding paragraph of the memorandum just read, he had called upon Mr. Stephenson, and requested him to remind Sir Stafford of his promise; and on the Monday following, being still without it, he had again, through Mr. Stephenson, drawn attention to the matter, and requested an interview.

This request, he was happy to say, had been acceded to, and he had just now left Sir Stafford Northcote and Mr. G. A. Hamilton, Assistant Secretary to the Treasury, from the former of whom he had received a written statement of the terms and conditions upon which Her Majesty's Government would consent to call for tenders for the Panama service, and contribute a moiety of the cost.

Mr.



Mr. Merewether then read the statement in question, a copy of which is hereinafter set forth (*vide Appendix B.*); and, referring to it, further informed the Committee that, in reply to inquiries bearing upon the following points, Sir Stafford Northcote had intimated to him,—

- 1st. That he had not yet obtained the information he had promised with respect to the transit of the Mails across the Isthmus.
- 2nd. That, with regard to the question of the cost of the service, the Government would not consider £150,000 "an unreasonable amount."
- 3rd. That taking into consideration all the circumstances of the case, and especially the fact that the greater portion of a moiety of the sum which had been named as the cost of the service was already guaranteed by the Colony of New South Wales, Her Majesty's Government would not be unwilling to call for tenders, even before they were satisfied that the conditions set forth in the statement could or would be complied with; but they would not undertake to call for them until after the arrival of the Australian Mail now due, by which it was not impossible that answers might be received from some of the Colonies to the reference made in November last; and it must also be distinctly understood that, if they adopt the step, it is simply with a view of ascertaining the probable cost of the service, and without pledging themselves to accept any of the tenders that may be sent in.
- 4th. That, before the Government issued any notice calling for tenders, Mr. Merewether should see it, and be afforded an opportunity of proposing any alterations or additions, and
- 5th. That, upon the arrival of the Mail, Mr. Merewether had better again communicate with the Treasury in the ordinary official way by letter.

The Committee then deliberated as to the course which it would now be advisable for Mr. Merewether to pursue, and, having carefully considered the question, resolved that, under existing circumstances, Mr. Merewether would not be justified in giving the assurance required by Her Majesty's Government, even if the latter were content to take his individual assurance, and that the only prudent course open to him is to apply for further instructions. They advised, therefore, that he should transmit to Sydney by the Supplementary Mail, *via* Marseilles, a copy of the statement handed to him by Sir Stafford Northcote, and should clearly point out, that, in order to place him in a condition to give the required assurance, the Government of New South Wales must authorize him to extend their guarantee to the full moiety of the sum required for the Panama Service, and must also obtain from the Government of Victoria a distinct acknowledgment, that they have already guaranteed to the Imperial Government one-half of the Suez subsidy.

The Committee further advised that Mr. Merewether should, at the same time, forward to the Government of New South Wales, a return shewing the amount for which, according to the computation contained in the Treasury letter of November last, the several Colonies are now liable, under the contract with the Peninsular and Oriental Steam Company, and also the amount, which, if they all consent to subsidise it, each would have to contribute to a service by way of Panama, estimated to cost £150,000.

From this it will be seen that if all the Colonies contribute towards the Panama route, the gross amount New South Wales would be called upon to pay for the services would be far within the sum at present guaranteed by her for one, and would not exceed that amount, even if South Australia, Tasmania, and Western Australia declined to give their quota, and New South Wales undertook to bear them.

The Committee expressed an opinion that the terms proposed by Her Majesty's Government are fair and reasonable, and that the stipulation as to the transit of the Mails, and the time within which the service must be performed, can be fulfilled, but they recommended that Mr. Merewether should, at once place himself in communication with the Foreign Office, in reference to the transit difficulty, and take such other steps as may appear expedient.

The Committee then adjourned *sine die*.

EDWARD C. MEREWETHER, Agent.  
EDWARD HAMILTON.  
ROBERT TOWNS.  
DONALD LARNACH.  
G. A. LLOYD.

#### APPENDIX A.

*London, 5th March, 1859.*

*Memoranda recording the substance of what occurred this day at an interview between Mr. E. Merewether and Sir Stafford Northcote, Assistant Secretary to the Treasury, on the subject of Steam Postal Communication with Australia, by way of Panama.*

Sir Stafford Northcote was accompanied by—

Mr. W. B. Stephenson, principal Clerk in the Treasury, and  
Mr. Merewether, by  
Mr. E. Hamilton,  
Mr. R. Towns,  
Mr. D. Larnach, and  
Mr. G. A. Lloyd.

In



In formally introducing these gentlemen to Sir Stafford Northcote, Mr. Merewether took occasion to draw particular attention to the circumstance that in their anxiety to secure the postal communication by way of Panama, the Government of New South Wales had not only resorted to the somewhat unusual step of despatching a special agent to England, for the sole purpose of endeavouring to effect this object, but had also further evinced their earnestness of purpose by adopting the additional precaution of appointing a Committee in London, of which the gentlemen present were the members, to advise and assist their Agent in the prosecution of the duty entrusted to him.

Having then briefly explained that he waited on Sir Stafford Northcote, in pursuance of an intimation from the Secretary of State for the Colonies,—that the Department of the Treasury was the proper channel from which to obtain further information as to the views of the Government with respect to the objects of his mission,—Mr. Merewether represented that shortly prior to his departure from Sydney, the Government of New South Wales had been placed in possession of a copy of the Admiralty Notice calling for Tenders for a monthly Postal Service by way of Suez, and having observed that in a postscript to the notice it was stated that so soon as the arrangements were completed, it was the intention of Her Majesty's Government to call for Tenders for a monthly Steam Postal Communication with Australia, *via* Panama, in addition to the service *via* Suez, they had framed the instructions to him accordingly.

Since his arrival in England he had ascertained that the arrangements for the Suez service had been completed, but that, as yet, no Tenders had been invited for the second service, and he requested, therefore, to be informed whether Her Majesty's Government were still willing to adopt that course.

Sir Stafford Northcote, in reply to this question, stated that the Government were not indisposed to carry out the intention expressed in the notice, but before doing so, desired to obtain some information, not only as to the practicability of establishing a second service, *via* Panama, that would work harmoniously with the Suez service, so as to afford a fortnightly communication, but also as to the probable expense of carrying it out.

Mr. Merewether observed, that since his arrival in England, his attention had been directed to obtaining information upon both these points, and that he had come prepared with a Table, clearly shewing that by a simple alteration in the times fixed for the arrival and departure of the steamers conveying the West India Mails, the Postal Communication desired by the Government of New South Wales, and sketched out in the Resolutions adopted by their Legislative Assembly, on the 8th September last, could be carried out, and be made to alternate fortnightly with the service by way of Suez.

Appended.

Mr. Merewether having briefly explained the arrangements proposed in the Table, which he stated had been prepared after communication with the Secretary of the Royal Mail Company, proceeded to say that with regard to the question of expense, he was not in a position to give such a satisfactory answer, and for the obvious reason that those most competent to afford the requisite information, viz., the parties prepared to tender, were naturally unwilling to disclose that which might subsequently be used to their prejudice. He had ascertained however, that in the event of Tenders being called for, there were parties willing and prepared to tender, and that an American Company would do so if a subsidy of £140,000 per annum were guaranteed; he felt it right however to state on the other hand, that the Royal Mail Company had expressed their determination not to tender unless the subsidy exceeded that amount. It was clear from this that full and satisfactory information on the point could only be obtained by calling for Tenders, and as it appeared that the service could be made to work harmoniously with the Suez service, he hoped that the Government would at once adopt the step and solve the question.

Appended.

Sir Stafford Northcote replied that the Government were unwilling to commit themselves to any definite line of action, until they had received a reply to a reference which had been made to the Governors of the various Australian Colonies in November last, with the view of ascertaining clearly the wishes of the Colonists with respect to the two routes, and also the amount which each Colony was willing to contribute to them respectively.

Mr. Merewether stated that he was aware that this reference had been made, and was prepared to answer any questions as to the views of his own Government, but would urge that in pursuing the course he had suggested, the Government need not pledge themselves to accept any of the Tenders that might be sent in, and might fix a distant day for receiving them, so as to afford time for obtaining a reply from the Colonies and settling all subsidiary questions.

Sir Stafford Northcote then stated that upon the dissolution of the contract with the European and Australian Company, Her Majesty's Government in order to prevent the postal communication from being interrupted had entered into a fresh contract with the Peninsular and Oriental Company upon the faith of the arrangement laid down in the Treasury Minute of 1855, and assented to by the various Colonies, and he desired therefore, to be informed, whether in the event of the Panama route being established the Government of New South Wales would still contribute towards the maintenance of the service *via* Suez, as from the terms of certain resolutions adopted by the Legislature there appeared some reason to doubt whether they would do so.

To this Mr. Merewether replied that he was not in a position to give a specific answer, as he had received no instructions upon the subject, but it would be seen by a reference to the latest proceedings of the Legislature and Government of New South Wales, copies of which he believed had been transmitted to the Treasury, that it was proposed that the Government of Victoria should make the necessary arrangements with Her Majesty's Government for the maintenance of the service by way of Suez, and that the Government of New South Wales should act in like manner with regard to that by way of Panama, leaving

the question as to the terms upon which they would reciprocally carry each others letters to be settled by after negotiation. It is true that the Government of Victoria never formally accepted this proposal, but they virtually evinced their approval of it by deliberately guaranteeing for the service by way of Suez a sum which they considered, and has proved to be sufficient, to cover the Colonial moiety of the cost. The British Government is therefore secured against loss, and may without prejudice leave the question of the apportionment to be settled by the Colonies *inter se*.

With respect to this point, however, it would be seen by a reference to the Resolution of the 8th September last, that the Government of New South Wales are prepared to contribute towards the Suez service, provided that the Government of Victoria act in like manner with regard to the Panama service, and he was authorised to state that the Government of New South Wales are anxious to deal with the question in a fair spirit, and are willing to adopt the principle of receiving and contributing in proportion to the amount of correspondence.

Sir Stafford Northcote admitted that the proposed arrangement would simplify the matter very much, but there was nothing to shew that the people of Victoria desired the second service by way of Panama, or would contribute to it,—and although they had guaranteed the Colonial moiety of the cost of the Suez service, it was only to meet an emergency,—and as Her Majesty's Government had given the Government of the Colony to understand that they would only be called upon to contribute this proportionate share according to the correspondence, and not the whole moiety, it would still be open to them to claim to contribute to the service upon that understanding, and if they did so claim there would be a deficiency in the Colonial moiety, for which the British Government would be responsible.

It was again urged by several of the gentlemen present that the Colony of Victoria had clearly guaranteed an amount sufficient to meet a moiety of the cost of the service, and Mr. Hamilton stated that when recently in Melbourne on his way Home, he was informed by more than one influential Colonist, that now the Suez route was secured the people of Victoria would not object to support the establishment of the Panama route, and that there was reason to believe that the Government were disposed to take the same view.

Sir Stafford Northcote next inquired, what amount of subsidy would be available from all the Colonies for the establishment of the second service? To which Mr. Merewether replied, that he could not at present promise more than the £50,000 guaranteed by New South Wales, which, at the time it was appropriated, was considered sufficient to cover a moiety of the cost, and was intended to include any sums which might be contributed by the Australian Colonies. Upon a perusal of the Colonial Act, appropriating the subsidy, he might state, however, that the gentlemen associated with him doubted whether it was the intention of the Legislature so to include any sum appropriated towards the service of the Colony of New Zealand, and, as he fully concurred with them in this opinion, he had, by the February Mail, requested further instructions from his Government, and had urged them to guarantee the £50,000 irrespective of any contribution which might be granted by the Colony of New Zealand.

Mr. Merewether added, that he felt no hesitation in saying that he firmly believed that his Government would at once adopt this course when they became aware that their original estimate of the cost of the service fell short of the subsidy really required; and, if they did, the necessary amount would, without doubt, be forthcoming between the two Colonies—as when in the year 1857 the Royal Mail Company offered to establish a steam postal communication by the route in question, the Government of New Zealand undertook to pay a subsidy of £15,000 in aid of the service, and it was pretty well known that they were prepared to contribute a larger sum if necessary. It might be urged that an undertaking entered into so long ago would not be binding upon them now; but he was able to say, that, when asked to co-operate in the present scheme, the Government of New Zealand intimated their willingness to do so, and to contribute towards it in proportion to the advantage which they might derive.

Sir Stafford Northcote then enquired, whether, under such circumstances, Mr. Merewether was prepared to guarantee the Colonial moiety of the cost, as, unless they had some more definite idea of what was available for the service, he could not see that the Government would be justified in calling for tenders.

Mr. Merewether replied to this, that the Government had issued the postscript to the Admiralty notice entirely on their own responsibility, and without knowing for a certainty whether the Colonies would contribute one sixpence to the service, and he would observe that he did not now ask them to pledge themselves to accept any of the tenders, but simply to call for them as a means of ascertaining the probable cost.

Sir Stafford Northcote having then remarked that it would scarcely be fair to the public to call for tenders unless it was really intended to establish the service.

Mr. Merewether asked whether he was to understand by this that the postscript to the Admiralty notice meant nothing—was in fact a delusion? to which Sir Stafford Northcote answered, that it was merely meant as a caution to those tendering for the Suez service, that a second service by way of Panama might hereafter be established.

Mr. Hamilton suggested that as the difference between the amount already guaranteed by New South Wales, and that which would probably be required to complete the Colonial moiety is comparatively small, Her Majesty's Government would, perhaps, as a matter of grace and favour, be responsible for it, they would then be in a position to call for tenders with perfect good faith towards the public; he had no doubt but that the full moiety would be forthcoming from the two Colonies, who had both evinced an anxious desire to secure the route, and shewn that expense was not the chief consideration.

Sir

Sir Stafford Northcote answered that even if the Government were to do this they could not be certain that they would eventually be able to carry out the arrangement, as in addition to other difficulties there is one as to the transit of the Mails across the Isthmus of Panama, and although it was not improbable that this might be got over, it would not be dealing fairly with the public to invite tenders, unless it was quite clear that the difficulty could be satisfactorily adjusted.

Mr. Merewether stated that, having heard that there was a difficulty of this kind, he had entered into communication with the London Agent of the Panama Railway Company, and had ascertained that the difficulty was of a pecuniary nature only,—he was informed that under existing laws the New Granadian Government insisted on all British postal matter passing through their own offices, and then imposed a postal charge of three dollars per lb., which, upon the large Australian Mails, it would be impossible to pay;—he had also been informed, however, that the New Granadian Government was willing to waive this claim, and permit all postal matter to pass free for a lump sum of £2,000 per annum, and he believed had made some such offer to the English Government. Mr. Towns, however, who had been in communication with various persons in America on the subject prior to his arrival, could give fuller information in the matter.

Mr. Towns confirmed these statements, and added, that from his own experience he was aware that the postal charge amounted to 22 cents, or about 10d. an oz. on the letters sent by the English Mails, whilst if sent *via* America it was very much less. This arose from the American Government having refused to recognize the right of New Granada to make the charge in question, and positively declined to pay it—enforcing their refusal by placing a man-of-war at the Ports on each side of the Isthmus, and saying touch our Mails at your peril. He was also informed by his American correspondents that there was formerly a treaty with the New Granadian Government with respect to the transit of the British Mails across the Isthmus, but as it had expired, and was only now continued by mutual agreement from year to year, it was quite in the power of the British Government to make fresh arrangements without delay, and obtain the same treatment as is extended to the Americans.

Mr. Larnach remarked that this question is one which concerns not only those interested in establishing a communication with Australia, but also those having transactions with the Western States of America and British Columbia, and its settlement cannot long be deferred.

Sir Stafford Northcote admitted this, and stated that he believed there was some negotiation taking place in the matter, but not being within his province he was unable to say how the question stood, he would, however, place himself in communication with the Foreign Office, and apprise Mr. Merewether of the result.

Mr. Merewether and his colleagues then inquired whether they were to understand that, in the event of this difficulty being adjusted, the Government would then call for Tenders for the Panama Service, to which,—

Sir Stafford Northcote answered that he could not pledge himself upon the point until he had had an opportunity of learning whether Her Majesty's Government were prepared to contribute a moiety of the cost—other business of importance had fully occupied his attention since he entered upon Office, and he had not been able to speak to the Chancellor of the Exchequer on the subject, but he would now do so without delay, and communicate the result of this inquiry also to Mr. Merewether.

Mr. Merewether then stated that he was anxious to be able to report to his Government the probable event of his mission by the Mail which will be made up on the 12th, as having been more than a month in England they might reasonably expect that he would be in a position to do this, and he trusted, therefore, that Sir Stafford Northcote would be good enough to place him in possession of the views and intentions of Her Majesty's Government before the departure of the Mail.

Sir Stafford Northcote promised that he would attend to, and comply with this request if in his power, whereupon the interview terminated.

*Pro forma.*

#### PANAMA ROUTE.

TABLE shewing how a Postal Service between Sydney and Southampton *via* Panama, arranged in accordance with the scheme laid down in the Resolutions adopted by the Legislative Assembly of New South Wales, on the 8th September, 1858, can be made to alternate fortnightly with the existing Service, *via* Suez.

ROUTE		<i>Via</i> PANAMA.	<i>Via</i> SUEZ.	<i>Via</i> PANAMA.	<i>Via</i> SUEZ.
Outward.	Leave Southampton, calling } only at St. Thomas .. ..	(say) 27 April	12 May.. ..	27 May.. ..	12 June.
	Reach Colon .. ..	" 17 May	.....	16 June.. ..	.....
	" Panama.. ..	" 18 "	.....	17 " .. ..	.....
	" New Zealand .. ..	" 14 June	.....	14 July.. ..	.....
	" Sydney .. ..	" 21 "	8 July.. ..	21 " .. ..	8 August.
Homeward.	Leave Sydney .. ..	" 1 July	14 " .. ..	1 August ..	14 "
	Reach New Zealand .. ..	" 6 "	.....	6 " .. ..	.....
	" Panama.. ..	" 4 Aug.	.....	4 September..	.....
	" Colon .. ..	" 5 "	.....	5 " .. ..	.....
	" Southampton .. ..	" 25 "	9 September	25 " .. ..	10 October.

PANAMA

PANAMA ROUTE.				SUEZ ROUTE.			
		DISTANCE.	DAYS.			DISTANCE.	DAYS.
Southampton—				Southampton—			
To Colon .. ..	..	4,662	20				
„ Panama .. ..	..	46	1				
„ New Zealand..	..	6,500	27				
Detention .. ..	..	.....	2				
„ Sydney .. ..	..	1,155	5				
		12,363	55	To Sydney .. ..		12,023	55
						12,023	55

Homeward Route, same distance and number of days.

The Royal Mail Company's Steamers, as at present arranged, leave Southampton with the West Indian Mails on the 2nd and 17th of each month, calling at St. Thomas, St. Martha, and Carthagena, and reach Colon on the 10th and 25th of each month.

It is proposed to alter these dates of departure to 12th and 27th, and the 20th and 25th, respectively, so as to accord with the arrangement proposed in the Table; and also to omit calling at St. Martha and Carthagena.

It is understood that the Royal Mail Company will offer no objection to the changes in question.

The dates of arrival and departure in the Suez route are taken from the Peninsular and Oriental Company's own tables.

The course of post, under the existing service, *via* Suez, is, in the case of Sydney and Melbourne, 120 days; New Zealand, 149 days.

The course of post, by the proposed service, *via* Panama, will be, in the case of each of the three Colonies, 120 days.

The time which will elapse between the arrival and departure of the Mails, *via* Panama, will be amply sufficient to enable residents at Melbourne and Moreton Bay to receive and reply to letters by the same post.

#### APPENDIX B.

*MEMO. handed to Mr. Merewether by Sir Stafford Northcote, and alluded to in Minutes of the 15th March, 1859.*

In case the difficulties of the transit across the Isthmus can be got over;

And in case the time within which the service can be performed *via* Panama can be made to fit the time within which it is performed *via* Suez;

And in case the Government receive a full assurance that one-half the whole expense of both the services (*via* Suez, as well as *via* Panama) will be borne by the Colonies—

They will be prepared to call for tenders for the Service, but will not bind themselves to accept such Tenders should the amount demanded appear to them unreasonable.

It is understood that the whole Service from England to Australia is to be included in the Tender.

March 15th.

S. N.

#### APPENDIX C.

RETURN shewing the liability of the several Australian Colonies under the existing Contract with the Peninsular and Oriental Company, for a Service *via* Suez, and also the probable liability of the several Colonies under a Contract for a Service *via* Panama computed to cost £150,000 :—

COLONIES.	Present liability for the Service <i>via</i> Suez.			Future liability for the Service <i>via</i> Panama.			TOTAL.		
	£	s.	d.	£	s.	d.	£	s.	d.
Victoria .. ..	52,499	14	0	43,749	15	0	96,249	9	0
New South Wales .. ..	20,486	14	0	17,072	5	0	37,558	19	0
South Australia .. ..	6,539	8	0	5,449	10	0	11,988	18	0
New Zealand .. ..	5,124	12	0	4,270	10	0	9,395	2	0
Tasmania .. ..	4,533	6	0	3,777	15	0	8,311	1	0
Western Australia .. ..	816	6	0	680	5	0	1,496	11	0
	£ 90,000	0	0	75,000	0	0	165,000	0	0

## No. 5.

THE COLONIAL SECRETARY to E. C. MEREWETHER, ESQ.

(No. 59-2477.)

*Colonial Secretary's Office,  
Sydney, New South Wales,*

14 June, 1859.

SIR,

Referring to my letter of the 1st instant, I have now to acknowledge the receipt of your letter of the 18th March last, enclosing Minutes of the further proceedings taken by yourself and the gentlemen who are associated with you as Agent for this Colony, connected with the subject of Steam Postal Communication *via* Panama, and relating generally to the objects of your mission.

2. You state that you have had two interviews with Sir Stafford Northcote, the Assistant Secretary to the Treasury, and that you have obtained a written statement of the views and intentions of Her Majesty's Government, couched in the following terms;—

“In case the difficulties of the transit across the Isthmus can be got over—and in case the time within which the service can be performed *via* Panama can be made to fit the time within which it is performed *via* Suez—and in case Her Majesty's Government receive a full assurance that one-half of the whole expense of both the services (*via* Suez as well as *via* Panama) will be borne by the Colonies, they will be prepared to call for tenders for the service, but will not bind themselves to accept such tenders should the amount demanded appear to them unreasonable.”

“It is understood that the whole service (from England to Australia) is to be included in one tender.”

3. You further state that Sir Stafford Northcote subsequently explained and modified the third stipulation, by saying that the Government would not consider £150,000 an unreasonable amount to be demanded for the service; and by consenting to call for tenders on the arrival of the then ensuing Australian Mail—as a means of ascertaining the probable cost, but without pledging Her Majesty's Government to accept any of the tenders; and with respect to the other stipulations, you refer to the Minutes and documents which you have forwarded as containing all the information which you possess with reference to the various points involved in them, and the measures by which any difficulties which may arise under them may be overcome.

4. In concluding your report, you, with the advice of your Committee, point out that in order to enable you to give the assurance required by Her Majesty's Government, it is necessary that you should be authorised to extend the guarantee on the part of this Colony to the full moiety of the sum required for the Panama Service; and that there should be obtained from the Government of Victoria a distinct acknowledgment that they have already guaranteed to the Imperial Government one-half of the Suez subsidy.

5. His Excellency the Governor General addressed a Despatch, of which I transmit a copy, to His Excellency the Governor of Victoria, on the 28th ultimo, in which, with a view to elicit the views of the Government of that Colony, he forwarded the document forming Appendix C to your communication, shewing the estimated amount of the payments to be made by each of the Australasian Colonies for the two services, and in which the share of New South Wales, in proportion to the number of letters sent, was estimated at £37,558 19s. 0d.; but His Excellency, at the same time, intimated that this Government would be prepared to recommend to the Legislature to secure to the Australias the benefit of a second line of steamers, by taking upon itself the responsibility of South Australia, Western Australia, and Tasmania, should those Colonies consider that their interest in the establishment of the Panama Line did not render it advisable for them to incur the expense shewn in the document referred to. His Excellency's Despatch, with its enclosure, exhibited that a contribution of £50,000 from New South Wales, of £96,000 from Victoria, of £9,395 from New Zealand, and of stated sums from the respective Colonies of Tasmania, South Australia, and Western Australia, for the Suez Line, would fully cover the cost of establishing a fortnightly Mail to England. From the reply of Sir Henry Barkly, dated the 7th instant, a copy of which is also enclosed, you will observe that the Government of that Colony are of opinion that the question is one so important as to require that it should be dealt with by the Victorian Parliament, which is not at present in Session.



6. By this correspondence, taken in connection with the intimation already conveyed to you in my letter of the 1st of this month, it may be considered that every practicable step has already been taken with respect to the objects of your present communication. You were, in that letter, apprised that it was desired that the Government of this Colony should be understood as willing to co-operate to the fullest extent that could reasonably be expected in contributing to the maintenance of both services, and they now see no reason to alter their instructions on this head; but with respect to an unconditional extension of the guarantee offered by this Colony towards the Panama Service, they are of opinion that they would not be justified in recommending that the decision of the Local Legislature upon a matter so important should be anticipated. Under these circumstances, considered in connection with your representations, the Government of New South Wales, while they cannot doubt that the neighbouring Colonies will be induced to co-operate in a feasible and equitable arrangement for affording the guarantee demanded by Her Majesty's Government, are led to consider that their efforts should now be principally directed to the endeavour to bring about such an arrangement.

7. It is, therefore, the opinion of this Government, that the measure of success which has already attended your efforts, and which may result from the further assurances that you have been authorised to lay before Her Majesty's Government, will have comprised all that is likely to be effected for some time by your presence in England; and entertaining this view, I have now to apprise you that your mission may be considered at an end, and that you are at liberty to return to the Colony in pursuance of the terms of the Instructions given to you at the time of your departure.

8. Although the services of a special agent in London are not any longer considered necessary, this Government does not contemplate the breaking up of the Committee, and I shall therefore be glad if those gentlemen who have acted with you will still afford the Colony the benefit of their aid in securing the establishment of the Panama Postal route, and particularly as a medium of communication between Her Majesty's Government and that of this Colony, as occasion may require, until the object so much desired has been attained. I have, therefore, to desire that you will signify to the members of the Committee, of whose valuable services I am fully sensible, the wish of this Government to this effect, and convey to Mr. Hamilton, who obligingly undertook to act in your room in the event of circumstances rendering it necessary, my request that he will be Chairman of the Committee.

9. I have requested Mr. T. W. Smart, an experienced Colonist, much interested in the attainment of the object in view, and who is now in England, to become a member of the Committee, who will, I have no doubt, be glad of his co-operation.

I have, &c.,

E. C. MEREWETHER, Esq.

CHARLES COWPER.

[Enclosure 1 in No. 5.]

Government House,  
Sydney, 28 May, 1859.

Sir,

You are probably aware that the Government of New South Wales has sent to England a Special Agent, for the purpose of completing arrangements with the Imperial Government for the establishment of a new line of Steam Postal Communication between England and Australia, *via* Panama. Letters have been received from the Agent stating the willingness of the Imperial Government to take its share in the expense of establishing a second line, in addition to that already established, *via* Suez, by which a fortnightly communication with these Colonies would be secured, provided it can be made to work regularly with the existing line. It will not cost more than a reasonable sum, which has been at present put at £150,000 per annum, for which there is every reason to believe that the work can be done, and that the Colonies will undertake to pay their half of the cost.

I enclose a paper shewing the estimated amount of the payments to be made by each Colony for the two services, in which the share of New South Wales, in proportion to the number of letters sent, is put at £37,558 19s. But the Government at Sydney will be prepared to recommend to the Legislature to secure to the Australias the benefit of a second line of steamers, by taking upon itself the responsibility of South Australia, Western Australia, and Tasmania, should these Colonies consider that their interest in the establishment of the Panama line does not render it advisable for them to incur the expense shewn in the Table.

I should wish to be informed of the views of the Government of Victoria with relation to this scheme. I have little doubt but that the New Zealand Government will be inclined

inclined to secure a line, *via* Panama, by the payment of a larger contribution than that shewn as their share of the cost of the Panama line, but then it might object to pay so largely for the Suez line. But upon the whole there can be no doubt that a contribution of £50,000 from New South Wales, of £90,000 from Victoria, of £9,395 from New Zealand, and of the sums set against the respective Colonies of Tasmania, South Australia, and Western Australia, for the Suez line, will fully cover the cost of establishing a fortnightly Mail to England. And I trust, therefore, that I may be favored with your views on the subject in time for the next Mail.

His Excellency  
Sir Henry Barkly, K.C.B.

I have, &c.,  
W. DENISON.

[Enclosure 2 in No. 5.]

No. 14.

Government Offices,  
Melbourne, 7 June, 1859.

Sir,

Upon receipt of your communication of the 28th ultimo, requesting to be informed as to the views of this Government with respect to the scheme proposed for securing a second monthly Postal intercourse with Great Britain, *via* Panama, I at once urged on the attention of my Responsible Advisers a subject of such great importance to the Australian Colonies generally.

I have now to state, however, that my Postmaster General has just intimated to me, as the result of his deliberations with his colleagues, that they are of opinion that so grave a question can only be dealt with by the Victorian Parliament, which is not at present in Session.

Dr. Evans adds, that when the new Assembly is convened, and time has been afforded to test the working of the arrangement with the Peninsular and Oriental Company, the Cabinet will be prepared to give the matter careful investigation, and if unable to arrive at the determination desired by the Government of New South Wales, to refer the inquiry to a Select Committee of the Legislature.

His Excellency  
Sir William Denison, K.C.B.

I have, &c.,  
HENRY BARKLY.

No. 6.

EDWARD C. MEREWETHER, ESQ., to THE COLONIAL SECRETARY.

5, Cannon-street,  
London, 18 May, 1859.

Sir,

Herewith I do myself the honor to transmit to you, for the information of His Excellency the Governor General and the Government, copies of the Minutes of the Proceedings taken by myself and the Committee of Advice since the date of my last official communication. A portion of these should have been forwarded by the Mail on the 18th ultimo, but, as for reasons which appear on the Minutes, I only met the Committee late on the afternoon of that day, I was unable to get them copied in time to avail myself of the opportunity. My private letter, however, of that date, written as the Mail was about to close, will have apprised you that the Lords of the Treasury had consented to call for Tenders at once, and also conveyed to you a copy of the broad conditions which had been agreed to as the basis of the notice.

These appeared to myself and the Committee substantially to carry out the views of the Government and Legislature of New South Wales, and will, I trust, be deemed satisfactory. The only point in which they depart from the views expressed in the Resolutions of the 8th of September, is in the provision which it is proposed to make for the Conveyance of the Mails of Victoria and the other Colonies on to, and from Melbourne. This was insisted upon in order to assimilate the service as nearly as possible to that *via* Suez, and I did not think it expedient to press my objections.

The Minutes now enclosed contain a full report of my own proceedings, and appended to that of the 13th instant, you will find a copy of the Treasury Minute embodying the result of my negotiations with the Government, in so far as they have proceeded.

The substance of this document is already in your possession, and I would only draw your attention to the 4th paragraph, from which it appears that Her Majesty's Government fully understand that the arrangements for the contract are made with the Government of New South Wales alone. This point has been repeatedly admitted during the progress of the negotiations, and may now be considered as officially recognized.

I

7 April, 1859.  
11 April, 1859.  
11 May, 1859.

I have to report to you that Mr. George A. Lloyd has considered it necessary to resign his seat for reasons which are stated in his letter, also appended to the Minutes.

I do not at present see any occasion to supply the vacancy thus created, but should such arise, I shall, with the advice of my Committee, invite some other gentleman to give us his assistance, and will apprise you accordingly.

In consequence of official delays which I am led to believe were unavoidable, the notice calling for Tenders has not yet been issued; but I enclose a copy which I obtained at Somerset House this morning, where I was at the same time informed that it would appear in the public journals of to-morrow, and in the next *Government Gazette*. No practical inconvenience, however, will result from this delay, as the time of receiving the Tenders, the 1st July, remains unaltered.

I have, &c.,

EDWARD C. MEREWETHER.

THE HONORABLE

THE COLONIAL SECRETARY,

Sydney, New South Wales.

[Enclosure 1 in No. 6.]

THURSDAY, 7 APRIL, 1859.

5, Cannon-street, City.

At a Meeting of the Committee held this day,—

PRESENT:—

Edward C. Merewether, Esq., the Agent, in the Chair,

Robert Towns, Esq.

Donald Larnach, Esq.

George A. Lloyd, Esq.

The Minutes of the Proceedings on the 15th ultimo having been read and confirmed, Mr. Merewether informed the Committee that, by the "Oneida" and "Salsette" which had recently arrived with the Australian Mails of January and February, he had received private letters from Mr. Cowper, the Colonial Secretary of New South Wales, from which it appeared that the Despatch of the Secretary of State for the Colonies transmitting the Treasury letter and Minute of the 15th November, a copy of which had been laid before them on the 15th ultimo, had been received in the Colony, but that up to the time of the "Salsette's" departure, Mr. Cowper was not in a position to forward any instructions upon the matters referred to in it, and that, in fact, there was no immediate probability of any satisfactory arrangement being entered into between the Governments at Sydney and Melbourne with respect to their joint action for securing the establishment of the Panama route.

It further appeared, however, that both the Governor General and Mr. Cowper were in private communication with the authorities at Melbourne upon the subject, and that the latter proposed to negotiate with them officially, either by letter, or by personal visit, so soon as the Session of the Colonial Parliament was brought to a conclusion.

Mr. Merewether read extracts from the letters in question, and also laid before the Committee, for their information, printed copies of all the correspondence which had passed between Mr. Cowper and the Government of Victoria on the subject of the proposed Postal route by way of Panama, explaining at the same time that Mr. Cowper had laid these before the Legislature, and moved that they be printed, for the purpose of removing an impression which was current in Victoria, that the Government of New South Wales had acted towards their Government somewhat discourteously in the matter.

It would be seen upon a perusal of the papers that this impression was altogether unfounded, and Mr. Cowper had, therefore, instructed him to take every opportunity of explaining the true state of the case.

Mr. Merewether then drew the attention of the Committee to Sir Stafford Northcote's promise to call for Tenders so soon as the January Mail had arrived, with the view of ascertaining the probable cost of the service, and stated that as the February Mail was expected to arrive a few days after the January Mail was delivered, he had considered it expedient to await that event before he again brought the subject under notice.

As, however, the promise in question was verbally given, and the rejection of the Ministerial Reform Bill rendered it not impossible that a change of Ministry might take place, he had thought it prudent, pending the arrival of the Mail, to write privately to Sir Stafford Northcote asking for a written acknowledgment of the promise which he might use officially in the event of such a contingency occurring.

Sir Stafford had apparently misunderstood the purport of this communication, as he had in reply simply repeated in an official letter the conditions already given in writing, upon which Her Majesty's Government would contribute towards the Panama Service, and had not alluded to the verbal promise.

A formal acknowledgment of it however was not now so necessary, because it was understood that the Ministry did not intend to resign, but it was very desirable that no time should be lost in re-opening the question; and as he had been informed at the Colonial

Office



Office, that no answer had been received by the January Mail to the Treasury Minute of the 18th of November, and it would appear from the Schedules which are forwarded *via* Marseilles, that no such answer would be received by the February Mail, he proposed therefore at once to remind Sir Stafford Northcote of his promise, and with this view had prepared a draft letter for the approval of the Committee.

Having perused this draft the Committee approved it, as set forth in the Appendix hereto, and advised that Mr Merewether should forward it without delay, and personally wait upon Sir Stafford Northcote in the course of a day or two to ascertain the determination of the Government.

The Committee then adjourned *sine die*.

E. C. MEREWETHER, Agent.  
R. TOWNS.  
D. LARNACH.  
G. A. LLOYD.

#### APPENDIX.

5, Cannon-street, City,  
8 April, 1859.

Sir,

I avail myself of the opportunity afforded by the receipt of your letter of yesterday's date, to recall to your recollection that at the interview which I had with you on the 15th ultimo, and at which you first communicated to me the terms and conditions upon which Her Majesty's Government would be prepared to contribute towards the establishment of a monthly postal service with Australia, *via* Panama; you also intimated to me that if by the January Mail no answer should be received to the reference made to them in November last, the Government would not object, under all the circumstances of the case, to take present steps to ascertain the probable cost of such a service, and with this view would be willing to call for Tenders immediately after the arrival of the Mail, if the subject were then again formally brought under notice.

As therefore both the January and February Mails have now arrived, and I am informed at the Colonial Office that by them no reply has been received from any of the Colonies to the reference in question, I lose no time in again inviting your attention to the matter, and trust, that as those answers whenever they may be received, will have no direct bearing upon the question which it is now sought to solve, viz., the cost of the service, the Lords of the Treasury will waive all further delay, and will at once move the Lords Commissioners of the Admiralty to issue the necessary notice calling for Tenders.

I would point out to you that by adopting this course, not only will it be ascertained whether the amount demanded for the service is reasonable or not, but it will also be seen whether the time within which the route can be performed will fit the time within which that by way of Suez is performed.

These are two of the points upon which Her Majesty's Government desire to be satisfied before they will pledge themselves to subsidize the service, and reliable information with respect to them can be obtained in no other way.

I venture also to express a hope that the Tenders will be called for before the departure of the Mail of the 18th instant, and that the notice inviting them will be so framed as to meet in all essential particulars the views and wishes of the Government and Legislature of New South Wales.

These are fully set forth in the Resolutions passed by the Legislative Assembly on the 8th September last, and in the Bill appropriating the subsidy, copies of which are already in your possession; but should any further information be required with respect to them, I shall be happy to afford it, and shall be prepared to wait upon you or any one else you may be pleased to appoint for the purpose.

In conclusion, I consider it desirable also to remind you of your undertaking that I should be furnished with a copy of the Admiralty notice before it is issued, and also be afforded an opportunity of suggesting any alterations therein.

Praying your early reply to this communication.

Sir Stafford R. Northcote, Bart., M.P.,  
&c., &c., &c.,  
Treasury.

I have, &c.,  
E. C. MEREWETHER.

[Enclosure 2 in No. 6.]

5, Cannon-street, City,  
Monday, 18 April, 1859.

At a Meeting of the Committee, held this day,—

PRESENT:—

E. C. Merewether, Esq., Agent, in the Chair.	
Edward Hamilton, Esq.	Donald Larnach, Esq.
Robert Towns, Esq.	Geo. A. Lloyd, Esq.

The Minutes of the proceedings on the 7th instant were read, and confirmed.

Mr. Merewether explained to the Committee that he had postponed calling them together until this day, on which he was aware that they attended at some personal inconvenience, because he had been unable sooner to place before them the result of the letter that

he had addressed to the Government, in pursuance of the advice given by them at their last meeting.

That letter he had considered it desirable to deliver in person; and had, accordingly, on the 9th instant, sought for, and obtained, an interview with Sir Stafford Northcote, at which Mr. G. A. Hamilton was also present.

He was happy to say that the expediency of at once calling for Tenders for a Postal Service *via* Panama, as well as the verbal promise to adopt the step as soon as the January Mail had arrived, were fully admitted by both gentlemen; but they pointed out that the settlement of the difficulty with respect to the transit of the Isthmus was a necessary preliminary which could not be dispensed with; and as it had not yet been ascertained how the question stood at the Foreign Office, and the objections to inviting Tenders for the Service had originally proceeded from thence, they felt they would scarcely be justified in issuing the necessary notice until they had first communicated with that Department, and were assured that the objections in question had been removed, or were waived. They promised, however, that a letter on the subject should be written, and sent that afternoon, and if the reply, which they would press for, were satisfactory, that the Tenders should be called for before the departure of the Mail.

They also requested that, pending the receipt of the answer, he (Mr. Merewether) would see Mr. Stephenson, and arrange with him the terms of the notice to be issued. In pursuance of this request he had, accordingly, met Mr. Stephenson on the 12th instant, by appointment, and having previously obtained the individual opinions of the majority of the members of the Committee on the subject, had settled with him the broad conditions which should form the basis of the notice.

He had subsequently called, daily, at the Treasury, to learn if any reply had been received from the Foreign Office; and on Friday, the 15th, was told that, owing to the time which had elapsed since the objections were first raised, the subject had been lost sight of at the Foreign Office, but that it was now receiving attention, and an answer would be forthcoming at one o'clock this day.

Acting upon this information, he had called at the Treasury this morning, at the hour named, and had again seen Sir Stafford Northcote, who stated that it appeared, from the reply which had been received from the Foreign Office, that Lord Malmesbury had not yet been able to make any arrangements for the abolition or reduction of the transit duty on English Mails sent across the Isthmus, but that his Lordship saw no objection to the issue of a notice calling for tenders for a Postal Service between Panama and Australia.

Under these circumstances therefore, Sir Stafford had consented to the immediate issue of the notice, upon the understanding that the Tenders would not be received for two months, say until the 1st of July, and that the Government did not pledge themselves to accept any, even if otherwise eligible, unless they were first assured that the conditions upon which they had already intimated that they were prepared to subsidize the route, could or would be satisfied.

Mr. Merewether further informed the Committee that the conditions previously agreed upon between himself and Mr. Stephenson as the basis of the notice, were then submitted to Sir Stafford Northcote, who adopted them, and directed that the Lords Commissioners of the Admiralty should at once be moved to issue on or before the 1st of May, a notice in accordance therewith; and that a Treasury Minute should be prepared, embodying shortly the result of this and the previous negotiations on the same subject.

Mr. Merewether then laid before the committee a copy of the conditions inserted in the notice, and as they had only received the individual assent of a majority of the members, invited from them a formal approval of the same.

The Committee thereupon expressed their formal approval of the conditions in question, as substantially carrying out the views and wishes of the Government and Legislature of New South Wales, and advised that they be entered on the Minutes, as follows:—

Invite Tenders for a Monthly Mail Service between Great Britain and Sydney *via* Panama and New Zealand.

Provision must be made for conveying to and from Melbourne the letters of Victoria, and the other Australian Colonies.

It must be stated at what Ports between Great Britain and Panama, and between Panama and Australia, it may be in contemplation to call.

The Contractors to state the time at which they will be prepared to commence the service from Australia and from England, and to specify the maximum number of days between Great Britain and Melbourne.

The Mails must be conveyed to and from Melbourne within a period of 55 days, and the times of arrival and departure must be so arranged as to alternate fortnightly with the Mail Service *via* Suez.

18 April, 1859.

The Committee then adjourned *sine die*.

E. C. MEREWETHER, Agent.  
EDWARD HAMILTON.  
ROBERT TOWNS.  
DONALD LARNACH.  
GEORGE A. LLOYD.

[Enclosure

[Enclosure 3 in No. 6.]

FRIDAY, 13 MAY, 1859.

5, Cannon-street.

At a Meeting of the Committee held this day,—

PRESENT:—

Edward C. Merewether, Esq., Agent, | Edward Hamilton, Esq.,  
Donald Larnach, Esq.

Mr. Merewether read a letter from Mr. Lloyd, of which a copy is appended, resigning his seat in the Committee, and also stated that Mr. Towns was absent from London, and would not be able to attend the Meeting.

The Minutes of the Proceedings on the 18th ultimo, having then been read and confirmed,—

Mr. Merewether laid before the Committee for their information, a letter from W. B. Stephenson, Esq., transmitting a copy of the Treasury Minute setting forth the views and decisions of Her Majesty's Government with respect to the establishment of a Postal Service with Australia *via* Panama.

A copy of the letter with its enclosures is also hereto appended.

Mr. Merewether informed the Committee that the notice calling for the Tenders was in print but had not yet been issued, as the ordinary official routine required that it should, in the first instance, be referred for the report of the Postmaster General.

He had, however, been in frequent communication with the authorities at the Treasury and Admiralty on the subject, and had that morning ascertained at the former that the report of the Postmaster General had just been received, and that one or two questions had been raised in it, which were not, however, of such a nature as to interfere with the issue of the notice.

The Committee then adjourned *sine die*.

EDWARD C. MEREWETHER, Agent.  
EDWARD HAMILTON.  
DONALD LARNACH.

## APPENDIX A.

2, Royal Exchange Buildings,  
London, E. C., 4 May, 1859.

My Dear Sir,

I regret to inform you that circumstances have occurred within the last few days, which have induced me to call a meeting of my creditors.

I beg therefore to resign my seat in the Committee of Advice upon the Panama question.

It is a very sad end to a business which I have been twenty years collecting; and hoping for the sympathy of yourself and the other Members of Committee,

Believe me,  
Yours faithfully,

E. C. Merewether, Esq.

GEO. A. LLOYD.

## APPENDIX B.

(Immediate.)

Treasury Chambers,  
19 April, 1859.

Sir,

I am desired by the Lords Commissioners of Her Majesty's Treasury to transmit to you, with reference to your letter of the 8th instant, the enclosed copy of a Minute of My Lords, of this day's date, relative to the establishment of Postal Communication between this country and Australia, *via* Panama.

I am, &c.,

E. C. Merewether, Esq.,  
14, King-street, St. James.

W. H. STEPHENSON.

## COPY of Treasury Minute, dated 19th April, 1859.

My Lords have under their consideration the various communications which have taken place with reference to the establishment of a Mail Service with the Australian Colonies *via* Panama.

At the time when my Lords were negotiating for the service *via* Suez, expectations were held out that steps would be taken to set on foot this second service, as soon as proper arrangements could be made for the purpose, and in the notice calling for Tenders for the Suez service, a distinct intimation was given to this effect.

Since

Since then, Mr. Merewether, Clerk of the Executive Council of New South Wales, has been deputed by the Government of New South Wales to act as their Agent in any arrangements to be made for carrying out the project in question, and has been in communication with this Board on the subject.

The Colony of New South Wales has actually appropriated a sum of £50,000 for ten years, for this monthly service *via* Panama, and my Lords are informed by Mr. Merewether, that he has no doubt that the Colony will be prepared to take upon itself the responsibility of one-half of the cost of a monthly service *via* Panama, provided it can be accomplished within reasonable limits, undertaking, at the same time, the necessary inter-colonial arrangements as regards New Zealand and the other Australian Colonies.

One obstacle which interfered with the earlier adoption of this line was occasioned by the state of the transit route across the Isthmus of Panama, and the heavy charge to which the Mails conveyed by that route are subjected on the part of the Granadian Government for transit dues, in addition to the payment made to the Railway Company for actual conveyance.

My Lords are informed by the letter from the Foreign Office, dated 15th instant, that Lord Malmesbury has not yet been able to make any arrangement on the subject, but that it is a matter to which his attention is constantly directed, and that he will avail himself of the first opportunity to settle it on a more favorable basis than that at present existing.

Considering the vast importance to the Australian Colonies, especially to New South Wales and to New Zealand, of a communication which, amongst other advantages, will afford them facilities of intercourse with the whole continent of America, from which they are at present comparatively excluded; and looking to the very liberal manner in which the Government of New South Wales have come forward in support of this scheme, My Lords are of opinion that they ought no longer to delay fulfilling the intention which they formerly announced of inviting Tenders for the service.

In coming to this decision however, it must be clearly understood that My Lords will not consider themselves bound to accept any of the Tenders, unless they are fully satisfied,—

1. That the Amount is reasonable, and such as they would be justified in incurring.
2. That the times and rates of speed are such as to harmonize perfectly with the Suez Service, so as to make the two alternate fortnightly with each other, and—
3. That the Governments of the Australian Colonies will undertake one entire half of the cost of both the services, *via* Suez as well as *via* Panama, whatever that may be.

Write accordingly to the Admiralty, and request that they will take the necessary steps for procuring Tenders for the performance of a Monthly Mail Service between Great Britain and Sydney, *via* Panama and New Zealand.

The Contractors must make provision for carrying to and from Melbourne the letters of Victoria and the other Australian Colonies.

They must also state what Ports between Great Britain and Panama, and between Panama and Australia, it may be in contemplation to call, and the time at which they will be prepared to commence the service from Australia and from Great Britain.

The Tenders must specify the maximum number of days to be occupied on the voyages out and home, which must not exceed 55 days on the whole, exclusive of the transit across the Isthmus, and the times of arrival and departure must be so arranged as to alternate fortnightly with the Suez route.

My Lords propose to allow a period of two months, say to the 1st July, for the delivery of the Tenders.

1859.

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NEW SOUTH WALES.

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STEAM POSTAL SERVICE *via* PANAMA.

(FURTHER REPORT FROM E. C. MEREWETHER, ESQ.)

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Presented to both Houses of Parliament, by Command.

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E. C. MEREWETHER, ESQ., to THE COLONIAL SECRETARY.

5, Cannon-street, City,  
19 July, 1859.

SIR,

Nothing having occurred between the date of my last letter and the departure of the June Mail which appeared to me to call for a formal report, I did not consider it necessary to address you formally by that opportunity, but will now state, as briefly as I can, my proceedings since the 18th of May.

Although I was enabled to forward a copy on that date, the Conditions of Tender were not ready for issue to the public until the 20th, but I then procured a number of copies and forwarded them to various persons who I had reason to believe were prepared to Tender, with a note intimating that I was ready to afford any further information that might be required.

During the course of that and the early part of the ensuing month, I called frequently at Somerset House, to ascertain if possible what was likely to be the result of the Admiralty Notice, and was informed that, judging from the applications for copies of the "Conditions of Tender," the contract had excited more attention amongst ship-owners at the principal ports in England and Scotland than any similar contract which had been called for for some time past. Having subsequently ascertained, however, that one of the largest ship-owners, Sir S. Cunard, did not intend to tender, I waited upon him, at the suggestion of Mr. Stuart Donaldson, who kindly accompanied me; and although we were unsuccessful in obtaining from Sir Samuel a distinct promise to compete, he consented to reconsider the matter, and intimated that at all events he was prepared to treat with the Government for the performance of the service should there be no eligible tenders sent in.

I have further to report that, as my presence in London was at this time no longer absolutely necessary, I availed myself of the interval between the departure of the June Mail and the day fixed for the opening of the Tenders, and proceeded to Scotland, having first ascertained that no steps had been taken by the new Government to withdraw the notice calling for

Tenders, and that the result of them would not be communicated to the Treasury till the 4th of July. On that day I returned to London, but did not obtain any reliable information until the 7th, when I learnt at the Treasury that six actual Tenders had been sent in, and two informal communications on the subject, one of which was from Sir S. Cunard. I was unable at the time to procure access to them, but on Friday last, the 15th instant, I received from the Treasury a copy of the Abstract, which I now enclose. You will observe that three of the Tenders are within the limit fixed by the late Government, and I am informed that none of the Contractors make any difficulty as to the time within which the service is to be performed. The letter which accompanied Messrs. Seymour and Peacock's Tender has been shewn to me by those gentlemen, and I am enabled to state that, save in the matter of cost, their offer is satisfactory, and such as I should feel justified in recommending for acceptance, if the necessary bonds are forthcoming. Of the special conditions of the other two Tenders, which are within the limit of the late Government, I am not in a position to speak, as I have not been furnished with copies of the letters covering them; and since the receipt of the Abstract, I have not had time to call upon the Tenderers to procure the information.

July 8, 1859.  
July 15, 1859.

I also enclose to you copies of the minutes of the proceedings taken by myself, and the Committee of Advice, since the opening of the Tenders; and in referring you to them for further information, as to the present state of the question, I cannot refrain from expressing the deep chagrin and disappointment which I feel at the nature of the tidings they will communicate.

I can at present add little to what is therein contained, but the Select Committee, to which the question is referred, will meet upon Monday, the 18th, to decide upon the course of procedure; and I trust that before the Mail closes I may be in a position to state whether they accede to my request—that the Panama contract may be first inquired into.

Until this has been decided, and I have ascertained what turn the inquiry will take, I cannot of course say positively what my own line of action will be, but if the Select Committee do consent to take my case first, I shall at once plead the undertaking of the late Government to establish the service, if certain conditions are complied with—and urge that the matter has gone too far to be now receded from. In the event of these pleas being admitted, I shall at once press for a progress report to that effect, so that the Government may be left free to deal with the Tenders; should they not be admitted, I shall then be prepared to go into the whole question, and shew the expediency of establishing the service.

If, however, the Select Committee do not take my case first, I fear the consideration of it will inevitably be deferred until the next Session of Parliament, as all the cases cannot be heard during the present Session, and those which would probably have the preference—the Dover Packet Contract, and the Galway American Service—are, from circumstances to which I need not more fully allude, likely to occupy much time.

This result would place me in a somewhat embarrassing position, and I cannot at present say how I should act under the circumstances, but you may rest assured that I shall take no decided step without the full concurrence of the Committee of Advice.

In conclusion I have only to add, that the non-arrival of the Mail for this month, leaves me still unable to fulfil, if called upon to do so, the third condition imposed by the late Government, but I do not anticipate that any serious inconvenience or difficulty would arise from this circumstance, as it is clearly beyond my control.

I have, &c.,

THE HONORABLE  
THE COLONIAL SECRETARY,  
Sydney, New South Wales.

EDWARD C. MEREWETHER

TREATY FOR STEAM VESSELS FOR PERFORMING THE MAIL SERVICE BETWEEN GREAT BRITAIN, SYDNEY, AND  
MELBOURNE *via* PANAMA AND NEW ZEALAND.

CONTRACTORS' NAMES.	NAMES OF VESSELS.	TONS BY REGISTER.	WHERE LYING.	HORSE-POWER.	DRAFT OF WATER WHEN READY FOR SEA.		SPEED UNDER STEAM.	NUMBER OF VESSELS PROPOSED TO BE EMPLOYED.	DAY ON WHICH THE VESSEL WILL BE READY.		RATE PER ANNUM.	ABATE- MENT PER ANN. IF NO NAVAL OFFICER IN CHARGE OF MAILS.	TIME FOR COMMENCING CONTRACT.		REMARKS.
					Feet.	In.			For Survey.	Complete for Sea on the part of the Owners.			From Great Britain.	From Sydney.	
		N. M.					Knots per hour.				£	£			
1. Thomas Howard .....	Ten Vessels.	2,248-2,765	Victoria Docks	300 to 450	20	...	9½	Ten .....	8 now; 2 in Oct. ...	6 October .....	110,000	1,000	6 Oct., 1859 ...	6 Oct., 1859 ...	See Tender for conditions.
2. Australian Pacific Co., Limited:—															
7 Temporary Vessels ...	Seven Vessels	500 to 700	Various Ports...	60 to 120	12 to 15	...	9 to 11	Seven .....	1 August; 1 Nov. ...	15 August; 15 Nov.	164,000	1,500	1 Oct., 1859 ...	1 Dec., 1859 ...	Tender No. 1.
Permanent ditto .....	Nine Vessels, including 3 Colliers	1,000 to 1,500	To be Built .....	600 to 1,200 indicated	15 to 17	...	10 to 15	Three in At- lantic; three in Pacific.	1 May, 1860, and monthly in suc- cession.	1 June, 1860, and in succession weekly					
Ditto:—															
Temporary .....	Four Vessels, for eight months	550 to 700	Various Ports...	100 to 120	13 to 14	...	10 to 11	Four .....	1 August; 1 Nov. ...	15 August; 15 Nov.	109,000	1,000	23 Nov., 1859 ...	1 Jan., 1860 ...	Tender No. 2, from <i>Panama</i> only.
Permanent .....	Five Vessels, in nine months	1,000 to 1,500	To be built at various Ports	600 to 1,200	16 to 17	...	10 to 15	Five .....	1 May, 1860; 1 June, 1860	1 June, 1860; 1 July, 1860					
3. Seymour, Peacock, & Co. ....	Nine Vessels, to be built	About 1,200	To be Built.....	Full Power ...	18	...	13	Nine, or more if required.	In Nine Months from date of Con- tract.	In Twelve months from Contract	140,000	1,500	Within Eleven months	Within Twelve months	See Letter of Ex- planation.
4. Stephens Xenos (Manager) .....	Not stated ...	1,200 .....	To be Built .....	350 Nominal	17	...	12 to 14	Eight .....	Not stated .....	Not stated .....	165,000	1,000	1 May, 1860 ...	1 July, 1860 ...	See Letter.
5. Z. C. Pearson, Coleman, & Co. ....	Not stated ...	1,500 to 2,000	Not stated .....	Full Power ...	Not stated		13	Ten or more...	1 March, 1860 .....	1 March, 1860 .....	178,700	2,000	1 May, 1860 ...	1 July, 1860 ...	See Letter.
6. Royal Mail Company:—															
Panama and Sydney ...	Not stated ...	To Colon by present Mail Service.													
		1,000 to 2,350	Not stated .....	200 to 450	Not stated		10	Six .....	In Sixteen and sub- sequent months.	In Seventeen and subsequent months	220,000	1,500	Twelve months from signing Contract	Twenty months from signing Contracts	See Letter.

See Explanatory Statement.



London,

Friday, 8 July, 1859.

Upon the invitation of Mr. Merewether the Committee met at the official residence of the Chancellor of the Exchequer for the purpose of having an interview with the Right Honorable William Gladstone, relative to the Tenders sent in for the Contract for the Panama Postal Service.

## PRESENT :—

Edward C. Merewether, Esq., *Agent*.

Edward Hamilton Esq., | Robert Towns, Esq.  
Donald Larnach, Esq.

Prior to the interview, Mr. Merewether stated to the Committee, that on the previous day he had ascertained at the Treasury that in pursuance of the invitation of the Government six Tenders had been sent in for the performance of the Postal Service, *via* Panama, and two informal communications in reference to the subject, but that he had not been able to obtain access to them; he had, however, been informed that they ranged from £119,000 to £220,000, and that no difficulty had been raised as to the time in which the service was to be performed.

That having also on the previous day seen in the *Times*, that the Chancellor of the Exchequer had given notice of his intention to move on that day for the appointment of a Select Committee to inquire, amongst other things, into the mode in which Contracts for Ocean Postal Services had of late years been made, or modified, he had thought it expedient to be present on the occasion, and from what fell from Mr. Gladstone on making the motion, he had reason to suppose that the question of the Australian Service *via* Panama would be included in the inquiries of the Committee, and a decision upon the Tenders delayed in consequence; he had considered it necessary, therefore, to seek an interview with Mr. Hamilton, the permanent Secretary of the Treasury, and accompanied by Mr. Towns, had accordingly waited upon that gentleman this morning.

At Mr. Hamilton's suggestion they had subsequently seen Mr. Laing, the Political Secretary, who, upon being asked what course the Government intended to pursue with reference to the Tenders, stated that a somewhat similar question would be put to the Chancellor of the Exchequer in his place in the House of Commons that afternoon, the answer to which would explain the intentions of the Government—but he was not himself at liberty to state what that answer would be.

That both Mr. Towns and himself had then at some length drawn Mr. Laing's attention to the terms of the Treasury Minute of the 19th April, setting forth the views and intentions of the late Government with respect to the proposed service, and urged that the matter had gone so far that to abandon it now, or even delay it, would scarcely be fair to the Colonies, and would create great discontent and dissatisfaction amongst all interested in its accomplishment.

That they pointed out that the conditions upon which the assistance of the Imperial Government would be granted to the scheme had been announced by the Treasury so long ago as March last, and having been communicated to the Government of New South Wales by the Mail of that month, the answer was daily expected which would shew whether the Colonies were prepared to fulfil one of those conditions, viz.:—guarantee a moiety of the cost of both services.

That as far as they were informed, the Tenders now before the Government were eligible, and afforded satisfaction upon the points involved in the two remaining conditions.

That according to commercial practice the Tenders are only open for a reasonable period, and should the question be remitted to the Select Committee delay must ensue, the Tenderers might withdraw their offers, and both the Mother Country and the Colonies lose the opportunity of establishing the service upon advantageous terms.

They expressed a hope, therefore, that the Government would except this question from those to be referred to the Select Committee, and deal with the Tenders at once.

That Mr. Laing having intimated that he was not in a position to give any answer upon these points, they inquired whether it would be convenient for the Chancellor of the Exchequer to see them on the subject before the House met, and the Government committed themselves to any particular line of action.

That Mr. Laing agreed to ascertain this, and subsequently stated that Mr. Gladstone would receive them, and the other Members of the Committee of advice, at a quarter to four P.M.

Mr. Merewether further explained that this appointment was made at two o'clock, and that he was unable, therefore, to do more than ask the Committee to meet him a short time before the time fixed for the interview, in order that he might place them in possession of the circumstances which led to it. With their approval he proposed simply to ask Mr. Gladstone, what are the intentions of the Government with respect to the Tenders, and to press for their immediate consideration.

The Committee having expressed their approval of this course, and of the previous steps adopted by Mr. Merewether, Mr. Gladstone shortly thereafter entered the room, and Mr. Merewether stated that, presuming Mr. Laing had already explained the object for which the present interview had been sought, he would, without further preface, ask what course the Government intended to pursue with reference to the Tenders which had recently been sent in for a Postal Service to Australia *via* Panama, and were now in the Treasury?

Mr. Gladstone replied, that in consequence of Parliament having evinced a desire to inquire into the mode in which Contracts for Ocean Postal Services, and other engagements involving a large expenditure of public money, had been entered into of late years, and a Committee



Committee having been agreed to for this purpose, the Government felt that they would not be justified in proceeding with any fresh arrangements for services of the kind, whilst the inquiry was yet pending—no immediate action therefore would be taken with reference to the Tenders, and the question of the proposed service *via* Panama would be submitted with others of a similar nature to the Select Committee.

Mr. Merewether having then urged that there were peculiar circumstances connected with the present case which would appear to except it from the category of those to be remitted to the Committee, briefly recapitulated the arguments which had been pressed upon Mr. Laing, and earnestly requested that the Government would not send the case to the Committee but at once proceed to consider the Tenders—this request was not made from a desire to shirk inquiries, but simply to avoid delay, and the chance of losing a favorable opportunity of establishing the service upon advantageous terms.

Mr. Gladstone observed that from what had just been stated, it was not clear that all the conditions imposed by the late Government would be fulfilled—but it was not necessary to go into that question—all existing contracts for services extending over a period of years, and engagements involving expenditure of the public money would be submitted to the Select Committee; and the Government would not be justified in specially excepting the service for which no contract had yet been concluded.

The question must, therefore, be regarded as in the hands of the Committee, the members of which would be nominated in a few days, and it would be for Mr. Merewether to prove to that Committee that a pledge of the nature stated by him had been given by the late Government.

Mr. Merewether and the Members of the Committee of Advice then withdrew, and having adjourned to Mr. Merewether's lodgings, proceeded to consider what course it would now be expedient to adopt, and having deliberated, recommended that so soon as the Committee was nominated, Mr. Merewether should wait upon the Chairman and press for an early hearing of the case.

That, in the first instance, the conditional undertaking of the late Government to organize the service, should be prominently brought under the notice of the Committee, and a decision prayed for on that specific point.

That, failing in this, Mr. Merewether should lay the whole question fully before the Select Committee, and, if necessary, support it by the evidence of Colonists, and others in a position to speak to the facts.

That, pending the nomination of the Committee, it might be productive of advantage, if Mr. Merewether were to wait upon His Grace the Secretary of State for the Colonies, and endeavour to enlist his Grace's influence in favor of the service, and

That, as the Treasury Minute was verbally referred to at the interview, and not actually laid before the Chancellor of the Exchequer, Mr. Merewether should, in writing, distinctly draw Mr. Gladstone's attention to its terms, and the steps taken in consequence of the pledge it contains.

The Committee then adjourned *sine die*.

E. C. MEREWETHER.  
EDWARD HAMILTON.  
R. TOWNS.  
D. LARNACH.

5, Cannon-street, City,  
15 July, 1859.

At a Meeting of the Committee held this day,—

PRESENT :—

Edward C. Merewether, Esq., Agent, in the Chair.

R. Towns, Esq.

| Donald Larnach, Esq.

Mr. Merewether having explained that reasons of a private nature would prevent Mr. Hamilton from being present at the Meeting, the Minutes of the Proceedings on the 8th instant were read and confirmed.

Referring then to the several recommendations of that date, Mr. Merewether informed the Committee—

1st.—That he had on the 9th instant waited upon the Duke of Newcastle, and received from His Grace much the same answer as they had obtained from Mr. Gladstone on the previous day; but that His Grace had promised to use his influence to get the question of the Panama Service brought first before the Select Committee.

2nd.—That he had also addressed a letter to the Chancellor of the Exchequer, pointedly drawing attention to the terms of the Treasury Minute of the 18th April, and had received in reply a note from Mr. Gladstone's Private Secretary, intimating that if it was desired, this letter should be submitted to the Select Committee.

Mr. Hamilton, to whom he had shewn the letter before it was sent, was of opinion that it should be so submitted, and if the Members now present concurred, it should be done.

The

The copy of the letter, hereto appended, having been read,—

The Committee recommended that Mr. Gladstone's offer should be accepted, and Mr. Merewether proceeded to state, that having this morning ascertained that Mr. Cobden had been appointed Chairman of the Select Committee, he had waited upon him, and requested that the Panama question might be first inquired into. That in support of this application, he had urged that the Government had declined to take any action with respect to the Tenders, until the question had been considered by the Committee. That prompt action was necessary, as the Tenders were, according to commercial usage, only open for a reasonable time, and might be withdrawn, if any unusual delay occurred in dealing with them. That many of the other matters referred to the Committee were likely to occupy much time, and that all could not be inquired into during the present Session, that if the consideration of the Panama question were deferred until the next Session— not only would the Tenders be imperilled, but unnecessary expense would be entailed upon the Colony of New South Wales by his, Mr. Merewether's, detention in England, and bitter disappointment occasioned to the Colonists, who, at present, had reason to believe, that the settlement of the question depended solely upon the fulfilment of certain conditions—and finally, that little time would be occupied in the inquiry, as his negotiations with the late Government, had reduced the question into a very narrow compass.

That after some further conversation, Mr. Cobden intimated that the Select Committee would meet on Monday, the 18th, to decide the order in which the various matters referred to them should be taken, and that if in the interim the reasons above given were communicated to him in writing he would lay the letter before them, and as it was an open Committee, he, Mr. Merewether, could be present and ascertain the result.

That in compliance with this information, he had drafted a letter to Mr. Cobden to the above effect, and proposed to attend the meeting of the Select Committee.

The draft letter in question having then been read and approved, the Committee adjourned *sine die*.

EDWARD C. MEREWETHER.  
R. TOWNS.  
DONALD LARNACH.

#### APPENDIX.

14, King-street,  
Monday, 11 July, 1859.

Sir,

At the interview which you did me the honor to afford me on Friday last, relative to the proposed contract for a postal communication with Australia *via* Panama, I verbally explained to you the decision arrived at by Her Majesty's late Ministers with respect to the question, but having omitted to lay before you the Treasury Minute setting forth the views and intentions of the Government, I consider it necessary pointedly to draw your attention, in writing, to the terms of that Minute, and also to offer a few remarks upon the subject, not only in justification of the opinion I then expressed, that Her Majesty's Government are pledged to establish the service, if certain conditions are complied with, but also in fulfilment of the duty I owe to my own Government. In pursuance of this view, then, I would first observe that, in the early part of the Minute, allusion is made to a distinct intimation, given at the time the Suez service was being negotiated, that steps would be taken to set on foot this second service so soon as proper arrangements could be made for the purpose; the Minute then, reciting the fact and objects of my mission, disposes of an obstacle which had interfered with the earlier adoption of the line, and proceeds to state, that considering the importance of the proposed communication to the Australian Colonies generally, and New South Wales and New Zealand in particular, the advantages which it will confer upon them, and the liberal manner in which the Government of New South Wales has come forward in support of the scheme, My Lords are of opinion, that they ought no longer to delay fulfilling the intention which they formerly announced of inviting Tenders for the service.

"In coming to this decision, however, it must be clearly understood that My Lords will not consider themselves bound to accept any of the Tenders unless they are fully "satisfied" upon three points, which it is not necessary to extract. The Minute then directs that the Authorities at the Admiralty be requested to take the necessary steps for procuring Tenders, and details the specialities of the notice to be issued.

Of the clear and obvious meaning of the words literally quoted, and placed between inverted commas, there can, I apprehend, be little doubt. They distinctly imply that, if Her Majesty's Government are satisfied upon the points in question, they will establish the service, and upon these words I base my statement that they are pledged to do so. I would further remark that the conditions upon which the assistance of the Imperial Government would be granted to the scheme were announced to me in March last, and the determination to call for Tenders was communicated to me in the following month. The former were transmitted to the Colony by the March Mail, and the latter by that for April, and I am daily expecting the reply from my Government, which will apprise me whether the Colonies are able and willing to guarantee the moiety of the cost of both services—the third point specified in the Minute.

In compliance also with the instructions of the Lords of the Treasury, Tenders have been invited, and having been sent in after a lapse of two months, are now awaiting the decision

decision of the Government. Of the precise nature of those Tenders I am not in a position to speak, as I have not obtained access to them, but I have reason to believe that some of them are highly eligible; and as they afford full satisfaction upon the two points upon which such is required by the Government, I trust that it will not be forgotten that according to commercial custom the Tenders so made are only open for a reasonable time, and that any unusual delay in dealing with them may result in their withdrawal, and consequently of serious injustice to the Colonies.

There are many other considerations which I might with propriety bring under your notice, but having effected my immediate object of prominently calling your attention to the terms of the Treasury Minute, and the steps taken in consequence of the pledge therein contained, I will abstain from further trespassing on your time, and conclude by the expression of a hope that whatever may be the decision arrived at by the Select Committee, Her Majesty's present Ministers will under the circumstances pause before they decline to fulfil an engagement which appears to have been deliberately undertaken and acted upon by the late Government, and the result of which is so important to the interests of the Colony of New South Wales.

I have, &c.,

E. C. MEREWETHER.

To the Right Honorable  
William Gladstone,  
Downing-street.



1859.

## NEW SOUTH WALES.

STEAM POSTAL SERVICE *via* PANAMA.

(FURTHER REPORT FROM E. C. MEREWETHER, ESQ.)

Presented to both Houses of Parliament, by Command.

E. C. MEREWETHER, ESQ., to THE COLONIAL SECRETARY.

5, Cannon-street, City,

Thursday, 18 August, 1859.

SIR,

In my letter of the 16th ultimo, I expressed a hope that, before the mail closed, I might be in a position to state whether the Select Committee on Packet and Telegraph Contracts would accede to my request that the Panama contract should be the first inquired into, but was unable to add this information to any official letter, owing to the late hour at which the Committee adjourned.

I now, however, do myself the honor to transmit to you copies of the Minutes of the Proceedings of the Committee of Advice, at a meeting held on the 12th instant, which will place you in possession of the issue of my application.

You will perceive that, from an unfortunate misunderstanding of the tenor of the Chairman's verbal reply, I missed an opportunity of being examined, and was unable to obtain another before the prorogation of Parliament took place.

I much regret that this should have occurred, but can honestly say that my absence on the occasion in question did not arise from carelessness or neglect of the important business entrusted to me, but simply from a misunderstanding of Mr. Cobden's meaning; and I may also state, that, from conversations which I subsequently had with Mr. Cobden on the subject, and information derived in other ways, I have reason to believe that little, if any, real advantage would have resulted from my being examined, as my inability to give the guarantee required by the Lords of the Treasury would have been held a sufficient bar to any immediate decision being arrived at with respect to the question.

I would also draw your attention to that portion of the Minutes which relates to my return to the Colony, and have to report to you that although my first disposition was to return by the mail steamer of the present month, I have, upon more mature consideration, considered it right to act upon the advice of the Committee, and to defer my departure until the ensuing month.

I think it essential, however, that I should then return, in order that I may arrive in time to afford an opportunity of again despatching an agent to England, or communicating with Mr. Hamilton, as may be deemed expedient, before the next Session of Parliament, and I shall accordingly leave England by the September Mail Steamer.

Before my departure I shall hand over to Mr. Hamilton all the papers connected with the Panama question, and go carefully through them with him.

I shall also again meet the Committee for the purpose of laying before them any communications which I may receive from you by the next post.

I have only to add, in conclusion, that I have not yet received a reply to the letter which I have addressed to the Assistant Secretary to the Treasury, a copy of which is appended to the Minutes.

I have, &c.,

THE HONORABLE

THE COLONIAL SECRETARY,

Sydney, New South Wales.

EDWARD C. MEREWETHER.

[*Enclosure.*]

5, Cannon-street, London,  
Friday, 12 August, 1859..

At a meeting of the Committee held this day,—

PRESENT:—

Edward C. Merewether, Esq., in the Chair.

Edward Hamilton, Esq., | Donald Larnach, Esq.

Mr. Merewether having explained that Mr. Towns was absent from London, and would not be able to attend the meeting,—the Minutes of the proceedings on the 15th ultimo were then read, and confirmed.

Mr. Merewether then stated, that on the 16th ultimo he had left with Mr. Cobden the letter, of which the draft had been approved by the Committee on the previous day, and on the 18th, when the Select Committee on Contracts held their first meeting, he had been informed by Mr. Cobden that little hope could be held out that the Panama question would be gone into during the present Session of Parliament, as the Select Committee had determined, in the first instance, to take evidence as to the practice which had hitherto been followed in making contracts for Ocean Postal Services, and then to proceed with the Dover and Gay Packet Contracts, both of which cases it was considered should be inquired into without delay, as they involved charges against the late Government; that in pursuance of this determination, the Committee had already examined Mr. Clifton, of the Admiralty, and had summoned Messrs. Hamilton and Stephenson, of the Treasury, for the next day of meeting, Thursday, the 20th, and proposed, after their examination was concluded, to commence with the Dover contract.

Mr. Cobden had, however, further informed him, that as the examination of these two witnesses would probably not occupy the whole of the day, and as an application had also been made to the Committee to postpone the inquiry into the Dover case until a motion which would be made in the House of Commons to suspend the action of the Committee with respect to it, had been decided, if he (Mr. Merewether) was in attendance on Thursday his evidence in the matter of the Panama contract might possibly be taken.

Having seen in the public journals of Wednesday, the 20th, that the House of Commons had declined to interfere with the action of the Select Committee, he did not consider it necessary to attend the meeting on Thursday, but assuming that under the circumstances the Committee would now act upon the original intention, and at once proceed with the Dover case, he had remained at home for the purpose of preparing a written statement of the present position of the Panama postal question, a step which he had been strongly advised to take for the greater convenience of the Committee.

It was therefore with great surprise and annoyance that he had heard on the evening of Thursday, that at the conclusion of Messrs. Hamilton and Stephenson's examination, which had been conducted jointly, he had been called upon to give evidence in the matter of the Panama Contract.

On the following day he had waited upon Mr. Cobden to explain why he had been absent, and how he had been employed, and expressed a hope that under the circumstances the Committee would consent to examine him at their next meeting.

This request, however, it appeared could not be complied with, as the witnesses in the Dover case had already been summoned, but Mr. Cobden had informed him that if he would send in the statement in question, and be present at each meeting of the Committee, any opportunity which might be presented of examining him should be taken advantage of.

Acting upon these suggestions he had forwarded to Mr. Cobden the statement referred to, and had regularly attended the meetings of the Committee until Tuesday last, the 9th instant, when the inquiry into the Dover case was closed; on the following day the Committee reported to the House, and met again yesterday to examine the Right Honble. James Wilson, and also a gentleman from Canada.

During

During the whole of these meetings no opportunity of examining him had occurred, and, as the prorogation is fixed for to-morrow, there is no probability that any such can now arise.

He had reason to believe, however, that little good would have resulted from his examination, as his inability to give the guarantee required by the Lords of the Treasury was held to be a sufficient obstacle to any prompt decision being arrived at in the matter.

Mr. Merewether further stated to the Committee that, in a private letter which he had received by the May Mail from Sydney, Mr. Cowper, the Colonial Secretary, has expressed himself satisfied with the condition imposed by the Lords of the Treasury, and intimated that full instructions on the subject would be transmitted by the Mail of the ensuing month of June—that Mail, as the Members were aware, had now been delivered some days, and he regretted to say that by it he had received no further communication from Mr. Cowper, either official or otherwise; he had, however, been informed, that in private letters which had reached Mr. Hamilton, Mr. Towns, and Mr. Lloyd, by the June Mail, Mr. Cowper spoke of his (Mr. Merewether's) recal, and mentioned that an official communication consigning the necessary instructions to that effect, and explaining the reasons, had been transmitted by the same opportunity.

On ascertaining this, he had made inquiries at the General Post Office and the Colonial Office respecting the missing letter, but could gain no intelligence with regard to it, and was completely at a loss to account for its non receipt.

He naturally felt some considerable embarrassment as to the course which he ought now to adopt, and desired to obtain the advice of the Committee on the matter. For his own part he thought that, under any circumstances, whether recalled or not, it would be better for him to return to the Colony, as it must be borne in mind that his services here could now be no use until the next Session of Parliament, whilst his presence in Sydney might be productive of much advantage, and it appeared to him that the only question to be considered was whether he should return by the mail which will leave during the present month, or defer his departure until the ensuing month. He was, however, quite prepared to act implicitly upon their recommendation.

The Committee then deliberated, and, having carefully weighed all the circumstances of the case, expressed their concurrence in the view taken by Mr. Merewether, as to the expediency of his now returning to the Colony; but thinking that the letter announcing his recal will, probably, arrive by the July Mail, which should be delivered early in September, and deeming it highly desirable that, before his departure, he should be in possession of the views of the Government of New South Wales, with respect to the proposition of the Lords of the Treasury, they were of opinion that he ought to defer his departure until the ensuing month of September, and advised accordingly.

Mr. Merewether next informed the Committee that as he had considered it expedient, if not absolutely necessary, to take out with him to the Colony the full particulars of the Tenders which had been sent in for the Panama Service, he proposed, with their concurrence, to address a letter to the Secretary to the Treasury, applying for complete copies of the documents in question, and at the same time asking for information;—

1st. As to the course which Her Majesty's Government intend to adopt in the event of the consent of the Australian Colonies to guarantee a moiety of the cost of the Suez and Panama Services being received, before the Select Committee on Contracts have concluded their investigations; and, 2nd., as to whether any, and if any, what new arrangements have been made with the Government of New Granada with respect to the dues or charges for the transit of British Mails.

The Committee, concurring in the propriety of the proposed communication, Mr. Merewether laid before them a draft letter to the above effect, which they approved, as set forth in the Appendix herewith annexed.

The Committee then adjourned *sine die*.

E. C. MEREWETHER.  
EDWARD HAMILTON.  
DONALD LARNACH.

#### APPENDIX.

5, Cannon-street, City,  
12 August, 1859.

Sir,

It is my present intention to return to New South Wales by the Mail Steamer which will leave in the ensuing month; and as I am desirous of taking out with me full information respecting the Tenders recently sent in for the proposed Postal Service to Australia *via* Panama, I have the honor to request that I may be furnished with copies of those documents, as well as of the letters which accompanied them.

Before I leave England I am also anxious to obtain some formal intimation of the course which Her Majesty's Government intend to adopt, should the consent of the Australian Colonies to guarantee a moiety of the cost of both the Suez and Panama Services be received before the Select Committee on Contracts have reported to Parliament the result of their investigation.

The

The Tenders, to which I have above referred, shew that two of the conditions imposed by the Lords of the Treasury in their Minute of the 18th April are or can be satisfied; and I would respectfully submit that as the terms of the Minute clearly imply that if all are fulfilled, the Lords of the Treasury will be prepared to accept one of the Tenders, the Colonies being parties to the arrangement, are fully entitled to look for some distinct expression of the intentions of Her Majesty's Government in the event of the only other condition—the guarantee in question—being complied with.

I have, therefore, to ask that you will be good enough to bring the subject under the notice of the Chancellor of the Exchequer, and apprise me of the result with as little delay as possible.

I beg also to draw your attention to that portion of the Treasury Minute which relates to the Transit dues for the conveyance of the Mails across the Isthmus of Panama, and have to request that you will be pleased to inform me whether any, and if any, what arrangements have been entered into for placing this question upon a more satisfactory basis, than that which existed at the date of the Minute.

Praying your early attention to the several matters touched upon in this communication.

Samuel Laing, Esq.,  
Assistant Secretary, Treasury.

I have, &c.,  
E. C. MEREWETHER.



1859.

## NEW SOUTH WALES.

STEAM POSTAL SERVICE *via* PANAMA.

(FURTHER REPORT FROM E. C. MEREWETHER, ESQ.)

Presented to both Houses of Parliament, by Command.

E. C. MEREWETHER, ESQ., to THE COLONIAL SECRETARY.

5, Cannon-street, City,

17 September, 1859.

SIR,

I do myself the honor to acknowledge the receipt of your Despatches of the 1st and 14th June, replying to my letters of the 8th and 23rd February, and the 18th March.

I have duly laid them, with their enclosures, before the Committee of Advice, and you will perceive from the accompanying Minutes, that the Committee are of opinion that, under existing circumstances, it would be of little practical advantage to submit them at present to the consideration of the Lords of the Treasury, who have distinctly declined to take any steps which would have the effect of apparently abridging the discretion of the Select Committee of the House of Commons in dealing with the Panama Postal question.

Sept., 1859.  
5 Sept., 1859.  
16 Sept., 1859.

I have accordingly handed them over, with the other papers on the subject, to Mr. Hamilton, who, I have to report to you, has consented to act as Chairman of the Committee of Advice; Mr. Larnach, the only other member of the Committee present when I submitted your Despatches, has also consented to retain his office, and I have, by letter, communicated to Mr. Towns your wishes upon the subject, with an expression of the desire of the other members of the Committee that he should continue his services.

I have also to report to you that, under the circumstances set forth in the Minute of 9th instant, I have drawn upon the Colonial Treasurer for the sum of £55, through the London Branch of the Bank of New South Wales—a step which I trust will meet your approval.

I myself return to the Colony by the mail steamer of the present month, but for greater precaution think it advisable to send this letter, with its enclosures, through the post, and shall transmit the duplicate by the succeeding mail.

I have, &amp;c.,

EDWARD C. MEREWETHER.

THE HONORABLE  
THE COLONIAL SECRETARY.

[Enclosure.]

5, Cannon-street, City,  
9 September, 1859.

At a Meeting of the Committee held this day.

Present:—

Edward C. Merewether, Esq., in the Chair.

Edward Hamilton, Esq.,  
Donald Larnach, Esq.

Mr. Merewether having explained that Mr. Towns was still absent from London, the Minutes of Proceedings on the 12th August were thereupon read and confirmed.

Mr. Merewether then laid before the Committee a letter from George A. Hamilton, Esq., Assistant Secretary to the Treasury, forwarding copies of the Tenders for the Panama Postal

Postal Service, and also replying to the other questions raised in the draft letter appended to the Minutes of the last Meeting.

The Committee advised that Mr. Merewether should take out with him the copies of the Tenders, for the information of the Government at Sydney, and that a copy of Mr. Hamilton's letter be entered on the Minutes. (*See Appendix.*)

Mr. Merewether next informed the Committee, that the sum of £1,000 placed to his credit at the Oriental Bank in London, by the Government in New South Wales, to cover his expenses during his stay in England and the cost of his return passage, would be insufficient for these purposes, and that he would require a further sum of about £50.

The Committee advised that Mr. Merewether should draw upon the Colonial Treasurer at Sydney, through one of the Colonial Banks, for the necessary amount. At the same time, Mr. Larnach intimated that the Bank of New South Wales would discount Mr. Merewether's draft for £55.

The Committee then adjourned *sine die*.

E. C. M.  
E. H.  
D. L.

#### APPENDIX.

*Treasury Chambers,*  
17 August, 1859.

Sir,

I have laid before the Lords Commissioners of Her Majesty's Treasury your communication of the 12th instant; and I am directed by their Lordships to transmit to you copies of the Tenders for the proposed Postal Service to Australia *viâ* Panama, in accordance with your request.

I am at the same time to recal to your recollection the previous communications with you since the accession of the present Government, and the appointment of the Committee of the House of Commons on the general question of Postal Contracts; and to state that, under present circumstances, their Lordships must consider the subject of the Panama, as well as of every other projected Mail Service, to be under reference to the consideration of a Committee of Parliament, and that their Lordships are not therefore in a condition to enter into any explanations which might have the effect of apparently abridging the discretion of the Committee, which is wholly independent of that of the Treasury.

I am to add, that no arrangements have been yet completed with the Granadian Government with respect to the transit dues across the Isthmus of Panama.

I am, &c.,

GEO. A. HAMILTON.

Edward C. Merewether, Esq.,  
5, Cannon-street, City.

5, Cannon-street, City,  
15 September, 1859.

At a Meeting of the Committee held this day.

Present:—

Edward C. Merewether, Esq., in the Chair.

Edward Hamilton, Esq.,  
Donald Larnach, Esq.

The Minutes of Proceedings on the 9th instant having been read and confirmed, Mr. Merewether laid before the Committee two letters from the Honorable the Colonial Secretary of New South Wales, of the 1st and 14th June respectively, replying to the Despatches sent out to the Colony by the February and March Mails.

*See Appendix A.*

Having carefully perused these letters, which are hereinafter entered at length, the Committee expressed their opinion that under existing circumstances it would be useless at present to bring them under the notice of Her Majesty's Government, and advised Mr. Merewether accordingly.

In compliance with the wish contained in the letter of the 14th of June, Messrs. Hamilton and Larnach intimated their willingness to continue their services as members of the Committee of Advice, and the former gentleman consented to act as Chairman.

They also recommended that Mr. Merewether should communicate with Mr. Towns their strong desire that he also should retain his office.

Mr. Merewether then stated to the Committee that he had forwarded to Mr. T. W. Smart, at 12, Cleveland Terrace, Bayswater, the Colonial Secretary's letter inviting him to become a Member of the Committee.

Mr. Merewether next informed the Committee that on the 10th instant he had received a letter from the Secretary of the Australasian and Pacific Company, offering on behalf of the Company to commence without more delay than was absolutely necessary to complete their arrangements, a temporary Steam Postal Service to Australasia *via* the American Isthmus, upon certain conditions.

*See Appendix B.*

This letter having been read, the Committee advised that it should be entered on the Minutes, and that Mr. Merewether should in reply explain his inability to treat with the Company, but state that their offer should be laid before the Government of New South Wales upon his return to Sydney, which would shortly take place.

Mr.

Mr. Merewether further informed the Committee that on the 13th instant he had had an interview with Mr. Champion Wetton, who had recently arrived in England, on the subject of the Panama route, and that Mr. Wetton had requested that he might be furnished with a copy of the statement which he (Mr. Merewether) had proposed to make to the Select Committee of the House of Commons if he had been examined, Mr. Wetton giving as his reason for making the request that he intended to address a letter to Mr. Cobden, or the Chancellor of the Exchequer, on the question of Ocean Postal subsidies generally, and the Panama route in particular.

The Committee, after some consideration, arrived at the conclusion that Mr. Merewether would scarcely be justified in complying with Mr. Wetton's request.

Mr. Merewether then laid before the Committee a letter which he had received from Mr. Wetton this day upon the subject of that gentleman's estimate of the probable cost of the Panama service. This letter having been read, the Committee advised that it be entered upon the Minutes. See Appendix C.

Mr. Merewether next informed the Committee that from a conversation which he had recently held with Mr. De Salis, a Director of the Peninsular and Oriental Company, he had been led to believe that the Company would not be unwilling to establish, upon reasonable terms, a fortnightly communication with Australia *via* Singapore and Torres' Straits, and, at the instance of that gentleman, he had called upon Mr. Howell, the Secretary of the Company, in reference to the subject, as, although not strictly within the scope of his instructions, he considered it desirable to take out with him all the information bearing upon the question of Postal Communication which it was in his power to obtain.

Mr. Howell, however, had informed him that the Peninsular and Oriental Company had no disposition to establish any such service as that indicated by Mr. De Salis, a statement which was fully borne out by a letter which he had subsequently received from Mr. Howell, who had submitted the matter to the Board of Directors, and by a conversation which he (Mr. Merewether) had since had with Mr. Hadon, another Director.

The letter in question having been read, the Committee advised that it be entered in the Minutes. See Appendix D.

Mr. Merewether lastly informed the Committee, that he had addressed letters to His Grace the Duke of Newcastle, and George A. Hamilton, Esq., Assistant Secretary to the Treasury, announcing his intended departure for the Colony, and also requesting that any further communications upon the subject of the Panama Postal Route might be directed to Mr. Edward Hamilton.

Mr. Merewether having expressed a wish that the Committee should meet again before his departure to confirm the Minutes—they adjourned until to-morrow, when they would meet for that purpose.

E. C. M.  
E. H.  
D. L.

#### APPENDIX A.

*Colonial Secretary's Office,  
Sydney, New South Wales,  
1 June, 1859.*

Sir,

I have received your letters of the 8th and 23rd of February last, reporting your arrival in England, and forwarding Minutes of the Proceedings of the Committee of Advice who were associated with you, containing a general statement of the proceedings taken by you from the time of your arrival as Agent for this Colony in connection with the subject of Steam Postal Communication *via* Panama.

2. You report that the information which you had been enabled to obtain had convinced you that the establishment of the desired line of communication *via* Panama could not be calculated upon for the subsidy of £100,000, originally estimated as sufficient for the purpose, and that you had, therefore, considered it necessary to take the opinion of the Committee upon the following question, which, upon the perusal of the "Panama Postal Act," had seemed to you to present itself, viz., "Whether the amount appropriated by that Act should be regarded as a moiety of the whole subsidy to be paid for the maintenance of the service; and, therefore, inclusive of any sums that might be contributed towards it by New Zealand as well as by the Australian Colonies or otherwise." The Committee, although at first inclining to a different opinion, had considered that the information which they possessed of the views and intentions of the Government and Legislature of this Colony, did not justify them in advising that you should assume the responsibility of informing Her Majesty's Government that the sum of £50,000 would be contributed by this Colony, irrespectively of the contributions of any of the other Colonies interested in the same object; but they recommended that you should, if inquired of in the matter, hold out the prospect that the Government, on being apprised of the insufficiency of the amount at present appropriated, would be disposed to guarantee the sum in question, without reference to any other contributions.

5. Under these circumstances, you express a hope that you may receive authority to guarantee that the full sum of £50,000 will be contributed by this Colony alone towards subsidising a Mail Service *via* Panama.

4. The Government having had under review the proceedings which have taken place from time to time during the consideration of this subject, and having materially deliberated

deliberated upon the question now more particularly submitted, are of opinion that the Committee in the advice which they tendered to you with regard to the interpretation of the Act, 22 Victoria, No. 15, have rightly interpreted the intentions of the Legislature in passing that Act, namely, as authorizing the Government to make arrangements with Her Majesty's Government, whereby a subsidy to the extent of £50,000 (inclusive of other expenses) might be guaranteed by this Colony, but reserving a right to the Government of agreeing with the other Australasian Colonies, or any of them, for their sharing in the benefits of the proposed Postal Service, upon such terms as should seem fit.

5. At the same time, it is desired that the Government of New South Wales should be understood as willing to co-operate to the fullest extent that can reasonably be expected in any general arrangements consistent with the spirit of the Resolutions passed by the Legislative Assembly on the 8th of September, 1858, of which you have been provided with copies, that may tend to the improvement of the mail communications between these Colonies and the Mother Country, and I have therefore to state for your guidance, that the Government will be prepared to invite the local Parliament to make such provision towards the subsidising a Postal service generally (comprising a line *via* Panama) as may be considered fair and reasonable, not exceeding the sum of £50,000 per annum; an amount which, from the best information that can be obtained, is believed to be rather in excess of the share which this Colony can fairly be called upon to contribute to the general service.

E. C. MEREWETHER, Esq.,  
&c., &c., &c.

I have, &c.,  
CHARLES COWPER.

Colonial Secretary's Office,  
Sydney, New South Wales,  
14 June, 1859.  
14 September. E. C. M.

Sir,

Referring to my letter of the 1st instant I have now to acknowledge the receipt of your letter of the 18th of March last, enclosing Minutes of the further proceedings taken by yourself and the gentlemen who are associated with you, as Agent for this Colony, connected with the subject of Steam Postal Communication *via* Panama, and relating generally to the objects of your mission.

2. You stated that you have had two interviews with Sir Stafford Northcote, the Assistant Secretary to the Treasury, and that you have obtained a written statement of the views and intentions of Her Majesty's Government, couched in the following terms:—

"In case the difficulties of the transit across the Isthmus can be got over, and in case the time within which the service can be performed *via* Panama can be made to fit the time within which it is performed *via* Suez; and in case Her Majesty's Government receive a full assurance that one-half a whole expense of both the services, (*via* Suez as well *via* Panama) will be borne by the Colonies, they will be prepared to call for tenders for the service, but will not bind themselves to accept such tenders should the amount demanded appear to them unreasonable.

"It is understood that the whole service (from England to Australia) is to be included in one tender."

3. You further state that Sir Stafford Northcote subsequently explained and modified the third stipulation, by saying that the Government would not consider £150,000 an unreasonable amount to be demanded for the service, and by consenting to call for Tenders on the arrival of the then ensuing Australian Mail, as a means of ascertaining the probable cost, but without pledging Her Majesty's Government to accept any of the Tenders; and with respect to the other stipulations you refer to the minutes and documents which you have forwarded as containing all the information which you possess with reference to the various points involved in them, and the measures by which any difficulties which may arise under them may be overcome.

4. In concluding your report you, with the advice of your Committee, point out that in order to enable you to give the assurance required by Her Majesty's Government, it is necessary that you should be authorised to extend the guarantee on the part of this Colony to the full moiety of the sum required for the Panama service, and that there should be obtained from the Government of Victoria a distinct acknowledgment that they have already guaranteed to the Imperial Government one-half of the Suez subsidy.

5. His Excellency the Governor General addressed a Despatch, of which I transmitted a copy to His Excellency the Governor of Victoria, on the 28th ultimo, in which, with a view to elicit the views of the Government of that Colony, he forwarded the document forming Appendix C to your communication, shewing the estimated amount of the payments to be made by each of the Australian Colonies, for the two services, and in which the share of New South Wales, in proportion to the number of letters sent, was estimated at £37,558 19s, but His Excellency at the same time intimated that this Government would be prepared to recommend to the Legislature to secure to the Australias the benefit of a second line of steamers, by taking upon itself the responsibility of South Australia, Western Australia, and Tasmania, should those Colonies consider that their interest in the establishment of the Panama line did not render it advisable for them to incur the expense shewn in the document referred to His Excellency's Despatch, with its enclosure exhibited,

exhibited, that a contribution of £50,000 from New South Wales, of £96,000 from Victoria, of £9,395 from New Zealand, and of stated sums from the respective Colonies of Tasmania, South Australia, and Western Australia; for the Suez line would fully cover the cost of establishing a fortnightly mail to England. From the reply of Sir Henry Barkley, dated the 7th instant, a copy of which is also enclosed, you will observe that the Government of that Colony are of opinion that the question is one so important as to require that it be dealt with by the Victorian Parliament, which is not at present in Session.

6. By this correspondence, taken in connection with the intimation already conveyed to you in my letter of the 1st of this month, it may be considered that every practicable step has already been taken with respect to the objects of your present communication. You were in that letter apprised that it was desired that the Government of this Colony should be understood as willing to co-operate to the fullest extent that could reasonably be expected in contributing to the maintenance of both services, and they now see no reason to alter their instructions on this head; but with respect to an unconditional extension of the guarantee offered by this Colony towards the Panama Service, they are of opinion that they would not be justified in recommending that the decision of the local Legislature upon a matter so important should be anticipated. Under these circumstances, considered in connection with your representations, the Government of New South Wales, while they cannot doubt that the neighbouring Colonies will be induced to co-operate in a feasible and equitable arrangement for affording the guarantee demanded by Her Majesty's Government, are led to consider that their efforts should now be principally directed to the endeavor to bring about such an arrangement.

8. It is therefore the opinion of this Government that the measure of success which has already attended your efforts, and which may result from the further assurances that you have been authorised to lay before Her Majesty's Government, will have comprised all that is likely to be effected for some time by your presence in England; and entertaining the view, I have now to apprise you that your mission may be considered at an end, and that you are at liberty to return to the Colony in pursuance of the terms of the instructions given to you at the time of your departure.

9. Although the services of a special agent in London are not any longer considered necessary, this Government does not contemplate the breaking up of the Committee; and I shall therefore be glad if those gentlemen who have acted with you will still afford the Colony the benefit of their aid in securing the establishment of the Panama Postal route, and particularly as a medium of communication between Her Majesty's Government and that of this Colony, as occasion may require, until the object so much desired has been attained. I have therefore to desire that you will signify to the Members of the Committee (of whose valuable services I am fully sensible) the wish of this Government to this effect, and convey to Mr. Hamilton (who obligingly undertook to act in your room in the event of circumstances rendering it necessary) my request that he will be Chairman of the Committee.

10. I have requested Mr. T. W. Smart, an experienced colonist, much interested in the attainment of the object in view, and who is now in England, to become a member of the Committee, who will I have no doubt be glad of his co-operation.

I have, &c.,

E. C. Merewether, Esq.,  
&c., &c., &c.

CHARLES COWPER.

Government House,  
Sydney, 28 May, 1859.

Sir,

You are probably aware that the Government of New South Wales has sent to England a special Agent for the purpose of completing arrangements with the Imperial Government for the establishment of a new line of Steam Postal Communication between England and Australia *via* Panama. Letters have been received from the Agent, stating the willingness of the Imperial Government to take its share in the expense of establishing a second line in addition to that already established *via* Suez; by which a fortnightly communication with these Colonies would be secured, provided it can be made to work regularly with the existing line. It will not cost more than a reasonable sum, which has been at present put at £150,000 per annum, for which there is every reason to believe that the work can be done, and that the Colonies will undertake to pay their half of the cost.

I enclose a paper shewing the estimated amount of the payments to be made by each Colony for the two services, in which the share of New South Wales in proportion to the number of letters sent is put at £37,558 19s; but the Government at Sydney will be prepared to recommend to the Legislature to secure to the Australias the benefit of a second line of steamers, by taking upon itself the responsibility of South Australia, Western Australia, and Tasmania, should these Colonies consider that their interest in the establishment of the Panama Line does not render it advisable for them to incur the expense shewn in the table.

I should wish to be informed of the views of the Government of Victoria with relation to this scheme. I have little doubt but that the New Zealand Government will be inclined to secure a line *via* Panama by the payment of a larger contribution than that shewn as their share of the cost of the Panama Line, but then it might object to pay so largely for the Suez Line. But, upon the whole, there can be no doubt that a contribution of £50,000 from New South Wales, of £96,000 from Victoria, of £9,395 from New Zealand, and of the sums set against the respective Colonies of Tasmania, South Australia, and Western Australia for the

the Suez Line, will fully cover the cost of establishing a fortnightly mail to England; and I trust, therefore, that I may be favored with your views on the subject in time for the next mail.

His Excellency  
Sir Henry Barkley, K.C.B.

I have, &c.,  
W. DENISON.

Victoria, No. 14.

Government Offices,  
Melbourne, 7 June, 1859.

Sir,

Upon receipt of your communication of the 28th ultimo, requesting to be informed as to the views of this Government with respect to the scheme proposed for securing a second monthly postal intercourse with Great Britain *via* Panama, I at once urged on the attention of my responsible advisers a subject of such great importance to the Australian Colonies generally.

I have now to state, however, that my Postmaster General has just intimated to me, as the result of his deliberations with his colleagues, that they are of opinion that so grave a question can only be dealt with by the Victorian Parliament, which is not at present in session.

Dr. Evans adds, that when the new Assembly is convened, and time has been afforded to test the working of the arrangement with the Peninsular and Oriental Company, the Cabinet will be prepared to give the matter careful investigation, and if unable to arrive at the determination desired by the Government of New South Wales, to refer the inquiry to a Select Committee of the Legislature.

His Excellency  
Sir William Denison, K.C.B.

I have, &c.,  
HENRY BARKLEY.

#### APPENDIX B.

*Australasian and Pacific Company, (Limited)*  
88, Cannon-street, West, E. C.,  
London, 10 September, 1859.  
10 " E. C. M.

Sir,

I have the honor to inform you, that in consequence of arrangements which have been provisionally made by the Engineers of this Company, we are enabled to propose an early commencement of the Westward Mail Service to Australasia *via* the American Isthmus, if the Colonial Governments adopt the condition we venture to submit.

In consequence of advices received from Victoria, we feel satisfied that the new Melbourne Parliament will give its co-operation in the establishment of the Postal route by the Pacific, and we have instructed our agent in that Colony to urge the prompt concurrence of the authorities in the necessary measures to sanction the immediate opening of the line.

Assuming that the advantages of the Pacific Route will recommend it for the conveyance of the Victorian letters, and those of the other Colonies, at least in the same proportion as the Suez Route, which has unfortunately and so soon fulfilled the prediction of our Engineers, the proposition we have made to the Southern Colonies will, instead of increasing the responsibility of your Colony, bring it much within the limits originally intended. We offer to effect a temporary service, say for twelve or eighteen months, on the following terms:—At the expiration of three months from the date of the contract, (indispensable for stocking the coal depôts in the Pacific,) we shall commence the service by vessels of guaranteed capacity and speed, performing the passage from Queenstown to Sydney and Melbourne simultaneously in 55 days during that temporary service, subject to the terms of our Tender, reducing that time to 45 days under the permanent contract. For this we shall be satisfied with the guarantee of the Colonial Governments for £82,000, as representing their half of the requisite subsidy, and we shall take our risk for the remainder, subject to the resolution of the Imperial Government upon the general question of subsidies, now referred to the Committee on Postal and Telegraphic Contracts, that is to say, that the half of the postal receipts in the event of a subsidy being refused by the Home Government shall be held answerable for the residue of our claim.

As a condition essential to carry out this plan, it will be necessary for us to stipulate that we shall be at liberty to carry the mail from the Cove of Cork to the American Isthmus in connexion with another postal service we are about to effect under a foreign flag, but the responsibility of our Company will extend over the whole contract from Cork to Australia.

On the subject of the Company's responsibility and the capability of the ships, we are satisfied that the contract shall be conditional on our submitting satisfactory proof of both.

I remain, &c.,  
GEORGE CLARK,  
Secretary *pro tem*.

Edward Merewether, Esq.,  
14, King-street, St. James'.



## APPENDIX C.

*Royal Mail Steam Packet Company,  
No. 55, Moorgate-street, London,  
14 September, 1859.*

My dear Sir,

In your communication with this Company respecting the establishment of the Panama line, I learn that you have occasionally made reference to the estimates of revenue and expenditure submitted by me unofficially to the head of your Government at Sydney, in which it was shewn that a subsidy of one hundred thousand pounds per annum would be sufficient to guarantee contractors for such a service against loss. As there appears to be some misconception in your mind in reference to these estimates, I wish before you return to Australia to explain that the estimate I submitted was for providing and working four vessels only, and those at a lower rate of speed than you now require, viz., ten knots per hour on the Pacific, and ten and a-half knots per hour across the Atlantic. No provision was made in my estimates either for a spare ship at the Panama terminus or for a service connecting Melbourne with the main line at New Zealand, both no doubt highly desirable, but not absolutely necessary. These will, of course, if insisted on, add materially to the expenditure, and the increased speed for which you now stipulate will increase the cost to an extent not readily appreciated by those in conversant with the management of steam ships—for increased speed for long distances (say 7,000 miles) means larger ships, more wear and tear, greater consumption of coal, and increased risk in every way. And with regard to the supposed revenue, since framing my estimates a large experience has taught me that, except at periods of great pressure in the money-market, we must not calculate on deriving any revenue from your freights, the specie now being conveyed by clipper ships at a rate we could not compete with after paying the transit charges on the Isthmus of Panama. With reference to this Company's present tender, I must ask you to bear in mind that the proprietary have lately suffered such heavy losses from the Australian Mail Service that they are naturally unwilling to embark in a large undertaking involving the expenditure of not less than half a million sterling without a subsidy fully ample to guarantee them from a repetition of their late losses, and for such a service as you demand £220,000 per annum is no more than sufficient. If your Government will be satisfied with smaller ships, and a lower rate of speed in the Pacific, I am satisfied the Royal Mail Company would be prepared to extend their operations from Panama to Australia, on terms more permanently favorable to the Colonies than can be offered by any contractors inexperienced in the conduct of an Ocean Mail Service.

I am, &c.,

CHAMPION WETTON.

E. C. Merewether, Esq.,  
&c., &c., &c.,  
London.

## APPENDIX D.

*Peninsular and Oriental Steam Navigation Company Offices,  
122, Leadenhall-street, London,  
13 September, 1859.  
13 " E. C. M.*

Dear Sir,

I did not fail this morning to mention to the Board of Directors the purport of our conversation yesterday, and I am requested to inform you, with reference thereto, that the subject of the establishment of a bi-monthly service with Australia *via* Torres Straits has not been as yet brought before them, and they do not feel prepared to make any proposition in the matter; they, however, will at all times be happy to give their best consideration to any application that may be submitted to them by the Home or Colonial authorities tending to the improvement or extension of the existing communication with Australia.

Mr. Anderson desires me to express his regret that he had not the opportunity of making your acquaintance yesterday.

I am, &c.,

O. W. HOWELL,  
Secretary.

Edward Merewether, Esq.,  
14, King-street, St. James'.

[*Enclosure.*]

5, Cannon-street, City,  
16 September, 1859.

At a meeting of the Committee held this day, pursuant to adjournment,—

Present:—

Edward C. Merewether, Esq., in the Chair,  
Edward Hamilton, Esq.,  
Donald Larnach, Esq.

The Minutes of proceedings on the previous day were read and confirmed; and Mr. Merewether having expressed to the members present his cordial thanks for the hearty co-operation which they had afforded him in the performance of the duty entrusted to him, the Committee adjourned *sine die*.

E. C. M.  
E. H.  
D. L.

1014



1859.

NEW SOUTH WALES.

STEAM POSTAL SERVICE *viâ* PANAMA.

(FURTHER REPORT FROM E. C. MEREWETHER, ESQ.)

Presented to both Houses of Parliament, by Command.

EDWARD C. MEREWETHER, ESQ., to the COLONIAL TREASURER.

*Sydney, 21 November, 1859.*

SIR,

Referring to my letter of the 17th September last, addressed to the Honorable the Colonial Secretary, I now do myself the honor to report to you that, in accordance with the intention therein expressed, I took my passage for the Colony in the Mail Steamer of the month of September, and, proceeding *viâ* Marseilles, arrived in Sydney on the 15th instant.

2. I have further to acquaint you that, in pursuance of the recommendation of the Committee of Advice, recorded in the Minutes of their Proceedings on the 9th September, I have brought out with me the copies of the Tenders for the Panama service, which were furnished to me by the direction of the Lords of the Treasury, and herewith enclose them for the information of the Government.

3. I also enclose a copy of the statement, which you will perceive, from the Minutes enclosed in my letter of the 18th August, I prepared for the information of the Select Committee on Ocean Postal and Telegraphic Contracts, and subsequently handed to Mr. Cobden, the Chairman.

4. These papers, together with my former letters and their accompanying documents, will, I trust, fully explain my proceedings in fulfilment of the instructions furnished to me by this Government, and also place you in possession of the present state of the question; and, as I am not aware that I can add anything further to them, I will in conclusion only suggest that as the Imperial Parliament will reassemble early in February, and the Select Committee will probably resume their labors shortly thereafter, it may perhaps be desirable that some communication of the view of the present Government on the subject of the Panama route should be made to Mr. Hamilton by an early opportunity.

I have, &amp;c.,

THE HONORABLE

EDWARD C. MEREWETHER.

THE COLONIAL TREASURER.

## No. 1.

## AUSTRALIAN AND NEW ZEALAND MAILS—PANAMA ROUTE.

TENDER for Steam Vessels for performing the Mail Service between Great Britain, Sydney, and Melbourne, *via* Panama and New Zealand.

Names of Vessels.	Tons by Register.	Where lying.	Horse Power.	Draft of Water when ready for Sea.		Speed under Steam.	Number of Vessels proposed to be employed.	Day on which the Vessel will be ready.	
				Feet	Ins.			For Survey.	Complete for Sea on the part of the Owners
Jason .....	2667	Victoria Docks, London.	450	20		Knots per hour. $9\frac{1}{2}$	Ten ships.	Eight ships now ready and two October 6, 1859.	October 6, 1859.
Golden Fleece.....	2765		300	20					
Argo .....	2249		300	20					
Calcutta .....	2261		300	20					
Lady Jocelyn .....	2241		300	23					
Queen of the South ..	2221		300	20					
Indiana.....	2365		300	20					
Hydaspes .....	2248		300	20					
And two other vessels not yet completed.	..		..	..					

June 30, 1859.

Sir,

I hereby offer to the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, the above-mentioned steam vessels for seven years certain, for conveying Her Majesty's Mails monthly each way between Great Britain, Sydney, and Melbourne, *via* Panama and New Zealand, at the rates following, namely—at the rate of £119,000, subject to the several conditions marked A, and to an abatement at the rate of £1,000 per annum, in case no accommodation should be required for a Naval Officer in charge of the Mails.

In the event of the tender being accepted, I engage that the vessels above-mentioned shall be ready for survey on the day or respective days above-mentioned for that purpose, in failure of which I agree to pay to Her Majesty the sum of £10 for every vessel from the day she ought to be ready for survey, for every day during which she shall not be ready for such survey; and I also engage that such vessels shall be complete for sea on the day or respective days above-mentioned for that purpose, in failure of which I agree to pay to Her Majesty the sum of £10 for every vessel from the day on which she ought to have been complete for sea, for every day during which she shall not be complete for sea.

And I hereby agree with the said Commissioners to commence the said service from Great Britain on the 6th day of October, 1859, and from Sydney on the 6th day of October, 1859; and in the event of such service not being commenced on such days, I hereby agree to pay to Her Majesty the sum of £100 for every day from those days respectively until the said service shall be commenced by me. And I hereby agree that such respective sums of £10, £10, and £100, are to be considered not as penalties but as liquidated damages, and payable whether any damage shall or shall not be sustained by reason of all or any one or more of such failures, or in the event of any one or more of such failures the said Commissioners shall have the option of determining any agreement for such service by me.

And I do hereby agree to execute a contract according to the said conditions marked A, and for the performance of the said service by not less than the above number of vessels, to be approved of as in the said conditions mentioned.

I am, &c.,

(Signature)  
(Address)

THOMAS HOWARD,  
Manchester.

The Secretary  
of the Admiralty.

N.B.—All Tenders to be made upon this printed form, and they are to be addressed to the Secretary of the Admiralty, at Somerset Place, with the words "Tender for the Conveyance of Mails," and "Comptroller of Transport Service" in the left-hand corner of the envelope, and no Tender will be received unless it be made precisely according to the preceding printed form. Any conditions or alterations which the party tendering may wish to suggest must be added to the tender, either at the end of the printed form, or by a separate letter at the time of making the Tender.

CONDITIONS of the Tenders to be received for a Contract for the Conveyance of Her Majesty's Mails to and from Sydney and Melbourne, *via* Panama and New Zealand.

Referred to (as marked A).

1. The contractors must engage to convey Her Majesty's Mails and Despatches, monthly, each way between Great Britain and Sydney, *via* Panama and New Zealand, by a sufficient number of full power steam vessels. The contractors must also make provision for conveying to and from Sydney and Melbourne the letters of Victoria and the other Australian Colonies.

2. It is to be stated at what intermediate port or ports between Great Britain and Panama and between Panama and Australia, it may be in contemplation to call.
3. It must be stated at what time the contractors will be prepared to commence the service from Australia and from Great Britain, under the penalties hereinafter provided for.
4. The contractors must engage to supply, during the continuance of the contract, a sufficient number of vessels for the performance of the contract, and these vessels are to be subject at all proper times to survey by officers in the employment of the Admiralty; and any defect discovered on such survey to be immediately made good by the contractors. The survey to extend to the crew, officers, and engineers, and machinery, as well as to the hull of the vessel; and it is to be understood that no vessel is to be employed under this contract until she shall have been surveyed by the Admiralty in hull and machinery, tried under weigh, and finally approved by their Lordships.
5. The vessels to be always supplied and furnished with all necessary and proper machinery, engines, apparel, furniture, stores, tackle, boats, fuel, oil, tallow, provisions, anchors, cables, fire-pumps, and other proper means for extinguishing fire, lightning conductors, charts, chronometers, proper nautical instruments, and whatsoever else may be requisite and necessary for equipping the said vessels, and rendering them constantly efficient for the service to be performed, and also manned and provided with legally qualified and competent officers, and a sufficient crew of able seamen and other men.
6. The said Commissioners are to have the power of ordering the vessels to be so arranged and constructed for the purposes of the contract as they may consider suitable; and may require the designs and plans of all vessels to be built for the performance of the contract to be submitted to them previously to their construction.
7. Proper accommodation to be provided, free of expense, for the Naval Officer in charge of the Mails; but the parties tendering are at liberty to state what deduction they would make, in the event of this condition not being required.
8. The said Commissioners may, at their option, substitute for the Naval Officer, an Officer of the Post Office and his assistant, to be employed in sorting the Mails on board the packets.—They may also require the contractors to erect a suitable sorting room on board each of the vessels employed between Great Britain and Sydney, such sorting room to be not less than 10 feet by 8 feet, and 6 feet in height.
9. The tenders must specify the the maximum number of days between the departure of the Mail from Great Britain and its arrival at Melbourne, and from Melbourne and its arrival in the United Kingdom respectively, but in no case must the voyage out or home exceed fifty-five days in the whole, exclusive of the transit across the Isthmus. Although, however, fifty-five days are fixed as the maximum time for performing the service to and from Melbourne, proposals embracing a shorter time will receive favorable consideration.
10. The days and hours of departure from each port are to be fixed by the said Commissioners, and may be altered from time to time by them, on giving three months' notice to the contractors; it being understood that the departures will be so arranged, as to alternate fortnightly with the Mails by the Suez route.
11. A penalty of £500 to be incurred when the contractors fail in providing a vessel, in accordance with their agreement, ready to put to sea at the appointed hour; and also the sum of £100 for every successive day which shall elapse until such steam vessel shall actually proceed to sea; and also £10 per hour for every hour consumed on the voyage beyond the total number of days stipulated in the contract as the period within which the respective voyages will be completed, either outward or homeward; but so that the full amount of such penalties on any one voyage shall never exceed the proportion of the subsidy applicable to such voyage; and penalties for overtime will not be enforced if it be shewn to the satisfaction of their Lordships that the delay has arisen from causes over which the contractors have not, and could not have, any control.
12. A premium of £50 will be given for every day less than the total number of days occupied in the voyage.
13. The Mails shall be conveyed in the said vessels, and be delivered and received at each of the places to which the said vessels are to proceed in the performance of the contract; and, at each port or place where the said Mails are to be delivered and received, the Agent having charge of them shall, whenever and as often as by him deemed practicable or necessary, be conveyed on shore, and also from the shore to the vessel employed in the performance of the contract, together with, or, if necessary for the performance of the duties of such Agent, without Her Majesty's Mails, in a suitable and seaworthy boat of not less than four oars, to be furnished with effectual covering for the Mail-bags, and to be provided and properly manned and equipped by the contractors; and the directions of such Agent shall in all cases be obeyed, as to the mode, time, and place of receiving and delivering Her Majesty's Mails.
14. Should the said Commissioners deem it expedient to place the said Mails and despatches in charge of the Master or Commander of any of the said vessels, the said Master or Commander shall take the usual Post Office oath or declaration, and furnish such journal returns and information, and perform such services, as the said Commissioners or their agent may require, and be responsible for the due receipt and delivery of the said Mails and despatches.
15. The contractors shall not receive, or permit to be received on board any of the vessels employed under the contract, any letters for conveyance other than those duly in charge of the said Naval Officer, or which are, or may be, privileged by law, the said Naval Officer to report any default in this respect; and in case of any such default, the contractors shall be liable to be proceeded against for a breach of the contract.
16. The whole postage of all letters conveyed in the vessels employed under the contract is to be at the disposal of Her Majesty's Postmaster General.

17. The contractors and all commanding and other officers of the vessels to be employed in the performance of the contract, and all agents, seamen, and servants of the contractors, shall at all times during the continuance of the contract, punctually attend to the orders and directions of the said Commissioners, or of any of their Officers or Agents, as to the landing, delivering, and receiving Her Majesty's Mails; and all and every the sums of money stipulated to be forfeited and paid by the contractors unto Her Majesty, Her Heirs and Successors, shall be considered as stipulated or ascertained damages, and shall and may be deducted and retained by the said Commissioners out of any moneys payable, or which may thereafter be payable to the contractors, or the payment may be enforced, with full costs of suit, at the discretion of the said Commissioners.

18. The contractors shall and will, when and as often as in writing they or the masters of their respective vessels shall be required so to do by the said Commissioners, or by any Naval or other Officer or Agent acting under their authority, (such writing to specify the rank or description of the person or persons to be conveyed, and the accommodation to be provided for him or them,) receive and provide for, victual, and convey on board each, every or any of the vessels to be employed in the performance of the contract, for the whole or any portion of the voyages of the said vessels, (in addition to the Naval Officer authorised to have the charge of the said Mails) any Naval, Military, or Civil Officers in the service of Her Majesty, not exceeding four, and also their wives and children as chief-cabin passengers, and any non-commissioned or warrant officers, or civilians in Her Majesty's service, not exceeding two, with their wives and children, as fore-cabin passengers, and any number of seamen, marines or soldiers in Her Majesty's service, not exceeding ten, with their wives and children, as deck passengers, to be effectually protected from sun, rain, and bad weather, charging for such chief-cabin, fore-cabin, and deck passengers, the fares or rates charged by the said contractors for ordinary passengers of a similar description; a fortnight's notice being given to the agent of the contractors at the port of embarkation. Whenever the contractors shall convey any soldiers as deck passengers, other than those specially provided for by this contract, the contractors shall provide them with adequate protection from rain, sun, and bad weather, and they shall not be exposed on deck without such competent shelter.

19. When a passage has been ordered for any person at the expense of the public, the payment shall only be made on the production of the order for the passage, and certificate from the person in the following form, viz:—

I embarked

" I hereby certify that on the \_\_\_\_\_

" at \_\_\_\_\_ as a \_\_\_\_\_ passenger on board the

" Mail Steam-Packet \_\_\_\_\_ for passage to \_\_\_\_\_

" and landed at \_\_\_\_\_ on the \_\_\_\_\_ "

To this certificate the following addition is to be made in every case of a male cabin passenger, viz:—

" I further certify that the first dinner meal taken on board was on the \_\_\_\_\_

" \_\_\_\_\_ and the last dinner meal on the \_\_\_\_\_

" Dated this \_\_\_\_\_ day of \_\_\_\_\_ "

And the correctness of the dates must be corroborated by the master of the packet, adding underneath the passenger's signature,—

" The dates inserted in this certificate are correct."

(Signature)

" Master of the Packet."

The passage-money for the families and wives of officers shall be paid to the contractors by the officers themselves. All children under three years of age, to be conveyed free.

20. The contractors shall receive on board each and every of the said vessels employed in the performance of the contract, any number of small packages, not exceeding 20 feet, containing astronomical instruments, charts, wearing apparel, medicines, or other articles, and convey and deliver the same to, from, and between all or any of the ports or places to or from which the said Mails are to be conveyed, in the performance of the contract, when and as often as directed by the said Commissioners, their agents, or by the British Naval Officer in command of the station, free from all costs and charges; and shall also receive on board each and every of the said vessels, and convey and deliver to, from, and between all or any of the said ports or places, any naval or other stores not exceeding ten tons in weight, at any one time, in any one vessel, at the rate of freight charged by the contractors for private goods, on receiving from the said Commissioners, or any of their officers or agents, two days' previous notice of its being their intention to have such stores so conveyed; and the said contractors shall in all cases be strictly responsible for the due custody and safe delivery of the said packages, articles, and stores.

21. The contract to continue in force for seven years from the day on which the first vessel shall commence her voyage. The Board of Admiralty will be empowered to determine the contract in the event of repeated irregularities.

22. Payments will be made by bills on Her Majesty's Paymaster-General, payable in seven days from and after the respective dates thereof, on the production by the contractors, from time to time, to the Accountant-General of the Navy of certificates from the proper officers that the several voyages have been duly performed and the contract strictly and punctually carried out.

23. The contractors shall undertake for themselves all arrangements relative to Quarantine, as connected with the due and regular performance of the conditions of the contract.

24. The contractors shall not assign, underlet, or dispose of the contract, or any part thereof, without the consent in writing of the said Commissioners; and in any case of any deliberate or wilful breach thereof by the contractors, the said Commissioners may terminate it without any previous notice to them, nor shall they be entitled to any compensation in consequence of such determination.

25. No member of the House of Commons shall be admitted to any share or part of the contract, or to any benefit to arise therefrom, which is not permitted by Act of Parliament now in force.

26. The contractors to be bound with two sureties, in £25,000, for the due performance of their contract.

N.B.—Tenders will be received for a service subsidiary to that now existing between this country and the Isthmus of Panama,—*e.g.*, one between Panama and the Australian Ports, subject to the foregoing conditions so far as they are applicable—and it is to be understood that the said Commissioners do not engage to accept the lowest tender irrespective of all other considerations, and are not bound necessarily to accept any of the tenders that may be sent in.

[The following Memorandum is appended to the Tender of Mr. Thomas Howard, of Manchester.]

The service (exclusive of the transit across the Isthmus of Panama,) is hereby agreed to be performed in Fifty-three days, and less if practicable.

Milford Haven is proposed to be the port of arrival and departure to the Isthmus, and it is not proposed to call at any other port in the Atlantic.

It is proposed to call at a convenient port for the landing of the Mails and passengers in New Zealand, and that port only in the Pacific between Panama and Sydney.

If the arrangements of the Government would permit the contractor to carry any other Mails without prejudice to this service, the contractor would allow from the price above tendered, the sum of £1,000 per voyage, (out and home.)

THOMAS HOWARD,  
Manchester.

Address, 3, Whitehall-place, London.

## No. 2.

### AUSTRALIAN AND NEW ZEALAND MAILS.—PANAMA ROUTE.

#### No. 1.—AUSTRALIAN AND PACIFIC COMPANY (LIMITED.)

TENDER for Steam Vessels for performing the Mail Service between Great Britain, Sydney, and Melbourne, *via* Panama and New Zealand.

Names of Vessels.		Tons by Register.	Where lying.	Horse Power.	Draft of Water when ready for Sea.	Speed under Steam.	Number of Vessels proposed to be employed.	Day on which the Vessel will be ready.		
								For Survey.	Complete for Sea on the part of the Owners.	
					Feet.	Knots per Hour.				
1	building by {	T. Wingate ..	550	Glasgow .....	100	13	11	Two in Atlantic, with one lay-by at the Isthmus {	1 Sept.	7 Oct.
2		Same	500	Do. ....	60	12	10		1 Oct.	1 Nov.
3		T. Richardson & Son ....	500	Hartlepool ....	60	12	10		1 Sept.	15 Sept.
4	building by {	T. Richardson & Son ....	700	Sunderland ....	100	15	9	Three in Pacific, with one lay-by for Branch Service .....	1 Aug.	15 Aug.
5		T. Richardson & Son ....	700	Hartlepool ....	120	14	11		1 Sept.	15 Sept.
6		T. R. Oswald.	700	Sunderland ....	100	14	10		1 Oct.	15 Oct.
7		A. Denny .....	700	Dumbarton ....	120	14	11		1 Nov.	15 Nov.
The Permanent Service to be ready for Survey in Nine Months from Contract, and to follow Temporary Line.										
Six Iron Screw Steam Ships, about .....		1,000	{ To be built by Andrew Leslie & Co., Gateshead.	1,200	15	15	{ Two in Atlantic, with one lay-by Two in Pacific, and one Branch serving for lay-by .....	1st and 2nd Liners 1860.		
Three Iron Screw Steam Colliers, about ....		1,500	{ 1 Liner and 2 Colliers, by G. Robinson & Co., Cork.	600	17	10		1 May   1 June.		
								And the others in Monthly succession.		

This offer is at the rate of £164,000, subject to an abatement at the rate of £1,500 per annum. To commence from Great Britain on the 1st October next, and from Sydney on the 1st day of December next.

We are, &c.,  
THE AUSTRALIAN AND PACIFIC COMPANY (LIMITED.)

GEORGE CLARK, Secretary,  
88, Cannon-street, E. C., London.

The Secretary  
of the Admiralty.

[The

[The following Explanatory Statement is appended to the Tender of the Australian and Pacific Company.]

28, Cannon-street West, E. C.,  
1 July, 1859.

AUSTRALASIAN AND PACIFIC COMPANY (Limited).

Explanatory Statement referred to in the annexed Tender for the Conveyance of the Australasian Mail, *viâ* Panama.

Sir,

The circumstances of the case requiring more details than the formal tender will admit, I am desired most respectfully to present the following explanations for the consideration of Her Majesty's Commissioners for executing the office of Lord High Admiral.

1. The primary purpose is to commence with the least delay that will allow preparations for coaling in the Pacific Ocean and the execution of contracts for building ships specially adapted to the service.  
Firstly, By a temporary line of screw steamers to perform the passage within the limit of 55 days stipulated by the conditions of tender.  
Secondly, By a permanent line of fast steamers, affording a despatch for Mails and convenience to passengers, beginning in eight months from the opening of the temporary service, or in twelve months from the date of the contract; and the entire sea passage from Cork Harbour to Sydney and Melbourne being reduced to 45 days during eight months of the year, with an allowance of three days for heavy weather during the other four months.
2. The advantage of the temporary service is that this alternative route to Australia, so important at the present crisis, may be opened almost immediately by vessels well calculated to convey the Mails within the stipulated time, carrying fuel for the whole of the passage from station to station, out and home, with water ballast tanks to compensate for the consumption which would otherwise detract from the ship's trim. The class of vessels to be employed will enable this Company to avoid the losses which inevitably result from commencing a new line with large ships, and to afford the desired opportunity for building steamers specially designed to make the voyage with economy, efficiency, and speed, as it is certain that there are none at present available for that purpose, and very few afloat adequate to the work under those conditions.
3. This Company, therefore, offers to perform the Mail Service by this temporary line between the Port of Cork on the one side, and Sydney and Melbourne on the other, in 55 days; and reciprocally in the same time from Sydney and Melbourne to the Port of Cork, during the period of eight months from the 1st of October next, or such other dates as may be appointed. On the expiration of one month from the last proposed despatch of the said temporary line of eight months, will be commenced the permanent and special service in regular succession of departure; that is in twelve months from the date of the contract, and so to continue monthly under the stipulated engagement, performing the passage out and home in 45 days each way, from March to October; and in 50 days during the remaining four months.
4. But it is submitted, that while the Company will be subject to heavy penalties for delays beyond the maximum of time mentioned in the conditions of tender, (the largest it is believed ever imposed) we may be allowed perhaps to represent that the premium stated for anticipated deliveries is by no means commensurate with the expense of accelerating the passage—a matter of great consequence for Mails as well as passengers—and that a reciprocal advantage equivalent to the penalty would offer a more sufficient inducement to advance the arrival of the packets, so that if the penalty be fixed at £10 an hour over the maximum stated by the contract, the conditions may reasonably be varied to allow the like amount of premium for the saving of time below the minimum; but although the Company is prepared to encounter the risk of such penalties as in the discretion of the Commissioners may be appointed, it is with great respect suggested that the line should be placed in this and other respects on the same footing as the Suez line, the contractors for which have the vast advantage of other ample subsidies for a considerable portion of their service.
5. For the conveyance of Mails to Cork Harbour, I am authorized to state that the Great Southern and Western Railway Company, Ireland, is prepared to facilitate the passage of the Mails along their line, and it is believed that the new Irish postal arrangements will come into operation about the time here proposed for the permanent service;—thus correspondence from the manufacturing districts and all parts of the United Kingdom, except those South and East of Birmingham, will be benefited by the departure from Cork Harbour, whilst the London letters will suffer no practical detriment.
6. The offing and landfall of Cork Harbour confer so great an advantage in the voyage out and home, provable by the most experienced mariners, and many recent examples,—a few being enumerated in the Appendix to this Company's Prospectus,—that the departure thence will amply compensate for any partial inconvenience; whilst one effect of a Mail Station there will be the establishment by this Company of extensive engineering works so much required in cases of accident, as very lately to the "City of Baltimore," the "Weser," and many other large steamers, which have put in there disabled in machinery or otherwise.
7. From Cork Harbour to the American Isthmus it is intended to make the passage in one stretch, unless otherwise approved or required by Her Majesty's Government.



8. The transit of the Isthmus, on which so much of the efficiency in the service depends, requires the following observations:—

At the beginning of the present year the Company received from Bogota a confident assurance that the Government of New Granada was prepared to accede to the proposals on the part of this Company for a reduction of the present transit impost of one shilling to one penny per letter, as appears by the extracts from the letters of Dr. F. Gonzales, *ex-Advocate General* of that republic. This concession, from some unaccountable delay, has not arrived, and we are obliged to accept the *status in quo*, should we be required to pass by the Panama Railway. The Panama Railroad Company also (the advantage of whose route is mostly appreciable for the transmission of passengers and merchandize), by a refusal to modify its rates, raises an impediment to traffic on account of the unreasonable high charges which the monopoly of way enables them to maintain; and we must, of course, submit to the subsisting conditions of their tariff, as stated in the letter of the Chairman to this Company.

9. However, it may be deserving of notice that the transit of Mails and passengers may be effected without inconvenience, and under advantageous conditions, by the *Nicaraguan* route; and with that view it would be desirable that the corresponding terms of the contract should be,—That the *transits of the American Isthmus shall be effected by such route, and on such terms, as shall be approved by Her Majesty's Government*. The Panama Railroad Company pay Mr. Vanderbilt £12,000 annually to avoid the competition of his steamers originally placed on the Nicaraguan line, which must therefore afford sufficient facility to justify so great a sacrifice; and there is little doubt that, should permission be given to resort, if necessary, to that route, both the New Granadian Government and the Panama Railroad Company will promptly abate their pretensions.

10. There are besides certain other advantages, as we consider, in primarily adopting the Nicaraguan route, which justify the hope that this modification will be approved:—

The new treaty, negotiated by Sir Wm. Gore Ousley, reduces the postal charges on letters passing that way to one penny per rate, which would naturally be further reduced if the transport be effected by this Company, so as to warrant its undertaking the carriage of the Mails by that route for one penny per quarter ounce.

A call may be made by the Company's steamers at Port Royal (Jamaica), where coaling can be more economically performed than at any point of the Isthmus.

The Company would be enabled *ad libitum* to carry from Jamaica, from the Nicaraguan territory, mules, mechanics, and laborers, on reasonable engagements, as required for the transport.

An establishment for repairs may be located advantageously at Jamaica.

The terminal stations at Greytown and St. Jean del Sud or Realijo, can be made better than Aspinwall and Panama, where the rollers and set of tide are prejudicial to ships at anchor.

The land carriage is comparatively short and sufficiently solid and safe, whilst there are great fears for the stability of a considerable portion of the Panama Railroad, on account of the swampy nature of the ground.

The efforts of the Nicaraguan Government and the Promoters of the inter-Oceanic Canal Company to attract traffic, will induce those parties to afford all possible facilities for the desired transit.

The distance from St. Jean del Sud to New Zealand is 234 nautical miles nearer than from Panama, whilst the offing from the former is much better, as giving the run clear of all islands, which obstruct navigation in the bay of Panama.

The temporary adoption of this route will allow of the development of other routes; for example—that of Honduras, which has excellent harbours at both termini, and is conceded to a company of British capitalists, and the Tehuantepec Road, which would probably give, on the completion of the American system of railways, an overland delivery by the United States—analogous to the Marseilles route—of 33 days to New Zealand and 58 to Australia; and it is 479 miles nearer to Australia than Panama.

11. From the American Isthmus to New Zealand the course adopted for this Company is that marked out by Sir Edward Belcher, in his evidence before the Committee of the House of Commons (*Steam to India, &c.*, 1851), from the Isthmus to Cook's Straits, making Peard Island (Gambier Group) the midway coaling station most conveniently situated in regard to division of the distance and to advantage of winds, in both respects far preferable to the Tahiti route, and at the same time being shorter, on the whole distance, to Sydney.

12. The station in New Zealand will be at Cook's Straits, where are Wellington and Nelson, the commercial Capitals of the two main Islands, the places of most importance in that Colony. A call there appears the only means of suiting the requirements of this case, as both Melbourne and Sydney have virtually settled the question by establishing their first Stations for Inter-Colonial purposes—the one at Nelson and the other at Wellington. It will further afford the only solution of the difficulty of reconciling the interest in this line, of the two great Australian Colonies, by a nearly *simultaneous delivery* at Sydney and Melbourne.

13. To effect this desideratum the Company will be assisted by the Australian Steam Navigation Company of Sydney, who have provisionally consented to co-operate on equitable terms, as appears by a communication from them, and instructions received by their Agents in London—Messrs. Redfern and Alexander—to the same effect. It is scarcely requisite to observe that such a coalition will tend to reconcile the Colonial influence of that Company; render the benefits of its extensive establishment available to our purposes; and at the same time insure against competition and conflicting claims, which might otherwise arise, to the prejudice of all parties.

14. This portion of the service would naturally absorb the present Inter-Colonial line from Melbourne to Wellington, the subsidy of £12,000, now paid to the Australasian Steam Navigation Company, passing as part of the contribution of Victoria, for the general service. On the arrival of the main liner at Wellington, the Mails for Tasmania, Victoria, and Adelaide would be transhipped on board the branch packet, which would proceed to Port Phillip, calling at Nelson and Georgetown (Tasmania) and return in time to meet the Homeward Mail from Sydney at Wellington. As this return passage would be performed with the favor of the prevailing winds, but little margin for contingent delays would be required, and the rest of the homeward run would be the reverse of that stated for the outward passage.

15. The estimate of distance for the computation of mileage is as follows:—

	Miles.
Queenstown to the American Isthmus ... ..	4,308
St. Juan del Sud to Peard Island ... ..	3,560
Peard Island to Wellington ... ..	2,574
Wellington to Melbourne, calling at Georgetown ...	1,500
Wellington to Sydney ... ..	1,221
Estimated deviation... ..	177
Total nautical miles... ..	<u>13,500</u>

Entire distance for twelve monthly round voyages 324,000 nautical miles.

This, at the rate of ten shillings per mile, gives the amount at £162,000, which, with £2,000 for the accommodation of the Mail Agent (sorters being charged as second class passengers) is the sum for which the Company's tender is given, should Her Majesty's Government require Mails to be conveyed by the Company's ships fortnightly, the increased mileage will be undertaken at 75 per cent. of the foregoing rate; if more frequently, the further mileage will be only 60 per cent., and in the event of the New Columbian Mail Service being combined with the Australian, as first proposed, the additional distance will be 75 per cent. of the original mileage.

16. I am further desired to state that the Company has in special view to afford for the first time, on an efficient principle, accommodation for all classes of passengers. Though it is generally contended that postal lines should be established for the sole object of conveying Mails, it may be urged that in many peculiar cases personal communication is of more importance than written. Merchants, mere agents and others, having private interests at stake, adopt the former view; probably, the mass of settlers would support the claim for facilities of passage which would have the important, social, and political result of maintaining the natural attachment to the parent State that distance and obstructions to intercourse tend to impair. The Company is prepared to afford this advantage, and undertakes to provide second and third class through passages, at the rate of 45 and 35 guineas, the latter being about the rate of three farthings per mile less than the Railway Parliamentary fares, with this difference, that the passengers are fed, lodged, and carried for that sum, when on Railways, they have to purchase their refreshments often, through the monopoly of supply, at three-fold the value. Engagements to that effect would be binding on the Company, and subject to the approbation of Her Majesty's Government in regard to dietary, accommodation, and general regulations.

17. In the event of the postponement of a contract for the whole service from Great Britain to Australia, this Company tenders for the conveyance of the Mails from the American Isthmus to Australia, within the terms of the supplemental note to the conditions of tender, as subsidiary to any subsisting Mail Service, including a simultaneous delivery at Melbourne and Sydney, (calling by branch packet at Nelson and Georgetown, *en route* for Melbourne, to land Mails) for the sum of £109,000, subject to an abatement of £1,000 per annum, in case no accommodation should be required for an officer in charge of the Mails. The passage to be performed in thirty days, as stated in the Company's Tender, No. 2.

18. And provided the Company is permitted to contract with the American, French, or other Foreign Government, for the conveyance of Mails in the Pacific, the Company hereby offers to perform the service for £90,000, subject to the like deduction of £1,000 as above stated from the time such foreign contract shall come into operation.

I have, &c.,

GEORGE CLARK,  
Secretary.

The Secretary to the Admiralty,  
&c., &c., &c.



STEAM POSTAL SERVICE *via* PANAMA.

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No 3.

## AUSTRALIAN AND NEW ZEALAND MAILS—PANAMA ROUTE.

No. 2.—AUSTRALIAN AND PACIFIC COMPANY (LIMITED.)

TENDER for Steam Vessels for performing the Mail Service between Great Britain, Sydney, and Melbourne, *via* Panama and New Zealand.

Names of Vessels.	Tons by Register.	Where lying.	Horse Power.	Draft of Water when ready for Sea.	Speed under Steam.	Number of Vessels proposed to be employed.	Day on which the Vessel will be ready.	
							For Survey.	Complete for Sea on the part of the owners.
For 8 months Temporary Service.								
1 } building by { T. Wingate ..	550	Glasgow .....	100	Feet. 13	10	Three with one lay-by .....	1 Aug.	15 Aug.
2 } { T. Richardson & Son ....	700	Hartlepool ....	120	14	11		1 Sept.	15 Sept.
3 } { T. R. Oswald ..	700	Sunderland ....	100	14	10		1 Oct.	15 Oct.
4 } { A. Denny ....	700	Dumbarton ....	120	14	11		1 Nov.	15 Nov.
For Permanent Service, to be ready for Survey in 9 months, and to follow Temporary Service.								
Three Iron Screw Steam Ships, about .....	1,000	{ To be built by Andrew Leslie & Co., Gateshead. }	1,300 P. By Indicator.	16	15	Two with one branch and one lay-by .....	1 May	1 June
Two Iron Screw Colliers, about .....	1,500	{ By G. Robinson & Co., of Cork }	600	17	10		2 May	1 June
						Two .....	3 June	1 July

As subsidiary to any existing Mail Service, from Great Britain to Central America, this offer is made to convey H. M. Mails monthly each way between PANAMA, SYDNEY, and MELBOURNE, *via* NEW ZEALAND; and to perform the passage Outwards and Homewards in 30 days, at the rate of £109,000, subject to an abatement at the rate of £1,000 per annum. The Service to commence from Panama on 23rd November next, and from Sydney on 1st January next.

THE AUSTRALASIAN AND PACIFIC COMPANY, (LIMITED.)

(Signature)

GEORGE CLARK, Secretary,

(Address)

88, Cannon-street West, E. C. London.

No. 4.

## AUSTRALIAN AND NEW ZEALAND MAILS—PANAMA ROUTE.

TENDER for Steam Vessels for performing the Mail Service between Great Britain, Sydney, and Melbourne, *via* Panama and New Zealand.

Names of Vessels.	Tons by Register.	Where lying.	Horse Power.	Draft of Water when ready for Sea.		Speed under Steam.	Number of Vessels proposed to be employed.	Day on which the Vessel will be ready	
				Feet.	Ins.			For Survey.	Complete for Sea on the part of the Owners.
To be named afterwards.	1,200 Tons.	To be built in Great Britain.	320 N. H. P. 1,000 effective H. P.	About 17 feet.		About 12 to 14 knots.	8 Steamers (screw).	Notice to be given afterwards.	As may be arranged.

This offer is at the rate of £165,000, subject to an abatement at the rate of £1,000 per annum.

The Service to commence from Great Britain on 1st May, 1860, and from Sydney on 1st July, 1860.

(Signature)

STEFERNOS XENO, Manager,

(Address)

19, London-street, Fenchurch-street.

*The following Memorandum is appended to the Tender of Mr. Stefnos Xeno.*

19, London-street, Fenchurch-street, E. C.,

1 July, 1859.

The Company whom I represent, and of which I am also a proprietor, have now afloat and engaged in the Levant and Mediterranean Trade the following Screw Steamers:—

				BUILT IN
Scotia.....	1196	Reg. Tons, 300	H. P. ....	1857.
Asia .....	1093	" 300	" .....	1857.
Admiral Kanaris .....	927	" 250	" .....	1858.
Milo .....	851	" 120	" .....	1858.
Powerful .....	930	" 400	" .....	1855.
Marco Bozzaris .....	659	" 120	" .....	1858.
Babolina	River Boats, 200 tons, 50 H. P. ....			1859.
Botazzis				
Tzandos				
Modern Greece				
	1,200 tons, now building.			

And as the "Powerful" and "Modern Greece" are the only boats suitable for the Mail Service to Sydney, this Company intend to build eight steam vessels of 1,200 tons gross register, and 350 nominal horse power, but of 1,000 effective horse power, and with an average speed of fourteen knots per hour in smooth water, and twelve knots at sea, in every way fitted for the Service.

This Company will establish Coal Depôts at Fayal, at Colon, at Panama, at Tahiti, and at Sydney. The vessels will, however, take on board sufficient coals to prosecute the whole voyage on each side of the Isthmus of Panama. The vessels will call at a port in New Zealand, somewhere in the neighbourhood of the Bay of Islands; and from Sydney the Company will send forward by separate steamers the Mails for the other ports in Australia.

This Company also beg to add that they, in offering for this service, consider that they are justly entitled to the same amount of allowance for every hour less than the contract time, in which they shall be able to complete the several voyages between Sydney and England, as they are liable to, in the shape of deduction for every hour consumed on the voyage beyond the number of days stipulated in the contract on behalf of this Company. I only add that we are prepared to execute a contract according to the printed conditions which this letter accompanies. I am also prepared to shew to your Lordships the responsibility of myself and friends in being able to carry out this contract.

STEPHANOS XENO,

Manager.

The Secretary of the Admiralty.

### No. 5.

#### AUSTRALIAN AND NEW ZEALAND MAILS—PANAMA ROUTE.

TENDER for Steam Vessels for performing the Mail Service between Great Britain Sydney, and Melbourne, *viâ* Panama and New Zealand.

Names of Vessels.	Tons by Register.	Where lying.	Horse Power.	Draft of Water when ready for Sea.		Speed under Steam.	Number of Vessels proposed to be employed.	Day on which the Vessel will be ready.	
				Feet	Ins.			For Survey.	Complete for Sea on the part of the Owners.
Nine Iron Screw Steamers to be constructed expressly for the Service.	About 1,200 tons gross measurement.		Full power.	Not to exceed 18 feet.		Knots per hour. Thirteen.	Nine, or more if the Service requires them.	Within nine months from the signature of the Contract.	Within twelve months from signature of the Contract at all parts on the Line.

This offer is at the rate of £140,000 per annum, subject to an abatement at the rate of £1,500 per annum.

The Service to commence from Great Britain within eleven months, and from Sydney within twelve months, after the signature of Contract.

(Signature) SEYMOUR, PEACOCK, & CO.,

116 & 117, Fenchurch-street.

(Address) CROSKEY & CO.,

84, King William-street, London.

STEAM POSTAL SERVICE *via* PANAMA.

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*The following Letter of Explanation accompanies this Tender.*116 and 117, Fenchurch-street,  
London, 1 July, 1859.

Sir,

With reference to the accompanying Tender for the conveyance of Her Majesty's Mails to Australia, *via* Panama and New Zealand, we beg to call your attention to the following explanations:—

The number of Vessels to be constructed will not be less than nine,—so as to provide for every emergency in case of accidents.

We propose to start from Southampton or Milford Haven, and proceed direct to Aspinwall—without calling at any intermediate Port, and thus promoting the interests of the Colony by avoiding the risk of yellow fever, &c., incurred by touching at any of the West India Islands.

From Panama we propose to steam direct to Sydney, calling at a convenient port in New Zealand on the outward and homeward voyages, with privilege of coaling at intermediate places if absolutely necessary.

At Sydney the Mails would be transhipped into one of the Contractors' steamers for Melbourne, and the return Service would be performed by the same means and route.

We do not include in our Tender the expense or risk of the transit of the Mails across the Isthmus of Panama.

In the event of Her Majesty's Government desiring at any time to vary the route by the way of Nicaragua, instead of Panama, we possess peculiar facilities of transit by that route, which we shall be glad to submit to the Government, having already communicated our views on this subject to the late Government, as calculated to assist in settling the central American difficulty.

We are very sanguine, from the calculations we have made, that we shall be able to accomplish the Service in considerably less than fifty-five days to Melbourne; but we cannot undertake the risk of incurring penalties by contracting to perform the service in less than the maximum of fifty-five days.

With reference to the period at which we propose to commence the Service, we beg to say that at the present moment there is not a sufficient number of suitable steam vessels available capable of performing the service in the stipulated time,—a matter of grave importance in working a Mail Contract of such magnitude.

We consider, therefore, as practical ship-owners, well acquainted with the service to be performed, that vessels must be constructed expressly with such modern improvements as are calculated to work in a satisfactory manner.

We are enabled to tender for this service on economical terms, intending to employ vessels of about 1,200 tons gross measurement, adapted for conveyance of Mails, specie, and passengers, without looking to cargo as an element of profit, and avoiding thereby at the same time all the delay occasioned by taking in and discharging cargo.

Hitherto similar services have been performed by very large vessels, involving an expensive outlay of capital, and requiring large returns beyond an unnecessarily heavy Government subsidy to render the undertaking remunerative; but experience proves to us that smaller vessels, constructed chiefly for the subsidised service, will be most advantageous to the several contracting parties.

Any further details required by Her Majesty's Government we shall be glad to furnish at a personal interview or otherwise.

Although not made a condition of our Tender, it is hoped that there would be no objection on the part of Her Majesty's Government to permit our arranging with the French or other Governments to carry their Mails, provided it in no way interferes with the efficiency of the present service.

We are, &amp;c.,

SEYMOUR, PEACOCK, & CO.  
CROSKEY & CO.

To the Secretary of the Admiralty.

No. 6.

## AUSTRALIAN AND NEW ZEALAND MAILS—PANAMA ROUTE.

TENDER for Steam Vessels for performing the Mail Service between Great Britain, Sydney and Melbourne, *via* Panama and New Zealand.

Names of Vessels.	Tons by Register.	Where lying.	Horse Power.	Draft of Water when ready for Sea.		Speed under Steam.	Number of Vessels proposed to be employed.	Day on which the Vessel will be ready	
								For Survey.	Complete for Sea on the part of the Owners.
All new vessels, built especially for the Mail Service.	From 1,500 to 2,000 tons, B. M.		Full.	ft.	in.	Knots per hour.  13 Knots.	Ten, or as many for the Service.	First of March, 1860.	

This offer is at the rate of £178,700 per annum, subject to an abatement at the rate of £2,000 per annum.

The Mails to be delivered in Melbourne in fifty-five days from leaving Great Britain, and *vice versa*.

The Service to commence from Great Britain on 1st May, 1860, and from Sydney on 1st July, 1860.

(Signature) Z. C. PEARSON COLEMAN & Co.,  
(Address) 34, Great St. Helen's, and  
41, Moorgate-street, London

*Explanatory Letter appended to Tender No. 6.*

INTERCOLONIAL ROYAL MAIL STEAM PACKET COMPANY, (Limited.)

41, Moorgate-street, London, E. C.,  
30 June, 1859.

My Lords,

With reference to the accompanying Tender for the Mail Service to Australia, *via* Panama and New Zealand, we beg to state that we have been induced to tender for the Service from the fact that we are already the contractors between the provinces of New Zealand and Sydney at £24,000 per annum, and have now for some time been performing the Service regularly and well; and supposing that your Lordships will not be disposed to subsidise two services between New Zealand and Sydney, and thus place another line in competition with our own, which has been established at great labor and cost to ourselves, and thus possibly prevent that success to our undertaking which we had a right to expect, and which we did expect when we entered upon the undertaking and accepted the Service. We trust your Lordships, if declining to accept of our tender, will especially take into consideration our being already on the station a part of the distance; you will make it a condition with the successful parties that they shall make arrangements with us either for purchasing up our contract and steamers, &c., or making such arrangements with us as will not interfere at all with the undertaking in which we are engaged, and which has conferred such great benefits on the Colonies already.

If our tender is accepted we propose to build entirely new vessels, fitted especially for the service, of full power, and of 1,500 tons, a size which we consider small enough for the service, and which we think will be large enough for all purposes. Begging your Lordships' favorable attention,

We remain, &c.,  
Z. C. PEARSON COLEMAN & CO.

To the Lords

Commissioners of the Admiralty.

P.S.—We respectfully beg your Lordships will consent to favor us with an interview before you accept any tender, in order that we may lay our peculiar case before you.

#### No. 7.

Bush Hill, Edmonton,  
1 July, 1859.

Sir,

With reference to a Mail Service to Australia *via* Panama, I beg to state that there are several influential gentlemen in this country at present from Australia, who have called on me, and have requested me to state that in making the arrangement for a Postal Communication between this country and Australia, that it would be advisable to embrace Canada and the other British Provinces, together with the United States, which would be of the most essential importance to Australia as well as Canada; at present there is no Postal Communication between Australia and North America, and the proposed line from this Country *via* Panama direct would not afford any additional facility.

I could convey the Mails from England to Chagres *via* New York at a trifling expense, which would so far meet their wishes.

I could deliver the Mails at Chagres by this route as soon, if not sooner, than it can be done in any other way.

I am not, however, prepared at present to make an offer for the Service from Chagres to Australia.

I am induced to make this statement at the request of the gentlemen from Australia.

I have, &c.,  
S. CUNARD.

#### No. 8.

Richmond, Yorkshire,  
30 June, 1859.

Sir,

I beg to state that it is no private advantage but the welfare of Britain which moves me to address you, and as it was with me in 1825, so now in 1859, *pro bono publico*.

Having studied at Addiscombe I went out to India in the Artillery in 1819; was employed as Executive Officer at Singapore under Sir T. S. Raffles (*i.e.* Superintending Engineer) for some years, and enjoyed the patronage and confidence of the Supreme Government

ment of India, under Lord Hastings. Retired from the service on account of ill-health, in 1836, or I should now have been a General in the Army; Major General Sir Archibald Wilson, Bart., K.C.B., was side by side with me in the Royal Artillery.

For upwards of 30 years I have considered the matter of steam and especially with regard to the Panama route.

In 1825 I proposed to the Marquis of Hastings—who wished to try it—to build vessels of 1,000 tons at 500 horse-power (steam being then in its infancy) to run between Calcutta and Australia (Sydney); his Lordship referred it to *nautical* men and it was pooh-pooh'd as absurd.

Note—time has proved the correctness of my view.

It is not too much for this enlightened age to say it would be so now also (if similarly dealt with) in any *new* or improved method.

As for instance a proposal to build vessels superior to *existing* ones, especially from a non-professional.

When I saw the Admiralty advertisement in *Times* of May last, I wrote for the terms and fully intended to make a tender; but, alas! no suitable vessels are to be had, and I cannot attempt to build on my own risk; my friends, moreover, strongly object to my health, as not fit to undertake such a work,—nevertheless,

I have the honor to state, for the information of the Lords Commissioners, &c., &c., that I am fully persuaded a Contract may be made for 42 days—and even less, bye-and-bye, if Government build suitable vessels—direct, viz., Milford to Sydney, the Colonial work should be done separately.

I should not hesitate to undertake to carry this out if it should please Her Majesty's Government to employ me.

I have, &c.,

PHILIP JACKSON,

Retired Officer, late Captain Royal Artillery

To the Secretary,  
&c., &c., &c.,  
Admiralty.

#### No. 9.

#### AUSTRALIAN AND NEW ZEALAND MAILS—PANAMA ROUTE.

**TENDER** for Steam Vessels for performing the Mail Service between Great Britain, Sydney, and Melbourne, *via* Panama and New Zealand.

Names of Vessels.	Tons by Register.	Where lying.	Horse Power.	Draft of Water when ready for Sea.		Speed under Steam.	Number of Vessels proposed to be employed.	Day on which the Vessel will be ready	
				ft.	in.	Knots per Hour.		For Survey.	Complete for Sea on the part of the Owners.

Between Great Britain and Colon, by the present Contract Steamers.

Between Panama and Australia, by

5 to be provided ..	From 2,000 to 2,350	To be indicated hereafter.	From 350 to 450	Such as may give the best speed for the service required.	To average 10 knots.	Six.	1 in 16 months from date of signing contract the others in regular monthly succession.	1 in 17 months from date of signing contract, the others in regular monthly succession.
1 to be provided ..	From 1,000 to 1,400		From 200 to 300					

This offer is at the rate of £220,000, subject to an abatement at the rate of £1,500 per annum.

The Service to commence from Great Britain in 21 months from day of signing contract, and from Sydney in 20 months from day of signing Contract.

(Signature.)

Rd. T. KEEP,

Secretary,

(Address.)

Royal Mail Steam Packet Company,  
55, Morgate-street, London.

[Explanatory

[*Explanatory Letter accompanying Tender of the Royal Mail Steam Packet Company*].

Royal Mail Steam Packet Company,  
No. 55, Moorgate-street, London, E.C.,  
1 July, 1859.

Sir,

In transmitting to you the enclosed Tender for the conveyance of Her Majesty's Mails to and from England and Australia, &c., *via* Panama, I am instructed by the Court of Directors of this Company to state that the Estimate of the expense for performance of that Service has been confined to the working only of that portion of the line which lies between Panama and Australia, the working of the line from England to Colon being already embraced by the existing Contract between this Company and Her Majesty's Government. As however, the present Tender is for the performance of a Service (subsidiary to that now existing between this Country and the Isthmus of Panama) for a period of seven years, and the existing Contract with the Government will expire in four and a-half years, it will be obvious that the Company's present Contract should be extended so as to correspond with the time specified in the accompanying Tender, which is made upon the assumption that such extension will be granted.

The times mentioned in the Tender as those at which the ships will be ready for survey and for sea respectively, have been arrived at by the Directors, upon careful calculations; but, should it be found possible to get them ready at an earlier date, the Directors will offer them for approval without loss of time, and prepare to commence the Service accordingly.

Referring to the conditions annexed to the Tender, I am to offer the following remarks:—

Condition No. 2.—Between Great Britain and the Isthmus of Panama, it is proposed to call at St. Thomas; and between Panama and Australia at such port in New Zealand as may hereafter be agreed upon.

Condition No. 9.—The number of days between the departure of the Mail from Great Britain, and its arrival at Melbourne, and *vice versa*, exclusive of the transit across the Isthmus, to be fifty-five.

Condition No. 22.—In order that no unnecessary delay may take place in the payment of the contract money, it is proposed that the same shall be paid quarterly, upon the production of such of the required certificates as in ordinary course shall have reached this country.

I have, &c.,

RD. T. KEEP,  
Secretary.

*MEMORANDUM of intended statement on the subject of the proposed Contract for a Steam Postal Service with Australia via Panama.*

In order to place the matter clearly and intelligibly before the members of the Committee, it may be desirable to give a brief summary of the past and recent proceedings with respect to the establishment and maintenance of Postal Communication between Great Britain and Australia.

In the year 1851 a Select Committee of the House of Commons was appointed to inquire into the question of Steam Communication between the United Kingdom, India, and Australia.

The relative advantages of three routes by which the communication with Australia could be maintained, viz.,—by way of the Cape of Good Hope, *via* India, and *via* Panama, were submitted to the consideration of the Committee, which, after taking a mass of evidence with respect to each, ultimately reported in favor of the line by the Cape of Good Hope, but at the same time admitted the merits of the Panama route, believing "that it would afford a regular and sufficiently rapid Postal Communication securing to the passengers a voyage comparatively free from storms, and at the same time it would bring the rising Colony of New Zealand into the main line of communication."

The Imperial Government did not act wholly upon the recommendation of the Select Committee, but in the year 1852, organized a monthly Steam Postal Service alternately by the Cape and Suez routes.

Up to this time the communication had been maintained by means of sailing vessels, and was altogether insufficient to satisfy the commercial and social requirements of the Colonists.

In November, 1854, the new Service was abruptly discontinued, ostensibly on account of the exigencies of the public service, created by the war then being waged with Russia, and the Postal Service then reverted to sailing vessels only, to the great inconvenience of the large and increasing trade interests of the Colonies.

In the year 1855, in compliance with the earnest and repeated representations of the Colonies, the subject of Steam Postal Communication was again taken into consideration by the Imperial Government, and after correspondence with the various Colonies, in the close of 1856, tenders were invited by the Treasury for the performance of a Monthly Steam Service between Southampton and Sydney *via* Suez.

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The Tender of the European and Australian Company for a through line was ultimately accepted, and this Service came into operation in the early part of the year 1857. In April of the same year Mr. Champion Wetton arrived in Sydney, duly accredited by the Royal Mail Steam Packet Company to negotiate with any or all of the Australian Colonies, for the establishment of a Monthly Steam Postal Communication with England *viâ* Panama, in extension of the Company's existing line between Southampton and Aspinwall.

The Colonists of New Zealand and New South Wales gladly availed themselves of the opportunity thus presented of obtaining a second Postal Service, which would not only give them increased facilities of communication, but also place them on an equal footing with the Southern and Western Colonies with respect to the arrival and departure of the Mails.

A lengthened negotiation ensued, and eventually a provisional agreement was entered into between the Government of New South Wales and Mr. Wetton, by which the latter undertook, on behalf of the Company he represented, to establish and maintain the Service in question for a term of years, for a yearly subsidy of £50,000, of which amount £15,000 was to be contributed by New Zealand.

This agreement was made subject to the approval of the local Parliaments of the two Colonies, and to the ratification of the shareholders of the Company in England, and in the early part of the year 1858, a communication was received in Sydney from Mr. Wetton, intimating that the Shareholders decline to ratify it.

The contract of the European and Australian Company which was carried out from the very commencement in a most irregular and unsatisfactory manner, was in June, 1858, dissolved by the Imperial Government, which made temporary arrangements for maintaining the service *viâ* Suez until a contract of a more permanent nature could be entered into.

In the month of August, before they were apprised of this result, the Executive Government of New South Wales had, at the instance of the Legislative Assembly, carefully considered the question of the best means of maintaining a rapid, regular, and frequent communication with Great Britain and the rest of the civilised world. And when the official announcement of the dissolution contract was received in Sydney they again took it into consideration in all its bearings, and eventually submitted their views on the subject to the Assembly, with a proposal that in furtherance thereof a sum of £50,000 per annum should be appropriated for a period of seven or ten years towards the establishment of a monthly Steam Postal Communication with Great Britain *viâ* Panama.

On the 8th September the Legislative Assembly adopted a series of Resolutions which substantially embodied the views of the Executive Government. A Bill was thereupon introduced to give them practical effect, and having been passed by both Houses of the Legislature, was assented to by the Governor on the 2nd of November.

Appendix A.  
Appendix B.  
Appendix C.

It was then resolved that a special Agent should be sent to England to negotiate with Her Majesty's Government for the establishment of the Panama Service, upon the basis of the terms indicated in the Resolutions and Act of the Legislature; and I was appointed to the office.

The principal reasons which induced the Government and people of New South Wales to take up the question so warmly may be briefly stated as follows:—

1. That from the experience which had been gained of the Suez route, strong doubts were entertained whether it would ever be carried out with regularity and despatch.
  2. That by the Suez route, Sydney being the last port of arrival and the first of departure, the Colonists are liable, in the event of any irregularity of the Mails, to a disadvantage to which the southern and western Colonies are not liable, or if so, only in a minor degree, viz.,—that of being unable to answer letters by the same post by which they are received. Under the late Contract this occurred twice in 1857, and seven times in 1858. It is true that, on two of these latter occasions the homeward Mail was caught at Melbourne, but only at a heavy extra cost to the Colonial Government.
  3. That by the proposed route not only will this disadvantage be mitigated in the case of New South Wales, but New Zealand will be placed on an equal footing with the other Australian Colonies, and be able to receive and answer letters by the same Mail, a boon which she does not obtain by the Suez route.
  4. That a second line of independent communication is absolutely necessary, to provide against the contingencies to which a single line would always be more or less exposed.
  5. That the increasing wealth and importance of the Australian Colonies demand a more frequent communication than has hitherto been maintained with the Mother Country.
  6. That the second monthly service, *viâ* Panama, could be so arranged as to afford a fortnightly communication, and satisfy this requirement;
- And, lastly, that the proposed route would connect Australia and New Zealand directly with North and South America and the West India Islands, with the former of which large trade is at present carried on.

It must not be forgotten, however, that there are other than Colonial interests involved in this question of rapid, regular, and frequent communication with Australia. Imperial interests are largely concerned in it, for, exclusive of other influencing causes identifying the interests of the Colony with the Mother Country, the interchange of trade and the Gold receipts



receipts are of the highest importance to Great Britain. The aggregate amount of the import and export trade between the United Kingdom and Australia amounted in 1857 to £80,350,000, of which £11,000,000 was due to Gold receipts.

A statistical return recently issued by the Board of Trade shews, that during the year 1858 the declared value of British and Irish produce of manufactures exported to Australia was £10,464,198.

The population of the Colonies which would be affected by the proposed service being in round numbers, according to the last Census returns, 1,000,000, the consumption of British goods was therefore at the rate £10 10s. per head per annum, a consumption far beyond that of any other possession or foreign country, as may fairly be inferred from the following figures taken from the same Return, which exhibit the value of British produce exported during the same period to—

1. India	...	...	...	...	£16,782,515
2. All other Colonies	...	...	...	...	12,678,281
3. America	...	...	...	...	14,510,616
South America	...	...	...	...	8,634,636
4. Germany	...	...	...	...	12,753,655
5. Holland	...	...	...	...	5,456,423
6. France	...	...	...	...	4,861,558

The much larger population of each of these countries of course reducing the consumption per head to a much lower average.

It must also be borne in mind, that of the expensive Postal routes subsidized by the British Government, which include not only the Colonies but Foreign Countries, the Australian is the only case in which the expense is shared equally by the Mother Country, the others being almost exclusively maintained by Imperial Funds.

To resume my statement. Before my departure from Sydney, a copy of the notice issued by the Admiralty, calling for Tenders for a new contract for the Service, *via* Suez, was received in the Colony, and to that notice the following postscript was appended:—"It is observed that so soon as arrangements are completed, it is 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."

The Government of New South Wales were hence led to conclude, that the Imperial Government not only admitted the expediency of establishing a second Postal Service by way of Panama, but were about to take prompt measures to bring it into early operation.

Upon my arrival in England, in February, 1859, duly accredited with full powers to negotiate with the Imperial Government, on the basis of paying a moiety of the cost of the proposed Service to the extent of £50,000 voted by the Colonial Legislature, I was referred by the Secretary of State for the Colonies to the authorities at the Treasury. I then ascertained that since the issue of a notice calling for Tenders for the Suez Service, no steps had been taken with reference to the Tenders for the Panama Service. But that, on the contrary, the question had been referred to the Colonies, and that the Lords of the Treasury were not prepared to take any further action in the matter until an answer had been received to that reference. After some negotiation, however, this determination was abandoned, and on the 15th of March, the Lords of the Treasury consented to call for Tenders, if certain conditions were complied with, and subsequently, on the 18th of April, consented to call for Tenders at once, in order to ascertain if the conditions could be complied with.

These several decisions were communicated by me to the Colonial Government as they were arrived at.

This paper has  
already appeared

On the 19th of April the last decision was embodied in the Treasury Minute, a copy of which I, myself, forwarded to my Government by the May Mail. By the same opportunity also copies were forwarded to the Governors of the Australian Colonies direct from the Colonial Office.

It will be seen by reference to this document (Appendix) that after reciting the promise to call for Tenders for the Panama Service given when the Suez Service was being negotiated, the Minute goes on to state that considering the advantages which the Service would confer upon the Australian Colonies generally, and the very liberal manner in which the Colony of New South Wales had come forward in support of the scheme, My Lords were of opinion that they ought no longer to defer acting upon that promise.

"But it was to be understood that in coming to this decision, their Lordships would not be bound to accept any of the Tenders, unless they were satisfied,—

"1st. That the amount is reasonable and such as they would be justified in incurring.

"2nd. That the times and rates of speed are such as to harmonize perfectly with the Suez Service, so as to make the two alternate fortnightly with each other, and—

"3rd. That the Governments of the Australian Colonies will undertake one entire moiety of the cost of both the services *via* Suez, as well as by Panama, whatever that may be."

It will be further seen that the Minute directs that the Admiralty be requested to take the necessary steps for inviting Tenders.

In pursuance of this direction a notice was issued by the Admiralty calling for Tenders for a monthly Postal Service between Sydney and Great Britain *via* Panama, and the 1st of July was named for their receipt. (For copy of conditions of Tender see Appendix.)



In the interval which elapsed between this determination being arrived at by the Government and the day named for the receipt of the Tenders, the change of Ministry took place, but the notice inviting Tenders was not withdrawn.

On calling a few days after at the Treasury I ascertained that some of the Tenders were within the limit fixed by the late Government as a reasonable sum to be demanded for the Service, viz., £150,000, and that no objection had been offered by any of the Tenderers to the time appointed for the service, *i. e.*, they complied with the Treasury requirement that the Service should be performed in 55 days. I also ascertained that the present Government were not prepared to take any immediate action with respect to the question of the proposed Service, as it had been resolved by the House of Commons to appoint a Select Committee to inquire into Ocean Postal, and Telegraph Contracts generally, and that this would be dealt with *inter alia*, as the scope of the inquiry included all.

I have since been furnished with a copy of the Abstract of Tenders, from which I learn that the minimum Tender is as low as £109,000. The amount voted, therefore, by the Colonial Legislature is within a small sum of a half of this minimum Tender; and as a moiety of the cost of the Suez Service is already guaranteed by the Government of Victoria, and all the conditions, therefore, imposed by the Treasury are in a position to be complied with, I respectfully trust that the Committee will find it consistent with their views to report during the present Session, so that the proceedings of the Imperial Government, already so near completion, in furtherance of the request and necessities of the Colonies may not be arrested, or so important and vital a measure be longer delayed.

I hope I may not be deemed intrusive in respectfully pressing for a prompt decision, when I call to the recollection of the Committee the distance which exists between this country and those whom I have the honor to represent.

I have ventured, for the more convenient information of the Committee, to reduce these remarks to writing, adding the collateral points in the form of an Appendix,—by the production of existing documents; but I am prepared, in the event of any portion of the statement being insufficiently explicit, to answer such questions as Honorable Members of the Committee may be pleased to suggest, or in the event of the Committee desiring more detailed information as to the inconvenience resulting from the present state of things; there are, fortunately, gentlemen in the country who have large stake in the Colonies, and are fully competent to give expression to their views, if the Committee should think fit to examine them.

E. C. M.  
22 July, 1859.



1860.

## NEW SOUTH WALES.

STEAM POSTAL SERVICE *viâ* PANAMA.(CORRESPONDENCE RELATING TO AN OFFER OF THE AUSTRALASIAN AND PACIFIC  
COMPANY FOR PERFORMANCE OF.)

Presented to both Houses of Parliament, by Command.

## SCHEDULE.

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STEAM POSTAL SERVICE *viâ* PANAMA.

No. 1.

THE SECRETARY TO THE COMPANY to THE COLONIAL SECRETARY, NEW SOUTH WALES.

*Australasian and Pacific Company (Limited),*  
 88, Cannon-street West (F.C.),  
 London, 17 October, 1859.

SIR,

Owing to arrangements which have been recently provisionally made by our Engineers, Messrs. Moore and Co., this Company is now prepared to submit terms for the conveyance of Mails to Sydney *viâ* the American Isthmus, which, if approved by the Government of New South Wales, will obviate delay in commencing this important line of communication. It is certain that the Imperial Government will give no decision on the subject till the Committee on Postal and Telegraph Contracts shall have reported; and, as there are other matters of priority, involving the tedious investigation of Submarine Telegraphs and subsisting Contracts, it may be probable that the next session will close without any resolution on the question.

As Mr. Edward Merewether informed our Mr. Moore that the New South Wales Government was prepared to largely increase the intended contribution of £50,000, we assume, for the sake of this *pro formâ* proposal, that, for an immediate opening of the line, £25,000 would not be an exorbitant addition, to be equitably increased in case the other Colonies should contribute their quota, in proportion to the amount of their respective Mails. This increase would be with a view to diminish the Company's risk, when that of the Colony of New South Wales would be lightened by the coalition.

We therefore propose, on a guarantee of £75,000 per annum, to undertake the conveyance of Mails from Queenstown to Sydney, without regard to the delivery of Mails at any other Colonial port, unless the Colonial Governments shall give their adhesion to that of New South Wales for a joint interest in the service. Should the other Colonies (Victoria, Tasmania, and New Zealand) join in the arrangement, the contribution should be increased to £90,000 yearly, which would be again decreased to £84,000, in case the British Government advance the corresponding annual subsidy (making the total £164,000) of £84,000, of which this Company takes the responsibility, until the question of Imperial contribution is settled. One-half of the Postal receipts would be retained by the Government of New South Wales as against its liability on the guarantee; and as it is computed that there will be two millions of rates (an increase on last return, = 1,368,000), at 9d. the rate, which would be fully justified by the regularity of the service, £37,500 would be received, leaving thus only £37,500 to be provided. The remaining half of the receipts would be for this Company, to cover the additional risk and cost of transit across the American Isthmus.

At the expiration of 18 months the accelerated service would be commenced, to deliver the letters in 45 days both ways, taking, as the basis of remuneration, £164,000 per annum,—one-half chargeable to the Colonies. But, if the sum be augmented to £200,000 per annum, of which £100,000 should be provided by the Colonial subvention, we would undertake to convey the Mails outwards in 40 days, and homewards in 42 days. This increase of speed has been well considered, and our shipbuilders are prepared to guarantee the desired efficiency of their ships.

In this we assume that we shall be allowed to make arrangements with Foreign Governments for the conveyance of their Mails, but in no wise to prejudice the Colonial Mail Service, which shall be made paramount to all other considerations, and subject to the sanction of the New South Wales Government; and also, that we shall be allowed to carry the Mails from Queenstown to the American Isthmus, in conjunction with Foreign Mails, under a Foreign flag. This will be obviously a necessity, under the circumstance of starting  
 the

the line independently of a Contract with the Home Authorities, for, otherwise, the Mails might be forced on the Company as a ship's mail, for which the statutory remuneration would pass to the captains of the ships, and be of no benefit either to the Colonial Government or the Company, as no compact with the captains can be valid against a legislative provision.

Although we have computed the revenue on the subsisting rate *viâ* Marseilles, we think that a four-penny rate would lead to a more rapid development of correspondence, and the Company will be prepared to assent to the corresponding risk of that reduction, without discussing any speculative result in securing the early adhesion of the other Colonies. Considering that no advance is required—that no engagement is to be made, beyond the temporary contract for 18 months, and that without this temporary measure that period must inevitably elapse from the time the Cobden Committee shall deliver their judgment on the question of subsidy—which may or may not be favorable to this line—before the establishment of any effective service under a permanent Contract, thus risking a period of from 2 to 2½ years—we trust that the Sydney Government will promptly accept this proposition, for there is no risk and no delay to prejudice the case, if we do not satisfy the Government by opening the line effectually. They will be bound to the guarantee and to the stipulated term of service only so long as it is performed in accordance with the conditions.

Without doubt the Sydney Government will look beyond the narrow calculation of postal revenue in considering that the development of correspondence must be commensurate with increase of business, and that the ostensible sacrifice in this outlay will be met by enlarged income under general taxation or customs.

In addition, we have to state that, as the Company contemplates extensive demand for inter-communication by this route, they will be prepared to bind themselves to accept 75 per cent. of the mileage now to be granted for the conveyance of mails fortnightly, when the traffic shall demand a semi-monthly departure; and 50 per cent. of this original mileage for Mails conveyed weekly, in the same manner, when circumstances shall require it.

I have, &c.,

GEO. CLARK,

Secretary for the Australasian Steam  
Navigation Company.

THE HONORABLE

THE COLONIAL SECRETARY,  
New South Wales.

## No. 2.

THE SECRETARY TO THE COMPANY to THE COLONIAL SECRETARY.

*Australasian and Pacific Company (Limited),  
88, Cannon-street West (E.C.),*

*London, November, 1859.*

SIR,

Confirming my previous communication of the 18th October ultimo, I beg leave herewith to transmit the copy of a proposal dated 10th September last, submitted by this Company, in pursuance of the offer contained in my letter of the 18th August, to convey the Mails temporarily on a Colonial guarantee, and also Mr. Secretary Hamilton's answer thereto.

Taking into consideration the extent of business entitled to precedence before that Committee—the Galway Mail Contract, which will be subject to a litigious and protracted investigation; subsisting Contracts to the United States of North America and Canada, West Indies and Pacific, Brazils, Cape of Good Hope, Western Africa, Peninsular, India, and China; as well as Marine Telegraph projects, of which there is a pressing accumulation—it appears nearly certain that the next Parliamentary Session will pass without a practical Resolution on the Panama line.

The principal supporters of this Company, therefore, resolved to incur the responsibility of proceeding with the organization of a line of steamers preparatory to some arrangement for anticipating the decision of the Government. Naturally, in the absence of any official co-operation from the other Colonies, that measure should be adopted exclusively

sively in concert with the Government of New South Wales, which has so long and consistently advocated the Pacific route.

I was, therefore, instructed, and accordingly by the last mail did forward proposals imposing on the Company considerable risk in carrying into effect the terms. But satisfied that our plans will ultimately obtain universal approbation in preference to those, if any, of the other competitors, the Company will be prepared to abide by any temporary loss that may result, having in view other employment for the ships in the event of being disappointed on the ultimate adjudication of the Contract.

To avoid any prejudice to the tenders sent in by this Company, and for other business, it is intended to form a distinct enterprise for the present purpose, by the name of the Maritime Steam Company (Limited), and under the direction of the leading parties to the present Company, the proof Prospectus of which will be forwarded by this mail. The Company will be incorporated in the meantime, and unless some political or monetary crisis should unexpectedly intervene the capital will be subscribed, and every detail of operations completed, by the arrival of the February mail, when we shall, no doubt, have a favorable answer.

The conditions we stipulate are so equitable, and so consistent with the declared resolution of the Government of New South Wales, while the present Suez Mail appears permanently irregular, to the great prejudice of the commercial interests of both the Colonies and this country, as well as disadvantageous to passengers of all classes, that we do not anticipate an unsatisfactory decision.

We shall, therefore, in all confidence, energetically proceed with the preliminaries for the building of our ships, and prepare to commence a monthly service for delivering the Mails within the time specified in our proposal of the 18th October. At considerable loss, both to ourselves and the Contractors, we have kept on hand the ships necessary for the early and provisional despatch of the Mails; but, as the material operation is the accelerated delivery of Mails—say in 45 days—it will be satisfactory to you to be informed that we shall commence that service in seven months from the date of the Contract; and we have every hope of obtaining an arrangement for transit more beneficial in regard to time, economy of charge, and salubrity, than the Panama Railroad, and which will ultimately (on completion of the system of American Railways in a few years) give an Overland communication by New Orleans of 38 days to Sydney; thus—Cork or Galway to Halifax, 6 days; *via* New Orleans to Ventosa, 5 days; and thence to Sydney, 25; with 2 days for detention.

Although the vessels now to be employed are not of the Leviathan class, they will be amply sufficient for the traffic to be expected; and as to the success of their promised performance the builders will guarantee their stability, speed, and economy, on which depends their regularity, in large pecuniary penalties. Herewith I subjoin a copy of the outline specification of our ships, which I venture to think will satisfy every requirement of the service in view. Five eminent building firms on the Clyde, the Tyne, the Wear, and the Lee have agreed for the building of these ships in the terms of the document.

As I believe there is no other party who is prepared, or competent, to make the same engagements, I trust to the determination of the New South Wales Government to support, with the same liberal hand that originally subscribed to the Pacific route, the Maritime Steam Company in its present undertaking.

Mr. Moore, the Engineer of the Company, now at Cork, has already completed the arrangements with the leading parties in Cork, and representing the Great Southern and Western Railway of Ireland, for the requisite financial support, which will enable the Company to proceed, subject to the approval of the proposal of the 18th October ultimo by the Government of New South Wales, so that no unnecessary delay will ensue after receiving the desired sanction.

I have, &c.,

GEO. CLARK,

Secretary.

THE HONORABLE

THE COLONIAL SECRETARY,  
New South Wales.

[Enclosure

[Enclosure 1 in No. 2.]

*Australasian and Pacific Company (Limited),  
88 Cannon-street West (E. C.),  
10 September, 1859.*

## AUSTRALIAN MAIL SERVICE.

My Lords,

The continued irregularities of the Australian Postal Service *viâ* Suez, which, from first to last, has failed to satisfy the requirements of the Colonial correspondence, may justify at the present crisis the offer already made on the part of the Company to undertake a temporary special contract for the service westward, *viâ* the Central American Isthmus and the Pacific. We venture to submit that the probable delay in the deliberations of the Postal and Telegraph Contracts Committee, and the urgent necessity for this alternative route, will furnish sufficient motives for this exceptional service, which we engage to commence for a period of 12 or 18 months at our own risk, on the guarantee of the Colonies, upon the following terms:—

We respectfully propose, at the expiration of three months from the date of the Contract (which delay is indispensable for stocking our coal depôts in the Pacific), to commence a monthly line by vessels of approved and guaranteed capacity and speed, and to perform the passage from Cork Harbour to Sydney and Melbourne simultaneously, as well outwards as homewards, within fifty-five days.

For this we shall be satisfied with the guarantee of the Colonial Governments for the annual subsidy of £82,000 (eighty-two thousand pounds sterling), which will naturally be contributed in the same "relative proportions to the number of letters received and "despatched on account of each," as suggested by your Lordships' Minute of the 15th November, 1858, as against half of the Postal returns to the account of the Colonies. And as to the remaining half to the account of the Imperial Government, on the principle laid down by the Minute above referred to, the company will consent to accept the corresponding half of the Postal receipts, subject to the decision of Parliament or the Report of the Committee on Postal and Telegraph Contracts. In so doing, the Company takes the entire risk, pending such temporary contract, of that decision being adverse to any subsidy on this line.

This will afford full time for duly maturing all necessary arrangements for the successful performance of a permanent contract; and as this Company was the first and, we believe, only party originally submitting such a plan, we venture to hope for a preference in case your Lordships should resolve to adopt it. In soliciting this favour, we undertake to satisfy your Lordships before the return advices from the Colonies, on which, of course, the execution of this contract would depend, that the Company's capital will be available within the limit of sufficient means for performing the duty;—that the ships will be ready for the stipulated departures, and suitable, in every respect, for the work in question;—that the time in which we propose to deliver the Mails is practicable with a view to regularity;—and that our plans are efficient, and calculated to satisfy the wants of all the Colonies of the Australasian group.

We have some grounds for hoping that the Victoria Legislature will concur in the necessary support, and as the Governor of that Colony has informed His Excellency the Governor of New South Wales, as well as our Melbourne Agent, that, on the meeting of the new Assembly, the Postal question would be taken into consideration, a Resolution on that subject may be expected by the January or February Mail of next year, in answer to our proposal.

In the mean time, in case your Lordships approve the principle of this intermediate service, all preliminary arrangements can be provisionally made, so as to facilitate operations in anticipation of a favorable result.

I have, &amp;c.,

GEO. CLARK,  
Secretary, Australasian & Pacific Co.

To the Right Honorable  
The Lords of the Treasury,  
&c., &c., &c.

[Enclosure 2 in No. 2.]

*Treasury Chambers,  
23 September, 1859.*

Gentlemen,

With reference to your Secretary's letter, dated 10th instant, proposing a temporary special contract for the conveyance of the Australian Mails *viâ* the Central American Isthmus and the Pacific, I am directed by the Lords Commissioners of Her Majesty's Treasury to state that, the subject having been referred to a Committee of the House of Commons, their Lordships would be unwilling to take any step until that Committee has reported; and, in the present case, as it appears that the subject could hardly be entertained with a view to any practical result until January or February next, an additional reason is afforded for waiting until Parliament has had an opportunity of considering the principles upon which Mail Contracts should in future be conducted.

I am, &amp;c.,

GEO. A. HAMILTON.

To the Australasian and Pacific Company,  
&c., &c., &c.

[Enclosure

[Enclosure 3 in No. 2.]

## OUTLINE SPECIFICATION for the construction of Ocean Packet Steamers, to be employed for

To be built of iron of best material and workmanship, for classification at Lloyds for at least 6 years; sheer bilge and garboard plates, and other accepted details of ironwork (to be agreed on); also deck planks to be of scantling for 9 years class at Lloyds; to have one or more longitudinal bulkheads, all fore-and-aft, on the most practicable plan, with a view to vertical strength, and to provide against the undulating movement usual in such cases; to have top-gallant fore-castle deck-house and poop as described; to be barque-rigged, and to have the fullest spread possible of fore-and-aft canvas, with storm try-sail, and modern provision for the best India outfit, to be approved.

To be propelled by screw, with direct-acting steam-engines and multitubular boilers, calculated for a trial speed of 15 knots minimum, with all modern requisites, and bunkers to carry fuel for 4,500 miles; to be provided with duplicates and tools as usual in 1st-class steamers; to have all details to satisfy the British or Colonial regulations for passenger steamers, and requirements of the Admiralty Board of Trade, and Post Office for Mail Steamers; to have armament (six twelve-pounder, and one pivot, thirty-two pounder carronades) Also special arrangements for ventilation, pumping, and prevention of fire; electric or calcium mast-head light, and an approved marine governor; distilling apparatus and ice tanks, treasure and mail rooms (the latter arranged for sorting); magazine, fresh water tank, water ballast tanks as described, &c; berthing for 50 first-class passengers, and 100 second-class passengers, or so far as space may be practicable; to be fully furnished and supplied, including steward's fittings (plate and linen excepted), for stipulated number of passengers; seaworthiness, speed, and economy of fuel to be absolutely guaranteed.

Draft of water on even keel not to exceed 12 feet.

R. MOORE,  
Engineer.

## No. 3.

THE COLONIAL SECRETARY to THE SECRETARY TO THE COMPANY.

*Colonial Secretary's Office,  
Sydney, New South Wales,  
13 February, 1860.*

SIR,

I have the honor to acknowledge the receipt of your letter of November last, and previous communications, containing an offer from the Australasian and Pacific Company to enter upon a temporary Steam Postal Service to Sydney, *via* the American Isthmus.

2. It appears from your letter of November that you are aware that the whole question of Ocean Postal Subsidies has been remitted to a Select Committee of the House of Commons, and that, pending the report of that Committee, Her Majesty's Government have intimated that they are not prepared to take any further steps for the execution of a Postal Service to Australia by way of Panama. This decision must, for the present, place a limit on the action of the Government of New South Wales, inasmuch as the amount appropriated by the local Parliament for this Service is only available, provided a subsidy to the extent of one-half the sum to be paid to any contracting parties is contributed by the Government of Great Britain.

3. Under these circumstances, the Government of this Colony is not in a position to treat with the Australasian and Pacific Company on the basis of the proposals contained in your letters.

4. I consider it necessary, however, to add, that it is the intention of this Government to bring the subject again under the consideration of the Colonial Legislature, with a view to obtain further and more general powers for establishing, in concert with Her Majesty's Government, the Postal Service *via* Panama, which is so earnestly desired by this Colony as well as by New Zealand.

I have, &amp;c.,

GEORGE CLARK, Esq.,

Secretary to the Australasian

and Pacific Company,

88, Cannon-street West (E.C.)

WILLIAM FORSTER.



## No. 4.

*Australasian and Pacific Company (Limited),*  
 88, Cannon-street West (E.C.),  
 London, 19 December, 1859.

SIR,

I had the honor of addressing you by last Mail, of the 18th November, which I beg to confirm.

Although rumours were then in circulation of the total failure of the Mauritius route, under the management of the Peninsular and Oriental Company, they were not at that time of sufficient authenticity to justify mention in my communication. Subsequently, however, the Report of that Company left no doubt of the fact, that their conduct of the Mail Service has been a disastrous and complete mistake, and that it is their intention to renounce their Contract, unless they receive a considerable addition to their subsidy.

You will, no doubt, also notice in the *Times* of December 10th, the announcement of their proposal to substitute the Ceylon route for that by the Mauritius, and to effect a fortnightly Mail *viâ* Suez, to the exclusion of the Pacific Mail, for which our tenders have been submitted to the Colonial and Home Governments. With what confidence they venture to suggest that punctuality can be ensured by the Galle passage, which, at the sacrifices made by their two predecessors, has been proved, beyond a doubt, to be liable to the same obstacles to regularity as the present, is yet to be explained; but it is more surprising to find that an attempt is thus made to supersede the Pacific Mail route, indisputably exempted from the same liability to severe weather, and which has been in principle adopted by the Home Government for the semi-monthly Mail. It is in effect to say that they, having shewn their incapability for the transmission of a monthly Mail, (not forgetting how they left the Colonies in the lurch, with the Singapore Contract,) are thereby entitled to be doubly trusted for a Line, demonstrated to be unsatisfactory even for the service for which it had been fully tested and found wanting.

On the other hand we, who have so earnestly and sincerely advocated the Pacific Line, say that it is the only one untried; that it possesses the strongest claims to have at least a trial; that in the event of having a semi-monthly Mail it is entitled to an absolute preference for one of the two Mails;—that the passage is incontestibly favorable for a regular delivery of Mails, and most eligible for passengers;—that we can undertake by this route to carry the Mails in ten days less time than can be effected by the Indian passage, at the same time that several of the Colonies will be largely benefited by its adoption; and that it can be made subservient to the purpose of conveying treasure, passengers, cargo, and parcels, at moderate rates.

At all events, we may venture to suggest, that it is unfair to dispose of the Pacific Line without an experiment, and with that view we are prepared to meet the extraordinary proposal of the Peninsular and Oriental Company by the challenge to try our route as against theirs for a period of 18 months or two years, with the addition of an extension of our line from Melbourne *viâ* Kangaroo Island, King George's Sound, Perth, (weather permitting,) and thence to Singapore, (or otherwise, if desired by the Colonies, *viâ* Torres Straits,) as the route most suitable for alternating the Mails by the Mediterranean. This gives, not only the double service to Europe, but also the most direct communication from the Australasian Group of Colonies to India and China.

This is what we proposed to the Treasury on the 5th October, 1858, and we persevere in thinking it the most efficient and comprehensive plan. The remuneration we should ask on that extension would be 12s. 6d. per mile for the additional mileage to Singapore, where several independent Companies have fast and commodious steamers plying between Calcutta and China,—a fact that, probably, induces the Peninsular and Oriental Company to give that station a wide berth to avoid the competition, and forces them to revert to the precarious weather of the Galle Line, on which they will have the Colonists completely at their mercy.

May I be permitted to ask, is it not in the interest of the Colonies thus to promote a healthy competition of efficiency? Is it not unwise to tie the Mails Service exclusively to the Indian route, which may be interrupted at any moment from the hour I write by a war with France—else whence this vast grant of *ten millions sterling* to our dock-yards recently announced—or why the panic of armaments against possible invasion?

The

The monopoly of the Peninsular and Oriental Company is already overgrown; their Peninsular, Mediterranean, Indian, and China business is more than enough for any one management; but at least let them merit confidence by the success of one Mail in the month to Australia, before they seek to engross two. They have not shewn their aptitude for the work by the selection of the Mauritius route, nor by the *prohibitive rates* charged by them on passengers, specie, parcels, and merchandize. It is manifest that navigation in the Indian Ocean is uncertain and hazardous, and the perils of the Red Sea are too numerous and too sadly testified to be ignored. When that Company boldly, if not presumptuously violated the experience of navigators, by their Mauritius Line, our Engineer's Report, as duly transmitted to you, stood as a protest, which has been justified sooner than could have been expected. It is, therefore, not without fair confidence that we claim consideration for the evidence on which the plan of this Company has been adopted.

In conclusion, we trust that we shall have the support of the Colonies in contesting the policy which is now, at the eleventh hour, urged on the Home Government for the unreasonable abrogation of the decision of the Treasury, on which our Tenders have been called for; and if so supported, we are prepared to abide by our proposal, forwarded by the Mail of the 18th of October, or that preceding it by the Mail of 18th August, confirmed by my last despatch on the 18th November, and these present lines.

THE HONORABLE  
CHIEF SECRETARY,  
New South Wales,  
Sydney, Australia.

I have, &c.,  
GEO. CLARK,  
Secretary for Australasian and  
Pacific Company (Limited).

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No. 5.

THE COLONIAL SECRETARY to THE SECRETARY TO THE COMPANY.

*Colonial Secretary's Office,  
Sydney, New South Wales,  
13 February, 1860.*

SIR,

I have had the honor to receive, by the last Mail, your letter of the 19th of December, in continuation of your former communication, respecting a Steam Postal Service between the United Kingdom and this Colony; and I beg to refer you, in reply, to a letter which I have this day addressed to you on the subject.

GEORGE CLARK, ESQ.,  
Secretary to the Australasian  
and Pacific Company,  
88, Cannon-street West (E.C.),  
London.

I have, &c.,  
WILLIAM FORSTER.

1860.

## NEW SOUTH WALES.

## STEAM POSTAL COMMUNICATION.

(FURTHER CORRESPONDENCE RELATING TO.)

Presented to both Houses of Parliament, by Command.

## SCHEDULE.

NO.	PAGE.
1. Secretary of State for the Colonies to the Governor General, stating that the whole question of Mail Contracts has been referred to the consideration of a Committee of Parliament, and that pending the Report of the Committee no further action can be taken by the Lords of the Treasury in reference to a Postal Service to Australia by way of Panama. 7 September, 1859.	2
2. Governor General in reply, and enclosing copy of a Despatch addressed to the Governors of Victoria, Tasmania, South Australia, and New Zealand, on the subject of the Postal Service. 8 December, 1859 .. .. .	3
3. Deputy Governor, Auckland, intimating that the Government of New Zealand coincide with the views of New South Wales with respect to the question of the Steam Postal Service between Great Britain and the Australian Colonies, including New Zealand. 27 December, 1859 .. .. .	5
4. Sir Henry Barkly in reply to the Governor General's Despatch of the 12th of December, 1859, and stating the views of the Government of Victoria. 11 January, 1860 .. ..	5
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6. Edward Hamilton, Esq., to the Colonial Secretary of New South Wales respecting an offer of Mr. Howard for performance of the Mail Service by way of Panama, and remarks on the general question of Steam Postal conveyance to Australia. 17 October, 1859 .. ..	7
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# STEAM POSTAL COMMUNICATION.

## No. 1.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

(Circular.)

*Downing-street,*

7 December, 1859.

SIR,

With reference to my predecessor's Circular Despatch of the 17th of May last, informing you that the Lords Commissioners of the Treasury had taken measures for inviting Tenders for the execution of a second monthly Mail Service between this country and Australia, by way of Panama, I transmit herewith, for your information, the copy of a further letter from the Secretary to the Treasury, enclosing copy of one which has been addressed by desire of the Lords Commissioners to Mr. Merewether, the Agent deputed by your Government to advance the project, from which you will perceive that the whole question of Mail contracts has been referred to the consideration of a Committee of Parliament, and that it is consequently not in their Lordships' power, pending the report of the Committee, to enter into any explanations, or to take any further action in the matter.

29 August, 1859.

I have, &c.,

NEWCASTLE.

GOVERNOR

SIR WILLIAM DENISON, K.C.B.,

&c., &c., &c.,

New South Wales.

[Enclosure in No. 1.]

*Treasury Chambers,*

20 August, 1859.

Sir,

With reference to the proposed Postal Service to Australia *via* Panama, I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit herewith to you, for the information of the Duke of Newcastle, copy of a letter which their Lordships have addressed to Mr. Merewether on the subject, dated 17th instant.

I am, &c.,

GEO. A. HAMILTON.

H. Merivale, Esq., C.B.,

&c., &c., &c.

[Sub-Enclosure in No. 1.]

*Treasury Chambers,*

17 August, 1859.

Sir,

I have laid before the Lords Commissioners of Her Majesty's Treasury your communication of the 12th instant, and I am directed by their Lordships to transmit to you copies of the tenders for the proposed Postal Service to Australia *via* Panama, in accordance with your request.

I am at the same time to recall to your recollection the previous communication with you since the accession of the present Government, and the appointment of the Committee of the House of Commons on the general question of Postal Contracts, and to state that, under present circumstances, their Lordships must consider the subject of the Panama, as well as of every other projected Mail Service, to be under reference to the consideration of a Committee of Parliament, and that their Lordships are not therefore in a condition to enter into any explanation which might have the effect of apparently abridging the discretion of the Committee, which is wholly independent of that of the Treasury.

I am to add that no arrangements have been yet completed with the Granadian Government with respect to the transit dues across the Isthmus of Panama.

I am, &c.,

G. A. HAMILTON.

E. C. Merewether, Esq.,

5 Cannon-street, City.

No. 2.

## No. 2.

GOVERNOR GENERAL to THE SECRETARY OF STATE FOR THE COLONIES.

*Government House,**Sydney, 8 December, 1859.*

MY LORD DUKE,

I have the honor to acknowledge the receipt of your Grace's Circular Despatch, dated 7th September, 1859, enclosing a copy of a letter addressed by the Secretary of the Treasury to Mr. Merewether, the Agent from the Government of New South Wales, informing him that the Lords Commissioners of the Treasury must consider the subject of the Panama as well as of every other projected Mail Service to be under reference to the consideration of a Committee of Parliament.

Under these circumstances, it has appeared to the Government of New South Wales that an opportunity is afforded of bringing under consideration the general principles which should regulate the establishment of lines of Steam Postal Communication with the Australian Colonies, at all events, if not with the Colonies generally.

I have accordingly addressed a Despatch, a copy of which is enclosed, to the Governors of Victoria, South Australia, Tasmania, New Zealand, and Queensland. In this Despatch I have laid down the principles which appear to the Government of New South Wales to be those by which not only all future contracts, but even that about to be entered into with the Peninsular and Oriental Company, should be regulated. I have at the same time applied these principles to the determination of the mode in which the existing Steam Postal line *viâ* Suez should be carried out, as well as the manner in which the proposed line *viâ* Panama should be combined with the existing lines from England.

I may be allowed to express a hope that the principles which seem to the Government of New South Wales to be applicable generally to lines of Steam Postal Communication between the Colonies and the Mother Country, when the Colonies contribute largely towards the expense of such lines, may be brought under the consideration of the Committee of Parliament, and I do so the more confidently as one of the principal questions to be discussed by that Committee is one in which this Colony is deeply interested.

I have, &amp;c.,

W. DENISON.

HIS GRACE

THE DUKE OF NEWCASTLE.

[Enclosure in No. 2.]

*DESPATCH sent to the Governors of Victoria, Tasmania, South Australia, New Zealand, and Queensland.*

*Government House,**Sydney, 12 December, 1859.*

SIR,

I forward herewith a copy of a Despatch which I have just received from His Grace the Duke of Newcastle, enclosing copies of a communication addressed by the Secretary of the Treasury to the Agent appointed by the Colony of New South Wales to negotiate the arrangements required for the establishment of a second line of Steam Postal Communication *viâ* Panama. From the enclosed documents it would appear that the general question of Steam Postal Communication has been submitted for the consideration of a Select Committee of the House of Commons, and, as this Committee cannot commence its deliberations until after the meeting of Parliament, a favorable opportunity would seem to be afforded to the Australian Colonies of bringing under the consideration of the Imperial Government those defects in the existing system of Steam Postal Communication which lessen the advantages which they have a right to expect to derive from it, and also those additional facilities for communicating with other parts of the world which it might be desirable to engraft upon our general Postal scheme.

I propose in this communication to lay before you the views of the Government of New South Wales with relation to the general question of Steam Postal Communication, trusting that these will be found to harmonize with those of your Government, and, if so, that

that you will bring them under the notice of the Secretary of State, or empower me to do so, in order to their submission for the consideration of the Select Committee of the House of Commons.

The principles upon which the Government of New South Wales is disposed to have all the arrangements for the conveyance of the Mails to and from England, are—

- 1st.—That the Contract for this purpose should have reference solely to the conveyance of the Mail, and should not embody any arrangement involving extra payment for the accommodation of passengers.
- 2nd.—That, subject to the conditions required for the most speedy conveyance of the Mails, the cheapest routes should be adopted.

These principles, if applied to the existing line of communication *viâ* Suez, would indicate the advisability of altering the present route *viâ* Mauritius, and of reverting to the original line *viâ* Ceylon; they would also require that there should not be a separate line from Point de Galle to England, but that the line from Australia should merge into the great line from India and China.

It seems to the Government of New South Wales that the money expended in running two lines of steamers parallel to each other from Ceylon to England, when the single line already in existence is amply sufficient to convey the Mails, is altogether wasted. The only purpose which this second line is calculated to answer, is that of securing certain conveniences to passengers to and from Australia; but this does not appear to the Government of New South Wales to be a legitimate reason for imposing upon these Colonies, and upon the Mother Country, an additional subsidy of from £80,000 to £100,000 per annum; it is, in point of fact, a payment by the community to the Company of from £40 to £50 for each passenger conveyed.

Should the Australian Line be made a branch of the Great Eastern Line of Steam Communication, it is probable that the subsidy required would not exceed £90,000 or £100,000 per annum, and the payments made by these Colonies, including their share of the postage from Point de Galle to England, would not be more than from £50,000 to £55,000 per annum, instead of upwards of £90,000.

The question of a second Monthly Mail has commended itself to the Government of New South Wales, and appears to deserve the attention of the other Australian Colonies; it seems desirable that this second line should proceed by way of Panama, as by such an arrangement the rising Colony of New Zealand would, without any inconvenience to the Australian Colonies, be placed upon an equal footing with these, so far at least as regards the Monthly Post. By the adoption of the Panama route for a second line, the Australian Colonies would be placed in direct and rapid communication with the States of North and South America, with several of which an extensive trade has already sprung up.

With reference, however, to this line, it is the opinion of the Government of New South Wales that it should terminate at the Isthmus of Panama, and that advantage should be taken of the existing lines of Steam Communication for the conveyance of letters from Panama to England and America. Under such an arrangement it seems probable that a subsidy of £120,000 would be amply sufficient to remunerate a Company for the risk and expense of conveying a Monthly Mail from Panama to Australia, in which case the whole cost to the Colonies of a communication with England, twice in the month, would be but little in excess of the amount now paid for the Monthly Mail Service.

It is possible that the Government of South Australia may not consider the advantage to that Colony of the Panama Line as commensurate with the expense to be incurred in its establishment. It is also possible that the Government of New Zealand would not, were this Panama Line once in operation, wish to continue its contribution towards the line *viâ* Suez. Should this be the case, the Government of New South Wales would be prepared to recommend to the Legislature such an additional appropriation towards the subsidy, to be paid by the Colonies, as would cover its share of the deficiency thus created.

Trusting that these views of a question so important to the welfare of these Colonies will meet with your favourable consideration.

I am, &c.,

W. DENISON.

## No. 3.

THE DEPUTY GOVERNOR OF AUCKLAND to HIS EXCELLENCY SIR WILLIAM DENISON.

*Government House,*

*Auckland, New Zealand,*

*27 December, 1859.*

SIR,

In the absence of His Excellency Colonel Gore Brown, I have the honor to acknowledge the receipt of your letter of the 12th instant, detailing the principles upon which your Government is disposed to enter into arrangements for the conveyance of the Mails to and from England.

I have referred your communication, with its enclosures, to the responsible Ministers of this Colony, who have requested me to inform your Excellency, that the Government of New Zealand coincide so generally in the views expressed in your letter as to ensure its cordial co-operation with the Government of New South Wales with respect to the whole question of the Steam Postal Service between Great Britain and the Australian Colonies, including New Zealand.

I have, &c.,

C. E. GOLD,

Commanding the Troops in New Zealand, an

Deputy-Governor for the Province of

Auckland.

HIS EXCELLENCY

SIR WILLIAM DENISON, K.C.B.,

&c., &c., &c.,

New South Wales.

## No. 4.

THE GOVERNOR OF VICTORIA to THE GOVERNOR OF NEW SOUTH WALES.

*Government Offices, Melbourne,*

*11 January, 1860.*

SIR,

I lost no time in submitting your Excellency's Circular Despatch, of the 12th ultimo, respecting the question of Steam Postal Communication with Great Britain, for the consideration of my Responsible Advisers, and in urging especially upon their attention the desirableness of some definite expression of opinion, on the part of the Victorian Government, in regard to the oft-mooted project of a second monthly service by way of Panama.

2. To the establishment of such a line I expressed myself, as I have ever done, favorably disposed, on grounds both of Imperial policy and of convenience to the general trade of the Australian Colonies; though I thought the estimate put forward as to its cost too low, and could not concur as to the advantages anticipated from conducting the service by means of branch steamers in place of "through lines," believing that it would prove impossible to secure the punctual transmission of Mails under the former system, and that the diminution under it of receipts from passengers and freight would tend to render it more expensive proportionately to the postal facilities afforded.

3. I have now the honor to forward, for the information of the Government of New South Wales, copy of a Minute in reply to my own from the Chief Secretary of Victoria, from which your Excellency will perceive that, in the name of his Cabinet, Mr. Nicholson declines to ask the Legislature of this Colony to increase the large amount already appropriated to the Steam Postal Service, except it be for the purpose of perfecting the present monthly line *via* Suez, which is considered to possess decided advantages, as ensuring more speedy and regular delivery of Mails than could be accomplished by the Panama route, and to effect indeed all that is necessary at present in the way of inter-communication between Great Britain and Australia.

4. I am afraid that so positive a refusal on the part of this Colony to join in the Panama scheme will be extremely distasteful to the people of New South Wales, particularly as it appears that an offer has recently been made by the Australasian and Pacific Company to run steamers from the American Isthmus, in connexion with a projected Foreign line, for a subsidy which, though considerably larger than that calculated on in your Excellency's Despatch, may be deemed within the compass of the united resources of these Colonies.

5.

5. I earnestly trust, however, that no feeling of disappointment at the probable temporary postponement of the realization of its views will induce the Government of New South Wales to separate itself from the other Australian Governments in so important a matter as their continued joint contribution towards the Suez Line.

6. That a single line of Steam Postal Communication is as much as, under present circumstances, can be supported may be inferred from the fact that an increase in this contribution is about to be demanded by the Peninsular and Oriental Company; and although it may be perfectly true, that if Victoria stood alone in co-operating with the Mother Country to uphold it her Parliament would vote the sum required, it would be manifestly unjust, supposing the Suez Line to be really the best, that she should be called on to pay more than her fair quota towards it.

7. The superiority of this long established route over all others cannot I imagine be disputed. The intended change of the intermediate stopping place from the Mauritius to Galle, in March next, will once more render commercial relations with India and China direct and speedy, whilst the completion of the Electric Telegraph to Galle, by the laying of the Submarine Cable between Aden and Kurrachee, now actually in progress, will bring all these Colonies within three weeks intelligence of England during the course of the present year.

8. When this can be punctually relied on every month it will be time enough, it strikes me, to discuss further the practicability of a bi-monthly service.

I have, &c.,

HENRY BARKLY.

HIS EXCELLENCY

SIR WILLIAM DENISON, K.C.B.,

GOVERNOR GENERAL, &c., &c., &c.

[Enclosure in No. 4.]

MEMO. by the Honorable the Chief Secretary.

It appears undesirable to attempt a second Monthly Mail communication with England *via* Panama. It appears doubtful if the communication between Panama and the Australian Colonies can be maintained for £120,000 per year (His Excellency the Governor General's estimate); and even could this be accomplished, special provision must be made for continuing the communication from Panama to England, otherwise great delay and irregularities must ensue. If England is expected to support the latter portion, then it is probable the greater part, if not the whole amount chargeable between Panama and the Australian Colonies, must be paid by the Colonies.

So far as this Colony (Victoria) is concerned, I consider the present route *via* Suez has decided advantages. We may expect a more speedy and regular delivery of Mails by it than can be accomplished by the Panama route, and cannot, therefore, ask the Legislature of this Colony to contribute funds towards the latter.

This Colony would be willing to co-operate with the other Australian Colonies for the purpose of perfecting, so far as possible, the present Mail communication *via* Suez; and I think the route *via* Galle has decided advantages over that *via* Mauritius, inasmuch as it gives speedy communication with India and China.

The importance of regular Mails to and from India, China, and the East generally, is greatly felt, and the trade between these Colonies and the East may be expected to increase as our population increases.

It is also very desirable that the calling at Nepean Bay (the Homeward Mail, perhaps, excepted) should be discontinued, as it delays the delivery of the Mails at all the other Australian Colonies, and has given great dissatisfaction to the commercial portion of this community, which has been frequently expressed through the Melbourne Chamber of Commerce.

I attach, for His Excellency's information, a copy of certain Resolutions agreed to by the Melbourne Chamber of Commerce on the 3rd September, 1858. I think that, for a speedy and regular communication with England, a through service is desirable; and, if so, the passenger traffic is an advantage, and the passengers' fares, which are considerable, tend to reduce the subsidy which, without the passenger traffic, would most likely be considerably more than it now is.

A through, speedy, regular Monthly Mail communication with England, *via* Suez, appears to be all that is necessary at present, and the Cabinet will not be justified in asking the Legislature of this Colony to increase the large amount appropriated for this purpose, except for the purpose of perfecting the present monthly service.

The Cabinet concur with me in this Minute.

29/12/59.

W. N.

[Enclosure



[Sub-Enclosure in No. 4.]

\*As the result of 'their consideration' of the subject assigned to them, your Committee have to report:—

1. That they are of opinion that the time has not arrived for the Australian Colonies to undertake the conveyance of the Mails, either for the whole or for a part of the distance to England.

2. That the interests of this Colony demand 'the establishment of a through line of communication *via* Suez to England.

†3. That, in the altered position of the Postal question in these Colonies, your Committee are of opinion that the Chamber should urge upon the Government the desirableness of this Colony undertaking to pay a moiety of the subsidy requisite for the monthly conveyance of the Mails *via* Suez; reserving power to recover from the Governments of the adjacent Colonies payment of their proportions, rateably with the advantage they derive from a participation in the same.

4. That in any Contract for the Postal Service, it should be stipulated that the Company undertaking it should make provision for spare vessels at the termini. And your Committee, believing that the length of the voyage between Melbourne and Suez renders it impossible to maintain the perfect efficiency of the vessels throughout, recommend that a steamer should be kept in readiness at Galle, to which the inward and outward Mails and passengers should be transhipped.

5. That an alteration should be made in the dates at present fixed for the departure of the Homeward Mail, in order to afford the neighboring Colonies sufficient interval to reply to the inward correspondence.

WILLIAM HAMMILL,  
Chairman of Committee.

Melbourne,  
9 September, 1858.

#### No. 5.

[Telegram from Sir H. E. F. Young.]

18 January, 1860.

N. S. W. Message E. Telegraph.

SIR H. E. F. YOUNG, HOBART TOWN, to GOVERNOR GENERAL, SYDNEY.

Sir Henry Young informs Sir W. Denison, in reply to his Despatch, that the Government of Tasmania would be glad to see the Panama route opened, but decline to contribute any part of the cost. Preference is given to increased Postal communication by Melbourne *Bi-Monthly Branch Line between Australia and Point de Galle, in place of the present Line to Mauritius.*

The delay caused by any non-arrival of the Branch Mail at Galle to catch the Indian Mail would be reduced by a *Bi-Monthly Mail*, so as in no case to exceed a fortnight, and the cost would not much exceed that at present incurred.

#### No. 6.

MR. EDWARD HAMILTON to THE COLONIAL SECRETARY.

5, Cannon-street,  
London, 17 October, 1859.

SIR,

I do myself the honor to transmit herewith, copies of a correspondence relative to the Panama Service, between the agents of Mr. Howard (who is connected with Messrs. Lever & Co., the contractors for the Galway Line to North America), Her Majesty's Treasury and Colonial Department, and myself as the representative of the Government of New South Wales.

The

\* This was agreed to on account of a feeling that we had steamers fit to do the work to Galle. The "City of Sydney" had just made what was considered a successful trip.

W. N.

† This resolution was agreed to because Sydney was urging the Panama route; and the Chamber of Commerce were apprehensive that the Home Government would take no action, unless this Colony became responsible for a moiety of the subsidy.

W. N.

The Financial Secretary to the Treasury, Mr. S. Laing, M.P., with whom I had an interview at his own request on Saturday, the 15th instant, stated so positively that, under the advice of the present Government, the Treasury would not give any contribution in money towards a new Postal subsidy, that I anticipate no change of intention from the appeal made in my letter to Mr. W. H. Stephenson of the 17th instant. Under these circumstances it is not necessary that I should enter into any discussion of Mr. Howard's proposal, or of the ability of the parties with whom he is associated, to establish and maintain an Ocean Steam Service surrounded with so many difficulties, both in point of distance and arrangement, as that between Great Britain and Sydney *via* Panama.

\* \* \* \* \*

After an attentive perusal of your official communication to Mr. Merewether, dated 14th of June, 1859, and your private letter to him of the same date received since his departure, it appears to me doubtful whether the executive power which I was only authorized to exercise in the event of his death or incapacity to act is not at an end, and the functions of myself and the Committee for the present limited to the communication to you of the views of Her Majesty's Government, and of any circumstances bearing upon the main question. I have sought the advice of the Committee on this matter, and though they passed a resolution unhesitatingly affirming that the powers originally entrusted to Mr. Merewether are now vested in me, I shall feel obliged if you will advise me how to act in the event of any eligible proposal being submitted to our consideration. My own opinion rests upon the ground that you appear to think that until the two principal Colonies of Australia have come to some mutual understanding as to the two Postal routes, any further action would only increase the complications already existing, and that it would be unwise to incur any separate responsibility for the Panama Service until you are released from your assumed liability on the Suez contract. I also observe that you intend to refer the whole question to the consideration of the Local Legislature, and that you will not take upon yourself the responsibility of anticipating their decision on a question so important.

On the 13th instant I had the pleasure of reading Sir William Denison's last Despatch on this subject. His Excellency's proposal that half the subsidy for each route should be separately guaranteed by New South Wales and Victoria would, I am informed, be acceptable to the Lords of the Treasury, and there can be no doubt that this is the only feasible arrangement where so many interests are involved, and until some provision is made for the discussion and settlement of inter-colonial questions.

I have made inquiries as to the views entertained by the present Government as to Postal subsidies in general,—whether they object only to the unconstitutional mode in which these contracts have been entered into by the Executive without reference to the House of Commons, and the extravagance of the aid granted, or to the principle of subsidizing the Ocean Postal Service; and I am told that they are opposed to the whole system, and hope to get rid of it gradually, or to reduce it within very narrow limits. It is not, therefore, probable that a demand for a second subsidized service to Australia will be entertained, unless you take up the question warmly, and enlist on your side the support of those who now sit on the opposition benches, and take a more liberal view of this postal question than the present Government.

There can be no difficulty in making out a very strong case in favor of the claims of New South Wales, and I beg to suggest that a statement of them be addressed by your Legislative Assembly to the House of Commons, which is not indisposed to force a compliance with reasonable requests upon an economical Government.

I am, &c.,

EDWD. HAMILTON.

THE HONORABLE

THE COLONIAL SECRETARY,

Sydney, New South Wales.

[Enclosure

## STEAM POSTAL COMMUNICATION.

9

[Enclosure 1 in No. 6.]

32, Upper Brook-street,  
London (W.), 17 October, 1859.

Sir,

I have the honor to acknowledge the receipt of your letter, dated the 13th instant, in which you inquire whether I am in a condition to accept, on behalf of the Colony of New South Wales, the offer made to the Lords Commissioners of Her Majesty's Treasury, by Mr. Howard, through his Agents, Messrs. Hunt and Elsdale, in their letter dated 30th September, 1859.

In answer, I beg to state that as it is intimated in your letter now under reply, that their Lordships, pending the reference to the House of Commons, do not feel themselves at liberty to grant any pecuniary subsidy towards the Steam Postal Service *viâ* Panama, beyond the giving up of the Ocean Postage, Mr. Howard's proposal cannot be entertained. For in the New South Wales Act, No. 15, 22 Victoria, appropriating annually, on certain conditions, the sum of £50,000 for a Panama service, it is expressly stipulated that no contract shall be entered into on behalf of the Colony of New South Wales, unless one-half the amount which may be paid to the contracting parties shall be paid or contributed by the Government of Great Britain.

The terms of Mr. Howard's offer are so moderate that I venture to hope that their Lordships will review their decision, if it is found that he is prepared to organize the service at once, and to carry it out efficiently—for it is hardly consistent either with the promises made to New South Wales by Her Majesty's Government, or with the liberal spirit in which questions affecting the commercial interests of Great Britain and the Australian Colonies have hitherto been treated, to refuse all assistance on the ground of a resolution which seems to be aimed more against the extravagance than against the principle of ocean subsidies.

In this instance the contribution required from the Imperial Treasury is only £25,000, and there can be no doubt that a considerable portion of this sum would be re-imbursed by the increased inland correspondence which a second mail per month to and from the Australian Colonies would give rise to.

I shall esteem it a favor if you will desire Mr. Howard to place himself in communication with me on that subject.

I am, &amp;c.,

EDWARD HAMILTON,

(On behalf of the Government of New South Wales.)

W. H. Stephenson, Esq.  
Treasury.

[Enclosure 2 in No. 6.]

Treasury Chambers,  
11 October, 1859.

Sir,

I am desired by the Lords Commissioners of Her Majesty's Treasury to transmit, for the information of His Grace the Duke of Newcastle, the enclosed copy of a letter from Messrs. Hunt and Elsdale, and Messrs. Vallance and Vallance, together with a copy of their Lordships' reply, on the subject of the tender of Mr. Howard, for the performance of the Mail service to Australia *viâ* Panama; and I am desired to state that My Lords would be glad to be informed whether there are any persons in this country who have adequate authority to act in this affair on the part of the Australian Colonies—or any of them—so as to warrant their Lordships in proceeding further with the consideration of this offer, as they would be disposed to do if satisfied that it had the approval of the proper Colonial authorities, and that the risk of the Mother Country would be limited to the Ocean postage.

I am, &amp;c.,

GEO. A. HAMILTON.

H. Merivale, Esq.,  
&c., &c.

[Sub-enclosure 1 in No. 6.]

London, 30 September, 1859.

Sir,

We have to acknowledge your letter of the 28th instant, stating that, in the present state of the question of Postal contracts, in reference to the inquiry which had been instituted by the House of Commons, the Lords Commissioners of Her Majesty's Treasury do not feel themselves in a position to enter into new arrangements for the Australian Mail service.

In reply, we are requested to state that Mr. Howard, yielding to the request of many influential merchants connected with the Australian Colonies, and being in possession of ships in complete preparation for sea, will commence a monthly line at once, *viâ* Panama to Australia, provided the Government will pay him the subsidy granted by the Colony, namely, £50,000 a-year, and the amount of postage which this new line of communication will produce.

Mr. Howard proposes this arrangement as a temporary service only, to be entirely subject to whatever decision Her Majesty's Ministers may come to, on receiving the Report of the Committee, which, he is informed, it is intended to re-appoint next Session.

It will be manifest that the interests of the Colonies must suffer materially by the delay which will be the result of postponing any service *via* Panama, until late in the ensuing year; and the offer now made has suggested itself to Mr. Howard as a means of affording early accommodation to the Colonists and our Home merchants.

Should the Government accept this offer the line could be opened forthwith.

We are, &c.,

HUNT and ELSDALE,

3, Whitehall Place;

VALLANCE and VALLANCE,

20, Essex-street, Strand.

G. A. Hamilton, Esq.

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[Sub-enclosure 2 in No 6.]

Treasury Chambers,  
11 October, 1859.

Gentlemen,

I have laid before the Lords Commissioners of Her Majesty's Treasury the letter, addressed to this Board by yourselves and Messrs. Vallance and Vallance, further relative to the Tender of Mr. Howard for the performance of the Mail service to Australia *via* Panama, and I am desired by My Lords to observe to you in reply, that your proposal rests entirely on the assumption that the Australian Colonies, or some of them, are prepared at once to enter into a definite engagement to pay at the rate of £50,000 a-year, without any corresponding subsidy from the Imperial Government, for a temporary service. On this point My Lords have no information, and they have, therefore, forwarded your letter to the Colonial Office, and I am to suggest that you had better place yourselves in communication with the authorities of that department, as it would be impossible for My Lords, while questions relating to Mail Contracts at the cost of this country have in general been suspended for the reasons stated in their Lordship's former letter, to enter upon a consideration of the present offer, until they are satisfied by the proper department that the Colonies really desire to enter into this provisional arrangement at their own expense, and have given sufficient authority to enable the Imperial Government to act in the matter on their behalf.

I am to add, with a view to avoid further misunderstandings, that My Lords understand your offer as including the service across the Atlantic, as well as across the Pacific, and that the Postage for which you ask, applies to the *Ocean* postage only.

I am, &c.,

GEO. A. HAMILTON.

Messrs. Hunt and Elsdale,  
3, Whitehall Place.

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[Enclosure 3 in No. 6.]

Downing-street,  
13 October, 1859.

Sir,

I am directed by the Duke of Newcastle, in answer to your letter of the 11th of this month, enclosing copy of one from Messrs. Hunt and Elsdale, and of the reply of the Secretary of the Treasury thereto, to request that you will inform their Lordships that Mr. Merewether was appointed Agent in the matter of the Postal communication by the Government of New South Wales, in the manner notified to your department in letters from this office of the 23rd February and 16th March last. I am to subjoin copy of a further letter from Mr. Merewether, informing this department of his leaving for Australia, and of the substitution of Mr. Hamilton for himself. But the Duke is not sufficiently informed of the extent of the powers conferred on Mr. Hamilton by the New South Wales Government to be able to answer their Lordships' question, whether Mr. Hamilton is authorized to entertain such a proposal as that of Mr. Howard. He has accordingly caused a letter to be addressed to Mr. Hamilton on the subject, placing that gentleman in direct communication with their Lordships.

The Duke of Newcastle is not aware that any Agent has been empowered to deal with this matter by the Government of any other Australian Colony. But all information which his Grace possesses on the subject has been already communicated to their Lordships.

I am, &c.,

G. A. Hamilton, Esq.

HERMAN MERIVALE.

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[Enclosure

[Enclosure 4 in No. 6.]

Downing-street,  
13 October, 1859.

Sir,

Having been informed that you are authorized by the Colony of New South Wales to act on behalf of that Colony in the matter of the Mail Steam Service in the absence of Mr. E. Merewether, who has left for Australia, the Duke of Newcastle has directed me to transmit to you copy of the enclosed correspondence between the Treasury and this department, respecting the offer from Mr. Howard for the temporary performance of that service *via* Panama.

I am to request that you will communicate direct with their Lordships on the subject.

I am, &c.,  
HERMAN MERIVALE.

[Enclosure 5 in No. 6.]

Treasury Chambers,  
15 October, 1859.

Sir,

I am desired by the Lords Commissioners of Her Majesty's Treasury to acquaint you that their Lordships are informed, by a letter from the Colonial Office, that you have been deputed to act for the Colony of New South Wales on the subject of the Postal arrangements between this country and the Colony, and that you have been put in possession of the correspondence which has recently passed with reference to an offer made by Mr. Howard, of Manchester, to perform a provisional Mail service to Sydney *via* Panama.

I am to state that My Lords would be glad to learn from you whether you are in a position to accept this offer on the part of the New South Wales Government, and that their Lordships will be ready to afford the aid of this Government as far as it is in their power.

You must, however, clearly understand that, in the present position of the question of Ocean Postal Contracts, with reference to the inquiry instituted by the House of Commons, My Lords will not feel themselves at liberty to grant any pecuniary subsidy for the purpose in question, beyond the giving up of the Ocean postage.

I am to suggest to you that it may be desirable for you to place yourself in direct communication on this matter with Mr. Howard or his agents.

I am, &c.,  
W. H. STEPHENSON.

Mr. Edward Hamilton.

## No. 7.

THE COLONIAL SECRETARY to EDWARD HAMILTON, ESQ.

Colonial Secretary's Office,  
Sydney, New South Wales,

Sir,

13 February, 1860.

I have the honor to acknowledge the receipt of your letter of the 17th of October last, transmitting copies of a correspondence between the agents of Mr. Howard (who is stated to be connected with Messrs. Lever & Co., the contractors for the Galway line to North America), Her Majesty's Treasury and the Colonial Department, and yourself, as the representative of the Government of the New South Wales, on the subject of a proposal made by that gentleman to establish and maintain an Ocean Steam Postal Service between Great Britain and Sydney *via* Panama. I have at the same time to apologize for the delay in replying to your communication, which has arisen from the change which has taken place in the Administration, and the consequent pressure of many important matters on the attention of the Government. I have also been favored by Mr. Cowper with extracts from your private letters to him, respecting the present state of the question relating to the Postal Service between England and Australia.

2. With respect to the proposal of Mr. Howard, it may be stated that the decision of Her Majesty's Government not to take any further steps for the execution of a Postal Service *via* Panama, pending the inquiry by the Select Committee of the House of Commons, would of itself prevent, for the present, his offer from being favorably entertained, inasmuch as the amount appropriated by the local Act for this purpose is only available provided a subsidy, to the extent of one-half the sum to be paid to any contracting parties, is contributed by the Government of Great Britain. The Government of this Colony is not, therefore, for this reason, as well as for other considerations, which it is not necessary to specify, disposed to treat

treat with Mr. Howard for the performance of the service. An offer of a similar character has been received from the Australasian and Pacific Company, to which an answer to the same effect has been given.

See Enclosure  
in No. 2.

3. The decision of Her Majesty's Government above adverted to, seemed to afford an opportunity for further consultation with the other Australian Colonies, on the subject of the Ocean Postal arrangements,—and the Governor General accordingly addressed a Despatch to the Governments of Victoria, Tasmania, South Australia, Queensland, and New Zealand, stating the views of this Government, and inviting their co-operation for securing, in the manner pointed out, a communication with England twice in each month. Of this Despatch I enclose a copy for your information, together with copies of the replies which have been received from Victoria, Tasmania, and New Zealand. Answers from the other Colonies have not yet reached Sydney.

4. You will observe that the Government of Victoria decline to enter into the arrangements suggested for the establishment of the Panama Line; and the feeling of this Colony appears to be unfavorable to the acceptance of the offer which has been made by the Peninsular and Oriental Company for a fortnightly service by way of Suez on an increased subsidy. In this feeling the present Government of this Colony participate; and, as there is evidently a disposition, on the part of Victoria, to undertake the entire Colonial cost of the line by Galle, it is probable that the result of the present negotiation will be, that New South Wales, with the co-operation of New Zealand, and probably of Queensland, and, it is hoped, in concert with Her Majesty's Government, will take up the Service *via* Panama; leaving Victoria, Tasmania, and South Australia, to conduct that by way of Galle. But it is hoped that, by a friendly arrangement for reciprocating the conveyance and delivery of letters by either line, such an agreement may ultimately be made, as will reduce the cost to the Governments responsible for the subsidies.

5. The Government of New South Wales have under consideration the measures which it will be advisable to adopt under the circumstances in which this question is now placed, with a view to a definite proposal being submitted to the local Parliament, and whatever may be decided upon will be duly communicated to you.

6. I take this opportunity to express to you the warmest acknowledgments of this Government for the information which you have communicated and the services which you have rendered in promoting an object calculated to advance the welfare of these Colonies; and I request that you will have the goodness to continue to act as the representative of New South Wales, in conjunction with the Committee of Advice. For this purpose you will be considered to be invested with the same authority which the Government themselves have for negotiating for this service, which, however, is at present limited to the powers given by the local Act as before stated.

I have, &c.,

EDWARD HAMILTON, ESQ.,  
5, Cannon-street, London.

WILLIAM FORSTER.

1859-60.

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**Legislative Assembly.**  
**NEW SOUTH WALES.**

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**STEAM POSTAL SERVICE.**

(FURTHER CORRESPONDENCE RELATING TO.)

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*Ordered by the Legislative Assembly to be Printed, 26 June, 1860.*

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## STEAM POSTAL SERVICE.

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No. 1.

GOVERNOR OF SOUTH AUSTRALIA to GOVERNOR GENERAL.

*Government House, Adelaide,*

29 February, 1860.

SIR,

1. I have the honor to acknowledge receipt of your Excellency's Despatch of the 12th December, explaining the views of the New South Wales Government in reference to Steam Postal Communication between these Colonies and Great Britain.

2. I have delayed replying earlier to that Despatch that my Ministry might consider the subject in all its bearings, and to ascertain how far it might be possible, consistently with a due regard to the interests of this province, to adopt a policy harmonizing with that of New South Wales, in reference to the establishment of a Second Postal Route *viâ* Panama.

3. Nevertheless, though this Government is fully sensible of the great advantage which would attend a more united action of all the Australian Governments on matters involving interests common to all, it is impossible not to feel that many such general questions are seriously complicated by the very different degrees in which those several interests are affected in the case of each Colony. This conviction has, no doubt, induced you correctly to anticipate that this Government would not consider the benefits it might derive from a second Postal Route *viâ* Panama as commensurate with the expense to be incurred in its establishment.

4. This Government, however, as a proof of its anxiety to promote the views of your Excellency, and of the Government of New South Wales, will be prepared, in the event of the establishment of a Second Postal Route *viâ* Panama, to collect the postage on letters transmitted by that route and to account for the same either to the New South Wales Government or the proper authorities in England, as may hereafter be arranged. In this way, probably, South Australia will be enabled to contribute to the maintenance of that route in proportion to the benefit derived therefrom.

5. I avail myself of this opportunity to express my concurrence generally in the views which you have laid down regarding the most economical mode of establishing and maintaining lines of Postal Communication with Europe.

I have, &c.,

RICHARD GRAVES MACDONALD,  
Governor.

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No. 2.

HENRY PARKES, ESQ., to COLONIAL SECRETARY.

*Sydney, 10 March, 1860.*

SIR,

I beg to bring under the notice of yourself and colleagues the present state of the question of Steam Communication between Sydney and Panama, with a statement of recent circumstances that in some degree have imparted a new character to that question.

Some short time ago, a Committee was appointed by the Sydney Chamber of Commerce to consider the proposal of the P. & O. Company to establish a fortnightly Steam Line *viâ* Ceylon and Suez, and that Committee reported in favor of the relinquishment of the Asiatic route, and the concentration of the efforts of this Colony in establishing Steam Communication *viâ* the American Isthmus, making the Port of Sydney the Australian terminus.



terminus. A petition was prepared by the Committee embodying this view of the matter, which, at the meeting of the Chamber convened to consider the report, was adopted by a majority of 32 to 2, Mr. Ingelow and Mr. Alexander Campbell being the dissentients. As one of the Members for Sydney I presented this petition to the Assembly; I then gave notice of a motion reaffirming my former resolutions as adopted by the late Assembly in August, 1858, but embracing other resolutions added with the intention of giving greater scope of action to the Executive. On the 21st of February, the day when this motion came on for consideration, I presented another petition, signed by 998 inhabitants of Sydney, including nearly all the leading mercantile firms, praying for the "immediate establishment of Steam Communication *via* Panama," and that this Colony may be placed in the position of "Sole Australian Contractors" for the Service. My motion, after a lengthened debate, was carried by a majority of 22 to 14. As the division took place after midnight, many Members had left the House, or the majority I believe would have been more decisive. On the 28th of February, a message was sent down from His Excellency the Governor General declining to act upon the resolutions of the Assembly, and on the same day I gave notice of a motion to take the message into consideration, which still stands in my name on the Business Paper. With the view of saving your time, I enclose herewith copies of the petition from merchants and other citizens of Sydney, of the Proceedings of the Assembly when my resolutions were adopted, and of his Excellency's Message.

Having placed before you the case as defined by recent circumstances, I beg to inquire, on behalf of the large and influential body of my constituents who have manifested so active an interest in the matter, whether the present Government intend to take any immediate steps to carry out the views of Parliament and of the people of the Colony (so far as they have been expressed) on this question. If your Government should, as I feel a confident expectation you will, determine to act upon the resolutions of the Assembly, I would respectfully but strongly urge the desirableness of your communicating by the "Northam" your intentions to the persons charged with the management of this business in England.

Before leaving the subject I beg to be permitted to point out that the resolutions as passed by the Assembly give to the Executive, in the following important respects, a greater freedom of action than was possessed under the Act of 1858 in accomplishing the great object in contemplation:—

- 1st. The Government can contract for a line of steamers between Sydney and Panama without regard to a new connecting line on the other side of the Isthmus, provided that the postal delivery is guaranteed *all through*, which, I believe, might be easily done by one of the lines already in existence. The Act of 1858 enables the Government to contract only for a through line.
- 2nd. The Government is released from the absolute condition of the Imperial Government paying half the subsidy, which, though not requisite even to meet the intentions of the Legislature in any contract such as is indicated above, would by the Act of 1858 preclude this Colony from entering into such contract, however favorable it might be.
- 3rd. Though the Assembly, by the third resolution, expresses its willingness to concur in the passing of an Act embodying certain express conditions, it does not say that it would not agree to other conditions if their necessity should be shewn by sufficient reasons.

As I intend leaving town on Tuesday, and shall be absent from Sydney some days, an early acknowledgment of this communication will oblige me.

I am, &c.,

HENRY PARKES.

## No. 3.

THE UNDER SECRETARY to HENRY PARKES, ESQ., M.P.

*Colonial Secretary's Office,  
Sydney, 13 March, 1860.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt, yesterday, of your letter of the 10th instant, in which you advert to the present state of the question of Steam Communication between Sydney and Panama; and suggest that if the Government propose to act upon the Resolutions of the Legislative Assembly recently passed on the subject, some communication of their intentions should be made to England by the "Northam."

2. The Colonial Secretary desires me to state, in reply, that the Government are not prepared at this moment to make any specific pledge as to the measures which will be adopted with reference to the Panama route; but that the subject of Steam Postal Communication with the Mother Country will immediately engage the attention of his colleagues and himself.

They are fully sensible of the advantages which the Colony will derive from the establishment of a line *via* Panama, and no time will be lost in taking such further steps as may be considered the most likely to secure its speedy attainment.

I have, &c.,  
W. ELYARD.

## No. 4.

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

*New Zealand,  
Colonial Secretary's Office,  
Auckland, 14 March, 1860.*

SIR,

24 January, 1860.

1 March, 1860.

25,000.

With reference to previous communications on the subject of the Steam Postal Service between the Australasian Colonies and Great Britain, I do myself the honor to transmit, for the information of the Government of New South Wales, the copy of a memorandum explanatory of the views of this Government with respect to it; as also the copy of a further memorandum, specially referring to the proposal made by the Peninsular and Oriental Company to substitute Ceylon for Mauritius in the line of route, an additional subsidy of twenty-five thousand pounds per annum being paid to them for conducting the Australian Mail Service.

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

[Enclosure 1 in No. 4.]

*Colonial Secretary's Office,  
Auckland, 24 January, 1860.*

Steam Postal  
Service.

MINISTERS have had under their consideration various Despatches from Sir E. B. Lytton and the Duke of Newcastle, as also a communication, of the 12th ultimo, from Sir William Denison, relative to the question of the Steam Postal Service between Great Britain and the Australian Colonies, and especially referring to the establishment of a line of Steam Postal Communication *via* Panama.

It is with great regret that this Government has become aware that the measures initiated by the Lords of the Treasury in April last, for instituting the latter service, have not been proceeded with, nor are they aware of any circumstances which have occurred since tenders for that service were invited and received which ought to have prevented the conclusion of a contract on the conditions laid down in the Treasury Minute of the 19th April, 1859.

The advantages certain to result to the Australian Colonies from a service by Panama, which would both afford the means of a fortnightly communication with Great Britain and open up an intercourse with North and South America, are so obvious, and have been so readily admitted, alike by the Colonies and by the Imperial Government, as to render it unnecessary,

## STEAM POSTAL SERVICE.

unnecessary, on the present occasion, to adduce arguments in support of it beyond what present themselves from the experience of the working of the existing service. From this experience it has become evident that, in so far as New Zealand is concerned, any service *viâ* Suez must, however well conducted, be infinitely inferior as a postal medium to one by Panama. In illustration of this it is sufficient to state that under no circumstances can the letters from London which may arrive at Sydney for New Zealand, *viâ* Suez, in any month, be replied to by the return mail leaving Sydney for London on the same month, while by the Panama route, which would involve calling at New Zealand both on the outward and homeward passage, ample time would be afforded for replies. This consideration alone would recommend that New Zealand should co-operate with New South Wales in the endeavor to obtain a service by way of Panama. Ministers also entirely concur with the Government of New South Wales in believing that the cost of the Suez line would be materially diminished, while its efficiency as a Mail Service would be unimpaired, by the substitution of Ceylon for Mauritius as the line of route, and by the employment of vessels with a view to the conveyance of mails rather than passengers. A saving of time, averaging about twenty-four hours in each voyage, might also be effected if the Suez steamers, instead of going up to Williamstown, were to land and receive at Queenscliffe the mails to and from Victoria and Tasmania.

The propositions of the Government of New South Wales will accordingly receive every support from this Government, which will, in the approaching Session of the New Zealand Legislature, propose that this Colony should contribute to the cost of the Australian Steam Service on the following conditions, viz. :—

1. That, with respect to either the Suez or the Panama Service, one moiety of the whole cost is to be borne by Great Britain.
2. That, of the whole amount of subsidy payable by the Colonies, New Zealand is to contribute such proportion as the number of New Zealand letters received and sent bears to the whole number of letters conveyed.
3. That in the event of the Panama Line being brought into operation, and any of the Australian Colonies refusing to contribute towards its cost, it may in that case, be optional with New Zealand to decline to contribute any longer to the cost of the Suez Line.

E. W. STAFFORD.

[Enclosure 2 in No. 4.]

Colonial Secretary's Office,  
Auckland, 1 March, 1860.

REFERRING to the Duke of Newcastle's Despatch of the 1st December last, with its enclosures, on the subject of a proposal to substitute Ceylon for Mauritius in the line of route for the Australian Mail Service—an increase of Twenty-five thousand pounds being made to the subsidy now paid to the Peninsular and Oriental Company for that Service—it is observed that the line of route now proposed is the same as that recommended in Mr. Stafford's Memorandum of the 24th January last. The change proposed will, therefore, in this respect, it is believed, prove beneficial.

As regards the additional amount asked for by the Peninsular and Oriental Company, it does not appear—if the service is carried out mainly in conformity with the propositions of the Government of New South Wales, referred to in Mr. Stafford's Memorandum of the 24th January—that it would warrant any additional payment on account of it; on the contrary, a saving of expense, as between such a Service and that which now subsists, appears probable. The Government of New Zealand cannot, therefore, without further information of the cost of the Service after the new line has been tested, pledge itself to propose to the Legislature to vote unconditionally any addition to the amount for which New Zealand is now liable, but is prepared to recommend that such additional amount be authorized if it should subsequently appear to the Government of New Zealand, and that of New South Wales (which has an almost identical interest with New Zealand in this question, and with which this Government desires to act in concert as regards it), that a further payment by these two Colonies was absolutely necessary in order to maintain their Steam Mail Service with Great Britain.

E. W. STAFFORD.

## No. 5.

COLONIAL SECRETARY, NEW SOUTH WALES, to EDWARD HAMILTON, ESQ.

(34.)

Colonial Secretary's Office,  
Sydney, New South Wales,  
16 April, 1860.

SIR,

Adverting to the communication made to you by my predecessor, on the 13th of February last, on the subject of the Steam Postal Service between Great Britain and the Australian Colonies, including New Zealand, I have now the honor to inform you that the state of the question was again taken into consideration by the present Government soon after they assumed office in the early part of last month.

Laid before the  
Assembly on the  
5th April, 1860.

2. Their views, both with respect to the performance of the service by way of Suez and by Panama, are stated in the Minute of the Executive Council, of which I enclose a copy for your information; and a copy of this document having been laid before the Legislative Assembly, it is proposed, as soon as the state of public business will admit, to invite the concurrence of the local Parliament in these views, and to introduce a Bill to authorize the Government to negotiate further with Her Majesty's Government for the establishment of the Panama route, and pledging the Colony to contribute one-half of the necessary subsidy for a line in connection with the existing service to the West India Islands and Chagres.

I have, &c.,

CHARLES COWPER.

No. 6.

EDWARD HAMILTON, ESQ., to THE COLONIAL SECRETARY.

5, Cannon-street,

London, 18 April, 1860.

SIR,

I beg to acknowledge the receipt of your letter, dated 13 February, 1860, together with some printed correspondence relating to the question of Steam Postal Service between Great Britain and Australia. From your letter I gather that, though the views of your Government were not at that date fully matured, it was finally decided that New South Wales would not be a party to any arrangement in which a service *viâ* Panama should not be provided; and that it is probable that the result of negotiations then pending between the various Australian Governments would be, that the Southern Colonies would provide for the Colonial cost of the service *viâ* Suez, and that the Eastern Colonies, including New Zealand, would take upon themselves the Colonial cost of the service *viâ* Panama.

Since the receipt of your letter now under reply, I have been to the Treasury, and the Colonial Office, and have gained the following information.

That during the continuance of the present contract with the Peninsular and Oriental Company, and so long as it is maintained on the principle of proportionate contribution by all the Colonies, the Government of Victoria is prepared to give an absolute guarantee for one moiety of the additional subsidy demanded by that Company, as necessary to meet the charges of the service, and a change of course from the route *viâ* Mauritius to the old route *viâ* Point de Galle.

That, on the termination of the present contract, the Government of Victoria will give up the through line rather than undertake the responsibility of guaranteeing the full half of the required subsidy, but authorize the Home Government to contract for a monthly branch line between Melbourne and Point de Galle, with the understanding that each party, viz., Great Britain and Victoria, shall be responsible for half the subsidy.

Having seen Sir Henry Barkly's Despatch to the Secretary of State, dated 16th February, and the Cabinet Minute of the Government of Victoria, dated the 15th of February, on which the Governor's Despatch is based, I have no hesitation about giving this information as authentic.

From the Treasury I learn that no further steps will be taken by the Government in the matter of contracts of this nature until the Committee of the House of Commons has reported; but I am assured that there is no disposition to repudiate or set on one side the engagements entered into, or the expectations held out, by the predecessors of the present Government, and that the wishes of New South Wales and New Zealand will receive full and impartial consideration.

The Government of New Zealand have written to say that they side with New South Wales, and offer to pay a portion of a Panama subsidy proportionate to their correspondence. This does not appear to me adequate, considering the enormous advantage which this service would secure for that Colony.

As to the Contract Committee of the House of Commons, now sitting, I beg to offer the following remarks. On the re-assembling of Parliament a communication was made to me

me by the Treasury that it was the intention to take up the Australian services, and that Mr. Laing (the Financial Secretary of the Treasury) wished that I, and any other colonists interested in the matter, should have an opportunity of being examined. In an interview I had on that occasion with the principal Clerk of the Treasury, I stated that I could not venture to put myself forward as the representative of New South Wales, as I had received no authority to act, and was not acquainted with the views of the existing Government; but that I should not hesitate to go before the Committee and give any information respecting the practicability and advantages of the Panama line, provided it was understood that I did not appear in any official capacity; and I further suggested that Mr. Donaldson should be summoned, as the person best qualified to give information on all matters connected with the Australian Contract question.

On the day named, before commencing business, Mr. Laing, who was in the chair (in the absence of Mr. Dunlop, the member for Greenock), announced that the Committee had determined that it did not fall within the terms of the reference (a copy of which is herewith enclosed) to consider the comparative merits of different lines of communication, and that their inquiries would be solely directed to the past history of the Australian Contracts.

Under this restriction, Mr. Donaldson was examined at some length, and I feel it only due to that gentleman to say, that the Committee seemed much impressed with his evidence. It was given with a clear recollection of every fact, beginning from the first organization of the branch service between Sydney and Galle in 1851 or 1852 pointing out where the conditions of previous contracts were insufficient, how the colonists had been disappointed by gross mismanagement, and how the interests of New South Wales especially had been sacrificed by the absence of all regularity and punctuality so long as the contract was in the hands of the European and Australian Company. He also incidentally stated that the interests of the inhabitants of the last-named Colony could only be effectually secured by the establishment of a service *via* Panama.

I did not press my claim to be heard on Mr. Laing, as it did not appear to me that I could add anything of value to the very full evidence of Mr. Donaldson, so long as I was debarred from opening up the whole Panama question.

Since my communication to you in October last, two or three persons have called upon me, stating that Companies in which they were interested were willing to take up the Panama Service at moderate rates; but no evidence was given that any capital was subscribed, or that a Company had been duly organized. It is not therefore worth while to trouble you with an account of any of the schemes laid before me. Though I felt it more prudent to hear what the gentlemen had to say, I paid no attention, and attached no value, to their representations.

In the City of London there are many who live on prospectuses of this kind; they have plenty of large projects in view, and profess to be in a position to undertake them; but the result of inquiry generally is that no Company has been formed, and that not a farthing of capital has been subscribed.

My own opinion, which, however, is not entitled to much consideration, as I have little or no experience in these matters, is that the establishment of a Panama Service, by which I mean a Pacific Service only, will be attended with great difficulty, and will be very costly.

The last tender of the Peninsular and Oriental Company is to run vessels at the present contract speed between Sydney and Point de Galle to and fro twice a month for £205,000. The distance run over being about 254,400 miles, the rate per mile would be somewhat less than 16s. 2d. The distance from Sydney to Panama being about 8,500 miles, the whole distance run in a year under a monthly contract would be 20,400 miles, and the subsidy required at the above rate of 16s. 2d. per mile, would amount to nearly £170,000; and, considering the contractors would have to meet all the expenses incident to the opening of a new line,—that between New Zealand and Panama the islands adapted for coaling stations are but little known, and not conveniently situated,—that the service would be completely isolated, which is a drawback of a most serious nature,—and, lastly, that there is only one port for refitting—the port of Sydney, my belief is that no respectable

respectable Company would face the risk without the cover of a subsidy of at least the above-named amount, and that the service would not work satisfactorily for many years.

As your Despatch now under reply was only received on Friday last, I have had no opportunity of conferring with the gentlemen with whom I am instructed to communicate on this question.

In conclusion I beg to thank you for the marked terms of courtesy in which you are pleased to acknowledge my communication of October, 1859, and to assure you that it will at all times be a pleasure to me to place my services at the disposal of a country in which I was for so many years a resident, and to which I am under the deepest obligations, both social and material.

I have, &c.,

EDWD. HAMILTON.

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[*Enclosure in No. 6.*]

Terms of reference.—Contract Committee, 2nd Session, 1859.

To inquire into the manner in which contracts, extending over periods of years, have, from time to time, been formed or modified by H. M. Government with various Steam Packet Companies for the conveyance of the Mails by sea, and likewise into any agreements or other arrangements which have been adopted at the public charge, actual or prospective, for the purposes of Telegraphic Communications beyond sea, and to report their opinion thereon to the House; together with any recommendations as to rules to be observed hereafter by the Government in making contracts for services which have not yet been sanctioned by Parliament, or which extend over a series of years.

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Sydney: Thomas Richards, Government Printer.—1860.

[*Price, 1s. 1d.*]

1859.

## NEW SOUTH WALES.

## STEAM POSTAL COMMUNICATION.

(DESPATCH RELATIVE TO.)

Presented to both Houses of Parliament, by Command.

EARL CARNARVON to GOVERNOR SIR WILLIAM DENISON, K.C.B.

(Circular.)

*Downing-street,*

12 April, 1859.

SIR,

I have the honor to enclose for your information the accompanying copy of a letter from the Treasury and of the answer from this Department, relative to the Draft Contract with the Peninsular and Oriental Company for the Australian and Mauritius Mail Service.

I deferred sending out this correspondence under the impression that I should almost immediately be in a position to transmit to you the Contract itself in its formal shape. But as circumstances have accidentally delayed its final execution, I think it advisable to send you the accompanying papers, in order that you may be apprised of the progress of the matter up to the present date.

I have, &amp;c.,

CARNARVON,

(in the absence of Sir E. B. Lytton.)

GOVERNOR

SIR WILLIAM DENISON, K.C.B.,

&amp;c., &amp;c., &amp;c.,

New South Wales.

[Enclosure in the foregoing.]

*Treasury Chambers,*

17 December, 1858.

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 Draft Contract with the Peninsular and Oriental Company for the Australian and Mauritius Mail Services, and also a letter from the Postmaster General thereon; and I am to request that you will call the attention of the Secretary of State to that part of the Postmaster General's letter which relates to a change of vessels at Melbourne. I am to state that my Lords are desirous of knowing whether the Secretary of State is of opinion, having reference to the advantages pointed out by the Postmaster General's letter, that this change of vessels may be sanctioned.

I am to request that the papers, being in original, may be returned to this Department.

I am, &amp;c.,

C. E. TREVELYAN.

Herman Merivale, Esq.,

&amp;c., &amp;c., &amp;c.



[Sub-Enclosure 1.]

General Post Office,  
14 December, 1858.

My Lords,

I have the honor to return the Draft Contract with the Peninsular and Oriental Company for the Australian and Mauritius Mail Services, referred to me on the 2nd instant, and to offer the following observations in respect to certain of the provisions of this Contract:—

1st. The Table marked A, referred to in folio 5, is not with the Draft, but I presume that it is the same Time Table, a proof of which was forwarded to me by the Company on the 8th ultimo, with a request that I would communicate my views respecting it to the Lords Commissioners of the Admiralty for their guidance in preparing the Contract. In compliance with that request, I drew the attention of the Board of Admiralty to that part of the scheme by which it appeared that it was the intention of the Company to send the packet from Suez as far as Melbourne only, and to perform the service between Melbourne and Sydney by means of a branch packet; and I suggested that, before this arrangement was sanctioned, the Secretary of State for the Colonies should be consulted, as the Government of Victoria had made it a condition, when agreeing to pay their share of the present subsidy, that the stay at Melbourne of the homeward packet should be at least forty-eight hours, exclusive of Sunday, Christmas Day, or Good Friday.

I am not aware whether my suggestion was adopted, but the question has since been raised whether the people of New South Wales will not complain if the main packet does not go on to Sydney.

I presume, however, that the Admiralty will take care that a vessel of sufficient size, and supplying ample accommodation, is employed for this branch service, and, as it is proposed to transfer the Mails to and from the steamers on the main line, at Port Phillip Heads, the outward Mails for New South Wales will obviously be delivered at Sydney much earlier than they would be if the steamer from Suez proceeded with them to Sydney after landing the Mails at Melbourne, and the Homeward Mails, instead of being detained two days at Melbourne, will be despatched two days later from Sydney, thus lengthening the interval for replies. These advantages will be so great that I can hardly suppose any serious objection will be made to the arrangement on behalf of New South Wales.

2ndly. With respect to the penalty of £200 per day for every 24 hours beyond 55 days consumed in the voyage between Sydney and Southampton, I beg to remark, that the statement of the Peninsular and Oriental Company to the effect that 55 days are to be allowed, exclusive of the time occupied in crossing the Isthmus of Suez, is quite correct, such having been the understanding come to at the conference which took place at the Post Office, before the Tender of the Company was accepted.

The reference to this point affords me the opportunity of calling attention to an oversight which has taken place in adopting a system of Penalties and Premiums for the Australian Mail Service; for, while these Penalties and Premiums are payable in respect to the heavy Mails conveyed by the long sea route, they are not applicable to the far more important portion of the Mail which is forwarded through France. To remedy this omission, I recommend, if your Lordships approve, and the Company offer no objection, that a Penalty or a Premium (as the case may be) of only one-half the amount specified in the Draft may be payable for the service between Sydney and Southampton, and that like amounts be payable in respect to the Mails brought to or conveyed from Marseilles, the time fixed in the Table, forty-eight days, being allowed for the voyage between Sydney and Marseilles, exclusive of the time occupied in the passage of the Isthmus.

I have further to suggest that, instead of the penalty being £100 per day, it be fixed at a proportionate sum per hour, or probably your Lordships, if you approve of the idea, would not object to fix the penalty at four pounds per hour. The premium should then be payable in like manner—say one pound for every hour.

3rdly. The Draft specifies that the Company shall provide a proper room for sorting letters on board each of the vessels to be employed under this Contract between Southampton and Alexandria, and a query is made in the margin whether a similar provision is to be made on board the vessels between Marseilles and Alexandria.

In reference to this question, I beg to state that the arrangement desired by the Post Office is as follows:—

That the Mails forwarded to the United Kingdom *via* Marseilles, should leave Alexandria one day in advance of the Mails *via* Southampton, and should be sorted on board the packet going to Marseilles, during the voyage from Alexandria to Malta, and that the Officers employed in this duty should land at Malta and there await the arrival of the packet bringing the heavy portion of the Mail, which would then be sorted by them during the voyage between Malta and Southampton.

By this arrangement, one Clerk and his assistant would suffice for sorting both the Marseilles and the Southampton portions of the Mail, and the Company would not have to maintain and provide sleeping accommodation for more than these two persons throughout the entire distance from Alexandria to Southampton.

4thly. With regard to the demand of the Company that the days and hours of despatching the Australian Mails shall not be altered without a corresponding alteration being made in the days and hours of despatching the Bombay Mails, I beg to inform your Lordships that this claim is quite in accordance with the understanding arrived at when the conference took place at this Office, and I recommend that the clause should be altered accordingly.

I have, &amp;c.,

COLCHESTER.

The Lords Commissioners  
of the Treasury.



## STEAM POSTAL COMMUNICATION.

3

[Sub-Enclosure 2.]

Downing-street,  
8 January, 1859.

Sir,

I am directed by Secretary Sir E. Bulwer Lytton, to acknowledge the receipt of your letter of the 17th ultimo, requesting to be furnished, for the information of the Lords Commissioners of the Treasury, with Sir E. B. Lytton's opinion whether the proposal made for sending the principal Australian Packet from Suez as far as Melbourne only, and for performing the further service between Melbourne and Sydney by means of a branch packet, may be sanctioned.

The conclusion of the voyage of the chief packet at Melbourne cannot, it may be presumed, prejudice any interest of the Colony of Victoria. On the other hand it is pointed out in the letter from the Postmaster General, so far as regards the interest of New South Wales, that by the proposed transfer of the Mails to and from the steamers on the main line at Port Phillip Heads, the outward Mails to New South Wales must reach Sydney much earlier than they would do if the steamer from Suez proceeded with them to Sydney after previously landing the Victoria Mails at Melbourne; and that the homeward Mails, instead of being detained two days at Melbourne, may be despatched two days later from Sydney, thus lengthening the interval for replies at that place.

Without injury to Victoria, these will undoubtedly be benefits to New South Wales, so far as regards the rapidity of Postal Communication. On the other hand, however, the arrangement may possibly be viewed with less satisfaction by New South Wales passengers. In order to obviate this, as far as practicable, the Admiralty should be requested to make conditions for securing a vessel of sufficient size, and with ample accommodation, to be employed on the branch service; and Sir E. B. Lytton would suggest, unless there be any objection of which he is unaware, that the Company should be called upon to bind themselves under penalty to carry on to their destination in the branch steamer all passengers who have embarked for New South Wales in England, or at any of the intermediate stations before reaching Port Phillip Heads.

No course that can be taken will be beyond the possibility of exception, but in so large and complicated an affair as the mail communication with Australia, inevitably entailing so many prompt decisions by the Government in England, it is necessary to act on the principle of doing that which appears best on the whole, trusting to the moderation and liberality of the different Colonies to support the conclusions thus adopted. Proceeding on that principle, Sir E. B. Lytton trusts that, with the precautions and securities above suggested, the plan which has been devised as best for the general interests of the Postal Service of Australia, will not be objected to by the Colonies chiefly concerned.

On the details of the Contract Sir E. B. Lytton defers to the judgment of the Lords Commissioners of the Treasury and to the Postmaster General.

I am, &amp;c.,

H. MERIVALE.

Sir C. E. Trevelyan,  
&c., &c., &c.



1859.

## NEW SOUTH WALES.

## STEAM POSTAL SERVICES.

(DESPATCHES RELATIVE TO.)

Presented to both Houses of Parliament, by Command.

## No. 1.

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

Downing-street,  
17 May, 1859.

Sir,

With reference to my Despatch, No. 41, of the 16th of November last, which bore upon the question of establishing a second monthly Mail Service *via* Panama, I transmit to you herewith, for your information, copies of two letters from the Secretary to the Treasury, from which you will perceive that the Lords Commissioners have taken measures for inviting Tenders for the execution of that Service. Their Lordships propose to allow a period of two months to elapse before the delivery of the Tenders, and the acceptance of either of them would, as you will perceive, be dependent on certain contingencies specified in the Treasury Minute.

9 April, 1859.  
19 April, 1859.

I also enclose a copy of the reply which has by my direction been returned to these letters.

I have, &amp;c.,

GOVERNOR

CARNARVON,

SIR WILLIAM T. DENISON, K.C.B.,

&amp;c., &amp;c., &amp;c.,

(In the absence of Sir E. B. Lytton.)

New South Wales.

[Enclosure 1 in No. 1.]

G. A. HAMILTON, Esq., to H. MERIVALE, Esq., C.B.

Treasury Chambers,

9 April, 1859.

Sir,

I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you, for any observations Sir Edward Bulwer Lytton may have to make thereon, copy of a letter from Mr. Merewether, dated 8th instant, suggesting that Tenders should be immediately called for, for a monthly Postal service with Australia *via* Panama.

I am, &amp;c.,

H. MERIVALE, Esq., C.B.,

GEO. A. HAMILTON.

&amp;c., &amp;c., &amp;c.

[Enclosure 2 in No. 1.]

E. C. MEREWETHER, ESQ., to SIR STAFFORD NORTHCOTE.

5, Cannon-street, City,

8 April, 1859.

SIR,

I avail myself of the opportunity afforded by the receipt of your letter of yesterday's date to recall to your recollection that at the interview which I had with you on the 15th ultimo, and at which you first communicated to me the terms and conditions upon which Her Majesty's Government would be prepared to contribute towards the establishment of a Monthly Postal Service with Australia *via* Panama, you also intimated to me that if by the January Mail no answer should be received from the Colonies to the reference made to them in November last, the Government would not object, under all the circumstances of the case, to take present steps to ascertain the probable cost of such a service, and with this view would be willing to call for Tenders immediately after the arrival of the Mail, if the subject were then again formally brought under notice.

As, therefore, both the January and February Mails have now arrived, and I am informed at the Colonial Office that by them no reply has been received from any of the Colonies to the reference in question, I lose no time in again inviting your attention to the matter, and trust that, as those answers whenever they may be received, will have no direct bearing upon the question which it is at present sought to solve, viz., the costs of the service, the Lords of the Treasury will waive all further delay, and at once move the Lords Commissioners of the Admiralty to issue the necessary notice calling for Tenders.

I would point out to you that by adopting this course not only will it be ascertained whether the amount demanded for the service is reasonable or not, but it will also be seen whether the time within which the route can be performed "will fit that within which the route *via* Suez is performed."

These are two of the points upon which Her Majesty's Government desire to be satisfied before they pledge themselves to subsidize the service, and reliable information with respect to them can be obtained in no other way.

I venture also to express a hope that the Tenders will be called for before the departure of the Mail of the 18th inst., and that the notice inviting them will be so framed as to meet in all essential particulars the views and wishes of the Government and Legislature of New South Wales. These are fully set forth in the Resolutions passed by the Legislature on the 8th September last, and in the Bill appropriating the subsidy, copies of which are already in your possession; but should any further information be required with respect to them, I shall be ready to afford it, and be prepared to wait upon you, or any one else that you may be pleased to name for this purpose.

In conclusion, I consider it desirable to remind you of your undertaking, that I should be furnished with a copy of the Admiralty notice before it is issued, and also be afforded an opportunity of suggesting any alterations therein; and praying an early reply to this communication;

I have, &amp;c.,

EDWARD C. MEREWETHER.

SIR STAFFORD H. NORTHCOTE, BT.,

&c.,    &c.,    &c.,  
Treasury.

[Enclosure 3 in No. 1.]

SIR S. NORTHCOTE to H. MERIVALE, ESQ., C.B.

(Immediate.)

Treasury Chambers,

19 April, 1859.

SIR,

I am desired by the Lords Commissioners of Her Majesty's Treasury to transmit, for the information of Secretary Sir E. B. Lytton, with reference to your letter of the 23rd February last, the enclosed copy of a Minute of my Lords of this days date, relative to the establishment of Postal Communication between this country and Australia *via* Panama.

I am, &amp;c.,

H. MERIVALE, ESQ., C.B.,

STAFFORD H. NORTHCOTE.

&c.,    &c.,    &c.

[Enclosure

[Enclosure 4 in No. 1.]

[Copy of Treasury Minute, dated 19 April, 1859.]

My Lords have under their consideration the various communications which have taken place with reference to the establishment of a Mail Service with the Australian Colonies *via* Panama.

At the time when my Lords were negotiating for the service *via* Suez, expectations were held out that steps would be taken to set on foot this second service as soon as proper arrangements could be made for the purpose; and in the notice calling for Tenders for the Suez Service, a distinct intimation was given to this effect.

Since then, Mr. Merewether, Clerk of the Executive Council of New South Wales, has been deputed by the Government of New South Wales to act as their Agent in any arrangements to be made for carrying out the project in question, and has been in communication with this Board on the subject.

The Colony of New South Wales has actually appropriated a sum of £50,000 a-year for ten years for this monthly service *via* Panama, and my Lords are informed by Mr. Merewether that he has no doubt that the Colony will be prepared to take upon itself the responsibility of one-half of the cost of this service, provided it can be accomplished within reasonable limits, undertaking at the same time the necessary inter-colonial arrangements as regards New Zealand and the other Australian Colonies.

One obstacle which interfered with the earlier adoption of this line was occasioned by the state of the transit route across the Isthmus of Panama, and the heavy charge to which the Mails conveyed by that route are subjected on the part of the Grenadian Government for transit dues, in addition to the payment made to the Railway Company for actual conveyance.

My Lords are informed by the letter from the Foreign Office, dated 15th instant, that Lord Malmesbury has not yet been able to make any arrangement on the subject, but that it is a matter to which his attention is constantly directed, and that he will avail himself of the first opportunity to settle it on a more favorable basis than that at present existing.

Considering the vast importance to the Australian Colonies, especially to New South Wales and to New Zealand, of a communication which, amongst other advantages, will afford them facilities of intercourse with the whole Continent of America, from which they are at present comparatively excluded, and looking to the very liberal manner in which the Government of New South Wales have come forward in support of this scheme, My Lords are of opinion that they ought no longer to delay fulfilling the intention which they formerly announced of inviting Tenders for the service.

In coming to this decision, however, it must be clearly understood that My Lords will not consider themselves bound to accept any of the Tenders unless they are fully satisfied:—

1. That the amount is reasonable, and such as they would be justified in incurring.
2. That the times and rates of speed are such as to harmonize perfectly with the Suez service, so as to make the two alternate fortnightly with each other; and—
3. That the Governments of the Australian Colonies will undertake one entire half of the cost of both the services, *via* Suez as well as *via* Panama, whatever that may be.

Write accordingly to the Admiralty, and request that they will take the necessary steps for procuring Tenders for the performance of a monthly Mail Service between Great Britain and Sydney *via* Panama and New Zealand.

The contractors must make provision for conveying to and from Melbourne the letters of Victoria, and the other Australian Colonies.

They must also state at what ports between Great Britain and Panama, and between Panama and Australia, it may be in contemplation to call, and the time at which they will be prepared to commence the service from Australia and from Great Britain.

The Tenders must specify the maximum number of days to be occupied on the voyages out and home, which must not exceed 55 days on the whole, exclusive of the transit across the Isthmus, and the times of arrival and departure must be so arranged as to alternate fortnightly with the Suez route.

My Lords propose to allow a period of two months, say till the 1st of July, for the delivery of the Tenders.

[Enclosure 5 in No. 1.]

T. F. ELLIOT, Esq. to SIR S. NORTHCOTE.

Downing-street,

4 May, 1859.

SIR,

I am directed by Secretary Sir E. Bulwer Lytton to acquaint you that he has had under his consideration your letters of the 9th and 19th ultimo, on the subject of the establishment of Postal Communication between this country and Australia *via* Panama. In the first of those letters you transmit a copy of one from Mr. Merewether, the Agent deputed by the New South Wales Government to advance that project, suggesting that Tenders for the execution of the service should be immediately called for; and in the latter letter you transmit a copy of a Treasury Minute, from which it appears that the Lords Commissioners have decided to delay no longer, inviting Tenders for the service, and have requested the Lords Commissioners of the Admiralty to take the necessary measures for that purpose.

Sir

Sir E. B. Lytton observes that these Tenders are to be invited on the clear understanding that the Lords Commissioners will not accept any Tenders, unless they are satisfied on certain specific points, one of which is, that the Governments of the Australian Colonies will undertake the entire half of the cost of both services *via* Suez, as well as *via* Panama, whatever that may be. This reserve appears to be the more necessary in order to guard against any possible dissatisfaction on the part of the public, at the non-acceptance of Tenders, after having been invited, as, unfortunately at present, a want of cordial understanding on the subject is shewn to exist between some of the Australian Colonies.

Sir W. Denison,  
No. 19, 1st Feb-  
ruary, 1859.  
Sir H. Barkly,  
No. 19, 11th  
February, 1859.

On this point I am directed to transmit, for the information of the Lords Commissioners, copies of two Despatches which have been received respectively from the Governors of New South Wales and Victoria, written with reference to the Circular Despatch which was addressed to the Australian Governors, founded on the Treasury letter of the 16th of November last. From the last of those Despatches it would appear that difficulties existed to prevent any immediate arrangement of the question being effected by the Governments of these two principal Colonies. Sir E. Lytton trusts, however, that the further report promised by Sir W. Denison may shew, that the difficulty thus existing between these two Colonies has been overcome, and that it may prove eventually to offer no bar to the completion of the arrangement which their Lordships propose.

The Lords Commissioners will perceive in Sir H. Barkly's Despatch, an intimation, that after the House of Assembly had guaranteed the payment of £90,000, being the Australian moiety of the subsidy of £180,000 in support of the present Postal Service, the Postmaster General of that Colony had subsequently obtained the leave of the House to defray temporarily out of that grant the sum of £6,000, promised by that Government towards a Steam Postal Service between Melbourne and Wellington. Sir E. Lytton regrets that the sum guaranteed for a specific purpose, should have been in any way interfered with after having been so pledged, although he cannot doubt the readiness of the Colonial Legislature at once to make good any deficiency which might arise from such subsequent appropriation. The two enclosed Despatches also report the arrangements made by those Governments, for the adjustment of the payments due for the Postal Services executed under the previous contract with the European and Australian Mail Company.

SIR STAFFORD NORTHCOTE, BART.,  
&c., &c., &c.

I have, &c.,  
T. F. ELLIOT.

[Enclosure 6 in No. 1.]

SIR H. BARKLY to SIR E. B. LYTTON.

Government Offices, Melbourne,  
11 February, 1859.

(No. 19.)

SIR,

Your several Despatches noted in the margin, relative to the lapsing of the late and the completion of a new contract for Steam Postal Communication with Australia, have been laid before the Legislature as they reached me, and as they have have elicited no expression of opinion to the contrary, it may be assumed that the arrangements therein announced are deemed the most satisfactory that could under the circumstances have been made.

Objections it is true, on the part of the mercantile community, to the change of route involved in the steamers touching at the Mauritius instead of Ceylon, were hinted at—the daily increasing commercial relations of this Colony with India and China outweighing those connected with the first-named Island; but these objections have not assumed a definite shape. They will no doubt be more loudly urged whenever the Electric Telegraph is carried all the way to Galle, since intelligence to this part of the world might then be thence accelerated by fully ten days; but it is to be hoped, that ere that the Australian Colonies will have advanced sufficiently to fill up the loop, between Galle and King George's Sound, by steamers, in connection with the fortnightly despatch of the Indian Mails by the Peninsular and Oriental Company, so as to secure practically a second line.

With regard to the establishment of a second monthly service *via* Panama, I am not yet in a position to afford definite information as to the views of the Legislature; and it seems probable that notwithstanding the clear light in which the question is placed by your correspondence

Circular, 16 June,  
1858.  
Circular, 16 Au-  
gust, 1858.  
Circular, 9 Sep-  
tember, 1858.  
Circular, 16 Oc-  
tober, 1858.  
Circular, 16 No-  
vember, 1858.

pondence with Sir William Denison, the Session will terminate next week, without its being adverted to in either House.

There is something so Imperial in the idea of thus uniting the British Dominions, by means of lines of steamers, circumnavigating the globe, and it offers at the same time such safeguards to these Colonies against interruption to their communication with the Mother Country through accident or otherwise, that I have always been disposed to view the project favorably, and though conscious that obstacles exist to its accomplishment, and that a good deal of experience must be gained before it can work smoothly, I have given my best support to a line by way of the Pacific, especially since the permanence of the established route through the Old World has been placed beyond doubt.

During the recent visit to this city of Mr. Henry Sewell, of New Zealand, I did all in my power accordingly to enforce the argument he employed with my advisers, that the contribution, namely, which would be required from this Colony to maintain the two lines (one-fourth of the entire estimate, or £105,000) did not greatly exceed what it had already intimated its willingness to devote to the upholding of one (£90,000), and might therefore safely be proposed to Parliament. Unfortunately, however, other considerations than those of either practicability or expense are introduced into such discussions by the jealousies prevailing between some of these Colonies—the question becoming in fact not one of Panama *versus* Suez, so much as of Sydney *versus* Melbourne; so that whilst my Ministry decline to moot the subject until the feeling of indignation engendered by the attempt a short time back of New South Wales to form a separate treaty with the Royal Mail Company shall have been appeased by suitable apologies, the Sydney Ministry complain to their Assembly that mine are adding fuel to the fire by not even having the courtesy to acknowledge the receipt of their three last communications on the Postal question!

Time, it is to be hoped, will soften these asperities; meanwhile it is satisfactory to state, whatever their issue, that the Legislature of Victoria has, in pursuance of the intention already indicated, voted £15,000 in addition to the £75,000 specially appropriated by 18 Vic., No. 31, and 19 Vic., No. 10, for the Steam Postal Service; so as to make good, whatever happens, the moiety of the subsidy of £180,000 guaranteed by the Australian Colonies to the Mother Country.

The probability, however, of all the other Colonies repudiating their liability to the Suez contract seems so small, that the Postmaster General has subsequently obtained leave of the House to defray temporarily out of this extra grant the sum (£6,000) promised by this Government towards a Steam Postal service between Melbourne and Wellington, recently established with a view of improving the communications with the New Zealand provinces bordering on Cook's Straits, the trade with which is gradually growing into importance.

I will only add that in accordance with the Treasury Minute enclosed in your Despatch of 16th November, No. 41, to Sir William Denison, the sum of £74,033 16s. 4d. has been duly paid over by my Treasurer to the Deputy Commissary General here for the Victorian proportion of ascertained expenditure to 30th September last, under the expired Contract, and the balance is forthcoming whenever the further liability up to the expiration of that Contract can be correctly calculated; on which occasion, I presume, a more formal account will be rendered to each Colony, to serve as a voucher for payment of the demand in full by its Government.

I have, &c.,

HENRY BARKLY.

THE RIGHT HONORABLE

SIR EDWARD BULWER-LYTTON, Bt.,

&c., &c., &c.

P.S.—14 February, 1859.

I enclose the duplicate receipt of the Deputy Commissary General, and, in so doing, Enclosure A.  
beg to call attention to the accompanying letter from the Under Treasurer, pointing out a Enclosure B.  
discrepancy of 10,000 letters in the number stated to be chargeable to this Colony in the account furnished.

H. B.

## No. 2.

THE GOVERNOR GENERAL to THE SECRETARY OF STATE FOR THE COLONIES.

(No. 68.)

*Government House,**Sydney, 3 August, 1859.*

SIR,

In my Despatch, No. 10, dated 1 February, 1859, in reply to yours, No. 41, dated 16 November, 1858, I stated that I should on a future occasion go more fully than I was then able to do into the questions raised with reference to the line of Steam Postal Communication *via* Suez and Panama. I have not, however, as yet been in a position to make a report as satisfactory as I could have wished of the progress of the negotiations between the Colonies with reference to these lines of communication. As, however, your Circular Despatch, dated 17 May, explains the steps taken by Her Majesty's Government for the purpose of carrying out the scheme of a fortnightly Mail *via* Panama, submitted by the Government and Legislature of this Colony, I have thought it advisable, in acknowledging this Despatch, to lay before you such facts as may have a bearing upon the general question of Steam Postal Communication between England and Australia, which at present can hardly be said to be in a satisfactory position.

In your Circular Despatch above alluded to, you enclose copies of the correspondence between Mr. Merewether, the Agent of the Government of New South Wales, and the Lords Commissioners of the Treasury, on the subject of the Panama Line of Postal Communication, from which it appears that their Lordships have taken measures for inviting Tenders for the execution of that service, the acceptance of these Tenders being, however, dependent upon the following contingencies:—

- 1st. That the amount of subsidy is reasonable, and such as they would be justified in incurring.
- 2nd. That the times and rates of speed are such as to harmonize perfectly with the Suez service, so as to make the two alternate fortnightly with each other.
- 3rd. That the Governments of the Australian Colonies will undertake *one entire half of the cost of both the Services via Suez as well as via Panama*, whatever that may be.

Of the reasonableness of these conditions, provided it be necessary to establish a through line from England to Australia, there can be no question.

The Legislature of this Colony in voting a specific sum for the Panama Line implied an opinion that it was a limit which it would not be desirable to exceed in subsidising a second line of steamers; though, as to the actual limit, the data upon which the estimate was founded were perhaps insufficient.

The second condition is of course an essential element in the establishment of a fortnightly Mail Service; and, as to the third, it is in perfect harmony with all the arrangements in accordance with which the Steam Postal Service has been established—the principle that the Colonies receiving their own postage, and being assenting parties to the contracts made by the Imperial Government for the conveyance of the Mails, are liable to defray half of the subsidy payable to the Contractors, is at the base of the existing system, which it is now sought not to alter but to extend. It must not, however, be forgotten, that the proposal of the Government of New South Wales only went the length of making the Australian Line in the case both of that *via* Suez and that *via* Panama, a branch of the existing lines; in which case, it was expected, that the amount to be divided between the Imperial and Colonial Governments would not have much exceeded the subsidy now paid to the Peninsular and Oriental Company for the Suez line alone. Concurring then, with these reservations, in the justice of the decision which makes the establishment of the Panama Line of Mail Steamers contingent upon the conditions before stated, I wish to draw your attention to the complications which have arisen in the relations existing between the Australian Colonies, which may make it difficult to obtain from them the distinct undertaking required by the third condition.

I see in a copy of a Despatch from Sir Henry Barkly, enclosed in yours of the 17th May, that allusion is made to the jealousies existing between the Colonies of New South Wales and Victoria; the existence of these I cannot deny, neither can I shut my eyes to the evil effects which are likely to result from them, when they are allowed to influence the  
action



action of the Governments. I cannot, however, admit the correctness of the statement made to Sir Henry Barkly, by his advisers, that an attempt was made by the Government of New South Wales to form, unknown to the Government of Victoria, a separate treaty with the Royal Mail Company; on the contrary, the enclosed correspondence\* will shew that on every occasion the frankest communications have been made to the Government of Victoria of all the steps taken by that of New South Wales.

When in 1857 a proposition was made by the Government of New Zealand, for the establishment of a line of Steamers between England and Australia *via* Panama and New Zealand, the correspondence was, as will be seen, laid before the Governments of Victoria and Tasmania from time to time as it proceeded; and although these Governments declined to co-operate in the scheme until the contract was sanctioned by Her Majesty's Ministers, yet they expressed their sense of the advantages of the contemplated arrangement, and their disposition to entertain it. Then again, in August, 1858, upon the receipt of the intelligence of the failure of the European and Australian Mail Company, the general question of the Steam Postal Service was brought by me under the consideration of my Executive Council, but so far was it from being the wish or intention of the Government of New South Wales to conceal from that of Victoria the course which it was proposed to adopt, that on the 31st August,† copies of the Minutes of the Proceedings of the Executive Council were furnished to the Chief Secretary of Victoria, and on the †10th September, copies of the Resolutions passed by the Legislative Assembly on the 8th were also forwarded, these latter embodying the principles upon which the double Mail Service *via* Suez and Panama should be conducted.

I have reason to believe that these documents were not shown to Sir Henry Barkly for many months after they were received; and most certainly no reply was ever made to them by the Government of Victoria. This neglect has naturally had the effect of indisposing the Government of New South Wales to renew a correspondence on this subject. In order, however, that I might be in possession of the views of the Government of Victoria with relation to the Panama line, and at the same time place the views of the Government of New South Wales upon record, I addressed a letter to Sir Henry Barkly upon the 28th May (a copy of which I enclose‡), bringing under his notice the results, so far as they were then known, of the communication between Mr. Merewether and Her Majesty's Government. By the reply to this (a copy of which is also enclosed‡), it will be seen that the question will have to stand over until the meeting of the Legislature of Victoria.

Nothing, I think, can be fairer or more liberal than the propositions submitted to the Government of Victoria. New South Wales expresses its willingness to take upon itself the liabilities, so far as the Panama line is concerned, of West Australia, South Australia, and Tasmania, which Colonies, it was anticipated, might not consider the advantage to them of a second line of steamers sufficient to warrant the payment of their proportion of the expense of the new line,—while Victoria, it was proposed, might take upon herself the proportion payable by New Zealand of the Suez line.

I trust, therefore, that the Legislature of Victoria will be willing to make the necessary provision for securing, in the manner proposed, the very great advantage of a fortnightly communication with England.

Should, however, the jealousies before alluded to unhappily prevent the cordial co-operation of these two Colonies towards a scheme in the advantages of which each will participate, I am afraid that there will be great difficulty in persuading the Legislature of New South Wales to continue the appropriation towards the payment of the subsidy to the Peninsular and Oriental Company for the Suez line. That a refusal to contribute towards this expense would be most unwise is perfectly true; but passion and prejudice overlook considerations of expediency, and even of justice. And it is my duty to make you aware of the probable or possible effect of such motives upon a Government responsible directly to a Legislature popularly constituted.

I will now suggest a method by which this difficulty, should it arise, may perhaps be obviated. At present the Government of Victoria is empowered to expend the sum of £90,000—(an amount equal to that payable to the Peninsular and Oriental Company in support of the Suez line)—and the Government of New South Wales has authority to

expend

\* Laid before the Legislative Council and Legislative Assembly on the 11th August, 1857.

† Laid before the Legislative Council on 2nd February, 1859, and the Legislative Assembly, 1st February, 1859.

‡ Laid before the Legislative Council, 14th September, 1859, and the Legislative Assembly, 1st September, 1859.

expend the sum of £50,000 in support of the Panama line. It is true that the Government of Victoria may not consider itself pledged to make up the balance which would have to be paid to the Peninsular and Oriental Company, should New South Wales refuse to contribute towards the Suez line, but it is most probable that in such an event it would be willing to adopt the responsibility. In the same way, I think it very probable that the Governments of New South Wales and New Zealand would engage to take upon themselves the responsibility of making good the half of the subsidy payable for the Panama line, should such subsidy not amount altogether to more than £150,000 per annum. The result of such an arrangement would be, that New South Wales and New Zealand would have a communication with England once a month by Panama, while Victoria, Tasmania, and South Australia would have a communication with England once a month by way of Suez. The payments to be made by both New South Wales and Victoria would be, in the case of the former, equal to, if not in excess of that which it would have to pay for a fortnightly mail, while, in the case of the latter, it would amount to upwards of 50 per cent. in addition to that which it now has to pay for the single line. The folly of this would soon become so palpable as to lead to an understanding between the Governments which would enable each to avail itself of the benefit of the fortnightly mail,—the arrangements for which would of course be a matter for local consideration. By the adoption of this course—that is, by accepting the guarantee of New South Wales and New Zealand for one line, and that of Victoria, Tasmania, and South Australia for another, Her Majesty's Government will shew its anxiety to meet in every way the wishes of the people of these Colonies, while it maintains the rule of leaving all matters of local interest to be dealt with by the Legislatures of the respective Colonies.

I have thought it advisable to bring under your notice these possible contingencies and the suggestions to which they have given rise; but I shall not be able for some months to speak positively as to the course which the Governments of the different Colonies will adopt, more especially, as some complications may be created by the separation of Moreton Bay and the creation of it into a new Colony.

I may observe, with reference to some of the provisions in the advertisement for Tenders, that all the wants of these Colonies would be fully met by the establishment of a branch line from Panama to Sydney. It would seem to be but a waste of money to pay for a second line of steamers from England to Panama, while the Royal Mail Company is running vessels, possessing ample accommodation for the Mails, at a speed fully equal to that which it would be wise to demand, with the benefit of a long experience, to secure regularity.

I have, &c.,

W. DENISON.

THE RIGHT HONORABLE

SIR E. BULWER LYTTON, BART.

### No. 3.

THE GOVERNOR GENERAL to THE SECRETARY OF STATE FOR THE COLONIES.

(No. 70.)

*Government House,*

*Sydney, 6 August, 1859.*

SIR,

I have the honor to acknowledge the receipt of your Circular Despatch, dated 12 April, 1859, enclosing copies of a correspondence between the Treasury and the Colonial Office, on the subject of the Contract with the Peninsular and Oriental Company, for the Australian and Mauritius Mail Service.

I gather from your Despatch that the arrangements for the completion of this Contract have not been finally determined; and I feel therefore justified in bringing under your notice the objections which are entertained in this Colony to certain of the provisions, in the hope that it may not be too late to make such modifications as may lead to some improvement of the scheme.

I would observe, in the first place, that the feeling of the Government of New South Wales has always been opposed to a through line to England,—the Imperial Government having already a trunk line as far as Ceylon, perfect in its arrangements, and adequate in every way to convey the Mails; the additional expense, both to the Colonies and the Mother Country, of a separate line of steamers from England to Point de Galle, is evidently, so far as the conveyance of the Mails is concerned, altogether unnecessary.

Now

Now, it has always been my opinion, and the occurrences of the past three years have added strength to my conviction, that the Government ought not to attempt to interfere with the arrangements of Contractors for Steam Communication, further than to secure the attainment of the particular object it has in view—the speedy and regular conveyance of the Mails. If, in anticipation of a large passenger and goods traffic, it insists upon the employment of a larger class of vessels than is requisite for the Mail business, it must, to a certain extent, be taken to guarantee a remunerative traffic. This, however, is a purely speculative question, dependent upon a variety of considerations, into which the Government cannot enter, and on which it can exercise little or no influence; and it should be left altogether to the Contractors: these should there be a sufficient demand, will be sure, for their own sakes to meet it by supplying proper accommodation. Should the passenger and goods traffic not be sufficient to remunerate the Contractors, the Government ought not to be called upon to supplement the returns out of the General Revenue. I would therefore venture to urge strongly a reconsideration of the present arrangements, as I feel certain that a simple branch line to Point de Galle will secure the rapid and regular delivery of the Mails; be more economical in every way, and meet all the wants of these Colonies. I venture to press this point the more earnestly, as the Act by which the Government was empowered to pay a sum not exceeding £20,000 per annum as a subsidy towards the cost of a line of steam communication *via* Suez will expire in November, 1860; and, as I have mentioned in my Despatch, No. 68, dated the 3rd instant, I feel apprehensive that the Legislature may refuse to renew it, unless some arrangement can be made for the establishment of a second line *via* Panama. There would be less chance of the adoption of such an extreme measure were the cost of the Suez line reduced.

I would also beg to call the attention of Her Majesty's Government to the inconveniences and delays arising out of the change of route. The steamers now proceed by way of Mauritius instead of by way of Ceylon. The consequence is, that the correspondence between Australia, India, and China is delayed, to such an extent, as to make it advisable, in many instances, to send letters by sailing vessels instead of by the steamers. For instance, a letter sent from here to India has to wait at Aden for a week or more before it is picked up by the India steamer; and the result of this delay, and of the additional time taken, first in sending the letter to Aden, and thence back again to Point de Galle is, that it takes about two months for a letter to reach Calcutta.

Again, the Mail from Calcutta reaches Aden about three days after the Australian steamer has left for the Mauritius; so that a delay of twenty-seven days is occasioned here, in addition to the time taken in running down from Point de Galle to Aden. I may observe that the traffic between this Colony and India and China is great and increasing, while that with the Mauritius is comparatively trifling. Most of the sugar imported comes either from the Philippines or Calcutta, and there are large importations of other articles from China, India, &c., which make it very desirable that the means of communication between these countries and Australia should be as speedy as possible.

With reference to the provision made for forwarding the Mails between Sydney and Melbourne, as alluded to in the letter of the Postmaster General, it would seem that difficulties have already arisen on account of the absence of proper Dock accommodation at Melbourne. In consequence of this the vessels which convey the Mail to Melbourne from Suez now come on to Sydney, the consequence being a delay of two days at least in the reception of letters, and a shortening by two days of the time afforded for replies by the earlier departure of the Mail Steamer. The Government of New South Wales does not wish to press this point unduly upon the consideration of the Government, or to throw difficulties in the way of the Contractors; but, it is evident that an arrangement which would practically make a difference of three days in the time afforded for answering letters is not one to be adopted hastily.

I have, &c.,

W. DENISON.

THE RIGHT HONORABLE

SIR E. BULWER LYTTON, BART.



1860.

## NEW SOUTH WALES.

## STEAM POSTAL COMMUNICATION.

(FURTHER DESPATCH RELATING TO.)

Presented to both Houses of Parliament by Command.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

*Downing-street,*

(Circular.)

1 December, 1859.

SIR,

With reference to my predecessor's Circular Despatches of the 16th of October, 1858, and 12th of April last, respecting the arrangements which had been entered into with the Peninsular and Oriental Steam Navigation Company for the conveyance of the Mails to the Australian Colonies, I transmit, for your information, the copy of a letter from the Treasury, forwarding a correspondence with the Directors of the Company relative to the change of route which they feel it necessary, in the interests of their shareholders, to propose to the Lords Commissioners.

You will learn from these papers, that the Company propose to conduct the service to Australia by way of Ceylon, instead of as heretofore by Mauritius, and to establish an independent line of steamers from Aden to Mauritius; but they express, at the same time, their belief that, even under this new arrangement, they will not be able to maintain the service without a further subsidy of twenty-five thousand pounds, for which they accordingly apply.

The Lords of the Treasury, you will observe, are prepared to assent to these arrangements, so far as the change of route is concerned; but they decline to sanction the grant of the subsidy, without being apprized of the views of the Australian Colonies on the question.

I should, therefore, wish to receive from you, at your earliest convenience, the assurance, which I trust you will be able to convey to me, that, with a view of preventing any interruption of the service, the Colony of New South Wales may be willing to contribute its share of the further subsidy of twenty-five thousand pounds asked for by the Company, in addition to the sum of one hundred and eighty thousand pounds, already contracted for.

I have, &amp;c.,

NEWCASTLE.

GOVERNOR SIR WILLIAM DENISON, K.C.B.,

&amp;c., &amp;c., &amp;c.,

New South Wales.

[Enclosure.]

Treasury Chambers,  
16 November, 1859.

Sir,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit, for the information of His Grace the Duke of Newcastle, the accompanying copies of a correspondence which has recently taken place between the Peninsular and Oriental Company and this Board relative to the route of the Australian Mail Service.

His Grace will perceive that the continuance of the Mail Service with Australia and the Mauritius has been endangered, but that my Lords have succeeded in making arrangements with the Peninsular and Oriental Company which, without involving any increase of payment, secure for the present the continuance of those services in the same time, and by routes which from the recent despatches it appears will be more satisfactory to the Colonies—namely, as regards the Mauritius, by an independent line to that Colony; and as regards Australia, by the route *via* Ceylon, which gives them the benefit of a communication with India and China, by the steamer which carries the English Mail.

His Grace will observe that the proper performance of these services will be ensured by the same penalties and conditions as had been agreed to in the original contract, and that, in sanctioning the deviation to Ceylon, my Lords have expressly stated that any arrangement made by the Peninsular and Oriental Company for obtaining traffic from India or China must not interfere with the main object of securing the greatest possible regularity in the performance of the postal service between Southampton and Sydney in a period not exceeding fifty-five days.

My Lords cannot doubt, looking both to the recent despatches (more especially those from the Governors of New South Wales and Mauritius) as well as the obvious advantage of the new routes, that their adoption would have been highly satisfactory to the Colonies, even if the alternative had not been a probable suspension of the service altogether. They think it right, however, to point out that the demand made by the Company was for an additional subsidy of £25,000 a year; and that although they have consented to try the Ceylon route, which it is stated will involve an additional expense of £55,000 a year for steamers for the independent service for Mauritius, without any increase of subsidy, they expressly state that they do so only provisionally, and it will remain open to them at any time to avail themselves of the usual clause in contracts of this description, of terminating their engagement by forfeiting a sum which in the draft of the original contract, ready for signature, had been fixed at £25,000.

My Lords, therefore, can feel no security that, in the event of the service *via* Ceylon continuing to be a source of loss to the Company, they may not after a short period avail themselves of this clause; and thus the Government may be placed in the alternative of allowing the service to be interrupted, or making fresh arrangements possibly involving some increase of subsidy.

Looking forward to this contingency, it would perhaps be well if His Grace the Duke of Newcastle were to ascertain the views of the Australian Colonies who are principally interested, and who now contribute half the cost of the service, and learn whether, in the event of any emergency arising, they would desire the Government here to act for them to the best of its power, with a view to prevent any interruption of the service, undertaking to contribute their half of the expense, beyond the £180,000, which might be incurred.

I have, &amp;c.,

S. LAING.

H. Merivale, Esq., C.B.,  
&c., &c., &c.

[Sub-enclosure 1.]

Peninsular and Oriental Steam Navigation Company,  
Offices, 122, Leadenhall-street, London, E. C.,  
November 4, 1859.

My Lords,

By order of the Board of Directors of this Company, I have the honor to make the following communication to your Lordships.

On the 5th October, 1858, in consequence of an advertisement, published by the Lords Commissioners of the Admiralty, inviting tenders from parties willing to perform the Steam Postal service with Australia, the Directors, on behalf of this Company made a tender for the execution of that service for the sum of £180,000 per annum.

This sum was, they have since learned, £70,000 per annum less than that demanded for the same service by a competing company (the Royal Mail Steam Company) who then also made a tender for it.

It was also £5,000 per annum less than the sum received by the former contractors for the service, who in nineteen months lost their whole capital of £400,000, and were involved in bankruptcy by undertaking it.

It was also between £70,000 and £80,000 per annum less than the cost of the temporary execution of the service between the time of the failure of the former contractors and the commencement of it by this Company.

The Directors ventured to undertake the service on so comparatively low terms, by combining it with the Postal Service to Mauritius, (for which they had also contracted) establishing

establishing the route of the Australian mails by that island, and thus by performing the two services by means of one line of vessels, saving the cost of running two steamers, which would have been required to execute the Mauritius service separately.

That cost would have amounted to about £55,000 annually, and by being so saved, enabled them to tender for so much less for the Australian service.

The Directors now regret to have to state, that the experience which they have had during the eight months that they have been carrying on the service is of such an unsatisfactory nature to the financial interests of the Company, that, in justice to their shareholders, they will feel compelled to relinquish the service under its present arrangement.

At the same time they beg to point out the only means by which they can see a prospect of being able to maintain the service without a loss to the Company.

The chief source, they would beg to observe, from which the maintenance of their other lines of postal communication is derived is the freight and passenger traffic, the subsidy for the postal service bearing but a small proportion of the expense.

On the Australian line the reverse is the case, the freight and passenger traffic contribute in a very small proportion to the expenses of the vessels, and the Directors, after every effort made by them to obtain an increase of it, see no prospect of being able to do so. The probable means of augmenting their traffic, to which the Directors advert, is to change the route of the Australian service to its former course, *via* Galle, to which point, by means of branch steamers from India and China, some additional freight and passenger traffic may be drawn to supplement the earnings of the Australian main line of steamers.

The Mauritius service to be performed by a separate line of steamers to and from Aden, as originally agreed upon; such an arrangement, the Directors submit, involves public advantages of an important nature, besides being in accordance with the now strongly expressed wishes of the Australian Colonies.

These colonists, and particularly the commercial class of them, complain that the present route cuts them off from direct communication with India and China, which they consider of great importance, as an extensive trade has recently been springing up with the latter countries.

On the other hand the Mauritius colonists are dissatisfied at their postal service being, as they consider, made subsidiary to the Australian service and interest for the purpose of reducing the expense in favor of Australia.

The Directors make these statements on what they consider reliable private sources of information, but they believe a reference to official information at the Colonial Office will confirm them.

The other objects of public importance embraced in the proposed arrangement are:—

- 1st. An extra direct postal communication would be provided with Ceylon, and thence by the branch steamer plying in connection with the main line with India and China,—such extra communication with the latter country, in the present aspect of our relations with it, being, it is assumed, of considerable importance.
- 2nd. It would render the transit of the Australian Mails more secure from interruption, as at Galle the Company would always have a vessel to take forward the Mails, either outwards or homewards, in the event of the Mail Steamer being disabled from proceeding, which would not be the case at Mauritius.
- 3rd. The converging of the extra communication thus proposed to be given at a point (Ceylon), whence radiate lines of telegraph to all the principal places in India, and which will, in every probability, be in a short time extended to the United Kingdom, enhances much both their political and social importance.

It now remains for the Directors to deal with the financial interests of their shareholders in reference to this proposed arrangement.

It will be obvious to your Lordships, that unless such an augmentation of the earnings of the steamers performing the Australian service can be obtained under the new arrangement as would not only cover the expense of £55,000, which would be incurred by the separate service for Mauritius, but also the present deficiency—estimated from ascertained results at £30,000 per annum—the service could not be carried on. Such an amount exceeds very far what the Directors calculate upon.

They are, however, prepared to take the chance on behalf of the Company of obtaining to the extent of £60,000 additional traffic by the branch lines, which, deducted from the present deficiency on the Australian line and the cost of maintaining a separate line for Mauritius, together making £85,000, will still leave £25,000 to be added to the present subsidy, which the Directors submit will form a very moderate consideration for the various public and national advantages herein pointed out.

The suggested change of the route can be effected without any irregularity in, or interruption of, the Mail Service between this country and Australia, and will not involve any alteration in the existing time table, beyond the substitution of Point de Galle for Mauritius, the dates of arrivals at and departures from each port remaining the same as at present.

I am only further instructed by the Directors to state, respectfully, that an early consideration and decision of the question will be of essential importance to the interests of the Company.

I have, &c.,

JAS. ALLAN.

(For the Secretary.)

The Lords Commissioners of  
Her Majesty's Treasury, Whitehall.

[Sub-enclosure



[Sub-enclosure 2.]

*Treasury Chambers,  
9 November, 1859.*

Gentlemen,

I have laid before the Lords Commissioners of Her Majesty's Treasury your Secretary's letter of the 4th instant, on the subject of your contract for the Conveyance of the Australian Mails, and I am directed to state that their Lordships have no objection to the substitution of the Ceylon route for that of Mauritius, as proposed by you, as soon as the necessary arrangements can be made, as they are disposed to think that the former route will be on the whole more satisfactory to the Colonies, and more for the interest of the public as well as of your Company.

As regards the question, however, of an increase of the present subsidy, £25,000 a year, it would be impossible for my Lords to agree to any increase, for reasons, among which it may be sufficient for the present to state, that no such increase could be sanctioned without consulting the Colonies who contribute a large proportion of the cost; nor could my Lords entertain any question of altering the present financial condition of the contract, without waiting for the report of the Committee of the House of Commons on Mail Contracts.

If, therefore, the Company wish to obtain the immediate sanction of the Government to the proposed change of route, you must be prepared to waive any question of increasing the amount of subsidy, and confine your application simply to a change of route.

My Lords would not object to sanction such an application, leaving to the Company the right of taking at any time any steps for terminating the contract by payment of the penalty of £25,000, which would have been open to them under the original contract; and further providing that, after two years' experience of the Ceylon route, either party may terminate the contract without penalty on giving 12 months' notice.

In the event of the Company adopting this course, the contract will have to be modified, so as to establish Ceylon for the Mauritius, and a separate contract made for the Mauritius. These contracts will be immediately prepared and signed, and in the meantime they may be acted upon as if signed.

It is assumed, however, that the proposed change will not be carried out until the Company are in a position to give Mauritius the full benefit of an independent service as originally contemplated, and that in all other respects the time table will remain unaltered. Also, that the Australian Mail Service will be considered as the main service, and that any arrangements which may be made for combining other services with it at Galle, Aden, or Suez, shall be of such a nature as not to interfere with that which is the main object of the contract, viz., the attainment of the greatest possible regularity in the transmission of the Australian Mails in a period not exceeding 55 days between Southampton and Sydney.

I am, &amp;c.,

S. LAING.

The Directors of the  
Peninsular and Oriental Company,  
122, Leadenhall-street.

[Sub-enclosure 3.]

*Peninsular and Oriental Steam Navigation Company's Office,  
122, Leadenhall-street, London, E.C.,  
14 November, 1859.*

Sir,

I have the honor, by order of the Directors, to acknowledge the receipt of your letter of the 9th instant, stating in reply to my communication of the 4th, that the Lords Commissioners of Her Majesty's Treasury have no objection to the substitution of the Ceylon route for that of Mauritius, for the Mail Contract Packets between Suez and Australia, and for the establishment of a separate monthly line of packets between Aden and the Mauritius, as originally agreed upon in the correspondence which took place between the Treasury and the Company in the early part of 1858, as soon as the necessary arrangements can be made; their Lordships being of opinion, that the route of Ceylon for the Australian packets will be, on the whole, more satisfactory to the Colonies, and more for the interest of the public, as well as of the Company.

In reply, I am desired to acquaint you, for the information of their Lordships, that the Directors will accordingly transmit instructions on the subject to their agents in India and Australia, by the next out-going mail; and that they hope to make arrangements for giving effect to the change of route with the departure, from Southampton, of the Mail of the 12th March, and the homeward departure, from Sydney, of the Mail of the 14th of the same month.

A steamer will, in that case, be provided at Aden for the conveyance, to Mauritius, of the March outward mail; and another, at Mauritius, for the conveyance, to Aden, of the mail leaving Mauritius about 7th April next.

The Directors beg respectfully to decline the proposition of their Lordships as regards the termination of the contract by either party, after two years' experience of the Ceylon route, without penalty on giving twelve months' notice; and they will prefer to adhere to the terms and conditions of their tender for the Australian service, with the exception of the alteration of the route.

The



## STEAM POSTAL COMMUNICATION.

5

The Directors feel it right, however, to repeat their opinion that, without the addition to the subsidy proposed in their letter of the 4th, the Company will not be able to maintain the Australian service, even under the new arrangement.

Samuel Laing, Esq., M.P.  
&c., &c., &c.,  
Treasury.

I have, &c.,  
C. W. HOWELL,  
Secretary.

[Sub-enclosure 4.]

Treasury Chambers,  
15 November, 1859.

Gentlemen,

The Lords Commissioners of Her Majesty's Treasury have directed me to state, in reply to your Secretary's letter of 14th instant, further on the subject of the proposed alteration in the route of the Australian Mail Service, that my Lords will not insist upon the condition, to which you object, as regards the termination of the contract by either party after two years' experience of the proposed route by Ceylon, and they will be prepared to adhere to the terms and conditions contained in the original tender for this service, and of that to the Mauritius, with the single exception of sanctioning the alteration of route as proposed in your Secretary's letter of 14th instant.

As the service, however, by the altered route, at the rates of subsidy fixed by the tenders is avowedly experimental on your part, it must be understood that the sanction thus given by Her Majesty's Government is also provisional—and may be recalled at any time upon reasonable notice, if circumstances should occur to render it desirable.

Among the circumstances, my Lords must repeat that much may depend on the manner in which your Company conduct their traffic at Galle, Aden, and the other points of junction, so as to satisfy the reasonable expectations of the Colonies of Australia and Mauritius, by whom so large a proportion of the subsidy is contributed.

The Directors of the Peninsular and  
Oriental Steam Navigation Company.

I remain, &c.,  
S. LAING.



1859-60.

**Legislative Assembly.**

**NEW SOUTH WALES.**

## **STEAM POSTAL SERVICE.**

(PETITION OF CERTAIN CITIZENS OF SYDNEY.)

*Ordered by the Legislative Assembly to be Printed, 22 February, 1860.*

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

The humble Petition of the undersigned Citizens of Sydney,—

**SHEWETH :—**

That your Petitioners have learned, with satisfaction, that certain parties have expressed their willingness to commence, without delay, a Steam Postal Service between Great Britain and Sydney *viâ* Panama.

That your Petitioners are informed that the parties tendering to perform this service are prepared to commence operations before the expiration of the current year, upon being guaranteed by the Colony a subsidy of £75,000, and are, moreover, ready to engage to deliver English letters in this Colony within forty-five days, whereas the letters by the Indian Service have never been delivered under fifty-five days from Southampton, and the course of post to the people of the Colony at large has not been less than five months.

That your Petitioners have never looked favorably upon the granting any exclusive subsidy to a Steam Service *viâ* Suez, being persuaded that the future well-being of this Colony, its natural prosperity, and its political status, are intimately bound up in the successful prosecution of Steam Communication *viâ* Panama.

That your Petitioners humbly pray that your Honorable House will take such steps as in your wisdom may seem desirable, to induce the immediate establishment of Steam Communication *viâ* Panama, and placing this Colony in the position of sole Australian contractors for the accomplishment of such service.

And your Petitioners will ever pray.

[*Here follow 998 Signatures.*]

Sydney : Thomas Richards, Government Printer, —1860.



1859-60.

*Legislative Assembly.*

NEW SOUTH WALES.

## STEAM POSTAL SERVICE.

(PETITION OF SYDNEY CHAMBER OF COMMERCE.)

*Ordered by the Legislative Assembly to be Printed, 10 February, 1860.*

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

The humble Petition of the Chamber of Commerce as represented by their  
Chairman,—

SHEWETH :—

That your Petitioners have had submitted to them a communication from the Peninsular and Oriental Steam Navigation Company, and upon which the said Company have requested an expression of opinion, proposing that the existing Steam Postal Service with the Mother Country *viâ* Suez shall, under certain stipulated provisos, cease and determine.

That, for many reasons, your Petitioners are averse to the stipulations proposed, not the least being that the adoption of them would completely annihilate all prospect of the establishment of a service *viâ* Panama.

That the argument urged by the Peninsular and Oriental Company, that under any circumstances they do not intend to continue the existing Contract, simplifies in a very great degree the steps which your Petitioners deem it would be advisable to take with respect to future Postal Communication.

That the Southern Colonies of the Australian Group appear to consider their interests involved in the continuance of Steam Communication *viâ* India, and, notwithstanding the readiness evinced by the Government of this Colony to co-operate with them in the Suez Service, they have hitherto steadily declined their support to the proposed communication *viâ* Panama.

That, in a question involving a heavy expenditure for a Postal subsidy, mere rapidity of communication is not the only consideration ; although your Petitioners are of opinion that this would be equally as well secured *viâ* Panama as *viâ* Suez.

That, as no Contract could be entered upon for a shorter term than seven years, your Petitioners place but little weight upon the argument of the advantage to be derived from Galle, being, as it shortly will be, in direct Telegraphic Communication with Europe, entertaining a sanguine hope that the wires of the Electric Telegraph will, at an early period, reach our Metropolis.

That the line of Steam Communication which is best calculated to benefit this Colony at large is the route *via* Panama; and, consequently, it is the only one entitled to the assistance of a Government subsidy.

That the Colonies of New Zealand and Queensland, and, as your Petitioners are informed, the Protectorate of Tahiti, being prepared to co-operate in the establishment of Steam Communication *via* Panama, the amount of contribution payable by this Colony would scarcely exceed the sum that has been already voted by Parliament.

That for all these reasons, as well as those others which at different times have been laid before your Honorable House, your Petitioners humbly pray that you will decline all assistance whatever towards carrying out any new arrangement with the Peninsular and Oriental Steam Navigation Company; but, taking the premises into your consideration, will adopt such course as may appear to your Honorable House the best calculated, by independent action on the part of the Parliament of this Colony, to advance the public interests.

And your Petitioners will ever pray.

ALEX. STUART,  
Chairman.

1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## STEAM POSTAL SERVICE.

(PROCEEDINGS OF EXECUTIVE COUNCIL ON 2 APRIL, 1860.)

*Ordered by the Legislative Assembly to be Printed, 5 April, 1860.*

*PROCEEDINGS of the Executive Council on the subject of Steam Postal Communication with England.*

Extract from Minute No. 60/16, dated 2 April, 1860.

**Present:—**

HIS EXCELLENCY THE GOVERNOR GENERAL.

THE HONORABLE THE VICE-PRESIDENT.

THE HONORABLE THE SECRETARY FOR LANDS.

THE HONORABLE THE COLONIAL TREASURER.

THE HONORABLE THE SECRETARY FOR WORKS.

REFERRING to previous proceedings on the subject of Steam Postal Communication with England *via* Suez and *via* the Isthmus of Panama, His Excellency the Governor General now again invites the attention of the Council to the question, and lays before them a despatch from the Right Honorable the Secretary of State, transmitting the copy of a letter from the Treasury, forwarding a correspondence with the Directors of the Peninsular and Oriental Company, relative to the change of route which they feel it necessary, in the interests of their shareholders, to propose to the Lords Commissioners.

2. It appears, from these documents, that the Peninsular and Oriental Company propose to conduct the service to Australia by way of Ceylon, instead of, as heretofore, by Mauritius, and to establish an independent line of steamers from Aden to Mauritius; but they intimate, at the same time, their belief that even under this new arrangement they will not be able to maintain the service without a further subsidy of £25,000, for which they accordingly apply.

3. The Lords of the Treasury are prepared to assent to the change of route, but have declined to sanction the grant of the additional subsidy without being first apprised of the views of the Australian Colonies in reference to the matter; and His Grace the Secretary of State therefore desires to be informed whether, with a view of preventing any interruption of the service, this Colony is willing to contribute its share of the further subsidy asked for by the Company, in addition to the sum of £180,000 already contracted for.

4. It is also understood, but of this neither His Excellency nor the Council have any official intimation, that the Peninsular and Oriental Company are disposed entirely to modify the terms of the present contract, and to substitute for it a contract for a fortnightly service from Australia to Galle, in connection with their existing India and China line, and to effect such new service for the same subsidy which they ask for the modified arrangement referred to in the despatch now before the Council—that is to say, for a subsidy of £205,000.

5. Communications which have been received by the Chamber of Commerce in this and the adjoining Colony of Victoria leave no doubt that such is the disposition of the Company; and although the proposal has not been officially brought under His Excellency's notice, he desires the advice of the Council in reference to it, as well as to that upon which the Secretary of State seeks an expression of opinion from the Colony.

6. The arrangements under which it is proposed to effect the fortnightly service are precisely in accordance with the general views adopted by this Government when the question of Steam Postal Communication was under consideration in the years 1858 and 1859, as recorded in the proceedings of the Executive Council on the 9th and 16th August, 1858, and on the 10th May, and 13th June, 1859; and so far, therefore, the proposal meets the approval of the Council;—but, bearing in mind that both branches of the Legislature have, by express resolutions, distinctly affirmed their preference for the Panama route, as that best calculated to subserve the interests of this Colony, and that the same view is entertained by the community generally (if the opinions enunciated in the public press may be taken as a test), the Council are unwilling to commit themselves to any unqualified approval of, or sanction to, either of these proposals—which, if accepted, might have the effect of prejudicing the establishment of the service which the voice of the Legislature and community so clearly approve.

7. They are not therefore prepared to advise that this Colony should be a party to any contract which would bind it to support for a series of years the Postal Service by the Suez route. Fully alive, however, to the inconvenience which would necessarily result from an interruption of Steam Postal Communication with this Colony, the Council are not disposed to recommend that either of the proposals in question should be absolutely rejected; on the contrary, they are quite willing to advise that whichever of the two proposals may be ultimately approved by the Colonies most interested in the maintenance of the Suez route, this Colony should subsidize that service so long only as it is used by the Colony, and should support it upon the same terms, and in the same rateable proportion, as the contribution to the present contract is paid.

8. This expression of opinion, however, is that of the Executive Government only, and may not be shared by the Legislature. Before, therefore, pledging the Colony to any particular line of action with respect to the proposals, the Council advise that, so soon as the state of the public business admits, His Excellency the Governor General should by Message invite the concurrence of both Houses of the Colonial Parliament in the views above expressed, and should at the same time suggest to the Legislature the expediency of preparing the way by resolution or otherwise for the passage of a Bill authorising the Government to negotiate further with Her Majesty's Government for the establishment of the Panama route, and binding the Colony to contribute one-half of the necessary subsidy.

9. It appears to the Council that it is only by so binding the Colony that the establishment of the route will be eventually attained.

10. The Council further desire to reiterate the opinion which stands recorded in the proceedings above referred to, viz. :—That the service by way of Panama need not be a through service, but should be established in connection with the existing service to the West India Islands and Chagres.

11. As some time must elapse before the opinion of the Legislature can be obtained, the Council think it desirable that His Excellency should intimate to the Secretary of State that the proposals contained in His Grace's despatch are under consideration, and that the delay in deciding upon them is due to the necessity for securing the concurrence of the Colonial Parliament.

EDWARD C. MEREWETHER,  
Clerk of the Council.



1859.

## NEW SOUTH WALES.

## POSTAGE ON NEWSPAPERS.

(DESPATCHES RELATIVE TO.)

Presented to both Houses of Parliament, by Command.

## SCHEDULE.

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## POSTAGE ON NEWSPAPERS.

### No. 1.

THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

(Circular.)

*Downing-street,  
5 March, 1859.*

SIR,

I transmit, for your information and guidance, the copy of a letter from the General Post Office, announcing that, in order to cover the cost of transit through Egypt it is intended that, on and after the 1st of April next, an additional rate of one penny shall be levied on all newspapers posted in the United Kingdom, addressed to Mauritius, Ceylon, or any of the Australian Colonies, and forwarded, *via* Suez, from Southampton, thereby making the total charge upon such newspapers two-pence each.

You will also see that you are authorized to adopt a similar regulation in regard to newspapers sent to this country by the same route.

I have, &c.,

GOVERNOR SIR W. DENISON, K.C.B.,  
&c.,      &c.,      &c.

E. B. LYTTON.

[Enclosure in No. 1.]

*General Post Office,  
22 February, 1859.*

Sir,

I am directed by the Postmaster General to acquaint you, for the information of Sir Edward Bulwer Lytton, that to cover the cost of the transit through Egypt it is intended, on the 1st April next, and thence forward, to levy an additional charge of one penny each upon all newspapers posted in the United Kingdom, addressed to Mauritius, Ceylon, or any of the Australian Colonies, and forwarded by way of Southampton, making the total charge upon such newspapers two-pence each.

This transit rate has hitherto been charged upon book packets only, but there seems to be no sufficient reason for the anomaly, especially considering that the cost of the conveyance of the Mails is greater than the whole amount of postage derived from the correspondence, and the Lords Commissioners of the Treasury have directed, therefore, by their Warrant dated the 16th instant, that from the date mentioned the transit rate shall be also collected on all newspapers sent across the Isthmus of Suez.

As this regulation will be equally applicable to newspapers sent in the opposite direction, I am to request that Sir Edward Lytton will write to the Officers administering the Governments of Ceylon and Mauritius, and will ask them to cause an additional rate of one penny each to be collected in future upon all newspapers addressed to the United Kingdom, and sent *via* Southampton, such additional rate to be accounted for to this Office in the Letter Bill of the Mail by which the newspapers are forwarded.

The Governors of the several Australian Colonies should also be informed that they will be entitled to adopt a similar regulation for the collection of an additional rate of one penny upon newspapers sent to the United Kingdom, *via* Suez and Southampton, but under the arrangement agreed upon for the division of the postage upon Australian correspondence, the whole sum collected upon the newspapers will be retained in the Colony.

I am desired, at the same time, to observe, that it has been foreseen that for some little time after the change takes effect, newspapers will continue to be occasionally posted upon which, through ignorance of the new regulation, the senders will only prepay the present rate of one penny, and as it will not be advisable to stop such newspapers, the Treasury Warrant provides that those posted in this country under such circumstances shall be sent forward charged with the amount of the deficient postage added to a fine of one penny. It is not intended, however, that this course of proceeding shall give rise to any accounts between this Office and the Post Office of Ceylon, Mauritius, or Australia. The deficient postage and fine is to be retained by the Colonial Post Office collecting it.

A similar regulation should be made in Ceylon, Mauritius, and the Australian Colonies, with respect to newspapers addressed to the United Kingdom upon which the additional rate of postage is not prepaid, such newspapers should be sent forward charged with the deficient postage and a fine of one penny.

## POSTAGE ON NEWSPAPERS.

3

I have only to add, that it is not proposed to increase the charge upon newspapers forwarded *via* Marseilles and Suez, as the postage now levied, three-pence each, is sufficient to cover the transit rates paid for the conveyance of the newspapers through both France and Egypt, and still leave a penny for the ordinary postage on a newspaper from the United Kingdom to a British Colony.

H. Merivale, Esq., C.B.,  
&c., &c., &c.

I have, &c.,  
F. HILL.

## No. 2.

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

Downing-street,  
16 March, 1859.

SIR,

With reference to my Circular Despatch of the 5th instant, I transmit for your information the copy of a further letter from the General Post Office, stating that for the reasons there specified the period from which the additional charge upon newspapers sent *via* Southampton, between the United Kingdom and places to the eastward of Suez, shall take effect, has been postponed until the 1st of January, 1860.

GOVERNOR SIR W. DENISON, K.C.B.,  
&c., &c., &c.

I have, &c.,  
E. B. LYTTON.

[Enclosure in No. 2.]

General Post Office,  
12 March, 1859.

Sir,

With reference to my letter of the 22nd ultimo, respecting the additional charge proposed to be levied upon newspapers sent by way of Southampton, between the United Kingdom and places to the eastward of Suez, I am directed by the Postmaster General to acquaint you, for the information of Secretary Sir Edward B. Lytton, that in consequence of the strong representations which have been made to his Lordship of the inconvenience likely to be occasioned to the publishers of newspapers and to the public generally, if the proposed regulation be carried into effect without a long previous notice, the Lords Commissioners of the Treasury have, by a further Warrant, postponed until the 1st of January, 1860, the period from which the additional charge shall be levied.

The Postmaster General requests that this postponement may be communicated to the Officers administering the Governments of Ceylon, Mauritius, and the several Australian Colonies.

H. Merivale, Esq., C.B.,  
&c., &c., &c.

I have, &c.,  
F. HILL.

## No. 3.

THE POSTMASTER GENERAL'S REPORT.

(No. 59-2959.)

Considering that the Expenditure of the Post Office Department in New South Wales is greatly in excess of the Revenue, and that the extra charge of one penny upon newspapers transmitted between the United Kingdom and the Australian Colonies, *via* Suez and Southampton, is intended to cover the cost of transit through Egypt, and will be adopted by the Imperial Government, it would appear reasonable, and tending to uniformity, if the increased rate be also levied in New South Wales from 1st January, 1860, as proposed, and I beg to recommend its adoption accordingly.

To prevent misconception, however, and having reference to the Minute from the Chief Secretary's Office, dated 1st instant, I apprehend that there is no compulsion in the matter, and that it is optional with the Government of this Colony to adopt the additional rate, or otherwise, as may be deemed expedient.

The arrangement detailed in the letter from the Secretary of the London Post Office, dated 22nd February, 1859, and referred to in the Minute in question as providing that unless newspapers posted in the Colony pay here a postage rate of 2d., instead of 1d., the extra charge will be made to the parties to whom they are addressed on delivery in the United Kingdom, has reference, as it appears to me, *only* to a temporary arrangement intended

intended to protect senders from suffering through ignorance of the new Regulations, though perhaps also proceeding on the supposition that this Colony *will* co-operate with Great Britain in the establishment of the increased rate of postage.

I conceive that no additional postage, as a permanent measure, will be levied in England on newspapers sent to the United Kingdom from this Colony, *via* Suez and Southampton, should the Government decide that the postage rate on such newspapers shall continue to be 1d. instead of 2d.

THE HONORABLE  
THE CHIEF SECRETARY.

W. H. CHRISTIE,  
P. M. G.  
8 June, 1859.

#### No. 4.

*PROCEEDINGS of the Executive Council on the 13th June, 1859, with respect to Despatches from the Secretary of State for the Colonies, on the subject of an additional rate of 1d. on Newspapers carried through Egypt.*

#### Minute No. 59-24.

HIS Excellency the Governor General lays before the Council two Despatches, dated respectively the 5th and 16th March last, from the Right Honorable the Secretary of State for the Colonies, with enclosures, announcing that in order to cover the cost of transit through Egypt, it is intended that from the 1st January, 1860, an additional rate of one penny shall be levied on all newspapers posted in the United Kingdom addressed to the Australian Colonies, and forwarded *via* Suez from Southampton, and authorising the adoption of a similar regulation, in regard to newspapers sent to the United Kingdom from these Colonies by the same route.

2. His Excellency at the same time lays before the Council a Minute by the Postmaster General reporting upon the subject, and consults them as to the measures which it will be advisable to adopt with respect to the levying of the increased rate upon newspapers forwarded from this Colony.

3. The Council having deliberated at some length, express an opinion that the question is one with which it will be unadvisable to deal until the decision of Parliament shall have been obtained with respect to it; the more especially as it has been the aim of Legislation to diminish to the utmost extent possible the cost of transmission of newspapers by post.

4. They therefore confine themselves to advising, that copies of the Despatches and accompanying correspondence now before them be laid upon the Tables of both Houses of Parliament, on an early day after the commencement of the ensuing Session.

*Executive Council Office,*  
*Sydney, 29 June, 1859.*  
No. 59-614.

A. ORPEN MORIARTY,  
Clerk of the Council.

1859.

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NEW SOUTH WALES.

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# TIME TABLE.

(P. & O. S. N. COMPANY.)

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Presented to both Houses of Parliament, by Command.

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THE SECRETARY OF STATE FOR THE COLONIES to THE GOVERNOR GENERAL.

*Downing-street,*  
21 February, 1859.

SIR,

I transmit for your information the accompanying copies of a Time Table, which have been forwarded to this Department from the General Post Office, for India, China, and Australia Mail Services for the year 1859.

I have, &c.,

E. B. LYTON.

GOVERNOR

SIR W. DENISON, K.C.B.,  
&c.,      &c.,      &c.

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TABLE, SHEWING THE PROPOSED MOVEMENTS OF THE CONTRACT MAIL STEAM PACKETS OF THE  
**Peninsular and Oriental Steam Navigation Company.**  
**FOR THE YEAR 1859.**

APPROVED BY THE LORDS COMMISSIONERS OF THE ADMIRALTY.

OUTWARD ROUTE.										HOMEWARD ROUTE.									
Line 1.		Line 2.		Line 3.		Line 4.		Line 5.		Line 6.		Line 7.		Line 8.		Line 9.		Line 10.	
Southampton and Alexandria.		Marseilles and Alexandria.		Suez and Bombay.		Suez and Melbourne.		Melbourne and Sydney.		Suez and Calcutta.		Bombay and China.		Hong-Kong and Shanghai.		Hong-Kong and Shanghai.		Manilla and Hong-Kong.	
Steamer.	Leaves.	Steamer.	Leaves.	Steamer.	Leaves.	Steamer.	Leaves.	Steamer.	Leaves.	Steamer.	Leaves.	Steamer.	Leaves.	Steamer.	Leaves.	Steamer.	Leaves.	Steamer.	Leaves.
A	4 Jan.	F	13 Jan.							Q	19 Jan.	V	25 Jan.	a	26 Feb.	d	24 Feb.	d	24 Feb.
B	19 Jan.	G	28 Jan.							R	9 Feb.	W	15 Feb.	b	16 Mar.	e	13 Mar.	e	13 Mar.
C	30 Jan.	H	8 Feb.							S	25 Feb.	X	3 Mar.	c	27 Mar.	d	26 Mar.	d	26 Mar.
D	10 Feb.	I	19 Feb.							T	10 Mar.	Y	16 Mar.	d	18 Apr.	e	16 Apr.	e	16 Apr.
E	21 Feb.	J	29 Feb.							U	25 Mar.	Z	31 Mar.	e	2 Apr.	d	29 Apr.	d	29 Apr.
F	4 Mar.	K	13 Mar.							V	10 Apr.		16 Apr.	f	18 May.	e	16 May.	e	16 May.
G	19 Mar.	L	28 Mar.							W	25 Apr.		31 Apr.	g	2 May.	d	29 May.	d	29 May.
H	30 Mar.	M	8 Apr.							X	10 May.		16 May.	h	18 May.	e	16 May.	e	16 May.
I	10 Apr.	N	19 Apr.							Y	25 May.		31 May.	i	2 Jun.	d	29 Jun.	d	29 Jun.
J	21 Apr.	O	29 Apr.							Z	10 Jun.		16 Jun.	j	18 Jun.	e	16 Jun.	e	16 Jun.
K	4 May.	P	13 May.								1 Jun.		16 Jun.	k	18 Jun.	d	29 Jun.	d	29 Jun.
L	19 May.	Q	28 May.								2 Jun.		16 Jun.	l	18 Jun.	e	16 Jun.	e	16 Jun.
M	30 May.	R	8 Jun.								3 Jun.		16 Jun.	m	18 Jun.	d	29 Jun.	d	29 Jun.
N	10 Jun.	S	19 Jun.								4 Jun.		16 Jun.	n	18 Jun.	e	16 Jun.	e	16 Jun.
O	21 Jun.	T	29 Jun.								5 Jun.		16 Jun.	o	18 Jun.	d	29 Jun.	d	29 Jun.
P	4 Jul.	U	13 Jul.								6 Jul.		16 Jun.	p	18 Jun.	e	16 Jun.	e	16 Jun.
Q	19 Jul.	V	28 Jul.								7 Jul.		16 Jun.	q	18 Jun.	d	29 Jun.	d	29 Jun.
R	30 Jul.	W	8 Aug.								8 Jul.		16 Jun.	r	18 Jun.	e	16 Jun.	e	16 Jun.
S	10 Aug.	X	19 Aug.								9 Aug.		16 Jun.	s	18 Jun.	d	29 Jun.	d	29 Jun.
T	21 Aug.	Y	29 Aug.								10 Aug.		16 Jun.	t	18 Jun.	e	16 Jun.	e	16 Jun.
U	4 Sep.	Z	13 Sep.								11 Aug.		16 Jun.	u	18 Jun.	d	29 Jun.	d	29 Jun.
V	19 Sep.		28 Sep.								12 Aug.		16 Jun.	v	18 Jun.	e	16 Jun.	e	16 Jun.
W	30 Sep.		8 Oct.								13 Aug.		16 Jun.	w	18 Jun.	d	29 Jun.	d	29 Jun.
X	10 Oct.		19 Oct.								14 Aug.		16 Jun.	x	18 Jun.	e	16 Jun.	e	16 Jun.
Y	21 Oct.		29 Oct.								15 Aug.		16 Jun.	y	18 Jun.	d	29 Jun.	d	29 Jun.
Z	4 Nov.		13 Nov.								16 Aug.		16 Jun.	z	18 Jun.	e	16 Jun.	e	16 Jun.
	19 Nov.		28 Nov.								17 Aug.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	30 Nov.		8 Dec.								18 Aug.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	10 Dec.		19 Dec.								19 Aug.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	21 Dec.		29 Dec.								20 Aug.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	4 Jan.		13 Jan.								21 Aug.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	19 Jan.		28 Jan.								22 Aug.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	30 Jan.		8 Feb.								23 Aug.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	10 Feb.		19 Feb.								24 Aug.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	21 Feb.		29 Feb.								25 Aug.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	4 Mar.		13 Mar.								26 Aug.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	19 Mar.		28 Mar.								27 Aug.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	30 Mar.		8 Apr.								28 Aug.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	10 Apr.		19 Apr.								29 Aug.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	21 Apr.		29 Apr.								30 Aug.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	4 May.		13 May.								1 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	19 May.		28 May.								2 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	30 May.		8 Jun.								3 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	10 Jun.		19 Jun.								4 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	21 Jun.		29 Jun.								5 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	4 Jul.		13 Jul.								6 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	19 Jul.		28 Jul.								7 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	30 Jul.		8 Aug.								8 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	10 Aug.		19 Aug.								9 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	21 Aug.		29 Aug.								10 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	4 Sep.		13 Sep.								11 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	19 Sep.		28 Sep.								12 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	30 Sep.		8 Oct.								13 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	10 Oct.		19 Oct.								14 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	21 Oct.		29 Oct.								15 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	4 Nov.		13 Nov.								16 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	19 Nov.		28 Nov.								17 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	30 Nov.		8 Dec.								18 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	10 Dec.		19 Dec.								19 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	21 Dec.		29 Dec.								20 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	4 Jan.		13 Jan.								21 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	19 Jan.		28 Jan.								22 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	30 Jan.		8 Feb.								23 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	10 Feb.		19 Feb.								24 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	21 Feb.		29 Feb.								25 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	4 Mar.		13 Mar.								26 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	19 Mar.		28 Mar.								27 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	30 Mar.		8 Apr.								28 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	10 Apr.		19 Apr.								29 Sep.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	21 Apr.		29 Apr.								30 Sep.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	4 May.		13 May.								1 Oct.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	19 May.		28 May.								2 Oct.		16 Jun.		18 Jun.	e	16 Jun.	e	16 Jun.
	30 May.		8 Jun.								3 Oct.		16 Jun.		18 Jun.	d	29 Jun.	d	29 Jun.
	10 Jun.		19 Jun.								4 Oct.		16 Jun.		18 Jun.	e			

1859-60.

**Legislative Assembly.**

NEW SOUTH WALES.

## STEAM POSTAL SERVICE.

*Ordered by the Legislative Assembly to be Printed, 28 February, 1860.*

W. DENISON,  
*Governor General.*

*Message No. 27.*

In reply to the Address presented this day, enclosing copies of certain Resolutions adopted by the Legislative Assembly upon the subject of Steam Postal Communication *via* Panama, the Governor General, with every desire to comply with the wishes of the Assembly, is under the necessity of stating that he feels it will be difficult, if not impossible, to carry into execution the provisions of an enactment such as that contemplated by the Assembly, for he is unable to see how any Contract for the Conveyance of Mails to and from England and New South Wales can be entered into "without reference to the Imperial Government."

Any Bill, however, which may be passed by both Houses of the Legislature for the purpose in question, shall receive the most careful consideration of the Executive Government.

*Government House,*  
28 February, 1860.

Sydney: Thomas Richards, Government Printer.—1860.





1859-60.

**Legislative Assembly.**

NEW SOUTH WALES.

**MRS. MARY JONES.**

(PETITION OF.)

*Ordered by the Legislative Assembly to be Printed, 27 January, 1860.*

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

The Petition of Mary Jones, of Bargo, in the County of Camden, widow,—

HUMBLY SHEWETH:—

That your Petitioner's late husband, Joseph Henry Jones, contracted with the Government of New South Wales to convey the Mails from Sydney to Melbourne for and during the year 1851.

That in consequence of the gold discovery in the month of February in that year, the price of wages, horses, and forage became exorbitant.

That nearly all the persons employed by the said Joseph Henry Jones, to carry out the said Contract, threw up or abandoned their employment shortly after the said discovery, and that all the Out-Contractors, who had agreed with the said Joseph Henry Jones to convey the said Mails from Gundagai to Melbourne, threw up their Contracts.

That the said Joseph Henry Jones, by reason of his exertions to carry out the the said Contract, in or about the month of April in the said year, became subject to such bodily and mental disease as totally incapacitated him from further personal attendance on the performance of the said Contract.

That the said Joseph Henry Jones had not then entered into the required recognizances for the due fulfilment of the said Contract.

That your Petitioner, under the circumstances above set forth, in or about the month of April, or early in the month of May, in the said year, waited on the then Colonial Secretary, the Honorable E. Deas Thomson, on behalf of her said husband, for the purpose of throwing up the said Contract, and forfeiting the four months' Mail money then due, and then shewed to the said E. Deas Thomson, from her husband's books and accounts, that he had already incurred a loss of about £1,500 (one thousand five hundred pounds).

That the said Colonial Secretary thereupon stated to your Petitioner, that, if her said husband would give the required security, and continue the said Contract, any loss your Petitioner's said husband might sustain would be made good by the Government at the end of the term for which the said Contract was taken.

That, on the faith of such statement, your Petitioner obtained and gave the required security, and on her said husband's behalf performed the said Contract, advancing to him a large sum of money belonging to the children of your Petitioner's first husband, John Lupton.

That

That had the said Contract been thrown up in the said month of May, only the Mail money due would have been forfeited by the said Joseph Henry Jones, amounting, as your Petitioner believes, to a sum not exceeding £300 (three hundred pounds); that all Postal Communication on the Southern Road would have ceased, and, that the Government would have been put to trouble, delay, and expense in finding another person or persons to place horses and vehicles on the road from Sydney to Melbourne.

That, after the termination of the said Contract, the said Joseph Henry Jones applied to the Government for compensation for the losses he had sustained in the fulfilment thereof, and that, by direction of the said Government, all accounts that could be collected by the said Joseph Henry Jones, for the purpose of shewing the amount of loss he had sustained, were forwarded to the Auditor General's Office, in Sydney, for examination, and have never since been returned.

That your Petitioner believes her said husband, Joseph Henry Jones, lost by fulfilment of the said Contract, a sum of money exceeding (£5,000) Five Thousand Pounds; but your Petitioner is unable to set forth the particulars of such loss, by reason of the evidence thereof being in the custody of the Auditor General.

That neither the said Joseph Henry Jones, nor your Petitioner, have ever received any recompense or compensation for the said loss.

Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to take the premises into your favorable consideration.

And your Petitioner will ever pray, &c.

M. JONES.

ESTIMATES  
OF THE  
PROBABLE EXPENDITURE  
OF THE  
GOVERNMENT  
OF  
NEW SOUTH WALES,  
FOR THE YEAR  
**1860.**

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Ordered by the Legislative Assembly to be Printed,  
28 SEPTEMBER, 1859.

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SYDNEY:  
THOMAS RICHARDS, GOVERNMENT PRINTER,  
PHILLIP-STREET.  
—  
1859.



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Secretary for Public Works .. .. .	69 to 80
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Sydney Gaol .. .. .	31
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**W**

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NEW SOUTH WALES.

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ESTIMATES OF EXPENDITURE,  
1860.

DETAILED.

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## No. I.—SCHEDULES.

## SCHEDULE A.

							PROVIDED IN SCHEDULE.	PROVIDED BY COLONIAL ACTS.
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	
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

## SCHEDULE B.

## Pensions.

To JUDGES on their ceasing to hold Office:—								
Roger Therry, late Puisne Judge	...	...	...	...	...	...	.....	1,050 0 0
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	
Francois Lewis Shaw Merewether, formerly Auditor General	...	...	...	...	...	...	900 0 0	
John Hubert Plunkett, Q.C., formerly Attorney General	...	...	...	...	...	...	1,200 0 0	
Sir William Montague Manning, Q.C., formerly Solicitor General	...	...	...	...	...	...	800 0 0	4,900 0 0
To THE UNDERMENTIONED PENSIONERS, according to the Scale and Rates by the Superannuation Acts of the Imperial Parliament 4 & 5 Gul. IV., cap. 24, and 22 Vic., cap. 26, viz. :—								
William Lithgow, formerly Auditor General	...	...	...	...	...	...	379 3 4	
John Thompson, late Deputy Surveyor General	...	...	...	...	...	...	502 4 4	
William Carter, late Registrar General	...	...	...	...	...	...	300 0 0	
William W. Billyard, late Civil Crown Solicitor	...	...	...	...	...	...	86 13 4	
John Moore Dillon, late Criminal Crown Solicitor	...	...	...	...	...	...	216 13 4	
John Nicholson, formerly Harbour Master	...	...	...	...	...	...	200 0 0	
Merion Marshall Moriarty, formerly Port Master	...	...	...	...	...	...	134 10 5	
Thomas Henry Blackburn Venour, late Shipping Master	...	...	...	...	...	...	102 13 6	
Charles Ormsby, late Superintendent of Penal Establishment at Cockatoo Island	...	...	...	...	...	...	91 13 4	
George Boyle White, late Surveyor	...	...	...	...	...	...	222 10 0	
James Larmer, do.	...	...	...	...	...	...	167 0 0	
Thomas Scott Townsend, do.	...	...	...	...	...	...	137 11 2	
John James 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	
William Charles Greville, do.	...	...	...	...	...	...	368 3 10	
Benjamin Pitt Griffin, sen., late Clerk in the Colonial Treasury	...	...	...	...	...	...	79 0 0	
Carried forward	...	...	...	...	...	£	3,501 17 0	

## ESTIMATES OF EXPENDITURE—1860.

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## No. I.—SCHEDULES.

## SCHEDULE B.—continued.

## Pensions—continued.

Brought forward	..	...	...	£	3,501	17	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	
Osborne 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	
William Sheridan Wall, late Curator, Australian Museum	...	...	...	...	77	15	6	
Rev. Frederick Wilkinson, late Colonial Chaplain	...	...	...	...	188	11	8	
Mrs. Smith, Widow of Judge Advocate Bent	...	...	...	...	200	0	0	
Mrs. Susannah Mileham, Widow of Surgeon Mileham	...	...	...	...	100	0	0	
Benjamin Shaw, late Assistant Harbor Master	...	...	...	...	93	9	0	
William Galvin, late Messenger, Legislative Council...	...	...	...	...	35	5	8	
Michael Doyle, do., Colonial Treasury	...	...	...	...	39	10	0	
Samuel Moore 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	
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	
Edward Wilson, do., Penrith Police	...	...	...	...	14	18	3	
Thomas Hinton, late Porter, Customs	...	...	...	...	28	4	0	
William Flinn, late Turnkey, Bathurst Gaol	...	...	...	...	41	3	9	
John Brennan, do., Parramatta Gaol	...	...	...	...	28	16	0	
Charles Watson, late Pilot, Moreton Bay	...	...	...	...	58	6	8	
J. G. N. Gibbes, late Collector of Customs	...	...	...	...	710	8	4	
F. Garling, late Landing Surveyor, Customs	...	...	...	...	273	16	8	
John Bramwell, late Landing Waiter, Customs	...	...	...	...	92	10	8	
David Nash, late Warehouse Keeper, Customs	...	...	...	...	190	12	6	
A. W. Rolleston, late Landing Waiter, Customs	...	...	...	...	118	15	0	

6,276 9 1

Amount provided by the Schedule ... .. £ ..... 3,500 0 0

Amount to be Voted ... .. £ ..... 2,776 9 1

## Pensions to be Voted.

Lady Amelia S. Forbes, Widow of Sir Francis Forbes, formerly Chief Justice	200	0	0	
Lady Harriett 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. Edward Robert Stack, late Master of the Benevolent Asylum, Sydney	133	6	8	
				733 6 8
TOTAL ... .. £ ..... 733 6 8				

## ESTIMATES OF EXPENDITURE—1860.

## No. I.—SCHEDULES.

No. I.—SCHEDULES.											
No. of Persons.		SCHEDULE C.						SALARIES AND CONTINGENCIES.			
1859	1860							Amount appropriated for 1859.		Amount reserved for 1860.	
								£		£	
Public Worship.											
CHURCH OF ENGLAND.											
DIOCESE OF SYDNEY.											
1	1	Bishop of Sydney and Metropolitan	...	...	...	...	...	*1,500		1,500	
1	1	Dean of Sydney	...	...	...	...	...	300		300	
8	8	Clergymen, at £250	...	...	...	...	...	750		750	
30	30	Do. at £200	...	...	...	...	...	6,000		6,000	
1	1	Do. at £160	...	...	...	...	...	160		160	
8	8	Do. at £150	...	...	...	...	...	1,200		1,200	
2	2	Do. at £100	...	...	...	...	...	200		200	
									10,110		10,110
		In lieu of Forage for one horse each, to four Clergymen, at 2s. 6d. per diem	...	...	...	...	...	183		183	
		In lieu of House Rent; one at £50, and two at £60 each, per annum	...	...	...	...	...	170		170	
									353		353
46	46										10,463
DIOCESE OF NEWCASTLE.											
1	1	Bishop of Newcastle	...	...	...	...	...	500		500	
1	1	Clergyman	...	...	...	...	...	250		250	
12	12	Clergymen, at £200	...	...	...	...	...	2,400		2,400	
3	3	Do. at £150	...	...	...	...	...	450		450	
5	5	Clergymen, at £100	...	...	...	...	...	500		500	
									4,100		4,050
											4,050
		BALANCE UNAPPROPRIATED	...	...	...	...	...	.....		.....	121
22	22	TOTAL	...	...	...	...	...	£	.....	.....	14,634
PRESBYTERIAN CHURCH.											
4	4	Minister, at £200	...	...	...	...	...	800		800	
13	13	Do. at £150	...	...	...	...	...	1,950		1,950	
1	1	Minister	...	...	...	...	...	103		103	
									2,853		2,853
18	18	TOTAL	...	...	...	...	...	£	.....	.....	2,853
WESLEYAN METHODIST CHURCH.											
1	1	Minister, at £200	...	...	...	...	...	200		200	
8	8	Ministers, at £150	...	...	...	...	...	1,200		1,200	
1	1	Minister	...	...	...	...	...	173		173	
									1,573		1,573
10	10	TOTAL	...	...	...	...	...	£	.....	.....	1,573

\* It is understood that, with the Revenue from Bishopthorpe, the salary of the Metropolitan will be £2,000 per annum

## ESTIMATES OF EXPENDITURE—1860.

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## No. I.—SCHEDULES.

No. of Persons.		SCHEDULE C.—continued.						SALARIES AND CONTINGENCIES.			
1859	1860							Amount appropriated for 1859.		Amount reserved for 1860.	
								£		£	
		Public Worship—continued.									
		ROMAN CATHOLIC CHURCH.									
1	1	Archbishop ...	...	...	...	...	...	800		800	
1	1	Vicar General ...	...	...	...	...	...	300		300	
20	20	Clergymen, at £200	...	...	...	...	...	4,000		4,000	
17	17	Do., at £150	...	...	...	...	...	2,550		2,550	
									7,650		7,650
		Allowance for Travelling Expenses...	...	...	...	...	...	.....	200	.....	200
											7,850
		BALANCE UNAPPROPRIATED	...	...	...	...	...	.....		.....	1,090
39	39	TOTAL	...	...	...	...	...	£	.....		8,940
<hr/>											
RECAPITULATION:—											
		CHURCH OF ENGLAND	...	...	...	...	...	14,634		14,634	
		PRESBYTERIAN CHURCH	...	...	...	...	...	2,853		2,853	
		WESLEYAN METHODIST CHURCH	...	...	...	...	...	1,573		1,573	
		ROMAN CATHOLIC CHURCH	...	...	...	...	...	8,940		8,940	
									28,000		28,000
		TOTAL	...	...	...	...	...	£	.....	.....	28,000





## II.

### Executive and Legislative.

#### SUMMARY.

										*Voted for 1859.	Required for 1860.
His Excellency the Governor General	...	...	...	...	...	...	...	...	...	1,406	1,406
Executive Council	...	...	...	...	...	...	...	...	...	1,162	1,012
Legislative Council...	...	...	...	...	...	...	...	...	...	5,435	5,745
Legislative Assembly	...	...	...	...	...	...	...	...	...	7,501	7,447
Legislative Council and Assembly...	...	...	...	...	...	...	...	...	...	1,993	2,043
TOTAL	...	...	...	...	...	...	...	...	£	17,497	17,653

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

*The Treasury, New South Wales,  
28th September, 1859.*

E. C. WEEKES.

No. II.—EXECUTIVE AND LEGISLATIVE.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860	His Excellency the Governor General.						Amount Voted for 1859.		Amount Required for 1860.	
								£		£	
		SALARIES.									
1	1	Private Secretary (provided in Schedule.)									
1	1	a Aide-de-Camp, at 9s. 6d., per diem... ..						173		173	
1	1	Clerk to Private Secretary ... ..						315		315	
1	1	Messenger, at 3s. 11d. per diem ... ..						71		71	
		Mounted Orderlies,—									
1	1	Serjeant, at 3s. 8½d. per diem... ..						68		68	
1	1	Corporal, at 2s. 8½d. „ ... ..						50		50	
3	3	Troopers, at 1s. 8½d. „ ... ..						94	771	94	771
		CONTINGENCIES.									
		Provisions for the Orderlies .. ..						74		74	
		Forage for seven Horses ... ..						511		511	
		Remount Horses ... ..						50	635	50	635
9	9	TOTAL ... ..						£ .....	1,406	.....	1,406
<hr/>											
		Executive Council.									
		SALARIES.									
1	1	Clerk of the Council ... ..						600		600	
1	1	Clerk ... ..						300		300	
1	...	Clerk ... ..						150		.....	
1	1	Messenger ... ..						84		84	
1	1	b Officekeeper... ..						18	1,152	18	1,002
		CONTINGENCIES.									
		Incidental Expenses ... ..						.....	10	.....	10
5	4	TOTAL ... ..						£ .....	1,162	.....	1,012

a Officer on the General Staff, allowance 7s. per diem.

b Officekeeper to Principal Secretary's Department.  
Salary 3s. 4d. per diem.

## ESTIMATES OF EXPENDITURE—1860.

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No. II.—EXECUTIVE AND LEGISLATIVE.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860							Amount Voted for 1859.	Amount Required for 1860.
		<b>Legislative Council.</b>							
		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	...	...	...	...	...	500	500
1	1	Short-hand Writer	...	...	...	...	...	400	400
1	1	First Clerk	...	...	...	...	...	400	400
1	1	Second Clerk	...	...	...	...	...	300	300
1	1	Third Clerk...	...	...	...	...	...	250	250
1	1	Usher of the Black Rod	...	...	...	...	...	400	400
1	1	Chief Messenger	...	...	...	...	...	150	150
1	1	Assistant Messenger	...	...	...	...	...	110	110
...	1	Do.	...	...	...	...	...	.....	110
1	1	a Doorkeeper	...	...	...	...	...	120	120
								5,030	5,140
		CONTINGENCIES.							
1	1	Sessional Short-hand Writer	...	...	...	...	...	100	100
...		Extra Clerical Assistance (6 months)	...	...	...	...	...	.....	175
3	3	Extra Messengers, at £110 (6 months)	...	...	...	...	...	165	165
		Sperm Candles	...	...	...	...	...	50	50
		Gas Light	...	...	...	...	...	40	40
		Incidental Expenses	...	...	...	...	...	50	75
								405	605
		TOTAL	...	...	...	...	£ .....	5,435	5,745
16	17								

<sup>a</sup> Provided with Quarters.

## No. II.—EXECUTIVE AND LEGISLATIVE.

No. of Persons.										SALARIES AND CONTINGENCIES.			
1859	1860									Amount Voted for 1859.		Amount Required for 1860.	
		Legislative Assembly.											
		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	Short-hand 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		
		CONTINGENCIES.									6,440		6,440
1	1	Sessional Short-hand Writer	...	...	...	...	...	...	225		200		
2	2	Extra Copying Clerks, at £175 (6 months)	...	..	...	...	...	...	175		175		
4	4	Extra Messengers, at £110 do.	...	...	...	...	...	...	220		220		
		Sperm Candles	...	...	...	...	...	...	167		167		
		Gas Light	...	...	...	...	...	...	45		45		
		Paging 100 sets of Votes and Proceedings...	...	...	...	...	...	...	29		.....		
		Incidental Expenses...	...	..	..	...	...	...	200		200		
23	23	TOTAL								£	.....	1,061	1,007
											7,501	.....	7,447

## No. II.—EXECUTIVE AND LEGISLATIVE.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Legislative Council and Assembly.</b>									
		SALARIES.						£		£	
1	1	a	Librarian	...	...	...	...	400		400	
1	1		Assistant Librarian...	...	...	...	...	250		250	
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	
									1,213		1,213
		CONTINGENCIES.									
		<i>Library.</i>									
			Sperm Candles	...	...	...	...	44		44	
			Books and Periodicals	...	...	...	...	450		450	
			Insurance of Books	...	...	...	...	21		26	
			Incidental Expenses	...	...	...	...	30		50	
		<i>Refreshment Room.</i>									
3	3		Servants (6 months) at 6s. 9d. each, per diem	...	...	...	...	185		185	
			Sperm Candles	...	...	...	...	40		40	
			Gas for two Lamps over Entrance Gates of Parliament Houses	...	...	...	...	.....		10	
			Incidental Expenses	...	...	...	...	10		25	
									780		880
10	10		TOTAL	...	...	...	...	£ .....	1,993	....	2,043

a Provided with Quarters.

b Provided with Quarters, and Fuel, and Light.



## III.

## Principal Secretary.

## SUMMARY.

	* Voted for 1859.	Required for 1860.
Principal Secretary...	4,828	4,753
Government Resident, Moreton Bay	900	900
Do., Port Curtis	730	730
Registrar General ...	6,625	6,525
Post Office ...	24,510	24,221
Conveyance of Mails ...	51,050	50,950
National Schools ...	20,000	.....
Denominational Schools ...	20,000	.....
Education ...	.....	50,000
Protestant Orphan School ...	3,513	3,578
Roman Catholic Orphan School ...	3,135	3,404
Immigration and Quarantine ...	167,799	136,124
Sydney Police—Judicial :—		
Central Police Office ...	2,818	2,218
Water Police ...	1,255	1,240
Sydney Police—Executive :—		
Inspector General and Metropolitan Police ...	22,060	22,355
Water Police ...	2,442	2,451
Horse Patrol ...	3,440	3,447
Police, Country Districts—Judicial :—		
Police Magistrates ...	5,005	5,730
Do., acting as Clerks of Petty Sessions ...	3,575	3,250
Clerks of Petty Sessions ...	12,600	12,600
General Contingencies... ..	1,844	2,187
Police, Country Districts—Executive :—		
First class Chief Constables ...	5,600	5,950
Second class Chief Constables ...	4,920	4,760
District Constables ...	5,928	6,498
Ordinary Constables ...	40,757	34,384
General Contingencies... ..	9,990	9,990
Detective Police throughout the Colony ...	1,123	1,123
Horse Patrol and Gold Police ...	32,274	35,804
Gold Contingent ...	1,250	1,250
Police, General Service ...	2,500	2,500
Native Police ...	13,574	12,207
Gaols :—Sydney ...	7,859	7,197
Parramatta ...	4,219	4,223
Bathurst ...	2,885	2,888
Maitland ...	2,632	2,635
Goulburn ...	1,799	1,704
Brisbane ...	2,115	2,355
Country Districts ...	.....	500
Penal Establishment, Cockatoo Island ...	10,245	7,395
Printing, Postage Stamps, Lithographing, and Bookbinding Department ...	15,781	14,937
Observatory ...	2,357	1,390
Health Officers, and Medical Board ...	724	724
Vaccine Institution ...	477	577
Lunatic Asylum, Tarban ...	6,960	6,892
Do., Parramatta ...	11,198	10,230
Naval Allowance ...	5,000	5,000
Military Allowance... ..	8,179	9,000
Royal Artillery ...	7,368	7,308
Charitable Allowances ...	17,846	20,483
Grants in aid of Public Institutions ...	16,100	30,600
Aborigines ...	455	500
Miscellaneous ...	27,508	15,300
TOTAL... ..	£ 627,753	602,867

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."



## No. III.—PRINCIPAL SECRETARY.

No. III.—PRINCIPAL SECRETARY.															
No. of Persons.		Principal Secretary.										SALARIES AND CONTINGENCIES.			
1859	1860											Amount Voted for 1859.		Amount Required for 1860.	
		SALARIES.										£		£	
1	1	Principal Secretary (provided in Schedule.)													
1	1	Under Secretary	...	...	...	...	...	...	...	...	800		800		
1	1	Chief Clerk	...	...	...	...	...	...	...	...	630		630		
1	1	Clerk	...	...	...	...	...	...	...	...	400		400		
3	3	Clerks, at £375	...	...	...	...	...	...	...	...	1,125		1,125		
1	1	Clerk	...	...	...	...	...	...	...	...	315		350		
1	1	Clerk	...	...	...	...	...	...	...	...	225		250		
1	4	Clerks, at £200	...	...	...	...	...	...	...	...	200		800		
3	...	Clerks, at £175	...	...	...	...	...	...	...	...	525		.....		
1	1	(a) Messenger, at 5s. 8d. per diem	...	...	...	...	...	...	...	...	103		103		
1	1	Do., at 6s. 9d. do.	...	...	...	...	...	...	...	...	123		123		
1	1	(b) Officekeeper, at 3s. 4d. do.	...	...	...	...	...	...	...	...	61		61		
1	1	(a) Watchman, at 5s. do.	...	...	...	...	...	...	...	...	91		91		
												4,598		4,733	
CONTINGENCIES.															
		Extra Clerical Assistance as required	...	...	...	...	...	...	...	...	100		.....		
		Newspapers for Record, and for the Secretary of State	...	...	...	...	...	...	...	...	*50		.....		
		Public General Acts, Parliamentary Papers, Annual Army List, and Royal Calendar	...	...	...	...	...	...	...	...	*50		.....		
		Incidental Expenses	...	...	...	...	...	...	...	...	30		20		
												230		20	
17	17	TOTAL	...	...	...	...	...	...	...	...	£	.....	4,828	.....	4,753
<hr/>															
Government Resident, Moreton Bay.															
1	1	Government Resident	...	...	...	...	...	...	...	...	700		700		
1	1	Clerk	...	...	...	...	...	...	...	...	200		200		
												900		900	
2	2	TOTAL	...	...	...	...	...	...	...	...	£	.....	900	.....	900
<hr/>															
Government Resident, Port Curtis.															
1	1	Government Resident	...	...	...	...	...	...	...	...	700		700		
		Incidental Expenses	...	...	...	...	...	...	...	...	30		30		
														730	
1	1	TOTAL	...	...	...	...	...	...	...	...	£	.....	730	.....	730

(a) Provided with quarters.

(b) Provided with quarters and fuel and light.

\* Provided for 1860 under the head "Stationery and Stores," No. V. "Treasurer and Secretary for Finance and Trade."

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—PRINCIPAL SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Registrar General.</b>						£		£	
		<b>SALARIES.</b>									
1	1	Registrar General	...	...	...	...	...	700		700	
		<i>Registration of Deeds' Branch:—</i>									
1	1	Deputy Registrar of Deeds	...	...	...	...	...	350		400	
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	...	...	...	...	...	250		250	
1	1	Clerk	...	...	...	...	...	230		230	
1	1	Do.	...	...	...	...	...	200		200	
1	1	Do.	...	...	...	...	...	150		150	
2	2	Clerks, at £75	...	...	...	...	...	150		150	
1	1	(a) Messenger and Office Keeper	...	...	...	...	...	120		120	
									3,175		3,225
		<b>CONTINGENCIES.</b>									
		Allowances to District Registrars	...	...	...	...	...	2,750		3,000	
		Freight and Carriage of Books and Forms	...	...	...	...	...	50		50	
		Rent of Office	...	...	...	...	...	400		.....	
		Additional Clerical assistance, and unforeseen expenses	...	...	...	...	...	250		250	
									3,450		3,300
15	15	TOTAL	...	...	...	...	...	£ .....	6,625	.....	6,525

(a) Provided with quarters.

No. III.—PRINCIPAL SECRETARY.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860							Amount Voted for 1859.	Amount Required for 1860.
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	3	Clerks, at £375	...	...	...	...	1,500		1,125
1	1	Clerk	...	...	...	...	315		300
1	1	Clerk	...	...	...	...	300		300
1	1	Clerk	...	...	...	...	260		275
1	1	Clerk	...	...	...	...	245		275
3	...	Clerks, at £230	...	...	...	...	690		.....
4	4	Clerks, at £215	...	...	...	...	860		860
...	4	Clerks, at £200	...	...	...	...	.....		800
8	7	Clerks, at £175	...	...	...	...	1,400		1,225
...	2	Clerks, at £150	...	...	...	...	.....		300
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
5	5	Suburban Letter Carriers, at £120...	...	...	...	...	600		600
1	1	Landing and Shipping Officer	...	...	...	...	200		200
2	2	Mail Boys, at £78	...	...	...	...	156		156
1	1	Principal Messenger	...	...	...	...	120		120
2	4	Messengers, at £108	...	...	...	...	216		432
1	1	(a) Office Keeper	...	...	...	...	52		52
1	1	Night Watchman	...	...	...	...	84		84
6	7	Mail Guards, at £150	...	...	...	...	900		1,050
9	9	Country Letter Carriers, at £120	...	...	...	...	1,080		1,080
		Country Postmasters	...	...	...	...	7,000		7,600
		Sub-Postmasters	...	...	...	...	300		.....
1	1	Inspector for the Supervision of Contracts and Post Offices, including Travelling Expenses	...	...	...	...	500	22,750	500
									23,306
CONTINGENCIES.									
Temporary Extra Clerks and Sorters						500		.....	
Extra Assistance in Sorting English Mails						200		.....	
Uniforms for Letter Carriers and Guards						155		180	
Forage and Farriery for three horses						225		225	
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		.....	
Three Iron Pillar Letter Boxes						60		60	
Incidental Expenses						320		300	
							1,760		915
82	86	TOTAL	..	...	...	£ .....	24,510	.....	24,221

(a) Provided with quarters and fuel and light.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—PRINCIPAL SECRETARY.

No. III.—PRINCIPAL SECRETARY.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860							Amount Voted for 1859.	Amount Required for 1860.
		<b>Conveyance of Mails.</b>						£	£
		Within and Beyond the Settled Districts ... ..						47,000	48,000
		Gratuities for Ships' Mails, Foreign and Coastwise ...						2,000	2,200
		Landing and Shipping Mails, including Portage... ..						150	150
		Incidental Expenses in connexion with Railways ... ..						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 ... ..						1,600	500
								51,050	50,950
		TOTAL ... .. £						51,050	50,950
<hr/>									
		<b>National Schools.</b>							
		For the support of Schools, and Incidental Expenses of the Board, including the Allowances to the Teachers ... ..						20,000	.....
<hr/>									
		<b>Denominational Schools.</b>							
		For the support of Schools, and Incidental Expenses of the Board, including the Allowances to the Teachers ... ..						20,000	.....
<hr/>									
		<b>Education.</b>							
		Elementary Schools... .. £						.....	50,000
<hr/>									
		<b>Protestant Orphan School.</b>							
		SALARIES.							
		109 Boys. 79 Girls.							
1	1	a Matron ... ..						164	164
1	1	b Master ... ..						93	93
1	1	c Surgeon ... ..						73	73
1	1	b Schoolmaster ... ..						120	120
3	3	Assistant Teachers, £70, £60, £20 ... ..						150	150
15	15	Attendants—one at £60, one at £50, one at £44, three at £35 each, three at £30 each, four at £25 each, one at £24, and one at £20 ... ..						493	493
								1,093	1,093
22	22	Carried forward ... .. £						1,093	1,093

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; salary £149 per annum.

No. III.—PRINCIPAL SECRETARY.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860	Protestant Orphan School—continued.						Amount Voted for 1859.		Amount Required for 1860.	
								£			
		Brought forward	...	...	£	.....	1,093	.....	1,093		
CONTINGENCIES.											
		School Books	...	...	...	80		80			
		Provisions	...	...	...	1,934		2,000			
		Fuel and Light	...	...	...	138		150			
		Forage	...	...	...	55		55			
		Medicines	...	...	...	60		50			
		Incidental Expenses	...	...	...	153		150			
							2,420		2,485		
		TOTAL	...	...	£	.....	3,513	.....	3,578		
<hr/>											
Roman Catholic Orphan School.											
SALARIES.											
102 Boys. 95 Girls.											
1	1	a Matron	..	...	...	130		164			
1	1	Surgeon	...	...	...	71		71			
1	1	Schoolmaster	...	...	...	120		120			
1	1	Clerk to the Committee	...	...	...	80		80			
...	1	Assistant Teacher	...	...	...	.....		80			
2	2	Girls' Teachers, at £70 and £60	...	...	...	130		130			
...	1	Infant Teacher	...	...	...	.....		50			
11	11	Attendants—one at £60, one at £44, five at £25, three at £20 each, and one at £30	...	...	...	255		319			
							786		1,014		
CONTINGENCIES.											
		School Books	...	...	...	40		40			
		Provisions	...	...	...	2,000		2,000			
		Fuel and Light	...	...	...	150		150			
		Medicines	...	...	...	70		50			
		Incidental Expenses	...	...	...	89		150			
							2,349		2,390		
17	19	TOTAL	...	...	£	.....	3,135	.....	3,404		

a The Officers residing in the Establishment are each allowed a ration of provisions.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—PRINCIPAL SECRETARY.

No. of Persons.		Immigration.		SALARIES AND CONTINGENCIES.			
1859	1860			Amount Voted for 1859.		Amount Required for 1860.	
		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 ... ..		54,955	79,955	75,000	75,000
		Immigration Remittances ... ..		25,000			
		TO PAY OFF DEBENTURES FALLING DUE.					
		From Revenue ... ..		.....	80,000	53,000	53,000
		By Loan ... ..		80,000		.....	
		ESTABLISHMENTS.					
1	1	<i>Sydney.</i>					
1	1	Agent ... ..		650		650	
1	1	Chief Clerk ... ..		350		350	
1	1	Clerk ... ..		250		250	
1	1	Do. (Accountant) ... ..		250		255	
1	1	Do. ... ..		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	2,516	300	2,621
1	1	<i>d</i> Medical Attendant ... ..		75		75	
1	1	<i>e</i> Matron ... ..		55		55	
1	1	<i>e</i> Wardsman ... ..		30		30	
		CONTINGENCIES.					
		Additional Clerical Assistance ... ..		200		200	
		Provisions:—Sydney £1,000; Moreton Bay £1,000 ... ..		2,000		2,000	
		Medicines, and Medical Attendance, Advertising, Cartage, and Incidental Expenses,—					
		Sydney £440; Moreton Bay £220 ... ..		660		660	
		Conveyance of Immigrants into the Interior, including the cost of maintenance of the several Depôts ... ..		500		1,250	
		Fuel and Light, Moreton Bay ... ..		75		75	
					3,435		4,185
					5,951		6,806
		QUARANTINE.					
		SALARIES.					
1	1	<i>f</i> Overseer of Stores ... ..		150	393	150	318
3	2	<i>f</i> Boatmen, at £75 ... ..		225		150	
1	1	Nurse ... ..		18		18	
		CONTINGENCIES.					
		Expenses of Vessels in Quarantine... ..		1,000		1,000	
		Demurrage ... ..		500		.....	
					1,500		1,000
					1,893		1,318
18	17	TOTAL ... ..		£ .....	167,799	.....	136,124

*a* Provided with quarters and a double ration of provisions.  
*b* Do. do. and a single do.  
*c* Do. do.

*d* Also Health Officer; salary £100 per annum.  
*e* Provided with quarters and rations for self and family.  
*f* Provided with quarters.

## ESTIMATES OF EXPENDITURE—1860.

No. III.—PRINCIPAL SECRETARY.									
No. of Persons.								SALARIES AND CONTINGENCIES.	
1859	1860	Sydney Police.—Judicial.						Amount Voted for 1859.	Amount Required for 1860.
		CENTRAL POLICE OFFICE.							
		SALARIES.						£	£
1	...	Police Magistrate	...	...	...	...	...	630	.....
1	1	Clerk of Petty Sessions	...	...	...	...	...	430	430
1	1	Clerk	...	...	...	...	...	350	350
1	1	Do.	...	...	...	...	...	300	300
1	1	Do.	...	...	...	...	...	230	230
...	1	Do.	...	...	...	...	...	.....	230
4	3	Clerks, at £200	...	...	...	...	...	800	600
1	...	Interpreter's Fees	...	...	...	...	...	25	.....
1	1	Office Keeper	...	..	...	...	...	25	25
								2,790	2,165
		CONTINGENCIES.							
		Interpreter's Fees	...	...	...	...	...	.....	25
		Incidental Expenses	...	...	...	...	...	28	28
								28	53
11	9	TOTAL	...	...	...	...	£	.....	2,218
Water Police.									
		SALARIES.							
1	1	Police Magistrate and Shipping Master	...	..	...	...	...	630	630
1	1	Clerk of Petty Sessions	...	...	...	...	...	275	275
1	1	Clerk	...	...	...	...	...	225	225
1	...	Interpreter's Fees	...	..	...	...	...	25	.....
1	1	<sup>a</sup> Office Keeper	...	..	...	...	...	40	25
								1,195	1,155
		CONTINGENCIES.							
		Interpreter's Fees	...	...	...	...	...	.....	25
		Incidental Expenses	...	...	...	...	...	.....	60
								60	85
5	4	TOTAL	...	...	...	...	£	.....	1,240

<sup>a</sup> Provided with quarters, fuel, and light.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—PRINCIPAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Sydney Police—Executive.			
		Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
		INSPECTOR GENERAL AND METROPOLITAN POLICE.			
		SALARIES.			
		INSPECTOR GENERAL.			
1	1	Inspector General and Metropolitan Superintendent	800	800	
1	1	Clerk	375	375	
1	1	Do. (Accountant)	300	300	
1	1	Do.	300	300	
1	1	Do.	250	250	
1	1	Do.	175	175	
1	1	Do.	150	150	
1	1	a Office Keeper	25	25	
8	8		2,375		2,375
		METROPOLITAN POLICE.			
1	1	Chief Inspector, at 10s. 8d. per diem	195	195	
4	4	Inspectors in Charge, at 9s. 7d. „	700	702	
6	6	Do. (Divisional) at 9s. „	985	988	
14	18	Serjeants, at 8s. 3d. „	2,108	2,718	
130	126	Constables, at 6s. „	14,235	13,835	
2	2	Female Searchers, at £10 per annum	20	20	
			18,243		18,458
		CONTINGENCIES.			
		Allowance to Inspector of Weights and Measures	150	150	
		Do. to Chinese Interpreter	150	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	
		Rent of Office	250	250	
		Removing and destroying carcasses of animals on the highways	50	50	
		Rewards to Firemen for prompt attendance with their Engines at Fires	20	20	
		Incidental Expenses	220	300	
			1,442		1,522
157	157	TOTAL	£ 22,060	£ 22,355	
		WATER POLICE.			
		SALARIES.			
2	2	Sub-Inspectors, at 9s. per diem	329	329	
3	3	Coxswains, at 6s. 6d. „	355	357	
12	12	Constables, at 6s. „	1,314	1,318	
3	3	Do., for special duty on shore, at 6s. per diem	328	330	
			2,326		2,334
		CONTINGENCIES.			
		In lieu of clothing, 20 men, at 3d....	91	92	
		Provisions	25	25	
			116		117
20	20	TOTAL	£ 2,442	£ 2,451	

a Provided with Quarters, Fuel, and Light.

b Also Superintendent of the Vaccine Institution; Salary £240 per annum.



## No. III.—PRINCIPAL SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Sydney Police—Executive—continued.</b>									
		<b>HORSE PATROL.</b>						£		£	
1	1	Inspector, at 9s. 7d. per diem	...	...	...	...	...	174		175	
1	1	Serjeant, at 8s. 3d.	...	...	...	...	...	150		151	
2	2	Corporals, at 6s. 6d.	...	...	...	...	...	237		238	
14	14	Mounted Constables, at 6s. per diem	...	...	...	...	...	1,534		1,538	
									2,095		2,102
		<b>CONTINGENCIES.</b>									
		Forage for eighteen Horses	...	...	...	...	...	1,000		1,000	
		Remount Horses	...	...	...	...	...	120		120	
		Horse Shoeing	...	...	...	...	...	100		100	
		Veterinary Attendance	...	...	...	...	...	30		30	
		Repairs of Arms and Saddlery	...	...	...	...	...	45		45	
		Incidental Expenses	...	...	...	...	...	50		50	
									1,345		1,345
18	18	TOTAL	..	..	..	£	.....	.....	3,440	.....	3,447

## ESTIMATES OF EXPENDITURE—1860.

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## 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.	No. of Persons.	Amount.
		£	£	£		£
Albury .....	Albury .....	375	.....	175	3	725
	Meragie (Gold Field) .....	.....	.....	175		
	Tumbarumba (do) .....	.....	.....	.....		
Armidale .....	Armidale .....	375	.....	175	3	725
	Walcha .....	.....	.....	.....		
	Bendemeer .....	.....	.....	.....		
	Bundara .....	.....	.....	.....	3	775
Bathurst .....	Uralla (Gold Field) .....	.....	.....	175		
	Bathurst .....	375	.....	225		
	Sofala (Gold Field) .....	.....	.....	175	3	925
Balranald .....	Balranald .....	.....	.....	.....		
	Lang's Crossing Place .....	†375	.....	175		
	Euston .....	.....	.....	.....	1	175
	Wentworth .....	375	.....	.....		
Berrima .....	Berrima .....	.....	.....	175		
Binalong .....	Burrowa .....	.....	.....	175	1	175
	Binalong .....	.....	.....	.....	1	150
Braidwood .....	Braidwood .....	.....	.....	150	1	225
Brisbane .....	*Brisbane .....	.....	.....	225	1	175
Bombala .....	Bombala .....	.....	.....	175	1	325
Broulee .....	Moruya .....	.....	325	.....	1	225
Camden and Narellan ...	Camden .....	.....	.....	225	1	.....
	Picton .....	.....	.....	.....	1	175
Campbelltown .....	Campbelltown .....	.....	.....	175	1	325
Carcoar .....	Carcoar .....	.....	325	.....	1	.....
	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 .....	‡530	.....	175	2	705
Drayton .....	Drayton .....	.....	.....	175	2	350
	Callandoon .....	.....	.....	175		
	Dubbo .....	.....	.....	175		
	Coonabarabran .....	.....	.....	175	1	175
Dungog .....	Dungog .....	.....	.....	175		
	Clarence Town .....	.....	.....	.....		
Eden .....	Eden .....	.....	325	.....	1	325
	Bega .....	.....	.....	.....	.....	.....
	Pambula .....	.....	.....	.....	.....	.....
Gayndah .....	Gayndah .....	.....	.....	150	2	300
	Nanango .....	.....	.....	150		
Gosford .....	Gosford .....	.....	.....	175	1	175
Goulburn .....	Goulburn .....	375	.....	200	2	575
Gladstone .....	Gladstone .....	.....	.....	175	2	350
	Rockhampton .....	.....	.....	175		
	Keppel Bay .....	.....	.....	.....		
	Canoonah (Gold Field) .....	.....	.....	.....	1	175
Grafton .....	Grafton .....	.....	.....	175	2	550
Gundagai .....	Gundagai .....	375	.....	175	1	325
Hartley .....	Hartley .....	.....	325	.....	2	600
Ipswich .....	Ipswich .....	375	.....	225	1	175
Kiama .....	Kiama .....	.....	.....	175	1	150
Leichhardt .....	Tarooma .....	.....	.....	150	1	150
Maitland .....	East Maitland .....	350	.....	200	2	550
	West Maitland .....	.....	.....	.....		
	Morpeth .....	.....	.....	.....	.....	.....
Carried forward .....		£ 3,880	1,625	6,275	50	11,780

\* The duty of Police Magistrate is performed by the Deputy Sheriff.

† This Officer performs duty at Balranald.

‡ This Officer performs duty at Moulamein and Moama.

No. III.—PRINCIPAL SECRETARY.						
Police, Country Districts—Judicial—continued.					TOTAL.	
SALARIES.						
POLICE DISTRICT.	BENCHES.	Salary of Police Magistrate.	Salary of Police Magistrate acting as Clerk of Petty Sessions.	Salary of Clerk of Petty Sessions.	No. of Persons.	Amount.
	Brought forward .....	£ 3,880	1,625	6,275	50	11,780
McLeay .....	Belgrave.....	.....	.....	175	1	175
	West Kempsey .....	.....	.....	.....	...	.....
McDonald River.....	St. Alban's.....	.....	.....	.....	...	.....
Manning River .....	Wingham .....	.....	.....	175	1	175
	Bungay Bungay.....	.....	.....	.....	...	.....
	Cundle Town.....	.....	.....	.....	...	.....
Maryborough .....	Maryborough .....	.....	.....	175	1	175
Moama .....	Moama .....	.....	.....	175	1	175
Molong .....	Molong .....	.....	.....	175	2	350
	Condobolin.....	.....	.....	175		
Moulamein .....	Moulamein.....	.....	.....	.....	...	.....
Mudgee .....	Mudgee .....	.....	325	.....	2	500
	Louisa Creek (Gold Field) ...	.....	.....	.....		
	Avisford (Do.) .....	.....	.....	175		
Murrurundi .....	Murrurundi .....	.....	.....	175	1	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.....	.....	.....	225	1	225
	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
Seone .....	Seone .....	.....	325	.....	1	325
Shoalhaven.....	Nowra .....	.....	.....	175	1	175
	Numba .....	.....	.....			
	Ulladulla .....	.....	.....			
Tamworth .....	Tamworth .....	.....	.....	175	2	350
	Gunnadah .....	.....	.....	175		
	Nundle (Gold Field) .....	.....	.....	.....		
Tabulam.....	Casino .....	375	.....	175	2	550
	Lismore .....	.....	.....	.....	...	.....
Tenterfield .....	Tenterfield .....	.....	.....	175	1	175
Tumut .....	Tumut .....	375	.....	175	2	550
	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
	Walgett .....	.....	.....	.....	...	.....
Wellington.....	Wellington.....	.....	.....	175	3	525
	Stoney Creek (Gold Field) ...	.....	.....	175		
	Tambaroora (Do) .....	.....	.....	175		
	Burrundong (Do) .....	.....	.....	.....		
Wellingrove .....	Wellingrove .....	.....	.....	.....	...	.....
	Glen Innes.....	.....	.....	175	1	175
	Inverell.....	.....	.....	.....	...	.....
Windsor.....	Windsor.....	.....	.....	200	1	200
Wollongong .....	Wollongong .....	.....	.....	175	1	175
Wollombi .....	Wollombi .....	375	.....	175	2	550
Yass .....	Yass .....	.....	.....	175	1	175
TOTAL.....£		5,780	3,250	12,600	95	21,580

## ESTIMATES OF EXPENDITURE—1860.

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No. III.—PRINCIPAL SECRETARY.									
Police, Country Districts—Executive.								TOTAL.	
SALARIES.									
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	7	707	10	1,110
	Meragle (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
	Tumberumba (do) .....	.....	.....	.....	.....	.....	.....	.....	.....
Armidale .....	Armidale .....	175	.....	.....	.....	3	303	11	1,224
	Walcha .....	.....	.....	1	114	2	202		
	Bendemeer .....	.....	.....	1	114	1	101		
	Bundara .....	.....	.....	1	114	1	101		
	Uralla (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
Bathurst .....	Bathurst .....	175	.....	3	342	12	1,212	16	1,729
	Sofala (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
Balranald .....	Balranald .....	.....	.....	1	114	3	303	21	2,143
	Lang's Crossing-place .....	175	.....	.....	.....	3	303		
	Euston .....	.....	.....	.....	.....	.....	.....		
	Wentworth .....	175	.....	.....	.....	3	303		
	Fort Bourke .....	.....	.....	1	114	2	202		
	Minindi .....	.....	.....	1	114	2	202		
	*Minindi, Fort Bourke, and Wentworth .....	.....	.....	.....	.....	3	138	.....	.....
Berrima .....	Berrima .....	175	.....	.....	.....	5	505	6	680
Binalong .....	Burrowa .....	175	.....	.....	.....	3	303	6	693
	Binalong .....	.....	.....	1	114	1	101	4	478
Braidwood .....	Braidwood .....	175	.....	.....	.....	3	303		
Brisbane .....	Brisbane .....	175	.....	2	228	13	1,313	16	1,716
Bombala .....	Bombala .....	.....	140	.....	.....	3	303	4	443
Broulee .....	Moruya .....	.....	140	.....	.....	3	303	5	544
	.....	.....	.....	.....	.....	1	101		
Camden and Narellan .....	Camden .....	175	.....	.....	.....	5	505	8	895
	Picton .....	.....	.....	1	114	1	101		
Campbelltown .....	Campbelltown .....	175	.....	1	114	2	202	5	592
	.....	.....	.....	.....	.....	1	101		
Carcoar .....	Carcoar .....	175	.....	1	114	5	505	9	1,009
	Canowindra .....	.....	.....	1	114	.....	.....		
	Cowra .....	.....	.....	.....	.....	1	101	.....	.....
	Taena (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
Cassilis .....	Cassilis .....	.....	140	.....	.....	2	202	5	557
	Merriwa .....	.....	.....	1	114	1	101		
Condamine .....	Condamine .....	175	.....	.....	.....	3	303	4	478
	Surat .....	.....	.....	.....	.....	.....	.....	.....	.....
Cooma .....	Cooma .....	175	.....	.....	.....	2	202	5	592
	Nimmitabell .....	.....	.....	1	114	1	101		
Dalby .....	Dalby .....	.....	140	.....	.....	3	303	4	443
Deniliquin .....	Deniliquin .....	175	.....	1	114	4	404	6	693
Drayton .....	Drayton .....	.....	140	.....	.....	4	404	9	987
	Callandoon .....	.....	140	.....	.....	3	303		
Dubbo .....	Dubbo .....	.....	140	.....	.....	3	303	10	1,101
	Coonabarabran .....	.....	140	.....	.....	2	202		
	.....	.....	.....	1	114	2	202		
Dungog .....	Dungog .....	.....	140	.....	.....	2	202	4	456
	Clarence Town .....	.....	.....	1	114	.....	.....		
Eden .....	Eden .....	.....	140	.....	.....	2	202	5	544
	Bega .....	.....	.....	.....	.....	1	101		
	Panbula .....	.....	.....	.....	.....	1	101		
Gayndah .....	Gayndah .....	175	.....	.....	.....	3	303	7	794
	Nanango .....	.....	.....	1	114	2	202		
Gosford .....	Gosford .....	.....	140	.....	.....	3	303	4	443
Goulburn .....	Goulburn .....	175	.....	4	456	11	1,111	16	1,742
Gladstone .....	Gladstone .....	175	.....	1	114	4	404	12	1,386
	Rockhampton .....	.....	.....	.....	.....	.....	.....		
	Keppel Bay .....	175	.....	1	114	4	404		
	Canoona (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
Carried forward .....		3,325	1,540	30	3,420	152	15,187	212	23,472

\* Native Trackers, at 2s. 6d. per diem.

No. III.—PRINCIPAL SECRETARY.									
Police, Country Districts—Executive—continued.								TOTAL.	
SALARIES.									
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.....£	3,325	1,540	30	3,420	152	15,187	212	23,472
Grafton .....	Grafton .....		140	...	.....	4	404	5	544
Gundagai .....	Gundagai .....		140	...	.....	5	505	6	645
Hartley .....	Hartley .....		140	1	114	4	404	6	658
Ipswich .....	Ipswich .....	175	.....	2	228	11	1,111	14	1,514
Kiama .....	Kiama .....		.....	1	114	2	202	3	316
Leichhardt .....	Tarooma .....		.....	1	114	2	202	3	316
			.....	...	.....	1	101		
Maitland.....	East Maitland .....	175	.....	1	114	10	1,010	20	2,133
	West Maitland .....		.....	1	114	2	202		
	Morpeth .....		.....	1	114	2	202		
			.....	...	.....	1	101		
M'Leay .....	Belgrave.....		140	...	.....	4	404	6	551
	West Kempsey .....		.....	...	.....	a1	7		
M'Donald River...	M'Donald River, (St. Alban's)		.....	...	.....	1	101	1	101
Manning River ...	Wingham, .....		.....	1	114	2	202	3	316
Maryborough .....	Maryborough .....	175	.....	...	.....	4	404	5	579
Moama .....	Moama .....		140	...	.....	3	303	4	443
Molong .....	Molong .....		140	1	114	3	303	5	557
	Condobolin.....		140	...	.....	3	303	4	443
Moulamien .....	Moulamein .....	175	.....	...	.....	3	303	4	478
Mudgee .....	Mudgee .....	175	.....	...	.....	5	505	6	680
	Louisa Creek (Gold Field)		.....	...	.....				
	Avisford.....		.....	...	.....				
Murrurundi .....	Murrurundi .....		140	...	.....	2	202	3	342
Muswellbrook.....	Muswellbrook.....		140	...	.....	2	202	4	443
	Merton .....		.....	...	.....	1	101		
Newcastle .....	Newcastle .....	175	.....	1	114	8	808	10	1,097
Orange .....	Orange .....		140	1	114	3	303	5	557
	Ophir (Gold Field) .....		.....	...	.....				
Parramatta and {	Parramatta.....	175	.....	...	.....	12	1,212	16	1,703
Liverpool ... {	Liverpool .....		.....	1	114	2	202		
Paterson .....	Paterson .....		140	...	.....	3	303	4	443
Patrick's Plains ...	Singleton .....		140	...	.....	4	404	5	544
Penrith .....	Penrith .....	175	.....	1	114	6	606	8	895
Port Macquarie ...	Port Macquarie .....		140	...	.....	3	303	4	443
Port Stephens ...	Stroud .....		.....	1	114	2	202	3	316
Queanbeyan .....	Queanbeyan .....	175	.....	1	114	4	404	6	693
Raymond Terrace	Raymond Terrace .....	175	.....	...	.....	2	202	3	377
Rylstone.....	Rylstone.....		140	...	.....	2	202	3	342
Scone .....	Scone .....		140	...	.....	3	303	4	443
Shoalhaven.....	Nowra .....		.....	1	114	1	101	4	417
	Numba .....		.....	...	.....	1	101		
	Ulladulla .....		.....	...	.....	1	101		
Tamworth .....	Tamworth .....	175	.....	...	.....	4	404	11	1,211
	Gunnadah .....		.....	1	114	2	202		
	Nundle (Gold Field) .....		.....	...	.....				
	Barraba .....		.....	1	114	2	202	7	772
Tabulam.....	Casino .....		140	1	114	3	303		
			.....	1	114	1	101		
	Lismore .....		.....	...	.....			...	.....
Tenterfield .....	Tenterfield.....		140	...	.....	2	202	3	342
Tumut .....	Tumut .....		140	...	.....	3	303	4	443
	Adelong (Gold Field) .....		.....	...	.....				
Wagga Wagga ...	Wagga Wagga .....	175	.....	1	114	2	202	4	491
Warialda .....	Warialda .....		140	...	.....	3	303	6	658
	Bingera .....		.....	1	114	1	101		
	Carried forward.....£	5,425	4,200	53	6,042	310	31,051	424	46,718

a A Tracker at 1d. per diem.

## ESTIMATES OF EXPENDITURE.—1860.

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No. III.—PRINCIPAL SECRETARY.									
Police, Country Districts—Executive—continued.								TOTAL.	
SALARIES.									
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.....£	5,425	4,200	53	6,042	310	31,051	424	46,718
Warwick .....	Warwick .....	.....	140	...	.....	3	303	4	443
Wee Waa .....	Wee Waa .....	.....	140	...	.....	3	303	6	658
	Walgett.....	.....	.....	1	114	1	101		
Wellington .....	Wellington.....	.....	140	1	114	3	303	5	557
	Stoney Creek (Gold Field) ..	.....	.....	.....	.....	.....	.....	5	557
	Tambaroora (Do.) ..	.....	.....	.....	.....	.....	.....		
	Burrendong (Do.) ..	.....	.....	.....	.....	.....	.....		
Wellingrove .....	Wellingrove .....	.....	.....	...	.....	1	101		
	Glen Innes.....	.....	140	...	.....	1	101	5	557
	Inverell .....	.....	.....	1	114	1	101		
Windsor.....	Windsor.....	175	.....	...	.....	9	909	10	1,084
Wollongong .....	Wollongong .....	175	.....	...	.....	4	404	5	579
Wollombi .....	Wollombi .....	.....	.....	1	114	2	202	3	316
Yass .....	Yass .....	175	.....	...	.....	5	505	6	680
	TOTAL.....£	5,950	4,760	57	6,498	343	34,384	468	51,592

## SUMMARY OF THE FOREGOING ESTIMATE OF "POLICE, COUNTRY DISTRICTS,"

PAGES 23 TO 27.

No. of Persons.			Voted for 1859.	Required for 1860.
1859.	1860.			
		JUDICIAL.	£	£
14	15	POLICE MAGISTRATES ... ..	5,005	5,730
10	10	POLICE MAGISTRATES ACTING AS CLERKS OF PETTY SESSIONS ...	3,575	3,250
70	70	CLERKS OF PETTY SESSIONS ... ..	12,600	12,600
		EXECUTIVE.		
32	34	FIRST CLASS CHIEF CONSTABLES ... ..	5,600	5,950
35	34	SECOND CLASS DO. ... ..	4,920	4,760
52	57	DISTRICT CONSTABLES ... ..	5,928	6,498
407	343	ORDINARY DO. ... ..	40,757	34,384
620	503	TOTAL ... ..	£ 78,385	73,172

## No. III.—PRINCIPAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
<b>Police—Country Districts—continued.</b>					
<b>DETECTIVE POLICE THROUGHOUT THE COLONY.</b>					
1	1	Inspector, at £175 per annum ... ..	175	175	
1	1	Do. Assistant, at £150 per annum ... ..	150	150	
7	7	Constables, at 6s. 3d. per diem ... ..	798	798	
			1,123		1,123
9	9	<b>TOTAL</b> ... .. £	1,123		1,123
<b>GENERAL CONTINGENCIES.—JUDICIAL.</b>					
		Forage Allowance to the Police Magistrates at Albury, Deniliquin, Goulburn, Gundagai, Maitland, Moulamein, Carcoar, Balranald, and Eden, at 2s. 6d. each, per diem	429	412	
		Forage Allowance to Police Magistrate at Wollombi ...	20	20	
		Forage Allowance to Assistant Gold Commissioner at Nundle, for performing Magisterial Duty at Tamworth	.....	50	
		Forage Allowance to Clerks of Petty Sessions at Wollombi, Maitland, Wingham, Dungog, and Burrowa, at £20 each	40	100	
		Do. do. Shoalhaven and Glen Innes, at £50 each ... ..	50	100	
		Allowances to Court House Keepers ... ..	300	350	
		Allowance to Chinese Interpreter ... ..	.....	150	
		Rent of Court Houses ... ..	705	705	
		Incidental Expenses ... ..	300	300	
			1,844		2,187
<b>GENERAL CONTINGENCIES.—EXECUTIVE.</b>					
		Allowances to Constabulary when absent at night... ..	800	800	
		Do. in lieu of Clothing ... ..	1,000	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 ... ..	1,500	1,500	
		Rewards for destroying Dogs ... ..	100	100	
		Rent of Watch-houses ... ..	80	80	
		Carriage of Stores and stolen property, Railway fares, horse hire, and puntage ... ..	450	450	
		Conveyance of invalid prisoners and escort ... ..	500	500	
		Passage and escort of prisoners by water and otherwise ...	1,000	1,000	
		Incidental expenses ... ..	650	650	
			9,990		9,990
		<b>TOTAL</b> ... .. £	11,834		12,177

## ESTIMATES OF EXPENDITURE—1860.

29

## No. III.—PRINCIPAL SECRETARY.

No. III.—PRINCIPAL SECRETARY.					
No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		Police—Country Districts—continued.			
		HORSE PATROL AND GOLD POLICE.			
		SALARIES.			
			£		£
3	3	Superintendents, at £452 per annum	1,356		1,356
3	3	Serjeant-Majors, at 8s. 3d. per diem	451		453
22	24	Serjeants, at 7s. 9d.	3,111		3,404
16	19	Corporals, at 6s. 3d.	1,825		2,173
93	102	Troopers, at 5s. 6d.	9,334		10,266
3	3	Aborigines, at 6d.	27		27
			16,104		17,679
140	154				
		GOLD GUARDS ON MAIN ROADS.			
		<i>Western Road—Sydney to Bathurst.</i>			
2	2	Serjeants, at 10s. 6d. per diem	383		383
6	6	Constables, at 7s.	766		766
		<i>Southern Road—Sydney to Goulburn.</i>			
1	1	Serjeant, at 10s. 6d. per diem	192		192
3	3	Constables, at 7s.	383		383
		<i>Northern Road—Sydney to Tamworth.</i>			
1	1	Serjeant, at 10s. 6d. per diem	192		192
2	2	Troopers, at 7s.	255		255
			2,171		2,171
		CONTINGENCIES.			
		Allowance for Medical Attendance...	135		150
		Do. to Police when Escorting Gold...	600		800
		Do. to Superintendents, in lieu of Forage and Travelling Expenses	450		450
		In lieu of Provisions to three Aborigines, at 1s. each	54		54
		Forage	6,000		6,500
		Veterinary Attendance, Medicine, and Farriery	450		450
		Remount Horses	600		800
		Rent of Stables and Quarters	200		200
		Repairs to Arms	40		50
		Incidental Expenses	470		500
		Freight and Conveyance of Escort, Gold and Money	5,000		6,000
			13,999		15,954
15	15	TOTAL	£ 32,274		35,804
		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.							
1859.	1860.							Amount Voted for 1859.	Amount Required for 1860.
		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	92	
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	366	
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	184	
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	2	Second Lieutenant	...	...	...	...	200	400	
10	12	Troopers, at 5d.	...	...	...	...	76	92	
1	2	Camp Serjeant	...	...	...	...	100	200	
		<i>Albert.</i>							
1	...	Second Lieutenant	...	...	...	...	200	.....	
6	...	Troopers, at 5d.	...	...	...	...	46	.....	
		<i>Lower Darling.</i>							
1	...	Second Lieutenant	...	...	...	...	200	.....	
6	...	Troopers, at 5d.	...	...	...	...	46	.....	
								6,205	6,032
		CONTINGENCIES.							
		In lieu of Provisions, Forage, &c., to Commandant	...	...	...	...	150	150	
		In lieu of Provisions to Lieutenants, Second Lieutenants, and Secretary, 2s. 6d.	...	...	...	...	778	823	
		In lieu of Provisions to Camp Serjeants, at 2s.	...	...	...	...	365	402	
		Do. do. to Troopers, at 1s. 6d.	...	...	...	...	3,614	3,000	
		Medical Attendance...	...	...	...	...	362	150	
		Remount Horses	...	...	...	...	1,150	1,150	
		Farriery	...	...	...	...	200	200	
		Incidental Expenses	...	...	...	...	750	300	
							7,369	6,175	
160	150	TOTAL	...	..	...	£	18,574	12,207	

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—PRINCIPAL SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Gaols.</b>									
		<b>SYDNEY.</b>									
		<b>SALARIES.</b>						£		£	
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		1,606	
6	...	Wardsmen, at 6s. 9d.	...	...	...	...	...	739		.....	
...	4	Trade Overseers, at 10s.	...	...	...	...	...	.....		732	
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	
...	1	Chaplain, Presbyterian	...	...	...	...	...	.....		50	
									3,900		3,947
		<b>CONTINGENCIES.</b>									
		Provisions	...	...	...	...	...	3,000		3,000	
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	150		150	
		Incidental Expenses	...	...	...	...	...	100		100	
		Deficiency in Vote for Stores and Contingencies for 1858	...	...	...	...	...	709		.....	
									3,959		3,250
31	30	<b>TOTAL</b>						£	.....	7,859	.....
											7,197
		<b>PARRAMATTA.</b>									
		<b>SALARIES.</b>									
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		124	
9	9	Turnkeys, at 6s. 6d.	...	...	...	...	...	1,068		1,071	
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		1,843
		<b>CONTINGENCIES.</b>									
		Provisions	...	...	...	...	...	2,000		2,000	
		Fuel and Light	...	...	...	...	...	180		180	
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	150		150	
		Incidental Expenses	...	...	...	...	...	50		50	
									2,380		2,380
20	20	<b>TOTAL</b>						£	.....	4,219	.....
											4,223

*a* Surgeon to the Penal Establishment, Cockatoo Island; Salary £130 per annum.*b* Provided with Quarters, Fuel, and Light.*c* Chaplain at Cockatoo Island; Salary £120 per annum.*d* Dispenser at the Lunatic Asylum, Parramatta; Salary £157 per annum.

No. III.—PRINCIPAL SECRETARY.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
Gaols—continued.											
BATHURST.											
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		124	
6	6	Turnkeys, at 6s. 6d.	...	...	...	...	...	712		714	
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		1,318
CONTINGENCIES.											
Provisions								1,150		1,150	
Fuel and Light								230		230	
Medical Comforts, Medicines, and Surgical Instruments								20		20	
Removal of Night Soil								150		150	
Incidental Expenses								20		20	
									1,570		1,570
15	15	. TOTAL						£ .....	2,885	.....	2,888
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		124	
6	6	Turnkeys, at 6s. 6d.	...	...	...	...	...	712		714	
1	1	Female Turnkey	...	...	...	...	...	30		30	
1	1	Chaplain, Church of England	...	...	...	...	...	25		25	
1	1	Do. Roman Catholic	...	...	...	...	...	25		25	
									1,297		1,300
CONTINGENCIES.											
Provisions								1,000		1,000	
Fuel, Light, and Water								280		280	
Medical Comforts, Medicines, and Surgical Instruments								25		25	
Incidental Expenses								30		30	
									1,335		1,335
14	14	TOTAL						£ .....	2,632	.....	2,635

<sup>a</sup> Also Coroner; Salary £40 per annum.

## ESTIMATES OF EXPENDITURE.—1860.

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## No. III.—PRINCIPAL SECRETARY.

No. of Persons.										SALARIES AND CONTINGENCIES.			
1859	1860									Amount Voted for 1859.		Amount Required for 1860.	
		<b>Gaols—continued.</b>											
		<b>GOULBURN.</b>								£		£	
		<b>SALARIES.</b>											
1	1	Gaoler	...	...	...	...	...	...	150			150	
1	1	α Surgeon	...	...	...	...	...	...	70			70	
1	1	Matron	...	...	...	...	...	...	42			42	
1	1	Clerk	...	...	...	...	...	...	108			108	
1	1	Principal Turnkey, at 6s. 9d.	...	...	...	...	...	...	123			124	
5	5	Turnkeys, at 6s. 6d....	...	...	...	...	...	...	593			595	
1	1	Female Turnkey	...	...	...	...	...	...	30			30	
1	1	Chaplain, Church of England	...	...	...	...	...	...	25			25	
1	1	Do. Roman Catholic	...	...	...	...	...	...	25			25	
										1,166			1,169
		<b>CONTINGENCIES.</b>											
		Provisions	...	...	...	...	...	...	498			400	
		Fuel, Light, and Water	...	...	...	...	...	...	100			100	
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	...	15			15	
		Incidental Expenses...	...	...	...	...	...	...	20			20	
										633			535
13	13	<b>TOTAL</b>	...	...	...	...	...	...	£ .....	1,799		.....	1,704
		<b>BRISBANE.</b>											
		<b>SALARIES.</b>											
1	1	Gaoler	...	...	...	...	...	...	150			150	
1	1	α Surgeon	...	...	...	...	...	...	70			70	
1	1	Matron	...	...	...	...	...	...	42			42	
1	1	Clerk	...	...	...	...	...	...	108			108	
1	1	Principal Turnkey, at 6s. 9d.	...	...	...	...	...	...	123			123	
6	8	Turnkeys, at 6s. 6d....	...	...	...	...	...	...	712			952	
1	1	Female Turnkey	...	...	...	...	...	...	30			30	
1	1	Chaplain, Church of England	...	...	...	...	...	...	25			25	
1	1	Do. Roman Catholic	...	...	...	...	...	...	25			25	
										1,285			1,525
		<b>CONTINGENCIES.</b>											
		Provisions	...	...	...	...	...	...	700			700	
		Fuel, Light, and Water	...	...	...	...	...	...	90			90	
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	...	20			20	
		Incidental Expenses...	...	...	...	...	...	...	20			20	
										830			830
14	16	<b>TOTAL</b>	...	...	...	...	...	...	£ .....	2,115		.....	2,355
		<b>GAOLS, COUNTRY DISTRICTS.</b>											
		Gaolers for 20 places, at £25 each...	...	...	...	...	...	...	.....	.....		.....	500

α Also Coroner and Vaccinator; salary £65 per annum.

		No. III.—PRINCIPAL SECRETARY.					
No. of Persons.		SALARIES AND CONTINGENCIES.					
1859	1860					Amount Voted for 1859.	Amount Required for 1860.
		<b>Penal Establishment, Cockatoo Island.</b>					
		<b>SALARIES.</b>				£	£
1	...	a Superintendent (Duty performed by the Civil Engineer)...				300	.....
1	1	Principal Warden ... ..				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	Task-work Clerk and Schoolmaster...				108	128
1	1	Second Warden, at 8s. per diem ... ..				146	147
1	1	Third Warden, at 7s. 6d. „ ... ..				137	137
1	1	Fourth Warden, at 7s. „ ... ..				128	128
33	...	1 Inspector, 2 Serjeants, and 30 Constables ... ..				3,761	.....
..	11	1 Serjeant, at 7s. 3d. ; 1 Constable, at 6s. 9d. ; 3 Constables, at 5s. 9d. ; and 6 Constables, at 5s. 6d. per diem ... ..				.....	1,178
1	1	Chaplain, Church of England ... ..				120	120
1	1	Do. Roman Catholic Church... ..				120	120
						5,425	2,563
		<b>CONTINGENCIES.</b>					
		Allowance to Military Officer, at 5s. per diem ... ..				.....	92
		Provisions ... ..				4,000	} 4,420
		Provisions for Police .. ..				500	
		Medical Comforts, Medicines, and Surgical Instruments ...				80	80
		Gratuities to Prisoners for Extra Labor ... ..				120	120
		Incidental Expenses .. ..				120	120
						4,820	4,832
44	21	<b>TOTAL</b> ... ..				£ 10,245	7,395

a The Officers who reside on the Island are allowed Provisions, Fuel, and Light.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—PRINCIPAL SECRETARY.

No. III.—PRINCIPAL SECRETARY.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Printing, Postage Stamps, Lithographing and Bookbinding.						Amount Voted for 1859.	Amount Required for 1860.
		PRINTING.						£	£
		SALARIES.							
1	1	Government Printer and Inspector of Stamps	...	...	...	...	700	500	
1	1	Superintendent	...	...	...	...	450	300	
1	1	Accountant	...	...	...	...	350	350	
1	1	Foreman of Bookbinding Branch	...	...	...	...	250	300	
							1,750	1,450	
		WAGES.							
		Compositors, Pressmen, and Others, at current rates	...	...	...	...	10,973	9,400	
		Binders, Sewers, and Folders	...	...	...	...	621	1,650	
		Lithographic Printers	...	...	...	...	650	.....	
		Temporary Assistance during the sitting of Parliament	...	...	...	...	.....	500	
							12,244	11,550	
		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	400	
		Lithographic Materials	...	...	...	...	250	.....	
		Machine Ruling	...	...	...	...	.....	200	
							1,287	1,337	
		POSTAGE STAMPS.							
		Printing and Gumming Stamps	...	...	...	...	350	350	
		Materials and Contingencies	...	...	...	...	150	150	
							500	500	
4	4	TOTAL	...	...	...	...	£ ..... 15,781	..... 14,837	
<hr/>									
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.							
		Repairs to Great Circle of Transit Instrument, further sum	...	...	...	...	19	.....	
		Purchase of Books	...	...	...	...	20	20	
		Incidental Expenses	...	...	...	...	30	30	
		Allowance for House Rent to Astronomer, 1 January to 15 April, 1858	...	...	...	...	48	.....	
		For the erection of a Meridian Mark on the North Shore...	...	...	...	...	.....	100	
							117	150	
		For the purchase of an Equatorial, and other Scientific Instruments	...	...	...	...	..... 1,000	.....	
15	15	TOTAL	...	...	...	...	£ ..... 2,357	..... 1,390	

No. III.—PRINCIPAL SECRETARY.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
								£		£	
<b>Health Officers and Medical Board.</b>											
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	.....	724
<hr/>											
<b>Vaccine Institution.</b>											
SALARIES.											
1	1	<i>d</i>	Superintendent	...	...	..	...	240		240	
8	12		Vaccinators at <i>e</i> Brisbane, Goulburn, Parramatta, Windsor, Newcastle, <i>f</i> Maitland, Wollongong, <i>e</i> Bathurst, Berrima, Yass, Armidale, and Camden, at £25	...	...	...	...	200		300	
1	1		Office Keeper, Sydney	..	..	...	...	20		20	
									460		560
			Incidental Expenses...	..	..	...	...	.....	17	.....	17
10	14		TOTAL	...	...	..	£	.....	477	.....	577

*a* Member of the Immigration Board. *b* Medical Attendant on Immigrants; salary £75 per annum. *c* Vaccinator; salary £25 per annum.  
*e* Coroner and Surgeon to the Gaol; salary £90 per annum. *f* Coroner; salary £40 per annum.  
*d* Medical Attendant, Metropolitan Police; allowance £150 per annum.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—PRINCIPAL SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Lunatic Asylum, Tarban.</b>						£		£	
		<b>SALARIES.</b>									
		316 PATIENTS.									
1	1	Superintendent	...	...	...	...	...	650		650	
1	1	a Medical Assistant and Dispenser	...	...	...	...	...	250		250	
1	1	Clerk and Storekeeper	...	...	...	...	...	130		130	
1	1	a Matron	...	...	...	...	...	90		90	
1	1	a Master Attendant	...	...	...	...	...	90		90	
3	3	a Male Attendants, at £72	...	...	...	...	...	216		216	
7	9	a Do. at £66	...	...	...	...	...	462		594	
3	3	a Female Attendants, at £50	...	...	...	...	...	150		150	
5	5	a Do. at £46...	...	...	...	...	...	230		230	
7	7	a Servants—one at £77, one at £60, three at £50, and two at £45...	...	...	...	...	...	377		377	
									2,645		2,777
		<b>CONTINGENCIES.</b>									
		b 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	...	...	...	...	...	3,200		3,000	
		Fuel and Light	...	...	...	...	...	400		400	
		Medicines, Surgical Instruments, and Materials	...	...	...	...	...	75		75	
		Forage for two Horses	...	...	...	...	...	120		120	
		Purchase of a Horse...	...	...	...	...	...	50		50	
		Books, Periodicals, and Newspapers	...	...	...	...	...	20		20	
		Incidental Expenses	...	...	...	...	...	100		100	
									4,315		4,115
30	32	TOTAL	...	...	...	...	£	.....	6,960	.....	6,892

\* Provided with Provisions, Fuel, and Light.

b The Board visit the Parramatta Asylum also.



No. III.—PRINCIPAL SECRETARY.										
No. of Persons.		SALARIES AND CONTINGENCIES.								
1859	1860							Amount Voted for 1859.	Amount Required for 1860.	
		<b>Lunatic Asylum, Parramatta.</b>								
		<b>SALARIES.</b>								
		520 PATIENTS.						£	£	
1	1	Superintendent	...	...	...	...	600	600		
1	1	a Storekeeper and Messenger	...	...	...	...	220	220		
1	1	b Dispenser	...	...	...	...	157	130		
1	1	Matron	...	...	...	...	100	100		
1	1	Clerk	...	...	...	...	120	120		
1	1	Master Attendant	...	...	...	...	130	130		
16	16	Male Attendants—one at £75; three at £72; one at £70; and eleven at £66 each	...	...	...	...	1,087	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; and two at £30 per annum; and twelve at 9d. each per diem	...	...	...	...	354	355		
...	1	Farm Overseer	...	...	...	...	.....	66		
...	1	Nurse to Idiotic Children	...	...	...	...	.....	15		
								3,278	3,333	
		<b>CONTINGENCIES.</b>								
		Allowance in lieu of Quarters to Dispenser	...	...	...	...	.....	27		
		Provisions and Medical Comforts	...	...	...	...	7,000	6,000		
		Fuel and Light	...	...	...	...	600	550		
		Medicines, Surgical Instruments, and Materials	...	...	...	...	80	80		
		Forage for two horses	...	...	...	...	120	120		
		Books, Periodicals, and Newspapers	...	...	...	...	20	20		
		Incidental Expenses	...	...	...	...	100	100		
								7,920	6,897	
50	52	TOTAL	...	...	...	£	.....	11,198	10,230	

a Meteorological Observer; Salary £20 per annum.

b Dispenser at the Gaol also; Salary 3s. 6d. per diem.

The Officers residing in the Establishment are provided with Quarters, Provisions, Fuel, and Light.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—PRINCIPAL SECRETARY.

Naval Allowance.	SALARIES AND CONTINGENCIES.			
	Amount Voted for 1859.		Amount Required for 1860.	
	£	£	£	£
Colonial Allowance to Her Majesty's Naval Forces serving within the limits of New South Wales; at the following daily rates, viz. :—				
Commodore in Command of Station, at 15s. ... ..				
Captains, at 12s. ... ..				
Commanders, at 10s. ... ..				
Lieutenants, Masters, Chaplains, Surgeons, and Paymasters, at 5s. ... ..				
Mates, Assistant Surgeons, Second Masters, Marine Officers, Commodore's Secretary, and Engineers, at 3s. ... ..				
Midshipmen, Masters' Assistants, Clerks, Warrant Officers, and Cadets, at 1s. 6d. ... ..				
Chief Petty Officers, at 1s. 3d. ... ..				
First Class Petty Officers and Serjeants of Marines, at 1s. ... ..				
Second Class Petty Officers and Corporals of Marines, at 10d. ... ..				
Leading Seamen, at 8d. ... ..				
Seamen and Privates of Marines, at 6d. ... ..				
First Class Boys, at 3d. ... ..				
Second Class Boys, at 2d. ... ..				
TOTAL ... ..	£	5,000	£	5,000

		No. III.—PRINCIPAL SECRETARY.					
No. of Persons.		SALARIES AND CONTINGENCIES.					
1859	1860						
		Military Allowance.					
		BRIGADE MAJOR.					
						£	£
1	1	Officer on the General Staff, at 9s. 6d. ... ..				173	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 2s. 6d. ... ..				18	46
1	1	Provost Sergeant, at 1s. ... ..				18	18
		Lodging Allowance to Brigade Major ... ..				.....	200
5	5					383	611
		REGIMENTAL.					
1	1	Senior Officer in Command, at 11s. 3d. ... ..				205	206
1	1	Major, at 7s. ... ..				128	128
1	1	Surgeon, at 7s. ... ..				128	128
4	5	Captains, at 5s. 8d. ... ..				414	518
1	1	Paymaster, at 5s. 8d. ... ..				103	103
4	5	Lieutenants, at 5s. ... ..				365	457
1	1	Adjutant, at 5s. ... ..				91	91
4	5	Ensigns, at 5s. ... ..				365	457
...	1	Quarter Master, at 5s. ... ..				.....	91
1	1	Assistant Surgeon, at 5s. ... ..				91	91
5	5	Staff Serjeants, at 2s. 6d. ... ..				228	229
4	5	Color Serjeants, at 1s. ... ..				73	91
15	18	Serjeants, at 1s. ... ..				274	329
1	1	Drum Major, at 1s. ... ..				18	18
16	20	Corporals, at 1s. ... ..				292	366
8	10	Drummers, at 6d. ... ..				73	91
384	380	Privates, at 6d. ... ..				3,504	3,477
451	461					6,352	6,871
		DEPARTMENTAL.					
1	1	Assistant Commissary General, at 8s. ... ..				128	146
1	1	Deputy Assistant Commissary General, at 7s. ... ..				103	128
1	1	Assistant Clerk, Commissariat ... ..				100	100
...	...	Lodging Allowance to the Deputy Assistant Commissary General, at 8s. 2d. ... ..				122	148
1	1	Deputy Storekeeper, at 7s. ... ..				128	128
1	1	Clerk, at 5s. 8d. ... ..				103	103
1	1	Foreman of Magazines ... ..				91	92
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. ... ..				61	61
		Barrack supplies, washing and repairing Bedding, &c. ... ..				480	484
						1,444	1,518
8	8	TOTAL ... ..				8,179	9,000

a Aide-de-camp to His Excellency the Governor General; Salary 9s. 6d. per diem.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—PRINCIPAL SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		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	2	Staff Serjeants, at 3s. 4d. ...	122	122	
4	5	Serjeants, at 2s. 10d. ..	207	258	
8	7	Corporals, at 2s. 2d. ...	316	277	
7	8	Bombardiers, at 2s. ...	256	292	
85	81	Gunners and Drivers, at 1s. 3½d. ...	1,972	1,879	
2	2	Trumpeters, at 1s. 3½d. ...	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	
			3,932		3,887
		COLONIAL ALLOWANCES.			
		First Captain, at 5s. 8d. ...	103	104	
		Second Captain, at 5s. 8d. ...	103	104	
		First Lieutenants, at 5s. ...	183	183	
		Staff Serjeants, at 2s. 6d. ...	91	92	
		Serjeants, at 1s. ..	73	92	
		Corporals, at 1s. ...	146	128	
		Bombardiers, at 1s. ...	128	146	
		Gunners and Drivers, at 6d. ...	776	730	
		Trumpeters, at 6d. ...	19	19	
		Working Pay ...	200	209	
		Allowance to Medical Practitioner, at 10s. ...	183	183	
		Do. to two Clerks, at 1s. and 6d. each ...	27	27	
		Do. to Garrison Gunner ...	18	18	
			2,050		2,035
		CONTINGENCIES.			
		Provisions ...	1,116	1,116	
		Forage ...	170	170	
		For the Apprehension of Deserters ...	100	100	
			1,386		1,386
112	109	TOTAL ...	£ 7,368	.....	7,308

## No. III.—PRINCIPAL SECRETARY.

	Amount Voted for 1859.		Amount Required for 1860.	
	£		£	
<b>Charitable Allowances.</b>				
For the support of Paupers in the Colonial Hospitals ... ..	2,000		2,300	
In aid of the Sydney Infirmary and Dispensary, on condition of an equal amount being raised by Private Subscriptions ... ..	700		1,727	
Do. do. Deficiency in Vote for 1858 ... ..	146		.....	
For the re-erection of a part of the Infirmary wall, in Macquarie- street, Sydney ... ..	.....		350	
In support of the Establishment of the Benevolent Society, Sydney, on condition of £1,000 being raised by Private Subscriptions ...	8,000		9,156	
In aid of the Asylum for Destitute Children, Sydney, on condition of an equal amount being raised by Private Contributions... ..	1,500		2,000	
In aid of the Hospitals, 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 Hospital, Sofala, on same condition ... ..	.....		200	
In aid of the Hospitals, Parramatta, Bathurst, Maitland, Goulburn, and Brisbane, at £300 each, on same condition ... ..	1,500		1,500	
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 Wide Bay and Burnett District Hospital, on same condition	200		200	
In aid of the Benevolent Society, Parramatta, on same condition ...	100		100	
In aid of the Benevolent Society, Singleton and Patrick's Plains, on same condition ... ..	100		100	
In aid of the Benevolent Society, Tamworth, on same condition ...	150		150	
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 Erection of an Hospital at Carcarr, on same condition ...	650		.....	
In aid of the Erection of the Singleton and Patrick's Plains Benevolent Asylum and Hospital, on same condition ... ..	.....		1,000	
For an Outfit for the Hospital at Maitland, a further sum, on same condition ... ..	.....		200	
		17,846		20,483
TOTAL ... .. £	.....	17,846	.....	20,483

## No. III.—PRINCIPAL SECRETARY.

	Amount Voted for 1859.		Amount Required for 1860.	
	£		£	
<b>Grants in aid of Public Institutions.</b>				
In aid of the Sydney Mechanics' School of Arts ... ..	200		200	
In aid of the Building Fund of the Sydney Mechanics' School of Arts, on condition of an equal amount being raised by private subscription	2,000		.....	
To supplement the present Annual Endowment of £1,000 to the Australian Museum ... ..	200		200	
Salary of Curator of Australian Museum ... ..	700		700	
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 Ipswich School of Arts, on same condition, until a Building be erected ... ..	100		100	
In aid of the Brisbane School of Arts, on same condition, until a Building be erected ... ..	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		.....	
In aid of the erection of a School of Arts, Toowoomba, in the District of Darling Downs, on same condition ... ..	100		.....	
In aid of the erection of the Newtown School of Arts, on same condition	500		.....	
In aid of the erection of the Balmain School of Arts, on same condition	.....		500	
In aid of the erection of the Camden School of Arts, on same condition	.....		300	
In aid of the erection of the Picton School of Arts, on same condition	.....		300	
In aid of the erection of the Grafton School of Arts, on same condition	.....		300	
In aid of the erection of the East Maitland School of Arts, on same condition	.....		100	
In aid of the erection of a Hall for the Ipswich School of Arts, on same condition ... ..	.....		600	
In aid of the erection of the Temperance Hall, Sydney, on same condition	1,000		.....	
In aid of the Building Fund of the Sydney University .. ..	10,000		.....	
For increasing the accommodation of the Australian Museum ... ..	.....		5,000	
Towards the erection of a Building for a Free Library, Sydney ... ..	.....		10,000	
Towards the erection of Grammar Schools at Bathurst, Goulburn, and Maitland, at £4,000 each ... ..	.....		12,000	
		16,100		30,600
TOTAL ... .. £	.....	16,100	.....	30,600
<b>Aborigines.</b>				
Medicines and Medical Attendance ... .. £	.....	455		500
<b>Miscellaneous Services.</b>				
Municipal Council, Sydney, in aid of the City Funds ... ..	10,000		10,000	
Expenses attending the preparation of the Electoral Lists ... ..	5,000		5,000	
Erecting Pounds, and Allowances to Poundkeepers ... ..	100		100	
To purchase Specimens of Silver Ores for Australian Museum ... ..	100		.....	
Salary and Allowance of the Agent of the Government of New South Wales in England, for negotiating a Steam Postal Service, via Panama ... ..	1,000		.....	
Compensation for loss of Additional Stipends to Ministers of Religion, provided for under Schedule C. ... ..	5,658		.....	
Compensation for loss of Stipends to Ministers of Religion, not provided under Schedule C. ... ..	3,650		.....	
For the purchase of one or two Sets of English and Foreign Specimens of Ores and Minerals ... ..	.....		200	
To meet Unforeseen Expenses, to be hereafter accounted for ... ..	2,000		*.....	
		27,508		15,300
TOTAL ... .. £	.....	27,508	.....	15,300

\* Provided for 1860, under No. 5, "Treasurer and Secretary for Finance and Trade."



## IV.

## Administration of Justice.

## SUMMARY.

	*Voted for 1859.	Required for 1860.
Law Officers of the Crown ... ..	5,157	4,548
Supreme and Circuit Courts ... ..	8,487	7,987
Sheriff ... ..	6,197	6,612
Insolvent Court ... ..	1,280	1,280
District Courts ... ..	14,125	16,551
Quarter Sessions ... ..	8,124	8,084
Moreton Bay Court ... ..	3,565	4,465
Coroners ... ..	3,184	3,384
Court of Claims ... ..	290	290
Court of Requests ... ..	260	.....
Chinese Interpreter for the various Courts of Justice ... ..	150	.....
TOTAL ... ..	£ 50,819	53,201

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V., "Treasurer and Secretary for Finance and Trade."

*The Treasury, New South Wales,  
28th September, 1859.*

E. C. WEEKES.



No. IV.—ADMINISTRATION OF JUSTICE.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Their Honors the Judges.				Amount Voted for 1859.		Amount Required for 1860.	
1	1	The Chief Justice } Provided in Schedule. The Puisne Judges }				£		£	
2	2								
3	3								
		Law Officers of the Crown.							
		SALARIES.							
1	1	Attorney General } (Provided in Schedule.) Solicitor General }							
1	1								
1	...	Crown Solicitor for Criminal Business ... ..				650		.....	
1	...	Crown Solicitor for Civil Business... ..				650		.....	
...	1	Crown Solicitor ... ..				.....		1,000	
1	1	* Parliamentary Draftsman ... ..				700		500	
1	1	Secretary to the Crown Law Officers ... ..				400		500	
1	1	Clerk to do. ... ..				200		200	
1	1	Do. Criminal Crown Solicitor ... ..				315		350	
1	1	Do. Civil Crown Solicitor ... ..				315		500	
1	1	Do. do. ... ..				275		300	
1	...	Do. do. for Railway Business ... ..				350		.....	
1	2	Copying Clerks, £150 and £100, for do. if necessary ... ..				.....		250	
1	1	a Messenger to the Attorney General ... ..				104	}	104	
1		Do. to the Solicitor General... ..				104			
1		Do. to Crown Solicitor ... ..				104		104	
1	1	a Housekeeper ... ..				40		40	
						4,207		3,848	
		CONTINGENCIES.							
		Fees to Prosecuting Barristers ... ..				500		250	
		Travelling Expenses ... ..				400		300	
		Incidental Expenses ... ..				50		50	
		To meet Incidental Expenses of Actions by, or against, the Government ... ..				.....		100	
						950		700	
16	14	TOTAL ... ..				£ .....	5,157	.....	4,548
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	a Court-keeper, King-street ... ..				114		114	
1	1	b Do. Darlington... ..				114		114	
1	1	b 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... ..				2,500		2,000	
		Incidental Expenses ... ..				30		30	
						3,305		2,805	
21	21	TOTAL ... ..				£ .....	8,487	.....	7,987

a Provided with quarters, fuel, and light.

b Provided with quarters.

\* Also Commissioner of Court of Claims;—Fees, £2 2s. for each Final Report,—say 18 Guineas per annum.

## ESTIMATES OF EXPENDITURE—1860.

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## No. IV.—ADMINISTRATION OF JUSTICE.

No. IV.—ADMINISTRATION OF JUSTICE.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860	Sheriff.						Amount Voted for 1859.		Amount Required for 1860.	
		SALARIES.						£		£	
1	1	Sheriff	...	...	...	...	...	650		650	
1	1	Under Sheriff	...	...	...	...	...	400		450	
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.	...	...	...	...	...	120		120	
1	1	Bailiff, at Maitland	...	...	...	...	...	185		200	
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	3,510	120	3,575
		CONTINGENCIES.									
		Travelling Expenses of the Sheriff or Under Sheriff	...	...	...	...	...	200		200	
		Allowances to Bailiffs for serving Summonses	...	...	...	...	...	132		482	
		Do. to Jurors attending the Supreme and Circuit Courts	...	...	...	...	...	2,250		2,250	
		Special Constables	...	...	...	...	...	80		80	
		Incidental Expenses	...	...	...	...	...	25		25	
									2,687		3,037
16	16	TOTAL	...	...	...	...	£	.....	6,197	.....	6,612
<hr/>											
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	1,280	165	1,280
4	4	TOTAL	...	...	...	...	£	.....	1,280	.....	1,280

a Also Commissioner of the Court of Claims;—Fees, £22s. for each Final Report,—say 18 Guineas per annum.



## ESTIMATES OF EXPENDITURE.—1860.

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## No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.		SALARIES AND CONTINGENCIES.					
1859	1860	District Courts—continued.				Amount Voted for 1859.	Amount Required for 1860.
		SALARIES.				£	£
54	60	Brought forward	...	...	...	£ .....	5,791
		SOUTHERN DISTRICT.					
1	1	Judge	...	...	...		1,000
1	1	*Registrar, Goulburn	...	...	...		300
...	1	Registrar, Deputy	...	...	...		50
1	1	Registrar, Albury	...	...	...		50
1	1	Do. Gundagai	...	...	...		50
1	1	Do. Queanbeyan	...	...	...		50
1	1	Do. Tumut	...	...	...		50
1	1	Do. Wagga Wagga	...	...	...		30
1	1	Do. Yass	...	...	...		50
...	1	Do. Braidwood	...	...	...		50
1	1	Bailiff, Goulburn	...	...	...		40
1	1	Do. Albury	...	...	...		40
1	1	Do. Gundagai	...	...	...		30
1	1	Do. Queanbeyan	...	...	...		30
1	1	Do. Tumut	...	...	...		30
1	1	Do. Wagga Wagga	...	...	...		30
1	1	Do. Yass	...	...	...		40
...	1	Do. Braidwood	...	...	...		40
15	18						280
							1,960
		WESTERN DISTRICT.					
1	1	Judge	...	...	...		1,000
1	1	†Registrar, Bathurst	...	...	...		300
...	1	Registrar, Deputy	...	...	...		50
1	1	Registrar, Carcarr	...	...	...		40
1	1	Do. Dubbo	...	...	...		30
1	1	Do. Hartley	...	...	...		40
1	1	Do. Molong	...	...	...		30
1	1	Do. Mudgee	...	...	...		40
1	1	Do. Orange	...	...	...		30
1	1	Do. Wellington	...	...	...		30
1	1	Bailiff, Bathurst	...	...	...		40
1	1	Do. Carcarr	...	...	...		30
1	1	Do. Dubbo	...	...	...		30
1	1	Do. Hartley	...	...	...		40
1	1	Do. Molong	...	...	...		30
1	1	Do. Mudgee	...	...	...		30
1	1	Do. Orange	...	...	...		30
...	1	Do. Wellington	...	...	...		40
16	18						270
							1,860
		Carried forward	...	...	...	£ .....	9,611

\* Also Clerk of the Peace for Southern District.

† Also Clerk of the Peace for Western District.



## ESTIMATES OF EXPENDITURE—1860.

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## No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.						SALARIES AND CONTINGENCIES.			
1859	1860					Amount Voted for 1859.		Amount Required for 1860.	
		Quarter Sessions.							
						£		£	
		SALARIES.							
5	5	Crown Prosecutors, at £500 each	...	...	...	2,500		2,500	
1	1	Clerk of the Peace for Cumberland	...	...	...	550		600	
1	1	Do. for Maitland	...	...	...	100		100	
1	...	Do. for Bathurst	...	...	...	100		.....	
1	...	Do. for Goulburn	...	...	...	100		.....	
...	6	Do. for Coast Districts, at £20	...	...	...	.....		120	
1	1	Clerk, Sydney	...	...	...	260		260	
1	1	Messenger, Sydney	...	...	...	104		104	
							714		3,684
		CONTINGENCIES.							
		Travelling Expenses	...	...	...	1,200		1,200	
		Allowances to Witnesses and Jurors	...	..	...	3,200		3,000	
		Incidental and unforeseen Expenses	...	...	...	10		200	
							4,410		4,400
11	15	TOTAL	...	...	...	£ .....	8,124	.....	8,084
		Moreton Bay Court.							
		SALARIES.							
1	1	The Resident Judge (Provided in Schedule.)							
1	1	Registrar of Court	...	...	...	500		500	
1	1	Crown Prosecutor	...	...	...	500		500	
1	1	Crown Solicitor	...	...	...	200		200	
1	1	Judge's Clerk	...	...	...	200		200	
...	1	Registrar's Clerk	...	...	...	.....		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	1	Tipstaff and Court Keeper	...	...	...	104		104	
1	1	Registrar's Messenger	...	...	...	104		104	
							2,458		2,658
		CONTINGENCIES.							
		Travelling Expenses of His Honor the Resident Judge	...			250		250	
		Allowances to Jurors and Witnesses	...	...	...	800		1,500	
		Fuel and Light	...	...	...	17		17	
		Incidental Expenses	...	...	...	40		40	
							1,107		1,807
11	12	TOTAL	...	...	...	£ .....	3,565	.....	4,465

No. IV.—ADMINISTRATION OF JUSTICE.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860	Coroners.						Amount Voted for 1859.		Amount Required for 1860.	
		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		930	
		Surgeons' Fees	...	...	...	...	...	900		900	
		Travelling Expenses of Coroners	...	...	...	...	...	200		200	
		Travelling Expenses of Surgeons	...	...	...	...	...	50		50	
		Rewards for taking up dead bodies...	...	...	...	...	...	20		20	
		Coffins, Burials, and Incidental Expenses	...	...	...	...	...	500		500	
									2,400		2,600
30	30	TOTAL...	...	...	...	...	£	3,184		3,384	
<hr/>											
Court of Claims.											
		Fees to Commissioners at £2 2s. ; and to the Secretary at £2, on final report in each case						290		290	
									290		290
		TOTAL	...	...	...	...	£	290		290	
<hr/>											

## V.

## Treasurer and Secretary for Finance and Trade.

## SUMMARY.

	*Voted for 1859.	Required for 1860.
Treasury ... ..	6,172	6,132
Customs ... ..	24,629	22,408
Drawbacks and Refund of Duties ... ..	20,000	† .....
Distilleries ... ..	3,575	3,420
Mint... ..	12,364	12,330
Gold Receivers ... ..	250	250
Colonial Storekeeper ... ..	4,375	4,375
Stores and Stationery ... ..	38,218	39,849
Warlike Stores ... ..	.....	25,318
Gunpowder Magazine ... ..	511	436
Shipping Masters ... ..	1,108	1,108
Harbours, Light Houses, and Pilot Department:—		
Board and Harbour Masters .. ..	3,329	2,607
Light Houses ... ..	4,041	4,041
Sea and River Pilots ... ..	7,974	8,149
Boatmen .. ..	6,968	6,846
Contingencies ... ..	830	830
Steam Dredge ... ..	4,600	.....
Miscellaneous Services ... ..	2,158	7,503
TOTAL ... ..	£ 141,102	145,602

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

† Provided for 1860, under Special Appropriations in the General Abstract.

‡ Provided for 1860, under No. 6, "Secretary for Lands and Public Works."



## ESTIMATES OF EXPENDITURE—1860.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.													
No. of Persons.		Treasury.								SALARIES AND CONTINGENCIES.			
1859	1860									Amount Voted for 1859.		Amount Required for 1860.	
		SALARIES.								£		£	
1	1	Secretary for Finance and Trade (provided in Schedule) ...								.. ..		.....	
1	1	Under Secretary ... ..								800		800	
1	1	Accountant ... ..								530		600	
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		325	
1	1	Do. of Correspondence ... ..								300		.....	
1	1	Do. of Records ... ..								300		325	
1	1	Do. ... ..								275		300	
1	1	Do. ... .. (Auctioneer) ... ..								375		375	
1	1	Do. ... ..								250		275	
1	1	Do. ... ..								230		250	
2	...	Do. at £215 ... ..								430		.....	
2	4	Do. at £200 ... ..								400		800	
1	1	Assistant Clerk ... ..								175		175	
...	1	Do. ... ..								.....		100	
1	1	a Principal Messenger ... ..								132		132	
1	1	Messenger ... ..								120		120	
1	1	Watchman ... ..								102		102	
1	1	b Housekeeper ... ..								48		48	
											6,142		6,102
		CONTINGENCIES.											
		Incidental Expenses ... ..								30		30	
											30		30
22	23	TOTAL ... ..								£ .....	6,172	.....	6,132

a Provided with quarters.

b Provided with quarters, fuel and light.

## ESTIMATES OF EXPENDITURE—1860.

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## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		Customs.								SALARIES AND CONTINGENCIES.				
1859	1860									Amount Voted for		Amount Required for		
										1859.		1860.		
										£		£		
SALARIES.														
Sydney.														
1	1	Collector	...	...	...	...	...	...	...	1,100		900		
1	1	Landing Surveyor	...	...	...	...	...	...	...	530		600		
1	1	Chief Clerk	...	...	...	...	...	...	...	530		450		
1	1	Cashier	...	...	...	...	...	...	...	530		450		
1	...	Inspector of Warehouses	...	...	...	...	...	...	...	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	...	Do.	...	...	...	...	...	...	...	195		.....		
1	...	Do.	...	...	...	...	...	...	...	195		.....		
1	1	First Landing Waiter	...	...	...	...	...	...	...	375		325		
1	1	Second do.	...	...	...	...	...	...	...	325		325		
1	1	Third do.	...	...	...	...	...	...	...	325		325		
1	1	Fourth do.	...	...	...	...	...	...	...	275		275		
1	1	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	Tenth do.	...	...	...	...	...	...	...	.....		225		
...	1	Eleventh do.	...	...	...	...	...	...	...	.....		225		
...	1	Twelfth do.	...	...	...	...	...	...	...	.....		215		
...	1	Thirteenth do.	...	...	...	...	...	...	...	.....		205		
...	1	Fourteenth do.	...	...	...	...	...	...	...	.....		205		
...	1	Fifteenth do.	...	...	...	...	...	...	...	.....		195		
1	1	First Tide Surveyor...	...	...	...	...	...	...	...	325		325		
1	1	Second do.	...	...	...	...	...	...	...	325		325		
...	1	Third do.	...	...	...	...	...	...	...	.....		325		
1	1	Warehouse Keeper	...	...	...	...	...	...	...	375		350		
1	1	First Locker...	...	...	...	...	...	...	...	275		275		
1	1	Second do.	...	...	...	...	...	...	...	250		250		
1	1	Third do.	...	...	...	...	...	...	...	225		195		
1	1	Fourth do.	...	...	...	...	...	...	...	205		195		
1	1	Fifth do.	...	...	...	...	...	...	...	195		190		
1	1	Sixth do.	...	...	...	...	...	...	...	195		185		
1	1	Seventh do.	...	...	...	...	...	...	...	190		185		
1	1	Eighth do.	...	...	...	...	...	...	...	185		185		
1	1	Ninth do.	...	...	...	...	...	...	...	185		185		
1	1	Tenth do.	...	...	...	...	...	...	...	185		185		
1	1	Eleventh do.	...	...	...	...	...	...	...	185		165		
1	1	Twelfth do.	...	...	...	...	...	...	...	185		165		
8	6	Acting Lockers, at £165	...	...	...	...	...	...	...	1,320		990		
1	...	First Tide Waiter	...	...	...	...	...	...	...	225		.....		
1	...	Second do.	...	...	...	...	...	...	...	215		.....		
1	...	Third do.	...	...	...	...	...	...	...	205		.....		
1	...	Fourth do.	...	...	...	...	...	...	...	195		.....		
...	12	Tide Waiters, at £100	...	...	...	...	...	...	...	.....		1,200		
1	1	<i>b</i> House Keeper	...	...	...	...	...	...	...	40		40		
1	1	Messenger	...	...	...	...	...	...	...	120		120		
1	1	Do.	...	...	...	...	...	...	...	104		104		
1	1	Warrant Messenger	...	...	...	...	...	...	...	96		120		
1	1	Do.	...	...	...	...	...	...	...	96		120		
4	...	Weighers, at £96	...	...	...	...	...	...	...	384		.....		
...	4	Boy Messengers, at £40	...	...	...	...	...	...	...	.....		160		
1	...	Porter	...	...	...	...	...	...	...	114		.....		
1	1	Watchman	...	...	...	...	...	...	...	114		114		
61	70	Carried forward								£	.....	14,673	.....	14,653
										£	.....	14,673	.....	14,653

*a* Landing Waiters receive a remuneration for extra attendance at the rate of 1s. per hour for every £100 per annum of salary.  
*b* Provided with quarters, fuel, and light.

## ESTIMATES OF EXPENDITURE—1860.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Customs—continued.				Amount Voted for 1859.		Amount Required for 1860.	
						£		£	
		Brought forward ... ..				14,673			14,653
61	70	<i>Botany Bay.</i>							
1	1	Coast Waiter ... ..				205		205	
2	2	Boatmen, at £96 ... ..				192		192	
		<i>Broken Bay.</i>				397			397
1	1	<i>a</i> Coast Waiter ... ..				250		250	
4	4	Boatmen, at £96 ... ..				384		384	
		<i>Newcastle.</i>				634			634
1	1	Sub-Collector ... ..				325		325	
1	1	<i>b</i> Landing Waiter (Morpeth)... ..				300		300	
1	1	Tide Surveyor ... ..				225		225	
1	1	Clerk ... ..				195		225	
1	...	Clerk, 10th September to 31st December, 1858 ... ..				38			
1	1	Coxswain ... ..				120		120	
3	3	Boatmen, at £96 ... ..				288		288	
		<i>Moreton Bay.</i>				1,491			1,483
1	1	Sub-Collector ... ..				480		480	
1	1	<i>c</i> Landing Waiter ... ..				325		325	
1	1	Tide Surveyor at the mouth of the Harbour ... ..				275		275	
1	1	<i>d</i> Clerk and Locker ... ..				195		225	
...	1	Searcher ... ..						130	
1	1	Coxswain ... ..				120		120	
5	4	Boatmen, at £96 ... ..				480		384	
1	1	Weigher and Office Keeper... ..				118		118	
		<i>Eden.</i>				1,993			2,057
1	1	Sub-Collector ... ..				275		275	
1	1	Coxswain ... ..				132		132	
3	3	Boatmen, at £96 ... ..				288		288	
		<i>Rockhampton.</i>				695			695
1	1	Sub-Collector and Landing Surveyor ... ..				400			
..	1	Principal Officer ... ..						275	
1	...	Landing Waiter and Tide Surveyor ... ..				275			
4	4	Boatmen, at £96 ... ..				384		384	
						1,059			659
		CONTINGENCIES.						£	20,578
		Allowances to extra Tide Waiters ... ..				3,000		1,500	
		Forage Allowance to Landing Surveyor ... ..						60	
		Rent... ..				190		70	
		New Boats ... ..				100		100	
		Gauging Instruments ... ..				100			
		Incidental Expenses ... ..						100	
		Cost of Prosecutions for Illicit Distillation ... ..				297			
							3,687		1,830
100	108					£	24,629		22,408
<hr/>									
Colonial Distilleries.									
SALARIES.									
1	1	Chief Inspector and Accountant ... ..				500		500	
6	6	Inspectors, 4 at £400, and 2 at £375 ... ..				2,250		2,350	
							2,750		2,850
CONTINGENCIES.									
		Occasional Assistance ... ..				150		150	
		Instruments... ..				120		60	
		Cleaning Offices ... ..				55		55	
		Porterage ... ..						5	
		REWARDS, not exceeding £50 in each case, for information as to illicit distillation ... ..				500		300	
							825		570
7	7	TOTAL ... ..				£	3,575		3,420

*a* Receives £50 per annum for House Rent. *b* Receives £20 per annum for Office Rent. *c* Also, Shipping Master; Allowance £50 per annum. *d* Also, Secretary to the Steam Navigation Board; Salary £10 per annum.

## ESTIMATES OF EXPENDITURE—1860.

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## No V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Sydney Branch of the Royal Mint.				Amount Voted for 1859.		Amount Required for 1860.	
		SALARIES.				£		£	
1	1	a Deputy Master and Chief Officer	...	...	...	1,100		1,100	
1	1	Superintendent of Bullion Office	...	...	...	850		850	
1	1	Superintendent of Coining Department	...	...	...	730		730	
1	1	Chief Clerk of Bullion Office	...	...	...	630		630	
1	1	a Registrar and Accountant	...	...	...	487		487	
2	1	Assayers, at £630	...	...	...	1,260		630	
...	1	Do.	...	...	...	.....		580	
1	1	Assistant Assayer	...	...	...	350		350	
1	1	Clerk	...	...	...	250		250	
1	1	Do.	...	...	...	250		250	
1	1	Do.	...	...	...	250		240	
1	1	Do.	...	...	...	240		200	
3	1	Superior Mechanics, at £230	...	...	...	690		230	
1	1	Engineer of Machinery	...	...	...	295		295	
1	1	Messenger	...	...	...	120		120	
1	1	Do.	...	...	...	118		118	
		Police:—							
1	1	Serjeant, at 8s. 6d. for 1859; and 8s. 9d. for 1860	...	...	...	155		160	
3	3	Constables, 2 at 6s. 3d., and 1 at 6s., for 1859; and 3 at 6s. 3d., for 1860	...	...	...	338		343	
		Royal Engineers:—							
1	1	Serjeant, at 2s. 10½d.	...	...	...	52		53	
3	3	Corporals, 1 at 2s. 2½d., and 2 at 1s. 10¾d.	...	...	...	110		110	
10	10	Privates, at 1s. 2¾d.	...	...	...	221		221	
		Colonial Allowance to Royal Engineers:—							
		Serjeant and Corporals, at 1s....	...	...	...	73		73	
		Sappers, at 6d.	...	...	...	91		92	
		Working Pay to Serjeant, at 6s. 8d., to Corporals and Sappers, at 5s.	...	...	...	1,114		1,118	
							9,774		9,230
		CONTINGENCIES.							
		Provisions for Royal Engineers	...	...	...	259		270	
		Lodging Allowance to Married Men under Military Regulations, Serjeant at 18s. and 9 Men at 16s. per week	...	...	...	374		421	
		Military Contingencies, viz.:—Good Conduct pay, alterations in clothing, repairs of arms, &c.	...	...	...	36		49	
		Wages to Workmen temporarily employed...	...	...	...	200	}	811	
		Labor in Assaying	...	...	...	150			
		Waste in Coinage, at 1s. 3d. per cent. on £700,000	...	...	...	250		250	
		Do. being 1-50th per cent. on £1,250,000...	...	...	...	529		1,092	
		Chemicals, Tools, &c.	...	...	...	200		200	
		Repairs to Engines and Furnaces	...	...	...	7		7	
		Freight	...	...	...	585		.....	
		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	...	...	...	2,590		3,100	
36	34	TOTAL	...	...	£	.....	12,364	.....	12,330
<hr/>									
		Gold Receivers.							
7	8	b Receivers at Bathurst, Goulburn, Braidwood, Orange, Mudgee, Gundagai, Grafton, and Tamworth, at £25 each	...	...	...	175		200	
1	...	Receiver at Rockhampton	...	...	...	25		*.....	
		To meet further similar claims that may arise	...	...	...	50		50	
						250		250	
8	8	TOTAL	...	...	£	.....	250	.....	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.

\* Duty performed by the Sub-Gold Commissioner.

## ESTIMATES OF EXPENDITURE—1860.

## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Colonial Storekeeper.</b>						£		£	
		SALARIES.									
1	1	Colonial Storekeeper	..	..	..	..	..	600		600	
1	1	Clerk	...	...	...	...	...	375		375	
1	1	Do.	...	...	...	...	...	275		275	
2	2	Clerks, at £275	...	...	...	...	...	550		550	
1	1	Clerk	...	...	...	...	...	260		260	
1	1	Foreman of Warehouse	...	...	...	...	...	175		175	
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	
		Packing, and other expenses	...	...	...	...	...	100		100	
									1,965		1,965
13	13	TOTAL	...	...	...	...	£	4,375		4,375	
		<b>Stores and Stationery.</b>									
		Stationery and Paper for Printing for the Public Service, generally								8,728	
		Stores, do. do. do.						38,218		26,878	
		Fuel and Light for Departments within the District of Sydney...								4,243	
											39,849
		TOTAL	...	...	...	...	£	38,218			39,849
		Cost of certain Warlike Stores obtained from the Imperial Government in 1855									25,318
		<b>Gunpowder Magazine.*</b>									
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	...	...	...	...	...	75			
									286		211
1	1	TOTAL	...	...	...	...	...	511			436
		<b>Shipping Masters.</b>									
		<i>Sydney.</i>									
		Shipping Master, (duty performed by Water Police Magistrate)									
1	1	Clerk	...	...	...	...	...	300		300	
2	2	Clerks, at £250	...	...	...	...	...	500		500	
2	2	Runners, at £104	...	...	...	...	...	208		208	
		<i>Newcastle.</i>									
1	1	a Shipping Master	...	...	...	...	...	50		50	
		<i>Moreton Bay.</i>									
1	1	b Shipping Master	...	...	...	...	...	50		50	
									1,108		1,108
7	7	TOTAL	...	...	...	...	£	1,108			1,108

\* NOTE.—This Magazine is placed in charge of the Assistant Military 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.

a Clerk to the Harbour Master;—Salary, £150 per annum. b Landing Waiter, Customs;—Salary, £325 per annum.

## ESTIMATES OF EXPENDITURE—1860.

59

## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		<b>Harbors, Light Houses, and Pilot Department.</b>			
		STEAM NAVIGATION AND PILOT BOARD.			
5	6	Members of the Board	£ 300	£ 300	
1	1	Secretary to Board, Chief Clerk and Accountant	350	350	
1	1	Engineer Surveyor, at £2 2s. each Survey	375	200	
1	1	Shipwright Surveyor, at £1 1s. each Survey	175	100	
1	1	Messenger	52	52	
3	3	Officers of Brisbane Board	27	30	
			1,279		1,032
		HARBOR MASTERS.			
1	1	Sydney	400	500	
1	1	Newcastle	275	275	
1	1	Moreton Bay	300	300	
1	1	Clerk, Sydney	200	200	
			1,175		1,275
		DEPUTY HARBOR MASTERS.			
1	...	Sydney	300	.....	
1	...	Newcastle	175	.....	
1	1	Do. Clerk	150	150	
			625		150
		Travelling Expenses of the Board, the Harbor Masters, and the Surveyors	250	.....	150
19	18	TOTAL	£ 3,829		2,607
		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>			
1	1	Port Jackson—Macquarie Light	84	84	
1	1	Do. Hornby Light	84	84	
1	1	Newcastle	84	84	
1	1	Cape Moreton	84	84	
3	3	"Bramble" Light Ship, crew, at £84	252	252	
			588		588
		Contribution of one-half the expense of maintaining the Light House on Gabo Island	750	750	
		Do. do. do. Wilson's Promontory	750	750	
		Contribution of one-third the expense of maintaining the Light House on Kent's Group	500	500	
			2,000		2,000
18	18	TOTAL	£ 4,041	.....	4,041

## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.									
No. of Persons.		Harbors, Light Houses, and Pilot Department— continued.	SALARIES AND CONTINGENCIES.						
1859	1860		Amount Voted for 1859.		Amount Required for 1860.				
			£		£				
		SEA AND RIVER PILOTS.							
		<i>Port Jackson.</i>							
		Remuneration to Pilots and Boats' Crews ...	5,680		5,680				
		<i>Newcastle.</i>							
2	3	Pilots, at £175 ...	350		525				
2	2	Assistant do., to act as Coxswains, at £120 ...	240		240				
		<i>Moreton Bay.</i>							
3	3	Pilots, at £175 ...	525		525				
		<i>Manning River.</i>							
1	1	Pilot... ..	175		175				
		<i>M<sup>c</sup>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... ..	175		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... ..	25		25				
				7,974					
15	16	TOTAL ... ..	£ .....	7,974	.....				
		BOATMEN.							
		<i>Port Jackson. (Boatswain's Yard.)</i>							
1	1	a Boatswain in charge ...	120		120				
22	*22	Boatmen, at £96 ...	2,112		2,112				
		New Boats and Repairs ...	180		200				
		<i>Newcastle.</i>		2,412					
8	8	Boatmen, at £96 ...	768		768				
1	1	Carpenter ...	140		140				
		<i>Moreton Bay.</i>		908					
13	13	Boatmen, at £96 ...	1,248		1,248				
1	1	Boatman for Buoy Boat ...	96		96				
		<i>Manning River.</i>		1,344					
4	4	Boatmen, at £96 ...	.....	384	.....				
		<i>M<sup>c</sup>Leay River.</i>		384					
4	4	Boatmen, at £96 ...	.....	384	.....				
		<i>Clarence River.</i>		384					
4	4	Boatmen, at £96 ...	.....	384	384				
...	1	Hutkeeper ...	.....	.....	50				
		<i>Richmond River.</i>		384					
4	4	Boatmen, at £96 ...	.....	384	.....				
		<i>Fitz Roy River.*</i>		384					
4	...	Boatmen, at £96 ...	.....	384	.....				
...	2	Crew of "Satellite," at £96 ...	.....	.....	192				
		<i>Port Macquarie.</i>		384					
4	4	Boatmen, at £96 ...	.....	384	.....				
70	69	TOTAL ... ..	£ .....	6,968	.....				

a Provided with Quarters. \* To provide for services of Harbor Master, Customs, Health Officer, Post Office, Cockatoo Island, and Colonial Storekeeper.

## ESTIMATES OF EXPENDITURE—1860.

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## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860	Harbors, Light Houses, and Pilot Department— continued.						Amount Voted for 1859.		Amount Required for 1860.	
		CONTINGENCIES.						£		£	
		Boats .. .. .						450		450	
		Forage, and Farriery .. .. .						70		70	
		Expense of Communication... ..						50		50	
		Repairs and Incidental Expenses .. ..						260		260	
									830		830
		TOTAL .. .. .					£	.....	830	.....	830
<hr/>											
		STEAM DREDGE.									
1	...	Master .. .. .						250			
1	...	Assistant Master .. .. .						144			
2	...	Coxswains, at £120... ..						240			
17	...	Occasional Laborers for working the Dredge, at £104 ..						1,766			
		Towing of Punts, and Incidental Expenses .. ..						1,200			
		Repairs .. .. .						1,000			
									4,600		
21	..	TOTAL .. .. .					£	.....	4,600	*.....	
<hr/>											
		MISCELLANEOUS SERVICES.									
		Postage of the various Public Departments .. ..						2,128		3,373	
		For the transmission of Telegraphic Messages .. ..						.....		1,500	
		Re-coppering of Light Ship "Bramble," and sundry repairs .. ..						.....		600	
		Provisions to be left on Booby Island for the relief of Shipwrecked Persons .. ..						30		30	
		To meet Unforeseen Expenses, to be hereafter accounted for .. ..						1,000		2,000	
									2,158		7,503
		TOTAL .. .. .					£	.....	2,158	.....	7,503

\* Provided for 1860 under No. VII, "Secretary for Public Works."

† Voted for 1859 under No. III, "Principal Secretary."





# VI.

## Secretary for Lands.

### SUMMARY.

	•Voted for 1859.	Required for 1860.
Department of Lands ... ..	9,785	10,300
Commission on Sales of Land, &c. ... ..	8,000	10,000
Management of Alpacas ... ..	.....	1,110
Survey of Lands ... ..	57,984	61,405
Occupation of Lands ... ..	8,823	9,381
Gold Fields ... ..	8,040	8,425
Gold Contingent ... ..	1,250	1,250
Coal Mines ... ..	655	655
Botanic Gardens, Sydney ... ..	2,500	2,458
Government Domains and Hyde Park ... ..	1,323	1,323
Botanic Gardens, Brisbane... ..	550	550
Internal Communication, Road Branch ... ..	47,160	49,200
TOTAL ... ..	£ 146,070	156,057

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

*The Treasury, New South Wales,  
28th September, 1859.*

E. C. WEEKES.



## ESTIMATES OF EXPENDITURE—1860.

65

## No. VI.—SECRETARY FOR LANDS.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Survey of Lands.			
		Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
SALARIES.					
1	1	Surveyor General ... ..	1,050	1,000	
6	6	District Surveyors, at £780 .. ..	4,680	4,680	(a)
8	...	Surveyors, 1st class, at £680 .. ..	5,440		
...	8	Do. do. at £655 .. ..	...	5,240	(b)
10	...	Do. 2nd do. at £580 .. ..	5,800		
...	10	Do. do. at £555 .. ..	...	5,550	(c)
1	1	* Chief Draftsman ... ..	650	650	
1	1	Draftsman, 1st class ... ..	400	400	
1	1	Do. do. ... ..	375	375	
1	...	Do. do. ... ..	325	...	
3	...	Draftsmen, 2nd class, at £300 .. ..	900	...	
...	4	Do. 2nd class, 1 at £325 and 3 at £300 .. ..	...	1,225	
5	5	Do. 3rd do. at £240 .. ..	1,200	1,200	
3	3	Do. do. at £220 .. ..	660	660	
2	2	Do. do. at £200 .. ..	400	400	
...	4	Youths to be employed as Draftsmen, at £75 each .. ..	...	300	
		Preparation of Maps for Publication .. ..	600	600	
		Lithographic Printing .. ..	...	650	(d)
2	...	Description Writers, at £150 .. ..	300	...	
...	3	Do. 2 at £150 and 1 at £100 .. ..	...	400	
1	1	Accountant ... ..	400	400	
1	1	Clerk ... ..	300	300	
2	1	Do. ... ..	400	200	
1	1	Do. ... ..	185	185	
1	1	Do. (Supernumerary) ... ..	100	100	
2	1	Messengers, at £100 .. ..	200	100	
1	1	Assistant Messenger (Boy) ... ..	35	50	
...	1	Do. (do.) ... ..	...	36	
1	1	Housekeeper ... ..	50	50	
108	120	Wages and Provisions to Surveyors' Laborers .. ..	7,884	9,004	(e)
			32,334		33,755
CONTINGENCIES.					
		Repairs and Rent ... ..	250	...	
		Fees to Licensed Surveyors... ..	25,000	25,000	
		Passage and Freight ... ..	200	200	
		Furniture ... ..	100	...	
		Incidental Expenses ... ..	100	300	(f)
		Forage Allowance in special cases ... ..	...	1,000	
		Purchase of Surveying Instruments .. ..	...	750	
		Fireproof Safe ... ..	...	150	
		Lithographic Materials ... ..	...	250	
			25,650		27,650
162	178	TOTAL ... ..	£ 57,984	...	61,405

(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 £255 allowance.

(c) Including £300 salary and £255 allowance.

(d) Transferred from the Government Printer.

(e) Being estimated at the rate of 4s. 6d. per diem for 24, and 4s. per diem for 96 Laborers.

(f) Including Special Allowance, when necessary, for District Surveyor.

N.B.—See Note at foot of Page 64.

\* Also Secretary to the Court of Claims; Fees £2 for each Final Report:—say £18 per annum.

No. VI.—SECRETARY FOR LANDS.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Occupation of Lands.				Amount Voted for 1859.		Amount Required for 1860.	
		SALARIES.							
2	2	Commissioners of Crown Lands, at £500 ...	...	...	£	1,000		£	1,000
6	6	Do. £450 ...	...	...		2,700			2,700
17	17	Troopers, at £183 ...	...	...		3,103			3,111
8	8	Officekeepers and Servants for Commissioners, at £40 each, per annum ...	...	...		320			320 (a)
1	1	Crown Land Bailiff for Cumberland ...	...	...		200			200
...	1	Messenger ...	...	...		.....			50
							7,873		7,381
		CONTINGENCIES.							
		Fees for completion of Assessment of Runs in Pastoral Districts ...	...	...		1,500			1,500
		Allowance to Commissioners in lieu of Quarters ...	...	...		.....			300
		Contingencies ..	...	...		.....			200
							1,500		2,000
34	35	TOTAL ...	...	£	...	...	8,823	.....	9,381
		Gold Fields.							
		SALARIES.							
4	3	Commissioners, at £500 ...	...	...		2,000			1,500
5	5	Assistant Commissioners, at £450 ...	...	...		2,250			2,250
3	5	Sub-Commissioners at £275 ...	...	...		825			1,375
6	7	Do. being also Clerks of Petty Sessions, at £100 ...	...	...		600			700
...	1	Chinese Interpreter ...	...	...		.....			150
							5,675		5,975
		CONTINGENCIES.							
		Allowance in lieu of Forage for 18 Officers, at £50 ...	...	...		900			1,000
		Carriage of Stores ...	...	...		50			50
		Rent... ..	...	...		65			.....
		Erection of, and Repairs to, Buildings ...	...	...		1,000			1,000
		Travelling Expenses of Commissioners (when specially sanctioned.) ...	...	...		100			200
		Incidental Expenses... ..	...	...		250			200
							2,365		2,450
18	21	TOTAL ...	...	£	.....	...	8,040	.....	8,425
		Gold Contingent.							
		To meet unforeseen Expenses, in cases of emergency ...	...	...		.....	1,250	.....	1,250
		Coal Fields.							
1	1	Examiner of Coal Fields, £2 2s. a day, while actually employed ...	...	...		630			630
		Horse Hire ...	...	...		25			25
							655		655
		TOTAL ...	...	£	.....	...	655	.....	655

N.B.—See Note at foot of Page 64.

(a) To be rationed by the Commissioner.

## ESTIMATES OF EXPENDITURE—1860.

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## No. VI.—SECRETARY FOR LANDS.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Botanic Gardens, Sydney.</b>						£		£	
1	1	Director	...	...	...	...	...	350		400	
1	1	Overseer	...	...	...	...	...	200		200	
...	1	Bailiff	...	...	...	...	...	.....	550	108	708
<b>CONTINGENCIES.</b>											
		Wages to Gardeners and Laborers	...	...	...	...	...	1,000		1,000	
		Travelling and other Expenses of the Director in the dis-	...	...	...	...	...	100		100	
		charge of his duties	...	...	...	...	...	50		50	
		Forage for one Horse	...	...	...	...	...	40		40	
		Cases for Plants, and to meet the expenses of transmission	...	...	...	...	...	50		50	
		Towards the formation of a Public Botanical Library	...	...	...	...	...	10		10	
		Purchase of Manure	...	...	...	...	...	100		100	
		Incidental Expenses	...	...	...	...	...	600		.....	
		To meet the cost of reclaiming Land from the Sea	...	...	...	...	...	.....		300	
		To meet cost of draining and preparing same	...	...	...	...	...	.....		100	
		Erection of Additional Seats in Botanic Gardens	...	...	...	...	...	.....	1,950		1,750
2	3	TOTAL	...	...	...	...	£	.....	2,500	.....	2,458
<b>Government Domains and Hyde Park.</b>											
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		100	
									1,323		1,323
2	2	TOTAL	...	...	...	...	£	.....	1,323	.....	1,323
<b>Botanic Gardens, Brisbane.</b>											
1	1	Superintendent	...	...	...	...	...	200		200	
		Wages to Laborers	...	...	...	...	...	300		300	
		Incidental Expenses	...	...	...	...	...	50		50	
									550		550
1	1	TOTAL	...	...	...	...	£	.....	550	.....	550

## ESTIMATES OF EXPENDITURE—1860.

No. VI.—SECRETARY FOR LANDS.						Amount voted for 1859.		Amount Required for 1860.	
Internal Communication.						£		£	
ROAD BRANCH.									
CONSTRUCTION AND MAINTENANCE.									
MORETON BAY ROADS.									
Main Road from Brisbane to Drayton Gap, 90 miles, at £50 per mile...						4,500		4,500	
Road Surveyor, including £100 for Travelling Expenses ... ..						600		600	
Bridge over the Condamine at Warwick ... ..								1,000	
Bridge over the Condamine at Ellangowan ... ..								1,000	
							5,100		7,100
ROADS, OTHER THAN MAIN ROADS.									
For the maintenance of other than Main Roads of the Colony ... ..						30,000		35,000	
Special Grants to minor Bridges, and Roads not classified ... ..						5,000		5,000	
Bridge over Mullet Creek, Dapto ... ..								1,000	
Bridge over Bell River at Molong ... ..								500	
Votes for Special Services ... ..						7,060		.....	
							42,060		41,500
FERRIES.									
Punt at Grafton ... ..								300	
Punt at Casino ... ..								300	
									600
TOTAL ... ..						£	47,160		49,200

## VII.

## Secretary for Public Works.

## SUMMARY.

	*Voted for 1859.	Required for 1860.
Department of Public Works... ..	3,950	5,650
Internal Communication :—		
Railways :—		
General Establishment ... ..	4,797	3,570
Existing Lines ... ..	61,375	54,725
Working Expenses—Authorised Extensions ... ..	2,000	20,000
Valuation of Land ... ..	.....	1,300
Works in Progress ... ..	3,700	9,021
Trial Surveys ... ..	14,310	23,949
New Works ... ..	.....	54,100
Bridge, High-street, East Maitland ... ..	1,000	.....
Electric Telegraph :—		
Establishments and Working Expenses... ..	15,766	11,079
Extensions (Loan) ... ..	.....	69,850
Roads :—		
General Establishment ... ..	2,230	3,680
Field Establishment ... ..	3,000	7,343
Construction and Maintenance ... ..	85,800	96,039
Colonial Architect ... ..	5,109	5,159
Public Works and Buildings ... ..	78,475	45,421
Do. (Loan) ... ..	11,600	.....
To pay off Debentures ... ..	.....	365,600
Harbours and River Navigation :—		
Engineer's Department ... ..	2,390	2,400
Steam Dredge "Hunter" ... ..	5,293	5,995
Steam Dredge "Hercules" ... ..	.....	3,924
Glebe Island Punt ... ..	.....	1,002
Public Works ... ..	.....	3,245
Do. (Loan) ... ..	.....	84,592
Fitz Roy Dock Establishment ... ..	10,456	7,296
TOTAL ... .. £	311,251	884,940

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

*The Treasury, New South Wales,  
28th September, 1859.*

E. C. WEEKES.



No. VII.—SECRETARY FOR PUBLIC WORKS.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Department of Public Works.							
		SALARIES.							
		<div> <div> <div>£</div> <div>Amount Voted for 1859.</div> </div> <div> <div>£</div> <div>Amount Required for 1860.</div> </div> </div>							
...	1	Secretary for Public Works	.....			1,500			
*1	1	Under Secretary and Commissioner for Internal Communication	1,500			1,500			
1	1	Chief Clerk, at £400	400			400			
*1	1	Clerk	300			300			
1	1	Do.	250			300			
1	1	Do.	250			250			
1	1	Do.	200			200			
1	1	Do.	150			150			
*1	1	Messenger	104			100			
1	1	Do.	100			100			
*1	1	Housekeeper	46			50			
...	1	Boy Messenger	.....			50			
*		Rent...	650			650			
		Contingencies	.....			100			
						3,950			5,650
10	12	TOTAL	£ .. ..			3,950	.....		5,650
Department of Internal Communication.									
RAILWAY BRANCH.									
General Establishment.									
SALARIES.									
1	...	Secretary	600			.....			
1	1	Accountant	500			600			
...	1	Chief Clerk and Cashier	.....			500			
1	1	Clerk	300			300			
2	2	a Do., at £200	400			400			
4	4	Clerks, at £180	720			720			
1	1	Storekeeper	400			300			
1	1	Foreman of Stores	200			200			
1	1	Ticket Printer	200			200			
1	1	Messenger	100			100			
...	1	Boy Messenger	.....			50			
						3,420			3,370
CONTINGENCIES.									
		Travelling Expenses	400			100			
		Contingencies	350			100			
		Compensation and other expenses consequent upon the Railway Accident of 10 July, 1858	627			.....			
						1,377			200
13	14	TOTAL	£ .....			4,797	.....		3,570
Existing Lines.—Establishment.									
SALARIES.									
1	1	Engineer and Locomotive Superintendent	450			550			
1	1	b Traffic Manager, Southern Line	400			400			
1	1	c Traffic Manager, Northern Line	300			300			
1	1	Locomotive Foreman	400			400			
1	1	Do.	300			300			
1	1	Traffic Inspector, Southern Line	300			350			
2	2	Inspectors of Way and Works, at £275	800			550			
16	17	Station Masters—4 at £250; 3 at £200; 3 at £175; 7 at £150	3,025			3,175			
1	1	Goods Clerk	200			200			
1	...	Goods Collector	200			.....			
		Contingent sum to cover 1 per cent. on net receipts to Managers	.....			500			
						6,375			6,725
26	26	Carried forward	£ .....			6,375	.....		6,725

\* Transferred from the Railway Branch, with the exception of one Clerk.

a One Clerk was accidentally omitted in Printed Estimates of 1859, and voted in Supplementary Estimates.

b With one per cent. upon net receipts, till income reaches £700 per annum.

c With one per cent. upon net receipts, till income reaches £500 per annum.

## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Internal Communication—continued.		Amount Voted for 1859.	Amount Required for 1860.
		RAILWAY BRANCH.			
		<i>Existing Lines—continued.</i>		£	£
		Brought forward ... ..	£	.....	6,375
		<i>Working Expenses of 54 Miles of Railway.</i>			
		Maintenance of Permanent Way, including Buildings ...	13,000		11,000
		Wages to Workmen employed in repair of Rolling Stock, Engine-drivers, Firemen, Fitters, Cleaners, Guards, Porters, and Laborers ... ..	25,000		23,000
		Materials and General Stores, firewood, oil, and waste ...	17,000		13,000
		To meet unforeseen and incidental expenses ... ..	.....		1,000
				55,000	48,000
		TOTAL ... ..	£	.....	61,375
		<i>Working Expenses—Authorized Extensions.</i>			
		Contingent sum to cover working expenses of any additional length of line that may be opened for public traffic in 1860 ... ..	.....	2,000	20,000
		TO BE PROVIDED BY LOAN.			
		<i>Valuation of Land.</i>			
		SALARIES.			
...	*1	d Valuator ... ..	.....		600
...	*1	e Do. ... ..	.....		400
...	*	Contingent sum for Travelling Expenses ... ..	.....		300
				.....	1,300
...	2		£	.....	1,300
		<i>Works in Progress—Authorized Extensions.</i>			
		SALARIES.			
1	1	Engineer-in-Chief ... ..	1,500		1,500
1	1	Assistant Engineer ... ..	700		700
1	1	Assistant Engineer ... ..	400		500
1	1	Draftsman ... ..	500		500
*2	2	Do. at £350 ... ..	350		700
*2	2	Assistant Draftsmen ... ..	.....		312
1	1	Clerk ... ..	250		250
*2	2	Inspectors of Way and Works ... ..	.....		800
*3	3	Inspectors of Bridges and Works ... ..	.....		989
		Contingent sum to provide such further assistance for the superintendence of Works as may be required ... ..	.....	3,700	2,000
					8,201
		CONTINGENCIES.			
		Travelling Expenses ... ..	.....		400
		Horse Equipment and Forage Allowance for 3 Inspectors, at 4s. per diem each ... ..	.....		220
		Contingencies ... ..	.....		200
				.....	820
14	14	TOTAL ... ..	£	.....	3,700
					9,021

d To be an Officer of the Department.

e To be permitted to pursue his private business, Government business having preference.

\* Paid in 1859 out of the Vote for Authorized Extensions.

## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. VII.—SECRETARY FOR PUBLIC WORKS.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860	Internal Communication—continued.						Amount Voted for 1859.		Amount Required for 1860.	
		RAILWAY BRANCH.									
		TO BE PROVIDED BY LOAN.									
		Trial Surveys.						£		£	
		SALARIES.									
1	1	a Assistant Engineer ...	...	...	...	...	780			880	
...	2	b Surveyors, at £780 each ...	...	...	...	...	.....			1,560	
6	10	Do. at £680 ...	...	...	...	...	4,080			6,800	
32	65	Wages to Surveyors' Laborers, at £73 per annum, each ...	...	...	...	...	2,336			4,745	
								7,196			13,985
		Detachment of Royal Engineers:—									
		Regimental Pay ...	...	...	...	...	451			451	
								451			451
		ALLOWANCES.									
		Working Pay ...	...	...	...	...	1,180			1,180	
		Colonial Allowance ...	...	...	...	...	173			173	
		Ration Allowance ...	...	...	...	...	599			599	
		Fuel, Light, and Water ...	...	...	...	...	54			54	
								2,006			2,006
		CONTINGENCIES.									
		Field Allowance ...	...	...	...	...	187			187	
		Forage for Horses ...	...	...	...	...	300			300	
		Equipment ...	...	...	...	...	250			250	
		Medical Attendance... ..	...	...	...	...	60			60	
		Incidental Expenses ...	...	...	...	...	250			250	
20	20	Chainmen without rations, at £73 ...	...	...	...	...	1,460			1,460	
		Special Expenses of Survey of Grose Valley ...	...	...	...	...	1,500			.....	
								4,007			2,507
		Contingent sum to provide such further assistance as may prove necessary when the surveys are in progress, and for unforeseen and incidental expenses ...	...	...	...	...	650			5,000	
								650			5,000
59	98	TOTAL ... ..	...	...	...	...	£	14,310			23,949
		New Works.									
		To complete Darling Harbour Branch ...	...	...	...	...	.....			3,000	
		Additional Machinery Workshops, Great Southern Railway ...	...	...	...	...	.....			2,200	
		Do. Great Northern Railway ...	...	...	...	...	.....			1,400	
		Rolling Stock, Great Northern Railway ...	...	...	...	...	.....			20,000	
		To re-place 9 miles of Barlow Rail with the Double-headed Rail between Sydney and Parramatta, being one-third of the distance... ..	...	...	...	...	.....			20,000	
		To construct a bridge in Bank-street, at East Maitland ...	...	...	...	...	.....			2,500	
		To meet unforeseen and contingent expenses ...	...	...	...	...	.....			5,000	
								.....			54,100
		TOTAL. ... ..	...	...	...	...	£	.....		.....	54,100

a Including £600 salary, and £280 for equipment.  
b Including £500 salary, and £280 for equipment.

## ESTIMATES OF EXPENDITURE—1860.

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## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
<b>Internal Communication—continued.</b>					
<b>ELECTRIC TELEGRAPH BRANCH.</b>					
<b>SALARIES.</b>					
<i>General Establishment.</i>					
1	1	Superintendent ... ..	.....	.....	
1	1	Assistant Superintendent ... ..	500	600	
...	1	Clerk ... ..	.....	200	
			500		800
<i>Inter-Colonial Line.</i>					
1	1	Station Master ... ..	250	300	
1	1	Operating Clerk—Night Duty ... ..	150	150	
1	1	Booking Clerk ... ..	100	150	
1	1	Instrument Fitter and Line Inspector ... ..	200	200	
1	1	Messenger and Battery Man ... ..	80	104	
3	5	Messengers (Lads), at £52 ... ..	156	260	
1	...	Station Master, Berrima ... ..	150	.....	
1	1	Station Master and Line Inspector, ditto ... ..	150	180	
1	1	Station Master, Goulburn ... ..	200	200	
1	1	Line Inspector, do. ... ..	150	150	
1	1	Station Master, Yass ... ..	200	200	
...	1	Line Inspector, do. ... ..	.....	150	
1	...	Messenger (Lad), do. ... ..	52	.....	
1	1	Station Master, Gundagai ... ..	200	200	
1	1	Line Inspector " ... ..	150	150	
...	1	Line Inspector, Kiamba ... ..	.....	150	
1	1	Station Master, Albury ... ..	300	300	
1	1	Line Inspector, do. ... ..	150	150	
...	1	Junior Operator and Messenger do. ... ..	.....	100	
			2,638		3,094
<i>Western Line.</i>					
1	1	Operating Clerk, Sydney ... ..	150	150	
1	1	Station Master, Penrith ... ..	150	150	
1	1	Station Master and Line Inspector, Hartley ... ..	150	180	
1	1	Station Master, Bathurst ... ..	200	200	
1	1	Line Inspector, do. ... ..	150	150	
			800		830
<i>Northern Line.</i>					
1	1	Operating Clerk, Sydney ... ..	150	150	
1	1	Station Master, Windsor ... ..	150	150	
1	1	Line Inspector, do. ... ..	150	150	
1	1	Station Master and Line Inspector, Wollombi ... ..	150	180	
1	...	Messenger, do. ... ..	52	.....	
1	1	Station Master, West Maitland ... ..	200	200	
1	...	Line Inspector, do. ... ..	150	.....	
...	1	Messenger, do. ... ..	.....	52	
...	1	Station Master, East Maitland ... ..	.....	150	
...	1	Station Master, Morpeth ... ..	.....	150	
1	1	Station Master, Newcastle ... ..	200	150	
1	1	Messenger, do. ... ..	52	52	
			1,254		1,384
<i>Railway Line.</i>					
1	1	Junior Operating Clerk, Redfern ... ..	52	52	
1	1	Do. do. Parramatta ... ..	80	80	
1	1	Do. do. Liverpool... ..	80	80	
1	1	Do. do. Campbelltown ... ..	104	104	
			316		316
<i>South Head Line.</i>					
1	1	Signal Master, Fort Phillip ... ..	200	200	
1	1	Signal Master's Assistant ... ..	84	84	
1	...	Junior Operating Clerk ... ..	52	.....	
1	1	Signal Master, South Head ... ..	180	180	
1	1	Junior Operating Clerk ... ..	80	80	
1	1	Do. do. Post Office ... ..	52	52	
1	...	Messenger, South Head ... ..	52	.....	
			700		596
45	48	Carried forward ... ..	£ .....	6,208	7,020

		No. VII.—SECRETARY FOR PUBLIC WORKS.					
No. of Persons.		SALARIES AND CONTINGENCIES.					
1859	1860	Internal Communication—continued.					
						Amount Voted for 1859.	Amount Required for 1860.
						£	£
45	48	Brought forward ... ..				6,208	7,020
		PROPOSED LINES.					
		<i>Gundagai and Deniliquin Line.*</i>					
...	1	Station Master, Wagga Wagga ... ..				150	
...	1	Line Inspector ... ..				150	
							300
		<i>Money Order Branch.</i>					
...	1	Money Order Check Clerk, at Sydney ... ..				200	
...	9	Station Masters, at £25 each <i>a</i> ... ..				225	
							425
		ALLOWANCES.					
		<i>Inter Colonial Line.</i>					
		† Horse Equipment and Forage Allowance for 3 Inspectors, at 4s. 6d. per diem... ..				273	247
		† Horse Equipment and Forage Allowance for 4 Inspectors, at 4s. per diem ... ..					293
		<i>Western Line.</i>					
		† Horse Equipment and Forage Allowance for 2 Inspectors, at 4s. per diem... ..				109	147
		<i>Northern Line.</i>					
		† Horse Equipment and Forage Allowance for 2 Inspectors, at 4s. per diem... ..				109	147
						491	834
		CONTINGENCIES.					
		Travelling Expenses for Line Inspectors ( <i>b</i> ) and Officers of Department, generally... ..				400	500
		Rent for Temporary Offices... ..				50	400
		Office Contingencies... ..				200	200
		Contingent sum to cover Allowance to Station Masters for working over-hours, at 2s. per hour ... ..					200
		5 Messengers, Sydney Station, 10 suits of Uniform, at £5... ..					50
						650	1,350
		WORKING EXPENSES.					
		Main Line, two Wires, 380 miles ... ..				390	400
		Railway Line, 34 miles ... ..				110	50
		<i>c</i> South Head Line, 9 miles ... ..				100	100
		Western Line, 123 miles ... ..				100	100
		Northern Line, 135 miles ... ..				100	100
		Contingent sum to replace Instruments, Batteries, and other unforeseen expenses .. ..				200	400
		Votes for various Services ... ..				7,417	
						8,417	1,150
45	60	TOTAL ... ..				15,766	11,079
		TO BE PROVIDED BY LOAN.					
		PROPOSED EXTENSIONS.					
		Line from Gundagai <i>via</i> Wagga Wagga to Deniliquin, to connect with Victorian and South Australian systems. at Echuca ... ..					15,000
		Purchase of Line from Deniliquin to Echuca ... ..					3,850
		West Maitland to Moreton Bay <i>via</i> Singleton, Scone, Murrurundi, Tamworth, Bendemere, and Armidale ... ..					45,000
		Extension of Western Line to Mudgee ... ..					6,000
							69,850
		TOTAL ... ..					69,850

\* Further provision will be made in a Supplementary Estimate, for this Line, when completed.

*a* To cover risk and additional work: Numbers already included.

† Including interest on outlay for horse, equipment, farriery, hire of extra horses, &c.

*b* 15s. per day when over 12 hours from home on duty.

*c* Including wear and tear of flags, ropes, &c., for Flag-staff.

## ESTIMATES OF EXPENDITURE—1860.

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## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. of Persons.		Internal Communication—continued.						SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		ROAD BRANCH.									
		GENERAL ESTABLISHMENT.									
1	1	Commissioner for Roads	...	...	...	...	.....				
1	1	Engineer for Roads	...	...	...	...	700			700	
1	1	Clerk of Works	...	...	...	...	450			500	
1	1	Chief Clerk	...	...	...	...	350			350	
1	1	Clerk	...	...	...	...	150			180	
...	1	Clerk	...	...	...	...	.....			150	
								1,650		1,880	
		CONTINGENCIES.									
		Travelling Expenses	...	...	...	...	400			400	
		Drawing Materials, Instruments, and other incidental Expenses	...	...	...	...	180			200	
		Advertising	...	...	...	...	.....			200	
		Contingent sum for temporary assistance as required	...	...	...	...	.....			1,000	
								580		1,800	
5	6	TOTAL						2,230		3,680	
		FIELD ESTABLISHMENT.									
		<i>Main Northern Road.</i>									
1	1	*Superintendent	...	...	...	...	600			600	
1	1	*2nd Class do.	...	...	...	...	400			400	
...	5	†Overseers, at £255 each	...	...	...	...	.....			1,275	
								1,000		2,275	
		<i>Main Southern Road.</i>									
1	1	*Superintendent	...	...	...	...	600			600	
1	2	*2nd Class, one at £450 a, one at £400	...	...	...	...	400			850	
...	1	Overseer b	...	...	...	...	.....			280	
...	6	†Overseers, at £255 each	...	...	...	...	.....			1,530	
								1,000		3,260	
		<i>Main Western Road.</i>									
1	1	*Superintendent	...	...	...	...	600			600	
1	1	*2nd Class do.	...	...	...	...	400			400	
...	1	Overseer b	...	...	...	...	.....			280	
...	1	Overseer c	...	...	...	...	.....			273	
...	1	†Overseer	...	...	...	...	.....			255	
								1,000		1,808	
6	22	TOTAL						3,000		7,343	
		CONSTRUCTION AND MAINTENANCE.									
		<i>Main Northern Road.</i>									
		Morpeth to Armidale, 230 miles, at £50	...	...	...	...	11,500			11,500	
		Construction of 2 miles of Road, Singleton to Falbrook	...	...	...	...	.....			528	
		Construction of 11 miles do., Muswellbrook to Scone	...	...	...	...	.....			2,904	
		Construction of 7 miles do., Scone to Doughboy	...	...	...	...	.....			1,848	
		Cuttings, Culverts, and minor Bridges on new line, from Doughboy to Goonoo Goonoo	...	...	...	...	.....			4,000	
		Construction, Tamworth to Bendemeer	...	...	...	...	.....			1,000	
		Construction, Bendemeer to Armidale	...	...	...	...	.....			1,000	
		Votes for Special Services	...	...	...	...	11,350			.....	
								22,850		22,780	
		Carried forward	...	...	...	...	£ .....	22,850		22,780	

\* Including £100 per annum for travelling allowance.

† Including 3s. per day for forage allowance. Overseers hitherto paid from the Road Vote.

a Including extra allowance to Superintendent, Albury District.

b Salary £225, and 3s. per day for forage allowance.

c Including 4s. per day for forage allowance on Blue Mountains.

## No. VII.—SECRETARY FOR PUBLIC WORKS.

Internal Communication—continued.						SALARIES AND CONTINGENCIES.	
						Amount voted for 1859.	Amount required for 1860.
ROAD BRANCH.							
CONSTRUCTION AND MAINTENANCE—Continued.							
Brought forward ...	...	...	£	.....	22,850	.....	22,780
<i>Main Southern Road.</i>							
From 5th milestone, Western Road, 380 miles, at £50 per mile	...	...	...	19,000		19,000	
Bridge at Bark Huts ...	...	...	...	.....		400	
Metalling, Picton to Bargo River ...	...	...	...	.....		3,000	
Metalling a portion at Hanging Rock ...	...	...	...	.....		2,000	
Completing Metalling, Fitz Roy Inn to Berrima	...	...	...	.....		2,000	
Repairs of Paddy's River and Fitz Roy Bridges	...	...	...	.....		600	
Construction of Hume Bridge over Yass River	...	...	...	.....		3,500	
Improvement of Road at Black Springs and Money Money Flat	...	...	...	.....		2,000	
Votes for Special Services ...	...	...	...	16,500		.....	
					35,500		32,500
<i>Main Western Road.</i>							
Sydney to Wellington, 210 miles, at £50 per mile	...	...	...	10,500		10,500	
Construction of New Bridge at Roper's Creek	...	...	...	.....		500	
To improve road at Ellison's Bar	...	...	...	.....		1,100	
Do. at Springhill	...	...	...	.....		660	
Do. East of Pulpit Hill	...	...	...	.....		1,000	
Do. at Hassan's Walls	...	...	...	.....		1,000	
Do. near Solitary Creek	...	...	...	.....		1,350	
To complete division of Road at Mt. Lambie	...	...	...	.....		1,000	
To improve Road at Meadow Flat to Kirkconnell	...	...	...	.....		1,400	
Do. Kirkconnell to Bathurst	...	...	...	.....		1,000	
Do. Bathurst to Orange	...	...	...	.....		1,000	
Do. Orange to Wellington	...	...	...	.....		500	
Votes for Special Services ...	...	...	...	11,550		.....	
					22,050		21,010
Contingent Sum for Surveys of unproclaimed portions of Main Road...						.....	6,000
Estimated Amount of Tolls and Ferries for the year 1860 to be expended where collected:—							
Northern Road	...	...	...	.....		2,106	
Southern Road	...	...	...	.....		2,072	
Western Road	...	...	...	.....		4,871	
							9,349
<i>Mudgee Road.</i>							
Superintendent, including £100 per annum for Travelling Expenses...	...	...	...	400		400	
80 miles of Road at £50 per mile	...	...	...	4,000		4,000	
Vote for Special Service	...	...	...	1,000			4,400
					5,400		
TOTAL	...	...	£	.....	85,800	.....	96,039

## ESTIMATES OF EXPENDITURE—1860.

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## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount required for 1860.	
		Colonial Architect.									
		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	Draftsman	...	...	...	...	...	250		300	
1	1	Chief Clerk	...	...	...	...	...	450		450	
1	1	Clerk, 2nd class	...	...	...	...	...	300		300	
1	...	Do. 3rd class	...	...	...	...	...	250		.....	
...	2	Junior Clerks, at £150 and £100	...	...	...	...	...	.....		250	
1	1	Messenger	...	...	...	...	...	84		84	
1	1	Office Keeper	...	...	...	...	...	40		40	
									4,574		4,624
		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	
		Advertising Tenders for Public Works, &c.						85		85	
		Incidental Expenses						50		50	
									535		535
13	14	TOTAL	...	...	...	£	.....		5,109	.....	5,159



## No. VII.—SECRETARY FOR PUBLIC WORKS.

	1859.	1860.
<b>Public Works and Buildings.</b>		
	£	£
For ordinary repairs, alterations, and additions to Public Buildings, generally ...	10,000	10,000
For repairs to Military Barracks and other Buildings ...	1,500	1,500
For lighting Lamps, sweeping Chimneys, &c., Victoria Barracks ...	250	250
To provide Furniture and Fittings for the Public Offices, generally ...	3,000	3,000
For providing Materials and Implements for employment of Prisoners at Darling-		
hurst Gaol ...	2,000	2,000
For same, at Parramatta Gaol ...	1,500	1,500
For same, at Goulburn Gaol ...	500	500
For same, at Maitland Gaol ...	500	500
For same, at Bathurst Gaol ...	500	500
Employment of Prisoners, Streets of Brisbane ...		250
The like at Ipswich ...		150
To be expended under the Hyde Park Committee ...		1,000
Fencing Police Paddock, Balranald ...		50
Erection of Additional Buildings at Camp Cove for Pilots ...		750
Additional Alterations and Repairs to the Royal Mint ...		1,245
For providing an Aviary for Rare Birds presented to the Government by		
A. Denison, Esq. ...		400
For the erection of a Court and Watch House, at Balranald ...		600
For the erection of a Court House at Lismore, Casino ...		600
For the erection of a Watch House, do. ...		400
For the erection of a Court House at Dubbo ...		800
For the erection of a Court House at Grafton ...		1,200
For the erection of a Lock-up near Hartley ...		400
For the erection of a Court House at Mudgee ...		2,000
For the erection of a Court House at Nowra ...		500
For the erection of a Watch House, do. ...		300
For the erection of a Court House at Ulladulla ...		500
For the erection of a Watch House, do. ...		300
For the erection of a Watch House at Tenterfield ...		300
For the erection of a Court House at Tumut ...		1,200
For the erection of a Watch House at Bingera ...		300
For the erection of a Court House at Adelong ...		600
For the erection of a Watch House, do. ...		400
For the erection of a Court House at Timbarra ...		500
For the erection of a Watch House, do. ...		300
For the erection of a Patrol Barracks at Goulburn ...		300
For the erection of a Watch House, Lake Macquarie Road ...		400
For the erection of a Watch House at Howlong near Albury ...		200
For additions to Court and Watch House and fencing, Gladstone ...		200
For the erection of a Court House at Gunnedah ...		300
For the erection of a Court House at Morpeth ...		400
For the erection of a Gaol at Dubbo ...		1,000
For the erection of a Gaol at Grafton ...		1,000
For the erection of a Gaol at Mudgee ...		2,000
For the erection of a Gaol at Yass ...		1,000
For the erection of a Gaol at Molong ...		800
For the erection of a Court House, do. ...		600
Additions to the Court House at Drayton ...		150
For other Services ...	58,725	.....
	78,475	43,145
<b>PUBLIC WORKS.</b>		
Grassing Sand Hills, near Sydney ...		300
Fencing General Cemetery, Parramatta ...		150
Alterations and additions to the Abattoirs, Glebe Island ...		626
To provide further Barrack accommodation for Commanding Officer, &c. ...		1,200
<b>TOTAL</b> ...	£ 78,475	45,421
<b>TO BE PROVIDED FOR BY LOAN.</b>		
To pay off Debentures falling due in 1860, viz. :—		
Railway ...	.....	281,700
Public Works ...	.....	21,000
Sydney Sewerage ...	.....	44,900
Sydney Water Works ...	.....	18,000
<b>TOTAL</b> ...	£ .....	365,600

## ESTIMATES OF EXPENDITURE—1860.

79

No. VII.—SECRETARY FOR PUBLIC WORKS.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Harbors and River Navigation.							
		ENGINEER'S DEPARTMENT.							
		SALARIES.							
		CONTINGENCIES.							
		To COVER THE EXPENSE OF PRELIMINARY HARBOR SURVEYS							
		TOTAL							
		STEAM DREDGE "HUNTER."							
		SALARIES.							
		CONTINGENCIES.							
		TOTAL							
		STEAM DREDGE "HERCULES."							
		TOTAL							
		GLEBE ISLAND PUNTS.							
		TOTAL							

\* Voted for 1859, under "No. V.—Treasurer and Secretary for Finance and Trade."

		No. VII.—SECRETARY FOR PUBLIC WORKS.			
No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		<b>Harbors and River Navigation—continued.</b>			
		PUBLIC WORKS.			
		£		£	
		Sea Wall, Botanical Gardens ... ..	.....	675	
		Landing Silt from Dredge and forming Ground ... ..	.....	1,000	
		Extension of Dyke on Flats, River Hunter ... ..	.....	1,000	
		Wharf at Rockhampton ... ..	.....	450	
		Extension of Jetty, Ulladulla ... ..	.....	120	
			.....		3,245
		TO BE PROVIDED FOR BY LOAN.			
		Deodorising Apparatus, Main Sewer ... ..	.....	3,000	
		Renewal of Circular Quay ... ..	.....	5,000	
		Construction of Pier at extension of Dowling-street ... ..	.....	2,000	
		Construction of New Wharf, Newcastle ... ..	.....	4,200	
		Improvements to Wollongong Harbor ... ..	.....	26,892	
		Improvements to Kiama Harbor ... ..	.....	30,000	
		Removing obstructions to the Navigation of the Moruya River ... ..	.....	4,000	
		Construction of Wharf, Eden ... ..	.....	2,500	
		Improvement to the Navigation of the Crookhaven River... ..	.....	5,000	
		Improvement to the Navigation of the Rivers Murray and Murrumbidgee ... ..	.....	2,000	
			.....		84,592
		TOTAL ... .. £	.....	.....	87,837
<hr/>					
		<b>Fitz Roy Dock Establishment.</b>			
		SALARIES.			
1	...	Civil Engineer ... ..	630	.....	
...	1	Superintendent and Engineer-in-Chief ... ..	.....	700	
...	1	Assistant Superintendent and Clerk of Works ... ..	.....	350	
...	1	Storekeeper ... ..	.....	190	
1	...	Foreman, Engineer... ..	300	.....	
2	1	Draftsman and Clerk ... ..	430	240	
...	1	Engineer Mechanic ... ..	.....	190	
1	1	Foreman of Works ... ..	190	200	
2	2	Foremen of Works, at £164 ... ..	328	328	
1	1	Foreman of Works ... ..	146	146	
1	...	Task Work Clerk ... ..	20	.....	
			2,044		2,344
		CONTINGENCIES.			
		Coals for the Engine and Workshop ... ..	.....	500	
		Towards the Elongation of the Dock ... ..	.....	800	
		To provide 2 self registering Tide Gauges... ..	.....	100	
		For purchase or construction of Vessel for the Diving Bell ... ..	.....	300	
		For the construction of two Punts for Dredging, &c. ... ..	.....	200	
		Diving Bells, Oil, Waste, and Incidental Repairs ... ..	.....	100	
		Spare Timber, Wheeling Plank, &c. ... ..	.....	150	
		Fuel and Light ... ..	.....	180	
		To procure a Screwbutting Lathe complete ... ..	.....	350	
		To provide a set of Change Wheels ... ..	.....	50	
		Freight, Package, and Incidentals ... ..	.....	50	
		Provision for Docking and Un-docking Vessels ... ..	.....	1,500	
		Incidental Contingencies ... ..	.....	672	
		Machinery, Works, and other Services ... ..	.....	.....	
			8,412		4,952
9	9	TOTAL ... .. £	.....	10,456	7,296

## VIII.

## The Auditor General.

## SUMMARY.

											*Voted for 1859.	Required for 1860.
Auditor General	...	...	...	...	..	...	..	...	...	£	5,062	4,822

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

*The Treasury, New South Wales*  
28th September, 1859.

E. C. WEEKES.

## ESTIMATES OF EXPENDITURE—1860.

## No. VIII.—AUDITOR GENERAL.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860	Auditor General.						Amount Voted for 1859.		Amount Required for 1860.	
		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	Corresponding Clerk	...	...	...	...	...	335		335	
1	1	Examiner of Railway Accounts	...	...	...	...	...	320		320	
1	1	Examining Clerk	...	...	...	...	...	400		300	
1	1	Clerk	...	...	...	...	...	270		270	
5	3	Clerks, at £245	...	...	...	...	...	1,225		735	
1	1	Clerk	...	...	...	...	...	230		230	
3	3	Clerks, at £200	...	...	...	...	...	600		600	
	2	Do. at £150	...	...	...	...	...	.....		300	
1	2	Do. at £100	...	...	...	...	...	100		200	
2	1	Clerks, (Extra and Probationary, at £50)	...	...	...	...	...	100		50	
1	1	Messenger	...	...	...	...	...	102		102	
1	1	a Housekeeper	..	...	...	...	...	40	5,052	40	4,812
CONTINGENCIES.											
		Incidental Expenses	...	...	...	...	..	.....	10	.....	10
		TOTAL	...	...	...	...	£	.....	5,062	.....	4,822
22	22										

a Provided with quarters, fuel and light.

# FURTHER SUPPLEMENTARY ESTIMATE

OF THE

## EXPENDITURE

OF THE

## GOVERNMENT

OF

## NEW SOUTH WALES,

FOR

# 1859.

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Ordered by the Legislative Assembly to be Printed,  
28 SEPTEMBER, 1859.

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SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER,  
PHILLIP-STREET.

1859.



## FURTHER SUPPLEMENTARY ESTIMATE FOR 1859.

3

## No. I.—SCHEDULES.

## SCHEDULE B.

PENSIONS, according to the Scale and Rates fixed by the Imperial Superannuation Act, 4 & 5 Gul. IV., Cap. 24, viz. :—

J. G. N. Gibbes, late Collector of Customs, from 10 May, 1859, at £710 8s. 4d. per annum ...	456	8	6
F. Garling, late Landing Surveyor, Customs, from 1 May, 1859, at £273 16s. 8d. per annum ...	182	11	1
Jno. Bramwell, late Landing Waiter, Customs, from 1 May, 1859, at £92 10s. 8d. per annum ...	61	13	9
David Nash, late Warehouse-Keeper, Customs, from 1 May, 1859, at £190 12s. 6d. per annum ...	127	1	8
Arthur W. Rolleston, late Landing Waiter, Customs, from 26 Aug., 1859, at £118 15s. per annum ...	41	10	0
John Thompson, late Deputy Surveyor-General, from 1 April, at £502 4s. 4d. per annum ...	376	13	3
William W. Billyard, late Civil Crown Solicitor, from 1 June, at £86 13s. 4d. per annum ...	50	11	0
John Moore Dillon, late Criminal Crown Solicitor, from 1 June, at £216 13s. 4d. per annum ...	126	7	9
W. C. Greville, late Clerk, Principal Secretary's Office, from 1 April, at £368 3s. 10d. per annum ...	276	2	10
T. H. B. Venour, late Shipping Master, Sydney, from 1 April, at £102 13s. 6d. per annum ...	77	0	1
Benjamin Shaw, late Assistant Harbour Master, from 1 June, at £93 9s. per annum ...	54	10	3
Charles Ormsby, late Superintendent of Penal Establishment, Cockatoo Island, from 1 August, at £91 13s. 4d. per annum ...	38	3	10
William Flinn, late Turnkey, Bathurst Gaol, from 1 January, at £41 3s. 9d. per annum ...	41	3	9
Charles Watson, late Pilot, Moreton Bay, from 22 September, at £58 6s. 8d. per annum ...	16	0	10

1,925 18 7

## No. II.—EXECUTIVE AND LEGISLATIVE.

## HIS EXCELLENCY THE GOVERNOR GENERAL.

Cost in excess of amount provided for remount Horses...	20	0	0
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## LEGISLATIVE COUNCIL.

Extra Clerical Assistance ...	175	0	0
Assistant Messenger (6 Months)...	55	0	0
Deficiency in Amount voted for Postage ...	5	0	0
Paging Volumes of Journal, 1858-9 ...	12	10	0

247 10 0

## LEGISLATIVE ASSEMBLY.

To meet the Expenses of Witnesses attending the Select Committee of the House, in the case of the proposed Vote of Censure on the Attorney General ...	28	0	0
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## LEGISLATIVE COUNCIL AND ASSEMBLY.

Stores and Utensils for the Refreshment Room...	50	0	0
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Carried forward ... £ 2,271 8 7



## FURTHER SUPPLEMENTARY ESTIMATE FOR 1859.

Brought forward ... .. £	2,271 8 7
<b>No. III.—PRINCIPAL SECRETARY.</b>	
<b>GAOL, SYDNEY.</b>	
To provide Books for the use of the prisoners ... ..	15 0 0
<b>PARRAMATTA GAOL.</b>	
To meet deficiency in the cost of Stores supplied through the Colonial Storekeeper's Department, for the year 1858 ...	257 16 9
To provide Books for the use of the Prisoners ... ..	30 0 0
	287 16 9
<b>BRISBANE GAOL.</b>	
Additional Turnkey, from 1 July, 1859, at 6s. 6d. per diem ...	59 16 0
<b>GAOLS, COUNTRY DISTRICTS.</b>	
Gaolers for twenty places, at £25 each, say ... ..	200 0 0
<b>PENAL ESTABLISHMENT, COCKATOO.</b>	
To provide Books for the use of the prisoners ... ..	20 0 0
<b>PRINTING POSTAGE STAMPS, LITHOGRAPHING, AND BOOKBINDING.</b>	
Deficiency in Vote for Wages for 1859 ... ..	900 0 0
Deficiency in Vote for Postage for 1859... ..	100 0 0
For the purchase of three Patent Numbering Machines, and an Extra set of Wheels ... ..	110 0 0
For the purchase of an additional Printing Machine ... ..	300 0 0
For the purchase of a Binder's Hydraulic Press ... ..	150 0 0
Paper for Printing for Public Service;—deficiency in Vote for 1858 ...	331 8 9
	1,891 8 9
<b>MILITARY.</b>	
Lodging Allowance to Brigade Major ... ..	200 0 0
Lodging Allowance to Deputy Assistant Commissary General; difference between 6s. 8d. per diem voted, and 8s. 2d. per diem proposed, from 24 January, 1859 ... ..	25 13 0
Colonial Allowance to Assistant Commissary General; difference between 7s. per diem voted, and 8s. per diem proposed, from 28 October, 1858 ... ..	21 10 0
Colonial Allowance to Deputy Assistant Commissary General; difference between 5s. 8d. per diem voted, and 7s. per diem proposed, from 28 October, 1858 ... ..	28 13 4
Colonial Allowance to Surgeon Major of 12th Regiment; difference between 7s. per diem voted and 8s. per diem proposed, from 1 January ... ..	18 5 0
Colonial Allowance to three additional Captains, in consequence of an augmentation of the 1st Battalion of the 12th Regiment ...	450 0 0
Colonial Allowance to a Staff Serjeant; difference between 1s. per diem voted, and 2s. 6d. per diem proposed, from 1 April ...	20 12 6
Rent of Commissariat Office ... ..	400 0 0
Naval and Military Postage ... ..	300 0 0
Good Conduct Pay to the Governor General's Orderlies, from 1 January ... ..	25 0 0
	1,489 13 10
<b>CHARITABLE ALLOWANCE.</b>	
For support of Paupers in Colonial Hospitals, a further sum ...	300 0 0
In support of the Establishment of the Benevolent Society, Sydney, further sum ... ..	1,427 2 8
In aid of the Sydney Infirmary and Dispensary, a further sum, an equal amount having been raised by private subscription ...	1,026 11 3
In aid of the Benevolent Society, Parramatta, a further sum, on same condition ... ..	250 0 0
	3,003 13 11
<b>GRANTS IN AID OF PUBLIC INSTITUTIONS.</b>	
In aid of the erection of the Waverley School of Arts, on condition of an equal amount being raised by private subscription ...	400 0 0
In aid of the Maitland School of Arts, on same condition, until a Building be erected... ..	100 0 0
	500 0 0
<b>ABORIGINES.</b>	
Medicines and Medical attendance;—deficiency in Vote for 1859 .....	226 0 0
<b>MISCELLANEOUS.</b>	
Compensation to the Deputy Registrar, upon the transfer to the Office of the Registrar General of the Records and Indices of Births, Marriages, and Deaths, registered by the Church of England, now in his possession. ... ..	2,500 0 0
Carried forward ... .. £	12,464 17 10

## FURTHER SUPPLEMENTARY ESTIMATE FOR 1859.

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Brought forward ... .. £	.....	12,464 17 10
IV.—ADMINISTRATION OF JUSTICE.		
MORETON BAY COURT.		
Clerk to Registrar ... ..	200 0 0	
For the preparation of Extracts of Memorials of Deeds relating to Land in the Moreton Bay District, now in the Registrar General's Office, a further sum ... ..	125 0 0	
Allowances to Jurors and Witnesses, a further sum ... ..	2,000 0 0	2,325 0 0
CORONERS.		
To meet deficiency in amount Voted for "Contingencies" for 1859 .....	.....	250 0 0
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.		
CUSTOMS.		
Increase of Salary to two Warrant Messengers, from £96 to £120 per annum, from 1st July ... ..	.....	24 0 0
STATIONERY AND STORES		
For the purchase in England of the undermentioned articles, viz :—		
2,000 Stand of Rifles of the most approved construction ..	12,000 0 0	
Plate for Twopenny Postage Stamps ... ..	141 0 0	
Letter Balances ... ..	250 0 0	12,391 0 0
GUNPOWDER MAGAZINE.		
Rent of brig "Lady Mary," occupied as a Temporary Floating Magazine, from 1st March ... ..	225 0 0	
Compensation for Gunpowder damaged on board the Floating Magazine ... ..	8 6 8	233 6 8
STEAM NAVIGATION BOARD, BRISBANE.		
Secretary ... ..	10 0 0	
Engineer Surveyor ... ..	10 0 0	
Shipwright Surveyor ... ..	10 0 0	30 0 0
BOATMEN.		
Port Curtis.		
Coxswain ... ..	100 0 0	
Boatmen, 4 at £90 ... ..	360 0 0	460 0 0
STEAM DREDGE, "HERCULES"		
To provide Buckets for the Dredge ... ..	.....	500 0 0
SCHOONER "SATELLITE."		
Crew—4 at £60 per annum, each ... ..	.....	240 0 0
MISCELLANEOUS.		
Refund of the balance of purchase money and survey fee of certain land at Brungle Creek, Murrumbidgee ... ..	10 0 0	
To meet charges on the payment of Debenture Dividends in London ... ..	1,000 0 0	
To meet the expense of the transmission of Telegraphic Messages	500 0 0	
For the purchase of two Barometers for the use of the Public...	40 0 0	
For the purchase of a Tide Gauge ... ..	60 0 0	1,610 0 0
Carried forward ... .. £	.....	30,528 4 6

Brought forward ... ..	.....	30,528 4 6
No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS.		
GOLD FIELDS.		
SALARIES.		
Chinese Interpreter ... ..	150 0 0	
Additional Trooper, Port Curtis ... ..	75 12 6	
		225 12 6
INTERNAL COMMUNICATION.		
<i>Railway Branch.</i>		
Extra Clerk in Secretary's Office, at £180 per annum, from 22 July, to 31 December, 1859 ... ..	80 6 8	
Extra Clerk in Accountant's Office, between February and June, 53 days, at 12s. a day ... ..	31 16 0	
Extra Clerk in Accountant's Office, at £180 per annum, from 25 July to 31 December, 1859 ... ..	78 14 8	
Contingent sum to cover per centage to Traffic Manager, Southern Line ... ..	300 0 0	
Do. Do. Traffic Inspector, Northern Line ... ..	200 0 0	
Compensation to Mrs. Want, for loss sustained by Railway accident ... ..	7,500 0 0	
Estimated amount for relief to other sufferers, and the legal expenses attending the arbitration in the case of Mrs. Want	650 0 0	
Advertising, 1859 ... ..	350 0 0	
		9,190 17 4
<i>Road Branch.</i>		
Extra Clerk at £180 per annum, from 27 June, to 31 December, 1859 ... ..	92 2 8	
Wages to Toll Keeper at the Morpeth Gate, employed during the time the Tolls were not leased ... ..	29 10 0	
Payment made to the Road Trust, Parramatta, for the final settlement of their accounts for the Main Road ... ..	328 0 0	
For fences, &c., to Bridges and Culverts on the road from Morpeth to East Maitland ... ..	250 0 0	
Contingent sum to cover extra assistance for Clerk of Works and Draftsman, in preparing Plans and Specifications ... ..	200 0 0	
Tolls for 1859, to be expended on the Southern Road, where levied ... ..	532 0 0	
Tolls for 1859, to be expended on the Northern Road, where levied ... ..	2,530 0 0	
Tolls for 1859, to be expended on the Western Road, where levied ... ..	6,170 0 0	
Rent of Tolls at Parramatta Toll Bar for 1858, to be expended on the Road... ..	328 0 0	
Advertising, 1859 ... ..	200 0 0	
		10,659 12 8
<i>Electric Telegraph Branch.</i>		
Salaries ... } To repay expenses incurred { ... ..	4 6 4	
Contingencies .. } in 1858 paid in 1859 { ... ..	151 7 1	
To cover Rent of Offices at Goulburn, from 1 June, 1859 ... ..	40 0 0	
Advertising, 1859 ... ..	50 0 0	
Contingent sum to provide Forms and Books for Money Order Branch ... ..	100 0 0	
		345 13 5
WORKS AND BUILDINGS.		
Erection of a Watch House at Tumut ... ..	450 0 0	
Completion of a Watch House at Cowra,—a further sum of ... ..	50 0 0	
Repairs and Alterations to Police Magistrate's Residence, Port Macquarie ... ..	250 0 0	
Repairs and Alterations to Residence of Superintendent, at Cockatoo Island ... ..	400 0 0	
Alterations and Repairs to Legislative Assembly Chamber ... ..	3,000 0 0	
Additions to the Government Printing Office ... ..	1,200 0 0	
Repairs to Lock-up, Tambarumba Creek ... ..	50 0 0	
For improving Gaol Accommodation at places where General Quarter Sessions are to be held ... ..	5,000 0 0	
Carried forward ... .. £	10,400 0 0	
Carried forward ... .. £	.....	50,950 0 5

## FURTHER SUPPLEMENTARY ESTIMATE FOR 1859.

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Brought forward ... .. £	.....	50,950 0 5
No. VI.—SECRETARY FOR LANDS AND PUBLIC WORKS— <i>Continued.</i>		
WORKS AND BUILDINGS— <i>continued.</i>		
Brought forward ... .. £	10,400 0 0	
Improvements, Hyde Park, to be expended under the Super- intendence of the Committee of Management ... ..	1,000 0 0	
Painting Breakfast and Norman's Creek Bridges ... ..	50 0 0	
Laying on Water and completing fittings, Australian Museum ... ..	56 10 7	
Light House, Cape Moreton, a further sum of ... ..	59 1 9	
For lighting the Government Lamps in the streets of Sydney... ..	427 0 0	
For the survey of the Harbors of Bellambi and Wollongong ... ..	300 0 0	
Re-building the Boundary Wall at Dawes' Point ... ..	168 15 0	
For the erection of a Monument in memory of the late Dr. Leichhardt ... ..	300 0 0	
Employment of Prisoners in the Streets of Brisbane, further sum ... ..	100 0 0	
Repairs to Tank Stream, from Bridge-street to Circular Quay ..	3,465 0 0	
		16,326 7 4
MISCELLANEOUS.		
For the purchase of the Alpacas introduced into the Colony by Mr. Charles Ledger (Resolution of Assembly) ... ..	15,000 0 0	
For the management of the Alpacas, at the rate of £1,000 per annum, from 1st May,—(Resolution of Assembly) ... ..	666 13 4	
Compensation to Mr. John Green, for land for Road between Wodonga Place and River Murray, at Albury ... ..	30 0 0	
Compensation to Mr. Sutherland, for loss sustained by him in consequence of Deeds of Grant being twice issued for Land at Minto ... ..	106 0 0	
To meet a portion of the Debt due by the Commissioners of the Maitland Road Trust to the Bank of New South Wales, on account of that Trust ... ..	1,751 0 0	
For the purchase of Land at Watson's Bay, for a site for additional Buildings for Pilots ... ..	250 0 0	
		17,803 13 4
		85,080 1 1
TO BE PROVIDED BY LOAN.		
PUBLIC WORKS.		
Construction of Coal Wharf, Newcastle... ..	2,100 0 0	
Steam Crane ... ..	800 0 0	
Glebe Island Punts ... ..	1,882 0 0	
Harbor Defences ... ..	2,425 0 0	
Additions to Works at Fort Macquarie ... ..	4,500 0 0	
For the construction of a Fort on Garden Island ... ..	16,800 0 0	
		28,507 0 0
TOTAL ... .. £	.....	113,587 1 1



NEW SOUTH WALES.

*Finance, 1859-60.*

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ESTIMATES

OF THE

WAYS AND MEANS

OF THE

GOVERNMENT

OF

NEW SOUTH WALES,

FOR THE YEAR

1860.

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Ordered by the Legislative Assembly to be Printed,  
6 OCTOBER, 1859.

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SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER.

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1859.



No. 1.

ACCOUNT CURRENT OF REVENUE AND EXPENDITURE, FROM 1 JANUARY TO 31 DECEMBER, 1858.

To				£	s.	d.					£	s.	d.
Estimated Deficiency on 1 January, 1858 ...				95,665	5	6							
Consolidated Revenue :—							By						
Amount Appropriated for 1858	...	1,154,651	2 3				Revenue and Receipts actually collected during the year ...				1,384,294	0	0
Special Appropriations	...	138,250	0 0										
Provided by the Constitutional and Colonial Acts	...	60,300	0 0										
Less :—		1,353,201	2 3										
Estimated Savings on Items voted, but not required	...	124,966	5 9										
				1,228,234	16	6							
Loans authorized to be raised :—							Loans authorized to be raised 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 Appropriation for 1858	...	12,116	10 3										
Balance on 31st December, 1858	...	48,277	7 9										
				2,207,794	0	0					2,207,794	0	0
							By						
							Balance on 31st December, 1858, brought down ...				£	48,277	7 9

The Treasury, New South Wales,  
6 October, 1859.

E. C. WEEKES.



## No. 2.

## ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE FROM 1 JANUARY TO 31 DECEMBER, 1859.

To		£	s.	d.	By		£	s.	d.
Consolidated Revenue:—									
Amount of Appropriation Act for 1859	1,208,787 6 2				Balance on 31 December, 1858	... ..	48,277 7 9		
Special Appropriations	238,500 0 0				Revenue and Receipts actually collected to				
Provided by the Constitutional and Colonial					31 August, 1859 (Statement No. 4.)	925,531 0 0			
Acts	60,300 0 0				Estimated Revenue and Receipts from 1 Septem-				
					ber to 31 December, 1859 (Statement No. 5)	621,925 0 0			
	1,507,587 6 2						1,547,456 0 0		
Less—									
Amount not likely to be required	40,000 0 0	1,467,587 6 2			Loans authorized to be raised for Public Works, and to pay off				
Loans authorized to be raised:—					Debentures	91,600 0 0			
For Public Works	11,600 0 0	91,600 0 0			Amount proposed to be raised by Loan for Public Works...	28,507 0 0			
To pay off Debentures due 1859	80,000 0 0								
Further Supplementary Estimate for 1859, as proposed:—									
Chargeable on Revenue	85,080 1 1	113,587 1 1							
To be covered by Loans	28,507 0 0	43,066 0 6							
Estimated Balance on 31 December, 1859...		£ 1,715,840 7 9					£ 1,715,840 7 9		
					By				
					Estimated Balance on 31 December, 1859, brought down	£	43,066 0 6		

The Treasury, New South Wales,  
6 October, 1859.

E. C. WEEKES.

## No. 3.

## ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE, CARRIED ON TO 31 DECEMBER, 1860.

To					£	s.	d.	By					£	s.	d.	
Charges on Consolidated Revenue :—								Estimated Balance on 31 December, 1859 ... ..								
General Services ... ..	...	...	1,260,240	0	0								43,066	0	6	
Special Appropriations ... ..	...	...	276,833	0	0											
Provided by Constitutional and Colonial Acts ... ..	...	...	60,350	0	0											
						1,597,423	0	0	Estimated Revenue for 1860, as per Statement of Ways and Means ... ..							
													1,655,339	0	0	
Charges proposed to be covered by Loans :—								Amount proposed to be raised by Loan :—								
For Public Works ... ..	...	...	242,812	0	0											
To pay off Debentures ... ..	...	...	365,600	0	0											
						608,412	0	0	For Public Works ... .. 242,812 0 0							
									To pay off Debentures ... .. 365,600 0 0							
													608,412	0	0	
Estimated Balance at Credit of Consolidated Revenue, 31 December, 1860 ... ..																
						100,982	0	6								
					£	2,306,817	0	6								
								By								
								Estimated Balance at credit of Consolidated Revenue, 31 December, 1860, brought down ... ..								
								£ 100,982 0 6								

The Treasury, New South Wales,  
6 October, 1859.

E. C. WEEKES.

## No. 4.

## REVENUE AND RECEIPTS FROM 1 JANUARY TO 31 AUGUST, 1859.

Customs...	...	...	...	...	...	...	...	...	...	...	416,460
Duty on Colonial Spirits	...	...	...	...	...	...	...	...	...	...	38,655
Gold Revenue	...	...	...	...	...	...	...	...	...	...	27,406
Mint Receipts	...	...	...	...	...	...	...	...	...	...	9,093
Land Revenue	...	...	...	...	...	...	...	...	...	...	224,684
Postage	...	...	...	...	...	...	...	...	...	...	29,040
Licenses	...	...	...	...	...	...	...	...	...	...	62,492
Fees of Office	...	...	...	...	...	...	...	...	...	...	16,352
Fines and Forfeitures	...	...	...	...	...	...	...	...	...	...	3,830
Rents, Exclusive of Land	...	...	...	...	...	...	...	...	...	...	12,107
Railway Tolls	...	...	...	...	...	...	...	...	...	...	37,149
Electric Telegraph Receipts	...	...	...	...	...	...	...	...	...	...	3,531
Pilotage Rates, Harbour Dues, and Fees	...	...	...	...	...	...	...	...	...	...	10,307
Newcastle Tonnage Dues	...	...	...	...	...	...	...	...	...	...	1,501
Immigration Remittances	...	...	...	...	...	...	...	...	...	...	11,442
Interest on City Debentures	...	...	...	...	...	...	...	...	...	...	2,201
Micellaneous Receipts	...	...	...	...	...	...	...	...	...	...	12,533
											918,783
Balances in the hands of Public Officers refunded	..	...	...	...	...	...	...	...	...	£	6,748
TOTAL	...	...	...	...	...	...	...	...	...	£	925,531

*The Treasury, New South Wales,  
6 October, 1859.*

E. C. WEEKES.

## No. 5.

ESTIMATED REVENUE AND RECEIPTS, FROM 1 SEPTEMBER TO 31 DECEMBER, 1859.

Customs...	...	...	...	...	...	...	...	...	...	...	180,015
Duty on Colonial Spirits	...	...	...	...	...	...	...	...	...	...	19,328
Gold Revenue	...	...	...	...	...	...	...	...	...	...	16,417
Mint Receipts	...	...	...	...	...	...	...	...	...	...	6,495
Land Revenue	...	...	...	...	...	...	...	...	...	...	274,278
Postage	...	...	...	...	...	...	...	...	...	...	15,482
Licenses...	...	...	...	...	...	...	...	...	...	...	7,815
Fees of Office	...	...	...	...	...	...	...	...	...	...	8,734
Fines and Forfeitures	...	...	...	...	...	...	...	...	...	...	2,151
Rents, exclusive of Land	...	...	...	...	...	...	...	...	...	...	4,307
Railway Tolls	...	...	...	...	...	...	...	...	...	...	25,681
Electric Telegraph Receipts	...	...	...	...	...	...	...	...	...	...	4,467
Pilotage Rates, Harbour Dues, and Fees	...	...	...	...	...	...	...	...	...	...	4,193
Newcastle Tonnage Dues	..	...	...	...	...	...	...	...	...	...	499
Immigration Remittances	...	...	...	...	...	...	...	...	...	...	6,126
Interest on City Debentures	...	...	...	..	...	...	...	...	...	...	30,916
Miscellaneous Receipts ..	...	...	...	...	...	...	...	...	...	...	15,071
TOTAL											£ 621,925

*The Treasury, New South Wales,*  
6 October, 1859.

E. C. WEEKES.

## No. 6.

ABSTRACT OF THE PROBABLE REVENUE OF THE GOVERNMENT OF NEW SOUTH WALES,  
FOR THE YEAR 1860.

	REVENUE OF 1858.	REVENUE OF 1859.	ESTIMATE FOR 1860.
	£	£	£
Customs ... ..	557,298	596,475	621,000
Duty on Spirits distilled in the Colony ... ..	50,955	57,983	60,000
Gold Revenue ... ..	43,108	43,823	47,050
Mint Receipts ... ..	18,148	15,588	17,000
Land Revenue ... ..	405,858	498,962	552,850
Postage ... ..	39,954	44,472	45,000
Licenses ... ..	66,018	70,307	72,820
Fees of Office ... ..	26,824	25,086	33,320
Fines and Forfeitures ... ..	8,102	5,981	6,710
Rents—Exclusive of Land ... ..	12,189	16,414	16,450
Railway Tolls ... ..	64,758	62,830	80,000
Electric Telegraph Receipts ... ..	1,756	7,998	15,000
Pilotage Rates, Harbour Dues, and Fees ... ..	9,490	14,500	15,000
Tonnage Dues, Newcastle ... ..	1,446	2,000	2,000
Assessment on Stock ... ..	330	.....	.....
Immigration Remittances ... ..	21,271	17,568	20,000
Interest on City Debentures ... ..	13,762	33,117	20,800
Miscellaneous Receipts ... ..	26,155	27,604	30,339
Balances in the hands of Public Officers refunded ... ..	15,905	6,748	.....
Bishopthorpe Estate ... ..	967	.....	.....
£	1,384,294	1,547,456	1,655,339
TO BE RAISED BY LOAN.			
To pay off Debentures of an equal amount falling due in 1860 ... ..	...	...	365,600
To meet the Expense of Public Works and Buildings ... ..	...	...	242,812
			608,412
TOTAL ... ..	...	£	2,263,751

## FINANCE, 1859-60.

9

## REVENUE DETAILED.

REVENUE DETAILED.					

## REVENUE DETAILED—Continued.

	REVENUE OF 1858.	REVENUE OF 1859.			ESTIMATE FOR 1860.
		Actual to 31 August.	Estimate to 31 Dec.	Total.	
Brought forward ... ..	£ 1,181,339	807,830	519,780	1,327,610	1,415,720
<b>FEES OF OFFICE.</b>					
On Commissions to Public Officers... ..	63	105	15	120	120
On Certificates of Naturalization ... ..	284	234	86	320	320
On Copies and Transcripts of Papers ... ..	10	15	5	20	20
On the Preparation and Enrolment of Title Deeds...	7,508	4,384	2,192	6,576	7,500
Registrar General ... ..	2,992	1,803	900	2,703	3,000
Prothonotary of Supreme Court ... ..	3,258	1,725	275	2,000	2,000
Master in Equity ... ..	1,334	697	348	1,045	2,400
Curator of Intestate Estates ... ..	475	264	132	396	500
Insolvent Courts ... ..	1,598	865	432	1,297	1,600
Sheriff ... ..	1,065	611	304	915	2,200
Moreton Bay Court ... ..	513	453	228	681	1,000
Courts of Requests ... ..	1,943	68	.....	68	.....
District Courts ... ..	.....	1,406	2,000	3,406	6,000
Courts of Petty Sessions ... ..	2,672	1,483	740	2,223	3,000
Water Police Court and Shipping Masters...	2,827	1,996	996	2,992	3,300
Steam Navigation Board ... ..	152	121	29	150	150
Court of Claims ... ..	75	72	28	100	100
On Disputed Claims at the Gold Fields ... ..	51	43	20	63	100
Other Fees ... ..	4	7	4	11	10
	26,824	16,352	8,734	25,086	33,320
<b>FINES AND FORFEITURES.</b>					
Sheriff ... ..	383	490	244	734	800
Moreton Bay Court... ..	55	36	16	52	100
Courts of Petty Sessions ... ..	3,316	1,867	932	2,799	3,500
Water Police Court... ..	193	111	56	167	180
For the Unauthorized Occupation of Crown Lands...	613	26	574	600	600
Crown's share of Seizures by the Departments of Customs and Distilleries ... ..	3,338	799	300	1,099	1,000
Confiscated and Unclaimed Property ... ..	194	474	26	500	500
Other Fines... ..	10	27	3	30	30
	8,102	3,830	2,151	5,981	6,710
<b>RENTS—EXCLUSIVE OF LAND.</b>					
Tolls and Ferries ... ..	3,064	6,454	1,546	8,000	8,000
Wharfs ... ..	7,877	5,246	2,624	7,870	8,000
Military Canteen ... ..	747	186	25	211	50
Government Buildings and Premises ... ..	492	221	112	333	400
Property Escheated to the Crown ... ..	9	.....	.....	.....	.....
	12,189	12,107	4,307	16,414	16,450
<b>RAILWAY TOLLS..</b> ... ..	64,758	37,149	25,681	62,830	80,000
<b>ELECTRIC TELEGRAPH RECEIPTS</b> .. ..	1,756	3,531	4,467	7,998	15,000
<b>PILOTAGE RATES, HARBOUR DUES, AND FEES</b> ... ..	9,490	10,307	4,193	14,500	15,000
Carried forward ... ..	£ 1,304,458	891,106	569,313	1,460,419	1,582,200

## REVENUE DETAILED—Continued.

	REVENUE OF 1858.	REVENUE OF 1859.			ESTIMATE FOR 1860.
		Actual to 31 August.	Estimate to 31 Dec.	Total.	
Brought forward ... .. £	1,304,458	891,106	569,313	1,460,419	1,582,200
TONNAGE DUES, NEWCASTLE ... ..	1,446	1,501	499	2,000	2,000
ASSESSMENT ON STOCK ... ..	330	.....	.....	.....	.....
IMMIGRATION REMITTANCES ... ..	21,271	11,442	6,126	17,568	20,000
INTEREST ON CITY DEBENTURES ... ..	13,762	2,201	30,916	33,117	20,800
MISCELLANEOUS RECEIPTS.					
Sale of Government Property ... ..	3,176	1,699	848	2,547	3,000
For the Support of Patients in the Lunatic Asylums	1,165	667	332	999	1,200
Collections by the Government Printer ... ..	1,663	1,332	664	1,996	2,000
Payment by the Commissariat towards the sup- port of British Prisoners and Lunatics ... ..	4,431	.....	3,800	3,800	3,100
Do. towards the support of the Gunpowder Magazine	92	46	46	92	102
Store Rent of Gunpowder ... ..	1,505	345	245	590	807
For Work performed by Prisoners in Gaol... ..	1,467	777	555	1,332	1,500
Fees on presenting Private Bills to the Parliament, and on Letters of Registration ... ..	415	185	260	445	450
Interest on Bank Deposits ... ..	9,067	6,217	7,689	13,906	15,000
Proceeds of Sale of Alpaca Wool ... ..	.....	.....	.....	.....	180
Other Receipts ... ..	3,174	1,265	632	1,897	3,000
	26,155	12,533	15,071	27,604	30,339
Balances in the hands of Public Officers refunded...	15,905	6,748	.....	6,748	.....
Balance of Revenue from Bishopthorpe Estate for 1857 and part of 1858 ... ..	967	.....	.....	.....	.....
TOTAL ... .. £	1,384,294	925,531	621,925	1,547,456	1,655,339



## No. 7.

STATEMENT of the TOTAL DEBT of the Colony; shewing the sums authorised to be raised by certain of the Loan Acts, and the amounts raised under each of those Acts respectively, on the 31st August, 1859.

SERVICES.	AMOUNTS AUTHORISED TO BE RAISED.	AMOUNTS RAISED.	BALANCE TO BE RAISED.	TOTAL DEBT.	REMARKS.
LAND AND IMMIGRATION DEBENTURES .....	53,000 0 0	53,000 0 0	.....	53,000 0 0	
DEBENTURES ISSUED ON ACCOUNT OF LOANS TO THE SYDNEY RAILWAY COMPANY.....	217,500 0 0	217,500 0 0	.....	217,500 0 0	
PUBLIC WORKS—					
18 Vic., No. 35 .....	178,750 0 0	105,750 0 0	73,000 0 0	104,000 0 0	
RAILWAYS—					
18 Vic., 40 .....	666,800 0 0	666,800 0 0	.....	666,800 0 0	
PUBLIC WORKS—					
19 Vic., 38 & 40 .....	405,323 0 0	398,614 16 3	6,708 3 9	403,800 0 0	
SYDNEY SEWERAGE—					
17 Vic., 34.....	200,000 0 0	200,000 0 0	.....	206,030 0 0	{ Including £6,730 of £10 Debentures actually sold.
SYDNEY WATER—					
17 Vic., 35 .....	200,000 0 0	200,000 0 0	.....	206,400 0 0	
TO PAY OFF L. & I. DEBEN- TURES—					
20 Vic., No. 1 .....	73,776 0 0	73,700 10 0	75 10 0	73,700 0 0	
RAILWAYS—					
20 Vic., 1 .....	200,000 0 0	199,997 10 0	2 10 0	203,000 0 0	
TO PAY OFF L. & I. DEBEN- TURES—					
20 Vic., 16 .....	130,400 0 0	130,311 0 0	89 0 0	132,300 0 0	
PUBLIC WORKS—					
20 Vic., 33 .....	107,717 18 11	105,837 5 0	1,880 13 11	110,000 0 0	
RAILWAYS—					
20 Vic., 34 .....	300,000 0 0	267,724 7 6	32,275 12 6	265,000 0 0	
TO PAY OFF DEBENTURES—					
22 Vic., No. 5 .....	145,000 0 0	125,785 10 0	19,214 10 0	126,000 0 0	
RAILWAYS AND PUBLIC WORKS—					
22 Vic., No. 22 .....	758,500 0 0	.....	758,500 0 0	.....	
PUBLIC WORKS—					
22 Vic., 26 .....	11,600 0 0	.....	11,600 0 0	.....	
DEBENTURES transmitted to Oriental Bank, London; Account Sales for which have not yet been received .....	{ .....	{ .....	{ .....	2,000 0 0	20 Vic., No. 33.
				34,000 0 0	20 Vic., No. 34.
				19,000 0 0	22 Vic., No. 5.
				712,000 0 0	22 Vic., No. 22.
£	3,648,366 18 11	2,745,020 18 9	903,346 0 2	3,534,530 0 0	
TO COVER DEFICIT IN 1855-6. 20 Vic., 20 .....	£150,000 0 0	.....	150,000 0 0	.....	To be repealed.

NOTE.—It is probable that a further sum of £40,000 will have to be raised:—being £20,000 each for the Affiliated Colleges in connection with the Presbyterian and Wesleyan Churches, 19 Vic., 38.

The Treasury, New South Wales,  
6 October, 1859.

E. C. WEEKES.

ESTIMATES  
OF THE  
PROBABLE EXPENDITURE  
OF THE  
GOVERNMENT  
OF  
NEW SOUTH WALES,  
FOR THE YEAR  
**1860.**

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

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SYDNEY :  
THOMAS RICHARDS, GOVERNMENT PRINTER,  
PHILLIP-STREET.  
—  
1859.



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NEW SOUTH WALES.

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ESTIMATES OF EXPENDITURE,  
1860.

DETAILED.

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## I.

## Schedules A, B, and C, to Schedule 1,

of Act 18 &amp; 19 VICTORIÆ, CAPUT 54.

## SUMMARY.

										To BE VOTED.
SCHEDULE A:—										
Provided by the Schedule...	...	...	...	...	...	...	19,050			
Provided by Colonial Acts	...	...	...	...	...	...	1,850	20,900		
										4,104
SCHEDULE B	...	...	...	...	...	...	...	13,554		
Provided by the Schedule	...	...	...	...	...	...	...	9,450		
SCHEDULE C:—										
Public Worship	...	...	...	...	...	...	...	28,000		
										4,104
ADDITIONAL EXPENDITURE...							...	...	£	

## No. I.—SCHEDULES.

## SCHEDULE A.

		PROVIDED IN SCHEDULE.	PROVIDED BY COLONIAL ACTS.
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	2	3,000 0 0	1,000 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	
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	£	19,050 0 0	
Provided by Colonial Acts	...	...	1,850 0 0

## SCHEDULE B.

## Pensions.

To JUDGES on their ceasing to hold Office:—

Roger Therry, late Puisne Judge	...	.....	1,050 0 0
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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	
Francis Lewis Shaw Merewether, formerly Auditor General	...	900 0 0	
John Hubert Plunkett, Q.C., formerly Attorney General	...	1,200 0 0	
Sir William Montague Manning, Q.C., formerly Solicitor General	...	800 0 0	4,900 0 0

To THE UNDERMENTIONED PENSIONERS, according to the Scale and Rates by the Superannuation Acts of the Imperial Parliament 4 &amp; 5 Gul. IV., cap. 24, and 22 Vic., cap. 26, viz. :—

William Lithgow, formerly Auditor General	...	379 3 4	
Colonel Barney, late Surveyor General	...	500 0 0	
John Thompson, late Deputy Surveyor General	...	502 4 4	
William Carter, late Registrar General	...	300 0 0	
William W. Billyard, late Civil Crown Solicitor	...	86 13 4	
John Moore Dillon, late Criminal Crown Solicitor	...	216 13 4	
John Nicholson, formerly Harbour Master	...	200 0 0	
Merion Marshall Moriarty, formerly Port Master	...	184 10 5	
Thomas Henry Blackburn Venour, late Shipping Master	...	102 13 6	
Charles Ormsby, late Superintendent of Penal Establishment at Cockatoo Island	...	91 13 4	
George Boyle White, late Surveyor	...	222 10 0	
James Larmer, do.	...	167 0 0	
Thomas Scott Townsend, do.	...	137 11 2	
John James 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	
William Charles Greville, do. do.	...	368 3 10	
Benjamin Pitt Griffin, sen., late Clerk in the Colonial Treasury	...	79 0 0	

Carried forward ... £ 4,001 17 0

## ESTIMATES OF EXPENDITURE—1860.

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## No. I.—SCHEDULES.

## SCHEDULE B.—continued.

## Pensions—continued.

Brought forward	...	...	...	£	4,001	17	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	
Osborne 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	
William Sheridan Wall, late Curator, Australian Museum	...	...	...	...	77	15	6	
Rev. Frederick Wilkinson, late Colonial Chaplain	...	...	...	...	188	11	8	
Mrs. Smith, Widow of Judge Advocate Bent	...	...	...	...	200	0	0	
Mrs. Susannah Milham, Widow of Surgeon Milham	...	...	...	...	100	0	0	
Benjamin Shaw, late Assistant Harbor Master	...	...	...	...	93	9	0	
William Galvin, late Messenger, Legislative Council	...	...	...	...	35	5	8	
Michael Doyle, do., Colonial Treasury	...	...	...	...	39	10	0	
Samuel Moore 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	
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	
Edward Wilson, do., Penrith Police	...	...	...	...	14	18	3	
Thomas Hinton, late Porter, Customs	...	...	...	...	28	4	0	
William Flinn, late Turnkey, Bathurst Gaol	...	...	...	...	41	3	9	
John Brennan, do., Parramatta Gaol	...	...	...	...	28	16	0	
Charles Watson, late Pilot, Moreton Bay	...	...	...	...	58	6	8	
J. G. N. Gibbes, late Collector of Customs	...	...	...	...	710	8	4	
F. Garling, late Landing Surveyor, Customs	...	...	...	...	273	16	8	
John Bramwell, late Landing Waiter, Customs	...	...	...	...	92	10	8	
David Nash, late Warehouse Keeper, Customs	...	...	...	...	190	12	6	
A. W. Rolleston, late Landing Waiter, Customs	...	...	...	...	118	15	0	
King Barton, late Clerk to His Excellency the Governor General's Private Secretary	...	...	...	...	94	10	0	6,870 19 1
Amount provided by the Schedule	...	...	...	£	.....			3,500 0 0
Amount to be Voted	...	...	...	£	...	...	£	3,870 19 1

## PENSIONS TO BE VOTED:—

Lady Amelia S. Forbes, Widow of Sir Francis Forbes, formerly Chief Justice	200	0	0	
Lady Harriett 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. Edward Robert Stack, late Master of the Benevolent Asylum, Sydney	133	6	8	733 6 8
TOTAL	.....			733 6 8

## SCHEDULE C.

Public Worship	...	...	...	...	28,000	0	0	28,000 0 0
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## Executive and Legislative.

### SUMMARY.

	*Voted for 1859.	Required for 1860.
His Excellency the Governor General ... ..	1,406	1,406
Executive Council ... ..	1,162	1,012
Legislative Council... ..	5,435	5,745
Legislative Assembly . . . . .	7,501	7,447
Legislative Council and Assembly... ..	1,993	2,043
TOTAL ... ..	£ 17,497	17,653

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

*The Treasury, New South Wales,  
1st December, 1859.*

SAUL SAMUEL.



## ESTIMATES OF EXPENDITURE—1860.

No. II.—EXECUTIVE AND LEGISLATIVE.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860							Amount Voted for 1859.	Amount Required for 1860.		
		<b>His Excellency the Governor General.</b>									
		<b>SALARIES.</b>						£	£		
1	1	Private Secretary (provided in Schedule.)									
1	1	a Aide-de-Camp, at 9s. 6d., per diem... ..						173	173		
1	1	Clerk to Private Secretary ... ..						315	315		
1	1	Messenger, at 3s. 11d. per diem ... ..						71	71		
		Mounted Orderlies,—									
1	1	Serjeant, at 3s. 8½d. per diem... ..						68	68		
1	1	Corporal, at 2s. 8½d. „ ... ..						50	50		
3	3	Troopers, at 1s. 8½d. „ ... ..						94	94		
								771	771		
		<b>CONTINGENCIES.</b>									
		Provisions for the Orderlies .. ..						74	74		
		Forage for seven Horses ... ..						511	511		
		Remount Horses ... ..						50	50		
								635	635		
9	9	<b>TOTAL</b> ... ..						£ .....	1,406	.....	1,406
<hr/>											
		<b>Executive Council.</b>									
		<b>SALARIES.</b>									
1	1	Clerk of the Council ... ..						600	600		
1	1	Clerk „ ... ..						300	300		
1	...	Clerk ... ..						150	.....		
1	1	Messenger ... ..						84	84		
1	1	b Officekeeper... ..						18	18		
								1,152	1,002		
		<b>CONTINGENCIES.</b>									
		Incidental Expenses ... ..						.....	10	.....	10
5	4	<b>TOTAL</b> ... ..						£ .....	1,162	.....	1,012

## ESTIMATES OF EXPENDITURE—1860.

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## No. II.—EXECUTIVE AND LEGISLATIVE.

No. of Persons.										SALARIES AND CONTINGENCIES.			
1859	1860									Amount Voted for 1859.		Amount Required for 1860.	
		<b>Legislative Council.</b>											
		<b>SALARIES.</b>								£		£	
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	...	...	...	...	...	...	...	500		500	
1	1	Short-hand Writer	...	...	...	...	...	...	...	400		400	
1	1	First Clerk	...	...	...	...	...	...	...	400		400	
1	1	Second Clerk	...	...	...	...	...	...	...	300		300	
1	1	Third Clerk...	...	...	...	...	...	...	...	250		250	
1	1	Usher of the Black Rod	...	...	...	...	...	...	...	400		400	
1	1	Chief Messenger	...	...	...	...	...	...	...	150		150	
1	1	Assistant Messenger	...	...	...	...	...	...	...	110		110	
...	1	Do.	...	...	...	...	...	...	...	.....		110	
1	1	<sup>a</sup> Doorkeeper	...	...	...	...	...	...	...	120		120	
											5,030		5,140
		<b>CONTINGENCIES.</b>											
1	1	Sessional Short-hand Writer	...	...	...	...	...	...	...	100		100	
...	...	Extra Clerical Assistance (6 months)	...	...	...	...	...	...	...	.....		175	
3	3	Extra Messengers, at £110 (6 months)	...	...	...	...	...	...	...	165		165	
		Sperm Candles	...	...	...	...	...	...	...	50		50	
		Gas Light	...	...	...	...	...	...	...	40		40	
		Incidental Expenses	...	...	...	...	...	...	...	50		75	
											405		605
		<b>TOTAL</b>	...	...	...	...	...	...	...	£ .....	5,435	.....	5,745
16	17												

<sup>a</sup> Provided with Quarters.

## ESTIMATES OF EXPENDITURE.—1860.

## No. II.—EXECUTIVE AND LEGISLATIVE.

No. II.—EXECUTIVE AND LEGISLATIVE.													
No. of Persons.										SALARIES AND CONTINGENCIES.			
1859	1860									Amount Voted for 1859.		Amount Required for 1860.	
Legislative Assembly.													
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	Short-hand Writer	...	...	...	...	...	...	...	550		550	
1	1	Clerk of Records	...	...	...	...	...	...	...	400		400	
1	1	Clerk of Select Committees...	...	...	...	...	...	...	...	300		300	
1	1	Clerk of Printing Branch	...	...	...	...	...	...	...	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 Short-hand Writer	...	...	...	...	...	...	...	225		200	
2	2	Extra Copying Clerks, at £175 (6 months)	...	..	...	...	...	...	...	175		175	
4	4	Extra Messengers, at £110 do.	...	...	...	...	...	...	...	220		220	
		Sperm Candles	...	...	...	...	...	...	...	167		167	
		Gas Light	...	...	...	...	...	...	...	45		45	
		Paging 100 sets of Votes and Proceedings...	...	...	...	...	...	...	...	29		.....	
		Incidental Expenses...	...	..	...	...	...	...	...	200		200	
23	23										1,061		1,007
TOTAL										£	7,501		7,447

## ESTIMATES OF EXPENDITURE—1860.

9

## No. II.—EXECUTIVE AND LEGISLATIVE.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Legislative Council and Assembly.</b>									
		<b>SALARIES.</b>						£		£	
1	1	a Librarian ... ..						400		400	
1	1	Assistant Librarian...						250		250	
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	
									1,213		1,213
		<b>CONTINGENCIES.</b>									
		<i>Library.</i>									
		Sperm Candles ... ..						44		44	
		Books and Periodicals ... ..						450		450	
		Insurance of Books ... ..						21		26	
		Incidental Expenses ... ..						30		50	
		<i>Refreshment Room.</i>									
3	3	Servants (6 months) at 6s. 9d. each, per diem ... ..						185		185	
		Sperm Candles ... ..						40		40	
		Gas for two Lamps over Entrance Gates of Parliament Houses... ..						.....		10	
		Incidental Expenses ... ..						10		25	
									780		830
10	10	TOTAL ... ..					£ .....		1,993	... ..	2,043

a Provided with Quarters.

b Provided with Quarters, and Fuel and Light.



## III.

## Chief Secretary.

## SUMMARY.

	* Voted for 1859.	Required for 1860.
Chief Secretary ... ..	4,828	4,753
Government Resident, Moreton Bay ... ..	900	
Do., Port Curtis ... ..	730	
Registrar General ... ..	6,625	6,327
National Schools ... ..	20,000	20,000
Denominational Schools ... ..	20,000	20,000
Protestant Orphan School ... ..	3,513	3,578
Roman Catholic Orphan School ... ..	3,135	3,404
Sydney Police—Judicial :—		
Central Police Office ... ..	2,818	2,818
Water Police ... ..	1,255	1,240
Sydney Police—Executive :—		
Inspector General and Metropolitan Police ... ..	22,060	22,355
Water Police ... ..	2,442	2,451
Horse Patrol ... ..	3,440	3,447
Police, Country Districts—Judicial :—		
Police Magistrates ... ..	5,005	5,355
Do., acting as Clerks of Petty Sessions ... ..	3,575	3,250
Clerks of Petty Sessions ... ..	12,600	10,300
General Contingencies... ..	1,844	1,952
Police, Country Districts—Executive :—		
First class Chief Constables ... ..	5,600	4,725
Second class Chief Constables ... ..	4,920	4,200
District Constables ... ..	5,928	5,586
Ordinary Constables ... ..	40,757	28,728
General Contingencies... ..	9,990	8,465
Detective Police throughout the Colony ... ..	1,123	1,123
Horse Patrol and Gold Police ... ..	32,274	34,347
Gold Contingent ... ..	1,250	1,000
Police, General Service ... ..	2,500	2,050
Native Police ... ..	13,574	1,379
Gaols :—Sydney ... ..	7,859	7,197
Parramatta ... ..	4,219	4,772
Bathurst ... ..	2,885	2,888
Maitland ... ..	2,632	2,635
Goulburn ... ..	1,799	1,704
Berrima ... ..	.....	1,632
Brisbane ... ..	2,115	
Penal Establishment, Cockatoo Island ... ..	10,245	7,395
Observatory ... ..	2,358	1,350
Medical Board ... ..	44	44
Vaccine Institution ... ..	477	552
Lunatic Asylum, Tarban ... ..	6,960	7,036
Do., Parramatta ... ..	11,198	10,842
Naval Allowance ... ..	5,000	6,823
Military Allowance... ..	8,179	9,000
Royal Artillery ... ..	7,368	7,308
Charitable Allowances ... ..	17,846	20,383
Grants in aid of Public Institutions ... ..	16,100	30,500
Aborigines ... ..	455	200
Miscellaneous ... ..	27,508	15,100
TOTAL... ..	£ 367,933	339,194

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

## No. III.—CHIEF SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860	Chief Secretary.						Amount Voted for 1859.		Amount Required for 1860.	
		SALARIES.						£		£	
1	1	Chief Secretary (provided in Schedule.)									
1	1	Under Secretary	...	...	...	...	...	800		800	
1	1	Chief Clerk	...	...	...	...	...	630		630	
1	1	Clerk	...	...	...	...	...	400		400	
3	3	Clerks, at £375	...	...	...	...	...	1,125		1,125	
1	1	Clerk	...	...	...	...	...	315		350	
1	1	Clerk	...	...	...	...	...	225		250	
1	4	Clerks, at £200	...	...	...	...	...	200		800	
3	...	Clerks, at £175	...	...	...	...	...	525			
1	1	(a) Messenger, at 5s. 8d. per diem	...	...	...	...	...	103		103	
1	1	Do., at 6s. 9d. do.	...	...	...	...	...	123		123	
1	1	(b) Officekeeper, at 3s. 4d. do.	...	...	...	...	...	61		61	
1	1	(a) Watchman, at 5s. do.	...	...	...	...	...	91		91	
									4,598		4,733
		CONTINGENCIES.									
		Extra Clerical Assistance as required	...	...	...	...	...	100			
		Newspapers for Record, and for the Secretary of State	...	...	...	...	...	*50			
		Public General Acts, Parliamentary Papers, Annual Army List, and Royal Calendar	...	...	...	...	...	*50			
		Incidental Expenses	...	...	...	...	...	30		20	
									230		20
17	17	TOTAL	...	...	...	...	£	.....	4,828	.....	4,753
<hr/>											
Government Resident, Moreton Bay.											
1	...	Government Resident	...	...	...	...	...	700			
1	...	Clerk	...	...	...	...	...	200			
									900		
2		TOTAL	...	...	...	...	£	.....	900		
<hr/>											
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.

\* Provided for 1860 under the head "Stores and Stationery," No. V. "Treasurer and Secretary for Finance and Trade."

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Registrar General.</b>									
		<b>SALARIES.</b>						£		£	
1	1	Registrar General ...	...	...	...	...	...	700		700	
		<i>Registration of Deeds' Branch:—</i>									
1	1	Deputy Registrar of Deeds...	...	...	...	...	...	350		400	
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 ...	...	...	...	...	...	250		250	
1	1	Clerk ...	...	...	...	...	...	230		230	
1	1	Do. ...	...	...	...	...	...	200		200	
1	1	Do. ...	...	...	...	...	...	150		150	
2	2	Clerks, at £75 ...	...	...	...	...	...	150		150	
1	1	(a) Messenger and Office Keeper ...	...	...	...	...	...	120		120	
									3,175		3,225
		<b>CONTINGENCIES.</b>									
		Allowances to District Registrars ...	...	...	...	...	...	2,750		2,702	
		Freight and Carriage of Books and Forms ...	...	...	...	...	...	50		50	
		Rent of Office ...	...	...	...	...	...	400		100	
		Additional Clerical assistance, and unforeseen expenses ...	...	...	...	...	...	250		250	
									3,450		3,102
15	15	TOTAL ...	...	...	...	...	£ .....	6,625		6,327	

(a) Provided with quarters.



No. III.—CHIEF SECRETARY.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
								£		£	
		<b>National Schools.</b>									
		For the support of Schools, and Incidental Expenses of the Board, including the Allowances to the Teachers ...						.....	20,000		20,000
		<b>Denominational Schools.</b>									
		For the support of Schools, and Incidental Expenses of the Board, including the Allowances to the Teachers ...						.....	20,000		20,000
		<b>Protestant Orphan School.</b>									
		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, £30	...	...	...	...	...	150		160	
15	15	Attendants—one at £70, one at £30, one at £44, three at £35 each, three at £30 each, four at £25 each, one at £24, and one at £20	...	...	...	...	...	493		483	
									1,093		1,093
22	22	Carried forward	...	...	...	...	£	.....	1,093	...	1,093

*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; salary £149 per annum.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

No. III.—CHIEF SECRETARY.											
No. of Persons.											
1859	1860										
Protestant Orphan School—continued.											

a The Officers residing in the Establishment are each allowed a ration of provisions.

No. III.—CHIEF SECRETARY.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860	Sydney Police.—Judicial.						Amount Voted for 1859.		Amount Required for 1860.	
		CENTRAL POLICE OFFICE.									
		SALARIES.						£		£	
1	1	Police Magistrate	...	...	...	...	...	630		600	
1	1	Clerk of Petty Sessions	...	...	...	...	...	430		430	
1	1	Clerk	...	...	...	...	...	350		350	
1	1	Do.	...	...	...	...	...	300		300	
1	1	Do.	...	...	...	...	...	230		230	
...	1	Do.	...	...	...	...	...	.....		230	
4	3	Clerks, at £200	...	...	...	...	...	800		600	
1	...	Interpreter's Fees	...	...	...	...	...	25			
1	1	Office Keeper	...	..	...	...	...	25	2,790	25	2,765
		CONTINGENCIES.									
		Interpreter's Fees	...	...	...	...	...	.....		25	
		Incidental Expenses	...	...	...	...	...	28		28	
									28		53
11	10	TOTAL	...	...	...	...	£	.....	2,818	.....	2,818
<hr/>											
Water Police.											
		SALARIES.									
1	1	Police Magistrate and Shipping Master	...	..	...	...	...	630		630	
1	1	Clerk of Petty Sessions	...	...	...	...	...	275		275	
1	1	Clerk	...	...	...	...	...	225		225	
1	...	Interpreter's Fees	...	..	...	...	...	25			
1	1	a Office Keeper	...	..	...	...	...	40	1,195	25	1,155
		CONTINGENCIES.									
		Interpreter's Fees	...	...	...	...	...	.....		25	
		Incidental Expenses	...	...	...	...	...	.....		60	
									60		85
5	4	TOTAL	...	...	...	...	£	.....	1,255	.....	1,240

No. III.—CHIEF SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.	
1859	1860	Amount Voted for 1859.	Amount Required for 1860.
<b>Sydney Police—Executive.</b>			
<b>INSPECTOR GENERAL AND METROPOLITAN POLICE.</b>			
<b>SALARIES.</b>			
<b>INSPECTOR GENERAL.</b>			
1	1	Inspector General and Metropolitan Superintendent ...	800
1	1	Clerk ...	375
1	1	Do. (Accountant) ...	300
1	1	Do. ...	300
1	1	Do. ...	250
1	1	Do. ...	175
1	1	Do. ...	150
1	1	a Office Keeper ...	25
8	8		2,375
<b>METROPOLITAN POLICE.</b>			
1	1	Chief Inspector, at 10s. 8d. per diem ...	195
4	4	Inspectors in Charge, at 9s. 7d. „ ...	700
6	6	Do. (Divisional) at 9s. „ ...	985
14	18	Serjeants, at 8s. 3d. „ ...	2,108
130	126	Constables, at 6s. „ ...	14,235
2	2	Female Searchers, at £10 per annum ...	20
			18,243
<b>CONTINGENCIES.</b>			
		Allowance to Inspector of Weights and Measures ...	150
		Do. to Chinese Interpreter ...	150
b		Do. to Medical Attendant ...	150
		Do. in lieu of Forage to Superintendent ...	112
		Do. for two Horses for the District Constabulary ...	40
		Provisions ...	300
		Rent of Office ...	250
		Removing and destroying carcases of animals on the highways	50
		Rewards to Firemen for prompt attendance with their Engines at Fires ...	20
		Incidental Expenses ...	220
			1,442
157	157	<b>TOTAL ... .. £</b>	<b>22,060</b>
<b>WATER POLICE.</b>			
<b>SALARIES.</b>			
2	2	Sub-Inspectors, at 9s. per diem ...	329
3	3	Coxswains, at 6s. 6d. „ ...	355
12	12	Constables, at 6s. „ ...	1,314
3	3	Do., for special duty on shore, at 6s. per diem ...	328
			2,326
<b>CONTINGENCIES.</b>			
		In lieu of clothing, 20 men, at 3d....	91
		Provisions ...	25
			116
20	20	<b>TOTAL ... .. £</b>	<b>2,442</b>

*a* Provided with Quarters, Fuel, and Light.

<sup>b</sup> Also Superintendent of the Vaccine Institution; Salary £240 per annum.

No. III.—CHIEF SECRETARY.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860					Amount Voted for 1859.		Amount Required for 1860.	
		<b>Sydney Police—Executive—continued.</b>				£		£	
		HORSE PATROL.							
1	1	Inspector, at 9s. 7d. per diem	...	...	...	174		175	
1	1	Serjeant, at 8s. 3d.	...	...	...	150		151	
2	2	Corporals, at 6s. 6d.	...	...	...	237		238	
14	14	Mounted Constables, at 6s. per diem	...	...	...	1,534		1,538	
							2,095		2,102
		CONTINGENCIES.							
		Forage for eighteen Horses	...	...	...	1,000		1,000	
		Remount Horses	...	...	...	120		120	
		Horse Shoeing	...	...	...	100		100	
		Veterinary Attendance	...	...	...	30		30	
		Repairs of Arms and Saddlery	...	...	...	45		45	
		Incidental Expenses	...	...	...	50		50	
							1,345		1,345
18	18	TOTAL	..	...	£	.....	3,440	.....	3,447

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

## Police, Country Districts—Judicial.

TOTAL.

## SALARIES.

POLICE DISTRICT.	BENCHES.	Salary of Police Magistrate.	Salary of Police Magistrate acting as Clerk of Petty Sessions.	Salary of Clerk of Petty Sessions.	No. of Persons.	Amount.
		£	£	£		£
Albury .....	Albury .....	375	.....	175	3	725
	Meragle (Gold Field).....	.....	.....	175		
	Tumberumba (do) .....	.....	.....	.....		
Armidale .....	Armidale .....	375	.....	175	3	725
	Walcha .....	.....	.....	.....		
	Bendemeer.....	.....	.....	.....		
	Bundara.....	.....	.....	.....	3	775
Bathurst.....	Uralla (Gold Field) .....	.....	.....	175		
	Bathurst.....	375	.....	225		
	Sofala (Gold Field) .....	.....	.....	175	3	925
Balranald .....	Balranald .....	.....	.....	.....		
	Lang's Crossing Place .....	†375	.....	175		
	Euston .....	.....	.....	.....	1	175
	Wentworth .....	375	.....	.....		
Berrima .....	Berrima .....	.....	.....	175		
Binalong .....	Burrowa .....	.....	.....	175	1	175
	Binalong .....	.....	.....	.....	1	150
Braidwood .....	Braidwood .....	.....	.....	150	1	175
Bombala.....	Bombala .....	.....	.....	175	1	325
Broulee .....	Moruya .....	.....	325	.....	1	225
Camden and Narellan ...	Camden .....	.....	.....	225	1	.....
	Pictou .....	.....	.....	.....	1	175
Campbelltown .....	Campbelltown .....	.....	.....	175	1	325
Carcoar .....	Carcoar .....	.....	325	.....	.....	.....
	Canowindra .....	.....	.....	.....	.....	.....
	Cowra.....	.....	.....	.....	.....	.....
	Tuena (Gold Field) .....	.....	.....	.....	1	175
Cassilis .....	Cassilis .....	.....	.....	175	1	.....
	Merriwa.....	.....	.....	.....	1	325
Cooma .....	Cooma .....	.....	325	.....	2	705
Deniliquin .....	Deniliquin .....	‡530	.....	175	2	350
Dubbo .....	Dubbo .....	.....	.....	175		
	Coonabarabran .....	.....	.....	175		
Dungog .....	Dungog .....	.....	.....	175	1	.....
	Clarence Town .....	.....	.....	.....	1	325
Eden .....	Eden .....	.....	325	.....	.....	.....
	Bega .....	.....	.....	.....	.....	.....
	Panbula .....	.....	.....	.....	1	175
Gosford .....	Gosford .....	.....	.....	175	2	575
Goulburn .....	Goulburn .....	375	.....	200	1	175
Grafton .....	Grafton .....	.....	.....	175	2	550
Gundagai .....	Gundagai .....	375	.....	175	1	325
Hartley .....	Hartley .....	.....	325	.....	1	175
Kiama .....	Kiama .....	.....	.....	175	2	550
Maitland .....	East Maitland .....	350	.....	200		
	West Maitland .....	.....	.....	.....		
	Morpeth .....	.....	.....	.....	.....	.....
	Carried forward .....	£ 3,505	1,625	4,325	38	9,455

† This Officer performs duty at Balranald.

‡ This Officer performs duty at Moulamein and Moama.

## No. III.—CHIEF SECRETARY.

## Police, Country Districts—Judicial—continued.

## 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.	No. of Persons.	Amount.
	Brought forward ..... £	3,505	1,625	4,325	38	9,455
McLeay .....	Belgrave.....	.....	.....	175	1	175
	West Kempsey .....	.....	.....	.....	.....	.....
McDonald River.....	St. Alban's.....	.....	.....	.....	.....	.....
Manning River .....	Wingham .....	.....	.....	175	1	175
	Bungay Bungay.....	.....	.....	.....	.....	.....
	Cundle Town. ....	.....	.....	.....	.....	.....
Moama .....	Moama .....	.....	.....	175	1	175
Molong .....	Molong .....	.....	.....	175	2	350
	Condobolin.....	.....	.....	175		
Moulamein.....	Moulamein.....	.....	.....	.....	.....	.....
Mudgee .....	Mudgee .....	.....	325	.....	2	500
	Louisa Creek (Gold Field) ...	.....	.....	.....		
	Avisford (Do.) .....	.....	.....	175		
Murrurundi .....	Murrurundi .....	.....	.....	175	1	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.....	.....	.....	225	1	225
	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 .....	.....	.....	.....	1	175
	Numba .....	.....	.....	175		
	Ulladulla .....	.....	.....	.....		
Tamworth .....	Tamworth .....	.....	.....	175	2	350
	Gunnadah .....	.....	.....	175		
	Nundle (Gold Field) .....	.....	.....	.....		
Tabulam.....	Casino .....	375	.....	175	2	550
	Lismore .....	.....	.....	.....	.....	.....
Tenterfield .....	Tenterfield .....	.....	.....	175	1	175
Tumut .....	Tumut .....	375	.....	175	2	550
	Adelong (Gold Field) .....	.....	.....	.....	.....	.....
Wagga Wagga .....	Wagga Wagga .....	.....	325	.....	1	325
Warialda .....	Warialda .....	.....	.....	175	1	175
Wee Waa .....	Wee Waa .....	.....	325	.....	1	325
	Walgett .....	.....	.....	.....	.....	.....
Wellington.....	Wellington.....	.....	.....	175	3	525
	Stoney Creek (Gold Field) ...	.....	.....	175		
	Tambaroora (Do.) .....	.....	.....	175		
	Burrendong (Do.) .....	.....	.....	.....		
Wellingrove .....	Wellingrove .....	.....	.....	.....	.....	.....
	Glen Innes.....	.....	.....	175	1	175
	Inverell .....	.....	.....	.....	.....	.....
Windsor.....	Windsor.....	.....	.....	200	1	200
Wollongong .....	Wollongong .....	.....	.....	175	1	175
Wollombi .....	Wollombi .....	375	.....	175	2	550
Yass .....	Yass .....	.....	.....	175	1	175
	TOTAL.....£	5,355	3,250	10,300	81	18,905

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

No. III.—CHIEF SECRETARY.									
Police, Country Districts—Executive.								TOTAL.	
SALARIES.									
POLICE DISTRICT.	BRANCHES.	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	7	707	10	1,110
	Meragle (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
	Tumberumba (do) .....	.....	.....	.....	.....	.....	.....	.....	.....
Armidale .....	Armidale .....	175	.....	.....	.....	3	303	11	1,224
	Walcha .....	.....	.....	1	114	2	202		
	Bendemeer .....	.....	.....	1	114	1	101		
	Bundara .....	.....	.....	1	114	1	101		
	Uralla (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
Bathurst .....	Bathurst .....	175	.....	3	342	12	1,212	16	1,729
	Sofala (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
Balranald .....	Balranald .....	.....	.....	1	114	3	303	21	2,143
	Lang's Crossing-place .....	175	.....	.....	.....	3	303		
	Euston .....	.....	.....	.....	.....	.....	.....		
	Wentworth .....	175	.....	.....	.....	3	303		
	Fort Bourke .....	.....	.....	1	114	2	202		
	Minindi .....	.....	.....	1	114	2	202		
	*Minindi, Fort Bourke, } and Wentworth .....	.....	.....	.....	.....	3	138		
Berrima .....	Berrima .....	175	.....	.....	.....	5	505	6	680
Binalong .....	Burrowa .....	175	.....	.....	.....	3	303	6	693
	Binalong .....	.....	.....	1	114	1	101		
Braidwood .....	Braidwood .....	175	.....	.....	.....	3	303	4	478
Bombala .....	Bombala .....	.....	140	.....	.....	3	303	4	443
Broulee .....	Moruya .....	.....	140	.....	.....	3	303	5	544
	.....	.....	.....	.....	.....	1	101		
Camden and } Narellan .....	Camden .....	175	.....	.....	.....	5	505	8	895
	Pictou .....	.....	.....	1	114	1	101		
Campbelltown ...	Campbelltown .....	175	.....	1	114	2	202	5	592
	.....	.....	.....	.....	.....	1	101		
Carcoar .....	Carcoar .....	175	.....	1	114	5	505	9	1,009
	Canowindra .....	.....	.....	1	114	.....	.....		
	Cowra .....	.....	.....	.....	.....	1	101		
	Tuena (Gold Field) .....	.....	.....	.....	.....	.....	.....	.....	.....
Cassilis .....	Cassilis .....	.....	140	.....	.....	2	202	5	557
	Merriwa .....	.....	.....	1	114	1	101		
Cooma .....	Cooma .....	175	.....	.....	.....	2	202	5	592
	Nimmitabell .....	.....	.....	1	114	1	101		
Deniliquin .....	Deniliquin .....	175	.....	1	114	4	404	6	693
Dubbo .....	Dubbo .....	.....	140	.....	.....	3	303	10	1,101
	.....	.....	140	.....	.....	2	202		
	Coonabarabran .....	.....	.....	1	114	2	202		
Dungog .....	Dungog .....	.....	140	.....	.....	2	202	4	456
	Clarence Town .....	.....	.....	1	114	.....	.....		
Eden .....	Eden .....	.....	140	.....	.....	2	202	5	544
	Bega .....	.....	.....	.....	.....	1	101		
	Panbula .....	.....	.....	.....	.....	1	101		
Gosford .....	Gosford .....	.....	140	.....	.....	3	303	4	443
Goulburn .....	Goulburn .....	175	.....	4	456	11	1,111	16	1,742
	Carried forward .....	2,450	1,120	25	2,850	113	11,248	160	17,668

\* Native Trackers, at 2s. 6d. per diem.



No. III.—CHIEF SECRETARY.									
Police, Country Districts—Executive—continued.								TOTAL.	
SALARIES.									
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.....£	2,450	1,120	25	2,850	113	11,248	160	17,668
Grafton .....	Grafton .....	.....	140	...	.....	4	404	5	544
Gundagai .....	Gundagai .....	.....	140	...	.....	5	505	6	645
Hartley .....	Hartley .....	.....	140	1	114	4	404	6	658
Kiama .....	Kiama .....	.....	.....	1	114	2	202	3	316
		.....	.....	...	.....	1	101		
Maitland.....	East Maitland .....	175	.....	1	114	10	1,010	20	2,133
	West Maitland .....	.....	.....	1	114	2	202		
	Morpeth .....	.....	.....	1	114	2	202		
		.....	.....	...	.....	1	101		
M'Leay .....	Belgrave.....	.....	140	...	.....	4	404	6	551
	West Kempsey .....	.....	.....	...	.....	a1	7		
M'Donald River...	M'Donald River, (St. Alban's)	.....	.....	...	.....	1	101	1	101
Manning River ...	Wingham, .....	.....	.....	1	114	2	202	3	316
Moama .....	Moama .....	.....	140	...	.....	3	303	4	443
Molong .....	Molong .....	.....	140	1	114	3	303	5	557
	Condobolin.....	.....	140	...	.....	3	303	4	443
Moulamien.....	Moulamein.....	175	.....	...	.....	3	303	4	478
Mudgee .....	Mudgee .....	175	.....	...	.....	5	505	6	680
	Louisa Creek (Gold Field)	.....	.....	...	.....				
	Avisford.....	.....	.....	...	.....				
Murrurundi .....	Murrurundi .....	.....	140	...	.....	2	202	3	342
Muswellbrook.....	Muswellbrook.....	.....	140	...	.....	2	202	4	443
	Merton .....	.....	.....	...	.....	1	101		
Newcastle .....	Newcastle .....	175	.....	1	114	8	808	10	1,097
Orange .....	Orange .....	.....	140	1	114	3	303	5	557
	Ophir (Gold Field) .....	.....	.....	...	.....				
Parramatta and {	Parramatta.....	175	.....	...	.....	12	1,212	16	1,703
Liverpool ... {	Liverpool .....	.....	.....	1	114	2	202		
Paterson.....	Paterson .....	.....	140	...	.....	3	303	4	443
Patrick's Plains ...	Singleton .....	.....	140	...	.....	4	404	5	544
Penrith .....	Penrith .....	175	.....	1	114	6	606	8	895
Port Macquarie ...	Port Macquarie .....	.....	140	...	.....	3	303	4	443
Port Stephens ...	Stroud .....	.....	.....	1	114	2	202	3	316
Queanbeyan .....	Queanbeyan .....	175	.....	1	114	6	606	8	895
Raymond Terrace	Raymond Terrace .....	175	.....	...	.....	2	202	3	377
Rylstone.....	Rylstone.....	.....	140	...	.....	2	202	3	342
Scone .....	Scone .....	.....	140	...	.....	3	303	4	443
Shoalhaven.....	Nowra .....	.....	.....	1	114	1	101	4	417
	Numba .....	.....	.....	...	.....	1	101		
	Ulladulla .....	.....	.....	...	.....	1	101		
Tamworth .....	Tamworth .....	175	.....	...	.....	4	404	11	1,211
	Gunnadah .....	.....	.....	1	114	2	202		
	Nundle (Gold Field) .....	.....	.....	...	.....				
	Barraba .....	.....	.....	1	114	2	202	7	772
Tabulam.....	Casino .....	.....	140	1	114	3	303		
	.....	.....	.....	1	114	1	101		
	Lismore .....	.....	.....	...	.....	...	.....	...	.....
Tenterfield .....	Tenterfield.....	.....	140	...	.....	2	202	3	342
Tumut .....	Tumut .....	.....	140	...	.....	3	303	4	443
	Adelong (Gold Field) .....	.....	.....	...	.....				
Wagga Wagga ...	Wagga Wagga .....	175	.....	1	114	2	202	4	491
Warialda .....	Warialda .....	.....	140	...	.....	3	303	6	658
	Bingera .....	.....	.....	1	114	1	101		
	Carried forward.....£	4,200	3,780	45	5,130	256	25,597	352	38,707

a A Tracker at 4d. per diem.

## ESTIMATES OF EXPENDITURE.—1860.

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No. III.—CHIEF SECRETARY.									
Police, Country Districts—Executive—continued.								TOTAL.	
SALARIES.									
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.....£	4,200	3,780	45	5,180	256	25,597	352	38,707
Wee Waa .....	Wee Waa .....	.....	140	...	.....	3	303	6	658
	Walgett .....	.....	.....	1	114	1	101		
Wellington .....	Wellington.....	.....	140	1	114	3	303	5	557
	Stoney Creek (Gold Field) ..								
	Tambaroora (Do.) ..								
	Burrendong (Do.) ...								
Wellingrove .....	Wellingrove .....	.....	.....	...	.....	1	101	5	557
	Glen Innes.....	.....	140	...	.....	1	101		
	Inverell .....	.....	.....	1	114	1	101		
Windsor.....	Windsor.....	175	.....	...	.....	9	909	10	1,084
Wollongong .....	Wollongong .....	175	.....	...	.....	4	404	5	579
Wollombi .....	Wollombi .....	.....	.....	1	114	2	202	3	316
Yass .....	Yass .....	175	.....	...	.....	6	606	7	781
	TOTAL.....£	4,725	4,200	49	5,586	287	28,728	393	43,239

## SUMMARY OF THE FOREGOING ESTIMATE OF "POLICE, COUNTRY DISTRICTS,"

PAGES 19 TO 23.

No. of Persons.			Voted for 1859.	Required for 1860.
1859.	1860.			
		JUDICIAL.	£	£
14	14	POLICE MAGISTRATES ... ..	5,005	5,355
10	10	POLICE MAGISTRATES ACTING AS CLERKS OF PETTY SESSIONS ...	3,575	3,250
70	57	CLERKS OF PETTY SESSIONS ... ..	12,600	10,300
		EXECUTIVE.		
32	27	FIRST CLASS CHIEF CONSTABLES ... ..	5,600	4,725
35	30	SECOND CLASS DO. ... ..	4,920	4,200
52	49	DISTRICT CONSTABLES ... ..	5,928	5,586
407	287	ORDINARY DO. ... ..	40,757	28,728
620	474	TOTAL .. ..	£ 78,385	62,144

No. III.—CHIEF SECRETARY.					
No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
<b>Police—Country Districts—continued.</b>					
DETECTIVE POLICE THROUGHOUT THE COLONY.					
1	1	Inspector, at £175 per annum ... ..	175	175	
1	1	Do. Assistant, at £150 per annum ... ..	150	150	
7	7	Constables, at 6s. 3d. per diem ... ..	798	798	
			1,123		1,123
9	9	TOTAL ... .. £	1,123	.....	1,123
GENERAL CONTINGENCIES.—JUDICIAL.					
		Forage Allowance to the Police Magistrates at Albury, Deniliquin, Goulburn, Gundagai, Maitland, Moulamein, Carcoar, Balranald, and Eden, at 2s. 6d. each, per diem	429	412	
		Forage Allowance to Police Magistrate at Wollombi ...	20	20	
		Forage Allowance to Assistant Gold Commissioner at Nundle, for performing Magisterial Duty at Tamworth	.....	50	
		Forage Allowance to Clerks of Petty Sessions at Wollombi, Maitland, Wingham, Dungog, and Burrowa, at £20 each	40	100	
		Do. do. Shoalhaven and Glen Innes, at £50 each ... ..	50	100	
		Allowances to Court House Keepers ... ..	300	325	
		Allowance to Chinese Interpreter ... ..	.....	150	
		Rent of Court Houses ... ..	705	605	
		Incidental Expenses ... ..	300	190	
			1,844		1,952
GENERAL CONTINGENCIES.—EXECUTIVE.					
		Allowances to Constabulary when absent at night ...	800	657	
		Do. in lieu of Clothing ... ..	1,000	713	
		Do. in lieu of Forage ... ..	3,300	2,860	
		Fees to Interpreters ... ..	200	180	
		Fees to Medical Practitioners in Lunacy Cases ... ..	100	80	
		Medical Attendance ... ..	310	190	
		Provisions ... ..	1,500	1,250	
		Rewards for destroying Dogs ... ..	100	90	
		Rent of Watch-houses ... ..	80	80	
		Carriage of Stores and stolen property, Railway fares, horse hire, and puntage ... ..	450	390	
		Conveyance of invalid prisoners and escort ... ..	500	475	
		Passage and escort of prisoners by water and otherwise ...	1,000	900	
		Incidental expenses ... ..	650	600	
			9,990		8,465
		TOTAL ... .. £	11,834	.....	10,417

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

No. III.—CHIEF SECRETARY.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860	Police—Country Districts—continued.						Amount Voted for 1859.		Amount Required for 1860.	
		HORSE PATROL AND GOLD POLICE.									
		SALARIES.						£		£	
3	3	Superintendents, at £452 per annum	...	...	...	...	1,356		1,356		
3	3	Serjeant-Majors, at 8s. 3d. per diem	...	...	...	...	451		453		
22	23	Serjeants, at 7s. 9d.	...	...	...	...	3,111		3,262		
16	18	Corporals, at 6s. 3d.	...	...	...	...	1,825		2,059		
93	100	Troopers, at 5s. 6d.	...	...	...	...	9,334		10,065		
3	3	Aborigines, at 6d.	...	...	...	...	27		27		
								16,104			17,222
140	150	GOLD GUARDS ON MAIN ROADS.									
		<i>Western Road—Sydney to Bathurst.</i>									
2	2	Serjeants, at 10s. 6d. per diem	...	...	...	...	383		383		
6	6	Constables, at 7s.	...	...	...	...	766		766		
		<i>Southern Road—Sydney to Goulburn.</i>									
1	1	Serjeant, at 10s. 6d. per diem	...	...	...	...	192		192		
3	3	Constables, at 7s.	...	...	...	...	383		383		
		<i>Northern Road—Sydney to Tamworth.</i>									
1	1	Serjeant, at 10s. 6d. per diem	...	...	...	...	192		192		
2	2	Troopers, at 7s.	...	...	...	...	255		255		
								2,171			2,171
		CONTINGENCIES.									
		Allowance for Medical Attendance...	...	...	...	...	135		140		
		Do. to Police when Escorting Gold...	...	...	...	...	600		750		
		Do. to Superintendents, in lieu of Forage and Travelling Expenses	...	...	...	...	450		450		
		In lieu of Provisions to three Aborigines, at 1s. each	...	...	...	...	54		36		
		Forage	...	...	...	...	6,000		6,100		
		Veterinary Attendance, Medicine, and Farriery	...	...	...	...	450		425		
		Remount Horses	...	...	...	...	600		740		
		Rent of Stables and Quarters	...	...	...	...	200		180		
		Repairs to Arms	...	...	...	...	40		45		
		Incidental Expenses	...	...	...	...	470		458		
		Freight and Conveyance of Escort, Gold and Money	...	...	...	...	5,000		5,630		
								13,999			14,954
15	15	TOTAL	...	...	...	£	.....	32,274	.....		34,347
<hr/>											
Gold Contingent.											
To meet unforeseen Expenses, in cases of emergency at the Gold Fields											
			...	...	...	...	.....	1,250	.....		1,000
<hr/>											
Police—General Service.											
To meet claims for length of Service and good Conduct											
							.....	2,500	.....		2,050

## No. III.—CHIEF SECRETARY.

No. III.—CHIEF SECRETARY.										
No. of Persons.		SALARIES AND CONTINGENCIES.								
1859	1860	Police.					Amount Voted for 1859.		Amount Required for 1860.	
							£		£	
		NATIVE POLICE.								
		SALARIES.								
1		Commandant and Inspector...	...	...	...	...	500			
1		Secretary and Clerk	...	...	...	...	200			
		<i>Port Curtis.</i>								
1		Second Lieutenant	...	...	...	...	200			
12		Troopers, at 5d.	...	...	...	...	91			
1		Camp Serjeant	...	...	...	...	100			
		<i>Leichhardt, including the Upper Dawson.</i>								
1		Lieutenant	...	...	...	...	300			
5		Second Lieutenants, at £200	...	...	...	...	1,000			
48		Troopers, at 5d.	...	...	...	...	365			
4		Camp Serjeants, at £100	...	...	...	...	400			
		<i>Wide Bay and Burnett.</i>								
1		Lieutenant	...	...	...	...	300			
1		Second Lieutenant	...	...	...	...	200			
18		Troopers, at 5d.	...	...	...	...	137			
1		Camp Serjeant	...	...	...	...	100			
		<i>Maranoa and Lower Condamine, Darling Downs.</i>								
1		Lieutenant	...	...	...	...	300			
2		Second Lieutenants, at £200	...	...	...	...	400			
24		Troopers, at 5d.	...	...	...	...	183			
2		Camp Serjeants, at £100	...	...	...	...	200			
		<i>Moreton</i>								
1		Second Lieutenant	...	...	...	...	200			
8		Troopers, at 5d.	...	...	...	...	61			
1		Camp Serjeant	...	...	...	...	100			
		<i>Clarence and M'Leay.</i>								
1	2	Second Lieutenant	...	...	...	...	200		400	
10	12	Troopers, at 5d.	...	...	...	...	76		92	
1	2	Camp Serjeant	...	...	...	...	100		200	
		<i>Albert.</i>								
1	...	Second Lieutenant	...	...	...	...	200			
6	...	Troopers, at 5d.	...	...	...	...	46			
		<i>Lower Darling.</i>								
1	...	Second Lieutenant	...	...	...	...	200			
6	...	Troopers, at 5d.	...	...	...	...	46			
								6,205		692-
		CONTINGENCIES.								
		In lieu of Provisions, Forage, &c., to Commandant	...				150			
		In lieu of Provisions to Lieutenants, Second Lieutenants, and Secretary, 2s. 6d.	...				778		92	
		In lieu of Provisions to Camp Serjeants, at 2s.	...				365		73	
		Do. do. to Troopers, at 1s. 6d.	...				3,614		329	
		Medical Attendance...	...				362		16	
		Remount Horses	...				1,150		123	
		Farriery	...				200		22	
		Incidental Expenses	...				750		32	
								7,369		687
160	16	TOTAL	...	..	...	£	.....	13,574	.....	1,379

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860	Gaols.						Amount Voted for 1859.		Amount Required for 1860.	
		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		1,606	
6	...	Wardsmen, at 6s. 9d.	...	...	...	...	...	739			
...	4	Trade Overseers, at 10s.	...	...	...	...	...	.....		732	
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	
...	1	Chaplain, Presbyterian	...	...	...	...	...	.....		50	
									3,900		3,947
		CONTINGENCIES.									
		Provisions	...	...	...	...	...	3,000		3,000	
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	150		150	
		Incidental Expenses...	...	...	...	...	...	100		100	
		Deficiency in Vote for Stores and Contingencies for 1858	...	...	...	...	...	709			
									3,959		3,250
31	30	TOTAL	...	...	...	...	£	.....	7,859	.....	7,197
		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	
...	3	Trade Overseers, at 10s.	...	...	...	...	...	.....		549	
1	1	Principal Turnkey, 6s. 9d.	...	...	...	...	...	123		124	
9	9	Turnkeys, at 6s. 6d....	...	...	...	...	...	1,068		1,071	
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		2,392
		CONTINGENCIES.									
		Provisions	...	...	...	...	...	2,000		2,000	
		Fuel and Light	...	...	...	...	...	180		180	
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	150		150	
		Incidental Expenses	...	...	...	...	...	50		50	
									2,380		2,380
20	23	TOTAL	...	...	...	...	£	.....	4,219	.....	4,772

*a* Surgeon to the Penal Establishment, Cockatoo Island; Salary £130 per annum.*b* Provided with Quarters, Fuel, and Light.*c* Chaplain at Cockatoo Island; Salary £120 per annum.*d* Dispenser at the Lunatic Asylum, Parramatta; Salary £157 per annum.

## No. III.—CHIEF SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Gaols—continued.</b>									
		<b>BATHURST.</b>									
		<b>SALARIES.</b>						£		£	
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		124	
6	6	Turnkeys, at 6s. 6d.	...	...	...	...	...	712		714	
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		1,318
		<b>CONTINGENCIES.</b>									
		Provisions	...	...	...	...	...	1,150		1,150	
		Fuel and Light	...	...	...	...	...	230		230	
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	20		20	
		Removal of Night Soil	...	...	...	...	...	150		150	
		Incidental Expenses	...	...	...	...	...	20		20	
									1,570		1,570
15	15	<b>TOTAL</b>	...	...	...	...	£	.....	2,885	.....	2,888
		<b>MAITLAND.</b>									
		<b>SALARIES.</b>									
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		124	
6	6	Turnkeys, at 6s. 6d.	...	...	...	...	...	712		714	
1	1	Female Turnkey	...	...	...	...	...	30		30	
1	1	Chaplain, Church of England	...	...	...	...	...	25		25	
1	1	Do. Roman Catholic	...	...	...	...	...	25		25	
									1,297		1,300
		<b>CONTINGENCIES.</b>									
		Provisions	...	...	...	...	...	1,000		1,000	
		Fuel, Light, and Water	...	...	...	...	...	280		280	
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	25		25	
		Incidental Expenses	...	...	...	...	...	30		30	
									1,335		1,335
14	14	<b>TOTAL</b>	...	...	...	...	£	.. ..	2,632	.....	2,635

*a* Also Coroner; Salary £40 per annum.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

No. of Persons.										SALARIES AND CONTINGENCIES.			
1859	1860									Amount Voted for 1859.		Amount Required for 1860.	
		<b>Gaols—continued.</b>											
		<b>GOULBURN.</b>											
		<b>SALARIES.</b>								£		£	
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		124	
5	5	Turnkeys, at 6s. 6d....	...	...	...	...	...	...	...	593		595	
1	1	Female Turnkey	...	..	...	...	...	...	...	30		30	
1	1	Chaplain, Church of England	...	...	...	...	...	...	...	25		25	
1	1	Do. Roman Catholic	...	...	...	...	...	...	...	25	1,166	25	1,169
		<b>CONTINGENCIES.</b>											
		Provisions	...	...	...	...	...	...	...	498		400	
		Fuel, Light, and Water	...	...	...	...	...	...	...	100		100	
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	...	...	15		15	
		Incidental Expenses...	...	...	...	...	...	...	...	20		20	
											633		535
13	13	TOTAL	...	..	..	..	..	..	£	.....	1,799	.....	1,704
<hr/>													
		<b>BERRIMA.</b>											
		For the Maintenance of Invalid Prisoners transferred from the Penal Establishment, Cockatoo Island								.....	.....	.....	1,632

*a* Also Coroner and Vaccinator; salary £65 per annum.



## No. III.—CHIEF SECRETARY.

No. of Persons.										SALARIES AND CONTINGENCIES.			
1859	1860									Amount Voted for 1859.		Amount Required for 1860.	
		<b>Gaols—continued.</b>											
		<b>BRISBANE.</b>											
		<b>SALARIES.</b>											
1		Gaoler	...	...	...	...	..	..	...	150			
1		a Surgeon	...	...	...	...	...	...	...	70			
1		Matron	...	...	...	...	...	...	...	42			
1		Clerk	...	...	...	...	...	...	...	108			
1		Principal Turnkey, at 6s. 9d.	...	...	...	...	...	...	...	123			
6		Turnkeys, at 6s. 6d....	...	...	...	...	...	...	...	712			
1		Female Turnkey	...	...	...	...	...	...	...	30			
1		Chaplain, Church of England	...	...	...	...	...	...	...	25			
1		Do. Roman Catholic	...	...	...	...	...	...	...	25			
											1,285		
		<b>CONTINGENCIES.</b>											
		Provisions	...	...	...	...	...	...	...	700			
		Fuel, Light, and Water	...	...	...	...	...	...	...	90			
		Medical Comforts, Medicines, and Surgical Instruments	...	...	...	...	...	...	...	20			
		Incidental Expenses...	...	...	...	...	...	...	...	20			
											830		
		<b>TOTAL</b>	...	...	...	...	...	...	£ .....		2,115		
14													

## ESTIMATES OF EXPENDITURE.—1860.

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## No. III.—CHIEF SECRETARY.

No. III.—CHIEF SECRETARY.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860							Amount Voted for 1859.	Amount Required for 1860.
		<b>Penal Establishment, Cockatoo Island.</b>							
		<b>SALARIES.</b>							
								£	£
1	...	a Superintendent (Duty performed by the Civil Engineer)...						300	.....
1	1	Principal Warden ... ..						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	Task-work Clerk and Schoolmaster... ..						108	128
1	1	Second Warden, at 8s. per diem ... ..						146	147
1	1	Third Warden, at 7s. 6d. „ ... ..						137	137
1	1	Fourth Warden, at 7s. „ ... ..						128	128
33	...	1 Inspector, 2 Serjeants, and 30 Constables ... ..						3,761	
..	11	1 Serjeant, at 7s. 3d. ; 1 Constable, at 6s. 9d. ; 3 Constables, at 5s. 9d. ; and 6 Constables, at 5s. 6d. per diem ... ..						.....	1,178
1	1	Chaplain, Church of England ... ..						120	120
1	1	Do. Roman Catholic Church... ..						120	120
								5,425	2,563
		<b>CONTINGENCIES.</b>							
		Allowance to Military Officer, at 5s. per diem ... ..						.....	92
		Provisions ... ..						4,000	} 4,420
		Provisions for Police .. ..						500	
		Medical Comforts, Medicines, and Surgical Instruments ...						80	80
		Gratuities to Prisoners for Extra Labor ... ..						120	120
		Incidental Expenses .. ..						120	120
								4,820	4,832
44	21	<b>TOTAL</b> ... ..						£ ..... 10,245	..... 7,395

α The Officers who reside on the Island are allowed Provisions, Fuel, and Light.

## No. III.—CHIEF SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
								£		£	
<b>Observatory.</b>											
<b>SALARIES.</b>											
1	1	Astronomer	...	...	...	...	...	600		600	
1	1	Assistant	...	...	...	...	...	300		300	
1	1	Messenger and Porter	...	...	...	...	...	100		100	
12	10	Meteorological Observers, at £20	...	...	...	...	...	240		200	
									1,240		1,200
<b>CONTINGENCIES.</b>											
Repairs to Great Circle of Transit Instrument, further sum								19			
Purchase of Books								20		20	
Incidental Expenses								30		30	
Allowance for House Rent to Astronomer, 1 January to 15 April, 1858								48			
For the erection of a Meridian Mark on the North Shore...								.....		100	
									117		150
For the purchase of an Equatorial, and other Scientific Instruments								.....	1,000		
15	13	TOTAL	...	...	...	...	£	.....	2,357	.....	1,350
<hr/>											
<b>Medical Board.</b>											
<b>SALARIES.</b>											
1	1	Clerk to Medical Board	...	...	...	...	...	44		44	
									44		44
1	1	TOTAL	...	...	...	...	£	.....	44	.....	44
<hr/>											
<b>Vaccine Institution.</b>											
<b>SALARIES.</b>											
1	1	<i>a</i> Superintendent	...	...	...	...	...	240		240	
8	11	Vaccinators at Goulburn, Parramatta, Windsor, Newcastle, <i>b</i> Maitland, Wollongong, <i>c</i> Bathurst, Berrima, Yass, Armidale, and Camden, at £25	...	...	...	...	...	200		275	
1	1	Office Keeper, Sydney	..	..	...	...	...	20		20	
									460		535
Incidental Expenses...								.....	17	.....	17
10	13	TOTAL	...	...	...	...	£	.....	477	.....	552

<sup>a</sup> Medical Attendant, Metropolitan Police; allowance £150 per annum.<sup>b</sup> Coroner; salary £40 per annum.<sup>c</sup> Coroner, and Surgeon to the Gaol; salary £90 per annum.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
<b>Lunatic Asylum, Tarban.</b>					
<b>SALARIES.</b>					
<b>316 PATIENTS.</b>					
1	1	Superintendent ... ..	650	650	
1	1	a Medical Assistant and Dispenser ... ..	250	250	
1	1	Clerk and Storekeeper ... ..	130	130	
1	1	a Matron ... ..	90	90	
1	1	a Master Attendant ... ..	90	90	
3	5	a Male Attendants, at £72 ... ..	216	360	
7	9	a Do. at £66 ... ..	462	594	
3	3	a Female Attendants, at £50 ... ..	150	150	
5	5	a Do. at £46... ..	230	230	
7	7	a Servants—one at £77, one t £60, three at £50, and two at £45... ..	377	377	
			2,645		2,921
<b>CONTINGENCIES.</b>					
		b 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 ... ..	3,200	3,000	
		Fuel and Light ... ..	400	400	
		Medicines, Surgical Instruments, and Materials ... ..	75	75	
		Forage for two Horses ... ..	120	120	
		Purchase of a Horse... ..	50	50	
		Books, Periodicals, and Newspapers ... ..	20	20	
		Incidental Expenses ... ..	100	100	
			4,315		4,115
30	34	<b>TOTAL</b> ... .. £	6,960		7,036

a Provided with Provisions, Fuel, and Light.

b The Board visit the Parramatta Asylum also.

## No. III.—CHIEF SECRETARY.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Lunatic Asylum, Parramatta.</b>									
		<b>SALARIES.</b>									
		<b>520 PATIENTS.</b>						£		£	
1	1	Superintendent	...	...	...	...	...	600		600	
1	1	<i>a</i> Storekeeper and Manager	...	...	...	...	...	220		220	
1	1	<i>b</i> Dispenser	...	...	...	...	...	157		130	
1	1	Matron	...	...	...	...	...	100		100	
1	1	Clerk	...	...	...	...	...	120		120	
1	1	Master Attendant	...	...	...	...	...	130		130	
16	16	Male Attendants—one at £75; three at £72; one at £70; and eleven at £66 each...	...	...	...	...	...	1,087		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; and two at £30 per annum; and twelve at 9d. each per diem	...	...	...	...	...	354		355	
...	1	Farm Overseer	...	...	...	...	...	.....		66	
...	1	Gardener	...	...	...	...	...	.....		52	
...	1	Nurse to Idiotic Children	...	...	...	...	...	.....	3,278	15	3,385
<b>CONTINGENCIES.</b>											
		Allowance in lieu of Quarters to Dispenser	...	...	...	...	...	.....		27	
		Provisions and Medical Comforts	...	...	...	...	...	7,000		6,000	
		Fuel and Light	...	...	...	...	...	600		550	
		Medicines, Surgical Instruments, and Materials	...	...	...	...	...	80		80	
		Purchase of a Horse	...	...	...	...	...	.....		35	
		Forage for two Horses	...	...	...	...	...	120		120	
		Purchase of Cows	...	...	...	...	...	.....		25	
		Books, Periodicals, and Newspapers	...	...	...	...	...	20		20	
		Incidental Expenses...	...	...	...	...	...	100	7,920	100	6,957
50	53	TOTAL	...	...	...	...	£	.....	11,198	.....	10,342

*a* Meteorological Observer; Salary £20 per annum.*b* Dispenser at the Gaol also; Salary 3s. 6d. per diem.

The Officers residing in the Establishment are provided with Provisions, Fuel, and Light.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

Naval Allowance.		SALARIES AND CONTINGENCIES.			
		Amount Voted for 1859.		Amount Required for 1860.	
		£	£	£	£
Colonial Allowance to Her Majesty's Naval Forces serving within the limits of New South Wales; at the following daily rates, viz.:—					
Commodore in Command of Station, at 15s.	... ..				
Captains, at 12s.	... ..				
Commanders, at 10s.	... ..				
Lieutenants, Masters, Chaplains, Surgeons, and Paymasters, at 5s.	... ..				
Mates, Assistant Surgeons, Second Masters, Marine Officers, Commodore's Secretary, and Engineers, at 3s.	... ..				
Warrant Officers, at 2s. 6d.	... ..				
Midshipmen, Masters' Assistants, Clerks, and Cadets, at 1s. 6d.	... ..				
Chief Petty Officers, at 1s. 3d.	... ..				
First Class Petty Officers and Serjeants of Marines, at 1s.	... ..				
Second Class Petty Officers and Corporals of Marines, at 10d.	... ..				
Leading Seamen, at 8d.	... ..				
Seamen and Privates of Marines, at 6d.	... ..				
First Class Boys, at 3d.	... ..				
Second Class Boys, at 2d.	... ..				
TOTAL	... ..	£	5,000	.....	* 6,323

\* Including the Colonial Allowance to the Officers and Men of H. M. Surveying Ship "Herald."

No. III.—CHIEF SECRETARY.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Military Allowance.				Amount Voted for 1859.		Amount Required for 1860.	
		BRIGADE MAJOR.				£		£	
1	1	Officer on the General Staff, at 9s. 6d.	...	...	...	173		173	
1	1	Do. do., at 7s.	...	...	...	128		128	
1	1	First Clerk, Brigade Office, at 2s. 6d.	...	...	...	46		46	
1	1	Second Clerk, do., at 2s. 6d.	...	...	...	18		46	
1	1	Provost Serjeant, at 1s.	...	...	...	18		18	
		Lodging Allowance to Brigade Major	...	...	...	.....	383	200	611
5	5								
		REGIMENTAL.							
1	1	Senior Officer in Command, at 11s. 3d.	...	...	...	205		206	
1	1	Major, at 7s.	...	...	...	128		128	
1	1	Surgeon, at 7s.	...	...	...	128		128	
4	5	Captains, at 5s. 8d.	...	...	...	414		518	
1	1	Paymaster, at 5s. 8d.	...	...	...	103		103	
4	5	Lieutenants, at 5s.	...	...	...	365		457	
1	1	Adjutant, at 5s.	...	...	...	91		91	
4	5	Ensigns, at 5s.	...	...	...	365		457	
...	1	Quarter Master, at 5s.	...	...	...	.....		91	
1	1	Assistant Surgeon, at 5s.	...	...	...	91		91	
5	5	Staff Serjeants, at 2s. 6d.	...	...	...	228		229	
4	5	Color Serjeants, at 1s.	...	...	...	73		91	
15	18	Serjeants, at 1s.	...	...	...	274		329	
1	1	Drum Major, at 1s.	...	...	...	18		18	
16	20	Corporals, at 1s.	...	...	...	292		366	
8	10	Drummers, at 6d.	...	...	...	73		91	
384	380	Privates, at 6d.	...	...	...	3,504	6,352	3,477	6,871
451	461								
		DEPARTMENTAL.							
1	1	Assistant Commissary General, at 8s.	...	...	...	128		146	
1	1	Deputy Assistant Commissary General, at 7s.	...	...	...	103		128	
1	1	Assistant Clerk, Commissariat	...	...	...	100		100	
...	...	Lodging Allowance to the Deputy Assistant Commissary General, at 8s. 2d.	...	...	...	122		148	
1	1	Deputy Storekeeper, at 7s.	...	...	...	128		128	
1	1	Clerk, at 5s. 8d.	...	...	...	103		103	
1	1	Foreman of Magazines	...	...	...	91		92	
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.	...	...	...	61		61	
		Barrack supplies, washing and repairing Bedding, &c.	...	...	...	480	1,444	484	1,518
8	8	TOTAL	...	...	...	£ .....	8,179	.....	9,000

<sup>a</sup> Aide-de-camp to His Excellency the Governor General; Salary 9s. 6d. per diem.

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		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	2	Staff Serjeants, at 3s. 4d. ...	122	122	
4	5	Serjeants, at 2s. 10d. ..	207	258	
8	7	Corporals, at 2s. 2d. ...	316	277	
7	8	Bombardiers, at 2s. ....	256	292	
85	81	Gunners and Drivers, at 1s. 3¼d. ...	1,972	1,879	
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	
			3,932		3,887
		COLONIAL ALLOWANCES.			
		First Captain, at 5s. 8d. ...	103	104	
		Second Captain, at 5s. 8d. ...	103	104	
		First Lieutenants, at 5s. ...	183	183	
		Staff Serjeants, at 2s. 6d. ...	91	92	
		Serjeants, at 1s. ..	73	92	
		Corporals, at 1s. ...	146	128	
		Bombardiers, at 1s. ....	128	146	
		Gunners and Drivers, at 6d. ...	776	730	
		Trumpeters, at 6d. ...	19	19	
		Working Pay ...	200	209	
		Allowance to Medical Practitioner, at 10s. ...	183	183	
		Do. to two Clerks, at 1s. and 6d. each ...	27	27	
		Do. to Garrison Gunner ...	18	18	
			2,050		2,035
		CONTINGENCIES.			
		Provisions ...	1,116	1,116	
		Forage ...	170	170	
		For the Apprehension of Deserters ...	100	100	
			1,386		1,386
112	109	TOTAL ...	£ 7,368	7,308	



## No. III.—CHIEF SECRETARY.

	Amount Voted for 1859.		Amount Required for 1860.	
	£		£	
<b>Charitable Allowances.</b>				
For the support of Paupers in the Colonial Hospitals ... ..	2,000		2,300	
In aid of the Sydney Infirmary and Dispensary, on condition of an equal amount being raised by Private Subscriptions ... ..	700		1,727	
Do. do. Deficiency in Vote for 1858 ... ..	146			
For the re-erection of a part of the Infirmary wall, in Macquarie- street, Sydney ... ..	.....		350	
In support of the Establishment of the Benevolent Society, Sydney, on condition of £1,000 being raised by Private Subscriptions ...	8,000		8,456	
For the removal of Infants from the Benevolent Asylum, Sydney, to the Asylum for Destitute Children at Randwick .. ...	.....		700	
In aid of the Asylum for Destitute Children, Sydney, on condition of an equal amount being raised by Private Contributions... ..	1,500		2,000	
In aid of the Hospitals, Windsor, Newcastle, Wagga Wagga, Port Macquarie, and Yass, at £200 each, on condition of sums to an equal amount being raised by Private Subscriptions ... ..	1,000		1,000	
In aid of the Hospital at Ipswich, on same condition... ..	200			
In aid of the Hospital, Sofala, on same condition ... ..	.....		200	
In aid of the Hospitals, Parramatta, Bathurst, Maitland, and Goulburn, at £300 each, on same condition .. ...	1,200		1,200	
In aid of the Hospital at Brisbane, on same condition ... ..	300			
In aid of the Hospital, Mudgee, on same condition ... ..	100		100	
In aid of the Hospital, Braidwood, on same condition.. ...	.....		100	
In aid of the Armidale and New England Hospital, on same condition	200		200	
In aid of the Wide Bay and Burnett District Hospital, on same condition	200			
In aid of the Benevolent Society, Parramatta, on same condition ...	100		100	
In aid of the Benevolent Society, Singleton and Patrick's Plains, on same condition ... ..	100		100	
In aid of the Benevolent Society, Tamworth, on same condition ...	150		150	
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 Erection of an Hospital at Carcor, on same condition ...	650			
In aid of the erection of an Hospital at Gundagai, on same condition	.....		500	
In aid of the Erection of the Singleton and Patrick's Plains Benevolent Asylum and Hospital, on same condition ... ..	.....		1,000	
For an Outfit for the Hospital at Maitland, a further sum, on same condition ... ..	.....		200	
		17,846		20,383
<b>TOTAL</b> ... .. £	.....	17,846	.....	20,383

## ESTIMATES OF EXPENDITURE—1860.

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## No. III.—CHIEF SECRETARY.

Grants in aid of Public Institutions.	Amount Voted for 1859.		Amount Required for 1860.	
	£		£	
In aid of the Sydney Mechanics' School of Arts ... ..	200		200	
In aid of the Building Fund of the Sydney Mechanics' School of Arts, on condition of an equal amount being raised by private subscription	2,000			
In aid of the School of Arts at St. Leonard's, on same condition ...	.....		200	
To supplement the present Annual Endowment of £1,000 to the Australian Museum ... ..	200		200	
Salary of Curator of Australian Museum ... ..	700		700	
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 Ipswich School of Arts, on same condition, until a Building be erected ... ..	100			
In aid of the Brisbane School of Arts, on same condition, until a Building be erected ... ..	100			
In aid of the Albury School of Arts, on same condition, until a Build- ing be erected ... ..	.....		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			
In aid of the erection of a School of Arts, Toowoomba, in the District of Darling Downs, on same condition ... ..	100			
In aid of the erection of the Newtown School of Arts, on same condition	500			
In aid of the erection of the Balmain School of Arts, on same condition	.....		500	
In aid of the erection of the Camden School of Arts, on same condition	.....		300	
In aid of the erection of the Picton School of Arts, on same condition	.....		300	
In aid of the erection of the Grafton School of Arts, on same condition	.....		300	
In aid of the erection of the East Maitland School of Arts, on same condition	.....		100	
In aid of an Outfit for the Maitland School of Arts, on same condition	.....		300	
In aid of the erection of the Temperance Hall, Sydney, on same condition	1,000			
In aid of the Literary Institute, Braidwood ... ..	.....		100	
In aid of the Building Fund of the Sydney University .. ..	10,000			
For increasing the accommodation of the Australian Museum ...	.....		5,000	
Towards the erection of a Building for a Free Library, Sydney ...	.....		10,000	
Towards the erection of Grammar Schools at Bathurst, Goulburn, and Maitland, at £4,000 each ... ..	.....		12,000	
		16,100		30,500
TOTAL ... .. £	.....	16,100	.....	30,500
<hr/>				
<b>Aborigines.</b>				
Medicines and Medical Attendance ... .. £	.....	455		200
<hr/>				
<b>Miscellaneous Services.</b>				
Municipal Council, Sydney, in aid of the City Funds ... ..	10,000		10,000	
Expenses attending the preparation of the Electoral Lists ... ..	5,000		4,800	
Erecting Pounds, and Allowances to Poundkeepers ... ..	100		100	
To purchase Specimens of Silver Ores for 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 ... ..	1,000			
Compensation for loss of Additional Stipends to Ministers of Religion, provided for under Schedule C. ... ..	5,658			
Compensation for loss of Stipends to Ministers of Religion, not provided under Schedule C. ... ..	3,650			
For the purchase of one or two Sets of English and Foreign Specimens of Ores and Minerals ... ..	.....		200	
To meet Unforeseen Expenses, to be hereafter accounted for ...	2,000		*	
		27,508		15,100
TOTAL ... .. £	.....	27,508	.....	15,100

\* Provided for 1860, under No. 5, "Treasurer and Secretary for Finance and Trade."



## IV.

## Administration of Justice.

## SUMMARY.

	*Voted for 1859.	Required for 1860.
Law Officers of the Crown ... ..	5,157	4,948
Supreme and Circuit Courts ... ..	8,487	7,987
Sheriff ... ..	6,197	6,612
Insolvent Court ... ..	1,280	1,280
District Courts ... ..	14,125	16,271
Quarter Sessions ... ..	8,124	8,084
Moreton Bay Court ... ..	3,565	
Coroners ... ..	3,184	3,224
Court of Claims ... ..	290	290
Court of Requests ... ..	260	
Chinese Interpreter for the various Courts of Justice ... ..	150	
TOTAL ... .. £	50,819	48,696

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V., "Treasurer and Secretary for Finance and Trade."

*The Treasury, New South Wales,  
1st December, 1859.*

SAUL SAMUEL.

		No. IV.—ADMINISTRATION OF JUSTICE.					
No. of Persons.		SALARIES AND CONTINGENCIES.					
1859	1860	Amount Voted for 1859.		Amount Required for 1860.			
		£		£			
		<b>Their Honors the Judges.</b>					
1	1	The Chief Justice } Provided in Schedule.					
2	2						
3	3						
		<b>Law Officers of the Crown.</b>					
		SALARIES.					
1	1	Attorney General } (Provided in Schedule.)					
1	1						
1	...	Crown Solicitor for Criminal Business ...				650	
1	...	Crown Solicitor for Civil Business... ..				650	
...	1	Crown Solicitor ... ..				.....	1,000
1	1	* Parliamentary Draftsman ... ..				700	500
1	1	Secretary to the Crown Law Officers ... ..				400	500
1	1	Clerk to do. ... ..				200	200
1	1	Do. Criminal Crown Solicitor ... ..				315	350
1	1	Do. Civil Crown Solicitor ... ..				315	500
1	1	Do. do. ... ..				275	300
1	...	Do. do. for Railway Business ... ..				350	
1	2	Copying Clerks, £150 and £100, for do. if necessary ... ..				.....	250
1	1	a Messenger to the Attorney General ... ..				104	} 104
1	1	Do. to the Solicitor General... ..				104	
1	1	Do. to Crown Solicitor ... ..				104	
1	1	a Housekeeper ... ..				40	40
						4,207	3,848
		CONTINGENCIES.					
		Fees to Prosecuting Barristers ... ..				500	250
		Travelling Expenses ... ..				400	300
		Incidental Expenses ... ..				50	50
		Professional assistance for the purpose of reprinting and indexing the Statutes ... ..				.....	400
		To meet Incidental Expenses of Actions by, or against, the Government ... ..				.....	100
						950	1,100
16	14	TOTAL ... ..				£ 5,157	4,948
		<b>Supreme and Circuit Courts.</b>					
		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	a Court-keeper, King-street ... ..				114	114
1	1	b Do. Darlington... ..				114	114
1	1	b 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... ..				2,500	2,000
		Incidental Expenses ... ..				30	30
						3,305	2,805
21	21	TOTAL ... ..				£ 8,487	7,987

a Provided with quarters, fuel, and light.

b Provided with quarters.

\* Also Commissioner of Court of Claims;—Fees, £2 2s. for each Final Report,—say 18 Guineas per annum.

No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Sheriff.						Amount Voted for 1859.	Amount Required for 1860.
		SALARIES.						£	£
1	1	Sheriff	...	...	...	...	...	650	650
1	1	Under Sheriff	...	...	...	...	...	400	450
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.	...	...	...	...	...	120	120
1	1	Bailiff, at Maitland ...	...	...	...	...	...	185	200
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
								3,510	3,575
		CONTINGENCIES.							
		Travelling Expenses of the Sheriff or Under Sheriff	...	...	...	...	...	200	200
		Allowances to Bailiffs for serving Summonses	...	...	...	...	...	132	482
		Do. to Jurors attending the Supreme and Circuit Courts ..	...	...	...	...	...	2,250	2,250
		Special Constables	...	...	...	...	...	80	80
		Incidental Expenses	...	...	...	...	...	25	25
								2,687	2,087
16	16	TOTAL	...	...	...	...	£ .....	6,197	6,612
<hr/>									
		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
4	4	TOTAL	...	...	...	...	£ .....	1,280	1,280

*a* Also Commissioner of the Court of Claims;—Fees, £2 2s. for each Final Report,—say 18 Guineas per annum.

## No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860	District Courts.						Amount Voted for 1859.		Amount Required for 1860.	
		SALARIES.						£		£	
		METROPOLITAN DISTRICT.									
1	1	Judge	...	...	...	...	...			1,000	
1	1	Registrar	...	...	...	...	...			500	
1	1	Do.	...	...	...	...	...			400	
1	1	Clerk	...	...	...	...	...			325	
1	1	Do.	...	...	...	...	...			250	
1	1	Do.	...	...	...	...	...			200	
...	1	Do.	...	...	...	...	...			200	
1	1	Bailiff and Crier	...	...	...	...	...			150	
1	1	Assistant Bailiff	...	...	...	...	...			104	
1	1	Do.	...	...	...	...	...			104	
1	1	Do.	...	...	...	...	...			104	
1	1	Messenger	..	...	...	...	...			104	
1	1	Office Keeper	...	...	...	...	...			35	
											3,476
12	13										3,476
		CUMBERLAND AND COAST DISTRICT.									
1	1	Judge	...	...	...	...	...			1,000	
1	1	Registrar, Parramatta	...	...	...	...	...			120	
1	1	Do. Windsor	...	...	...	...	...			80	
1	1	Do. Braidwood	...	...	...	...	...			70	
1	1	Do. Penrith	...	...	...	...	...			70	
1	1	Do. Wollongong	...	...	...	...	...			70	
1	1	Do. Berrima	...	...	...	...	...			60	
1	1	Do. Bombala	...	...	...	...	...			40	
1	1	Do. Camden	...	...	...	...	...			40	
1	1	Do. Picton	...	...	...	...	...			40	
1	1	Do. Campbelltown	...	...	...	...	...			40	
1	1	Do. Liverpool...	...	...	...	...	...			40	
1	1	Do. Cooma	...	...	...	...	...			40	
1	1	Do. Eden	...	...	...	...	...			40	
1	1	Do. Kiama	...	...	...	...	...			40	
											1,790
1	1	Bailiff, Berrima	...	...	...	...	...			40	
1	1	Do. Bombala	...	...	...	...	...			30	
1	1	Do. Braidwood	...	...	...	...	...			40	
1	1	{ Do. Camden	...	...	...	...	...			40	
1	1	{ Do. Picton	...	...	...	...	...			40	
1	1	Do. Campbelltown	...	...	...	...	...			40	
1	1	Do. Cooma	...	...	...	...	...			30	
1	1	Do. Eden...	...	...	...	...	...			30	
1	1	Do. Kiama	...	...	...	...	...			30	
1	1	Do. Liverpool	...	...	...	...	...			50	
1	1	Do. Parramatta	...	...	...	...	...			35	
1	1	Do. Penrith	...	...	...	...	...			40	
1	1	Do. Windsor	...	...	...	...	...			40	
1	1	Do. Wollongong	...	...	...	...	...			40	
											445
27	27										2,235
		Carried forward	...	...	...	...	£ .....			.....	5,711

## ESTIMATES OF EXPENDITURE.—1860.

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## No. IV.—ADMINISTRATION OF JUSTICE.

No. of Persons.		SALARIES AND CONTINGENCIES.					
1859	1860					Amount Voted for 1859.	Amount Required for 1860.
		District Courts—continued.				£	£
		SALARIES.					
		Brought forward	...	...	...	£ .....	5,711
		SOUTHERN DISTRICT.					
1	1	Judge	...	...	...		1,000
1	1	*Registrar, Goulburn	...	...	...		300
...	1	Registrar, Deputy	...	...	...		50
1	1	Registrar, Albury	...	...	...		50
1	1	Do. Gundagai	...	...	...		50
1	1	Do. Queanbeyan	...	...	...		50
1	1	Do. Tumut	...	...	...		50
1	1	Do. Wagga Wagga	...	...	...		30
1	1	Do. Yass	...	...	...		50
...	1	Do. Deniliquin	...	...	...		50
1	1	Bailiff, Goulburn	...	...	...		40
1	1	Do. Albury	...	...	...		40
1	1	Do. Gundagai	...	...	...		30
1	1	Do. Queanbeyan	...	...	...		30
1	1	Do. Tumut	...	...	...		30
1	1	Do. Wagga Wagga	...	...	...		30
1	1	Do. Yass	...	...	...		40
...	1	Do. Deniliquin	...	...	...		40
15	18						280
							1,960
		WESTERN DISTRICT.					
1	1	Judge	...	...	...		1,000
1	1	†Registrar, Bathurst	...	...	...		300
...	1	Registrar, Deputy	...	...	...		50
1	1	Registrar, Carcort	...	...	...		40
1	1	Do. Dubbo	...	...	...		30
1	1	Do. Hartley	...	...	...		40
1	1	Do. Molong	...	...	...		30
1	1	Do. Mudgee	...	...	...		40
1	1	Do. Orange	...	...	...		30
1	1	Do. Wellington	...	...	...		30
1	1	Bailiff, Bathurst	...	...	...		40
1	1	Do. Carcort	...	...	...		30
1	1	Do. Dubbo	...	...	...		30
1	1	Do. Hartley	...	...	...		40
1	1	Do. Molong	...	...	...		30
1	1	Do. Mudgee	...	...	...		30
1	1	Do. Orange	...	...	...		30
...	1	Do. Wellington	...	...	...		40
16	18						270
							1,860
		Carried forward	...	...	...	£ .....	9,531

\* Also Clerk of the Peace for Southern District.

† Also Clerk of the Peace for Western District.





## ESTIMATES OF EXPENDITURE—1860.

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No. IV.—ADMINISTRATION OF JUSTICE.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860					Amount Voted for 1859.		Amount Required for 1860.	
		<b>Quarter Sessions.</b>				£		£	
		<b>SALARIES.</b>							
5	5	Crown Prosecutors, at £500 each	...	...	...	2,500		2,500	
1	1	Clerk of the Peace for Cumberland	...	...	...	550		600	
1	1	Do. for Maitland	...	...	...	100		100	
1	...	Do. for Bathurst	...	...	...	100			
1	...	Do. for Goulburn	...	...	...	100			
...	6	Do. for Coast Districts, at £20	...	...	...	.....		120	
1	1	Clerk, Sydney	...	...	...	260		260	
1	1	Messenger, Sydney	...	...	...	104		104	
							3,714		3,684
		<b>CONTINGENCIES.</b>							
		Travelling Expenses	...	...	...	1,200		1,200	
		Allowances to Witnesses and Jurors	...	...	...	3,200		3,000	
		Incidental and unforeseen Expenses	...	...	...	10		200	
							4,410		4,400
11	15	<b>TOTAL</b>	...	...	...	£ .....	8,124	.....	8,084
<hr/>									
		<b>Moreton Bay Court.</b>							
		<b>SALARIES.</b>							
1	...	The Resident Judge (Provided in Schedule.)							
1	...	Registrar of Court	...	...	...	500			
1	...	Crown Prosecutor	...	...	...	500			
1	...	Crown Solicitor	...	...	...	200			
1	...	Judge's Clerk	...	...	...	200			
1	...	Crown Solicitor's Clerk	...	...	...	150			
1	...	District Sheriff	...	...	...	450			
1	...	Bailiff	...	...	...	150			
1	...	Assistant Bailiff	...	...	...	100			
1	...	Tipstaff and Court Keeper	...	...	...	104			
1	...	Registrar's Messenger	...	...	...	104			
							2,458		
		<b>CONTINGENCIES.</b>							
		Travelling Expenses of His Honor the Resident Judge	...	...	...	250			
		Allowances to Jurors and Witnesses	...	...	...	800			
		Fuel and Light	...	...	...	17			
		Incidental Expenses	...	...	...	40			
							1,107		
11		<b>TOTAL</b>	...	...	...	£ .....	3,565		

No. IV.—ADMINISTRATION OF JUSTICE.					
No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
<b>Coroners.</b>					
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	...	Moreton Bay ... ..	20		
1	1	Mudgee ... ..	20	20	
1	1	Newcastle and Raymond Terrace ... ..	20	20	
...	1	Orange ... ..	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	880	
		Surgeons' Fees ... ..	900	850	
		Travelling Expenses of Coroners ... ..	200	180	
		Travelling Expenses of Surgeons ... ..	50	45	
		Rewards for taking up dead bodies ... ..	20	15	
		Coffins, Burials, and Incidental Expenses ... ..	500	470	
			2,400		2,440
30	30	TOTAL ... ..	£ 3,184		3,224
<b>Court of Claims.</b>					
Fees to Commissioners at £2 2s. ; and to the Secretary at £2, on final report in each case ... ..					
			290	290	290
		TOTAL ... ..	£ 290		290

## V.

## Treasurer and Secretary for Finance and Trade.

## SUMMARY.

	*Voted for 1859.	Required for 1860.
Treasury ... ..	6,172	6,132
Customs ... ..	24,629	19,662
Drawbacks and Refund of Duties ... ..	20,000	† .....
Distilleries ... ..	3,575	2,195
Mint... ..	12,364	12,330
Gold Receivers ... ..	250	250
Post Office ... ..	24,510	23,634
Conveyance of Mails ... ..	51,050	45,321
Colonial Storekeeper ... ..	4,375	3,965
Stores and Stationery ... ..	38,218	35,589
Warlike Stores ... ..	.....	25,318
Printing, Postage Stamps, and Bookbinding ... ..	15,781	14,937
Gunpowder Magazine ... ..	511	436
Health Officers ... ..	680	580
Quarantine ... ..	1,893	1,118
Shipping Masters ... ..	1,108	1,058
Harbours, Light Houses, and Pilot Department:—		
Board and Harbour Masters ... ..	3,329	2,302
Light Houses ... ..	4,041	3,633
Sea and River Pilots ... ..	7,974	7,449
Boatmen ... ..	6,968	5,310
Contingencies ... ..	830	610
Steam Dredge ... ..	4,600	‡ .....
Miscellaneous Services ... ..	2,158	7,353
TOTAL ... ..	£ 235,016	219,182

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

† Provided for 1860, under Special Appropriations in the General Abstract.

‡ Provided for 1860, under No. 6, "Secretary for Public Works."

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.											
No. of Persons.		Treasury.						SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
								£		£	
		SALARIES.									
1	1	Secretary for Finance and Trade (provided in Schedule) ...									
1	1	Under Secretary ... ..						800		800	
1	1	Accountant ... ..						530		600	
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		325	
1	1	Do. of Correspondence ... ..						300			
1	1	Do. of Records ... ..						300		325	
1	1	Do. ... ..						275		300	
1	1	Do. ... .. (Auctioneer) ... ..						375		375	
1	1	Do. ... ..						250		275	
1	1	Do. ... ..						230		250	
2	...	Do. at £215 ... ..						430			
2	4	Do. at £200 ... ..						400		800	
1	1	Assistant Clerk ... ..						175		175	
...	1	Do. ... ..						.....		100	
1	1	<sup>a</sup> Principal Messenger ... ..						132		132	
1	1	Messenger ... ..						120		120	
1	1	Watchman ... ..						102		102	
1	1	<sup>b</sup> Housekeeper ... ..						48		48	
									6,142		6,102
		CONTINGENCIES.									
		Incidental Expenses ... ..						30		30	
									30		30
22	23	TOTAL ... ..						£ .....	6,172	.....	6,132

<sup>a</sup> Provided with quarters.<sup>b</sup> Provided with quarters, fuel and light.

## ESTIMATES OF EXPENDITURE—1860.

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## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		Customs.								SALARIES AND CONTINGENCIES.		
1859	1860									Amount Voted for 1859.	Amount Required for 1860.	
		SALARIES.									£	
		<i>Sydney.</i>								£		
1	1	Collector	...	...	...	...	...	...	...	1,100	900	
1	1	Landing Surveyor	...	...	...	...	...	...	...	530	600	
1	1	Chief Clerk	...	...	...	...	...	...	...	530	450	
1	1	Cashier	...	...	...	...	...	...	...	530	450	
1	...	Inspector of Warehouses	...	...	...	...	...	...	...	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	...	Do.	...	...	...	...	...	...	...	195		
1	...	Do.	...	...	...	...	...	...	...	195		
1	1	First Landing Waiter	...	...	...	...	...	...	...	375	325	
1	1	Second do.	...	...	...	...	...	...	...	325	325	
1	1	Third do.	...	...	...	...	...	...	...	325	325	
1	1	Fourth do.	...	...	...	...	...	...	...	275	275	
1	1	Fifth do.	...	...	...	...	...	...	...	275	275	
1	1	Sixth do.	...	...	...	...	...	...	...	275	275	
1	1	Seventh do.	...	...	...	...	...	...	...	225	225	
1	1	<i>a</i> Eighth do.	...	...	...	...	...	...	...	225	225	
1	1	Ninth do.	...	...	...	...	...	...	...	225	225	
...	1	Tenth do.	...	...	...	...	...	...	...	...	225	
...	1	Eleventh do.	...	...	...	...	...	...	...	...	225	
...	1	Twelfth do.	...	...	...	...	...	...	...	...	215	
...	1	Thirteenth do.	...	...	...	...	...	...	...	...	205	
...	1	Fourteenth do.	...	...	...	...	...	...	...	...	205	
...	1	Fifteenth do.	...	...	...	...	...	...	...	...	195	
1	1	First Tide Surveyor	...	...	...	...	...	...	...	325	325	
1	1	Second do.	...	...	...	...	...	...	...	325	325	
...	1	Third do.	...	...	...	...	...	...	...	...	325	
1	1	Warehouse Keeper	...	...	...	...	...	...	...	375	350	
1	1	First Locker	...	...	...	...	...	...	...	275	275	
1	1	Second do.	...	...	...	...	...	...	...	250	250	
1	1	Third do.	...	...	...	...	...	...	...	225	195	
1	1	Fourth do.	...	...	...	...	...	...	...	205	195	
1	1	Fifth do.	...	...	...	...	...	...	...	195	190	
1	1	Sixth do.	...	...	...	...	...	...	...	195	185	
1	1	Seventh do.	...	...	...	...	...	...	...	190	185	
1	1	Eighth do.	...	...	...	...	...	...	...	185	185	
1	1	Ninth do.	...	...	...	...	...	...	...	185	185	
1	1	Tenth do.	...	...	...	...	...	...	...	185	185	
1	1	Eleventh do.	...	...	...	...	...	...	...	185	165	
1	1	Twelfth do.	...	...	...	...	...	...	...	185	165	
8	6	Acting Lockers, at £165	...	...	...	...	...	...	...	1,320	990	
1	...	First Tide Waiter	...	...	...	...	...	...	...	225		
1	...	Second do.	...	...	...	...	...	...	...	215		
1	...	Third do.	...	...	...	...	...	...	...	205		
1	...	Fourth do.	...	...	...	...	...	...	...	195		
...	12	Tide Waiters, at £100	...	...	...	...	...	...	...	...	1,200	
1	1	<i>b</i> House Keeper	...	...	...	...	...	...	...	40	40	
1	1	Messenger	...	...	...	...	...	...	...	120	120	
1	1	Do.	...	...	...	...	...	...	...	104	104	
1	1	Warrant Messenger	...	...	...	...	...	...	...	96	120	
1	1	Do.	...	...	...	...	...	...	...	96	120	
4	...	Weighers, at £96	...	...	...	...	...	...	...	384		
...	4	Boy Messengers, at £40	...	...	...	...	...	...	...	...	160	
1	...	Porter	...	...	...	...	...	...	...	114		
1	1	Watchman	...	...	...	...	...	...	...	114	114	
61	70	Carried forward								14,673		14,658
										14,673		14,658

*a* Landing Waiters receive a remuneration for extra attendance at the rate of 1s. per hour for every £100 per annum of salary.*b* Provided with quarters, fuel, and light.

		No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.					
No. of Persons.							
1859	1860					SALARIES AND CONTINGENCIES.	
						Amount Voted for 1859.	Amount Required for 1860.
						£	£
		<b>Customs—continued.</b>					
		Brought forward ... ..				14,673	14,653
61	70	<i>Botany Bay.</i>					
1	1	Coast Waiter ... ..				205	205
2	2	Boatmen, at £96 ... ..				192	192
		<i>Broken Bay.</i>				397	397
1	1	<i>a</i> Coast Waiter ... ..				250	250
4	4	Boatmen, at £96 ... ..				384	384
		<i>Newcastle.</i>				634	634
1	1	Sub-Collector ... ..				325	325
1	1	<i>b</i> Landing Waiter (Morpeth)... ..				300	300
1	1	Tide Surveyor ... ..				225	225
1	1	Clerk ... ..				195	225
1	...	Clerk, 10th September to 31st December, 1858 ... ..				38	
1	1	Coxswain ... ..				120	120
3	3	Boatmen, at £96 ... ..				288	288
		<i>Moreton Bay.</i>				1,491	1,483
1		Sub-Collector ... ..				480	
1		Landing Waiter ... ..				325	
1		Tide Surveyor at the mouth of the Harbour ... ..				275	
1		Clerk and Locker ... ..				195	
1		Coxswain ... ..				120	
5		Boatmen, at £96 ... ..				480	
1		Weigher and Office Keeper... ..				118	
		<i>Eden</i>				1,993	
1	1	Sub-Collector ... ..				275	275
1	1	Coxswain ... ..				132	132
3	3	Boatmen, at £96 ... ..				288	288
		<i>Rockhampton.</i>				695	695
1		Sub-Collector and Landing Surveyor ... ..				400	
1		Landing Waiter and Tide Surveyor ... ..				275	
4		Boatmen, at £96 ... ..				384	
						1,059	
		<b>CONTINGENCIES.</b>					£ 17,862
		Allowances to extra Tide Waiters ... ..				3,000	1,425
		Forage Allowance to Landing Surveyor ... ..					60
		Rent... ..				190	190
		New Boats ... ..				100	50
		Gauging Instruments ... ..				100	
		Incidental Expenses ... ..					75
		Cost of Prosecutions for Illicit Distillation ... ..				297	
						3,687	1,800
100	91					£ 24,629	19,662
		<b>Colonial Distilleries.</b>					
		<b>SALARIES.</b>					
1	1	Chief Inspector and Accountant ... ..				500	500
6	3	Inspectors, 3 at £400 ... ..				2,250	1,200
						2,750	1,700
		<b>CONTINGENCIES.</b>					
		Occasional Assistance ... ..				150	100
		Instruments... ..				120	60
		Cleaning Offices ... ..				55	30
		Porterage ... ..					5
		REWARDS, not exceeding £50 in each case, for information as to illicit distillation ... ..				500	300
						825	495
7	4	<b>TOTAL</b> ... ..				£ 3,575	2,195

*a* Receives £50 per annum for House Rent.*b* Receives £20 per annum for Office Rent.

## ESTIMATES OF EXPENDITURE—1860.

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## No V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Sydney Branch of the Royal Mint.		Amount Voted for 1859.	Amount Required for 1860.
		SALARIES.		£	£
1	1	a Deputy Master and Chief Officer ... ..		1,100	1,100
1	1	Superintendent of Bullion Office .. ..		850	850
1	1	Superintendent of Coining Department ... ..		730	730
1	1	Chief Clerk of Bullion Office ... ..		630	630
1	1	a Registrar and Accountant ... ..		487	487
2	1	Assayers, at £630 ... ..		1,260	630
...	1	Do. ... ..		.....	580
1	1	Assistant Assayer ... ..		350	350
1	1	Clerk ... ..		250	250
1	1	Do. ... ..		250	250
1	1	Do. ... ..		250	240
1	1	Do. ... ..		240	200
3	1	Superior Mechanics, at £230 ... ..		690	230
1	1	Engineer of Machinery ... ..		295	295
1	1	Messenger ... ..		120	120
1	1	Do. ... ..		118	118
1	1	Police:—			
		Serjeant, at 8s. 6d. for 1859; and 8s. 9d. for 1860 ...		155	160
3	3	Constables, 2 at 6s. 3d., and 1 at 6s., for 1859; and 3 at 6s. 3d., for 1860 ... ..		338	343
		Royal Engineers:—			
1	1	Serjeant, at 2s. 10½d. ... ..		52	53
3	3	Corporals, 1 at 2s. 2½d., and 2 at 1s. 10¾d. ... ..		110	110
10	10	Privates, at 1s. 2½d. ... ..		221	221
		Colonial Allowance to Royal Engineers:—			
		Serjeant and Corporals, at 1s. ... ..		73	73
		Sappers, at 6d. ... ..		91	92
		Working Pay to Serjeant, at 6s. 8d., to Corporals and Sappers, at 5s. ... ..		1,114	1,118
				9,774	9,230
		CONTINGENCIES.			
		Provisions for Royal Engineers ... ..		259	270
		Lodging Allowance to Married Men under Military Regulations, Serjeant at 18s., and 9 Men at 16s. per week ... ..		374	421
		Military Contingencies, viz :—Good Conduct pay, alterations in clothing, repairs of arms, &c. ... ..		36	49
		Wages to Workmen temporarily employed... ..		200	} 811
		Labor in Assaying ... ..		150	
		Waste in Coinage, at 1s. 3d. per cent. on £700,000 ... ..		250	250
		Do. being 1-50th per cent. on £1,250,000... ..		529	1,092
		Chemicals, Tools, &c. ... ..		200	200
		Repairs to Engines and Furnaces ... ..		7	7
		Freight ... ..			
		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	
				2,590	3,100
36	34	TOTAL ... ..	£	12,364	12,330
		Gold Receivers.			
7	8	b Receivers at Bathurst, Goulburn, Braidwood, Orange, Mudgee, Gundagai, Grafton, and Tamworth, at £25 each ... ..		175	200
1	...	Receiver at Rockhampton ... ..		25	*
		To meet further similar claims that may arise ... ..		50	50
				250	250
8	8	TOTAL ... ..	£	250	250

a Provided with Quarters.

b The situation of Gold Receiver is held by the Clerof the Bench at each of the places named.

\* Duty performed by the Sub-Gold Commissioner.



No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860							Amount Voted for 1859.	Amount Required for 1860.
		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	3	Clerks, at £375	...	...	...	...	1,500	1,125	
1	1	Clerk	...	...	...	...	315	300	
1	1	Clerk	...	...	...	...	300	300	
1	1	Clerk	...	...	...	...	260	275	
1	1	Clerk	...	...	...	...	245	275	
3	...	Clerks, at £230	...	...	...	...	690		
4	4	Clerks, at £215	...	...	...	...	860	860	
...	4	Clerks, at £200	...	...	...	...	800	800	
8	7	Clerks, at £175	...	...	...	...	1,400	1,225	
...	2	Clerks, at £150	...	...	...	...	300	300	
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	
5	5	Suburban Letter Carriers, at £120...	...	...	...	...	600	600	
1	1	Landing and Shipping Officer	...	...	...	...	200	200	
2	2	Mail Boys, at £78	...	...	...	...	156	156	
1	1	Principal Messenger	...	...	...	...	120	120	
2	4	Messengers, at £108	...	...	...	...	216	432	
1	1	(a) Office Keeper	...	...	...	...	52	52	
1	1	Night Watchman	...	...	...	...	84	84	
6	7	Mail Guards, at £150	...	...	...	...	900	1,050	
9	8	Country Letter Carriers, at £120	...	...	...	...	1,080	960	
		Country Postmasters	...	...	...	...	7,000	6,943	
		Sub-Postmasters	...	...	...	...	300		
1	1	Inspector for the Supervision of Contracts and Post Offices, including Travelling Expenses	...	...	...	...	500	500	
							22,750	22,529	
CONTINGENCIES.									
Temporary Extra Clerks and Sorters							500		
Extra Assistance in Sorting English Mails							200	200	
Uniforms for Letter Carriers and Guards							155	170	
Forage and Farriery for three horses							225	225	
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		
Three Iron Pillar Letter Boxes							60	60	
Incidental Expenses							320	300	
							1,760	1,105	
82	85	TOTAL					£	24,510	23,634

(a) Provided with quarters and fuel and light.

## ESTIMATES OF EXPENDITURE—1860.

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## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
<b>Conveyance of Mails.</b>					
		47,000		42,589	
		2,000		1,996	
		150		136	
		200		.....	
		100		100	
		1,600		500	
			51,050		45,321
			51,050		45,321
<b>Colonial Storekeeper.</b>					
<b>SALARIES.</b>					
1	1	Colonial Storekeeper	600	600	
1	1	Clerk	375	325	
...	2	Do., at £300	.....	600	
3	...	Clerks, at £275	825		
1	...	Clerk	260		
...	1	Do.	.....	225	
1	1	Foreman of Warehouse	175	175	
1	1	Armourer	175	175	
			2,410		2,100
<b>CONTINGENCIES.</b>					
		Conveyance of Stores	800	700	
		Rental upon Stores deposited in Private Warehouses	500	500	
4	4	Wages to Storehousemen, at £120	480	480	
1	1	Watchman	85	85	
		Packing, and other expenses	100	100	
			1,965		1,865
13	12		4,375		3,965
<b>Stores and Stationery.</b>					
		Stationery and Paper for Printing for the Public Service, generally		8,544	
		Stores, do. do. do.	38,218	22,802	
		Fuel and Light for Departments within the District of Sydney...		4,243	
					35,589
			38,218		35,589
		Cost of certain Warlike Stores obtained from the Imperial Government in 1855			25,318

## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.						SALARIES AND CONTINGENCIES.			
1859	1860					Amount Voted for 1859.		Amount Required for 1860.	
		<b>Printing, Postage Stamps, Lithographing and Bookbinding.</b>							
		<b>PRINTING.</b>				£		£	
		<b>SALARIES.</b>							
1	1	Government Printer and Inspector of Stamps	...	...	...	700		550	
1	1	Superintendent	...	...	...	450		350	
1	1	Accountant	...	...	...	350		350	
1	1	Foreman of Bookbinding Branch	...	...	...	250	1,750	300	1,550
		<b>WAGES.</b>							
		Compositors, Pressmen, and Others, at current rates	...	...	...	10,973		9,400	
		Binders, Sewers, and Folders	...	...	...	621		1,650	
		Lithographic Printers	...	...	...	650			
		Temporary Assistance during the sitting of Parliament	...	...	...	.....	12,244	500	11,550
		<b>CONTINGENCIES.</b>							
		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		400	
		Lithographic Materials	...	...	...	250			
		Machine Ruling	...	...	...	.....	1,287	200	1,337
		<b>POSTAGE STAMPS.</b>							
		Printing and Gumming Stamps	...	...	...	350		350	
		Materials and Contingencies	...	...	...	150		150	
							500		500
4	4	<b>TOTAL</b>	...	...	...	£ .....	15,781	.....	14,937
<hr/>									
<b>* Gunpowder Magazine.</b>									
1	1	Foreman	...	...	...		225		225
		<b>CONTINGENCIES.</b>							
		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	...	...	...	75	286		211
1	1	<b>TOTAL</b>	...	...	...	.....	511	.....	436

\* This Magazine is placed in charge of the Assistant Military 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.

## ESTIMATES OF EXPENDITURE—1860.

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## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860							Amount Voted for 1859.		Amount Required for 1860.	
		<b>Health Officers.</b>						£		£	
		SALARIES.									
1	1	a	Health Officer, Port Jackson	...	...	...	...	530		530	
1	...		Do. Moreton Bay	..	..	..	...	100			
1	1	b	Do. Newcastle	...	...	...	...	50		50	
									680		580
3	2		TOTAL	...	..	...	£	.....	680	.....	580
		<b>Quarantine.</b>									
		SALARIES.									
1	1	c	Overseer of Stores	...	...	...	...	150		150	
3	2	c	Boatmen, at £75	...	...	...	...	225		150	
1	1		Nurse	...	...	...	...	18		18	
									393		318
		CONTINGENCIES.									
			Expenses of Vessels in Quarantine...	...	...	...	...	1,000		800	
			Demurrage	...	...	...	...	500			
									1,500		800
5	4		TOTAL	...	...	...	£	.....	1,893	.....	1,118
		<b>Shipping Masters.</b>									
		<i>Sydney.</i>									
			Shipping Master, (duty performed by Water Police Magistrate)								
1	1		Clerk	...	...	...	...	300		300	
2	2		Clerks, at £250	...	...	...	...	500		500	
2	2		Runners, at £104	...	...	...	...	208		208	
		<i>Newcastle.</i>									
1	1	d	Shipping Master	...	...	...	...	50		50	
		<i>Moreton Bay.</i>									
1	...		Shipping Master	...	...	...	...	50			
									1,108		1,058
7	6		TOTAL	...	...	...	£	.....	1,108	.....	1,058
		<b>Harbors, Light Houses, and Pilot Department.</b>									
		STEAM NAVIGATION AND PILOT BOARD.									
5	6		Members of the Board	...	...	...	...	300		300	
1	1		Secretary to Board, Chief Clerk and Accountant	...	...	...	...	350		350	
1	1		Engineer Surveyor, at £2 2s. each Survey	...	...	...	...	375		200	
1	1		Shipwright Surveyor, at £1 1s. each Survey	...	...	...	...	175		100	
1	1		Messenger	...	...	...	...	52		52	
3	...		Officers of Brisbane Board	...	...	...	...	27			
									1,279		1,002
		HARBOR MASTERS.									
1	1		Sydney	...	...	...	...	400		500	
1	1		Newcastle	...	...	...	...	275		300	
1	...		Moreton Bay	...	...	...	...	300			
1	1		Clerk, Sydney	...	...	...	...	200		200	
									1,175		1,000
		DEPUTY HARBOR MASTERS.									
1	...		Sydney	...	...	...	...	300			
1	...		Newcastle	...	...	...	...	175			
1	1	e	Do. Clerk	...	...	...	...	150		150	
									625		150
			Travelling Expenses of the Board, the Harbor Masters, and the Surveyors	...	...	...	...	.....	250	.....	150
19	14		TOTAL	...	...	...	£	.....	3,329	.....	2,302

a Member of Immigration Board.

b Vaccinator;—Salary, £25 per annum.

c Provided with Quarters.

d Clerk to the Harbour Master;—Salary, £150 per annum.

e Also, Shipping Master;—Salary, £50 per annum.

## No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Harbors, Light Houses, and Pilot Department—continued.			
		Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
		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	...	Cape Moreton ... ..	216		
1	1	"Bramble" Light Ship ... ..	180	180	
1	1	Fort Denison Light, Serjeant and Private in charge ...	73	73	
			1,009		793
		<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	...	Cape Moreton ... ..	108		
1	1	"Bramble" Light Ship, Mate ... ..	84	84	
			444		336
		<i>Second 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	...	Cape Moreton ... ..	84		
3	3	"Bramble" Light Ship, crew, at £84 ... ..	252	252	
			588		504
		Contribution of one-half the expense of maintaining the Light House on Gabo Island ... ..			
		Do. do. do. Wilson's Promontory ... ..	750	750	
		Contribution of one-third the expense of maintaining the Light House on Kent's Group ... ..	500	500	
			2,000		2,000
18	15	TOTAL ... .. £	4,041		3,633
		SEA AND RIVER PILOTS.			
		<i>Port Jackson.</i>			
		Remuneration to Pilots and Boats' Crews ... ..	5,680	5,680	
		<i>Newcastle.</i>			
2	3	Pilots, at £175 ... ..	350	525	
2	2	Assistant do., to act as Coxswains, at £120 ... ..	240	240	
		<i>Moreton Bay.</i>			
3	...	Pilots, at £175 ... ..	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	...	Pilot... ..	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... ..	25	25	
			7,974		7,449
15	12	TOTAL ... .. £	7,974		7,449

### ESTIMATES OF EXPENDITURE—1860.

59

No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		<b>Harbors, Light Houses, and Pilot Department— continued.</b>			
		<b>BOATMEN.</b>			
		£		£	
		<i>Port Jackson. (Boatswain's Yard.)</i>			
1	1				
22	22	a Boatswain in charge ... ..	120	120	
		b Boatmen, at £96 ... ..	2,112	2,112	
		New Boats and Repairs ... ..	180	200	
		<i>Newcastle.</i>			
8	8	Boatmen, at £96 ... ..	768	768	2,432
1	1	Carpenter ... ..	140	140	
		<i>Moreton Bay.</i>			
13	...	Boatmen, at £96 ... ..	1,248		908
1	...	Boatman for Buoy Boat ... ..	96		
		<i>Manning River.</i>			
4	4	Boatmen, at £96 ... ..	384		384
		<i>M'Leay River.</i>			
4	4	Boatmen, at £96 ... ..	384		384
		<i>Clarence River.</i>			
4	4	Boatmen, at £96 ... ..	384	384	
...	1	Hutkeeper ... ..		50	
		<i>Richmond River.</i>			
4	4	Boatmen, at £96 ... ..	384		434
		<i>Fitz Roy River.</i>			
4	...	Boatmen, at £96 ... ..	384		384
		<i>Port Macquarie.</i>			
4	4	Boatmen, at £96 ... ..	384		384
70	53	<b>TOTAL</b> ... ..	£ 6,968		5,310
		<b>CONTINGENCIES.</b>			
		Boats ... ..	450	360	
		Forage, and Farriery ... ..	70	70	
		Expense of Communication... ..	50	24	
		Repairs and Incidental Expenses ... ..	260	156	
				830	610
		<b>TOTAL</b> ... ..	£ 830		610
		<b>STEAM DREDGE.</b>			
1	...	Master ... ..	250		
1	...	Assistant Master ... ..	144		
2	...	Coxswains, at £120... ..	240		
17	...	Occasional Laborers for working the Dredge, at £104 ... ..	1,766		
		Towing of Punts, and Incidental Expenses ... ..	1,200		
		Repairs ... ..	1,000		
				4,600	
21		<b>TOTAL</b> ... ..	£ 4,600		*
		<b>MISCELLANEOUS SERVICES.</b>			
		Postage of the various Public Departments ... ..	2,128	3,223	
		For the transmission of Telegraphic Messages ... ..		1,500	
		Re-coppering of Light Ship "Bramble," and sundry repairs ... ..		600	
		Provisions to be left on Booby Island for the relief of ... ..			
		Shipwrecked Persons ... ..	30	30	
		To meet Unforeseen Expenses, to be hereafter accounted for ... ..		2,000	
				2,158	7,353
		<b>TOTAL</b> ... ..	£ 2,158		7,353

*a* Provided with Quarters. *b* To provide for services of Harbor Master, Customs, Health Officer, Post Office, Cockatoo Island, and Colonial Storekeeper.

\* Provided for 1860 under No. VII, "Secretary for Public Works."

† Voted for 1859 under No. III, "Chief Secretary."



## VI.

## Secretary for Lands.

## SUMMARY.

										*Voted for 1859.	Required for 1860.
Department of Lands	...	...	...	...	...	...	...	...	...	9,785	10,000
Commission on Sales of Land, &c.	...	...	...	...	...	...	...	...	...	8,000	8,000
Management of Alpacas	...	...	...	...	...	...	...	...	...	.....	1,310
Survey of Lands	...	...	...	...	...	...	...	...	...	57,984	50,879
Occupation of Lands	...	...	...	...	...	...	...	...	...	8,823	6,014
Immigration	...	...	...	...	...	...	...	...	...	165,906	118,011
Gold Fields	...	...	...	...	...	...	...	...	...	8,040	8,425
Gold Contingent	...	...	...	...	...	...	...	...	...	1,250	1,250
Coal Mines	...	...	...	...	...	...	...	...	...	655	655
Botanic Gardens, Sydney	...	...	...	...	...	...	...	...	...	2,500	2,458
Government Domains and Hyde Park	...	...	...	...	...	...	...	...	...	1,323	1,323
Botanic Gardens, Brisbane...	...	...	...	...	...	...	...	...	...	550	
Internal Communication, Road Branch	...	...	...	...	...	...	...	...	...	47,160	44,275
Miscellaneous	...	...	...	...	...	...	...	...	...	.....	500
TOTAL	...	...	...	...	...	...	...	...	£	311,976	253,100

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

*The Treasury, New South Wales,  
1st December, 1859.*

SAUL SAMUEL.





## ESTIMATES OF EXPENDITURE—1860.

63

## No. VI.—SECRETARY FOR LANDS.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Survey of Lands.			
		Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
SALARIES.					
1	1	Surveyor General ... ..	1,050	1,000	
6	4	District Surveyors, at £780 .. ..	4,680	3,120	(a)
8	...	Surveyors, 1st class, at £680 .. ..	5,440	4,585	(b)
...	7	Do. do. at £655 .. ..	...	4,440	(c)
10	...	Do. 2nd do. at £580 .. ..	5,800	...	
...	8	Do. do. at £555 .. ..	...	...	
1	1	Chief Draftsman ... ..	650	650	
1	1	Draftsman, 1st class ... ..	400	400	
1	1	Do. do. ... ..	375	375	
1	...	Do. do. ... ..	325	...	
3	...	Draftsmen, 2nd class, at £300 .. ..	900	...	
...	4	Do. 2nd class, 1 at £325 and 3 at £300 .. ..	...	1,225	
5	5	Do. 3rd do. at £240 .. ..	1,200	1,200	
3	3	Do. do. at £220 .. ..	660	660	
2	1	Do. do. at £200 .. ..	400	200	
...	4	Youths to be employed as Draftsmen, at £75 each .. ..	...	300	
		Preparation of Maps for Publication .. ..	600	600	
		Lithographic Printing .. ..	...	650	(d)
2	...	Description Writers, at £150 .. ..	300	...	
...	3	Do. 2 at £150 and 1 at £100 .. ..	...	400	
1	1	Accountant ... ..	400	400	
1	1	Clerk ... ..	300	300	
2	1	Do. ... ..	400	200	
1	1	Do. ... ..	185	185	
1	1	Do. (Supernumerary) ... ..	100	100	
2	1	Messengers, at £100 .. ..	200	100	
1	1	Assistant Messenger (Boy) ... ..	35	50	
...	1	Do. (do.) ... ..	...	36	
1	1	Housekeeper ... ..	50	50	
108	95	Wages and Provisions to Surveyors' Laborers ... ..	7,884	7,128	(e)
			32,334		28,854
CONTINGENCIES.					
		Repairs and Rent ... ..	250	...	
		Fees to Licensed Surveyors... ..	25,000	20,000	
		Passage and Freight ... ..	200	150	
		Furniture ... ..	100	...	
		Incidental Expenses ... ..	100	225	(f)
		Forage Allowance in special cases ... ..	...	1,000	
		Purchase of Surveying Instruments ... ..	...	750	
		Fireproof Safe ... ..	...	150	
		Lithographic Materials ... ..	...	250	
			25,650		22,525
162	147	TOTAL ... ..	£ 57,984	.....	50,879

(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 £255 allowance.

(c) Including £300 salary and £255 allowance.

(d) Transferred from the Government Printer.

(e) Being estimated at the rate of 4s. 6d. per diem for 19, and 4s. per diem for 76 Laborers.

(f) Including Special Allowance, when necessary, for District Surveyor.

## ESTIMATES OF EXPENDITURE—1860.

No. VI.—SECRETARY FOR LANDS.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Occupation of Lands.				Amount Voted for 1859.		Amount Required for 1860.	
		SALARIES.				£		£	
2	2	Commissioners of Crown Lands, at £500 ... ..				1,000		1,000	
6	3	Do. £450 ... ..				2,700		1,350	
17	9	Troopers, at £183 ... ..				3,103		1,647	
8	5	(a) Officekeepers and Servants for Commissioners, at £40 each, per annum ... ..				320		200	
1	1	Crown Land Bailiff for Cumberland ... ..				200		200	
...	1	Messenger ... ..				.....	7,373	50	4,447
		CONTINGENCIES.							
		Fees for completion of Assessment of Runs in Pastoral Districts ... ..				1,500		1,200	
		Allowance to Commissioners in lieu of Quarters ... ..				.....		150	
		Contingencies ... ..				.....		150	
		Pack-horse for 1 Commissioner ... ..				.....		30	
		Forage Allowance for 1 Commissioner, at 2s. per diem ... ..				.....	1,500	37	1,567
34	21	TOTAL ... .. £				...	8,823	.....	6,014
Immigration.									
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 ... ..									
						54,955	} 60,000		
Immigration Remittances ... ..						25,000		60,000	
							79,955		
To PAY OFF DEBENTURES FALLING DUE.									
From Revenue ... ..						.....		53,000	
By Loan ... ..						80,000			
							80,000		53,000
ESTABLISHMENTS.									
Sydney.									
1	1	Agent ... ..				650		650	
1	1	Chief Clerk ... ..				350		350	
1	1	Clerk ... ..				250		250	
1	1	Do. (Accountant) ... ..				250		255	
1	1	Do. ....				250		250	
1	1	Do. ....				200		200	
1	1	b Matron ... ..				70		70	
1	1	c Sub-Matron ... ..				36		36	
1	1	d Messenger ... ..				100		100	
Brisbane.									
1	...	Assistant Agent ... ..				200			
1	...	Medical Attendant ... ..				75			
1	...	Matron ... ..				55			
1	...	Wardsman ... ..				30			
							2,516		2,161
CONTINGENCIES.									
Additional Clerical Assistance ... ..						200		160	
Provisions ... ..						2,000		1,000	
Medicines, and Medical Attendance, Advertising, Cartage, and Incidental Expenses ... ..						660		440	
Conveyance of Immigrants into the Interior, including the cost of maintenance of the several Depôts ... ..						500		1,250	
Fuel and Light, Moreton Bay ... ..						75			
							3,435		2,850
							5,951		5,011
13	9	TOTAL ... .. £				.....	165,906	.....	118,011

a To be rationed by the Commissioner.

b Provided with quarters and a double ration of provisions.

c Provided with quarters and a single ration of provisions.

d Do. do.

## ESTIMATES OF EXPENDITURE—1860.

65

## No. VI.—SECRETARY FOR LANDS.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
<b>Gold Fields.</b>					
SALARIES.					
4	3	Commissioners, at £500 ... ..	2,000	1,500	
5	5	Assistant Commissioners, at £450 ... ..	2,250	2,250	
3	5	Sub-Commissioners at £275 ... ..	825	1,375	
6	7	Do. being also Clerks of Petty Sessions, at £100 ... ..	600	700	
...	1	Chinese Interpreter ... ..	.....	150	
			5,675		5,975
CONTINGENCIES.					
		Allowance in lieu of Forage for Officers, at £50 ... ..	900	1,000	
		Carriage of Stores ... ..	50	50	
		Rent... ..	65		
		Erection of, and Repairs to, Buildings ... ..	1,000	1,000	
		Travelling Expenses of Commissioners (when specially sanctioned.) ... ..	100	200	
		Incidental Expenses... ..	250	200	
			2,365		2,450
18	21	TOTAL ... .. £	8,040	.....	8,425
<b>Gold Contingent.</b>					
		To meet unforeseen Expenses, in cases of emergency ... ..	1,250	.....	1,250
<b>Coal Fields.</b>					
1	1	Examiner of Coal Fields, £2 2s. a day, while actually employed ... ..	630	630	
		Horse Hire ... ..	25	25	
			655		655
		TOTAL ... .. £	655	.....	655
<b>Botanic Gardens, Sydney.</b>					
1	1	Director ... ..	350	400	
1	1	Overseer ... ..	200	200	
...	1	Bailiff ... ..	.....	108	
			550		708
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	
		Incidental Expenses ... ..	100	100	
		To meet the cost of reclaiming Land from the Sea ... ..	600		
		To meet cost of draining and preparing same ... ..	.....	300	
		Erection of Additional Seats in Botanic Gardens ... ..	.....	100	
			1,950		1,750
2	3	TOTAL ... .. £	2,500	.....	2,458

No. VI.—SECRETARY FOR LANDS.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Government Domains and Hyde Park.							
		Amount Voted for 1859.				Amount Required for 1860.			
		£				£			
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	100		
							1,323		1,323
2	2	TOTAL	...	...	£	...	1,323	.....	1,323
<hr/>									
Botanic Gardens, Brisbane.									
1		Superintendent	...	...	...	200			
		Wages to Laborers	...	...	...	300			
		Incidental Expenses	...	...	...	50			
							550		
1		TOTAL	...	...	£	.....	550		
<hr/>									
Internal Communication.									
ROAD BRANCH.									
CONSTRUCTION AND MAINTENANCE.									
MORETON BAY ROADS.									
		Main Road from Brisbane to Drayton Gap, 90 miles, at £50 per mile...	...	...	...	4,500			
		Road Surveyor, including £100 for Travelling Expenses	...	...	...	600			
							5,100		
ROADS, OTHER THAN MAIN ROADS.									
		For the maintenance of other than Main Roads of the Colony	...	...	...	30,000	35,000		
		Special Grants to minor Bridges, and Roads not classified	...	...	...	5,000	5,000		
		Bridge over Mullet Creek, Dapto	...	...	...	.....	1,000		
		Bridge over Bell River at Molong	...	...	...	.....	500		
		Votes for Special Services	...	...	...	7,060			
		For the erection of a Bridge over the Richmond River at Casino	...	...	...	.....	720		
							42,060		42,220
FERRIES.									
		Ferry across the Williams River, at Raymond Terrace	...	...	...	.....	380		
		Punt at the Moruya River, at Moruya...	...	...	...	.....	400		
		Punt at Port Macquarie	...	...	...	.....	460		
		Punt at the Tross River	...	...	...	.....	350		
		Punt at the Clarence River, at Grafton	...	...	...	.....	465		
								2,055	
		TOTAL	...	...	£	.....	47,160	.....	44,275
<hr/>									
Miscellaneous.									
		Contribution towards rewarding the successful prosecution of an Exploration of the interior of New Holland from South Australia to the North-western portions of the Continent	...	...	...	.....	.....	.....	500

## VII.

## Secretary for Public Works.

## SUMMARY.

	*Voted for 1859.	Required for 1860.
Department of Public Works... ..	3,950	5,650
Internal Communication :—		
Railways :—		
General Establishment ... ..	4,797	3,470
Existing Lines ... ..	61,375	54,725
Working Expenses—Authorised Extensions ... ..	2,000	20,000
Valuation of Land ... ..	.....	1,300
Works in Progress ... ..	3,700	9,021
Trial Surveys ... ..	14,310	23,949
New Works ... ..	.....	54,100
Bridge, High-street, East Maitland ... ..	1,000	
Electric Telegraph :—		
Establishments and Working Expenses... ..	15,766	11,179
Extensions (Loan) ... ..	.....	67,850
Roads :—		
General Establishment ... ..	2,230	3,680
Field Establishment ... ..	3,000	7,493
Construction and Maintenance ... ..	85,800	97,039
Colonial Architect ... ..	5,109	5,159
Public Works and Buildings :—		
Public Works ... ..		2,426
Public Buildings ... ..	78,475	86,015
Do. (Loan) ... ..	11,600	10,225
To pay off Debentures (Loan) ... ..	.....	365,600
Harbours and River Navigation :—		
Engineer's Department ... ..	2,390	3,400
Steam Dredge "Hunter" ... ..	5,293	5,995
Steam Dredge "Hercules" ... ..	.....	3,924
Glebe Island Punt ... ..	.....	1,002
Public Works ... ..	.....	5,795
Do. (Loan) ... ..	.....	36,200
Fitz Roy Dock Establishment ... ..	10,456	7,404
TOTAL ... ..	£ 311,251	1,892,601

\* The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

*The Treasury, New South Wales,*  
1st December, 1859.

SAUL SAMUEL.

No. VII.—SECRETARY FOR PUBLIC WORKS.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860	Department of Public Works.						Amount Voted for 1859.	Amount Required for 1860.
		SALARIES.						£	£
...	1	Secretary for Public Works	...	...	...	...	...	.....	1,500
*1	1	Under Secretary and Commissioner for Internal Communi-	...	...	...	...	...	1,500	1,500
	1	cation	...	...	...	...	...	400	400
1	1	Chief Clerk, at £400	...	...	...	...	...	250	300
1	1	Clerk	...	...	...	...	...	300	250
*1	1	Do.	...	...	...	...	...	250	250
1	1	Do.	...	...	...	...	...	200	200
1	1	Do.	...	...	...	...	...	150	150
*1	1	Messenger	...	...	...	...	...	104	100
1	1	Do.	...	...	...	...	...	100	100
*1	1	Housekeeper	...	...	...	...	...	46	50
...	1	Boy Messenger	...	...	...	...	...	.....	50
*		Rent...	...	...	...	...	...	650	650
		Contingencies	...	...	...	...	...	.....	150
								3,950	5,650
10	12	TOTAL	...	...	...	£	.....	3,950	5,650
Department of Internal Communication.									
RAILWAY BRANCH.									
General Establishment.									
SALARIES.									
1	1	Commissioner	...	...	...	...	...	600	.....
1	...	Secretary	...	...	...	...	...	500	600
1	1	Accountant	...	...	...	...	...	.....	400
...	1	Chief Clerk and Cashier	...	...	...	...	...	300	300
1	1	Clerk	...	...	...	...	...	400	400
2	2	a Do., at £200	...	...	...	...	...	720	720
4	4	Clerks, at £180	...	...	...	...	...	400	300
1	1	Storekeeper	...	...	...	...	...	200	200
1	1	Foreman of Stores	...	...	...	...	...	200	200
1	1	Ticket Printer	...	...	...	...	...	100	100
1	1	Messenger	...	...	...	...	...	.....	50
...	1	Boy Messenger	...	...	...	...	...	3,420	3,270
CONTINGENCIES.									
		Travelling Expenses	...	...	...	...	...	400	100
		Contingencies	...	...	...	...	...	350	100
		Compensation and other expenses consequent upon the Railway Accident of 10 July, 1858	...	...	...	...	...	627	200
14	15	TOTAL	...	...	...	£	.....	1,377	3,470
Existing Lines.—Establishment.									
SALARIES.									
1	1	Engineer and Locomotive Superintendent...	...	...	...	...	...	450	550
1	1	b Traffic Manager, Southern Line	...	...	...	...	...	400	400
1	1	c Traffic Manager, Northern Line	...	...	...	...	...	300	300
1	1	Locomotive Foreman	...	...	...	...	...	400	400
1	1	Do.	...	...	...	...	...	300	300
1	1	Traffic Inspector, Southern Line	...	...	...	...	...	300	350
2	2	Inspectors of Way and Works, at £275	...	...	...	...	...	800	550
16	17	Station Masters—4 at £250; 3 at £200; 3 at £175; 7 at £150	...	...	...	...	...	3,025	3,175
1	1	Goods Clerk	...	...	...	...	...	200	200
1	...	Goods Collector	...	...	...	...	...	200	.....
		Contingent sum to cover 1 per cent. on net receipts to Managers	...	...	...	...	...	.....	500
								6,375	6,725
26	26	Carried forward	...	...	...	£	.....	6,375	6,725

\* Transferred from the Railway Branch.

a One Clerk was accidentally omitted in Printed Estimates of 1859, and voted in Supplementary Estimates.

b With one per cent. upon net receipts, till income reaches £700 per annum.

c With one per cent. upon net receipts, till income reaches £500 per annum.

## ESTIMATES OF EXPENDITURE—1860.

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## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		Internal Communication—continued.			
		RAILWAY BRANCH.			
		Existing Lines—continued.			
		£	£	£	£
		Brought forward ... ..	6,375	.....	6,725
		Working Expenses of 54 Miles of Railway.			
		Maintenance of Permanent Way, including Buildings ...	13,000	11,000	
		Wages to Workmen employed in repair of Rolling Stock, Engine-drivers, Firemen, Fitters, Cleaners, Guards, Porters, and Laborers ... ..	25,000	23,000	
		Materials and General Stores, firewood, oil, and waste ...	17,000	13,000	
		To meet unforeseen and incidental expenses ... ..	.....	1,000	
			55,000		48,000
		TOTAL ... ..	61,375	.....	54,725
		Working Expenses—Authorized Extensions.			
		Contingent sum to cover working expenses of any additional length of line that may be opened for public traffic in 1860 ... ..	2,000	.....	20,000
		TO BE PROVIDED BY LOAN.			
		Valuation of Land.			
		SALARIES.			
...	*1	d Valuator ... ..	.....	600	
...	*1	e Do. ... ..	.....	400	
...	*	Contingent sum for Travelling Expenses ... ..	.....	300	
...	2		.....		1,300
...		£	.....	.....	1,300
		Works in Progress—Authorized Extensions.			
		SALARIES.			
1	1	Engineer-in-Chief ... ..	1,500	1,500	
1	1	Assistant Engineer ... ..	700	700	
1	1	Assistant Engineer ... ..	400	500	
1	1	Draftsman ... ..	500	500	
*2	2	Do. at £350 ... ..	350	700	
*2	2	Assistant Draftsmen ... ..	.....	312	
1	1	Clerk ... ..	250	250	
*2	2	Inspectors of Way and Works ... ..	.....	800	
*3	3	Inspectors of Bridges and Works ... ..	.....	939	
		Contingent sum to provide such further assistance for the superintendence of Works as may be required ... ..	.....	2,000	
			3,700		8,201
		CONTINGENCIES.			
		Travelling Expenses ... ..	.....	400	
		Horse Equipment and Forage Allowance for 3 Inspectors, at 4s. per diem each ... ..	.....	220	
		Contingencies ... ..	.....	200	
			.....		820
14	14	TOTAL... ..	3,700	.....	9,021

d To be an Officer of the Department.

e To be permitted to pursue his private business, Government business having preference.

\* Paid in 1859 out of the Vote for Authorized Extensions.



## ESTIMATES OF EXPENDITURE.—1860.

## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. VII.—SECRETARY FOR PUBLIC WORKS.											
No. of Persons.		SALARIES AND CONTINGENCIES.									
1859	1860	Internal Communication—continued.						Amount Voted for 1859.		Amount Required for 1860.	
RAILWAY BRANCH.											
TO BE PROVIDED BY LOAN.											
Trial Surveys.											
SALARIES.											
1	1	a Assistant Engineer ...	...	...	...	...	780	880			
...	2	b Surveyors, at £780 each ...	...	...	...	...	.....	1,560			
6	10	Do. at £680 ...	...	...	...	...	4,080	6,800			
32	65	Wages to Surveyors' Laborers, at £73 per annum, each ...	...	...	...	...	2,336	4,745			
								7,196		13,985	
Detachment of Royal Engineers:—											
		Regimental Pay ...	...	...	...	...	451	451			
								451		451	
ALLOWANCES.											
		Working Pay ...	...	...	...	...	1,180	1,180			
		Colonial Allowance ...	...	...	...	...	173	173			
		Ration Allowance ...	...	...	...	...	599	599			
		Fuel, Light, and Water ...	...	...	...	...	54	54			
								2,006		2,006	
CONTINGENCIES.											
		Field Allowance ...	...	...	...	...	187	187			
		Forage for Horses ...	...	...	...	...	300	300			
		Equipment ...	...	...	...	...	250	250			
		Medical Attendance... ..	...	...	...	...	60	60			
		Incidental Expenses ...	...	...	...	...	250	250			
20	20	Chainmen without rations, at £73 ...	...	...	...	...	1,460	1,460			
		Special Expenses of Survey of Grose Valley ...	...	...	...	...	1,500				
								4,007		2,507	
		Contingent sum to provide such further assistance as may prove necessary when the surveys are in progress, and for unforeseen and incidental expenses ...	...	...	...	...	650	5,000			
								650		5,000	
59	98	TOTAL ... .. £						14,310		23,949	
New Works.											
		To complete Darling Harbour Branch ...	...	...	...	...	.....	3,000			
		Additional Machinery Workshops, Great Southern Railway ...	...	...	...	...	.....	2,200			
		Do. Great Northern Railway ...	...	...	...	...	.....	1,400			
		Rolling Stock, Great Northern Railway ...	...	...	...	...	.....	20,000			
		To re-place 9 miles of Barlow Rail with the Double-headed Rail between Sydney and Parramatta, being one-third of the distance... ..	...	...	...	...	...	20,000			
		To construct a bridge in Bank-street, at East Maitland ...	...	...	...	...	.....	2,500			
		To meet unforeseen and contingent expenses ...	...	...	...	...	.....	5,000			
								.....		54,100	
		TOTAL... .. £						.....	.....	54,100	

a Including £600 salary, and £280 for equipment.

b Including £500 salary, and £280 for equipment.



		No. VII.—SECRETARY FOR PUBLIC WORKS.					
No. of Persons.		SALARIES AND CONTINGENCIES.					
1859	1860	Internal Communication—continued.				Amount Voted for 1859.	Amount Required for 1860.
		ELECTRIC TELEGRAPH BRANCH—Continued.				£	£
45	48	Brought forward ... ..				.....	7,120
		PROPOSED LINES.					
		<i>Gundagai and Deniliquin Line.*</i>					
...	1	Station Master, Wagga Wagga ... ..				.....	150
...	1	Line Inspector ... ..				.....	150
							300
		<i>Money Order Branch.</i>					
...	1	Money Order Check Clerk, at Sydney ... ..				.....	200
...	9	Station Masters, at £25 each <i>a</i> ... ..				.....	225
							425
		ALLOWANCES.					
		<i>Inter Colonial Line.</i>					
		† Horse Equipment and Forage Allowance for 3 Inspectors, at 4s. 6d. per diem... ..				273	247
		† Horse Equipment and Forage Allowance for 4 Inspectors, at 4s. per diem ... ..					293
		<i>Western Line.</i>					
		† Horse Equipment and Forage Allowance for 2 Inspectors, at 4s. per diem... ..				109	147
		<i>Northern Line.</i>					
		† Horse Equipment and Forage Allowance for 2 Inspectors, at 4s. per diem... ..				109	147
		CONTINGENCIES.					
		Travelling Expenses for Line Inspectors ( <i>b</i> ) and Officers of Department, generally... ..				400	500
		Rent for Temporary Offices... ..				50	400
		Office Contingencies... ..				200	200
		Contingent sum to cover Allowance to Station Masters for working over-hours, at 2s. per hour ... ..				.....	200
		5 Messengers, Sydney Station, 10 suits of Uniform, at £5... ..				.....	50
		WORKING EXPENSES.					
		Main Line, two Wires, 380 miles ... ..				390	400
		Railway Line, 34 miles ... ..				110	50
		<i>c</i> South Head Line, 9 miles ... ..				100	100
		Western Line, 123 miles ... ..				100	100
		Northern Line, 135 miles ... ..				100	100
		Contingent sum to replace Instruments, Batteries, and other unforeseen expenses .. ..				200	400
		Votes for various Services ... ..				7,417	
45	60						
		TOTAL ... ..				.....	11,179
		TO BE PROVIDED BY LOAN.					
		PROPOSED EXTENSIONS.					
		Line from Gundagai <i>via</i> Wagga Wagga to Deniliquin, to connect with Victorian and South Australian systems. at Echuca ... ..				.....	15,000
		Purchase of Line from Deniliquin to Echuca ... ..				.....	3,850
		West Maitland to the Boundary of Queensland <i>via</i> Singleton, Scone, Murrurundi, Tamworth, Bendemere, and Armidale ... ..				.....	40,000
		Extension of Western Line to Mudgee ... ..				.....	6,000
		Extension to Orange ... ..				.....	3,000
		TOTAL ... ..				.....	67,850

\* Further provision will be made in a Supplementary Estimate, for this Line, when completed.

*a* To cover risk and additional work: Numbers already included.

† Including Interest on outlay for horse, equipment, farriery, hire of extra horses, &c.

*b* 15s. per day when over 12 hours from home on duty.

*c* Including wear and tear of flags, ropes, &c., for Flag-staff.

## ESTIMATES OF EXPENDITURE—1860.

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## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. of Persons.								SALARIES AND CONTINGENCIES.			
1859	1860	Internal Communication—continued.						Amount Voted for 1859.		Amount Required for 1860.	
		ROAD BRANCH.									
		GENERAL ESTABLISHMENT.									
1	1	Commissioner for Roads	...	...	...	...	...				
1	1	Engineer for Roads	...	...	...	...	...	700		700	
1	1	Clerk of Works	...	...	...	...	...	450		500	
1	1	Chief Clerk	...	...	...	...	...	350		350	
1	1	Clerk	...	...	...	...	...	150		180	
...	1	Clerk	...	...	...	...	...	.....		150	
									1,650		1,880
		CONTINGENCIES.									
		Travelling Expenses	...	...	...	...	...	400		400	
		Drawing Materials, Instruments, and other incidental Expenses	...	...	...	...	...	180		200	
		Advertising	...	...	...	...	...	.....		200	
		Contingent sum for temporary assistance as required	...	...	...	...	...	.....		1,000	
									580		1,800
5	6	TOTAL	...	...	...	...	£	.....	2,230	.....	3,680
		FIELD ESTABLISHMENT.									
		<i>Main Northern Road.</i>									
1	1	*Superintendent	...	...	...	...	...	600		600	
1	1	*2nd Class do.	...	...	...	...	...	400		400	
...	5	†Overseers, at £255 each	...	...	...	...	...	.....		1,275	
									1,000		2,275
		<i>Main Southern Road.</i>									
1	2	*Superintendents	...	...	...	...	...	600		1,200	
1	1	*2nd Class, do.	...	...	...	...	...	400		400	
...	1	Overseer <i>b</i>	...	...	...	...	...	.....		280	
...	6	†Overseers, at £255 each	...	...	...	...	...	.....		1,530	
									1,000		3,410
		<i>Main Western Road.</i>									
1	1	*Superintendent	...	...	...	...	...	600		600	
1	1	*2nd Class do.	...	...	...	...	...	400		400	
...	1	Overseer <i>b</i>	...	...	...	...	...	.....		280	
...	1	Overseer <i>c</i>	...	...	...	...	...	.....		273	
...	1	†Overseer	...	...	...	...	...	.....		255	
									1,000		1,808
6	22	TOTAL	...	...	...	...	£	.....	3,000	.....	7,493
		CONSTRUCTION AND MAINTENANCE.									
		<i>Main Northern Road.</i>									
		Morpeth to Armidale, 230 miles, at £50	...	...	...	...	...	11,500		11,500	
		Construction of 2 miles of Road, Singleton to Falbrook	...	...	...	...	...	.....		528	
		Construction of 11 miles do., Muswellbrook to Scone	...	...	...	...	...	.....		2,904	
		Construction of 7 miles do., Scone to Doughboy	...	...	...	...	...	.....		1,848	
		Cuttings, Culverts, and minor Bridges on new line, from Doughboy to Goonoo Goonoo	...	...	...	...	...	.....		4,000	
		Construction, Tamworth to Bendemeer	...	...	...	...	...	.....		1,000	
		Construction, Bendemeer to Armidale	...	...	...	...	...	.....		1,000	
		Votes for Special Services	...	...	...	...	...	11,350			
									22,850		22,780
		Carried forward	...	...	...	...	£	.....	22,850	.....	22,780

\* Including £100 per annum for travelling allowance.

† Including 3s. per day for forage allowance. Overseers hitherto paid from the Road Vote.

*b* Salary £225, and 3s. per day for forage allowance.*c* Including 4s. per day for forage allowance on Blue Mountains.

## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. VII.—SECRETARY FOR PUBLIC WORKS.										
Internal Communication—continued.						SALARIES AND CONTINGENCIES.				
						Amount voted for		Amount required for		
						1859.		1860.		
ROAD BRANCH.										
CONSTRUCTION AND MAINTENANCE—Continued.										
Brought forward ... ..						£	.....	22,850	.....	22,780
Main Southern Road.										
From 5th milestone, Western Road, 380 miles, at £50 per mile ...							19,000		19,000	
Bridge at Bark Huts ... ..							.....		400	
Metalling, Picton to Bargo River ... ..							.....		3,000	
Metalling a portion at Hanging Rock ... ..							.....		2,000	
Completing Metalling, Fitz Roy Inn to Berrima ... ..							.....		2,000	
Repairs of Paddy's River and Fitz Roy Bridges ... ..							.....		600	
Construction of Hume Bridge over Yass River ... ..							.....		3,500	
Improvement of Road at Black Springs and Money Money Flat ...							.....		2,000	
Formation of a Road round Kimo Hill, a further sum... ..							.....		1,000	
Votes for Special Services ... ..							16,500			
								35,500		33,500
Main Western Road.										
Sydney to Wellington, 210 miles, at £50 per mile ... ..							10,500		10,500	
Construction of New Bridge at Roper's Creek ... ..							.....		500	
To improve road at Ellison's Bar ... ..							.....		1,100	
Do. at Springhill ... ..							.....		660	
Do. East of Pulpit Hill ... ..							.....		1,000	
Do. at Hassan's Walls ... ..							.....		1,000	
Do. near Solitary Creek ... ..							.....		1,350	
To complete division of Road at Mt. Lambie ... ..							.....		1,000	
To improve Road at Meadow Flat to Kirkconnell ... ..							.....		1,400	
Do. Kirkconnell to Bathurst ... ..							.....		1,000	
Do. Bathurst to Orange ... ..							.....		1,000	
Do. Orange to Wellington ... ..							.....		500	
Votes for Special Services ... ..							11,550			
								22,050		21,010
Contingent Sum for Surveys of unproclaimed portions of Main Road...							.....		.....	6,000
Estimated Amount of Tolls and Ferries for the year 1860 to be expended where collected:—										
Northern Road ... ..							.....		2,406	
Southern Road ... ..							.....		2,072	
Western Road .. ..							.....		4,871	
										9,349
Mudgee Road.										
Superintendent, including £100 per annum for Travelling Expenses...							400		400	
80 miles of Road at £50 per mile ... ..							4,000		4,000	
Vote for Special Service ... ..							1,000			4,400
								5,400		
TOTAL ... ..						£	.....	85,800	.....	97,039

## ESTIMATES OF EXPENDITURE—1860.

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No. VII.—SECRETARY FOR PUBLIC WORKS.									
No. of Persons.		SALARIES AND CONTINGENCIES.							
1859	1860								
		Colonial Architect.							
		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	Draftsman ...	...	...	...	...	250	300	
1	1	Chief Clerk ...	...	...	...	...	450	450	
1	1	Clerk, 2nd class ...	...	...	...	...	300	300	
1	...	Do. 3rd class ...	...	...	...	...	250		
...	2	Junior Clerks, at £150 and £100 ...	...	...	...	...	.....	250	
1	1	Messenger ...	...	...	...	...	84	84	
1	1	Office Keeper ...	...	...	...	...	40	40	
							4,574	4,624	
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	
Advertising Tenders for Public Works, &c. ...							85	85	
Incidental Expenses ...							50	50	
							535	535	
13	14	TOTAL ...	...	...	...	£	.....	5,109	5,159

## No. VII.—SECRETARY FOR PUBLIC WORKS.

	1859.	1860.
<b>Public Works and Buildings.</b>		
<b>PUBLIC WORKS.</b>	<b>£</b>	<b>£</b>
Grassing Sand Hills, near Sydney ... ..		300
Fencing General Cemetery, Parramatta ... ..		150
Do., Tamworth ... ..		150
Alterations and additions to the Abattoirs, Glebe Island ... ..		626
To provide further Barrack accommodation for Commanding Officer, &c. ... ..		1,200
<b>TOTAL ... ..</b>	<b>£ .....</b>	<b>2,426</b>
<b>PUBLIC BUILDINGS.</b>		
For ordinary repairs, alterations, and additions to Public Buildings, generally ... ..	10,000	10,000
For repairs to Military Barracks and other Buildings ... ..	1,500	1,500
For lighting Lamps, sweeping Chimneys, &c., Victoria Barracks ... ..	250	250
To provide Furniture and Fittings for the Public Offices, generally ... ..	3,000	3,000
For providing Materials and Implements for employment of Prisoners at Darlinghurst Gaol ... ..	2,000	2,000
For same, at Parramatta Gaol ... ..	1,500	1,500
For same, at Goulburn Gaol ... ..	500	500
For same, at Maitland Gaol ... ..	500	500
For same, at Bathurst Gaol ... ..	500	500
To be expended under the Hyde Park Committee ... ..		1,000
Fencing Police Paddock, Balranald ... ..		50
Erection of Additional Buildings at Camp Cove for Pilots ... ..		750
Additional Alterations and Repairs to the Royal Mint ... ..		1,245
For providing an Aviary for Rare Birds presented to the Government by A. Denison, Esq. ... ..		400
For the erection of a Police Office and Watch House, at Balranald ... ..		600
For the erection of a Police Office at Lismore, Casino ... ..		600
For the erection of a Watch House, do. ... ..		400
For the erection of a Lock-up near Hartley ... ..		400
For the erection of a Police Office at Nowra ... ..		500
For the erection of a Watch House, do. ... ..		300
For the erection of a Police Office at Ulladulla ... ..		500
For the erection of a Watch House, do. ... ..		300
For the erection of a Watch House at Tenterfield ... ..		300
For the erection of a Watch House at Bingera ... ..		300
For the erection of a Police Office at Adelong ... ..		600
For the erection of a Watch House, do. ... ..		400
For the erection of a Police Office at Timbarra ... ..		500
For the erection of a Watch House, do. ... ..		300
For the erection of a Patrol Barracks at Goulburn ... ..		300
For the erection of a Watch House, Lake Macquarie Road ... ..		400
For the erection of a Watch House at Howlong near Albury ... ..		200
For the erection of a Police Office at Gunnedah ... ..		300
For the erection of a Police Office at Morpeth ... ..		400
For the erection of a Watch House at Penrith ... ..		500
Additions to Court House, East Maitland ... ..		400
Do. Muswellbrook ... ..		350
For the erection of Police Office and Watch House, at Hay (Lang's Crossing Place) a further sum ... ..		20
Additions and Improvements to the Protestant Orphan School, Parramatta ... ..		1,670
Do. do. Royal Artillery Barracks, Dawes' Point ... ..		1,980
For the erection of Patrol Barracks, at Armidale ... ..		300
For other Services ... ..	58,725	
For providing Court Houses and Gaols, under the District Courts' Act ... ..		50,000
	<b>78,475</b>	<b>86,015</b>
<b>TO BE PROVIDED FOR BY LOAN.</b>		
Contribution of a moiety of the Expense for the erection of a Light House, on Gabo Island ... ..		10,225
To pay off Debentures falling due in 1860, viz. :—		
Railway ... ..		281,700
Public Works ... ..		21,000
Sydney Sewerage ... ..		44,900
Sydney Water Works ... ..		18,000
<b>TOTAL ... ..</b>	<b>£</b>	<b>365,600</b>

## ESTIMATES OF EXPENDITURE—1860.

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## No. VII.—SECRETARY FOR PUBLIC WORKS.

No. of Persons.		SALARIES AND CONTINGENCIES.			
1859	1860	Amount Voted for 1859.		Amount Required for 1860.	
		£		£	
<b>Harbors and River Navigation.</b>					
<b>ENGINEER'S DEPARTMENT.</b>					
<b>SALARIES.</b>					
1	1	Engineer-in-Chief ...	700	1,100	1,500
1	1	Clerk and Draftsman ...	350	350	
1	1	Messenger ...	50	50	
<b>CONTINGENCIES.</b>					
		Travelling Expenses ...	200	200	
		Rent and Office Contingencies ...	90	200	
<b>TO COVER THE EXPENSE OF PRELIMINARY HARBOR SURVEYS</b>					
		.....	1,000	.....	1,500
3	3	<b>TOTAL</b> ...	2,390	.....	3,400
<b>STEAM DREDGE "HUNTER."</b>					
<b>SALARIES.</b>					
1	1	Captain ...	250	250	
1	1	Chief Engineer ...	295	295	
1	1	Mate... ..	144	144	
1	1	Carpenter and Coxswain of Punt No. 1 ...	120	144	
1	1	Coxswain No. 2 ...	120	120	
1	1	Do. No. 3 ...	120	120	
1	1	Do. No. 4 ...	120	120	
1	1	Brakesman and Blacksmith... ..	144	156	
1	1	Stoker ...	120	144	
1	1	Do. ...	120	120	
9	5	Crew, at £104 ...	936	520	
1	2	Boy ...	54	108	
...	1	Cook ...	.....	104	
<b>CONTINGENCIES.</b>					
		Coal and other Stores ...	750	950	
		Repairs and Renewals ...	500	1,620	
		Steam Tug ...	1,500	1,200	
		Towage of Punts ...	.....	.....	
		For construction of new Punts ...	.....	.....	
20	16	<b>TOTAL</b> ...	5,293	.....	5,995
<b>STEAM DREDGE "HERCULES."</b>					
...	1	Master ...	*.....	250	
...	1	Mate... ..	.....	144	
...	1	Engineer ...	.....	120	
...	1	Stoker ...	.....	104	
...	1	Carpenter and Coxswain of No. 1 Punt ...	.....	120	
...	1	Coxswain of No. 2 Punt ...	.....	120	
...	2	Seamen at £104 ...	.....	208	
...	2	Boys at £54... ..	.....	108	
<b>Repairs and Renewals</b>					
		Coals, Stores, &c. ...	.....	500	
		Hire of Steam Tug ...	.....	750	
		.....	.....	1,500	
...	10	<b>TOTAL</b> ...	.....	.....	3,924
<b>GLEBE ISLAND PUNTS.</b>					
...	1	Engineer ...	.....	120	
...	2	Boys at £56 ...	.....	112	
<b>Coals and Stores</b>					
		Repairs ...	.....	582	
		.....	.....	188	
...	3	<b>TOTAL</b> ...	.....	.....	1,002

\* Voted for 1859, under "No. V.—Treasurer and Secretary for Finance and Trade."



		No. VII.—SECRETARY FOR PUBLIC WORKS.					
No. of Persons.		SALARIES AND CONTINGENCIES.					
1859	1860	Harbors and River Navigation—continued.				Amount Voted for 1859.	Amount Required for 1860.
		PUBLIC WORKS.				£	£
		Sea Wall, Botanical Gardens ... ..	.....	.....	.....	.....	675
		Landing Silt from Dredge and forming Ground ... ..	.....	.....	.....	.....	1,000
		Extension of Dyke on Flats, River Hunter ... ..	.....	.....	.....	.....	1,000
		Extension of Jetty, Ulladulla ... ..	.....	.....	.....	.....	120
		Deodorising Apparatus, Main Sewer ... ..	.....	.....	.....	.....	3,000
		TO BE PROVIDED FOR BY LOAN.				.....	5,795
		Renewal of Circular Quay ... ..	.....	.....	.....	.....	5,000
		Construction of Pier at extension of Dowling-street ... ..	.....	.....	.....	.....	2,000
		Extension of Wharf Accommodation, Newcastle ... ..	.....	.....	.....	.....	4,200
		Improvements to Wollongong Harbor ... ..	.....	.....	.....	.....	10,000
		Improvements to Kiama Harbor ... ..	.....	.....	.....	.....	10,000
		Removing obstructions to the Navigation of the Moruya River ... ..	.....	.....	.....	.....	1,000
		Construction of Wharf, Eden ... ..	.....	.....	.....	.....	1,000
		Improvement to the Navigation of the Crookhaven River... ..	.....	.....	.....	.....	1,000
		Improvement to the Navigation of the Rivers Murray and Murrumbidgee ... ..	.....	.....	.....	.....	2,000
		TOTAL ... ..				£ .....	36,200
						.....	41,995
		Fitz Roy Dock Establishment.					
		SALARIES.					
1	...	Civil Engineer ... ..	...	...	...	630	
...	1	Superintendent and Engineer-in-Chief ... ..	...	...	...	.....	700
...	1	Assistant Superintendent and Clerk of Works ... ..	...	...	...	.....	350
...	1	Storekeeper ... ..	...	...	...	.....	190
1	...	Foreman, Engineer... ..	...	...	...	300	
2	1	Draftsman and Clerk ... ..	...	...	...	430	240
...	1	Engineer Mechanic ... ..	...	...	...	.....	190
1	1	Foreman of Works ... ..	...	...	...	190	200
2	2	Foremen of Works, at £164 ... ..	...	...	...	328	328
1	1	Foreman of Works ... ..	...	...	...	146	146
1	...	Task Work Clerk ... ..	...	...	...	20	
...	1	Messenger and Boatman ... ..	...	...	...	.....	108
		CONTINGENCIES.				2,044	2,452
		Coals for the Engine and Workshop ... ..	...	...	...	.....	500
		Towards the Elongation of the Dock ... ..	...	...	...	.....	800
		To provide 2 self registering Tide Gauges... ..	...	...	...	.....	100
		For purchase or construction of Vessel for the Diving Bell ... ..	...	...	...	.....	300
		For the construction of two Punts for Dredging, &c. ... ..	...	...	...	.....	200
		Diving Bells, Oil, Waste, and Incidental Repairs ... ..	...	...	...	.....	100
		Spare Timber, Wheeling Plank, &c. ... ..	...	...	...	.....	150
		Fuel and Light ... ..	...	...	...	.....	180
		To procure a Screwbutting Lathe complete ... ..	...	...	...	.....	350
		To provide a set of Change Wheels ... ..	...	...	...	.....	50
		Freight, Package, and Incidentals ... ..	...	...	...	.....	50
		Provision for Docking and Un-docking Vessels ... ..	...	...	...	.....	1,500
		Incidental Contingencies ... ..	...	...	...	.....	672
		Machinery, Works, and other Services ... ..	...	...	...	.....	
		TOTAL ... ..				8,412	4,952
9	10					10,456	7,404

VIII.

The Auditor General.

SUMMARY.

	•Voted for 1859.	Required for 1860.
Auditor General ... .. £	5,062	4,822

• The Expenses Voted in 1859 for Postage are transferred to the General Head "Postage of the various Public Departments," under "Miscellaneous Services," No. V. "Treasurer and Secretary for Finance and Trade."

The Treasury, New South Wales  
1st December, 1859.

SAUL SAMUEL.

## ESTIMATES OF EXPENDITURE—1860.

No. VIII.—AUDITOR GENERAL.															
No. of Persons.												SALARIES AND CONTINGENCIES.			
1859	1860	Auditor General.										Amount Voted for 1859.		Amount Required for 1860.	
												£		£	
		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	Corresponding Clerk ... ..										335		335	
1	1	Examiner of Railway Accounts ... ..										320		320	
1	1	Examining Clerk ... ..										400		300	
1	1	Clerk ... ..										270		270	
5	3	Clerks, at £245 ... ..										1,225		735	
1	1	Clerk ... ..										230		230	
3	3	Clerks, at £200 ... ..										600		600	
...	2	Do. at £150 ... ..										.....		300	
1	2	Do. at £100 ... ..										100		200	
2	1	Clerks, (Extra and Probationary, at £50) ... ..										100		50	
1	1	Messenger ... ..										102		102	
1	1	a Housekeeper .. ..										40		40	
													5,052		4,812
CONTINGENCIES.															
		Incidental Expenses ... ..										.....	10	.....	10
		TOTAL ... ..										£ .....	5,062	.....	4,822
22	22														

<sup>a</sup> Provided with quarters, fuel and light.

ADDITIONAL SUPPLEMENTARY ESTIMATE  
OF THE  
EXPENDITURE  
OF THE  
GOVERNMENT  
OF  
NEW SOUTH WALES,  
FOR  
1859.

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

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SYDNEY:  
THOMAS RICHARDS, GOVERNMENT PRINTER,  
PHILLIP-STREET.

1859.



## ADDITIONAL SUPPLEMENTARY ESTIMATE FOR 1859.

No. 1.—SCHEDULES.					
SCHEDULE B.					
PENSIONS according to the Scale and Rates fixed by the Imperial Superannuation Acts, 4 and 5 Gul. IV, cap. 24, and 22 Vic., cap. 26, viz. :—					
Colonel Barney, late Surveyor General, at £500 per annum, from 13 August ... ..			192	4	1
William Flinn, late Turnkey, Bathurst Gaol, from 1st January ... ..			41	3	9
					233 7 10
No. III.—CHIEF SECRETARY.					
NAVAL.					
Deficiency in the Amount Voted for Naval Allowance ... ..					2,000 0 0
No. IV.—ADMINISTRATION OF JUSTICE.					
LAW OFFICERS.					
Law Expenses in the case of Robertson v. Dumaresq ... ..			100	0	0
Bailiff's Expenses in executing a Writ " <i>Habere facias</i> " in the case of the Attorney General v. Hardy ... ..			47	5	6
					147 5 6
SUPREME AND CIRCUIT COURTS.					
Deficiency in the Amount Voted for Allowances to Witnesses ... ..					500 0 0
No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.					
POST OFFICE.					
Additional Messengers, at £108, from 12 May ... .. 2					137 12 2
SCHOONER "SATELLITE."					
Provisions for Crew ... ..					110 0 0
No. VI.—SECRETARY FOR LANDS.					
MANAGEMENT OF ALPACAS.					
For the purchase of a Dray and Horses for Mr. Ledger's journey to the Maneroo District with the flock of Alpacas ... ..					130 0 0
SURVEY OF LANDS.					
Deficiency in Salary for 1857, of J. Thompson, Esq., late Deputy Surveyor General ... ..					25 0 0
No. VII.—SECRETARY FOR PUBLIC WORKS.					
DEPARTMENT OF PUBLIC WORKS.					
Salary of the Secretary for Public Works, from 30 September, at £1,500 ... ..			379	3	4
For the preparation of Parliamentary Papers ... ..			50	0	0
					429 3 4
RAILWAY DEPARTMENT.					
Compensation to Mrs. Want, for loss sustained by Railway Accident .....					7,500 0 0
WORKS AND BUILDINGS.					
Bridge, Russell-street, Bathurst, an equal amount having been contributed by the Inhabitants ... ..			300	0	0
Defences of Port Jackson, a further sum ... ..			2,063	0	0
To provide accommodation for Pilots at Newcastle ... ..			662	0	0
For experiments on Wrought Iron Plates, in connection with Harbor Defences ... ..			100	0	0
For the completion of the Bridge over the Peel, at Tamworth ... ..			250	0	0
					3,375 0 0
TO BE PROVIDED BY LOAN.					£ 14,587 8 10
For the construction of a Bridge to connect the Abattoirs, Glebe Island, with the main land ... ..					20,279 0 0
TOTAL ... ..					34,866 8 10



1859-60.

*Legislative Assembly.*

NEW SOUTH WALES.

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## ADDITIONAL ESTIMATE FOR 1860.

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*Ordered by the Legislative Assembly to be Printed, 9 February, 1860.*

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W. DENISON,  
*Governor General.*

*Message No. 22.*

In accordance with the provisions contained in the 54th Clause of the Constitution Act, the Governor General herewith submits, for the consideration of the Legislative Assembly, an Additional Estimate of Expenditure for the year 1860, in which provision only is made for the performance of the duties of the Office of Chief Justice, during the absence, on leave, of Sir Alfred Stephen, at the rate recommended by the Assembly.

*Government House,  
Sydney, 9 February, 1860.*

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### ADDITIONAL ESTIMATE FOR 1860.

<p>Amount equal to one year's Salary of the Chief Justice of the Colony, to make provision for the performance of the duties of that Office during the term of the leave of absence which Sir Alfred Stephen has applied for      ...      ...      ...      ...      ...      ...</p>	<p>£2,600 0 0</p>
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*The Treasury, New South Wales,  
9 February, 1860.*

SAUL SAMUEL.

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*Sydney: Thomas Richards, Government Printer.—1860.*





1859-60.

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**Legislative Assembly.**

NEW SOUTH WALES.

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## FURTHER ADDITIONAL ESTIMATE FOR 1860.

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*Ordered by the Legislative Assembly to be Printed, 8 May, 1860.*

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W. DENISON,  
*Governor General.*

*Message No. 35.*

In accordance with the provisions contained in the 54th Clause of the Constitution Act, the Governor General herewith submits, for the consideration of the Legislative Assembly, a further additional Estimate of Expenditure for the year 1860.

*Government House,  
Sydney, 8th May, 1860.*

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## FURTHER ADDITIONAL ESTIMATE FOR 1860.

No. I.—SCHEDULES.		
SCHEDULE B.		
PENSIONS according to the Scale and Rates fixed by the Imperial Superannuation Acts, 4 and 5 Gul. 4, cap. 24, and 22 Vic., cap. 26, viz. :—		
William Macpherson, late Clerk of the Legislative Council, at £431 13s. 4d. per annum, from 1st January, 1860 .. .. .	431 13 4	
William Wedge Darke, late Assistant Surveyor, at £153 0s. 11d. per annum, from 1st January, 1860 .. .. .	153 0 11	
Thomas Riley, late Sergeant to Governor General's Orderlies, at £32 13s. 4d. per annum, from 17th December, 1859 .. .. .	33 19 9	
George Norton Russell, late 1st Tide Waiter, Customs, at £68 1s. 6d. per annum, from 1st January, 1860 .. .. .	68 1 6	
K. Barton, late Clerk to Private Secretary, at £94 10s. per annum, from 16th October to 31st December, 1859 .. .. .	19 16 3	
		706 11 9
No. II.—EXECUTIVE AND LEGISLATIVE.		
LEGISLATIVE COUNCIL.		
Clerk of the Council, difference between £700 and £800 per annum .. .. .	.....	100 0 0
LEGISLATIVE ASSEMBLY.		
Extra Messengers, difference between £110 and £137 per annum, for 6 months. .. .. .	.....	54 0 0
No. III.—CHIEF SECRETARY.		
REGISTRAR GENERAL.		
Rent of Office for April, 1860 .. .. .	.....	33 6 8
NATIONAL SCHOOLS.		
In Support of Schools, a further sum (Resolution of Assembly) .. .. .	....	5,000 0 0
DENOMINATIONAL SCHOOLS.		
In Support of Schools, a further sum (Resolution of Assembly) .. .. .	.....	5,000 0 0
POLICE MAGISTRATES.		
Wellington and Dubbo .. .. .	400 0 0	
Armidale, to perform duty at Walcha and Bendemeer, Additional Salary .. .. .	150 0 0	
		550 0 0
CLERKS OF PETTY SESSIONS.		
Balranald .. .. .	175 0 0	
Walcha and Bendemeer .. .. .	200 0 0	
Adelong .. .. .	175 0 0	
		550 0 0
CONSTABULARY.		
Albury, 1 Chief, 2 District, and 7 Ordinary Constables, in all 10, at 2s. 6d. each per diem, additional, to provide Rations when on Escort Duty .. .. .	457 10 0	
Gundagai, 1 Chief and 5 Ordinary Constables, in all 6, at 2s. 6d. each per diem, additional, to provide Rations when on Escort Duty .. .. .	274 10 0	
Gunnadah, 1 Ordinary Constable additional, at 5s. 6d. per diem .. .. .	100 13 0	
<i>Consequent upon the discovery of the Snowy River Gold Fields.</i>		
<i>Kiandra.</i>		
1 Inspector, at 9s. per diem, from 1st March .. .. .	137 14 0	
1 Sergeant, at 8s. 3d. ditto ditto .. .. .	126 4 6	
12 Foot Patrol, at 5s. 6d. ditto ditto .. .. .	1,009 16 0	
1 Sergeant, at 7s. 9d. ditto ditto .. .. .	118 11 6	
6 Troopers, at 5s. 6d. ditto ditto .. .. .	504 18 0	
<i>Yarrigabilly.</i>		
1 Corporal, at 6s. 3d. per diem, from 1st March .. .. .	95 12 6	
2 Troopers, at 5s. 6d. ditto ditto .. .. .	168 6 0	
<i>Russell's Station.</i>		
1 Corporal, at 6s. 3d. per diem, from 1st March .. .. .	95 12 6	
2 Troopers, at 5s. 6d., ditto ditto .. .. .	168 6 0	
<i>Bombala.</i>		
1 Corporal, at 6s. 3d. per diem, from 1st March .. .. .	95 12 6	
2 Troopers, at 5s. 6d. ditto ditto .. .. .	168 6 0	
Carried forward .. .. .	£ 3,521 12 6	
Carried forward .. .. .	£ .. .. .	11,993 18 5

## FURTHER ADDITIONAL ESTIMATE FOR 1860.

3

Brought forward .. .. . £	.....	11,993 18 5
No. III.—CHIEF SECRETARY— <i>Continued.</i>		
CONSTABULARY— <i>Continued.</i>		
Brought forward .. .. . £	3,521 12 6	
<i>Cooma.</i>		
1 Sergeant, at 7s. 9d. per diem, from 1st March .. ..	118 11 6	
2 Troopers, at 5s. 6d. ditto ditto .. ..	168 6 0	
<i>Wyndham.</i>		
1 Corporal, at 6s. 3d. per diem, from 1st March .. ..	95 12 6	
2 Troopers, at 5s. 6d. ditto ditto .. ..	168 6 0	
<i>Miculago.</i>		
1 Corporal, at 6s. 3d. per diem, from 1st March .. ..	95 12 6	
2 Troopers, at 5s. 6d. ditto ditto .. ..	168 6 0	
2 Ordinary Constables, at 5s. 6d. ditto, ditto .. ..	168 6 0	
<i>Queanbryan.</i>		
1 Corporal, at 6s. 3d. per diem, from 1st March .. ..	95 12 6	
2 Troopers, at 5s. 6d. ditto ditto .. ..	168 6 0	
2 Ordinary Constables, at 5s. 6d., ditto, ditto .. ..	168 6 0	
<i>Bungendore.</i>		
2 Ordinary Constables, at 5s. 6d. per diem, from 1st March ..	168 6 0	
POLICE CONTINGENCIES.		5,105 3 6
<i>Consequent upon the discovery of the Snowy River Gold Fields.</i>		
30 Re-mount Horses, at £30 each .. ..	900 0 0	
Saddlery .. ..	150 0 0	
Forage .. ..	1,250 0 0	
Clothing .. ..	220 0 0	
Rent of Stables and Quarters .. ..	200 0 0	
Provisions .. ..	750 0 0	
Incidental Expenses .. ..	350 0 0	
		3,820 0 0
SYDNEY GAOL.		
Additional Turnkeys, 2 at 6s. 9d. per diem .. ..	.....	247 1 0
PARRAMATTA GAOL.		
Additional Turnkeys, 2 at 6s. 6d. per diem .. ..	.....	237 18 0
GOULBURN GAOL.		
Deficiency in amount voted for Contingencies for 1859 .. ..	.....	22 8 8
YASS GAOL.		
Turnkey, at 5s. 6d. per diem .. ..	.....	100 13 0
WOLLONGONG GAOL.		
Gaoler, at £120 .. ..	120 0 0	
Warder, at 6s. per diem .. ..	109 16 0	
		229 16 0
ALBURY GAOL.		
Warder, at 6s. per diem .. ..	.....	109 16 0
GUNDAGAI GAOL.		
Turnkey, at 5s. 6d. per diem .. ..	.....	100 13 0
GAOLS, COUNTRY DISTRICTS.		
Acting Gaolers, at 1s. per diem .. .. 27	.....	494 2 0
LUNATIC ASYLUM, TARBAN.		
Additional Female Attendant, from 1st June .. ..	26 16 8	
Deficiency in the amount voted for Provisions and Medical Comforts for 1859 .. ..	1,242 0 0	
		1,268 16 8
NAVAL ALLOWANCE.		
Allowance to the Officers and Men of H.M. Ship "Herald," from 1 April to 31 December, 1859 .. ..	1,075 2 11	
Do. Do. "Cordelia," from 20 November to 31 December, 1859 .. ..	141 16 6	
		1,216 19 5
MILITARY ALLOWANCE.		
Difference between 7s. per diem proposed on General Estimates for 1860, and 8s. per diem authorised as allowance to Surgeon-Major of the 12th Regiment .. ..	.....	18 6 0
CHARITABLE ALLOWANCES.		
In aid of the erection of a Benevolent Asylum at Patrick's Plains on condition of an equal amount being raised by private subscription .. ..	750 0 0	
Deficiency in amount voted for Support of Paupers in Colonial Hospitals, for 1859. .. ..	138 16 8	
		888 16 8
Carried forward .. .. . £	.....	25,854 8 4

## FURTHER ADDITIONAL ESTIMATE FOR 1860.

Brought forward .. .. .	£	.....	25,854 8 4
<b>GRANTS IN AID OF PUBLIC INSTITUTIONS.</b>			
In aid of the erection of the Wollongong School of Arts, on condition of an equal amount being raised by public subscriptions .. .. .		600 0 0	
In aid of the Waverley School of Arts until a Building be erected; on same condition .. .. .		100 0 0	
In aid of an Outfit for the Wollongong School of Arts, on condition of an equal amount being locally contributed .. .. .		400 0 0	
In aid of the erection of the East Maitland School of Arts, on condition of an equal amount being raised by private subscription, a further sum .. .. .		200 0 0	
			1,300 0 0
<b>ABORIGINES.</b>			
Medicines and Medical Comforts, 1859, a further sum .. .. .		.....	100 0 0
<b>MISCELLANEOUS.</b>			
Costs and damages incurred by the Inspector General of Police, in the case "Neale v. M'Leerie" .. .. .		183 10 6	
Gratuity to the late Clerk of Petty Sessions at Condamine, being an amount equal to one month's pay for each year, or portion of a year's service .. .. .		98 8 9	
To cover the cost of certain experiments to be made for the purification of Sydney Water from lead .. .. .		35 0 0	
			316 19 3
<b>No. IV.—ADMINISTRATION OF JUSTICE.</b>			
<b>LAW OFFICERS.</b>			
Law Expenses, in case of Robertson <i>ats.</i> Lenehan .. .. .		50 0 0	
Ditto, Robertson <i>ats.</i> Dumaresq, a further sum .. .. .		77 1 8	
			127 1 8
<b>SUPREME AND CIRCUIT COURTS.</b>			
Deficiency in Amount Voted for Contingencies for 1859 .. .. .		.....	141 3 6
<b>CUMBERLAND AND COAST DISTRICT COURT.</b>			
Kiama, Registrar .. .. .		.....	30 0 0
<b>QUARTER SESSIONS.</b>			
Deficiency in the amount voted for Contingencies for 1859 .. .. .		.....	276 9 8
<b>CORONERS.</b>			
Deficiency in amount voted for Contingencies for 1859 .. .. .		.....	300 0 0
<b>No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE.</b>			
<b>CUSTOMS.</b>			
<i>Sydney.</i>			
Deficiency in the amount voted for Contingencies for 1859 .. .. .		273 4 5	
<i>Newcastle.</i>			
Tide Surveyor; difference between £225 and £250 per annum .. .. .		25 0 0	
<i>Grafton.</i>			
Sub-Collector .. .. .	275 0 0		
Coxswain .. .. .	120 0 0		
Boatmen, 3 at £96 .. .. .	288 0 0		
		683 0 0	
<i>Wollongong and Bellambi.</i>			
Acting Customs Officer .. .. .		52 0 0	
			1,033 4 5
<b>SYDNEY BRANCH, ROYAL MINT.</b>			
Extra Constable, from 1st May, 1860, at 6s. per diem .. .. .		73 10 0	
Cost of Extra Labor and Material in the Operative Department .. .. .		42 13 6	
Deficiency in amount voted for Contingencies for 1859 .. .. .		48 16 0	
			164 19 6
<b>GOLD RECEIVERS.</b>			
Meragle .. .. .		25 0 0	
Cooma .. .. .		25 0 0	
			50 0 0
<b>POST OFFICE.</b>			
Additional Letter Carrier for Woolloomooloo, from 1st July, 1860 .. .. .		66 0 0	
Country Postmasters, a further sum .. .. .		500 0 0	
Extra Assistance in sorting English Mails .. .. .		100 0 0	
			666 0 0
<b>CONVEYANCE OF MAILS.</b>			
Within and Beyond the Settled Districts .. .. .		3,500 0 0	
Gratuities for Ship Mails, Foreign and Coastwise .. .. .		104 0 0	
Porterage .. .. .		200 0 0	
Incidental Expenses in connection with Railways .. .. .		150 0 0	
			3,954 0 0
Carried forward .. .. .	£	.....	34,314 6 4

## FURTHER ADDITIONAL ESTIMATE FOR 1860.

5

Brought forward .. .. £	.....	34,314 6 4
<b>No. V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE—Continued.</b>		
<b>STORES AND STATIONERY.</b>		
For the purchase, in England, of one of Siebes' best Diving Apparatus, with an Extra Dress .. ..	165 15 0	
For the purchase, in England, of two Sets of Charts of the Coast of Australia, and of the Islands of the Pacific Ocean ..	50 0 0	
		215 15 0
<b>HARBORS, LIGHT HOUSES, AND PILOT DEPARTMENT, viz.:</b>		
<b>STEAM NAVIGATION AND PILOT BOARD.</b>		
Members of the Board, 1859, further sum .. ..	189 6 0	
<b>LIGHT HOUSES.</b>		
<i>Newcastle.</i>		
Allowance to Principal Lightkeeper for acting as Signal Master .. ..	20 0 0	
<i>Cape St. George.</i>		
Principal Lightkeeper, at £180, from 1 June .. ..	105 0 0	
First Assistant do., at £84, do. .. ..	49 0 0	
Second Assistant do., at £84, do. .. ..	49 0 0	
	223 0 0	
<b>SEA AND RIVER PILOTS.</b>		
<i>Moruya.</i>		
Pilot .. ..	175 0 0	
<b>BOATMEN.</b>		
<i>Moruya.</i>		
Boatmen, 2 at £96. .. ..	192 0 0	
Boat and Incidental Expenses .. ..	60 0 0	
	252 0 0	
<b>CONTINGENCIES.</b>		
Deficiency in the Amount Voted for two Life Boats for the Ports of Sydney and Newcastle respectively .. ..	330 10 0	1,169 16 0
<b>MISCELLANEOUS.</b>		
Deficiency in the Amount Voted for the salary, allowance, and incidental expenses of the Agent of the Government of New South Wales, in England, for negotiating a Steam Postal Service <i>via</i> Panama .. ..	448 5 4	
Reward for the rescue of two white Children from the Natives of Fraser's Island .. ..	300 0 0	
For the hire of the steamer "Illawarra," and the expenses of the Pilot Board in proceeding to Port Stephens to fix upon the site for Light House .. ..	130 0 0	
For the hire of the schooner "Circassian," to proceed to the Island of New Nantucket, in search of the crew of the British ship "Virginia," which was wrecked there.. ..	150 0 0	
Gratuity to Lieut. Seaver, R.N., late Shipping Master, Newcastle, being an amount equal to one month's pay for each year or portion of a year's service .. ..	70 16 8	
		1,099 2 0
<b>No. VI.—SECRETARY FOR LANDS.</b>		
<b>SURVEY OF LANDS.</b>		
Pension to James Bean, Messenger, Survey Office .. ..	.....	29 7 3
<b>IMMIGRATION.</b>		
Gratuity to George Henry Cockburn, Messenger in the Immigration Department .. ..	.....	72 18 4
<b>MANAGEMENT OF ALPACAS.</b>		
To meet the expense incurred for the Pasturage of the Animals during their journey to Maneroo, and other expenses .. ..	100 0 0	
Deficiency in amount voted for 1859 .. ..	324 5 7	
		424 5 7
<b>GOLD FIELDS.</b>		
To be applied as a Reward Fund for the Discovery of New Gold Fields. (Resolution of Assembly).. ..	.....	3,000 0 0
<b>ROADS OTHER THAN MAIN ROADS.</b>		
For the repair of the damages done to Roads and Bridges by the recent Floods .. ..	.....	3,940 0 0
Erection of a Punt at Yates' Flat, Clarence River .. ..	.....	250 0 0
Carried forward .. .. £	.....	44,515 10 6

## FURTHER ADDITIONAL ESTIMATE FOR 1860.

Brought forward .. .. £	.....	44,515 10 6
No. VII.—SECRETARY FOR PUBLIC WORKS.		
COMMISSIONER FOR INTERNAL COMMUNICATION.		
<i>Road Branch.</i>		
Erection of a Bridge at Crooked Creek .. ..	100 0 0	
Erection of a Bridge at Stoney Creek .. ..	1,500 0 0	
Erection of a Bridge over the Page River, at Murrurundi, a further sum of .. ..	300 0 0	
To provide Punts at Emu Ferry .. ..	1,000 0 0	
To provide a Punt at Lismore .. ..	400 0 0	
		3,300 0 0
FLOOD VOTE.		
Compensation to Mrs. Wynne, for loss sustained as Lessee of the Toll-gate, in consequence of the Camden Bridge being swept away by the flood. .. ..	80 5 0	
Extra maintenance for Road from Maitland to Morpeth .. ..	500 0 0	
For repairing Menangle Bridge .. ..	250 0 0	
For Repairing the Approaches to the Menangle Bridge .. ..	250 0 0	
For Repairing damage done to the Breakwater, Newcastle .. ..	300 0 0	
For Repairing damage done on the Southern Road, including Berrima, Camden, and Picton Bridges .. ..	7,000 0 0	
For damage to Culverts, &c., Western Road .. ..	500 0 0	
For damage to Culverts, &c., Northern Road .. ..	500 0 0	
		9,380 5 0
WORKS AND BUILDINGS.		
For Lighting Government Lamps in streets of Sydney .. ..	427 0 0	
For altering and fitting up the Building on Parramatta Wharf as a Female Prison .. ..	1,000 0 0	
Erection of Police Barracks and Hospital, at Tumut .. ..	500 0 0	
Erection of a Chimney at the Royal Mint .. ..	266 0 0	
Erection of Additional Out-Houses at Hornby Lighthouse .. ..	262 0 0	
Repairs to the Lunatic Asylum at Parramatta .. ..	1,000 0 0	
Out-Buildings and Internal Fittings, New Registry Office .. ..	1,500 0 0	
Additions, Government Printing Office .. ..	850 0 0	
To cover cost of Court and Watch-houses at Queanbeyan, in addition to £1200 provided by Loan Act, 1854. .. ..	450 0 0	
Deficiency in amount voted for Alterations to Court House, Bathurst .. ..	81 8 0	
Do. Constructing Bridge, Jugiong .. ..	9 13 4	
Do. Repairs, Military Buildings .. ..	249 3 3	
Do. Observatory Buildings .. ..	49 1 2	
Do. Completing Road to Abattoir, Glebe Island .. ..	78 12 0	
Do. Alterations, &c., to Houses of Parliament .. ..	2,095 15 0	
Do. Light House, Inner South Head .. ..	83 3 11	
<i>Consequent upon the discovery of the Snowy River Gold Fields.</i>		
Kiandra, Court House and Station House .. ..	1,200 0 0	
Russell's Station, ditto ditto .. ..	1,200 0 0	
Micalago, ditto ditto .. ..	400 0 0	
Inverell, ditto ditto .. ..	1,200 0 0	
Bungendore, Station House .. ..	400 0 0	
Queanbeyan, Patrol Station .. ..	800 0 0	
Micalago, ditto .. ..	800 0 0	
Cooma, ditto .. ..	800 0 0	
Bombala, ditto .. ..	800 0 0	
Wyndham, ditto .. ..	800 0 0	
Russell's, ditto .. ..	800 0 0	
Yarrigabilly, ditto .. ..	800 0 0	
		18,901 16 8
Carried forward .. .. £	.....	76,097 12 2

## FURTHER ADDITIONAL ESTIMATE FOR 1860.

7

Brought forward .. .. £	.....	76,097 12 2
No. VII.—SECRETARY FOR PUBLIC WORKS— <i>Continued.</i>		
HARBORS AND RIVER NAVIGATION.—PUBLIC WORKS.		
Moorings for Vessels in stress of weather at Cabbagetree Haven.	163 0 0	
Erection of a Jetty at Bateman's Bay .. ..	500 0 0	
For placing Moorings in the Harbor of Bellambi .. ..	400 0 0	
		1,063 0 0
MISCELLANEOUS ITEMS.		
Compensation to Mrs. De Courcy, as recommended by Select Committee, £100 and £52. .. ..	152 0 0	
Compensation to Mrs. Want, for loss sustained by Railway Accident, a further sum of .. ..	250 0 0	
Compensation to Mr. Malley, in accordance with Report of Select Committee .. ..	38 10 0	
Balance due to Mr. Randle for Repairs to Circular Quay. ..	697 0 0	
		1,137 10 0
TO BE PROVIDED FOR BY LOAN.		78,298 2 2
Electric Telegraph Line from Gundagai to Kiandra <i>via</i> Adelong and Tumut .. ..	8,700 0 0	
To purchase Alphabetical Telegraph Instruments .. ..	2,000 0 0	
Improvements to the Harbor of Wollongong, a further sum of ..	16,892 0 0	
Improvements to the Harbor of Kiama, a further sum of ..	20,000 0 0	
Improvements to the Shoalhaven and Crookhaven Rivers ..	4,000 0 0	
For the construction of a Wharf at Eden .. ..	1,500 0 0	
For the erection of a Light House at Port Stephens .. ..	6,500 0 0	
Towards completion of Wharf, Newcastle .. ..	1,000 0 0	
To metal Bargo Brush, (in substitution of Loan Vote agreed to in 1854, for the erection of a Bridge at Bargo River.) ..	4,000 0 0	
To pay off Land and Immigration Debentures falling due in 1860.	53,000 0 0	
		117,592 0 0
TOTAL .. .. £	.....	195,890 2 2

E. C. WEEKES.

*The Treasury, New South Wales,*  
8th May, 1860.





1859-60.

**Legislative Assembly.**  
**NEW SOUTH WALES.**

**ESTIMATES, 1860.—DEPARTMENT OF LANDS.**

*Ordered by the Legislative Assembly to be Printed, 3 May, 1860.*

*SCHEDULE referred to in the Estimates in Chief for the Department of Lands,  
for the year 1860.*

Chief Commissioner of Crown Lands* .. .. .	200 0 0
<b>I. LAND OCCUPATION BRANCH.</b>	
(1.) <i>Pastoral Occupation.</i>	
Chief Clerk in Charge .. .. .	650 0 0
1 Clerk at .. .. .	300 0 0
1 Clerk at .. .. .	250 0 0
1 Clerk at .. .. .	150 0 0
1 Clerk at .. .. .	100 0 0
(2.) <i>Gold Fields.</i>	800 0 0
1 Clerk at .. .. .	350 0 0
1 Clerk at .. .. .	150 0 0
	500 0 0
<b>II. LAND ALIENATION BRANCH.</b>	
Chief Clerk in Charge .. .. .	650 0 0
(1.) <i>Sales of Land.</i>	
1 Clerk at .. .. .	400 0 0
1 Clerk at .. .. .	150 0 0
(2.) <i>Deeds of Grant.</i>	550 0 0
1 Clerk at .. .. .	300 0 0
1 Clerk at .. .. .	250 0 0
1 Clerk at .. .. .	250 0 0
Preparation and Registration of Deeds of Grant, paid by Fees ..	400 0 0
	1,200 0 0
<b>III. CORRESPONDENCE RESPECTING SUBORDINATE ROADS, &amp;c., INCLUDING IMMIGRATION.</b>	
Chief Clerk at .. .. .	500 0 0
1 Clerk at .. .. .	350 0 0
1 Clerk at .. .. .	200 0 0
	1,050 0 0
<b>IV. RECORD AND ENTRY BRANCH.</b>	
1 Clerk at .. .. .	450 0 0
1 Clerk at .. .. .	300 0 0
1 Clerk at .. .. .	250 0 0
3 Clerks at £200 each .. .. .	600 0 0
1 Clerk at .. .. .	100 0 0
<i>Messengers, &amp;c.</i>	1,700 0 0
1 Messenger at .. .. .	104 0 0
1 Messenger at .. .. .	100 0 0
1 Office-Keeper .. .. .	61 0 0
1 Assistant .. .. .	25 0 0
	290 0 0
<i>Contingencies</i> .. .. .	110 0 0
<b>TOTAL</b> .. .. . £	7,700 0 0

\* This office will be held by the Under Secretary for Lands.

Sydney: Thomas Richards, Government Printer.—1859



1859-60.

## Legislative Assembly.

## NEW SOUTH WALES.

## GAOLS AND COURT HOUSES.

(REVISED ESTIMATE FOR ALTERATIONS, REPAIRS, &amp;c.)

*Ordered by the Legislative Assembly to be Printed, 10 May, 1860.*

## GAOLS.

REVISED ESTIMATE FOR ALTERATIONS, REPAIRS, AND ERECTING  
GAOLS IN LOCALITIES WHERE DISTRICT COURTS ARE TO BE HELD.

WESTERN DISTRICT.									
Bathurst, present building sufficient	...	...	...	...	...	...	2,000	0	0
Mudgee, erecting new Gaol and Fence...	...	...	...	...	...	...	300	0	0
Orange, two additional Cells and Fence...	...	...	...	...	...	...			
Wellington, erecting partition Wall through Bedroom for two additional Cells, Expense out of General Vote (£30)	...	...	...	...	...	...			
CUMBERLAND DISTRICT.									
Parramatta, present building sufficient	...	...	...	...	...	...			
Windsor, half of accommodation formerly proposed	...	...	...	...	...	...			
Campbelltown, repairs, out of General Vote...	...	...	...	...	...	...			
Berrima, repairs, out of General Vote (£200)	...	...	...	...	...	...			
Wollongong, present building sufficient	...	...	...	...	...	...			
Panbula, erecting new Gaol, Court House, and Yard, similar to Paterson	...	...	...	...	...	...	1,500	0	0
Eden, erecting two additional Cells and Fence...	...	...	...	...	...	...	300	0	0
Braidwood, erecting new Gaol and Fence	...	...	...	...	...	...	2,000	0	0
NORTHERN DISTRICT.									
Newcastle, present building sufficient	...	...	...	...	...	...			
East Maitland, ditto	...	...	...	...	...	...			
Muswellbrook, airing Yard, Cookhouse, and Privy	...	...	...	...	...	...	500	0	0
Tamworth, two additional Cells at the back of Buildings and Fence	...	...	...	...	...	...	300	0	0
Armidale, erecting new Gaol and Fence	...	...	...	...	...	...	2,000	0	0
Port Macquarie, repairs, to be defrayed out of General Vote	...	...	...	...	...	...			
Grafton, erecting new Gaol and Fence...	...	...	...	...	...	...	2,000	0	0
SOUTHERN DISTRICT.									
Goulburn, present building sufficient	...	...	...	...	...	...			
Yass, two new Cells, Gaoler's Room, and Fence lately completed (to be placed on this Estimate)	...	...	...	...	...	...	400	0	0
Gundagai, two additional Cells and Fence	...	...	...	...	...	...	300	0	0
Wagga Wagga, erecting new Gaol and Fence...	...	...	...	...	...	...	2,000	0	0
Albury, do.	...	...	...	...	...	...	2,000	0	0
Deniliquin, two additional Cells and Fence	...	...	...	...	...	...	300	0	0
TOTAL	...	...	...	...	...	...	£ 15,900	0	0

## COURT HOUSES.

## ESTIMATE FOR ALTERATIONS, REPAIRS, AND ERECTING COURT HOUSES WHERE DISTRICT COURTS ARE TO BE HELD.

West Maitland, present building sufficient	...	...	...	...	...	...	2,000	0	0
Mudgee, erecting new Court House	...	...	...	...	...	...	1,200	0	0
Orange, ditto	...	...	...	...	...	...			
Wellington, present building sufficient...	...	...	...	...	...	...			
CUMBERLAND DISTRICT.									
Parramatta, present building sufficient	...	...	...	...	...	...			
Windsor, repairs to be charged to General Vote	...	...	...	...	...	...			
Berrima, ditto	...	...	...	...	...	...			
Wollongong, present building sufficient	...	...	...	...	...	...			
Panbula, erecting new Court House ( <i>Vide</i> annexed Gaol Estimate)	...	...	...	...	...	...			
Eden, present building sufficient	...	...	...	...	...	...			
Braidwood, alterations to convert cells into rooms to be attached to Court	...	...	...	...	...	...	300	0	0
NORTHERN DISTRICT.									
Newcastle, present building sufficient	...	...	...	...	...	...			
East Maitland, building in progress	...	...	...	...	...	...			
Muswellbrook, present building sufficient	...	...	...	...	...	...			
Tamworth, amount £2,000 voted last year	...	...	...	...	...	...			
Armidale, building in progress	...	...	...	...	...	...			
Port Macquarie, repairs to be charged to General Vote	...	...	...	...	...	...			
Grafton, erecting new Court House	...	...	...	...	...	...	2,000	0	0
SOUTHERN DISTRICT.									
Goulburn, present building sufficient	...	...	...	...	...	...			
Yass, ditto	...	...	...	...	...	...			
Gundagai, building in progress	...	...	...	...	...	...			
Wagga Wagga, erecting new Court House	...	...	...	...	...	...	1,200	0	0
Albury, building in progress	...	...	...	...	...	...			
Deniliquin, repairs to be charged to General Vote	...	...	...	...	...	...			
							6,700	0	0
Gaols, as annexed Estimate							15,900	0	0
							22,600	0	0
Alterations, additions, and for Contingencies							2,400	0	0
							£ 25,000	0	0

NEW SOUTH WALES.

*Finance, 1859-60.*

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ESTIMATES

OF THE

WAYS AND MEANS

OF THE

GOVERNMENT

OF

NEW SOUTH WALES,

FOR THE YEAR

1860.

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Ordered by the Legislative Assembly to be Printed,  
8 DECEMBER, 1859.

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SYDNEY :

THOMAS RICHARDS, GOVERNMENT PRINTER.

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1859.



No. 1.

ACCOUNT CURRENT OF REVENUE AND EXPENDITURE, FROM 1 JANUARY TO 31 DECEMBER, 1858.

To					£	s.	d.				£	s.	d.
Estimated Deficiency on 1 January, 1858	...	...	...	...	95,665	5	6						
Consolidated Revenue :—													
Amount Appropriated for 1858	...	1,154,651	2	3									
Special Appropriations	...	138,250	0	0									
Provided by the Constitutional and Colonial Acts	...	60,800	0	0									
Less :—		1,353,201	2	3									
Estimated Savings on Items voted, but not required	...	124,966	5	9									
					1,228,234	16	6						
Loans authorized to be raised :—													
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 Appropriation for 1858	...				12,116	10	3						
Balance on 31st December, 1858	...				48,277	7	9						
					£	2,207,794	0	0					



## No. 2.

## ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE FROM 1 JANUARY TO 31 DECEMBER, 1859.

To		£	s.	d.	By		£	s.	d.		
Consolidated Revenue:—											
Amount of Appropriation Act for 1859	1,208,787	6	2		Balance on 31 December, 1858	...	48,277	7	9		
Special Appropriations	238,500	0	0								
Provided by the Constitutional and Colonial Acts	60,300	0	0								
Less—	1,507,587	6	2		Revenue and Receipts actually collected to 31 August, 1859 (Statement No. 4.)	925,531	0	0			
Amount not likely to be required	48,000	0	0	1,459,587	6	2					
Loans authorized to be raised:—					Estimated Revenue and Receipts from 1 September to 31 December, 1859 (Statement No. 5)	621,925	0	0	1,547,456	0	0
For Public Works	11,600	0	0	91,600	0	0					
To pay off Debentures due 1859	80,000	0	0		Loans authorized to be raised for Public Works, and to pay off Debentures	...	91,600	0	0		
Further Supplementary Estimate for 1859, as voted:—				80,843	4	0	31,986	0	0		
Chargeable on Revenue	69,186	4	0		Amount proposed to be raised by Loan for Public Works...	...					
To be covered by Loan	11,707	0	0								
Additional Supplementary Estimate for 1859, as proposed:—				34,866	8	10					
Chargeable on Revenue	14,587	8	10								
To be covered by Loan	20,279	0	0								
Estimated Balance on 31 December, 1859...				52,422	8	9					
				£	1,719,319	7	9				
					By						
					Estimated Balance on 31 December, 1859, brought down	£	52,422	8	9		

The Treasury, New South Wales,  
8th December, 1859.

SAUL SAMUEL.

No. 3.

ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE, CARRIED ON TO 31 DECEMBER, 1860.

To		£	s.	d.	By		£	s.	d.	
Charges on Consolidated Revenue:—					Estimated Balance on 31 December, 1859	...	52,422	8	9	
General Services ... ..	1,211,107	0	0							
Special Appropriations ... ..	276,833	0	0							
Provided by Constitutional and Colonial Acts ... ..	58,350	0	0		Estimated Revenue for 1860, as per Statement of Ways and Means	...	1,522,232	0	0	
		1,546,290	0	0						
Charges proposed to be covered by Loans:—										
For Public Works ... ..	202,645	0	0		Amount proposed to be raised by Loan:—					
To pay off Debentures ... ..	365,600	0	0		For Public Works ... ..	202,645	0	0		
		568,245	0	0	To pay off Debentures ... ..	365,600	0	0		
							568,245	0	0	
Amount proposed to be made a charge on the Consolidated Revenue, to pay off the Debt of £600,230, being 2 per cent. per annum on that sum. The like amount, with accumulated interest, to be set apart in each year respectively until the whole be liquidated .. ..		12,005	0	0						
Estimated Balance at Credit of Consolidated Revenue, 31 December, 1860		16,359	8	9						
	£	2,142,899	8	9			£	2,142,899	8	9
					By	Estimated Balance at credit of Consolidated Revenue, 31 December, 1860, brought down	...	16,359	8	9
							£			

FINANCE, 1859-60.

SAUL SAMUEL.

The Treasury, New South Wales,  
8th December, 1859.

## No. 4.

## REVENUE AND RECEIPTS FROM 1 JANUARY TO 31 AUGUST, 1859.

Customs...	...	...	...	...	...	...	...	...	...	...	416,460
Duty on Colonial Spirits	...	...	...	...	...	...	...	...	...	...	38,655
Gold Revenue	...	...	...	...	...	...	...	...	...	...	27,406
Mint Receipts	...	...	...	...	...	...	...	...	...	...	9,093
Land Revenue	...	...	...	...	...	...	...	...	...	...	224,684
Postage	...	...	...	...	...	...	...	...	...	...	29,040
Licenses	...	...	...	...	...	...	...	...	...	...	62,492
Fees of Office	...	...	...	...	...	...	...	...	...	...	16,352
Fines and Forfeitures	...	...	...	...	...	...	...	...	...	...	3,830
Rents, Exclusive of Land	...	...	...	...	...	...	...	...	...	...	12,107
Railway Tolls	...	...	...	...	...	...	...	...	...	...	37,149
Electric Telegraph Receipts	...	...	...	...	...	...	...	...	...	...	3,531
Pilotage Rates, Harbour Dues, and Fees	...	...	...	...	...	...	...	...	...	...	10,307
Newcastle Tonnage Dues	...	...	...	...	...	...	...	...	...	...	1,501
Immigration Remittances	...	...	...	...	...	...	...	...	...	...	11,442
Interest on City Debentures	...	...	...	...	...	...	...	...	...	...	2,201
Micellaneous Receipts	...	...	...	...	...	...	...	...	...	...	12,533
											918,783
Balances in the hands of Public Officers refunded	..	...	...	...	...	...	...	...	...	£	6,748
TOTAL	...	...	...	...	...	...	...	...	...	£	925,531

*The Treasury, New South Wales,  
8th December, 1859.*

SAUL SAMUEL.

## No. 5.

ESTIMATED REVENUE AND RECEIPTS, FROM 1 SEPTEMBER TO 31 DECEMBER, 1859.

Customs...	...	...	...	...	...	...	...	...	...	180,015
Duty on Colonial Spirits	...	...	...	...	...	...	...	...	...	19,328
Gold Revenue	...	...	...	...	...	...	...	...	...	16,417
Mint Receipts	...	...	...	...	...	...	...	...	...	6,495
Land Revenue	...	...	...	...	...	...	...	...	...	274,278
Postage	...	...	...	...	...	...	...	...	...	15,432
Licenses...	...	...	...	...	...	...	...	...	...	7,815
Fees of Office	...	...	...	...	...	...	...	...	...	8,734
Fines and Forfeitures	...	...	...	...	...	...	...	...	...	2,151
Rents, exclusive of Land	...	...	...	...	...	...	...	...	...	4,307
Railway Tolls	...	...	...	...	...	...	...	...	...	25,681
Electric Telegraph Receipts	...	...	...	...	...	...	...	...	...	4,467
Pilotage Rates, Harbour Dues, and Fees	...	...	...	...	...	...	...	...	...	4,193
Newcastle Tonnage Dues	..	...	...	...	...	...	...	...	...	499
Immigration Remittances	...	...	...	...	...	...	...	...	...	6,126
Interest on City Debentures	...	...	...	..	...	...	...	...	...	30,916
Miscellaneous Receipts ..	...	...	...	...	..	...	...	...	...	15,071
TOTAL ..										£ 621,925

*The Treasury, New South Wales,  
8th December, 1859.*

SAUL SAMUEL.

## No. 6.

ABSTRACT OF THE PROBABLE REVENUE OF THE GOVERNMENT OF NEW SOUTH WALES,  
FOR THE YEAR 1860.

	REVENUE OF	REVENUE OF	ESTIMATE FOR
	1858.	1859.	1860.
	£	£	£
Customs ... ..	557,298	596,475	621,000
Duty on Spirits distilled in the Colony ... ..	50,955	57,983	60,000
Gold Revenue ... ..	43,108	43,823	47,050
Mint Receipts ... ..	18,148	15,588	17,000
Land Revenue ... ..	405,858	498,962	552,850
Postage ... ..	39,954	44,472	45,000
Licenses ... ..	66,018	70,307	72,820
Fees of Office ... ..	26,824	25,086	33,320
Fines and Forfeitures ... ..	8,102	5,981	6,710
Rents—Exclusive of Land ... ..	12,189	16,414	16,450
Railway Tolls ... ..	64,758	62,830	80,000
Electric Telegraph Receipts ... ..	1,756	7,998	15,000
Pilotage Rates, Harbour Dues, and Fees ... ..	9,490	14,500	15,000
Tonnage Dues, Newcastle ... ..	1,446	2,000	2,000
Assessment on Stock ... ..	330		
Immigration Remittances ... ..	21,271	17,568	20,000
Interest on City Debentures ... ..	13,762	33,117	20,800
Miscellaneous Receipts ... ..	26,155	27,604	30,339
Balances in the hands of Public Officers refunded ... ..	15,905	6,748	
Bishopthorpe Estate ... ..	967		
<i>Deduct:—</i>	1,384,294	1,547,456	1,655,339
The probable Revenue of Queensland for 1860, included in this Estimate ... ..	.....	.....	133,107
	£ 1,384,294	1,547,456	1,522,232
<b>TO BE RAISED BY LOAN.</b>			
To pay off Debentures of an equal amount falling due in 1860 ... ..			365,600
To meet the Expense of Public Works and Buildings ... ..			202,645
			568,245
<b>TOTAL</b> ... ..		£	2,090,477

*The Treasury, New South Wales,  
8th December, 1859.*

SAUL SAMUEL.

## FINANCE, 1859-60.

9

## REVENUE DETAILED.

	REVENUE OF 1858.	REVENUE OF 1859.			ESTIMATE FOR 1860.
		Actual to 31 August.	Estimate to 31 Dec.	Total.	
<b>CUSTOMS.</b>					
Spirits ... ..	309,345	218,353	109,176	327,529	330,000
Wine ... ..	28,063	22,602	11,300	33,902	32,000
Ale and Beer ... ..	9,159	4,416	2,208	6,624	12,000
Tobacco ... ..	85,619	58,672	29,336	88,008	95,000
Tea ... ..	31,389	32,593	7,407	40,000	45,000
Sugar and Molasses ... ..	84,652	72,880	17,120	90,000	95,000
Coffee, Chocolate, and Cocoa ... ..	8,700	6,085	3,040	9,125	9,500
Opium ... ..	371	859	428	1,287	2,500
	557,298	416,460	180,015	596,475	621,000
<b>DUTY ON SPIRITS DISTILLED IN THE COLONY</b> ...	50,955	38,655	19,328	57,983	60,000
<b>GOLD REVENUE.</b>					
Duty on Gold ... ..	32,240	19,969	13,156	33,125	35,000
Fees for the Escort and Conveyance of Gold ...	533	253	157	410	400
Leases of Auriferous Tracts ... ..	94	515	256	771	950
Miners' Rights ... ..	7,849	4,697	2,348	7,045	8,000
Business Licenses ... ..	2,392	1,972	500	2,472	2,700
	43,108	27,406	16,417	43,823	47,050
<b>MINT RECEIPTS</b> ... ..	18,148	9,093	6,495	15,588	17,000
<b>LAND REVENUE.</b>					
Land Sales ... ..	240,633	177,750	88,876	266,626	300,000
Rents of Land,—					
Within and beyond the Settled Districts ...	71,925	13,269	78,472	91,741	120,000
Increased Assessment and Rent, 22 Vic., 17	87,859	30,229	105,214	135,443	120,000
Quit Rents ... ..	1,039	1,040	520	1,560	1,500
Redemption of Quit Rents ... ..	150	55	28	83	100
Survey of Land ... ..	866	225	112	337	250
Licenses to cut Timber, make Bricks, and Quarry					
Stone, on Crown Lands ... ..	3,386	2,116	1,056	3,172	5,000
Mineral Leases ... ..	.....	.....	.....	.....	5,000
Other Purposes ... ..	.....	.....	.....	.....	1,000
	405,858	224,684	274,278	498,962	552,850
<b>POSTAGE</b> ... ..	39,954	29,040	15,432	44,472	45,000
<b>LICENSES.</b>					
To Wholesale Spirit Dealers ... ..	6,740	6,230	270	6,500	6,500
To Auctioneers ... ..	1,836	761	1,900	2,661	2,800
To Bonded Storekeepers ... ..	5,285	2,221	2,990	5,211	5,000
To Retail Fermented and Spirituous Liquors ..	48,018	49,183	2,372	51,555	54,000
Night Licenses to Publicans and for Billiard Tables	3,490	3,490	210	3,700	3,800
To Distillers and Rectifiers ... ..	57	44	6	50	50
To Hawkers and Pedlars ... ..	284	292	8	300	300
To Pawnbrokers ... ..	210	160	50	210	220
All other Licenses... ..	98	111	9	120	150
	66,018	62,492	7,815	70,307	72,820
<b>Carried forward...</b> ... .. £	1,181,339	807,880	519,780	1,327,610	1,415,720

## REVENUE DETAILED—Continued.

	REVENUE OF 1858.	REVENUE OF 1859.			ESTIMATE FOR 1860.
		Actual to 31 August.	Estimate to 31 Dec.	Total.	
Brought forward ... ..	£ 1,181,339	807,830	519,780	1,327,610	1,415,720
<b>FEES OF OFFICE.</b>					
On Commissions to Public Officers... ..	63	105	15	120	120
On Certificates of Naturalization ... ..	284	234	86	320	320
On Copies and Transcripts of Papers ... ..	10	15	5	20	20
On the Preparation and Enrolment of Title Deeds...	7,508	4,384	2,192	6,576	7,500
Registrar General ... ..	2,992	1,803	900	2,703	3,000
Prothonotary of Supreme Court ... ..	3,258	1,725	275	2,000	2,000
Master in Equity ... ..	1,334	697	348	1,045	2,400
Curator of Intestate Estates ... ..	475	264	132	396	500
Insolvent Courts ... ..	1,598	865	432	1,297	1,600
Sheriff ... ..	1,065	611	304	915	2,200
Moreton Bay Court ... ..	513	453	228	681	1,000
Courts of Requests ... ..	1,943	68	.....	68	.....
District Courts ... ..	.....	1,406	2,000	3,406	6,000
Courts of Petty Sessions ... ..	2,672	1,483	740	2,223	3,000
Water Police Court and Shipping Masters...	2,827	1,996	996	2,992	3,300
Steam Navigation Board ... ..	152	121	29	150	150
Court of Claims ... ..	75	72	28	100	100
On Disputed Claims at the Gold Fields ... ..	51	43	20	63	100
Other Fees ... ..	4	7	4	11	10
	26,824	16,352	8,734	25,086	33,320
<b>FINES AND FORFEITURES.</b>					
Sheriff ... ..	383	490	244	734	800
Moreton Bay Court... ..	55	36	16	52	100
Courts of Petty Sessions ... ..	3,316	1,867	932	2,799	3,500
Water Police Court ... ..	193	111	56	167	180
For the Unauthorized Occupation of Crown Lands...	613	26	574	600	600
Crown's share of Seizures by the Departments of Customs and Distilleries ... ..	3,338	799	300	1,099	1,000
Confiscated and Unclaimed Property ... ..	194	474	26	500	500
Other Fines... ..	10	27	3	30	30
	8,102	3,830	2,151	5,981	6,710
<b>RENTS—EXCLUSIVE OF LAND.</b>					
Tolls and Ferries ... ..	3,064	6,454	1,546	8,000	8,000
Wharfs ... ..	7,877	5,246	2,624	7,870	8,000
Military Canteen ... ..	747	186	25	211	50
Government Buildings and Premises ... ..	492	221	112	333	400
Property Escheated to the Crown ... ..	9	.....	.....	.....	.....
	12,189	12,107	4,307	16,414	16,450
<b>RAILWAY TOLLS..</b> ... ..	64,758	37,149	25,681	62,830	80,000
<b>ELECTRIC TELEGRAPH RECEIPTS</b> .. ..	1,756	3,531	4,467	7,998	15,000
<b>PILOTAGE RATES, HARBOUR DUES, AND FEES</b> ...	9,490	10,307	4,193	14,500	15,000
Carried forward ... ..	£ 1,304,458	891,106	569,313	1,460,419	1,582,200

REVENUE DETAILED—*Continued.*

	REVENUE OF 1858.	REVENUE OF 1859.			ESTIMATE FOR 1860.
		Actual to 31 August.	Estimate to 31 Dec.	Total.	
Brought forward ... ..	£ 1,304,458	891,106	569,313	1,460,419	1,582,200
TONNAGE DUES, NEWCASTLE ... ..	1,446	1,501	499	2,000	2,000
ASSESSMENT ON STOCK ... ..	330	.....	.....	.....	.....
IMMIGRATION REMITTANCES .. ..	21,271	11,442	6,126	17,568	20,000
INTEREST ON CITY DEBENTURES ... ..	13,762	2,201	30,916	33,117	20,800
MISCELLANEOUS RECEIPTS.					
Sale of Government Property ... ..	3,176	1,699	848	2,547	3,000
For the Support of Patients in the Lunatic Asylums	1,165	667	332	999	1,200
Collections by the Government Printer ... ..	1,663	1,332	664	1,996	2,000
Payment by the Commissariat towards the sup- port of British Prisoners and Lunatics ...	4,431	.....	3,800	3,800	3,100
Do. towards the support of the Gunpowder Magazine	92	46	46	92	102
Store Rent of Gunpowder ... ..	1,505	345	245	590	807
For Work performed by Prisoners in Gaol... ..	1,467	777	555	1,332	1,500
Fees on presenting Private Bills to the Parliament, and on Letters of Registration ... ..	415	185	260	445	450
Interest on Bank Deposits ... ..	9,067	6,217	7,689	13,906	15,000
Proceeds of Sale of Alpaca Wool ... ..	.....	.....	.....	.....	180
Other Receipts ... ..	3,174	1,265	632	1,897	3,000
	26,155	12,533	15,071	27,604	30,339
Balances in the hands of Public Officers refunded...	15,905	6,748	.....	6,748	.....
Balance of Revenue from Bishopthorpe Estate for 1857 and part of 1858 ... ..	967	.....	.....	.....	.....
	1,384,294	925,531	621,925	1,547,456	1,655,339
<i>Deduct:—</i> The probable Revenue of Queensland for 1860, included in this Estimate, as per Statement No. 7 ... ..	.....	.....	.....	.....	133,107
TOTALS ... ..	£ 1,384,294	925,531	621,925	1,547,456	1,522,232

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## No. 7 A.

STATEMENT OF THE PROBABLE REVENUE OF QUEENSLAND, INCLUDED IN THE ESTIMATES OF  
WAYS AND MEANS FOR 1860.

HEAD OF REVENUE.											AMOUNT.
Customs	...	...	...	...	...	...	...	...	...	...	35,100
Duties on Spirits distilled in the Colony	...	...	...	...	...	...	...	...	...	...	9,000
Land Revenue	...	...	...	...	...	...	...	...	...	...	75,620
Postage	...	...	...	...	...	...	...	...	...	...	3,302
Licenses	...	...	...	...	...	...	...	...	...	...	4,330
Collections by Public Officers	...	...	...	...	...	...	...	...	...	...	3,196
Rents (exclusive of land)	...	...	...	...	...	...	...	...	...	...	621
Pilotage	...	...	...	...	...	...	...	...	...	...	300
Immigration Remittances...	...	...	...	...	...	...	...	...	...	...	1,618
Miscellaneous	...	...	...	...	...	...	...	...	...	...	20
TOTAL											£ 133,107

*The Treasury, New South Wales,  
8th December, 1859.*

SAUL SAMUEL.

## No. 7 B.

STATEMENT of SUMS taken from the ESTIMATES of EXPENDITURE for 1860, as laid upon the Table of the House on 28th September last, which will be chargeable to the Revenues of the New Colony of QUEENSLAND.

SERVICES.	AMOUNT.
<b>No. I.</b>	
Schedule A ... ..	2,000 0 0
<b>No. III.</b>	
Government Resident, Moreton Bay ... ..	900 0 0
Do. Port Curtis ... ..	730 0 0
Registrar General ... ..	298 0 0
Police ... ..	15,248 0 0
Native Police ... ..	10,828 0 0
Gaol, Brisbane ... ..	2,355 0 0
Observatory ... ..	40 0 0
Vaccine ... ..	25 0 0
Charitable Allowances.. ... ..	700 0 0
Grants in aid of Public Institutions ... ..	800 0 0
Aborigines ... ..	300 0 0
Preparation of Electoral Lists ... ..	200 0 0
<b>No. IV.</b>	
Moreton Bay Court ... ..	4,465 0 0
Coroners ... ..	180 0 0
<b>No. V.</b>	
Customs ... ..	2,866 0 0
Colonial Storekeeper ... ..	275 0 0
Stores and Stationery ... ..	4,260 0 0
Post Office ... ..	907 0 0
Conveyance of Mails ... ..	5,629 0 0
Shipping Master ... ..	50 0 0
Harbors, Lighthouses, and Pilot Department ... ..	3,194 0 0
Health Officer ... ..	100 0 0
Quarantine ... ..	200 0 0
Postage of the various Public Departments ... ..	150 0 0
<b>No. VI.</b>	
Department of Land ... ..	300 0 0
Commission on Sales of Land ... ..	2,000 0 0
Survey of Land ... ..	10,551 0 0
Occupation of Land ... ..	4,448 0 0
Immigration ... ..	16,795 0 0
Botanic Gardens, Brisbane ... ..	550 0 0
Moreton Bay Roads ... ..	7,100 0 0
<b>No. VII.</b>	
Employment of Prisoners, Streets of Brisbane ... ..	250 0 0
Do. do. Ipswich ... ..	150 0 0
Additions to Court and Watch House, Gladstone ... ..	200 0 0
Additions to Court House, Drayton ... ..	150 0 0
Wharf at Rockhampton ... ..	450 0 0
<b>TOTAL</b> ... ..	<b>£ 99,644 0 0</b>

## No. 8.

STATEMENT of the TOTAL DEBT of the Colony; shewing the sums authorised to be raised by certain of the Loan Acts, and the amounts raised under each of those Acts respectively, on the 30th November, 1859.

SERVICES.	AMOUNTS AUTHORISED TO BE RAISED.	AMOUNTS RAISED.	BALANCE TO BE RAISED.	TOTAL DEBT.	REMARKS.
LAND AND IMMIGRATION DEBENTURES .....	53,000 0 0	53,000 0 0	.....	53,000 0 0	
DEBENTURES ISSUED ON ACCOUNT OF LOANS TO THE SYDNEY RAILWAY COMPANY.....	217,500 0 0	217,500 0 0	.....	217,500 0 0	
PUBLIC WORKS—					
18 Vic., No. 35 .....	178,750 0 0	105,750 0 0	73,000 0 0	104,000 0 0	
RAILWAYS—					
18 Vic., 40 .....	666,800 0 0	666,800 0 0	.....	666,800 0 0	
PUBLIC WORKS—					
19 Vic., 38 & 40 .....	405,323 0 0	398,614 16 3	6,708 3 9	403,800 0 0	
SYDNEY SEWERAGE—					
17 Vic., 34.....	200,000 0 0	200,000 0 0	.....	206,030 0 0	{ Including £6,730 of £10 Debentures actually sold.
SYDNEY WATER—					
17 Vic., 35 .....	200,000 0 0	200,000 0 0	.....	206,400 0 0	
TO PAY OFF L. & I. DEBEN- TURES—					
20 Vic., No. 1 .....	73,776 0 0	73,700 10 0	75 10 0	73,700 0 0	
RAILWAYS—					
20 Vic., 1 .....	200,000 0 0	199,997 10 0	2 10 0	203,000 0 0	
TO PAY OFF L. & I. DEBEN- TURES—					
20 Vic., 16 .....	130,400 0 0	130,311 0 0	89 0 0	132,300 0 0	
PUBLIC WORKS—					
20 Vic., 33 .....	107,717 18 11	107,717 18 11	.....	112,000 0 0	
RAILWAYS—					
20 Vic., 34 .....	300,000 0 0	300,000 0 0	.....	299,000 0 0	
TO PAY OFF DEBENTURES—					
22 Vic., No. 5 .....	145,000 0 0	144,310 10 0	689 10 0	145,000 0 0	
RAILWAYS AND PUBLIC WORKS—					
22 Vic., No. 22 .....	758,500 0 0	143,978 3 7	614,521 16 5	146,000 0 0	
PUBLIC WORKS—					
22 Vic., 26 .....	11,600 0 0	.....	11,600 0 0	.....	
DEBENTURES transmitted to Oriental Bank, London; Account Sales for which have not yet been received .....	.....	.....	.....	566,000 0 0	22 Vic., No. 22.
£ 3,648,366 18 11	2,941,680 8 9	706,686 10 2	3,534,530 0 0		
TO COVER DEFICIT IN 1855-6. 20 Vic., 20 .....	£150,000 0 0	.....	150,000 0 0	.....	To be repealed.

NOTE.—It is probable that a further sum of £40,000 will have to be raised:—being £20,000 each for the Affiliated Colleges in connection with the Presbyterian and Wesleyan Churches, 19 Vic., 38.

The Treasury, New South Wales,  
8th December, 1859.

SAUL SAMUEL.

1859.

NEW SOUTH WALES.

# ABSTRACTS

OF THE

# PUBLIC ACCOUNTS

OF THE

Colony of New South Wales,

FOR THE YEAR

1858,

CONSISTING OF SEPARATE STATEMENTS, UNDER THE  
FOLLOWING HEADS, VIZ.:—

GENERAL ACCOUNT CURRENT.—CIVIL LIST GRANTS.—  
CONSOLIDATED REVENUE FUND.—SALES OF DEBENTURES IN ENGLAND.—  
LOANS OUTSTANDING ON 31st DECEMBER, 1858.—  
NEWCASTLE TONNAGE DUTY, 19 VICT., No. 25, & 20 VICT., No. 12.—  
COLONIAL AGENT GENERAL.—ORIENTAL BANK CORPORATION.—  
CLERGY AND SCHOOL LANDS' REVENUE.—ASSESSMENT ON SHEEP (SCAR ACT).—  
POLICE REWARD FUND, 16 VICT., No. 33.—POLICE SUPERANNUATION  
FUND, 16 VICT., No. 33.—SPECIAL RECEIPTS.—  
TRUST MONEYS' DEPOSITS, 20 VICT., No. 11.—MINT BULLION.

Ordered by the Legislative Assembly to be Printed,  
1 SEPTEMBER, 1859.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER,  
PHILLIP-STREET.

1859.



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Mint Bullion Account .. .. .	79
Mint Receipts .. .. .	27
Mint, Royal—Sydney Branch of .. .. .	37
Miscellaneous:—	
Principal Secretary .. .. .	36
Administration of Justice .. .. .	37
Treasurer and Secretary for Finance and Trade ..	38
Secretary for Lands and Public Works .. .. .	39
Miscellaneous Receipts .. .. .	28
Moreton Bay Court .. .. .	37
Moreton Bay—Government Resident .. .. .	33
Moreton Bay—Floating Light .. .. .	38
Moreton Bay—Harbour Master .. .. .	38
Moreton Bay—Lighthouse .. .. .	38
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Municipal Council, Sydney—in aid of City Funds ..	34
Museum—Australian—Completing Interior Fittings of ..	35
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National Schools .. .. .	33
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Native Police, Northern Districts .. .. .	34
Native Police, Southern Districts .. .. .	34
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Navigation of the River Hunter and Port of Newcastle —Improving the .. .. .	47
Newcastle—Harbour Master .. .. .	38
Newcastle—Hospital .. .. .	35
Newcastle—Lighthouse .. .. .	38
Newcastle—Shipping Master .. .. .	37
Newcastle—Tonnage Dues .. .. .	29 & 55

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Parramatta Lunatic Asylum .. .. .	34
Parramatta School of Arts—Building Fund .. .. .	35
Parramatta School of Arts—Outfit for Paupers in the Colonial Hospitals—For the support of .. .. .	35
Penal Establishment, Cockatoo Island .. .. .	34
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Pensions to Judges—Schedule B .. .. .	14
Pensions to Political Officers—Schedule B .. .. .	14
Pensions to Superannuated Officers and others—Schedule B .. .. .	14
Pensions and Retired Allowances—Supplement to Schedule B .. .. .	32
Pilotage Receipts .. .. .	29
Pilot, Kiama .. .. .	38
Pilots, Port Jackson—Remuneration to .. .. .	33
Pilot, Wollongong .. .. .	38
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Gold Guards and Conveyance .. .. .	34
Horse Patrol, Country Districts .. .. .	34
Native Police, Northern Districts .. .. .	34
Native Police, Southern Districts .. .. .	34
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Port Macquarie—Hospital .. .. .	35
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Post Office .. .. .	33
Postage Receipts .. .. .	28
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Presbyterian Church—Clergy and School Lands .. .. .	67
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Principal Secretary's Departments .. .. .	33
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Private Secretary—The Governor's—Schedule A .. .. .	12
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Public Works and Buildings .. .. .	39 & 42
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Remittances—Immigration—refunded to Depositors .. .. .	33
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Revenue and Receipts returned .. .. .	41
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School Lands—Clergy, and—Account of Receipts and Disbursements .. .. .	65
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Secretary for Lands and Public Works—Miscellaneous .. .. .	39
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Shipping Master, Moreton Bay .. .. .	37
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Special Receipts' Account .. .. .	75
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Statement of Receipts and Payments by the Oriental Bank Corporation, London .. .. .	61
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Steam Navigation Board, Brisbane .. .. .	38
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St. John's College—Endowment Fund .. .. .	33
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Stock—Assessment on .. .. .	28
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Supply of Water to the City of Sydney .. .. .	47
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Supreme and Circuit Courts .. .. .	37
Surveys—Railway .. .. .	47
Survey and Management of Crown Lands .. .. .	39
Sydney Branch of Royal Mint .. .. .	37
Sydney Gaol .. .. .	34
Sydney Grammar School—Endowment of the .. .. .	33
Sydney Infirmary and Dispensary .. .. .	35
Sydney Infirmary—New Wing .. .. .	35
Sydney Mechanics' School of Arts .. .. .	35
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Tamworth Hospital .. .. .	35
Tarban Creek—Lunatic Asylum .. .. .	34
Telegraph Branch—Electric .. .. .	39
Telegraph to Albury—Electric .. .. .	47
Telegraph Receipts—Electric .. .. .	28
Telegraph Stations—Sydney and South Head .. .. .	38
Territorial Revenue—Arrear Charges against .. .. .	41
Tonnage Dues, Newcastle .. .. .	29 & 55
Treasurer and Secretary for Finance and Trade .. .. .	37
Treasurer and Secretary for Finance and Trade— Miscellaneous .. .. .	38
Treasurer, Colonial—Schedule A .. .. .	12
Treasurer, Colonial—Supplement to Salary provided under Schedule A .. .. .	32
Treasury .. .. .	37
Treasury Bills—Proceeds of .. .. .	46
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## U.

Unemployed Laborers in the City of Sydney—Towards the Relief of .. .. .	36
University of Sydney—Endowment of .. .. .	33

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Vaccine Establishments .. .. .	34
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## W.

Water Police, Sydney .. .. .	34
Water Supply to the City of Sydney .. .. .	47
Wesleyan Methodist Mission—Clergy and School Lands .. .. .	67
Wesleyan Methodist Mission—Schedule C .. .. .	21
Wesleyan Methodist Mission—Supplement to Sche- dule C .. .. .	32
Windsor Hospital .. .. .	35
Wollongong—Pilot .. .. .	38
Works and Buildings—Public .. .. .	39 & 42
Works—Public, provided for by Loans .. .. .	47

## Y.

Yass Hospital .. .. .	35
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NEW SOUTH WALES.

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GENERAL ACCOUNT CURRENT  
OF THE  
REVENUES AND RECEIPTS  
OF THE  
COLONY OF NEW SOUTH WALES,  
AND OF THEIR  
EXPENDITURE  
IN THE YEAR  
1858.

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## GENERAL ACCOUNT CURRENT OF THE REVENUE AND RECEIPTS OF THE COLONY

Dr.

PAGE.	RECEIPTS.	AMOUNT.	TOTAL.
	TO BALANCES AT THE CREDIT OF THE FOLLOWING ACCOUNTS, on the 31st December, 1857, viz. :—		
26	Consolidated Revenue Fund ... ..	55,888 3 7	
46	Loans' Account ... ..	31,570 1 4	
66	Clergy and School Lands' Revenue Account ...	14,475 8 10	
69	Assessment on Sheep Account (Scab Act)... ..	10,254 9 5	
71	Police Reward Fund ... ..	*11,061 3 9	
73	Police Superannuation Fund ... ..	†8,516 5 0	
75	Special Receipts' Account ... ..	82,606 14 2	
77	Trust Moneys' Deposit Account ... ..	54,510 8 7	
			268,882 14 8
	TO RECEIPTS IN THE YEAR 1858, as. per the following Statements, viz. :—		
29	Consolidated Revenue Fund Statement, No. 1 ...	1,368,389 12 2	
46	Loans' Account " No. 3 ... ..	76,776 0 0	
66	Clergy and School Lands' Revenue Account ...	6,422 18 11	
69	Assessment on Sheep Account (Scab Act)... ..	12 10 11	
71	Police Reward Fund ... ..	2,770 17 6	
73	Police Superannuation Fund ... ..	2,079 9 10	
75	Special Receipts' Account ... ..	47,372 15 5	
77	Trust Moneys' Deposit Account ... ..	68,225 18 3	
			1,572,050 3 0
	TO GOVERNMENT SECURITIES, Investments, on behalf of the following Funds, Deposited in the Treasury in the year 1858, viz. :—		
71	Police Reward Fund ... ..	2,000 0 0	
73	Police Superannuation Fund ... ..	2,000 0 0	
			4,000 0 0
	TO ISSUES ON ACCOUNT ADJUSTED—		
	Balance of Adjustments over Remittances to the Colonial Agent General, on the following Accounts, viz. :—		
26	Consolidated Revenue Fund ... ..	8,885 18 6	
46	Loans' Account ... ..	932 14 9	
73	Police Superannuation Fund ... ..	31 18 2	
	Balance of Adjustments over Advances to Public Officers on the following Accounts, viz. :—		
26	Consolidated Revenue Fund ... ..	98,662 16 5	
46	Loans' Account ... ..	5,942 6 6	
71	Police Reward Fund ... ..	412 3 8	
73	Police Superannuation Fund ... ..	627 18 3	
			115,495 16 3
46	TO BALANCE AT THE DEBIT OF THE LOANS' ACCOUNT on the 31st December, 1858† ... ..		317,549 16 1
	TOTAL ... ..	£	2,277,978 10 0

\* Includes £9,500 invested in Debentures.

† Includes £7,000 invested in Debentures.

‡ Drawn against Debentures to the amount of £469,600 forwarded to London for negotiation, the Account Sales of which had not been received at the close of the year.

Audit Office, Sydney, New South Wales,  
30th June, 1859.

## OF NEW SOUTH WALES, AND OF THEIR EXPENDITURE IN THE YEAR 1858.

Cr.

PAGE.	DISBURSEMENTS.	AMOUNT.	TOTAL.
	BY PAYMENTS IN THE YEAR 1858, UNDER THE FOLLOWING ACCOUNTS, viz. :—		
31	Consolidated Revenue Fund, Statement No. 2 ...	1,198,626 14 8	
47	Loans' Account " No. 3 ...	360,770 18 8	
67	Clergy and School Lands' Revenue Account ...	9,176 0 9	
69	Assessment on Sheep Account (Scab Act)...	575 6 11	
71	Police Reward Fund ...	769 17 4	
73	Police Superannuation Fund ...	1,444 2 2	
75	Special Receipts' Account ..	61,238 15 0	
77	Trust Moneys' Deposit Account ...	61,464 4 2	1,697,065 19 8
26	BY OVER-PAYMENT TO THE MUNICIPAL COUNCIL OF SYDNEY, from the Consolidated Revenue Fund, as per Account Current* ...	.....	13,337 19 3
	BY AMOUNTS INVESTED IN GOVERNMENT SECURITIES on behalf of the following Funds, in the year 1858, viz. :—		
71	Police Reward Fund (including accrued Interest)...	2,008 6 8	
73	Police Superannuation Fund (do.) ...	2,008 6 8	4,016 13 4
	BY ISSUES ON ACCOUNT :—		
26	Consolidated Revenue Fund, as per Account Current	86,311 12 3	
47	Loans' Account as per Statement No. 3 ...	72,000 0 0	
66	Clergy and School Lands' Revenue Account—		
	Balances of Advances to Public Officers, over Adjustments ...	27 12 3	158,339 4 6
	BY BALANCES AT THE CREDIT OF THE FOLLOWING ACCOUNTS, on the 31st December, 1858, viz. :—		
26	Consolidated Revenue Fund ..	233,550 4 6	
67	Clergy and School Lands' Revenue Account ...	11,694 14 9	
69	Assessment on Sheep Account (Scab Act)...	9,691 13 5	
71	Police Reward Fund ...	13,466 0 11	
73	Police Superannuation Fund ...	9,803 2 5	
75	Special Receipts' Account ...	65,740 14 7	
77	Trust Moneys' Deposit Account ...	61,272 2 8	405,218 13 3
	TOTAL ...	£	2,277,978 10 0

\* In course of adjustment.

W. C. MAYNE,  
Auditor General.



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NEW SOUTH WALES.

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**CIVIL LIST GRANTS.**

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APPROPRIATION AND EXPENDITURE

OUT OF THE

CONSOLIDATED REVENUE FUND,

UNDER

18 & 19 VICT., CAP. 54. (SCHEDULE 1, SEC. 49.)

FOR THE YEAR

1858.

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# NEW SOUTH WALES.

## Schedule A, 18 and 19 Victoria, Cap. 54.

IN ACCOUNT WITH THE CONSOLIDATED REVENUE FUND, 1ST JANUARY TO 31ST DECEMBER, 1858.

Dr.

Cr.

RECEIPTS.	1857.	1858.	DISBURSEMENTS.	1857.	1858.
To Amount transferred from the Consolidated Revenue Fund .....	1,712 10 0	20,524 19 11	By Amount of Payments, as per Account of Consolidated Revenue Fund, to 31st December, 1858 .....	1,712 10 0	20,524 19 11
To Balance of the Annual Amount provided by the Schedule A .....	.....	1,825 0 1	By Balance reverted to the Consolidated Revenue Fund...	.....	1,825 0 1
TOTALS.....£	1,712 10 0	22,350 0 0	TOTALS.....£	1,712 10 0	22,350 0 0

Audit Office, Sydney, New South Wales,  
29th January, 1859.

W. C. MAYNE,  
Auditor General.



STATEMENT shewing the Particulars of Salaries provided by Schedule A, annexed to the Act 18 and 19 Victoria, Cap. 54, of the Salaries drawn for the Years 1857-8, and of the Amount which has reverted to the Consolidated Revenue Fund for 1858.

SALARIES PROVIDED AND PAYABLE FROM		OFFICERS.	PERIOD FOR WHICH DRAWN.		AMOUNT DRAWN.		BALANCE REVERTED TO THE CONSOLIDATED REVENUE FUND FOR 1858.	REMARKS.
BALANCES OF 1857.	RESERVE FOR 1858.		From	To	For 1857.	For 1858.		
583 6 8	7,000 0 0	His Excellency the Governor General .....	1 Dec., 1857.	31 Dec., 1858.	583 6 8	7,000 0 0	.....	{ Salary of Attorney General during the vacancy of the Office from 9th to 14th November, 1858. { Fraction lost in computing Salaries for broken periods. { Salary of Master in Equity, lapsed from 1st January, 1856, by the Appointment of S. F. Milford, Esq., as Puisne Judge. { Salary of Chairman of Quarter Sessions, lapsed by the Appointment of Thomas Callaghan, Esq., to that office, in the room of Alfred Checke, Esq.
166 13 4	2,000 0 0	The Chief Justice .....	"	"	166 13 4	2,000 0 0	.....	
250 0 0	3,000 0 0	The two Puisne Judges .....	"	"	250 0 0	3,000 0 0	.....	
125 0 0	1,500 0 0	The Judge for Moreton Bay .....	"	"	125 0 0	1,500 0 0	.....	
166 13 4	2,000 0 0	Colonial Secretary .....	"	"	166 13 4	2,000 0 0	.....	
104 3 4	1,250 0 0	Colonial Treasurer .....	"	"	104 3 4	1,250 0 0	.....	
75 0 0	900 0 0	Auditor General .....	"	"	75 0 0	900 0 0	.....	
125 0 0	1,500 0 0	Attorney General .....	"	"	125 0 0	1,475 0 0	25 0 0	
83 6 8	1,000 0 0	Solicitor General .....	"	"	83 6 8	999 19 11	0 0 1	
33 6 8	400 0 0	Governor's Private Secretary .....	"	"	33 6 8	400 0 0	.....	
.....	1,000 0 0	{ Master in Equity and Curator of Intestate Estates, and Chief Commissioner of Insol- vent Estates .....	"	"	.....	.....	1,000 0 0	
.....	800 0 0	{ Chairman of Quarter Sessions and Commis- sioner of Court of Requests .....	"	"	.....	.....	800 0 0	
1,712 10 0	22,350 0 0	TOTALS .....	£		1,712 10 0	20,524 19 11	1,825 0 1	

Audit Office, Sydney, New South Wales,  
29th January, 1859.

W. C. MAYNE,  
Auditor General.

# NEW SOUTH WALES.

## Schedule B, 48 and 49 Victoria, Cap. 54.

IN ACCOUNT WITH THE CONSOLIDATED REVENUE FUND, 1ST JANUARY, TO 31ST DECEMBER, 1858.

Dr.

Cr.

RECEIPTS.	1857.	1858.	DISBURSEMENTS.	1857.	1858.
To Amount transferred from the Consolidated Revenue Fund .....	2,221 11 11	8,450 2 2	By Amount of Payments as per Account of Consolidated Revenue Fund, for 1858 .....	2,221 11 11	8,450 2 2
To Balance of the Annual Amount provided by the Schedule E.....	13 17 6	5,499 17 10	By Balance of Charges on Account of 1856 and 1858, payable in 1859 .....	13 12 6	761 10 3
			By Balance reverted to the Consolidated Revenue Fund...	0 5 0	4,738 7 7
TOTALS.....£	2,235 9 5	13,950 0 0	TOTALS.....£	2,235 9 5	13,950 0 0

Audit Office, Sydney, New South Wales,  
8th March, 1859.

W. C. MAYNE,  
Auditor General.

STATEMENT shewing the Particulars of Pensions provided by Schedule B, annexed to the Act 18 & 19 Victoria, Cap. 54, of the Pensions actually drawn or payable for the Years 1857-8, and of the Amount which has reverted to the Consolidated Revenue Fund for 1858.

PENSIONS PROVIDED AND PAYABLE FROM		PARTIES.	PERIOD FOR WHICH DRAWN.		AMOUNT DRAWN.		PAYABLE IN 1859, ON ACCOUNT OF 1856-8.	BALANCE REVERTED TO THE CONSOLIDATED REVENUE FUND.		REMARKS.
Balances of 1857.	Reserve for 1858.		From	To	For 1857.	For 1858.		For 1857.	For 1858.	
		PENSIONS TO JUDGES.								
.....	4,550 0 0	Judges of the Supreme Court .....	.....	.....	.....	.....	.....	.....	4,550 0 0	
		PENSIONS TO POLITICAL OFFICERS.								
166 13 4	2,000 0 0	E. Deas Thomson, Esq., C.B., late Colonial Secretary .....	1 Dec., 1857	31 Dec., 1858..	166 13 4	2,000 0 0	.....	.....	.....	
500 0 0	1,000 0 0	C. D. Riddell, Esq., late Colonial Treasurer .....	1 July, 1857	30 Sep., 1858..	500 0 0	750 0 0	250 0 0	.....	.....	
75 0 0	900 0 0	F. L. S. Merewether, Esq., late Auditor General .....	1 Dec., 1857	31 Dec., 1858..	75 0 0	900 0 0	.....	.....	.....	
100 0 0	1,200 0 0	J. H. Plunkett, Esq., Q.C., late Attorney General .....			100 0 0	1,200 0 0	.....	.....	.....	
400 0 0	800 0 0	Sir W. M. Manning, Q.C., late Solicitor General .....	1 July, 1857	30 Sep., 1858..	400 0 0	600 0 0	200 0 0	.....	.....	
		PENSIONS TO SUPERANNUATED OFFICERS AND OTHERS.								
94 15 10	379 3 4	William Lithgow, late Auditor General .....	1 Oct., 1857	31 Dec., 1858..	94 15 10	379 3 4	.....	.....	.....	
25 0 0	300 0 0	William Carter, late Registrar General .....	1 Dec., 1857	"	25 0 0	300 0 0	.....	.....	.....	
50 0 0	200 0 0	J. Nicholson, late Harbour Master .....	1 Oct., 1857	"	50 0 0	200 0 0	.....	.....	.....	
55 12 6	222 10 0	G. B. White, late Surveyor .....	"	"	55 12 6	222 10 0	.....	.....	.....	
15 11 1	186 13 4	G. W. Newcombe, late Clerk in the Colonial Secretary's Office .....	1 Dec., 1857	"	15 11 1	186 13 0	.....	.....	0 0 4	
41 15 0	167 0 0	James Larmer, late Surveyor .....	1 Oct., 1857	"	41 15 0	167 0 0	.....	.....	.....	
19 15 0	79 0 0	B. P. Griffin, late Clerk in the Colonial Treasury .....	"	"	19 15 0	79 0 0	.....	.....	.....	
17 10 0	70 0 0	James Warner, late Assistant Surveyor .....	"	"	17 10 0	70 0 0	.....	.....	.....	
6 18 3	27 13 0	H. M'Kenny, late Matron, Protestant Orphan School .....	"	"	6 18 3	27 13 0	.....	.....	.....	
.....	24 5 6	W. Taylor, late Clerk of Petty Sessions, Wollongong .....	.....	.....	.....	.....	.....	.....	24 5 6	Appointed Messenger to the Legislative Council on 9th June, 1856.
1 16 8	22 0 0	S. M. Burrowes, late Foreman of Colonial Stores .....	1 Dec., 1857	"	1 16 8	22 0 0	.....	.....	.....	
3 16 3	7 12 6	Richard Williams, late Coast Waiter, Customs .....	1 July, 1857	30 June, 1858..	3 16 3	3 16 3	3 16 3	.....	.....	
25 0 0	100 0 0	S. Milcham, Widow of Surgeon Mileham .....	1 Oct., 1857	31 Dec., 1858..	25 0 0	100 0 0	.....	.....	.....	
13 16 0	54 15 0	J. Graves, late Sergeant, Gold Guards .....	"	"	13 16 0	54 15 0	.....	.....	.....	
8 16 5	35 5 8	W. Galvin, late Messenger, Legislative Council .....	"	"	8 16 5	35 5 8	.....	.....	.....	
7 8 3	29 13 1	N. Robinson, late Constable, Police, Sydney .....	"	"	7 8 3	29 13 0	.....	.....	0 0 1	
£ 1,629 4 7	12,355 11 5	Carried forward .. .. .	..	..	£ 1,629 4 7	7,327 9 3	453 16 3	.....	4,574 5 11	

## STATEMENT OF PENSIONS PROVIDED BY SCHEDULE B.—Continued.

PENSIONS PROVIDED AND PAYABLE FROM		PARTIES.	PERIOD FOR WHICH DRAWN.		AMOUNT DRAWN.		PAYABLE IN 1859, ON ACCOUNT OF 1856-8.	BALANCE REVERTED TO THE CONSOLIDATED REVENUE FUND.		REMARKS.
Balances of 1857.	Reserve for 1858.		From	To	For 1857.	For 1858.		For 1857.	For 1858.	
1,629 4 7	12,355 11 5	Brought forward.....£			1,629 4 7	7,327 9 3	453 16 3	.....	4,574 5 11	
PENSIONS TO SUPERANNUATED OFFICERS AND OTHERS—Continued.										
5 14 0	22 16 3	T. Williams, late Constable, Police, Windsor .....	1 Oct., 1857	20 Sept., 1858	5 14 0	16 9 7	.....	.....	6 6 8	Deceased.
3 14 11	14 19 9	W. Callaghan, " " Sydney .....	"	31 Dec., 1858	3 14 11	14 19 8	.....	.....	0 0 1	
3 14 6	14 18 3	R. Wilson, " " Penrith .....	"	"	3 14 6	14 18 0	.....	.....	0 0 3	
3 14 1	14 16 6	J. Moore, late Keeper of Supreme Court House .....	"	"	3 14 1	14 16 4	.....	.....	0 0 2	
3 2 6	12 10 0	B. Naughton, late Constable, Police, Sydney .....	"	"	3 2 6	12 10 0	.....	.....	.....	
2 6 0	9 2 6	B. Nichols, " " " .....	"	"	2 6 0	9 2 6	.....	.....	.....	
94 5 10	188 11 8	Rev. E. Wilkinson, late Colonial Chaplain .....	1 July, 1857	30 Sept., 1858	94 5 10	141 8 9	47 2 11	.....	.....	
35 14 4	71 8 6	W. H. Kerr, late Chief Commissioner of Insolvent Estates .....	"	19 Aug., 1858	35 14 2	45 8 4	.....	0 0 2	26 0 2	Deceased.
42 10 0	85 0 0	J. Townshend, late Clerk in the Colonial Secretary's Office .....	"	30 April, 1858	42 10 0	28 6 8	.....	.....	56 13 4	Deceased.
26 0 0	52 0 0	F. Gosling, late Clerk in General Post Office .....	"	30 Sept., 1858	26 0 0	89 0 0	13 0 0	.....	.....	
100 0 0	200 0 0	Mrs. Smith, Widow of Judge Advocate Bent .....	"	30 June, 1858	100 0 0	100 0 0	100 0 0	.....	.....	
4 12 0	9 2 6	T. Bevan, late Trooper, Mounted Police .....	"	30 Sept., 1858	4 12 0	6 16 6	2 6 0	.....	.....	
111 13 9	137 11 2	T. S. Townsend, late Surveyor .....	"	"	111 12 3	103 3 3	34 7 9	0 1 6	0 0 2	
13 12 6	.....	Maria Feeny, Gratuity as Matron of Gaol at Brisbane, one month's } pay for every year of Service .....	.....	.....	.....	.....	13 12 6	.....	.....	
10 7 5	39 10 0	Michael Doyle, late Messenger in the Colonial Treasury .....	1 Oct., 1857	31 Dec., 1858	10 7 5	39 10 0	.....	.....	.....	
13 5 4	58 0 8	N. Leader, late Clerk in the Court of Requests .....	"	31 Mar., 1858	13 5 2	13 5 2	39 15 6	0 0 2	.....	
12 6 5	113 17 4	R. Ormiston, late Chief Clerk, Central Police Office .....	1 Dec., 1857	31 Dec., 1858	12 6 5	113 17 4	.....	.....	.....	
18 10 0	35 10 0	Colin Mackenzie, late Clerk in the Supreme Court .....	1 Oct., 1857	"	18 10 0	35 10 0	.....	.....	.....	
46 15 9	146 4 8	Merion Moriarty, late Port Master .....	23 July, 1857	"	46 15 9	146 4 3	.....	.....	0 0 5	
34 1 9	143 19 9	J. J. Galloway, late District Surveyor .....	6 Oct., 1857	30 Sept., 1858	33 18 7	107 19 9	35 19 11	0 3 2	0 0 1	
9 13 6	21 16 6	Edward Bullock, late Turnkey, Bathurst Gaol .....	1 April, 1857	31 Dec., 1858	9 13 6	21 16 6	.....	.....	.....	
10 10 3	25 4 9	John Bailey, late Coxswain, Customs' Department .....	1 Aug., 1857	31 May, 1858	10 10 3	10 10 0	.....	.....	14 14 9	Deceased.
.....	73 10 11	O. Homersham, late Clerk, " " .....	1 Mar., 1857	30 Sept., 1858	.....	63 10 4	10 0 7	.....	.....	
.....	23 10 0	Thos. Hinton, late Porter, " " .....	"	31 Dec., 1858	.....	23 10 0	.....	.....	.....	
.....	3 14 9	John Brennan, late Turnkey, Parramatta Gaol .....	4 Nov., 1858	"	.....	.....	3 14 9	.....	.....	
.....	21 6 7	William Shone, late Surveyor .....	23 Oct., 1858	"	.....	.....	21 6 7	.....	.....	
.....	60 5 7	Balance Unappropriated .....	.....	.....	.....	.....	.....	.....	60 5 7	
£2,235 9 5	13,950 0 0	TOTALS.....£			2,221 11 11	8,450 2 2	775 2 9	0 5 0	4,738 7 7	

Audit Office, Sydney, New South Wales,  
8th March, 1859.

W. C. MAYNE,  
Auditor General.



# NEW SOUTH WALES.

## Schedule C, 48 and 49 Victoria, Cap. 54.

IN ACCOUNT WITH THE CONSOLIDATED REVENUE FUND, 1ST JANUARY TO 31ST DECEMBER, 1858.

Dr.

Cr.

RECEIPTS.	1857.	1858.	DISBURSEMENTS.	1857.	1858.
To Balance at the Credit of the Schedule C, on the 31st December, 1857 ... ..	4,079 7 10		By Amount of Payments, as per Account of Consolidated Revenue Fund, on account of the year 1857... .. £4,705 16 7 Less Advances on Account in 1857 762 4 5	3,943 12 2	
To Revenue derived from the Bishopthorpe Estate for 1857, a further sum of ... ..	466 13 4				
To ditto for 1858... ..	.....	458 6 8	By Amount of Payments, as per Account of Consolidated Revenue Fund, on account of the year 1858 ... ..	.....	24,448 15 8
To Amount transferred from the Consolidated Revenue Fund, and apportioned to the undermentioned Communion according to the Census of 1851, viz. :—			By Surplus transferred to the Consolidated Revenue Fund, to meet additions to Stipends ... ..	402 9 0	
Church of England ... ..	.....	14,634 6 5			
Presbyterian Church ... ..	.....	2,852 15 11	By Amount of Charges on Account of 1857 and 1858, payable in 1859 ... ..	200 0 0	4,009 11 0
Wesleyan Methodist Mission ... ..	.....	1,572 10 6			
Roman Catholic Church ... ..	.....	8,940 7 2			
TOTALS ... .. £	4,546 1 2	28,458 6 8	TOTALS ... .. £	4,546 1 2	28,458 6 8

Audit Office, Sydney, New South Wales,  
19th April, 1859.

W. C. MAYNE,  
Auditor General,

# SCHEDULE C.

STATEMENT of the Expenditure, from the Colonial Treasury, of the Amount appropriated for defraying the Expenses of the several Services and Purposes specified in the Schedule C annexed to the Act 18 and 19 Victoriae, Caput 54, in the Year 1858.

STATION.	NAME.	SALARIES.	ALLOWANCES.		CONTINGENT CHARGES.	Special Payments out of the Unexpended Balances on 31 Dec., 1856-7.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.			For the Service of the Year 1857.	For the Service of the Year 1858.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CHURCH OF ENGLAND.										
<i>Diocese of Sydney.</i>										
Sydney.	The Bishop of Sydney and Metropolitan	The Right Reverend F. Barker, D.D.	1,800 0 0	.....	.....	.....	325 0 0	1,475 0 0	1,800 0 0	
	Dean of Sydney	Very Revd. W. M. Cowper, M.A.	66 2 7	.....	.....	.....	.....	66 2 7	66 2 7	
	St. Philip's	The Venerable Archdeacon W. Cowper, D.D.	268 6 8	.....	.....	.....	38 6 8	230 0 0	268 6 8	
		succeeded by								
	St. James'	Very Revd. W. M. Cowper, M.A.	53 6 8	.....	.....	.....	.....	53 6 8	53 6 8	
		Revd. Robert Allwood, B.A.	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	St. Andrew's	" George King, M.A.	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	St. Lawrence	" W. H. Walsh, M.A.	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	Trinity	" Foster Ashwin, B.A.	133 6 8	.....	.....	.....	16 13 4	116 13 4	133 6 8	
		succeeded by								
	St. Mark's, Alexandria	Edward Rogers	66 13 4	.....	.....	.....	.....	66 13 4	66 13 4	
		G. F. Macarthur	175 0 0	.....	.....	.....	62 10 0	112 10 0	175 0 0	
	Darlinghurst	succeeded by								
		G. W. Richardson	50 0 0	.....	.....	.....	.....	50 0 0	50 0 0	
	Surry Hills	" T. Hayden	100 0 0	.....	.....	.....	100 0 0	.....	100 0 0	
	Ashfield and Enfield	" H. S. King, B.A.	300 0 0	.....	.....	.....	200 0 0	100 0 0	300 0 0	
	Appin	" T. H. Wilkinson	150 0 0	.....	.....	.....	12 10 0	137 10 0	150 0 0	
	Balmain	" H. D. D. Sparling, B.A.	150 0 0	.....	.....	.....	12 10 0	137 10 0	150 0 0	
	Bathurst	" W. Stack, B.A.	216 13 4	.....	.....	.....	33 6 8	183 6 8	216 13 4	
	Berrima	" Thomas Sharpe, M.A.	200 0 0	45 12 6	.....	.....	28 3 4	217 9 2	245 12 6	
	Braidwood	" J. S. Hassall	200 0 0	.....	.....	10 0 0	72 10 0	137 10 0	210 0 0	
	Burwood	" James Allan	216 13 4	.....	.....	.....	50 0 0	166 13 4	216 13 4	
	Bungonia	" M. D. Mearns, M.A.	250 0 0	45 12 6	.....	.....	32 6 8	263 5 10	295 12 6	
	Camperdown	" E. B. Proctor	200 0 0	.....	.....	30 0 0	46 13 4	183 6 8	230 0 0	
		" C. C. Kemp	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Carried forward.....£		5,396 2 7	91 5 0	.....	.....	40 0 0	1,097 3 4	4,430 4 3	5,527 7 7	

## STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.		CONTINGENT CHARGES.	Special Payments out of the Unexpended Balances on 31 Dec., 1856-7.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.			For the Service of the Year 1857.	For the Service of the Year 1858.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CHURCH OF ENGLAND—Continued.										
Diocese of Sydney—Continued.	Brought forward.....	£ 5,396 2 7	91 5 0	.....	.....	40 0 0	1,097 3 4	4,430 4 3	5,527 7 7	
Camden .....	Rev. Edward Rogers .....	133 6 8	.....	.....	.....	.....	16 13 4	116 13 4	133 6 8	
	succeeded by .....									
	H. Tingcombe .....	66 13 4	.....	.....	.....	.....	.....	66 13 4	66 13 4	
Campbelltown .....	Edward Smith, B.A. ....	200 0 0	.....	.....	.....	25 0 0	41 13 4	183 6 8	225 0 0	
Canbury .....	P. G. Smith .....	150 0 0	.....	.....	.....	10 0 0	22 10 0	137 10 0	160 0 0	
	H. Tingcombe .....	133 6 8	.....	.....	.....	.....	16 13 4	116 13 4	133 6 8	
	succeeded by .....									
Carcoar .....	J. A. Burke, B.A. ....	33 6 8	.....	.....	.....	.....	.....	33 6 8	33 6 8	
Cook's River .....	E. J. Nixon, B.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Cooma, Maneroo, and Auckland ..	Thomas Druitt .....	108 6 8	.....	.....	.....	.....	16 13 4	91 13 4	108 6 8	
Chippendale .....	A. H. Stephen, B.A. ....	225 0 0	.....	.....	.....	.....	62 10 0	162 10 0	225 0 0	
Dapto .....	W. W. Simpson, M.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Denham Court .....	G. N. Woodd, B.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Goulburn .....	W. Sowerby .....	200 0 0	.....	.....	.....	10 0 0	26 13 4	183 6 8	210 0 0	
Gunning and Collector .....	D. P. M. Hulbert, M.A. ....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Hunter's Hill and Lane Cove .....	G. E. Turner, S.C.L. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Kelso .....	William Lisle .....	200 0 0	.....	.....	.....	10 0 0	26 13 4	183 6 8	210 0 0	
Kjama .....	J. Barnier, D.D. ....	283 6 8	.....	.....	.....	.....	200 0 0	83 6 8	283 6 8	
Liverpool .....	C. F. D. Priddle .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Marsfield .....	W. F. Gore, B.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Mudgee .....	James Günther .....	225 0 0	.....	.....	.....	14 11 2	77 1 2	162 10 0	239 11 2	
Mulgoa .....	George Vidal, B.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Narellan .....	Thomas Hassall, M.A. ....	270 16 8	45 12 6	.....	.....	.....	53 3 4	263 5 10	316 9 2	
Parramatta .....	R. L. King, B.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Prospect .....	Thomas Donkin, B.D. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Pitt Town and Wilberforce .....	Thomas Wilson, B.A. ....	216 13 4	.....	.....	.....	.....	33 6 8	183 6 8	216 13 4	
Penrith and South Creek .....	Elijah Smith .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Queanbeyan .....	A. D. Soares .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Richmond and Kurrajong .....	John Elder .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
St. Leonard's .....	W. B. Clarke, M.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	William Stone, B.A. ....	116 13 4	.....	.....	.....	.....	16 13 4	100 0 0	116 13 4	
	succeeded by .....									
Sutton Forest and Berrima .....	Thomas Horton .....	83 6 8	.....	.....	.....	.....	.....	83 6 8	83 6 8	
	H. T. Stiles, M.A. ....	250 0 0	45 12 6	.....	.....	.....	32 6 8	263 5 10	295 12 6	
Windsor .....	T. C. Ewing .....	166 13 4	.....	.....	.....	.....	66 13 4	100 0 0	166 13 4	
Wollongong .....	C. F. Brigstocke .....	200 0 0	.....	.....	.....	10 0 0	26 13 4	183 6 8	210 0 0	
Yass .....										
	Total, Diocese of Sydney, } carried forward.....	£ 11,408 12 7	182 10 0	.....	.....	119 11 2	2,062 4 6	3,648 9 3	11,710 13 9	11,710 13 9



## STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.		CONTINGENT CHARGES.	Special Payments out of the Unexpended Balances on 31 Dec., 1856-7.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.			For the Service of the Year 1857.	For the Service of the Year 1858.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CHURCH OF ENGLAND—Continued.	Brought forward.....	£ 11,408 12 7	182 10 0	.....	.....	119 11 2	2,062 4 6	9,648 9 3	11,710 13 9	11,710 13 9
<i>Diocese of Newcastle.</i>										
Bishop of Newcastle .....	The Right Revd. W. Tyrrell, D.D. .	500 0 0	.....	.....	.....	60 0 0	101 13 4	458 6 8	560 0 0	
Armidaale .....	Rev. S. Hungerford .....	91 13 4	.....	.....	.....	.....	8 6 8	83 6 8	91 13 4	
Brisbane .....	" E. K. Yeatman, B.A. ....	100 0 0	.....	.....	.....	.....	8 6 8	91 13 4	100 0 0	
Dungog .....	" Arthur Wayn .....	100 0 0	.....	.....	.....	.....	50 0 0	50 0 0	100 0 0	
	succeeded by									
Falbrook and Jerry's Plains .....	" T. L. Dodd .....	41 13 4	.....	.....	.....	.....	.....	41 13 4	41 13 4	
Gosford .....	" Joseph Cooper .....	166 13 4	.....	.....	.....	.....	16 13 4	150 0 0	166 13 4	
Clarence River .....	" Alfred Glennie .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	" A. E. Selwyn .....	100 0 0	.....	.....	.....	.....	25 0 0	75 0 0	100 0 0	
Hexham and Alnwick .....	" R. T. Bolton, M.A. ....	87 10 0	.....	.....	.....	.....	12 10 0	75 0 0	87 10 0	
	succeeded by									
Lower Hawkesbury .....	" Arthur Wayn .....	62 10 0	.....	.....	.....	.....	.....	62 10 0	62 10 0	
	" Thomas Horton .....	116 13 4	.....	.....	27 7 6	.....	25 15 10	118 5 0	144 0 10	
	succeeded by									
Morpeth, Hinton, and Middlehope .....	" R. T. Bolton, M.A. ....	83 6 8	.....	.....	.....	.....	.....	83 6 8	83 6 8	
Muswellbrook .....	" R. G. Boodle, M.A. ....	200 0 0	.....	.....	.....	.....	33 6 8	166 13 4	200 0 0	
Maitland (East) .....	" J. A. Greaves, M.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Maitland (West) .....	" G. K. Rusden, M.A. ....	200 0 0	45 12 6	.....	.....	.....	28 3 4	217 9 2	245 12 6	
Newcastle .....	" Robert Chapman .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Paterson .....	" C. P. N. Wilton, M.A. ....	250 0 0	45 12 6	.....	.....	.....	32 6 8	243 5 10	295 12 6	
Port Macquarie .....	" F. W. Addams .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	" Thomas O'Reilly .....	175 0 0	.....	.....	.....	.....	37 10 0	137 10 0	175 0 0	
Raymond Terrace .....	" John Cross .....	136 11 2	.....	.....	.....	.....	16 13 4	119 17 10	136 11 2	
Seone .....	" J. R. Blomfield .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Singleton .....	" Coles Child, B.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Tamworth .....	" James Blackwood, B.A. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Wollombi .....	" E. Williams .....	141 13 4	.....	.....	.....	.....	50 0 0	91 13 4	141 13 4	
	" J. F. R. Whinfield .....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
	Total, Diocese of Newcastle...£	4,103 6	91 5 0	.....	27 7 6	60 0 0	575 9 2	5,706 7 10	4,231 17 0	4,281 17 0
	Carried forward.....£	15,511 17 1	273 15 0	.....	27 7 6	179 11 2	2,637 13 8	13,354 17 1	15,992 10 9	15,992 10 9

## STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.		CONTINGENT CHARGES.	Special Payments out of the Unexpended Balances on 31 Dec., 1856-7.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.			For the Service of the Year 1857.	For the Service of the Year 1858.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
	Brought forward .....	15,511 17 1	273 15 0	.....	27 7 6	179 11 2	2,637 13 8	13,354 17 1	15,992 10 9	15,992 10 9
<b>PRESBYTERIAN CHURCH.</b>										
	Rev. James Fullerton, L.L.D. ....	216 13 4	.....	.....	.....	.....	16 13 4	200 0 0	216 13 4	
Sydney	{ Pitt-street .....	216 13 4	.....	.....	.....	.....	16 13 4	200 0 0	216 13 4	
	{ St. Andrew's .....	110 10 0	.....	.....	.....	.....	8 10 0	102 0 0	110 10 0	
	{ Paddington .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
	{ Woolloomooloo .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Bathurst	James B. Laughton, B.A. ....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Campbelltown	William M'Kee .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Goulburn	William Ross .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Hinton	Robert Blain .....	216 13 4	.....	.....	.....	.....	16 13 4	200 0 0	216 13 4	
Ipswich	W. L. Nelson, L.L.D. ....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Maitland (West)	William Purves .....	216 13 4	.....	.....	.....	.....	16 13 4	200 0 0	216 13 4	
Newcastle	James Nimmo .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Parramatta	James Coutts, M.A. ....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Paterson	Thomas Stirton .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Port Macquarie	Edward Holland .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Portland Head	George M'Fie .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Singleton	James S. White .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
Windsor	Mathew Adam .....	162 10 0	.....	.....	.....	17 13 11	30 3 11	150 0 0	180 3 11	
Wollongong	Cunningham Atchison .....	162 10 0	.....	.....	.....	.....	12 10 0	150 0 0	162 10 0	
	Total, Presbyterian Church, £	3,089 13 4	.....	.....	.....	17 13 11	255 7 3	2,852 0 0	3,107 7 3	3,107 7 3
<b>WESLEYAN METHODIST MISSION.</b>										
	Rev. H. H. Gaud .....	37 10 0	.....	.....	.....	.....	.....	37 10 0	37 10 0	
Sydney	{ Prince-street .....	.....	.....	.....	.....	.....	.....	37 10 0	37 10 0	
	{ succeeded by .....	112 10 0	.....	.....	.....	.....	.....	112 10 0	112 10 0	
	{ Surry Hills .....	37 10 0	.....	.....	.....	172 10 6	172 10 6	37 10 0	172 10 6	
Bathurst	Joseph Oram .....	37 10 0	.....	.....	.....	.....	.....	37 10 0	37 10 0	
	succeeded by .....	.....	.....	.....	.....	.....	.....	.....	.....	
	H. H. Gaud .....	112 10 0	.....	.....	.....	.....	.....	112 10 0	112 10 0	
Camden	C. W. Rigg .....	.....	.....	.....	.....	150 0 0	150 0 0	.....	150 0 0	
Goulburn	Charles Creed .....	.....	.....	.....	.....	150 0 0	150 0 0	.....	150 0 0	
Maitland	Benjamin Chapman .....	150 0 0	.....	.....	.....	.....	.....	150 0 0	150 0 0	
Newtown	W. A. Quick .....	.....	.....	.....	.....	150 0 0	150 0 0	.....	150 0 0	
Parramatta	Stephen Rabone .....	200 0 0	.....	.....	.....	.....	.....	200 0 0	200 0 0	
Windsor	James Watkin .....	.....	.....	.....	.....	150 0 0	150 0 0	.....	150 0 0	
Wollongong	Samuel Wilkinson .....	.....	.....	.....	.....	150 0 0	150 0 0	.....	150 0 0	
	Total, Wesleyan Methodist Mission, £	650 0 0	.....	.....	.....	922 10 6	922 10 6	650 0 0	1,572 10 6	1,572 10 6
	Carried forward, £	19,251 10 8	273 13 0	.....	27 7 6	1,119 15 7	3,815 11 3	16,856 17 1	20,672 8 6	20,672 8 6

## STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.		CONTINGENT CHARGES.	Special Payments out of the Unexpended Balances on 31 Dec., 1856-7.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.			For the Service of the year 1857.	For the Service of the year 1858.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
ROMAN CATHOLIC CHURCH.	Brought forward.....£	19,251 10 5	273 15 0	.....	27 7 6	1,119 15 7	3,815 11 5	16,856 17 1	20,672 8 6	20,672 8 6
Sydney	Archbishop	Most Revd. John Bede Polding D.D.	800 0 0	.....	.....	.....	66 13 4	733 6 8	800 0 0	
	Vicar General	Right Revd. Henry G. Gregory, D.D.	300 0 0	.....	.....	.....	25 0 0	275 0 0	300 0 0	
	St. Mary's	The Ven. Archdeacon J. M'Encroe..	194 14 4	.....	.....	.....	16 13 4	178 1 0	194 14 4	
	St. Patrick's	Revd. Jerome Keating	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	St. Benedict's	" Michael Corish	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
	Surry Hills	" John Sheridan	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Albury		" Cornelius Twomey	150 0 0	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Appin		" John Maher	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Armidale		" Timothy M'Carthy	150 0 0	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Balmain		" J. J. Therry	150 0 0	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Berrima		" Patrick Magennis	150 0 0	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Bathurst		" John Grant, D.D.	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Brisbane Water		" Henry Woolfrey	150 0 0	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Campbelltown		" J. P. Roche	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Carcoar		" Bernard Murphy	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Goulburn		" Richard Walsh	200 0 0	.....	.....	.....	16 13 4	183 6 8	200 0 0	
		" Peter O'Farrell	43 10 11	.....	.....	.....	12 10 0	31 0 11	43 10 11	
Hartley		succeeded by		.....	.....	.....				
		" James Phelan	106 9 0	.....	.....	.....	.....	106 9 0	106 9 0	
Kiama		" Peter Young	150 0 0	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Ipswich		" William M'Gluty	150 0 0	.....	.....	.....	12 10 0	137 10 0	150 0 0	
		" James Phelan	58 1 3	.....	.....	.....	16 13 4	41 7 11	58 1 3	
Kelso		succeeded by		.....	.....	.....				
		" Patrick Donnelly	141 18 8	.....	.....	.....	.....	141 18 8	141 18 8	
		" Charles Lovat	58 1 3	.....	.....	.....	16 13 4	41 7 11	58 1 3	
Liverpool		succeeded by		.....	.....	.....				
		" Peter O'Farrell	141 18 8	.....	.....	.....	.....	141 18 8	141 18 8	
Millendary		" Henry Garnett	31 5 0	.....	.....	.....	.....	31 5 0	31 5 0	
	Carried forward.....£	4,525 19 1	.....	.....	.....	.....	375 0 0	4,150 19 1	4,525 19 1	
	Carried forward.....£	19,251 10 5	273 15 0	.....	27 7 6	1,119 15 7	3,815 11 5	16,856 17 1	20,672 8 6	20,672 8 6

## STATEMENT OF EXPENDITURE UNDER SCHEDULE C.—Continued.

STATION.	NAME.	SALARIES.	ALLOWANCES.		CONTINGENT CHARGES.	Special Payments out of the Unexpended Balances on 31 Dec., 1856-7.	TOTAL AMOUNT PAID			TOTAL.
			In lieu of Forage for one Horse.	For Travelling Expenses.			For the Service of the Year 1857.	For the Service of the Year 1858.	TOTAL.	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
ROMAN CATHOLIC CHURCH.— <i>Continued.</i>	Brought forward.....£	19,251 10 5	273 15 0	.....	27 7 6	1,119 15 7	3,815 11 5	16,856 17 1	20,672 8 6	20,672 8 6
	Brought forward.....£	4,525 19 1	.....	.....	.....	.....	375 0 0	4,150 19 1	4,525 19 1	
Macedonald River .....	Rev'd. Joseph Martin .....	118 15 0	.....	.....	.....	.....	.....	118 15 0	118 15 0	
Maitland (East) .....	" John Kenny .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Maitland (West) .....	" J. T. Lynch .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Moreton Bay .....	" John Rigney .....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Mudgee .....	" Calaghan McCarthy .....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Parramatta .....	" J. C. Sumner .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Penrith .....	" Michael Brennan .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Petersham .....	" Patrick Birch .....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Newcastle .....	" C. V. Dowling .....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Queanbeyan .....	" Michael Kavanagh .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Raymond Terrace .....	" Eugene Luckie .....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Ryde .....	" J. L. Roher .....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Singleton .....	" James Hanly .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
St. Leonard's .....	" Peter Powell .....	150 0 0	.....	.....	.....	.....	12 10 0	137 10 0	150 0 0	
Windsor .....	" Patrick Hallinan, D.D. ....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Wollongong .....	" W. X. Johnson .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Yass .....	" Michael M'Alroy .....	200 0 0	.....	.....	.....	.....	16 13 4	183 6 8	200 0 0	
Amount applied to meet additions to Stipends of Roman Catholic Clergymen unprovided for by the Supplement to Schedule C for 1857-8 .....		.....	.....	.....	987 9 8	.....	277 15 2	709 14 6	987 9 8	
Total, Roman Catholic Church..£		7,494 14 1	.....	.....	987 9 8	.....	890 5 2	7,591 18 7	8,482 3 9	8,482 3 9
TOTAL EXPENDITURE....£		26,746 4 6	273 15 0	.....	1,014 17 2	1,119 15 7	4,705 16 7	24,448 15 8	29,154 12 3	29,154 12 3

Audit Office, Sydney, New South Wales,  
19th April, 1859.

W. C. MAYNE,  
Auditor General.



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NEW SOUTH WALES.

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CONSOLIDATED REVENUE FUND.

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ACCOUNT

OF

RECEIPTS AND DISBURSEMENTS

IN THE YEAR

**1858.**

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No. 1.

## STATEMENT OF RECEIPTS

IN THE YEAR 1858,

ON ACCOUNT OF THE CONSOLIDATED REVENUE FUND.

HEAD OF REVENUE.										AMOUNT.	TOTAL.
CUSTOMS.											
Spirits	...	...	...	...	...	...	...	...	...	309,345 6 2	
Wine	...	...	...	...	...	...	...	...	...	28,063 4 2	
Ale, Porter, and Beer of all sorts	...	...	...	...	...	...	...	...	...	9,158 12 4	
Tobacco	...	...	...	...	...	...	...	...	...	85,619 5 3	
Tea	...	...	...	...	...	...	...	...	...	31,389 6 11	
Sugar and Molasses	...	...	...	...	...	...	...	...	...	84,651 13 6	
Coffee, Chocolate, and Cocoa	...	...	...	...	...	...	...	...	...	8,700 0 8	
Opium	...	...	...	...	...	...	...	...	...	370 15 8	
DUTY ON SPIRITS DISTILLED IN THE COLONY...											557,298 4 8
GOLD.											50,955 7 10
Duty on Gold { Collected by the Collector of Customs ...										1,746 12 6	
{ Collected by the Deputy Master of the Royal Mint										30,493 8 6	
Miners' Rights	...	...	...	...	...	...	...	...	...	7,849 10 0	
Business Licenses	...	...	...	...	...	...	...	...	...	2,392 0 0	
Leases of Auriferous Tracts	...	...	...	...	...	...	...	...	...	93 10 0	
Fees for Escort and Conveyance of Gold, &c.	...	...	...	...	...	...	...	...	...	532 16 7	
MINT RECEIPTS...											43,107 17 7
LAND REVENUE.											18,148 5 3
Proceeds of Land Sales	...	...	...	...	...	...	...	...	...	240,633 8 10	
Rents of Land	...	...	...	...	...	...	...	...	...	71,895 8 0	
Rent of Land anonymously remitted to Treasury	...	...	...	...	...	...	...	...	...	30 0 0	
Quit Rents	...	...	...	...	...	...	...	...	...	1,039 7 10	
Redemption of Quit Rents	...	...	...	...	...	...	...	...	...	150 0 6	
Survey of Runs	...	...	...	...	...	...	...	...	...	866 0 6	
Increased Assessment and Rent of Runs, 22 Victoria, No. 17	...	...	...	...	...	...	...	...	...	87,858 4 7	
RENTS—EXCLUSIVE OF LAND.											402,472 10 3
Tolls and Ferries	...	...	...	...	...	...	...	...	...	1,617 6 3	
Tolls (Main Roads' Act, 1858)	...	...	...	...	...	...	...	...	...	1,446 14 4	
Wharves	...	...	...	...	...	...	...	...	...	7,887 1 0	
Military Canteen, Sydney	...	...	...	...	...	...	...	...	...	747 2 10	
Government Buildings and Premises	...	...	...	...	...	...	...	...	...	490 16 3	
LICENSES.											12,189 0 8
To Wholesale Spirit Dealers	...	...	...	...	...	...	...	...	...	6,740 0 0	
To Auctioneers	...	...	...	...	...	...	...	...	...	1,836 5 8	
To Bonded Storekeepers	...	...	...	...	...	...	...	...	...	5,284 14 10	
To Retail Fermented and Spirituous Liquors	...	...	...	...	...	...	...	...	...	48,017 11 10	
Night Licenses to Publicans and for Billiard Tables	...	...	...	...	...	...	...	...	...	3,490 0 0	
To Distillers and Rectifiers	...	...	...	...	...	...	...	...	...	56 12 0	
To Hawkers and Pedlars	...	...	...	...	...	...	...	...	...	284 17 6	
To Pawnbrokers	...	...	...	...	...	...	...	...	...	210 0 0	
To cut Timber, and make Bricks, &c., on Crown Lands	...	...	...	...	...	...	...	...	...	3,380 5 0	
All other Licenses	...	...	...	...	...	...	...	...	...	104 2 6	
Carried forward ...											69,404 9 4
										£	1,153,575 15 7



## STATEMENT OF RECEIPTS IN THE YEAR 1858,

HEAD OF REVENUE.		AMOUNT.	TOTAL.
Brought forward ... ..		£	1,153,575 15 7
POSTAGE ... ..			39,953 15 8
FINES AND FORFEITURES.			
Sheriff, { Sydney ... ..	383 0 4		
Moreton Bay ... ..	54 15 7		
Courts of Petty Sessions ... ..	3,315 8 9		
Water Police Court... ..	194 3 0		
For the Unauthorised Occupation of Crown Lands ... ..	613 5 4		
Crown's share of Seizures by the Departments of Customs and Distilleries ... ..	3,337 15 10		
Proceeds of Sale of Confiscated and Unclaimed Property ... ..	193 17 11		
Other Fines... ..	10 0 0		8,102 6 9
FEES OF OFFICE.			
On Commissions to Public Officers... ..	63 0 0		
On Certificates of Naturalization ... ..	283 16 6		
On Copies and Transcripts of Papers ... ..	10 6 6		
On the Preparation and Enrolment of Title Deeds ... ..	7,508 5 0		
Registrar General ... ..	2,991 15 0		
Prothonotary of Supreme Court ... ..	3,258 3 11		
Master in Equity ... ..	1,334 7 1		
Curator of Intestate Estates ... ..	475 1 11		
Insolvent Courts ... ..	1,597 11 6		
Sheriff ... ..	1,065 4 10		
Courts of Requests ... ..	1,943 0 0		
Moreton Bay Court... ..	512 18 3		
Courts of Petty Sessions ... ..	2,672 0 5		
Water Police Court... ..	416 17 8		
Shipping Masters ... ..	2,409 13 3		
Steam Navigation Board { Sydney... ..	147 0 0		
Brisbane ... ..	5 0 0		
Court of Claims ... ..	74 16 0		
On Disputed Claims at the Gold Fields ... ..	51 0 0		
Convict Department ... ..	3 14 0		26,823 11 10
FEES ON CERTIFICATES OF COMPETENCY TO MASTERS OF VESSELS.			1,190 0 0
RAILWAY TOLLS ... ..			64,757 12 2
ELECTRIC TELEGRAPH RECEIPTS ... ..			1,756 4 4
ASSESSMENT ON STOCK ... ..			329 15 1
SALE OF GOVERNMENT PROPERTY.			
Cast Horses and Bullocks ... ..	419 17 1		
Condemned and Unserviceable Articles, Stores, and other Property	2,756 8 0		3,176 5 1
REIMBURSEMENTS IN AID OF EXPENSES INCURRED BY GOVERNMENT.			
For the treatment of Patients in the Lunatic Asylum ... ..	1,165 7 1		
Collections by the Accountant, Government Printing Office ... ..	1,663 2 1		
Rateable proportion of the Expenses of Imperial Convicts for the year 1857, received from the British Treasury ... ..	4,430 10 2		
Contributions by the Ordnance Department towards the expense of the Gunpowder Magazine ... ..	91 18 3		
For Arms and Accoutrements lost and destroyed by the Police ... ..	4 2 0		
For damage to the Punt plying between North and South Brisbane	44 0 0		
For work performed by Prisoners in Gaol ... ..	1,466 13 10		
Amount contributed by the Government of Victoria for maintaining the Light House on Gabo Island during the year 1857 ... ..	593 1 4		
For advertising Intestate Estates in the <i>London Gazette</i> ... ..	20 0 0		
For the Sale of Electoral Lists ... ..	14 9 0		
Carried forward ... ..	£ 9,493 3 9		
Carried forward... ..	£	1,299,665 6 6	

## ON ACCOUNT OF CONSOLIDATED REVENUE FUND.

HEAD OF REVENUE.	AMOUNT.	TOTAL.
Brought forward ... ..	£ 1,299,665 6 6	
REIMBURSEMENTS IN AID OF EXPENSES INCURRED BY GOVERNMENT—Continued.		
Brought forward ... ..	£ 9,493 3 9	
Repayment from the British Treasury, of amount of Pensions to Officers of Her Majesty's Customs, temporarily paid by the Colony ... ..	892 10 0	
Repayment by the Municipal Council of Sydney, of the Expense of the first Municipal Election under the Act 20 Victoria, No. 36 ... ..	298 7 6	
Premium on cancelled Bills of Exchange on London, repaid by the Oriental Bank Corporation ... ..	234 17 10	
Amount received under the Assisted Immigrants' Employment Act, 16 Victoria, No. 42. ... ..	202 11 0	
For Military Washing and Barrack Damages ... ..	52 12 10	
For Hire of Steam Dredge ... ..	24 0 0	
Repayment by Purchasers of Government Debentures, of the Interest accrued thereon, at the date of purchase ... ..	20 12 5	
Repayment by Purchasers of Treasury Bills, of the Interest accrued thereon, at the date of purchase ... ..	315 15 8	
Other Reimbursements ... ..	70 5 0	
		11,604 16 0
INTEREST ON CITY DEBENTURES ... ..		13,761 17 6
MISCELLANEOUS RECEIPTS.		
Unclaimed Balances of Insolvent Estates ... ..	24 1 6	
Store Rent of Gunpowder ... ..	1,504 13 5	
Fees for Letters of Registration ... ..	240 0 0	
Surcharges Recovered ... ..	181 1 1	
Fees on presenting Private Bills to the Parliament ... ..	175 0 0	
Interest on Cash Deposits in the Australian Joint Stock Bank, on account of the Government ... ..	6,687 15 2	
Interest on Cash Deposits with the Oriental Bank Corporation, on account of the Government ... ..	2,378 16 2	
Amount of sundry small undrawn sums in the various Banks in Sydney, credited to the Consolidated Revenue Fund until claimed... ..	167 6 5	
Other Miscellaneous Receipts ... ..	14 13 7	
		11,373 7 4
IMMIGRATION REMITTANCES ... ..		21,271 1 0
PILOTAGE.		
Port Jackson ... ..	5,177 8 6	
Out Ports ... ..	2,889 6 0	
		8,066 14 6
HARBOUR DUES ... ..		233 15 0
TONNAGE DUES, Newcastle ... ..		1,446 1 0
SCHEDULE C.		
Balance of Revenue derived from the Bishopthorpe Estate for the year 1857 ... ..	466 13 4	
Revenue (in part) for the year 1858 ... ..	500 0 0	
		966 13 4
TOTAL ... ..	£ 1,368,389 12 2	



## No. 2.

ABSTRACT OF DISBURSEMENTS,  
IN THE YEAR 1858,  
OUT OF THE CONSOLIDATED REVENUE FUND,  
AS DETAILED IN THE ANNEXED STATEMENT.

PAGE.	HEAD OF SERVICE.	AMOUNT.
32	I.—SCHEDULES TO IMPERIAL ACT 18 & 19 VICTORIAE, CAP. 54	62,063 16 3
32	SUPPLEMENTS TO SCHEDULES A, B, AND C ... ..	19,103 12 5
33	II.—EXECUTIVE AND LEGISLATIVE ... ..	18,084 3 6
36	III.—THE PRINCIPAL SECRETARY ... ..	548,619 7 11
37	IV.—ADMINISTRATION OF JUSTICE ... ..	35,040 10 2
38	V.—TREASURER AND SECRETARY FOR FINANCE AND TRADE...	118,288 9 11
39	VI.—SECRETARY FOR LANDS AND PUBLIC WORKS ... ..	289,097 10 9
40	VII.—THE AUDITOR GENERAL ... ..	4,839 6 6
		£ 1,095,136 17 5
	UNCLASSIFIED EXPENDITURE :—	
40	Interest ... .. 95,955 10 5	
40	Charges on Collections ... .. 1,012 10 4	
41	Revenue and Receipts returned ... .. 2,802 14 5	
41	Arrear Charges against Schedule A, Parts 1 and 3, and Territorial Revenue ... .. 3,719 2 1	
		103,489 17 3
41	TOTAL DISBURSEMENTS ... ..	£ 1,198,626 14 8

*Audit Office, Sydney, New South Wales,  
30th April, 1859.*

W. C. MAYNE,  
*Auditor General.*

No. 2.

**STATEMENT OF DISBURSEMENTS,  
IN THE YEAR 1858,  
OUT OF THE CONSOLIDATED REVENUE FUND.**

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
E.—Schedules to Imperial Act 18 & 19 Victoria, Cap. 54.							
SCHEDULE A .. .. .	.....	.....	.....	22,237 9 11	22,237 9 11	1,712 10 0	20,524 19 11
SCHEDULE B .. .. .	.....	.....	.....	10,671 14 1	10,671 14 1	2,221 11 11	8,450 2 2
SCHEDULE C .. .. .	.....	.....	.....	29,154 12 3	29,154 12 3	4,705 16 7	24,448 15 8
Total, Schedules A, B, and C.. ..	£ .. .. .	.....	.....	62,063 16 3	*62,063 16 3	8,639 18 6	53,423 17 9
SUPPLEMENTS TO SCHEDULES A, B, & C.							
SCHEDULE A.							
Chief Justice, 20 Victoria, No. 5 .. .. .	.....	.....	.....	650 0 0	2,654 3 4	50 0 0	600 0 0
Puisne Judges, ditto .. .. .	.....	.....	.....	1,625 0 0		125 0 0	1,500 0 0
Colonial Treasurer, 20 Victoria, No. 18 .. .. .	.....	.....	.....	270 16 8		20 16 8	250 0 0
Auditor General .. .. .	.....	.....	.....	108 6 8		8 6 8	100 0 0
SCHEDULE B.							
Lady Forbes, Widow of Sir Francis Forbes, formerly Chief Justice .. .. .	.....	.....	.....	250 0 0	858 6 8	50 0 0	200 0 0
Lady Dowling, Widow of Sir James Dowling, late Chief Justice .. .. .	.....	.....	.....	250 0 0		100 0 0	150 0 0
Mrs. Anne Kinchela, Widow of the late Mr. Justice Kinchela .. .. .	.....	.....	.....	100 0 0		50 0 0	50 0 0
Mrs. Anne Petrie, Daughter of the late Captain Flinders, R.N. .. .. .	.....	.....	.....	125 0 0		50 0 0	75 0 0
Mr. E. R. Stack, late Master of the Benevolent Asylum .. .. .	.....	.....	.....	133 6 8		33 6 8	100 0 0
SCHEDULE C.							
Church of England .. .. .	.....	.....	.....	7,109 12 9	15,591 2 5	2,249 16 8	4,859 16 1
Presbyterian Church .. .. .	.....	.....	.....	1,660 19 4		127 15 4	1,533 4 0
Wesleyan Methodist Mission .. .. .	.....	.....	.....	1,000 0 0		600 0 0	400 0 0
Roman Catholic Church .. .. .	.....	.....	.....	2,442 19 6		.....	2,442 19 6
Clergymen at the Western Gold Fields .. .. .	.....	.....	.....	1,830 0 10		152 2 4	1,677 18 6
Clergymen at the Southern Gold Fields.. .. .	.....	.....	.....	1,347 10 0		82 10 0	1,265 0 0
Jewish Minister, Sydney .. .. .	.....	.....	.....	200 0 0		50 0 0	150 0 0
Total, Supplements to Schedules A, B, and C .. ..	£ .. .. .	.....	.....	19,103 12 5	19,103 12 5	3,749 14 4	15,353 18 1

\* The detail of these Payments will be found in separate Statements.

STATEMENT OF DISBURSEMENTS, IN THE YEAR 1858,

**STATEMENT OF DISBURSEMENTS, &c.—Continued.**

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF		
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.	
<b>II.—Executive and Legislative.</b>								
HIS EXCELLENCY THE GOVERNOR GENERAL .. .. .	762 10 9	1,564 16 0	2,327 6 9	.....	2,327 6 9	352 19 4	1,974 7 5	
LEGISLATIVE COUNCIL .. .. .	4,256 3 6	587 15 6	4,843 19 0	.....	4,843 19 0	36 13 8	4,807 5 4	
LEGISLATIVE ASSEMBLY .. .. .	5,503 8 9	1,188 8 3	6,691 17 0	.....	6,691 17 0	159 14 3	6,532 2 9	
LEGISLATIVE COUNCIL AND ASSEMBLY .. .. .	2,013 0 0	980 10 0	2,993 10 0	.....	2,993 10 0	208 16 1	2,784 13 11	
EXECUTIVE COUNCIL .. .. .	1,178 0 0	49 10 9	1,227 10 9	.....	1,227 10 9	23 6 5	1,204 4 4	
Total, Executive and Legislative.. .. .	£ 13,713 3 0	4,371 0 6	18,084 3 6	.....	18,084 3 6	781 9 9	17,302 13 9	
<b>III.—The Principal Secretary.</b>								
PRINCIPAL SECRETARY .. .. .	5,297 10 0	419 4 2	5,716 14 2	.....	5,716 14 2	194 8 4	5,522 5 10	
GOVERNMENT RESIDENT, MORETON BAY .. .. .	900 6 3	75 0 7	975 6 10	.....	975 6 10	125 8 6	849 18 4	
REGISTRAR GENERAL .. .. .	3,195 1 5	3,936 5 7	7,131 7 0	.....	7,131 7 0	1,677 6 7	5,454 0 5	
POSTAL ESTABLISHMENT AND SERVICES.								
Post Office .. .. .	20,805 12 2	3,578 9 11	24,384 2 1	} 71,249 8 9 {	} 71,249 8 9 {	2,143 14 5	22,240 7 8	
Conveyance of Mails .. .. .	.....	.....	.....			46,865 6 8	12,843 5 6	34,022 1 2
EDUCATIONAL.								
National Schools .. .. .	.....	.....	.....	20,485 1 5	} 52,730 6 11 {	1,287 4 3	19,197 17 2	
Denominational Schools—								
Church of England .. .. .	.....	.....	.....	8,893 0 8		2,099 19 3	6,793 1 5	
Presbyterian .. .. .	.....	.....	.....	1,613 13 9		242 0 10	1,371 12 11	
Wesleyan .. .. .	.....	.....	.....	865 5 0		141 15 1	723 9 11	
Roman Catholic .. .. .	.....	.....	.....	5,169 15 5		661 11 1	4,498 4 4	
Expenses of the Board .. .. .	.....	.....	.....	802 17 0		102 18 11	699 18 1	
Protestant Orphan School .. .. .	1,126 6 2	2,934 3 6	4,060 9 8	.....		394 18 8	3,665 11 0	
Roman Catholic Orphan School .. .. .	823 11 10	2,818 5 6	3,641 17 4	.....		528 15 11	3,113 1 5	
Endowment of the University of Sydney, 14 Victoria, No. 31 .. .. .	.....	.....	.....	5,000 0 0		.....	5,000 0 0	
Endowment of St. Paul's College, 18 Victoria, No. 37 .. .. .	.....	.....	.....	500 0 0		41 13 4	458 6 8	
Endowment of St. John's College, 18 Victoria, No. 37 .. .. .	.....	.....	.....	208 6 8		.....	208 6 8	
Endowment of the Sydney Grammar School, 18 Victoria .. .. .	.....	.....	.....	1,500 0 0		.....	1,500 0 0	
IMMIGRATION.								
Sydney and Brisbane Establishments .. .. .	2,641 9 0	2,932 3 0	5,573 12 0	} 90,031 14 8 {	} 90,031 14 8 {	1,212 14 0	4,360 18 0	
Quarantine .. .. .	368 15 0	1,497 18 10	1,866 13 10			.....	790 13 3	1,076 0 7
Remittances to the Land and Emigration Commissioners for the general purposes of Emigration from the United Kingdom (including £18,927 10s., Immigration Remittances) .. .. .	.....	.....	.....			71,392 15 10	4,382 15 3	67,010 0 7
Immigration Remittances refunded to Depositors .. .. .	.....	.....	.....			3,650 10 0	.....	3,650 10 0
Gratuities to Surgeons-Superintendent and others .. .. .	.....	.....	.....			6,099 3 0	.....	6,099 3 0
Bounties on the Importation of Foreign Immigrants .. .. .	.....	.....	.....			1,449 0 0	1,449 0 0	.....
Carried forward .. .. .	£ 35,158 11 10	18,191 11 1	53,350 2 11	174,484 15 5	227,834 18 4	30,320 3 2	197,514 15 2	

## STATEMENT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF SERVICE.		ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
		Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
III.—The Principal Secretary—continued.								
Brought forward .. .. .		£ 35,153 11 10	18,191 11 1	53,350 2 11	174,484 15 5	227,834 18 4	30,320 3 2	197,514 15 2
POLICE.								
Sydney, Judicial .. .. .		2,681 5 0	159 6 4	2,840 11 4	.....	176,533 3 11	24 17 8	2,815 13 8
Water .. .. .		3,823 15 11	335 2 2	4,158 18 1	.....		317 10 9	3,841 7 4
Metropolitan and District .. .. .		28,549 4 4	2,770 1 6	31,319 5 10	.....		8,462 8 4	22,556 17 6
Horse Patrol .. .. .		2,908 3 10	1,824 16 6	4,733 0 4	.....		972 15 0	3,760 5 4
Rural Police .. .. .		70,886 5 10	18,170 4 5	89,056 10 3	.....		12,002 10 11	77,053 19 4
Horse Patrol, Country Districts .. .. .		9,787 19 1	7,075 15 1	16,863 14 2	.....		7,799 5 1	9,064 9 1
Native Police, Northern Districts .. .. .		5,157 11 3	10,539 4 6	15,696 15 9	.....		9,532 8 7	6,164 7 2
Native Police, Southern Districts .. .. .		734 13 5	978 6 0	1,712 19 5	.....		915 17 9	797 1 8
Gold Guards and Conveyance .. .. .		3,810 16 6	6,340 12 3	10,151 8 9	.....		3,262 14 3	6,888 14 6
GAOL AND PENAL.								
Sydney .. .. .		4,220 10 3	4,665 14 2	8,886 4 5	.....	33,070 2 4	1,093 15 7	7,792 8 10
Parramatta .. .. .		1,982 13 8	3,090 18 3	5,073 11 11	.....		697 3 1	4,376 8 10
Bathurst .. .. .		1,418 0 0	1,280 1 1	2,698 1 1	.....		250 17 9	2,447 3 4
Maitland .. .. .		1,406 7 0	1,105 18 10	2,512 5 10	.....		422 12 10	2,089 13 0
Goulburn .. .. .		1,252 14 5	617 3 3	1,869 17 8	.....		243 14 3	1,626 3 5
Brisbane .. .. .		1,284 18 9	654 1 8	1,939 0 5	.....		4 4 0	1,934 16 5
Cockatoo Island .. .. .		4,978 13 11	5,112 7 1	10,091 1 0	.....		15 6 0	10,075 15 0
PRINTING, LITHOGRAPHING, BOOKBINDING, AND POSTAGE STAMP DEPARTMENT.								
Printing .. .. .		1,500 0 0	11,810 1 11	13,310 1 11	.....	15,822 12 3	.....	13,310 1 11
Bookbinding .. .. .		250 0 0	1,109 1 2	1,359 1 2	.....		.....	1,359 1 2
Lithographing .. .. .		.....	559 10 7	559 10 7	.....		.....	559 10 7
Postage Stamps .. .. .		.....	593 18 7	593 18 7	.....		13 7 0	580 11 7
OBSERVATORY .. .. .		839 3 4	127 13 6	966 16 10	.....	966 16 10	70 12 6	896 4 4
MEDICAL.								
Health Officers and Medical Board .. .. .		1,218 11 8	19 11 5	1,238 3 1	.....	23,868 17 2	179 13 1	1,058 10 0
Vaccine Establishments .. .. .		408 6 8	19 7 5	427 14 1	.....		92 14 10	334 19 3
Lunatic Asylum, Tarban Creek .. .. .		2,668 14 3	6,140 12 1	8,809 6 4	.....		1,527 18 5	7,281 7 11
Lunatic Asylum, Parramatta .. .. .		3,264 9 11	10,129 3 9	13,393 13 8	.....		.....	13,393 13 8
NAVAL AND MILITARY.								
Naval—Colonial Allowance .. .. .		.....	3,006 12 10	3,006 12 10	.....	20,402 17 8	.....	3,006 12 10
Gun Boat, "Spitfire" .. .. .		.....	18 12 1	18 12 1	.....		18 12 1	.....
Military Establishment and Services .. .. .		.....	10,255 2 4	10,255 2 4	.....		103 11 4	10,151 11 0
Royal Artillery .. .. .		.....	7,122 10 5	7,122 10 5	.....		495 13 8	6,626 16 9
Carried forward .. .. .		£ 190,191 10 10	133,823 2 3	324,014 13 1	174,484 15 5	498,499 8 6	78,840 7 11	419,659 0 7

**STATEMENT OF DISBURSEMENTS, &c.—Continued.**

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
<b>III.—The Principal Secretary—continued.</b>							
Brought forward .. .. . £	190,191 10 10	133,823 2 3	324,014 13 1	174,484 15 5	498,499 8 6	78,840 7 11	419,659 0 7
<b>GRANTS IN AID OF PUBLIC INSTITUTIONS.</b>							
Australian Museum Endowment Fund, 17 Victoria, No. 2 .. .. .	.....	.....	.....	1,100 0 0	}	.....	1,100 0 0
Completing the Interior Fittings of the Australian Museum .. .. .	.....	.....	.....	2,000 0 0		2,000 0 0	.....
Purchase, for the use of the Australian Museum, of the Collection of Scientific Works, which formed the Library of the late Wm. Swainson, Esq., F.R.S., ..	.....	.....	.....	97 0 0		.....	97 0 0
Sydney Mechanics' School of Arts .. .. .	.....	.....	.....	200 0 0		.....	200 0 0
In aid of the undermentioned Institutions, equal Sums having been raised by Private Subscriptions, viz. :—							
Maitland Mechanics' Institute .. .. .	.....	.....	.....	500 0 0	}	500 0 0	.....
Singleton Mechanics' Institute .. .. .	.....	.....	.....	69 15 0		69 15 0	.....
Brisbane School of Arts .. .. .	.....	.....	.....	100 0 0		.....	100 0 0
Parramatta School of Arts Building Fund .. .. .	.....	.....	.....	250 0 0		250 0 0	.....
Outfit for the Parramatta School of Arts .. .. .	.....	.....	.....	100 0 0		.....	100 0 0
Goulburn, Mechanics' School of Arts Building Fund .. .. .	.....	.....	.....	479 13 4		479 13 4	.....
<b>CHARITABLE ALLOWANCES.</b>							
For the support of Paupers in the Colonial Hospitals .. .. .	.....	.....	.....	1,697 0 2	}	259 16 8	1,437 3 6
In support of the Establishment of the Benevolent Society, Sydney, on condition of £1,000 being raised by Voluntary Contributions .. .. .	.....	.....	.....	4,936 3 6		.....	4,936 3 6
Towards completing the Building of the Asylum for Destitute Children .. ..	.....	.....	.....	2,500 0 0		.....	2,500 0 0
In further aid of the erection of the new Wing of the Sydney Infirmary .. ..	.....	.....	.....	1,777 0 0		.....	1,777 0 0
Towards the completion of the Hospital, Tamworth .. .. .	.....	.....	.....	150 0 0		150 0 0	.....
In aid of the undermentioned Institutions, equal sums having been raised by Private Subscriptions, viz. :—							
The Sydney Infirmary and Dispensary .. .. .	.....	.....	.....	700 0 0	}	.....	700 0 0
The Asylum for Destitute Children, Sydney .. .. .	.....	.....	.....	1,160 0 0		.....	1,160 0 0
The Benevolent Society, Parramatta .. .. .	.....	.....	.....	100 0 0		.....	100 0 0
Repairs and Additions to the Hospital, Brisbane .. .. .	.....	.....	.....	800 0 0		.....	800 0 0
{ Armidale and New England .. .. .	.....	.....	.....	200 0 0		.....	200 0 0
{ Bathurst .. .. .	.....	.....	.....	293 0 6		93 0 6	200 0 0
{ Brisbane .. .. .	.....	.....	.....	319 16 0		19 16 0	300 0 0
{ Goulburn .. .. .	.....	.....	.....	285 19 0		71 12 6	214 6 6
{ Maitland .. .. .	.....	.....	.....	290 8 1		101 18 9	188 9 4
{ Newcastle .. .. .	.....	.....	.....	100 11 0		100 11 0	.....
{ Parramatta .. .. .	.....	.....	.....	248 11 0		82 13 0	165 18 0
{ Port Macquarie .. .. .	.....	.....	.....	43 1 2		19 15 2	23 6 0
{ Windsor .. .. .	.....	.....	.....	199 19 9		49 19 9	150 0 0
{ Yass .. .. .	.....	.....	.....	177 8 10		177 8 10	.....
<b>COLONIAL AGENT GENERAL</b> .. .. .	.....	.....	.....	325 0 0	325 0 0	100 0 0	225 0 0
<b>ABORIGINES</b> .. .. .	.....	.....	.....	2,284 0 1	2,284 0 1	470 2 8	1,813 17 5
<b>MUNICIPAL INSTITUTIONS.</b>							
City of Sydney—in aid of the City Funds .. .. .	.....	.....	.....	10,000 0 0	10,000 0 0	.....	10,000 0 0
Carried forward .. .. . £	190,191 10 10	133,823 2 3	324,014 13 1	207,969 2 10	531,983 15 11	83,836 11 1	448,147 4 10



**STATEMENT OF DISBURSEMENTS, &c.—Continued.**

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
<b>III—The Principal Secretary—continued.</b>							
Brought forward .. .. .	£ 190,191 10 10	133,823 2 3	324,014 13 1	207,969 2 10	531,983 15 11	53,836 11 1	448,147 4 10
<b>MISCELLANEOUS.</b>							
Paper and Parchment for Printing .. .. .				4,064 15 2		1,657 19 2	2,406 16 0
Expenses attending the preparation of the Electoral Lists .. .. .				1,742 14 3		117 17 3	1,624 17 0
Expense of Election of Members to serve in the Legislative Assembly .. .. .				1,138 2 0		97 12 9	1,040 9 3
Further Expense of Election of Aldermen and Auditors to serve in the Municipal Council of the City of Sydney, 20 Victoria, No. 36, Section 37 .. .. .				0 18 0		0 18 0	.....
Erecting Pounds, and Allowances to Poundkeepers .. .. .				20 0 0			20 0 0
Compensation to Public Officers whose situations have been abolished .. .. .				131 4 11		131 4 11	.....
Compensation to Mrs. Elizabeth Wynter, in lieu of the Commission, received by E. D. Day, Esq., for superintending the sale of Crown Lands in 1854 .. .. .				100 0 0		100 0 0	.....
Loss on the Sale of Gold transmitted to the Paris Exhibition .. .. .				407 10 3		407 10 3	.....
Further Expenses incurred for the relief of Sufferers by the late Floods in the Hunter River District .. .. .				91 17 8		91 17 8	.....
Establishment of Meteorological Stations .. .. .				17 10 0		17 10 0	.....
Naval Postage .. .. .				15 8 0		5 4 0	10 4 0
Towards the relief of Unemployed Laborers in the City of Sydney .. .. .				1,710 18 4			1,710 18 4
Gratuity to John Murray Bate on his retirement from the office of 1st Clerk on the Legislative Council Establishment .. .. .				179 3 4			179 3 4
Expedition in search of Dr. Leichhardt .. .. .				3,441 15 0		3,441 15 0	.....
Erection of a Tablet over the remains of the Sufferers by the Wrecks of the "Dunbar" and "Catherine Adamson," in the year 1857 .. .. .				91 4 6	16,635 12 0	91 4 6	.....
Aid to the "Diggers' Employment Committee," to enable them to remove Unemployed Diggers to the interior .. .. .				1,750 0 0			1,750 0 0
Compensation to Mr. A. C. Bartlett, for Sheep destroyed under the Scab in Sheep Act of 1854 .. .. .				385 8 0			385 8 0
Salary and Allowance of the Agent of the Government of New South Wales, in England, for negotiating a Steam Postal Service via Panama .. .. .				264 3 4			264 3 4
Commission and other charges connected with the payment, in London, of Interest on Debentures .. .. .				673 7 8		104 12 3	568 15 5
Amount paid for the services of a Pilot on board H. M. S. "Iris," while on a voyage to Woodlark Island .. .. .				57 18 2			57 18 2
Taking and transcribing Evidence before a Commission of Inquiry into the late Railway Accident .. .. .				58 10 0			58 10 0
Taking and transcribing Evidence before a Board appointed to inquire into certain matters at Cockatoo Island .. .. .				73 2 6			73 2 6
Compiling a Statistical Return for the illustration of the Electoral Bill .. .. .				21 0 0			21 0 0
Expense of firing the Noon Gun .. .. .				31 10 0		31 10 0	.....
Miscellaneous Items .. .. .				167 10 11		75 13 6	91 17 5
<b>Total, Principal Secretary .. .. .</b>	<b>£ 190,191 10 10</b>	<b>133,823 2 3</b>	<b>324,014 13 1</b>	<b>224,604 14 10</b>	<b>548,619 7 11</b>	<b>90,209 0 4</b>	<b>458,410 7 7</b>

STATEMENT OF DISBURSEMENTS, IN THE YEAR 1853.

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
<b>IV.—Administration of Justice.</b>							
LAW OFFICERS .. .. .	3,816 19 10	996 11 5	4,813 11 3	.....	4,813 11 3	138 5 6	4,675 5 9
SUPREME AND CIRCUIT COURTS .. .. .	4,750 3 4	2,975 6 1	7,725 9 5	.....	7,725 9 5	462 19 2	7,262 10 3
MORETON BAY COURT .. .. .	1,363 3 4	964 16 2	2,327 19 6	.....	2,327 19 6	191 12 2	2,136 7 4
SHERIFF .. .. .	3,430 0 0	2,233 5 11	5,663 5 11	.....	5,663 5 11	61 13 10	5,601 12 1
INSOLVENT COURT.. .. .	1,382 1 8	2 13 2	1,384 14 10	.....	1,384 14 10	102 1 8	1,282 13 2
QUARTER SESSIONS .. .. .	2,714 0 0	3,449 5 8	6,163 5 8	.....	6,163 5 8	28 13 2	6,134 12 6
COURTS OF REQUESTS .. .. .	2,929 9 7	226 18 1	3,156 7 8	.....	3,156 7 8	276 13 9	2,879 13 11
COURT OF CLAIMS .. .. .	.....	.....	.....	75 4 0	75 4 0	58 12 0	16 12 0
CORONERS .. .. .	761 11 4	2,535 6 1	3,296 17 5	.....	3,296 17 5	866 4 5	2,430 13 0
MISCELLANEOUS.							
Law Expenses in the case of the Queen v. Hardy .. .. .	.....	.....	.....	207 15 6	} 433 14 6 {	207 15 6	.....
Amount paid into Court, in the case, Lenchau v. Robertson .. .. .	.....	.....	.....	225 19 0		.....	225 19 0
Total, Administration of Justice .. .. .	£ 21,147 9 1	13,384 2 7	34,531 11 8	508 18 6	35,040 10 2	2,394 11 2	32,645 19 0
<b>V.—Treasurer and Secretary for Finance and Trade.</b>							
TREASURY .. .. .	5,684 10 3	374 16 8	6,059 6 11	.....	6,059 6 11	217 4 8	5,842 2 3
CUSTOMS.							
Establishment .. .. .	20,855 15 10	3,662 15 11	24,518 11 9	.....	} 55,892 12 10 {	2,222 11 7	22,296 0 2
Drawbacks and Refund of Duties.. .. .	.....	.....	.....	31,374 1 1		.....	31,374 1 1
COLONIAL DISTILLERIES .. .. .	1,699 15 11	217 0 1	1,916 16 0	.....	1,916 16 0	170 0 5	1,746 15 7
SYDNEY BRANCH OF THE ROYAL MINT .. .. .	9,085 17 8	2,647 1 7	11,732 19 3	.....	11,732 19 3	484 0 11	11,248 18 4
GOLD RECEIVERS .. .. .	167 0 10	.....	167 0 10	.....	167 0 10	33 6 8	123 14 2
COLONIAL STOREKEEPER .. .. .	2,410 0 0	2,657 7 5	5,067 7 5	.....	5,067 7 5	820 18 6	4,246 8 11
GUNPOWDER MAGAZINE .. .. .	224 19 7	495 5 7	720 5 2	.....	720 5 2	75 0 0	645 5 2
SHIPPING MASTERS—							
Sydney .. .. .	1,443 0 0	33 4 5	1,476 4 5	.....	} 1,594 16 5 {	7 15 11	1,468 8 6
Newcastle .. .. .	61 6 1	7 5 11	68 12 0	.....		6 13 4	61 18 8
Moreton Bay .. .. .	50 0 0	.....	50 0 0	.....		12 10 0	37 10 0
Carried forward .. .. .	£ 41,672 6 2	10,094 17 7	51,767 3 9	31,374 1 1	83,141 4 10	4,050 2 0	79,091 2 10

**STATEMENT OF DISBURSEMENTS, &c.—Continued.**

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
<b>V.—Treasurer and Secretary for Finance and Trade—continued.</b>							
Brought forward .. .. . £	41,672 6 2	10,094 17 7	51,767 3 9	31,374 1 1	83,141 4 10	4,050 2 0	79,091 2 10
<b>LIGHT HOUSES, HARBOURS, AND PILOT DEPARTMENT.</b>							
Steam Navigation Board and Harbour Master, Sydney .. .. .	4,207 8 5	601 8 5	4,808 16 10	.....	26,694 10 8	524 6 2	4,284 10 8
Steam Navigation Board, Brisbane .. .. .	20 0 0	.....	20 0 0	.....		7 10 0	12 10 0
Light House, South Head .. .. .	440 0 0	271 4 5	711 4 5	.....		73 5 9	637 18 8
Light House, Inner South Head .. .. .	208 16 1	195 11 4	404 7 5	.....		.....	404 7 5
Light, Fort Denison .. .. .	38 16 0	22 18 5	61 14 5	.....		.....	61 14 5
Floating Light, Port Jackson .. .. .	559 0 0	523 17 6	1,082 17 6	.....		108 19 9	973 17 9
Floating Light, Moreton Bay .. .. .	594 3 2	720 7 0	1,314 10 2	.....		208 7 0	1,106 3 2
Light House, Moreton Bay .. .. .	540 0 0	348 10 8	888 10 8	.....		45 0 0	843 10 8
Light House, Gabo Island .. .. .	265 0 6	1,664 16 7	1,929 17 1	.....		1,196 15 6	733 1 7
Light House, Kent's Group .. .. .	.....	.....	.....	1,338 18 11		1,338 18 11	.....
Light House, Newcastle .. .. .	362 17 4	115 13 10	478 11 2	.....		64 19 9	413 11 5
Harbour Master, Newcastle .. .. .	1,975 3 4	282 3 3	2,257 6 7	.....		208 15 3	2,048 11 4
Harbour Master, Moreton Bay .. .. .	2,160 11 8	203 8 8	2,364 0 4	.....		253 5 2	2,110 15 2
Remuneration to Pilots, Port Jackson .. .. .	.....	.....	.....	3,390 19 4		213 6 8	3,177 12 8
Pilot, Wollongong .. .. .	112 13 4	461 1 0	573 14 4	.....		43 13 4	530 1 0
Pilot Station, Manning River .. .. .	655 0 0	89 8 2	744 8 2	.....		84 11 8	659 16 6
Pilot Station, M'Leay River .. .. .	643 0 0	20 17 9	663 17 9	.....		46 11 8	517 6 1
Pilot, Kiama .. .. .	73 3 4	.....	73 3 4	.....		8 13 4	64 10 0
Pilot Station, Port Macquarie .. .. .	612 0 8	74 3 5	686 4 1	.....		58 1 8	628 2 5
Pilot Station, Clarence River .. .. .	750 4 0	30 10 6	780 14 6	.....		69 19 3	710 15 3
Pilot Station, Richmond River .. .. .	655 0 0	25 12 9	680 12 9	.....		60 8 0	620 4 9
Telegraph Stations, Sydney and South Head .. .. .	641 18 4	89 4 5	731 2 9	.....		93 2 0	638 0 9
Port Curtis Establishment .. .. .	750 17 2	58 1 0	808 18 2	.....		470 7 1	338 11 1
<b>MISCELLANEOUS.</b>							
Provisions left on Booby Island for the relief of Shipwrecked Persons .. .. .	.....	.....	.....	24 3 6	8,452 14 5	8 6 0	15 17 6
For the employment of the Steam Dredge .. .. .	.....	.....	.....	2,024 4 10		259 15 11	1,764 8 11
Hire of Tug and additional Puntts attached to the Steam Dredge, employed in depositing silt at the Botanic Gardens .. .. .	.....	.....	.....	759 15 0		.....	759 15 0
Purchase of Puntts for the Steam Dredge .. .. .	.....	.....	.....	810 0 0		.....	810 0 0
Repairs to the Steam Dredge .. .. .	.....	.....	.....	303 10 8		.....	303 10 8
Gratuity to the Widow of the late Mr. Pilot Hawkes, who was drowned whilst in the discharge of his duty .. .. .	.....	.....	.....	250 0 0		.....	250 0 0
Premiums on Bills of Exchange purchased for remittance to England .. .. .	.....	.....	.....	673 18 1		.....	673 18 1
Proceeds of the Gold, seized on board the "Ethereal" and "Mary Nicholson," restored .. .. .	.....	.....	.....	3,279 17 4		.....	3,279 17 4
Expense of towing H. M. S. "Herald" to and from the Fitz Roy Dry Dock .. .. .	.....	.....	.....	25 0 0		25 0 0	.....
Expense of conveying Shipwrecked Seamen from Wide Bay to Sydney .. .. .	.....	.....	.....	46 0 0		.....	46 0 0
Expense of conveying, from Keppel Bay to Newcastle, the Shipwrecked Passengers and Crew of the barque "Timandra" .. .. .	.....	.....	.....	256 5 0		.....	256 5 0
<b>Total, Treasurer and Secretary for Finance and Trade .. .. . £</b>	<b>57,837 19 6</b>	<b>15,893 16 8</b>	<b>73,731 16 2</b>	<b>44,556 13 9</b>	<b>118,288 9 11</b>	<b>9,522 1 10</b>	<b>108,766 8 1</b>

STATEMENT OF DISBURSEMENTS, IN THE YEAR 1858.

STATEMENT OF DISBURSEMENTS, &c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
<b>VI.—Secretary for Lands and Public Works.</b>							
SECRETARY FOR LANDS AND PUBLIC WORKS .. .. .	5,451 13 0	620 14 8	6,072 7 8	.....	6,072 7 8	136 17 1	5,935 10 7
SURVEY AND MANAGEMENT OF CROWN LANDS .. .. .	48,371 14 10	14,506 11 9	62,878 6 7	.....	62,878 6 7	14,996 3 1	47,882 3 6
COMMISSION AND CHARGES ON SALES OF LAND, AND IMMIGRATION REMITTANCES .. .. .	.....	.....	.....	6,442 10 8	6,442 10 8	2,861 19 6	3,580 11 2
GOLD FIELDS .. .. .	9,812 4 6	10,705 19 11	20,518 4 5	.....	20,518 4 5	3,644 11 10	16,873 12 7
RAILWAYS .. .. .	8,818 11 11	2,435 17 2	11,254 9 1	40,212 16 11	51,467 6 0	.....	51,467 6 0
ROADS DEPARTMENT .. .. .	2,900 5 4	535 18 0	3,436 3 4	.....	3,436 3 4	171 11 10	3,264 11 6
ELECTRIC TELEGRAPH BRANCH .. .. .	1,690 16 0	79 17 1	1,770 13 1	677 17 0	2,448 10 1	.....	2,448 10 1
HARBOURS AND RIVER NAVIGATION .. .. .	153 1 1	98 10 0	256 11 1	185 14 3	442 5 4	.....	442 5 4
COLONIAL ARCHITECT .. .. .	4,953 10 0	486 8 10	5,439 18 10	.....	5,439 18 10	493 5 11	4,946 12 11
BOTANIC GARDENS.							
Sydney .. .. .	550 0 0	1,421 18 8	1,971 18 8	.....	2,481 5 0	16 19 9	1,954 18 11
Brisbane .. .. .	200 0 0	309 6 4	509 6 4	.....		50 0 0	459 6 4
GOVERNMENT DOMAINS AND HYDE PARK .. .. .	258 0 0	950 5 3	1,208 5 3	.....	1,208 5 3	20 18 7	1,187 6 8
EXAMINER OF COAL FIELDS AND COAL MINES .. .. .	634 4 0	32 6 0	666 10 0	.....	666 10 0	61 13 0	604 17 0
PUBLIC WORKS AND BUILDINGS (for particulars see Appendix, pages 42 and 43.) .. .. .	.....	.....	.....	43,452 5 2	43,452 5 2	24,500 15 1	18,951 10 1
ROADS, BRIDGES, AND FERRIES (for particulars see Appendix, page 43.) .. .. .	.....	.....	.....	76,024 15 4	76,024 15 4	32,478 4 1	43,546 11 3
MISCELLANEOUS.							
Expenses consequent upon the discovery of Gold upon the Fitz Roy River, Port Curtis .. .. .	.....	.....	.....	5,328 19 1	6,118 17 1	.....	5,328 19 1
Expense of an Inquiry made by Robert Meston, Esq., into the disease among Sheep and Cattle, generally known as the "Cumberland Disease" .. .. .	.....	.....	.....	150 0 0		.....	150 0 0
Cost of Survey, as to the means of supplying Fresh Water to the Town of Wollongong .. .. .	.....	.....	.....	58 18 0		.....	58 18 0
Compensation to Mr. David Cross, for Buildings erected by him at Wiseman's Ferry .. .. .	.....	.....	.....	150 0 0		.....	150 0 0
Compensation to Mr. Peter Rawlings, for the loss which he sustained by the line of Railway being carried through his property .. .. .	.....	.....	.....	431 0 0		.....	431 0 0
Total, Secretary for Lands and Public Works .. .. .	£ 83,799 0 8	32,183 13 8	115,982 14 4	173,114 16 5	289,097 10 9	79,432 19 9	209,664 11 0

## STATEMENT OF DISBURSEMENTS, &amp;c.—Continued.

STATEMENT OF DISBURSEMENTS, IN THE YEAR 1858.

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HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
VII.—The Auditor General.							
THE AUDITOR GENERAL'S DEPARTMENT .. .. .	4,666 11 11	172 14 7	4,839 6 6	.....	4,839 6 6	142 11 6	4,696 15 0
Unclassified Expenditure.							
INTEREST ON LOANS .. .. .	.....	.....	.....	95,955 10 5	95,955 10 5	.....	95,955 10 5
CHARGES ON COLLECTIONS.							
Commission—							
On the sale of Government Property .. .. .	.....	.....	.....	8 6 6	407 6 4	.....	8 6 6
On the collection of Intestate Estates .. .. .	.....	.....	.....	295 4 2		.....	295 4 2
On the collection of Murray River Customs by the Government of South Australia .. .. .	.....	.....	.....	159 3 2		.....	159 3 2
Advertising .. .. .	.....	.....	.....	4 12 6		.....	4 12 6
Miscellaneous.							
Expense of the conveyance of Gold Coin from the Mint to the Bank of New South Wales .. .. .	.....	.....	.....	23 10 0	545 4 0	.....	23 10 0
Value of Gold Coins taken from the general circulation of the Colony for transmission to England .. .. .	.....	.....	.....	407 0 0		.....	407 0 0
Expenses of Letters of Registration applied for or granted under the Act of Council, 16 Victoria, No. 24 .. .. .	.....	.....	.....	109 2 0		.....	109 2 0
Other miscellaneous Charges .. .. .	.....	.....	.....	5 12 0		.....	5 12 0
	.....	.....	.....	1,012 10 4	1,012 10 4	.....	1,012 10 4
Carried forward .. .. . £	.....	.....	.....	96,968 0 9	96,968 0 9	.....	96,968 0 9

## STATEMENT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF SERVICE.	ESTABLISHMENTS.			OTHER SERVICES.	TOTAL PAYMENTS.	CHARGED ON APPROPRIATIONS OF	
	Salaries.	Contingencies.	TOTAL.			Previous Years.	Current Year.
<b>Unclassified Expenditure—continued.</b>							
Brought forward .. .. . £	.....	.....	.....	96,968 0 9	96,968 0 9	.....	96,968 0 9
<b>REVENUE AND RECEIPTS RETURNED</b>							
Amount of Postage Stamps received in payment of Revenue .. .. .	.....	.....	.....	355 2 4	} 2,802 14 5	.....	355 2 4
Postage, balance due to the Imperial Government .. .. .	.....	.....	.....	582 9 2		.....	582 9 2
Fines and Forfeitures .. .. .	.....	.....	.....	408 11 7		.....	408 11 7
Deposits under the Assisted Immigrants' Employment Act, 16 Victoria, No. 42 ..	.....	.....	.....	350 0 0		.....	350 0 0
Estreated Recognizances .. .. .	.....	.....	.....	40 0 0		.....	40 0 0
Amount paid in excess for the purchase of Land .. .. .	.....	.....	.....	319 15 8		.....	319 15 8
Rent of Land resumed by the Government .. .. .	.....	.....	.....	213 11 4		.....	213 11 4
Sums deposited in the Treasury to defray the expenses of obtaining Letters of Registration granted under the Act of Council, 16 Victoria, No. 24 .. ..	.....	.....	.....	88 1 0		.....	88 1 0
Tonnage Dues, Newcastle .. .. .	.....	.....	.....	20 6 0		.....	20 6 0
Pilotage .. .. .	.....	.....	.....	146 12 6		.....	146 12 6
Intestate Estates .. .. .	.....	.....	.....	100 0 8		.....	100 0 8
Other Miscellaneous Receipts refunded .. .. .	.....	.....	.....	178 4 2		.....	178 4 2
	.....	.....	.....	2,802 14 5	2,802 14 5	.....	2,802 14 5
<b>ARREAR CHARGES</b> against the following Accounts, the Balances at their credit having been transferred to the Consolidated Revenue Fund in 1856, viz. :—							
SCHEDULE A, PART 1 .. .. .	.....	.....	.....	306 12 2	} 3,719 2 1	306 12 2	.....
SCHEDULE A, PART 3 .. .. .	.....	.....	.....	70 0 0		70 0 0	.....
TERRITORIAL REVENUE .. .. .	.....	.....	.....	3,342 9 11		3,342 9 11	.....
	.....	.....	.....	3,719 2 1	3,719 2 1	3,719 2 1	.....
Total, Unclassified Expenditure .. .. . £	.....	.....	.....	103,489 17 3	103,489 17 3	3,719 2 1	99,770 15 2
<b>Gross Total</b> ... .. . £	371,355 15 0	199,828 10 3	571,184 5 3	627,442 9 5	1,198,626 14 8	198,591 9 3	1,000,035 5 5

Audit Office, Sydney, New South Wales,  
30th April, 1859.

W. C. MAYNE,  
Auditor General.

# APPENDIX TO THE STATEMENT OF DISBURSEMENTS OUT OF THE CONSOLIDATED REVENUE FUND, FOR THE YEAR 1858.

STATEMENT of the Expenses of the Erection and Repairs of COLONIAL PUBLIC BUILDINGS, and of the Construction and Repairs of ROADS and BRIDGES, and of other PUBLIC WORKS, defrayed from the Colonial Treasury of New South Wales, during the Year 1858.

PARTICULARS.	CHARGED ON APPROPRIATIONS OF		TOTAL.
	Previous Years.	Current Year.	
PUBLIC WORKS AND BUILDINGS.			
WORKS.			
Repairs and Alterations to the Steam Dredge and Punts .. ..	1,072 3 2	.....	1,072 3 2
Repairs to the Semi-Circular Quay .. ..	510 4 3	.....	510 4 3
Casual Repairs to do. .. ..	19 8 0	.....	19 8 0
Forming an Entrance into the Government Domain, from Palmer-street	85 5 0	.....	85 5 0
Improvement of Hyde Park under the Superintendence of the Com- mittee of Management .. ..	174 7 9	903 0 5	1,077 8 2
Repairing the Gates and Fences, Botanic Gardens and Domains ..	19 8 0	156 19 3	176 7 3
Repairs and Improvements to Botanic Gardens, Sydney .. ..	5 18 0	.....	5 18 0
Repairs and Improvements to Outer and Inner Domains .. ..	45 6 7	.....	45 6 7
Completing and Levelling a portion of the Outer Domain .. ..	150 0 0	.....	150 0 0
Depositing Silt on the reclaimed space in the Botanic Gardens ..	1,100 11 4	.....	1,100 11 4
Constructing Electric Telegraph between Sydney and the South Head	141 17 0	.....	141 17 0
Erecting New Light House, Inner South Reef, Port Jackson .. ..	2,798 10 0	300 0 0	3,098 10 0
Repairing the Dam at Parramatta .. ..	27 7 0	.....	27 7 0
Completion of the Road to the Abattoir, Glebe Island .. ..	.....	15 10 0	15 10 0
Erection of a Light House at Cape Moreton .. ..	66 13 9	.....	66 13 9
Repairing the Dam at Liverpool .. ..	1,172 1 0	.....	1,172 1 0
Attending to the Sluices at Cook's River Dam .. ..	109 2 0	36 0 0	145 2 0
Erection of Obelisks as leading marks, Harbour of Port Jackson ..	307 0 4	.....	307 0 4
Survey of the Lands adjacent to the Hunter .. ..	857 0 4	.....	857 0 4
Quarantine Station, Spring Cove .. ..	512 13 1	.....	512 13 1
Iron Gates for the Entrance to the Government Domain, Macquarie-street	395 19 8	.....	395 19 8
Planting and enclosing the Sand Hills, Newcastle .. ..	66 0 0	53 16 6	119 16 6
Roadway and Dam, Cook's River .. ..	398 0 8	.....	398 0 8
Fitz Roy Dry Dock .. ..	131 15 5	1,859 3 1	1,990 18 6
Landing Places at the Ferry between North Brisbane and Kangaroo Point	98 3 3	.....	98 3 3
Press for the Sydney Mint .. ..	21 0 5	.....	21 0 5
Mooring Chain, and Extension of Jetty at Kiama .. ..	200 0 0	.....	200 0 0
Laying on Water, and completing Fittings, Australian Museum ..	.....	90 10 9	90 10 9
Replacing a Boundary Wall at Dawes' Battery .. ..	.....	215 9 4	215 9 4
Repair of Masons' Work, Harbour of Wollongong .. ..	.....	150 0 0	150 0 0
Laying on Gas, Sydney Gaol .. ..	50 0 0	.....	50 0 0
Gun-carriages and Platforms for Defences, and Lantern on Fort Denison	.....	70 2 6	70 2 6
Fortifications, Port Jackson .. ..	90 18 7	.....	90 18 7
TOTAL, WORKS.. .. £	10,626 14 7	3,850 11 10	14,477 6 5
BUILDINGS.			
Repairing and replacing Furniture in the Public Rooms at Government House .. ..	38 7 1	.....	38 7 1
Buildings and Instruments for Meteorological Stations .. ..	93 0 1	.....	93 0 1
Additions and Repairs to the Lunatic Asylum, Parramatta .. ..	469 3 3	35 13 2	504 16 5
Additions and Repairs to the Lunatic Asylum, Tarban Creek .. ..	.....	1,232 0 8	1,232 0 8
Works at the Protestant Orphan School, Parramatta .. ..	1,474 16 5	139 19 6	1,614 15 11
Repairs to Military Buildings, Sydney and Country Districts .. ..	124 0 8	1,230 12 1	1,354 12 9
Lighting Lamps, Sweeping Chimneys, &c., at the Victoria Barracks ..	37 13 8	171 15 8	209 9 4
Employment of Prisoners sentenced to Hard Labor—			
Darlinghurst Gaol .. ..	290 0 1	1,968 19 3	2,258 19 4
Parramatta Gaol .. ..	167 6 9	892 0 11	1,059 7 8
Buildings for Police purposes, Louisa Creek .. ..	250 0 0	.....	250 0 0
Additions to Quarters for the Gaoler, Goulburn Gaol .. ..	.....	46 15 0	46 15 0
Sydney Mint Buildings .. ..	204 0 10	.....	204 0 10
Additions to the Government Printing Office .. ..	.....	186 18 0	186 18 0
Erection of a Shed at Camp Cove for a Life Boat .. ..	.....	190 0 0	190 0 0
Erection of a Shed for Government Boats, Sydney Cove .. ..	.....	147 14 0	147 14 0
Erection of a Cottage on Garden Island, for Naval Working Parties ..	.....	200 0 0	200 0 0
Quarters for Clerk of Petty Sessions, Port Curtis .. ..	136 15 0	.....	136 15 0
Additions to the Custom House, Brisbane .. ..	.....	14 16 0	14 16 0
Building a Boat House at Nobby's .. ..	367 5 0	.....	367 5 0
Erection of a Powder Magazine, Brisbane .. ..	.....	294 0 0	294 0 0
Casual Repairs and Alterations to Public Buildings generally .. ..	2,028 1 10	5,866 11 5	7,894 13 3
Repairs and Alterations, Police Buildings, Country Districts .. ..	213 6 0	921 6 2	1,134 12 2
Furniture and Fittings for Public Offices .. ..	435 9 10	979 5 1	1,414 14 11
Furniture, &c., for Police Buildings, Country Districts .. ..	.....	238 11 4	238 11 4
Carried forward.. .. £	6,329 6 6	14,756 18 3	21,086 4 9

APPENDIX TO STATEMENT OF DISBURSEMENTS FOR 1858.—*Continued.*

PARTICULARS.		CHARGED ON APPROPRIATIONS OF		TOTAL.	
		Previous Years.	Current Year.		
BUILDINGS—Continued.					
Brought forward.. .. .		£ 6,329 6 6	14,756 18 3	21,086 4 9	
Erection and Repair of Police Buildings, Adelong .. .. .		.....	130 0 0	130 0 0	
Repairs to Court and Watch House, Raymond Terrace .. .. .		.....	100 0 0	100 0 0	
Repairs to Court House, Brisbane .. .. .		848 2 4	.....	848 2 4	
Watch House at .. .. .	{ Richmond River Heads .. .. .	400 0 0	.....	400 0 0	
	{ Dungog .. .. .	150 0 0	.....	150 0 0	
	{ Gundaroo .. .. .	440 0 0	.....	440 0 0	
	{ Morpeth .. .. .	23 6 0	.....	23 6 0	
	{ West Maitland .. .. .	896 0 0	.....	896 0 0	
	{ East Maitland .. .. .	200 0 0	.....	200 0 0	
Court and Watch House at .. .. .	{ Between Maitland and Singleton .. .. .	298 0 0	.....	298 0 0	
	{ Gundagai and Jugiong .. .. .	750 0 0	.....	750 0 0	
	{ Paterson .. .. .	1,000 0 0	114 0 0	1,114 0 0	
	{ Cassilis .. .. .	50 0 0	.....	50 0 0	
	{ Moruya .. .. .	300 0 0	.....	300 0 0	
	{ Eden .. .. .	400 0 0	.....	400 0 0	
	{ Port Curtis .. .. .	459 5 8	.....	459 5 8	
	{ Casino .. .. .	250 0 0	.....	250 0 0	
	{ Bombala .. .. .	500 0 0	.....	500 0 0	
	{ West Kempsey .. .. .	580 0 0	.....	580 0 0	
	TOTAL, BUILDINGS.. .. .		£ 13,874 0 6	15,100 18 3	28,974 18 9
	TOTAL, WORKS AND BUILDINGS . .. .		£ 24,500 15 1	18,951 10 1	43,452 5 2
ROADS AND BRIDGES.					
Construction, Maintenance, and Repair of Public Roads, Bridges, and Ferries, viz. :—					
Western Roads .. .. .		4,481 6 6	10,717 14 0	15,199 0 6	
Southern Roads .. .. .		7,791 16 10	11,403 18 3	19,195 15 1	
Northern Roads .. .. .		6,275 12 7	13,234 12 0	19,510 4 7	
Moreton Bay Roads .. .. .		878 13 6	5,891 5 4	6,769 18 10	
Constructing and Repairing the undermentioned Bridges, viz. :—					
Bridge over the .. .. .	{ Yass River .. .. .	50 0 0	.....	50 0 0	
	{ Peel, at Tamworth .. .. .	.....	72 5 2	72 5 2	
	{ Belubula Rivulet, Carcoar .. .. .	48 0 0	.....	48 0 0	
	{ Wollombi Brook (Jerry's Plains) .. .. .	.....	162 1 7	162 1 7	
	{ Tumut .. .. .	.....	100 0 0	100 0 0	
	{ Stanley Creek, near Durundur .. .. .	13 18 2	.....	13 18 2	
The Victoria Bridge, Maitland .. .. .	{ Macquarie River, Illawarra .. .. .	1,622 1 9	.....	1,622 1 9	
	{ Cudjogong, at Mudgee .. .. .	.....	32 15 3	32 15 3	
	{ Denison Bridge, Bathurst .. .. .	29 8 0	94 6 4	123 14 4	
	{ Long Bridge, West Maitland .. .. .	500 0 0	.....	500 0 0	
	{ Berrima Bridge .. .. .	.....	326 17 9	326 17 9	
	{ Fitz Roy Bridge, Windsor .. .. .	119 8 6	.....	119 8 6	
Road from Wollombi to Maitland .. .. .		145 0 0	.....	145 0 0	
Repairing the Main North Road at Warland's Flat .. .. .		891 19 2	200 0 0	1,091 19 2	
Repairing the Road from Bathurst to Wellington .. .. .		143 9 9	.....	143 9 9	
Repairing the Roads and Bridges in the Wollombi District .. .. .		688 10 6	.....	688 10 6	
Employment of Prisoners on the Streets of Brisbane .. .. .		49 7 0	195 18 0	245 5 0	
Allowance to the Keeper of the Punt, George's River .. .. .		8 15 0	.....	8 15 0	
Lighting the Government Lamps, Sydney .. .. .		86 18 9	300 12 6	387 11 3	
Repairing Roads and Bridges damaged by the recent Floods .. .. .		627 15 2	.....	627 15 2	
Road between Armidale and Grafton .. .. .		401 15 6	.....	401 15 6	
Randwick and Coogee Road .. .. .		40 4 3	.....	40 4 3	
Botany and Mudbank Road .. .. .		601 7 9	.....	601 7 9	
Road from Braidwood to the River Clyde .. .. .		5,848 11 5	.....	5,848 11 5	
Opening up a Road through Manly Cove .. .. .		.....	100 0 0	100 0 0	
Continuation of George's River Road to Bulli .. .. .		684 4 0	.....	684 4 0	
Formation of a Cut at Kenny's Hill, on the Road from Campbelltown to Camden .. .. .		.....	505 7 0	505 7 0	
Road over the Bulga Mountain .. .. .		400 0 0	.....	400 0 0	
Repair of the Road approaching Peat's Ferry .. .. .		.....	183 18 1	183 18 1	
Maintenance of a Punt at Peat's Ferry .. .. .		.....	25 0 0	25 0 0	
TOTAL, ROADS AND BRIDGES.. .. .		£ 32,478 4 1	43,546 11 3	76,024 15 4	





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No. 3.

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S T A T E M E N T

OF

RECEIPTS AND DISBURSEMENTS

IN THE YEAR 1858,

ON ACCOUNT OF PUBLIC WORKS PROVIDED FOR BY LOANS SECURED  
ON THE CONSOLIDATED REVENUE FUND.

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STATEMENT of RECEIPTS and DISBURSEMENTS on Account of PUBLIC  
in the

RECEIPTS.				TOTAL.
BALANCE at the Credit of the LOANS' ACCOUNT, on the 31st December, 1857 ... ..				31,570 1 4
17 VICTORIA, No. 34, AND 18 VICTORIA, No. 30. Proceeds of £10 Sewerage Debentures to the amount of £140, bearing Interest at 5 per cent. per annum, negotiated in the Colony ... .. £140 0 0				
Proceeds of Sewerage Debentures to the amount of £24,000, bearing Interest at 5 per cent. per annum, negotiated through the Agency of the Oriental Bank Corporation, London ... .. 23,837 10 0				23,977 10 0
17 VICTORIA, No. 35, AND 18 VICTORIA, No. 30. Proceeds of Water Supply Debentures to the amount of £5,900, bearing Interest at 5 per cent. per annum, negotiated through the Agency of the Oriental Bank Corporation, London ... .. 5,862 15 0				
Proceeds of Water Supply Debentures to the amount of £200, bearing Interest at 5 per cent. per annum, negotiated in the Colony ... .. 198 0 0				6,060 15 0
19 VICTORIA, Nos. 38 & 40. Proceeds of Public Works Debentures to the amount of £500, bearing Interest at 5 per cent. per annum, negotiated through the Agency of the Oriental Bank Corporation, London ... .. 497 10 0				
20 VICTORIA, No. 33. Balance of proceeds of Public Works Debentures to the amount of £100,000, bearing Interest at 5 per cent. per annum, negotiated through the Agency of the Oriental Bank Corporation, London, after deducting the sum of £90,000, advanced by that Institution in 1857 ... .. 5,640 5 0				
21 VICTORIA. Proceeds of Treasury Bills to the amount of £40,600, bearing Interest at 4d. per cent. per diem, negotiated in the Colony ... .. 40,600 0 0				
ISSUES ON ACCOUNT. Balance of Adjustments over Advances to Public Officers ... .. 5,942 6 6				76,776 0 0
Balance of Adjustments over Remittances to the Colonial Agent General ... .. 932 14 9				6,875 1 3
				£ 115,221 2 7
BALANCE at the Debit of the LOANS' ACCOUNT, on the 31st December, 1858 * ... ..				317,549 16 1
TOTAL ... ..				£ 432,770 18 8

\* Drawn against Debentures to the amount of £469,600 forwarded to London for negotiation, the Account Sales of which had not been received at the close of the year.

*Audit Office, Sydney, New South Wales,  
12th April, 1859.*

WORKS, provided for by LOANS secured on the CONSOLIDATED REVENUE FUND.  
year 1858.

DISBURSEMENTS.	AMOUNT.	TOTAL.
17 VICTORIA, Nos. 34 AND 35; 18 VICTORIA, No. 36; 19 VICTORIA, No. 42; AND 20 VICTORIA, No. 40.		
Sewerage of the City of Sydney ... ..	10,575 0 0	
Supply of Water to the City of Sydney ... ..	63,413 0 0	73,988 0 0
18 VICTORIA, No. 35.		
New Water Police Watch House, Sydney .. ..	1,515 6 6	
Mounted Patrol Barracks and Stables, Sydney ... ..	1,450 17 8	
Court House, Ipswich ... ..	1 16 0	
Bridge, Gunning ... ..	83 6 8	
Bridge, Queanbeyan ... ..	3,069 18 9	
Bridge, Jugiong Creek... ..	41 13 4	6,162 19 5
18 VICTORIA, No. 40; 19 VICTORIA, No. 40; 20 VICTORIA, No. 1; AND 20 VICTORIA, No. 34.		
Railway Works (including £30,000 advanced to the Government Commercial Agents for the purchase of Railway Materials in England) .	.....	137,484 3 11
19 VICTORIA, No. 38.		
St. Paul's Affiliated College Building Fund ... ..	.....	3,000 0 0
19 VICTORIA, No. 40.		
Improving the Navigation of the River Hunter and Port of Newcastle	18,002 2 9	
Gaol, Brisbane ... ..	1,976 5 0	
Court House, Wollongong ... ..	935 14 9	
Court and Watch House, Wingham ... ..	600 0 0	
Building for a Time Ball, erection of an Observatory, and Residence for the Astronomer ... ..	3,238 3 8	
Houses of Parliament ... ..	367 17 2	
Clearing the Channel of the River Murray ... ..	278 16 2	
Supply of Fresh Water to the Township of Gladstone ... ..	220 10 0	
Surveys, Experiments, and Preparations for the Extension of Railways	6,184 18 3	31,804 7 9
20 VICTORIA, No. 33.		
Constructing Electric Telegraph between Sydney and Albury ...	21,627 12 7	
Defences of Port Jackson ... ..	4,516 19 11	
Light Houses on the Australian Coast... ..	6,571 15 6	
Formation of a Dockyard, and erection of Buildings and Machinery at the Fitz Roy Dry Dock ... ..	4,239 3 11	
Erection of a Light House, Newcastle ... ..	834 8 4	
Additional Accommodation at the Sydney Infirmary ... ..	4,300 0 0	
Erection of an Asylum for Destitute Children... ..	5,000 0 0	
Repairs and Additions to the Immigration Depot, Brisbane ... ..	249 15 7	
Removing obstructions to the Navigation of the Rivers Brisbane and Bremer ... ..	430 4 4	
Erection of a Watch House, Gatton ... ..	358 0 0	
Construction of a Bridge, Western Suburbs, North Brisbane... ..	495 10 8	
Construction of Bridges over certain Crossings in the Moreton Bay District ... ..	168 1 11	
Bridge over Laidley's Creek ... ..	345 16 6	
Repairs of the Roads, Little Liverpool Range... ..	657 18 0	
Repairs of the Streets, Brisbane ... ..	844 1 1	
Repairs of the Streets, Ipswich... ..	1,996 0 0	
Formation of a Roadway, and the construction of a Tank at Drayton... ..	125 0 0	
Road between Brisbane and Ipswich ... ..	2,281 1 6	
Bridge over Breakfast Creek ... ..	1,982 19 7	
Bridge over Norman Creek ... ..	510 2 2	57,534 11 7
22 VICTORIA, No. 5.		
Land and Immigration Debentures paid off ... ..	.....	50,000 0 0
CHARGES on the sale of Debentures negotiated through the agency of the Oriental Bank Corporation, London ... ..	.....	796 16 0
	£	360,770 18 8
ISSUES ON ACCOUNT.		
Remittances to the Oriental Bank Corporation, London, to pay off Land and Immigration Debentures ... ..	.....	72,000 0 0
TOTAL ... ..	£	432,770 18 8

NOTE.—The amount of Loans contracted by the Colony to the 31st December, 1858, on the security of the Consolidated Revenue Fund, was £2,797,090, of which the particulars are given in a separate Statement.

W. C. MAYNE,  
Auditor General



# NEW SOUTH WALES.

STATEMENT shewing the RESULT OF SALES OF DEBENTURES placed in the hands of the ORIENTAL BANK CORPORATION, LONDON, for negotiation in England, as ascertained to the 12th October, 1858.

DESCRIPTION OF DEBENTURES.	No. of years' Currency.	Amount of Principal.	Date from which Interest accrues.	Rate per cent. at which sold inclusive of dividend.	Gross Proceeds.	CHARGES.			Net Proceeds.
						Broker's Commission @ $\frac{1}{4}$ per cent. on Principal.	Bank Commission @ $\frac{1}{4}$ per cent. on Proceeds.	Total.	
PUBLIC WORKS, 19 VICTORIA, Nos. 38 AND 40 ....	30	500 0 0	1858. July 1	99 $\frac{1}{2}$	497 10 0	1 5 0	2 9 8	3 14 8	493 15 4
PUBLIC WORKS, 20 VICTORIA, No. 33 .....	15	26,900 0 0	Jan. 1	95	25,555 0 0	67 5 0	127 8 7	194 13 7	25,360 6 5
		4,100 0 0		95	3,895 0 0	.....	19 9 6	19 9 6	3,875 10 6
		11,100 0 0		95 $\frac{1}{2}$	10,572 15 0	27 15 0	52 14 6	80 9 6	10,492 5 6
		2,000 0 0		95 $\frac{1}{2}$	1,910 0 0	.....	9 11 0	9 11 0	1,900 9 0
		300 0 0		95 $\frac{1}{2}$	286 10 0	0 15 0	1 8 7	2 3 7	284 6 5
		10,600 0 0		95 $\frac{1}{2}$	10,149 10 0	26 10 0	50 12 4	77 2 4	10,072 7 8
		16,100 0 0		96	15,456 0 0	40 5 0	77 1 7	117 6 7	15,338 13 5
		100 0 0		96	96 0 0	.....	0 9 8	0 9 8	95 10 4
		1,000 0 0		96 $\frac{1}{2}$	961 5 0	2 10 0	4 15 9	7 5 9	953 19 3
		25,000 0 0		96 $\frac{1}{2}$	25,025 0 0	65 0 0	124 16 0	189 16 0	24,835 4 0
		1,200 0 0		96 $\frac{1}{2}$	1,155 0 0	.....	5 15 6	5 15 6	1,149 4 6
		600 0 0		96 $\frac{1}{2}$	578 5 0	1 10 0	2 17 9	4 7 9	573 17 3
		*100,000 0 0		.....	95,640 5 0	231 10 0	477 0 9	708 10 9	94,931 14 3
SEWERAGE, 17 VICTORIA, No. 34 .....	30	12,400 0 0	July 1	99	12,276 0 0	31 0 0	61 4 11	92 4 11	12,183 15 1
		100 0 0		99	99 0 0	.....	0 10 0	0 10 0	98 10 0
		5,000 0 0		99 $\frac{1}{2}$	4,975 0 0	12 10 0	24 16 4	37 6 4	4,937 13 8
		5,000 0 0		99 $\frac{1}{2}$	4,987 10 0	12 10 0	24 17 8	37 7 8	4,950 2 4
		1,500 0 0		100	1,500 0 0	3 15 0	7 9 7	11 4 7	1,488 15 5
		24,000 0 0		.....	23,837 10 0	59 15 0	118 18 6	178 13 6	23,658 16 6
WATER SUPPLY, 17 VICTORIA, No. 35 .....	30	2,800 0 0	July 1	99	2,772 0 0	7 0 0	13 16 7	20 16 7	2,751 3 5
		1,100 0 0		99 $\frac{1}{2}$	1,094 10 0	2 15 0	5 9 2	8 4 2	1,086 5 10
		1,500 0 0		99 $\frac{1}{2}$	1,496 5 0	3 15 0	7 9 3	11 4 3	1,485 0 9
		500 0 0		100	500 0 0	1 5 0	2 9 10	3 14 10	496 5 2
		5,900 0 0		.....	5,862 15 0	14 15 0	29 4 10	43 19 10	5,818 15 2
TOTAL.....£		130,400 0 0		.....	125,838 0 0	307 5 0	627 13 9	934 18 9	124,903 1 3

\* 90 per cent. advanced on these Debentures in 1857.

Audit Office, Sydney, New South Wales,  
3rd March, 1859.

W. C. MAYNE,  
Auditor General.



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NEW SOUTH WALES.

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STATEMENT

OF THE

PARTICULARS OF LOANS

WHICH REMAINED UNPAID ON THE

31st DECEMBER, 1858.

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STATEMENT OF THE PARTICULARS OF LOANS (SECURED PRINCIPAL AND INTEREST UPON  
UNPAID ON THE

SERVICES FOR WHICH LOANS HAVE BEEN CONTRACTED.	PARTICULARS			
	YEAR OF REPAYMENT.		PRINCIPAL AMOUNT OF DEBENTURES ISSUED.	
	At the option of the Government.	At the option of the Lender.	Amount of each Issue.	Total Issues for each Service.
Immigration .....	1857 1857 1858	1859 1859 1860	50,000 60,000 53,000	163,000
16 VICTORIA, No. 39. Loans to the Sydney Railway Com- pany .....	12 months' notice 1861 1862 1862 1860	1873 1873 1874 1874 1860	20,000 30,000 138,500 11,500 17,500	217,500
18 VICTORIA, No. 40. Purchase of the Hunter River and Sydney Railway Companies properties .....	1860 1860 Permanent.	1860 1860	55,000 175,700 2,700	233,400
18 VICTORIA, No. 40; AND 20 VICTORIA, No. 34. Railway Works .....	1858 1860 1861 1866 1871 1876 1876 1888	1860 1860 1861 1866 1871 1876 1876 1888	3,100 19,900 38,100 139,000 100,000 100,000 33,300 *265,000	698,400
20 VICTORIA, No. 1. Railway Works .....	1876	1876	203,000	203,000
To pay off Land and Immigration Debentures .....	1876 1888	1876 1888	70,500 *3,200	73,700
20 VICTORIA, No. 16. To pay off Land and Immigration Debentures .....	1877	1877	132,300	132,300
18 VICTORIA, No. 35; 19 VICTORIA, Nos. 38 & 40; AND 20 VICTORIA, No. 33. Permanent Public Works .....	1860 1866 1876 1876 1882 1873 1888 1888 1888	1860 1866 1876 1876 Interminable 1873 1888 1888 1888	21,000 12,800 150,000 116,400 70,800 100,000 500 *100,000 *46,300	617,800
17 VICTORIA, No. 34; AND 18 VICTORIA, No. 30. Sydney Sewerage .....	3 months' notice 1860 1866 1876 1888 1882	1859 1860 1866 1876 1888 Interminable	10,000 44,900 97,500 25,900 24,000 6,690	208,990
17 VICTORIA, No. 35; AND 18 VICTORIA, No. 30. Water Supply .....	3 months' notice 1860 1866 1876 1877 1862 1888 1888	1859 1860 1866 1876 1877 1862 1888 1888	10,000 18,000 50,700 36,700 31,000 1,000 5,900 *55,100	208,400
21 VICTORIA. Treasury Bills Act .....	1859	1859	40,600	40,600
			£	2,797,090

\* No report of the Sale of these Debentures

THE CONSOLIDATED REVENUE FUND OF THE COLONY OF NEW SOUTH WALES) WHICH REMAINED  
31st DECEMBER, 1858.

OF LOANS.		PARTICULARS OF INTEREST.			
PROCEEDS.		RATE.	ANNUAL AMOUNT.		
Proceeds of each issue of Debentures.	Total Proceeds of Loans for each Service.		On each Loan.	On Total Loan for each Service.	
52,750 0 0 60,746 5 0 52,125 2 8	165,621 7 8	2½d. per diem per cent.	2,091 2 11	7,220 3 1½	
		2½d. do.	2,509 7 6		
		3¼d. per diem per cent.	2,619 12 8½		
53,431 13 4	223,936 3 4	3¼d. per diem per cent.	988 10 10	10,662 18 10½	
		3¼d. do.	1,482 16 3		
153,933 10 0		3¼d. do.	6,845 13 0½		
		2½d. do.	480 19 3¼		
16,571 0 0		3¼d. do.	864 19 5½		
55,000 0 0 167,033 18 8 2,700 0 0	224,733 18 8	3¼d. per diem per cent.	2,718 9 9½	11,537 16 6½	
		3¼d. do.	8,684 6 9½		
		5 per cent. per annum.	135 0 0		
21,952 0 0	405,371 12 11	3¼d. per diem per cent.	153 4 5½	34,884 19 10½	
		3¼d. do.	983 11 11½		
38,100 0 0		3¼d. do.	1,883 3 5½		
		5 per cent. per annum.	6,950 0 0		
314,472 8 6		5 do.	5,000 0 0		
		5 do.	5,000 0 0		
30,847 4 5		5 do.	1,665 0 0		
.....	.....	5 do.	13,250 0 0		
199,997 10 0 67,100 6 2 .....	199,997 10 0 67,100 6 2 .....	5 per cent. per annum.	10,150 0 0	10,150 0 0	
		5 do.	3,525 0 0	3,525 0 0	
		5 do.	160 0 0	160 0 0	
130,311 0 0	130,311 0 0	5 per cent. per annum.	6,615 0 0	6,615 0 0	
20,250 0 0	445,127 3 10	3¼d. per diem per cent.	1,037 19 4½	30,877 19 4½	
		5 per cent. per annum.	640 0 0		
150,977 16 4		5 do.	7,500 0 0		
		5 do.	5,820 0 0		
107,431 2 6		5 do.	3,540 0 0		
70,330 10 0		5 do.	5,000 0 0		
95,640 5 0		5 do.	25 0 0		
497 10 0		5 do.	5,000 0 0		
.....	.....	5 do.	2,315 0 0		
10,000 0 0 42,980 0 0 93,936 19 3 23,666 2 6 23,837 10 0 6,689 0 0	201,109 11 9	4 do.	400 0 0	10,323 15 6½	
		3¼d. per diem per cent.	2,219 5 6½		
		5 per cent. per annum.	4,875 0 0		
		5 do.	1,295 0 0		
		5 do.	1,200 0 0		
		5 do.	334 10 0		
10,000 0 0 17,380 0 0 48,000 5 11 33,534 12 6 30,534 0 0 980 0 0 5,862 15 0	146,291 13 5	4 per cent. per annum.	400 0 0	10,309 13 9	
		3¼d. per diem per cent.	889 13 9		
		5 per cent. per annum.	2,535 0 0		
		5 do.	1,835 0 0		
		5 do.	1,550 0 0		
		5 do.	50 0 0		
		5 do.	295 0 0		
.....	.....	5 do.	2,755 0 0		
40,600 0 0	40,600 0 0	4d. per diem per cent.	2,469 16 8	2,469 16 8	
2,250,200 7 9	2,250,200 7 9		138,737 3 8½	138,737 3 8½	

had reached the Colony at the close of the year.

W. C MAYNE,  
Auditor General.



# NEW SOUTH WALES.

## NEWCASTLE TONNAGE DUTY.—19 VICTORIA, No. 25, and 20 VICTORIA, No. 12.

STATEMENT of RECEIPTS for Tonnage Dues, and of DISBURSEMENTS on account of Improving the Navigation of the River Hunter and Ports of Newcastle and Morpeth, under the Act 19 Victoria, No. 40, to the 31st December, 1858.

RECEIPTS.	TOTAL.	DISBURSEMENTS.	AMOUNT.	TOTAL.
To Amount of Collections for Tonnage Dues at the Port of Newcastle, during the year 1858 .....	1,446 1 0	By Expenditure on account of Improving the Navigation of the River Hunter and Ports of Newcastle and Morpeth, viz. :— In the year 1856..... In the year 1857..... In the year 1858.....	5,141 4 1 7,780 12 7 18,002 2 9	30,923 19 5
To Balance due to the Consolidated Revenue Fund, for amount advanced from the proceeds of Debentures, to carry on the Works .....	31,078 3 1	By Interest on the above Expenditure to 31st December, 1858, calculated from the dates of the several payments, at the rate of 5 per cent. per annum, viz. :— Interest on £5,141 4s. 1d. .... Interest on £7,780 12s. 7d. .... Interest on £18,002 2s. 9d. ....	580 13 5 571 9 10 427 15 5	1,579 18 8
		By Amount of Tonnage Dues refunded .....		20 6 0
TOTAL .....	£ 32,524 4 1	TOTAL.....	£	32,524 4 1

Audit Office, Sydney, New South Wales,  
15th June, 1859.

W. C. MAYNE,  
Auditor General.



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NEW SOUTH WALES.

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COLONIAL AGENT GENERAL.

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STATEMENT

OF

RECEIPTS AND EXPENDITURE

FROM 1<sup>ST</sup> OCTOBER, 1857, TO 30<sup>TH</sup> SEPTEMBER,

1858.

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*Agent General, on account of the Colony of New South Wales, for the period from latest dates to which his Accounts have been received.*

EXPENDITURE.	AMOUNT.	TOTAL.
Balance due to the Colonial Agent General, 30th September, 1857 ... ..	.....	4,126 8 7
Pension of C. D. Riddell, Esq., late Colonial Treasurer, from 1st July to 30th September, 1857 ... ..	250 0 0	
Pension of Sir W. M. Manning, late Solicitor General, from 1st July to 30th September, 1857 ... ..	200 0 0	450 0 0
Half Salary of E. A. Macpherson, Clerk in the Auditor General's Department, from 1st May to 31st October, 1857 ... ..	61 5 0	
Half Salary of the Revd. B. L. Watson, Church of England Clergyman, from 1st October, 1855, to 31st March, 1856 ... ..	50 0 0	111 5 0
Pension to Revd. F. Wilkinson, late Colonial Chaplain, from 1st July to 30th September, 1857 ... ..	47 2 11	
to Mrs. Eliza Smith, late Mrs. Bent, from 1st October, 1857, to 31st March, 1858 ... ..	100 0 0	
to W. H. Kerr, Esq., late Chief Commissioner of Insolvent Estates, from 1st July to 30th September, 1857 ... ..	17 17 1	
to F. Gosling, late Clerk in the General Post Office, from 1st July to 30th September, 1857 ... ..	13 0 0	
to J. Townshend, late Clerk in the Colonial Secretary's Office, from 1st July to 30th September, 1857 ... ..	21 5 0	
to T. S. Townsend, late Surveyor, from 1st July, 1857, to 30th June, 1858 ... ..	110 0 8	
to T. Bevan, late Trooper in the Mounted Police, from 1st July to 30th September, 1857 ... ..	2 6 0	
to O. Homersham, late Clerk in the Customs, from 1st March to 31st December, 1857... ..	33 8 7	345 0 3
to Lady Dowling, Widow of Sir James Dowling, late Chief Justice, from 1st July to 30th September, 1857 ... ..	50 0 0	
to Mrs. Anne Kinchela, Widow of the late Mr. Justice Kinchela, from 1st July to 30th September, 1857 ... ..	25 0 0	75 0 0
Salary of Edward Barnard, Esq., Colonial Agent General, from 1st July, 1857, to 30th September, 1858 ... ..	325 0 0	
Postages from 1st July, 1857, to 30th June, 1858 ... ..	8 0 0	333 0 0
Acts of Parliament, Army and Navy Lists, &c. ... ..	16 15 4	
Freight, Insurance, and Packing ... ..	22 3 9	38 19 1
Standard Bar and Drawing Materials for the Survey Department ... ..	47 6 8	
Insurance ... ..	0 16 5	48 3 1
Chain for the measurement of Shipping under the "Merchant Shipping Act of 1854" ... ..	7 7 0	
Insurance ... ..	0 6 10	7 13 10
Despatch Bags for His Excellency the Governor General ... ..	.....	23 16 2
Freight and Insurance on Instruments for the Inspector of Distilleries ... ..	.....	2 16 2
Wind Charts for the Harbour Master's Department ... ..	.....	14 8 0
Freight and Insurance on Machinery for the Fitz Roy Dry Dock ... ..	.....	979 4 9
Advertisements inserted in the <i>London Gazette</i> ... ..	.....	25 8 10
Passages of Five National School Teachers ... ..	.....	330 2 6
Clearing Charges on Geological Specimens, ex "Great Britain" ... ..	.....	2 6 6
Stationery for 1858 ... ..	4,844 7 7	
Freight and Insurance... ..	95 15 2	4,940 2 9
Police Clothing for 1858 ... ..	2,160 18 7	
Freight and Insurance... ..	86 15 4	2,247 13 11
Convict Clothing for 1856 ... ..	1,823 15 0	
Freight and Insurance... ..	80 3 2	1,903 18 2
Insurance on Goods per the "Dunbar," recovered and paid over to the Government Commercial Agents ... ..	.....	456 16 0
Penalty levied for a breach of the Mercantile Marine Act, paid over to the Receiver of Fines ... ..	.....	10 0 0
Land and Immigration Debentures paid off ... ..	.....	50,000 0 0
Interest on Land and Immigration Debentures ... ..	.....	928 3 8
TOTAL EXPENDITURE... ..	... .. £	67,400 2 3





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NEW SOUTH WALES.

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ORIENTAL BANK CORPORATION, LONDON.

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STATEMENT

OF

RECEIPTS AND EXPENDITURE,

FROM 1st JANUARY TO 12th NOVEMBER,

1858.

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*STATEMENT of Receipts and Expenditure by the Oriental Bank Corporation,  
1st January to 12th*

Dr.

RECEIPTS.	TOTAL.
Amount of Sums remitted from the Colony ... ..	92,506 13 1
TOTAL ... .. £	92,506 13 1

*London, on Account of the Colony of New South Wales, for the period from November, 1858.*

Cr.

EXPENDITURE.	AMOUNT.	TOTAL.
Pension of C. D. Riddell, Esq., late Colonial Treasurer, from 1st October, 1857, to 30th September, 1858 ... ..	1,000 0 0	
Pension of Sir W. M. Manning, late Solicitor General, from 1st October, 1857, to 30th September, 1858 ... ..	800 0 0	1,800 0 0
Half Salary of E. A. Macpherson, Clerk in the Department of the Auditor General, from 1st October to 31st December, 1857 ... ..	30 12 6	
Half Salary of P. Plunkett, Esq., Police Magistrate, Goulburn, from 15th August to 14th September, 1858 ... ..	15 12 6	46 5 0
Pension to Revd. F. Wilkinson, late Colonial Chaplain, from 1st October, 1857, to 30th September, 1858 ... ..	188 11 8	
to Mrs. Eliza Smith, late Mrs. Bent, from 1st January to 30th June, 1858 ... ..	100 0 0	
to W. H. Kerr, Esq., late Chief Commissioner of Insolvent Estates, from 1st October, 1857, to 19th August, 1858 .. ..	63 5 5	
to F. Gosling, late Clerk in the General Post Office, Sydney, from 1st October, 1857, to 30th September, 1858 ... ..	52 0 0	
to J. Townshend, late Clerk in the Colonial Secretary's Office, from 1st October, 1857 to 30th April, 1858 ... ..	49 11 8	
to T. S. Townsend, late Surveyor, from 1st June to 30th September, 1858 (including arrears, £70 7s. 1d.)... ..	104 14 10	
to T. Bevan, late Trooper in the Mounted Police, from 1st October, 1857, to 30th September, 1858. ... ..	9 2 6	
to J. J. Galloway, late Surveyor, from 6th October, 1857, to 30th September, 1858 ... ..	141 18 4	
to O. Homersham, late Clerk in the Customs, from 1st January to 30th September, 1858 ... ..	30 1 9	
to Richard Williams, late Coast Waiter, from 1st July, 1857, to 30th June, 1858 ... ..	7 12 6	746 18
to Lady Dowling, Widow of Sir James Dowling, late Chief Justice, from 1st October, 1857, to 30th September, 1858 ... ..	200 0 0	
to Mrs. Anne Kinchela, Widow of the late Mr. Justice Kinchela, from 1st October, 1857, to 30th September, 1858 ... ..	100 0 0	
to Mrs. Anne Petrie, Daughter of the late Captain Flinders, R. N., from 1st July, 1857, to 30th June, 1858 ... ..	100 0 0	400 0 0
Land and Immigration Debentures paid off ... ..		50,000 0 0
Interest on Debentures from 1st July, 1857, to 30th June, 1858 ... ..		36,063 6 10
TOTAL EXPENDITURE ... ..	£	89,056 10 6
BALANCE IN HAND ON 12TH NOVEMBER, 1858 ... ..		3,450 2 7
TOTAL ... ..	£	92,506 13 1



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NEW SOUTH WALES.

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CLERGY AND SCHOOL LANDS REVENUE.

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ACCOUNT OF  
RECEIPTS AND DISBURSEMENTS  
IN  
THE YEAR 1858.

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## LANDS REVENUE.

DISBURSEMENTS IN THE YEAR 1858.

Cr.

DISBURSEMENTS.	AMOUNT.	TOTAL.
EXPENSES OF MANAGEMENT.		
Salary of the Agent ... ..	165 16 8	762 12 0
Office Contingencies ... ..	8 6 7	
Commission on Collections ... ..	407 3 9	
Compensation to Agent on abolition of his Office ... ..	81 5 0	
Expense of staking out Roads and Streets passing through Lands in the parish of Botany ... ..	100 0 0	
ISSUES FOR CHURCH PURPOSES.		
Proportions of the Surplus Revenue allotted to the undermentioned Communions, viz. :—		
<i>Church of England.</i>		
Proportion of Revenue for 1856 ... ..	2,013 19 6	4,401 17 10
Proportion of Revenue for 1857 ... ..	2,387 18 4	
<i>Presbyterian Church.</i>		
Towards the erection of a Church at Paddington, from the proportion of Revenue for 1856... ..	160 12 10	417 19 0
Ditto from the proportion of Revenue for 1857 ... ..	257 6 2	
<i>Wesleyan Methodist Mission.</i>		
Proportion of Revenue for 1856 ... ..	223 5 5	479 17 3
Proportion of Revenue for 1857 ... ..	256 11 10	
<i>Roman Catholic Church.</i>		
Towards the erection of a Church at Mudgee ... ..	520 0 0	5,819 14 1
ISSUES FOR SCHOOL PURPOSES.		
<i>National Schools.</i>		
Proportion of Surplus Revenue for 1856 ... ..	795 2 0	1,708 17 3
Proportion of Surplus Revenue for 1857 ... ..	913 15 3	
<i>Denominational Schools.</i>		
Church of England ... ..	551 14 1	884 17 5
Presbyterian Church ... ..	67 10 7	
Roman Catholic Church ... ..	265 12 9	
ADVANCES ON ACCOUNT.		
Advances during the year 1858... ..	3,053 4 1	2,593 14 8
Adjustments ditto ... ..	3,025 11 10	
Balance of Advances over Adjustments ... ..		27 12 3
BALANCE IN THE TREASURY ON 31ST DECEMBER, 1858 ... ..		9,203 13 0
		11,694 14 9
TOTAL ... ..		20,898 7 9

The Balance of Cash in the Treasury, as above shewn ..... £11,694 14 9  
 Was liable for outstanding Charges to the amount of ..... 6,034 7 10

Leaving a net Balance of ..... 5,660 6 11

Applicable to Church Purposes ..... 4,043 2 1  
 School Purposes ..... 1,617 4 10

W. C. MAYNE,  
 Auditor General.





# NEW SOUTH WALES.

## ASSESSMENT ON SHEEP ACCOUNT.

18 VICTORIA, No. 26, 19 VICTORIA, No. 27, AND 22 VICTORIA, No. 10.

STATEMENT of Receipts and Disbursements by the COLONIAL TREASURER, in the Year 1858.

RECEIPTS—(Arrears.)		DISBURSEMENTS—(Arrears.)			
Name of District.	Amount.	SALARIES OF INSPECTORS.			TOTAL.
		Name.	District.	Amount.	
Bathurst .. .. .	10 10 1	J. Sheppard .....	Berrima .....	6 5 0	
Murrumbidgee .. .. .	2 0 10	G. Appel .....	Brisbane .....	20 0 0	
		W. Mackie .....	Carcoar .....	45 0 0	
		Robert Meston .....	Darling Downs .....	50 0 0	
		Donald Gunn .....	Deniliquin .....	33 6 8	
		F. W. Charteris .....	Goulburn .....	18 15 0	
		Thomas Lavers .....	Gloucester and Macquarie .....	12 10 0	
		Denis Keefe .....	Lachlan .....	112 10 0	
		T. Boyle .....	Liverpool Plains .....	14 10 3	
		G. Wilson .....	Do. ....	16 13 4	
		S. Ayres .....	Mudgee .....	25 0 0	
		R. Popham .....	Maneroo .....	33 6 8	
		J. T. Baker .....	Murrumbidgee .....	16 13 4	
		L. Markham .....	New England .....	50 0 0	
		H. McGowan .....	Patrick's Plains .....	12 10 0	
		T. P. Buckley .....	Queanbeyan .....	20 0 0	
		H. Newcomen .....	Scone .....	6 13 4	
		George Hazard .....	Warialda .....	37 10 0	
		C. P. Byrne .....	Wee Wee .....	16 13 4	
		F. Sands .....	Wellington .....	12 10 0	
		Thomas Turner .....	Yass .....	12 10 0	
					572 16 11
		CONTINGENT CHARGES.			
		J. M. Antill .....	Camden .....	Assessment Returned ..	0 10 0
		Samuel Wright .....	Camden .....	Travelling Expenses ..	2 0 0
					2 10 0
Balance in the Treasury, on 31st December, 1857.....£	10,254 9 5	Total Expenditure .....			575 6 11
		Balance in the Treasury, on 31st December, 1858 .....			9,691 13 5
TOTAL.....£	10,267 0 4	TOTAL .....			10,267 0 4

Audit Office, Sydney, New South Wales,  
2nd March, 1859.

W. C. MAYNE,  
Auditor General



## NEW SOUTH WALES.

**POLICE REWARD FUND.—16 Victoria, No. 33.**

*ACCOUNT of Sums received by the Colonial Treasurer, for and in respect of the Police Reward Fund, and of the Appropriation of the same, to the 31st December, 1858.*

PARTICULARS.	COLONIAL TREASURER.	
	Dr.	Cr.
To Balance on 31st December, 1857 :—		
Cash in the Treasury ... .. £1,561 3 9		
Public Works' Loan Debentures ... .. 4,000 0 0		
Railway Debentures ... .. 4,000 0 0		
Water Supply Debentures ... .. 1,500 0 0		
	11,061 3 9	
To Sums received in 1858 ... ..	2,383 14 2	
Interest on Debentures ... ..	387 3 4	
Treasury Bills deposited in 1858 ... ..	2,000 0 0	
Inspector General of Police, for Advances made by him to meet claims on the Police Reward Fund ... ..	412 3 8	
By Amount paid—		
As Gratuity on leaving the Police Force :—		
William Bragg, Parramatta Police... ..		177 18 9
As Gratuities on abolition of Office :—		
Sergeant Richard Whitford ... ..		44 2 1
Constable John Smith ... ..		35 14 1
Constable James Fellon ... ..		31 6 7
Constable Martin Cleary ... ..		29 17 6
Constable Richard Sadlier ... ..		28 8 4
Constable C. T. Pierce ... ..		28 8 4
Constable John Hourigan ... ..		25 1 10
Constable A. J. Butler ... ..		25 1 10
As Pensions & Gratuities to Widows of deceased Constables, viz. :—		
Margaret Wood, widow of Chief Constable Wood of the Maitland Police ... ..		62 10 0
Ann Kendall, widow of Chief Constable Kendall of the Penrith Police ... ..		40 0 0
Elizabeth Webber, widow of Chief Constable Webber of the Queanbeyan Police ... ..		25 0 0
Elizabeth Murphy, widow of Chief Constable Murphy, Port Macquarie Police ... ..		37 1 11
Margaret Harthill, widow of Constable Harthill of the Bathurst Police ... ..		16 13 4
Faithful Hastings, widow of Constable Hastings of the Burnett Police ... ..		18 17 0
Ann Whatham, widow of Constable Whatham of the Casino Police ... ..		10 16 8
Sophia Patecil, widow of Chief Constable Patecil of the Mudgee Police ... ..		4 7 10
Louisa Codrington, widow of Trooper Codrington of the Western Gold Escort ... ..		4 11 3
Rose Lukeman, widow of Constable Lukeman of the Yass Police ... ..		20 0 0
Matilda Tipper, widow of Constable Tipper of the Western Gold Police ... ..		20 0 0
Martha Bryan, widow of Constable Bryan of the Sydney Police ... ..		40 0 0
As Rewards for Meritorious Services in the apprehension of Prisoners, &c., viz. :—		
W. Quirk, Inspector, Sydney District Police ... ..		15 0 0
J. Dunn, Constable, Ipswich ... ..		10 0 0
J. Davis, Chief Constable, Molong ... ..		10 0 0
J. McCully, Constable, Muswellbrook ... ..		5 0 0
H. McDonald, Constable, Liverpool... ..		2 0 0
By Repayment of a Fine remitted ... ..		2 0 0
By Amount paid for £2,000 Treasury Bills, purchased at par, (including £8 6s. 8d. for accrued Interest,) as an Investment on account of the Police Reward Fund ... ..		769 17 4
		2,008 6 8
By Balance on 31st December, 1858 :—		
Cash in the Treasury ... .. £1,966 0 11		
Public Works' Loan Debentures ... .. 4,000 0 0		
Railway Debentures ... .. 4,000 0 0		
Water Supply Debentures... .. 1,500 0 0		
Treasury Bills ... .. 2,000 0 0		
	13,466 0 11	
TOTALS... .. £	16,244 4 11	16,244 4 11



## NEW SOUTH WALES.

**POLICE SUPERANNUATION FUND.—**

16 VICTORIA, No. 33.

*ACCOUNT of Sums received by the Colonial Treasurer, for and in respect of the Police Superannuation Fund, and of the Appropriation of the same, to the 31st December, 1858.*

PARTICULARS.	COLONIAL TREASURER.	
	Dr.	Cr.
To Balance on 31st December, 1857 :—		
Cash in the Treasury ... .. £1,516 5 0		
Railway Debentures ... .. 3,500 0 0		
Public Works' Loan Debentures ... .. 2,000 0 0		
Water Supply Debentures ... .. 1,500 0 0		
	8,516 5 0	
To Sums received in 1858 ... .. 1,904 15 8		
Interest on Debentures ... .. 174 14 2		
Treasury Bills deposited in 1858 ... .. 2,000 0 0		
Inspector General of Police for Advances made by him to meet		
Claims on the Police Superannuation Fund ... .. 627 18 3		
Remittances to pay Pensions in London (not required) repaid ... .. 31 18 2		
By Amount of Pensions paid :—		
Chief Inspector John Wearin ... .. 109 5 2		
Inspector Thomas J. Powell ... .. 61 15 3		
Inspector William Holmes ... .. 81 15 10		
Inspector Patrick Connor ... .. 70 10 6		
Chief Constable Thomas M'Gee ... .. 48 15 0		
Chief Constable John M'Alister ... .. 50 8 4		
Chief Constable John Sheppard ... .. 44 19 9		
Sergeant Peter Coyle ... .. 15 10 6		
Sergeant William Carroll ... .. 10 14 8		
Constable Owen Laraghy ... .. 62 19 6		
Constable Charles Hotham ... .. 22 5 5		
Constable John Marsh ... .. 45 14 0		
Constable William B. Hutchinson ... .. 4 12 0		
Constable James Shanahan ... .. 79 10 0		
Constable John Harris ... .. 61 17 2		
Constable Alexander Ross ... .. 61 17 2		
Constable Matthew Carroll ... .. 74 5 0		
Constable Denis Regan ... .. 54 12 0		
Constable Charles Lucas ... .. 70 19 0		
Constable James Smith ... .. 59 8 0		
Constable James Gallagher ... .. 65 7 11		
Constable Edward M'Cormick ... .. 60 16 8		
Constable Patrick Duan ... .. 4 12 0		
Constable James Eagan ... .. 50 3 9		
Constable Peter Thomson ... .. 51 0 0		
Constable Patrick Conway ... .. 33 14 8		
By Commutation of Pension, Thomas Rushton ... .. 86 6 9		
By Overpayments refunded ... .. 0 6 2		
		1,444 2 2
By Amount paid for £2,000 Treasury Bills, purchased at par (including		
£8 6s. 8d. for accrued Interest), as an Investment on account of		
the Police Superannuation Fund ... .. 2,008 6 8		
By Balance on 31st December 1858 :—		
Cash in the Treasury ... .. £803 2 5		
Railway Debentures ... .. 3,500 0 0		
Public Works' Loan Debentures ... .. 2,000 0 0		
Water Supply Debentures ... .. 1,500 0 0		
Treasury Bills ... .. 2,000 0 0		
	9,803 2 5	
TOTALS ... .. £ 13,255 11 3		13,255 11 3

Audit Office, Sydney, New South Wales,  
28th February, 1859.

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W. C. MAYNE,  
Auditor General.



# NEW SOUTH WALES.

## SPECIAL RECEIPTS' ACCOUNT.

ACCOUNT of SPECIAL RECEIPTS, and of the RE-ISSUES therefrom, by the COLONIAL TREASURER, in the Year 1858.

PARTICULARS.	RECEIPTS.			Re-issues in the Year 1858.	Balances in the Treasury on the 31st December, 1858.
	Balances in the Treasury on the 31st December, 1857.	Receipts in the Year 1858.	TOTAL.		
Savings' Bank Deposits.....	60,000 0 0	.....	60,000 0 0	20,000 0 0	40,000 0 0
Imperial Postage .....	61 6 6	1,642 3 4	1,703 9 10	830 1 11	873 7 11
Shipping Master, Sydney—Seamen's Wages .....	153 5 7	431 19 9	585 5 4	272 14 7	312 10 9
Poundage .....	16,774 15 2	7,593 13 4	24,368 8 6	7,799 18 6	16,568 10 0
Revenue Suspense—Old Account .....	828 1 6	.....	828 1 6	46 13 0	781 8 6
Ditto      New Account .....	4,101 5 5	31,660 2 6	35,761 7 11	29,056 10 6	6,704 17 5
Contractor for the construction of certain Works for the Defences of the Harbor—Security .....	500 0 0	.....	500 0 0	500 0 0	.....
Contractors for the construction of the Steam Dredge for the Hunter River—Security .....	.....	500 0 0	500 0 0	.....	500 0 0
Surry Hills Church Fund.....	188 0 0	544 16 6	732 16 6	732 16 6	.....
Temporary Deposit of Bills of Exchange, by Lieutenant Colonel Scobie of the Bombay Army .....	.....	5,000 0 0	5,000 0 0	5,000 0 0	.....
TOTALS.....£	82,606 14 2	47,372 15 5	129,979 9 7	64,238 15 0	65,740 14 7

Audit Office, Sydney, New South Wales,  
28th February, 1859.

W. C. MAYNE,  
Auditor General.





NEW SOUTH WALES.

TRUST MONEYS' DEPOSIT ACCOUNT.

STATEMENT of TRUST MONEYS deposited in the COLONIAL TREASURY, and of Re-Issues therefrom, under the Act 20 Victoria, No. 11, in the Year 1858.

OFFICER DEPOSITING.	RECEIPTS.			RE-ISSUES IN THE YEAR 1858.	BALANCES IN THE TREASURY ON THE 31st DECEMBER, 1858.
	BALANCE IN THE TREASURY ON THE 31st DECEMBER, 1857.	DEPOSITS IN THE YEAR 1858.	TOTAL.		
Master in Equity ... ..	23,053 13 8	16,017 10 8	39,071 4 4	23,108 7 6	15,962 16 10
Curator of Intestate Estates ... {	Sydney ... ..	8,267 9 6	27,929 3 3	6,258 6 6	21,670 16 9
	Brisbane ... ..	420 15 10	420 15 10	119 10 1	301 5 9
Prothonotary of the Supreme Court ... ..	1,040 4 7	2,180 8 4	3,220 12 11	2,501 4 6	719 8 5
Official Assignees in Insolvency ... {	J. P. Mackenzie ... ..	9,717 15 0	11,425 0 8	8,775 10 1	2,649 10 7
	John Morris ... ..	11,344 5 1	17,344 13 6	8,577 13 9	8,766 19 9
	F. W. Perry ... ..	12,052 8 11	13,680 16 10	7,372 15 8	6,308 1 2
	Adam Wilson ... ..	7,664 6 8	9,083 1 3	4,386 3 1	4,696 18 2
	William Pickering ... ..	560 18 3	560 18 3	364 13 0	196 5 3
TOTALS ... .. £	54,510 8 7	68,225 18 3	122,736 6 10	61,464 4 2	61,272 2 8

Audit Office, Sydney, New South Wales,  
24th February, 1859.

W. C. MAYNE,  
Auditor General.



## NEW SOUTH WALES.

## MINT BULLION ACCOUNT.

STATEMENT of Issues and Re-Issues to the Deputy Master of the Royal Mint, from the Balance of Deposits in the Colonial Treasury, at the credit of the Savings' Bank of New South Wales, for the purchase of Gold Bullion imported into the Mint for Coinage, for the year 1858.

PARTICULARS.	COLONIAL TREASURER.	
	Dr.	Cr.
JANUARY, 1858.		
To Balance, Cash in the Treasury on 31st } December, 1857.....	1,748 19 0	
To Repayments of Coin by the Deputy Master ...	230,000 0 0	
By Re-Issues .....		231,000 0 0
FEBRUARY.		
To Repayments .....	215,000 0 0	
By Re-Issues .....		215,000 0 0
MARCH.		
To Repayments .....	72,000 0 0	
By Re-Issues .....		65,748 19 0
APRIL.		
To Repayments .....	45,000 0 0	
By Re-Issues .....		52,000 0 0
MAY.		
To Repayments .....	95,000 0 0	
By Re-Issues .....		95,000 0 0
JUNE.		
To Repayments .....	100,000 0 0	
By Re-Issues .....		100,000 0 0
JULY.		
To Repayments .....	60,000 0 0	
By Re-Issues .....		60,000 0 0
AUGUST.		
To Repayments .....	110,000 0 0	
By Re-Issues .....		110,000 0 0
SEPTEMBER.		
To Repayments .....	106,000 0 0	
By Re-Issues .....		106,000 0 0
OCTOBER.		
To Repayments .....	100,000 0 0	
By Re-Issues .....		100,000 0 0
NOVEMBER.		
To Repayments .....	100,000 0 0	
By Re-Issues .....		100,000 0 0
DECEMBER.		
To Repayments .....	110,000 0 0	
By Re-Issues .....		110,000 0 0
TOTAL.....£	1,344,748 19 0	1,344,748 19 0

Audit Office, Sydney, New South Wales,  
10th February, 1859.

W. C. MAYNE,  
Auditor General.



1859.

Legislative Assembly.

NEW SOUTH WALES.

## TRUST MONEYS DEPOSIT ACCOUNT.

(STATEMENT OF, FROM 1 APRIL, 1858, TO 31 MARCH, 1859.)

*Ordered by the Legislative Assembly to be Printed, 2 September, 1859.*

THE TREASURY OF NEW SOUTH WALES in Account with the TRUST MONEYS DEPOSIT ACCOUNT,  
under the Act of Parliament 20 Vic., No. 11, from 1 April, 1858, to 31 March, 1859.

Dr.			Cr.		
To Master in Equity .....	26,808	4 4	By Master in Equity .....	18,211	17 11
„ Curator of Intestate Estates.....	8,645	2 3	„ Curator of Intestate Estates .....	6,467	17 0
„ Prothonotary of Supreme Court ....	1,465	10 4	„ Prothonotary of Supreme Court ....	2,111	10 4
„ F. W. Perry, Official Assignee .. .	9,757	11 8	„ F. W. Perry, Official Assignee ....	7,633	19 4
„ Adam Wilson, do. ....	7,504	4 2	„ Adam Wilson, do. ....	7,270	9 5
„ John Morris, do. ....	11,922	2 6	„ John Morris, do. ....	9,135	17 8
„ J. P. Mackenzie, do. ....	9,020	6 4	„ J. P. Mackenzie, do. ....	7,606	15 9
„ Curator of Intestate Estates, Bris- bane .....	490	7 2	„ Curator of Intestate Estates, Bris- bane .....	227	15 3
„ W. Pickering, Official Assignee, do.	1,263	15 3	„ W. Pickering, Official Assignee, do.	1,069	0 0
„ Balance on 31st March, 1858 .....	51,878	7 3	„ Balance on 31st March, 1859 .....	69,020	8 7
TOTAL.....£	128,755	11 3	TOTAL.....£	128,755	11 3

*The Treasury, New South Wales,  
2 September, 1859.*

E. C. WEEKES,  
Treasurer.



1859-60.

Legislative Assembly.

NEW SOUTH WALES.

## TRUST MONEYS DEPOSIT ACCOUNT.

(FROM 1 APRIL, 1859, TO 31 MARCH, 1860.)

*Ordered by the Legislative Assembly to be Printed, 18 April, 1860.*

THE TREASURY of NEW SOUTH WALES in Account with the TRUST MONEYS DEPOSIT ACCOUNT, under the Act of Parliament, 20 Vic., No. 11, from 1 APRIL, 1859, to 31 MARCH, 1860.

Dr.	£	s.	d.	Cr.	£	s.	d.
To Master in Equity .....	24,878	10	3	By Master in Equity .....	28,352	3	11
„ Curator of Intestate Estates..	3,984	16	8	„ Curator of Intestate Estates..	6,173	15	8
„ Curator of Intestate Estates, } Brisbane .....	322	11	9	„ Curator of Intestate Estates, } Brisbane .....	39	7	7
„ Prothonotary of Supreme Court	797	16	1	„ Prothonotary of Supreme Court	606	7	3
„ F. W. Perry, Official Assignee	9,630	9	5	„ F. W. Perry, Official Assignee	12,527	3	10
„ Adam Wilson, ditto ..	4,034	4	0	„ Adam Wilson, ditto ..	3,236	13	6
„ John Morris, ditto ..	14,726	8	4	„ John Morris, ditto ..	13,980	5	7
„ J. P. Mackenzie, ditto ..	18,393	1	7	„ J. P. Mackenzie, ditto ..	12,732	18	0
„ W. Pickering, ditto, Brisbane.	969	17	9	„ W. Pickering, ditto, Brisbane.	1,076	14	6
„ Balance on 31 March, 1859 ..	69,020	8	7	„ Balance on 31 March, 1860 ..	68,032	14	7
Total.....	£ 146,758	4	5	Total.....	£ 146,758	4	5

E. C. WEEKES,  
Treasurer.

*The Treasury, New South Wales,  
16 April, 1860.*

Sydney: Thomas Richards, Government Printer,—1860.

[Price, 6d.]

509—





1859.

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*Legislative Assembly.*

NEW SOUTH WALES.

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## CONSOLIDATED REVENUE FUND.

(ACCOUNT OF RECEIPTS AND EXPENDITURE OF.)

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*Ordered by the Legislative Assembly to be Printed, 16 September, 1859.*

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RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 8 February, 1859, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House,—

“ An Account of the Receipts of the Consolidated Revenue  
 “ Fund of the Colony of New South Wales (exclusive of  
 “ the proceeds of Loans and Advances on account of Deben-  
 “ tures), and also, an account of the Disbursements, including  
 “ all sums paid under the authority of Schedules A, B, and  
 “ C, of the Constitution Act, and of other Acts of the  
 “ Legislature, from 1st January, 1857, to 31st day of  
 “ December, 1857, and from 1st day of January, 1858, to  
 “ 31st December, 1858.”

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## CONSOLIDATED REVENUE FUND.

## No. 1.

AN ACCOUNT of the RECEIPTS of the CONSOLIDATED REVENUE FUND of the Colony of New South Wales (exclusive of the Proceeds of Loans and Advances on Account of Debentures), from the 1st January to 31st December, 1857.

HEAD OF REVENUE.	PARTICULARS.	AMOUNT.	TOTAL.
Customs .....	Spirits .....	294,567 15 11	
	Wine .....	27,629 5 4	
	Ale, Porter, and Beer of all sorts .....	10,041 13 9	
	Tobacco .....	79,049 10 2	
	Tea .....	24,466 7 10	
	Sugar and Molasses .....	88,407 18 6	
	Coffee, Chocolate, and Cocoa .....	8,877 9 1	
	Currants, Raisins, and other Dried Fruits, and all other articles ..	164 9 6	
			533,104 10 1
Duty on .....	Spirits Distilled in the Colony .....		63,477 10 4
Gold .....	Duty on Gold { Collected by the Collector of Customs .....	4,066 9 8	
	{ Collected by the Deputy Master of the Royal Mint .....		
	Miner's Rights .....	12,244 6 7	
	Business Licenses .....	4,241 10 0	
	Leases of Auriferous Tracts .....	1,999 0 0	
	Fees for Escort and Conveyance of Gold, &c. ....	250 10 0	
	Licenses to Dig and Search for Gold .....	3,774 0 2	
		2,797 15 0	
Mint Receipts ..			29,373 11 5
Land Revenue {	Proceeds of Land Sales .....		10,840 14 10
	Rents of Land .....	210,333 17 3	
	Quit Rents .....	62,703 9 0	
	Redemption of Quit Rents .....	224 9 0	
	Survey of Runs .....	92 8 11	
		528 16 0	
Rents .....	Tolls and Ferries .....		273,883 0 2
	Wharfs .....	1,467 4 0	
	Military Canteen, Sydney .....	7,889 16 11	
	Government Buildings and Premises .....	708 0 2	
		1,089 9 6	
			11,164 10 7
Licenses .....	To Wholesale Spirit Dealers .....	6,950 0 0	
	Auctioneers .....	1,803 3 1	
	Bonded Storekeepers .....	4,632 0 0	
	Retail Fermented and Spirituous Liquors .....	45,568 0 0	
	Night Licenses to Publicans, and for Billiard Tables ..	3,530 0 0	
	To Distillers and Rectifiers .....	49 6 0	
	Hawkers and Pedlers .....	254 9 7	
	Pawnbrokers .....	160 0 0	
	Cut Timber, and make Bricks, &c., on Crown Lands ..	2,690 10 0	
	All other Licenses .....	85 4 6	
Postage .....			65,722 13 2
			36,288 12 3
Fines and Forfeitures.	Sheriff .....	879 13 3	
	Courts of Petty Sessions { Within the Settled Districts .....	2,462 8 11	
	{ Beyond the Settled Districts .....	1,120 9 5	
	Water Police Court .....	157 16 8	
	For the Unauthorized Occupation of Crown Lands ..	2,682 12 10	
	Crown's share of Seizures by the Departments of Customs and Distilleries ..	601 8 4	
	Proceeds of Sale of Confiscated and Unclaimed Property ..	183 17 11	
	Other Fines .....	25 0 0	
			8,113 7 4
	On Commissions to Public Officers .....	168 0 0	
Fees of Office {	Certificates of Naturalization .....	63 8 0	
	Copies and Transcripts of Papers .....	22 9 0	
	The Preparation of Title Deeds .....	5,518 10 0	
	The Enrolment of Title Deeds .....	5,861 12 0	
	Registrar General .....	1,969 3 8	
	Registrar of Deeds .....	944 15 1	
	Prothonotary of Supreme Court .....	3,043 14 1	
	Master in Equity .....	1,023 7 2	
	Curator of Intestate Estates .....	366 2 10	
	Inso vent Courts .....	1,291 12 6	
	Sheriff .....	1,080 13 0	
	Moreton Bay Court Fees .....	296 7 5	
	Courts of Requests .....	1,701 19 0	
	Courts of Petty Sessions { Within the Settled Districts .....	2,136 10 6	
	{ Beyond the Settled Districts .....	420 19 4	
	Water Police Court .....	422 6 4	
	Shipping Masters .....	2,657 15 0	
	Steam Navigation Board { Sydney .....	159 0 0	
	{ Brisbane .....	4 0 0	
	Court of Claims .....	26 12 6	
	On Disputed Claims at the Gold Fields .....	63 0 0	
			29,241 17 5
Carried forward .....			£ 1,061,200 7 7

## CONSOLIDATED REVENUE FUND.

3

## ACCOUNT OF RECEIPTS, &amp;c.—Continued.

HEAD OF REVENUE.	PARTICULARS.	AMOUNT.	TOTAL.
	Brought forward .....	£ .....	1,061,200 7 7
Railway Tolls..	.....	.....	9,418 5 2
Assessment on..	Stock .....	.....	31,240 18 9
Sale of Government Property.	Cast Horses and Bullocks .....	548 6 0	
	Condemned and Unserviceable Articles, Stores, &c.....	2,052 6 9	2,600 12 9
Reimbursements in aid of Expenses incurred by Government.	For the treatment of Patients in the Lunatic Asylum.....	850 4 11	
	Collections by the Accountant, Government Printing Office ....	1,565 6 10	
	Rateable proportion of the Expenses payable from the British Treasury, on account of Imperial Convicts, for the year 1856..	4,928 9 7	
	Contributions by the Ordnance Department towards the support of the Gunpowder Magazine .....	98 13 10	
	For Arms and Accoutrements lost and destroyed by the Police..	5 14 6	
	For work performed by Prisoners in Gaol .....	2,241 9 6	
	Amount contributed by the Government of Victoria for maintaining the Light House on Gabo Island .....	2,467 14 11	
	Repayment by the Municipal Council of Sydney of the Interest on Moneys borrowed on account of the Sewerage and Water Works .....	7,230 18 8	
	For advertising Intestate Estates in the <i>London Gazette</i> .....	20 0 0	
	For the Sale of Electoral Lists .....	1 9 6	
	Amount received under the Assisted Immigrants' Employment Act, 16 Victoria, No. 42 .....	946 5 11	
	For Military washing and Barrack damages .....	65 10 10	
	Repayment by the Commissariat of Expenses incurred on account the Honorable the East India Company.....	177 19 9	
	Repayment by Purchasers of Government Debentures of the Interest accrued thereon, at the date of purchase .....	2,220 2 2	
	Contribution by the Proprietors of houses in Richmond Terrace towards the cost of forming a drain in the Government Domain.....	72 3 10	
	Fees collected in the Convict Department of Police.....	7 5 0	
	Other Reimbursements .....	29 5 0	22,928 14 9
Amount ....	Of Interest which had accrued on the Debentures sold by the Bank of New South Wales, in London, and which formed part of the sum realized by their Sale .....	.....	787 15 7
Miscellaneous Receipts ..	Unclaimed Balances of Insolvent Estates .....	51 15 2	
	Store Rent of Gunpowder .....	1,157 11 3	
	Fees on presenting Private Bills to the Parliament.....	225 0 0	
	Fees for Letters of Registration .....	80 0 0	
	Interest on Cash Deposits in the Australian Joint Stock Bank, on account of the Government .....	3,443 8 8	
	Unclaimed Balances in the hands of the Clerk of Petty Sessions, Sydney .....	61 0 11	
	Unclaimed Balances in the hands of the Clerk at the Water Police Office, Sydney.....	4 17 4	
	Bonus paid by G. A. Lloyd & Co., on obtaining the Commercial Agency of the New South Wales Government .....	1,050 0 0	
	Balance refunded of the amount issued for the Pay and Allowances of the Native Police, Northern Districts, up to 30th September, 1855 .....	718 12 9	
	Surcharges recovered .....	96 10 1	
	Amount of Sundry small sums retained in the Pay Branch of the Treasury, temporarily credited to the Consolidated Revenue, until claimed .....	325 16 2	
	Other Miscellaneous Receipts .....	10 13 4	7,225 5 8
Immigration..	Remittances (including £1,417 10s., transferred from the Balance of similar Receipts, on 31st December, 1856) .....	.....	18,162 5 10
Pilotage ....	Port Jackson.....	2,451 17 1	
	Out Ports .....	1,865 15 0	4,317 12 1
Issues on Account Adjusted.	Repayment of Advances of Salaries made in England to Engineers engaged for the Railway Commissioners' Staff.....	475 0 0	
	Repayment of Amount advanced in 1856, to meet Claims in excess of the Amount of Assessment received under the Act 19 Victoria, No. 27.....	2,793 3 3	3,268 3 3
Schedule C ..	Revenue (in part) derived from the Bishopthorpe Estate, for 1857 .....	500 0 0	
	Surcharged recovered on account of the Service of 1856.....	1 4 9	501 4 9
	TOTAL.....	£ .....	1,161,651 6 2

Audit Office, Sydney, New South Wales,  
25 August, 1859.

W. C. MAYNE,  
Auditor General.

## No. 2.

AN ACCOUNT of the DISBURSEMENTS of the Colony of New South Wales, including all sums paid under the authority of Schedules A, B, and C, of the Constitution Act, and of other Acts of the Legislature, (exclusive of the Expenditure for Loan Services, from the 1st January to the 31st December, 1857.)

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
<b>SCHEDULE B, AND SUPPLEMENT.</b>			
<b>PENSIONS AND RETIRED ALLOWANCES.</b>			
Pensions to Political Officers .....	4,763 15 4		
Pensions to Superannuated Officers .....	3,000 1 2		
Pensions and Retired Allowances, viz.:—			
Lady Forbes, widow of Sir Francis Forbes, formerly			
Chief Justice .....		200 0 0	
Lady Dowling, widow of Sir James Dowling, late Chief			
Justice .....		116 13 4	
Mrs. Anne Kinchela, widow of the late Mr. Justice			
Kinchela .....		100 0 0	
Mrs. Anne Petrie, daughter of the late Captain Flinders,			
R.N. ....		150 0 0	
Mr. E. R. Stack, late Master of the Benevolent Asylum..		133 6 8	
	7,763 16 6	700 0 0	8,463 16 6
<b>SCHEDULE C, AND SUPPLEMENT.</b>			
<b>ECCLESIASTICAL.</b>			
<i>Church of England.</i>			
Stipends and Allowances under Schedule C.....	14,552 6 5		
Temporary addition to Stipends .....		5,315 4 7	
Towards the erection of an Episcopal Residence (arrears of			
Schedule A, part 3) .....		929 5 0	
Towards the erection of a Church at Wilberforce (ditto) .....		430 0 0	
Stipends and Allowances (ditto).....		97 7 4	
	14,552 6 5	6,771 16 11	21,324 3 4
<i>Presbyterian Church.</i>			
Stipends under Schedule C .....	3,391 6 7		
Temporary addition to Stipends .....		1,788 15 4	
	3,391 6 7	1,788 15 4	5,180 1 11
<i>Wesleyan Methodist Mission.</i>			
Stipends under Schedule C .....	1,735 0 6		
Temporary addition to Stipends.....		1,200 0 0	
	1,735 0 6	1,200 0 0	2,935 0 6
<i>Roman Catholic Church.</i>			
Stipends and Allowances under Schedule C.....	9,764 15 9		
Temporary addition to Stipends .....		2,754 1 4	
Towards the erection of a Church at Ryde (arrears of			
Schedule A, part 3) .....		142 4 2	
Stipends and Allowances (ditto).....		59 1 6	
	9,764 15 9	2,955 7 0	12,720 2 9
<i>Clergymen at the Gold Fields.</i>			
Western—Salaries and Contingencies .....		1,954 5 0	
Southern—Salaries and Contingencies .....		1,457 10 0	
			3,411 15 0
<i>Jewish Minister, Sydney.</i>			
Stipend.....		200 0 0	
	29,443 9 3	16,327 14 3	200 0 0
<b>EXECUTIVE AND LEGISLATIVE.</b>			
<b>HIS EXCELLENCY THE GOVERNOR GENERAL.</b>			
Annual Provision under Schedule A .....	7,000 0 0		
Private Secretary, ditto .....	400 0 0		
Establishment.....		1,984 2 2	
Additions, Alterations, and Gas Fittings, Government House		1,013 6 5	
Repairing and replacing Furniture in the Public Rooms of			
Government House .....		1,420 14 6	
Erection of a Cottage in the Kitchen Garden .....		113 0 0	
Laying down Water Pipes to Government House .....		86 11 2	
Casual Repairs to Government House, Stables, and Lodges..		2,552 13 3	
Furniture and Fittings .....		181 11 7	
	7,400 0 0	7,351 19 1	14,751 19 1
<b>LEGISLATIVE COUNCIL.</b>			
Salaries and Contingencies .....		3,646 4 7	
			3,646 4 7
<b>LEGISLATIVE ASSEMBLY.</b>			
Salaries and Contingencies .....		6,592 11 2	
Furniture and Fittings .....		5 11 6	
			6,598 2 8
<b>LEGISLATIVE COUNCIL AND ASSEMBLY.</b>			
Salaries and Contingencies .....		2,715 4 9	
Casual Repairs .....		152 5 0	
			2,867 9 9
Carried forward .....	44,607 5 9	37,491 10 4	82,098 16 1

## CONSOLIDATED REVENUE FUND.

5

## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	£ 44,607 5 9	37,491 10 4	82,098 16 1
<b>EXECUTIVE AND LEGISLATIVE—Continued.</b>			
<b>EXECUTIVE COUNCIL.</b>			
Salaries and Contingencies .....		1,236 7 7	
Furniture and Fittings .....		20 2 0	
			1,256 9 7
<b>THE PRINCIPAL SECRETARY.</b>			
<b>PRINCIPAL SECRETARY.</b>			
Salary under Schedule A .....	2,000 0 0		
Salaries and Contingencies of Department .....		6,404 6 8	
Casual Repairs .....		349 1 6	
Furniture and Fittings .....		108 9 0	
	2,000 0 0	6,861 17 2	8,861 17 2
<b>GOVERNMENT RESIDENT, MORETON BAY.</b>			
Salaries and Contingencies .....		989 16 3	
			989 16 3
<b>REGISTRAR GENERAL.</b>			
Salaries and Contingencies .....		5,979 10 9	
Casual Repairs .....		14 9 0	
Furniture and Fittings .....		79 14 3	
			6,073 14 0
<b>POSTAL ESTABLISHMENT AND SERVICES.</b>			
<i>Post Office.</i>			
Salaries and Contingencies .....		24,385 10 0	
Casual Repairs .....		414 17 2	
Furniture and Fittings .....		22 15 6	
		24,823 2 8	
Conveyance of Mails .....		33,186 13 4	
			63,009 16 0
<b>EDUCATIONAL.</b>			
<b>National Schools</b> .....		18,487 5 9	
			18,487 5 9
<b>Denominational Schools.</b>			
Church of England .....		9,306 7 7	
Presbyterian .....		1,872 19 6	
Wesleyan .....		970 8 10	
Roman Catholic Church .....		5,784 4 11	
Expenses of the Board .....		1,042 7 9	
			18,976 0 7
<b>Protestant Orphan School.</b>			
Salaries and Contingencies .....		4,027 9 1	
Buildings and Repairs .....		212 17 2	
Furniture and Fittings .....		15 0 0	
			4,255 6 3
<b>Roman Catholic Orphan School.</b>			
Salaries and Contingencies .....		3,170 1 0	
Buildings and Repairs .....		196 15 0	
			3,366 16 0
Endowment of the University of Sydney, 14 Victoria, No. 31.		5,000 0 0	5,000 0 0
Endowment of St. Paul's College, 18 Victoria, No. 37 .....		625 0 0	625 0 0
Endowment of the Sydney Grammar School, 18 Victoria .....		2,250 0 0	2,250 0 0
		52,960 8 7	
<b>IMMIGRATION.</b>			
<b>Establishment, Sydney.</b>			
Salaries and Contingencies .....		3,521 1 10	
Casual Repairs .....		296 1 11	
Furniture and Fittings .....		10 10 0	
			3,827 13 9
<b>Establishments, Country Districts.</b>			
Salaries and Contingencies .....		1,317 8 1	
			1,317 8 1
<b>Quarantine.</b>			
Salaries and Contingencies .....		510 1 5	
			510 1 5
Remittances to the Land and Emigration Commissioners (including £11,694 10s. Immigration Remittances) .....		120,198 10 0	120,198 10 0
Immigration Remittances refunded to Depositors .....		2,993 2 0	2,993 2 0
Gratuities to Surgeons-Superintendent, and others .....		8,489 18 0	8,489 18 0
Commission on Immigration Remittances .....		227 9 6	227 9 6
Introduction of Foreign Immigrants .....		25 0 0	25 0 0
Interest on Land and Immigration Deposits .....		3 8 2	3 8 2
		137,592 10 11	
Carried forward .....	£ 46,607 5 9	306,236 2 10	352,843 8 7

## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	46,607 5 9	306,236 2 10	352,843 8 7
<b>THE PRINCIPAL SECRETARY—Continued.</b>			
<b>POLICE.</b>			
<i>Sydney and Judicial.</i>			
Salaries and Contingencies .....		2,898 7 4	
Casual Repairs .....		751 1 7	
Furniture and Fittings .....		98 2 0	
			3,747 10 11
<i>Metropolitan (including the Inspector General's Department).</i>			
Salaries and Contingencies .....		15,447 3 6	
Casual Repairs .....		156 11 3	
Furniture and Fittings .....		34 13 0	
			15,638 7 9
<i>Water Police, Sydney.</i>			
Salaries and Contingencies .....		3,973 8 0	
Casual Repairs .....		4 0 0	
Furniture and Fittings .....		4 5 6	
			3,981 13 6
<i>Horse Patrol, Sydney.</i>			
Salaries and Contingencies .....		2,740 15 3	
Casual Repairs .....		5 10 5	
			2,746 5 8
<i>Sydney District.</i>			
Salaries and Contingencies .....		2,186 17 6	
			2,186 17 6
<i>Rural.</i>			
Salaries and Contingencies .....		82,199 14 8	
Erection of Police Buildings and Repairs .....		5,524 9 9	
Furniture and Fittings .....		182 4 2	
			87,906 8 7
<i>Horse Patrol, Country Districts.</i>			
Salaries and Contingencies .....		5,774 13 3	
			5,774 13 3
<i>Native Police.</i>			
Salaries and Contingencies .....		8,569 0 6	
Furniture and Fittings .....		31 14 0	
			8,600 14 6
<i>Gold Guards and Conveyances.</i>			
Salaries and Contingencies .....		3,071 8 8	
			3,071 8 8
<b>GAOL AND PENAL.</b>			
<i>Gaol, Sydney.</i>			
Salaries and Contingencies .....		8,672 4 8	
Casual Repairs .....		118 11 6	
Furniture and Fittings .....		8 5 0	
Employment of Prisoners .....		1,909 4 6	
			10,708 5 8
<i>Gaol, Parramatta.</i>			
Salaries and Contingencies .....		4,367 13 5	
Employment of Prisoners .....		1,184 10 8	
			5,552 4 1
<i>Gaol, Bathurst.</i>			
Salaries and Contingencies .....		2,966 18 2	
Casual Repairs .....		155 1 6	
Furniture and Fittings .....		4 0 0	
			3,125 19 8
<i>Gaol, Maitland.</i>			
Salaries and Contingencies .....		2,441 9 3	
Casual Repairs .....		10 7 0	
			2,451 16 3
<i>Gaol, Goulburn.</i>			
Salaries and Contingencies .....		1,851 7 3	
Casual Repairs .....		20 4 0	
			1,871 11 3
<i>Gaol, Brisbane.</i>			
Salaries and Contingencies .....		2,117 19 1	
Employment of Prisoners .....		348 18 6	
			2,466 17 7
<i>Penal Establishment, Cockatoo Island.</i>			
Salaries and Contingencies .....		10,171 4 9	
			10,171 4 9
<b>GOVERNMENT PRINTING AND BOOKBINDING DEPARTMENT.</b>			
Salaries and Contingencies .....		14,749 3 5	
Paper and Parchment for Printing .....		1,750 18 6	
Fixing Steam Engine at Government Printing Office .....		149 17 8	
Casual Repairs .....		189 6 9	
Furniture and Fittings .....		33 19 2	
			16,903 5 6
<b>OBSERVATORY.</b>			
Salaries and Contingencies .....		811 1 1	
Meteorological Stations .....		10 0 0	
Instruments and Buildings for Meteorological Stations .....		287 15 8	
			1,108 16 9
Carried forward .....	46,607 5 9	494,250 4 8	540,857 10 5

## CONSOLIDATED REVENUE FUND.

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## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	£ 46,607 5 9	494,250 4 8	540,857 10 5
<b>THE PRINCIPAL SECRETARY—Continued.</b>			
<b>MEDICAL.</b>			
<i>Medical Adviser to the Government.</i>			
Arrears of Salary of a Clerk, and Contingencies .....	.....	5 8 0	5 8 0
<i>Health Officers and Medical Board.</i>			
Salaries and Contingencies .....	.....	1,126 4 8	1,126 4 8
<i>Vaccine Establishments.</i>			
Salaries and Contingencies .....	.....	389 8 0	
Casual Repairs .....	.....	88 17 6	
Furniture and Fittings .....	.....	9 8 0	487 13 6
<i>Lunatic Asylum, Tarban Creek.</i>			
Salaries and Contingencies .....	.....	7,651 14 4	
Constructing a Dam .....	.....	415 0 3	
Casual Repairs .....	.....	849 11 3	
Furniture and Fittings .....	.....	26 19 0	8,943 4 10
<i>Lunatic Asylum, Parramatta</i>			
Salaries and Contingencies .....	.....	12,907 7 0	
Additions and Repairs .....	.....	1,130 16 9	
Furniture and Fittings .....	.....	26 8 0	14,064 11 9
		24,627 2 9	
<b>NAVAL AND MILITARY.</b>			
<i>Naval—Colonial Allowance (arrears).....</i>	.....	290 5 6	
Gun Boat "Spitfire"—			
Salaries and Contingencies (arrears) .....	.....	33 8 10	
Salary of the Master to 18th March, 1857.....	.....	44 8 10	363 3 2
<i>Military.</i>			
Salaries and Contingencies .....	.....	24,217 8 4	
Lighting Lamps, &c., Victoria Barracks .....	.....	540 17 10	
Repairs to Military Buildings .....	.....	1,583 10 0	
Painting the Military Barracks, Newcastle .....	.....	176 0 0	
Furniture and Fittings .....	.....	2 12 6	26,520 8 8
<i>Royal Artillery.</i>			
Salaries and Contingencies .....	.....	9,158 10 1	
Repairs to Batteries .....	.....	15 18 6	9,174 8 7
<i>Volunteer Corps.</i>			
Salaries and Contingencies (arrears).....	.....	538 1 10	538 1 10
Naval and Military Postage.. ..	.....	159 1 5	159 1 5
		36,760 3 8	
<b>GRANTS IN AID OF PUBLIC INSTITUTIONS.</b>			
Australian Museum Endowment Fund, 17 Victoria, No. 2. ..	.....	1,250 0 0	
Towards completing the Interior Fittings of the Australian Museum .....	.....	1,500 0 0	
Sydney Mechanics' School of Arts.....	.....	200 0 0	
Goulburn School of Arts .....	.....	100 0 0	
Brisbane School of Arts .....	.....	100 0 0	
Maitland Mechanics' Institute.....	.....	514 17 6	3,664 17 6
<b>CHARITABLE ALLOWANCES.</b>			
For the support of Paupers in the Colonial Hospitals .....	.....	2,040 18 6	
In support of the Establishment of the Benevolent Society, Sydney, on condition of £1,000 being raised by Voluntary Contributions .....	.....	4,936 3 6	
Towards the current Expenses of the Benevolent Society, Tamworth .....	.....	150 0 0	
In aid of the undermentioned Institutions, equal sums having been raised by Private Subscriptions, viz.:—			
The Sydney Infirmary and Dispensary .....	.....	700 0 0	
The Asylum for Destitute Children, Sydney .....	.....	1,750 0 0	
The Benevolent Society, Parramatta .....	.....	100 0 0	
The Benevolent Society, Singleton and Patrick's Plains..	.....	100 0 0	
Erection of a Benevolent Asylum, Penrith .....	.....	250 0 0	
Outfit for Hospital at Mudgee .....	.....	200 0 0	
Outfit for Hospital at Maitland .....	.....	200 0 0	
Windsor .....	.....	199 18 11	
Bathurst .....	.....	204 15 0	
Newcastle.....	.....	95 0 0	
Port Macquarie .....	.....	68 4 5	
Yass .....	.....	199 16 1	
The Hospital at { Parramatta .....	.....	242 14 4	
{ Brisbane .....	.....	280 4 0	
{ Goulburn .....	.....	294 12 6	
{ Armidale and New England.....	.....	150 0 0	
{ Mudgee.....	.....	100 0 0	
{ Maitland .....	.....	448 19 3	12,711 6 6
Carried forward .....	£ 46,607 5 9	572,013 15 1	618,621 0 10



## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	46,607 5 9	572,013 15 1	618,621 0 10
<b>THE PRINCIPAL SECRETARY—Continued.</b>			
COLONIAL AGENT GENERAL.			
Salary and Allowance .....		400 0 0	400 0 0
ABORIGINES.			
Medical Attendance, cost of Blankets, and other Miscellaneous Charges.....		1,794 6 0	1,794 6 0
MISCELLANEOUS.			
Expenses attending the Preparation of the Electoral Lists ..		1,291 8 6	
Expense of Election of Members to serve in the Legislative Assembly.....		618 8 1	
Expense of Election of Aldermen and Auditors to serve in the Municipal Council of the City of Sydney, 20 Victoria, No. 36, section 37 .....		297 9 6	
Allowance to Secretary to Returning Officer, Sydney .....		20 16 8	
Erecting Pounds, and Allowances to Poundkeepers .....		10 0 0	
Provisions left on Booby Island for the relief of Shipwrecked Persons.....		21 14 0	
In aid of the City Funds .....		10,000 0 0	
Compensation to Public Officers whose situations have been abolished .....		3,307 8 9	
Compensation to Mrs. Redman in lieu of land required for the line of road to Glebe Island .....		325 6 3	
Expenses incurred by the owners of the cutter "Oberon," in that vessel's search for Mr. Benjamin Boyd, in 1854 .....		300 0 0	
Expedition in search of Dr. Leichhardt .....		182 5 3	
Expenses incurred for the relief of Sufferers by the late Floods in the Hunter River District .....		487 9 7	
Contingent Charges on Land and Immigration Debentures paid off in 1857 .....		164 0 2	
Further Expense of taking the Census in 1856 .....		722 1 8	
Gratuity to John Doyle, formerly of the Police Force, and lately a Letter Carrier at West Maitland, disabled in the execution of his duty.....		50 0 0	
Travelling Expenses of H. H. Browne, Esq., while representing this Colony at a meeting held in Melbourne, respecting a general system of Light Houses .....		77 14 0	
Cost of an Action brought against the City Coroner by Dr. Muller .....		23 17 0	
Taking and transcribing Evidence before a Board appointed to inquire into certain matters at Cockatoo Island .....		13 17 6	
Taking and transcribing Evidence before a Board appointed to inquire into charges made against the Port Master .....		15 12 9	
Testing Hydrometers, and making various Analyses for testing the strength of Spirits.....		10 10 0	
Premium to W. G. Mason for the best model of a Life Boat..		15 0 0	
Compromise in full for damages and costs in an action for cutting Timber on Private Property for the Bridge at Windsor .....		40 0 0	
Hire of the steamer "Black Swan" on the occasion of the wreck of the "Dunbar" .....		20 0 0	
Hire of the steamer "William the IV" for the purpose of proceeding in search of a ship reported to be on fire .....		30 0 0	
For Advertisements relating to Debentures .....		13 2 10	
Expenses incurred by the owners of the "General Wyndham," through the carelessness of the Pilot.....		14 14 0	
Compiling a Statistical Return for the illustration of the proposed Electoral Bill .....		42 0 0	
To defray the expenses of Colonel Bloomfield's passage to England, in consequence of having deferred his departure until the return of His Excellency the Governor General from Norfolk Island .....		175 0 0	
Miscellaneous Items .....		68 19 8	18,364 16 2
<b>ADMINISTRATION OF JUSTICE.</b>			
LAW OFFICERS OF THE CROWN.			
Salary of the Attorney General under Schedule A.....	1,500 0 0		
Salary of the Solicitor General ditto .....	1,000 0 0		
Salaries and Contingencies of their Department .....		4,779 15 1	
Casual Repairs .....		151 2 5	
Furniture and Fittings .....		71 11 2	
	2,500 0 0	5,002 8 8	7,502 8 8
SUPREME AND CIRCUIT COURTS.			
Salaries of the Judges under Schedule A.....	5,000 0 0		
Supplement to ditto under 20 Victoria, No. 5 .....		1,541 13 4	
Salaries and Contingencies of the Department .....		9,073 13 6	
Casual Repairs .....		665 4 5	
Furniture and Fittings .....		166 15 9	
	5,000 0 0	11,447 7 0	16,447 7 0
Carried forward .....	54,107 5 9	609,022 12 11	663,129 18 8

## CONSOLIDATED REVENUE FUND.

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## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL
Brought forward .....	54,107 5 9	609,022 12 11	663,129 18 8
ADMINISTRATION OF JUSTICE—Continued.			
MORETON BAY COURT.			
Salary of the Judge under Schedule A.....	1,500 0 0		
Supplement to ditto under 20 Victoria, No. 5 .....		483 6 8	
Salaries and Contingencies of the Department .....		2,588 9 7	
	1,500 0 0	3,071 16 3	4,571 16 3
SHERIFF.			
Salaries and Contingencies .....		5,727 18 8	5,727 18 8
INSOLVENT COURT.			
Salaries and Contingencies .....		1,284 9 2	
Casual Repairs .....		216 6 9	
Furniture and Fittings .....		55 1 2	1,555 17 1
QUARTER SESSIONS.			
Salary of Chairman of Quarter Sessions under Schedule A (attcars) .....	66 13 4		
Salaries of Department .....		6,651 11 7	
Furniture and Fittings .....		2 0 0	
	66 13 4	6,653 11 7	6,720 4 11
COURTS OF REQUESTS.			
Salaries and Contingencies .....		3,095 1 9	
Casual Repairs .....		60 10 7	
Furniture and Fittings .....		21 11 6	3,177 3 10
CORONERS.			
Salaries and Contingencies .....		2,833 4 0	
Casual Repairs to City Coroner's Office .....		166 9 5	
Furniture and Fittings for do. ....		6 1 0	3,005 14 5
MISCELLANEOUS.			
Indemnification to Gilbert Elliott, Esq., for costs incurred in defending an Action brought against him while in the discharge of his official duties as Sheriff of the Colony. ....		228 15 7	228 15 7
TREASURER AND SECRETARY FOR FINANCE AND TRADE.			
COLONIAL TREASURER.			
Salary of the Treasurer, provided under Schedule A.....	1,250 0 0		
Supplement to ditto, 20 Victoria, No. 18 .....		371 10 4	
Salaries and Contingencies of the Treasurer's Department ..		7,156 5 6	
Casual Repairs .....		420 18 3	
Furniture and Fittings .....		186 13 9	
	1,250 0 0	8,135 7 10	9,385 7 10
CUSTOMS.			
Salaries and Contingencies .....		22,337 8 7	
Casual Repairs .....		50 8 0	
Furniture and Fittings .....		103 11 6	
		22,521 8 1	
Drawbacks and Refund of Duties .....		19,486 13 7	42,008 1 8
COLONIAL DISTILLERIES.			
Salaries and Contingencies .....		1,892 19 2	
Casual Repairs .....		21 2 0	
Furniture and Fittings .....		28 6 3	1,942 7 5
SYDNEY BRANCH OF THE ROYAL MINT.			
Salaries and Contingencies .....		12,356 5 4	
Casual Repairs .....		152 16 4	12,509 1 8
GOLD RECEIVERS.			
Salaries .....		93 15 0	93 15 0
POSTAGE STAMP PRINTING OFFICE.			
Contingencies.....		1,454 9 2	1,454 9 2
COLONIAL STOREKEEPER.			
Salaries and Contingencies .....		4,367 1 11	4,367 1 11
GUNPOWDER MAGAZINE.			
Salaries and Contingencies .....		934 3 2	934 3 2
Carried forward .....	56,923 19 1	703,887 18 2	760,811 17 3

## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	56,923 19 1	703,887 18 2	760,811 17 3
<b>TREASURER AND SECRETARY FOR FINANCE AND TRADE—Continued.</b>			
<b>LIGHT, NAVIGATION, AND PILOT DEPARTMENT.</b>			
<i>Port Master and Steam Navigation Board.</i>			
Salaries and Contingencies .....		5,157 8 3	
Casual Repairs .....		53 5 1	
Furniture and Fittings .....		40 12 0	5,251 5 4
<i>Telegraph Stations.</i>			
Salaries and Contingencies .....		809 3 0	
Casual Repairs .....		20 0 0	829 3 0
<i>Light House, South Head.</i>			
Salaries and Contingencies .....		711 8 4	
Casual Repairs .....		14 7 6	725 15 10
<i>Floating Light, Port Jackson.</i>			
Salaries and Contingencies .....		958 15 5	958 15 5
<i>Floating Light, Moreton Bay.</i>			
Salaries and Contingencies .....		1,738 0 1	1,738 0 1
<i>Light House, Moreton Bay.</i>			
Salaries and Contingencies .....		1,092 19 2	1,092 19 2
<i>Light House, Gabo Island.</i>			
Salaries and Contingencies .....		1,186 2 8	
Furniture and Fittings .....		0 15 0	1,186 17 8
<i>Light House, Newcastle.</i>			
Salaries and Contingencies .....		98 3 4	98 3 4
<i>Harbor Master, Newcastle.</i>			
Salaries and Contingencies .....		2,363 0 9	
Casual Repairs .....		0 5 0	2,363 5 9
<i>Harbor Master, Moreton Bay.</i>			
Salaries and Contingencies .....		2,689 18 11	
Casual Repairs .....		30 8 1	2,720 7 0
<i>Pilots, Port Jackson.</i>			
Proportion of Pilotage .....		2,239 12 9	
Supplementary Allowance .....		927 0 6	3,166 13 3
<i>Pilot at Wollongong.</i>			
Salary and Contingencies .....		260 13 4	260 13 4
<i>Pilot Station, Manning River.</i>			
Salaries and Contingencies .....		762 1 2	762 1 2
<i>Pilot Station, M'Leay River.</i>			
Salaries and Contingencies .....		576 9 0	576 9 0
<i>Pilot at Kiama.</i>			
Salary .....		104 4 11	104 4 11
<i>Pilot Station, Port Macquarie.</i>			
Salaries and Contingencies .....		764 6 8	764 6 8
<i>Pilot Station, Clarence River.</i>			
Salaries and Contingencies .....		778 8 5	778 8 5
<i>Pilot Station, Richmond River.</i>			
Salaries and Contingencies .....		706 15 0	706 15 0
		24,084 4 4	
<b>SHIPPING MASTERS.</b>			
<i>Sydney.</i>			
Salaries and Contingencies .....		1,683 9 7	
Casual Repairs .....		5 7 6	
Furniture and Fittings .....		2 0 0	1,690 17 1
<i>Newcastle.</i>			
Salaries and Contingencies .....		95 18 0	95 18 0
<i>Moreton Bay.</i>			
Salaries and Contingencies .....		37 10 0	37 10 0
		1,824 5 1	
Carried forward .....	56,923 19 1	729,796 7 7	786,720 6 8

ACCOUNT OF DISBURSEMENTS, &c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward.. .. £	56,923 19 1	729,796 7 7	786,720 6 8
<b>TREASURER AND SECRETARY FOR FINANCE AND TRADE—Continued.</b>			
<b>MISCELLANEOUS.</b>			
For the maintenance and conveyance of shipwrecked Seamen in distress .....		166 11 11	
Premiums on Bills of Exchange purchased for remittance to England .....		6,147 5 5	
For the employment of the Steam Dredge .....		1,083 19 6	
Repairs and alterations to the Steam Dredge and Punts ....		1,282 17 8	8,680 14 6
<b>SECRETARY FOR LAND AND PUBLIC WORKS.</b>			
<b>SECRETARY FOR LAND AND PUBLIC WORKS.</b>			
Salaries and Contingencies of the Department .....		5,091 14 0	
Casual Repairs .....		62 1 3	
Furniture and Fittings .....		10 3 0	5,166 18 3
<b>BOARD OF WORKS.</b>			
Salaries .....		1,812 10 0	1,812 10 0
<b>SURVEY AND MANAGEMENT OF CROWN LANDS.</b>			
Salaries and Contingencies .....		46,542 4 5	
Casual Repairs .....		179 5 9	
Furniture and Fittings .....		120 15 6	46,842 5 8
<b>ROADS DEPARTMENT.</b>			
Salaries and Contingencies .....		2,608 6 8	2,608 6 8
<b>COLONIAL ARCHITECT.</b>			
Salaries and Contingencies .....		2,839 18 10	
Casual Repairs .....		63 11 4	
Furniture and Fittings .....		1 15 0	2,905 5 2
<b>PORT CURTIS ESTABLISHMENT.</b>			
Salaries and Contingencies .....		1,372 8 3	1,372 8 3
<b>GOLD FIELDS.</b>			
<i>Within the Settled Districts.</i>			
Western—Salaries and Contingencies .....		8,281 17 5	
Southern—Salaries and Contingencies .....		2,477 10 5	
<i>Beyond the Settled Districts.</i>			
Salaries and Contingencies .....		4,556 4 11	
Casual Repairs .....		20 0 0	15,365 12 9
<b>BOTANIC GARDENS, SYDNEY.</b>			
Salaries and Contingencies .....		2,042 9 7	
Repairing Gates and Fences .....		180 12 0	
Depositing Silt on the reclaimed space in the Garden .....		193 6 8	
Casual Repairs .....		50 12 7	
Furniture and Fittings .....		26 3 0	2,493 3 10
<b>BOTANIC GARDENS, BRISBANE.</b>			
Salaries and Contingencies .....		499 19 10	499 19 10
<b>GOVERNMENT DOMAINS AND HYDE PARK.</b>			
Salaries and Contingencies .....		1,053 8 8	
Improvement of Hyde Park under the superintendence of the Committee of Management .....		1,212 17 4	
Forming an entrance into the Domain from Palmer-street ..		164 15 0	2,431 1 0
<b>EXAMINER OF COAL FIELDS AND COAL MINES.</b>			
Salaries and Contingencies .....		655 7 0	655 7 0
<b>COURT OF CLAIMS.</b>			
Fees paid to Members .....		123 18 0	123 18 0
Commission and other Charges on Land Sales .....		6,448 16 5	6,448 16 5
<b>PUBLIC WORKS AND BUILDINGS.</b>			
Repairs to the Semi-Circular Quay .....		1,660 19 3	
Casual Repairs to do. ....		77 2 0	
Expense of covering in a portion of the Tank Stream .....		869 11 0	
Surveying and Improving the Navigation of the Shoalhaven River .....		19 2 6	
Constructing Electric Telegraph between Sydney and the South Head .....		528 1 5	
Erecting New Light House, Inner South Reef .....		1 10 0	
Repairing the Dam at Parramatta .....		198 11 7	
Public Abattoir, Glebe Island .....		2 19 4	
Repairing Queen's Wharf at Morpeth .....		400 0 0	
Carried forward .....	£	3,757 17 1	
Carried forward .....	£	56,923 19 1	827,202 14 11
			884,126 14 0

## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	56,923 19 1	827,202 14 11	884,126 14 0
<b>SECRETARY FOR LAND AND PUBLIC WORKS—</b> <i>Continued.</i>			
<b>PUBLIC WORKS AND BUILDINGS—Continued.</b>			
Brought forward .....		3,757 17 1	
Improving the Navigation of the Rivers Brisbane and Bremer .....		225 0 0	
Repairing the Jetty, Cleveland Point, Moreton Bay .....		183 13 10	
Erection of a Light House at Cape Moreton .....		928 2 11	
Repairing the Dam over George's River at Liverpool .....		1,034 13 3	
Fencing the Cemetery at Orange .....		140 0 0	
Fencing the Cemetery at Albury .....		50 0 0	
Forming a Dam across the River Bremer .....		231 15 4	
Casual Repairs, and Furniture and Fittings of a Miscellaneous character .....		547 1 2	
			7,098 3 7
<b>ROADS, STREETS, AND BRIDGES.</b>			
Constructing, Upholding, and Repairing the Public Roads, Bridges, and Ferries, on which Tolls have been established .....		337 11 5	
Making and Repairing the Public Roads and Bridges, on which Tolls are not established, viz. :—			
Great Western Roads .....		13,882 9 8	
Great Southern Roads .....		14,616 9 2	
Great Northern Roads .....		9,200 18 8	
Moreton Bay Roads .....		6,400 4 10	
Making and Repairing the Main Leading Thoroughfares beyond the Settled Districts .....		4,294 6 7	
Repairing Camden Bridge .....		353 3 5	
Repairing Roads and Bridges in the District of Sofala .....		106 0 0	
Repairing the Main North Road at Warland's Flat .....		891 19 2	
Repairing the Road from Bathurst to Wellington .....		428 10 3	
Repairing the Roads and Bridges in the Wollombi District .....		572 4 8	
Allowance to the Keeper of the Punt, George's River .....		35 0 0	
For the Supervision of the undermentioned Roads, viz. :—			
Western Road, from Parramatta to Bathurst .....		41 13 4	
Southern Road, from Saltpan Creek to Goulburn .....		41 13 4	
Northern Road, from Morpeth to the Gap at Murrumbidgee .....		41 13 4	
Moreton Bay Road, from Brisbane to the Gap leading to Drayton .....		41 13 4	
Fencing the Road through the Point Piper Estate .....		740 14 6	
Lighting the Government Lamps, Sydney .....		347 15 0	
Repairing the Approaches to the Ferries at Brisbane .....		21 15 8	
Repairing Roads and Bridges damaged by the recent floods .....		2,031 8 10	
Road between Armidale and Grafton .....		98 4 6	
Road from Sydney to Illawarra .....		11 10 0	
Randwick and Coogee Road .....		413 5 4	
Road from Braidwood to the River Clyde .....		133 10 3	
Improving the Streets in the Town of Ipswich .....		36 0 0	
Constructing and Repairing the undermentioned Bridges, viz. :—			
The Victoria Bridge, Maitland .....		20 18 0	
The Denison Bridge, Bathurst .....		20 12 0	
Bridge near the Menangle Ford .....		14 13 0	
Do. over Stanley Creek, near Durandur .....		14 3 4	
Do. at Queanbeyan .....		700 0 0	
Do. over the Macquarie River, Illawarra .....		7 12 6	
Do. at Windsor .....		811 17 7	
			56,709 11 8
<b>AUDITOR GENERAL.</b>			
<b>AUDITOR GENERAL'S DEPARTMENT.</b>			
Auditor General's Salary under Schedule A .....	900 0 0		
Supplement to ditto .....		100 0 0	
Salaries and Contingencies .....		5,115 14 3	
Casual Repairs .....		108 16 10	
Furniture and Fittings .....		16 8 0	
	900 0 0	5,340 19 1	6,240 19 1
<b>UNCLASSIFIED EXPENDITURE.</b>			
<b>INTEREST ON LOANS.</b>			
On Land and Immigration Debentures .....		22,792 4 10	
Railway Debentures .....		63,821 16 8	
Public Works' Loan Debentures .....		20,298 18 3	
Sewerage Debentures .....		11,390 2 4	
Water Supply Debentures .....		7,013 14 5	
Cash Credit Accounts with the Banks in 1855-6 .....		2,029 8 4	
			127,346 4 10
<b>REPAYMENT OF LOANS.</b>			
Land and Immigration Debentures paid off .....		5,800 0 0	5,800 0 0
Carried forward .....	57,823 19 1	1,029,497 14 1	1,087,321 13 2

ACCOUNT OF DISBURSEMENTS, &c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward.....	57,823 19 1	1,029,497 14 1	1,087,321 13 2
UNCLASSIFIED EXPENDITURE—Continued.			
CHARGES ON COLLECTIONS.			
<i>Commission.</i>			
On the Sale of Government Property .....		0 11 3	
On the Collection of Intestate Estates .....		186 2 1	
On the Collection of Quit Rents.....		38 8 10	
On the Collection of Murray River Customs by the Government of South Australia .....		388 7 7	
<i>Advertising</i> .....		50 4 0	
<i>Miscellaneous.</i>			
Law Expenses in the case Quin v. Rolfe .....		3 0 0	
Reward for the Seizure of an Illicit Still .....		25 0 0	
Payment of a claim against Cockerell's Confiscated Estate..		7 2 3	
Expense of the Conveyance of Gold Coin from the Mint to the Bank of New South Wales .....		15 12 6	
Value of Gold Coins taken from the general circulation of the Colony, for transmission to England.....		36 0 0	
			750 8 6
REVENUE AND RECEIPTS RETURNED.			
Amount of Postage Stamps received in payment of Revenue .....		345 0 1	
Fines and Forfeitures .....		450 10 9	
Estreated Recognizances .....		131 6 10	
Fines imposed under the Scab in Sheep Act .....		103 9 0	
Assessment on Stock.....		21 4 1	
Amount paid in excess for the purchase of Land .....		15 0 0	
Rent of Land resumed by the Government .....		25 18 11	
Overpayments by the Commissariat, for Expenses incurred on account of the North Australian Expedition .....		664 13 4	
Sums deposited in the Treasury to defray the expenses of obtaining Letters of Registration granted under the Act of Council, 16 Victoria, No. 24.....		36 17 0	
Fines imposed for slaughtering Cattle without license .....		20 0 0	
Fines for imperfect Weights .....		13 19 6	
Licenses to Publicans .....		80 0 0	
Other Miscellaneous Receipts refunded.....		49 6 3	
			1,957 5 9
STORES.			
Standard Weights and Measures .....		2,375 0 0	
Reserve Store of Gunpowder .....		6,352 10 0	
Other Stores .....		14 7 0	
			8,741 17 0
TOTAL .....	57,823 19 1	1,040,947 5 4	1,098,771 4 5

Audit Office, Sydney, New South Wales,  
25 August, 1859.

W. C. MAYNE,  
Auditor General.

## CONSOLIDATED REVENUE FUND.

## No. 1.

STATEMENT of RECEIPTS in the year 1858, on account of the CONSOLIDATED REVENUE FUND.

HEAD OF REVENUE.	PARTICULARS.	AMOUNT.	TOTAL.
Customs .....	Spirits .....	309,345 6 2	557,298 4 8
	Wine .....	28,063 4 2	
	Ale, Porter, and Beer of all sorts .....	9,158 12 4	
	Tobacco .....	85,619 5 3	
	Tea .....	31,389 6 11	
	Sugar and Molasses .....	84,651 13 6	
	Coffee, Chocolate, and Cocoa .....	8,700 0 8	
	Opium .....	370 15 8	
Duty on .....	Spirits distilled in the Colony .....	.....	50,955 7 10
Gold .....	Duty on Gold { Collected by the Collector of Customs .....	1,746 12 6	43,107 17 7
	{ Collected by the Deputy Master of the Royal Mint .....	30,493 8 6	
	Miners' Rights .....	7,849 10 0	
	Business Licenses .....	2,392 0 0	
	Leases of Auriferous Tracts .....	93 10 0	
	Fees for Escort and Conveyance of Gold, &c. ....	532 16 7	
	.....	.....	
Mint Receipts .....	Proceeds of Land Sales .....	240,633 8 10	18,148 5 3
Land Revenue .....	Rents of Land .....	71,895 8 0	402,472 10 3
	Rent of Land anonymously remitted to Treasury .....	30 0 0	
	Quit Rents .....	1,039 7 10	
	Redemption of Quit Rents .....	150 0 6	
	Survey of Runs .....	866 0 6	
Rents .....	Increased Assessment and Rent of Runs, £2 Victoria, No. 17 ..	87,858 4 7	12,189 0 8
	Tolls and Ferries .....	1,617 6 3	
	Tolls (Main Roads Act, 1858) .....	1,446 14 4	
	Wharfs .....	7,887 1 0	
	Military Canteen, Sydney .....	747 2 10	
Licenses .....	Government Buildings and Premises .....	490 16 3	69,404 9 4
	To Wholesale Spirit Dealers .....	6,740 0 0	
	Auctioneers .....	1,836 5 8	
	Bonded Storekeepers .....	5,284 14 10	
	Retail Fermented and Spirituous Liquors .....	48,017 11 10	
	Night Licenses to Publicans, and for Billiard Tables .....	3,490 0 0	
	To Distillers and Rectifiers .....	56 12 0	
	Hawkers and Pedlers .....	284 17 6	
	Pawnbrokers .....	210 0 0	
	Cut Timber, and make Bricks, &c., on Crown Lands .....	3,380 5 0	
Postage .....	All other Licenses .....	104 2 6	39,953 15 8
	.....	.....	
Fines and Forfeitures ..	Sheriff { Sydney .....	383 0 4	8,102 6 9
	{ Moreton Bay .....	54 15 7	
	Courts of Petty Sessions .....	3,315 8 9	
	Water Police Court .....	194 3 0	
	For the Unauthorized Occupation of Crown Lands .....	613 5 4	
	Crown's share of Seizures by the Departments of Customs and Distilleries .....	3,337 15 10	
	Proceeds of Sale of Confiscated and Unclaimed Property .....	193 17 11	
	Other Fines .....	10 0 0	
Fees of Office .....	On Commissions to Public Officers .....	63 0 0	21,043 10 6
	Certificates of Naturalization .....	283 16 6	
	Copies and Transcripts of Papers .....	10 6 6	
	The Preparation and Enrolment of Title Deeds .....	7,508 5 0	
	Registrar General .....	2,991 15 0	
	Prothonotary of Supreme Court .....	5,258 3 11	
	Master in Equity .....	1,334 7 1	
	Curator of Intestate Estates .....	475 1 11	
	Insolvent Courts .....	1,597 11 6	
	Sheriff .....	1,065 4 10	
	Courts of Requests .....	1,943 0 0	
	Moreton Bay Court .....	612 18 8	
	Carried forward .....	£ 21,043 10 6	
Carried forward .....		£	1,201,631 18 0

## CONSOLIDATED REVENUE FUND.

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## STATEMENT OF RECEIPTS &amp;c.—Continued.

HEAD OF REVENUE.	PARTICULARS.	AMOUNT.	TOTAL.
	Brought forward..... £	.....	1,201,631 18 0
	Brought forward..... £	21,043 10 6	
Fees of Office.	Courts of Petty Sessions .....	2,672 0 5	
	Water Police Court .....	416 17 8	
	Shipping Masters .....	2,409 13 3	
	Steam Navigation Board { Sydney .....	147 0 0	
	{ Brisbane .....	5 0 0	
	Court of Claims .....	74 16 0	
	On disputed claims at the Gold Fields.....	51 0 0	
	Convict Department .....	3 14 0	
			26,823 11 10
Fees on.....	Certificates of Competency to Masters of Vessels .....	.....	1,190 0 0
Railway Tolls..	.....	.....	64,757 12 2
Electric .....	Telegraph Receipts .....	.....	1,756 4 4
Assessment on..	Stock .....	.....	329 15 1
Sale of Government Property.	Cast Horses and Bullocks .....	419 17 1	
	Condemned and Unserviceable Articles, Stores, and other Property .....	2,756 8 0	
			3,176 5 1
Reimbursements in aid of Expenses incurred by Government.	For the treatment of Patients in the Lunatic Asylum.....	1,165 7 1	
	Collections by the Accountant, Government Printing Office ....	1,663 2 1	
	Rateable proportion of the Expenses of Imperial Convicts for the year 1857, received from the British Treasury.....	4,430 10 2	
	Contributions by the Ordnance Department towards the expense of the Gunpowder Magazine .....	91 18 3	
	For Arms and Accoutrements lost and destroyed by the Police..	4 2 0	
	For damage to the Punt plying between North and South Brisbane .....	44 0 0	
	For work performed by Prisoners in Gaol .....	1,466 13 10	
	Amount contributed by the Government of Victoria for maintaining the Light House on Gabo Island, during the year 1857.	593 1 4	
	For advertising Intestate Estates in the <i>London Gazette</i> .....	20 0 0	
	For the Sale of Electoral Lists .....	14 9 0	
	Repayment from the British Treasury of amount of Pensions to Officers of Her Majesty's Customs temporarily paid by the Colony .....	892 10 0	
	Repayment by the Municipal Council of Sydney of the expense of the first Municipal Election under the Act 20 Victoria, No. 36 .....	298 7 6	
	Premium on cancelled Bills of Exchange on London repaid by the Oriental Bank Corporation .....	234 17 10	
	Amount received under the Assisted Immigrants Employment Act, 16 Victoria, No. 42 .....	202 11 0	
	For Military washing and Barrack damages .....	52 12 10	
	For Hire of Steam Dredge.....	24 0 0	
	Repayment by Purchasers of Government Debentures of the interest accrued thereon at the date of purchase.....	20 12 5	
	Repayment by Purchasers of Treasury Bills of the interest accrued thereon at the date of purchase .....	315 15 8	
	Other Reimbursements .....	70 5 0	
			11,604 16 0
Interest on ....	City Debentures .....	.....	13,761 17 6
	Unclaimed Balances of Insolvent Estates .....	24 1 6	
	Store Rent of Gunpowder .....	1,504 13 5	
	Fees for Letters of Registration .....	240 0 0	
Miscellaneous Receipts ..	Surcharges received.....	181 1 1	
	Fees on presenting Private Bills to the Parliament .....	175 0 0	
	Interest on Cash deposits in the Australian Joint Stock Bank on account of the Government .....	6,687 15 2	
	Interest on Cash deposits with the Oriental Bank Corporation on account of the Government .....	2,378 16 2	
	Amount of sundry small undrawn sums in the various Banks in Sydney credited to the Consolidated Revenue Fund until claimed.....	167 6 5	
	Other Miscellaneous Receipts .....	14 13 7	
			11,373 7 4
			21,271 1 0
Immigration ..	Remittances .....	5,177 8 6	
Pilotage ....	Port Jackson.....	2,889 6 0	
	Out Ports .....	.....	8,066 14 6
Harbour Dues..	.....	.....	233 15 0
Tonnage Dues..	Newcastle .....	.....	1,446 1 0
Schedule C ..	Balance of Revenue derived from the Bishopthorpe Estate for the year 1857 .....	466 13 4	
	Revenue (in part) for the year 1858 .....	500 0 0	
			966 13 4
	TOTAL .....	£	1,368,389 12 2

Audit Office, Sydney, New South Wales,  
August, 1859.

W. C. MAYNE,  
Auditor General.



## No. 2.

AN ACCOUNT of the DISBURSEMENTS of the Colony of New South Wales, including all sums paid under the authority of Schedules A, B, and C, of the Constitution Act, and of other Acts of the Legislature, (exclusive of the Expenditure for Loan Services, from the 1st January, to the 31st December, 1858.)

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
<b>SCHEDULE B, AND SUPPLEMENT.</b>			
<b>PENSIONS AND RETIRED ALLOWANCES.</b>			
Pensions to Political Officers .....	6,691 13 4		
Pensions to Superannuated Officers .....	3,980 0 9		
<b>Pensions and Retired Allowances, viz. :—</b>			
Lady Forbes, widow of Sir Francis Forbes formerly Chief Justice .....		250 0 0	
Lady Dowling, widow of Sir James Dowling, late Chief Justice .....		250 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. ....		125 0 0	
Mr. E. R. Stack, late Master of the Benevolent Asylum..		133 6 8	
	10,671 14 1	858 6 8	11,530 0 9
<b>SCHEDULE C, AND SUPPLEMENT.</b>			
<b>ECCLESIASTICAL.</b>			
<i>Church of England.</i>			
Stipends and Allowances under Schedule C.....	15,992 10 9	7,109 12 9	
Temporary addition to Stipends .....			
Towards the erection of a Church at Wilberforce (arrears of Schedule A, part 3) .....		20 0 0	
Half-Salary to B. L. Watson (arrears of Schedule A, part 3)..		50 0 0	
	15,992 10 9	7,179 12 9	23,172 3 6
<i>Presbyterian Church.</i>			
Stipends under Schedule C .....	3,107 7 3	1,660 19 4	
Temporary addition to Stipends .....			
	3,107 7 3	1,660 19 4	4,768 6 7
<i>Wesleyan Methodist Mission.</i>			
Stipends under Schedule C .....	1,572 10 6	1,000 0 0	
Temporary addition to Stipends .....			
	1,572 10 6	1,000 0 0	2,572 10 6
<i>Roman Catholic Church.</i>			
Stipends under Schedule C .....	8,482 3 9	2,442 19 6	
Temporary addition to Stipends .....			
	8,482 3 9	2,442 19 6	10,925 3 3
<i>Clergymen at the Gold Fields.</i>			
Western—Salaries and Contingencies .....		1,830 0 10	
Southern—Salaries and Contingencies .....		1,347 10 0	
			3,177 10 10
<i>Jewish Minister, Sydney.</i>			
Stipend .....		200 0 0	
	29,154 12 3	15,661 2 5	200 0 0
<b>EXECUTIVE AND LEGISLATIVE.</b>			
<b>HIS EXCELLENCY THE GOVERNOR GENERAL.</b>			
Annual Provision under Schedule A .....	7,583 6 8		
Private Secretary .....	433 6 8		
Establishment .....		2,327 6 9	
Repairing and replacing Furniture in the Public Rooms at Government House .....		38 7 1	
Casual Repairs .....		877 0 1	
Furniture and Fittings .....		91 1 9	
	8,016 13 4	3,333 15 8	11,350 9 0
<b>LEGISLATIVE COUNCIL.</b>			
Salaries and Contingencies .....		4,843 19 0	4,843 19 0
<b>LEGISLATIVE ASSEMBLY.</b>			
Salaries and Contingencies .....		6,691 17 0	6,691 17 0
<b>LEGISLATIVE COUNCIL AND ASSEMBLY.</b>			
Salaries and Contingencies .....		2,993 10 0	
Casual Repairs .....		1,757 1 7	
Furniture and Fittings .....		63 16 3	
			4,814 7 10
<b>EXECUTIVE COUNCIL.</b>			
Salaries and Contingencies .....		1,227 10 9	1,227 10 9
Carried forward.....£	47,842 19 8	37,430 19 4	85,273 19 0

## CONSOLIDATED REVENUE FUND.

17.

## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	£ 47,842 19 8	37,430 19 4	85,273 19 0
<b>THE PRINCIPAL SECRETARY.</b>			
<b>PRINCIPAL SECRETARY.</b>			
Salary provided under Schedule A .....	2,166 13 4		
Salaries and Contingencies of Department .....		5,716 14 2	
Casual Repairs .....		135 11 5	
Furniture and Fittings .....		30 14 6	
	2,166 13 4	5,883 0 1	8,049 13 5
<b>GOVERNMENT RESIDENT, MORETON BAY.</b>			
Salaries and Contingencies .....		975 6 10	
Furniture and Fittings .....		25 10 0	
			1,000 16 10
<b>REGISTRAR GENERAL.</b>			
Salaries and Contingencies .....		7,131 7 0	
Casual Repairs .....		100 3 0	
Furniture and Fittings .....		8 2 6	
			7,239 12 6
<b>POSTAL ESTABLISHMENT AND SERVICES.</b>			
<i>Post Office.</i>			
Salaries and Contingencies .....		24,384 2 1	
Casual Repairs .....		135 13 3	
Furniture and Fittings .....		60 10 3	
Conveyance of Mails .....		24,580 5 7	
		46,865 6 8	
			71,445 12 3
<b>EDUCATIONAL.</b>			
National Schools .....		20,485 1 5	
			20,485 1 5
<b>Denominational Schools.</b>			
Church of England .....		8,893 0 8	
Presbyterian .....		1,613 13 9	
Wesleyan .....		865 5 0	
Roman Catholic .....		5,159 15 5	
Expenses of the Board .....		502 17 0	
			17,334 11 10
<b>Protestant Orphan School.</b>			
Salaries and Contingencies .....		4,060 9 8	
Additions and Repairs to Buildings .....		1,835 13 0	
Furniture and Fittings .....		8 8 0	
			5,904 10 8
<b>Roman Catholic Orphan School.</b>			
Salaries and Contingencies .....		3,641 17 4	
			3,641 17 4
Endowment of the University of Sydney, 14 Victoria, No. 21 .....		5,000 0 0	
			5,000 0 0
Endowment of St. Paul's College, 18 Victoria, No. 37 .....		500 0 0	
			500 0 0
Endowment of St. John's College, 18 Victoria, No. 37 .....		208 6 8	
			208 6 8
Endowment of the Sydney Grammar School, 18 Victoria .....		1,500 0 0	
			1,500 0 0
		54,574 8 0	
<b>IMMIGRATION.</b>			
<b>Sydney and Brisbane Establishments.</b>			
Salaries and Contingencies .....		5,845 10 1	
Casual Repairs .....		42 3 0	
Furniture and Fittings .....		20 6 9	
			5,907 19 10
<b>Quarantine.</b>			
Salaries and Contingencies .....		1,873 19 11	
Additions and Repairs to the Quarantine Station, Spring Cove .....		512 13 1	
			2,386 13 0
Remittances to the Land and Emigration Commissioners for the general purpose of Emigration from the United Kingdom (including £18,927 10s., Immigration Remittances) .....		71,392 15 10	
			71,392 15 10
Immigration Remittances refunded to Depositors .....		3,660 10 0	
			3,660 10 0
Gratuities to Surgeons-Superintendent, and others .....		7,515 19 6	
			7,515 19 6
Bounties on the Importation of Foreign Immigrants .....		1,449 0 0	
			1,449 0 0
		92,312 18 2	
<b>POLICE.</b>			
<i>Judicial, Sydney.</i>			
Salaries and Contingencies .....		2,840 11 4	
Casual Repairs .....		177 13 1	
Furniture and Fittings .....		51 15 9	
Carried forward .....	£		3,070 0 2
Carried forward .....	£ 50,009 13 0	269,887 7 11	322,967 1 1

## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward.....£	50,009 13 0	269,887 7 11	322,967 1 1
<b>THE PRINCIPAL SECRETARY—Continued.</b>			
<b>POLICE—Continued.</b>			
Brought forward.....£		3,070 0 2	
<i>Water Police, Sydney.</i>			
Salaries and Contingencies .....		4,158 18 1	
Casual Repairs .....		47 17 6	
Furniture and Fittings .....		22 16 2	4,229 11 9
<i>Metropolitan and District (including Inspector General's Department.)</i>			
Salaries and Contingencies .....		31,319 5 10	
Casual Repairs .....		240 10 4	
Furniture and Fittings .....		20 2 9	31,579 18 11
<i>Horse Patrol, Sydney.</i>			
Salaries and Contingencies .....		4,733 0 4	4,733 0 4
<i>Rural.</i>			
Salaries and Contingencies .....		89,056 10 3	
Erection of Court and Watch-houses, and Repairs to Police Buildings generally .....		9,492 17 8	
Furniture and Fittings .....		425 0 11	98,974 8 10
<i>Horse Patrol, Country Districts.</i>			
Salaries and Contingencies .....		16,863 14 2	
Casual Repairs .....		28 13 6	16,892 7 8
<i>Native Police.</i>			
Northern Districts—Salaries and Contingencies .....		15,696 15 9	
Southern Districts—Salaries and Contingencies .....		1,712 19 5	17,409 15 2
<i>Gold Guards and Conveyance.</i>			
Salaries and Contingencies .....		10,151 8 9	10,151 8 9
		187,040 11 7	
<b>GAOL AND PENAL.</b>			
<i>Sydney.</i>			
Salaries and Contingencies .....		8,886 4 5	
Employment of Prisoners .....		2,258 19 4	
Furniture and Fittings .....		7 0 0	
Laying on Gas .....		50 0 0	11,202 3 9
<i>Parramatta.</i>			
Salaries and Contingencies .....		5,073 11 11	
Employment of Prisoners .....		1,059 7 8	
Casual Repairs .....		356 19 3	6,489 18 10
<i>Bathurst.</i>			
Salaries and Contingencies .....		2,698 1 1	
Casual Repairs .....		36 19 0	
Furniture and Fittings .....		5 10 0	2,740 10 1
<i>Maitland.</i>			
Salaries and Contingencies .....		2,512 5 10	
Casual Repairs .....		27 1 9	2,539 7 7
<i>Goulburn.</i>			
Salaries and Contingencies .....		1,869 17 8	
Furniture and Fittings .....		3 15 0	1,873 12 8
<i>Brisbane.</i>			
Salaries and Contingencies .....		1,939 0 5	
Employment of Prisoners .....		245 5 0	
Casual Repairs .....		21 0 0	2,205 5 5
<i>Cockatoo Island.</i>			
Salaries and Contingencies.....		10,091 1 0	10,091 1 0
		37,141 19 4	
<b>PRINTING, LITHOGRAPHING, BOOKBINDING, AND POSTAGE STAMP DEPARTMENT.</b>			
Salaries and Contingencies .....		15,822 12 3	
Additions to the Government Printing Office .....		186 18 0	
Casual Repairs .....		188 4 1	
Furniture and Fittings .....		8 12 0	
Paper and Parchment for Printing.....		4,064 15 2	20,271 1 6
<b>OBSERVATORY.</b>			
Salaries and Contingencies .....		966 16 10	
Establishment of Meteorological Stations.....		17 10 0	
Buildings and Instruments for ditto .....		93 0 1	
Furniture and Fittings .....		30 1 0	1,107 7 11
Carried forward.....£	50,009 13 0	515,448 8 3	565,458 1 3

## CONSOLIDATED REVENUE FUND.

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## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	£ 50,009 13 0	515,448 8 3	565,458 1 3
THE PRINCIPAL SECRETARY—Continued.			
MEDICAL.			
Health Officers and Medical Board.			
Salaries and Contingencies .....	.....	1,238 3 1	1,238 3 1
Vaccine Establishments.			
Salaries and Contingencies .....	.....	427 14 1	435 16 1
Furniture and Fittings .....	.....	8 2 0	
Lunatic Asylum, Tarban Creek.			
Salaries and Contingencies .....	.....	8,809 6 4	10,197 7 0
Additions and Repairs .....	.....	1,382 0 8	
Furniture and Fittings .....	.....	6 0 0	
Lunatic Asylum, Parramatta.			
Salaries and Contingencies .....	.....	13,393 13 8	13,914 19 7
Additions and Repairs .....	.....	521 5 11	
.....	.....	25,786 5 9	
NAVAL AND MILITARY.			
Naval—Colonial Allowance.....			
Gun Boat "Spitfire."—Contingencies (arrears) .....	.....	3,006 12 10	3,240 12 11
Naval Postage .....	.....	18 12 1	
Erecting of a Cottage on Garden Island for Naval working parties .....	.....	15 8 0	
.....	.....	200 0 0	
Military—Establishment and Services .....			
Repairs to Military Buildings, Sydney and Country Districts. ....	.....	10,255 2 4	11,819 4 5
Lighting Lamps, Sweeping Chimneys, &c., at the Victoria Barracks .....	.....	1,354 12 9	
.....	.....	209 9 4	
Royal Artillery.			
Salaries and Contingencies .....	.....	7,122 10 5	7,197 3 8
Casual Repairs .....	.....	74 13 3	
.....	.....	22,257 1 0	
GRANTS IN AID OF PUBLIC INSTITUTIONS.			
Australian Museum Endowment Fund, 17 Victoria, No. 2 ..	.....	1,100 0 0	4,896 8 4
Completing the Interior Fittings of the Australian Museum..	.....	2,000 0 0	
Purchase, for the use of the Australian Museum, of the Collection of Scientific Works which formed the Library of the late Wm. Swainson, Esq., F.R.S. ....	.....	97 0 0	
Sydney Mechanics' School of Arts .....	.....	200 0 0	
In aid of the undermentioned Institutions, equal sums having been raised by private subscriptions, viz. :—			
Maitland Mechanics' Institute .....	.....	500 0 0	
Singleton Mechanics' Institute .....	.....	69 15 0	
Brisbane School of Arts .....	.....	100 0 0	
Parramatta School of Arts Building Fund .....	.....	250 0 0	
Outfit for the Parramatta School of Arts .....	.....	100 0 0	
Goulburn Mechanics' School of Arts Building Fund ....	.....	479 13 4	
.....	.....		
CHARITABLE ALLOWANCES.			
For the support of Paupers in the Colonial Hospitals .....	.....	1,697 0 2	15,978 19 0
In support of the Establishment of the Benevolent Society, Sydney, on condition of £1,000 being raised by Voluntary Contributions .....	.....	4,936 3 6	
Towards completing the Building of the Asylum for Destitute Children .....	.....	2,500 0 0	
In further aid of the erection of the New Wing of the Sydney Infirmary .....	.....	1,777 0 0	
Towards the completion of the Hospital, Tamworth .....	.....	150 0 0	
In aid of the undermentioned Institutions, equal sums having been raised by private subscriptions, viz. :—			
The Sydney Infirmary and Dispensary .....	.....	700 0 0	
The Asylum for Destitute Children, Sydney .....	.....	1,160 0 0	
The Benevolent Society, Parramatta .....	.....	100 0 0	
Repairs and Additions to the Hospital, Brisbane .....	.....	800 0 0	
.....	.....	200 0 0	
Armidale and New England .....	.....	293 0 6	
Bathurst .....	.....	319 16 0	
Brisbane .....	.....	285 19 0	
Goulburn .....	.....	290 8 1	
Maitland .....	.....	100 11 0	
Newcastle .....	.....	248 11 0	
Parramatta .....	.....	43 1 2	
Port Macquarie .....	.....	199 19 9	
Windsor .....	.....	177 8 10	
Yass .....	.....		
.....	.....		
Carried forward .....	£ 50,009 13 0	584,367 2 4	634,376 15 4

## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	£ 50,009 13 0	684,367 2 4	634,376 15 4
<b>THE PRINCIPAL SECRETARY—Continued.</b>			
COLONIAL AGENT GENERAL.			
Salary and Allowance .....	.....	325 0 0	325 0 0
ABORIGINES.			
Cost of Blankets, Medical Attendance, and other Miscellaneous Charges .....	.....	2,284 0 1	2,284 0 1
MUNICIPAL INSTITUTIONS.			
City of Sydney, in aid of the City Funds .....	.....	10,000 0 0	10,000 0 0
MISCELLANEOUS.			
Expenses attending the preparation of the Electoral Lists ..	.....	1,742 14 3	
Expense of Election of Members to serve in the Legislative Assembly .....	.....	1,138 2 0	
Further Expense of Election of Aldermen and Auditors to serve in the Municipal Council of the City of Sydney, 20 Victoria, No. 36, Section 37 .....	.....	0 18 0	
Erecting Pounds and Allowances to Poundkeepers .....	.....	20 0 0	
Compensation to Public Officers whose situations have been abolished .....	.....	131 4 11	
Compensation to Mrs. Elizabeth Wynter, in lieu of the Commission received by E. D. Day, Esq., for superintending the Sale of Crown Lands in 1854 .....	.....	100 0 0	
Loss on the Sale of Gold transmitted to the Paris Exhibition.	.....	407 10 3	
Further Expenses incurred for the Relief of Sufferers by the late Floods in the Hunter River District .....	.....	91 17 8	
Towards the Relief of Unemployed Laborers in the City of Sydney .....	.....	1,710 18 4	
Gratuity to John Murray Bate, on his retirement from the office of 1st Clerk on the Legislative Council Establishment .....	.....	179 3 4	
Expedition in Search of Dr. Leichhardt .....	.....	3,441 15 0	
Erection of a Tablet over the Remains of the Sufferers by the Wrecks of the "Dunbar" and "Catherine Adamson," in the year 1857 .....	.....	91 4 6	
Aid to the "Diggers' Employment Committee," to enable them to remove Unemployed Diggers to the Interior .....	.....	1,750 0 0	
Compensation to Mr. A. C. Bartlett for Sheep destroyed under the Scab in Sheep Act of 1854 .....	.....	385 8 0	
Salary and Allowance of the Agent of the Government of New South Wales in England, for negotiating a Steam Postal Service via Panama .....	.....	264 3 4	
Commission and other charges connected with the payment, in London, of Interest on Debentures .....	.....	673 7 8	
Amount paid for the services of a Pilot on board H. M. S. "Iris," while on a voyage to Woodlark Island .....	.....	57 18 2	
Taking and transcribing Evidence before a Commission of Inquiry into the late Railway Accident .....	.....	58 10 0	
Taking and transcribing Evidence before a Board appointed to inquire into certain matters at Cockatoo Island .....	.....	73 2 6	
Compiling a Statistical Return for the illustration of the Electoral Bill .....	.....	21 0 0	
Expense of Firing the Noon Gun .....	.....	31 10 0	
Miscellaneous Items .....	.....	223 10 11	
			12,593 18 10
<b>ADMINISTRATION OF JUSTICE.</b>			
LAW OFFICERS.			
Salary of the Attorney General under Schedule A .....	1,600 0 0		
Salary of the Solicitor General under Schedule A .....	1,083 6 7		
Salaries and Contingencies of the Department ..	.....	4,813 11 3	
Casual Repairs .....	.....	56 18 0	
Furniture and Fittings .....	.....	0 13 0	
	2,683 6 7	4,871 2 3	7,554 8 10
SUPREME AND CIRCUIT COURTS.			
Salaries of the Judges under Schedule A .....	5,416 13 4		
Supplement to ditto under 20 Victoria, No. 5 .....	.....	1,733 6 8	
Salaries and Contingencies of the Department ..	.....	8,024 17 3	
Casual Repairs .....	.....	303 13 7	
Furniture and Fittings .....	.....	151 0 10	
	5,416 13 4	10,212 18 4	15,629 11 8
MORETON BAY COURT.			
Salary of the Judge under Schedule A .....	1,625 0 0		
Supplement to ditto under 20 Victoria, No. 5 .....	.....	541 13 4	
Salaries and Contingencies of the Department ..	.....	2,327 19 6	
Casual Repairs .....	.....	766 6 0	
Furniture and Fittings .....	.....	247 4 0	
	1,625 0 0	3,883 2 10	5,508 2 10
Carried forward .....	£ 59,734 12 11	628,537 4 8	688,271 17 7

## CONSOLIDATED REVENUE FUND.

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## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	59,734 12 11	628,537 4 8	688,271 17 7
<b>ADMINISTRATION OF JUSTICE—Continued.</b>			
<b>SHERIFF.</b>			
Salaries and Contingencies .....		5,663 5 11	
Furniture and Fittings .....		0 16 6	
			5,664 2 5
<b>INSOLVENT COURT.</b>			
Salaries and Contingencies .....		1,394 14 10	
Casual Repairs .....		16 10 5	
Furniture and Fittings .....		14 9 10	
			1,415 15 1
<b>QUARTER SESSIONS.</b>			
Salaries and Contingencies .....		6,163 5 8	
			6,163 5 8
<b>COURTS OF REQUESTS.</b>			
Salaries and Contingencies .....		3,163 12 0	
Casual Repairs .....		350 12 4	
Furniture and Fittings .....		29 0 0	
			3,543 4 4
<b>COURT OF CLAIMS.</b>			
Fees to Members .....		75 4 0	
			75 4 0
<b>CORONERS.</b>			
Salaries and Contingencies .....		3,296 17 5	
Casual Repairs, City Coroner's Office .....		5 10 9	
Furniture and Fittings .....		8 0 0	
			3,310 8 2
<b>MISCELLANEOUS.</b>			
Law Expenses in the case of The Queen v. Hardy .....		207 15 6	
Amount paid into Court in the case Lenehan v. Robertson ..		225 19 0	
			433 14 6
<b>TREASURER AND SECRETARY FOR FINANCE AND TRADE.</b>			
<b>TREASURY.</b>			
Salary of the Treasurer under Schedule A .....	1,354 3 4		
Supplement to ditto under 20 Victoria, No. 18 .....		270 16 8	
Salaries and Contingencies of the Department .....		6,059 6 11	
Casual Repairs .....		23 5 3	
Furniture and Fittings .....		21 8 0	
	1,354 3 4	6,374 16 10	7,729 0 2
<b>CUSTOMS.</b>			
<i>Establishment.</i>			
Salaries and Contingencies .....		24,518 11 9	
Casual Repairs .....		80 15 4	
Furniture and Fittings .....		15 5 6	
Additions to the Custom House, Brisbane .....		14 16 0	
		24,629 8 7	
Drawbacks and Refund of Duties .....		31,374 1 1	
			56,003 9 8
<b>COLONIAL DISTILLERIES.</b>			
Salaries and Contingencies .....		1,916 16 0	
Casual Repairs .....		43 17 9	
			1,960 13 9
<b>SYDNEY BRANCH OF THE ROYAL MINT.</b>			
Salaries and Contingencies .....		11,732 19 3	
Buildings and Repairs .....		313 4 1	
Press for the Mint .....		21 0 5	
Furniture and Fittings .....		7 10 0	
			12,074 13 9
<b>GOLD RECEIVERS.</b>			
Salaries .....		157 0 10	
			157 0 10
<b>COLONIAL STOREKEEPER.</b>			
Salaries and Contingencies .....		5,067 7 5	
Casual Repairs .....		30 0 5	
			5,097 7 10
<b>GUNPOWDER MAGAZINE.</b>			
Salaries and Contingencies .....		720 5 2	
			720 5 2
Carried forward .....	61,088 16 3	731,531 5 10	792,620 2 1

## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	£ 61,088 16 3	731,531 5 10	792,620 2 1
<b>TREASURER AND SECRETARY FOR FINANCE AND TRADE—Continued.</b>			
<b>SHIPPING MASTER.</b>			
<i>Sydney.</i>			
Salaries and Contingencies .....	.....	1,476 4 5	
Casual Repairs .....	.....	40 6 7	
Furniture and Fittings .....	.....	14 11 4	1,531 2 4
<i>Newcastle.</i>			
Salaries and Contingencies .....	.....	68 12 0	
Casual Repairs .....	.....	4 18 6	73 10 6
<i>Moreton Bay.</i>			
Salary .....	.....	50 0 0	50 0 0
		1,654 12 10	
<b>LIGHT HOUSES, HARBOURS, AND PILOT DEPARTMENT.</b>			
<i>Steam Navigation Board and Harbour Master, Sydney.</i>			
Salaries and Contingencies .....	.....	4,808 16 10	
Erection of a Shed for Government Boats, Sydney Cove .....	.....	147 14 0	
Erection of a Shed at Camp Cove for a Life Boat .....	.....	190 0 0	
Casual Repairs .....	.....	20 10 6	
Furniture and Fittings .....	.....	12 7 0	5,179 8 4
<i>Steam Navigation Board, Brisbane.</i>			
Salaries .....	.....	20 0 0	20 0 0
<i>Light House, South Head.</i>			
Salaries and Contingencies .....	.....	711 4 5	
Casual Repairs .....	.....	5 13 0	716 17 5
<i>Light House, Inner South Head.</i>			
Salaries and Contingencies .....	.....	404 7 5	
Furniture and Fittings .....	.....	7 7 0	411 14 5
<i>Light, Fort Denison.</i>			
Salaries and Contingencies .....	.....	61 14 5	61 14 5
<i>Floating Light, Port Jackson.</i>			
Salaries and Contingencies .....	.....	1,082 17 6	1,082 17 6
<i>Floating Light, Moreton Bay.</i>			
Salaries and Contingencies .....	.....	1,314 10 2	1,314 10 2
<i>Light House, Moreton Bay.</i>			
Salaries and Contingencies .....	.....	888 10 8	888 10 8
<i>Light House, Gabo Island.</i>			
Salaries and Contingencies .....	.....	1,929 17 1	1,929 17 1
<i>Light House, Kent's Group.</i>			
Contribution by the Government of New South Wales .....	.....	1,338 18 11	1,338 18 11
<i>Light House, Newcastle.</i>			
Salaries and Contingencies .....	.....	478 11 2	478 11 2
<i>Harbour Master, Newcastle.</i>			
Salaries and Contingencies .....	.....	2,257 6 7	
Erection of a Boat House at Nobby's .....	.....	367 5 0	
Casual Repairs .....	.....	33 9 9	2,658 1 4
<i>Harbour Master, Moreton Bay.</i>			
Salaries and Contingencies .....	.....	2,364 0 4	
Casual Repairs .....	.....	64 19 0	2,428 19 4
Remuneration to Pilots, Port Jackson .....	.....	3,390 19 4	3,390 19 4
<i>Pilot, Wollongong.</i>			
Salaries and Contingencies .....	.....	573 14 4	573 14 4
<i>Pilot Station, Manning River.</i>			
Salaries and Contingencies .....	.....	744 8 2	744 8 2
<i>Pilot Station, M'Leay River.</i>			
Salaries and Contingencies .....	.....	563 17 9	563 17 9
<i>Pilot, Kiama.</i>			
Salary .....	.....	73 3 4	73 3 4
<i>Pilot Station, Port Macquarie.</i>			
Salaries and Contingencies .....	.....	686 4 1	686 4 1
<i>Pilot Station, Clarence River.</i>			
Salaries and Contingencies .....	.....	780 14 6	780 14 6
Carried forward .....	£	25,323 2 3	
Carried forward .....	£ 61,088 16 3	733,185 18 8	819,597 17 2

## CONSOLIDATED REVENUE FUND.

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## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	£ 61,088 16 3	733,185 18 8	819,597 17 2
<b>TREASURER AND SECRETARY FOR FINANCE AND TRADE—Continued.</b>			
<b>LIGHT HOUSES, HARBOURS, AND PILOT DEPARTMENT—Continued.</b>			
Brought forward .....	£ .....	25,323 2 3	
<i>Pilot Station, Richmond River.</i>			
Salaries and Contingencies .....	.....	680 12 9	680 12 9
<i>Telegraph Stations, Sydney and South Head.</i>			
Salaries and Contingencies .....	.....	731 2 9	
Casual Repairs .....	.....	108 10 6	
Furniture and Fittings .....	.....	1 12 0	841 5 3
<i>Port Curtis Establishment.</i>			
Salaries and Contingencies .....	.....	808 18 2	
Arrear Expense on account of the Settlement chargeable to the Territorial Revenue.....	.....	1,053 2 3	1,862 0 5
		28,707 0 8	
<b>MISCELLANEOUS.</b>			
Provisions left on Booby Island for the relief of Shipwrecked Persons .....	.....	24 3 6	
For the employment of the Steam Dredge .....	.....	2,024 4 10	
Hire of Tug and additional Punts attached to the Steam Dredge employed in depositing Silt at the Botanic Gardens .....	.....	759 15 0	
Purchase of Punts for the Steam Dredge .....	.....	810 0 0	
Repairs to the Steam Dredge .....	.....	1,375 13 10	
Gratuity to the Widow of the late Mr. Pilot Hawkes, who was drowned whilst in the discharge of his duty .....	.....	250 0 0	
Premiums on Bills of Exchange purchased for remittance to England .....	.....	673 18 1	
Proceeds of the Gold seized on board the "Ethereal" and "Mary Nicholson" restored.....	.....	3,279 17 4	
Expense of towing H. M. S. "Herald" to and from the Fitz Roy Dry Dock.....	.....	25 0 0	
Expense of conveying Shipwrecked Seamen from Wide Bay to Sydney.....	.....	46 0 0	
Expense of conveying, from Keppel Bay to Newcastle, the Shipwrecked Passengers and Crew of the barque "Timandra" .....	.....	256 5 0	9,524 17 7
<b>SECRETARY FOR LAND AND PUBLIC WORKS.</b>			
<b>SECRETARY FOR LAND AND PUBLIC WORKS.</b>			
Salaries and Contingencies .....	.....	6,072 7 8	
Casual Repairs .....	.....	1 11 0	
Furniture and Fittings .....	.....	40 8 0	6,114 6 8
<b>SURVEY AND MANAGEMENT OF CROWN LANDS.</b>			
Salaries and Contingencies .....	.....	62,970 16 9	
Casual Repairs .....	.....	295 0 6	
Furniture and Fittings .....	.....	95 6 6	63,361 3 9
<b>COMMISSION AND CHARGES ON THE SALES OF LAND AND IMMIGRATION REMITTANCES .....</b>		6,442 10 8	6,442 10 8
<b>GOLD FIELDS.</b>			
Salaries and Contingencies .....	.....	20,518 4 5	20,518 4 5
<b>RAILWAYS.</b>			
Salaries and Contingencies .....	.....	11,254 9 1	
Working Expenses.....	.....	40,212 16 11	
Casual Repairs .....	.....	20 18 6	51,488 4 6
<b>ROADS DEPARTMENT.</b>			
Salaries and Contingencies .....	.....	3,436 3 4	3,436 3 4
<b>ELECTRIC TELEGRAPH BRANCH.</b>			
Salaries and Contingencies .....	.....	1,770 13 1	
Working Expenses.....	.....	677 17 0	2,448 10 1
<b>HARBOURS AND RIVER NAVIGATION.</b>			
Salaries and Contingencies .....	.....	256 11 1	
Preliminary Harbour Surveys.....	.....	185 14 3	442 5 4
<b>COLONIAL ARCHITECT.</b>			
Salaries and Contingencies .....	.....	5,439 18 10	
Casual Repairs .....	.....	302 0 10	
Furniture and Fittings .....	.....	31 14 8	5,773 14 4
<b>BOTANIC GARDENS, SYDNEY.</b>			
Salaries and Contingencies .....	.....	1,971 18 8	
Repairing the Gates and Fences of Gardens and Domains ..	.....	176 7 3	
Repairs and Improvements to the Gardens .....	.....	5 18 0	
Depositing Silt on the reclaimed space .....	.....	1,100 11 4	
Casual Repairs .....	.....	31 0 6	3,285 15 9
Carried forward .....	£ 61,088 16 3	934,728 15 9	995,817 12 0



## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....£	61,088 16 3	984,728 15 9	995,817 12 0
<b>SECRETARY FOR LAND AND PUBLIC WORKS—</b> <i>Continued.</i>			
<b>BOTANIC GARDENS, MORETON BAY.</b>			
Salaries and Contingencies .....		509 6 4	509 6 4
<b>GOVERNMENT DOMAINS AND HYDE PARK.</b>			
Salaries and Contingencies .....		1,208 5 3	
Forming an Entrance into the Outer Domain from Palmer-street .....		85 5 0	
Improvement of Hyde Park under the superintendence of the Committee of Management .....		1,077 8 2	
Repairs and Improvements to the Outer and Inner Domains .....		131 8 7	
Completing and levelling a portion of the Outer Domain .....		150 0 0	
Iron Gates for the Entrance to the Domain from Macquarie-street .....		395 19 8	
			3,048 6 8
<b>EXAMINER OF COAL FIELDS AND COAL MINES.</b>			
Salaries and Contingencies .....		666 10 0	666 10 0
<b>PUBLIC WORKS AND BUILDINGS.</b>			
Repairs to the Semi-Circular Quay .....		510 4 3	
Casual Repairs to ditto .....		19 8 0	
Constructing Electric Telegraph between Sydney and the South Head .....		141 17 0	
Erecting new Light House, Inner South Reef, Port Jackson .....		3,098 10 0	
Repairing the Dam at Parramatta .....		27 7 0	
Completion of the Road to the Abattoir, Glebe Island .....		15 10 0	
Erection of a Light House at Cape Moreton .....		66 13 9	
Repairing the Dam at Liverpool .....		1,172 1 0	
Attending to the Sluices at Cook's River Dam .....		145 2 0	
Erection of Obelisks as leading marks, Harbour of Port Jackson .....		307 0 4	
Survey of the Lands adjacent to the Hunter .....		857 0 4	
Planting and Enclosing the Sand Hills, Newcastle .....		119 16 6	
Roadway and Dam, Cook's River .....		398 0 8	
Fitz Roy Dry Dock .....		1,990 18 6	
Landing Places at the Ferry between North Brisbane and Kangaroo Point .....		98 3 3	
Mooring Chain and extension of Jetty at Kiama .....		200 0 0	
Laying on Water and completing Fittings, Australian Museum .....		90 10 9	
Replacing a Boundary Wall at Dawes' Battery .....		215 9 4	
Repair of Masons' Work, Harbour of Wollongong .....		150 0 0	
Gun-Carriages and Platforms for Defences, and Lantern, on Fort Denison .....		70 2 6	
Fortifications, Port Jackson .....		90 18 7	
Additions to Quarters for the Gaoler, Goulburn Gaol .....		46 15 0	
Erection of a Powder Magazine, Brisbane .....		294 0 0	
Casual Repairs of a Miscellaneous character .....		396 14 10	
			10,522 3 7
<b>ROADS, BRIDGES, AND FERRIES.</b>			
Construction, Maintenance, and Repair of Public Roads, Bridges, and Ferries, viz. :—			
Western Roads .....		15,199 0 6	
Southern Roads .....		19,195 15 1	
Northern Roads .....		19,510 4 7	
Moreton Bay Roads .....		6,769 18 10	
Constructing and Repairing the undermentioned Bridges, viz. :—			
Yass River .....		50 0 0	
Peel, at Tamworth .....		72 5 2	
Belubula Rivulet, Carcoar .....		48 0 0	
Wollombi Brook, Jerry's Plains .....		162 1 7	
Tumut .....		100 0 0	
Stanley Creek, near Durandur .....		13 18 2	
Macquarie River, Illawarra .....		1,622 1 9	
Cudjiegong, at Mudgee .....		32 15 3	
The Victoria Bridge, Maitland .....		50 0 0	
Denison Bridge, Bathurst .....		123 14 4	
Long Bridge, West Maitland .....		500 0 0	
Berrima Bridge .....		326 17 9	
Fitz Roy Bridge, Windsor .....		119 8 6	
Road from Wollombi to Maitland .....		145 0 0	
Repairing the Main North Road at Warland's Flat .....		1,091 19 2	
Repairing the Road from Bathurst to Wellington .....		143 9 9	
Repairing the Roads and Bridges in the Wollombi District .....		688 10 6	
Allowance to the Keeper of the Punt, George's River .....		8 15 0	
Lighting the Government Lamps, Sydney .....		387 11 3	
Repairing Roads and Bridges damaged by the recent Floods .....		627 15 2	
Road between Armidale and Grafton .....		401 15 6	
Randwick and Coogee Road .....		40 4 3	
Carried forward .....		67,431 2 1	
Carried forward .....	61,088 16 3	949,475 2 4	1,010,563 18 7

## CONSOLIDATED REVENUE FUND.

25

## ACCOUNT OF DISBURSEMENTS, &amp;c.—Continued.

HEAD OF EXPENDITURE.	PAID OUT OF THE SCHEDULES.	PAID OUT OF THE CONSOLIDATED REVENUE FUND.	TOTAL.
Brought forward .....	61,088 16 3	949,475 2 4	1,010,563 18 7
<b>SECRETARY FOR LAND AND PUBLIC WORKS—</b> <i>Continued.</i>			
<b>ROADS, BRIDGES, AND FERRIES—Continued.</b>			
Brought forward .....		67,431 2 1	
Botany and Mudbank Road .....		601 7 9	
Road from Braidwood to the River Clyde .....		5,848 11 5	
Opening up a Road through Manly Cove .....		100 0 0	
Continuation of George's River Road to Bulli .....		684 4 0	
Formation of a Cut at Kenny's Hill, on the Road from Campbelltown to Camden .....		505 7 0	
Road over the Bulga Mountain .....		400 0 0	
Repair of the Road approaching Peat's Ferry .....		183 18 1	
Maintenance of a Punt at Peat's Ferry .....		25 0 0	
Illawarra Road .....		284 18 10	
Opening a Line of Road from Sydney to Wollombi .....		149 18 0	
			76,214 7 2
<b>MISCELLANEOUS.</b>			
Expenses consequent upon the discovery of Gold upon the Fitz Roy River, Port Curtis .....		5,328 19 1	
Expense of an Inquiry made by Robert Meston, Esq., into the Disease among Sheep and Cattle, generally known as the "Cumberland Disease" .....		150 0 0	
Cost of Survey as to the means of supplying Fresh Water to the Town of Wollongong .....		58 18 0	
Compensation to Mr. David Cross, for Buildings erected by him at Wiseman's Ferry .....		150 0 0	
Compensation to Mr. Peter Rawlings, for the Loss which he sustained by the Line of Railway being carried through his property .....		431 0 0	
			6,118 17 1
<b>THE AUDITOR GENERAL.</b>			
<b>AUDITOR GENERAL'S DEPARTMENT.</b>			
Auditor General's Salary under Schedule A. ....	975 0 0		
Supplement to ditto .....		108 6 8	
Salaries and Contingencies .....		4,839 6 6	
Casual Repairs .....		16 7 0	
Furniture and Fittings .....		19 16 6	
	975 0 0	4,983 16 8	5,958 16 8
<b>UNCLASSIFIED EXPENDITURE.</b>			
Interest on Loans .....		95,955 10 5	
			95,955 10 5
<b>CHARGES ON COLLECTIONS.</b>			
<i>Commission.</i>			
On the Sale of Government Property .....		8 6 6	
On the Collection of Intestate Estates .....		295 4 2	
On the Collection of Murray River Customs by the Govern- ment of South Australia .....		159 3 2	
Advertising .....		4 12 6	
<b>MISCELLANEOUS.</b>			
Expense of the Conveyance of Gold Coin from the Mint to the Bank of New South Wales .....		23 10 0	
Value of Gold Coins taken from the general circulation of the Colony for transmission to England .....		407 0 0	
Expense of Letters of Registration applied for or granted under the Act of Council, 16 Victoria, No. 24 .....		109 2 0	
Other Miscellaneous Charges .....		5 12 0	
			1,012 10 4
<b>REVENUE AND RECEIPTS RETURNED.</b>			
Amount of Postage Stamps received in payment of Revenue ..		355 2 4	
Postage Balance due to the Imperial Government .....		532 9 2	
Fines and Forfeitures .....		408 11 7	
Deposits under the Assisted Immigrants' Employment Act, 16 Victoria, No. 42 .....		350 0 0	
Estreated Recognizances .....		40 0 0	
Amount paid in excess for the Purchase of Land .....		319 15 8	
Rent of Land resumed by the Government .....		213 11 4	
Sums deposited in the Treasury to defray the Expenses of obtaining Letters of Registration granted under the Act of Council, 16 Victoria, No. 24 .....		88 1 0	
Tonnage Dues, Newcastle .....		20 6 0	
Pilotage .....		146 12 6	
Intestate Estates .....		100 0 8	
Other Miscellaneous Receipts refunded .....		178 4 2	
			2,802 14 5
<b>TOTAL.....£</b>	<b>62,063 16 3</b>	<b>1,136,562 18 5</b>	<b>1,198,626 14 8</b>

Audit Office, Sydney, New South Wales,  
30 August, 1859.

W. C. MAYNE,  
Auditor General.



1859.

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Legislative Assembly.

NEW SOUTH WALES.

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## THE CIVIL SERVICE OF NEW SOUTH WALES.

(ANNUAL EXPENDITURE OF, FROM 1850 TO 1858.)

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*Ordered by the Legislative Assembly to be Printed, 20 September, 1859.*

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RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, on 28 May, 1858, for—

“ A Return of the Annual Expenditure for the Civil Service of  
“ the Colony, for the seven years from 1850 to 1858, shewing  
“ for each year the separate cost of each Department, and the  
“ proportion of the total to each head of the population, approxi-  
“ mately ascertained, with an accompanying explanation of  
“ the causes of increase or decrease in the annual amount for  
“ each respective service.”

(*Mr. Parkes.*)

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HEAD OF SERVICE.	1851.	1852.
His Excellency the Governor General, and Establishment ... ..	7,700	8,700
Legislative Council ... ..	3,892	5,446
Legislative Council (present Constitution) ... ..	.....	.....
Legislative Assembly... ..	.....	.....
Legislative Council, and Assembly ... ..	.....	.....
Executive Council ... ..	506	490
Colonial Secretary, and Establishment ... ..	7,029	7,416
Government Resident, Moreton Bay ... ..	.....	.....
Government Resident, Port Curtis, and Establishment ... ..	.....	.....
Registrar General, and Establishment ... ..	.....	.....
Postal Establishment—		
Post Office ... ..	8,405	12,511
Conveyance of Mails ... ..	10,801	15,600
National Schools ... ..	4,185	6,205
Denominational Schools ... ..	9,283	9,401
Protestant Orphan School... ..	1,773	2,203
Roman Catholic Orphan School ... ..	1,777	2,197
University of Sydney ... ..	5,000	5,000
Affiliated Colleges (St. Paul's) ... ..	.....	.....
Sydney Grammar School ... ..	.....	.....
Immigration—		
Expenses of Introduction of Immigrants ... ..	90,229	147,247
Expenses of Immigrants after arrival, and of Office Establishments... ..	4,094	7,070
Quarantine ... ..	425	2,784
Police, Metropolitan ... ..	18,774	17,480
Rural ... ..	38,211	48,512
Native ... ..	2,518	7,968
Mounted ... ..	2,942	5,748
Gold Escorts ... ..	2,587	7,744
Gaols ... ..	9,865	12,779
Penal Establishments ... ..	4,646	7,865
Government Printing Office ... ..	2,985	6,640
Observatory ... ..	.....	.....
Health Officers, Medical Adviser, and Medical Board ... ..	383	443

shewing the proportion of the Total to each head of the population approximatively ascertained for each Year.

3

	1853.	1854.	1855.	1856.	1857.
	9,040	9,610	9,565	9,308	9,372
	7,020	7,945	8,656	2,409	.....
.....	.....	.....	.....	2,536	3,593
.....	.....	.....	.....	4,890	6,672
.....	.....	.....	.....	1,787	2,780
733	745	738	845	1,172	
10,815	13,069	13,509	11,679	7,921	
675	675	680	702	974	
.....	2,993	4,211	1,118	681	
.....	.....	.....	3,337	6,907	
16,446	19,299	21,160	23,287	22,848	
23,653	35,478	41,758	43,499	39,863	
7,651	10,775	15,663	15,795	20,914	
14,646	14,908	15,249	18,145	20,914	
2,860	3,526	4,254	4,595	4,052	
2,470	3,119	3,958	3,680	3,206	
5,000	5,000	5,000	5,000	5,000	
.....	.....	.....	167	500	
.....	.....	1,125	1,500	1,500	
122,360	247,456	138,362	106,703	102,710	
9,647	10,752	17,038	10,780	5,163	
2,517	1,196	2,220	1,079	1,276	
30,438	48,915	44,272	47,422	35,780	
63,251	77,640	84,581	86,735	83,453	
10,335	10,737	8,714	5,990	12,093	
11,472	14,691	13,402	12,006	10,050	
7,893	4,933	2,119	2,407	5,745	
17,173	23,233	27,012	25,105	22,400	
10,864	13,587	14,839	11,765	10,117	
8,121	8,405	10,184	11,179	14,248	
.....	.....	.....	296	796	
744	1,033	1,183	1,243	1,159	

HEAD OF SERVICE.	1851.	1852.
Vaccine Establishment ... ..	101	91
Lunatic Asylum, Tarban Creek ... ..	3,422	3,813
Lunatic Asylum, Parramatta .. ...	1,548	2,173
Grants in aid of Public Institutions ... ..	800	600
Charitable Allowances ... ..	6,109	8,762
Colonial Agency in England ... ..	237	237
Aborigines... ..	1,021	1,257
Supreme and Circuit Courts, including the Salaries of the Judges ... ..	12,044	12,414
Moreton Bay Court ... ..	.....	.....
Law Officers ... ..	4,074	4,131
Sheriff ... ..	2,409	2,495
Insolvent Court... ..	579	236
Quarter Sessions ... ..	3,285	3,286
Courts of Requests ... ..	2,347	2,320
Coroners ... ..	2,252	2,611
Treasurer and Establishment ... ..	4,005	4,373
Customs ... ..	11,403	12,364
Drawbacks... ..	2,272	8,331
Colonial Distilleries ... ..	1,596	1,813
Sydney Branch of the Royal Mint ... ..	.....	.....
Gold Receivers ... ..	.....	717
Postage Stamp Printing ... ..	283	1,020
Colonial Storekeeper... ..	1,280	1,554
Gunpowder Magazine ... ..	.....	.....
Shipping Masters ... ..	.....	.....
Port and Harbour Establishments ... ..	6,668	7,970
Secretary for Land and Public Works ... ..	.....	.....
Survey and Management of Crown Lands ... ..	34,918	36,794
Commissioner for Roads ... ..	.....	.....
Colonial Architect ... ..	2,014	1,973
Gold Fields ... ..	11,866	24,382
Botanic Gardens, Sydney ... ..	883	1,260
Botanic Gardens, Brisbane ... ..	.....	.....

## EXPENDITURE—Continued.

5

	1853.	1854.	1855.	1856.	1857.
	316	858	419	385	426
	6,151	8,508	10,180	8,993	8,546
	3,326	4,537	5,756	11,749	11,895
	800	3,300	1,950	6,615	2,999
	9,560	10,089	11,513	15,640	12,198
	237	237	237	400	400
	2,735	1,975	1,834	2,192	2,065
	16,116	18,770	18,780	17,926	16,869
.....	.....	.....	.....	3,349	4,775
	5,505	5,800	5,737	6,007	7,202
	3,763	4,007	4,122	4,183	3,736
	406	404	400	1,209	1,224
	3,955	4,498	4,744	5,014	6,635
	3,165	3,476	3,506	3,254	3,052
	2,818	3,388	2,981	2,750	2,851
	6,857	7,504	7,863	9,495	8,441
	20,591	26,971	27,598	25,093	24,252
	16,112	14,275	28,476	35,815	19,487
	2,702	2,779	2,959	2,434	1,714
	1,549	4,670	12,585	15,231	12,879
	491	500	500	381	102
	847	1,112	1,670	1,630	1,184
	3,381	4,579	4,748	5,088	5,540
.....	.....	.....	293	511	908
.....	.....	2,697	2,687	2,095	1,733
	12,755	20,238	20,770	21,939	25,225
.....	.....	.....	.....	1,540	4,921
	56,207	71,262	81,432	74,850	59,450
.....	.....	.....	.....	.....	2,780
	3,318	3,990	4,096	4,245	3,794
	27,179	27,346	24,279	16,483	15,974
	1,653	2,099	2,249	1,986	1,971
.....	.....	.....	407	523	479



HEAD OF SERVICE.	1851.	1852.
Government Domains and Hyde Park ... ..	168	201
Public Works and Buildings (exclusive of Loans) ... ..	14,550	20,448
Roads, Streets, and Bridges (exclusive of Loans) ... ..	8,189	15,809
Auditor General ... ..	2,772	3,317
Interest on Loans ... ..	8,074	17,064
Charges on Collections ... ..	308	515
Revenue and Receipts returned ... ..	2,696	3,930
Management of Clergy and School Estates ... ..	423	450
Pensions and Retired Allowances ... ..	2,348	2,521
Ecclesiastical—		
Church of England ... ..	18,424	19,041
Presbyterian ... ..	3,127	3,240
Wesleyan ... ..	704	1,154
Roman Catholic ... ..	9,104	9,392
Jewish Minister, Sydney ... ..	.....	.....
Miscellaneous Services ... ..	9,336	8,762
<b>TOTAL EXPENDITURE</b> ... ..	<b>£ 435,149</b>	<b>600,270</b>
<b>TOTAL POPULATION</b> ... ..	<b>197,163</b>	<b>208,254</b>
<b>PROPORTION OF EXPENDITURE TO EACH HEAD OF POPULATION</b>	<b>£ s. d.</b> <b>2 4 1</b>	<b>£ s. d.</b> <b>2 17 7</b>

*Audit Office, Sydney, New South Wales,  
15th September, 1859.*

## EXPENDITURE—Continued.

7

1853.	1854.	1855.	1856.	1857.	
592	1,015	953	937	1,057	
43,542	94,597	108,885	38,459	37,876	
12,745	45,160	44,332	66,869	57,059	
5,554	5,908	6,603	6,819	6,158	
29,583	50,007	73,850	102,917	113,341	
1,470	904	1,014	800	978	
1,583	2,541	3,082	2,330	1,957	
524	578	1,379	688	508	
4,222	3,747	3,604	6,417	9,567	
17,147	20,651	20,468	22,531	23,173	
3,320	4,371	4,558	5,373	5,451	
2,126	2,715	2,750	3,419	3,456	
10,398	11,269	11,597	14,320	13,367	
.....	.....	.....	200	200	
14,004	29,097	23,395	31,369	36,119	
755,129	1,122,131	1,110,693	1,089,442	1,049,833	
231,088	251,315	277,579	286,873	305,487	
£ s. d. 3 5 4	£ s. d. 4 9 3	£ s. d. 4 0 0	£ s. d. 3 15 11	£ s. d. 3 8 8	

NOTE.—The accompanying Statements Nos. 1 to 6 shew the variations from year to year in the amount of Expenditure under the above heads, and the leading causes thereof, so far as can be readily ascertained from the Accounts in this Office.

W. C. MAYNE,  
Auditor General.



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No. 1.

COMPARATIVE STATEMENT  
OF THE  
EXPENDITURE FOR THE CIVIL SERVICE  
OF THE  
COLONY OF NEW SOUTH WALES,  
IN THE YEARS 1851-52,  
SHEWING THE CAUSE OF INCREASE OR DECREASE UNDER EACH HEAD OF SERVICE.

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## COMPARATIVE STATEMENT of the Expenditure for the Civil

HEAD OF SERVICE.	1851.	1852.
His Excellency the Governor General and Establishment ... ..	7,700	8,700
Legislative Council ... ..	3,892	5,446
Legislative Council (present Constitution) ... ..	.....	.....
Legislative Assembly ... ..	.....	.....
Legislative Council and Assembly ... ..	.....	.....
Executive Council ... ..	506	490
Colonial Secretary and Establishment ... ..	7,029	7,416
Government Resident, Moreton Bay ... ..	.....	.....
Government Resident, Port Curtis, and Establishment ... ..	.....	.....
Registrar General ... ..	.....	.....
Postal Establishment—		
Post Office ... ..	8,405	12,511
Conveyance of Mails ... ..	10,301	15,600
National Schools ... ..	4,185	6,205
Denominational Schools ... ..	9,283	9,401
Protestant Orphan School ... ..	1,773	2,203
Roman Catholic Orphan School ... ..	1,777	2,197
University of Sydney ... ..	5,000	5,000
Affiliated Colleges (St. Paul's) ... ..	.....	.....
Sydney Grammar School ... ..	.....	.....
Immigration—		
Expenses of Introduction of Immigrants ... ..	90,229	147,247
Expenses of Immigrants after arrival, and of Office Establishments... ..	4,094	7,070
Quarantine ... ..	425	2,784
Police, Metropolitan ... ..	18,774	17,480
Rural ... ..	38,211	48,512
Native... ..	2,518	7,968
Mounted ... ..	2,942	5,748
Gold Escorts ... ..	2,587	7,744
Gaols ... ..	9,865	12,779
Penal Establishments ... ..	4,646	7,865
Government Printing Office ... ..	2,985	6,640
Observatory ... ..	.....	.....
Health Officers, Medical Adviser, and Medical Board... ..	383	443

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
1,000	.....	Chiefly the augmentation of the Governor General's salary from £5,000 to £7,000, from 1st June, 1851.
1,554	.....	Outfit for the Refreshment Room; extra charge for Printing and Lithographing; additions to the Establishment, and increases of Salaries specially voted, with those granted in consequence of the high price of the necessaries of life, under the Minutes of the Executive Council, dated 16th August, and 27th September, 1852. (Votes and Proceedings, 1852, Vol. 1, pages 731 and 759.)
.....	.....	
.....	.....	
.....	.....	
.....	16	Reduction in the Salary of the Clerk to the Council from £300 to £250, from 10th June, 1851.
387	.....	Increases to Salaries under the Minute of the Executive Council of 16th August, 1852.
.....	.....	
.....	.....	
.....	.....	
4,106	.....	New appointments upon the re-organization of the Department in 1852; the establishment of new Post Offices in country districts, and general increase to Salaries, as above.
5,299	.....	Increase in the rates of Postal contracts, and extension of the Lines of Communication.
2,020	.....	Increased Vote of Council in 1852 of £2,000.
118	.....	A larger sum accrued from the proportion of the Clergy and School Lands' Revenue for 1852.
430	.....	} Chiefly higher rates of contracts for supplies.
420	.....	
.....	.....	
.....	.....	
.....	.....	
57,018	.....	The larger sum remitted to England in 1852, and an increase in the amount paid for Bounties on Foreign Immigrants.
2,976	.....	3,135 Immigrants arrived in 1852 more than 1851.
2,359	.....	No vessels were placed in Quarantine in 1851.
.....	1,294	Reduced numbers caused by withdrawals from the Force in consequence of the Gold Discovery, and the impossibility of supplying the vacancies thus caused.
10,301	.....	Additions to the Force in the neighbourhood of the Gold Fields, and augmented pay under recommendation of the Legislative Council, in September, 1852. (Votes and Proceedings, 1852, Vol. 1, page 913.)
5,450	.....	Extension of the Force and increase of pay.
2,806	.....	The Western Road Patrol was not established until May, 1851.
5,157	.....	The Western Gold Escort was established in July, and the Southern in November, 1851.
2,914	.....	Increased cost of supplies, and the augmented pay of the Gaol Officers.
3,219	.....	Similar cause.
3,655	.....	Purchase of additional Type and Material, and an increase in the rates of wages to Compositors and others.
.....	.....	
60	.....	Health Officers were appointed in 1852 for Newcastle and Moreton Bay.

HEAD OF SERVICE.	1851.	1852.
Vaccine Establishment ... ..	101	91
Lunatic Asylum, Tarban Creek ... ..	3,422	3,813
Lunatic Asylum, Parramatta ... ..	1,548	2,173
Grants in aid of Public Institutions ... ..	800	600
Charitable Allowances ... ..	6,109	8,762
Colonial Agency in England ... ..	237	237
Aborigines... ..	1,021	1,257
Supreme and Circuit Courts, including the Salaries of the Judges ... ..	12,044	12,414
Moreton Bay Court ... ..	.....	.....
Law Officers ... ..	4,074	4,131
Sheriff ... ..	2,409	2,495
Insolvent Court... ..	579	236
Quarter Sessions ... ..	3,285	3,286
Courts of Requests ... ..	2,347	2,320
Coroners ... ..	2,252	2,611
Treasurer and Establishment ... ..	4,005	4,373
Customs ... ..	11,403	12,364
Drawbacks ... ..	2,272	8,331
Colonial Distilleries ... ..	1,596	1,813
Sydney Branch of the Royal Mint... ..	.....	.....
Gold Receivers ... ..	.....	717
Postage Stamp Printing ... ..	283	1,020
Colonial Storekeeper ... ..	1,280	1,554
Gunpowder Magazine ... ..	.....	.....
Shipping Masters ... ..	.....	.....
Port and Harbour Establishments ... ..	6,668	7,970
Secretary for Land and Public Works ... ..	.....	.....
Survey and Management of Crown Lands ... ..	34,918	36,794
Commissioner for Roads ... ..	.....	.....
Colonial Architect ... ..	2,014	1,973
Gold Fields ... ..	11,866	24,382
Botanic Gardens, Sydney ... ..	883	1,260

## STATEMENT—Continued.

5

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
.....	10	The allowance for July, 1852, was not drawn, the office of Vaccinator having been vacant during that period.
391	.....	} Chiefly higher rates of Contracts for Supplies.
625	.....	
.....	200	The Grant for the Brisbane School of Arts for 1851 was not repeated in 1852. In the latter year the Aid to the Colonial Museum was raised from £300 to £400.
2,653	.....	The Grant of £1,000 in Aid of the Destitute Children's Asylum; and larger Grants to the Benevolent Society, Sydney; Hospital, Maitland; and the Sydney Infirmary.
.....	.....	
236	.....	Allowance for Medical Attendance and Medicine, sanctioned from 1st January, 1852.
370	.....	Increase to Salaries under the Minute of the Executive Council of 16th August, 1852.
.....	.....	
57	.....	Same.
86	.....	Same.
.....	343	The duties of the Chief Commissioner were performed in 1852 by the Master in Equity without Salary.
1	.....	The Salary of the Chairman, £800, having ceased on the 30th September, 1851, the difference of expenditure arises chiefly from a larger sum paid for Contingencies.
.....	27	Principally a new appointment at a lower Salary.
359	.....	Increased number of Fees for Inquests.
368	.....	Increase to Salaries under the Minute of the Executive Council of 16th August, 1852.
961	.....	Similar cause.
6,059	.....	Fluctuations in Commerce.
217	.....	Repairs and Additions to the Chief Inspector's Office, and general increase to Salaries.
.....	.....	
717	.....	Gold Receivers were not appointed until 1852.
737	.....	Chiefly the expense of new Plates.
274	.....	Additional Appointments and general increase to Salaries.
.....	.....	
.....	.....	
1,302	.....	The appointment of an additional Harbour Master, Sydney, and general increase to Salaries.
.....	.....	
1,876	.....	Higher rates of Contracts for Supplies, and general increase to Salaries.
.....	.....	
.....	41	Principally the Salary of a Draftsman, paid for a part of 1851, but discontinued in 1852,
12,516	.....	The expense for this Service did not commence until May, 1851.
377	.....	Increase to the Salary of the Director, higher rates of wages and additional contingent charges.



HEAD OF SERVICE.	1851.	1852.
Botanic Gardens, Brisbane ... ..	.....	.....
Government Domains and Hyde Park ... ..	168	201
Public Works and Buildings (exclusive of Loans) ... ..	14,550	20,448
Roads, Streets, and Bridges (exclusive of Loans) ... ..	8,189	15,809
Auditor General ... ..	2,772	3,317
Interest on Loans ... ..	8,074	17,064
Charges on Collections ... ..	308	515
Revenue and Receipts returned ... ..	2,696	3,930
Management of Clergy and School Estates ... ..	423	450
Pensions and Retired Allowances ... ..	2,348	2,521
Ecclesiastical—		
Church of England ... ..	18,424	19,041
Presbyterian ... ..	3,127	3,240
Wesleyan ... ..	704	1,154
Roman Catholic ... ..	9,104	9,392
Jewish Minister, Sydney ... ..	.....	.....
Miscellaneous Services ... ..	9,336	8,762
TOTALS ... .. £	435,149	600,270

*Audit Office, Sydney, New South Wales,  
26th August, 1859.*

## STATEMENT—Continued.

7

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
.....	.....	
33	.....	Higher rates of wages.
5,898	.....	<p>The amount expended for Public Works and Buildings, as well as that for Roads, Streets, and Bridges, depends upon the sums placed from year to year at the disposal of the Government by the Legislature; and in a great measure upon the rise or fall in the rates of Mechanics' wages; and in the price of materials.</p> <p>The particulars of the sums stated as expended in these years (1851, 1852,) will be found detailed in the annual Abstracts of Disbursements.</p> <p>Further information as regards the Road Expenditure will be found in a separate Return, page 740, vol. 3, of Votes and Proceedings for 1856-7.</p>
7,620		
545	.....	The increase of the Auditor General's Salary, from £650 to £900, from 1 May, 1852, extra Clerical assistance, and general increase to Salaries.
8,990	.....	Additional Debentures were issued in 1852, to the amount of £130,400.
207	.....	} Variations incidental to the nature of this expenditure.
1,234	.....	
27	.....	The payment of commission upon a larger amount of collections.
173	.....	Chiefly the grant of a pension to the late Auditor General, from 1st May, 1852.
617	.....	} Principally the larger expenditure for the maintenance of Public Worship on the Gold Fields in 1852, Stipends for Clergymen, and Grants for Buildings there, not having been sanctioned until late in the previous year.
113	.....	
450	.....	
288	.....	
.....	.....	
.....	574	The Expenditure under this head necessarily varies from year to year, and does not therefore readily admit of comparison. The principal item in 1851, for which no corresponding expense was incurred in the following year, was the cost of taking the Census of 1851.
167,626	2,505	Nett Increase £165,121.

W. C. MAYNE,  
Auditor General.



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No. 2.

COMPARATIVE STATEMENT

OF THE

EXPENDITURE FOR THE CIVIL SERVICE

OF THE

COLONY OF NEW SOUTH WALES,

IN THE YEARS 1852-53,

SHEWING THE CAUSE OF INCREASE OR DECREASE UNDER EACH HEAD OF SERVICE.

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## COMPARATIVE STATEMENT of the Expenditure for the Civil

HEAD OF SERVICE.	1852.	1853.
His Excellency the Governor General and Establishment ... ..	8,700	9,040
Legislative Council ... ..	5,446	7,020
Legislative Council (present Constitution) ... ..	.....	.....
Legislative Assembly... ..	.....	.....
Legislative Council and Assembly ... ..	.....	.....
Executive Council ... ..	490	733
Colonial Secretary and Establishment ... ..	7,416	10,815
Government Resident, Moreton Bay... ..	.....	675
Government Resident, Port Curtis, and Establishment ... ..	.....	.....
Registrar General, and Establishment ... ..	.....	.....
Postal Establishment—		
Post Office ... ..	12,511	16,446
Conveyance of Mails ... ..	15,600	23,653
National Schools ... ..	6,205	7,651
Denominational Schools ... ..	9,401	14,646
Protestant Orphan School... ..	2,203	2,860
Roman Catholic Orphan School ... ..	2,197	2,470
University of Sydney ... ..	5,000	5,000
Affiliated Colleges (St. Paul's) ... ..	.....	.....
Sydney Grammar School ... ..	.....	.....
Immigration—		
Expenses of Introduction of Immigrants ... ..	147,247	122,360
Expenses of Immigrants after arrival, and of Office Establishments... ..	7,070	9,647
Quarantine ... ..	2,784	2,517
Police, Metropolitan ... ..	17,480	30,438
Rural ... ..	48,512	63,251
Native ... ..	7,968	10,335
Mounted ... ..	5,748	11,472
Gold Escorts ... ..	7,744	7,893
Gaols ... ..	12,779	17,173
Penal Establishments ... ..	7,865	10,864
Government Printing Office ... ..	6,640	8,121
Observatory ... ..	.....	.....
Health Officers, Medical Adviser, and Medical Board ... ..	443	744
Vaccine Establishment ... ..	91	316

## Service of the Colony of New South Wales, in the Years 1852 and 1853.

3

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
340	.....	Augmentation of Salaries under Recommendation of the Legislative Council. (Votes and Proceedings, 1853, vol. I, page 733.)
1,574	.....	Augmentation to the Salaries of the Speaker, Chairman of Committees, and Serjeant-at-Arms, and general increase to Salaries, as above.
.....	.....	
.....	.....	
.....	.....	
243	.....	General increase to Salaries, as above.
3,399	.....	Similar cause.
675	.....	New appointment from 1st January, 1853.
.....	.....	
.....	.....	
3,935	.....	Additions to Establishment with general increase to Salaries.
8,053	.....	Chiefly higher rates of Postal Contracts and further extension of the Lines of Communication.
1,446	.....	Increase to Schoolmasters' Salaries from 1st April, 1853.
5,245	.....	Increase to Schoolmasters' Salaries from 1st January, 1853.
657	.....	} Chiefly the higher rates of Contracts for supplies.
273	.....	
.....	.....	
.....	.....	
.....	.....	
.....	24,887	Less amount remitted to England in 1853.
2,577	.....	5,431 more Immigrants arrived in 1853 than in 1852 at the public expense, and higher rates of contracts for supplies.
.....	267	Fewer vessels in Quarantine in 1853.
12,958	.....	} Principally the increased rates of pay granted to the Constabulary to secure their continued services, and maintain the efficiency of the Police Force under the recommendation of the Select Committee of the Legislative Council in 1852; with the addition to the salaries of Police Magistrates, Clerks of Petty Sessions, and other Officers of Police; and the establishment of a Mounted Patrol on the Main Southern Road in 1853.
14,739	.....	
2,367	.....	
5,724	.....	
149	.....	
4,394	.....	The higher rates of contracts for supplies from 1st April, 1853, and the general increase to Salaries.
2,999	.....	Similar cause.
1,481	.....	Principally a large advance in the rate of wages of Compositors and Pressmen in 1853, and the cost of a Printing Machine.
.....	.....	
301	.....	The allowance of a Boat and Crew to the Health Officer, Sydney, from the 24th October, 1853, and the payment of a Clerk to the Medical Adviser for that year.
225	.....	Chiefly the increase of the allowance to the City Vaccinator, from £100 to £257 3s., from 1st July, 1853, and the appointment of two additional Vaccinators for Sydney.

HEAD OF SERVICE.	1852.	1853.
Lunatic Asylum, Tarban Creek ... ..	3,813	6,151
Lunatic Asylum, Parramatta ... ..	2,173	3,326
Grants in aid of Public Institutions... ..	600	800
Charitable Allowances ... ..	8,762	9,560
Colonial Agency in England .. ..	237	237
Aborigines... ..	1,257	2,735
Supreme and Circuit Courts, including the Salaries of the Judges ... ..	12,414	16,116
Moreton Bay Court ... ..	.....	.....
Law Officers ... ..	4,131	5,505
Sheriff ... ..	2,495	3,763
Insolvent Court... ..	236	406
Quarter Sessions ... ..	3,286	3,955
Courts of Requests ... ..	2,320	3,165
Coroners ... ..	2,611	2,818
Treasurer and Establishment ... ..	4,373	6,857
Customs ... ..	12,364	20,591
Drawbacks... ..	8,331	16,112
Colonial Distilleries ... ..	1,813	2,702
Sydney Branch of the Royal Mint ... ..	.....	1,549
Gold Receivers ... ..	717	491
Postage Stamp Printing .. ..	1,020	847
Colonial Storekeeper... ..	1,554	3,381
Gunpowder Magazine ... ..	.....	.....
Shipping Masters ... ..	.....	.....
Port and Harbour Establishments ... ..	7,970	12,755
Secretary for Land and Public Works ... ..	.....	.....
Survey and Management of Crown Lands ... ..	36,794	56,207
Commissioner for Roads ... ..	.....	.....
Colonial Architect ... ..	1,973	3,318
Gold Fields ... ..	24,382	27,179
Botanic Gardens, Sydney ... ..	1,260	1,653
Botanic Gardens, Brisbane ... ..	.....	.....

## STATEMENT—Continued.

5

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
2,338	.....	} The increased cost of Supplies and general increase to Salaries.
1,153	.....	
200	.....	Augmentation of the grant to the Australian Museum from £400 to £500, and the grant of £100 for a Library for the Brisbane School of Arts in 1853.
793	.....	Chiefly the augmentation of the grant in aid of the Benevolent Society, Sydney.
.....	.....	
1,478	.....	The purchase of Blankets and other Clothing in the Colony at increased rates.
3,702	.....	General increase to Salaries, with a larger amount paid to Witnesses and Jurors.
.....	.....	
1,374	.....	} The whole of these increases are found to arise chiefly from the general increase to Salaries in 1853.
1,268	.....	
170	.....	
669	.....	
845	.....	
207	.....	Increased amount of Fees to Coroners and Medical Witnesses.
2,484	.....	General increase to Salaries, and new Appointments in 1853.
8,227	.....	Augmented Salaries to Customs' Officers on the transfer of the Department to the Colony, in October, 1852, together with the general increase to Salaries in the following year.
7,781	.....	Fluctuations in Commerce.
889	.....	General increase to Salaries, and appointment of an additional Inspector, from 1 July, 1853.
1,549	.....	Preliminary Expenditure in England.
.....	226	The separate Office of Gold Receiver at the Treasury was not continued in 1853, the duties being performed by a Clerk of the Department.
.....	173	The larger Expenditure in 1852 for new Plates, modified by an increased allowance to the Printer of Stamps.
1,827	.....	Increase of £100 to the Salary of the Colonial Storekeeper; appointment of three additional Clerks; the higher rates of wages, and cost of conveyance.
.....	.....	
.....	.....	
4,785	.....	The establishment of the Steam Navigation Board in 1853, the large advance in wages to Boatmen and others employed in these establishments, with the general increase to the Salaries of the Port and Harbour Masters.
.....	.....	
19,413	.....	{ Chiefly the general increase to the Salaries in the Department of the Surveyor General and of the Commissioners of Crown Lands; and the higher rates at which supplies of Provisions and Forage were furnished under contract, and otherwise, during the year 1853, together with a larger amount paid to Licensed Surveyors, and additional expenditure connected with the establishment of Local Land Offices, in March, 1853.
.....	.....	
1,345	.....	New appointments and general increase of Salaries in 1853.
2,797	.....	Increased contract rates for supplies modified by the abolition of the office of Chief Gold Commissioner in 1853.
393	.....	An increase to the Salary of the Overseer, higher rates of wages to gardeners and laborers, with the Gold Increase to the Salary of the Director.
.....	.....	



HEAD OF SERVICE.	1852.	1853.
Government Domains and Hyde Park ... ..	201	592
Public Works and Buildings (exclusive of Loans) ... ..	20,448	43,542
Roads, Streets, and Bridges (exclusive of Loans) ... ..	15,809	12,745
Auditor General ... ..	3,317	5,554
Interest on Loans ... ..	17,064	29,583
Charges on Collections ... ..	515	1,470
Revenue and Receipts returned ... ..	3,930	1,583
Management of Clergy and School Estates ... ..	450	524
Pensions and Retired Allowances ... ..	2,521	4,222
Ecclesiastical—		
Church of England ... ..	19,041	17,147
Presbyterian ... ..	3,240	3,320
Wesleyan ... ..	1,154	2,126
Roman Catholic ... ..	9,392	10,398
Jewish Minister, Sydney ... ..	.....	.....
Miscellaneous Services ... ..	8,762	14,004
TOTALS ... .. £	600,270	755,129

*Audit Office, Sydney, New South Wales,  
26th August, 1859.*

## STATEMENT—Continued.

7

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
391	.....	The employment of additional laborers and an overseer.
23,094	.....	{ The amount expended for Public Works and Buildings, as well as that for Roads, Streets, and Bridges, depends upon the sums placed from year to year at the disposal of the Government by the Legislature; and in a great measure upon the rise or fall in the rates of Mechanics' wages; and in the price of materials. The particulars of the sums stated as expended in these years (1852, 1853,) will be found detailed in the annual Abstracts of Disbursements. Further information as regards the Road Expenditure will be found in a separate Return, page 740, vol. 3, of Votes and Proceedings for 1856-7.
.....	3,064	
2,237	.....	General increase to Salaries.
12,519	.....	Additional Debentures were issued in 1853 to the amount of £150,000.
955	.....	} Variations incidental to the nature of this expenditure.
.....	2,347	
74	.....	The Gold increase of £75 to the Salary of the Agent, with a difference in Contingencies.
1,701	.....	The Retiring Allowance granted to J. R. Hardy, Esq., Chief Gold Commissioner, and Captain Scott, Provincial Inspector of Police, together with additional Pensions granted in 1853.
.....	1,894	} These variations arise principally from the re-distribution in 1853 of the Schedule Reserve for Public Worship, according to the numbers of each Communion, shewn by the Census of 1851, instead of those shewn by the Census of 1841.
80	.....	
972	.....	
1,006	.....	
.....	.....	The principal items in 1853, for which no corresponding expense was incurred in the previous year, were the payment of gratuities to Mr. Hargraves and his Assistants for their practical discovery of gold, and to the Rev. W. B. Clarke, A. M., for his geological survey of the Colony in reference to gold.
5,242	.....	
187,717	32,858	Nett Increase £154,859.

W. C. MAYNE,  
Auditor General.



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No. 3.

COMPARATIVE STATEMENT

OF THE

EXPENDITURE FOR THE CIVIL SERVICE

OF THE

COLONY OF NEW SOUTH WALES,

IN THE YEARS 1853-4,

SHEWING THE CAUSE OF INCREASE OR DECREASE UNDER EACH HEAD OF SERVICE.

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## COMPARATIVE STATEMENT of the Expenditure for the Civil

HEAD OF SERVICE.	1853.	1854.
His Excellency the Governor General, and Establishment ... ..	9,040	9,610
Legislative Council ... ..	7,020	7,945
Legislative Council (present Constitution) ... ..	.....	.....
Legislative Assembly... ..	.....	.....
Legislative Council, and Assembly ... ..	.....	.....
Executive Council ... ..	733	745
Colonial Secretary, and Establishment ... ..	10,815	13,069
Government Resident, Moreton Bay ... ..	675	675
Government Resident, Port Curtis, and Establishment ... ..	.....	2,993
Registrar General, and Establishment ... ..	.....	.....
Postal Establishment—		
Post Office ... ..	16,446	19,299
Conveyance of Mails ... ..	23,653	35,478
National Schools ... ..	7,651	10,775
Denominational Schools ... ..	14,646	14,908
Protestant Orphan School... ..	2,860	3,526
Roman Catholic Orphan School ... ..	2,470	3,119
University of Sydney ... ..	5,000	5,000
Affiliated Colleges (St. Paul's) ... ..	.....	.....
Sydney Grammar School ... ..	.....	.....
Immigration—		
Expenses of Introduction of Immigrants ... ..	122,360	247,456
Expenses of Immigrants after arrival, and of Office Establishments... ..	9,647	10,752
Quarantine ... ..	2,517	1,196
Police, Metropolitan ... ..	30,438	48,915
Rural ... ..	63,251	77,640
Native ... ..	10,335	10,737
Mounted ... ..	11,472	14,691
Gold Escorts ... ..	7,893	4,933
Gaols ... ..	17,173	23,233
Penal Establishments ... ..	10,864	13,587
Government Printing Office ... ..	8,121	8,405
Observatory ... ..	.....	.....
Health Officers, Medical Adviser, and Medical Board ... ..	744	1,033

## Service of the Colony of New South Wales, in the Years 1853 and 1854.

3

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
570	.....	Travelling expenses of the Governor General, to the northern parts of the Colony, and increased cost of Supplies to the Orderlies.
925	.....	The purchase of books for the Library, and the larger amount paid for Salaries in 1854.
.....	.....	
.....	.....	
.....	.....	
12	.....	Increase in Contingencies.
2,254	.....	Promotions, new appointments, and increase to Salaries under regulations.
.....	.....	
2,993	.....	The Port Curtis Settlement was not formed until 1854.
.....	.....	
2,853	.....	Chiefly the establishment of additional Post Offices in Country Districts, promotions, and increases to Salaries under regulations.
11,825	.....	Extensions and increased cost of Postal Communication.
3,124	.....	Principally an increase of £3,000 in the Vote for these Schools in 1854.
262	.....	The Office expenses of the Board were larger in 1854.
666	.....	} Principally the increased cost of Supplies under Contract.
649	.....	
.....	.....	
.....	.....	
.....	.....	
125,096	.....	The much larger amount remitted to England in 1854.
1,105	.....	Addition to the salary of the Agent from 13th September, 1853; Promotions, new Appointments, and increases to Salaries under Regulations.
.....	1,321	The smaller number of vessels placed in Quarantine.
18,477	.....	} Chiefly the augmented rates of temporary increase granted to the Force generally; from 1st June, 1853; together with the increased expense of provisions and forage under Contract for 1854.
14,389	.....	
402	.....	
3,219	.....	} The amount of the contracts for the Conveyance of Gold was modified to some extent in consequence of their amalgamation with those for Conveyance of Mails in 1854.
.....	2,960	
6,060	.....	} Chiefly the higher rates charged for Supplies furnished under Contract, and the augmented rate of temporary increase to subordinate Officers, from 1st June, 1853.
2,723	.....	
284	.....	Difference in the amount of wages paid to Compositors, Pressmen, and others.
.....	.....	
289	.....	Chiefly the wages of the Boat's Crew allowed to the Health Officer, from 24th October, 1853.

HEAD OF SERVICE.	1853.	1854.
Vaccine Establishment ... ..	316	858
Lunatic Asylum, Tarban Creek ... ..	6,151	8,508
Lunatic Asylum, Parramatta .. ...	3,326	4,537
Grants in aid of Public Institutions ... ..	800	3,300
Charitable Allowances ... ..	9,560	10,089
Colonial Agency in England ... ..	237	237
Aborigines... ..	2,735	1,975
Supreme and Circuit Courts, including the Salaries of the Judges ... ..	16,116	18,770
Moreton Bay Court ... ..	.....	.....
Law Officers ... ..	5,505	5,800
Sheriff ... ..	3,763	4,007
Insolvent Court... ..	406	404
Quarter Sessions ... ..	3,955	4,498
Courts of Requests ... ..	3,165	3,476
Coroners ... ..	2,818	3,388
Treasurer and Establishment ... ..	6,857	7,504
Customs ... ..	20,591	26,971
Drawbacks... ..	16,112	14,275
Colonial Distilleries ... ..	2,702	2,779
Sydney Branch of the Royal Mint ... ..	1,549	4,670
Gold Receivers ... ..	491	500
Postage Stamp Printing ... ..	847	1,112
Colonial Storekeeper... ..	3,381	4,579
Gunpowder Magazine ... ..	.....	.....
Shipping Masters ... ..	.....	2,697
Port and Harbour Establishments ... ..	12,755	20,238
Secretary for Land and Public Works ... ..	.....	.....
Survey and Management of Crown Lands ... ..	56,207	71,262
Commissioner for Roads ... ..	.....	.....
Colonial Architect ... ..	3,318	3,990
Gold Fields ... ..	27,179	27,346
Botanic Gardens, Sydney ... ..	1,653	2,099

## STATEMENT—Continued.

5

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
542	.....	The appointment of additional Vaccinators for the City of Sydney in the latter part of 1853, and in Country Districts in the following year.
2,357	.....	Chiefly the increased cost of supplies under Contract.
1,211	.....	The appointment of a Medical Superintendent and other Officers, with the increased cost of supplies under Contract.
2,500	.....	An addition of £500 to the endowment of the Australian Museum, under 17 Vict., No. 2, and the expenditure of £2,000 for the completion of the building.
529	.....	Larger aid to the Asylum for Destitute Children, and increased expense for Pauper patients in the Sydney Infirmary.
.....	.....	
.....	760	The blankets and other articles supplied to the Aborigines in 1853 were purchased in the Colony at high rates, those required for this service being usually obtained from England direct.
2,654	.....	The rates of allowances to Witnesses and Jurors were increased from 1st February, 1854.
.....	.....	
295	.....	} Chiefly a larger amount paid for Travelling Expenses in consequence of an augmentation in the rate allowed in previous years.
244	.....	
.....	2	The smaller amount paid in 1854 for Contingent Expenses.
543	.....	Increased rates of allowances to Witnesses and Jurors, and for Travelling Expenses of the Chairman and other officers of the Courts.
311	.....	The larger amount paid in 1854 for Travelling Expenses and Contingencies of the Department.
570	.....	The greater expense for Fees paid on Coroners' Inquests and Magisterial Inquiries.
647	.....	Promotions, new Appointments, and increases to Salaries under Regulations.
6,380	.....	The establishment of a new Port at Albury, the appointment of several additional Officers and Clerks, and the employment of an increased number of Tide-waiters.
.....	1,837	Fluctuations in Commerce.
77	.....	The Salary of an additional Inspector, appointed 1st July, 1853, paid for the whole of the year 1854, together with the lesser amount paid for Contingencies.
3,121	.....	Further preliminary Expenditure in England and in the Colony.
9	.....	The Salaries authorised for 1853 were not drawn for the whole year.
265	.....	An increase in the Salary of the Inspector, and a larger amount paid for Contingencies.
1,198	.....	The larger amount paid for the Conveyance of Stores, and Store Rent, and the employment of an Armourer, at £150 per annum, from 12th January, 1854.
.....	.....	
2,697	.....	Established in 1854, pursuant to the Act of Council 17 Vict., No. 36.
7,483	.....	The establishment of Branches of the Port Master's Department at Gabo Island, Clarence River, Port Macquarie, and Port Curtis; together with an increased amount of Contingent Expenses in the Department generally.
.....	.....	
15,055	.....	Chiefly the Expenditure incurred in opening the District of Port Curtis, with the greater amount paid in 1854 for Surveys of Land by Licensed Surveyors, and for Provisions and Forage under higher contract rates.
.....	.....	
672	.....	Chiefly an addition of £200 to the Salary of the Colonial Architect, and the appointment of an Assistant Clerk of Works, from the 24th April, 1854.
167	.....	The appointment of two Assistant Commissioners, Clerk, and party of Police for the Northern Gold Fields, modified by a decrease in the amount paid in 1854 for Contingencies.
446	.....	The larger amount paid in 1854 for wages.



HEAD OF SERVICE.	1853.	1854.
Botanic Gardens, Brisbane ... ..	.....	.....
Government Domains and Hyde Park ... ..	592	1,015
Public Works and Buildings (exclusive of Loans) ... ..	43,542	94,579
Roads, Streets, and Bridges (exclusive of Loans) ... ..	12,745	45,160
Auditor General ... ..	5,554	5,908
Interest on Loans ... ..	29,583	50,007
Charges on Collections ... ..	1,470	904
Revenue and Receipts returned ... ..	1,583	2,541
Management of Clergy and School Estates ... ..	524	578
Pensions and Retired Allowances ... ..	4,222	3,747
Ecclesiastical—		
Church of England ... ..	17,147	20,651
Presbyterian ... ..	3,320	4,371
Wesleyan ... ..	2,126	2,715
Roman Catholic ... ..	10,398	11,269
Jewish Minister, Sydney ... ..	.....	.....
Miscellaneous Services ... ..	14,004	29,097
TOTALS... .. £	755,129	1,122,131

*Audit Office, Sydney, New South Wales,  
27th August, 1859.*

## STATEMENT—Continued.

7

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
.....	.....	
423	.....	The higher amount paid in 1854 for wages.
51,037	.....	{ The amount expended for Public Works and Buildings, as well as that for Roads, Streets, and Bridges, depends upon the sums placed from year to year at the disposal of the Government by the Legislature; and in a great measure upon the rise or fall in the rates of Mechanics' wages; and in the price of materials. The particulars of the sums stated as expended in these years (1853, 1854,) will be found detailed in the Annual Abstracts of Disbursements. Further information, as regards the Road Expenditure, will be found in a separate Return, page 740, vol. 3, of Votes and Proceedings for 1856-7.
32,415	.....	
354	.....	Promotions, new appointments, and increases to Salaries under regulations.
20,424	.....	The Public Debt was augmented in 1854 by the sum of £230,000.
.....	566	} Variations incidental to the nature of this expenditure.
958	.....	
54	.....	Larger amount paid for Commission on increased Collections by the Agent.
.....	475	No corresponding charge in 1854 to that paid in the previous year, as Compensation to Messrs. Hardy and Scott, on the abolition of their respective offices as Chief Gold Commissioner, and Provincial Inspector of Police, and the grant of additional Pensions.
3,504	.....	} The grant of a temporary addition to the Clergymen's Stipends, under the recommendation of the Legislative Council, at the rate of—£50 for married Ministers; £25 for unmarried Ministers. (Votes and Proceedings, 1854, vol. 1, page 793.)
1,051	.....	
589	.....	
871	.....	
.....	.....	
15,093	.....	The Expenditure for 1854 includes, among others, for which no charge was incurred in 1853, aid to the City Funds, and Expense of the Colonial Contribution of Articles to the Paris Exhibition, 1855.
374,923	7,921	Nett Increase £367,002.

W. C. MAYNE,  
Auditor General.



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No. 4.

COMPARATIVE STATEMENT

OF THE

EXPENDITURE FOR THE CIVIL SERVICE

OF THE

COLONY OF NEW SOUTH WALES,

IN THE YEARS 1854-5,

SHEWING THE CAUSE OF INCREASE OR DECREASE UNDER EACH HEAD OF SERVICE.

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## COMPARATIVE STATEMENT of the Expenditure for the Civil

HEAD OF SERVICE.	1854.	1855.
His Excellency the Governor General and Establishment ... ..	9,610	9,565
Legislative Council ... ..	7,945	8,656
Legislative Council (present Constitution) ... ..	.....	.....
Legislative Assembly ... ..	.....	.....
Legislative Council and Assembly ... ..	.....	.....
Executive Council ... ..	745	738
Colonial Secretary and Establishment ... ..	13,069	13,509
Government Resident, Moreton Bay ... ..	675	680
Government Resident, Port Curtis, and Establishment ... ..	2,993	4,211
Registrar General ... ..	.....	.....
Postal Establishment—		
Post Office ... ..	19,299	21,160
Conveyance of Mails ... ..	35,478	41,758
National Schools ... ..	10,775	15,663
Denominational Schools ... ..	14,908	15,249
Protestant Orphan School. ... ..	3,526	4,254
Roman Catholic Orphan School ... ..	3,119	3,958
University of Sydney... ..	5,000	5,000
Affiliated Colleges (St. Paul's) ... ..	.....	.....
Sydney Grammar School ... ..	.....	1,125
Immigration—		
Expenses of Introduction of Immigrants ... ..	247,456	138,362
Expenses of Immigrants after arrival, and of Office Establishments ... ..	10,752	17,038
Quarantine ... ..	1,196	2,220
Police, Metropolitan ... ..	48,915	44,272
Rural ... ..	77,640	84,581
Native ... ..	10,737	8,714
Mounted ... ..	14,691	13,402
Gold Escorts ... ..	4,933	2,119
Gaols... ..	23,233	27,012
Penal Establishments ... ..	13,587	14,839
Government Printing Office ... ..	8,405	10,184
Observatory ... ..	.....	.....

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
.....	45	Incidental difference in Expenditure for Contingencies.
711	.....	Additions to Salaries specially voted, the employment of extra clerks and messengers, and increased amount of Contingent Expenditure.
.....	.....	
.....	.....	
.....	.....	
.....	7	Less expense for Stores.
440	.....	Principally a larger expense for Parchment and other articles supplied in 1855.
5	.....	Postage.
1,218	.....	The Settlement was not fully established in 1854.
... ..	.....	
1,861	.....	New appointments; additions to Salaries under Regulations; increased expenditure for Country Post Offices, and for sorting English mails.
6,280	.....	The establishment of new Postal Lines rendered necessary by the increase of population, and other causes, together with the high rates paid under contracts for conveyance.
4,888	.....	Increase of £5,000 in the vote of the Legislative Council for these schools, with a lesser amount from the Clergy and School Estates' Revenue for 1855.
341	.. ..	A lesser amount was paid as increase to Schoolmasters' salaries in 1854.
728	.....	} The increased cost of provisions, fuel, and light.
839	.....	
.....	.....	
.....	.....	
1,125	.....	Endowment under Act of Council 18 Victoria, from 1st April, 1855.
.....	109,094	The lesser sum remitted to England in 1855, modified by a large expenditure for Gratuities, &c., consequent upon a greater arrival of Immigrant vessels, and for Bounties upon Foreign Immigrants.
6,286	.....	New appointments, increased cost of supplies, and larger expenditure for conveyance of Immigrants into the interior of the Colony.
1,024	.....	A larger expenditure contingent upon vessels placed in Quarantine.
.....	4,643	Principally the vacancies in the Force during the first seven months of 1855, which were not filled up till the arrival of the "Exodus" from England in the month of August.
6,941	.....	Further augmentation of pay to the Constabulary, and additions to the Force in various districts, account in a great measure for this increase.
.....	2,023	The partial remodelling of the Force in the Northern Districts at a reduced expense to the public in the latter year.
.....	1,289	The addition to the Southern Road Patrol voted for the latter half of the year 1854, was not granted for the year 1855.
.....	2,814	Chiefly the discontinuance of the Sydney and Tamworth Escort in 1855.
3,779	.....	The appointment of additional Wardsmen and Turnkeys, and increased expenditure for provisions and other supplies.
1,252	.....	Chiefly the larger expenditure for provisions, fuel, light, bedding, and stores, in the latter year.
1,779	.....	Increase of business, and consequent larger amount paid for wages.
.....	.....	

HEAD OF SERVICE.	1854.	1855.
Health Officers, Medical Adviser, and Medical Board ... ..	1,033	1,183
Vaccine Establishment ... ..	858	419
Lunatic Asylum, Tarban Creek ... ..	8,508	10,180
Lunatic Asylum, Parramatta ... ..	4,537	5,756
Grants in aid of Public Institutions... ..	3,300	1,950
Charitable Allowances ... ..	10,089	11,513
Colonial Agency in England ... ..	237	237
Aborigines ... ..	1,975	1,834
Supreme and Circuit Courts, including the Salaries of the Judges... ..	18,770	18,780
Moreton Bay Court ... ..	.....	.....
Law Officers ... ..	5,800	5,737
Sheriff ... ..	4,007	4,122
Insolvent Court ... ..	404	400
Quarter Sessions ... ..	4,498	4,744
Courts of Requests ... ..	3,476	3,506
Coroners ... ..	3,388	2,981
Treasurer and Establishment ... ..	7,504	7,863
Customs ... ..	26,971	27,598
Drawbacks... ..	14,275	28,476
Colonial Distilleries ... ..	2,779	2,959
Sydney Branch of the Royal Mint ... ..	4,670	12,585
Gold Receivers ... ..	500	500
Postage Stamp Printing ... ..	1,112	1,670
Colonial Storekeeper... ..	4,579	4,748
Gunpowder Magazine... ..	.....	293
Shipping Masters ... ..	2,697	2,687
Port and Harbour Establishments ... ..	20,238	20,770
Secretary for Land and Public Works ... ..	.....	.....
Survey and Management of Crown Lands ... ..	71,262	81,432
Commissioner for Roads ... ..	.....	.....
Colonial Architect ... ..	3,990	4,096
Gold Fields ... ..	27,346	24,279
Botanic Gardens, Sydney ... ..	2,099	2,249

## STATEMENT—Continued.

5

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
150	.....	Principally augmentation of Salary to the Health Officer, Sydney.
.....	439	The discontinuance of the two additional Vaccinators appointed for Sydney in 1853, and a reduction in the number of paid Vaccinators for the Country Districts in 1855.
1,672	.....	} Principally the further rise in the rates of Contract for Supplies.
1,219	.....	
.....	1,350	No grant in 1855 for the Museum Building, modified by the new grant in aid of a Mechanics' School of Arts at Maitland.
1,424	.....	Principally the augmentation of the grant to the Benevolent Society, Sydney, from £3,981 to £5,547.
.....	.....	
.....	141	The expense of procuring and distributing Blankets, &c., varies from year to year with the varying prices, and the difference in the cost of Conveyance to the Interior.
10	.....	Incidental difference.
.....	.....	
.....	63	Reduction in the amount paid for Travelling Expenses.
115	.....	Larger Contingent Expenditure.
.....	4	Incidental difference in Contingent Expenditure.
246	.....	Chiefly the Contingent Expenditure for Witnesses and Jurors.
30	.....	Incidental increase in Contingencies.
.....	407	The Contingent Expenditure under this head necessarily varies with the number of deaths by casualties.
359	.....	New appointments and increases under regulations.
627	.....	Principally the employment of additional Tidewaiters.
14,201	.....	Fluctuations in Commerce.
180	.....	The regulated increase to the Salaries of the Inspectors.
7,915	.....	The actual operations of the Mint commenced 14th May, 1855.
.....	.....	
558	.....	The cost of Engraving Plates and Materials procured from England.
169	.....	A larger expense for Storage Rent in 1855.
293	.....	Established under the Act of Council, 16 Vict., No. 47.
.....	10	Chiefly the abolition of the office of Shipping Master, Moreton Bay, modified by the appointment of an Examining Inspector in Sydney.
532	.....	Principally the establishment of a Pilot Station at Richmond River.
.....	.....	
10,170	.....	The further extension of Surveys by Licensed Surveyors, and in some measure the increased cost of supplies under Contract, also the regulated increases to Salaries in the Department of the Surveyor General.
.....	.....	
106	.....	The employment of additional assistance.
.....	3,067	The large reduction in the numbers of Officers and Troopers.
150	.....	A larger Expenditure for wages to laborers, and contingencies.



HEAD OF SERVICE,	1854.	1855.
Botanic Gardens, Brisbane ... ..	.....	407
Government Domains and Hyde Park ... ..	1,015	953
Public Works and Buildings (exclusive of Loans) ... ..	94,579	108,885
Roads, Streets, and Bridges (exclusive of Loans) ... ..	45,160	44,332
Auditor General ... ..	5,908	6,603
Interest on Loans ... ..	50,007	73,850
Charges on Collections ... ..	904	1,014
Revenue and Receipts returned... ..	2,541	3,082
Management of Clergy and School Estates ... ..	578	1,379
Pensions and Retired Allowances ... ..	3,747	3,604
Ecclesiastical—		
Church of England ... ..	20,651	20,468
Presbyterian ... ..	4,371	4,558
Wesleyan ... ..	2,715	2,750
Roman Catholic ... ..	11,269	11,597
Jewish Minister, Sydney ... ..	.....	.....
Miscellaneous Services ... ..	29,097	23,395
TOTALS... ..	£ 1,122,131	1,110,693

*Audit Office, Sydney, New South Wales,  
10th September, 1859.*

## STATEMENT—Continued.

7

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
407	.....	Formed in 1855.
.....	62	Diminished Expenditure for wages to laborers.
14,306	.... ..	<p>The amount expended for Public Works and Buildings, as well as that for Roads, Streets, and Bridges, depends upon the sums placed from year to year at the disposal of the Government by the Legislature; and in a great measure upon the rise or fall in the rates of mechanics' wages; and in the price of materials.</p> <p>The particulars of the sums stated as expended in these years (1854, 1855) will be found detailed in the Annual Abstracts of Disbursements.</p> <p>Further information as regards the Road Expenditure will be found in a separate Return, page 740, vol. 3, of Votes and Proceedings for 1856-7.</p>
.....	828	
695	.....	New appointments and increases to Salaries under regulations.
23,843	.....	The Public Debt was augmented in 1855 by the sum of £421,300.
110	.....	} Variations incidental to the nature of these expenses.
541	.....	
801	.....	Principally the expense of surveying a Township at Long Bay, Botany.
.....	143	Pensions of £380 lapsed during the year 1855, while a new pension of £133 6s. 8d. was granted.
.....	183	} The temporary addition to Stipends, granted in 1854, having been continued in 1855 at the same rates, these variations arise from differences in the number of claims upon it, modified by a larger amount distributed to the several Communions from the Clergy and School Estates' Revenue. In the Church of England there was a considerable decrease in the expenditure for the service of the Gold Fields.
187	.....	
35	..... ..	
328	.....	
.....	.....	
.....	5,702	The principal items of Expenditure under this head in 1855, which do not occur in the previous year, are those for Commissions of Inquiry into Education and the Lunatic Asylums. There was also a decrease of £10,000 in the amount of Aid to the City Fund.
120,876	132,314	Nett Decrease £11,438.

W. C. MAYNE,  
Auditor General.



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No. 5.

COMPARATIVE STATEMENT

OF THE

EXPENDITURE FOR THE CIVIL SERVICE

OF THE

COLONY OF NEW SOUTH WALES,

IN THE YEARS 1855-6,

SHEWING THE CAUSE OF INCREASE OR DECREASE UNDER EACH HEAD OF SERVICE.

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## COMPARATIVE STATEMENT of the Expenditure for the Civil

HEAD OF SERVICE.	1855.	1856.
His Excellency the Governor General and Establishment ... ..	9,565	9,308
Legislative Council ... ..	8,656	2,409
Legislative Council (present Constitution) ... ..	.....	2,536
Legislative Assembly... ..	.....	4,890
Legislative Council and Assembly ... ..	.....	1,787
Executive Council ... ..	738	845
Colonial Secretary and Establishment ... ..	13,509	11,679
Government Resident, Moreton Bay... ..	680	702
Government Resident, Port Curtis, and Establishment ... ..	4,211	1,118
Registrar General ... ..	.....	3,337
Postal Establishment—		
Post Office ... ..	21,160	23,287
Conveyance of Mails ... ..	41,758	43,499
National Schools ... ..	15,663	15,795
Denominational Schools ... ..	15,249	18,145
Protestant Orphan School... ..	4,254	4,595
Roman Catholic Orphan School ... ..	3,958	3,680
University of Sydney ... ..	5,000	5,000
Affiliated Colleges (St. Paul's) ... ..	.....	167
Sydney Grammar School ... ..	1,125	1,500
Immigration—		
Expenses of Introduction of Immigrants ... ..	138,362	106,703
Expenses of Immigrants after arrival, and of Office Establishments ... ..	17,038	10,780
Quarantine ... ..	2,220	1,079
Police, Metropolitan ... ..	44,272	47,422
Rural ... ..	84,581	86,735
Native ... ..	8,714	5,990
Mounted ... ..	13,402	12,006
Gold Escorts ... ..	2,119	2,407
Gaols ... ..	27,012	25,105
Penal Establishments ... ..	14,839	11,765
Government Printing Office ... ..	10,184	11,179
Observatory ... ..	.....	296

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
.....	257	Principally a reduction in the cost of Forage and Provisions.
.....	6,247	The reconstruction of the Legislature under the Constitution Act 18 and 19 Victoria, cap. 54.
2,536	.....	
4,890	.....	
1,787	.....	
107	.....	Augmentation of the Salary attached to the office of Clerk to the Council, from 17th October, 1856, and the employment of an additional Assistant Clerk.
.....	1,830	The transfer of seven clerks to the Lands and Public Works Department, of four to the Parliamentary Offices, and other changes consequent on the introduction of Responsible Government.
22	.....	Reduction of Salary from £675 to £500, modified by the appointment of a Clerk in 1856.
.....	3,093	The abolition of the office of Government Resident, and diminution in the expenditure incident to the formation of the Settlement.
3,337	.....	Established in 1856.
2,127	.....	Addition to the establishment and increased expenditure for Country Branches.
1,741	.....	Extension of Postal Lines.
132	.....	The larger amount which accrued to these schools in 1856 from the Clergy and School Estates' Revenue.
2,896	.....	Augmented grant for the maintenance of these Schools in 1856, with the larger amount accrued from the Clergy and School Estates' Revenue.
341	.....	Addition to the establishment and increased pay of the Teachers, with a larger expenditure for Stores, modified by the reduced cost of supplies.
.....	278	Chiefly reduction in rates of Contracts for supplies.
.....	.....	
167	.....	The appointment of a Principal on 1st September, 1856. (18 Vict., No. 37.)
375	.....	The endowment under the Act of Council, 18 Vict., did not commence until the 1st April, 1855.
.....	31,659	Less expense for Gratuities to Surgeons and others, and for Bounties on the Importation of Foreign Immigrants.
.....	6,258	Chiefly the smaller number of Immigrants arrived in 1856, and consequent diminished Contingent Expenditure.
.....	1,141	Diminished Contingent Charges for vessels in Quarantine.
3,150	.....	The Force being at the authorised establishment, which it was not for a large part of 1855.
2,154	.....	The appointment of Police Magistrates at Wollombi and Deniliquin; also additional Clerks of Petty Sessions, and Constables at other Stations.
.....	2,724	The discontinuance of the office of Commandant and reduction of the Force on its being placed in charge of the Inspector General of Police.
.....	1,396	The greatly reduced cost of Forage in 1856.
288	.....	Chiefly the establishment, in the latter part of the year 1856, of an Escort between Sydney and the Rocky River.
.....	1,907	Principally the greatly reduced rates of Contracts for Supplies to these Establishments.
.....	3,074	
995	.....	Chiefly the expense of Additional Printing for the second House of Parliament under the new Constitution.
296	.....	The appointment of the Astronomer in 1856.

HEAD OF SERVICE.	1855.	1856.
Health Officers, Medical Adviser, and Medical Board ... ..	1,183	1,243
Vaccine Establishment ... ..	419	385
Lunatic Asylum, Tarban Creek ... ..	10,180	8,993
Lunatic Asylum, Parramatta ... ..	5,756	11,749
Grants in aid of Public Institutions... ..	1,950	6,615
Charitable Allowances ... ..	11,513	15,640
Colonial Agency in England ... ..	237	400
Aborigines ... ..	1,834	2,192
Supreme and Circuit Courts, including the Salaries of the Judges... ..	18,780	17,926
Moreton Bay Court ... ..	.....	3,349
Law Officers ... ..	5,737	6,007
Sheriff ... ..	4,122	4,183
Insolvent Court ... ..	400	1,209
Quarter Sessions ... ..	4,744	5,014
Courts of Requests ... ..	3,506	3,254
Coroners ... ..	2,981	2,750
Treasurer and Establishment ... ..	7,863	9,495
Customs ... ..	27,598	25,093
Drawbacks ... ..	23,476	35,815
Colonial Distilleries ... ..	2,959	2,434
Sydney Branch of the Royal Mint ... ..	12,585	15,231
Gold Receivers ... ..	500	381
Postage Stamp Printing ... ..	1,670	1,630
Colonial Storekeeper ... ..	4,748	5,088
Gunpowder Magazine ... ..	293	511
Shipping Masters ... ..	2,687	2,095
Port and Harbour Establishments ... ..	20,770	21,939
Secretary for Land and Public Works ... ..	.....	1,540
Survey and Management of Crown Lands ... ..	81,432	74,850
Commissioner for Roads ... ..	.....	.....
Colonial Architect ... ..	4,096	4,245
Gold Fields ... ..	24,279	16,483

## STATEMENT—Continued.

5

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
60	.....	Travelling Expenses of the Medical Adviser, and addition to the Salary of the Clerk to the Medical Board.
.....	34	The amount of Contingent Charges was less than in the previous year, together with a vacancy in the office of Vaccinator for Port Macquarie, during 1856.
.....	1,187	Reduction in the cost of supplies under Contract.
5,993	.....	The breaking up of the Imperial Convict Establishment, at the end of 1855, and the temporary payment of the expense of maintaining the British Convicts transferred to the Colony. (Votes and Proceedings, 1855, vol. 2, page 937.)
4,665	.....	Chiefly the Expenditure of £5,000 for completing the interior fittings of the Australian Museum.
4,127	.....	A further augmentation of £3,026 to annual grant in aid of the Benevolent Society, Sydney, with additional aid to the Hospitals at Parramatta, Brisbane, and Maitland, and for a Benevolent Asylum at Penrith.
163	.....	Increase to the Salary of the Colonial Agent General.
358	.....	Variation in the cost of procuring Blankets and other articles, and of their conveyance to the interior for distribution.
.....	854	Principally the Establishment of a separate Court at Brisbane, Moreton Bay.
3,349	.....	The appointment of a separate Judge, and partial establishment of the Court in 1856.
270	.....	The employment of Prosecuting Counsel to attend the Circuit Courts, in the room of the Law Officers of the Crown.
61	.....	The appointment of an additional Clerk, and of an Assistant Bailiff for Sydney.
809	.....	Reappointment of a Chief Commissioner, at a Salary of £675, and the employment of an extra Clerk, at £150, from 5th February, 1856.
270	.....	Further increase in the amount of expenditure for Witnesses and Jurors.
.....	252	Reduction of £100 in the Salary of the Registrar, Sydney, and the appointment of a second class Clerk, at a lower salary than his predecessor; also diminished contingent expenditure.
.....	231	Variation in the amount of contingent charges.
1,632	.....	Addition to the Salary of the Treasurer, the appointment of an Under Secretary, and extra Clerks, on the introduction of Responsible Government.
.....	2,505	In a great measure the abolition of a Customs' Station at Albury on the River Murray, from the 1st January, 1856.
7,339	.....	Fluctuations in Commerce.
.....	525	Reduction in consequence of the stoppage in 1856 of the Glenmore Distillery.
2,646	.....	The operations of the Mint not having commenced until May, 1855.
.....	119	The duty of receiving Gold by Escort was transferred from the Treasury to the Mint in October, 1856.
.....	40	Less amount expended for Plates and Materials in 1856.
340	.....	Increase of Expenditure for Storage Rent and other Contingencies.
218	.....	Rent of a temporary Floating Magazine from 1 July, 1856, and allowance to a Night Watchman.
.....	592	Discontinuance of two Clerks for the whole year, and of the rent of Office from 1st May, 1856.
1,169	.....	The establishment of a Floating Light at Moreton Bay, and the formation of Pilot Stations at the Manning and M'Leay Rivers, and also at Kiama.
1,540	.....	New Establishment consequent on the introduction of Responsible Government.
.....	6,582	The amalgamation of the Offices of Surveyor General and Chief Commissioner of Crown Lands from 11th October, 1855; reduction in the cost of Forage and Provisions, and lesser expenditure for Licensed Surveys and Commission on Sales of Land.
.....	.....	.....
149	.....	Promotions and increases to Salaries under Regulations.
.....	7,796	The further reduction by the Legislative Council of the Gold Establishment, Western District, together with the generally diminished cost of Forage and Provisions.



HEAD OF SERVICE.	1855.	1856.
Botanic Gardens, Sydney ... ..	2,249	1,986
Botanic Gardens, Brisbane ... ..	407	523
Government Domains and Hyde Park ... ..	953	937
Public Works and Buildings (exclusive of Loans) ... ..	108,885	38,459
Roads, Streets, and Bridges (exclusive of Loans) ... ..	44,332	66,869
Auditor General ... ..	6,603	6,819
Interest on Loans ... ..	73,850	102,917
Charges on Collections ... ..	1,014	800
Revenue and Receipts returned ... ..	3,082	2,330
Management of Clergy and School Estates ... ..	1,379	688
Pensions and Retired Allowances ... ..	3,604	6,417
Ecclesiastical—		
Church of England ... ..	20,468	22,531
Presbyterian ... ..	4,558	5,373
Wesleyan ... ..	2,750	3,419
Roman Catholic ... ..	11,597	14,320
Jewish Minister, Sydney ... ..	.....	200
Miscellaneous Services ... ..	23,395	31,369
TOTALS ... ..	£1,110,693	1,089,442

*Audit Office, Sydney, New South Wales,  
10th September, 1859.*

## STATEMENT—Continued.

7

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
.....	263	Reduction in the cost of Forage, and in contingent expenditure generally.
116	.....	The Salary of the Superintendent and the Wages of the Laborers did not commence until 12th April, 1855.
.....	16	Incidental difference in the amount paid for Wages.
.....	70,426	{ The amount expended for Public Works and Buildings, as well as that for Roads, Streets, and Bridges, depends upon the sums placed from year to year at the disposal of the Government by the Legislature; and in a great measure upon the rise or fall in the rates of Mechanics' wages; and in the price of materials. The particulars of the sums stated as expended in these years (1855, 1856,) will be found detailed in the annual Abstracts of Disbursements. Further information as regards the Road Expenditure will be found in separate Returns, Votes and Proceedings of the Legislative Assembly for 1856-7, vol. 3, page 740, and for 1858-9, vol. 2, page 987.
22,537	.....	
216	.....	Principally the Salaries of two additional Clerks appointed in June, 1855, paid for the whole of the year 1856.
29,067	.....	The augmentation of the Public Debt by the sum of £980,100 in 1856.
.....	214	{ Variations incidental to the nature of these expenses.
.....	752	
.....	691	No corresponding expense to that incurred in 1855, for the survey of a Township at Long Bay, Botany.
2,813	.....	Chiefly the payment of Pensions to Political Officers, who were released in June, 1856, under the 51st clause of the Constitution Act, 18 and 19 Vict., No. 54.
2,063	.....	{ The rate of temporary increase to the Stipends of the Clergy was assimilated in 1856 to that received by the Civil Service generally, since 1853.
815	.....	
669	.....	
2,723	.....	
200	.....	No Stipend previously paid to a Jewish Minister.
7,974	.....	The expense of taking the Census of 1856, and the cost of Standard Weights and Measures are the principal items which do not occur in 1855. There was also a large increase in the expense of preparing the Electoral Lists, and of the Election of Members to serve in the Legislative Assembly.
131,692	152,943	Nett Decrease £21,251

W. C. MAYNE,  
Auditor General.



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No. 6.

COMPARATIVE STATEMENT

OF THE

EXPENDITURE FOR THE CIVIL SERVICE

OF THE

COLONY OF NEW SOUTH WALES,

IN THE YEARS 1856-57,

SHEWING THE CAUSE OF INCREASE OR DECREASE UNDER EACH HEAD OF SERVICE.

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## COMPARATIVE STATEMENT of the Expenditure for the Civil

HEAD OF SERVICE.	1856.	1857.
His Excellency the Governor General and Establishment ... ..	9,308	9,372
Legislative Council ... ..	2,409	.....
Legislative Council (present Constitution) ... ..	2,536	3,593
Legislative Assembly ... ..	4,890	6,672
Legislative Council and Assembly ... ..	1,787	2,780
Executive Council ... ..	845	1,172
Colonial Secretary and Establishment ... ..	11,679	7,921
Government Resident, Moreton Bay... ..	702	974
Government Resident, Port Curtis, and Establishment ... ..	1,118	681
Registrar General ... ..	3,337	6,907
Postal Establishment—		
Post Office ... ..	23,287	22,848
Conveyance of Mails ... ..	43,499	39,863
National Schools ... ..	15,795	20,914
Denominational Schools ... ..	18,145	20,914
Protestant Orphan School... ..	4,595	4,052
Roman Catholic Orphan School ... ..	3,680	3,206
University of Sydney ... ..	5,000	5,000
Affiliated Colleges (St. Paul's)... ..	167	500
Sydney Grammar School ... ..	1,500	1,500
Immigration—		
Expenses of introduction of Immigrants ... ..	106,703	102,710
Expenses of Immigrants after arrival, and of Office Establishments... ..	10,780	5,163
Quarantine ... ..	1,079	1,276
Police, Metropolitan ... ..	47,422	35,780
Rural ... ..	86,735	83,453
Native ... ..	5,990	12,093
Mounted ... ..	12,006	10,050
Gold Escorts ... ..	2,407	5,745
Gaols ... ..	25,105	22,400
Penal Establishments ... ..	11,765	10,117
Government Printing Office ... ..	11,179	14,248
Observatory ... ..	296	796

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
64	.....	Principally a larger expense for the Travelling Expenses of His Excellency the Governor General in 1857.
.....	2,409	No expenditure in 1857 corresponding with that in 1856, consequent on the reconstruction of the Legislature in 1856.
1,057	.....	} The Legislature under the present Constitution Act was not established until May, 1856.
1,782	.....	
993	.....	
327	.....	
.....	3,758	Principally the increase to the Salary of the Clerk to the Council, from 17th October, 1856, and the continued employment of another Clerk.
272	.....	Reduction of 25 per cent. in the Gold Increase of 1853, and the reorganization of the Department consequent upon the introduction of Responsible Government in 1856.
.....	437	Augmentation of the Salary of the Government Resident, and Contingent Charges in 1857.
3,570	.....	Discontinued employment of a Resident Surgeon, and of a Clerk.
.....	439	The Registration Act 19 Vict., No. 34, did not come into force until 1st March, 1856, and the office of the Registrar General was not fully organized prior to the transfer of the Deeds' Registration in 1857.
.....	3,636	Chiefly the general reduction of 25 per cent. in the Gold Increase of 1853 to Clerks' Salaries.
5,119	.....	Lower rates of Mail Contracts in 1857.
2,769	.....	Principally augmentation of the Vote for 1857 by the sum of £5,000.
.....	543	The provision made by the Legislature for these Schools was equalized, in 1857, with that granted to the National School Board.
.....	474	} The rates of Contracts for Supplies were lower in 1857 than in the previous year.
.....	.....	
333	.....	The Salary of the Principal did not commence until 1st September, 1856.
.....	.....	
.....	3,993	No charge in 1857 for Bounties on Foreign Immigrants.
.....	5,617	Reduction in the Department by the Legislature.
197	.....	Difference in the Expenditure for Contingencies, which are necessarily of an incidental nature and amount.
.....	11,642	Reduction in the Force by the Legislative Assembly.
.....	3,282	Reduction of the rate of Salary to Chief Constables in certain Districts, and in the number of District Constables, by the Legislative Assembly, with the less cost of supplies under contract.
6,103	.....	Re-organization and Extension of the Force in the Northern Districts in 1857, under the recommendation of a Select Committee of the Legislative Assembly. (Votes and Proceedings, 1856-7, vol. 1, p. 1157.)
.....	1,956	Reduced rates of Contracts for supplies of Forage.
3,338	.....	Chiefly the Establishment of Escorts from Sydney to the Rocky River, and from Gundagai to Goulburn.
.....	2,705	Chiefly reduced rates of Contracts for supplies in 1857, especially to the Gaol at Parramatta.
.....	1,648	Further Reduction in Contract Rates.
3,069	.. .....	Establishment of a Branch for Bookbinding in 1857, and larger amount expended for Wages to Compositors, Pressmen, and others, consequent upon the increasing business of the Department.
500	.....	Full Salary paid to the Astronomer, from 1st November, 1856, only.

HEAD OF SERVICE.	1856.	1857.
Health Officers, Medical Adviser, and Medical Board ... ..	1,243	1,159
Vaccine Establishment ... ..	385	426
Lunatic Asylum, Tarban Creek ... ..	8,993	8,546
Lunatic Asylum, Parramatta ... ..	11,749	11,895
Grants in aid of Public Institutions... ..	6,615	2,999
Charitable Allowances ... ..	15,640	12,198
Colonial Agency in England ... ..	400	400
Aborigines... ..	2,192	2,065
Supreme and Circuit Courts, including the Salaries of the Judges... ..	17,926	16,869
Moreton Bay Court ... ..	3,349	4,775
Law Officers ... ..	6,007	7,202
Sheriff ... ..	4,183	3,736
Insolvent Court... ..	1,209	1,224
Quarter Sessions ... ..	5,014	6,635
Courts of Requests ... ..	3,254	3,052
Coroners ... ..	2,750	2,851
Treasurer and Establishment ... ..	9,495	8,441
Customs ... ..	25,093	24,252
Drawbacks... ..	35,815	19,487
Colonial Distilleries ... ..	2,434	1,714
Sydney Branch of the Royal Mint ... ..	15,231	12,879
Gold Receivers ... ..	381	102
Postage Stamp Printing ... ..	1,630	1,184
Colonial Storekeeper... ..	5,088	5,540
Gunpowder Magazine.. ... ..	511	908
Shipping Masters ... ..	2,095	1,733
Port and Harbour Establishments ... ..	21,939	25,225
Secretary for Lands and Public Works ... ..	1,540	4,921
Survey and Management of Crown Lands ... ..	74,850	59,450
Commissioner for Roads ... ..	.....	2,780
Colonial Architect ... ..	4,245	3,794
Gold Fields... ..	16,483	15,974
Botanic Gardens, Sydney ... ..	1,986	1,971

## STATEMENT—Continued.

5

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
.....	84	Reduction in the Salary of the Health Officer, Sydney, and in the wages of the boat's crew.
41	.....	Allowance in 1857 for a Housekeeper in charge of the office, and larger incidental expenses.
.....	447	Reduced cost of supplies.
146	.....	A large addition to the number of Patients but with reduced rates of contracts for supplies.
.....	3,616	The large grants for Fitting up the Australian Museum in 1856, modified by new grants for additional Schools of Arts in various townships.
.....	3,442	The reduction in the amount of aid to the Benevolent Society, Sydney.
.....	.....	
.....	127	The cost of Blankets and Clothing was greater in 1856 than in 1857.
.....	1,057	Chiefly the transfer of the Registration of Deeds to the Registrar General.
1,426	.....	The appointment of the Registrar and Sheriff on 1st April, 1857, and other expenses consequent upon the establishment of a separate Court.
1,195	.....	The appointment of Parliamentary Draftsmen, and larger expenses for fees to Prosecuting Counsel.
.....	447	Principally the general reduction of Salaries.
15	.....	The Salary of an extra Clerk at £150, appointed 5th February, 1856, paid for the whole of the year 1857.
1,621	.....	The Salary of a Chairman, at £800, upon the separation of the office from that of Commissioner of the Court of Requests, and larger expense for Witnesses and Jurors.
.....	202	Reduced Salary of the Commissioner and general reduction of the Gold Increase to Salaries, modified by the appointment of an additional Clerk.
101	.....	Larger Contingent Expenditure.
.....	1,054	Principally the reduction of 5 Clerks in 1857.
.....	841	Reduction in the Gold Increase to Salaries, and in Contingent Expenditure.
.....	16,328	Fluctuations in Commerce.
.....	720	The Stoppage of the Glenmore Distillery in May, 1856, and consequent reduction in the number of Inspectors.
.....	2,352	Reduction in the Contingent Expenses of the Department.
.....	279	The transfer from the Treasury to the Mint, in October, 1856, of the duties connected with the receipt of Gold by Escort.
.....	446	The abolition of a separate Department for this service in 1857, and its amalgamation with the Government Printing Office, at a reduced cost to the Public.
452	.....	Increase of Expense for Storage Rent, and other Contingencies.
397	.....	Chiefly Rent of a Temporary Floating Magazine, and compensation to owners for damage to gunpowder.
.....	362	Reduction by the Legislature.
3,286	.....	The Establishment of a Light House at Cape Moreton, extra Contingent Expenditure for the Floating Light, Moreton Bay, Light Houses at Gabo Island, South Head, and Newcastle; also cost of new Moorings for the Basin at Wollongong.
3,381	.....	The Establishment was not formed until late in the year 1856.
.....	15,400	The general reduction in the Gold Increase to Salaries, the greatly reduced cost of Supplies, and alterations consequent upon the reduced provision granted by Parliament for this service.
2,780	.....	New Establishment.
.....	451	Principally a reduction in the Department, by the transfer of the Management of the Main Roads to the Commissioner for Roads, and the reduction of 25 per cent. in the Gold Increase to Salaries, granted in 1853.
.....	509	Principally the abolition of a District Commissioner for the Southern Gold Fields.
.....	15	The reduced rates of Salary to the Director and Overseer, modified by a larger amount of Contingent Expenditure.



HEAD OF SERVICE.	1856.	1857.
Botanic Gardens, Brisbane ... ..	523	479
Government Domains and Hyde Park ... ..	937	1,057
Public Works and Buildings (exclusive of Loans) ... ..	38,459	37,876
Roads, Streets, and Bridges (exclusive of Loans) ... ..	66,869	57,059
Auditor General... ..	6,819	6,158
Interest on Loans ... ..	102,917	113,341
Charges on Collections ... ..	800	978
Revenue and Receipts returned... ..	2,330	1,957
Management of Clergy and School Estates ... ..	688	508
Pensions and Retired Allowances ... ..	6,417	9,567
Ecclesiastical—		
Church of England ... ..	22,531	23,173
Presbyterian ... ..	5,373	5,451
Wesleyan ... ..	3,419	3,456
Roman Catholic ... ..	14,320	13,367
Jewish Minister, Sydney ... ..	200	200
Miscellaneous Services ... ..	31,369	36,119
TOTALS .. ..	£1,089,442	1,049,833

*Audit Office, Sydney, New South Wales,  
10th September, 1859.*

## STATEMENT—Continued.

7

INCREASE.	DECREASE.	CAUSE OF INCREASE OR DECREASE.
.....	44	Reduced salary of the Superintendent.
120	.....	Larger Contingent Expenditure.
.....	583	<p>The amount expended for Public Works and Buildings, as well as that for Roads, Streets, and Bridges, depends upon the sums placed from year to year at the disposal of the Government by the Legislature; and in a great measure upon the rise or fall in the rates of Mechanics' wages; and in the price of materials.</p> <p>The particulars of the sums stated as expended in these years (1856, 1857,) will be found detailed in the annual Abstracts of Disbursements.</p> <p>Further information as regards the Road Expenditure will be found in separate Returns, Votes and Proceedings of the Legislative Assembly for 1856-7, vol. 3, p. 740, and for 1858-9, vol. 2, p. 987.</p>
.....	9,810	
.....	661	Principally the reduction of four Clerks in 1857.
10,424	.....	The Public Debt was augmented by £206,750 in 1857.
178	.....	} Variations incidental to the nature of this Expenditure.
.....	373	
.....	180	Reduction in the Salary of the Agent, and less Contingent Charges in 1857.
3,150	.....	The payment of Pensions to Political Officers under the 51st Clause of the Constitution Act, from June, 1856, and the Grant, in 1857, of additional Pensions to other Officers on their retirement from the Public Service.
642	.....	} A larger amount accrued to the several Communions from the Clergy and School Estates' Revenue.
78	.....	
37	.....	
.....	953	<p>The proportion of the Schedule Reserve allotted to the Roman Catholic Church not having been fully appropriated to the payment of Stipends under the Church Act, 7 William IV., No. 3, the amount so unappropriated was expended in the payment of the temporary Increase.</p> <p>This occurs to a small extent, also, in the Church of England, and in the Presbyterian Church.</p>
4,750	.....	In the year 1857, there was a much larger expense for Remitting Moneys to England than previously; also the cost of a Reserve Store of Gunpowder, and of the Expedition in search of Dr. Leichhardt, both of which were new items.
63,713	103,322	Nett Decrease £39,609.

W. C. MAYNE,  
Auditor General.



1859-60.

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**Legislative Assembly.**  
**NEW SOUTH WALES.**

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**TREASURY BALANCES.**

---

*Ordered by the Legislative Assembly to be Printed, 27 April, 1860.*

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RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, that there be laid upon the Table of this House,—

“ A Return shewing the Balances in the Treasury on the 31st  
 “ day of December, 1859, distinguishing the various  
 “ balances at the Credit of the Public Revenue Accounts  
 “ and Reserves under Special Appropriations, also of the  
 “ various Lodgment Accounts, the distribution of the  
 “ balances, and the rate of interest receivable by the  
 “ Government for any cash balance.”

(*Mr. Piddington.*)

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BALANCES in the Treasury, Sydney, New South Wales, on the 31st day of December, 1859.

PUBLIC REVENUE ACCOUNT.			
Consolidated Revenue.	{ Revenue proper .....	311,842 13 11	
	{ Loans Account .....	136,849 11 9	
Assessment on Sheep, 19 Vic., 27 .....		9,426 9 3	
Schedules A, B, and C, 18 and 19 Vic., chap. 54 .....		2 2 0	
Church and School Estates Fund .....		3,493 5 10	
			448,692 5 8
			12,921 17 1
<b>LODGMET ACCOUNTS.</b>			
Police Reward Fund .....		14,764 7 7	
Police Superannuation Fund .....		9,527 12 1	
Poundage Account.....		17,813 3 3	
Imperial Postage .....		1,603 17 2	
Shipping Master's Account .....		270 10 2	
Savings' Banks Deposit .....		60,000 0 0	
Revenue Suspense Account (Old) .....		781 8 6	
Do. (New).....		12,280 5 9	
Sundry Deposits .....		1,303 13 4	
Trust Moneys Deposit Account .....		61,139 12 9	
			179,454 10 7
TOTAL..... £			641,098 13 4

DISTRIBUTION OF THE BALANCES.			
In Bank of New South Wales, General Account .....	386,799 11 8		
" Do. Suspense Account .....	12,280 5 9		
" Oriental Bank, Sydney .....	150,000 0 0		
" Do. London .....			
" Joint Stock Bank .....	51,423 5 8		
" Commercial Bank .....	50,000 0 0		
Deduct— Overdraught on Oriental Bank, London .....			650,503 3 1
			93,369 8 0
In the Treasury Chest, viz.: Coin .....			557,133 15 1
Gold .....			
Securities .....	23,885 0 0		23,885 0 0
Cash in the hands of the paying Teller .....			79 18 3
Amount of Savings' Bank Deposits transferred to Mint Bullion Account in Bank of New South Wales .....			581,098 13 4
			60,000 0 0
TOTAL..... £			641,098 13 4

Interest receivable by Government for Cash Balances:—In the Bank of New South Wales, 6 per cent. per annum. The Oriental Bank, 4 per cent. per annum. The Commercial Bank, 6 per cent. per annum.

*The Treasury, New South Wales,  
Sydney, 4 March, 1860.*

HENRY LANE,  
Under Secretary.

1859-60.

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Legislative Assembly.  
NEW SOUTH WALES.

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**DEBENTURES.**

(ISSUED BY GOVERNMENT OF NEW SOUTH WALES.)

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*Ordered by the Legislative Assembly to be Printed, 27 April, 1860.*

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RETURN (in part) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, that there be laid upon the Table of this House,—

- “ A Return of all Debentures issued by the Government of  
“ New South Wales, specifying :—
- “ 1. The services for which the said Debentures have been  
“ issued.
- “ 2. The particular amounts for various services expended.
- “ 3. The several due dates of such Debentures.
- “ 4. The amount, in one sum, which may fall due in each year  
“ until the whole amount now in issue shall be due.
- “ 5. The amount of any Balance at the credit of the Govern-  
“ ment on account of the Loan Fund.
- “ 6. The annual amount of Interest now payable upon the  
“ entire Debt of the Colony.”

(*Mr. Piddington.*)

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## DEBENTURES.

A RETURN of all Debentures issued by the Government of New South Wales, outstanding on 31st December, 1859, specifying:—  
 (1.) The services for which the Debentures have been issued. (3.) The several due dates of such Debentures. And,  
 (4.) The amount in one sum which may fall due in each year until the whole amount now in issue shall be due.

DATES.	AMOUNT.	1860.	1861.	1862.	1865.	1871.	1873.	1874.	1876.	1882.	1888.	1889.	PERMA- NENT.
£	£	£	£	£	£	£	£	£	£	£	£	£	£
<b>LAND AND IMMIGRATION.</b>													
February, 1860	53,000	53,000											
<b>TO RETIRE LAND AND IMMIGRATION DEBENTURES, 20 VIC. No. 1.</b>													
January, 1876	70,500								70,500				
July, 1888	3,200									3,200			
	73,700												
<b>RAILWAYS, 18 VIC. No. 40.</b>													
March, 1860	2,100												
April, "	2,000												
May, "	8,700												
June, "	10,200												
November, "	33,500												
February, 1861	20,000												
May, "	7,600		27,600										
January, 1869	139,000				139,000								
Do. 1871	100,000					100,000							
Do. 1876	133,300								133,300				
	433,400												
<b>RAILWAYS—SYDNEY RAILWAY COMPANY.</b>													
February, 1873	30,000												
October, "	30,000						50,000						
February, 1874	27,500												
March, "	72,500												
November, "	50,000							150,000					
June, 1860	9,900												
July, "	1,700												
October, "	500												
November, "	5,400	17,500											
	217,500												
<b>RAILWAYS—PURCHASE OF STOCK.</b>													
May, 1860	55,000												
July, "	175,700	230,700											
Permanent	2,700												2,700
	233,400												
<b>SYDNEY SEWERAGE, 17 VIC. No. 34.</b>													
January, 1860	6,500												
August, "	2,400												
September, "	36,000	44,900											
July, 1876	25,900								25,900				
January, 1860	97,500				97,500								
July, 1882	6,730									6,730			
July, 1888	24,000										24,000		
	199,030												
<b>SYDNEY WATER WORKS, 17 VIC. No. 35.</b>													
January, 1860	5,000												
March, "	3,000												
May, "	10,000	18,000											
July, 1876	36,700								36,700				
January, 1860	50,700				50,700								
July, 1862	1,000		1,000										
July, 1882	31,000									31,000			
July, 1888	61,000										61,000		
	198,400												
<b>PUBLIC WORKS, 18 VIC. No. 35, &amp; 19 VIC. 38 &amp; 40.</b>													
February, 1860	6,000												
March, "	10,000												
August, "	5,000	21,000											
January, 1876	80,400												
July, "	36,000								116,400				
January, 1860	12,800				12,800								
January, 1876	150,000								150,000				
January, 1882	70,800									70,800			
July, 1888	136,800										136,800		
	507,800												
<b>RAILWAYS, 20 VIC. No. 1.</b>													
July, 1876	203,000								203,000				
<b>TO RETIRE LAND AND IMMIGRATION DEBENTURES, 20 VIC. No. 16.</b>													
January, 1882	132,300									132,000			
<b>PUBLIC WORKS, 20 VIC. No. 38.</b>													
January, 1873	100,000						100,000						
July, 1888	10,000										10,000		
January, 1889	2,000											2,000	
	112,000												
<b>RAILWAYS, 20 VIC. No. 34.</b>													
July, 1888	175,000												
July, "	90,000										265,000		
January, 1889	84,000											34,000	
	299,000												
<b>TO RETIRE DEBENTURES DUE IN 1858 &amp; 1859, 22 VIC. No. 5.</b>													
January, 1889	145,000											145,000	
<b>RAILWAY AND OTHER PUBLIC WORKS, 23 VIC. No. 23.</b>													
January, 1889	400,000												
July, "	312,000											712,000	
	712,000												
<b>TOTALS</b>	<b>3,519,530</b>	<b>418,600</b>	<b>27,600</b>	<b>1,000</b>	<b>300,000</b>	<b>100,000</b>	<b>150,000</b>	<b>150,000</b>	<b>735,800</b>	<b>240,820</b>	<b>500,000</b>	<b>*893,000</b>	<b>2,700</b>

Note.—The Debentures marked as due in 1882, are so only at the will of the Government.  
 \* Of this amount £544,500 was in course of sale in London.

HENRY LANE,  
Under Secretary.

The Treasury, New South Wales,  
4 March, 1860.

## DEBENTURES.

3

(5.)

A RETURN shewing the Balance at the credit of the Government on account of the Loan Fund.

On 31st December, 1859.....	£136,849 11 9
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HENRY LANE,  
Under Secretary.

*The Treasury, New South Wales,*  
4 March, 1860.

(6.)

A RETURN shewing the Annual amount of Interest payable on the entire Debt of the Colony.

Interest on £3,519,530, the outstanding Debt of the Colony, on 31st December, 1859.....	£175,518 16 7
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HENRY LANE,  
Under Secretary.

*The Treasury, New South Wales,*  
4 March, 1860.

Sydney: Thomas Richards, Government Printer.—1860.

[Price, 1s.]





1859-60.

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Legislative Assembly.

NEW SOUTH WALES.

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## FINANCE, 1859-60.

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No. 1.—Account Current of Revenue and Expenditure, from 1 January to 31 December, 1859.

No. 2.—Account Current of Estimated Revenue and Expenditure carried on to 31 December, 1860, shewing Estimated Balance of £40,418 2s. 3d.

*Dated 4 April, 1860.*

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*Ordered by the Legislative Assembly to be Printed, 9 May, 1860.*

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No. 1.

## ACCOUNT CURRENT OF REVENUE AND EXPENDITURE FROM 1 JANUARY TO 31 DECEMBER, 1859.

To	£	s.	d.	By	£	s.	d.
Consolidated Revenue:—							
Amount of Appropriation Act for 1859	1,208,787	6	2	Balance on 31 December, 1858	48,277	7	9
Special Appropriations	238,500	0	0				
Provided by the Constitutional and Colonial Acts	60,300	0	0				
Less—	1,507,587	6	2				
Amount not required	50,000	0	0	Revenue and Receipts actually collected during the year 1859	1,533,009	13	6
			1,457,587				
Loans authorized to be raised:—							
For Public Works	11,600	0	0				
To pay off Debentures due 1859	80,000	0	0				
			91,600				
Further Supplementary Estimate for 1859, as voted:—				Loans authorized to be raised for Public Works, and to pay off Debentures	91,600	0	0
Chargeable on Revenue	69,136	4	0	Amount proposed to be raised by Loan for Public Works...	31,986	0	0
To be covered by Loan	11,707	0	0				
			80,843				
Additional Supplementary Estimate for 1859, as voted:—							
Chargeable on Revenue	12,487	8	10				
To be covered by Loan	20,279	0	0				
			32,766				
Estimated Balance on 31 December, 1859...			42,076				
	£		1,704,873		£		1,704,873
			1				1
			3				3
				By			
				Balance on 31 December, 1859, brought down	42,076	2	3

FINANCE, 1859-60.

The Treasury, New South Wales,  
4 April, 1860.

E. C. WEEKES.

## No. 2.

## ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE, CARRIED ON TO 31 DECEMBER, 1860.

To		£	s.	d.	By		£	s.	d.
Consolidated Revenue :—					Estimated Balance on 31 December, 1859 ...	42,076	2	3	
General Services ...	1,211,107 0 0								
Special Appropriations ...	276,833 0 0				Estimated Revenue for 1860, as per Statement of Ways and Means ...	1,522,232	0	0	
Provided by Constitutional and Colonial Acts	58,350 0 0								
	<u>1,546,290 0 0</u>				Amount proposed to be raised by Loan :—				
Less—					For Public Works ...	202,645	0	0	
Amount not likely to be required ...	25,000 0 0	1,521,290	0	0	To pay off Debentures ...	365,600	0	0	
						568,245	0	0	
Charges proposed to be covered by Loans :—									
For Public Works ...	202,645 0 0								
To pay off Debentures ...	365,600 0 0	568,245	0	0					
Additional Estimate for 1860, as proposed	... ..	2,600	0	0					
Estimated Balance on 31 December, 1860...	... ..	40,418	2	3					
	£	2,132,553	2	3		£	2,132,553	2	3
					By				
					Estimated Balance on 31 December, 1860, brought down ...	40,418	2	3	

The Treasury, New South Wales,  
4 April, 1860.

E. C. WEEKES.

FINANCE, 1859-60.



1859-60.

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Legislative Assembly.

NEW SOUTH WALES.

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## FINANCE, 1859-60.

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No. 1.—Account Current of Revenue and Expenditure, from 1 January to 31 December, 1859.

No. 2.—Account Current of Estimated Revenue and Expenditure, carried on to 31 December, 1860, shewing Estimated Balance of £82,666 14s. 3d.

*Dated 9 May, 1860.*

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*Ordered by the Legislative Assembly to be Printed, 9 May, 1860.*

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## No. 1.

## ACCOUNT CURRENT OF REVENUE AND EXPENDITURE FROM 1 JANUARY TO 31 DECEMBER, 1859.

To	£	s.	d.	By	£	s.	d.
Consolidated Revenue :—							
Amount of Appropriation Act for 1859	1,208,787	6	2	Balance on 31 December, 1858	48,277	7	9
Special Appropriations	238,500	0	0				
Provided by the Constitutional and Colonial Acts	60,300	0	0				
<i>Less—</i>							
Amount not required	50,000	0	0	Revenue and Receipts actually collected during the year 1859	1,533,009	13	6
Loans authorized to be raised :—							
For Public Works	11,600	0	0				
To pay off Debentures due 1859	80,000	0	0	Loans authorized to be raised for Public Works, and to pay off Debentures	91,600	0	0
				Amount proposed to be raised by Loan for Public Works...	31,986	0	0
Further Supplementary Estimate for 1859, as voted :—							
Chargeable on Revenue	69,136	4	0				
To be covered by Loan	11,707	0	0				
Additional Supplementary Estimate for 1859, as voted :—							
Chargeable on Revenue	12,487	8	10				
To be covered by Loan	20,279	0	0				
Estimated Balance on 31 December, 1859...							
	£	1,704,873	1 3		£	1,704,873	1 3
				By			
				Balance on 31 December, 1859, brought down	42,076	2	3

The Treasury, New South Wales,  
9 May, 1860.

E. C. WEEKES.

## No. 2.

## ACCOUNT CURRENT OF ESTIMATED REVENUE AND EXPENDITURE, CARRIED ON TO 31 DECEMBER, 1860.

To		£	s.	d.	By		£	s.	d.
Consolidated Revenue:—					Estimated Balance on 31 December, 1859 ...		42,076	2	3
General Services ...	1,211,107 0 0				Estimated Revenue for 1860, as per Statement of Ways and Means ...		1,522,232	0	0
Special Appropriations ...	276,833 0 0				Amount proposed to be raised by Loan:—				
Provided by Constitutional and Colonial Acts	58,350 0 0				For Public Works ...	202,645 0 0			
Less—					To pay off Debentures ...	365,600 0 0			
Amount not voted on the	1,546,290 0 0						568,245	0	0
Estimates in chief ...	122,946 14 2				Amount proposed to be raised by Loan:—				
Amount not likely to be required ...	25,000 0 0				Further Additional Estimates, 1860 ...		117,592	0	0
	147,946 14 2	1,398,343	5	10			£	2,250,145	2 3
Charges proposed to be covered by Loans:—									
For Public Works ...	202,645 0 0				By				
To pay off Debentures ...	365,600 0 0				Estimated Balance on 31 December, 1860.—Brought down ...		82,666	14	3
Additional Estimate for 1860, as voted ...	...	568,245	0	0					
Further Additional Estimate, as proposed	...	5,000	0	0					
Charges to be covered by Revenue ...	78,298 2 2								
"    Loans ...	117,592 0 0								
Estimated Balance on 31 December, 1860...	...	195,890	2	2					
		82,666	14	3					
		£	2,250,145	2 3					

FINANCE, 1859-60.

The Treasury, New South Wales,  
9 May, 1860.

E. C. WEEKES.



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